



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-5W Wood Preservative**
EPA Registration Number: 71992-3
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,

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



United States
Environmental Protection Agency
Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 71992-3	2. EPA Product Manager Adam Heyward	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) CuNap-5W Wood Preservative	PM# 34	
5. Name and Address of Applicant (Include ZIP Code) Merichem Chemicals & Refinery Services LLC 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 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 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:				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		<input type="checkbox"/> Metal	<input type="checkbox"/> Plastic	<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
* Certification must be submitted		If "Yes" Unit Packaging wgt. No. per container	If "Yes" Package wgt. No. per container	<input type="checkbox"/> Other (Specify): _____			
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"/> Other _____			
				<input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled			

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
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 Plant Manager	
4. Typed Name John Greer	5. Date December 22, 2009	



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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-5W Wood Preservative (EPA Reg. No. 71992-3)
Notification per Pesticide Registration Notice 2007-4**

Dear Sir or Madam:

Please find enclosed a copy of our label for CuNap-5W 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.

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

CuNap-5W

WOOD PRESERVATIVE

ACTIVE INGREDIENT:

Copper naphthenate: 42%
(Copper, as Metal, 5%)

OTHER INGREDIENTS: 58%

TOTAL: 100%

See other precautionary statements on side panel.

KEEP OUT OF REACH OF CHILDREN
DANGER

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. • Have person sip a glass of water if able to swallow. • 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-5W (Copper Naphthenate)	
<p>Have the product container or label with you when calling a poison control center or doctor, or when going for treatment. You may also contact Chemtree at 1-800-424-9300 for emergency medical treatment information, Monday through Friday, 8 a.m. to 4:30 p.m. (Central Time). After 4:30 p.m. call your poison control center. 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.</p>	
NOTE TO PHYSICIAN: Probable mucosal damage may contraindicate the use of gastral lavage.	

EPA Reg. No. 71992-3
EPA Est. No. 71992-AL-001

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

Batch No. _____

NOTIFICATION
Date Reviewed: 11/20/10
Reviewed By: *A. Jarvey*

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

DANGER

Corrosive. Causes burns and irreversible eye damage. May be fatal if inhaled. Harmful if swallowed or inhaled. Do not get in eyes, on skin, or on clothing. Avoid breathing vapors or spray mist. Wear a NIOSH/MHSA approved mist/vapor respirator. Wear goggles, face shield, or safety glasses, protective clothing and rubber gloves. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse. Prolonged or repeated skin contact may cause allergic reactions in some individuals.

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.

PESTICIDE STORAGE

Store at temperature between 0°F and 120°F. Store in a secure, well-ventilated area in original container only. Keep container closed when not in use.

PESTICIDE DISPOSAL

Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal Law. Pesticide concentrate, solution or rinsate that cannot be used or chemically reprocessed should be disposed of by use according to procedures approved by Federal, State or local authorities.

PESTICIDE 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 1/4 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. Then offer for recycling, if available, or puncture and dispose of in a sanitary landfill, or incineration, or, if allowed by state and local ordinances, 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.~~

~~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. Open dumping is prohibited.

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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-5W 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 the statements listed under the section entitled Precautionary Statements and the formulator(s) or repackager(s) telephone number.

CuNap-5W is a concentrate and must be diluted with water before use to protect treated items against deterioration by stain, mold and decay fungi, moss, mildew, termites, wood-boring beetles and carpenter ants. To treat wood for use in moderate decay hazard locations, dilute one volume of CuNap-5W with 4 volumes of water to give a solution containing 1 percent copper metal. To treat wood for use in high decay hazard locations, such as ground contact, dilute one volume of CuNap-5W with 1.5 volumes of water to give a solution containing 2 percent copper metal.

CuNap-5W solutions may be applied to wood products for all exterior wood exposed to moisture or weather such as lumber, posts, poles, piles, plywood, particle board, oriented strand board and other composite wood products, lumber, siding, millwork, boats, piers, docks, boxes, roof shakes and shingles, porches, steps, foundation sills, fence pickets and rails beverage cases; and for ornamental planting landscape timbers, wooden seedling trays, plant and flower boxes. Since CuNap-5W has very low phytotoxicity it can be used to treat wood for greenhouses, nursery flats, etc. Wood treated with CuNap-5W is NOT suitable for food garden uses. Effective application rates vary according to severity of conditions to which the treated product is exposed. Pretreatment only. Do not apply at sites on or near water or wetlands.

In addition to preventing decay, blue stain, and insect attack on wood, CuNap-5W controls warping, swelling, shrinking and end checking caused by changes in moisture content of lumber and plywood products.

Wood to be protected against subterranean termites should be treated before used in construction. Termites will not attack wood treated with CuNap-5W Wood Preservative.

Wood treated with CuNap-5W should not be used where it may come in contact with food, feed or potable water.

FOR TEXTILE TREATMENT

CuNap-5W solutions may be applied to cellulosic textiles and cordage products such as tents, awnings, tarpaulins, canvas products, ropes, and nets (except fishnets). However, CuNap-5W 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 percent 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 percent copper metal.

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-5W with 1.5 volumes of water to obtain 2 percent copper metal or 4.0 volumes of water to obtain 1 percent copper metal. The best results are 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 one hour between applications. Make certain all areas are fully treated to get the maximum benefit. Allow 24 hours or longer after application of the preservative prior to painting.

GROUND CONTACT

Seasoned or green wood may be treated. Make certain the wood to be treated is free of bark, then immerse in diluted CuNap-5W solution for 12 to 48 hours or until the sapwood is completely penetrated.

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

Water repellants may be admixed with CuNap-5W to improve dimensional stability of the treated wood. Colorants may be admixed for aesthetics and additional UV protection. This product is compatible and may be colored by the universal machine colorants employed to color oil or water-based paints. Note that colorants weather differently, and that color development varies with species, grain and wood undertone.

FOR COMPOSITE WOOD PRODUCTS

CuNap-5W may be employed as a preservative for particleboard, plywood, oriented strand board, insulation board, and other wood fiber and particle-based composite panel materials. In this use, CuNap-5W is either applied to the wood furnish or mixed with resin or binding agent at 1-3 percent based on dry weight of wood.

FOR PRESSURE 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 AWWPA Standards' with a solution containing 0.20 to 1.0 percent copper metal to a retention in the wood of 0.07 to 0.20 pounds copper metal per cubic foot is recommended.

GROUND CONTACT

For wood intended for ground contact, treat according to AWWPA Standards* with a solution containing 0.25 to 1.0 percent copper metal to a retention in the wood of 0.08 to 0.20 pounds copper metal per cubic foot.

FOR REMEDIAL TREATMENTS

CuNap-5W solutions of 2 percent copper metal may be used for external remedial treatment of standing wood poles, piling and other existing structures.

*American Wood Preservers' Protection Association

