

39967-75

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**U.S. ENVIRONMENTAL PROTECTION AGENCY**

Office of Pesticide Programs  
Antimicrobials Division (7510C)  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20460

EPA Reg. Number:  
39967-75

Date of Issuance:  
**MAY - 6 2009**

Term of Issuance:  
Conditional

Name of Pesticide Product:  
Preventol® MP 400 D

NOTICE OF PESTICIDE:  
 Registration  
 Reregistration

(under FIFRA, as amended)

Name and Address of Registrant (include ZIP Code):

LanXess Corporation  
111 RIDC Park West Drive  
Pittsburgh, PA 15275-1112

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered under the Federal Insecticide, Fungicide and Rodenticide Act.

Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product (OPP Decision Number: D-401597) is conditionally registered in accordance with FIFRA sec 3(c)(7)(a) provided that you:

1. Submit and/or cite all data required for registration of your product under FIFRA sec. 3(c)(5) when the Agency requires all registrants of similar products to submit such data; and submit acceptable responses required for re-registration of your product under FIFRA section 4.
2. Make the labeling changes listed below before you release the product for shipment:
  - a. Revise the EPA Registration Number to read, "EPA Reg. No. 39967-75".

Signature of Approving Official:

Tracy Lantz  
(Acting) Product Manager Team 34  
Regulatory Management Branch II  
Antimicrobials Division (7510P)

Date:

**MAY - 6 2009**

- b. On the front page of the label revise the Precautionary Statement to read: "Causes moderate eye and skin irritation. Harmful if swallowed, inhaled or absorbed through skin. Avoid contact with eyes, skin, or clothing. Wear goggles or face shield. Avoid breathing dust or spray mist. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Remove and wash contaminated clothing before reuse."
- c. On the front page of the label delete "Polymer emulsions" not supported by source. Insert "*non food contact*" before the words "Plastics and Plastics coatings".
- d. On the front page of the label revise the heading "User Safety Recommendations" to read: "User Safety Instructions" and change the word "should" to "must" as per PR 2000-5.
- e. On page two (2) first paragraph revise to read: "The following guidance is given as an approximation for each use pattern, but field-testing is recommended to achieve optimum effectiveness. Do not use at rates which exceed the maximum rates indicated on this label.
- f. Delete the heading "General Use Directions".
- g. On page two (2) under the Directions for Use as per PR 2000-5 use mandatory language. Revise sentence to read: "The following are use concentrations and techniques for applying Preventol® MP 400 D." In that same paragraph delete the word "Typical" and start sentence with "Use". Delete the word "approximate".
- h. On page two (2) under the heading "For Use as a Dry Film Paint Preservative" use mandatory language as per PR 2000-5 and revise the second sentence to read: "Addition of this product occurs at the end...dispersion." In that same paragraph delete the word "Typical".
- i. On page two (2) last paragraph fourth line delete the text "Polymer Emulsions (including styrene butadiene rubber)", it is not supported by source label.
- j. At the top of page three (3) first sentence "material" must be more specific. Revise to read: "...and mildew in adhesives, building materials, grout, caulks, patching compounds and sealants". Begin the second sentence with "Use levels..." (delete Recommended) as per PR 2000-5 mandatory language.
- k. On page three (3), second paragraph revise to read: "PREVENTOL® MP 400 D is not to be used in applications where the treated product contacts food packaging materials or on food contact surfaces."
- l. On page three (3) revise heading to read: "METAL WORKING, Cutting, Cooling and Lubricating Fluids." Directly under the heading use mandatory language as per PR 2000-5, change "can be" to "is incorporated..." In the second paragraph change "should" to "is".

