



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, DC 20460

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

December 23, 2014

KGM-Bernuth, Inc.  
c/o Ms. Diana Graham, Agent  
Keller and Heckman LLP  
One Embarcadero Center, Suite 2110  
San Francisco, CA 94111

Subject: Amended Reregistration Label  
Product Name: Penta 5 Sure Treat Wood Protector Wood Preserver  
EPA Registration Number: 61483-1  
Decision Number: 455133

Dear Ms. Graham:

The Agency, in accordance with the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, has completed reviewing all of the information submitted with your application to support the reregistration of the above referenced product in connection with the Pentachlorophenol RED, and has concluded that your submission is acceptable. The label referred to above, submitted in connection with registration under FIFRA, as amended, is acceptable.

NOTE: This product is **not** yet being reregistered under section 4(g) of FIFRA at this time.

Please note that the record for this product currently contains the Confidential Statements of Formulation (CSFs) listed below. Any previously dated CSFs are superseded.

- Basic CSF, dated 1/3/2014

A copy of your label stamped "Accepted" is enclosed. Products shipped after 12 months from the date of this amendment or the next printing of the label, whichever occurs first, must bear the new revised label. Your release for shipment of the product bearing the amended label constitutes acceptance of these conditions. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6.

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If you have any questions about this letter, please contact me at (703) 308-8735 or [chao.julie@epa.gov](mailto:chao.julie@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Chao". The signature is fluid and cursive, with a large initial "J" and "C".

Julie Chao, Acting Product Manager 34  
Regulatory Management Branch II  
Antimicrobials Division (7510P)  
Office of Pesticide Programs

Enclosure: Label stamped "Accepted"

**RESTRICTED USE PESTICIDE**

**DUE TO FETOTOXICITY AND ONCOGENICITY IN LABORATORY ANIMALS**

For retail 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.

**PENTA 5 SURE TREAT  
WOOD PROTECTOR WOOD PRESERVER**

**UN 1306**

**A READY TO USE PENTA SOLUTION ONLY FOR PRESSURE AND  
THERMAL TREATMENT OF WOOD**

**PROTECTS AGAINST TERMITES, WOOD ROTTING FUNGI  
AND LYCTUS POWDER POST BEETLES**

**ACTIVE INGREDIENTS**

<b>PENTACHLOROPHENOL*</b> .....	<b>4.3%</b>
<b>OTHER CHLOROPHENOLS AND RELATED INGREDIENTS...</b>	<b>0.5%</b>
<b>OTHER INGREDIENTS</b> .....	<b>95.2%</b>
<b>TOTAL</b> .....	<b>100.0%</b>

Equivalent to 4.8% Technical Pentachlorophenol

Contains petroleum distillates

EPA Reg. No. 61483-1

EPA Est. No. 61483-AL-1  
54816-MX-1

**KEEP OUT OF REACH OF CHILDREN**

**WARNING**

**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 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 give anything by mouth to an unconscious person. Do not induce vomiting unless told to by a poison control center or doctor.

**IF INHALED:** Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible. Call a poison control center or doctor for further 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. Call a poison control center or doctor for treatment advice.

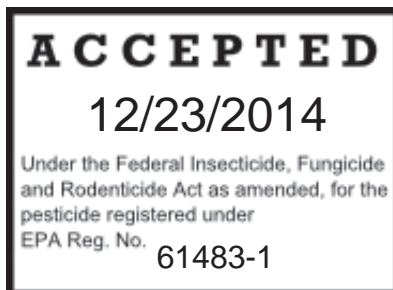
**NOTE TO PHYSICIAN:** This product is a metabolic stimulant. Treatment is supportive. Forced Diuresis may be effective to reduce total body-burden. Treat hyperthermia with physical measures. Do not administer aspirin, phenothiazines or atropine since they may enhance toxicity. Contains petroleum distillate. Vomiting may cause aspiration pneumonia

**Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-322-8177 for emergency medical treatment.**

Net Contents: \_\_\_\_\_

**KMG-BERNUTH, INC.**

**9555 W. Sam Houston Pkwy S.  
Suite 600  
Houston, Texas 77099**



**CONDITIONS OF SALE AND  
LIMITATION OF WARRANTY AND LIABILITY**

**NOTICE:** Read the entire Directions for Use and Conditions of Sale and Limitation of Warranty and Liability before buying or using this product. If the terms are not acceptable, return the product at once, unopened, and the purchase price will be refunded.

The Directions for Use of this product must be followed carefully. However, it is impossible to eliminate all risks inherently associated with the use of this product. Ineffectiveness or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or the manner of use or application, all of which are beyond the control of **KMG-BERNUTH, INC** or Seller. All such risks shall be assumed by Buyer and User, and Buyer and User agree to hold **KMG-BERNUTH, INC** and Seller harmless for any claims relating to such factors.

