

61842-12

09-10-2009

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

SEP 10 2009

Michael Kellogg
Agent
Tessengerlo Kerley, Inc.
c/o Pyxis Regulatory Consulting, Inc.
4110 136th St. NW
Gig harbor, WA 98332

Subject: Notification in Accordance with PR Notice 98-10
Polyquat
EPA Registration No. 61842-12
Application Date: August 10, 2009
Receipt Date: August 12, 2009

Dear Mr. Kellogg:

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

Proposed Notification

Label change due to PR Notice 2007-4

General Comments

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

The notification is acceptable and a copy has been inserted in your file for future reference.

Should you have any questions concerning this letter, please contact me by telephone at (703) 308-6427 or email address at: Carlisle.shaRon@epa.gov or Renae Whitaker by telephone at (703) 308-7003 or email at whitaker.renae@epa.gov during the hours of 8:00 am to 3:30 pm EST. When submitting information or data in response to this letter, a copy of this letter should accompany the submission to facilitate processing.

Sincerely,

A handwritten signature in black ink that reads "ShaRon Carlisle".

ShaRon Carlisle
(Acting) Product Manager (34)
Regulatory Management Branch II
Antimicrobials Division (7510P)

PYXIS REGULATORY CONSULTING, INC.

4110 136th St. NW
Gig Harbor, WA 98332

Phone: 253-853-7369
Fax: 253-853-5516
www.PyxisRC.com

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August 10, 2009

COURIER DELIVERY

Adam Heyward (PM 34)
Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 S. Crystal Drive
Arlington, VA 22202

RE: Tessenderlo Kerley, Inc. - Polyquat (EPA Reg. No. 61842-12)
Revision to Container Disposal Instructions per PRN 2007-4

Dear Mr. Heyward,

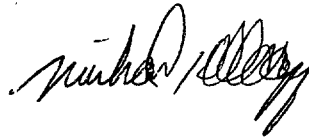
On behalf of Tessenderlo Kerley, Inc. please find the enclosed label notification revising the container disposal instructions for Polyquat per PRN 2007-4. Tessenderlo Kerley, Inc. is also updating the telephone number listed in the HOT LINE section of the First Aid statements.

In support of this notification submission, we submit the following documents:

- 1. Completed Application for Registration (EPA Form 8570-1)
- 2. One (1) copy of the Polyquat labeling with changes tracked
- 3. One (1) copy of the Polyquat labeling with changes incorporated
- 4. Certification with Respect to Label Integrity
- 5. One (1) copy of the Polyquat labeling on CD
- 6. Letter of Authorization

Please feel free to contact me by phone (253) 853-7369 or by email at Mike@PyxisRC.com if you have any questions or need any additional information.

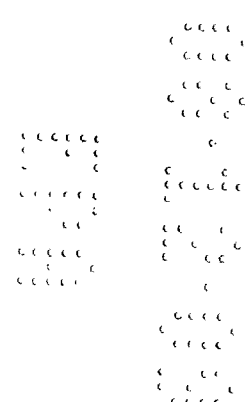
Sincerely,



Michael Kellogg

Enclosures

cc: Brian Thomassen; Tessenderlo Kerley, Inc.





United States
Environmental Protection Agency
 Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 61842-12	2. EPA Product Manager A. Heyward	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Tessenderlo Kerley, Inc. / Polyquat	PM# 34	
5. Name and Address of Applicant (Include ZIP Code) Tessenderlo Kerley, Inc. c/o Pyxis Regulatory Consulting Inc. 4110 136th St. NW Gig Harbor, WA 98332 <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 type="checkbox"/> Notification - Explain below.	<input checked="" type="checkbox"/> Other - Explain below.

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Notification of label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 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 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 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:

Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" 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	2. Type of Container <input type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> 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
 Label Container

4. Size(s) Retail Container
1 gallon, 250 gallon

5. Location of Label Directions
 On Label On Labeling accompanying product

6. Manner in Which Label is Affixed to Product
 Lithograph Paper glued Stenciled Other _____

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)

Name Michael Kellogg	Title Agent	Telephone No. (Include Area Code) (253)-853-7369
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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.

2. Signature 	3. Title Agent	6. Date Application Received (Stamped)
4. Typed Name Michael Kellogg	5. Date 8/16/09	

ENVIRONMENTAL HAZARDS

This pesticide 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.

