

58412-1

4/22/2013

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

APR 22 2013

OFFICE OF
CHEMICAL SAFETY AND
POLLUTION PREVENTION

Karen E. Warkentien, Agent for Lo-Chlor LC
c/o Lewis & Harrison, LLC
122 C Street, N.W., Suite 505
Washington, D.C. 20001

Subject: Lo-Chlor Pool Algicide
EPA Registration Number 58412-1
Notification Date: April 2, 2013
Notification Pin Punch: April 4, 2013

Dear Ms. Warkentien:

This acknowledges receipt of your Notification submitted in accordance with the provisions of PR Notice 98-10 under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) section 3(c) 9.

Proposed Notifications

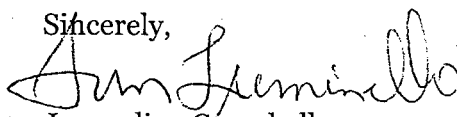
- Revise two "sub-labels" into single Master Label and add optional text to account for different distribution situations. Delete non-critical instruction, correct spelling and add minor changes and marketing claims.

General Comments

- Based on a review of the material submitted, the Notification is acceptable.

Should you have any questions or comments concerning this letter, please contact Tom Luminello at (703) 308-8075 or Luminello.Tom@EPA.GOV.

Sincerely,

for 
Jacqueline Campbell
Product Manager 34
Regulatory Management Branch II
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 58412-1	2. EPA Product Manager Jacqueline Campbell-McFarlane	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Lo-Chlor Pool Algicide	PM# 34	
5. Name and Address of Applicant (Include ZIP Code) Lo-Chlor LC 5841 Powerline Road, Suite 202 Fort Lauderdale FL 33309-2074 <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.)

*****Notification of Label Changes 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 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 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 type="checkbox"/> Yes <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Metal Plastic Glass Paper Other (Specify) _____		
* Certification must be submitted		If "Yes" Unit Packaging wgt. No. per container	If "Yes" Package wgt. No. per container		
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions <input type="checkbox"/>	
6. Manner in Which Label is Affixed to Product <input 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 Karen E. Warkentien, Lewis & Harrison LLC	Title Consultant to Lo-Chlor LC	Telephone No. (Include Area Code) 202/393-3903 x22
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 Consultant to Lo-Chlor LC	
4. Typed Name Karen E. Warkentien	5. Date 2 April 2013	

LEWIS & HARRISON

122 C Street, N.W., Suite 505
Washington, D.C. 20001
telephone 202.393.3903
fax 202.393.3906

Consultants in Government Affairs
2 April 2013

Via Hand Delivery

Ms. Jacqueline Campbell-McFarlane
Product Manager 34
Regulatory Management Branch II
Antimicrobials Division (7510P)
One Potomac Yard (South Building)
2777 S. Crystal Drive
Arlington, VA 22202

**SUBJECT: Lo-Chlor Pool Algicide, EPA Reg. No. 58412-1
Application for Pesticide Notification
Reformat, Typographical Corrections, and Additional Claims**

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Dear Ms. Campbell-McFarlane:

On behalf of our client, Lo-Chlor LC (Lo-Chlor), Lewis & Harrison, LLC, submits herewith the following documents in support of the PRN 98-10 Notification for Lo-Chlor Pool Algicide, EPA Reg. No. 58412-1:

Volume I: Administrative Materials

- Application for Pesticide Notification (EPA Form 8570-1)
- Draft label (two copies, one with highlighted changes)

This submission is made pursuant to PR Notice 98-10.

Notification of Label Change per PR Notice 98-10

This notification is consistent with the guidance in PR Notice 98-10 and the requirements of EPA's regulations at 40 CFR §§ 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 USC § 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 §§ 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.

The following changes have been made:

- Label has been reformatted to condense from two "sublabels" to one master label.
- Optional words have been added to statements to allow for different label and distribution scenarios:
 - "See [First Aid] [and] [Precautionary] Statement[s] on [Side/Back/Other] Panel"
 - Optional text for booklet labels: to be placed in corner of panel on top of booklet: "[Peel here for [Precautionary] [and] [First Aid] information]"
 - "[Manufactured [by] [for]]"

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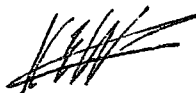
- "[Manufactured by/Distributed by/Sold by/Packaged by:]"
- May appear on label or on immediate container: "[Lot] [Batch] No.]"
- New, non-public health claims have been added:
 - "Free delivery."
 - "Next day delivery."
 - "Free delivery next day."
 - "Made in [[the] [USA] [United States [of America]]] [other country]."
 - Inclusion of a graphic depicting the US or other country's flag, as appropriate, to match country of origin
 - Inclusion of the Lo-Chlor company logo graphic
- An optional, non-critical use direction has been deleted:
 - "[7. Take a sample of pool water to your authorized [brand] dealer regularly for a detailed water analysis.]"
- Typographical errors have been corrected:
 - Heading "Environment Hazards" corrected to "Environmental Hazards"
 - In the Storage and Disposal Section
 - Correction of "Nonfillable container" to "Nonrefillable container"
 - Correction of AI name in optional refillable Container Disposal statement from "copper sulphate pentahydrate" to "Copper Triethylenediamine Complex"

This submission is NOT subject to processing under the Pesticide Registration Improvement Act (PRIA) and should be categorized as a notification.

