39967-39

10/20/2008

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OCT 20 2008

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Ms. Deborah Vercek
Agent for,
LANXESS Corporation
111RIDC Park West Drive
Pittsburgh, PA 15275-1112

Subject: Biochek 410
EPA Registration Number 39967-39
Your Notification Dated October 8th, 2008
EPA Received Date October 17th, 2008

The notification referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, FIFRA, as amended, to delete the statements referring to the temperature indicator button because the equipment is no longer in use from the label, is acceptable.

The notification has been made part of the file.

If you have questions concerning this letter, please contact Karen M. Leavy at (703)-308-6237.

Sincerely,

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

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United States
Environmental Protection Agency
Washington, DC 20460

[ ] Registration
[ ] Amendment
[X] Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company / Product Number: 39967-39
2. EPA Product Manager: Swindell
3. Proposed Classification: [x] None [ ] Restricted
4. Company / Product (Name): Biochek 410
PM#: 33
5. Name and Address of Applicant (*include ZIP Code*)
LANXESS Corporation
111 RIDC Park West Drive
Pittsburgh, PA 15275-1112
[ ] *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

[ ] Amendment - Explain Below.
[ ] Resubmission in response to Agency letter dated
[X] Notification - Explain below.
[ ] Final printed labels in response to Agency letter dated
[ ] "Me Too" Application
[ ] Other - Explain below.

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

This notification is to remove the temperature indicator button statements from the label because this equipment is no longer used.. 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:

Child-Resistant Packaging	Unit Packaging		Water Soluble Packaging		2. Type of Container
[ ] Yes [ ] No	[ ] Yes [ ] No		[ ] Yes [ ] No		[ ] Metal [ ] Plastic
***Certification must be submitted**	If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package Wgt	No. per container	[ ] Glass [ ] Paper [ ] Other (Specify)

3. Location of Net Contents Information: [ ] Label [ ] Container
4. Size(s) retail Container
5. Location of Label Directions
6. Manner in Which Label is affixed to Product: [ ] Lithograph [ ] Paper glues [ ] Stenciled [ ] Other

Section - IV

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

Name	Title	Telephone No. (Include Area Code)
Deborah Vercek	Regulatory Affairs Specialist	412-809-3709

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.

2. Signature: Deborah Vercek
3. Title: Regulatory Affairs Specialist
4. Typed Name: Deborah Vercek
5. Date: 10-8-08
6. Date Application Received (Stamped)

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LANXESS
Energizing Chemistry

Deborah 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

October 8, 2008

VIA COURIER

Mr. Marshall Swindell
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

RE: Products: Biochek 410
Registration #: 39967-39
Label Change Notification

Dear Mr. Swindell:

Enclosed is a notification regarding the Biochek 410 label. This notification is to update the label by removing the statements on the label referring to a temperature indicator button because this equipment is no longer used.

Specifically enclosed are:

1. Application form (EPA Form 8570-1) for Biochek 410
2. Five (5) copies of the proposed label
3. One (1) copy of the previously approved label dated 5/2/2007 highlighting the statements removed.

Please note that I am not updating any percentages for the actives as indicated in the EPA letter dated October 3, 2008. The percent of each active on the proposed and existing labels are identical.

Please provide me with a stamped label at the completion of your review for my records.

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

Sincerely,

Deborah A Vercek
Regulatory Affairs Specialist

BIOCHEK® 410

AN INDUSTRIAL PRESERVATIVE TO INHIBIT THE GROWTH OF BACTERIA, FUNGI AND YEASTS IN AQUEOUS PAINTS, LATEX EMULSIONS, METALWORKING FLUIDS, PIGMENT SLURRIES, JOINT CEMENTS, HOUSEHOLD PRODUCTS AND PRINTING FLUIDS

ACTIVE INGREDIENTS: 1,2-Dibromo-2,4-dicyanobutane ——19%
1,2-Benzisothiazolin-3-one ————6%
INERT INGREDIENTS: ————————————75%
TOTAL 100%

KEEP OUT OF REACH OF CHILDREN
DANGER

PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS

DANGER. CORROSIVE. Causes irreversible eye damage. Harmful if inhaled. Harmful if swallowed or absorbed through skin. Avoid breathing 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; 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.

Wash hands thoroughly before eating drinking, chewing gum, using tobacco, or using the toilet. Remove contaminated clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. Remove personal protective equipment immediately after handling this product. Wash 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 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.

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.
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 Corporation

Mix well before using this product.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.
Do not apply in a way that will contact workers or other persons. The amount necessary for desired protection varies, depending on exposure conditions. For further application information refer to the Product Bulletin.

