

64962-1

05/22/2008

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Mr. Lawrence McLeroy
Earth Science Laboratories, Inc.
113 SE 22nd. Street, Suite 1
Bentonville, AR 72712

MAY 22 2008

SUBJECT: Application for Pesticide Notification (PRN 98-10)
Request Alternate Brand Name "High Country Footbath" & Directions for Use
and General Label Changes
EPA Reg. No. 64962-1
Application Dated April 17, 2008

Dear Registrant:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 04/17/08 for the above product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action(s) requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-6249 or Owen F. Beeder of my staff at 703-308-8899.

Sincerely,


Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs

STC

Print Form

Please read instructions on reverse before completing form.

Form Approved. OMB No. 2070-0060

 United States Environmental Protection Agency Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input type="checkbox"/> Other	OPP Identifier Number
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Application for Pesticide - Section I

1. Company/Product Number 64962-1	2. EPA Product Manager Tony Kish	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) EarthTec	PM#	
5. Name and Address of Applicant (Include ZIP Code) Earth Science Laboratories, Inc. 113 SE 22nd Street, Suite 1, Bentonville, AR 72712 <input checked="" 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. <u>64962-1</u> Product Name <u>High Country Footbath</u>

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.

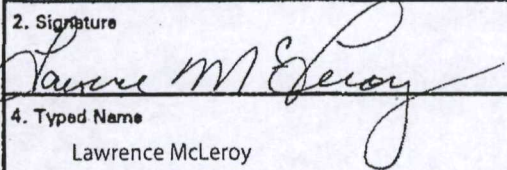
Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Alternative brand name of "High Country Footbath" will be used as a footbath for cattle. This notification is consistent with 40 CFR 152.46 and PR Notice 98-10 allowing registrants to add alternate brand names. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I...(see attached page)

Section - III

1. Material This Product Will Be Packaged In:			
Child-Resistant Packaging <input checked="" type="checkbox"/> Yes* <input type="checkbox"/> No	Unit Packaging <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No * Certification must be submitted If "Yes" Unit Packaging wgt. 30, 55 gal No. per container 1	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes" Package wgt No. per container	2. Type of Container <input checked="" type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 30, 55 gal.	
5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product		6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled <input checked="" type="checkbox"/> Other <u>sticker label</u>	

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Lawrence McLeroy	Title Director of Tech., R & D	Telephone No. (Include Area Code) 479-271-7381
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 Director of Technology, Research & Devel		
4. Typed Name Lawrence McLeroy		5. Date April 17, 2008



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Earth Science Laboratories, Inc.
113 S.E. 22nd St., Suite 1
Bentonville, Arkansas 72712

Phone 800.257.9283
Fax 479.271.7693
www.earthsciencelabs.com

April 17, 2008

Document Processing Desk (NOTIF) or (AMEND)
Office of Pesticide Programs (7504C)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave.
N.W. Washington D.C. 20460

Re: Notification Changes to an Alternative Brand Label from Master Label 64962-1

Earth Science Laboratories, Inc. is requesting an alternative brand label. The alternative brand name is High Country Footbath. Information for the label will comply with the master label EarthTec 1. This alternate brand name label has these changes:

- Name on label is High Country Footbath
- References to "Hoof Bath"
- Specific Directions will apply to the cattle footbath in a dose rate for "walk through troughs". The directions are specific to dairy barn situations and include how to calculate the amount of water placed in the cattle footbath wading troughs. All directions are unique to "hoof rot".
- Other language on the label is the same as the approved language on the "Master Label" EarthTec 1. Some of the boxes have been rearranged to fit the size of the label and containers, but all language requirements are in places approved by PR-Notice 98-10

Enclosed is a copy of the Master Label, EPA form 8570-1, explanation letter of changes to alternative label, and three (3) High Country Footbath labels.

Sincerely,

Lawrence McLeroy
Director of Technology,
Research and Development

LM/rb

Enc.

