

57787-11

11/2/2010

1098

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY



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WASHINGTON, D.C. 20460

NOV - 2 2010

Milo Fortier
HAVILAND® Consumer Products Inc.
421 Ann Street NW
Grand Rapids, Michigan 49504-2075

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Subject: **Winterizer**
EPA Registration Number: 57787-11
Application Date: July 21, 2010
Receipt Date: August 8, 2010

Dear Ms. Fortier:

The following amendment, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide (FIFRA), as amended, is acceptable with conditions.

Proposed Amendment

- Label Amendment: Adding "First Aid" and "Environmental Hazards" clarifying language,
- Revising the "Directions for Use" section
- Adding optional marketing statements

Conditions

Revise Label to Read:

1. Change your Environmental Hazards statement to read as follows:

"This product is toxic to fish, aquatic invertebrates, and clams"

2. Revise the statements for containers greater or equal to 5 gallons by adding the following:

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 Pollution 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.

CONCURRENCES

SYMBOL							
SURNAME							
DATE							

2008

3. PRN 2005-1, Guidance for Mandatory and Advisory Labeling Statements, states that:

Mandatory statements, which commonly use imperative verbs such as “must” or “shall”, either require action or prohibit the user from taking certain action. **Advisory statements** generally provide information, either in support of the mandatory statements or about the product in general. **To ensure that the intent of each labeling statement is clear, mandatory statements need to be clearly distinguishable from advisory statements.**

Therefore, you must replace the word “should” with “must” whenever it appears in the “Directions for Use” section of your label.

4. Revise your Precautionary Statements language to read as follows:

“CAUTION. Causes moderate eye irritation. Harmful if swallowed or absorbed through the skin. Avoid breathing vapors. Avoid contact with skin, eyes or clothing. Wear chemical-resistant eyewear. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove and wash clothing before reuse.”

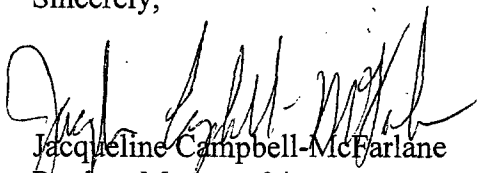
5. Revise the FIRST AID chart to be reorganized so that the toxicity category III statements precede the toxicity category IV statements. Reorganize the chart so that the FIRST AID statements are in the following order: “If swallowed” “If in eyes”, “If on skin or clothing” and “If inhaled”.

General Comments

A stamped label with conditions is enclosed for your records. Submit a copy of your final printed label before distributing or selling the product bearing the revised labeling.

If you have further questions concerning this letter, then please contact me by telephone at (703) 308-6416 or by e-mail at campbell-mcfarlane.jacqueline@epa.gov or Stacey Grigsby by telephone at (703) 308-6440 or by email at grigsby.stacey@epa.gov . When you are submitting information or data in response to this letter, send a copy of this letter to accompany the submission in order to facilitate processing.

Sincerely,



Jacqueline Campbell-McFarlane
 Product Manager 34
 Regulatory Management Branch II
 Antimicrobials Division (7510P)

Enclosure: stamped label		CONCURRENCES					
SYMBOL							
SURNAME							
DATE							

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MASTER LABEL

WINTERIZER

[for swimming pools]

KEEP OUT OF REACH OF CHILDREN

CAUTION

See first aid and additional cautions on [back] [side] panel

ACTIVE INGREDIENT

Poly (oxyethylene (dimethyliminio) ethylene-(Dimethyliminio) ethylene dichloride).....	10%
OTHER INGREDIENTS.....	90%
TOTAL.....	100%

(This product contains 0.85 lbs. of active ingredient per gallon and weighs 8.5 lbs. per gallon.)

Packaged by:

Haviland Consumer Products, Inc.
421 Ann St. NW
Grand Rapids, MI 49504

EPA Reg. No. 57787-11
EPA Est. No. 57787-MI-1

Net Contents: *(see container label)*
Batch # / Lot #: *(see container label)*

ACCEPTED
with **COMMENTS**
in EPA Letter Dated:

NOV - 2 2010
Under the Federal Insecticide,
Fungicide, and Rodenticide Act as
amended, for the pesticide,
registered under EPA Reg. No. **57787-11**

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MASTER LABEL

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION: Harmful if swallowed. Avoid breathing vapors. Avoid contact with skin, eyes, or clothing.

FIRST AID

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. For emergency information call CHEMTREC at 1-800-424-9300.

IF SWALLOWED: Call a poison control center or doctor immediately for treatment advice. ~~Chemtree 1-800-424-9300.~~ 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 an unconscious person.

