

67071-55

11/23/2011

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



Office of Pesticide Programs

Thor GmbH
Landwehrstrasse 1
D-67346,
Speyer, Germany

NOV 23 2011

AGENT: Acti-Chem Specialties, Inc.
56 Quarry Road
Trumbull, CT 06611

Attention: Lynn P. Tordo, MS.
Regulatory Manager

Subject: ACTICIDE MKW 2
EPA Registration No. 67071-55
Notification Dated October 25, 2011

This will acknowledge receipt of your notification, submitted under the provisions of FIFRA Section 3(c)(9).

Proposed Notification

Label Change as required by the State of California and per PR Notice 98-10

General Comments

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

The Notification is in compliance with PR Notice 98-10 and is acceptable. This information has been added to your file.

If you have any questions concerning this letter, please contact Martha Terry at (703) 308-6341.

Sincerely,

A handwritten signature in cursive script that reads "Martha Terry".

Marshall Swindell
Product Manager (33)
Regulatory Management Branch 1
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 67071-55	2. EPA Product Manager Marshall Swindell	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Thor GmbH / ACTICIDE MKW 2	PM# 33	
5. Name and Address of Applicant (Include ZIP Code) Thor GmbH, Landwehrstrasse 1, D-67346, Speyer, Germany U.S. Agent: Thor Specialties, Inc. 56 Quarry Road, Trumbull, CT 06611 <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. <u>67071-55</u> Product Name <u>ACTICIDE MKW 2</u>	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input checked="" 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 change as required by the State of California and per PR Notice 98-10 / 95-2. This notification is consistent with 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:				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
				<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	Other (Specify) _____	
3. Location of Net Contents Information <input type="checkbox"/> Label <input checked="" type="checkbox"/> Container		4. Size(s) Retail Container 5, 55, and 265 gallons		5. Location of Label Directions <input checked="" type="checkbox"/>	
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph 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 Geri Werdig	Title Pesticide Registration Associates	Telephone No. (include Area Code) 202-546-3260
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 <i>Lynn P. Tordo</i>	3. Title Regulatory Manager	
4. Typed Name Lynn P. Tordo, M.S.	5. Date 10/25/11	



October 25, 2011

Mr. Marshall Swindell, Product Manager 33
Regulatory Management Branch I
Antimicrobial Division, OPP (751OW)
U.S. ENVIRONMENTAL PROTECTION AGENCY
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Product: ACTICIDE® MKW 2, EPA Registration No. 67071-55
Notification of label change
Company: Thor GmbH;
US Agent: Thor Specialties, Inc

This is a notification and not subject to fees

Dear Mr. Swindell:

This label change notification is submitted by Thor Specialties, Inc., U.S. agent for Thor GmbH. This notification of label change is as required by the State of California and per PR Notice 98-10 / 95-2.

The State of California requested that we submit this notification with regards to formatting and the addition or removal of the qualifier "**not approved for use in the state of California. The acceptance of this label at the DPR is pending EPA's acceptance of the modified formatting.

Modifications are as follows:

- I) The following modifications have been made to the label:
 - A) The qualifier (*) has been added to those uses not currently approved in the State of California
 - B) The statement "** Not approved for use in the State of California has been added to identify the meaning of the qualifier (*)
- II) The following modifications have been made to the Information Sheet:
 - A) The qualifier (*) has been added to those uses not currently approved in the State of California
 - B) The statement "** Not approved for use in the State of California has been added to identify the meaning of the qualifier (*).

The attached material consists of the following:

- 1. Application Form for a Notification to modify the label.
- 2. Copy of ACTICIDE® MKW 2 label with changes marked (FOR REFERENCE ONLY)
- 3. "Clean" copy of changed ACTICIDE® MKW 2 label

If you have any questions or need added information, please contact our local representative, Geri Werdig at 202-546-3260 or me at your convenience.

Sincerely,

Lynn P. Tordo, M.S.
Regulatory Manager

Enc.

Cc: Geri Werdig, Pesticide Registration Associates





ACTICIDE® MKW 2 (INDUSTRIAL BIOCIDES)

ENVIRONMENTAL HAZARDS

Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or public 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 sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of the Environmental Protection Agency.

STORAGE AND DISPOSAL

Do Not Contaminate Water, Food Or Feed By Storage Or Disposal.
PESTICIDE STORAGE: Store away from food and drinking water. Store in the original container only. Store in a dry place.
IN CASE OF A SPILL OR LEAK: Dike any spill and cover with a solid inert to absorb the liquid. Scoop as much of the absorbed material into a waste container with a lid. Label the waste container appropriately and dispose of in accordance with federal, state and local regulations.
DECONTAMINATION: Use a solution of 5% Sodium Hypochlorite + 5% Sodium Bicarbonate at about double the amount of decontamination solution to the amount of the spill. Allow 30 minutes contact time. Cover with a solid inert material and scoop into a suitable container. Do not add extra decontamination solution and do not tightly fix the lid to the waste pail as gas may be generated during the decontamination process.
PESTICIDE DISPOSAL: Pesticide wastes are acutely hazardous. Improper disposal of excess product 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 your nearest EPA Regional Office for guidance.

