

49403-1

02/19/2010

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

FILE COPY

United States
Environmental Protection
Agency

Office of Pesticide Programs

Juli Mann
Paralegal Specialist for Clariant Corporation
Steptoe & Johnson
1330 Connecticut Avenue, NW
Washington, DC 20036-1795

FEB 19 2010

Subject: NIPACIDE® MX
EPA Reg. No. 49403-1
Application Dated: January 25, 2010
Receipt Date: January 25, 2010

Dear Ms. Mann:

The following notification submitted in connection with registration under the provisions of PR Notice 98-10, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) section 3(c)9 is acceptable.

Proposed Notification:

- Update of Storage and Disposal language per PR Notice 2007-4

Comments:

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

This application for notification to revise the label by updating the storage and disposal language, as referenced above, is acceptable. A copy has been placed in our records for future reference.

Should you have any questions or comments concerning this letter, please contact Wanda Henson at (703) 308-6345.

Sincerely,

A handwritten signature in black ink, appearing to read "Wanda Henson".

Wanda Henson
Acting Product Manager (32)
Regulatory Management Branch II
Antimicrobial Division (7510P)

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Please read instructions on reverse before completing form

Form Approved, OMB No. 2070-0060, Approval expires 5-31-98



United States
Environmental Protection Agency
Washington, DC 20460

☐ Registration
☐ Amendment
☒ Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 49403-1	2. EPA Product Manager Wanda Henson	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Nipacide MX	PM # 32	
5. Name and Address of Applicant (Include ZIP Code) Clariant Corporation 4000 Monroe Road Charlotte, NC 28205 <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

<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 of label changes to incorporate revised container disposal statements per PR Notice 2007-4 and an additional minor label revision per PR Notice 98-10.

This notification is consistent with the guidance in PR Notice 2007-4 and PR Notice 98-10 and the requirements of EPA's regulations at 40 CFR §§ 152.46, 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 §§ 152.46, 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.

Section III

1. Material This Product Will be Packaged in:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input checked="" type="checkbox"/> Other (Specify) <u>Fiber drum with polyethylene liner</u>	
*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 <input type="checkbox"/> Label <input checked="" type="checkbox"/> Container		4. Size(s) Retail Container 55 and 110 lbs		5. Location of label directions <input checked="" type="checkbox"/> On Label <input checked="" type="checkbox"/> On Label accompanying product	
6. Manner in Which Label is Affixed to Product		<input type="checkbox"/> Lithograph <input checked="" type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled <input type="checkbox"/> Other:			

Section IV

1. Contact Person (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)					
Name Juli Mann		Title Steptoe & Johnson, LLP Authorized agent		Telephone No. (Include Area Code) 202-429-3095	
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>Juli Mann</i>		3. Title Steptoe & Johnson, LLP Authorized Agent			
4. Typed Name Juli Mann		5. Date January 25, 2010			

1330 Connecticut Avenue, NW
Washington, DC 20036-1795
Tel 202.429.3000
Fax 202.429.3902
steptoe.com

Via Hand Delivery

Thank you for your

NIPACIDE® MX

FOR MANUFACTURING USE ONLY

For Formulation of disinfectant, algaecide, slimicide and water treatment products.

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

DANGER

CORROSIVE. CAUSES IRREVERSIBLE EYE DAMAGE AND SKIN BURNS. HARMFUL IF SWALLOWED, absorbed through skin or inhaled. Do not get in eyes, on skin, or clothing. Avoid breathing dust. Wear goggles, face shield or safety glasses and rubber gloves when handling. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove contaminated clothing and wash clothing before reuse.

ENVIRONMENTAL HAZARDS

This pesticide 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.

EPA Reg. No. 49403-1
EPA Est. No. 85373-CHN-001

ACTIVE INGREDIENT:
4-Chloro-3,5 -xyleneol.....98.5%
INERT INGREDIENTS.....1.5%
TOTAL.....100.0%

KEEP OUT OF REACH OF CHILDREN DANGER

SEE SIDE PANEL FOR ADDITIONAL
PRECAUTIONARY STATEMENTS

FIRST AID	
IF SWALLOWED:	<ul style="list-style-type: none">• 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 do so by a poison control center or doctor.• Do not give anything by mouth to an unconscious person.
IF INHALED:	<ul style="list-style-type: none">• 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 further treatment advice.
IF IN EYES:	<ul style="list-style-type: none">• 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:	<ul style="list-style-type: none">• Take off contaminated clothing.• Rinse skin immediately with plenty of water for 15-20 minutes.• Call a poison control center or doctor for further treatment advice.
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-424-9300 in case of emergency.	
NOTE TO PHYSICIAN	
Probable mucosal damage may contraindicate the use of gastric lavage.	

NET Weight: _____
Batch No.: _____

DIRECTIONS FOR USE

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

For formulation of disinfectant, algaecide, slimicide and water treatment products. Not for formulation into pesticides intended for use on pet living/sleeping quarters.

Formulators using this product are responsible for obtaining EPA registrations for their formulated products.

STORAGE AND DISPOSAL:

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

PESTICIDE STORAGE – Store in original container, tightly closed in a safe place.

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. Open dumping is prohibited.

CONTAINER HANDLING – Nonrefillable container. Do not reuse or refill this container. Completely empty liner by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into application equipment. When completely empty, offer for recycling if available, or dispose of liner and drum in a sanitary landfill, or by incineration if allowed by state and local authorities.

NOTIFICATION
Date Reviewed: 2/19/10
Reviewed By: Wanda Yenson

Manufactured by:
Clariant Corporation

4000 Monroe Road
Charlotte, NC 28205 (800) 942-7439

b/n