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PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

DANGER

Corrosive. Causes irreversible eye damage. Do not get in eyes or on clothing. Avoid contact with skin. Wear protective eyewear (goggles, face shield or safety glasses). Harmful if swallowed, inhaled, or absorbed through skin. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

ENVIRONMENTAL HAZARDS

Fish and Aquatic Organisms: This product is toxic to fish. Direct application of copper sulfate to water may cause a significant reduction in populations of aquatic invertebrates, plants and fish. Do not treat more than one-half of a lake or pond at a time to avoid depletion of oxygen from decaying vegetation. Allow 1 to 2 weeks between treatments for oxygen levels to recover. Trout and other species of fish may be killed at application rates recommended on this label, especially in soft or acidic waters. Do not contaminate water when disposing of equipment wash waters. (See Disposal Instructions). Consult your local State Fish and Game Agency before applying this product to public waters. Permits may be required before treating such waters.

Endangered Species Restrictions: It is a violation of federal law to use any pesticide in a manner that results in the death of an endangered species or adverse modification of their habitat. The use of this product may pose a hazard to certain federally designated endangered species known to occur in specific areas within the following counties:

STATE	SPECIES	BULLETIN	COUNTY
California	Solano Grass	EPA/ES-85-13	Solano
Tennessee	Slackwater Darter	EPA/ES-85-04	Lawrence Wayne Hancock Claborn Hawkins Sullivan
	Freshwater Mussels	EPA/ES-85-07	Lauderdale Limestone Madison
Alabama	Slackwater Darter	EPA/ES-85-05	Lauderdale Limestone Madison
Virginia	Freshwater Mussels	EPA/ES-85-06	Grayson Smyth Scott Washington Lee

PLEASE NOTE: Before using this product in the above counties you must obtain the EPA bulletin specific to your area. This bulletin identifies areas within these counties where the use of this pesticide is prohibited unless specified otherwise. The EPA bulletin is available from either your county Agricultural Extension Agent, the Endangered Species Specialist in your State Wildlife Agency Headquarters or the appropriate Regional Office of the U.S. Fish and Wildlife Service.

THIS BULLETIN MUST BE REVIEWED PRIOR TO PESTICIDE USE.

FOR CHEMICAL EMERGENCY
Call INFOTRAC 1-800-535-5053
Non-Flammable. Do Not Freeze.

PERSONAL PROTECTIVE EQUIPMENT

Applicators and other handlers must wear:

- Long-sleeved shirt
- Long pants
- Chemical-Resistant gloves made of any waterproof material. Chemical Resistance Category A
- Protective eyewear
- Shoes plus socks

Maintain this clothing separately from other laundry and wash with detergent and hot water, or according to manufacturer's label. If these items become discolored with this product's concentrate, discard the clothing and do not reuse.

DIRECTIONS FOR USE

It is a violation of federal law to use this product in a manner inconsistent with its labeling. Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirement specific to your state and tribe, consult the agency responsible for pesticide regulation.

SPECIFIC DIRECTIONS FOR USE

Foot Baths for Cattle: Add one fluid ounce of High Country Footbath to each gallon of clean water to control growth of "hoof rot" on cattle hooves. Footbaths should be measured to determine actual holding capacity. Volume in gallons = L x W x D (in feet) x 7.48. EXAMPLE: Footbath 6 feet long by 3 feet wide by 0.5 feet deep = 6 x 3 x 0.5 x 7.48 = 67 gallons. Add 67 ounces (one ounce to each gallon of water) of High Country Footbath to this footbath. Animals should be walked through the footbath containing a solution of High Country Footbath mixed as described. For optimum results it is recommended that cows walk through a "pre-footbath" containing clean water before entering the High Country Footbath treated footbath. Clean and change footbaths after 150 to 200 cows depending on conditions. Follow the instructions under Storage and Disposal when solutions are discarded at the end of the treatments.

High Country Footbath is certified by the National Sanitation Foundation International for use in drinking water systems. The finished drinking water should be monitored to ensure that levels of copper do not exceed 1.3 mg/l.

HIGH COUNTRY FOOTBATH

Footbaths for Cattle



Certified to NSF/ANSI 60

ACTIVE INGREDIENTS:

From Copper Sulfate Pentahydrate* 19.8%
Inert Ingredients 80.2%
Total 100.0%

*Metallic Copper Equivalent Equal 5%

EPA REGISTRATION NO. 64962-1-85191
EPA ESTABLISHMENT NO. 64962-NB-001

NET CONTENTS:

30 gal. / 113.56 L
55 gal. / 208.19 L
275 gal. / 1040.99 L
9.9 lb. per gallon / 1.188 kg/L

MFG. FOR: High Country Enterprises
Box 1201
LaVeta, CO 81055
Phone: 719-742-3652

Lot Number

KEEP OUT OF REACH OF CHILDREN

DANGER - PELIGRO

If you do not understand this label, find someone to explain it to you in detail.
Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle.

