

66222-125

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

NOV 09 2009

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Ms. Christie Hitchcock
Regulatory Specialist for,
Makhteshim Agan of North America, Inc.
4515 Falls of Neuse Road, Ste. 300
Raleigh, NC 27609

Subject: Folpan® Industrial E
EPA Registration Number 66222-125
Your Notification Dated October 9th, 2009
EPA Received Date October 19th, 2009

The notification referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, FIFRA, as amended, to revise the product labeling as per PR Notice 2007-4, is acceptable provided you make the following revisions:

Delete the terms, "by burning" and "If burned, stay out of smoke", from the "Unlined Drum and Bag" subsections under the "Container Handling" section.

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 "Marshall Swindell".

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

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United States
Environmental Protection Agency
 Washington, DC 20460

<input type="checkbox"/>	Registration
<input type="checkbox"/>	Amendment
<input checked="" type="checkbox"/>	Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 66222-125	2. EPA Product Manager Linda Arrington	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Folpan® Industrial E	PM# 33 Registration Support Branch	
5. Name and Address of Applicant (Include ZIP Code) Makhteshim Agan of North America, Inc. 4515 Falls of Neuse Rd., Suite 300 Raleigh, NC 27609 <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 per PRN 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 false statements 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 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		<input type="checkbox"/> Metal	<input checked="" type="checkbox"/> Plastic
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	<input checked="" type="checkbox"/> Glass	<input type="checkbox"/> Paper
		If "Yes" Package wgt.	No. per container	<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 5 lbs or less; greater than 5 lbs		5. Location of Label Directions <input checked="" type="checkbox"/> on label	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph Paper glued <input type="checkbox"/> Stenciled			<input checked="" type="checkbox"/> Other Self-Adhesive		

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Christie Hitchcock	Title Regulatory Specialist	Telephone No. (Include Area Code) 919-256-9342
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 Received (Stamped)
2. Signature <i>Christie Hitchcock</i>	3. Title Regulatory Specialist	
4. Typed Name Christie Hitchcock	5. Date 10-09-09	



October 9, 2009

Document Processing Desk (NOTIF)
Registration Division (7504P)
OPP, USEPA
Ariel Rios Building
1200 Pennsylvania Ave, NW
Washington, DC 20460

Re: Folpan® Industrial E; EPA Reg. No. 66222-125
Notification per PRN 98-10 and 2007-4

To Whom It May Concern:

We are notifying the Agency of several updates for the above mentioned label as allowed in PR Notices 98-10 and 2007-4. The changes are summarized below:

- Added "Manufactured for" in front of the company name (allowed per PRN 98-10 §II(N)(2))
- Updated the Warranty Statement that is now consistent with EPA's guidance document dated 10-17-06) (allowed per PRN 98-10 §II(J))
- Updated container disposal instructions per PRN 2007-4

In support of this submission, the following documents are attached:

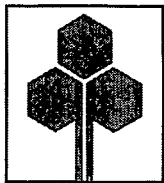
- Application for Pesticide Registration (EPA Form 8570-1)
- One copy of final printed labeling

Please contact me at 919-256-9342 or by email at chitchcock@manainc.com if you have any questions regarding this submission or would like a copy of the annotated label showing the changes for your files.

Sincerely,

Christie Hitchcock
Regulatory Specialist

Enclosures



**Makhteshim Agan of
North America, Inc.**

M A N A

October 9, 2009

Re: Folpan Industrial E, EPA Reg. No. 66222-125
Page Two attachment to 8570-1 form

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

Christie Hitchcock
Regulatory Specialist
Regulatory Affairs, MANA

Handwritten scribbles and marks at the bottom right of the page.

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FOLPAN[®] Industrial E

INDUSTRIAL MICROBIOCIDAL FOR USE IN
ADHESIVES, CAULKS, COATINGS, STAINS, PAINTS AND PLASTICS

ACTIVE INGREDIENT:	% BY WT.
Folpet: N-(Trichloromethylthio) phthalimide	95.9%
INERT INGREDIENTS:	4.1%
	TOTAL 100.0%

KEEP OUT OF REACH OF CHILDREN WARNING

Manufactured for:
Makhteshim Agan of North America, Inc.
4515 Falls of Neuse Rd., Suite 300
Raleigh, NC 27609

EPA Reg. No. 66222-125

EPA Est. No. XXXXXXXXXX

NET CONTENTS: ___ LB(S)

FIRST AID	
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 mouth-to-mouth if possible. • Call a poison control center or doctor for further treatment advice.
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 SWALLOWED:	<ul style="list-style-type: none"> • 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 by a poison control center or doctor. • Do not give anything by mouth to an unconscious person.
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 for treatment advice.
<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 PROSAR at 1-877-250-9291 for emergency medical treatment information.</p> <p>NOTE TO PHYSICIAN: Probable mucosal damage may contraindicate the use of gastric lavage.</p>	

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS & DOMESTIC ANIMALS WARNING

Causes substantial but temporary eye injury. May be fatal if inhaled. Causes skin irritation. Do not breathe dust or spray mist. Do not get in eyes, on skin, or on clothing. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Wear a mask or pesticide respirator jointly approved by the Mining and Safety Administration and the National Instituted for Occupational Safety and Health. Wear goggles or face shield when handling. Remove contaminated clothing and wash clothing before reuse.

