



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

AUG 17 2010

Mr. Pedro Murillo Gutierrez
Química del Desierto S. de R.L. de C.V.
Trasvina y Retes 6103-2
Col. Panamericana
Chihuahua City, Chihuahua, Mexico C.P. 31210

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

Dear Mr. Gutierrez,

Thank you for providing the technical product data required by the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, on your product, "BioGrass Extra." After conducting our review, your data submissions have satisfied the requirements contained in Title 40 of the CFR section 300.915 of the NCP. "BioGrass Extra" will be listed on the NCP Product Schedule under the Surface Washing Agent category and may be authorized for use by Federal On-Scene Coordinators in accordance with 40 CFR section 300.910. The technical data for this product will be kept on file by the Office of Emergency Management's Regulation and Policy Division pursuant to 40 CFR section 300.920.

Enclosed are some of the relevant provisions in the NCP on restrictions regarding the listing of your product. Please note, you are required to notify the Environmental Protection Agency (EPA) of any changes in composition, formulation, handling procedures, or application of your product. Based on this notice, EPA may require retesting of the product.

Also, note that the listing of "BioGrass Extra" on the NCP Product Schedule does not constitute approval, certification, authorization, licensing or promotion of the product; nor does it imply compliance with any criteria or minimum standards for such agents. Failure to comply with these restrictions or the making of any improper reference to EPA in an attempt to demonstrate approval or acceptance of the product will constitute grounds for removal of the product from the schedule.

Please review the enclosed information and contact Ms. Leigh DeHaven in the Office of Emergency Management at (202) 564-1974 if you have any corrections or questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Kimberly J. Jennings".

Kimberly J. Jennings
Associate Division Director
Regulation and Policy Development Division
Office of Emergency Management

NCP Product Schedule Restrictions
(as Described in the National Contingency Plan
Subpart J Section 300.920)

Section 300.920(d)

The submitter must notify EPA of any changes in the composition, formulation, or application of the dispersant, surface washing agent, surface collecting agent, bioremediation agent, or miscellaneous oil spill control agent. On the basis of this data, EPA may require retesting of the product if the change is likely to affect the effectiveness or toxicity of the product.

Section 300.920(e)

The listing of a product on the NCP Product Schedule does not constitute approval of the product. To avoid possible misinterpretation or misrepresentation, any label, advertisement, or technical literature that refers to the placement of the product on the NCP Schedule must either reproduce in its entirety EPA's written statement that it will add the product to the NCP Product Schedule under 40 CFR section 300.920 (a)(2) or (b)(2), or include the disclaimer shown below. If the disclaimer is used, it must be conspicuous and must be fully reproduced. Failure to comply with these restrictions or any other improper attempt to demonstrate the approval of the product by any NRT or other U.S. Government agency shall constitute grounds for removing the product from the NCP Product Schedule.

Disclaimer

[PRODUCT NAME] is on the U.S. Environmental Protection Agency's NCP Product Schedule. This listing does NOT mean that EPA approves, recommends, licenses, certifies, or authorizes the use of [PRODUCT NAME] on an oil discharge. This listing means only that data have been submitted to EPA as required by subpart J of the National Contingency Plan, 40 CFR Section 300.915.