

APR 07 2004

David Lewis, Agent for Clariant Corporation
c/o Lewis & Harrison
122 C Street, N.W. Suite 740
Washington, D.C. 20001

Subject: Nipacide CBX
EPA Reg. No. 49403-28
Your Amendment Dated 1/12/04

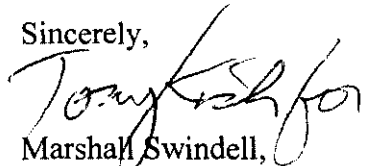
The amendment referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, to provide a revised label which makes the use sites listed on page 1/4 agree with those listed on page 3/4, as required in the EPA letter dated 7/17/03, is acceptable providing you make the following label change and submit three copies of the final printed label with this change, within 90 days:

On page 3/4 of this label, the Agency has deleted (by blacking out), the words "nonformaldehyde" and "halogen-free". As per the EPA "Label Review Manual" 3rd edition dated 8/03, page 12-3, claims about the absence of an ingredient are not allowed.

A copy of the label stamped "Accepted with comments" is attached.

If you have any questions about the comments in this letter, please feel free to contact Tony Kish at 703-308-9443, or myself at 703-308-6341.

Sincerely,



Marshall Swindell,
Product Manager Team 33,
Regulatory Management Branch I
Antimicrobials Division (7510C)

CONCURRENCES							
SYMBOL							
SURNAME							
DATE							

NIPACIDE® CBX INDUSTRIAL MICROBIOSTAT

For industrial use only as a preservative for aqueous based systems: oil in water emulsions, lattices, water based paint and coating systems, aqueous polymer emulsion and latex systems, aqueous adhesive and sealant systems, water based inks and fountain solutions, thickeners, mineral slurries and dispersions, textile spin finish solutions, paper finish and coating solutions, metal working fluids (use solutions of rolling, cutting and grinding fluids), detergents, cleaning solutions and pesticide formulations.

Active Ingredients:

1,2-Benzisothiazolin-3-one.....	5.000%
5-Chloro-2-methyl-4-isothiazolin-3-one.....	0.743%
2-Methyl-4-isothiazolin-3-one.....	0.264%

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Inert Ingredients.....	93.993%
	100.000%

Under the Federal Insecticide,
Fungicide, and Rodenticide Act as
amended, for the pesticide,
registered under EPA Reg. No.

**KEEP OUT OF REACH OF CHILDREN
DANGER**

49403-28

FIRST AID	
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 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 by a poison control center or doctor. Do not give anything by mouth to an unconscious person.
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 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 poison control center or doctor for 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	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment.	

EPA Reg. No. 49403-28

EPA Est. No. 33979-SC-01

Manufactured by:

Clariant Corporation

4000 Monroe Rd.
Charlotte, NC 28205 (704) 822-2259

Net Weight:
Batch No.:

PRECAUTIONARY STATEMENTS
Hazards to Humans and Domestic Animals
DANGER

Corrosive. Causes irreversible eye damage. Harmful if swallowed. Do not get in eyes or on clothing. Avoid contact with skin. Wear goggles or face shield. Prolonged or frequently repeated skin contact may cause allergic reaction in some individuals. Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet. Remove contaminated clothing and wash clothing before use.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Mixers, loaders and others exposed to methylisothiazolinone products must wear:

- protective eyewear
- chemical-resistant gloves
- long-sleeve shirt and long pants
- chemical-resistant apron
- shoes plus socks

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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.

USER SAFETY RECOMMENDATIONS

User should:

- Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly.

ENVIRONMENTAL HAZARDS

This chemical is toxic to terrestrial and aquatic plants, fish and aquatic invertebrates. 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.

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling. Do not apply this product in a way that will contact workers or other persons.

Nipacide CBX is a liquid water soluble ~~inorganic~~, ~~organic~~ organic preservative developed to control microbial spoilage of water based systems. When used at suggested application levels, **Nipacide CBX** is cost effective, offers long lasting efficacy, ease of incorporation, maintains stability over a wide pH range and is thermally stable.

APPLICATION

The growth of microbial organisms can be detrimental to the integrity of aqueous compositions during production and storage. This microbial contamination can be introduced into synthetic and natural based systems by the raw materials used, contaminated equipment, the production or storage environment and worker contact. The growth of microbial organisms can result in changes in viscosity, discoloration and staining, malodors and gas generation. The use of **Nipacide CBX** to control biodeterioration in these systems will help maintain product functionality and improve the storage life of the treated material.

USE

At use levels of 0.1 - 0.5% based on the total weight of the formulation, **Nipacide CBX** has been shown to be effective under laboratory and field use conditions in the following applications and are typical for aqueous based systems: oil in water emulsions, lattices, water based paints and coatings systems, aqueous polymer emulsion and latex systems, aqueous adhesive and sealant systems, water based inks and fountain solutions, thickeners, mineral slurries and dispersions, textile spin finish solutions, paper finish and coating solutions, metal working fluids (use solutions of rolling, cutting and grinding fluids), detergents, cleaning solutions, and pesticide formulations.

It is suggested that the preservative be added with sufficient agitation and allowing enough time for uniform dispersion. **Nipacide CBX** may be added at anytime during the production process. The level of **Nipacide CBX** required for optimum effectiveness is dependent on the anticipated storage/protection time, susceptibility of the system to microbial degradation, pH, temperature and other factors. CLARIANT CORPORATION recommends that all formulation components be evaluated for efficacy, stability and compatibility prior to commercialization in the final formulation/product.

* Should not exceed 0.32% (Max.) based on the weight of the working dilution

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STORAGE AND DISPOSAL

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

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:

METAL CONTAINERS: Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

PLASTIC CONTAINERS: Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

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REGULATORY CLEARANCES

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

U.S. EPA Registration Number: 49403-28

U.S. FDA:

- | | |
|----------------|---|
| 21 CFR 175.105 | Components of adhesives |
| 21 CFR 176.170 | Components of paper and paperboard in
contact with aqueous and fatty foods |
| 21 CFR 176.180 | Components of paper and paperboard in contact with dry food |

FOR YOUR PROTECTION

The information and recommendations in this publication are, to the best of our knowledge, reliable. Suggestions made concerning uses or applications are only the opinion of CLARIANT CORPORATION and users should make their own tests to determine the suitability of these products for their own particular purposes. However, because of numerous factors affecting results, CLARIANT CORPORATION MAKES NO WARRANTY OF ANY KIND, EXPRESSED OR IMPLIED, INCLUDING THOSE OF MERCHANTABILITY AND FITNESS FOR PURPOSE, other than that the material conforms to its applicable current Standard Specifications. Statements herein, therefore, should not be construed as representations or warranties. The responsibility of CLARIANT CORPORATION for claims arising out of breach of warranty, negligence, strict liability, or otherwise is limited to the purchase price of the material.

Statements concerning the use of the products or formulations described herein are not to be construed as recommending the infringement of any patent and no liability for infringement arising out of any such use is assumed.

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