

5185-493

01/29/2010

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**U.S. ENVIRONMENTAL PROTECTION
AGENCY**

Office of Pesticide Programs
Antimicrobials Division (7510C)
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

NOTICE OF PESTICIDE:

☐ Registration
☒ Reregistration

(under FIFRA, as amended)

EPA Reg.

Number:

5185-493

Date of Issuance:

JAN 29 2010

Term of Issuance:

Conditional

Name of Pesticide Product:

BioGuard Smart Shock

Name and Address of Registrant (include ZIP Code):

Mark Jernigan
Biolab, Inc.
PO Box 300002
Lawrenceville, GA 30049

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered under the Federal Insecticide, Fungicide and Rodenticide Act. Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

Based on your response to the Copper Compounds II RED, the EPA has reregistered this product subject to the comments recorded in the succeeding paragraph. This action is taken under the authority of section 4(g) (2) of the Federal Insecticide, Fungicide and Rodenticide Acts, as amended. Registration under this section does not eliminate the need for continual reassessment of pesticides. The EPA may require submission of data at any time to maintain the registration of the subject product.

The following label revisions must be made:

1. The Agency recommends that additional text be added to the Note to Physician that addresses category I eye and skin irritation concerns.

Signature of Approving Official:

Wanda Henson
(Acting) Product Manager Team 32
Regulatory Management Branch II
Antimicrobials Division (7510P)

Date:

JAN 29 2010

2. Per the acute toxicity review, the Hazards to Humans and Domestic Animals must be revised to replace the text "Wear protective eyewear (safety glasses). Wear protective clothing and rubber gloves" with the following text:

"Wear protective eyewear (goggles, face shield or safety glasses), coveralls over long-sleeved shirt and long pants, chemical-resistant footwear, socks, dust/mist filtering respirator (MSHA/NIOSH approval number prefix TC-21C), or a NIOSH approved respirator with any R, P or HE filter, and chemical-resistant gloves (such as or made of any water-proof material, selection category A)."

3. Per the acute toxicity review, the Hazards to Humans and Domestic Animals must be revised to read:

"This pesticide is toxic to fish and aquatic invertebrates and may contaminate water through runoff. Other than uses permitted by this label, do not apply directly to water. Do not contaminate water when disposing of equipment washwaters or rinsate."

The Agency anticipates an amended Copper Compounds II RED will be finalized by the end of FY 2010. Additional labeling language may be required at that time. For additional information, please refer to the enclosed EPA reviews. Submit three (3) copies of the revised labeling bearing the labeling revisions listed above. If you have any questions concerning this matter, please contact me at (703) 308-6345 or by email at henson.wanda@epa.gov or ShaRon Carlisle at (703) 308-6427 or by email at carlisle.sharon@epa.gov.

Sincerely,



Wanda Henson
(Acting) Product Manager Team 32
Regulatory Management Branch II
Antimicrobials Division (7510P)

Enclosures: Agency reviews

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ACTIVE INGREDIENTS:

[illegible]

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See [back] [side] panel for First Aid and additional precautionary statements.

EPA REG. NO. 5185-493
EPA EST. NO. 5185-GA-1

Net Weight:

[Made in USA]
[U.S. Patent # 7,238,290]

ACCEPTED
with COMMENTS
in EPA Letter Dated:

JAN 29 2010

Under the Federal Insecticide,
Fungicide, and Rodenticide Act as
amended, for the pesticide,
registered under EPA Reg. No.
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46/9

