

5185-401

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

8/17/2010

10411

Mr. Mark Jernigan
Bio-Lab, Inc.
P.O. Box 300002
Lawrenceville, GA 30049

AUG 17 2010

SUBJECT: Bioguard Back-Up Algae Inhibitor
EPA Registration Number: 5185-401
Application Date: May 17, 2010
Receipt Date: May 19, 2010

Dear Mr. Jernigan:

The following amendment, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, is acceptable subject to the conditions listed below:

1) As per the last stamped label for this product, dated 5/1/08, revise optional marketing statements A and B to include the following phrase: "...is formulated for complement most *EPA registered* swimming pool sanitizers..." Make this change to pages 4 and 5.

2) As per the last stamped label, this product is not in agreement with PR Notice 2000-5 which specifies that mandatory language be employed in the directions for use of this product. As such, make the following revisions to your labeling:

a) Revise optional marketing statements A and B to state: "...This product may foam and therefore *must* not be used for spa treatment..."

b) Revise the swimming pool algae preventative section on page 7 to include: "...This product may foam and therefore *must* not be used for spa treatment..."

3) As per the last stamped label, we indicated that directions for adding products that were not EPA registered must be deleted from your label. Delete the reference on page 6 to BioGuard Maintain Burn Out Extreme. The following references may be maintained with the addition of the EPA registration numbers as follows: BioGuard Maintain Burn Out 35, EPA Reg. # 5185-323 and BioGuard Maintain Smart Shock, EPA Reg. # 5185-493.

CONCURRENCES							
SYMBOL	7510P						
SURNAME	J. Jernigan						
DATE	8/17/10						

4) You may reference BioGuard BurnOut on your label. Add the EPA Reg. No. immediately following the name of the product: **5185-503**.

5) Your Application for Pesticide indicates that this product is only sold in 1 quart containers. As such your label may not include a dosage rate which is greater than your largest container. Delete the reference on page 6 in the "For resistance algae treatment" to the use of 40 ounces of this product.

6) Since you have not indicated that your product is exclusively for residential/household use, add the following statement to the Storage and Disposal section for containers of one gallon or less: *"Do not contaminate water, food, or feed by storage and disposal."*

7) As per PR Notice 83-3, 84-1, 2007-4 and 40 CFR 156.140(a) revise the container disposal statement for container one gallon in size of less to read as follows: "...Do not reuse or refill this container. *Wrap container and put in trash or offer for recycling if available.*" Delete the reference to rinsing the container.

8) Since your product is only marketed in 1 quart containers, delete the storage and disposal statement for containers larger than one gallon and delete the Environmental Hazards statement for containers greater than 5 gallons.

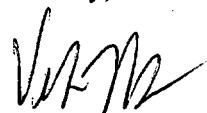
9) Revise the Precautionary Statements to include the following: "...soap and water after handling and before eating, drinking, *using tobacco or using the toilet.*"

10) Revise the Environmental Hazards statement for containers less than 5 gallons to state: "...fish and aquatic *invertebrates.*"

General Comments

A stamped copy of the accepted labeling is enclosed. Submit one (1) copy of your final printed labeling before distributing or selling the product bearing the revised labeling. Should you have any questions concerning this letter, please contact Tracy Lantz at (703) 308-6415.

Sincerely,



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

Enclosure: Stamped accepted label

7510P-T Lantz: 8/16/10: 5185-401 accepted label and

CONCURRENCES

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DATE							

3011

BIOGUARD® BACK-UP® ALGAE INHIBITOR

ACTIVE INGREDIENTS:

Alkyl (C₁₄, 95%; C₁₂, 3%; C₁₆, 2%) dimethyl benzyl ammonium chloride

30.0%

Alkyl (C₁₂, 61%; C₁₄, 23%; C₁₆, 11%; C₈ & C₁₀, 2.5%; C₁₈, 2.5%)
dimethyl benzyl ammonium chloride

10.0%

OTHER INGREDIENTS:

60.0%

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. NO. 5185-401
EPA EST. NO. 5185-GA-1

NET CONTENTS: {as indicated on container}

[Made in USA]

ACCEPTED
with COMMENTS
in EPA Letter Dated:
AUG 17 2010

Under the Federal Insecticide,
Fungicide, and Rodenticide Act as
amended, for the pesticide,
registered under EPA Reg. No. 5185-401

[illegible]

{Optional use claims that may be used with swimming pool algicide, for use with a 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][algaecide]]

[For fast algae control]

[Controls algae and algal slime growth in swimming pools]

[Keeps pool water clear and free of visible algae]

