

64684-4

3-17-2003

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U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs
Antimicrobials Division (7510C)
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

EPA Reg. Number:
64684-4

Date of Issuance:
MAR 17 2003

NOTICE OF PESTICIDE:

Registration
 Re-registration

Term of Issuance:
**Time Limited; expires
midnight on 6/30/05**

Name of Pesticide Product:
"E Paint ZO"

(under FIFRA, as amended)

Name and Address of Registrant (include ZIP code):

E Paint Company
25 Research Road
E. Falmouth, MA 02536

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Antimicrobials Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended.

Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is conditionally registered in accordance with FIFRA Section 3(c)(7)(A) provided you:

1. Submit and/or cite all data required for registration of your product under FIFRA Section 3(c)(5) when the Agency requires all registrants of similar products to submit such data; and submit acceptable responses required for re-registration of your product under FIFRA Section 4.
2. Submit, within **30 days** from the date of this notice, information which satisfies the two data requirements listed below. This information is required for conducting exposure risk assessments and for assuring appropriate labeling.

875.2700 Product Use Information (new requirement)

875.2800 Description of Human Activity (new requirement)

Prior to submitting this information, it is recommended that you contact the Agency by a pre-arranged telephone conference so that correct and comprehensive information is submitted. Some examples of product use/human activities information or estimates are listed below (registered products listed below which are not owned by you are shown only as examples of information which may/may not apply to your products):

Signature of Approving Official:
Marshall Swindell, Product Manager, Team 33,
Regulatory Management Branch I,
Antimicrobials Division

Date:
MAR 17 2003

Typical and maximum number of gallons expected to be applied by an individual worker;

Which products are intended only for recreational vessels and/or commercial vessels (eg., clarify whether EPA Reg. No.'s 2693-194/-200 and 64684-6 are intended for recreational boats);

Expected vessel size ranges for each product; which application methods apply to which products (eg., EPA Reg. No. 64684-4 does not prohibit spraying, etc.);

Which products get applied only by professionals and/or homeowners (eg., clarify whether EPA Reg. No. 64684-6 is intended to be applied by professionals);

Correct PPE for each product (eg., clarify why EPA Reg. No. 2693-194 requires eyewear and not other PPE; clarify whether the listed PPE is for both hull preparation and/or paint application);

Application rates in gallons/ft²; minimum number of applications/coats; type of spray equipment (eg., psi, etc.); characterization of the residential and commercial activities (eg., commercial ship hull painters typically paint for X hours per day using airless spraying, homeowners with boats less than X feet generally use brushes while X percent of homeowners are believed to use airless sprayers, etc.).

3. By 12/31/03, submit/cite acceptable data or waiver requests to satisfy the following five data requirements.

73-1 Whole sediment acute freshwater invertebrate (existing unsatisfied requirement)

73-2 Whole sediment acute marine invertebrate (existing unsatisfied requirement)

850.5400 Marine diatom Skeletonema costatum (new requirement)

850.4225 Seedling emergence in rice (formerly reserved in prior notice, now required, study submitted 12/30/02 is under review)

850.5400 Vegetative vigor dose response in rice (new requirement)

4. Submit by 1/1/05, data to satisfy the following four requirements. The proposed outdoor exposure study protocol submitted 2/9/03 by Arch Chemicals on your behalf must be found acceptable by EPA prior to initiating these data. The Agency will make every attempt to provide a quick decision/feedback on this protocol. If the protocol is found acceptable, data generated using the protocol can be used to satisfy all four of the following requirements.

875.1200 Dermal exposure - indoor

875.1400 Inhalation exposure - indoor

875.1100 Dermal exposure - outdoor

875.1300 Inhalation exposure - outdoor

5. Submit the following “**reserved**” studies within **12 months** of the date of the Agency’s written request for these data. The need for these reserved data will be based upon the results of one or more of the above studies as determined by the Agency.

- GLN 72-5 Fish Life Cycle
- GLN 72-7 Simulated or actual field testing for aquatic organisms
- GLN 71-4 Avian Reproduction
- GLN 73-3 Acute Pore Water Studies (fish and invertebrates)
- GLN 74-1 Whole Sediment Chronic Study (invertebrates)
- Special Study: Monitoring of Representative U.S. Waters
- GLN 162-1 Aerobic Soil Metabolism
- GLN 162-2 Anaerobic Soil Metabolism
- GLN 164-2 Aquatic Field Study
- GLN 165-5 Accumulation Study (Nontarget organism)
- GLN (Not Assigned) Monitoring of Representative US Waters

This conditional registration will expire automatically on 6/30/05. If you fail to satisfy the conditions imposed in this registration, EPA may issue a Notice of Intent to Cancel under Section 6(e) of FIFRA. Your release for shipment of the product constitutes acceptance of these conditions.

For detailed explanations of outstanding and fulfilled time-limited data requirements, see the EPA letter sent to Arch Chemicals, dated 3/14/03.

A stamped copy of the label stamped “accepted with comments” is enclosed for your records.

If you have any questions concerning this letter, please contact myself at 703-308-6341, or Tony Kish at (703) 308-9443.

