

49403-32

04-09-2010

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



United States
Environmental Protection
Agency

Office of Pesticide Programs

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

APR - 9 2010

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

Attention: Wendy A. McCombie

Subject: Nipacide® TBX
EPA Registration No. 49403-32
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,

A handwritten signature in black ink that reads "M Swindell".

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 49403-32	2. EPA Product Manager Marshall Swindell	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Nipacide® TBX	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

- ☐ Amendment - Explain below. ☐ Final printed labels in response to Agency letter dated _____
☐ Resubmission in response to Agency letter dated _____ ☐ "Me Too" Application
☒ Notification - Explain below. ☐ 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:**

Child-Resistant Packaging <input type="checkbox"/> Yes* <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" Unit Packaging wgt. No. per container	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" Package wgt. No. per container	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)
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***Certification must be submitted**

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"/> Other _____ <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled		

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
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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 Agent for Clariant Corporation
4. Typed Name Wendy A. McCombie, Lewis & Harrison, LLC	5. Date March 12, 2010

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® TBX (EPA Reg. No. 49403-32)
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® TBX (EPA Reg. No. 49403-32)**.

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 August 8, 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.

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Wm. M. C. C.

Enclosures

CC: Larry Kessler (Clariant Corporation)

[illegible]

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NIPACIDE TBX

Broad Spectrum Biocide

ACTIVE INGREDIENTS:

1,3,5-Tris(2-hydroxyethyl)hexahydro-1,3,5-triazine 58.88%

1,2-Benzisothiazolin-3-one 4.00%

INERT INGREDIENTS

37.12%

TOTAL

100.00%

KEEP OUT OF REACH OF CHILDREN DANGER

FIRST AID	
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.	
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 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
NOTE TO PHYSICIAN	
Probable mucosal damage may contraindicate the use of gastric lavage.	

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

DANGER: Corrosive. Causes irreversible eye damage and skin burns. 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, face shield, or safety glasses. Wear coveralls worn over a long-sleeved shirt, long pants, socks, chemical resistant footwear and chemical-resistant gloves. Wear a respirator with an organic-vapor-removing cartridge with a prefilter approved for pesticides (MSHA/NIOSH approval number prefix TC-23C), or a NIOSH approved respirator with an organic vapor (OV) cartridge or canister with any N, R, P or HE prefilter. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Remove and wash contaminated clothing before reuse. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

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.

NET CONTENTS: _____

BATCH NUMBER: _____

EPA Reg. No. 49403-32

EPA Est. No.

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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 TBX is a stable, broad-spectrum biocide developed for the protection of water-based products against fungi and bacteria in the wet state. NIPACIDE TBX may be added at any stage in the processing. NIPACIDE TBX is compatible with most raw materials used in microbiologically susceptible products. Compatibility of NIPACIDE TBX with the application should always be checked before use. Typical applications and the suggested range of concentrations on which trials can be based are outlined in the table below; however, formulations vary and it is essential when first using NIPACIDE TBX to first challenge test formulations before deciding on an optimum concentration.

Products	Use Levels
Adhesives or Tackifiers (To prevent the deterioration of adhesives based on starch, protein, natural and synthetic gums and natural and synthetic rubber latex, including cellulose or cellulose derivatives such as carboxy methyl cellulose (CMC), animal glue, vegetable glue, gelatin, rosin, hydrocarbon resins, latex, tape or adhesives for tapes)	0.1 – 0.2%, based on the total weight of the finished product
Polymer Emulsions and Latexes[Latices] (To preserve synthetic and natural polymer latexes [latices] in manufacture and storage, including acrylic, styrene/butadiene, ethylene/vinylacetate, vinyl/acrylic and biopolymer based systems, as well as other hydrocarbon based emulsions)	
Natural and Synthetic Thickeners (To preserve cellulose or cellulose derivatives including carboxy methyl cellulose (CMC), Hydroxy Ethyl Cellulose (HEC), various gums such as guar gum, xanthan gum, starch, polyacrylic acid and other hydrocarbon based thickeners)	
Aqueous Slurries (To control the growth of fungi and bacteria in aqueous based slurries, including mineral and pigment slurries)	
Construction Compounds (To control the growth of fungi and bacteria in building materials, including mastics, caulks, joint cements, spackling, grouting, tapes, foams, mortar and concrete admixtures)	
Metalworking Fluids (To prevent the decomposition of synthetic, semi-synthetic and soluble oil formulations and emulsifying agents)	
Paints and Coatings (For use as an in-can preservative for paints, stains and coatings)	

Not for use in the preservation or treatment of materials which may come into contact with food.

STORAGE AND DISPOSAL:

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

PESTICIDE STORAGE: Store in a dry place away from extreme heat and cold (+4°C to +40°C). Keep container closed when not in use. Do not expose containers to direct sunlight. In the event of spillage or leakage, soak up material with absorbent clay, sand, sawdust, vermiculite or other absorbent inert material. Scrape up and dispose of in accordance with the information given under Pesticide Disposal. Repackage and relabel useable product in a sound container. In case of fire or other emergency, report at once by toll-free to 1-800-424-9300.

PESTICIDE DISPOSAL: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility. 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 of in a sanitary landfill, or by incineration, or if allowed by state and local authorities, by burning. If burned, stay out of smoke. 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 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 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.

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, EXPRESS 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.

Manufactured by:

Clariant Corporation

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

A collection of 15 small, stylized line drawings of various birds, including sparrows, finches, and songbirds, arranged in a grid-like fashion. The drawings are simple, using only outlines and minimal shading to represent the birds' forms and features like beaks and wings.