DIRECTIONS FOR USE

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

Polyquat is a broad spectrum microbiocide used to control the growth of algae in

- Swimming pools, outdoor whirlpools spas, and hot tubs, and
- to control algae, bacteria, mollusks and fungi in:
- Industrial cooling systems, airwashers, influent water systems
 - Decorative fountains
 - Industrial starch solutions, and

to control the growth of bacteria in:

- Metalworking fluids

Industrial Fresh Water Systems: Polyquat is used to control the growth of bacteria and fungi in holding and processing tanks of industrial fresh water systems supplying water to pulp and paper mills textile mills, and other manufacturing plants. In such systems, it is employed as a replacement for or supplement to the conventional treatment with chlorine or chlorine compounds. In pulp and paper mills, treatment of the fresh water with Polyquat can make an important contribution to slime control. The use of Polyquat as described will reduce the development of slime in fresh water pipes, fresh water spraying nozzles, and on the pulp and paper mill machine parts contacted by fresh water. However, Polyquat is not recommended for use as the primary microbiocide for pulp and paper mill slime control since absorbents such as wood pulp rapidly absorb the product and greatly reduces its concentration in the circulating water.

NOTE: Do not use in paper and paperboard that will contact food.

- For the control of algae, bacteria, and fungi in industrial fresh water systems, Polyquat is added at the rate of 1 to 11 fl. oz. of Polyquat per 10,000 gallons of water to provide a concentration of 1 to 10 ppm Polyquat. Treatment is usually made continuously and should be based on the amount of water entering the intermediate processing operations. In some cases, regular treatment periods of several hours each day will provide adequate control of the microorganisms.
- Prior to the use of Polyquat in water cooling towers, systems should be cleaned to remove algal growth, microbiological slime, and other deposits. Then make an initial slug additional of 0.9 to 2.2 fl. oz of Polyquat per 1000 gallons of water to provide 8 to 20 ppm Polyquat, based on the total weight of water in the system. Repeat initial dosage until control is evident. Make subsequent slug additions of 0.2 to 2.2 fl. oz. of Polyquat per 1000 gallons of water (2 to 20 ppm Polyquat) every 2 to 5 days or as needed. The frequency of addition depends upon the relative amount of bleed-off and the severity of the microbiological problem. Slug additions should be made in the sump of water cooling towers.
- To control mollusks such as *Corbicula* species in recirculating or once-through cooling water and industrial systems, add Polyquat at dosage rates of 2 to 20 ppm. Additions should be made continuously or intermittently to the intake water. Continuous addition is required for noticeably fouled systems. Intermittent feeding is used to maintain control.

- Polyquat is used to control algae and mollusks such as *Corbicula* and *Dreissena* species in potable water treatment systems. Mitigation: Add Polyquat to the raw water at dosage rates of 2 to 5 ppm (2 to 5 mL of Polyquat per 1000 liters of water). For badly fouled systems, treatment should be continuous for up to 21 days, followed by regular control treatments. Control: to avoid fouling of potable water systems by mollusks, treat the raw water at 2 ppm for 60 minutes, repeating this treatment daily or a continuous feed at 0.5 mg/liter.
- Polyquat is used to control bacteria in industrial air washing systems that maintain effective mist eliminating components. Prior to use, systems should be cleaned to remove bacterial slime and other deposits. An initial slug dose of 3.33 to 5.55 fl. oz. of Polyquat per 1000 gallons of water is recommended. Repeat initial dosage until control is evident. Subsequent slug additions of 2.25 to 5.55 fl. oz. of Polyquat per 1000 gallons of water should be employed each 1 to 5 days, or as needed. The frequency of addition depends upon the relative amount of bleedoff and severity of the bacterial problem. Slug additions may be made to the sump or to the water collection trays of the airwash system.

Swimming Pools, Heated Swimming Pools, Exterior Whirlpools, Spas and Hot Tubs:

Polyquat provides optimum control of water when heavy growth of algae is removed by cleaning the pool before using Polyquat.

- For pools having just visible algae growth, add an initial dose of 11 to 17 fl. oz. of Polyquat per 10,000 gallons of water and remove settled algae debris by cleaning.
- For treatment of a freshly cleaned and filled pool, add initially 6 to 11 fl. oz. of Polyquat per 10,000 gallons of water.
- To maintain pools free of visible algae growth, subsequent additions of 2 to 4 fl. oz. of Polyquat per 10,000 gallons of water should be made every 5 to 7 days after the initial treatment.

To obtain optimum control, Polyquat must be uniformly distributed throughout the water in the pool. Polyquat is compatible with those chemicals normally used to treat pools and is effective at both acid and alkaline pH. Polyquat can be used in pools treated with chlorine-based chemicals and may reduce the amount of those chemicals normally required. However, do not mix Polyquat with concentrated dry or liquid chlorine-based products.

Decorative Fountains: Polyquat is used to control the growth of algae in decorative fountains that do not contain fish. Heavy growths of algae should be manually cleaned prior to treatment.

- Fountains with just visible algae growth require an initial dose of 1.0 to 2.0 fl. oz. of Polyquat per 1000 gallons of water.
- To treat a freshly cleaned and filled fountain, add 0.5 to 1.5 fl. oz. of Polyquat per 1000 gallons of water.
- Maintenance dosages of 0.2 to 0.5 fl. oz. of Polyquat per 1000 gallons of water should be added every 5 to 7 days as needed.

