



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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

November 16, 2005

James A. Brient
Chemical Products Technology Manager
Merichem Chemicals & Refinery Services LLC
5455 Old Spanish Trail
Houston, TX 77023-5013

Subject: CuNap-2W
EPA Registration No. 71992-4.
Application Date: October 21, 2005
EPA Received Date: October 24, 2005

Dear Mr. Brient:

This acknowledges receipt of your notification, submitted under the provision of PR Notice 98-10, FIFRA section 3(c)9.

Proposed Notification

- Revised labeling

General Comments

Based on a review of the material submitted, the following comments apply:

The notification application is acceptable. A copy has been inserted in your file for future reference.

Should you have any questions or comments concerning this letter, please contact me at 703-308-6422.

Sincerely,

Adam Heyward
Product Manager 34

CONCURRENCES Regulatory Management Branch II

SYMBOL	71992-4						
IRNAME	James A. Brient						
DATE	11/16/05						



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United States
Environmental Protection Agency
Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 71992-4	2. EPA Product Manager Adam Heyward	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) CuNap-2W	PM# 34	
5. Name and Address of Applicant (Include ZIP Code) Merichem Chemicals & Refinery Services LLC 5455 Old Spanish Trail Houston, TX 77023-5013 <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. _____ 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.)

Two Notifications involve language in the "Directions for Use" section. A redundant statement regarding termite attack was deleted, but this does not otherwise change the claim of efficacy against termites. In a non-FIFRA-related area, the statement that CuNap-2W "will control warping, swelling, shrinking, and end checking ..." was revised to read "may reduce warping, swelling, shrinking, and end checking ...".

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
* Certification must be submitted				<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
If "Yes" Unit Packaging wgt. No. per container		If "Yes" Package wgt. No. per container		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"/>	
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 James A. Brient	Title Chemical Products Technology Manager	Telephone No. (Include Area Code) 713-428-5351
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 Chemical Products Technology Manager	
4. Typed Name James A. Brient	5. Date October 21, 2005	



October 21, 2005

By Federal Express

Adam Heyward, Product Manager 34
Antimicrobial Division
U.S. Environmental Protection Agency
Office of Pesticide Programs (7504C)
Document Processing Desk (NOTIF)
Room 266-A, Crystal Mall 2
1921 Jefferson Davis Highway
Arlington, VA 22202-4501

**SUBJECT: Merichem Chemicals & Refinery Services LLC
CuNap-2W (EPA Reg.No. 71992-4)
Notification of deleted redundant statement per PR Notice 98-10**

Dear Mr. Heyward:

On behalf of Merichem Chemicals & Refinery Services LLC, 545 Old Spanish Trail, Houston, Texas 77023, I am submitting a Notification for its product, CuNap-2W.

Please find the following documents enclosed to support this Notification:

- An application for registration Notification (Form 8570-1) for the requested changes for CuNap-2W
- Two copies of the draft amended label for CuNap-2W

Note: The revised label enclosed also contains proposed changes to the First Aid section per PR Notice 2001-1 that is the subject of a separate application for amendment also dated October 21, 2005.

The Notification involves two minor revisions to the language in the "Directions for Use" section in the enclosed amended label. Specifically, a redundant statement regarding termite attack was deleted, as permitted in section II-I of PR Notice 98-10. Note that this action does not otherwise change the claim of efficacy of CuNap-2W copper naphthenate against termites. A non-pesticidal claim is also being changed as permitted under sections IV.F.1 and IV.F.3 of PR Notice 98-10. Specifically, the statement that CuNap-1W "will control warping, swelling, shrinking, and end checking ..." has been revised to read "may reduce warping, swelling, shrinking, and end checking ...".

We believe 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 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 49 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.

It is my understanding that EPA will screen all Notifications to determine whether they meet the criteria. If a notification is determined not to qualify for notification, EPA will inform the registrant via letter that the submission does not qualify and is being sent to the RD PM team for processing as an application for amended registration.

Please direct any questions or correspondence directly to me. If there are any questions, or if I can provide any additional information, please call me at 713-428-5351. Thank you for your assistance.

Sincerely,



James A. Brient
Chemical Products Technology Manager

5 7 8

CuNap-2W

WOOD PRESERVATIVE

ACTIVE INGREDIENT:	
Copper naphthenate:	16.7%
(Copper, as Metal, 2%)	
OTHER INGREDIENTS:	<u>83.3%</u>
TOTAL:	100%

See other precautionary statements on side panel.

KEEP OUT OF REACH OF CHILDREN
DANGER

FIRST AID	
IF SWALLOWED	<ul style="list-style-type: none"> • Immediately call a poison control center or doctor 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 IN EYES	<ul style="list-style-type: none"> • Hold eye open and rinse 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 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-2W (Copper Naphthenate)	
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 Chemtrec 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.	
NOTE TO PHYSICIAN: Probable mucosal damage may contraindicate the use of gastral lavage.	

EPA Reg. No. 71992-4
EPA Est. No. 71992-AL-001

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

8/8/2005

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PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

DANGER

Causes irreversible eye damage. Do not get in eyes, on skin, or on clothing. Wear goggles, or face shield. Harmful if inhaled. Avoid breathing spray or mist. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse.

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 according to procedures approved by Federal, State or local authorities.

CONTAINER DISPOSAL

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.

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-2W 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-2W is a ready to use product to protect treated items against deterioration by stain, mold and decay fungi, moss, mildew, termites, wood-boring beetles and carpenter ants. Use CuNap-2W to treat wood for use in moderate decay hazard locations, such as ground contact.

CuNap-2W 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-2W has very low phytotoxicity it can be used to treat wood for greenhouses, nursery flats, etc. Wood treated with CuNap-2W 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-2W may reduce 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.

Wood treated with CuNap-2W should not be used where it may come in contact with food, feed or potable water.

FOR TEXTILE TREATMENT

CuNap-2W solutions may be applied to cellulosic textiles and cordage products such as tents, awnings, tarpaulins, canvas products, ropes, and nets (except fishnets). However, CuNap-2W 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 can be employed. 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 benefits. 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 CuNap-2W 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-2W 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-2W 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-2W 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 AWWA Standards' with a solution containing 0.25 to 1.0 percent copper metal to a retention in the wood of 0.06 to 0.20 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 0.25 to 1.0 percent copper metal to a retention in the wood of 0.06 to 0.20 pounds copper metal per cubic foot.

FOR REMEDIAL TREATMENTS

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

*American Wood Preservers' Association