

83742-1

03/09/2007

1/9



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

March 9, 2007

Dr. Gary Orr, Ph.D.
Agent for the Pond Guy, Inc. /Almax Eco-Systems, Inc.
The Pond Guy
6135 King Road
Marine City, MI 48039

Subject: Notification Application per PR Notice 98-10
Algae Defense
EPA Reg. No. 83742-1
Application Date: March 1, 2007
Receipt Date: March 7, 2007

Dear Dr. Orr:

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

Proposed Notification:

- Graphic added to and deletion of a pest from the Label for **EPA Reg. No. 83742-1, "Algae Defense."**

General Comment:

- Based on a review of the material submitted, the following comment applies:
- This notification is acceptable and 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, or by email at heyward.adam@epa.gov or Killian Swift at (703) 308-6346 or by email at swift.killian@epa.gov

Sincerely,

A handwritten signature in cursive script, appearing to read "Killian Swift", written over a horizontal line.

(for) Adam Heyward
Product Manager (34)
Regulatory Management Branch II
Antimicrobials Division [7510P]



Rivendell Consulting USA, LLC
400 East Jane Street
Valdosta, GA 31601 USA
Phone: (229) 247-4340
Fax: (229) 247-0551

Attn: Adam Heyward (PM 34)

March 1, 2007

Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Subject: Notification of Addition of Graphics to and Deletion of Pest from Algae Defense Label (EPA Reg. No. 83742-1) per PR Notice 98-10

Mr. Heyward:

This letter provides notification of addition of graphics to and deletion of a pest from the Algae Defense label per the provisions of PR Notice 98-10. In addition to this transmittal letter, this submission comprises:

- One completed EPA Form 8570-1 Application for Pesticide Registration-Notification
- Two copies of the label containing the addition of graphics by notification; one with the addition clearly marked per PR Notice 98-10, and one clean copy provided for your convenience.
- A copy of the EPA letter acknowledging that The Pond Guy, Inc is doing business as (D/B/A) Airmax Eco-Systems, Inc.

Should you require additional information or have questions concerning this notification, please contact me at 229-247-4640.

Sincerely,

Gary R. Orr, Ph.D.
Consultant, Agent for The Pond Guy, Inc./Airmax Eco-Systems, Inc.

3/9



on reverse before completing form.

Form Approved. OMB No. 2070-0060

 United States Environmental Protection Agency Washington, DC 20460	<input type="checkbox"/> Registration	OPP Identifier Number
	<input type="checkbox"/> Amendment	
	<input checked="" type="checkbox"/> Other	

Application for Pesticide - Section I

1. Company/Product Number 83742-1	2. EPA Product Manager Adam Heyward	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Algae Defense	PM# 34	
5. Name and Address of Applicant (Include ZIP Code) The Pond Guy, Inc. - D/B/A Airmax Eco-Systems, Inc. 6135 King Road Marine City, MI 48039 <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 Addition of Graphics per PR Notice 98-10 (II)(H). deletion of Pest (hydrilla verticillata) per PR Notice 98-10 (II)(B)"

"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 any false statement to EPA. I further understand that if this notification is not consistent with the terms of PRNotice 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 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 <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____	
* 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"/>	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Other _____ <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled					

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Gary R. Orr, Ph.D.	Title Consultant	Telephone No. (Include Area Code) 229-247-4640
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 	3. Title Agent for the Pond Guy, Inc./Airmax Eco-Systems Inc.	
4. Typed Name Gary R. Orr	5. Date <div style="text-align: right; font-size: 1.2em;">3/1/2007</div>	

NOTIFICATION
Date Reviewed: 9-9-07
Reviewed By: J. S. [Signature]

Airmax
Eco-Systems

ALGAE DEFENSE™

For Use in Fresh Water: Lake, Pond, Reservoirs, Ponds, and other bodies of water. Fish Hatcheries, Aquariums, and Other Small Bodies of Water. Pond and Water.

