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



EPA United States Environmental Protection Office of Pesticide Programs

JUN 24 2010

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

Attention:

Stan Oslosky

Subject:

Biochek BIT 20D

EPA Registration No: 39967-56 Notification Dated May 28, 2010

This will acknowledge receipt of your notification, submitted under the provisions of FIFRA Section 3(c) (9).

Proposed Notification

To revise Storage and Disposal statement per PR Notice 2007-4

General Comments

Base on a review of the submitted material, the following comments apply:

The Notification is in compliance with PR Notice 98-10 and is acceptable. This information has been added to your file.

If you have any questions concerning this letter, please contact Zebora Johnson (703) 308-7080

Sincerely

Marshall Swindell

Product Manger (33)

Regulatory Management Branch I Antimicrobial's Division (7501P)

| United States Environmental Protection Agend Washington, DC 20460 | | | су | Registra Amenda X Other | | OPP Identifier Number |
|--|--|--------------------------------------|--|-------------------------|---|--|
| Application for Pesticide - Section I | | | | | | |
| Company / Product Number 39967-56 | | | EPA Product Manager Swindell | | 3. Proposed Classification | |
| 4. Company / Product (Name) BIO CH Proventel BIT 20D | | - | PM# 33 | | - | x None Restricted |
| Name and Address of Applicant (include ZIP Code) | | | 6. Expedited | Review. In accor | rdance with FIF | RA Section 3(c)(3) (b)(l), |
| LANXESS Corporation 111 RIDC Park West Drive | | | my product is similar or identical in composition and labeling to: | | | |
| Pittsburgh, PA 15275-1112 | | | EPA Reg. No. | | | - Marine Control of the Control of t |
| Check of this is a new address | | | Product Name | | | |
| Section - II | | | | | | |
| Amendment - Explain Below. Final printed labels in response to Agency letter dated | | | | | | ency letter dated |
| Resubmission in response to Agency letter dated | | | "Me Too" Application | | | |
| X Notification - Explain bel | low. | | | Other - Explain below | w. | |
| 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 156.158, 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 | | | | | | |
| Material This Product Will Be Packaged In: | | | | | | |
| Child-Resistant Packaging Unit Packaging | | | Water Soluble Packaging 2. Type of Container | | | |
| Yes X No | Yes X No | | Yes X No X | | x | 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) |
| Location of Net Contents I Label | Information 4. Size(s) retail Container 5. Location of Drum/Pail/Tote On supp | | | of Label Direction | ons | |
| 6. Manner in Which Label is affixed to Product Lithograph Paper glues Stenciled | | | | | | |
| Section - IV | | | | | | |
| Contact Point (Complete items directly below for identification of individual to be contacted, if necessary. To process this application.) | | | | | | |
| | | | | | | |
| Name Title Stan Oslosky Head of Reg | | | · · | | Telephone I 412-80 | No. (Include Area Code) 19-3577 |
| 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>Head</u> | 3. Title Head of Regulatory Affairs | | | | |
| 4. Typed Name | 5. Date | | | ς ς ο ι ο ι | | |
| Stan Oslosky | 5/27/2010 | | | | (() () () () () () () () () (| |



Material Protection Products

Stan.Oslosky@lanxess.com www.US.LANXESS.com

Stan Oslosky

Regulatory Affairs 111 RIDC Park West Drive Pittsburgh, PA 15275-1112

Phone 412-809-3577

Fax 412-809-1068

May 28, 2010

VIA COURIER

Mr. Marshall Swindell (33)
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: Product: Biochek BIT 20D Registration #: 39967-56

Notification of Label Change per PR Notice 2007-4

Dear Mr. Swindell:

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
- 4. Label Supplement 1 copy

Although this product was previously approved several errors were found on the is being resubmitted. The errors were as follows:

- ☐ The "container Handling" instructions for "drum" had incorrect text
- ☐ The instructions for pail were inadvertently left off of the label.

Please feel free to contact me at 412-809-3577 with any questions.

Sincerely,

Stan Oslosky

Manager, Regulatory Affairs

SLURRIES, BUILDING AND CONSTRUCTION COMPOSITIONS, PESTICIDE FORMULATIONS, HOME CLEANING PRODUCTS, LIQUID LAUNDRY A COATING COMPOSITIONS, PULP AND PAPER MILL SYSTEMS, OR LEATHER PROCESSING SOLUTIONS, INTENDED TO PR

KEEP OUT OF REACH OF CHILDREN DANGER

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

DANGER. CORROSIVE. Causes skin burns and 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. Do not breathe vapor or spray mist. Wear goggles or face shield, chemical resistant gloves, long pants and long sleeved shirt. Wear a mask or pesticide respirator approved by the National Institute for Occupational Safety and Health. thoroughly with soap and water after handling and before eating, drinking, chewing gum, or Remove and wash using tobacco. contaminated clothing before reuse. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals

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. Do not contaminate water by cleaning of equipment or disposal of wastes. Do not apply in marine or estuarine oil fields.

LANXESS

INERT INGREDIENT: 81.0% Total 100.0%

DIRECTIONS FOR USE

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

For Detailed Directions For Use, Please Refer To The LANXESS Corporation Technical Information Bulletin. Read these entire directions before using BIOCHEK BIT 20D.

