

61470-1

1/24/2005

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

January 24, 2005

Janelle Kay
Agent for Rutgers VFT AG
Pyxis Regulatory Consulting, Inc.
4110 136th Street, NW
Gig Harbor, WA 98332

Subject: KMG-B Coal Tar Cresote
EPA Registration Number 61470-1
Application Date: December 27, 2004
EPA Received Date: December 29, 2004

Dear Ms. Kay:

This acknowledges receipt of your notification, submitted under the provision of PR Notice 98-10, FIFRA section 3(c)9.

Proposed Notification

- Labeling changes

General Comments

Based on a review of the material submitted, the following comments apply:

The notification application is acceptable. A copy has been inserted in your file for future reference.

Should you have any questions or comments concerning this letter, please contact me at 703-308-6422.

Sincerely,

Adam Heyward

CONCURRENCES Product Manager 34

SYMBOL	7510C								
SURNAME	J. Kay								
DATE	1-24-05								



United States
Environmental Protection Agency
Washington, DC 20460

<input type="checkbox"/>	Registration
<input type="checkbox"/>	Amendment
<input checked="" type="checkbox"/>	Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 61470-1	2. EPA Product Manager A. Heyward	3. Proposed Classification <input type="checkbox"/> None <input checked="" type="checkbox"/> Restricted
4. Company/Product (Name) Rutgers VFT AG/KMG-B Coal Tar Creosote	PM# 34	
5. Name and Address of Applicant (Include ZIP Code) Rutgers VFT AG c/o Pyxis Regulatory Consulting, Inc. 4110 136th St. NW Gig Harbor, WA 98332 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____	NOTIFICATION Date Reviewed: <u>1-24-05</u> Reviewed By: <u>S. Gray</u>
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.	
<input type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.	

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Notification to delete non-pressure treatment uses of creosote from labeling as per Sept. 15, 2004 Federal Register notice (69 FR Vol. 178, Pages 55623-55625). Although this submission does not meet the criteria for notification under PRN 98-10, the Federal Register notice requested submission of revised labeling deleting non-pressure treatment uses via notification. As this submission is made under notification, it does not meet a PRIA action category and no fee payment is due.

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	* Certification must submitted	<input type="checkbox"/> Metal	<input type="checkbox"/> Other (Specify) _____
If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt.		<input type="checkbox"/> Plastic	
				<input type="checkbox"/> Glass	
				<input type="checkbox"/> Paper	
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions <input type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled			<input type="checkbox"/> Other _____		

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)					
Name Janelle Kay		Title Agent		Telephone No. (Include Area Code) (253) 853-7369	
Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.					6 Date Application Received (Stamped)
2. Signature 		3. Title Agent			
4. Typed Name Janelle Kay		5. Date 12/27/04			

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PYXIS REGULATORY CONSULTING, INC.

4110 136th St. NW
Gig Harbor, WA 98332

Phone: 253-853-7369
Fax: 253-853-5516
www.PyxisRC.com

December 27, 2004

COURIER DELIVERY

Adam Heyward (PM34)
Document Processing Desk (USEDEL)
Office of Pesticide Programs (7504C)
U.S. Environmental Protection Agency
Room 266A, Crystal Mall 2
1801 Bell Street
Arlington, VA 22202-4501

NOTIFICATION
Date Reviewed: 1-24-05
Reviewed By: STRA

RE: Rütgers VFT AG – KMG-B Coal Tar Creosote (EPA Reg. No. 61470-1)
Submission of notification to delete non-pressure treatment uses of creosote from labeling as per 69 FR Vol. 178, Pages 55623-55625

Dear Mr. Heyward,

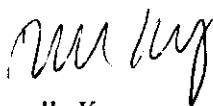
On behalf of Rütgers VFT AG, we are submitting a notification to delete non-pressure treatment uses of creosote as per the September 15, 2004 Federal Register Notice (69 FR Vol. 178, Pages 55623-55625). Consistent with this notice, Rütgers VFT AG is waiving its 180-day comment period and is submitting revised labeling to reflect this use deletion (non-pressure treatment uses).

In support of this notification, we submit the following documents:

- 1. Completed Application for Registration Form (EPA Form 8570-1)
- 1. One (1) copy of the KMG-B Coal Tar Creosote labeling with changes tracked
- 2. One (1) copy of the KMG-B Coal Tar Creosote labeling with changes incorporated
- 2. Letter of authorization from Rütgers VFT AG allowing Pyxis Regulatory Consulting, Inc. to act as agent for Rütgers VFT AG.

We trust that you will find this notification complete. However, please do not hesitate to contact me if you have any questions or need any additional information.

Best Regards,



Janelle Kay

Enclosures

cc: Dr. Boenigk; Rütgers Chemicals AG

4 8 7

RESTRICTED USE PESTICIDE

DUE TO CHRONIC TOXICITY IN ANIMAL STUDIES
FOR SALE AND USE ONLY BY CERTIFIED APPLICATORS OR BY PERSONS UNDER THEIR
DIRECT SUPERVISION, AND ONLY FOR THOSE USES COVERED BY THE CERTIFIED
APPLICATOR'S CERTIFICATION.