**KEEP OUT OF REACH OF CHILDREN
WARNING-AVISO**

See Application Instructions on Side and Back Panels

NET CONTENTS: ONE GALLON (3.78 LITERS)

5/9

(Right Side Panel)

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 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 do so by a poison control center or doctor. • Do not give anything by mouth to an unconscious person.
IF IN EYES	<ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water for 15 to 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 OR CLOTHING	<ul style="list-style-type: none"> • 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.
<p>Have the product container or label with you when calling a poison control center or doctor, or going for treatment. For medical emergencies involving this product, call toll free 1-888-875-1724.</p>	
<p>See Back Panel for Additional Precautions and Directions for Use</p>	

WARRANTY STATEMENT

AIRMAX ECO-SYSTEMS warrants that this product conforms to the chemical description on the label thereof and is reasonably fit for purposes stated on such label only when used in accordance with directions under normal use conditions. It is impossible to eliminate all risks inherently associated with 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 AIRMAX ECO-SYSTEMS. In no case shall AIRMAX ECO-SYSTEMS be liable for consequential, special or indirect damages resulting from the use or handling of this product. All such risks shall be assumed by the Buyer. The exclusive remedy of any buyer or user of this product for any and all losses, injuries, or damages resulting from or in any way arising from the use, handling, or application of this product, whether in contract, warranty, tort, negligence, strict liability, or otherwise, shall not exceed the purchase price paid for this product or at AIRMAX ECO-SYSTEMS'S election, the replacement of this product. AIRMAX ECO-SYSTEMS MAKES NO WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY EXCEPT AS STATED ABOVE.

Algae Defense™ is a trademark of Airmax Eco-Systems, Inc.
 Weed Defense™ is a trademark of Airmax Eco-Systems, Inc.

(Left Side Panel)

GENERAL INFORMATION

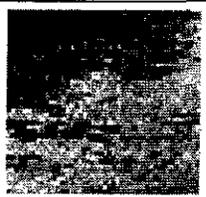
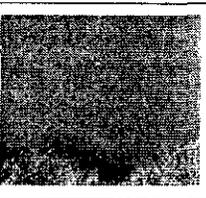
Algae Defense may be applied to fresh water lakes, potable water reservoirs, ponds (including golf course ponds), fish hatcheries, irrigation canals, laterals, and ditches and other such slow moving or quiescent bodies of water. Algae Defense successfully controls diverse algal types including branched, filamentous, and planktonic species. To obtain optimal control, apply Algae Defense in accordance with label directions at the first appearance of algae bloom. Water treated with Algae Defense may be used immediately to irrigate crops, golf courses, ornamental plants, and turf areas.

Surface applications of Algae Defense may be made using a land-based sprayer, or spray boat. Weighted trailing hoses are recommended for subsurface applications. Where appropriate, Algae Defense can be applied as an invert emulsion, or as an admixture with a suitable polymer, (see specific instructions, and select only adjuvants approved for application in food crop production).

Decomposition of dead plant material can result in dissolved oxygen depletion and subsequent fish kill. High water temperatures and dense weed infestation are exacerbating factors. To avoid excessive oxygen depletion and fish kill, treat no more than 1/2 of the water body at one time. Do not apply more Algae Defense than required for the treatment area, and allow 10 to 14 days before making application to the remaining portion of the water body. Avoid trapping fish between the shoreline and treatment areas by treating from the shore outward toward deeper, untreated water.

Algae in the water column or on the weed surfaces can reduce the effectiveness of aquatic herbicides against vascular weeds. Unless specifically prohibited by the mix partner label, Algae Defense may be tank mixed with products containing the active ingredients, copper, fluridone, diquat and endothal, to improve aquatic weed control. If a product is tank mixed with Algae Defense, the more stringent requirements of the Algae Defense and mix partner labels must be met.

NOTE: Algae Defense and solutions of Algae Defense with cupric ion concentrations in excess of 1.0 ppm may cause non target plant injury. Do not allow sprays to drift over crops, ornamentals, grass or other desirable plants. Observe all label restrictions.

ALGAE IDENTIFICATION		
<p>Chara</p> 		<p>Chara looks more like a rooted aquatic plant, but in fact it is classified as a type of algae. Chara is best identified by its gritty feel due to calcium deposits on its surface and distinct musky odor. Grows in thick patches around the edges of your pond. In severely infested areas, more than one application may be necessary.</p>
<p>Filamentous</p> 		<p>Filamentous algae also known as "pond scum" or "moss" develops in yellowish or green mats on the water's surface. This form of algae may have a slimy, cottony or even coarse feel. Normally starting from the pond's edge or bottom.</p>
<p>Planktonic</p> 		<p>Planktonic algae are microscopic plants. Generally suspended in the first couple feet of water. When planktonic algae bloom, it causes a pea soup or brownish appearance.</p>

(Back Panel)

DIRECTIONS FOR USE

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

For effective control, proper chemical concentration should be maintained for a minimum of three hours contact time. The application chart is based on static or minimal flow rates in the chart are based on static or minimal flow situations. Where significant dilution or loss of water from unregulated inflows or outflows occur (raceways) within a three hour period, chemical may have to be metered in.

