

68708-9

02/17/2010

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



United States
Environmental Protection
Agency

Office of Pesticide Programs

Nalco Company
1601 West Diehl Road
Naperville, IL 60563

FEB 17 2010

AGENT: Steptoe and Johnson
1330 Connecticut Avenue, N.W.
Washington, D. C. 20036-1795

Attention: Juli Mann

Subject: EC9086A
EPA Registration No. 68708-9
Notification Dated January 19, 2010

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

Proposed Notification

- To update label per PR Notice 2007-4

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) 308-6217.

Sincerely

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

Marshall Swindell
Product Manager (33)
Regulatory Management Branch 1
Antimicrobials Division (7510P)

Please read instructions on reverse before completing form

Form Approved, OMB No. 2070-0060, Approval expires 5-31-98



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 68708-9	2. EPA Product Manager Marshall Swindell	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) EC9086A	PM # 33	
5. Name and Address of Applicant (Include ZIP Code) Nalco Company 1601 West Diehl Road Naperville, IL 60563 <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 of label changes to incorporate revised container disposal statements per PR Notice 2007-4 and additional minor label revisions per PR Notice 98-10.

This notification is consistent with the guidance in PR Notice 2007-4 and PR Notice 98-10 and the requirements of EPA's regulations at 40 CFR §§ 152.46, 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 §§ 152.46, 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.

FORWARD CORRESPONDENCE for this action to: Juli Mann, Steptoe & Johnson LLP, 1330 Connecticut Ave., NW, Washington, D.C. 20036.

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 – epoxy lined	<input type="checkbox"/> Plastic
*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 <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of label directions <input type="checkbox"/> On Label <input type="checkbox"/> On Label 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 type="checkbox"/> Other _____	

Section IV

1. Contact Person (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Juli Mann	Title Paralegal Specialist, Steptoe & Johnson, LLP, Authorized agent	Telephone No. (Include Area Code) 202-429-3095
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>Juli Mann</i>	3. Title Paralegal Specialist, Agent for Nalco Company	
4. Typed Name Juli Mann	5. Date January 19, 2010	

STEPTOE & JOHNSON LLP
ATTORNEYS AT LAW

WRITER'S DIRECT DIAL
202.429.3095

1330 Connecticut Avenue, NW
Washington, DC 20036-1795
Tel 202.429.3000
Fax 202.429.3902
steptoe.com

January 19, 2010

Via Hand Delivery

Marshall Swindell, Product Manager 33
Antimicrobials Division (AD)
c/o Document Processing Desk (**NOTIF**)
Office of Pesticide Programs (7510P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202-4501

Re: Notification to update label per PR Notices 2007-4 and 98-10

Product: EC9086A (EPA Reg. No. 68708-9)

Dear Marshall:

On behalf of our client, Nalco Company, enclosed please find a notification for **EC9086A** to update the container handling statements per PR Notice 2007-4 and make the following changes per PR Notice 98-10:

- Correct typographic error: Change "Active Ingredient" to "Active Ingredients"
- Update the registrant name and address.

This notification is consistent with the guidance in PR Notice 2007-4 and PR Notice 98-10.

Enclosed is EPA Form 8570-1, with the required certification statement, along with one copy of the proposed label with changes highlighted. Please let me know if you have any questions or need anything further.

Correspondence for this matter should be sent to me at the Washington, D.C. address identified above. If you require any further information please contact me at (202) 429-3095. Thank you for your attention to this matter.

Sincerely,
Juli Mann
Juli Mann
Paralegal Specialist

Handwritten initials and marks on the right side of the page, including several sets of "J" and "M" marks and a "3/19" date.

PRECAUTIONARY STATEMENTS: HAZARDS TO HUMANS AND DOMESTIC ANIMALS

DANGER. CORROSIVE. CAUSES EYE DAMAGE AND SKIN IRRITATION. Do not get in eyes, on skin or on clothing. Wear goggles or face shield and rubber gloves when handling. Harmful if swallowed. Avoid contamination of food. This product is a dermal sensitizer. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish. 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 sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of the EPA.

