

49403-14

4/1/2010

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



Office of Pesticide Programs

APR 1 2010

Clariant Corporation
4000 Monroe Road
Charlotte, N.C. 28205

AGENT: Lewis and Harrison
122 C Street, N.W., Suite 740
Washington, D. C. 20036-1795

Attention: Wendy A. McCombie

Subject: Nipacide® X
EPA Registration No. 49403-14
Notification Dated March 12, 2010

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

Proposed Notification

- To update the "Storage and Disposal" language per PR Notice 2007-4

General Comments

Based 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 Marshall Swindell, at (703) 308-6341.

Sincerely,

Marshall Swindell
Product Manager (33)
Regulatory Management Branch 1
Antimicrobials Division (7510P)

**EPA**

United States
Environmental Protection Agency
 Washington, DC 20460

- ☐ Registration
☐ Amendment
☒ Other - Notification

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 49403-14	2. EPA Product Manager Marshall Swindell	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Nipacide® X	PM# Team 33	
5. Name and Address of Applicant (Include ZIP Code) Clariant Corporation 4000 Monroe Road Charlotte, NC 28205 <u>PLEASE SEND ALL CORRESPONDENCE TO</u> <u>"CONTACT POINT" LISTED BELOW</u> <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.)**APPLICATION FOR NOTIFICATION: MINOR LABEL CHANGES****Notification of Minor Label Changes in Accordance With PR Notices 1983-3, 1998-10 and 2007-4: See Cover Letter**

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 95-2 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be the subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

Signature: _____ Date: March 12, 2010**THIS SUBMISSION IS NOT SUBJECT TO PRIA FEES****Section - III**

1. Material This Product Will Be Packaged In:				2. Type of Container	
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	<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 <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container No Retail Containers		5. Location of Label Directions <input type="checkbox"/> On Label <input type="checkbox"/> On labeling accompanying product	
6. Manner in Which Label is Affixed to Product		<input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <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: Wendy A. McCombie, Lewis and Harrison, LLC 122 C St. NW Suite 740 Washington, DC 20001 wmccombie@lewisharrison.com		Title: Agent for Clariant Corporation	
		Telephone No. (Include Area Code) 202-393-3903 ext. 11	
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 		3. Title Agent for Clariant Corporation	
4. Typed Name Wendy A. McCombie, Lewis & Harrison, LLC		5. Date March 12, 2010	
6. Date Application Received (Stamped) 			

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LEWIS & HARRISON

Consultants in Government Affairs

122 C Street, N.W., Suite 740
Washington, D.C. 20001

telephone 202.393.3903
fax 202.393.3906

direct 202.393.3903 ext. 11
wmccombie@lewisharrison.com

March 12, 2010

HAND DELIVERED

Antimicrobials Division (Mail Code 7504P)
Office of Pesticide Programs
Document Processing Desk [NOTIFY]
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202

ATTENTION: Marshall Swindell
Product Manager, Team 33
Antimicrobials Division

SUBJECT: Clariant Corporation
Nipacide® X (EPA Reg. No. 49403-14)
Notification of Minor Label Changes per PR Notices 1983-3, 1998-10 and 2007-4
This Submission is NOT Subject to PRIA fees

Dear Mr. Swindell:

On behalf of Clariant Corporation ("Clariant"), I am submitting a Notification application to make minor changes to the product label for **Nipacide® X (EPA Reg. No. 49403-14)**.

The purpose of this Notification is to update the "Storage and Disposal" language in accordance with the requirements and provisions of PR Notice 2007-4.

No other changes have been made, so the label is otherwise identical to that approved by EPA on September 1, 2005.

Please find enclosed the following documents in support of this label Notification:

- 1) Application for Pesticide Notification; and;
- 2) Three (3) copies of the revised product label, with changes highlighted.

Insofar as I am the authorized "Contact Point" and "Company Agent" for Clariant, please relay all correspondence directly to me at 122 C Street NW, Suite 740, Washington DC 20001. If you have any questions, please contact me by telephone at 202-393-3903 ext. 11 or by e-mail at wmccombie@lewisharrison.com.

Thank you very much for your cooperation.

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Wendy A. McCombie
for,
Clariant Corporation

CC: Larry Kessler (Clariant Corporation)

A collection of 25 small, stylized line drawings of various birds, including sparrows, finches, and songbirds, arranged in a grid-like fashion. The drawings are simple, using black outlines on a white background, and show birds in various poses, some perched and some in flight.

5098

NIPACIDE® X

INDUSTRIAL MICROBIOSTAT

For industrial use only as a microbiostat preservative for aqueous compositions such as oil in water emulsions, latices, emulsion paints, water based adhesives, pesticide formulations, detergents and cleaning solutions, casein/rosin dispersions, and textile spin-finish solutions and for control of slime producing bacteria in paper making processes, mineral slurries, titanium dioxide slurries, tape joint compound..

Active Ingredient:
1,2 benzisothiazolin-3-one

18%

Inert Ingredients

82%

TOTAL: 100%

KEEP OUT OF REACH OF CHILDREN
DANGER

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 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 do so by a poison control center or doctor. Do not give anything by mouth to an unconscious person.

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.

HOTLINE NUMBER: 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.

PRECAUTIONARY STATEMENTS

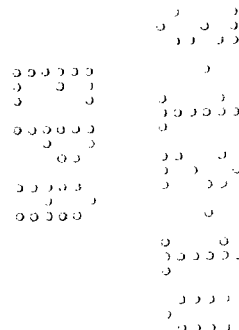
Hazards to Humans and Domestic Animals

DANGER. CORROSIVE. CAUSES EYE AND SKIN DAMAGE. HARMFUL OR FATAL IF SWALLOWED.

Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. Do not get in eyes, on skin, or on clothing. Wear goggles or face shield and rubber gloves when handling. Wash thoroughly with soap and water after handling and before eating or smoking. Remove contaminated clothing and wash before reuse.

ENVIRONMENTAL HAZARD: 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. 49403-14
EPA Est. No. 49403-NC-01



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DIRECTIONS FOR USE

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

Nipacide® X is an effective preservative in most aqueous compositions. Typical applications and the suggested range of concentrations on which trials can be based, are:

<u>Product</u>	<u>% Nipacide® X (based on total wt. of product)</u>
Pesticide Formulations: For Product preservation	0.1 -0.5
Latices: Polymer latices based on acrylate, butadiene, PVA,styrene for various applications, e.g., wax, floor polishes. Synthetic/rubber lattices	0.04-0.09
Oil-in-water emulsions: "Spin finish" solutions for use in the textile industry.	0.04-0.18
Cutting/rolling oils. Soluble oils* (metal and engineering industries).	
Emulsion paint: For preservation in the can.	0.04-0.25
Adhesives: Carboxy methyl cellulose (CMC) and derivatives, animal glues, adhesives based on gelatin and latex. Latex based sealants.	0.02-0.09
**Paper coating compositions: Rosin dispersions. Starch and casein based products	0.02-0.09
Car care products: Car washes, waxes, silicone emulsions	0.075-0.15
Home cleaning Products: floor cleaners, floor waxes, floor polishes, Surface cleaners	0.05-0.15
Laundry Additives: Liquid laundry detergents, fabric softeners, Stain removers	0.02-0.09
Mineral Slurries and Dispersions	0.02-0.09
Tape Joint Compound	0.06-0.25

The concentration required to give protection depends on several factors. These include the susceptibility of the system to microbiological degradation, the extent to which microorganisms can gain access, the species involved, pH, temperature, and length of time for which protection is required.

*We suggest formulators limit the addition of Nipacide® X to 0.9% maximum in metal-working fluid concentrates. This will give a maximum recommended use level of 0.09% Nipacide® X in a 10:1 dilution of the concentrate and reduce the possibility of skin sensitization.

**For use as a component of paper and paperboard in contact with aqueous and fatty foods. The active ingredient 1,2 Benzisothiazolin-3-one may be used in paper coating compositions at a level not to exceed 0.01 mg/in² (0.00016 mg/cm²) of finished paper and paperboard. For use as a component of paper and paperboard in contact with dry foods, the level of active ingredient in the paper coating must not exceed 0.02 mg/in² (0.0031 mg/cm²) of finished paper and paperboard.

For protection against bacterial attack, a concentration within the range 0.02-0.35 Nipacide® X is almost invariably sufficient.

The control of mold growth, particularly on paste product of high solids content, may occasionally demand dosages above 0.35%.

In dilute fluid systems, spoilage is usually controlled with dosages not greater than 0.09%.

A simple method of determining the effective dosage rate is to prepare samples of the product containing varying concentrations of Nipacide® X, e.g., 0.02, 0.04, 0.06, and 0.15%. These can then be stored at approx. 25°C for a period of time and compared with a control sample of product containing no preservative stored under similar conditions.

SLIME CONTROL

There are two methods of adding slimicides to paper mill systems: shock dosing and continuous dosing. The preferred method of addition is by shock dosing since this ensures that a high concentration of Nipacide® X is present in the system for several hours. When a slime control agent is added by continuous methods over periods of several hours, its concentration in the system at any time is low. This can lead to the development of resistant organisms, an effect that is less likely to occur when the shock dosing method is used.

It is not possible to give precise recommendations as to the quantity of Nipacide® X to add to control slime formation, since the magnitude of the problem varies greatly from mill to mill, depending on the furnish employed, the cleanliness of the mill system, and the additional nutrients (for example, starch) that may be added to the stock.

The following quantities of Nipacide® X are suggested for trial:

(a) Shock dosing: Between 80 and 300 g (2.8 - 11 oz. av.) of Nipacide® X for each ton of paper produced per day should be added as a single daily shock dose, the actual quantity used depending on the severity of the slime problem.

This addition may be made to any part of the stock preparation or backwater system. Alternatively, the addition may be made to those parts of the system where it is known that slime deposits accumulate.

(b) Continuous Addition: If this method is adopted, Nipacide® X should be added continuously for either the single period of 8 hours during every 24 hours or for two separate periods of 4 hours during every 24 hours.

Nipacide® X should be metered at the rate of 125-150g (4.5 - 5.3 oz. av.) for each ton of paper produced during the dosing period. Preferably, this addition should be made to the recirculated backwater.

STORAGE AND DISPOSAL

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

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

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 DISPOSAL: Nonrefillable container: Do not reuse or refill this container. Offer for reconditioning, if appropriate. Offer for recycling, if available or puncture and dispose in a sanitary landfill, or by other procedures approved by state and local authorities. If rinsate cannot be used, follow pesticide disposal instructions. If not triple rinsed, these containers are acute hazardous wastes and must be disposed in accordance with local, state and federal regulations. Triple rinse or pressure rinse container (or equivalent) promptly after emptying.

Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 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 several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times.

Pressure rinse as follows: Empty the remaining contents into application equipment or a mix tank. Hold container upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 PSI for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

REGULATORY CLEARANCES

All components of Nipacide® X are cleared for use under the following U.S. Environmental Protection Agency and U.S. Food and Drug Administration registrations and clearances:

US EPA Registration Number: 49403-14

US EPA: 40 CFR 180.1001 (d) (180.920, 180.950)

