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,

[Signature]

Frank T. Sanders, Director
Antimicrobials Division
Office of Pesticide Programs
BRAND Shock & Swim

Oxidizing Shock

Shock Oxidizer

First Aid

Danger

Keep out of reach of children

Chemical properties

- Alkaline
- Embrittles rubber components
- Keeps water crystal clear

Net Weight: 1 lb (0.45 kg)

Any first aid for spillage:

- Remove contaminated clothing and shoes. Wash exposed skin with plenty of water for at least 15 minutes. If on the eyes, rinse immediately with plenty of water for at least 15 minutes. If swallowed, do not induce vomiting. Rinse the mouth out thoroughly with water. If symptoms or effects persist, contact a physician.

Preventive measure:

- Avoid skin contact. Use personal protective equipment such as rubber gloves and eye protection when handling. Store in a cool, dry place away from heat and flames.

Risk statement:

- R36/37/38: May be harmful if swallowed, in contact with skin, or if inhaled.

Precautionary statement:

- P280: Wear eye protection.

Emergency telephone number:

- 1-800-528-8924

Other information:

- Oxidizing shock products are used to remove organic matter from the pool water, which can improve the water clarity and disinfection efficiency.

Material safety data sheet:

- For more information, refer to the Material Safety Data Sheet (MSDS) provided by the manufacturer.