

53735-9

09/29/2011

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Heather R. Bjornson
Regulatory Agent for,
King Technologies, Inc.
530 11th Avenue South
Hopkins, MN 55343

SEP 29 2011

Mail to: Heather R. Bjornson
TSG Technology Sciences Group
1150 18th Street, NW, Suite 1000
Washington, D.C. 20036

Subject: New Water Pool Protector
EPA Registration Number 53735-9
Your Notification Dated August 29th, 2011
EPA Received Date August 29th, 2011

The notification referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, FIFRA, as amended, to add an alternate brand name, "Aqua Smarte Plus Cannon Ball" is acceptable.

A copy of the notification has been made part of the file.

If you have questions concerning this letter, please contact Karen M. Leavy at (703)-308-6237.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Swindell".

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



United States
Environmental Protection Agency
Washington, DC 20460

☐ Registration
☐ Amendment
☒ Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 53735-9	2. EPA Product Manager Marshall Swindell	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) New Water Pool Protector	PM# 33	
5. Name and Address of Applicant (Include ZIP Code) King Technology, Inc. 530 11th Avenue South Hopkins, MN 55343 <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.)

This notification is to add an alternate brand name and to make other minor text revision to the label per PR Notice 98-10.

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 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 this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, 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 <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Metal	<input checked="" type="checkbox"/> Plastic
* Certification must be submitted				<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
	If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt	No. per container	Other (Specify) _____
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 24, 32, or 128 ounces		5. Location of Label Directions <input type="checkbox"/> Back panel of Label	
6. Manner in Which Label is Affixed to Product <input checked="" 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 Heather R. Bjornson Technology Sciences Group, Inc.	Title Senior Regulatory Consultant	Telephone No. (Include Area Code) (202) 828-894F
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 Regulatory Consultant to King Technology, Inc.	
4. Typed Name Heather R. Bjornson	5. Date August 29, 2011	

**Technology Sciences Group Inc.**

1150 18th Street, NW, Suite 1000
Washington, D.C. 20036
Direct: (202) 828-8945
Fax: (202) 872-0745
E-Mail: hbjornson@tsgusa.com

Heather R. Bjornson
Senior Regulatory Consultant

Marshall Swindell PM 33
Office of Pesticide Products, US EPA
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202-4501

August 29, 2011

RE: King Technology, Inc.: New Water Pool Protector (EPA Reg. No. 53735-9)

Notification to add an alternate brand name per PR Notice 98-10

Dear Mr. Swindell:

Technology Sciences Group Inc., on behalf of King Technology Inc., is submitting the enclosed notification to add the alternate brand name, "**Aqua Smarte Plus Cannon Ball**" and make other minor text revisions to the label.

Should you have any questions or comments, please do not hesitate to contact me directly.

Sincerely,

Heather R. Bjornson

{All text in brackets [xxx] is optional and may or may not be included on a final label.}

{All text in braces {xxx} is administrative and will not appear on a final label.}

{MASTER LABEL}

{Alternate Brand Names:}

[Frog Bam]

[Aqua Smarte Jump Start]

[Frog Leap Bam]

[Frog Leap Cannon Ball]

[Frog Leap BOMB 90]

[Frog Leap ALL-OUT]

[Frog Leap Bombshell 90]

[Frog Leap Blitz!]

[Aqua Smarte Plus Cannon Ball]

[Aqua Smarte BOMB 90]

[Aqua Smarte ALL-OUT]

[Aqua Smarte Bombshell 90]

[Aqua Smarte Blitz!]

New Water Pool Protector

For Bottled Product: MINERAL ALGAE PREVENTATIVE

For Bottled Product: Prevents Algae Up to 3 Months

{For Feeder System}: {Algae Knock Out Champ}
90 Day Algae Protection

{Optional}: [Tailor Made for Service Companies]

KEEP OUT OF REACH OF CHILDREN

CAUTION

SEE ADDITIONAL CAUTIONS ON BACK PANEL

Active Ingredient:

Elemental Copper as Triethanolamine Complex.....3.03%

Inert Ingredients:.....96.97%

Total:100.00%

Contains 0.32 lb. of Elemental Copper per Gallon

NET CONTENTS = [32 fl oz]

[24 fl oz]

[128 fl oz]

EPA No: 53735-9

EPA Est. No: 57787-MI-1

[Distributed by] King Technology, Inc., 530 11th Ave. So., Hopkins, MN 55343

USE ONCE EVERY THREE MONTHS TO PREVENT ALGAE IN YOUR SWIMMING POOL

PRODUCT DESCRIPTION {BOTTLED PRODUCT}:

New Water Pool Protector is a 90 day algae preventative for swimming pools. Simply add New Water Pool Protector directly to the pool water once every three months to ensure no messy algae clean ups and no weekly additives.

