

10088-23

05/06/2010

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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



Office of Pesticide Programs

Adam Swader,  
Athea Laboratories, Inc.,  
P.O. Box 240014,  
Milwaukee, WI 53224

MAY -6 2010

Subject: Storage and Disposal Update  
EPA Reg. No.: 10088-23,29,42,52,106  
Notification Date: March 25, 2010  
EPA Receipt Date: April 4, 2010  
Submissions #: 872282,80,75,71

Dear Mr Swader,

This letter acknowledges receipt of your multiple-notifications submitted under the provision of the Federal Insecticide, Fungicide and Rodenticide Act. (FIFRA) section 3(c)9 and PR Notice 98-10.

**Proposed Notification:**

- Label change per Storage and Disposal Container Rule (40CRF 156)

**General Comments**

Based on a review of the submitted materials, your application for pesticide notification is unacceptable. Please note that the container rule no longer separates "Storage and Disposal" by container size, it is distinguished by use pattern as residential, industrial, institutional or commercial. Although you have incorporated most but not all of the language as it relates to the container rule, please use the following statements which pertain to your product as stated below in parentheses. A copy of your notification has been placed in our records for future reference.

**For containers that are 5 gallons or less the language should state:**

"Non-refillable Container. Do not refill or reuse container. Triple rinse as follows: Empty remaining contents into application equipment or a mix tank. Drain for 10 seconds after flow begins to drip. Fill container ¼ full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat procedure two more times. Then offer for recycling or reconditioning. If not available, puncture and dispose in a sanitary landfill."

**CONCURRENCES**

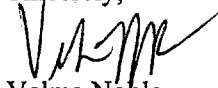
SYMBOL							
SURNAME							
DATE							

**For containers that are 5 gallons or more the language should state:**

“Non-refillable Container. Do not refill or reuse container. Triple rinse as follows: Empty remaining contents into application equipment or a mix tank. Fill container ¼ full with water. 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 the application equipment or mix tank or store rinsate for later use or disposal. Repeat this procedure two more times. Then offer for recycling or reconditioning. If not available, puncture and dispose in a sanitary landfill”.

Should you have any questions or comments concerning this letter, please contact Velma Noble PM team 31 at (703) 308-6233 or Jamil Mixon at (703) 308-8032.

Sincerely,



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

Please read instructions on reverse before completing form.

Form Approved, OMB No. 2070-0060



United States  
Environmental Protection Agency  
Washington, DC 20460

<input type="checkbox"/>	Registration
<input type="checkbox"/>	Amendment
<input checked="" type="checkbox"/>	Other

OPP Identifier Number

### Application for Pesticide - Section I

1. Company/Product Number 10088-23	2. EPA Product Manager	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) SPA Swimming Pool Algacide/ Pool Side Surface Germicide	PM# 31	
5. Name and Address of Applicant (Include ZIP Code) Athea Laboratories, Inc. P.O. Box 240014 Milwaukee, WI 53224 <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: <input checked="" type="checkbox"/> 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 minor label changes per PR Notice 2007-4. See attached cover letter

### Section - III

1. Material This Product Will Be Packaged in:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input checked="" type="checkbox"/> Metal	
* Certification must be submitted		If "Yes" Unit Packaging wgt. No. per container	If "Yes" Package wgt. No. per container	<input type="checkbox"/> Plastic	
				<input type="checkbox"/> Glass	
				<input type="checkbox"/> Paper	
				<input type="checkbox"/> Other (Specify) _____	
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container N/A		5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	
6. Manner in Which Label is Affixed to Product		<input checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled		<input checked="" type="checkbox"/> Other Silkscreened	

### Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Adam Swader	Title Regulatory Comp Spec.	Telephone No. (Include Area Code) 414-254-6417
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 Regulatory Comp Spec.	
4. Typed Name Adam Swader	5. Date Mar 25, 2010	



March 25, 2010

Document Processing Desk (NOTIF)  
Office of Pesticide Programs (7504P)  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Washington, DC 20460-0001

**Subject: Storage and Disposal Update  
SPA Swimming Pool Algaecide/ Pool Side Surface Germicide  
EPA Registration No. 10088-23**

To Whom It May Concern:

Please find the enclosed one label marked with changes and Form 8570-1 stating the following:

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 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 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.

If there are any questions in regards to this notification please contact me at 414-354-6417 ext. 215 or email me at [aswader@athea.com](mailto:aswader@athea.com).

Thank You,

Adam Swader  
Regulatory Compliance Specialist  
Enclosures

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

**DANGER**

Causes severe eye and skin damage. Do not get in eyes or on skin or clothing. Wear goggles and face shield and rubber gloves when handling. Harmful if swallowed. Avoid contamination of food. Wash thoroughly with soap and water after handling.

