

365-81

09/22/2009

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

SEP 22 2009

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Adrian Krygsman, Director, Product Registration
Troy Chemical Company, Ltd. c/o
Troy Corporation
8 Vreeland Road
Florham Park, N.J. 07932

Subject: Notification per PR Notice 98-10
Mergal BCM Technical
EPA Registration Number: 365-81
Application Date: August 31, 2009
Receipt Date: September 1, 2009

Dear Mr. Krygsman:

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

Proposed Notification:

Label change as per PR Notice 2007-4.

General Comments:

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

Should you have further questions concerning this letter, please contact Killian Swift by telephone at 703-308-6346 or by email at swift.killian@epa.gov. When submitting information or data in response to this letter, a copy of this letter should accompany the submission to facilitate processing.

Sincerely,

A handwritten signature in black ink, appearing to read "ShaRon Carlisle".

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

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 289750
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Application for Pesticide - Section I

1. Company/Product Number 365-81	2. EPA Product Manager Ms. ShaRon Carlisle	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Mergal BCM Technical	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

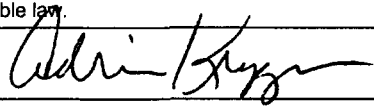
<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below

Explanation: Use additional page(s) if necessary. (For Section I and Section II.)
 Notification 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	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Metal	<input type="checkbox"/> Plastic
	If "Yes" Unit Packaging wgt. No. per container	If "Yes" Package wgt. No. per container		<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
* Certification must be submitted				<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 Adrian Krygman	Title Director, Product Registration	Telephone No. (Include Area Code) 973-443-4200, X2249
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) <div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto;"></div>
2. Signature 	3. Title Director, Product Registration	
4. Typed Name Adrian Krygman	5. Date 08/29/09	



TROY CORPORATION

August 31, 2009

Via FEDEX

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

RE: Mergal BCM Technical
EPA Reg. No. 365-81
Submission of Label Revisions to Address PR Notice 2007-4

Attention: Ms. ShaRon Carlisle
PM Team 34

Dear Ms. Carlisle:

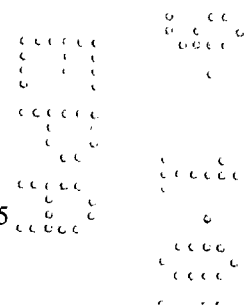
Enclosed please find documents to address label revisions which address the requirements of PR Notice 2007-4. Please note that no other changes have been made to this label aside from those specified PR Notice 2007-4 with regards to the Storage and Disposal Section. Revisions have been highlighted to address label changes. We enclose the following documents as per PR Notice 2007-4:

- EPA application form 3570-1 (OPP Identifier No. 289750)
- One copy of product label with revisions highlighted

Please contact me directly via phone or email should you require any additional information on this action.

Sincerely,


Adrian Krygsman
Director, Product Registration



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

CAUTION-CUIDADO

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

NOTIFICATION
Date Reviewed: 7/2/09
Reviewed By: A. Swift

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 first 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.	

MERGAL® BCM TECHNICAL

For use in the Formulation of Pesticides which control Fungi when used in Paints, Coatings, Concrete Admixtures, Plasters, Stuccos, Sealants, Fillers, Architectural Products, Finishes And Special Purpose Coatings

EPA Reg. No.	365-81
EPA Establishment Number	5383-NJ-1

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

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 1-800-424-9300**

Net Weight:
[Produced for/Manufactured for]
Troy Chemical Company, LTD
Concord, Ontario L4K 4E5 Canada

Made in Germany

POLYPHASE® and MERGAL® are registered trademarks

ENVIRONM

This product is toxic to fish. Do not discharge into lakes, streams, ponds, estuaries, or other aquatic environments in accordance with the requirements of the National Pollution Discharge Elimination System (NPDES) permit. Notify the appropriate authority in writing prior to discharge of this product to sewer systems without the approval of the local treatment plant authority. For guidelines, contact your Regional office of the EPA.

DIRECTI

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

Only for use as a fungicide to be used on the following surfaces: manufacture of paints, coatings, sealants, fillers, architectural products, finishes and special purpose coatings. Do not use to inhibit or control the growth of fungi on sealants or filler surfaces.

STORAG

Do not contaminate water.
PESTICIDE STORAGE: Store unused product in a cool, dry area out of reach of children or animals.
PESTICIDE DISPOSAL: Pesticide disposal of excess pesticide, spray material, or empty containers: If these wastes cannot be disposed of by other means, they must be disposed of by your State Pesticide or Environmental Control Agency, or by a representative at the nearest EPA registered disposal site.
CONTAINER HANDLING: Non-refillable container. Completely empty liner by shaking and pouring out residue. Empty residue into applicator or dispose of liner in a sanitary landfill or other approved facility.

This label provides information which is true to the best of our present state of knowledge relating to the chemical description on this label. Information is not intended to be a guarantee of performance, fitness for use, or suitability for a particular application. THE SELLER BE LIABLE FOR ANY CONSEQUENTIAL, INCIDENTAL, OR PUNITIVE DAMAGES, INCLUDING ATTORNEY'S FEES, ARISING OUT OF THE USE OF THIS PRODUCT.

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MENTS
STIC ANIMALS

MERGAL® BCM TECHNICAL

For use in the Formulation of Pesticides which control Fungi when used in Paints, Coatings, Concrete Admixtures, Plasters, Stuccos, Sealants, Fillers, Architectural Products, Finishes And Special Purpose Coatings

ADO

ntact with eyes, skin
ap and water after

EPA Reg. No.	365-81
EPA Establishment Number	5383-NJ-1

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

slowly and gently with
remove contact lenses,
minutes, then continue

or doctor for treatment

ing.
plenty of water for 15-

or doctor for treatment

or doctor immediately

water if able to swallow.
ss told to do so by the
:tor.
th to an unconscious

calling a poison control

of gastric lavage.

CAUTION-CUIDADO

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**KEEP OUT OF REACH OF CHILDREN.
IN CASE OF EMERGENCY:
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Net Weight:

**[Produced for/Manufactured for]
Troy Chemical Company, LTD
Concord, Ontario L4K 4E5 Canada**

Made in Germany

POLYPHASE® and MERGAL® are registered trademarks

ENVIRONMENTAL HAZARDS

This product 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.

DIRECTIONS FOR USE

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

Only for use as a fungicide to be formulated into pesticides for the following uses: manufacture of paints, coatings, plasters, stuccos, sealants and fillers to inhibit or control the growth of fungi on paints, coatings, plasters, stuccos, sealants or filler surfaces.

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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