

64962-1

3/8/2010

1 of 5



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Ms. Renee Dodge
Earth Science Laboratories, Inc.
113 SE 22nd. Street, Suite 1
Bentonville, AR 72712

MAR 8 2010

SUBJECT: Application for Pesticide Notification (PRN 98-10)
Request Alternate Brand Name "CopCheck" & Directions for Use and General
Label Changes
EPA Reg. No. 64962-1
Application Dated January 15, 2010

Dear Registrant:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 01/15/10 for the above product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action(s) requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-6249 or Owen F. Beeder of my staff at 703-308-8899.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Arrington".

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs

 United States Environmental Protection Agency Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input type="checkbox"/> Other	OPP Identifier Number
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Application for Pesticide - Section I

1. Company/Product Number 64962-1	2. EPA Product Manager Tony Kish	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) EarthTec	PM# 22	
5. Name and Address of Applicant (Include ZIP Code) Earth Science Laboratories, Inc. 113 SE 22nd Street, Suite 1, Bentonville, AR 72712 <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. 64962-1 Product Name CopCheck

Section - II

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

MAR 8 - 2010

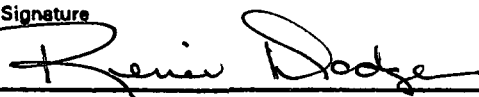
Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Notification of Alternate Brand Name per PR Notice 98-10. Alternative Brand Name of "CopCheck" will be used as an algicide for rice fields and irrigation conveyance systems. 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 ...(see attached page)

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input checked="" type="checkbox"/> Yes* <input type="checkbox"/> No	Unit Packaging <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" Unit Packaging wgt. 2.5 gallon	No. per container 2	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes" Package wgt	No. per container	<input checked="" type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____
* Certification must be submitted		3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 2.5-30-55-275 gal	
5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product			6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled <input checked="" 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 Renee Dodge	Title Compliance Administrator	Telephone No. (Include Area Code) 479-271-7381
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 Compliance Administrator	
4. Typed Name Renee Dodge	5. Date January 15, 2009	



clean water for the planet

Earth Science Laboratories, Inc.
113 S.E. 22nd St., Suite 1
Bentonville, Arkansas 72712

Phone 800.257.9283
Fax 479.271.7693
www.earthsciencelabs.com

January 15, 2010

DOCUMENT PROCESSING DESK (NOTIF)
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, D.C. 20460

RE: Notification Changes to an Alternative Brand Label from Master Label #64962-1

Dear Sir or Madam:

Earth Science Laboratories, Inc. is requesting an alternative brand label. The alternative brand name is CopCheck. Information for the label will comply with the Master Label EarthTec® #64962-1. This alternative brand name label has the following changes:

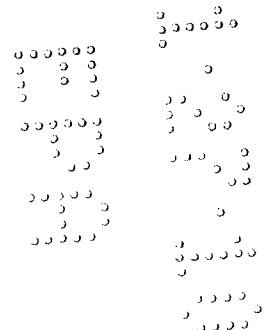
- Name of label is CopCheck.
- References to rice fields and irrigation conveyance systems
- Specific directions will apply to the dose rate for rice fields and irrigation conveyance systems
- Other language on the label is the same as the approved language on the Master Label EarthTec® #64962-1. Some of the boxes have been rearranged to fit the size of the label and containers, but all language requirements are in places approved by PR Notice 98-10.

Please find enclosed the explanation letter of changes for the alternative brand label, EPA Form 8570-1, a copy of the Master Label for EarthTec® #64962-1, and three CopCheck labels.

Respectfully submitted,

RENEE DODGE
Compliance Administrator

Enc.



Explanation Continued:

...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 is not consistent with the terms of 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.

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

DANGER

Corrosive. Causes irreversible eye damage. Do not get in eyes or on clothing. Avoid contact with skin. Wear protective eyewear (goggles, face shield or safety glasses). Harmful if swallowed, inhaled or absorbed through skin. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

PERSONAL PROTECTIVE EQUIPMENT

Applicators and other handlers must wear:

- Long-sleeved shirt
- Long pants
- Chemical-Resistant gloves made of any waterproof material: Chemical Resistance Category A
- Protective eyewear
- Shoes plus socks

Maintain this clothing separately from other laundry and wash with detergent and hot water, or according to manufacturer's label. If these items become drenched with this product's concentrate, discard the clothing and do not reuse.

ENVIRONMENTAL HAZARDS

Fish and Aquatic Organisms: This product is toxic to fish. Direct application of copper sulfate to water may cause a significant reduction in populations of aquatic invertebrates, plants and fish. Do not treat more than one-half of a lake or pond at a time to avoid depletion of oxygen from decaying vegetation. Allow 1 to 2 weeks between treatments for oxygen levels to recover. Trout and other species of fish may be killed at application rates recommended on this label, especially in soft or acidic waters. Do not contaminate water when disposing of equipment wash waters. See Disposal Instructions. Consult your local State Fish and Game Agency before applying this product to public waters. Permits may be required before treating such waters.

