

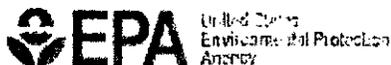
464-659

03/22/2007

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

MAR 22 2007



Office of Pesticide Programs

The Dow Chemical Company
1803 Building
Midland, MI 48674

Attention: Abigail Trueblood
Regulatory Specialist

Subject: BioBan P-1487 Antimicrobial Agent
EPA Registration No. 464-659
Notification Dated February 22, 2007

This will acknowledge receipt of your notification of Alternate labeling for use on small containers (1 gallon and less), 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 made a part of your file.

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

Sincerely

A handwritten signature in cursive script that reads "M Swindell".

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



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

February 22, 2007

Mr. Marshall Swindell/ PM33
Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
Office of Pesticide Programs
Antimicrobials Division
One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202-4501

Re: Notification of Alternate Labeling used for Small Containers
BIOBAN P-1487™ Antimicrobial Agent
(EPA Reg. No. 464-659)

Dear Mr. Swindell:

The Dow Chemical Company (Dow) seeks to notify USEPA of the following action for BIOBAN P-1487 Antimicrobial Agent:

- Alternate labeling used for small containers
 - o Two-piece label
 - o One-piece label

The enclosed labeling is proposed for use only when BIOBAN P-1487 Antimicrobial Agent (under its alternate product name FUELSAVER) is marketed in small size containers (one gallon or less) for sale into the fuel preservation market.

The label text on the proposed two-piece label has been reformatted in order to ensure that all required front panel elements will appear on the front of the container. With the exception of the environmental hazard paragraph and uses other than fuel preservation, all label elements on our current EPA approved label for Bioban P-1487 Antimicrobial Agent are present on this proposed two-piece label.

For containers which are large enough not to require a two piece label, the enclosed one-piece label will be used. This label will also be used to label cartons containing multiple small containers when being shipped to distributors. The product offering to the end user will be individual containers. This label contains all the language on the current EPA

approved label except for deletion of uses other than fuel preservation. The formatting of this label is similar to the proposed two-piece alternate label.

Because these labels are printed on colored background, highlighting the changes is difficult. The primary change from our "standard" label is that the First Aid Statements appear on the front panel, and the Precautionary Statements appear on the back panel. On the one-piece label, the First Aid Statement and Precautionary Statements are similarly placed.

Enclosed are the following:

- EPA Form 8570-1, *Application for Registration* (with attached sheet)
- One copy of the proposed two-piece small container label
- One copy of the proposed carton label

If you have any questions concerning this submission, please contact me.

Sincerely,



Abigail Trueblood
Regulatory Specialist
atrueblood@dow.com
(847)-808-3555

Please read instructions on reverse before completing form. Form approved. OMB No. 2070-0060. Approval expires 2-28-



United States Environmental Protection Agency Washington, DC 20460

Registration Amendment Other (checked)

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number: 464-659
2. EPA Product Manager: M. Swindell
3. Proposed Classification: None (checked)
4. Company/Product (Name): BIOBAN P-1487 Antimicrobial Agent
5. Name and Address of Applicant: The Dow Chemical Company, 1803 Building, Midland, MI 48674
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.)

Notification of alternate labeling for use on small containers (1 gallon and smaller) Please see attached sheet for additional information

Section - III

1. Material This Product Will Be Packaged In: Child-Resistant Packaging, Unit Packaging, Water Soluble Packaging, 2. Type of Container: Plastic (checked), 3. Location of Net Contents Information: Label (checked), 4. Size(s) Retail Container: 55, 5, & 1 gal; 96, 64, 32 & 16 oz, 5. Location of Label Directions: On Label (checked), 6. Manner in Which Label is Affixed to Product: Lithograph Paper glued (checked)

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: Regulatory Specialist, Telephone No.: 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 or both under applicable law.

6. Date Application Received (Stamped)

2. Signature: Abigail Trueblood, 3. Title: Regulatory Specialist, 4. Typed Name: Abigail Trueblood, 5. Date: 02/22/07

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.

BIOBAN P-1487™ ANTIMICROBIAL AGENT

Active ingredient:
 4-(2-Nitrobutyl)morpholine..... 81% by wt
 4,4'-(2-Ethyl-2-nitrodimethylene) dimorpholine..... 5% by wt
 Inert ingredients:..... 14% by wt
 Total..... 100%

KEEP OUT OF REACH OF CHILDREN

DANGER

FIRST AID:

IF IN EYES: Hold eyes open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first five minutes, then continue rinsing eyes. Call a poison control center or doctor for treatment advice.