Sincerely,



Marshall Swindell
Product Manager 33
Regulatory Management Branch 1
Antimicrobial Division(7510C)

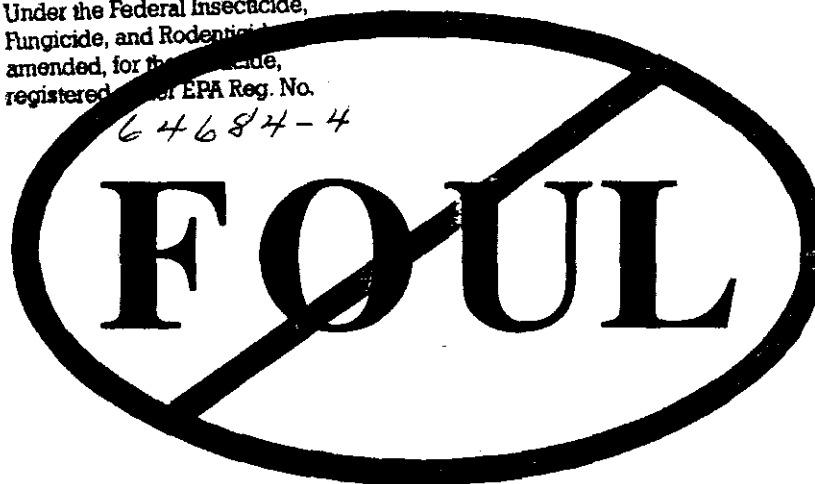
Enclosure

ACCEPTED
with COMMENTS
in EPA Letter Dated:

MAR 17 2003

Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the purpose of this Act,
registered under EPA Reg. No.

64684-4



E PAINT ZO

Antifouling Paint

DANGER!

KEEP OUT OF REACH OF CHILDREN

See back panel for additional precautions and statement of practical treatment.

NET CONTENTS:

5 U.S. GALLON (18.9 LITERS)

U.S. Patent #5,916,947

Active Ingredient

Zinc Pyrithione	4.8%
Inert Ingredients	95.2%
	100.0%

Equivalent to 28.9% metallic zinc
Contains Petroleum Distillate
EPA Reg. No. 64684-4
EPA Establishment No. 64684-RI-001

Manufactured by:
E Paint Company, Inc.
25 Research Rd.
E. Falmouth, MA 02536

DISCLAIMER: The performance of any marine paint or coating depends on many factors outside the control of E Paint Company including surface preparation, proper application, and environmental conditions. Therefore, E Paint Company cannot guarantee the product's suitability for your particular purpose or application. IMPLIED WARRANTIES OF FITNESS FOR A PARTICULAR PURPOSE AND OF MERCHANTABILITY ARE EXCLUDED. E PAINT COMPANY SHALL NOT, UNDER ANY CIRCUMSTANCES, BE LIABLE FOR INCIDENTAL OR CONSEQUENTIAL DAMAGES. By purchase or use of this product, buyer agrees that the sole and exclusive remedy, if any, is limited to refund of the purchase price, or replacement of the product at E Paint Company's option.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner that is inconsistent with its labeling. May be used in fresh or salt water; use on the bottom of vessels is recommended.

This paint is intended for use on commercial and recreational vessels.

Directions for mixing: Mix contents of container. Stir until thoroughly mixed before using. Use immediately.

Preparation of Surface: The surface to be painted should be dry, clean and oil free. It should be properly prepared by solvent cleaning and/or sanding before any primers or paints are applied. Follow the recommended systems below. Bare metal surfaces should be primed prior to application. When sanding old antifouling paint, use a face mask to prevent inhalation of sanding dust.

Application and Temperature: *No Foul* can be applied by brush or roller. The work should be done under good drying conditions in the temperature range of 50 to 90°F. Three coats are recommended for best antifouling protection.

Thinner: Thinning not recommended. Clean up with EP-13.

Drying Times: Let the first coat dry for four hours before applying next coat. After application of the third coat allow at least 15 hours drying time before launching. Under adverse drying conditions allow paint to dry overnight to be sure that all of the solvent has evaporated.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to aquatic organisms including fish and shellfish. Do not apply directly to water by cleaning of equipment or disposal of wastes. Do not allow chips and dust generated during paint removal to enter water. Dispose of paint debris in an approved landfill.

This Product is Intended for Commercial and Recreational Use.

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS KEEP OUT OF REACH OF CHILDREN

CORROSIVE: Causes irreversible eye damage. Harmful to skin. Do not get in eyes or on clothing. Avoid contact with skin. Wash hands before eating, drinking, chewing gum, or using a toilet. Remove contaminated clothing and wash clothes before reuse.

FIRST AID - CL

If Inhaled

- Move person to fresh air.
- If person is not breathing, call 911 or an ambulance, preferably by mouth-to-mouth, if possible.
- Call a poison control center or doctor for further treatment instructions.

If on Skin

- Take off contaminated clothing.
- Rinse skin immediately with plenty of water for 15-20 minutes.
- Call a poison control center or doctor for further treatment instructions.

If in Eyes

- Hold eye open and rinse slowly and gently with water for 15-20 minutes.
- Remove contact lenses, if present, after first 5 minutes, then continue rinsing eye.
- Call a poison control center or doctor for further treatment instructions.

If Swallowed

- Call a poison control center or doctor immediately for treatment instructions.
- Do not induce vomiting unless told to do so by the poison control center or doctor.
- Do not give any liquid to the person.
- Do not give anything by mouth to an unconscious person.

In case of emergency call: 800-424-9293

Note to Physician

- Probable mucosal damage may contraindicate the use of emetics.

STORAGE & DISPOSAL

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

Pesticide Disposal:

Pesticide wastes are toxic. Paint that cannot be used should be disposed of according to federal, state, or local regulations. Contact your local Conservation and Recovery Act.

Container Disposal:

Dispose of container by triple rinsing and recycling, or by other approved procedures.