



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

PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

July 24, 2008

Thomas C. McEntee
Product Registration Manager
DuPont Chemical Solutions Enterprise
P. O. Box 80402
Wilmington, DE 19880-0402

Re: Use of the term "shock" on non-pesticide labeling

Dear Mr. McEntee:

Thank you for meeting with the Agency to review the previous Agency determination concerning non-pesticide shock products. As you are aware, a letter was posted on the Agency web site (http://www.epa.gov/oppad001/shock_ltr.htm) that clarified what terms required registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and what terms would not require FIFRA registration. At that time, the Agency stated that "Claims to kill, prevent or control algae or bacteria are pesticide claims" and that "the term shock is inherently a pesticide claim." The major focus of the March 13, 2008 meeting was to discuss use of the term "shock oxidizer", addition of permissible claims, mock labeling, and use of existing labeling.

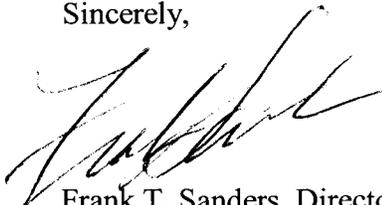
The Agency has agreed that the use of the term "shock" in the product name is acceptable if it is immediately qualified as a "Shock Oxidizer" or "Oxidizing Shock" product. The qualifier should be in the same font size and color as the term "shock".

In the previous Agency letter, dated June 21, 2007, use of the term "effectively reduces organic contamination" was deemed to be a pesticide term that required FIFRA registration. Subsequent meetings between DuPont and Agency microbiologists have resulted in this term now being acceptable for non-pesticide shock labeling. However, this does not alter the previous decision that use of the term "eliminates organic waste" is a pesticide claim. In fact, use of "organic waste" instead of "organic contamination" will require FIFRA registration.

Both the Agency and DuPont agreed that a mock label for Industry to review would be beneficial for adherence to Agency guidance. As such, the Agency will post the agreed upon mock labeling, provided by DuPont, on the web site.

Use of existing labeling may not exceed December 31, 2008. Any product released for shipment beginning January 1, 2009 must be in accordance with the June 21, 2007 letter and this addendum. If you need further assistance or clarification concerning this decision, please contact Michael Hardy via email at hardy.michael@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank T. Sanders", written in a cursive style.

Frank T. Sanders, Director
Antimicrobials Division
Office of Pesticide Programs

PHYSICAL OR CHEMICAL HAZARDS: STRONG OXIDIZING AGENT. Never add water to product. Always add product to large quantities of water. Do not mix with other chemicals. Do not add this product to any chemical feeder. Contamination with moisture, organic matter, or other chemicals may cause a violent reaction leading to fire or liberation of hazardous gases. In case of contamination or decomposition, do not reseal container. If possible, isolate container in open air or well-ventilated area. Flood with large amounts of water.

DIRECTIONS FOR USE:

BRAND Shock & Swim Shock Oxidizer contains no chlorine or other sanitizer and should be used for oxidizer treatment only. For routine disinfection use an EPA registered sanitizer according to label direction. Regular use of BRAND Shock & Swim Shock Oxidizer will remove most of the contaminants that accumulate in swimming pool and spa water.

DIRECTIONS FOR SWIMMING POOLS:

WHEN TO USE BRAND Shock & Swim Shock Oxidizer:

- For initial treatment of all pool opening
- Weekly
- After heavy use
- After heavy rain or wind
- At pool closing

HOW TO USE THIS PRODUCT TO KEEP POOL WATER SPARKLING CLEAR:

For weekly care, and after heavy use, heavy rain or wind.

1. Add 1 pound of this product per 10,000 gallons of pool water each week.

NOTE: Add only when no bathers are present. Bathing can return to the pool after 15 minutes.

2. Broadcast product uniformly over the surface of the water, adding 2/3 of the total dose into the deep end of the pool.
3. Run the pool filter for 8 hours.

For initial treatment, or when opening or closing pools for the season, add 2 pounds of BRAND Shock & Swim Shock Oxidizer per 10,000 gallons of pool water.

DIRECTIONS FOR SPAS AND HOT TUBS:

BRAND Shock & Swim Shock Oxidizer contains no chlorine or other sanitizer and should be used for oxidizer treatment only. For routine disinfection use an EPA registered sanitizer according to label direction. Regular use of BRAND Shock & Swim Shock Oxidizer will remove most of the contaminants that accumulate in spa water.

WHEN TO USE BRAND Shock & Swim Shock Oxidizer:

- After every spa use
- Once per week if the spa is not being used

HOW TO USE THIS PRODUCT TO KEEP SPA WATER CRYSTAL CLEAR:

1. Every time the spa is used it must be oxidized. After every use, add 2 ounces of this product per 300 gallons of water.
2. Run the pump for at least 30 minutes.
3. Turn the jets on and off once or twice after adding this product to improve the treatment.

BRAND Shock & Swim
SHOCK OXIDIZER [OXIDIZING SHOCK]

BRAND Shock & Swim SHOCK OXIDIZER [OXIDIZING SHOCK]

- Keeps water crystal clear
- Eliminates organic contaminants
- Reduces odors and eye irritation
- Swim in 15 minutes

Active Ingredient:	1
Potassium monopersulfate.....	45%
Other Ingredients.....	55%
Total:	100%

**KEEP OUT OF REACH OF CHILDREN
DANGER**

**CORROSIVE TO EYES, SKIN AND MUCOUS MEMBRANES.
MAY BE HARMFUL IF SWALLOWED.**

Avoid contact with eyes, skin and clothing. Wash thoroughly with soap and water after handling. Avoid breathing dust.

SEE ADDITIONAL PRECAUTIONARY INFORMATION AND FIRST AID ON BACK PANELS

NET WEIGHT: 1 LB (0.45 KG)

FIRST AID

IF IN EYES: Hold eye open and raise 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 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.

IF INHALED: Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible. Call a poison control center or doctor for further treatment advice.
IF SWALLOWED: Call 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.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment.

YOU MAY ALSO CONTACT 1-800-424-9300 FOR EMERGENCY MEDICAL TREATMENT INFORMATION.

BRAND Shock & Swim Shock Oxidizer is a powerful oxygen-based oxidizer. When used regularly, this product will eliminate organic contaminants and keep water crystal clear. This product will not raise chlorine levels or produce combined chlorine or chloramines which can cause chlorine odor and eye irritation.

BRAND Shock & Swim Shock Oxidizer is gentle on pool surfaces. It dissolves quickly and will not bleach or fade vinyl liners or painted surfaces. BRAND Shock & Swim Shock Oxidizer restores sparkle and clarity to pool water. It will not increase calcium hardness or stabilizer levels. BRAND Shock & Swim Shock Oxidizer contains no chlorine or other disinfectants.

STORAGE AND HANDLING: Keep dry and in original container. Store in a cool, dry, well-ventilated place. Do not store with chlorine, bromine, or liquid acids. Keep container tightly closed when not in use.

PACKAGE DISPOSAL: Triple rinse empty container. Do not reuse container. Discard in trash.

READ ALL PRECAUTIONS BEFORE USE: Wear goggles and gloves when handling. Use only in swimming pools and spas. Add only when no bathers are present.

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Company
Address
City, State
ZIP CODE USA
website address