

39967-28

11/24/2009



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

NOV 24 2009

Heather F. Collins
Senior Regulatory Affairs Specialist
LANXESS Corporation
111 RIDC Park West Drive
Pittsburgh, PA 15275-1112

FILE COPY

Subject: Notification Application per PR Notice 2007-4
Biocheck 721M
EPA Registration Number: 39967-28
Application Date: November 3, 2009
Receipt Date: November 12, 2009

Dear Ms. Collins:

This will acknowledge receipt of your notification, submitted under the provisions of PR Notice 2007-4.

Proposed Notification:

Updated Storage and Disposal language

General Comment:

Based on a review of the material submitted, the following comment applies:

The notification is acceptable.

Should you have any questions concerning this letter, please contact Heather Garvie at (703) 308-0034 or by email address at garvie.heather@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "ShaRon Carlisle".

ShaRon Carlisle
(Acting) Product Manager 34
Regulatory Management Branch II
Antimicrobials Division (7510P)



United States
Environmental Protection Agency
Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company / Product Number <u>39967-28</u>	2. EPA Product Manager <u>Heyward</u>	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company / Product (Name) <u>Biochek 721M</u>	PM# <u>34</u>	
5. Name and Address of Applicant (include ZIP Code) <u>LANXESS Corporation</u> <u>111 RIDC Park West Drive</u> <u>Pittsburgh, PA 15275-1112</u> <input type="checkbox"/> Check of this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(1), 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	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	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		If "Yes" Unit Packaging 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
6. Manner in Which Label is affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glues <input type="checkbox"/> Stenciled		<input type="checkbox"/> Other	

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary. To process this application.)

Name <u>Heather F. Collins</u>	Title <u>Senior Regulatory Affairs Specialist</u>	Telephone No. (Include Area Code) <u>412-809-3595</u>
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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 <u>Heather F. Collins</u>	3. Title <u>Senior Regulatory Affairs Specialist</u>	
4. Typed Name <u>Heather F. Collins</u>	5. Date <u>11/3/09</u>	



Energizing Chemistry

November 3, 2009

VIA COURIER

Mr. Adam Heyward (34)
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

Heather F. Collins
Material Protection Products
Regulatory Affairs
111 RIDC Park West Drive
Pittsburgh, PA 15275-1112

Phone 412-809-3595
Fax 412-809-1068
heather.collins@lanxess.com
www.US.LANXESS.com

**RE: Product: Biochek 721M
Registration #: 39967-28
Notification of Label Change per PR Notice 2007-4**

Dear Mr. Heyward:

Enclosed is a label change notification for the above listed product per PR Notice 2007-4.

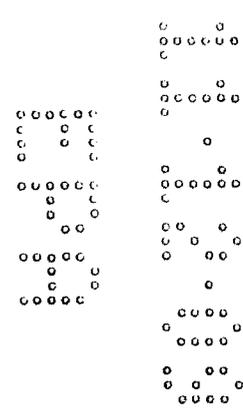
Specifically enclosed are:

- 1. Application form (EPA Form 8570-1)
- 2. Proposed label highlighting the updated statements in yellow – 1 copy
- 3. Proposed label – 1 copy

Please feel free to contact me at 412-809-3595 with any questions.

Sincerely,

Heather F. Collins
Senior Regulatory Affairs Specialist



BIOCHEK® 721M

PRESERVATIVE WHICH EFFECTIVELY INHIBITS THE GROWTH OF MICROORGANISMS IN PAINTS/COATINGS, EMULSIONS, ADHESIVES, PIGMENT SLURRIES, JOINT COMPOUNDS, STARCH, AND TEXTILE CHEMICALS

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

DANGER. CORROSIVE. Causes irreversible eye damage. May be fatal if inhaled. Harmful if swallowed or absorbed through skin. Do not get in eyes or on clothing. Avoid contact with skin. Do not breathe spray mist. Wear goggles or face shield. For handling activities during the use of airblast, mistpower, pressure greater than 40 p.s.i. with fine droplets, smoke, mist, fog aerosol or direct exposure, wear a respirator with an organic vapor (OV) cartridge, or a canister with any N, P, R, or HE prefilter. For all other exposures, wear a dust/mist/filtering respirator (MSHA/NIOSH approval number prefix TC-21C) or a NIOSH approved respirator with any N, P, R, or HE prefilter. Prolonged or frequently repeated skin contact may cause allergic reaction in some individuals. Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet. Remove contaminated clothing and wash clothing before reuse.