- m. On page four (4) of the Product Information use mandatory language as per PR 2000-5. Under "Plastics and Plastics Coatings" revise the sentence to read: "This product is to be used..." After the word "items" delete "such as"; after carpet and polyolefins delete "etc". Revise the second sentence to read: "Use levels 0.125 – 2.5% by weight of the plastic which will not contact food." Third sentence change "should be" to "is" dispersed... Revise the fourth sentence to read: "Use of this product is not recommended if the heat of processing is above 350°F for prolonged periods. Do not use in...applications."
- n. On page four (4) under "Textile Coatings or Dyes" use mandatory language as per PR 2000-5. Revise the sentence to read "PREVENTOL® MP 400 D is used to prevent...processing." After second sentence add the following: "For us as a coating or dye on textile materials used to make awnings, carpet backing, cordage, curtains, and sails."
- o. On page four (4) under "Paper Coatings" use mandatory language as per PR 2000-5. Revise the sentence to read: "PREVENTOL® MP 400 D is used to prevent...substrates."
- p. On page four (4) under "Canvas" use mandatory language as per PR 2000-5. Revise the sentence to read: "PREVENTOL® MP 400 D is used to prevent...areas."
- q. On page four (4) under "Inks" use mandatory language as per PR 2000-5. Revise the sentence to read: "PREVENTOL® MP 400 D is used to prevent...solutions."
- r. On page five (5) under "Wood Preservation", "Freshly Sawn Lumber" and "For Millwork" use mandatory language as per PR 2000-5, change "may be" to "are" and "should be" to "is". Revise the second sentence to read: "Use levels are..." Revise third sentence to read: "Dosage ranges are given for the various applications to indicate the range of application levels." In the second paragraph delete "etc". Revise the third paragraph second sentence to read: Levels of 0.25% - 3.0% to bring this label into agreement with approved rates for this active ingredient (AI) of this product depend upon the severity of...required."
- s. On page five (5) revise the Freshly Sawn Lumber section to begin as follows: "A one-minute dip at ambient temperatures..."
- t. On page six (6) use mandatory language as per PR 2000-5, change "may be" to "is" and "to be" to "are to be". Under For Wood Stains delete "is recommended".

Please note the Agency is moving away from review of paper submitted registration applications to electronic review of applications. Therefore, we need your help to make this an efficient and convenient process for both you and the Antimicrobials Division. Future labeling amendments may be accomplished by submitting a copy of the electronic label. Refer to the following website for guidance on electronic submissions, including label:  
<http://www.epa.gov/pesticides/regulating/registering/submissions/index.htm>.

If you have any questions concerning electronic label submissions, please refer to the above website for a list of contact personnel for more information.

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA sec. 6(e). Your release for shipment of the product constitutes acceptance of these conditions.

A stamped label with comments is enclosed for your records. Submit one (1) copy of your final printed labeling prior to release of this product for shipment. Should you have any questions concerning this letter, please contact me by telephone at (703) 308-6415 or email address at: [lantz.tracy@epa.gov](mailto:lantz.tracy@epa.gov), or Renae Whitaker telephone at (703) 308-7003 or email address at: [whitaker.renae@epa.gov](mailto:whitaker.renae@epa.gov) during the hours of 8:00 am to 3:30 pm EST.

Sincerely,



Tracy Lantz  
(Acting) Product Manager 34  
Regulatory Management Branch II  
Antimicrobials Division (7510P)

Enclosures: (Stamped Label and DERs D357976 and D357966)

# Preventol<sup>®</sup> MP 400 D

FOR THE PRESERVATION OF PAINTS, STAINS, ~~WOOD PRESERVATIVES~~, AQUEOUS METALWORKING, CUTTINGS, COOLING AND LUBRICATING FLUIDS AND CONCENTRATES, PAPER COATINGS, PLASTICS AND PLASTICS COATINGS, TEXTILE COATINGS, CANVAS AND CORDAGE, INKS, WOOD PRESERVATIVES, SAPSTAIN, BUILDING MATERIALS, ADHESIVES, CAULKS, PATCHING COMPOUNDS, SEALANTS, AND GROUTS

ACTIVE INGREDIENTS: 3-Iodo-2-propynyl butylcarbamate	39.72%
INERT INGREDIENTS	60.28%
TOTAL	100.00%

## KEEP OUT OF REACH OF CHILDREN CAUTION

### PRECAUTIONARY STATEMENTS

#### HAZARDS TO HUMANS AND DOMESTIC ANIMALS

**CAUTION!** Causes moderate eye irritation damage. Avoid contact with eyes, skin or clothing. Wear goggles or face shield. Harmful if swallowed, absorbed through skin or inhaled. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove and wash contaminated clothing before reuse.

#### FIRST AID

**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 IN EYES:** Hold eye open and rinse 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 SWALLOWED:** Call a 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 to an unconscious person.

**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.

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

The LANXESS Pittsburgh Emergency Response Telephone Number is 800-410-3063

#### ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish and aquatic organisms. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans, or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination Systems (NPDES) permit and the permitting authority has been notified in writing prior to the discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority. For guidance, contact your State Water Board or Regional Office of the EPA. Do not contaminate water by cleaning of equipment or disposal of waste. For terrestrial uses: Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwater or rinsate.

