

71992-2 8.4.2010

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY



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

AUG - 4 2010

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Ms. Sharon C. Trippany, CHMM
EHS&S Manager
Merichem Company
2701 Warrior Road
Tuscaloosa, AL 35404

Subject: Notification Application per PR Notice 2007-4
CuNap-2
EPA Registration No 71992-2
Application Date: 7/1/10
Receipt Date: 7/2/10

Dear M. Trippany:

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

Proposed Notification:

- Modify label according to PR Notice 2007-4
- Modify label to specify the a non-water diluent for residue removal

General Comments

Based on a review of the material submitted, the following comment applies:

The notification is acceptable. The label has been added to your file.

Should you have any questions concerning this letter, please contact Chris Jiang at (703) 305-0545 or by e-mail at jiang.chris@epa.gov.

Sincerely,

Handwritten Signature
Jacqueline Campbell-McFarlane
Product Manager (34)
Regulatory Management Branch II

CONCURRENTS Microbials Division (7510P)

SYMBOL							
SURNAME							
DATE							

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 71992-2	2. EPA Product Manager Jacqueline McFarlane (Acting)	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) CuNap-2 Wood Preservative	PM# 34	
5. Name and Address of Applicant (Include ZIP Code) Merichem Company 5455 Old Spanish Trail Houston, TX 77023 <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: <input checked="" type="checkbox"/> EPA Reg. No. _____ Product Name _____	

Section - II

<input checked="" 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 type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.

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

Per the instructions in PR Notice 2007-4, amend the registration to specify the use of a diluent other than water for efficient residue removal from containers because CuNap-2 is insoluble in water as instructed on the current label. No other changes have been made to the label except for those clearly marked on the revised labeling.

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	Metal Plastic Glass Paper Other (Specify) _____		
* Certification must be submitted		If "Yes" Unit Packaging 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 Sharon Trippany	Title EHS&S Manager	Telephone No. (Include Area Code) 205-462-2282
2. Signature 		3. Title Plant Manager
4. Typed Name John Greer		5. Date July 1, 2010
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 both under applicable law.		6. Date Application Received (Stamped)



MERICHEM COMPANY

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July 1, 2010

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

By Federal Express

Re: Application for Amended Registration and Notification
CuNap-2 Wood Preservative (EPA Reg. No. 71992-2)
Regarding PR Notice 2007-4 and solvent rinsing of containers

Dear Sir or Madam:

An application for Notification and draft revised labels for CuNap-2 Wood Preservative to update the container disposal statements as specified in PR Notice 2007-4 were received by EPA on December 23, 2009, and accepted on January 20, 2010. That submission used the suggested language for water rinsing, but the submission should have given instructions for using non-water solvents for rinsing. This letter and application for amendment requests EPA's review and approval for using a diluent other than water.

We request an amended registration to specify the use of a diluent other than water (e.g., solvents) to remove residues from this pesticide product and are submitting an amendment application, as described in 40 CFR §§ 152.50 and 152.55, and in section IV.B. of PR Notice 2007-4. This letter serves as the written request to modify the residue removal instructions via an amendment and is consistent with the applicable regulations based on the following rationale pursuant to 40 CFR §156.146(d):

A non-water diluent is necessary for efficient residue removal because CuNap-2 Wood Preservative is insoluble in water as currently instructed on the label revision dated January 20, 2010. CuNap-2 Wood Preservative, a ready-to-use formulation diluted in organic solvents such as mineral spirits, is water-insoluble and would not be adequately rinsed out of containers using water. A non-water solvent rinse should be specified for containers, when the rinsate can be re-used as a diluent to prepare the ready to use formulation from a concentrate.

Any number of solvents is suitable for rinsing containers containing residual CuNap-2 Wood Preservative prior to re-use as a diluent, individually or as blends, including:

- mineral spirits [CAS No. 64742-47-8];
- kerosene [8008-20-6] or hydrodesulfurized kerosene [64742-81-0];
- distillate fuels including fuel oil No. 2 [68476-30-2], diesel fuel No. 2 [68476-34-6] and fuel oil No. 4 [68476-31-3];

- o other refinery streams such as hydrotreated middle distillate [64742-46-7] and hydrodesulfurized middle distillate [64742-80-9].

