

464-676

06/29/2010

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



Office of Pesticide Programs

The Dow Chemical Company
1803 Building
Midland, MI 48674

JUN 29 2010

Attention: Abigail Trueblood
Senior Regulatory Specialist

Subject: BIOBAN™ BP-40 Preservative
EPA Registration No. 464-676
Notification Dated June 2, 2010

This will acknowledge receipt of your notification, submitted under the provisions of FIFRA Section 3(c)(9).

Proposed Notification

- To add Language for "Refillable Containers" per PR Notice 2007-4

General Comments

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

The Notification is in compliance with PR Notice 98-10 and is acceptable. This information has been added to your file.

If you have any questions concerning this letter, please contact Martha Terry at (703) 308-6217.

Sincerely,

A handwritten signature in black ink that reads "M Swindell".

Marshall Swindell
Product Manager 33
Regulatory Management Branch 1
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

Application for Pesticide - Section I

1. Company/Product Number 464-676	2. EPA Product Manager M.Swindell	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) BIOBAN BP-40 Preservative	PM# 33	
5. Name and Address of Applicant (Include ZIP Code) The Dow Chemical Company 1803 Building Midland, MI 48674 <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.)

Notification to add a Refillable Container Disposal option to the previously approved PR Notice 2007-4 submission. Enclosed cover letter contains required Notification Certification.

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Text <input type="checkbox"/> No		<input checked="" type="checkbox"/> Metal	<input checked="" type="checkbox"/> Plastic
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt	No. per container
3. Location of Net Contents Information <input type="checkbox"/> Label <input checked="" type="checkbox"/> Container		4. Size(s) Retail Container Various		5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	
6. Manner in Which Label is Affixed to Product <input checked="" 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 Abigail Trueblood	Title Senior Regulatory Specialist	Telephone No. (Include Area Code) 847-808-3555
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 of both under applicable law.		6. Date Application Received (Stamped)
2. Signature 	3. Title Senior Regulatory Specialist	
4. Typed Name Abigail Trueblood	5. Date June 2, 2010	



June 2, 2010

The Dow Chemical Company
1500 E. Lake Cook Road
Buffalo Grove, IL 60089
USA

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

**Re: NOTIFICATION- EPA REG. NO. 464-676
BIOBAN™ BP-40 Preservative
The Dow Chemical Company**

Dear Mr. Swindell:

The Dow Chemical Company (Dow) hereby submits a label notification to revise the container statement for this product to include an option for refillable containers. It has come to our attention that one of the supplemental registrants for this product uses refillable containers for their supplemental product. In order to allow them to include a refillable container statement on their label, our primary product label must be so modified.

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 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 40 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.

The language related to the disposal of the container has been previously approved for this product. The language pertaining to the cleaning of the refillable container was previously approved for EPA Reg. No. 464-426

Enclosed are the following documents to support this Notification:

- EPA Form 8570-1, marked for Notification
- One copy of the proposed label with changes highlighted.

Please contact me if you have any questions or need additional information.

Sincerely,

Abigail Trueblood
Senior Regulatory Specialist
The Dow Chemical Company
847-808-3555
atrueblood@dow.com

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BIOBAN BP-40 Preservative
Final MASTER LABEL
June 2, 2010

BIOBAN™ BP-40 Preservative

Active Ingredient(s)

2-Bromo-2-nitropropane-1,3-diol . . . 40.8%
Inert Ingredient(s) 59.2%
Total 100.0%

E.P.A. Registration No. 464-676
E.P.A. Est. No. XXXX-XX-XX

KEEP OUT OF REACH OF CHILDREN

DANGER

FIRST AID	
IF IN EYES	<ul style="list-style-type: none"> • Wash immediately and continuously with flowing water for at least 30 minutes. • Remove contact lenses if present after the first 5 minutes and continue rinsing eye. • Obtain prompt medical consultation, preferably from an ophthalmologist
IF SWALLOWED	<ul style="list-style-type: none"> • Call poison control center or doctor immediately for treatment advice. • Have person sip a glass of water if able to swallow • Do not induce vomiting unless told to do so by the poison control center.
IF ON SKIN:	<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.
IF INHALED:	<ul style="list-style-type: none"> • Move 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 for further treatment.
HOT LINE NUMBER	
<p>IN CASE OF AN EMERGENCY CASE endangering life or property involving this product, call collect (989) 636-4400. Have the product container or label with you when calling a poison control center or doctor or going for treatment</p>	
<p>NOTE TO PHYSICIAN: Probable mucosal damage may contraindicate the use of gastric lavage</p>	

