

1/9/2009

1/7

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

January 9, 2009

Mark Jernigan
Federal Registration Manager
Aqua-Clear Industries, Inc.
PO Box 2456
Suwanee, GA 30024-0980

Subject: Swim Free Non Foaming Black Algaecide for Swimming Pools
EPA Registration No. 45309-37
Application Date: December 15, 2008
Receipt Date: December 17, 2008

Dear Mr. Jernigan:

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

Proposed Notification

- Revision of Storage and Disposal statement per PR Notice 2007-4

General Comments

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

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

Should you have any questions concerning this letter, please contact me by telephone at (703) 308-7003 or email address at: whitaker.renae@epa.gov during the hours of 8:00 am to 3:30 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,

Renae Whitaker
(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 Aqua Clear Industries, Inc./45309-37	2. EPA Product Manager A. Heyward	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Swim Free Non Foaming Black Algaecide for Swimming Pools	PM# 34	
5. Name and Address of Applicant (Include ZIP Code) Aqua Clear Industries, Inc. PO Box 2456 Suwanee, GA 30024-0980 <input type="checkbox"/> Check if 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. Final printed labels in response to Agency letter dated _____ "Me Too" Application.

Resubmission in response to Agency letter dated _____ Other - Explain below.

Notification - Explain below.

Explanation: Use additional page(s) if necessary. (For section I and Section II.)
 Fee Determination: Fee Category - Not Applicable (Notification) mark.jernigan@chemtura.com
 Notification to change the Pesticide Container Disposal language per PR Notice 2007-4.
 See attached page for certification.

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	If "Yes" Package wgt. No. per container

3. Location of Net Contents Information
 Label Container

4. Size(s) Retail Container

5. Location of Label Directions
 On Label

6. Manner in Which Label is Affixed to Product
 Lithograph Paper glued 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 Mark Jernigan	Title Federal Registration Manager	Telephone No. (Include Area Code) 678-502-4149
-----------------------	---------------------------------------	---

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 <i>Mark Jernigan</i>	3. Title Federal Registration Manager
4. Typed Name Mark Jernigan	5. Date 12/15/08

EPA Registration Number: 45309-37

Product: Swim Free Non Foaming Black Algaecide for Swimming Pools

Application for Pesticide dated: December 15, 2008

Section - II

Explanation (Continued)

"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."

Mark Jermigan
12/15/08

39

AQUA-CLEAR INDUSTRIES, INC.

4/7

Regulatory Affairs Department
Post Office Box 2456
Suwanee, GA 30024-0980
T (678) 502-4000
F (678) 502-4764

December 15, 2008

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

Re: Swim Free Non Foaming Black Algaecide for Swimming Pools
EPA Registration No.: 45309-37

Dear Sir/Madam:

Please process the enclosed notification for the above referenced product.

The purpose of this notification is to:

Add language required by the Pesticide Container Rule under Storage and Disposal per PR Notice 2007-4.

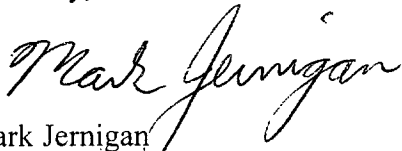
Enclosed are:

1. Application for Pesticide (EPA Form 8570-1);
2. Notification Certification Statement; and
3. Proposed label with changes marked.

If you have any questions, please call me at 678-502-4149 or mark.jernigan@chemtura.com.

Thank you for your attention to this matter.

Sincerely,



Mark Jernigan
Federal Registration Manager
Enclosures

{All text in brackets [xxx] is optional and may or may not be included on a final label.}
{All text in braces {xxx} is administrative and will not appear on a final label.}

Swim Free Non Foaming Black Algaecide for Swimming Pools

Super Strength

ACTIVE INGREDIENT:

Poly [oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 50.0%

OTHER INGREDIENT: 50.0%

TOTAL INGREDIENTS: 100.0%

This product contains 4.67 lb. of active ingredient per gallon and weighs 9.35 lb. per gallon.

KEEP OUT OF REACH OF CHILDREN

CAUTION

See [back] [side] panel for FIRST AID and additional precautionary statements.

Manufactured for:

AQUA-CLEAR INDUSTRIES, INC.

PO BOX 2456

SUWANEE, GEORGIA 30024

EPA REG. NO. 45309-37

EPA EST. NO. 5185-GA-1

NET CONTENTS:

NOTIFICATION
Date Reviewed: 11/9/09
Reviewed By: TW

6/17

DIRECTIONS FOR USE: It is a violation of federal law to use this product in a manner inconsistent with its labeling. Read entire label and use strictly in accordance with precautionary statements and directions.

[Swim Free Non Foaming Black Algaecide] [This product] is used to control the growth of algae in swimming pools. For maximum effectiveness, pools containing heavy growth of algae should be cleaned prior to using [Swim Free Non Foaming Black Algaecide] [this product].

For pools having just visible algae growth add an initial dose of 13.5 to 21 fluid ounces of [Swim Free Non Foaming Black Algaecide] [this product] per 10,000 gallons of water and remove settled algae debris by cleaning.

For treatment of a freshly cleaned and filled pool, add initially 7.4 to 13.5 fluid ounces of [Swim Free Non Foaming Black Algaecide] [this product] per 10,000 gallons of water.

To maintain pools free of visible algae growth, subsequent additions of 2.5 to 4.9 fluid ounces of [Swim Free Non Foaming Black Algaecide] [this product] per 10,000 gallons of water should be made every 5 to 7 days after the initial treatment.

[Swim Free Non Foaming Black Algaecide] [This product] is compatible with those chemicals normally used to treat pools and effective at both acid and alkaline pH. [Swim Free Non Foaming Black Algaecide] [This product] can be used in pools treated with chlorinating products and may reduce the amount of those chemicals normally required. However, do not mix this product with concentrated dry or liquid chlorinating products.

7/1

STORAGE AND DISPOSAL: Keep this product in original tightly closed container when not in use. Store in a cool, dry, well ventilated area. Do not contaminate food or feed by storage or disposal.

CONTAINER DISPOSAL: Non-refillable container. Do not reuse or refill this container. Offer for recycling, if available. Triple rinse container (or equivalent) promptly after emptying.

PRECAUTIONARY STATEMENTS

Changed per PR Notice 2007-4

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION: Harmful if swallowed. Avoid contact with skin, eyes, or clothing. Wear goggles or safety glasses and rubber gloves when handling this product. Wash thoroughly with soap and water after handling.

FIRST AID: IF IN EYES: Hold eye 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 eye. Call a poison control center or doctor for treatment advice. **IF ON SKIN OR CLOTHING:** 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 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 do so by the poison control center or doctor. Do not give anything by mouth to an unconscious person.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. [IN CASE OF MEDICAL EMERGENCY, CALL [1-303-623-5716] [1-877-800-5553] [telephone number supplied by supplemental registrant].]

PHYSICAL OR CHEMICAL HAZARDS: Do not mix with other chemicals.

{Environmental hazards statement for end-use products in containers of less than 5 gallons (liquid).}

[ENVIRONMENTAL HAZARDS: This pesticide is toxic to fish and aquatic organisms.]

{Environmental hazards statement for end-use products in containers of equal to or greater than 5 gallons (liquid).}

[ENVIRONMENTAL HAZARDS: This pesticide is toxic to fish and aquatic organisms. 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.]

NOTE: Buyer assumes all responsibility for safety and use not in accordance with directions.