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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY



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WASHINGTON, D.C. 20460

JUL - 1 2010

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Mr. Hubert R. O'Neal, PhD
Agent for, KMG-Bernuth, Inc.
9555 W. Sam Houston Pkwy. S., Ste 600
Houston, Texas 77099-2168

Subject: ~~KMG~~
KMG P2 Coal Tar Creosote
EPA Registration No. 61483-8
Notification Date: May 28, 2010
EPA Receipt Date: June 1, 2010

Dear Mr. O'Neal,

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

Proposed Notification

- Alternate brand name, KMG P2 Coal Tar Creosote
- Update company address
- Update labeling per EPA letter dated May 5, 2010

General Comments

Based on a review of the submitted materials, your notification for the alternate brand name, KMG P2 Coal Tar Creosote and the updated company address and labeling per EPA letter dated May 5, 2010 is acceptable and apart of the records on file.

Should you have any questions or comments concerning this letter, please contact Jacqueline Campbell-McFarlane at 703-308-6416.

Sincerely,

Jacqueline Campbell-McFarlane
Jacqueline Campbell-McFarlane
Product Manager (34)

Regulatory Management Branch II
Antimicrobials Division (7510P)

CONCURRENCES							
SYMBOL							
SURNAME							
DATE							

United States EPA Environmental Protection Agency Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other	OPP Identifier Number
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Application for Pesticide - Section 1

1. Company/Product Number 61483 - 8	2. EPA Product Manager Jacqueline McFarlane Acting Product Mgr	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) KMG P2 COAL TAR CREOSOTE	PM# 34	
5. Name and Address of Applicant (Include Zip Code) KMG-Bernuth, Inc. 9555 W. Sam Houston Pkwy. S., Suite 600 Houston, Texas 77099-2168 <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 checked="" type="checkbox"/> Final printed labels in response to Agency letter dated May 5, 2010
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.

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

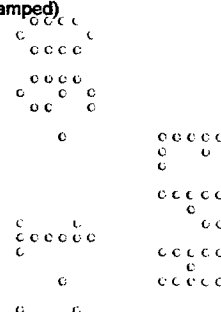

This application is for submission of final printed labels and for notification of product alternate brand name, correction of registrant address, and minor clarification of Directions For Use instructions.

This notification is consistent with the provisions of PR Notice 98-1 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152-46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

Section - III

1. Material This Product Will Be Packaged In:			
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	2. Type of container <input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (specify Super Sack)
* Certification must be submitted		If "Yes" Unit Packaging Wt. 1000 Lbs	No. per container
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container	5. Location of Label Directions
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 Dr. Hubert R. O'Neal	Title Regulatory Consultant	Telephone No. (Include Area Code) (713) 819-3932
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 Regulatory Consultant	
4. Typed Name Dr. Hubert R. O'Neal	5. Date May 28, 2010	

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9/11

For sale to and use only by Certified Applicators or persons under their direct supervision and only for those uses covered by the Certified Applicator's certification.

FOR PRESSURE TREATMENT OF WOOD
(AWPA P2)

5.00 %
100.00%

DO NOT MIX, BLEND OR DILUTE

Net contents _____ gallons

NOTIFICATION
Date Reviewed: 7/1/12
Reviewed By: M. Harris

FIRST AID

<u>If in eyes</u>	<ul style="list-style-type: none"> • <u>Hold eye open and rinse slowly and gently with water for 15-20 minutes.</u> • <u>Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.</u> • <u>Call a poison control center or doctor for treatment advice.</u>
If swallowed	<ul style="list-style-type: none"> • Call poison control center or doctor immediately for treatment advice. • Do not induce vomiting unless told to do so by the poison control center or doctor. • Do not give anything by mouth to an unconscious person.
<u>If on skin or clothing</u>	<ul style="list-style-type: none"> • <u>Take off contaminated clothing.</u> • <u>Rinse skin immediately with plenty of water for 15-20 minutes.</u> • <u>Call a poison control center or doctor for treatment advice.</u>
If inhaled	<ul style="list-style-type: none"> • 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.
If in eyes	<ul style="list-style-type: none"> • 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 on skin or clothing	<ul style="list-style-type: none"> • 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.
HOTLINE NUMBER	
Have the product label or MSDS 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 information, or 1-800-424-9000 for transportation emergencies.	
NOTE TO PHYSICIAN	
Probable mucosal damage may contraindicate the use of gastric lavage. Vomiting may cause aspiration pneumonia.	

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

CAUTION: Causes moderate eye irritation. Harmful if swallowed or absorbed through skin. Avoid breathing vapors of heated material. Do not get in eyes, on skin, or on clothing. Wear protective eye wear (goggles, protective glasses or face shield). Wash thoroughly after skin contact, before eating, drinking, chewing gum, using tobacco products, or using restrooms. Remove and wash contaminated clothing before reuse. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

Prolonged and repeated skin exposure over many years in the absence of recommended hygiene practices may lead to changes in skin pigmentation, benign skin growth and in some cases, result in skin cancer. The inhalation exposure limit to creosote vapor is 0.2 mg/m³ OSHA PEL (* Hour TWA) for Coal Tar Pitch Volatiles (benzene soluble fraction) as specified in 29 CFR 1910.1002. Prolonged or repeated inhalation exposure above the limit may lead to respiratory system effects such as inflammation and possibly changes in liver, thyroid and blood elements.

See side panel for additional precautions and First Aid.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

All personnel handling treated wood or handling treating equipment (including poles/hooks used to retrieve charge cables) that has come into 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 or 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 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 laws.

USER SAFETY REQUIREMENTS

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 has have been drenched or heavily contaminated with the product's concentrate. Do not reuse them.

