

MAY 25 2004

Clariant Corporation
4000 Monroe Road
Charlotte, N. C. 28205

Attention: Michelle M. Ford
Product Safety Chemist

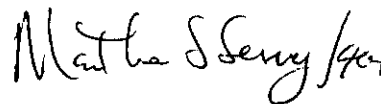
Subject: Nipacide CBX
EPA Registration No. 49403-28
Your Notification Dated April 28, 2004

This will acknowledge receipt of your notification to change the warranty and Disclaimer statement in accordance with the EPA Label Review Manual and PR Notice 98-10, submitted under the provisions of FIFRA Section 3(c)(9). 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 Karen M. Leavy-Munk at (703) 308-6237.

Sincerely



Marshall Swindell
Product Manager (33)
Regulatory Management Branch 1
Antimicrobials Division (7510C)

CONCURRENCES							
SYMBOL							
SURNAME							
DATE							

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Clariant Corporation

P.O. Box 866
625 East Catawba Avenue
Mount Holly, NC 28120
800.255.6189

April 28, 2004

Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504C)
US Environmental Protection Agency
401 M Street SW
Washington, D.C. 20460-0001

ATTENTION: Marshall Swindell
Product Manger, Team 33

SUBJECT: Clariant Corporation
Nipacide CBX (EPA Reg. No. 49403-28)
Application for Pesticide Notification

Dear Mr. Swindell:

Clariant Corporation is submitting an application to change the warranty statement for Clariant Corporation's, Nipacide CBX (EPA Reg. No. 49403-28). The purpose of the notification is to change the warranty statement in accordance with the EPA Label Review Manual Chapter 12: Warranty and Disclaimer Statements and PR Notice 98-10. *Please note we are also removing the words on page 3 out of 4 of this label, "nonformaldehyde" and "halogen-free", in response to the EPA Approved with Comments letter dated April 7, 2004.

Enclosed please find the following documents in support of this notification:

- 1) Application for Pesticide Notification (OPP ID No. 296934);
- 2) One (1) copy of the revised product label with changes highlighted; and.
- 3) Five (5) copies of the draft proposed product labeling.

If you have any questions, or require additional information, please call me at 704-822-2677 or you may email me at michelle.ford@clariant.com

Thank you for your assistance.

Sincerely,



Michelle M. Ford
Product Safety Chemist

Enclosures

Cc: Ana Koster, Lewis & Harrison, LLC

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Please read instructions on reverse before completing form.

Form Approved, OMB No. 2070-0060, Approval expires 05-31-98



United States
Environmental Protection Agency
Washington, DC 20460

- Registration
- Amendment
- Other - NOTIFICATION

OPP Identifier Number
296934

Application for Pesticide - Section I

1. Company/Product Number 49403-28	2. EPA Product Manager Marshall Swindell	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Nipacide CBX	PM# Team 33	
5. Name and Address of Applicant (Include ZIP Code) Clariant Corporation 4000 Monroe Road Charlotte, NC 28205 <u>PLEASE DIRECT ALL CORRESPONDENCE TO "CONTACT POINT" LISTED BELOW</u> <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

- Amendment - Explain below.
- Resubmission in response to Agency letter dated _____
- Notification - Explain below.
- Final printed labels in response to Agency letter dated _____
- "Me Too" Application
- Other - Explain below

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

Application for Notification Under PR Notice 98-10:

**Notification of change in warranty statement in accordance with EPA Label Review manual Chapter 12
Warranty and Disclaimer Statements**

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 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.

Signature: *Michelle M Ford*

Date: *4/28/04*

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 If "Yes" Unit Packaging wgt.	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" Package wgt.	No. per container	<input type="checkbox"/> Metal	<input type="checkbox"/> Plastic
*Certification must be submitted			No. per container	<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
				<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"/> 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 Michelle M. Ford, Clariant Corporation, PO Box 866, Mt. Holly, NC 28120	Title Product Safety Chemist	Telephone No. (Include Area Code) 704-322-2677
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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 <i>Michelle M Ford</i>	3. Title Product Safety Chemist
4. Typed Name Michelle M. Ford	5. Date 4/28/04

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FRONT PANEL

NIPACIDE® CBX INDUSTRIAL MICROBIOSTAT

For industrial use only as a preservative for aqueous based systems: oil in water emulsions, lattices, water based paint and coating systems, aqueous polymer emulsion and latex systems, aqueous adhesive and sealant systems, water based inks and fountain solutions, thickeners, mineral slurries and dispersions, textile spin finish solutions, paper finish and coating solutions, metal working fluids (use solutions of rolling, cutting, and grinding fluids), detergents, cleaning solutions, and pesticide formulations.

