



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

MAR 31 2010

Peko Rasic
Product Registration Specialist for,
Troy Chemical Corporation c/o
Troy Corporation
8 Vreeland Road
Florham Park, NJ 07932

Subject: Mergal ® S90
EPA Registration Number 5383-102
Your Notification Dated March 4th, 2010
EPA Received Date March 8th, 2010

The notification referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, FIFRA, as amended, to update and revise product labeling as per PR Notice 2007-4, is acceptable.

This notification has been made part of the permanent record of this file.

If you have any questions concerning this letter, please contact Karen M. Leavy-Munk at (703)-308-6237.

Sincerely,
Karen M. Leavy-Munk
Marshall Swindell
Product Manager 33
Regulatory Management Branch I
Antimicrobial Division(7510P)



EPA

United States
Environmental Protection Agency
 Washington, DC 20450

- Registration**
 Amendment
 Other:

OPP Identifier Number
304026

Application for Pesticide - Section I

1. Company/Product Number 5383-102	2. EPA Product Manager Marshall Swindell	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Mergal® S90	PM# 33	
5. Name and Address of Applicant (Include ZIP Code) Troy Chemical Corporation 8 Vreeland Road Florham Park, NJ 07932 <u>PLEASE SEND ALL CORRESPONDENCE TO</u> <u>"CONTACT POINT" LISTED BELOW</u> <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 of label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if the amended label is not consistent with the requirements of 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156, 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.

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes* <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify)		
* 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 type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions <input type="checkbox"/> On Label <input type="checkbox"/> On labeling accompanying product	
6. Manner in Which Label is Affixed to Product			<input type="checkbox"/> Lithograph <input type="checkbox"/> Other _____ <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled		

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application)		
Name Peko Rasic	Title Product Registration Specialist	Telephone No. (Include Area Code) (973) 443-4200 ext 2285
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 Product Registration Specialist		
4. Typed Name Peko Rasic		5. Date 03/04/2010



TROY CORPORATION

Via FedEx Courier

March 4, 2010

Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202-4501

Attention: Mr. Marshall Swindell
PM Team 33

Subject: Mergal® S90
EPA Reg. No.: 5383-102
Submission of Labeling Revisions per PR Notice 2007-4

Dear Mr. Swindell:

Enclosed, please find the revised labeling for the subject product in accordance with the provisions of PR notice 2007-4. Please note that no other labeling changes have been made outside the scope of said PR Notice. Included under this cover please find:

- application form 3570-1 (OPP Identifier No.: 304026), and;
- one copy of product label with revisions underlined.

Please contact me at either 973-443-4200, ext. 2285 or at rasicp@troycorp.com should you have any questions or require any additional information.

With kind regards,

Peko Rasic
Product Registration Specialist

Enclosure

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**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS**

DANGER-PELIGRO

Corrosive. Causes irreversible eye damage. Harmful if swallowed or absorbed through skin or inhaled. Do not get in eyes or on clothing. Avoid contact with skin. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. Avoid breathing spray mist. Wear goggles or face shield. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

FIRST AID	
IF IN EYES:	<ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after 5 minutes, then continue rinsing. • Call a poison control center or doctor for treatment advice.
IF ON SKIN OR CLOTHING:	<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 advice.
IF SWALLOWED:	<ul style="list-style-type: none"> • Immediately call a poison control center or doctor. Do not induce vomiting unless told to do so by a poison control center or doctor. Do not give any liquid to the person. Do not give anything by mouth to an unconscious person.
IF INHALED:	<ul style="list-style-type: none"> • 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 <i>poison control center or doctor</i> for further treatment advice.
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. See side panel for additional precautionary statements.	

MERGAL® S90

Industrial Biocide for use in Paints, Coatings, Plasters, Stucco Sealants, Caulks and Fillers

EPA Reg. No.	5383-10
EPA Establishment Number	5383-NJ

ACTIVE INGREDIENT: % 1
Methyl (1H-benzimidazol-2yl)carbamate
2-methylthio-4-tert-butyl-amino-6-cyclopropylamino-s-triazine
2-n-octyl-isothiazolin-3-one
INERT INGREDIENTS 8
TOTAL 1
(Mergal®S90 weighs 10.4 lbs./gallon)

DANGER-PELIGRO

SOLD FOR INDUSTRIAL USE ONLY

See Side Panel for Additional Precautionary Statements:
PRECAUCION AL USUARIO: Si usted. No lee inglés no use este producto hasta que la etiqueta le haya sido explicada completamente

KEEP OUT OF REACH OF CHILDREN

IN CASE OF EMERGENCY:

CALL 1-800-424-9300

Net Weight:

Troy Chemical Corporation

One Avenue L, Newark, N.J. 07105

©MERGAL AND POLYPHASE are registered trademarks

PESTICIDES
DOMESTIC ANIMALS

PESTICIDES

MERGAL® S90

Industrial Biocide for use in Paints, Coatings, Plasters, Stuccos,
Sealants, Caulks and Fillers

ENVIRONMENTAL

Do not discharge effluent containing this product into oceans or other waters unless in accordance with a National Pollutant Discharge Elimination System permit. Do not discharge this product to sewer systems without previous authority. For guidance contact your State or local health department.

DIRECTIONS

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

Mergal® S90 is an antimicrobial preservative for use on interior and exterior paints, coatings, plasters, sealants, and other special purpose coatings.

Typically, Mergal® S90 should be added to the final product (paint, coating, plaster, etc.) while mixing of the final product.

PAINTS AND COATING MATERIAL
Add Mergal® S90 to each 1000 lbs. (453 kg) of paint, coating, plaster, etc. (1.0) add 1-10 lbs. (0.45-4.5 kg.) of Mergal® S90 to each 1000 lbs. (453 kg)

3. Harmful if swallowed or get in eyes or on clothing. Immediately wash with plenty of water. Avoid breathing vapors. Wash thoroughly with soap and water. Wash contaminated clothing and wash separately.