STORAGE AND DISPOSAL

Keep container closed when not in use. Do not contaminate water, food, or feeds by storage or disposal.
Ship and store Biochek 410 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.
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: 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.

IN CASE OF EMERGENCY, CALL: CHEMTREC 800-424-9300
INTERNATIONAL 703-527-3887
EPA Reg. No.: 39967-39
Net Contents:
EPA Est. No.:
Lot No.:

LANXESS

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

LABEL TEXT DATE: drafted 9/10/08

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LANXESS

Energizing Chemistry

Product Information

BIOCHEK 410
EPA Registration Number: 39967-39

BIOCHEK® 410
Industrial Preservative

PRODUCT BENEFITS
- Broad spectrum
- Excellent long-term preservation
- FDA approved
- Wide pH range (2.0 – 9.5)

GENERAL DESCRIPTION
BIOCHEK 410 is an industrial preservative which effectively inhibits the growth of bacteria, fungi and yeasts in aqueous systems including paints, adhesives, latex emulsions, metalworking fluids, pigment slurries, joint cements, household products, and printing fluids. **BIOCHEK 410** is intended to protect products during storage. Chemically, **BIOCHEK 410** is a 19% dispersion of 1,2-dibromo-2,4-dicyanobutane and 6% 1,2-benzisothiazolin-3-one, shown in order in the chemical diagram below. For a general description of the typical chemical and physical properties, see the **BIOCHEK 410** Material Safety Data Sheet.

APPLICATION
The growth of microorganisms in aqueous systems during shipment, storage and handling can be detrimental to effectiveness. Such growth can affect such properties as odor, color viscosity and introduce microbial growth into production equipment and processes. **BIOCHEK 410** is effective in controlling such contamination and can improve the effectiveness and extent the life of materials treated if used according to the instructions given below.

TYPICAL LEVELS OF USE
Laboratory testing and customer use shows **BIOCHEK 410** is typically effective when applied at concentrations shown. The exact amount necessary for the preservation of any given formulation will depend on the components, storage time, temperature, etc., and can be determined through actual testing coordinated by your LANXESS Corporation representative. All concentrations are based on the total formulation weight.

	Product Use Level
Adhesives	500 – 8000 ppm
Latex Emulsions	500 – 8000 ppm
Metalworking Fluids	500 – 4000 ppm
Aqueous Paints	500 – 4000 ppm
Pigment Slurries	500 – 2000 ppm
Joint Cements	2000 – 8000 ppm
Household Products	500 – 4000 ppm

FDA STATUS AND APPROVALS
BIOCHEK 410 has FDA approval under 21 CFR 175.105, 176.170 and 176.180.
BIOCHEK 410 is approved by the German BGVV, Recommendation XXXVI.

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

Adhesives

BIOCHEK 410 is formulated to facilitate incorporate by pumping into the makeup water. **BIOCHEK 410** can by incorporated by pouring if necessary. Where the adhesive is heated, **BIOCHEK 410** should be added during the cool-down cycle to minimize any evaporative loss. Adhesives for which **BIOCHEK 410** provides effective in-can preservation are starch, epoxy, polyester, polyvinyl acetate, styrene butadiene, methyl cellulose, acrylic, polyvinyl alcohol, hydroxyethyl cellulose, dextrin and casein. Such adhesives include, but are not limited to, those used in manufacturing process, construction projects, packaging materials.

Effective protection is achieved between 500 – 8000 ppm. Optimum effective concentration can vary with properties of the material being preserved. Testing to determine the appropriate level for your product is highly recommended.

Aqueous paints

BIOCHEK 410 is formulated to facilitate incorporate by pumping into the makeup water. **BIOCHEK 410** can be incorporated by pouring if necessary. **BIOCHEK 410** should be incorporated into the makeup water during the grind.

BIOCHEK 410 is an effective in-can preservative for all type of aqueous paints and coatings when used at levels of 500 – 4000 ppm. The optimum effective concentration can vary with properties of the material being preserved. Testing to determine the appropriate level for your product is highly recommended.

Latex emulsions

BIOCHEK 410 is formulated to facilitate incorporate by pumping into the makeup water. **BIOCHEK 410** can be incorporated by pouring if necessary. Pump or pour using moderate agitation immediately following cool-down of the emulsion, and prior to pumping the emulsion into storage tank facilities. Latex emulsions that are preserved by **BIOCHEK 410** include polyvinyl acetate, acrylic, vinyl acrylic and styrene butadiene. These emulsions are the raw materials used in the formulation of paints, adhesives, joint cements, pigments and household products.