DISCLAIMER: Seller (whether manufacturer, distributor, or other) makes no warranty express or implied, including the implied warranty of merchantability, regarding this product except the cposition as set forth in the ingredient statement herein, and shall not be liable for special or consequential damages, the exclusive remedy being the replacement of the product. Buyer or user assumes all risk of possession, handling or use of this material when such use and/or handling is contrary to label instructions.

IN CASE OF EMERGENCY, CALL: CHEMTREC 800-424-9300 INTERNATIONAL 703-527-3887

EPA REGISTRATION NUMBER: 39967-56 EPA EST. NUMBER

Net Contents: Lot No.:

[®] Biochek is a registered trademark of LANXESS Corporation

NXESS Corporation
11 RIDC Park West Drive - Pittsburgh, 15275-1112

FIRST A

Call a poison control advice. Have the procalling a poison con

IF IN EYES: Hold e water for 15-20 m after the first 5 mi poison control cei

IF SKIN IRRITATION
contaminated clot
water for 15-20 m
doctor for treatme

IF INHALED: Move breathing, call 911 respiration, prefer poison control cen

immediately for tre water if able to swito so by a poison canything by mouth NOTE TO PHYSICIA

contraindicate the Poison Control Cen

Drum

PROHIBITIONS: Do no storage or dispose PESTICIDE STORAGE thaw and stir well PESTICIDE DISPOSAL hazardous, Impro mixture, or rinsate wastes cannot be instructions, conta Control Agency, or the nearest EPA R **CONTAINER HANDLI** remaining contents and drain for 10 se the container 1/4 ful closures. Tip conti forth, ensuring at le

seconds. Stand th

and forth, several to ther end and tip it

LABEL

5/h

BIOCHEK® BIT 20D

∜IONS SUCH AS LATICES, OIL-IN-WATER EMULSIONS, PAINTS AND COATINGS, INKS AND FONT SOLUTIONS, WATER-BASED ADHESIVES, AQUEOUS PIGMENT OR MINERAL HOME CLEANING PRODUCTS, LIQUID LAUNDRY ADDITIVES, CAR CARE PRODUCTS, OIL-RECOVERY MATERIALS, SECONDARY OIL-RECOVERY FLUXOS, PAPER OR TEXTILE ଶTHER PROCESSING SOLUTIONS, INTENDED TO PROTECT FRESPANIMAL HIDES OR-SKIMS, CR SEED COATING * (*Not Registered for this use in California)

FOR USE

w to use this product in a labeling.

br Use, Please Refer To n Technical these entire directions

hether manufacturer, to warranty express or mplied warranty of sproduct except the ingredient statement liable for special or exclusive remedy being duct. Buyer or user on, handling or use of se and/or handling is

ICY, CALL: 300 - 527-3887

UMBER: 39967-56

mark of LANXESS

FIRST AID

Call a poison control center or doctor immediately for treatment advice. Have the product container or label with you when calling a poison control center or when going for treatment.

- IF IN EYES: Hold eye open and rifee 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 SKIN IRRITATION OR DERMAL EXPOSURE: Take off contaminated clothes. 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.
- 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 so by a poison control center or doctor. Do not give anything by mouth to an unconscious person.

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

Poison Control Center: Call 1-800-222-1222

Drum

STORAGE AND DISPOSAL

PROHIBITIONS: Do not contaminate water, food, or feed by storage or disposal. Open dumping is prohibited.

PESTICIDE STORAGE: Protect from frost. If frozen, allow to thaw and stir well before use.

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.

container Handling: Triple rinse as follows: Empty the remaining contents into application equipment or mix tank and drain for 10 seconds after the flow begins to drip. Fill the container ¼ 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 it back and forth, several times. Turn the container over onto its other end and tip it back and forth. Turn the container over

onto its other end and tip it back and froth several times.
Empty the rinsate into application equipment or mix tank or store rinsate for later use or disposal. Repeat this procedure two more times.

Tote

STORAGE AND DISPOSAL

PROHIBITIONS: Do not contaminate water, food, or feed by storage or disposal. Open dumping is prohibited.

PESTICIDE STORAGE: Protect from frost. If frozen, allow to thaw and stir well before use.

- 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.
- container Handling: Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available or reconditioning if appropriate. If not available, pressure rinse as follows: Empty the remaining contents into the application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Insert pressure rinsing nozzle in the side of container, and rinse at about 40 PSI for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

Pail

STORAGE AND DISPOSAL

PROHIBITIONS: Do not contaminate water, food, or feed by storage or disposal. Open dumping is prohibited.

PESTICIDE STORAGE: Protect from frost. If frozen, allow to thaw and stir well before use.

- 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.
- CONTAINER HANDLING: Triple rinse as follows: Empty the remaining contents into application equipment or mix tank and drain for 10 seconds after the flow begins to drip. Fill the 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 this procedure two more times.

Emergencies:

In emergency situations, such as spills, fire, or exposure: call 1-800-424-9300

LABEL TEXT DATE: 5/25/2010