

5185-401

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

OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES

MAY 1 2008

Mr. Mark Jernigan  
Biolab  
P.O. Box 300002  
Lawrenceville, GA 30049-1002

Subject: Bioguard Back-Up Algae Inhibitor  
EPA Registration No.: 5185-401  
Submission Date: January 30, 2008  
EPA Receipt Date: February 1, 2008

Dear Mr. Jernigan,

The following amendment submitted in connection with registration under FIFRA, as amended, is acceptable with the conditions listed below.

- Adding additional claims and directions

**Conditions**

Revise the label as follows:

1. Revise the statement, "Optional use claims ... sanitizer" by deleting the phrase "halogen sanitizer." The way the sentence is written it reads as if this product is a halogen sanitizer which is false and misleading.
2. On page 3 under "Swimming Pool Algaecide Optional Marketing Statements A and B," revise the statement, "[This product] [Bioguard Back-Up] is formulated to complement most swimming pool sanitizers" by stating ..... complement most *EPA registered* swimming pool sanitizers."
3. On page 3 and 4 under "Swimming Pool Algaecide Optional Marketing Statements A and B," revise the last statement by deleting the term, should, and state "*must*" such that the statement is in compliance with PR Notice 2000-5, Mandatory Labeling.

4. Revise the first statement under "For treatment of algae" on page 4 by deleting directions for adding "Burn Out Extreme" and "Smart Shock" because these are not EPA Registered Products.	
SYMBOL	
SURNAME	
DATE	

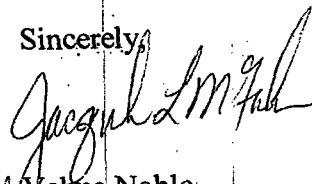
Burn Out 35 is acceptable because it is a EPA registered product; you will need to include this product's registration number after its brand name.  
5. Revise the "For treatment of resistant algae" directions by deleting directions for adding "Smart Shock" because it is not an EPA registered product.

**General Comments**

A stamped copy of the labeling accepted with conditions is enclosed. Submit three (3) copies of your final printed label before distributing or selling the product bearing the revised labeling.

If you have any questions regarding this letter, please contact Drusilla Copeland at (703) 308-6224 and Velma Noble at (703) 308-6233.

Sincerely,



Velma Noble  
Product Manager (31)  
Regulatory Management Branch I  
Antimicrobials Division (7510P)

Enclosure: Stamped Label

CONCURRENCES							
SYMBOL							
SURNAME							
DATE							

{All text in brackets [xxx] is optional and may or may not be included on a final label.}  
 {All text in braces {xxx} is administrative and will not appear on a final label.}

## BIOGUARD® BACK-UP® ALGAE INHIBITOR

*{Optional use claims that may be used with swimming pool algicide, halogen sanitizer.}*

[Step 3] *{Algicides are marketed as step three of a three step program to treat swimming pool water.}*

[Step 3 of the 3 Step System]

[Swimming Pool Algicide]

[For fast algae control]

[Controls algae and algal slime growth in swimming pools.]

[Keeps pool water clear and free of visible algae.]

[C<sub>14</sub> Formula]

[PATENTED FORMULA]

[U.S. Patent No. 5,514,640]

[Wide Spectrum]

[Algae Inhibitor]

[Effective against algae growth]

[Use every other week] *{This statement will only be used on label when directions for two week application intervals are included under routine maintenance.}*

[Highly effective]

[Highly effective, broad spectrum algae preventative]

[Broad Spectrum]

[Algae Preventative]

[Contains special wetting agents for maximum efficiency.]

[Complements pool sanitizer efficiency against algae]

[Non-staining]

[For all pool types]

[Once-A-Week Premium Application]

[Highly effective Algae Killer]

[Highly effective Algae destroyer]

[Kills Algae]

[Kills and prevents Algae]

[Destroys and prevents Algae]

[Kills All Pool Algae Types]

[Destroys All Pool Algae Types]

[Kills Green, Mustard and Black Algae]

[Patented Pool Algaecide that Kills All Types of Pool Algae]

[Patented Pool Algaecide that Kills Green, Mustard and Black Algae]

[Kills Green, Mustard and Black Algae]

[Non-Staining]

[Suitable for all pool surfaces]

[Long-Lasting, Non-Staining and Ideal for Pools]

ACCEPTED  
with COMMENTS  
in EPA Letter Dated:

MAY 1 2008

Under the Federal Insecticide,  
Fungicide, and Rodenticide Act as  
amended, for the pesticide,  
registered under EPA Reg. No.