National Pollutant Discharge Elimination System: 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 the EPA.

Endangered Species Restrictions: It is a violation of federal law to use any pesticide in a manner that results in the death of an endangered species or adverse modification of their habitat. The use of this product may pose a hazard to certain federally designated endangered species known to occur in specific areas within the following counties:

State	Species	Bulletin No.	County
AL	Slackwater Darter	EPA/ES-85-05	Lauderdale Limestone Madison
CA	Solano Grass	EPA/ES-85-13	Solano
TN	Slackwater Darter	EPA/ES-85-04	Lawrence Wayne Hancock
	Freshwater Mussels	EPA/ES-85-07	Claiborne Hawkins Sullivan
VA	Freshwater Mussels	EPA/ES-85-06	Grayson Smyth Scott Washington Lee

PLEASE NOTE: Before using this product in the above counties you must obtain the EPA bulletin specific to your area. This bulletin identifies areas within these counties where the use of this pesticide is prohibited unless specified otherwise. The EPA bulletin is available from either your county Agricultural Extension Agent, the Endangered Species Specialist in your State Wildlife Agency Headquarters or the appropriate Regional Office of the U.S. Fish and Wildlife Service.

THIS BULLETIN MUST BE REVIEWED PRIOR TO PESTICIDE USE.

FOR CHEMICAL EMERGENCY
Call INFOTRAC 1-800-535-5053
Non-Flammable. Do Not Freeze.

DIRECTIONS FOR USE

It is a violation of federal law to use this product in a manner inconsistent with its labeling. Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirement specific to your state and tribe, consult the agency responsible for pesticide regulation.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE), notification to workers, and restricted-entry interval. The requirements in this box apply to uses of this product that are covered by the Worker Protection Standard. Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 24 hours. PPE required for early entry to treated areas (that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water), is: coveralls over long-sleeved shirt and long pants, chemical-resistant gloves, chemical-resistant footwear plus socks, protective eyewear, and chemical-resistant headgear. Notify workers of the application by warning them orally and by posting warning signs at entrances to treated areas.

CopCheck

Algicide for Rice Fields and Irrigation Conveyance Systems

EPA REG. NO. 64962-1
EPA EST. NO. 64962-NE-001

Manufactured By:
Earth Science Laboratories, Inc.
113 SE 22nd Street, Suite 1
Bentonville, AR 72712
800-257-9283

ACTIVE INGREDIENTS:

Copper Sulfate Pentahydrate
Inert Ingredients.....
TOTAL..... 100.0%

*Metallic Copper Equivalent Equal ----- 5%

This product weighs 9.9 lbs. per gallon / 1.188 kg/L

NET CONTENTS:

- 2.5 Gal. / 9.46 L
- 30 Gal. / 113.56 L
- 55 Gal. / 208.19 L
- 275 Gal. / 1040.99 L

Lot Number

Keep Out of Reach of Children

DANGER - PELIGRO

If you do not understand this label, find someone to explain it to you in detail. (Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle.)

FIRST AID

IF SWALLOWED: Call a poison control center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by a poison control center or doctor. Do not give anything by mouth to an unconscious person.

IF ON SKIN OR CLOTHING: Take off contaminated clothing. Rinse skin immediately with plenty of soap and water for 15 to 20 minutes. Call a poison control center or doctor for treatment.

IF IN EYES: Hold eye open and rinse slowly and gently with water for 20 minutes. Remove contact lenses, if present, after first 5 minutes, then continue rinsing eye. Call a poison control center or doctor for advice.

NOTE TO PHYSICIAN: Probable mucosal damage may contraindicate the use of gastric lavage.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment.

SEE ADDITIONAL PRECAUTIONARY STATEMENTS

GENERAL INFORMATION

CopCheck is an innovative formulation used to control algae in irrigation reservoirs, ponds, flooded rice and wild rice fields.

APPLICATION AND HANDLING EQUIPMENT

Application, handling or storage equipment MUST consist of fiberglass, PVC, polypropylene, viton, most plastics or stainless steel. Never use mild steel, nylon, brass or copper around full strength CopCheck. Always rinse equipment free and clean of CopCheck each night with plenty of fresh, clean water. Always store CopCheck above 32°F. Freezing may cause product separation. Seller makes no warranty for product which has been frozen. Use formula for calculating water volume and flow rates. To find the capacity of water storage containment in gallons and multiply the water volume in cubic feet times 7.5.