FIRST AID

IF SWALLOWED: Call a poison control center or doctor immediately for treatment advice. 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 soap and water for 15 to 20 minutes. Call a poison control center or doctor for treatment.

IF IN EYES: Hold eye open and rinse slowly and gently with water for 20 minutes. Remove contact lenses, if present, after first 5 minutes, then continue rinsing eye. Call a poison control center or doctor for advice.

NOTE TO PHYSICIAN: Probable mucosal damage may contraindicate the use of gastric lavage.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment.

SEE SIDE PANEL FOR ADDITIONAL PRECAUTIONARY STATEMENTS

GENERAL INFORMATION

High Country Footbath is an innovative, unique formulation used for the suppression of bacteria and toxic gases in sewage lagoons, feedlot run-off pits, animal confinement facilities and other ponds containing organic matter or algae/bacteria. High Country Footbath may be used to control algae and suppress bacterial growth in irrigation, reservoirs, ponds, aquacultural ponds, livestock watering systems, lagoons and potable water supplies. High Country Footbath also may be used to control bacteria growth on cattle hooves.

APPLICATION AND HANDLING EQUIPMENT

Application, handling or storage equipment MUST consist of either fiberglass, PVC, polypropylene, vilon, most plastics or stainless steel. Never use mild steel, nylon, aluminum, brass or copper around full strength High Country Footbath. Always rinse equipment free and clean of High Country Footbath each night with plenty of fresh, clean water. Always store High Country Footbath above 32° F. Freezing may cause product separation. Seller makes no warranty for the performance of product which has been frozen.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in a safe place away from pets and keep out of the reach of children. Store away from excessive heat. High Country Footbath will freeze. Always keep container closed. Store High Country Footbath in its original container. Keep away from galvanized pipe and any nylon storage handling equipment.

PESTICIDE DISPOSAL: Pesticide wastes are acutely hazardous. Improper disposal of excess High Country Footbath, spray mixture or residue 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. In the event of spill, neutralize with limestone or baking soda before disposal. May deteriorate concrete.

CONTAINER DISPOSAL: Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill or incineration or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

GENERAL BACTERIA CONTROL

Application rates may vary depending on amounts of organic matter (sewage) in lagoons and pits. Application should be done by pouring High Country Footbath directly from the container into the pit or lagoon. Several application points speed up dispersal. Use one gallon of full strength High Country Footbath in 50,000 gallons (5,000 cubic feet) of sewage. Bacteria and odors should be noticeably reduced in 1 to 2 weeks. Repeat application when odor reoccurs.

Feedlot Run-Off Lagoons: Add a portion of the required dosage of High Country Footbath at several locations around the lagoon to speed dispersal of the product. A minimum of two applications per year (spring and fall) is recommended. Additional applications may be required as needed when the lagoon is pumped.

Animal Confinement Pits: If pits are located under the confinement building, add High Country Footbath directly to these pits. If the pits are outside, add High Country Footbath to the transfer line to the pit.

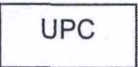
Other Organic Sludges: High Country Footbath must be thoroughly mixed with sludge. Apply at the rate of one gallon High Country Footbath in 30,000 gallons of sludge.

Livestock Watering Systems: Apply at a rate of one gallon High Country Footbath in 50,000 gallons of water.

LIMITED WARRANTY AND LIMITATION OF REMEDIES

Seller warrants that the product conforms to the chemical description and is reasonably fit for the purpose stated on the label for use under normal conditions, but makes no other warranties of FITNESS OR MERCHANTABILITY expressed or implied, or any other warranty if the product is used contrary to the label instructions, or under abnormal conditions or under conditions not foreseeable to the seller. In no case shall the seller be liable for more than the cost of this product to the buyer and will in no event be liable for any consequential, special or indirect damages connected with the use or handling of this product. This product is offered and the buyer or user accepts it subject to the foregoing terms which may not be varied.

Manufactured for:
High Country Enterprises
Box 1201
LaVeta, CO 81055
Phone: 719-742-3652



Handwritten mark resembling a stylized '7' or 'f'.