STORAGE AND DISPOSAL

STORAGE: Do not contaminate water, food, or feed by storage, disposal or cleaning of equipment.

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.

(Instructions for refillable containers:)

CONTAINER HANDLING: 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 reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedure approved by state and local authorities.

(Instructions for non-refillable containers greater than 5 gallons:)

CONTAINER HANDLING: Non-refillable container. Do not reuse or refill this container. Triple rinse (or equivalent) container promptly after emptying. Triple rinse as follows: Empty 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, 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 reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedure approved by state and local authorities.

(Instructions for non-refillable containers 5 gallons or less:)

CONTAINER HANDLING: Non-refillable container. Do not reuse or refill this container. Triple rinse (or equivalent) container promptly after emptying. Triple rinse as follows: Empty 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 reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedure approved by state and local authorities.

NET CONTENTS SHOWN ELSEWHERE ON CONTAINER

Revised: 1/19/2010

UN 3265, CORROSIVE LIQUID, ACIDIC, ORGANIC, N.O.S. (2-bromo-2-nitropropane-1,3-diol solution), 8, II



EC9086A

ACTIVE INGREDIENTS:

2-Bromo-2-nitropropane-1,3-diol.....	8.80%
5 Chloro-2-methyl-4 isothiazolin-3-one.....	0.28%
2-Methyl-4 isothiazolin-3-one.....	0.10%
INERT INGREDIENTS:	90.82%
Total.....	100.00%

**KEEP OUT OF REACH OF CHILDREN
DANGER**

FIRST AID

- IF IN EYES: Hold eyes 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. 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 by a poison control center or doctor.
- IF ON SKIN: 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.
- IF INHALED: Move person to fresh air. If person is not breathing, call 911 or ambulances, then give artificial respiration, preferably mouth-to-mouth, if possible. Call a poison control center or doctor for treatment advice.

NOTE TO PHYSICIAN: Probable mucosal damage may contraindicate the use of gastric lavage. Measures against circulatory shock, respiratory depression and convulsion may be needed. Have the MSDS with you when calling a poison control center or a doctor, or going for treatment.

SEE SIDE PANEL FOR ADDITIONAL PRECAUTIONARY STATEMENTS.

EPA Reg. No. 68708-9

EPA Est. No. 68708-LA-1

**Nalco Company
1601 West Diehl Road
Naperville, IL 60563-1198**

EMERGENCY TELEPHONE NUMBER (800) 424-9300

DIRECTIONS FOR USE

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

STARCH, PIGMENT AND EXTENDER SLURRIES

To inhibit the growth of spoilage bacteria during the manufacture, storage and distribution of water-based suspension concentrates, EC9086A may be dosed at or close to the end of the manufacturing process in a quantity of the process water. If the manufacturing process involves a heating stage, the EC9086A should be added after this stage when the product has cooled to below 40 °C.

FREQUENCY AND DOSE: EC9086A should be dosed at 1000-5000 ppm based on the final formulation volume (8-40 pints/1000 gallons).

PAINTS, LATEX AND ANTIFOAM EMULSION AND ELECTRODEPOSITION SYSTEMS

To provide in-can preservation and prevent bacterial spoilage during shelf-life storage of acrylic, styrene-acrylic, polyvinyl acetate and other latex emulsion concentrates and latex emulsion based paints. To prevent spoilage of in-service paint application tanks such as electrodeposition systems. Also for the preservation of silicone and other antifoam emulsion systems, add EC9086A at any convenient point during the manufacturing process. Ideally it should be added as a final step just prior to packing of the product into bulk or sales packs. If a heating stage is involved in the manufacture, add EC9086A after this stage when the product has cooled to below 40 °C.

FREQUENCY AND DOSE: EC9086A should be dosed at 1000-5000 ppm based on the final formulation volume (8-40 pints/1000 gallons).

COATING PRESERVATION

EC9086A is recommended as an in-container preservative for the control of bacteria and fungi in water-based coatings such as paper coatings.

RECOMMENDED DOSES ARE EXPRESSED AS PPM PER PPM-PRODUCT.

[Batch/Lot Number: _____]

Note to EPA Reviewer: Batch/Lot Number may or may not appear on label.

W/h