NOTE: 1 cfs/hr = 27,000 gallons
1 acre foot = 326,000 gallons

GENERAL ALGAE CONTROL

For algae control, apply in the late spring or early summer when algae first appear. The dosages are variable and depend upon algae species, water hardness, water temperature, amount of algae present, as well as whether water is clear, turbid, flowing or static. Preferably, the water should be clear with temperature above 60°F (15.6°C). Higher dosages are required at lower water temperatures, higher algae concentrations and for hard waters. Application should be done by pouring CopCheck directly from the container into the lakes, ponds, reservoirs or irrigation canals. Several application points spread up dispersal. Static water requires less chemical for algae control than does flowing water. Use higher dosages for chara, nitella and filamentous algae (pond scum) and lower dosages for planktonic algae. If there is uncertainty about the dosage begin with a lower dosage and increase until control is achieved or until the maximum allowable level has been reached. Treatment of algae can result in oxygen loss from the decomposition of dead algae. This loss can cause fish suffocation. If the algae cover more than one-third of the total water area, treat in sections. Treat one-half of the water area in a single operation and wait for 10 to 14 days between treatments. Begin treatment along the shore and proceed outward in bands to allow fish to move into untreated areas. In regions where ponds freeze in winter, treatment should be done 6 to 8 weeks before expected freeze to prevent masses of decaying algae under an ice cover. Trout and certain other species of fish may be killed at recommended application rates, especially in soft or acidic waters. Before treating bodies of water, consult proper state authorities such as the Fisheries Commission or Conservation Department to obtain any necessary permits.

SPECIFIC DIRECTIONS FOR USE

To Control Algae in Rice Fields and Wild Rice Fields: CopCheck should be applied at the first sign of algae growth on the surface of the field. Applications are most effective when made prior to algae leaving the soil surface and rising to the water surface. Factors such as water depth, temperature, pH and the amount of algae can affect the amount of CopCheck required, but do not exceed 5 to 7 gallons per acre. CopCheck can be metered into the rice field as water is being applied or slug fed into each paddy when water is being held.

To Control Tadpole Shrimp in Rice Fields: Application should be made to the flooded fields any time the pest appears from planting time until the seedlings are well rooted and have emerged through the water. The use rate per acre should be determined by the water depth and flow. Use 2 gallons CopCheck per acre as the initial rate at

minimum flow and water depth and 4 gallons CopCheck per acre as the higher rate when depth and flow are maximum.

To Control Algae in Non-Sprinkler, Non-Drip Irrigation Conveyance Systems and Chemigation Systems, Ditches, Canals and Similar Irrigation Conveyances: For continuous addition, add one pint CopCheck for each 7,500 to 300,000 gallons. For conveyance systems longer than 30 miles, it is recommended that the above dosage be dispersed among the injection points every 30 miles. However, do not exceed the total dose of one gallon in 60,000 gallons (1 ppm metallic copper).

Specific Directions for Aerial Spraying: CopCheck may be applied by aerial spraying from an airplane or helicopter or directly into the water body. The applicator must use measures necessary to control drift. To the extent practicable, minimize the spray drifting from the application site and contact people, structures people occupy at any time and the associated property, parks and recreation areas, nontarget crops, aquatic and wetland areas, woodlands, pastures, rangelands, or animals and avoid sensitive environmental areas. Any State requirements applicable to the aerial application of pesticides, such as CopCheck, must be followed.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in a safe place away from pets and keep out of the reach of children. Store away from excessive heat. COPCHECK will freeze. Always keep container closed. Store CopCheck only in its original container. Keep away from galvanized pipe and any nylon storage handling equipment.

PESTICIDE DISPOSAL: Pesticide wastes are acutely hazardous. Improper disposal of excess COPCHECK, spray mixture or rinsate is a violation of federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency or the Hazardous Waste representative at the nearest EPA Regional Office for guidance. In the event of spill, neutralize with limestone or baking soda before disposal. May deteriorate concrete.

CONTAINER DISPOSAL: Triple rinse or equivalent. Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill or incineration or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

LIMITED WARRANTY AND LIMITATION OF REMEDIES

Seller warrants that the product conforms to the chemical description and is reasonably fit for the purpose stated on the label for use under normal conditions, but makes no other warranties of FITNESS OR MERCHANTABILITY expressed or implied, or any other warranty if the product is used contrary to the label instructions, or under abnormal conditions not foreseeable to the seller. To the fullest extent allowed by law, the seller shall not be liable for more than the cost of this product to the buyer and will in no event be liable for any consequential, special or indirect damages connected with the use or handling of this product. This product is offered and the buyer or user accepts it subject to the foregoing terms which may not be varied.

Manufactured By:
Earth Science Laboratories, Inc.
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