KMG-B COAL TAR CREOSOTE

ACTIVE INGREDIENT:

Creosote.....	98.5%
INERT INGREDIENT (Water):.....	1.5%
TOTAL:.....	100.0%

NOTIFICATION
 Date Reviewed: 1-27-05
 Reviewed By: S. Pray

KEEP OUT OF REACH OF CHILDREN

DANGER

KEEP OUT OF REACH OF CHILDREN

IF SWALLOWED: Call a physician or Poison Control Center. Drink 1 or 2 glasses of water and induce vomiting by touching back of throat with finger. Do not induce vomiting or give anything by mouth to an unconscious person.

IF IN EYES: Flush with plenty of water. Call a physician.

IF ON SKIN: Wash with plenty of soap and water. Get medical attention.

IF INHALED: Remove to fresh air. Get medical attention.

SEE SIDE PANEL FOR ADDITIONAL PRECAUTIONARY STATEMENTS.

EPA Reg. No. 61470-1
EPA Est. No.

NET CONTENTS _____ GALLONS

Rütgers VFT AG
Houston, Texas 77036

**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS
DANGER**

May be fatal if swallowed, inhaled or absorbed through skin. Causes skin and eye irritation. May cause severe burns. Do not get in eyes, on skin or on clothing. Do not breathe the vapors or spray mist. Use with adequate ventilation. Do not take internally. Wash thoroughly after skin contact, before eating, drinking, use of tobacco products, or using restrooms.

GENERAL PRECAUTIONS

Applicators must wear gloves impervious to the wood treatment formulation in all situations where dermal contact is expected (for example, during the actual application process, manually opening cylinder doors and handling freshly treated wood).

Protective clothing or work clothing must be changed when it shows signs of contamination. Dispose of worn-out clothing and workshoes or boots in a general landfill, in the trash or in any other manner approved for pesticide disposal.

Applicators must not eat, drink, or use tobacco products during those parts of the application process that may expose them to the wood treatment formulation. Example: manually opening/closing cylinder doors, moving trams out of cylinders, mixing chemicals, and handling freshly treated wood.

Wash thoroughly after skin contact and before eating, drinking, use of tobacco products or using restroom.

Avoid inhaling vapors. If inhalation of vapors cannot be avoided applicators must wear a properly fitting, well maintained half-mask canister or cartridge respirator which is MSHA/NIOSH-approved for polynuclear aromatics and organic vapors.

PRESSURE TREATMENT

Individuals who manually open cylinder doors must wear gloves and a respirator.

Individuals who enter pressure treatment cylinders and other related equipment that is contaminated with the wood treatment formulation (e.g. cylinders that are in operation or are not free of the treatment formulation) must wear protective clothing including overalls, jacket, gloves, and boots impervious to the wood treatment formulation and a respirator.

Applicators must leave protective clothing and workshoes or boots and equipment at the plant.

ENVIRONMENTAL HAZARDS

This product is toxic to fish and wildlife. Do not apply directly to water or in areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water by cleaning equipment or disposal of wastes.

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 System (NPDES) permit and that the permitting authority has been notified in writing prior to 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.

PHYSICAL AND CHEMICAL HAZARDS

Do not use or store near heat or open flame. Close container after each use.

DIRECTIONS FOR USE

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

This product is for use only in pressure treatment of wood products in commercial applications, i.e. poles, pilings, lumber and timber. Do not use this product on wood intended for homes. This product protects wood against decay, fungi, insects and marine boring organisms.

For some applications of treated wood, a sealer is required. Appropriate sealers would include urethane, epoxy, and shellac.

This product should not be used until the entire Precautionary Statement is read.

Applicators must complete an EPA-approved training program.

NOTE TO USER: As used on this label, the term "respirators" means properly fitting, well-maintained, half-mask canister or cartridge respirator which are MSHA/NIOSH-approved for polynuclear aromatics and organic vapors. Examples of acceptable materials for protective clothing (e.g., gloves, overalls, head covering, jackets, and boots) required during application and handling of creosote are polyvinyl acetate (PVA), polyvinyl chloride (PVC), neoprene, and NBR (Buna-N).

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE:

Store in original container only. If container is damaged or leaking, contact the manufacturer. Keep container closed while not in use. Do not move while opened.

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 according to label instructions, contact your State Pesticide or Environmental Control Agency or 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 by other procedures approved by state and local authorities.

TREATED WOOD DISPOSAL:

Wood which has been treated with this product should be discarded of by burial or ordinary trash collection. Do not burn treated wood in an outdoor fire or in stoves or fireplaces because toxic chemicals may be produced as part of the smoke and ashes.

FOR CHEMICAL EMERGENCY: Spill, leak, fire, exposure, or accident call CHEMTREC 1-800-424-9300

NOTICE: Seller warrants that this product conforms to the ingredient statement on the label. Since conditions of use, such as weather, compatibility with other chemicals and condition of application equipment will vary, seller makes no warranties or claims other than those stated on this label.

MARINE POLLUTANT

RQ