

67690-23

04/21/2005

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY



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

OFFICE OF  
PREVENTION, PESTICIDES  
AND TOXIC SUBSTANCES

April 21, 2005

Carrie Daniels  
Senior Regulatory Consultant  
Exponent  
1730 Rhode Island Avenue, NW  
Suite 1100  
Washington, DC 20036

Subject: K-Pool  
EPA Registration Number 67690-23  
Application Date: March 28, 2005  
EPA Received Date: March 31, 2005

Dear Ms. Daniels:

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

**Proposed Notification**

- Revised labeling
- Revised Basic and Alternate Confidential Statements of Formula (see CSFs dated 2/14/05)

**General Comments**

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

The notification application is acceptable. A copy has been inserted in your file for future reference.

Should you have any questions or comments concerning this letter, please contact me at 703-308-6422.

Sincerely,

Adam Heyward  
Product Manager 34  
Regulatory Management Branch II  
Antimicrobials Division (7510 C)

**CONCURRENCES**

SYMBOL	15100							
SURNAME	2/2/05							
DATE	4/21/05							

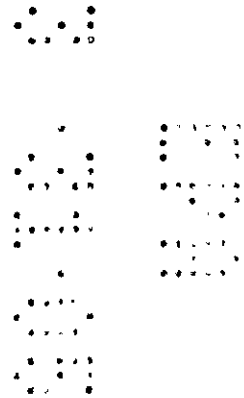
**Exponent\***  
*(formerly Novigen Sciences, Inc.)*

Exponent  
1730 Rhode Island Ave., NW  
Suite 1100  
Washington, DC 20036

telephone 202-772-4900  
facsimile 202-772-4979  
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March 29, 2005

Mr. Adam Heyward  
Regulatory Management Branch II, Product Manager 34  
Document Processing Desk (NOTIF)  
Office of Pesticide Programs (7504C)  
U.S. Environmental Protection Agency  
Room 266A, Crystal Mall 2  
1801 South Bell Street  
Arlington, Virginia 22202



Subject: K-Pool (EPA Registration #67690-23) - Notification  
Project No. WD00545.000

Dear Mr. Heyward:

On behalf of SePRO Corporation (SePRO, EPA Company #67690), Exponent, Inc. is submitting a notification, per EPA PR Notice 98-10, to revise the Confidential Statement of Formula (CSF) and product label for the end-use product K-Pool (EPA Registration Number 67690-23) to reflect SePRO Corporation as the current registrant and to make minor changes in the label. The following items are enclosed in support of this action:

- Transmittal document (this letter);
- Application for Pesticide Registration, EPA 8570-1 Form;
- Two copies of the revised Master Label (one copy with highlighted revisions); and
- Two copies of the revised CSF for the basic and alternate formulations.

SePRO recently purchased K-Pool from Griffin, LLC (EPA Reg. # 1812-302) and the changes to the CSF and label are being made to reflect SePRO as the current registrant and producer. No other changes or revisions have been made to the basic or alternate CSF. The K-Pool Master Label has been revised to show SePRO Corporation as the current registrant and to make minor changes to the format and content of the label. A copy of the label with the changes highlighted is enclosed for your reference.

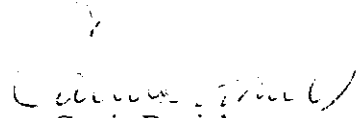
This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. SePRO understands that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. SePRO further understands that if this notification

Mr. Adam Heyward  
March 29, 2005  
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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 SePRO may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

If you have any questions regarding this submission, please contact me by phone at (202) 772-4916 or by e-mail at [cdaniels@exponent.com](mailto:cdaniels@exponent.com).

