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

2/23/2012

SEPA United States: Environmental Protection Office of Pesticide Programs

K-2 Concepts, Inc. 114 North Prince Street, 3rd Floor Lancaster, PA 17603

FEB 2 3 2012

AGENT: Lewis and Harrison 122 C Street, N.W., Suite 740 Washington, D. C. 20001

Attention: Karen E. Warkentien

Subject: Aquastat XR

EPA Registration No. 79630-2 Notification Dated February 3, 2012

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

Proposed Noatifiction

- Adding an Indoor, Nonfood Site to the Label

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,

Marshall Swindell

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

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Please read instructions on r	everse before comple	ting fo.			Form Apr	proved	I. OMB	407	0-0060), Approv	val expire	s 2-28 -95
United States Environmental Protection Weshington, DC 204							ŧ –	stratic ndme er		1		
·		Applicatio	on for F	Pesticio	le - Sec	tion	I			<u></u>		
1. Company/Product Number 79630-2			2. EPA Product Manager 3 Marshall Swindell				3. Pro	3. Proposed Classification				
4. Company/Product (Name) Aquastat(R)-XR				PM# 33						NONO		stricted
5. Name and Address of Applicant <i>(Include ZIP Code)</i> K2 Concepts Inc. 114 North Prince Street, 3rd Floor Lancaster PA 17603				6. Expedited Reveiw. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No.								
Check if this	is a new address			Produ	ct Name							
			Sect	tion - I								
Amendment - Explain Resubmission in resp. Notification - Explain Explanation: Use addition Notification of Label Change regulations at 40 CFR § 156. that it is a violation of 18 USC PR Notice 98-10 and 40 CFR and 14 of FIFRA.	onse to Agency letter below. al page(s) if necessar per PR Notice 98-10: 7 46, and no other chang \$ 1001 to willfully mal	ry. (For section This notification ges have been r ke any false sta	is consister made to the itement to E	nt with the labeling o PA. I furth	or the Confid ner understar	ter dat Applic lain b PR N ential nd tha	ted ation. elow. otice 98- Statemer t if this no	10 and th nt of Forn ptification	e requir nula for is not c	this produ consistent	ict. I unde with the f	terms of
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1. Material This Product Will	Be Packaged In:	·			•	_						
Child-Resistant Packaging Yes No	Unit Packaging Yes No	Water Soluble Packaging Yes No				2. Typ	P G	letal Iastic Iass				
* Certification must be submitted	lf "Yes" Unit Packaging wgt.	No.per container	lf "Yes' Packag		No. per container	r			aper ther (Sj	pecify)		
3. Location of Net Contents I	nformation	4. Size(s) Ret	tail Contair	181		5. Lo	cation o	f Label (Direction	ns		
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1. Contact Point <i>(Complete</i>	items directly below i	for identificatio	on of indivi	dual to be	contacted,	if nec	:essary,	to proce	ss this	applicătio	n.j.	
Name Karen E. Warkentien			Title Consulta	int to K2	Concepts Ir	пс.				No. .(Incl -3903 x22		i Code)
l certify that the stater I acknowledge that an both under applicable I	y knowlinglly false or		all attach							<u>د</u> ا		
2. Signature			3. Title Consultant to K2 Concepts Inc.							(((((ς ΄ εςι	(((((((((((((((((((
4. Typed Name Karen E. Warkentien			5. Date 3 February 2012						ε.ε. ε ε.ε. ε ε.ε.			
PA Form 8570-1 (Rev. 3-94	Previous editions are	e obsolete.			Whi	ite - E	PA File (Copy los	iginal)	Yello	N - Appl	cant Copy

LEWIS & HARRISON

122 C Street, N.W., Suite 740 Washington, D.C. 20001 telephone 202.393.3903

fax 202.393.3906

Consultants in Government Affairs

3 February 2012

Via Hand Delivery

Mr. Marshall Swindell, PM #33 Regulatory Management Branch I Antimicrobials Division (7510P) Office of Pesticide Programs US Environmental Protection Agency One Potomac Yard 2777 Crystal Drive Arlington VA 22202