1st Identify the algae growth present as one of the following types: Planktonic (suspended), Filamentous (mat forming), or Chara/Nitella.

2nd Determine the surface acreage and average depth of treatment area. (1 acre = 43,560 sq. ft.) Length x Width / 43,560 = Surface Acres

Refer to the chart below to determine gallons of Algae Defense to apply per surface acre. Control of free floating genera is obtained at rates equivalent to 0.2 to 0.5 ppm metallic copper. Control of mat forming genera requires rates equivalent to 0.5 to 1.0 ppm metallic copper. Hard to control genera such as Chara and Phormidium require a rate of 0.5 to 1.0 ppm metallic copper to be applied at the first signs of algae growth. The lower ends of the recommended ranges can be used in soft water and low growth situations. Higher rates within the recommended ranges should be used in situations of hard water or high algae growth.

Algae Defense can be applied directly, but a 10 to 20 fold dilution of Algae Defense with water facilitates uniform application. Large mats of floating algae should be removed prior to treatment, and a second application 1 to 2 weeks following the initial treatment may be required in areas of dense algae growth.

Permits:

Always consult your State Fish and Game Agency or other responsible agency before applying this product to public waters.

Weather Conditions:

Best results are obtained when Algae Defense is applied at the first appearance of algae and when water temperatures are above 60°F. Apply under calm conditions in a manner that uniformly distributes Algae Defense throughout the treated area.

APPLICATION RATES GALLONS PER SURFACE ACRE					
Algae Type	PPM copper	Depth in Feet			
		1	2	3	4
Planktonic	0.2-0.5	0.7 - 1.7	1.4 - 3.4	2.0 - 5.1	2.7 - 6.8
Filamentous	0.5-1.0	1.7 -3.4	3.4 - 6.8	5.1 - 10.2	6.8 - 13.6
Chara/Nitella	0.5-1.0	1.7 -3.4	3.4 -6.8	5.1 - 10.2	6.8 - 13.6

STRATIFIED LAKES (Summer Application) – Lakes known to be stratified require treatment of the upper 6 feet of water only.

NON-STRATIFIED LAKES (Spring/Fall Application) – Non-stratified lakes require treatments based on the total water depth. To avoid adverse effects on fish population, treat no more than 1/2 of the water body at a time.

(Back Panel continued)

METHODS OF APPLICATION

SURFACE APPLICATION: Surface applications are appropriate for shallow depths of 4 feet or less. Use a diluted spray mixture and apply evenly across the surface of the water from a boat or from shore.

SUBSURFACE APPLICATION: Subsurface applications of Algae Defense are recommended for water depths exceeding 4 feet. Weighted trailing hoses should be set to deliver the recommended rate of Algae Defense to zones containing dense algae populations. Subsurface application can be used for direct or invert applications of Algae Defense. Avoid dragging the hoses on the bottom.

POLYMER APPLICATION: Spray sinking, deposition, and retention may be improved by addition of a polymer to Algae Defense itself or to a dilution of Algae Defense in water. Follow the recommendations on the polymer product label governing the use of that product in algae control.

The severity of algae infestation will dictate the distance that Algae Defense will extend from the application point. Any subsequent applications should be made at points 3 hours downstream from the prior point of application. This step can be repeated as necessary until the entire infested area has been treated. Season long control may require periodic retreatment.

(Back Panel continued)

Bottom Placement: Using weighted, trailing hoses and water as the carrier, inject the diluted Algae Defense plus diquat mixture 1 to 2 feet above the bottom.

FISH NOTE

Algae Defense may be toxic to trout and other species of fish. The risk of fish toxicity generally decreases as the hardness of the water increases.

IRRIGATION WITH TREATED WATER

Water treated with Algae Defense in accordance with label directions may be used for irrigation immediately after treatment.

**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS**

WARNING

May be fatal if inhaled. Causes eye irritation. Harmful if swallowed or absorbed through the skin. Do not breathe vapor or spray mist. Avoid contact with skin, eyes or clothing. Prolonged or frequently repeated skin contact may cause allergic reaction in some individuals. Applicators must wear: A NIOSH approved respirator with any N, R, P or HE filter and waterproof gloves. Wash thoroughly with soap and water after handling. Wash contaminated clothing before reuse.

ENVIRONMENTAL HAZARDS

This product may be toxic to fish. Some species of fish may be killed at application rates on this label—trout and channel catfish are especially sensitive. Immature fish are more susceptible to injury than mature. Generally, fish toxicity is reduced as water hardness increases. Consult State Fish and Game Agency or other responsible agency before applying this product to public waters.

STORAGE AND DISPOSAL

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.