



Charlie Crist
Governor

Ana M. Viamonte Ros, M.D., M.P.H.
State Surgeon General

August 25, 2009

Sent via Certified Mail Number: 7005 1820 0003 1872 2899

Dr. Anne Turnbough, Ph.D.
Exponent Inc.
3305 Irish Shores Lane
Pearland, TX 77584

Re: Chapter 381.0065(4)(m), F.S. Compliance for "Roto-Rooter Septic System Treatment"

Dear Dr. Turnbough:

This letter is to acknowledge receipt of your information regarding the proposed use of "Roto-Rooter Septic System Treatment" for statewide use in Florida. No product sold in the state for use in onsite sewage treatment and disposal systems may contain any substance in concentrations or amounts that would interfere with or prevent the successful operation of such systems, or that would cause discharges from such systems to violate applicable water quality standards, section 381.0065(4)(m), Florida Statutes (FS).

The staff has reviewed the information provided in the MSDS, 96-hr LC₅₀ toxicity test results, and laboratory results on volatile organic compounds for the product. The department has determined that the product, "**Roto-Rooter Septic System Treatment**", is in compliance with s. 381.0065(4)(m), FS and 64E-6.0151, Florida Administrative Code (FAC). The department has no objection to the use of the product under this name in accordance with the manufacturer's specifications provided. Please be advised that all rules pertaining to the use of the product shall be observed and that there shall be no advertising of the product as state approved.

Be advised that the department is not a testing agency and that this determination reflects only a review of the information submitted by you for compliance with Florida Statutes and Florida Administrative Code. The product evaluation does not investigate the validity of performance claims by manufacturers. For this reason, departmental acceptance must not be interpreted as certifying effectiveness, endorsing or recommending use of an additive. The Florida Department of Health also does not assume liability for any promise, guarantee or expectation from purchasing or using an additive. The department reserves the right to withdraw acceptance if product formulation or ingredients are modified after product evaluation by the department or subsequently found not to comply with rule 64E-6.0151, FAC.

This letter of product compliance is limited to Department of Health jurisdictional circumstances as defined in Chapter 64E-6, Florida Administrative Code and Chapter 381.0065, Florida Statutes.

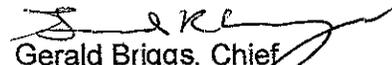


Division of Environmental Health, Bureau of Onsite Sewage Programs
4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713

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If we may be of further assistance or should you have any additional questions regarding this letter, please contact Marcelo J. Blanco by email at Marcelo_Blanco@doh.state.fl.us or by phone at (407) 316-4540.

Sincerely,


Gerald Briggs, Chief
Bureau of Onsite Sewage Programs

mjb
Enclosure: Notice of Rights

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NOTICE OF RIGHTS TO APPEAL

A party whose substantial interest is affected by this order may petition for an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes. Such proceedings are governed by Chapter 28-106, Florida Administrative Code. A petition for a hearing must be in writing and must be received by the Agency Clerk for the Department within twenty-one (21) days from the receipt of this order. The address for the Agency Clerk is 4052 Bald Cypress Way, Bin # A02, Tallahassee, FL 32399-1703. The Agency Clerk's facsimile number is (850) 410-1448.

Mediation is not available as an alternative remedy.

Your failure to submit a petition for hearing within 21 days from receipt of this order will constitute a waiver of your right to an administrative hearing, and this order shall become a "final order".

Should this Order become a Final Order, a party who is adversely affected by it is entitled to judicial review pursuant to section 120.68, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings may be commenced by filing one copy of a Notice of Appeal with the Agency Clerk of the Department of Health and a second copy accompanied by the filing fees required by law with the Court of Appeal in the appropriate District Court. The notice must be filed within 30 days of the rendition of the final order.