BIOBAN BP-40 Preservative
Final MASTER LABEL
June 2, 2010

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

CORROSIVE • CAUSES IRREVERSIBLE EYE DAMAGE AND SKIN BURNS • HARMFUL IF SWALLOWED, ABSORBED THROUGH THE SKIN, OR INHALED

Do not breathe vapor or spray mist • Do not get in eyes, on skin, or on clothing • Wear goggles or face shield, protective clothing, and rubber (or chemical resistant) gloves • Wash thoroughly with soap and water after handling and before eating, drinking, or using tobacco • Remove contaminated clothing and wash clothing before reuse. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish. 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. Do not contaminate water by cleaning of equipment or disposal of waste.

STORAGE AND DISPOSAL

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

Pesticide Storage: Keep away from heat.

Pesticide Disposal: Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal Law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative of the nearest EPA Regional Office for guidance.

Container Disposal:

Option to Use for Nonrefillable Containers:

Nonrefillable Container: Do not reuse or refill this container. Triple rinse or pressure rinse container (or equivalent) promptly after emptying. 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.

Option to Use for Refillable Containers:

Refillable Container: Refill this container with pesticide only. Do not reuse this container for any other purpose. Cleaning of the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean container before final disposal, empty contents into application equipment and triple rinse. Pour or pump rinsate into application equipment or rinsate collection system. Then offer

BIOBAN BP-40 Preservative

Final MASTER LABEL

June 2, 2010

~~for recycling, if available, or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.~~

DIRECTIONS FOR USE

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

GENERAL USE DIRECTIONS To control the growth of slime-forming, spoilage, odor-causing and corrosion inducing bacteria and algae in industrial applications. **Not for control of algae in the State of California.**

BIOBAN BP-40 Preservative can be dosed directly either by open pouring or by metered pump. Do not apply by open pouring of liquid to cooling water systems; a metering pump system is required for this use and application method. For in-can product preservation BIOBAN BP-40 Preservative is best added to any liquid phase as late as possible during the manufacturing process and after any heating stage, or when the product has cooled below 40°C. Ensure good mixing and even distribution throughout the product.

Applicators and other handlers must wear long-sleeve shirt and long pants, socks plus shoes, and chemical resistant gloves. Do not apply this product directly in a way that will contact workers or other persons. Follow manufacturer's instruction for cleaning/maintaining personal protective equipment (PPE). If there are no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry. Discard clothing or other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them. Users should wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet. If pesticide gets inside clothing remove clothing immediately, wash thoroughly, and put on clean clothing. Users should remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

INDUSTRIAL RECIRCULATING WATER COOLING TOWERS AND EVAPORATIVE CONDENSERS

BIOBAN BP-40 PRESERVATIVE may be dosed directly into the sump or basin or it may be added by a suitable chemical pump. Where metering pumps are used, these must be set to deliver the required dose within 1 hour. The dosing point should be located close to the outlet from the basin to ensure rapid dispersal around the system. BIOBAN BP-40 PRESERVATIVE may be dosed once or twice weekly at 52-210 ml/cubic meter or 0.42-1.6 pt/1000 gallons (25 to 100 ppm active ingredient) depending on the condition of the tower, the quality of raw water input and the amount of bleed off. Where contamination is heavy, more frequent dosing may be required. In heavily fouled systems, the tower should be drained and cleaned before treating with BIOBAN BP-40 PRESERVATIVE.

INDUSTRIAL PROCESS WATER

For use in closed circuit machine cooling (injection molding, etc.) and stored (non-potable) water to reduce the biofouling of pipework, heat exchangers, condenser tubes and minimize microbially produced corrosion. Shock dosing into the sump/tank of the process water system is preferred. Closed circuit systems require less frequent dosing.

In open systems, shock dosing should be carried out on a once weekly to once monthly basis depending on the degree of contamination.