**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 SWALLOWED:** 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.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. For information on this pesticide (including health concerns, medical emergencies, or pesticide incidents), call the National Pesticide Information Center at 1-800-858-7378.

For information on product, usage, etc., call 1-800-743-6417.

**NOTE TO PHYSICIAN:** Probable mucosal damage may contraindicate the use of gastric lavage.

**ENVIRONMENTAL HAZARDS**

This product is toxic to fish. 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.

**STORAGE AND DISPOSAL**

**Do Not Contaminate Water, Food or Feed by Storage or Disposal.**  
**Pesticide Storage:** Store in a dry place no lower in temperature than 50°F or higher than 120°F.

**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.

**Containers Disposal:** Nonrefillable container. Do not reuse or refill container. Offer for recycling if available. Clean container or apply after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat procedure two more times.

**Container Disposal For Greater than 5 gallons:**  
**Container Disposal:** Refillable container. Do not reuse or refill container. Clean container promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill container 1/4 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 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.

*← need keychis stmt in 2nd disposal stmt*

**SPA**

**SWIMMING POOL ALGAECIDE/  
POOL SIDE SURFACE GERMICIDE**

KEEPS POOL WATER CLEAR AND  
FREE OF VISIBLE ALGAE

REDUCES CHLORINE DEMAND

CONTROLS ALGAE SLIME IN SWIMMING POOLS  
AND OUTSIDE SPA, WHIRLPOOL OR  
HOT TUB BATHS

DISINFECTS AND SANITIZES POOL SIDE SURFACES

**ACTIVE INGREDIENTS**

n-Alkyl (60% C<sub>14</sub>, 30% C<sub>16</sub>, 5% C<sub>12</sub>, 5% C<sub>18</sub>) dimethyl benzyl  
ammonium chloride ..... 5.00%  
n-Alkyl (68% C<sub>12</sub>, 32% C<sub>14</sub>) dimethyl ethylbenzyl  
ammonium chloride ..... 5.00%

**INERT INGREDIENTS** ..... 90.00%  
**TOTAL** ..... 100.00%

**KEEP OUT OF REACH OF CHILDREN**

**DANGER**

See side panel for additional precautionary statements.

EPA REG. NO. 10088-23

EPA EST. 10088-WI-1

**NET CONTENTS:**

(Insert container size here, expressed in gallons/ounces  
with the option to add the metric equivalent.)

Manufactured By:

**Athea Laboratories Inc**

**PO Box 240014**

**Milwaukee, WI 53224**

**DIRECTIONS FOR USE**

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

When used as directed, this product will kill and prevent development of *Chlorella pyrenoidosa* (green algae), *Phoridium inundatum* (black algae), *Phoridium retzii* (Square D Algae), *Lyngba versicolor* (blue-green algae) and other swimming pool algae. It is compatible with most commonly used swimming pool chemicals, but should not be mixed with soap or other water-treating chemicals. It works best when added by itself directly to pool water.

**FOR USE IN SWIMMING POOLS:** Initial Dose: 1 gallon to 50,000 gallons of pool water. Initial dose is used when filling pool at beginning of the swimming season. If pool has visible algae growth, treat with initial dose. Vacuum pool after 24 hours to remove algae debris. If visible algae are still present or re-appear, repeat treatment procedure as necessary. When pool is free of visible algae, use recommended maintenance dose.

**Maintenance Dose:** 1 quart to 50,000 gallons of pool water. Maintenance dose should be added at 3 - 5 day intervals. If high temperatures prevail or pool has heavy use, add maintenance dose more frequently. If make-up water is added at the rate of more than 10% per week of pool capacity, add 1 quart for each 10,000 gallons of fresh make-up water added per week. When swimming season is over, add 1 gallon to 50,000 gallons to treat water left in the pool. This dose helps provide a measure of control of algae growth during the winter months. This treatment also helps servicing of pool before it is returned to use the following season.

**FOR USE IN SPAS / WHIRLPOOLS / HOT TUB BATHS:** Initial Dose: Add 12.8 ounces per 5,000 gallons of water. Initial dose is used when filling of spa/whirlpool/hot tub baths.

**Maintenance Dose:** Add 3.2 ounces per 5,000 gallons of water. Maintenance dose should be added at 3 - 5 day intervals. If high temperatures prevail or spa/whirlpool/hot tub bath has unusually heavy use, add maintenance dose more frequently. Drain and clean spa/whirlpool/hot tub bath at least once a month or as needed depending on bather load.

**FOR USE AS A POOL-SIDE SURFACE GERMICIDE:** After cleaning surfaces, use 1 ounce to 4 gallons of water for sanitizing, or 1 ounce to 2 gallons of water for disinfecting. Thoroughly wet all treated surfaces. At these dilutions, this product will also deodorize surfaces efficiently.

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