SUBJECT: Aquastat XR, EPA Reg. No. 79630-2 Application for Pesticide Notification Addition of Additional Substrate per PRN 98-10

Dear Ms. Noble:

On behalf of our client, K2 Concepts Inc. (K2), Lewis & Harrison, LLC, submits herewith the following documents in support of amended registration for Aquastat XR, EPA Reg. No. 79630-2:

Volume I: Administrative Materials

- Application for Pesticide Notification (EPA Form 8570-1)
- Draft label (two copies, one with highlighted changes)

This submission is made pursuant to PR Notice 98-10, ¶II.C: <u>Adding an Indoor, Nonfood Site for</u> <u>an Antimicrobial Product</u>, by including air filters as an additional substrate for this manufacturing use product (MUP).

Notification of Label Change per PR Notice 98-10

This notification is consistent with the guidance in PR Notice 98-10 and the requirements of EPA's regulations at 40 CFR § 156.46, and no other changes is have been made to the labeling or the Confidential Statement of Formula for this for product. I understand that it is a violation of 18 USC § 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR § 156.46, this product is may be in violation of FIFRA and I may be subject to enforcement action and compenalties under sections 12 and 14 of FIFRA.

Mr. Marshall Swindell, PM #33 Page 2 of 2

This submission is NOT subject to processing under the Pesticide Registration Improvement Act (PRIA) and should be categorized as a notification.

Should you have any questions concerning this submission, please contact me by phone at (202) 393-3903 x22 or via email at <u>kwarkentien@lewisharrison.com</u>.

Sincerely,

LEWIS & HARRISON, LLC Consultant to K2 Concepts Inc.

Karen E. Warkentien

Enclosures

cc: Bryan Kepner, K2 Concepts Inc.

NONFICATION LABEL

[] denotes alternate and/or language Proposed changes are <u>underlined</u> and highlighted

AQUASTAT[®]-XR

An antimicrobial agent for manufacturing or fabricating [bacteriostatic] [and] [or] [fungistatic] [water] [and] [or] [air] filters

Active ingredient:	
Silver (as elemental)	
Other ingredients	98.6%
Total	

KEEP OUT OF REACH OF CHILDREN CAUTION

	FIRST AID:
Have the p	roduct container or label with you when calling a poison control center or doctor, or going for treatment.
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 INHALED	 Move person to fresh air If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth, if possible Call a poison control center or doctor for further treatment advice
IF SWALLOWED	 Immediately call a poison control center or doctor Do not induct vomiting unless told to do so by a poison control center or doctor Do not give any liquid to the person. 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 water for 15-20 minutes Call a poison control center or doctor for treatment advice
	FOR MEDICAL ASSISTANCE, CALL 1-800-222-1222

EPA Reg. No. 79630-2

Net Contents:

EPA Establishment No. 79630-GA-001

Lot No.:

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K2 CONCEPTS INC. 2625 Piedmont Rd. NE Atlanta GA 30324 (404) 452-9010

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS

CAUTION. Causes eye irritation. May be harmful if swallowed. Avoid contact with skin, eyes, or clothing. Wash thoroughly with soap and water after handling Remove contaminated clothing and wash before reuse.

ENVIRONMENTAL HAZARDS

This product is toxic to fish. 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 (NDPES) permit and the permitting authority has been hotified 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.

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DIRECTIONS FOR USE

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

- AQUASTAT -XR is to be used only for manufacturing or fabricating bacteriostatic [and] [or] fungistatic [water] [and] [or] [air] filters. Filter manufacturers or formulators who use this product are responsible for providing data to US EPA to support any necessary registrations.
- AQUASTAT-XR is to be used to protect the [water] [and] [or] [air] filter itself against the growth of bacteria [mold] [and] [or] [mildew] and to prevent odors [and unpleasant tastes] or discoloration.

STORAGE AND DISPOSAL

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

- Desticide Storage: Do not store in areas accessible to children. Keep product dry and containers covered during storage.
- Pesticide Disposal: Wastes from the use of this product may disposed of on site or at an approved waste disposal facility
- Container Disposal: [only one will appear, based on the container type]

Plastic containers: Triple rinse (or equivalent). Then offer for recycling or recondition, 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.

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

Notification 2012-01-31