Initially dose at 105 ml/cubic meter, or 0.8 pt/1000 gallons (50 ppm active ingredient). When successful, dosing can be lowered to a minimum level equivalent to 10 ppm active ingredient. For intermittent treatment or during routine maintenance use BIOBAN BP-40 Preservative at 100 ppm active ingredient, and a contact time of at least one hour.

OIL AND GAS FLUIDS

This product may be used in terrestrial and off-shore drilling muds and packer fluids. Use for in-can preservation of a wide range of gels and fluids, including fracturing, enhanced oil recovery, injection, well squeeze, drilling, workover and completion fluids. Add BIOBAN BP-40 Preservative at 105-210 mL/cubic meter (0.8-1.6 pt/1000 gallons, or 0.035-0.07 pt/barrel), which is equivalent to 50-100 ppm active ingredient. For well-squeezed fluids add BIOBAN BP-40 Preservative at 52-420 mL/cubic meter, or 0.42-3.38 pt/1000 gallons (25-200 ppm active ingredient)

BIOBAN BP-40 Preservative

Final MASTER LABEL

June 2, 2010

OIL PROCESS WATERS

For use in oil and gas well injection and formation waters. Inject BIOBAN BP-40 Preservative as a slug dose directly into well and formation waters at 52-210 mL/cubic meter, 0.42-1.6 pt/1000 gallons, or 0.0177-0.07 pt/barrel (25-100 ppm active ingredient). A slug dose should be applied from once per week to once per month depending on the severity of the contamination.

METALWORKING FLUIDS

For use in soluble oils, semi-synthetic and synthetic fluids. Add directly to the sump (with agitation) and allow the system to circulate for about one hour before shutdown.

In diluted fluids, add 520-2100 ml/cubic meter or 0.52-2.1gallon/1000gallon (250-1000 ppm active) to control microbial growth. For maintenance add 210-842 ml/cubic meter or 0.21-0.8 gallon/1000gallon (100-400 ppm active ingredient) on a weekly basis preferably in the afternoon before shutdown. The frequency may be increased where significant contamination is identified.

BIOBAN BP-40 Preservative may be incorporated in metalworking fluid concentrate by the manufacturer who should ensure that any incompatibility will not affect efficacy.

ADHESIVES

For control of microbial contamination, add 0.25 to 2.5 lb of BIOBAN BP-40 Preservative per 1000 lb total formulation weight. The addition is best accomplished by adding the product to any water to be incorporated into the formulation.

PAPER MILL PROCESS WATER

Apply at a convenient point early in the process system (machine chest, constant head box or backwater loop system).

Shock dose one, twice or three times daily at 1 to 25 ppm a.i. in the process water. This equates to 22 and 525 ml (0.45 and 1.13 pt) per ton of finished paper or paperboard depending on the complexity of the system, quality of raw paper and type and degree of contamination.

PAPER MILLS-BULK PULP

Add BIOBAN BP-40 Preservative directly into the hydropulper, machine chest or stock chest.

Add BIOBAN BP-40 Preservative once weekly to once daily at between 113 and 421 ml per ton of stock or 0.83-3.3 pt/1000 gallons (50-200 ppm active ingredient) depending on the degree of contamination.

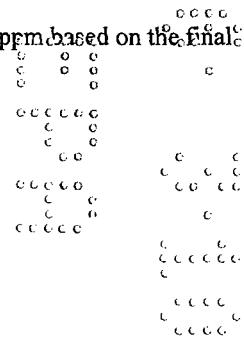
ABSORBENT CLAYS, CORN COBS AND GROUND WOOD

Impregnate absorbent clays, corn cobs or ground wood with BIOBAN BP-40 Preservative to inhibit the growth of odor-causing bacteria. The suggested application rate is 62-500 ppm (0.08-0.6 oz.av. per 100 pounds of absorbent material).