Applicators and other handlers must wear long-sleeve shirts and long pants, socks plus shoes, and chemical resistant gloves. Do not apply this product in a way that will contact workers or other persons. Follow manufacturer's instructions for cleaning/maintaining PPE. If there are no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry. Discard clothing or other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them. If the pesticide gets inside clothing remove clothes immediately, wash thoroughly, and put on clean clothing. Users should remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

This product is toxic to fish and wildlife. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans, or public 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 sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of the EPA.

STORAGE AND DISPOSAL

PESTICIDE DISPOSAL: Do not contaminate water, food, or feed by storage or disposal. Open dumping is prohibited. Pesticide wastes are toxic. 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 environmental control agency, or the hazardous waste representative at the nearest regional office for guidance.

CONTAINER HANDLING: Metal Containers or Plastic Containers: Non-refillable container. Do not reuse or refill this container. Offer for recycling if available or reconditioning if appropriate. Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or other procedures approved by state and local authorities.

Plastic Containers: May be incinerated, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

Metal Containers: Must not be incinerated. Do not cut or weld on or near metal containers.

IN CASE OF EMERGENCY, CALL CHEMTREC 800-424-9300

EPA REGISTRATION NUMBER: 39967-28

EPA ESTABLISHMENT NUMBER:

LANXESS

LANXESS Corporation
111 RIDC Park West Drive - Pittsburgh, PA 15275-1112

KEEP OUT OF REACH OF CHILDREN

DANGER PELIGRO

FIRST AID

IF IN EYES: Hold eyelids 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: 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 by a poison control center or doctor.

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 a poison control center or doctor for treatment advice.

Have the product Material Safety Data Sheet (MSDS) with you when calling a poison control center or when going for treatment.

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

NOTICE: Seller makes no warranty, expressed or implied, concerning the use of this product other than indicated on the label. Buyer assumes all risk of use and/or handling of this material when such use and/or handling is contrary to label instruction.

* Biochek is a registered trademark of LANXESS Corporation.

INTERNATIONAL 703-527-3887

Net Contents:

Lot No.:

ACTIVE INGREDIENTS: 1,2-Dibromo-2,4-dicyanobutane -----12.00%
2-Bromo-2-nitropropane-1,3-diol-----6.00%
INERT INGREDIENTS: -----82.00%
TOTAL 100.00%

DIRECTIONS FOR USE

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

Typical Use Levels:

Lab testing shows the product to be effective in the range of 0.0075 - 0.3% (75 ppm - 3000 ppm). These ranges are based on the total formulation, will depend on components, storage time, etc., and can be determined by actual testing.

Recommendations:

Interior Paints/Coatings: The following concentrations must be used to inhibit in-can microbiological degradation of water based paint/coating systems. The concentrations are based on the total paint formulation weight and should be incorporated into the makeup water during the grind. (0.075 - 0.2%)

Emulsions: The following concentrations must be used to inhibit in-can microbiological degradation of water based emulsion systems. The concentrations are based on the total emulsion formulation weight and should be added using moderate agitation immediately following the cool down of the emulsions and prior to pumping to storage tank facilities. (0.075 - 0.2%)

Adhesives: The following concentrations must be used to inhibit in-can microbiological degradation of water based adhesive systems. The concentrations are based on the total adhesive formulation weight and should be incorporated with agitation to the makeup water. However, where the adhesive is heated, BIOCHEK® 721M, should be added during the cool-down cycle. (0.05 - 0.2%)

Pigment Slurries: The following concentrations must be used to inhibit in-can microbiological degradation to water based dispersed pigment systems. The concentrations are based on the total dispersed pigment formulation weight and should be added using moderate agitation immediately following the cool down of the dispersed pigment and prior to pumping to the storage tank facilities.

<u>Pigment Type</u>	<u>Percent Concentration</u>
Titanium Dioxide	0.025 - 0.3%
Calcium Carbonate	0.075 - 0.3%

Joint Compounds: The following concentrations must be used to inhibit in-can microbiological degradation to water based joint compound systems. The concentrations are based on the total joint compound formulation weight and should be incorporated with agitation to the makeup water blend (0.03 - 0.1%).

Textile Chemicals: The following concentrations must be used to inhibit in-can microbiological degradation to water based textile chemical systems. The concentrations are based on the total textile chemical formulation weight and should be incorporated with agitation to the makeup water blend (0.025 - 0.2%).

Starch: The following concentrations must be used to inhibit in-can microbiological degradation of water based starch systems. The concentrations are based on the total starch formulation weight and should be incorporated with agitation to the makeup water. However, where the starch is heated, BIOCHEK® 721M, should be added during the cool-down cycle (0.05 - 0.2%).

LABEL TEXT DATE: DRAFT

NOTIFICATION
Date Received: 11/24/09
Reviewed By: [Signature]

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