

49403-37

2/4/2010

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



Office of Pesticide Programs

FEB - 4 2010

**FILE COPY**

Juli Mann  
Steptoe & Johnson  
1330 Connecticut Avenue, NW  
Washington, DC 20036-1795

Subject: Clariant Corporation  
Nipacide CMX  
EPA Registration No. 49403-37  
Application Dated: January 26, 2010  
Receipt Dated: January 27, 2010

Dear Ms. Mann:

This acknowledges receipt of your notification, submitted under the provision of PR Notice 98-10, FIFRA Section 3(c)9.

**Proposed Notification:**

- Change qualifying phrase from "Manufactured by" to "Manufactured by/for" to include optional language.
- Update the container disposal according to PR-Notice 2007-4.

**General Comments:**

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

This notification is acceptable. A copy has been inserted in your file for future reference.

Should you have any questions or comments concerning this letter, please contact me at [Henson.Wanda@epa.gov](mailto:Henson.Wanda@epa.gov) or (703) 308-6345.

Sincerely,

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

2094

Please read instructions on reverse before completing form

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

|  |  |   |                       |
|--|--|---|-----------------------|
|  | United States                          | <input type="checkbox"/> Registration     | OPP Identifier Number |
|  | <b>Environmental Protection Agency</b> | <input type="checkbox"/> Amendment        |                       |
|  | Washington, DC 20460                   | <input checked="" type="checkbox"/> Other |                       |

**Application for Pesticide - Section I**

|   |   |  |
|---|---|--|
| 1. Company/Product Number<br>49403-37   | 2. EPA Product Manager<br>Wanda Henson  | 3. Proposed Classification<br><input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted |
| 4. Company/Product (Name)<br>Nipacide CMX   | PM #<br>32  |  |
| 5. Name and Address of Applicant (Include ZIP Code)<br>Clariant Corporation<br>4000 Monroe Road<br>Charlotte, NC 28205<br><br><input type="checkbox"/> Check if this is a new address | 6. <b>Expedited Review.</b> In accordance with FIFRA Section 3(c)(3)(b)(i), my product is similar or identical in composition and labeling to:<br>EPA Reg No. _____<br>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<br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No                     | Unit Packaging<br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | Water Soluble Packaging<br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |   | <input type="checkbox"/> Metal   | <input type="checkbox"/> Plastic  |
| <b>*Certification must be submitted</b>   |  |   |   | <input type="checkbox"/> Glass   | <input type="checkbox"/> Paper  |
|   | If "Yes" Unit Packaging wgt.   | No. per container   | If "Yes" Package wgt.                           | No. per container  | <input checked="" type="checkbox"/> Other (Specify) <u>Fiber drum with polyethylene liner</u> |
| 3. Location of Net Contents Information<br><input type="checkbox"/> Label <input checked="" type="checkbox"/> Container |  | 4. Size(s) Retail Container<br>55 and 110 lbs   |   | 5. Location of label directions<br><input checked="" type="checkbox"/> On Label<br><input checked="" type="checkbox"/> On Label accompanying product |   |
| 6. Manner in Which Label is Affixed to Product  |  |   | <input type="checkbox"/> Lithograph             | <input type="checkbox"/> Other:  |   |
|   |  |   | <input checked="" type="checkbox"/> Paper glued |  |   |
|   |  |   | <input type="checkbox"/> Stenciled              |  |   |

**Section IV**

|   |  |  |  |   |  |
|---|--|--|--|---|--|
| 1. Contact Person (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)  |  |  |  |   |  |
| Name<br>Juli Mann   |  | Title<br>Steptoe & Johnson, LLP<br>Authorized agent    |  | Telephone No. (Include Area Code)<br>202-429-3095 |  |
| <b>Certification</b><br>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<br><br><b>(Stamped)</b> |
| 2. Signature<br>  |  | 3. Title<br>Steptoe & Johnson, LLP<br>Authorized Agent |  |   |  |
| 4. Typed Name<br>Juli Mann  |  | 5. Date<br>January 26, 2010                            |  |   |  |
|   |  |  |  |   |  |

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STEPTOE & JOHNSON <sup>LLP</sup>  
ATTORNEYS AT LAW

