

39967-38

01/04/2007

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

January 4, 2007

Heather F. Collins
Regulatory Affairs Specialist
LanXESS Energizing Company
111 RIDC Park West Drive
Pittsburgh, PA 15275-1112

Subject: Notification Application per PR Notice 98-10
Biochek 410, Biochek 430, Tektamer 38 AD
Epa Reg. Nos. 39967-39, 39967-38, 39967-34
Application Date: December 20, 2006
Receipt Date: December 26, 2006

Dear Heather Collins:

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

Proposed Notification:


- Labeling update to add Use Direction Statement, "Mix well before using this product."

General Comment:

- Based on a review of the material submitted, the following comment applies:
- This notification is acceptable and a copy has been inserted in your file for future reference.

Should you have any questions or comments concerning this letter, please contact me at (703) 308-6422, or by email at heyward.adam@epa.gov or Killian Swift at (703) 308-6346 or by email at swift.killian@epa.gov

Sincerely,


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

BIOCHEK® 430

TO INHIBIT THE GROWTH OF MICROORGANISMS IN LATEX EMULSIONS, WAXES, POLISHES, INKS, PAINTS, PIGMENT SLURRIES, COATINGS, AND METAL WORKING FLUIDS AND ADHESIVES (Not for use in metalworking fluids in California)

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 breathe vapor or spray mist. Prolonged or frequently repeated skin contact may cause allergic reaction in some individuals. Remove contaminated clothing and wash before reuse. Handlers must wear:

Long-sleeved shirt and long pants;

Socks and shoes;

Goggles or face shield and Chemical resistant gloves (such as rubber or any waterproof material); and

Either a respirator with an organic vapor (OV) cartridge, or a canister with any N, P, R or HE prefilter or a dust/mist filtering respirator (MSHA/NIOSH) approval number prefix TC-21 or a NIOSH approved respirator with any N, P, R or HE prefilter.

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.

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.

IN CASE OF EMERGENCY, CALL: CHEMTREC 800-424-9300
EPA REGISTRATION NUMBER: 39967-38
EPA ESTABLISHMENT NUMBER:

LANXESS

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

ACTIVE INGREDIENTS:

1,2-Dibromo-2,4-dicyanobutane -----23.725%

5-Chloro-2-methyl-4-isothiazolin-3-one -----0.059%

2-Methyl-4-isothiazolin-3-one -----0.013%

INERT INGREDIENTS: -----76.198%

TOTAL 100.000%

KEEP OUT OF REACH OF CHILDREN DANGER PELIGRO

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 when going for treatment.

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

The LANXESS Pittsburgh Emergency Response Telephone Number is 800-410-3063.

* Biochek is a registered trademark of LANXESS Corp.

Mix well before using this product.

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.

The amount necessary for desired protection varies, depending on exposure conditions. Do not apply in a way that will contact workers or other persons. See Product Information Bulletin for additional use instructions.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Keep container closed when not in use. Ship and store Biochek 430 at temperatures between 0-42 °C (32-108 °F). Freezing the product may cause a temporary water separation, which can be corrected by mechanical agitation. Store away from heat. At temperatures above 42 °C (108 °F), the active ingredients in the dispersion may separate out.

ATTENTION: If the temperature indicator button is white, the product can be used directly. If the indicator button is bright blue, matching the exposed example, sample the drum. If the product is a slightly viscous, white dispersion, the product may be used. If two phases are found or clear viscous, water is found, contact your product representative. Temperature changes may alter viscosity, but will not affect product handling or performance.

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 environmental control agency, or the hazardous waste representative at the nearest regional office for guidance.

CONTAINER DISPOSAL: Disposal of Drums: Do not reuse empty container. Triple rinse (or equivalent). Reseal container then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, by incineration or, if allowed by State and Local authorities, by burning. If burned, stay out of smoke.

LABEL TEXT DATE: 12/18/2006

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December 20, 2006

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: Products: Biochek 410, Biochek 430, Tektamer 38 AD
Registration #: 39967-39, 39967-38, 39967-34
Notification of Label Change

Dear Mr. Heyward:

Enclosed is a notification to add the following statement to the products listed below.

Statement to be added: "Mix well before using this product"

Products:

Biochek 410 (EPA Registration # 39967-39) *PM-33*
Biochek 430 (EPA Registration # 39967-38) *" 33*
Tektamer 38 AD (EPA Registration # 39967-34) - *34*

Specifically enclosed are:

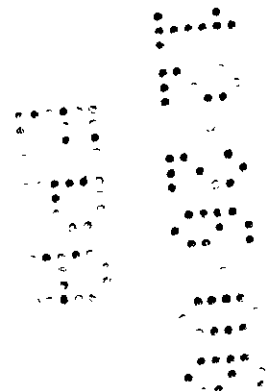
1. Application form (EPA Form 8570-1) for Biochek 410
2. Proposed Biochek 410 label highlighting the change – 1 copy
3. Proposed Biochek 410 label – 5 copies
4. Application form (EPA Form 8570-1) for Biochek 430
5. Proposed Biochek 430 label highlighting the change – 1 copy
6. Proposed Biochek 430 label – 5 copies
7. Application form (EPA Form 8570-1) for Tektamer 38 AD
8. Proposed Tektamer 38 AD label highlighting the change – 1 copy
9. Proposed Tektamer 38 AD label – 5 copies

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

Sincerely,

Heather F. Collins

Heather F. Collins
Regulatory Affairs Specialist



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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 |
|--|--|--|-----------------------|

Application for Pesticide - Section I

| | | |
|---|--|---|
| 1. Company / Product Number <u>39967-38</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 430</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"/> Resubmission in response to Agency letter dated _____ <input checked="" type="checkbox"/> Notification - Explain below. | <input type="checkbox"/> Final printed labels in response to Agency letter dated _____ <input type="checkbox"/> "Me Too" Application <input type="checkbox"/> Other - Explain below. |
|--|--|

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

This notification is to add the statement "Mix well before using this product" to the label. 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. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, 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. _____ | Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" Package Wgt _____ | 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) _____ | No. per container _____ | No. per container _____ |
| * 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 _____ | |
| 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>Regulatory Affairs Specialist</u> | Telephone No. (Include Area Code) <u>412-809-3595</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>Heather F. Collins</u> | 5. Date <u>12/20/06</u> | |