DIRECTIONS FOR USE {BOTTLED PRODUCT}:

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

DOSAGE RATES

PREVENTATIVE: Add 16 fl oz New Water Pool Protector per 10,000 gallons pool water EVERY THREE MONTHS to prevent algae growth in all pool types.

TREATMENT: Add 32 fl oz New Water Pool Protector per 10,000 gallons pool water for SEVERE ALGAE.

WINTER DOSE: Add 16 fl oz New Water Pool Protector per 10,000 gallons pool water.

GENERAL DIRECTIONS

Do not use with any other copper based products.

1. Maintain pool water in the pH range 7.2 to 7.8. Adjust the pH to 7.2 for severe algae.
2. Ensure the filtration system is working properly and the filtration cycle is adequate.
3. A regular brushing program will assist in the removal of stubborn algae.
4. Calculate the volume of New Water Pool Protector required for your pool (16 fl. oz. per 10,000 gallons).
5. Add the product directly to the pool, distributing it over as wide an area as possible.
6. While New Water Pool Protector controls algae it is important that adequate levels of sanitizers (chlorine) be maintained to control bacterial growth.
7. Wait 24 hours after shocking before using New Water Pool Protector.
8. Avoid adding other chemicals until this product has been circulated (filtered) for at least 24 hours.

PRODUCT DESCRIPTION {IN FEEDER SYSTEM}:

New Water Pool Protector, [when used with the complete POOL FROG Mineral System], protects a swimming pool against even the toughest algae. Just one initial dose will prevent algae for a full 90 days. It's one of a kind formula works so well, using once every 3 months ensures no messy algae clean-ups and no weekly additives. It's easy. It's effective. It's powerful! New Water Pool Protector - from the makers of FROG - the water treatment experts.

DIRECTIONS FOR USE {IN FEEDER SYSTEM}:

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

PREVENTATIVE DOSAGE RATES: Use one New Water Pool Protector for pools up to 15,000 gallons of water every 3 months. Use two New Water Pool Protector for pools between 15,000 and 30,000 gallons of water every 3 months.

TREATMENT DOSAGE RATES: Use two New Water Pool Protector for pools up to 15,000 gallons of water. Use four New Water Pool Protector for pools between 15,000 and 30,000 gallons of water.

PLACEMENT: Turn circulation pump off, turn dial to Pac Removal, Setting 0 or OFF depending on the model, and remove cap from Cyclor. Remove cap from New Water Pool Protector without removing the seal and insert container upside down into the center of the Mineral Reservoir pushing down firmly to puncture seal. Replace the cap on the Cyclor. Turn control dial on the Cyclor to Maximum, Setting [5] [10] or ON depending on the model and turn pump on for 90 minutes allowing New Water Pool Protector to circulate through the pool.

REMOVAL: Turn pump off, turn dial to Pac Removal, Setting 0 or OFF and remove Cyclor cap. Lift the New Water Pool Protector container up and allow any water in the container to drain through the Cyclor before discarding. NOTE: After discarding New Water Pool Protector, if water shows more than a hint of blue inside Cyclor, replace the Cyclor cap, turn dial to Maximum, Setting [5] [10] or ON and run the pump for one minute. Repeat Placement and Removal instructions if additional New Water Pool Protector is required. Then insert a Pool FROG chlorine [Bac] Pac following the directions on its label.

GENERAL DIRECTIONS:

Do not use with any other copper based products.

- 1) Maintain pH of pool water between 7.2 to 7.8. Adjust the pH to 7.2 for severe algae.
- 2) Ensure the filtration system is working properly and the filtration cycle is adequate.
- 3) A regular brushing program will assist in the removal of stubborn algae.
- 4) While New Water Pool Protector controls algae, it is important that adequate levels of sanitizers (chlorine) be maintained to control bacterial growth.
- 5) Wait 24 hours after shocking before using New Water Pool Protector.
- 6) Avoid adding other chemicals until this product has been circulated (filtered) for at least 24 hours.