PAINTS, WATER-BASED COATING, APPLICATION TANKS AND LATEX

To provide in-can preservation and prevent bacterial spoilage during storage of acrylic, styrene-acrylic, polyvinyl acetate and other emulsion concentrates and latex emulsion based paints. To prevent spoilage of in-service paint application tanks. Add BIOBAN BP-40 Preservative at any convenient point during the manufacturing process. Ideally it should be added as a final step just prior to packing of the product into bulk or sales packs. If a heating stage is involved in the manufacture, add BIOBAN BP-40 Preservative after this stage when the product has cooled to below 40° C. Addition to application tanks should be by slug dosing the tank as needed to prevent bacterial spoilage.

FREQUENCY AND DOSE: BIOBAN BP-40 Preservative should be dosed at 200-1000 ppm based on the final formulation volume (1.6-8 pt/ 1000 gallons).



USES UNAPPROVED IN CALIFORNIA

BIOBAN BP-40 Preservative
Final MASTER LABEL
June 2, 2010

OIL AND GAS PIPELINE AND TANK MAINTENANCE

For use in water bottoms in crude and refined hydrocarbon storage tanks, piping and transportation systems. Inject BIOBAN BP-40 Preservative directly into the water bottom or pipeline, or add to the hydrocarbon phase. Treat once daily for pipeline maintenance to once every one or two months for both storage and transportation systems. Apply BIOBAN BP-40 Preservative at 52-420 ml/cubic meter or 0.42-3.38 pt/1000 gallons of aqueous phase (25-200 ppm active ingredient). Higher levels may be added when dosing the hydrocarbon phase which will result in longer term protection by gradual diffusion into the water.

WATER-BASED PRINTING INKS AND FOUNT SOLUTIONS

To inhibit the growth of spoilage bacteria during the storage and use of water-based printing inks and fount solutions. For in-can preservation add BIOBAN BP-40 Preservative at any convenient point during the manufacturing process. Ideally it should be added as a final step after any heating stage and when the product has cooled to below 40° C. To control bacterial spoilage during the use of fount solutions, BIOBAN BP-40 Preservative should be shock-dosed at a suitable point in the fount reservoir where there is adequate flow or turbulence to ensure quick mixing. BIOBAN BP-40 Preservative may be shock-dosed once or twice weekly as a normal routine. Where conditions indicate, more frequent shock-dosing may be required.

IN-CAN PRESERVATION: BIOBAN BP-40 Preservative should be dosed at 200-1000 ppm based on the final formulation volume (1.6 to 8 pt/1000 gallons).

FOUNT SOLUTIONS: BIOBAN BP-40 Preservative should be shock-dosed at between 40 and 200 ppm (0.32 to 1.6 pt/1000 gallons), depending on the contamination levels in the fount reservoir.

STARCH PIGMENT AND EXTENDER SLURRIES

To inhibit the growth of spoilage bacteria during the manufacture, storage and distribution of water-based suspension concentrates. BIOBAN BP-40 Preservative may be dosed at or close to the end of the manufacturing process in a quantity of the process water. If the manufacturing process involves a heating stage, the BIOBAN BP-40 Preservative should be added after this stage when the product has cooled to below 40° C.

FREQUENCY AND DOSE: BIOBAN BP-40 Preservative should be dosed at 200 to 1000 ppm based on the final formulation volume (1.6 to 8 pt/1000 gallons).

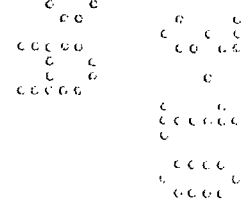
Recommended doses expressed as ppm are ppm product.

LIMITED WARRANTY AND DISCLAIMER

Seller warrants that the product conforms to its chemical description as contained on this label and is reasonably fit for the purposes stated on this label when used in accordance with directions under normal conditions of use. THE WARRANTIES MADE IN THIS PARAGRAPH ARE SELLER'S SOLE WARRANTIES WITH RESPECT TO THE PRODUCT AND ARE MADE EXPRESSLY IN LIEU OF AND EXCLUDE ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE AND ALL OTHER EXPRESS OR IMPLIED REPRESENTATIONS AND WARRANTIES.

NET WT:
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Produced For



BIOBAN BP-40 Preservative
Final MASTER LABEL
June 2, 2010

Dow Diamond TM
THE DOW CHEMICAL COMPANY
Midland, Michigan 48674
989-636-4400

TM Trademark of The Dow Chemical Company ("Dow") or an affiliated company of Dow

