

75340-4

09-15-2009

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

SEP 15 2009

Teri Muchow
Manager Regulatory Administration
Osrose Railroad Services, Inc.
4546 Tompkins Drive
Madison, WI 53716

Subject: Notification in Accordance with PR Notice 98-10
CU-89-RTU II
EPA Registration No. 75340-4
Application Date: August 25, 2009
Receipt Date: August 26, 2009

Dear Ms.Muchow:

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

Proposed Notification

- Label change due to PR Notice 2007-4

General Comments

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

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

Should you have any questions concerning this letter, please contact Renae Whitaker by telephone at (703) 308-7003 or email address at: whitaker.renae@epa.gov during the hours of 8:00 am to 3:30 pm EST. When submitting information or data in response to this letter, a copy of this letter should accompany the submission to facilitate processing.

Sincerely,

ShaRon Carlisle
(Acting) Product Manager (34)
Regulatory Management Branch II
Antimicrobials Division (7510P)



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

1. Company/Product Number 75340-4	2. EPA Product Manager Sharon Carlisle (acting)	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) CU-89-RTU II	PM# 34	
5. Name and Address of Applicant (Include ZIP Code) Osmose Railroad Services, Inc. 4546 Tompkins Drive Madison, WI 53716 <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"/> 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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Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Notification of label change per PR Notice 2007-4.
 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.

Section - III

1. Material This Product Will Be Packaged In:					
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	2. Type of Container <input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____		
* Certification must be submitted		If "Yes" Unit Packaging wgt. No. per container	If "Yes" Package wgt No. per container	16oz plastic bottles 5gal plastic pail 55 gal poly drum <small>Sign in box OR 5 gal pail</small>	
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Other _____ <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 Teri Muchow	Title Manager - Regulatory Administration	Telephone No. (Include Area Code) 716-319-3255
2. Signature 		3. Title Manager - Regulatory Administration
4. Typed Name Teri Muchow		5. Date August 25, 2009
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)

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980 Ellicott Street, Buffalo, NY 14209-2398 716-882-5905 Fax: 716-882-2834

TRANSMITTAL DOCUMENT

Name and Address of Submitter: Osmose Railroad Services, Inc.
4546 Tompkins Dr.
Madison, WI 53716

Regulatory action in support of which this package is submitted: Notification of label change per PR Notice 2007-4.

EPA Reg. No./File Symbol: 75340-4

Product Name: CU-89-RTU II

Transmittal Date: August 25, 2009

Administrative Materials

- Transmittal Document
EPA Form 8570-1 Application for Pesticide Registration/Amendment
----- Revised Label

Company Official: Teri Muchow
Company Name: Osmose, Inc.
Company Contact: Teri Muchow
Phone Number: 716-319-3255
Fax Number: 716-319-3130
Email Address: tmuchow@osmose.com

Grid of small characters or symbols on the right side of the page.

NOTIFICATION
 Date Reviewed: 9/15/09
 Reviewed By: [Signature]

Osmose[®]

CU-89-RTU II[™]

Copper Naphthenate (2% copper as metal)
COPPER FUNGICIDE - INSECTICIDE FOR WOOD
PREVENTS WOOD DECAY - TERMITES, MILDEW
 INCLUDING POLES AND POLETOPS, BORE HOLES,
 POSTS, BEAMS, LUMBER, BRIDGE AND MINE TIMBERS AND PILING
For Exterior Use Only

ACTIVE INGREDIENT:
 Copper naphthenate* 17.00 %
INERT INGREDIENT: 83.00 %
TOTAL 100.00 %

*Equivalent to 2% metallic copper

CONTAINS PETROLEUM DISTILLATES

KEEP OUT OF REACH OF CHILDREN
WARNING

See other precautionary statements on side panel.