Should you have any questions concerning this submission, please contact me by phone at (202) 393-3903 x22 or via email at kwarkentien@lewisharrison.com.

Sincerely,

LEWIS & HARRISON, LLC
Consultant to Lo-Chlor LC



Karen E. Warkentien

Enclosures

cc: Dee Stivers, Lo-Chlor

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LO-CHLOR POOL ALGICIDE

ACTIVE INGREDIENT:

Copper Triethanolamine Complex, (CAS# 31089-39-1)* 10.0%

OTHER INGREDIENTS 90.0%

Total 100.0%

(*Metallic copper equivalent 3.00%)

KEEP OUT OF REACH OF CHILDREN

CAUTION


SEE [FIRST AID] [AND] [PRECAUTIONARY] STATEMENT[S] ON [SIDE/BACK/OTHER] PANEL

{Optional Text for Booklet Labels: to be placed in corner of panel on top of booklet}
[Peel here for [Precautionary] [and] [First Aid] information]

[Optional statements; may not appear on all commercial labels]

- Use against blue-green, black, and mustard algae
- Single treatment lasts 3 months
- Non-staining formula
- Treats #### gallons
- Lasts 3 months
- To control algae in your swimming pool, simply add [brand] every three months.
- Your pool water will sparkle like never before.
- Keep algae at bay the Lo-Chlor Way.
- Free delivery.
- Next day delivery.
- Free delivery next day.
- Made in [[the] [USA] [United States [of America]]] [other country].



-  US (or other country's flag) graphic, as appropriate to match country of origin.

[MANUFACTURED [BY]][[FOR]]:
LO-CHLOR L.C.
[LO-CHLOR Logo Graphic]

5841 Powerline Rd., Suite 202
Ft. Lauderdale, FL 33309-2074
www.lo-chlor.com

[OR]

[Manufactured for/Distributed by/Sold by/Packaged by:]
[Distributor Name and Address]

EPA Reg. No. 58412-1
EPA Est. No. 58412-FL-001

NET CONTENTS: _____
{May appear on label or on immediate container} [Lot] [Batch] No. _____

NOTIFICATION
Date Reviewed: APR 22 2013
Reviewed By: Tom Luminello

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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.

DOSAGE RATES:

EVERY THREE MONTHS: 16 fl. oz. [brand] [this product] per 10,000 gallons pool water (or 500 mL per 40,000 L) will prevent algae growth in all pool types.

SEVERE ALGAE TREATMENT: 32 fl. oz. [brand] [this product] per 10,000 gallons pool water (or 1 [Liter] [L] per 40,000 L).

GENERAL DIRECTIONS:

1. Maintain pool water in the pH range 7.2 to 7.8. Adjust pH to 7.2 for severe algae.
2. Ensure that filtration system is working properly and that filtration cycle is adequate.
3. A regular brushing program will assist in the removal of stubborn algae.
4. Calculate the volume of [brand] [this product] required for your pool.
5. Add the product directly to the pool, distributing over as wide an area as possible.
6. While [brand] [this product] controls algae, it is important that adequate levels of sanitizer (chlorine) be maintained to control bacterial growth.
- ~~7. Take a sample of pool water to your authorized [brand] dealer regularly for a detailed water analysis.~~

**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS**

CAUTION: Harmful if swallowed. Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Remove contaminated clothing and wash clothing before reuse.

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 give anything by mouth to an unconscious person. • Do not induce vomiting unless told to do so by the poison control center or doctor.
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 immediately for treatment advice.
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 by mouth-to-mouth, if possible. • Call a poison control center or doctor for further treatment advice.
HOT LINE NUMBER	
<p>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] [other number/contact] for emergency medical treatment information.]</p>	

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish and aquatic invertebrates and may contaminate water through runoff. Do not contaminate water when disposing of equipment wash waters or rinsate.

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(Household/Residential Containers)

STORAGE AND DISPOSAL

Store in original container, tightly closed in a cool, dry place out of the reach of children and persons unfamiliar with its use. Do not store in direct sunlight. Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available. If not, discard in trash.

{Optional alternative "Container Disposal" statements}

(For nonrefillable container)

Keep this product in its tightly closed container when not in use. Nonrefillable container. Do not reuse or refill this container. Rinse empty container thoroughly with water prior to disposal. Offer for recycling if available. Do not contaminate food or feed by storage or disposal or cleaning of equipment.

(For refillable container)

Keep this product in its tightly closed container when not in use. Do not contaminate food or feed by storage or disposal or cleaning of equipment. Refillable container. Refill this container with Copper Triethanolamine Complex only. Do not use this container for any other purpose. Rinse empty container thoroughly with water prior to disposal.

(Commercial Containers)

STORAGE AND DISPOSAL

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

(All Containers)

Pesticide Storage: Store in original container, tightly closed in a cool, dry place out of reach of children and persons unfamiliar with its use. Do not store in direct sunlight.

Pesticide Disposal: Wastes resulting from use of this product must be disposed of on site or at an approved waste disposal facility.

Container Disposal: Nonrefillable container. Do not reuse or refill this container. Triple rinse or equivalent. Offer for recycling if available. If not, discard in sanitary landfill.

NOTICE

Neither LO-CHLOR L.C. [or distributor name], 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.