IN CASE OF EMERGENCY, CALL: CHEMTREC 800-424-9300  
EPA REGISTRATION NUMBER: 39967-XX

# LANXESS

LANXESS Corporation  
111 RIDC Park West Drive • Pittsburgh, PA 15275-1112

### DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.

For use in the following applications:

Paints, stains, polymer emulsions, aqueous metalworking, cuttings, cooling and lubricating fluids and concentrates, paper and paper coatings, plastic and plastics coatings, textile coatings, canvas and cordage, inks, wood preservatives, sapstain, building materials, adhesives, caulks, patching compounds, sealants, and grouts, and for use in unregistered treated article intermediates that will be further manufactured. See Label Supplement for further use instructions.

For terrestrial uses: Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwater or rinsate.

### PERSONAL PROTECTIVE EQUIPMENT

Applicators and other handlers must wear: Long sleeved shirt and long pants, socks, shoes, goggles, face shield and chemical resistant gloves. Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions exist for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

### USER SAFETY RECOMMENDATIONS

Do not apply this product in a way that will contact workers or other persons. Users should wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet. Users should remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. Users should remove personal protective equipment immediately after handling this product. Wash the outside of gloves before removing. As soon as possible wash thoroughly.

### STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal.

**PESTICIDE STORAGE:** Storage temperatures below 104 °F (40 °C) and above 32 °F (0 °C) are suggested. Store in a dry place and in such a manner as to prevent cross contamination with other pesticides, fertilizers, food, and feed.

**PESTICIDE DISPOSAL:** Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal Law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the hazardous waste representative at the nearest EPA Regional office for guidance.

**CONTAINER DISPOSAL:** Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or incineration or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

\* Preventol is a registered trademark of LANXESS Corporation

INTERNATIONAL 703-527-3887

Net Contents:

Lot No.:

ACCEPTED  
with COMMENTS  
in EPA Letter Dated:

MAY -6 2009

Under the Federal Insecticide, Fungicide, and Rodenticide Act as amended, for the pesticide, registered under EPA Reg. No. 39967-XX  
24767-75  
LABEL TEXT DATE: Drafted 9/28/08

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# LANXESS

Energizing Chemistry

Product Information

## PREVENTOL<sup>®</sup> MP 400 D

EPA Registration Number 39967-XX  
CAS Number: 55406-53-6

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with COMMENTS  
in EPA Letter Dated:  
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# PREVENTOL® MP 400 D

FOR THE PRESERVATION OF PAINTS, STAINS, ~~POLYMER EMULSIONS~~, AQUEOUS METALWORKING, CUTTINGS, COOLING AND LUBRICATING FLUIDS AND CONCENTRATES, PAPER COATINGS, PLASTICS AND PLASTICS COATINGS, TEXTILE COATINGS, CANVAS AND CORDAGE, INKS, WOOD PRESERVATIVES, SAPSTAIN, BUILDING MATERIALS, ADHESIVES, CAULKS, PATCHING COMPOUNDS, SEALANTS, AND GROUTS.

## DIRECTIONS FOR USE

It is a violation of federal law to use this product in a manner inconsistent with its labeling.

The following guidance is given as an approximation for each use pattern. Field-testing is recommended to achieve optimum effectiveness.

## GENERAL USE DIRECTIONS

PREVENTOL® MP 400 D is to be used as a fungicide in industrial applications. All protective equipment and user safety recommendations must be strictly followed.

The following are suggested use concentrations and techniques for PREVENTOL® MP 400 D. Typical use levels are given for the various applications indicate the approximate levels for the particular application. All use levels are in percentage by weight and refer to the product PREVENTOL® MP 400 D. In order to determine the most cost effective use level in a give use, field trials are suggested.

## FOR USE AS A DRY FILM PAINT AND COATING PRESERVATIVE

This product inhibits the growth of mold and mildew in solvent-based paints and waterborne paints, stains and coatings. Addition of this product should occur at the end of manufacturing process with adequate time and agitation for complete dispersion. Typical levels for protection against mold and mildew on treated surfaces are 0.25-1.25% by weight in the wet paint or coating. Where mold and mildew growth is a major problem for treated surfaces, up to 2.00% by weight in the wet paint or coating may be used.

**FUNGICIDE IN NON-MEDICAL, NON-FOOD CONTACT AQUEOUS, SOLVENT AND NON-SOLVENT BASED SYSTEMS SUCH AS NATURAL OR SYNTHETIC ADHESIVES, CAULKS, PATCHING COMPOUNDS, SEALANTS, GROUTS, AND POLYMER EMULSIONS (INCLUDING STYRENE BUTADIENE RUBBER / LATEX USED IN THE MANUFACTURE OF FLOORING ADHESIVE OR CARPET BACKING)**

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Used to prevent the growth of molds and mildew in the material both in the wet state and in the dry film of the finished product. Recommended use levels are between 0.05– 1.25% wet formulation weight. This product should be added toward the end of the production cycle with good agitation to ensure uniform distribution.

