

5383-106

9/14/2009

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

SEP 14 2009



Office of Pesticide Programs

Troy Chemical Corporation
8 Vreeland Road
Florham Park, N. J. 07932

Attention: Adrian Krygsman

Subject: Mergal K12N
EPA Registration No. 5383-106
Notification Dated August 29, 2009

This will acknowledge receipt of your notification of label changes per 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 added to your file.

If you have any questions concerning this letter, please contact Martha Terry at (703) 308-6217.

Sincerely,


A handwritten signature in black ink that reads "Marshall Swindell".

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

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Please read instructions on reverse before completing form.

Form Approved, OMB No. 2070-0060, Approval expires 05-31-98

 EPA United States Environmental Protection Agency Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other:	OPP Identifier Number <h2 style="text-align: center;">289754</h2>
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Application for Pesticide - Section I

1. Company/Product Number 5383-106	2. EPA Product Manager Mr. M. Swindell	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Mergal K12N	PM# 33	
5. Name and Address of Applicant (Include ZIP Code) Troy Chemical Company Ltd. c/o Troy Corporation 8 Vreeland Road Florham Park, N.J. 07932 <u>PLEASE SEND ALL CORRESPONDENCE TO "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

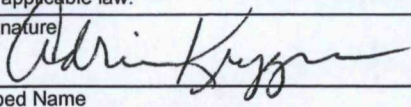
Explanation: Use additional page(s) if necessary. (For Section I and Section II.)

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:			
Child-Resistant Packaging <input type="checkbox"/> Yes* <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" Unit Packaging wgt. No. per container	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" Package wgt. No. per container	2. Type of Container <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			
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 Adrian Krygsman	Title Director, Product Registration	Telephone No. (Include Area Code) 973-443-4200, X2249
Certification		6. Date Application Received (Stamped)
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.		
2. Signature 	3. Title Director, Product Registration	
4. Typed Name Adrian Krygsman	5. Date 08/29/09	

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TROY CORPORATION

August 31, 2009

Via FEDEX

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

RE: Mergal K12N
EPA Reg. No. 5383-106
Submission of Label Revisions to Address PR Notice 2007-4

Attention: Mr. Marshall Swindell
PM Team 33

Dear Mr. Swindell:

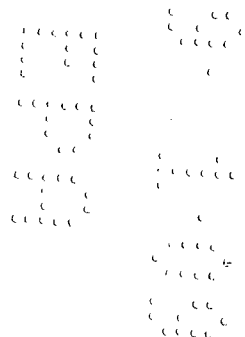
Enclosed please find documents to address label revisions which address the requirements of PR Notice 2007-4. Please note that no other changes have been made to this label aside from those specified PR Notice 2007-4 with regards to the Storage and Disposal Section. Revisions have been highlighted to address label changes. We enclose the following documents as per PR Notice 2007-4:

- EPA application form 3570-1 (OPP Identifier No. 289754)
- One copy of product label with revisions highlighted

Please contact me directly via phone or email should you require any additional information on this action.

Sincerely,

Adrian Krygsman
Adrian Krygsman
Director, Product Registration



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

DANGER

Corrosive. Causes irreversible eye damage and skin burns. Do not get in eyes, on skin, or clothing. May be fatal if inhaled. Harmful if swallowed or absorbed through skin. This product may cause skin sensitization reactions in some people. Do not breathe vapor or spray mist. Wear a mask or pesticide respirator jointly approved by the Mine Safety and Health Administration and the National Institute for Occupational Safety and Health.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Mixers, loaders and others exposed to methylisothiazolinone products must wear:

- long sleeve shirt and long pants
- chemical resistant apron
- chemical resistant gloves
- shoes plus socks

Discard clothing or other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them. Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

USER SAFETY RECOMMENDATIONS

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Remove personal protective equipment immediately after handling this product. Wash the outside of gloves before removing. As soon as possible wash thoroughly.

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 the first 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"> ▪ 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 do so by a poison control center or doctor. ▪ 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 poison control center or doctor 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.

MERGAL® K12N

Industrial microbiocide for use in Emulsions, Paints and Coatings, Building Materials, Metalworking Fluids, Adhesives, Pigment/Clay Slurries, Waterborne Paints, Starch and Thickener Solutions, Sealants (including Caulks), Textile Finishes and Lubricants, Joint Cements and Inks

EPA Reg. No.	5383-106
EPA Establishment Number	5383-NJ-01

ACTIVE INGREDIENT: % Weight

5 Chloro-2-Methyl-4-isothiazolin-3-one	0.81%
2-Methyl-4-isothiazolin-3-one	0.29%
2-Bromo-2-nitro-1,3-propanediol	7.10%
INERT INGREDIENTS	91.80%
TOTAL	100.0%

DANGER

SOLD FOR INDUSTRIAL USE ONLY

See Side Panel for Additional Precautionary Statements

KEEP OUT OF REACH OF CHILDREN

IN CASE OF EMERGENCY:

CALL 1-800-424-9300

Net Weight:

[Produced for/Manufactured for]

Troy Chemical Corporation

One Avenue L, Newark, N.J. 07105

MERGAL® AND POLYPHASE® are registered trademarks

ENVIRONMENTAL HAZARDS

This chemical is toxic to terrestrial and aquatic plants, fish and aquatic invertebrates. 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.

Do not apply this material in a way that will contact workers or other persons.

Troy's MERGAL®K12N is a microbiocide, which is effective against a broad spectrum of bacteria, yeasts, molds and algae. It may be used as an industrial preservative for emulsions, dispersion paints and coatings, adhesives and building materials. MERGAL®K12N is a liquid and may be added at any point in the production process. For best results, it should be added as early in the manufacturing process as possible. If high temperature or high alkalinity is expected in the manufacturing process, it is recommended that MERGAL®K12N be added after these conditions have been controlled.

Usage rates may vary depending on the application and the user is advised to test the material to determine the exact usage in an individual application. Typical usage rates are 0.05 to 0.20% in emulsions, paints and coatings and joint cements based on the total weight of the formulation. Usage rates of 0.02 to 0.20% are typical for adhesives based on the total weight of the formulation.

Pigment/clay slurries: 0.1 – 0.5% .
Waterborne paints: 0.05 – 0.3% .
Starch and thickener solutions and sealants (including caulks): 0.05 – 0.2% .
Textile finishes and lubricants: 0.1 – 0.5% .
Inks: 0.05 – 0.2% .

MERGAL®K12N is not to be used for coatings, adhesives or other materials that will come into contact with food and food surfaces.

STORAGE AND DISPOSAL

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

STORAGE: Storage between 32°F (0°C) and 90°F (32°C) is recommended.

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 the label directions, contact your State Pesticide or Environmental Control Agency or the Hazardous Waste Representative at the nearest EPA Regional Office for guidance.

CONTAINER HANDLING: Non-refillable container. Do not reuse or refill this container.

Triple rinse (or equivalent). Then offer for recycling or reconditioning, 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.

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