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS CAUTION

New Water Pool Protector may cause eye irritation and skin damage. Do not get in eyes or on clothing. In case of contact, wash thoroughly. For eyes, flush with plenty of water and get medical attention immediately. Harmful if swallowed. Do not induce vomiting or give anything by mouth to an unconscious person. If swallowed, call a doctor.

ENVIRONMENTAL HAZARDS

This product is toxic to fish. Treated effluent should not be discharged in lakes, ponds or public water.

CONTAINER DISPOSAL

Non-refillable container. Do not reuse or refill this container. Offer for recycling if available. Rinse thoroughly before recycling or discarding in trash.

NOTICE

Neither King Technology Inc. nor the seller of this product can accept any responsibility where the product is not used according to directions and for the manner in which it was intended. New Water Pool Protector must be used in accordance with King Technology's operating instructions. Failure to use New Water Pool Protector as instructed will void the warranty.

{Optional Language to accompany product on Hang Tag}

NEW WATER POOL PROTECTOR Algae Protection Guarantee!*

*This is a limited warranty. Details on back.

Attention: POOL FROG Mineral System Users!

King Technology Inc. warrants its NEW WATER POOL PROTECTOR product for a period of 90 days to eliminate algae from inground or above ground swimming pools when used properly with the POOL FROG Mineral System and if (a) NEW WATER POOL PROTECTOR is added to the pool every 90 days (b) the POOL FROG Mineral Reservoir has been replaced within 6 months (c) the pool maintains a chlorine residual of at least 0.5 ppm at all times and (d) the pool is properly balanced.

Consumer Claims Terms and Conditions

If algae occurs during the 90 day warranty period for your NEW WATER POOL PROTECTOR notify your FROG dealer and provide him with (a) sales receipt showing purchase of a Pool Frog Mineral Reservoir within 6 months of the date of claim, (b) sales receipt showing purchase of NEW WATER POOL PROTECTOR within 90 days of the date of claim and (c) a pool water sample showing proper chlorine levels, pH balancing and normal cyanuric acid levels. If dealer approves the claim, you will be provided with enough NEW WATER POOL PROTECTOR to take care of the algae problem. Follow label directions for treatment carefully.

This warranty is the exclusive warranty for NEW WATER POOL PROTECTOR. This warranty is not transferable. KING TECHNOLOGY, INC. MAKES NO REPRESENTATION OR WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, AS TO MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER MATTER WITH RESPECT TO NEW WATER POOL PROTECTOR. All claims for NEW WATER POOL PROTECTOR, whether in contract, negligence, strict liability or any other tort or otherwise are deemed waived or released unless made within the 90 day warranty period for NEW WATER POOL PROTECTOR to your local FROG dealer with the proofs of claim required. YOUR EXCLUSIVE REMEDY SHALL IN NO EVENT EXCEED PROVIDING YOU WITH ADDITIONAL NEW WATER POOL PROTECTOR TO CURE THE ALGAE PROBLEM. IN NO EVENT WILL KING TECHNOLOGY, INC.

BE LIABLE FOR INCIDENTAL, CONSEQUENTIAL, SPECIAL OR PUNITIVE DAMAGES RESULTING FROM ANY CAUSE. King Technology, Inc. will not be liable for any product misuse, incorrect water balancing, allowing the chlorine residual to drop below standards provided above, not cleaning the pool filter when needed or improper circulation time per day.

Dealer Instructions

To handle an algae claim, proceed as follows:

1. Collect all sales receipts requested above.
2. Test pool water for a chlorine residual of at least 0.5 ppm, proper pH levels of 7.2 to 7.8, proper alkalinity of 60-120 ppm and proper cyanuric acid levels of 20-80 ppm.
3. If pool test meets requirements and their circulation time was at least 6-8 hours per day, give the consumer enough NEW WATER POOL PROTECTOR to treat the algae at no charge (see label directions for algae treatment).
4. Send a no charge NEW WATER POOL PROTECTOR invoice stating consumer name, address and phone number {and e-mail address} along with all consumer documentation, including the pool test readings, to BAM Guarantee, c/o King Technology, Inc., 530 11th Avenue So., Hopkins, MN 55343.
5. Reimbursement will be replacement NEW WATER POOL PROTECTOR in the same quantity sent directly to your dealership.
6. Questions? Contact King Technology's Customer Service Department at 800-222-0169.]