5785-401

- [An Effective, Non-Staining Pool Algaecide for All Types of Algae]
- [A Non-Staining Pool Algaecide for All Types of Algae]
- [An Effective, Pool Algaecide for All Types of Algae]
- [An Effective, Non-Staining Pool Algaecide for All Types of Algae]
- [No mixing or pre-dissolving needed]
- [Long lasting, simple treatment for algae]
- [Ideal for use with BioLab UV system ]
- [Compatible with BioLab UV system]
- [BioLab UV system approved. ]
- [Use Back-Up ® with BioLab UV system]
- [Prevent]{Designates that this product is part of prevention line of products}
- [Once a Week]
- [BioGuard Guarding More Than Your Pool]
- [BioGuard Care System]

*{The "BioGuard Care System" below may be placed on the label to allow easy product identification by consumers.}*

[BioGuard Care System ( ) Sanitizer ( ) Shock (X) Algaecide]

*{Optional use claims that may be used with swimming pool algicide, non-halogen sanitizer.}*

- [Algae Inhibitor and Preventative]
- [A BioGuard® Pool Care Product]
- [A Swimming Pool Algicide]
- [C<sub>14</sub> Formula]
- [PATENTED FORMULA]

**ACTIVE INGREDIENTS:**

Alkyl (C <sub>14</sub> , 95%; C <sub>12</sub> , 3%; C <sub>16</sub> , 2%) dimethyl benzyl ammonium chloride	30.0%	
Alkyl (C <sub>12</sub> , 61%; C <sub>14</sub> , 23%; C <sub>16</sub> , 11%; C <sub>8</sub> & C <sub>10</sub> , 2.5%; C <sub>18</sub> , 2.5%) dimethyl benzyl ammonium chloride	20.0%	
OTHER INGREDIENTS:	50.0%	
TOTAL INGREDIENTS:	100.0%	

**KEEP OUT OF REACH OF CHILDREN**

**DANGER**

See [back] [side] panel for first aid and additional precautionary statements.

BIOLAB, INC.  
PO BOX 300002  
LAWRENCEVILLE, GEORGIA 30049

EPA REG. # 5185-401  
EPA EST. # 5185-GA-1

NET CONTENTS

*{Directions to be used for swimming pool algicide, halogen sanitizer.}*

## SWIMMING POOL ALGAECIDE

*{Optional Marketing Statement A}*

[This product] [BioGuard Back-Up®] is formulated to complement most swimming pool sanitizers. [This product] [BioGuard Back-Up®] is a highly effective algae killer and algae preventative. The wetting agent in this product allows it to penetrate small crevices where algae are likely to form. [This product] [BioGuard Back-Up®] is effective and non-staining when used as directed. [This product] [BioGuard® Back-Up®] kills and prevents all types of algae; black algae, green algae, and mustard algae. [This product] [BioGuard Back-Up®] will not evaporate and its algae fighting abilities actually increase as pool water temperature increases. [This product] [BioGuard Back-Up®] supports your overall [pool chemical maintenance program] [BioGuard Care System], offering a residual effectiveness that protects your pool against algae formation while keeping your pool water sparkling clear. This product protects the unattended pool when you're away (refer to "Vacation Treat" section in Directions For Use). This product may foam and therefore should not be used for spa treatment or in pools with attached spas or jetted returns.

[Use [Back-Up®] [this product] weekly when using the BioLab UV system to prevent algae.]

*{Optional Marketing Statement B}*

The BioGuard® Care System has three important parts that help you maintain crystal blue sparkling water.

- ☐ Sanitizer to kill bacteria
- ☐ Shock to destroy contaminants
- ☐ Preventative algaecide to stop algae before it starts

All parts of the BioGuard Care System are vital to achieve beautiful water.