PREVENTOL® MP 400 D should not be used in applications where the treated product may come into contact with food packaging materials or on food contact surfaces.

**Adhesives** – Use 0.0625 – 1.25% based on the total product weight. Incorporate with agitation into the makeup water blend. When the adhesive is heated, Preventol MP 400 D should be added during the cool-down cycle.

**Building Materials, Grout and Caulks** – Use at concentrations ranging from 0.125% - 1.25% for preservation of building materials, grout and caulks. Mix well prior to application.

**Patching Compounds and Sealants** - PREVENTOL® MP 400 D should be incorporated into the makeup water blend at a recommended dosage of 0.05– 0.15%.

**METAL WORKING, Cutting, Cooling and Lubricating Fluids**

Preventol MP 400 D can be incorporated into the original concentrate of metalworking fluids. However, the compatibility with the fluid to be preserved should be evaluated before this method is attempted. Preventol MP 400 D is equally suitable for tank side addition.

To achieve fast distribution within the ready-to-use dilution of the metalworking fluid, the preservative should be dosed at a point in the system where good circulation is given.

**AQUEOUS METAL WORKING Cutting, Cooling and Lubricating fluids**

To inhibit the growth of microorganism, add up to 2500 ppm, (0.25% v/v) of this product to the diluted fluid (0.25 gallons per 100 gallons of solution or 2.5 liters per 1000 liters). This product may be added to the fluid, by pouring from the container at the time it is prepared (diluted) or to the reservoir (sump) containing the fluid after it is put into use. If it is added to the reservoir, the fluid should be circulated after addition to ensure mixing.

**AQUEOUS METAL WORKING Cutting, Cooling and Lubricating CONCENTRATES**

To inhibit the growth of microorganism, add an amount that will give up to 2500 ppm in the diluted fluid. The amount required in the concentrate will depend on the end use dilution. For example, if the desired level of this product in the diluted fluid is 250 ppm, and the end use dilution of the fluid is 5%, then a 0.5% concentration of this product is required in the concentrate.

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**PLASTICS AND PLASTICS COATINGS**

This product may be used to prevent surface mold and mildew growth on plastic items such as shower curtains, cable, wire insulation, sun umbrellas, polymer furniture, filter media, polymer components of carpet, etc. Intended plastics include polymers such as PVC, polyurethanes, elastomers and rubbers, neoprene, styrene compounds, polyolefins, etc. Use levels of 0.125 – 2.5% by weight of the plastic are generally adequate. This product should be dispersed in the plasticizer or color concentrate before it is incorporated into the resin to ensure a uniform distribution. Use of this product is not recommended if the heat of processing is above 350°F for prolonged periods, nor should it be used in a plastic that will be in contact with food or medical device applications.

**TEXTILE COATINGS OR DYES**

PREVENTOL® MP 400 D may be used to prevent mold and mildew growth in aqueous and solvent based coating or dyes used in textile processing. Not to be use in fabrics for human wear or direct skin contact. PREVENTOL MP 400 D should be solubilized in the dye bath or coating pan to minimize mechanical losses and aid in a uniform distribution of the product. Use levels of 0.125 – 1.25% are typically adequate.

**PAPER COATINGS**

PREVENTOL® MP 400 D may be used to prevent mold and mildew growth in aqueous and solvent based coatings applied to paper and cardboard substrates. Paper applications include corrugated cardboard, soap wrappers, wall covers, non-food contact packaging materials, and non-food contact paper tapes. Use levels range from 0.05– 1.875% of PREVENTOL® MP 400 D by weight. This product should be added at the end of the production cycle with sufficient agitation to prevent possible mechanical losses and ensure a uniform distribution.

**CANVAS**

PREVENTOL® MP 400 D may be used as to prevent mold and mildew growth in both aqueous and solvent based process formulations which coat canvas intended for non-food areas. Typical use levels will range from 0.05 – 2.5% of the process formulations used in the production of these canvases. PREVENTOL® MP 400 D should be added at the end of the production cycle to the process formulation with sufficient agitation to prevent possible mechanical losses and ensure a uniform distribution.

**INKS**

PREVENTOL® MP 400 D may be used to prevent mold and mildew growth in aqueous based ink solutions. Typical use levels are 0.125 – 1.25% based on the total product weight.