IF SWALLOWED: 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.

IF ON SKIN: 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: 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

IN CASE OF AN EMERGENCY 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.

NOTE TO PHYSICIAN: Probable mucosal damage may contraindicate the use of gastric lavage.

Produced for:



THE DOW CHEMICAL COMPANY
 Midland, Michigan 48874 U.S.A.
 (989)636-4400

Trademark of THE DOW CHEMICAL COMPANY

E.P.A. Registration No. 464-659
 E.P.A. Est. 49614 MQ-1

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

DANGER

CAUSES SEVERE EYE DAMAGE AND SKIN BURNS - MAY CAUSE ALLERGIC SKIN REACTION - HARMFUL OR FATAL IF SWALLOWED OR ABSORBED THROUGH THE SKIN

Do Not Get In Eyes, On Skin, On Clothing • Causes Skin Sensitization • Wear Goggles Or Face Shield and Rubber Gloves When Handling • Wash Thoroughly After Handling • Avoid Breathing Vapor Or Mist • Avoid Contamination Of Food • Do Not Take Internally

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 Disposal: 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.

Notice: 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 (except uses for which USEPA has accepted the required data and/or citations of data that the formulator has submitted in support of registration) 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.

DIRECTIONS FOR USE

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

FOR USE IN HYDROCARBON PRESERVATION

To control the growth of problem microorganisms associated with the fuel.

In general use. Add FUELSAVER to storage tanks or fuel tanks for control of microbial growth in diesel oil, fuel oil, gasoline, or kerosene. Treatment may be performed by slug dosage or by intermittent metering to attain a concentration of 135-1000 ppm of FUELSAVER.

For storage above water. Add 1 gallon of FUELSAVER to each 1000 gallons of water in the bulk storage system to achieve a concentration of approximately 1000 ppm. To facilitate mixing, dissolve each gallon of FUELSAVER in 100 gallons of water and add this solution directly to the water phase in the tank with minimal agitation.

For storage in tanks without intentional water. Add 0.125-1 gallon of FUELSAVER directly to each 1000 gallons of hydrocarbon in the system to obtain a concentration of approximately 135-1000 ppm. In a fuel-treatment pre-mix, FUELSAVER may be mixed with other fuel additives for addition to fuel. The end user must add sufficient FUELSAVER to the pre-mix to provide 135-1000 ppm of FUELSAVER in the treated fuel.

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BIOBAN P-1487™ ANTIMICROBIAL AGENT

Active Ingredient:
4-(2-Nitrobutyl)morpholine 51% by wt
4,4'-(2-Ethyl-2-nitrotrimethylene) dimorpholine 5% by wt
Inert Ingredients..... 44% by wt
Total 100%

KEEP OUT OF REACH OF CHILDREN

DANGER

FIRST AID:

IF IN EYES: Hold eyes open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses if present, after the first five minutes, then continue rinsing eyes. Call a poison control center or doctor for treatment advice.

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IF ON SKIN: 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: Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferable mouth to mouth, if possible. Call a poison control center or doctor for further treatment.

HOT LINE NUMBER

IN CASE OF AN EMERGENCY 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.

NOTICE TO PHYSICIAN: Probable mucosal damage may contraindicate the use of gastric lavage.

Produced for

DOW

THE DOW CHEMICAL COMPANY
Midland, Michigan 48874 U.S.A.
(989) 636-4400

Trademark of THE DOW CHEMICAL COMPANY

E.P.A. Registration No. 464-659
E.P.A. Est. 49614-MO-1

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Do Not Get In Eyes, On Skin, On Clothing • Causes Skin Sensitization • Wear Goggles Or Face Shield and Rubber Gloves When Handling • Wash Thoroughly After Handling • Avoid Breathing Vapor Or Mist • Avoid Contamination Of Food • Do Not Take Internally

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish and wildlife. 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.

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 Disposal: 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.

Notice: 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 (except uses for which USEPA has accepted the required data and/or citations of data that the formulator has submitted in support of registration) 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.**

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

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12 x 1 Quart (946 mL)

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