Active Ingredients:

1,2-Benzisothiazolin-3-one.....	5.000%
5-Chloro-2-methyl-4-isothiazolin-3-one.....	0.743%
2-Methyl-4-isothiazolin-3-one.....	0.264%

Inert Ingredients.....	93.993%
	100.000%

KEEP OUT OF REACH OF CHILDREN DANGER

FIRST AID	
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 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 induce vomiting unless told to by a poison control center or doctor. • Do not give anything by mouth to an unconscious person.
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 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, then continue rinsing eye. • Call poison control center or doctor for treatment advice.
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-424-9300 in case of emergency.	
Note to Physician	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment.	

EPA Reg. No. 49403-28

EPA Est. No. 33979-SC-01

Manufactured by:

Clariant Corporation	4000 Monroe Rd. Charlotte, NC 28205 (704) 822-2259
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Net weight:
Batch no.:

PRECAUTIONARY STATEMENTS
Hazards to Humans and Domestic Animals
DANGER

Corrosive. Causes irreversible eye damage. Harmful if swallowed. Do not get in eyes or on clothing. Avoid contact with skin. Wear goggles or face shield. Prolonged or frequently repeated skin contact may cause allergic reaction in some individuals. Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet. Remove contaminated clothing and wash clothing before use.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Mixers, loaders and others exposed to methylisothiazolinone products must wear:

- protective eyewear
- chemical-resistant gloves
- long-sleeve shirt and long pants
- chemical-resistant apron
- shoes plus socks

Discard clothing or other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them. Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

USER SAFETY RECOMMENDATIONS

User should:

- Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly.

ENVIRONMENTAL HAZARDS

This chemical is toxic to terrestrial and aquatic plants, fish and aquatic invertebrates. 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.

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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. Do not apply this product in a way that will contact workers or other persons.

Nipacide CBX is a liquid water soluble organic preservative developed to control microbial spoilage of water based systems. When used at suggested application levels, **Nipacide CBX** is cost effective, offers long lasting efficacy, ease of incorporation, maintains stability over a wide pH range and is thermally stable.

APPLICATION

The growth of microbial organisms can be detrimental to the integrity of aqueous compositions during production and storage. This microbial contamination can be introduced into synthetic and natural based systems by the raw materials used, contaminated equipment, the production or storage environment and worker contact. The growth of microbial organisms can result in changes in viscosity, discoloration and staining, malodors and gas generation. The use of **Nipacide CBX** to control biodeterioration in these systems will help maintain product functionality and improve the storage life of the treated material.

USE

At use levels of 0.1 - 0.5% based on the total weight of the formulation, **Nipacide CBX** has been shown to be effective under laboratory and field use conditions in the following applications and are typical for aqueous based systems: Aqueous Polymer Emulsion And Latex Systems, Water Based Paint And Coatings Systems, Water Based Ink and Fount Solutions, Aqueous Adhesive And Sealant Systems, Mineral Slurries And Dispersions, Metal Working Fluids (Use Solutions of Rolling, Cutting And Grinding Fluids), Paper And Textile Coatings.

It is suggested that the preservative be added with sufficient agitation and allowing enough time for uniform dispersion. **Nipacide CBX** may be added at anytime during the production process. The level of **Nipacide CBX** required for optimum effectiveness is dependent on the anticipated storage/protection time, susceptibility of the system to microbial degradation, pH, temperature and other factors. CLARIANT CORPORATION recommends that all formulation components be evaluated for efficacy, stability and compatibility prior to commercialization in the final formulation/product.

*Should not exceed 0.32% (Max.) based on the weight of the working dilution

STORAGE AND DISPOSAL

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

STORAGE:

Protect from frost. If frozen, allow to thaw and stir well before reuse.

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 at the nearest EPA Regional Office for guidance. Open dumping is prohibited.

CONTAINER DISPOSAL:

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.

PLASTIC CONTAINERS: Triple rinse (or equivalent). Then offer for recycling or reconditioning, 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.

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REGULATORY CLEARANCES

All components of **Nipacide® CBX** are cleared for use under the following U.S. Environmental Protection Agency and U.S. Food and Drug Administration registrations and clearances:

U.S. EPA Registration Number: 49403-28

U.S. FDA:

- 21 CFR 175.105 Components of adhesives
- 21 CFR 176.170 Components of paper and paperboard in contact with aqueous and fatty foods
- 21 CFR 176.180 Components of paper and paperboard in contact with dry food

FOR YOUR PROTECTION

The information and recommendations in this publication are, to the best of our knowledge, reliable. Suggestions made concerning uses or applications are only the opinion of CLARIANT CORPORATION and users should make their own tests to determine the suitability of these products for their own particular purposes. CLARIANT CORPORATION warrants that the product conforms to the specifications on the label and is reasonably fit for the intended purpose referred to on the label. This company makes no other express or implied warranty. Statements herein, therefore, should not be construed as representations or warranties. The responsibility of CLARIANT CORPORATION for claims arising out of breach of warranty, negligence, strict liability, or otherwise is limited to the purchase price of the material. Statements concerning the use of the products or formulations described herein are not to be construed as recommending the infringement of any patent and no liability for infringement arising out of any such use is assumed.