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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

JAN 20 2010

OFFICE OF
PREVENTION,
PESTICIDES
AND TOXIC SUBSTANCES

Sharon C. Trippany, EHS&S Manager
Merichem Chemicals & Refinery Services LLC
2701 Warrior Road
Tuscaloosa, Alabama 35404

Subject: **CuNap-8 Wood Preservative**
EPA Registration Number: 71992-1
Notification Date: December 22, 2009
EPA Receipt Date: December 23, 2009

Dear Ms. Trippany:

This will acknowledge receipt of your notification, submitted under the provisions of PR Notice 2007-4.

Proposed Notification:

- Updating Container Disposal statements
- Editorial correction to reflect new name of the AWPA

General Comment:

Based on a review of the submitted materials, your notification for updating of the Container Disposal statements is acceptable and a part of the records on file.

Should you have any questions concerning this letter, please contact Heather Garvie at (703) 308-0034 or by email address at garvie.heather@epa.gov.

Sincerely,

for

Jacqueline McFarlane
(Acting) Product Manager (34)
Regulatory Management Branch II
Antimicrobials Division (7510P)

Please read instructions on reverse before completing form.

Form Approved OMB No. 2070-0060

Print Form



United States Environmental Protection Agency Washington, DC 20460

Registration Amendment Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 71992-1
2. EPA Product Manager Adam Heyward
3. Proposed Classification None Restricted
4. Company/Product (Name) CuNap-8 Wood Preservative
5. Name and Address of Applicant Merichem Chemicals & Refinery Services LLC
6. Expedited Review EPA Reg. No. Product Name

Section - II

Amendment - Explain below. Resubmission in response to Agency letter dated. Notification - Explain below. Final printed labels in response to Agency letter dated. Me Too Application. Other - Explain below.

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

Notification of label changes to Storage and Disposal Statements for "Container Labeling" per PR Notice 2007-4. See attached for additional Explanation.

Section - III

1. Material This Product Will Be Packaged In: Child-Resistant Packaging, Unit Packaging, Water Soluble Packaging, 2. Type of Container, 3. Location of Net Contents Information, 4. Size(s) Retail Container, 5. Location of Label Directions, 6. Manner in Which Label is Affixed to Product

Section - IV

1. Contact Point Sharon Trippany, EHS&S Manager, 205-462-2282
Certification: I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete.
2. Signature: John Greer
3. Title: Plant Manager
4. Typed Name: John Greer
5. Date: December 22, 2009
6. Date Application Received (Stamped)

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Merichem Chemicals & Refinery Services LLC
CuNap-8 Wood Preservative
71992-1

Section II Explanation (continued)

This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the confidential statement of formula for 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 the amended label is not consistent with the requirements of 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156, 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.

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December 22, 2009

By Federal Express

Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202-4501

**SUBJECT: Merichem Chemicals & Refinery Services LLC
CuNap-8 Wood Preservative (EPA Reg. No. 71992-1)
Notification per Pesticide Registration Notice 2007-4**

Dear Sir or Madam:

Please find enclosed a copy of our label for CuNap-8 Wood Preservative containing the revised labeling regarding storage and container rinsing and disposal language for the referenced registered product, as described in Pesticide Registration Notice 2007-4. Additions to the label are underlined while deletions are shown with strikethroughs. Also enclosed is a completed Application for Registration (EPA Form 8570-1).

A minor editorial correction has also been made to the last page of the label, where the reference to the AWPAA abbreviation has been changed to reflect its new name, American Wood Protection (rather than Preservers') Association.

This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for 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 the amended label is not consistent with the requirements of 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156, 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.

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Merichem Chemicals & Refinery Services LLC
2701 Warrior Road
Tuscaloosa, Alabama 35404
(205) 462-2300 • Fax (205) 556-0568
www.merichem.com

CuNap-8

WOOD PRESERVATIVE

ACTIVE INGREDIENT:
Copper naphthenate: 68%
(Copper, as Metal, 8%)

INERT INGREDIENTS: 32%

TOTAL: 100%

CONTAINS PETROLEUM DISTILLATES

See other precautionary statements on side panel.

KEEP OUT OF REACH OF CHILDREN
WARNING

NOTIFICATION
Date Reviewed: 1/28/10
Reviewed By: R. Harris

FIRST AID	
IF IN EYES	<ul style="list-style-type: none"> • Hold eye open and rinse with a slowly and gently with water for 15-20 minutes. • Remove contact lenses, if present, after the first 5 minutes and then continue rinsing eyes with water. • Call a poison control center or doctor immediately for treatment advice.
IF ON SKIN OR CLOTHING	<ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15-20 minutes. • Call a poison control center or doctor for treatment advice.
IF SWALLOWED	<ul style="list-style-type: none"> • Call a poison control center or doctor immediately for treatment advice. • Do not give any liquid to the person. • Do not give anything by mouth to an unconscious person. • Do not induce vomiting unless told to do so by a poison control center or doctor.
IF INHALED	<ul style="list-style-type: none"> • Remove person to fresh air. • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible. • Call a poison control center or doctor immediately for treatment advice.
HOT LINE NUMBER	
CuNap-8 (Copper Naphthenate)	
Have the product container or label with you when calling a poison control center or doctor, or when going for treatment. In case of medical questions, emergencies, or accidents involving this product, call CHEMTREC at 1-800-424-9300. For information on this pesticide product (including health concerns, medical emergencies, or pesticide incidents), call the National Pesticide Information Center at 1-800-858-7378, Monday through Friday, 9 a.m. to 5 p.m. After 5:00 p.m. call your poison control center at 1-800-222-1222.	
NOTE TO PHYSICIAN: Probable mucosal damage may contraindicate the use of gastric lavage.	

