



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

May 27, 2008

Deborah A. Vercek
Regulatory Affairs Specialist
LanXess, Corp.
111 RIDC Park West Drive
Pittsburgh, PA 15275-1112

Subject: Notification Application Per PR Notice 98-10
Tektamer 38
EPA Registration No.39967-32
Application Dated: May 13, 2008
Receipt Date: May 15, 2008

Dear Ms. Vercek:

This acknowledges receipt of your notification, submitted under the provision of PR Notice 98-10, FIFRA section 3(c)9.

Proposed Notification:

- Revised labeling

General Comment:

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

The notification application is acceptable and has been inserted in your file for future reference.

Should you have any questions concerning this letter, you may contact me by telephone at (703) 308-6422 or by e-mail at heyward.adam@epa.gov or Lisa McKelvin by telephone at (703) 308-7496 or by email at mckelvin.lisa@epa.gov during the hours of 8:00 am to 4:00 pm EST. When submitting information or data in response to this letter, a copy of this letter should accompany the submission to facilitate processing.

Sincerely,

Lisa R. McKelvin

Jpc Adam Heyward
Product Manager (34)
Regulatory Management Branch II
Antimicrobials Division (7510P)

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	United States Environmental Protection Agency Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other	OPP Identifier Number _____
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Application for Pesticide - Section I

1. Company / Product Number <u>39967-32</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>Tektamer 38</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)(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.

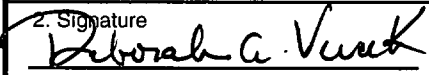
Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Notification to update the label to comply with California regulations. This notification is consistent with the provisions of PR Notice 98-10 and EPA Regulations at 40 CFR 152.46 and no other changes have been made to the labeling or the confidential statement of formula of this product.
 I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA.

Section - III

1. Material This Product Will Be Packaged In:						2. Type of Container	
Child-Resistant Packaging <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Unit Packaging <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package Wgt	No. per container	<input checked="" 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 checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) retail Container		5. Location of Label Directions On labeling accompanying product	
6. Manner in Which Label is affixed to Product				<input checked="" 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>Deborah A. Vercek</u>	Title <u>Regulatory Affairs Specialist</u>	Telephone No. (Include Area Code) <u>412-809-3709</u>
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 <u>Regulatory Affairs Specialist</u>	
4. Typed Name <u>Deborah A. Vercek</u>	5. Date <u>5-13-08</u>	

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LANXESS

Energizing Chemistry

May 13, 2008

VIA COURIER

Document Processing Desk (NOTIF)
Attn: Mr. Adam Heyward (34 Antimicrobial Division
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202-4501

Deborah A. Vercek
Material Protection Products
Regulatory Affairs
111 RIDC Park West Drive
Pittsburgh, PA 15275-1112

Phone 412-809-3709
Fax 412-809-1068
Deborah.vercek@lanxess.com
www.US.LANXESS.com

**RE: Products: Tektamer 38
Registration #: 39967-32
Label Change Notification**

Dear Mr. Heyward:

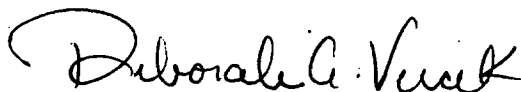
Enclosed is a notification regarding our Tektamer 38 label. This is a notification to add Joint Cements to the "Not for Use in California Statement". We have also added several asterisks to the label to highlight the uses not approved in California.

Specifically enclosed is:

- Application form (EPA Form 8570-1)
- One (1) label highlighting the proposed additions
- Five (5) copies of the proposed label

Please feel free to contact me at 412-809-3709 with any questions.