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**WOOD PRESERVATION**

This product is for above ground use only. All recommendations of use levels are percentage by weight and refer to PREVENTOL® MP 400 D. Dosage ranges are given for the various applications to indicate approximate levels. Field trials must be conducted to determine the exact level of use within these ranges for each application.

PREVENTOL® MP 400 D should be applied to new lumber, plywood, particle board, millwork, etc., to prevent the growth of mold, mildew, sapstain fungi and wood rotting and decay fungi on these substrates.

Solutions may be prepared by dissolving PREVENTOL® MP 400 D in organic solvents such as glycols, alcohols or aromatic solvents or by dispersion in water. Levels of 0.25% - 3.75% of this product are suggested depending upon the severity of conditions for end use, and the extent of time that protection is required.

**For Freshly Sawn Lumber**, a concentration of 0.5% of this product is suggested as a starting level. A one-minute dip at ambient temperatures in a solution or aqueous dispersion containing 0.5% of this product should be adequate to control the development of mold, mildew and sapstain fungi on the lumber.

Lumber should be treated within 24 hours of cutting. The lumber should be completely immersed in the treating bath. The treating vat should be designed such that it permits easy immersion and removal while minimizing spillage. To add additional product during the treatment process, the proper solution should be prepared in a separate container and then added to the treatment vessel. The vat may be cleaned by emptying and rinsing with a suitable solvent or by use of a detergent. All waste must be handled and disposed of properly.

After treatment, lumber should be stacked in a properly maintained seasoning yard to allow air circulation and with appropriate drainage to prevent water accumulation in any areas. The yard should be kept free of vegetation and debris which may hold moisture and promote growth of mold, mildew, sapstain fungi, and wood rotting and decay fungi.

**For Millwork**, including door and window frames, exterior siding, composite board, plywood and other construction lumber to prevent the growth of mold, mildew, sapstain fungi and wood rotting fungi. The use of PREVENTOL® MP 400 D does not alter the wood's appearance and treated wood may be painted when dry. Once in solution, PREVENTOL® MP 400 D may be applied by dipping, brushing, spraying, or pressure/vacuum treatment. Levels of 0.375% PREVENTOL® MP 400 D may be used for mold and mildew control. To control wood rotting and decay fungi, less than 0.5% is not recommended. Concentrations up to 2.5% may be used depending upon the condition of the

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wood, the nature of the intended exposure and the length of protection desired. When applying by brush or spray, a single layer is usually sufficient.

**For Wood Stains**, PREVENTOL<sup>®</sup> MP 400 D may also be used as an additive to stains designed to be applied to exterior siding, decks, lawn furniture, etc. to prevent the growth of mold and mildew. Use levels of 0.5 – 2.5% Preventol MP 400 D by weight of the final formulation to be applied to these materials is recommended.

Do not use on wood that comes in contact with food. Surfaces which may be in continuous contact with skin should be coated with a varnish or lacquer after treatment with PREVENTOL<sup>®</sup> MP 400 D.

#### REMARKS

If you need assistance or information, please call your nearest LANXESS representative, or our Pittsburgh office at 800-LANXESS.

**IN CASE OF EMERGENCY, CALL: CHEMTREC 1-800-424-9300  
INTERNATIONAL (703)-527-3887**

**HAVE THE PRODUCT CONTAINER OF LABEL WITH YOU WHEN CALLING A  
POISON CONTROL CENTER OR DOCTOR OR GOING FOR TREATMENT.**

LANXESS Corporation  
111 RIDC Park West Drive  
Pittsburgh, PA 15275  
412-809-1000

The conditions of your use and application of our products, technical assistance and information (whether verbal, written or by way of production evaluations), including any suggested formulations and recommendations, are beyond our control. Therefore, it is imperative that you test our products, technical assistance and information to determine to your own satisfaction whether they are suitable for your intended uses and applications. This application-specific analysis at least must include testing to determine suitability from a technical as well as health, safety and environmental standpoint. Such testing has not necessarily been done by LANXESS Corporation. All information is given without warranty or guarantee. It is expressly understood and agreed that the customer assumes and hereby expressly releases LANXESS from all liability, in tort, contract or otherwise, incurred in connection with the use of our products, technical assistance and information. Any statement or recommendation not contained herein is unauthorized and shall not bind LANXESS. Nothing herein shall be construed as a recommendation to use any product in conflict with patents covering any material or its use. No license is implied or in fact granted under the claims of any patent.

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