



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.

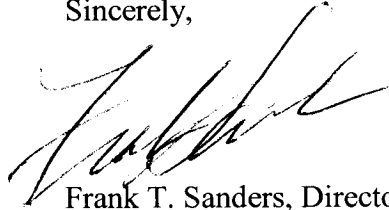
The Agency has agreed that the use of the term "shock" in the product name is acceptable if it is immediately qualified as a "Shock Oxidizer" or "Oxidizing Shock" product. The qualifier should be in the same font size and color as the term "shock".

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 Sanders", written in a cursive style.

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