EPA Reg. No. 71992-1
EPA Est. No. 71992-AL-001

Manufactured by
Merichem Chemicals & Refinery Services LLC
5455 Old Spanish Trail
Houston, TX 77023

7/27/2004 Batch No: _____

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

WARNING

Causes skin and eye irritation. Wear goggles, face shield, or safety glasses. Remove contaminated clothing and wash before reuse. Prolonged or repeated skin contact may cause allergic reactions in some individuals. Do not get in eyes, on skin, or on clothing. Harmful if swallowed or inhaled. Avoid breathing vapors or spray mist. Wash thoroughly with soap and water after handling.

Do NOT breathe vapors or mist during brush, roll, spray, and dip applications. Wear a NIOSH/MSHA approved mist/vapor respirator when spraying for continued or prolonged use of this product or for frequent use of this product.

In case of medical questions, emergencies, or accidents involving this product, call Chemtrec at 1-800-424-9300. Application of this product may produce a strong, lingering, unpleasant odor.

ENVIRONMENTAL HAZARDS

This product is toxic to fish and aquatic organisms. 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.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal. Open dumping is prohibited.

STORAGE

Store at temperature between 0°F and 120°F. Store in original container only. Keep container closed when not in use.

PESTICIDE DISPOSAL

Pesticide concentrate, solution or rinsate that cannot be used or chemically reprocessed should be disposed of according to procedures approved by Federal, State or local authorities.

CONTAINER DISPOSAL

Nonrefillable container. Do not reuse or refill this container. 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 it 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 times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times.

Non-refillable metal containers: Then offer for recycling, if available, or reconditioning if appropriate, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

Non-refillable plastic containers: Then offer for recycling, if available, or puncture and dispose of in a sanitary landfill, or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

~~Plastic containers: 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.~~

~~or~~

~~Metal containers: Triple rinse (or equivalent). Then offer for recycling or reconditioning or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.~~

GENERAL

Consult federal, state or local disposal authorities for approved alternative procedures.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling Use only the application method specified for a particular use. For Exterior Use Only.

CuNap-8 must be diluted before use with solvents such as mineral spirits, diesel fuel, mineral oil, etc., or solvents meeting AWWA Standard P-9* to protect treated items against deterioration by stain, mold and decay fungi, moss, mildew, termites, wood-boring beetles and carpenter ants.

CuNap-8 solutions may be applied to wood products such as lumber, posts, poles, ties, siding, boats, piers, docks, boxes, roof shakes and shingles, porches, steps, fence pickets and rails beverage cases; and for ornamental planting landscape timbers, wooden seedling trays, plant and flower boxes. Wood treated with CuNap-8 is NOT suitable for food garden uses. Effective application rates vary according to severity of conditions to which the treated product is exposed. Wood to be treated should be thoroughly seasoned and free of bark. Do not apply at sites on or near water or wetlands. Wood treated with CuNap-8 should not be used where it may come in contact with food, feed or potable water.

FOR TEXTILE TREATMENT

CuNap-8 solutions may be applied to cellulosic textiles and cordage products such as tents, awnings, tarpaulins, canvas products, ropes, and nets (except fishnets). However, CuNap-8 should not be used to treat textiles intended for uses resulting in repeated skin contact or contact with food or feed or potable water. Effective application results in 1% copper metal remaining in the treated product. The level of treatment is usually attained by dipping or soaking the product in a solution containing 2% copper metal made by mixing CuNap-8 with a solvent such as mineral spirits.

FOR TREATMENT BY SPRAYING, DIP, ROLLER, AND BRUSH

ABOVE GROUND CONTACT

For above ground exposure, brush, roller, spray or dip applications of solutions containing 1 or 2 percent copper metal are adequate for wood in non-critical applications. Dilute CuNap-8 with 3.0-3.8 volumes of solvent (depending upon density of diluent) to obtain 2% copper metal or 7.5-8.0 volumes of solvent (depending upon density of diluent) to obtain 1% copper metal.

COVERAGE: One gallon covers 100-300 sq. ft. depending upon the wood species, porosity of the wood, and method of application.

GROUND CONTACT

For wood intended for ground contact, treat according to AWWA Standards* with a solution containing 0.75 to 1.0 percent copper metal to a retention in the wood of 0.055 to 0.15 pounds copper metal per cubic foot.

FOR PRESSURE, VACUUM AND THERMAL TREATMENT

ABOVE GROUND CONTACT

For wood used above ground in critical (structural) applications or under more severe exposure conditions where it is subject to extended periods of wetting, extended soaking or pressure treatment in accordance with AWWA Standards* with a solution containing 0.5 to 1.0 percent copper metal to a retention in the wood of 0.04 to 0.06 pounds copper metal per cubic foot is recommended.

GROUND CONTACT

For wood intended for ground contact, treat according to AWWA Standards* with a solution containing 0.75 to 1.0 percent copper metal to a retention in the wood of 0.055 to 0.15 pounds copper metal per cubic foot.

FOR REMEDIAL TREATMENTS

CuNap-8 solutions of 2% copper metal may be used for external remedial treatment of standing wood poles, piling and other existing structures.

CuNap-8 may be used by formulators as an active ingredient source for ready-to-use pesticide products registered with the US Environmental Protection Agency. Products formulated or repackaged from this product must be labeled for "Exterior Use Only," and must bear all statements listed under the section entitled Precautionary Statements and the repackager(s) or formulator(s) telephone number.

*American Wood ~~Preservers~~ Protection Association