BioGuard Back-Up® is the preferred algae preventative for the BioGuard Care System. Weekly use of [BioGuard Back-Up®][this product] prevents algae before it starts. [This product] [BioGuard Back-Up®] is formulated to complement most swimming pool sanitizers. [This product] [BioGuard Back-Up®] is a highly effective algae killer and algae preventative. The wetting agent in this product allows it to penetrate small crevices where algae are likely to form. [This product] [BioGuard Back-Up®] is effective and non-staining when used as directed. [This product] [BioGuard® Back-Up®] kills and prevents all types of algae; black algae, green algae, and mustard algae. [This product] [BioGuard Back-Up®] will not evaporate and its algae fighting abilities actually increase as pool water temperature increases. [This product] [BioGuard® Back-Up®] provides a residual effectiveness that protects your pool against algae formation while keeping your pool water sparkling clear. This product protects the unattended pool when you're

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away (refer to "Vacation Treat" section in Directions For Use). This product may foam and therefore should not be used for spa treatment or in pools with attached spas or jetted returns.

[Use [Back-Up®] [this product] weekly when using the BioLab UV system to prevent algae.]

**DIRECTIONS FOR USE:** It is a violation of federal law to use this product in a manner inconsistent with its labeling. Read entire label and use strictly in accordance with precautionary statements and directions.

Ensure all pool equipment is working properly. Backwash the filter system following manufacturer's directions. Adjust pH to between 7.2-7.6. Adjust chlorine residual to 1-4 ppm. In a chlorinated pool, add stabilizer to establish a minimum stabilizer level of 30-40 ppm to reduce the degradative effects of sunlight upon the chlorine residual. Check for metals and if present add a stain and scale inhibitor to prevent staining of pool surface due to metals. Check chlorine residual and adjust to 1-4 ppm. When using other products as outlined in directions for this product, always follow directions on those products. Wait at least 15 minutes after application before entering pool.

(1) For maintenance:

**For initial application:** Pour 32 fluid ounces directly into pool per 25,000 gallons of water (4ppm).

**For routine maintenance:** For weekly application intervals, pour 1 fluid ounce directly into pool per 5,000 gallons of water (0.5 ppm) weekly. For two-week application intervals, pour 2 fluid ounces directly into pool per 5,000 gallons of water (1 ppm) every other week. Following heavy rain showers, add an additional 1 fluid ounce per 5,000 gallons of water.

**To "vacation treat"** (when away for one week or more): Add 4 fluid ounces of this product per 5,000 gallons (2 ppm) for every week unattended. Pour product around the edges of the shallow end of the pool if shock is also being used in the deep end of the pool.

(2) For algae treatment:

**For treatment of visible algae:** Add one pound of Burn Out Extreme® per 10,000 gallons of water, or one pound of Burn Out® 35 per 6,000 gallons of water, or one pound of Smart Shock® per 12,000 gallons of water. Follow application directions on these products. With pump and filter running, pour 32 fluid ounces of this product directly into pool per 25,000 gallons of water in areas of heaviest algae growth. Continuously circulate pool water for the next 24 hours. Afterwards, thoroughly brush pool surfaces. Prior to re-entry, test chlorine level. Do not re-enter pool until chlorine level is between 1 – 4 ppm. In cases of persistent algae, repeat brushing and product application after 2 – 4 days.

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(3) For resistant algae treatment:

**For treatment of resistant algae:** With pump and filter running, add five pounds of Smart Shock® per 12,000 gallons of pool water. Brush any undissolved product from pool surface. Follow application directions on Smart Shock label. Wait 15 minutes, then pour 40 fluid ounces of this product directly into pool per 25,000 gallons of water (5 ppm) in areas of heaviest algae growth. Continuously circulate pool water for the next 24 hours. Afterwards, thoroughly brush pool surfaces. Prior to re-entry, test chlorine level. Do not re-enter pool until chlorine level is between 1 – 4 ppm. Chemically cleaning the filter is recommended 3 – 4 days after treatment.