Sincerely,



Carrie Daniels  
Authorized Representative of  
SePRO Corporation

Enclosures (3)

cc: Steve Cockreham, SePRO  
James Messina, Exponent



United States  
Environmental Protection Agency  
Washington, DC 20460

Registration  
 Amendment  
 Other

OPP Identifier Number

Notification

Application for Pesticide - Section I

1. Company/Product Number 67690-23	2. EPA Product Manager Adam Heyward	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) SePRO Corporation/K-Pool	PM# 34	
5. Name and Address of Applicant (Include ZIP Code) SePRO Corporation 11550 N. Meridian Street, Suite 600 Carmel, Indiana 46032 <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.)  
This notification is made to revise the CSF and product label to reflect SePRO Corporation as the current registrant and to make minor revisions to the format and content of the product label.

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		<input type="checkbox"/> Metal	<input type="checkbox"/> Plastic
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt.	No. per container
				<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
				<input type="checkbox"/> Other (Specify) _____	
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container Various		5. Location of Label Directions <input type="checkbox"/>	
6. Manner in Which Label is Affixed to Product <input checked="" 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 Carrie Daniels	Title Senior Regulatory Consultant	Telephone No. (Include Area Code) (202) 772-4916
<b>Certification</b> 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 <b>(Stamped)</b>
2. Signature 	3. Title Vice President of Research & Regulatory Affairs	
4. Typed Name Steve Cockreham, Ph.D.	5. Date 3/28/05	

67690-23 K-Pool

[FRONT PANEL]

(logo) **SePRO Corporation**

**K-POOL\***  
ALGAECIDE

For Use in Swimming Pools  
Areas treated with K-Pool may be used for swimming immediately after treatment.

Active Ingredient	
*Copper as elemental .....	8%
Inert Ingredients .....	<u>92%</u>
Total .....	100%

\*Derived from Copper-Triethanolamine Complex and Copper Hydroxide

One Gallon Contains 0.8 Pounds of Elemental Copper

**Keep Out of Reach of Children**

**CAUTION/PRECAUCION**

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

**Refer to inside of label booklet for additional precautionary information and Directions for Use.**

**Notice:** Read the entire label before using. Use only according to label directions. **Before buying or using this product, read "Warranty Disclaimer", "Inherent Risks of Use" and "Limitation of Remedies" inside label booklet.**

In case of emergency endangering health or the environment involving this product, call INFOTRAC at 1-800-535-5053.

For additional information on our products, please visit [www.sepro.com](http://www.sepro.com).

EPA Reg. No. 67690-23  
FPL 022105

EPA Est. No. xxxxx-xx-xx  
SC-xx-xxxx

\*Trademark of SePRO Corporation  
**SePRO Corporation • Carmel, IN 46032, U.S.A.**

**Net Contents: \_\_\_\_\_**

[LABEL BOOKLET TEXT]

**Precautionary Statements**

**Hazards to Humans and Domestic Animals**

**Keep Out of Reach of Children**

**CAUTION**

**Harmful if swallowed. Avoid contact with skin and eyes. Wash thoroughly with soap and water after handling. Do not apply this product in a manner as to directly or through drift expose workers or other persons.**

<b>First Aid</b>	
<b>If in eyes:</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Call poison control center or doctor for treatment advice.</li> </ul>
<b>If swallowed:</b>	<ul style="list-style-type: none"> <li>• Call a poison control center or doctor immediately for treatment advice.</li> <li>• Have person sip a glass of water if able to swallow.</li> <li>• Do not induce vomiting unless told to do so by a poison control center or doctor.</li> <li>• Do not give anything by mouth to an unconscious person.</li> </ul>
<b>If inhaled:</b>	<ul style="list-style-type: none"> <li>• Move person to fresh air.</li> <li>• If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible.</li> <li>• Call a poison control center or doctor for further treatment advice.</li> </ul>
<b>If on skin or clothing:</b>	<ul style="list-style-type: none"> <li>• Take off contaminated clothing.</li> <li>• Rinse skin immediately with plenty of water for 15 - 20 minutes.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<p>Have the product container or label with you when calling a poison control center or doctor, or going for treatment. <b>For medical emergencies involving this product, call toll free 1-800-535-5053.</b></p>	
<p><b>Note to physician:</b> Probable mucosal damage may contraindicate use of gastric lavage</p>	

**Environmental Hazards**

This product may be toxic to fish. Treated effluent should not be discharged where it will drain into lakes, streams, ponds or public water. Apply this product only as directed on this label.