The current label states that CuNap-2 contains petroleum distillates. CuNap-2 is a ready-to-use product formulated with solvents such as mineral spirits or diesel fuel. Thus, rinsate containing the solvents described above is already an allowable addition to the pesticide, and no amended label instructions are necessary in that regard.

This letter also serves for Notification of a slight company name change for the registrant. Merichem Chemicals & Refinery Services LLC (MCRS) was merged into our parent company, Merichem Company, with the parent company surviving. The appropriate Transfer Agreement was submitted to EPA on June 29, 2010. Merichem Company has assumed MCRS's registration, data rights and company number. Therefore, the enclosed label shows the legal name change from "Merichem Chemical & Refinery Services LLC" to "Merichem Company".

I certify that no other changes have been made to the label except for those clearly marked on the revised labeling.


This submission includes:

- An Application for Amendment (EPA Form 8570-1)
- A copy of the revised label, with deletions struck through and additions underlined
- An explanation as to why alternate language is more appropriate (this letter)

This amendment and notification are 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.

If you have questions or need additional information, I can be reached at 205-462-2282 or strippany@merichem.com.

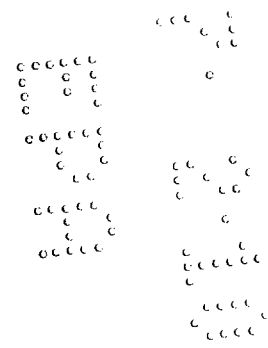
Sincerely,



Sharon C. Trippany, CHMM
EHS&S Manager

Enclosures

cc: Ms. Paige Bailey, Merichem Company



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CuNap-2

WOOD PRESERVATIVE

ACTIVE INGREDIENT:
Copper naphthenate: 18%
(Copper, as Metal, 2%)

INERT INGREDIENTS: 82%

TOTAL: 100%

CONTAINS PETROLEUM DISTILLATES

See other precautionary statements on side panel.

KEEP OUT OF REACH OF CHILDREN
WARNING

NOTIFICATION
Date Reviewed: 8/4/10
Reviewed By: C. May

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-2 (Copper Naphthenate)	
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 gastral lavage.	

EPA Reg. No. 71992-2
EPA Est. No. 71992-AL-001

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

Batch No.

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PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

WARNING

Harmful if swallowed. Do not exceed specified application rate. Use only the application method specified for a particular use. Do not get on skin or on clothing. Prolonged or repeated skin contact may cause allergic reactions in some individuals. Wear long sleeved shirt, long pants, and hand protection such as rubber or chemical resistant gloves. Do not get in eyes. Wear protection such as goggles, face shield, or safety glasses.

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.

PHYSICAL AND CHEMICAL HAZARDS

Combustible. Do not use or store near heat or open flame.

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 solvent used to prepare treating solution. 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: 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 solvent used to prepare treating solution. 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. 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: 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 1/4 full with water solvent used to prepare treating solution. 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. 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.

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-2 requires no dilution before use. It is intended to protect treated items against deterioration by stain, mold and decay fungi, moss, mildew, termites, wood-boring beetles and carpenter ants.

CuNap-2 may be applied to wood products such as lumber, posts, poles, 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-2 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-2 may be applied to cellulosic textiles and cordage products such as tents, awnings, tarpaulins, canvas products, ropes, and nets (except fishnets). However, CuNap-2 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.

FOR TREATMENT BY SPRAYING, DIP, ROLLER, AND BRUSH

ABOVE GROUND CONTACT

The best results will be obtained if wood to be treated is immersed for 3 minutes or longer. If dipping is not possible, 2 brush coats, roller, or spray applications should be applied. Allow at least 1 hour between applications. Make certain all areas are fully treated to get the maximum benefits. Allow 24 hours or longer after application of the preservative prior to painting.

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

GROUND CONTACT

Seasoned or green wood may be treated. Make certain the wood is free of bark then immerse in the CuNap-2 for 12-48 hours or until the sapwood is completely penetrated.

FOR REMEDIAL TREATMENTS

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

CuNap-2 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

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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 Protection Association