[C₁₄ 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]

[Highly effective algae preventative [and algae killer]]

[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 [algicide][algaecide] that kills all types of pool algae]

[Patented pool [algicide][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]

[An effective, non-staining pool [algicide][algaecide] for all types of algae]

[A non-staining pool [algicide][algaecide] for all types of algae]

[An effective, pool [algicide][algaecide] for all types of algae]

[An effective, non-staining pool [algicide][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]

[Suitable for use with BioLab UV system]

[Compatible with BioLab UV system]

[BioLab UV system approved]

[Use BioGuard® Back-Up® with BioLab UV system]

[Prevent]{Designates that this application is part of prevention line of products}

[Inhibit] {Designates that this product is part of prevention line of products}

[Once-A-Week*]

[*Approximate addition rate. Please refer to directions for use.]

[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][Algicide]]

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

[Algae inhibitor and preventative]

[A BioGuard® Pool Care Product]

[A swimming pool [algicide][algaecide]]

[C₁₄ Formula]

[PATENTED FORMULA]

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

Figure 1 is a 3D plot showing the relationship between the number of species (S) and the number of individuals (N) for three different species richness estimators: Chao1 (top), Chao2 (middle), and Chao3 (bottom). The x-axis represents the number of species (S) from 0 to 10, and the y-axis represents the number of individuals (N) from 0 to 100. The z-axis represents the estimator value from 0 to 1.0. The Chao1 estimator shows a sharp increase in value as S increases, while Chao2 and Chao3 show more gradual increases.

{Directions to be used for swimming pool algicide, for use with a halogen sanitizer.}

SWIMMING POOL [ALGAECIDE] [ALGICIDE]

{To maintain brand segmentation, two sets of marketing statements are provided to maintain separate brand identity. One of the following Options will be used on the label.}

{Optional Marketing Statement A}

[BioGuard® has a wide variety of products that prevent specific pool situations. These products are designated as "Inhibit".]

[This product] {or} [BioGuard® Back-Up®] is formulated to complement most swimming pool sanitizers. [This product] {or} [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] {or} [BioGuard® Back-Up®] is effective and non-staining when used as directed. [This product] {or} [BioGuard® Back-Up®] kills and prevents all types of algae; black algae, green algae, and mustard algae. [This product] {or} [BioGuard® Back-Up®] will not evaporate and its algae fighting abilities actually increase as pool water temperature increases. [This product] {or} [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, jetted returns, or water features.

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

{Optional Marketing Statement B}

[BioGuard® has a wide variety of products that prevent specific pool situations. These products are designated as "Inhibit".]

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

- ☐ A sanitizer to control bacteria
- ☐ A shock to destroy contaminants
- ☐ A preventative [algaecide][algicide] to stop algae before it starts

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

[BioGuard® Back-Up®] {or} [This product] is the preferred algae preventative for the BioGuard Care System. Weekly use of [BioGuard® Back-Up®] {or} [this product] prevents algae before it starts. [This product] {or} [BioGuard® Back-Up®] is formulated to complement most swimming pool sanitizers. [This product] {or} [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] {or} [BioGuard® Back-Up®] is effective and non-staining when used as directed. [This product] {or} [BioGuard® Back-Up®] kills and prevents all types of algae; black algae, green algae, and mustard algae. [This product] {or} [BioGuard® Back-Up®] will not evaporate and its algae fighting abilities actually increase as pool water temperature increases. [This product] {or} [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 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, jetted returns, or water features.

[Use [BioGuard® Back-Up®] {or} [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. Clean or backwash filter 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 [~~BioGuard® Maintain Burn Out Extreme®~~] {or} [BioGuard BurnOut³] per 10,000 gallons of water, or one pound of BioGuard® Maintain Burn Out® 35 per 6,000 gallons of water, or one pound of BioGuard® Maintain 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.

(3) For resistant algae treatment:

For treatment of resistant algae: First, establish a 1 – 4 ppm free chlorine residual in the pool. With pump and filter running, add [one pound of BioGuard® Maintain Smart Shock® per 2,400 gallons] {or} [five pounds of BioGuard® Maintain Smart Shock® per 12,000 gallons] of water directly into pool. Brush any undissolved product from pool surface. Follow application directions on BioGuard® Maintain Smart Shock® label. [Wait 15 minutes, then pour 32 fluid ounces of this product directly into pool per 20,000 gallons of water (5 ppm) in areas of heaviest algae growth.] {or} [~~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, for use with a 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 will be separated by rule lines from adjacent text and be in a different color.}

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.

110411

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.