**Directions for Use**

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

**Storage and Disposal**

*[The following statements will appear on one quart and one gallon containers.]*

Do not reuse container. Securely wrap original container in several layers of newspaper and discard in trash.

*[The following statements will appear on 55-gallon HDPE drums.]*

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

**PESTICIDE STORAGE:** Store in a cool, dry place.

**PESTICIDE DISPOSAL:** Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture, 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 the nearest EPA Regional Office for guidance.

**CONTAINER DISPOSAL:** Triple rinse (or equivalent). Then offer for recycling or reconditioning, 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.

**GENERAL INSTRUCTIONS**

K-Pool algacide provides effective control of algae growth in all types of swimming pools. Even though it affords long-term algae control, periodic additions on a scheduled basis will assure lasting algae control. Treated water may be used for swimming immediately after addition of K-Pool. K-Pool is designed to prevent the growth of swimming pool algae. For heavy algal infestations, more drastic treatment such as super-chlorination may be required to eradicate the algae.

**NOTE:** Undiluted K-Pool or concentrations above 1.0 ppm Cu<sup>++</sup> may be injurious to crops, grass, ornamentals and other foliage. Do not apply in such a way that the concentrated product comes in contact with crops, ornamentals, grass or desirable plants. Apply only as specified on the label.

Dilute K-Pool with at least nine parts of water and sprinkle around edge of pool. Add additional amounts of K-Pool every two weeks according to directions on the chart.

For best results, begin pool maintenance with K-Pool when the pool is first filled with water. Add K-Pool according to the size of pool as given in the chart.

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<b>DILUTION CHART FOR SWIMMING POOLS</b>				
Swimming Pool Capacity in Gallons of Water	Initial Treatment K-Pool (fluid ounces)		Treatment Once Every Two Weeks K-Pool (fluid ounces)	
	All States Except California	California	All States Except California	California
5,000	2-5	5	1-2.5	2.5
10,000	3.5-10	10	2-5	5
20,000	7-20	20	3.5-10	10
30,000	10.5-30	30	5.5-15	15
40,000	14-40	40	7-20	20
50,000	17.5-50	50	9-25	25

How To Estimate Gallon Capacity of Your Pool: Measure length (L), Width (W) and average Depth (D) in feet. For square or rectangular pools: L x W x D x 7.5 = Gallons. For Circular or elliptical pools: L x W x D x 5.9 = Gallons.

**Warranty Disclaimer**

SePRO Corporation warrants that the product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the label when used in strict accordance with the directions, subject to the inherent risks set forth below. SEPRO CORPORATION MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

**Inherent Risks Of Use**

It is impossible to eliminate all risks associated with use of this product. Plant injury, lack of performance, or other unintended consequences may result because of such factors as use of the product contrary to label instructions (including conditions noted on the label such as unfavorable temperatures, soil conditions, etc.), abnormal conditions (such as excessive rainfall, drought, tornadoes, hurricanes), presence of other materials, the manner of application, or other factors, all of which are beyond the control of SePRO Corporation as the seller. All such risks shall be assumed by buyer.

**Limitation of Remedies**

The exclusive remedy for losses or damages resulting from this product (including claims based on contract, negligence, strict liability, or other legal theories) shall be limited to, at SePRO Corporation's election, one of the following:

- (1) Refund of purchase price paid by buyer or user for product bought, or
- (2) Replacement of amount of product used.



a/a

67690-23 K-Pool

SePRO Corporation shall not be liable for losses or damages resulting from handling or use of this product unless SePRO Corporation is promptly notified of such losses or damages in writing. In no case shall SePRO Corporation be liable for consequential or incidental damages or losses.

The terms of the Warranty Disclaimer above and this Limitation of Remedies can not be varied by any written or verbal statements or agreements. No employee or sales agent of SePRO Corporation or the seller is authorized to vary or exceed the terms of the Warranty Disclaimer or Limitations of Remedies in any manner.

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