FIRST AID

If inhaled	Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth to mouth, if possible. Call a poison control center or doctor for further treatment advice.
If on skin or clothing	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 in eyes	Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. Call a poison control center or doctor for treatment advice.
If swallowed	Call poison control center or doctor immediately for treatment advice. Have a person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by the poison control center or doctor. Do not give anything by mouth to an unconscious person.
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. In case of medic questions, emergencies, or accidents involving this product, call CHEMTREC at 1-800-424-9300.	
Note To Physician: Contains petroleum distillate - vomiting may cause aspiration pneumonia.	

EPA EST. NO. 3008-NY-1

EPA REG. NO. 75340-4

Manufactured by:
 Osmose Railroad Services, Inc.
 4546 Tompkins Drive
 Madison, WI 53716

NET CONTENTS: 5 Gallons
 55 Gallons

Batch Number: _____

Osmose is a registered trademark of S-T-N Holdings, Inc.

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

WARNING: Causes skin irritation. Do not get in eyes, on skin or on clothing. Harmful if swallowed, inhaled or absorbed through skin. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. Do not breathe vapors or mist during brush, roll, spray or dip applications. Wear a NIOSH/MHSA-approved mist/vapor respirator when spraying for continued or prolonged use of this product or for frequent use of this product.

ENVIRONMENTAL HAZARDS

This product is toxic to fish. Do not apply directly to water, to areas where surface water is present, or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwaters.

PHYSICAL OR CHEMICAL HAZARDS

COMBUSTIBLE. Apply this product only as specified on label. Do not use, pour, spill or store near heat or open flame. Use only with adequate ventilation. Close container after each use.

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.

Wood Preservation: For the control of fungal rot and decay, mold and mildew, moss, termites (including Formosan termites) and other wood destroying insects in wood products.

APPLICATION SITE

CU-89-RTU II is only intended for use on exterior wood. Do not apply to food or feed contact surfaces. Do not contaminate drinking water with treated articles. CU-89-RTU II provides protection against moisture, rot and mildew on any natural wood surface. This copper naphthenate wood preservative and insecticide will preserve, protect and seal wood surfaces that will be in contact with soil, water or concrete.

The copper fungicide gives a green cast to CU-89-RTU II. This product is not intended for use as a stain. The green color will fade within a few months when exposed to sunlight. Oil or alkyd stains or paints can be applied over CU-89-RTU II after overnight dry but the green may bleed through lighter colors. Do not over coat CU-89-RTU II with latex paint or clear finishes until thoroughly cured (6 to 12 months).

Application of this product may produce a strong, lingering unpleasant odor.

PREPARATION

Wood should be clean, dry and seasoned.

APPLICATION

CU-89-RTU II should be applied liberally by brush, roller, spray, total immersion, surface flooding or internal injection under pressure for the prevention and control of fungal decay organisms.

Dipping - Wood should be dipped for 3 to 30 minutes per inch of thickness. Fence posts, piles, poles, foundation timber and heavy wooden members should be free of bark, dry, and well seasoned and immersed in the product for a period of 12 to 48 hours to be an effective wood preserver.

Internal Treatment - To internally treat previously treated utility poles or other foundation timbers apply CU-89-RTU II solution to interior cavity of wood structure through prepared openings using air or mechanical pressure pump. Apply 1 gallon or to refusal.

Use one coat on materials to be finished with paint or stain. If no finish is to be used, apply two liberal coats within the hour.

Thoroughly cover ends. The more preservative absorbed by the wood, the longer and more effective the protection. Clean painting equipment with mineral spirits for quick clean up.

Coverage: One gallon will treat approximately 200-300 square feet.

STORAGE AND DISPOSAL

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

STORAGE: Store at temperature between 0°F and 120°F. If the product has been spilled or is leaking, remove the source of the spill or leak. Recover free liquid. Spread absorbent, then pick up and place in containers. Then, where applicable, wash area with detergent and water. Store product in the original container only. Keep container closed when not in use.

PESTICIDE DISPOSAL: Wastes resulting from use of this product should be disposed of according to state and local regulations. Do not contaminate water, food, or feed by storage and disposal.

CONTAINER HANDLING: Nonrefillable container. Do not reuse or refill this container. Triple rinse (or equivalent). 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.

AUG-2009

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