EPA Reg. No.	5383-102
EPA Establishment Number	5383-NJ-1

ACTIVE INGREDIENT:% Weight

Methyl (1H-benzimidazol-2-yl)carbamate	9.90%
2-methylthio-4-tert-butyl-amino-6-cyclopropylamino-s-triazine	4.90%
2-n-octyl-isothiazolin-3-one	4.50%
INERT INGREDIENTS	80.70%
TOTAL	100.0%

(Mergal®S90 weighs 10.4 lbs./gallon)

STORAGE

Do not contaminate water, food, or feed. Store in a cool, dry area out of reach of children or animals (40°C).

PESTICIDE DISPOSAL: Wastes should be disposed of at an approved waste disposal site.

CONTAINER DISPOSAL: Nonreusable container. Clean container promptly, the remaining contents into application equipment, full with water. Replace and tighten caps and forth, ensuring at least one cap is on each container on its end and tip it back at application equipment or a mix tank at this procedure two more times. Then or puncture and dispose of in a sanitary and local authorities, by burning. If burning is not possible, bury in a sanitary and local authorities.

rinse slowly and gently for 15 minutes. Remove clothing, after 5 minutes, wash with plenty of water. Call center or doctor for advice.

rinse slowly and gently for 15 minutes. Remove clothing, after 5 minutes, wash with plenty of water. Call center or doctor for advice.

poison control center or local health department. Do not induce vomiting unless told to do so by a poison control center or doctor. Do not give anything to eat or drink to an unconscious person.

in air. If breathing difficulty, call 911 or an ambulance. If artificial respiration is needed, use mouth-to-mouth if possible. Call center or doctor for advice.

you when calling a poison control center.

PRECAUTIONS: Indicate the use of gastric lavage in the precautionary statements.

DANGER-PELIGRO

SOLD FOR INDUSTRIAL USE ONLY

See Side Panel for Additional Precautionary Statements

PRECAUCION AL USUARIO: Si usted. No lee inglés no use este producto hasta que la etiqueta le haya sido explicada completamente

KEEP OUT OF REACH OF CHILDREN

IN CASE OF EMERGENCY:

CALL 1-800-424-9300

Net Weight:

Troy Chemical Corporation

One Avenue L, Newark, N.J. 07105

®MERGAL AND POLYPHASE are registered trademarks

WARRANTY

This label provides information which Seller has at the time of sale. Seller makes no implied warranty of MERCHANTABILITY or FITNESS FOR A PARTICULAR PURPOSE, NOR ANY OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. In no event, shall Seller be liable for damages relating to the use of this product.

6/6

ERGAL® S90

icide for use in Paints, Coatings, Plasters, Stuccos, Sealants, Caulks and Fillers

Code	5383-102
Shipment Number	5383-NJ-1

REDIENT:	% Weight
benzimidazol-2yl)carbamate	9.90%
4-tert-butyl-amino-6-cyclo-	
s-triazine	4.90%
thiazolin-3-one	4.50%
EDIENTS	80.70%
.....	100.0%

gals 10.4 lbs./gallon)

ANGER-PELIGRO

LD FOR INDUSTRIAL USE ONLY

Panel for Additional Precautionary Statements

ACION AL USUARIO: Si usted. No lee inglés no
te producto hasta que la etiqueta le haya sido
explicada completamente

OUT OF REACH OF CHILDREN

IN CASE OF EMERGENCY:

CALL 1-800-424-9300

Net Weight:

roy Chemical Corporation

One Avenue L, Newark, N.J. 07105

RGAL AND POLYPHASE are registered trademarks

ENVIRONMENTAL HAZARDS

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.

DIRECTIONS FOR USE

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

Mergal® S90 is an antimicrobial preservative for control of fungi and algae growing on paints, coatings, plasters, sealants, and fillers used for architectural products, finishes and special purpose coatings.

Typically, **Mergal® S90** should be added at the beginning of the formulation process while mixing of the final product (paint, plaster, etc.) to assure uniform distribution of the **Mergal® S90**.

PAINTS AND COATING MATERIALS: (0.2-2.0%) add 2-20 lbs. (0.9-9.0 kg.) of **Mergal® S90** to each 1000 lbs. (453 kg.) of paint. **PLASTERS AND STUCCOS:** (0.1-1.0) add 1-10 lbs. (0.45-4.5 kg.) of **Mergal® S90** to each 1000 lbs. (453 kg.) of plasters. **SEALANTS, CAULKS AND FILLERS:** (0.1-1.5%) add 1-15 lbs. (0.45-6.8 kg.) of **Mergal® S90** to each 1000 lbs. (453 kg.) of sealant or filler.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store unused product in original container only in a cool, dry area out of reach of children or animals. Storage temperature: 41-104°F (5-40°C).

PESTICIDE DISPOSAL: Wastes resulting from the use of this product may be disposed of at an approved waste disposal facility.

CONTAINER DISPOSAL: Nonrefillable container. Do not reuse or refill this container. Clean container promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container ¼ full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times. Then offer for recycling or reconditioning if available, or puncture and dispose of in a sanitary landfill, or incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke

WARRANTY

This label provides information which Seller believes to be reliable based on Seller's present state of knowledge relating to this product and its application. This information is not intended to be a guarantee of specific properties of this product or its suitability for a particular application. Seller warrants that this product conforms to the chemical description on this label. SELLER MAKES NO IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, NOR ANY OTHER WARRANTY EXCEPT AS EXPRESSLY STATED ABOVE. In no event, shall Seller be liable for any consequential, special, indirect, or incidental damages relating to the use of this product.