

63005-3

7/11/2008

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 11 2008



Office of Pesticide Programs

SCM Metal Products, Inc.
P. O. Box 12166
Research Triangle Park, N. C. 27709-2166

Attention: Walter Talarek

Subject: Copper Flake
EPA Registration No. 63005-3
Notification Dated June 10, 2008

This will acknowledge receipt of your notification of label revisions, submitted under the provisions of FIFRA Section 3(c)(9). Based on a review of the submitted material, the following comments apply.

The Notification is in compliance with PR Notice 98-10 and is acceptable. This information has been added to your file.

If you have any questions concerning this letter, please contact Martha Terry at (703) 308-6217.

Sincerely

Marshall Swindell
Product Manager (33)
Regulatory Management Branch 1
Antimicrobials Division (7510P)



United States
Environmental Protection Agency
 Washington, DC 20460

<input type="checkbox"/>	Registration
<input type="checkbox"/>	Amendment
<input checked="" type="checkbox"/>	Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 63005-3	2. EPA Product Manager Marshall Swindell	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Copper Flake	PM# 33	
5. Name and Address of Applicant (Include ZIP Code) SCM Metal Products, Inc. P.O. Box 12166 Research Triangle Park, NC 27709-2166 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Notification of label revisions under PR Notices 94-1, 97-6, 98-10 and 2007-4. See the enclosed letter to Mr. Marshall Swindell, PM 33, for a full explanation of the revisions and the certification required by PR Notice 98-10.

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes* <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	If "Yes" Unit Packaging wgt. No. per container		<input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____
* Certification must be submitted		If "Yes" Package wgt	No. per container		
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions <input type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled			<input type="checkbox"/> Other _____		

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Walter G. Talarek	Title Authorized Agent	Telephone No. (Include Area Code) 703-759-4837
Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.		6. Date Application Received (Stamped)
2. Signature 	3. Title Authorized Agent	
4. Typed Name Walter G. Talarek	5. Date June 10, 2008	

LAW OFFICES OF
WALTER G. TALAREK, P.C.
1008 RIVA RIDGE DRIVE
GREAT FALLS, VIRGINIA 22066

PHONE: (703) 759-4837
FAX: (703) 759-5548

June 10, 2008

DELIVERED BY COURIER

Marshall Swindell, PM 33
Antimicrobials Division
c/o Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 S. Crystal Drive
Arlington, VA 22202

Re: Notification for Copper Flake
EPA Reg. No. 63005-3

Dear Mr. Swindell:

Please find enclosed SCM Metal Products, Inc.'s ("SCM's") application for a notification regarding the registration for Copper Flake, EPA Reg. No. 63005-3. This notification makes the following changes to the product's label:

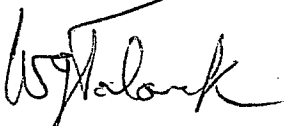
1. Addition of an use statement to the Directions for Use under PR Notice 94-1;
2. Substitution of the word "Other" for the word "Inert" in the Ingredients Statement under PR Notice 97-6;
3. Revision of the Container Disposal section under PR Notice 2007-4; and
4. Correction of typographical errors in the First Aid and Hazards to Humans and Domestic Animals sections under PR Notice 98-10.

Two (2) copies of the revised label are enclosed for your review. One of these copies has the proposed label revisions highlighted in yellow for your convenience in reviewing this application.

Notification of revisions to the product's label per PR Notice 98-10. This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if this notification id not consistent with PR Notice 98-10 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

If you have any questions about this notification, please feel free to call me.

Sincerely yours,



Walter G. Talarek
Authorized Agent

Enclosures

**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS**

WARNING. Causes substantial but temporary eye injury. Harmful if swallowed, absorbed through skin or inhaled. Do not get in eyes or on clothing. Avoid contact with skin, eyes or clothing. Avoid breathing dust. Wear protective eyewear (goggles, face shield or safety glasses), rubber gloves and a mask or pesticide respirator jointly approved by the Mine Safety and Health Administration and the National Institute for Occupational Safety and Health. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco, or using the toilet. Remove and wash contaminated clothing before reuse.

ENVIRONMENTAL HAZARDS

Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of EPA.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

This product is designed for use in the manufacturing or formulating of copper-based pesticide products, including marine paints, roofing granules and building and construction materials. Those persons using this product to manufacture or formulate pesticide products are responsible for the registration of their products with the Environmental Protection Agency prior to marketing. This product may be used to formulate products for specific use(s) not listed on this label if the formulator, user group, or grower has complied with U.S. EPA data submission requirements regarding the support of such use(s).

STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage or disposal.

STORAGE: Store powder in original container inside a dry area, -20° to 40° C (0° to 100° F). Powder will oxidize, do not leave container open.

PESTICIDE DISPOSAL: Wastes resulting from the use of this product must be disposed of on site or at an approved waste disposal facility.

CONTAINER DISPOSAL: Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available.

Paper and Plastic Bags: Completely empty bag into application equipment. If recycling is not available, dispose of empty bag in a sanitary landfill or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

Metal Containers and Fiber Drums: Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container ¼ full with water. Replace and tighten closures. Tip container on its side and roll back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several