Sincerely,



Deborah A. Vercek
Regulatory Affairs Specialist

TEKTAMER® 38

TO INHIBIT THE GROWTH OF MICROORGANISMS IN AQUEOUS SYSTEMS

ACTIVE INGREDIENT: 1,2-Dibromo-2,4-dicyanobutane -----98.0%
 INERT INGREDIENTS -----2.0%
 TOTAL -----100.0%

NOTIFICATION
 Date Reviewed: 5/27/08
 Reviewed By: L. [Signature]

KEEP OUT OF REACH OF CHILDREN DANGER PELIGRO

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, on skin or on clothing. Wear goggles, safety glasses or face shield when handling. Avoid contact with skin. Do not breathe vapor or spray mist dust. Prolonged or frequently repeated skin contact may cause allergic reaction in some individuals. Remove contaminated clothing and wash clothing before reuse.

USER SAFETY RECOMMENDATIONS

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

ENVIRONMENTAL HAZARDS

This product is toxic to fish and wildlife. 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 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 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.

PESTICIDE STORAGE: Containers should be stored out of direct sunlight to maintain the product below its melting point. If product is exposed to sustained temperatures above 50°C, caking will occur with associated handling problems. Product efficacy will not be affected. However, dissolution time will increase. Container should be kept dry and tightly closed.

CONTAINER DISPOSAL:

Metal Container: Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

Plastic Container: Do not reuse empty container. Triple rinse (or equivalent). Then puncture and dispose of in a sanitary landfill, or, if allowed by State and Local Authorities, by burning. If burned, stay out of smoke.

When the water-soluble bags have been removed, dispose of corrugated box in a sanitary landfill, by incineration, or, if allowed by State and Local Authorities, by burning. If burned, stay out of smoke.

GENERAL: Consult Federal, State or Local disposal authorities for approved alternative procedures.

IN CASE OF EMERGENCY, CALL: CHEMTREC 800-424-9300
EPA Reg. No. 39967-32
EPA Est. No.:

FIRST AID

IF IN EYES: Hold eyes 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 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 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 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 doctor for treatment advice.

NOTE TO PHYSICIAN: Probable mucosal damage may contraindicate the use of gastric lavage. Measures against circulatory shock, respiratory depression and convulsion may be needed.

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.

* Tektamer is a registered trademark of LANXESS Corporation

INTERNATIONAL 703-527-3887
Net Contents:
Lot No.:

DIRECTIONS FOR USE

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

Tektamer 38 is typically effective when applied at the concentrations shown. All concentrations are based on total formulation weight.

Substrate	Effective Concentration (%)
Aqueous Paints	0.025 - 0.075
Latex Emulsions	0.01 - 0.05
Adhesives	
Polyvinyl acetate, styrene-butadiene, methyl cellulose & acrylic	0.025 - 0.075
Polyvinyl alcohol & hydroxyethyl cellulose	0.05 - 0.075
Epoxy, polyester	0.01 - 0.075
Dextrin	0.075 - 0.1
Casein	0.1 - 0.15
Starch	0.01 - 0.025
Dispersed Pigments	
Titanium dioxide, calcium carbonate & clay	0.01 - 0.025
Metalworking Fluids*	
Concentrates	0.1 - 0.4
Dilute fluids	0.025 - 0.1
Waxes & Polishes	0.01 - 0.1
Inks	0.01 - 0.075
Joint Cements*	
Paste type, vinyl latex & protein	0.05 - 0.1
Reconstituted powder type, vinyl latex & protein	0.1 - 0.2

Method of Addition

Aqueous Paints: Incorporate into the makeup water during the grind.

Latex Emulsions: Add using moderate agitation immediately following the cool down of the emulsion and prior to entering the storage tank facilities.

Joint Cements*: Incorporate with agitation into the makeup water blend.

Adhesives: Incorporate with agitation into the makeup water blend. However, where the adhesive is heated, Tektamer 38 should be added during the cool-down cycle.

Dispersed Pigments: Add using moderate agitation immediately following the cool down of the dispersed pigment and prior to entering the storage tank facilities.

Metalworking Fluids*: Incorporate into metalworking fluid formulations by addition to the concentrate with moderate agitation.

Waxes, Polishes and Inks: Incorporate into the makeup water blend with moderate agitation.

(*Not to be used in the State of California to preserve metalworking fluids or joint cements)

LANXESS

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

LABEL TEXT DATE: draft 5/12/08

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