

61483-3

3/15/2012

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

MAR 15 2012

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Dr. Hubert R. O'Neal
KMG-Bernuth, Inc.
4109 Granada Drive
Georgetown, TX 78628-1617

Subject: KMG-B Penta OL Technical Penta
EPA Registration No.: 61483-3
Application Date: 12/15/2011
Receipt Date: 12/19/2011

Dear Dr. O'Neal:

The following amendment submitted in connection with registration under FIFRA, as amended, is acceptable.

Proposed Amendment

- Revised label as per Agency letter dated October 18, 2010 and Pentachlorophenol RED

Conditions

Revise the label as follows:

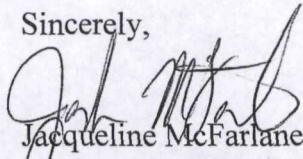
1. Add to the Precautionary Statements:
"Remove and wash contaminated clothing before reuse."
2. Delete "Only" in the second sentence of the Directions for Use. This is not enforceable.

General Comments

A stamped label with conditions is enclosed for your records. Submit three (3) copies of your final printed label before distributing or selling the product bearing the revised labeling.

Should you have any questions or comments concerning this letter, you may contact me by telephone at (703) 308-6416 or by e-mail at campbell-mcfarlane.jacqueline@epa.gov or Jaclyn Carl by telephone at (703) 347-0213 or by e-mail at carl.jaclyn@epa.gov. When submitting information or data in response to this letter, a copy of this letter should accompany the submission to facilitate processing.

Sincerely,



Jacqueline McFarlane
Product Manager (34)
Regulatory Management Branch II
Antimicrobials Division (7510P)

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.

KMG-B
PENTA OL TECHNICAL PENTA
RQ/PENTACHLOROPHENOL
UN3155

Protects against termites, wood rotting, fungi
and lyctus powder post beetles

Active Ingredients:

Pentachlorophenol.....	86.0 %
Other Chlorophenols.....	10.0 %
Other Ingredients.....	4.0 %
Total	100.0 %

EPA Reg. No. 61483 - 3 EPA Est. No. 54816 - MX - 1

KEEP OUT OF REACH OF CHILDREN

ACCEPTED
with COMMENTS
EPA Letter Dated:

MAR 15 2012

Under the Federal Insecticide,
Fungicide, and Rodenticide Act as
amended, for the pesticide,
registered under EPA Reg. No.

DANGER



POISON

61483-3

FIRST AID

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 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 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.

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.

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.

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.

It is **KMG-BERNUTH, INC** intention that to the extent consistent with applicable law, **KMG-BERNUTH, INC** or the Seller shall not 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

DANGER

Fatal if inhaled. May be fatal if swallowed. Causes substantial but temporary eye injury. Do not get in eyes, on skin or on clothing. Do not breathe vapors. Use with adequate ventilation. Wear protective eyewear, clothing, and chemical resistant gloves. Wear half mask elastomeric respirator with the appropriate cartridges and/or filters. Wash thoroughly after skin contact, before eating, drinking, use of tobacco products, or using restrooms.

FOR CHEMICAL EMERGENCY. Spill, leak, fire, exposure, or accident call CHEMTREC 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 should be avoided.

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 in accordance with requirements of a National Pollutant Discharge Elimination System (NPDES) permit, and the permitting authority have 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 flames. In case of fire, use water spray, foam CO₂, or dry chemical. Plants or shrubs should be removed within 3 feet of treatment or protected with tar paper. Treated sawdust and other wood waste should not come in contact with domestic animals or be used so they may come in contact with useful living plants. 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.

Only for formulation as a preservative for pressure or thermal treatment of lumber, timbers, posts, poles and other wood members intended for exterior use. It is not intended for home and farm use and must not be used for pressure or thermal treated 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.

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. 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 acutely hazardous. 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: Non-Refillable Container. Do not reuse or refill this container. Return the container to Manufacturer for Reuse if permissible under Federal and state law. Completely empty bag into formulating equipment. Return the container to Manufacturer for reuse if permissible under Federal and state law, or manage and dispose of the container in accordance with Federal and state requirements applicable to acutely hazardous wastes, or manage and dispose of by other procedures approved by state and local authorities.