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. ~~Chemtree 1-800-424-9300.~~

IF INHALED: 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. ~~Chemtree 1-800-424-9300.~~

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. ~~Chemtree 1-800-424-9300.~~

Note to Physician: Probable mucosal damage may contraindicate the use of gastric lavage.

ENVIRONMENTAL HAZARDS (Containers less than 5 gallons)

This pesticide is toxic to fish.

ENVIRONMENTAL HAZARDS (Containers greater than or equal to 5 gallons)

This pesticide is toxic to fish. Keep out of lakes, streams, or ponds. Permits may be required for discharges containing this pesticide into lakes, streams, ponds or public water. For guidance, contact the regional office of the Environmental Protection Agency.

DIRECTIONS FOR USE

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

{Optional intro statement 1 – when directions for swimming pool, spa, and closing use are on product.}

[Winterizer] or [This product] is used to control the growth of all types of algae in swimming pools, spas, whirlpools, hot tubs, and decorative fountains. Using [Winterizer] or [this product] weekly prevents algae outbreaks from occurring. This formula is non-foaming and is the preferred choice for use in fountains, stand alone spas, or spas attached to swimming pools. [Winterizer] or [This product] is compatible with pools or spas that are sanitized with chlorine or bromine. Continued use of [Winterizer] or [this product] may reduce the amount of chemicals normally required to maintain your pool, spa, hot tub, or fountain. For maximum effectiveness pools, spas, whirlpools, hot tubs, and decorative fountains containing heavy growth of algae ^{MUST} should be cleaned prior to using this product. [Winterizer] or [This product] can be used during the colder months when swimming pools are covered or no longer in use.

{Optional intro statement 2 – when directions for swimming pool use only are on product}

[Winterizer] or [This product] is used to control the growth of all types of algae in swimming pools. Using [Winterizer] or [this product] weekly prevents algae outbreaks from occurring. This formula is non-foaming and compatible with pools that are sanitized with chlorine or bromine. Continued use of [Winterizer] or [this product] may reduce the amount of chemicals normally required to maintain your pool. For maximum effectiveness pools containing heavy growth of algae ^{MUST} should be cleaned prior to using this product.

{Optional intro statement 3 – when directions for spa use only are on product.}

This product is used to control the growth of all types of algae in spas, whirlpools, hot tubs, and decorative fountains. Using this product weekly prevents algae outbreaks from occurring. This formula is non-foaming and is the preferred choice for use in fountains, stand alone spas, or spas attached to swimming pools. This product is compatible with spas that are sanitized with chlorine or bromine. Continued use of this product may reduce the amount of chemicals normally required to maintain your spa, hot tub or fountain.

{Optional intro statement 4 – when directions for swimming pool, off season use only are on product.}

[Winterizer] or [This product] should be used during the colder months when swimming pools are covered or no longer in use. [Winterizer] or [This product] is used to control the growth of all types of algae in swimming pools. [Winterizer] or [This product] is compatible with pools that are sanitized with chlorine or bromine. For maximum effectiveness pools containing heavy growth of algae ^{MUST} should be cleaned prior to using this product.

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MASTER LABEL

Swimming Pools:

When using other products in conjunction with this product, follow the instructions on those products. NEVER mix different products together in the same bottle or pail. Always add this product directly to water with the pool pump on. Clean the pool filter as necessary following the manufacturer's instructions for backwashing or using a filter cleaning solution. Adjust pH of pool water to the ideal range of 7.4 – 7.6. In pools sanitized with chlorine, adjust stabilizer levels to 30 – 50 ppm. Maintain available chlorine levels in the range of 1 – 3 ppm. For treatment of freshly filled, clean, or restored pools, add 18 to 28 fluid ounces of [Winterizer] or [this product] per 10,000 gallons of water directly into the pool. Maintenance additions of 8 to 12 fluid ounces of [Winterizer] or [this product] per 10,000 gallons of water ~~should~~^{must} be made every 5 to 7 days after initial treatment. After heavy rain, add an additional 6 fluid ounces per 10,000 gallons of water. Prior to using this product, pools with heavy algae growth, should be vacuumed. If the pool is properly equipped, the vacuumed algae growth ~~should~~^{must} be vacuumed directly out of the pool to waste. For pools having light to medium algae growth, add 32 to 42 fluid ounces of [Winterizer] or [this product] per 10,000 gallons of water directly to the pool. Brush pool to increase circulation and to remove algae from pool walls and bottoms. Pool use may resume 15 minutes after applying this product to the water.