Additions of Polyquat should be made at a point to ensure uniform distribution. Polyquat may be used in fountains treated with chlorine chemical, but do not mix Polyquat with concentrated or liquid chlorine products.

Industrial Starch Solutions: Polyquat will retard microbial growth that causes degradation of cooked starch used in paper manufacture.

- Polyquat is added at a rate of 25 to 250 ppm based on the total weight of the starch and water. The treatment rate necessary to retard spoilage of the starch will vary with the extent of contamination of the make-up water and the length of storage.

NOTE: Do not use in paper and paperboard that will contact food.

Metalworking Fluids: Polyquat is used to inhibit bacterial degradation of aqueous solutions or emulsions of the cutting fluids or oils employed as lubricants or coolants in the machining and processing of metals. It is recommended for the preservation of water-based synthetic metalworking fluids based on amines, borates, phosphates, and nitrates, and also for the protection of those fluids based on soluble or emulsifying oils modified with nonionic surfactants. It is not recommended, however, for use in insoluble or straight oils or in fluids containing anionic surfactants.

- For preservation of cutting fluids, 0.01 to 0.1% of Polyquat, based on the total weight of the diluted cutting fluid, is recommended.
- In some cases, Polyquat may be added to the concentrated fluids, and the amounts of Polyquat added then should be such that concentrations of 0.01 to 0.1% are obtained when the fluid is diluted with water for use in metalworking operations.

For continued protection against bacterial degradation, treatment of the diluted cutting fluid should be repeated every four weeks. More frequent treatment may be necessary if excessive contamination of a particular cutting fluid system occurs. The latter condition may be indicated by the development of abnormal odors or an unusual appearance of the cutting fluid solution or emulsion and can be determined by bacteriological testing procedures.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Do not stack more than four drums high. Leaking or damaged drums containers should be placed in overpack drums for disposal. Soils should be absorbed in sawdust or sand and disposed of in a sanitary landfill. Keep container closed when not in use.

PESTICIDE DISPOSAL: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

CONTAINER DISPOSAL:

[HOMEOWNER/RESIDENTIAL USE PRODUCT]

Nonrefillable container. Do not reuse or refill this container.

If empty: Place in trash or offer for recycling if available.

If partly filled: Call your local solid waste agency for disposal instructions. Never place any unused product down any indoor or outdoor drain.

[COMMERCIAL USE PRODUCT]

[NONREFILLABLE CONTAINERS]

Nonrefillable container. Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying.

(Nonrefillable container ≤ 5 gallons): Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. 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.

(Nonrefillable > 5 gallons): Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times. 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.

[REFILLABLE CONTAINERS]

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Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller.

To clean the container before final disposal, empty the remaining contents from this container into application equipment or mix tank. Fill the container about 10 percent full with water. Agitate vigorously or recirculate water with the pump for 2 minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times. 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. Triple-rinse (or equivalent). Then offer for recycling or reconstitution, or puncture and dispose of in a sanitary landfill, by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

CONDITIONS OF SALE – LIMITED WARRANTY AND LIMITATIONS OF LIABILITY AND REMEDIES

The directions on this label are believed to be reliable and must be followed carefully. Insufficient control of pests and/or injury to the crop to which the product is applied may result from the occurrence of extraordinary or unusual weather conditions, the failure to follow the label directions, or good application practices, all of which are beyond the control of Tessenderlo Kerley, Inc., or seller. In addition, failure to follow label directions may cause injury to crops, animals, man or the environment. Tessenderlo Kerley, Inc. warrants that this product conforms to the chemical description on the label and is reasonably fit for the purpose referred to in the directions for use, subject to the factors noted above which are beyond the control of Tessenderlo Kerley, Inc. Except as warranted by this label, Tessenderlo Kerley, Inc. makes no other warranties or representations of any kind, express or implied, concerning the product, including no implied warranty of merchantability or fitness for any particular purpose. To the extent allowed by applicable law, the exclusive remedy against Tessenderlo Kerley, Inc. for any cause of action relating to the handling or use of this product is a claim of damage, and in no event shall damages or any other recovery of any kind against Tessenderlo Kerley, Inc. exceed the price of the product which causes the alleged loss, damage, injury, or other claim. To the extent allowed by applicable law, Tessenderlo Kerley, Inc. shall not be liable and any and all claims against Tessenderlo Kerley, Inc. are waived, for special, indirect, incidental, or consequential damages or expense of any nature, including, but not limited to, loss of profits or income, whether or not based on the negligence of Tessenderlo Kerley, Inc. breach of warranty, strict liability in tort, or any other cause of action. Tessenderlo Kerley, Inc. and the seller offer this product, and the buyer and users accept it, subject to the foregoing conditions of sale and limitations of warranty, liability and remedies.

