

464-674

12-09-2009

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

DEC 9 2009



Office of Pesticide Programs

The Dow Chemical Company
1803 Building
Midland, MI 48674

Attention: Abigail Trueblood
Senior Regulatory Specialist

Subject: BIOBAN P-1487T™ Antimicrobial Agent
EPA Registration No. 464-674
Notification Dated November 6, 2009

This will acknowledge receipt of your notification to revise the container disposal statement on the label in response to PR Notice 2007-4, 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 Karen Leavy-Munk (703) 308-6237.

Sincerely

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

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

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 464-674	2. EPA Product Manager M. Swindell	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) BIOBAN P-1487 TAntimicrobial Agent	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 update label in response to PR Notice 2007-4. 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 No		<input checked="" type="checkbox"/> Metal	
* 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 5, 55 gal; bulk		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 or both under applicable law.		6. Date Application Received (Stamped)
2. Signature 	3. Title Senior Regulatory Specialist	
4. Typed Name Abigail Trueblood	5. Date 11-06-09	



November 6, 2009

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. 464-674
BIOBAN™ P-1487T Antimicrobial Agent
The Dow Chemical Company**

Dear Mr. Swindell:

The Dow Chemical Company (Dow) hereby submits a label Notification to revise the container disposal statement in response to PR Notice 2007-4. In order for the application to be processed the required Notification Statement is below:

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.

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
1500 East Lake Cook Rd.
Buffalo Grove, IL 60089
847-808-3555
atrueblood@dow.com

BIOBAN P-1487T Antimicrobial Agent
Master Label
December 4, 2009

BIOBAN™ P-1487T Antimicrobial Agent

Active Ingredient(s):

- 4-(2-Nitrobutyl)morpholine 36.5 % by wt.
- 4,4'- (2-Ethyl-2-nitrotrimethylene)...2.3% by wt

Inert Ingredients 61.2 % by wt
 Total 100%

E.P.A. Registration No. 464- 674
 E.P.A. Est. XXXX-XX-X

KEEP OUT OF REACH OF CHILDREN

DANGER

FIRST AID	
IF IN EYES:	<ul style="list-style-type: none"> • Hold eyes 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 eyes. • 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 by a poison control center or doctor.
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 and the 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.	

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

CORROSIVE. CAUSES IRREVERSIBLE EYE DAMAGE.HARMFUL IF SWALLOWED OR ABSORBED THROUGH SKIN. MAY CAUSE ALLERGIC SKIN REACTION. Do not get in eyes, on skin, or on clothing. Wear goggles or face shield and rubber gloves when handling. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Remove and wash contaminated clothing before reuse.

BIOBAN P-1487T Antimicrobial Agent
Master Label
December 4, 2009

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 plan authority. For guidance, contact your State Water Board or Regional Office of the EPA.

STORAGE AND DISPOSAL

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:

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.

DIRECTIONS FOR USE

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

FOR USE IN METALWORKING FLUIDS

BIOBAN P-1487T is recommended for use in soluble oils, semi-synthetic and synthetic fluids. It should be added directly in the sump (with agitation). A dose of 1000-2000 ppm is recommended for initial treatment; higher levels up to 2500 ppm, but no greater, for fouled systems. After addition of BIOBAN P-1487T the system should be circulated for about one hour before shut down.

In Diluted Fluids: An initial concentration of 1000 to 2500 ppm of BIOBAN P-1487T is sufficient to control gross microbial growth. For example, add 1.0 lb of BIOBAN P-1487 T to 1000 lb of fluid to obtain a dose level of 1000 ppm in the fluid.

Maintenance Dosage: Add 500-1000 ppm of BIOBAN P-1487T to maintain control of the system

FOR USE IN HYDROCARBON PRESERVATION

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

In General Use: Add BIOBAN P-1487T 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 the proper concentration of BIOBAN P-1487T.

For Storage Above Water: Add 2.2 gallons of BIOBAN P-1487T to each 1000 gallons of water in the bulk storage system to achieve a concentration of approximately 2200 ppm. To facilitate mixing dissolve each gallon of BIOBAN P-1487T in 100 gallons of water and add this solution directly to the water phase in the tank with minimal agitation.

BIOBAN P-1487T Antimicrobial Agent
Master Label
December 4, 2009

For Storage in Tanks Without Intentional Water: Add 0.28-2.2 gallon of BIOBAN P-1487T directly to each 1000 gallons of hydrocarbon in the system to obtain a concentration of approximately 280-2200 ppm.

In a Fuel-Treatment Pre-Mix: BIOBAN P-1487T may be mixed with other fuel additives for addition to fuel. The end user must add sufficient BIOBAN P-1487T to the pre-mix to provide 280-2200 ppm of BIOBAN P-1487T in the treated fuel.

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 when used in accordance with directions under normal conditions of use. THE WARRANTIES MADE IN THIS PARAGRAPH ARE SELLER'S SOLE WARRANTIES 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:
LOT:

Produced for:

THE DOW CHEMICAL COMPANY
Midland, Michigan 48674 USA
(989)636-4400