

49403-37

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY



U.S. ENVIRONMENTAL PROTECTION AGENCY

Office of Pesticide Programs
Antimicrobials Division (7510P)
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

EPA Reg. Number:

49403-37

Date of Issuance:

APR 28 2009

Term of Issuance:

Conditional

Name of Pesticide Product:

Nipacide® CMX

NOTICE OF PESTICIDE:

- x Registration
Reregistration

(under FIFRA, as amended)

Name and Address of Registrant (include ZIP Code):

Clariant Corporation
4000 Monroe Road
Charlotte, NC 28205

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide and Rodenticide Act.

Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product [OPP Decision Number: D-397168] is conditionally registered in accordance with FIFRA sec 3(c)7(b) provided that you:

- 1. Submit and/or cite all data required for registration of your product under FIFRA sec. 3(c)(5) when the Agency requires all registrants of similar products to submit such data; and submit acceptable responses required for re-registration of your product under FIFRA section 4.
2. Make the following labeling changes listed below before you release the product for Shipment:
a. Revise the "EPA Registration Number to read, "49403-37".

Signature of Approving Official:

Tracy Lantz

Date:

APR 28 2009

Tracy Lantz

CONCURRENCES

Table with columns for SYMBOL, SURNAME, and DATE, and rows for (Acting) Product Manager 34, Regulatory Management Branch II, and Antimicrobials Division (7510P).

Nipacide® CMX
EPA Reg. Number 49403-37

b. Order the First Aid Statement as follows:

- If In Eyes
- If Swallowed
- If On Skin Or Clothing
- If Inhaled

c. Revise the Precautionary statement to begin as follows:

“Corrosive. Causes irreversible eye damage. Harmful if swallowed, absorbed through skin or inhaled.”

d. Delete the following statement from the environmental hazards section:

“Do not contaminate water when disposing of equipment wash waters or rinsate.”

e. Delete the word “Recommended” from the concentration (% w/w) title which appears under the Directions For Use portion of the label. Revise as follows: “Use concentration (%w/w).”

f. Add the following statement: “Do not exceed maximum use rates listed on this label.” To the last paragraph under the Directions for Use.

3. This product is subject to the requirements of Chloroxylenol Summary Document: Registration Review Preliminary Work Plan, published on March 25, 2009, which may be found in the following docket: EPA-HQ-OPP-2009-0010

4. Submit three (3) copies of your final printed labeling before distributing or selling the product bearing the revised labeling.

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA sec. 6(e). Your release for shipment of the product constitutes acceptance of these conditions.

If you have any questions you may contact me by telephone at (703) 308-6415 or by e-mail at lantz.tracy@epa.gov or Stacey Grigsby by telephone at (703) 305-6440 or by e-mail at grigsby.stacey@epa.gov during the hours of 8:00am to 4:00pm EST. When submitting information or data in response to this letter, a copy of this letter should accompany the submission to facilitate processing. A stamped copy of the label is enclosed for your records.

Sincerely,
Tracy Lantz
Tracy Lantz
(Acting) Product Manager 34
Regulatory Management Branch II
Antimicrobials Division (7510P)

Enclosure: stamped label
DER: DP354898
DP354897
DP354896
DP354708

CONCURRENCES

| SYMBOL | | | | | | | |
|---------|--|--|--|--|--|--|--|
| SURNAME | | | | | | | |
| DATE | | | | | | | |

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NIPACIDE[®] CMX

For formulation of polymer emulsions, adhesives, binders, latex paints, plastics and plastic coatings.

| | |
|----------------------------|--------|
| 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 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. |
| 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 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 treatment advice. |
| Have the product container or label with you when calling a poison control center or doctor, or going for treatment. In case of emergency call toll free: 1-800-424-9300 | |
| Note To Physician: | Probable mucosal damage may contraindicate the use of gastric lavage. |

ACCEPTED
with COMMENTS
EPA Letter Dated:

APR 28 2009

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

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PRECAUTIONARY STATEMENTS
Hazards to Humans and Domestic Animals
DANGER

Corrosive. Causes irreversible eye damage [REDACTED]. Harmful if swallowed, absorbed through skin or inhaled. Do not get in eyes, on skin, or on 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 before reuse.

ENVIRONMENTAL HAZARDS

This product is toxic to fish and aquatic organisms. [REDACTED]
[REDACTED] 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-_____
EPA Est. No. _____

Manufactured by:

 **Clariant**
Clariant Corporation
4000 Monroe Road
Charlotte, NC 28205 USA
(704) 822-2259

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EPA Letter Dated:

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registered under EPA Reg. No. **49403-37**

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(Side Panel)

DIRECTIONS FOR USE

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

Industrial uses of NIPACIDE CMX include use as a preservative and/or fungistat in the following aqueous systems:

| | <u>Concentration (% w/w)</u> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| Polymer emulsions | 0.01-0.50% |
| Synthetic latex emulsions such as acrylic, styrene acrylic, styrene butadiene, vinyl acetate, vinyl acrylic. | |
| Adhesives/binders | 0.01-0.50% |
| Synthetic polymers such as polyvinyl acetate, polyvinyl alcohol, acrylic and styrene butadiene. | |
| Natural polymers such as starch, protein, casein, dextrin and gelatin. | |
| | 0.001-0.50% |
| Synthetic thickeners such as hydroxyethyl cellulose, carboxymethyl cellulose, methyl cellulose. | |
| | 0.05-0.50% |
| Latex paints | 0.10-0.50% |
| (interior and exterior Acrylic, styrene acrylic, styrene butadiene, vinyl acetate based paints) | |
| Plastics and Plastics Coatings | 0.05-1.0% |
| Nipacide CMX may be used to prevent surface mildew growth on plastic items such as shower curtains, cable and wire insulation, sun umbrellas, polymer furniture, filter medias, etc.. Intended plastics include polymers such as PVC, polyurethanes, elastomers and rubbers, neoprene; styrene compounds, polyolefins, etc. | |

The exact concentration of **NIPACIDE CMX** required for preservation or fungistatic effectiveness will vary with formulation and production conditions. Customers should evaluate microbiological effectiveness on their own systems before use.

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STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in original container, tightly closed and 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 DISPOSAL: Nonrefillable container. Do not reuse or refill this container. Completely empty plastic drum liner by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into application equipment. Then dispose of liner in a sanitary landfill or by incineration if allowed by State and local authorities. Dispose of drums in the same manner as liner.

[Batch Code: _____] [Lot Number: _____]

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