Eating, drinking, 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 RECOMMENDATIONS REQUIREMENTS

Users should must:

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet,
- Remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on

clean clothing.

- 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.

ENVIRONMENTAL HAZARDS

This product is toxic to 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 Pollution Discharge Elimination System (NPDES) permit and 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.

DIRECTIONS FOR USE

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

For terrestrial and aquatic nonfood wood/wood structure protection treatments via pressure methods for utility poles/crossarms, railroad ties, switch ties, bridge timbers, fence and guardrail posts, foundation timbers, marine and foundation round piles, sawn lumber and timber products, and exterior structural composite glue laminated wood and plywood products. Treated wood is intended for exterior/outdoor uses only. DO NOT MIX, BLEND OR DILUTE.

APPLICATION

Engineering Controls to be put in place as of December 31, 2013:

- For pressure treatment with creosote, automatic, remotely operated devices must be used to open, close, lock, and unlock cylinder doors,
- Mechanical methods must be used to place/remove bridge rails

General Instructions for Creosote Pressure Treatment:

- 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 tables, poles or hooks used to retrieve charge cables, or other equipment that has contacted the preservative without wearing chemical resistant gloves.
- 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.

The Treatment Process:

- A final vacuum must be used 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.

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

Ventilation Process (at conclusion of treatment) to be put in place as of December 31, 2013:

- 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 located within 15 feet of the cylinder when open (cracked) until the cylinder has been ventilated.
- After ventilation is complete, the cylinder door may be completely opened.

STORAGE AND DISPOSAL

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

Pesticide Storage: In case of spillage, absorb (with sand, earth, etc.) and dispose of in accordance with applicable Federal, State and local regulations. Contaminated materials must be handled and managed as a RCRA Hazardous Waste and treated before disposal in an approved landfill. This waste is identified by the EPA as a U051 hazardous waste and must meet the treatment standards specified in 40 CFR 268 Subpart D. An RCRA Hazardous Waste Storage permit is required for storage of wastes beyond 90 days.

Pesticide Disposal: Pesticide wastes are toxic. Improper disposal of excess pesticide 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.

Supplemental Labeling for Creosote (P2)
EPA Reg. No. 61483-8

Creosote (P2) is registered only for pressure treatment of wood. Wood treaters must not knowingly pressure treat wood commodities that are not encompassed by the following use category tables, which provides examples from the American Wood Protection Association (AWPA) Use Category System, as set forth in the most current edition of the AWPB Book of Standards.

AWPA Commodity Specification: Crossties and Switch Ties	
AWPA Use Category	Commodity Examples
UC 4A, 4B, and 4C	Crossties and Switch Ties, produced from all wood species recognized by AWPB for this commodity. Manufactured to meet AWPB specifications.

AWPA Commodity Specification: Posts	
AWPA Use Category	Commodity Examples
UC4A	Posts, round, 1/2 and 1/4 round for highway construction (including guide, sign and sight) and farm fencing
UC4B	Posts, round, 1/2 and 1/4 round for highway construction (including guardrail posts, spacer blocks) and for road salt/brine storage Posts, round, 1/2 and 1/4 round for building construction Round posts, for structural members in agricultural uses

AWPA Commodity Specification: Poles	
AWPA Use Category	Commodity Examples
UC 4A, 4B, and 4C	Utility poles (including laminated) Poles for highway and agricultural construction, lighting, building structural use

Note: poles may be glue-or mechanically-laminated

AWPA Commodity Specification: Piling	
AWPA Use Category	Commodity Examples
UC 4C	Foundation and Land & Fresh Water Piles

AWPA Commodity Specification Marine: (Salt Water/Brackish Water) Applications	
AWPA Use Category	Commodity Examples
UC 5A, 5B, and 5C	Bulkhead sheathing Lumber/timbers use, including timbers, cross bracing, and highway construction Piles for marine applications Plywood for bridge and marine construction

AWPA Commodity Specification: Sawn Products	
AWPA Use Category	Commodity Examples
UC 1, 2, and 3B	Guardrails for highway construction, including for golf course bridges meeting highway construction standards
UC4A	Lumber/timber for highway construction, including for golf course bridges meeting highway construction standards Crossarms Fence rail (farm/agricultural only, round, ¼ round, ½ round)
UC4B	Highway bridge decking (above ground, structural, subject to critical/severe decay) Road salt/brine storage Highway construction materials, including cribbing, lighting Piles (structural support construction) Posts (sawn 4 sides) for highway construction, farm/agricultural structural use, spacer blocks, important building structural use Poles for structural building use Lumber/timbers (5 inches or greater) for structural use; highway construction and cribbing; retaining walls for highway uses; residential/business building support Lumber/ Timbers (2 x 8 inch and/or 3 x 6 inch or greater) for marine use (out of water, ground contact, including salt water splash zone)
UC4C	Piles for structural support

AWPA Commodity Specification: Wood Composites	
AWPA Use Category	Commodity Examples
UC 1, 2, and 3B	Composite lumber for structural uses Glue- or nail-laminated structural members Plywood for agriculture, and farm use
UC 4A	PSL & LVL composite lumber for highway construction Members (laminates) Plywood for bridge and farm/agricultural use
UC 4B	Plywood for marine use in salt water splash zones Plywood for road salt/brine storage, highway construction materials Composite lumber for bridge and highway construction Glue-laminate members (important structural or saltwater splash)
UC4C	Composite (PSL & LVL) lumber highway structural use Members (laminates) for critical structural uses

Note: laminates can be glued or mechanically fastened

Note: PSL = parallel strand lumber, LVL = laminated veneer lumber