**KMG-BERNUTH, INC** warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated in the Directions for Use, subject to the inherent risks referred to above, when used in accordance with directions under normal use conditions. This warranty does not extend to the use of this product contrary to label instructions, or under abnormal conditions or under conditions not reasonably foreseeable to or beyond the control of Seller or **KMG-BERNUTH, INC**, and Buyer and User assume the risk of any such use. To the extent consistent with applicable law, **KMG-BERNUTH, INC** MAKES NO WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY EXCEPT AS STATED ABOVE.

In no event shall **KMG-BERNUTH, INC** or Seller be liable for any incidental, consequential or special damages resulting from the use or handling of this product. **THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE EXCLUSIVE LIABILITY OF KMG-BERNUTH, INC AND SELLER FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY, CONTRACT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHERWISE) RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT SHALL BE THE RETURN OF THE PURCHASE PRICE OF THE PRODUCT OR, AT THE ELECTION OF KMG-BERNUTH, INC OR SELLER, THE REPLACEMENT OF THE PRODUCT.**

**KMG-BERNUTH, INC** and Seller offer this product, and Buyer and User accept it, subject to the foregoing conditions of sale and limitations of warranty and of liability, which may not be modified except by written agreement signed by a duly authorized representative of **KMG-BERNUTH, INC**.

## PRECAUTIONARY STATEMENTS

### HAZARDS TO HUMANS AND DOMESTIC ANIMALS

**WARNING:** Causes skin irritation. Do not get on skin or clothing. Harmful if swallowed or inhaled. Avoid breathing vapor. 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.

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

The U. S. EPA has determined that pentachlorophenol can produce defects in the offspring of laboratory animals. Exposure to pentachlorophenol during pregnancy must be avoided.

### PERSONAL PROTECTIVE EQUIPMENT (PPE)

All personnel handling treated wood or handling treating equipment (including poles/hooks used to retrieve charge cables) that has come in contact with preservative must wear the following PPE:

- washable or disposable coveralls or long-sleeved shirt and long pants,
- chemical resistant gloves, and
- socks plus industrial grade safety work boots with chemical resistant soles.

All personnel cleaning or maintaining the treatment cylinder gasket/equipment or working with concentrate or wood treatment preservative must wear the following PPE:

- washable or disposable coveralls or long-sleeved shirt and long pants,
- chemical resistant gloves,
- socks plus industrial grade safety work boots with chemical resistant soles, and
- a full face shield.

In the event of equipment malfunction, or for door spacer placement, all personnel located within 15 feet of the cylinder opening prior to cylinder ventilation must wear the following PPE:

- washable or disposable coveralls over long-sleeved shirt and long pants,
- chemical resistant gloves,
- socks plus industrial grade safety work boots with chemical resistant soles, and
- a properly fitting half mask elastomeric respirator with appropriate cartridges and/or filters.

Entry to confined spaces is regulated by Federal and/or State Occupational Safety and Health Programs. Compliance is mandated by law. Individuals who enter pressure treatment cylinders or other related equipment that is contaminated with the wood treatment preservative (e.g., cylinders that are not free of the treatment preservative or preservative storage tanks) must wear protective clothing and/or equipment as required by Federal and/or State Occupational Safety and Health Compliance law.

### USER SAFETY REQUIREMENT

Personnel must leave aprons, protective coveralls, chemical resistant gloves, work footwear, and any other material contaminated with preservative at the treatment facility.

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

Discard clothing and other absorbent material that have been drenched or heavily contaminated with the product's concentrate. Do not reuse them.

Eating, drinking, and smoking are prohibited in the treatment cylinder load-out area, drip pad area, and engineering control room of the wood treatment facilities.

EXCEPTION: Where treating operator control rooms are isolated from the treating cylinders, drip pad, and work tanks, eating, drinking, and smoking (depending on local restrictions) are permitted.

#### USER SAFETY INSTRUCTIONS

Users must wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.

Users must remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.

Users must remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

**NOTE TO USER:** As used on this label, the term "respirators" means properly fitting, well-maintained, half-mask canister or cartridge respirators which are MSHA/NIOSH-approved for organic vapors and acid gases. Examples of acceptable materials for protective clothing (e.g., gloves, overalls, jackets, and boots) required during application and handling of pentachlorophenol are polyvinyl acetate (PVA), polyvinyl chloride (PVC), neoprene, NBR (Buna-N), and nitrile. In addition, plastic-coated disposable coveralls impervious to dust are acceptable for dust protections.

#### ENVIRONMENTAL HAZARDS

This product is toxic to fish and wildlife. 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 by cleaning of equipment or disposal of wastes.

Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or other waters unless and in accordance with 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 a 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 flames. Close container after each use.

**The registrant has complied with all terms and conditions of the registration governing the composition of this product as approved by the United State Environmental Protection Agency under section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act. The use of this product for any purpose other than those stated on the label, including use of this product in the manufacture or formulation of other pesticide products or in repackaging of the product, is prohibited.**

## DIRECTIONS FOR USE

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

This product:

- is intended for exterior use.
- is not intended for interior home and farm use.
- must not be used for pressure or thermal treating logs used in the construction of log homes except laminated beams or building components which are in ground contact and are subject to decay or insect infestation and where two coats of an appropriate sealer are applied. Urethane, shellac, latex, epoxy, enamel and varnish are acceptable sealers for pentachlorophenol treated wood.

## APPLICATION INSTRUCTIONS AND RESTRICTIONS:

This product is ready to use. To protect dry and/or seasoned lumber, timbers, posts, poles and other wooden members before construction and before placing in contact with the soil, the wood must be pressure treated in a commercial vessel capable of physically impregnating the wood and providing adequate penetration and retention. If temperature or time is used as the treating parameter, treat for 12 to 48 hours or until effective retention and penetration is achieved.

All wooden members must be free of bark before receiving treatment.

At the conclusion of the treatment, the cylinder must be ventilated by purging the post-treatment cylinder through fresh air exchange. The ventilation process is considered complete after a minimum of 2 volume exchanges based on the empty treatment cylinder volume. The exhaust pipe of the vacuum system or any air moving device utilized in

conducting the air purge must terminate into a containment vessel such as a treating solution work tank or water/effluent tank.

The ventilation process may be accomplished by one of the following methods: 1) activating an air purge system that operates while the cylinder door remains closed; or 2) using a device to open and hold open the cylinder door (no more than 6 inches) to allow adequate ventilation and activating the vacuum pump.

If the second method is utilized, at the conclusion of the treatment, no personnel may be within 15 feet of the cylinder when open (cracked) until the cylinder has been ventilated.

In the event of equipment malfunction, or to place the spacer to hold the door open during venting, only personnel wearing specified PPE are permitted within 15 feet of the cylinder opening prior to ventilation.

After ventilation is complete, the cylinder door may be completely opened.

After treatment, wood must be moved to a drip pad capable of recovering excess preservative until the wood is drip free.

The treatment process must include a final vacuum to remove excess preservative from the wood. The final vacuum must attain a vacuum equal to or greater than the initial vacuum. This vacuum must be held for an appropriate time period based on wood species, retention levels, and commodity treated to remove excess preservative from the wood.

For treated wood that will be used in marine or other aquatic or sensitive environments, a double vacuum must be used. Following the pressure period and once the pentachlorophenol has been pumped back to the work tank, a vacuum shall be applied for a minimum of one and a half hours at not less than 22 inches of Hg (560 Kpa) (adjusted for elevation) of vacuum to recover excess preservative. Then, depending on plant equipment: 1) vacuum for minimum of one and a half hours at not less than 22 inches of Hg (560 KPa)(adjusted for elevation); or 2) steam material for one hour minimum and then pull not less than 22 inches of Hg (560 KPa)(adjusted for elevation) vacuum for a minimum of one and a half hours. Maximum temperature during steaming shall not exceed 240 degrees F (115.5 degrees C), as specified in the Best Management Practices (Aug. 2006) issued by the Western Wood Preservers Association, Southern Pressure Treaters' Association, Timber Piling Council, and Wood Preservation Canada.

As of December 31, 2013, for elevated temperature pressure treatment with pentachlorophenol, automatic, remotely operated devices must be used to open, close, lock and unlock cylinder doors.

As of December 31, 2013, for ambient pentachlorophenol treatments, an automatic locking/unlocking device must be used to accomplish locking and unlocking of the cylinder door.



Cylinder openings and door pits must use grating and additional measures such as sumps, dams or other devices which prevent or remove spillage of the preservative.

Personnel must not directly handle the charge cables, poles or hooks used to retrieve charge cables, or other equipment that has contacted the preservative without wearing chemical resistant gloves.

As of December 31, 2013, mechanical methods must be used to place/remove bridge rails.

#### **STORAGE AND DISPOSAL**

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

**STORAGE:** KEEP AWAY FROM FIRE. DO NOT STORE NEAR OPEN FLAME.

Storage of this product in unheated vessels is possible. Viscosity increases as temperature decreases. Avoid temperatures above 150 F. Containment areas are required. Observe all safety precautions. Do not contaminate with other materials. Do not mix with other pesticides or preservatives. Wear protective clothing, gloves and goggles when handling.

**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 by other procedures approved by state and local authorities.