Effective protection is achieved between 500 – 8000 ppm. Optimum effective concentration can vary with properties of the material being preserved. Testing to determine the appropriate level for your product is highly recommended.

Dispersed pigments

BIOCHEK 410 is formulated to facilitate incorporate by pumping into the makeup water. **BIOCHEK 410** can be incorporated by pouring if necessary. Pump or pour using moderate agitation immediately following cool-down of the dispersed pigment and prior to pumping to the storage tank. **BIOCHEK 410** is an effective in-can preservative to protect the pigment during handling, transportation and storage. Dispersed pigments are used to impart color to many products such as paints and coatings, adhesives and plastics.

Effective protection is achieved between 500 – 2000 ppm. Optimum effective concentration can vary with properties of the material being preserved. Testing to determine the appropriate level for your product is highly recommended.

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Household products and waxes, polishes, and inks

BIOCHEK 410 is formulated to facilitate incorporate by pumping into the makeup water. **BIOCHEK 410** can be incorporated by pouring if necessary. Incorporate by pumping or pouring with agitation into the makeup water blend. These products include, but are not limited to, dishwashing liquids, furniture and floor waxes and polishes, cleaners and treatment products and over-the counter inks sold to custom color decorative household projects.

Effective protection is achieved between 500 – 8000 ppm. Optimum effective concentration can vary with properties of the material being preserved. Testing to determine the appropriate level for your product is highly recommended.

Joint cements

BIOCHEK 410 is formulated to facilitate incorporate by pumping into the makeup water. **BIOCHEK 410** can be incorporated by pouring if necessary. Incorporate by pumping or pouring with agitation into the makeup water blend. These products include mortar-like sealers that are used to construct walls.

Effective protection is achieved between 2000 – 8000 ppm. Optimum effective concentration can vary with properties of the material being preserved. Testing to determine the appropriate level for your product is highly recommended.

Metalworking fluids

BIOCHEK 410 is formulated to facilitate incorporate by pumping, but can be poured. Pump or pour **BIOCHEK 410** into the final diluted fluid either prior to its addition to the system at a level that will provide adequate protection in the diluted system, or after the system has been filled. **BIOCHEK 410** should be thoroughly mixed into the system to assure efficacy. If **BIOCHEK 410** is added to the concentrate, testing should be conducted to assure compatibility.

Effective protection is achieved between 500 – 4000 ppm. Optimum effective concentration can vary with properties of the material being preserved. Testing to determine the appropriate level for your product is highly recommended.

Printing fluids

BIOCHEK 410 is formulated to facilitate incorporate by pumping, but can be poured. Add to fluid concentrates during, or at the end of, mixing prior to filling at concentrations from 30 – 5000 ppm by weight. These printing fluids may be further diluted with water by printers so that the final concentration of **BIOCHEK 410** is 10 – 2000 ppm by weight. This product includes all types of printing fluid products such as, but not limited to printing, copier and computer inks.

Optimum effective concentration should be determined by testing in your specific application.

COMPATIBILITY

BIOCHEK 410 is compatible with typical ingredients in end-use formulations. However, it should be added separately from amine-containing and strong nucleophilic agents during product formulations. Mixing **BIOCHEK 410** with these agents may cause a reaction between the ingredients that can deactivate **BIOCHEK 410**.

BIOCHEK 410 is most active over a pH range of 2.0-9.5. In some formulations, product has shown efficacy in higher pH formulations. If the formulation will have a final pH greater than 9.5, laboratory testing is recommended.

MATERIALS COMPATIBILITY

BIOCHEK 410 is compatible with materials such as PVC, polyethylene, polypropylene, Tygon, Teflon and glass. **BIOCHEK 410** is corrosive to mild steel.

Positive displacement pumps are preferred for handling the product.

Recommended materials for pump "liquid ends" and piping include polyethylene, polypropylene, PVC, Kynar, Viton, or Hypalon.

STORAGE AND HANDLING

Read the label and MSDS for complete handling information before using this product.

PACKAGING

BIOCHEK 410 is available in pails, drums and bins.

REMARKS

If you need assistance or information, please call your nearest LANXESS representative, or our Pittsburgh office at 800-LANXESS.

IN CASE OF EMERGENCY, CALL: CHEMTREC 1-800-424-9300
INTERNATIONAL (703)-527-3887
HAVE THE PRODUCT CONTAINER OF LABEL WITH YOU WHEN CALLING A POISON CONTROL CENTER OR DOCTOR OR GOING FOR TREATMENT.

LANXESS Corporation
111 RIDC Park West Drive
Pittsburgh, PA 15275
412-809-1000

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