ENVIRONMENTAL HAZARDS

This pesticide is highly toxic to fish. Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Drift and runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. Do not contaminate water by cleaning of equipment or disposal of wastes.

DIRECTIONS FOR USE

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

Folpan Industrial is a microbiocide which prevents microbial growth in the following matrices:

Adhesives, caulks, coatings, stains, paints, cement based products, and polymer compounds, wood plastic composite products, plastics including:

- **Flexible Vinyl** for flooring, roofing membranes, upholstery, tank and pond liners, tarpaulins, gaskets, flexible ducts, and connection wires;
- **Rigid Vinyl** for vinyl siding, furniture, window blinds, computer and copier parts, sewer and drain piping, electrical conduit, bath tubs and shower stalls, refrigerator liners, wood plastic composites;
- **Olefins** for carpet yarns, cordage and fibers, and marine tops;
- **Nylons and Polyesters (not for clothing)** for carpet yarns, cordage and fibers, and marine tops;
- **Urethanes** for house warp, insulation foams, automotive interiors, furniture coverings, hoses and tubing, gaskets, tarpaulins, garden hose;
- **ABS and other Styrenics** for bath tubs, shower stalls, bathroom wall replacement panels and wood plastic composites.

The recommended use rate is 0.25% to 1.5% of Folpan Industrial based upon the total weight of the formulation (2.5 to 15 lbs product /1000 lbs of compound).

DISCLAIMER: Product is not intended for use in food-contact articles, toys, or textiles and other materials used in prolonged direct dermal contact with the human body.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store the product in a dry place.

PESTICIDE DISPOSAL: Wastes resulting from spilling of the product or rinsate of the equipment must be collected in the containers and disposed of at an approved waste disposal facility. If these wastes cannot be disposed of by the 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. Offer for recycling if available.

Bag: Completely empty bag into application equipment. Then dispose of empty bags in a sanitary landfill or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

Unlined Drum: Completely empty drum into application equipment. Then dispose of empty drum in a sanitary landfill or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

Lined Drum: Completely empty liner by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into application equipment. Then dispose of liner in a sanitary landfill or by incineration if allowed by state and local authorities. If drum is contaminated and cannot be reused, dispose of it in the manner required for its liner.

In case of minor spills, follow all precautions indicated above and clean up immediately. Sweep up and dispose of wastes and broken or empty containers in a landfill approved for pesticide use.

LIMITATION OF WARRANTY AND LIABILITY

Read the entire directions for use, conditions of warranties and limitations of liability before using this product. If terms are not acceptable, return the unopened product container at once.

By using this product, user or buyer accepts the following **CONDITIONS, DISCLAIMER OF WARRANTIES, and LIMITATIONS OF LIABILITY.**

CONDITIONS: The directions for use of this product are believed to be adequate and must be followed carefully. However, it is impossible to eliminate all risks associated with the use of this product. Crop injury, ineffectiveness or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or the manner of use or application, all of which are beyond the control of Makhteshim Agan of North America, Inc. All such risks shall be assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: To the extent consistent with applicable law, Makhteshim Agan of North America, Inc. makes no other warranties, express or implied, of merchantability or of fitness for a particular purpose or otherwise, that extend beyond the statements made on this label. No agent of Makhteshim Agan of North America, Inc. is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. To the extent consistent with applicable law, Makhteshim Agan of North America, Inc. disclaims any liability whatsoever for special, incidental or consequential damages resulting from the use or handling of this product.

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LIMITATIONS OF LIABILITY: To the extent consistent with applicable law, the exclusive remedy of the user or buyer for any and all losses, injuries or damages resulting from the use or handling of this product, whether in contract, warranty, tort, negligence, strict liability or otherwise, shall not exceed the purchase price paid or at Makhteshim Agan of North America, Inc.'s election, the replacement of product.

Folpan Industrial E (66222-125)(EPA app 7-11-07)(notif to EPA 10-09-09)

Folpan is a registered trademark of Makhteshim Chemical Works Ltd.