*{Directions to be used for swimming pool algicide, non-halogen based sanitizer.}*

## **SWIMMING POOL ALGAE PREVENTATIVE**

This product is formulated to complement swimming pool water being treated with the BioGuard SoftSwim System. It is effective against the growth of algae. The wetting agent in this product allows it to penetrate small crevices where algae are likely to form. This product is efficient and non-staining when used as directed. This product will not evaporate and its algae fighting abilities actually increase as pool water temperature increases. The residual effectiveness of this product tends to stabilize the total chemical treatment system. This product may foam and therefore should not be used for spa treatment or in pools with attached spas or jetted returns.

**DIRECTIONS FOR USE:** It is a violation of federal law to use this product in a manner inconsistent with its labeling. Read entire label and use strictly in accordance with precautionary statements and directions.

Ensure all pool equipment is working properly. Backwash the filter system following manufacturer's directions. Adjust pH to between 7.2-7.6. Check for metals and if present add a stain and scale inhibitor to prevent staining of pool surface due to metals. When using other products as outlined in directions for this product, always follow directions on those products. Wait at least 15 minutes after application before entering pool.

### **FOR AN INITIAL APPLICATION OR WHEN POOL WATER IS CHANGED:**

Pour 32 fluid ounces (4 ppm) directly into pool per 25,000 gallons of water.

### **FOR ROUTINE MAINTENANCE: *{Only one or both of these statements may be used}***

[For weekly application intervals, use 1 fluid ounce per 5,000 gallons of water (0.5 ppm)

[For two week application intervals, use 2 fluid ounces per 5,000 gallons of water (1 ppm) every other week.]

Following heavy rain showers, add an additional 1 fluid ounce per 5,000 gallons.



*{The following is optional text to be used at BioLab's discretion with swimming pool use directions. This information is non-essential and will be provided only as a courtesy. Will not appear on all swimming pool products.}*

TO DETERMINE POOL CAPACITY: Rectangular Pools - Length times width time average depth (in feet) times 7.5 equals gallons. Round and Oval Pools - Long diameter times short diameter times average depth (in feet) times 5.9 equals gallons.

*{For containers one gallon or less.}*

**[STORAGE AND DISPOSAL:** Keep this product in original tightly closed container when not in use. Store in a cool, dry, well ventilated area away from heat or open flame. **CONTAINER DISPOSAL:** Non-refillable container. Do not reuse or refill this container. Offer for recycling if available. Triple rinse container (or equivalent) promptly after emptying.]

*{For containers greater than one gallon.}*

**[STORAGE AND DISPOSAL:**

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

**PESTICIDE STORAGE:** Keep this product in original tightly closed container when not in use. Store in a cool, dry, well ventilated area away from heat or open flame.

**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:** Non-refillable container. Do not reuse or refill this container. Offer for recycling if available. Triple rinse container (or equivalent) promptly after emptying.]

## **PRECAUTIONARY STATEMENTS**

**HAZARDS TO HUMANS AND DOMESTIC ANIMALS:** DANGER: Corrosive. Causes irreversible eye damage and skin burns. May be fatal if swallowed, absorbed through skin, or inhaled. Do not get in eyes, on skin or on clothing. Do not breathe vapor or spray mist. Wear protective eyewear (goggles, face shield, or safety glasses), protective clothing and rubber gloves when handling this product. Wash thoroughly with soap and water after handling and before eating, drinking, or using tobacco. Remove contaminated clothing and wash before reuse.

**FIRST AID: IF IN EYES:** 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:** 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 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 poison control center or doctor for treatment advice. **IF SWALLOWED:** Call 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. **[IN CASE OF MEDICAL EMERGENCY, CALL [1-303-623-5716] [1-877-800-5553] [telephone number supplied by supplemental registrant].]**

**Note to Physician:** Probable mucosal damage may contraindicate the use of gastric lavage.

**PHYSICAL OR CHEMICAL HAZARDS:** Do not mix with other chemicals.

*{Environmental hazards statement for end-use products in containers of less than 5 gallons (liquid).}*

**[ENVIRONMENTAL HAZARDS:** This pesticide is toxic to fish and aquatic organisms.]

*{Environmental hazards statement for end-use products in containers of equal to or greater than 5 gallons (liquid).}*

**[ENVIRONMENTAL HAZARDS:** This pesticide is toxic to fish and aquatic organisms. 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.]

**NOTE:** Buyer assumes all responsibility for safety and use not in accordance with directions.