[[Kills Algae], [Kills Bacteria], [Oxidizes], [Shock], [Clarifies], [UV Protected],
 [Sunlight Protected]] [[Shock], [Oxidizer], [Buffer], [Clarifier], [Flocculent], [Algaecide]
 [Algicide], [Algistat]]
 [Oxidizer]
 [Shock]
 [Kills Bacteria]
 [Kills Algae]
 [Kills Bacteria and Algae]
 [Kills and Prevents Algae]
 [Prevents algae]
 [Kills Bacteria, Kills Algae, and Clarifies]
 [Kills Bacteria, Controls Algae, and Clarifies]
 [Suppresses Algae]
 [Oxidizer, kills bacteria, and kills algae, releases sunlight protector]
 [Fast Dissolving]
 [Fast Dissolving Shock Treatment]
 [Add directly to pool]
 [Add product directly to the pool with pump and filter operating]
 [No Need to Pre-Dissolve]
 [Maintains Brilliantly Clear Water]
 [Treat and Swim In As Soon As 15 Minutes*]
 [Treat and Swim In As Soon As 15 Minutes After Application*]
 [Treat and Swim in 15 Minutes*]
 [Swim in 15 minutes*]
 [Reduces the Need for Other Maintenance Products]
 [Do Not Mix With Other Products]
 [Treats 12,000 gallons] {Only to be used when sold in one pound units}
 [One pound treats 12,000 gallons]
 [Eliminates Unpleasant Odors]
 [Patented Oxidizer, [Algicide][Algaecide] and Clarifier]
 [Contains Blue [Algicide][Algaecide] Crystals]
 [Contains Blue Algae Killing Crystals]
 [Multi-Functional Formula]
 [Multi-Purpose Shock]
 [Multi-Functional Shock]
 [Compound action shock]
 [Quick dissolving shock]
 [Preferred shock for the BioGuard Care System]
 [For use in all pool types] {This statement alerts consumer to the fact they may use this
 product in above ground, in ground, indoor, outdoor, plaster, vinyl, fiberglass pools}
 [Shocks, Clarifies, and Kills Algae]
 [Suitable for In-ground and Above-ground Pools]
 [Sunlight Protected]. {Cyanuric Acid is a known UV light stabilizer for chlorine}
 [SUNSHIELD®]
 [Blue Algae Killing Crystals]
 [Shock of choice for BioLab UV system]
 [Ideal for use with BioLab UV system]

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[Suitable for use with BioLab UV system]
 [Compatible with BioLab UV system]
 [BioLab UV system approved.]
 [Use BioGuard® Smart Shock® with BioLab UV system]
 [Maintain] *{Designates that this product is part of maintenance line of products}*
 [Once a Week**] *{Application frequency per routine maintenance directions.}*
 [** Approximate addition rate. Please refer to directions for use.]
 [Step 2] *{Shock treatments are marketed as step two of a three step program to treat swimming pool water.}*
 [TO OPEN CUT ALONG DOTTED LINE WITH SCISSORS] *{For use when packaged in child resistant bags.}*
 [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 (X) Shock () [Algaecide][Algicide]]

[* Refer to the Re-entry statement on the back panel for further guidance.] *{ This statement will appear on the front panel of label when one of the asterisked statements is used concerning swim in 15 minutes.}*

{Following chart is optional}

Our Ingredients:	What They Do:
Sodium dichloro-s-triazinetriene	Oxidizer, Kills Bacteria, and Kills Algae, Releases Sunlight Protector
Copper (metallic)	Kills Algae, [Prevents Algae]

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BioGuard® Smart Shock®

{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.}

{Option A}

[BioGuard® has a wide variety of products that are required to maintain a high quality swimming environment. These products are designated as "Maintain".]

[This product]{or} [BioGuard® Smart Shock®] [is Step 2 of the BioGuard 3 Step and Once-A-Week 3 Step Program.] {or} [is an important part of proper pool care.] {or} [is an important part of the BioGuard Care System.] Weekly use of [BioGuard Smart Shock] {or} [this product] keeps your water crystal blue and sparkling. Utilizing an advanced patented technology, [BioGuard Smart Shock] {or} [this product] performs multiple functions:

- kills bacteria and algae [as well as prevents algae growth]
- oxidizes organic contaminants that cause cloudy water, musty odors and eye irritation
- clarifies the water using a filter enhancer
- buffers pH to provide brilliantly clear water with no cloudy residue and without increasing pH

This premium shock product is easy to use. Because it dissolves rapidly and is multifunctional, [BioGuard Smart Shock] {or} [this product] works fast and effectively. Resume swimming in as little as 15 minutes.* [BioGuard Smart Shock] {or} [this product] provides the solution for brilliant, clear, and inviting pool water and is suitable for all pool types.

[[This product]{or} [BioGuard Smart Shock] should be used weekly as a maintenance shock when using the BioLab UV system].

{Option B}

[BioGuard® has a wide variety of products that are required to maintain a high quality swimming environment. These products are designated as "Maintain".]

