

365-80

7/15/2009

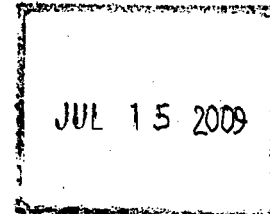
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Adrian Kyrgsman
Director, Product Registration
Troy Chemical Corporation c/o
Troy Corporation
8 Vreeland Road
Florham Park, NJ 07932



Subject: Notification in Accordance with PR Notice 98-10
Mergal BCM
EPA Registration Number: 365-80
Application: June 16, 2009
Receipt Date: June 18, 2009

Dear Mr. Kyrgsman:

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

Proposed Notification:

Minor label changes per PR Notice 2007-4

General Comment:

Based on a review of the material submitted, the following comment applies.

The notification application is acceptable.

Should you have any questions concerning this letter, please contact me by telephone at (703) 308-6415 or email address at: lantz.tracy@epa.gov, or Lisa McKelvin by telephone at (703) 308-7496 or email address at: mckelvin.lisa@epa.gov.

Sincerely,


A handwritten signature in cursive script that reads "Tracy Lantz".

Tracy Lantz
(Acting) Product Manager 34
Regulatory Management Branch II
Antimicrobials Division (7510P)

2094

Please read instructions on reverse before completing form.

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

 EPA United States Environmental Protection Agency Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other:	OPP Identifier Number 304031
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Application for Pesticide - Section I

1. Company/Product Number 365-80	2. EPA Product Manager Ms. Tracy Lantz	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Mergal BCM	PM# 34	
5. Name and Address of Applicant (Include ZIP Code) Troy Chemical Company Ltd. c/o Troy Corporation 8 Vreeland Road Florham Park, N.J. 07932 <u>PLEASE SEND ALL CORRESPONDENCE TO</u> <u>"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

<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:				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. No. per container	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 <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify)	
* Certification must be submitted		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 Adrian Krygsman	Title Director, Product Registration	Telephone No. (Include Area Code) 973-443-4200, X2249
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 Director, Product Registration	
4. Typed Name Adrian Krygsman	5. Date 6/16/09	

**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS**

NOTIFICATION
Date Reviewed: 7-15-09
Reviewed By: [Signature]

MERGAL® BCM

Industrial Microbiocide for use in Paints, Coatings, Plasters, Stuccos, Sealants, Caulks, Fillers, Architectural Products, Finishes and Special Purpose Coatings

CAUTION - CUIDADO

Causes moderate eye irritation. Avoid contact with eyes, skin and clothing. Wash thoroughly with soap and water after handling

EPA Reg. No.	365-80
EPA Establishment Number	5383-NJ-003

ACTIVE INGREDIENT:% Weight
Methyl (1H-benzimidazol-2-yl) carbamate 99.00%
INERT INGREDIENTS 1.00%
TOTAL 100.0%

FIRST AID	
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 5 minutes, then continue rinsing eye. Call a poison control center or doctor 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 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.	
NOTE TO PHYSICIAN:	
Probable mucosal damage may contraindicate the use of gastric lavage.	

CAUTION - CUIDADO

See Side Panel for Additional Precautionary Statements
PRECAUCION AL USUARIO: Si usted no lee inglés no use este producto hasta que la etiqueta le haya sido explicada completamente.

KEEP OUT OF REACH OF CHILDREN

**IN CASE OF EMERGENCY:
CALL 1-800 461-9364**
Net Weight:
[Produced for/Manufactured for]
Troy Chemical Company, LTD.
242 Applewood Crescent, Unit 14
Concord, Ontario, L4K 4E5 Canada
(MADE IN GERMANY)
POLYPHASE® and MERGAL® are registered trademarks

ENVIRONMENTAL HAZARDS

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.

DIRECTIONS FOR USE

If in violation of Federal Law to use this product in a manner inconsistent with its labeling.
MERGAL® BCM is an antifungal preservative for the control of fungi growing on paints, coatings, plasters, sealants, and fillers used for architectural products, finishes and special purpose coatings which are exposed to warm, moist and humid conditions favoring microbial growth.
Typically MERGAL® BCM should be added at the beginning of the formulation process while mixing of the final product (paint, plaster, etc.) to assure uniform distribution of the MERGAL® BCM.
PAINTS AND COATING MATERIALS AND FINISHES (0.1-0.5%): Add 1-5 lbs. (0.45-2.25 kg) of MERGAL® BCM to each 1000 lbs. (453 kg) of paint. Use higher addition rate within the above listed and registered range in warm, moist and humid conditions where microbial growth is favored.
PLASTERS, STUCCOS AND SPECIAL PURPOSE COATINGS (0.02-1.0%): Add 0.2-10 lbs. (0.09-4.5 kg) of MERGAL® BCM to each 1000 lbs. (453 kg) of plasters. Use higher addition rate within the above listed and registered range in warm, moist and humid conditions where microbial growth is favored.
SEALANTS, CAULKS, FILLERS, AND ARCHITECTURAL PRODUCTS (0.025-1.5%): Add 0.25-15 lbs. (0.114-6.8 kg) of MERGAL® BCM to each 1000 lbs. (453 kg) of sealant or filler. Use higher addition rate within the above listed and registered range in warm, moist and humid conditions where microbial growth is favored.

STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage or disposal.
PESTICIDE STORAGE: Store unused product in original container only in a cool, dry area out of reach of children or animals.
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.
CONTAINER HANDLING: Non-refillable container. Do not reuse or refill this container.
Completely empty liner by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into application equipment. Offer for recycling, if available or dispose of liner in a sanitary landfill or by incineration if allowed by State and local authorities.

WARRANTY

This label provides information which Seller believes to be reliable based on Seller's present state of knowledge relating to this product and its application. [This information is not intended to be a guarantee of specific properties of this product or its suitability for a particular application. Seller warrants that this product conforms to the chemical description on this label. SELLER MAKES NO IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, NOR ANY OTHER WARRANTY, EXCEPT AS EXPRESSLY STATED ABOVE. In no event, shall Seller be liable for any consequential, special, indirect, or incidental damages relating to the use of this product.]

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