CONTAINER DISPOSAL

Non-refillable container. Do not reuse or refill this container. Triple rinse container promptly after emptying. Triple rinse as follows: [For containers < 5 gallons in size] - 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. [For containers > 5 gallons in size] - 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 other procedures approved by state and local authorities.
GENERAL: CONSULT FEDERAL, STATE OR LOCAL DISPOSAL AUTHORITIES FOR APPROVED ALTERNATIVE PROCEDURES.

Precautionary Statements: Hazards to Humans and Domestic Animals

DANGER

Corrosive. Causes irreversible eye damage and skin burns. Harmful if swallowed or inhaled. Avoid breathing spray mist. Wear protective eyewear (goggles, face shield or safety glasses). Wear protective clothing and gloves. Prolonged or frequently repeated skin contact may cause allergic reaction in some individuals. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco, or using the toilet. Remove contaminated clothing and wash clothing before reuse.
PERSONAL PROTECTIVE EQUIPMENT:
Handlers must wear:

- goggles or face shield
- coveralls worn over long-sleeved shirt and long pants
- chemical resistant gloves, such as barrier laminate, butyl rubber, neoprene rubber, nitrile rubber, polyvinyl chloride [pvc and viton] -socks
- chemical-resistant footwear
- dust/mist filtering respirator with MSHA/NIOSH approval number prefix (TC-21C), OR NIOSH approved respirator with any N, R, P, or HE prefilter.

DIRECTIONS FOR USE

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

The formulated product is intended for use as an industrial biocide for the control of fungal and algal growth in paint films, coatings, stains, polymer latices, and the following building materials: sealants, mastics, and caulks. **READ AND FOLLOW THE DIRECTIONS FOR USE ON THE ACCOMPANYING INFORMATION SHEET.**

*Not approved for this use in the State of California

EPA Reg. No. 67071-55

EPA Est. No. 67071-DEU-001

Manufactured By: Thor GmbH
D-67346 Speyer, Germany Tel. (06232) 6360

U.S. Office: Thor Specialties, Inc.
56 Quarry Road; Trumbull, CT 06611 USA
Tel. (203) 365-6530

Active Ingredients:

Duron [3-(3,4-dichlorophenyl)-1,1-dimethylurea]	12%
3-Iodo-2-propynyl butylcarbamate	10%
2-N-Octyl-4-isothiazolin-3-one	7.5%
OTHER INGREDIENTS:	70.5%
TOTAL:	100%

KEEP OUT OF REACH OF CHILDREN DANGER

See Side panel for additional precautionary statements

FIRST AID

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.

IF ON SKIN: take off contaminated clothing. Rinse skin immediately with plenty of water for 15 to 20 minutes. Call a poison control center or doctor for treatment advice.

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 the poison control center or doctor. Do not give anything by mouth to an unconscious person.

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 treatment advice.

In case of emergency call toll free (800)424-9300. Have the product container or label with you when you call a poison control center or doctor or going for treatment.

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

**ENVIRONMENTALLY HAZARDOUS SUBSTANCE,
LIQUID, N.O.S. [Duron (ISO) and 2-n-Octyl-4-
isothiazolin-3-one], 9, UN 3082, PG-III**

CONDITIONS OF SALE AND WARRANTY: Thor GmbH warrants that the product conforms to its chemical description and is reasonably fit for the purpose stated on the label only when used in accordance with label directions under normal conditions of use. THOR GMBH MAKES NO OTHER EXPRESS OR IMPLIED WARRANTIES EITHER OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE. Handling, storage and use of the product by Buyer or User are beyond the control of Thor GmbH and Seller. Risks such as ineffectiveness or other unintended consequences resulting from, but not limited to, failure to follow label directions will be assumed by the Buyer or User. IN NO CASE WILL THOR GMBH OR SELLER BE HELD LIABLE FOR CONSEQUENTIAL, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE HANDLING, STORAGE OR USE OF THIS PRODUCT.

Batch: _____

Mfg Date: _____

Net Contents (pounds): _____

10.5.511
45

5/5



ACTICIDE[®] MKW 2 INFORMATION SHEET

THIS ACTICIDE[®] MKW 2 INFORMATION SHEET MUST ACCOMPANY EACH SHIPMENT OF ACTICIDE[®] MKW 2

DIRECTIONS FOR USE

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

To be used only as an industrial biocide for the control of fungal and algal growth on paint films, coatings, stains, sealants, mastics, caulks and *polymer latices.

ACTICIDE[®] MKW 2 is a biocide for addition to polymer emulsions including styrene-acrylic and styrene-butadiene latices, polyvinylacetate latices and other water-based polymer latices for use in paints and special purpose coatings and in architectural and product coatings. Not for incorporation in products used to paint swimming pools.

Add ACTICIDE[®] MKW 2 at levels of 0.5% to 1.5% (wt/wt) based on the coating, paint or polymer emulsion. For exterior use in highly demanding climates, at high temperatures and under high humidity conditions, (where high fungi and algae levels may be present), up to 2.0% ACTICIDE[®] MKW 2 may be required for the ultimate protection of the dried films. Apply during or following pigment grinding/milling operation.

It is recommended the formulator perform cost-performance evaluations to determine the optimum dosage rate for their particular system. If questions arise concerning other modifications or conditions, contact Thor Specialties, Inc., in Trumbull, CT.

**Not approved for this use in the State of California*