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

- ☐ Sanitizer to control bacteria
- ☐ Shock to destroy contaminants
- ☐ Preventative [algaecide] [algicide] to stop algae before it starts

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

[This product]{or} [BioGuard Smart Shock] is the preferred shock product for the BioGuard Care System. Weekly use of [this product] {or} [BioGuard Smart Shock]

JAN 29 2010

keeps your water crystal blue and sparkling. Utilizing an advanced patented technology, [BioGuard Smart Shock] {or} [this product] performs multiple functions:

- oxidizes organic contaminants that cause cloudy water, musty odors and eye irritation
- kills bacteria and algae [as well as prevents algae growth]
- clarifies the water using a filter enhancer
- buffers pH to provide brilliantly clear water with no cloudy residue and without increasing pH

This premium shock product is easy to use. Because it dissolves rapidly and is multifunctional, [BioGuard Smart Shock] {or} [this product] works fast and effectively. Resume swimming in as little as 15 minutes.* [BioGuard Smart Shock] {or} [this product] is suitable for all pool types.

[[This product]{or} [BioGuard Smart Shock] should be used weekly as a maintenance shock when using the BioLab UV system].

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.

Make sure all pool equipment is working properly, including pump, filter, skimmer and heater. Clean or backwash filter following manufacturer's directions. Check alkalinity, pH and calcium hardness with a test kit. Adjust alkalinity to 125 -150 ppm. Adjust pH to 7.4 - 7.6 by adding a pH decreaser or pH increaser. Adjust calcium hardness to 175-275 ppm. When using other products as outlined in directions for this product, always follow directions on those products.

IMPORTANT NOTE: DO NOT pre-dissolve [BioGuard® Smart Shock®] {or} [this product]. As with other shock products, DO NOT apply through skimmer or chemical feeding device as other chemicals may be present which could result in a violent reaction.

For routine maintenance: With pump and filter running, broadcast 1 lb. of this product per 12,000 gallons of pool water, directly into pool. Brush any undissolved product off of pool surfaces. Wait at least 15 minutes after product application before entering pool.* Operate pump and filter continuously for 4 - 8 hrs after product addition. For best results, apply product weekly as part of your maintenance routine.

For treatment of resistant algae: First, establish a 1 - 4 ppm free chlorine residual in the pool. With pump and filter running, broadcast five pounds of this product per 12,000 gallons of water directly into pool. Brush any undissolved product off of pool surfaces. Wait 15 minutes, then apply 40 fluid ounces of BioGuard® Back Up® per 25,000 gallons of water. Follow application directions on BioGuard® Back Up label. 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.

For treatment of light algae: Vacuum leaves and any other foreign debris from pool. Brush visible algae thoroughly from pool's surface with a surface-compatible brush. Brush any undissolved product off pool surfaces. With pump running, broadcast 1 lb. of [BioGuard Smart Shock] {or} [this product] per 12,000 gallons of pool water, directly into pool water in areas of heaviest algae growth. Operate pump and filter continuously for 24 hrs. after product application. Afterwards, repeat brushing of pool surfaces. Do not enter the pool until the free available chlorine residual is 1-4 ppm. If necessary repeat the treatment.

***TEST CHLORINE LEVEL PRIOR TO RE-ENTRY. RE-ENTRY INTO TREATED SWIMMING POOLS IS PROHIBITED ABOVE LEVELS OF 4 PPM CHLORINE DUE TO RISK OF BODILY INJURY.**

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{Storage and Disposal directions when product is sold in bags.}

[STORAGE AND DISPOSAL: Keep this product dry in its original unopened bag until use. For partially used bags, fold over top of bag and secure with adhesive tape. Store unopened and partially used bags in a secure location away from children. Store in a cool, dry, well-ventilated area away from heat or open flame. If product becomes damp, discard, following instructions for contamination under Physical or Chemical Hazards. **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.]

{Storage and Disposal directions when product is sold in bottles/pails.}

[STORAGE AND DISPOSAL: Keep this product dry in original tightly closed container when not in use. Store in a cool, dry, well-ventilated area away from heat or open flame. If product becomes damp, discard, following instructions for contamination under Physical or Chemical Hazards. **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 skin burns. May be fatal if inhaled or swallowed. Causes irreversible eye damage. Harmful if absorbed through skin. Do not breathe dust or fumes. Irritating to nose and throat. Do not get in eyes, on skin or on clothing. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. Wear protective eyewear (safety glasses). Wear protective clothing and rubber gloves. Wash thoroughly with soap and water after handling product and before eating, drinking or using tobacco. Remove contaminated clothing and wash clothing before reuse.

{First Aid will be separated by line rules 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.

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.