Spas:

When using other products in conjunction with this product, follow the instructions on those products. Never mix different products together in the same bottle or pail. Always add this product directly to water with the circulation pump on. Clean the spa filter as necessary using a filter cleaning solution. Adjust pH of spa water to the ideal range of 7.4 – 7.6. Maintain available chlorine levels in the range of 1 – 3 ppm. For treatment of a freshly cleaned, filled, or restored spa, whirlpool, hot tub, or decorative fountain, add 6 to 9 fluid ounces of this product per 500 gallons of water directly into the water. Maintenance additions of 1 fluid ounce of this product per 500 gallons of water ~~should~~ be made every 5 to 7 days after initial treatment. For spas, whirlpools, hot tubs, and decorative fountains having light to medium algae growth, add 6 to 9 fluid ounces of this product per 500 gallons of water directly into the water. Brush spa to increase circulation and to remove algae from spa walls and bottoms. Spa use may resume 15 minutes after applying this product to the water. If algae growth is excessive, drain, clean, and refill the spa prior to treatment.

Swimming Pools (Off-Season Winter Months):

When using other products in conjunction with this product, follow the instructions on those products. NEVER mix different products together in the same bottle or pail. Clean the pool filter as necessary, following the manufacturer's instructions for backwashing or using a filter cleaning solution. Prepare your pool for the closing season by adjusting pH of pool water to the ideal range of 7.4 – 7.6. [Winterizer] or [This product] will prevent growth of algae during the off-season winter months when pools are not in use. When pool is balanced and free of visible algae, add 48 to 64 fluid ounces of algaeicide per 10,000 gallons of water. If pool has some visible algae growth, add 96 to 128 fluid ounces of this product per 10,000 gallons of water. Add this product with the pump

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MASTER LABEL

running before draining to desired winter levels and placing winter cover. It is necessary that a uniform distribution of algacide throughout the pool be made for maximum effectiveness. If pool is not covered, it may be necessary to repeat the treatment additional times during the season, consult your dealer.

WINTERIZER algacide will prevent growth of most algae during the off season winter months when pools are not in use. For pools which have been properly treated during the swimming season and are free of visible algae, add 41 to 65 fluid ounces of algacide per 10,000 gallons of water. If at the end of the swimming season pools have some visible algae growth, add 76 to 117 fluid ounces per 10,000 gallons. It is necessary that a uniform distribution of algacide throughout the water and pool be made for maximum effectiveness. If pool is not covered, it may be necessary to repeat the treatment one or more times during the season.

WINTERIZER is compatible with those chemicals normally used to treat pools and effective at both acid and alkaline pH. WINTERIZER can be used in pools treated with chlorine chemicals and may reduce the amount of those chemicals normally required. However, do not mix WINTERIZER with concentrated dry or liquid chlorine products.

STORAGE AND DISPOSAL

(Household / Residential Use)

Nonrefillable container. Do not reuse or refill this container. Securely wrap original container in several layers of newspaper and discard in trash or offer for recycling if available.

(Commercial / Industrial / Institutional Use)

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

Pesticide Storage: Keep container closed when not in use. Leaking or damaged containers should be placed in a plastic bag and discarded in trash. Mop up spills with clear water. All pesticides should be kept out of reach of children and stored away from food.

Pesticide Disposal: Pesticide wastes may be 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.

Container Handling: Nonrefillable container. Do not reuse or refill this container. Triple rinse (or equivalent). Then 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.

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

{All *italicized* text is administrative and will not appear on final label.}

Optional marketing statements that may be used on the front panel of the label with [swimming pool] [spa] algae treatment applications:

- [Algae control for swimming pools]
- [Algaecide]
- [Algaecide and water clarifier for swimming pools]
- [Clear cloudy water]
- [Compatible with all pool surfaces]
- [Concentrated algaecide for use in swimming pools]
- [Controls algae growth]
- [Controls the growth of algae]
- [Controls the growth of algae in swimming pools, spas, whirlpools and hot tubs]
- [Effective against: black, green, and mustard algae]
- [For spas and hot tubs]
- [For the control and destruction of black and mustard algae and algal slime]
- [For treatment of algae in swimming pools]
- [For use in all pool types]
- [For use in swimming pools]
- [Ideal for all pool types]
- [Ideal for all pool surfaces]
- [Ideal for pool start-ups]
- [Ideal for pool closings]
- [Ideal for spas and hot tubs]
- [Ideal for winterizing treatments]
- [Inhibits algae growth]
- [Inhibits the growth of algae]
- [Kills and controls algae]
- [Maintenance algaecide for swimming pools]
- [Non-foaming]
- [Prevents algae growth]
- [Prevents the growth of algae]
- [Produces clear, sparkling water]
- [Restores water clarity]