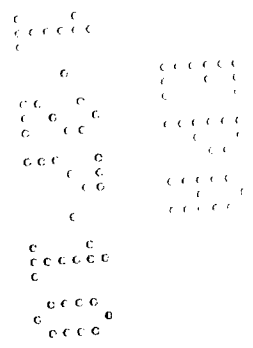
WRITER'S DIRECT DIAL  
202.429.3095

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

January 26, 2010

*Via Hand Delivery*

Wanda Henson, Acting Product Manager 32  
Antimicrobials Division (AD)  
c/o Document Processing Desk (NOTIF)  
Office of Pesticide Programs (7510P)  
U.S. Environmental Protection Agency  
Room S-4900, One Potomac Yard  
2777 South Crystal Drive  
Arlington, VA 22202-4501



**Re: Notification to update label per PR Notices 2007-4 and 98-10**

**Product: Nipacide CMX (EPA Reg. No. 49403-37)**

Dear Ms. Henson:

On behalf of our client, Clariant Corporation, please find enclosed a notification to update the container disposal statements per PR Notice 2007-4 and make the following change per PR Notice 98-10:

- Change qualifying phrase from "Manufactured by" to "Manufactured by/for" to include optional language

This notification is consistent with the guidance in PR Notice 2007-4 and PR Notice 98-10. The updated language is highlighted in yellow on the enclosed label.

Documents included with this submission include an Application Form (EPA Form 8570-1) and one copy of the updated label.

If you require any further information please contact me at (202) 429-3095. Thank you for your attention to this matter.

Sincerely,

*Juli Mann*  
Juli Mann  
Paralegal Specialist

# NIPACIDE® CMX

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

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

KEEP OUT OF REACH OF CHILDREN

## DANGER

| FIRST AID  |  |
|--|--|
| IF IN EYES:  | <ul style="list-style-type: none"> <li>Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li> <li>Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.</li> <li>Call a poison control center or doctor for treatment advice.</li> </ul>  |
| IF SWALLOWED:  | <ul style="list-style-type: none"> <li>Call a poison control center or doctor immediately for treatment advice.</li> <li>Have person sip a glass of water if able to swallow.</li> <li>Do not induce vomiting unless told to do so by the poison control center or doctor.</li> <li>Do not give anything by mouth to an unconscious person.</li> </ul> |
| IF ON SKIN OR CLOTHING:  | <ul style="list-style-type: none"> <li>Take off contaminated clothing.</li> <li>Rinse skin immediately with plenty of water for 15-20 minutes.</li> <li>Call a poison control center or doctor for treatment advice.</li> </ul>  |
| IF INHALED:  | <ul style="list-style-type: none"> <li>Move person to fresh air.</li> <li>If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth, if possible.</li> <li>Call a poison control center or doctor for treatment advice.</li> </ul>   |
| 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  |  |
| Probably mucosal damage may contraindicate the use of gastric lavage.  |  |

EPA Reg. No. 49403-37

EPA Est. No. 85373-CHN-001

NET Weight: 110 lbs (50 kg)  
Batch No.:

### PRECAUTIONARY STATEMENTS

#### HAZARDS TO HUMANS AND DOMESTIC ANIMALS:

#### DANGER

**CORROSIVE:** Causes irreversible eye damage. 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 or using tobacco or using the toilet. Remove contaminated clothing and wash before reuse.

**ENVIRONMENTAL HAZARDS:** This product is toxic to fish and aquatic organisms. 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.

#### 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 HANDLING:** 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. 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: 2/14/10  
Reviewed By: A. Peterson

**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:

Use  
Concentration (% w/w)

**Polymer emulsions:** Synthetic latex emulsions such as acrylic, styrene acrylic, styrene butadiene, vinyl acetate, vinyl acrylic. 0.01-0.50%

**Adhesives/binders:** Synthetic polymers such as polyvinyl acetate, polyvinyl alcohol, acrylic and styrene butadiene. 0.01-0.50%

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:** (interior and exterior Acrylic, styrene acrylic, styrene butadiene, vinyl acetate based paints) 0.10-0.50%

**Plastics and Plastics Coatings:** 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. 0.05-1.0%

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. Do not exceed maximum use rates listed on this label.

Manufactured by/for:

Clariant

Clariant Corporation  
4000 Monroe Road  
Charlotte, NC 28205 USA

Note to EPA: Text separated by "/" denotes optional language.

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