

61483-67

09-20-2010

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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

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

SEP 20 2010

Subject: Label Notification(s) for Pesticide Registration Notice 2007-4

Dear Dr. O'Neal:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated August 24, 2010 for the following product(s):

Permethrin Fly & Louse Dust EPA Reg. No. 61483-67

The Registration Division (RD) has conducted a review of this request for applicability under PR Notice 98-10 and finds that the label change(s) requested falls within the scope of PRN 98-10. The label has been date-stamped "Notification" and will be placed in our records.

If you have any questions, please contact Linda A. DeLuise at 703-305-5428.

Sincerely,

A handwritten signature in cursive script, appearing to read "Linda A. DeLuise".

Richard J. Gebken
Product Manager
Insecticide Branch
Registration Division (7504P)



August 24, 2010

Document Processing Desk (NOTIF)
Office of Pesticides Programs (7504P)
U. S. Environmental Protection Agency
ATTN: RICHARD GEBKEN PM 10
Ariel Rios Building
1200 Pennsylvania Avenue, N. W.
Washington, D.C. 20460-0001

Re: PR 2007-4 Compliance
Permethrin Fly & Louse Dust
EPA Registration No. 61483-67

Dear Mr Gebken:

Enclosed are the following documents in accordance with notification of change of label language to bring the product label into compliance with PR2007-4 and correct registrant's address and telephone numbers:

- . EPA Form 8570-1 (Rev 3-94),
- . Copy of the label marked to show the changes

“This notification is consistent with the provisions of PR Notice 98-10 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.”

If you have any questions, please contact me 713-819-3932 or hroneal@suddenlink.net.

Sincerely

Hubert R. O'Neal, PhD

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PERMECTRIN™ FLY & LOUSE DUST

Ready-To-Use Dust Insecticide

Controls Horn Flies and Lice, Aids in reducing Face Flies
on Beef & Dairy Cattle and Controls Lice on Swine

Controls Northern Fowl Mites on Poultry and Lice on Swine

ACTIVE INGREDIENT:

Permethrin (CAS No. 52645-53-1)0.25%

OTHER INGREDIENTS:99.75%

TOTAL: 100.00%

EPA Reg.No. 61483-67

EPA Est. No. 62908-MO-01

KEEP OUT OF REACH OF CHILDREN CAUTION

FIRST AID

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.

HOTLINE NUMBER

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.

Mfd. For: KMG-Bernuth, Inc
9555 W. Sam Houston Pkwy S., Ste 600
Houston, Texas 77099-2168
1-800-322-8177

Net Weight: 2 Pounds

NOTIFICATION

SEP 20 2010

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**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 should be followed carefully. It is impossible to eliminate all risks inherently associated with the use of this product. Crop injury, ineffectiveness or other unintended consequences may result because of such factors as manner of use or application, weather or crop conditions, presence of other materials or other influencing factors in the use of the product, 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 **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 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

CAUTION

Harmful if swallowed or absorbed through skin. Avoid contact with skin and eyes. Avoid breathing dust. Wash thoroughly with soap and water after handling and before eating or smoking.

FOR CHEMICAL EMERGENCY. Spill, leak, fire, exposure, or accident call 1- 800-322-8177.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Use this product only as specified on this label. Do not contaminate water by cleaning of equipment or disposal of wastes.

PHYSICAL OR CHEMICAL HAZARDS:

Do not use or store near heat or open flame.

DIRECTIONS FOR USE – Read the entire label prior to use.

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Avoid contamination of feed and foodstuffs.

BEEF & DAIRY CATTLE

Horn Flies, Lice, Face Flies: Place contents of this package in any commercially available dust bag, suspend bags in areas frequented by cattle or in gateways or lanes through which the animals pass daily for water, feed or minerals. For lactating dairy cows, bags may be suspended in the exit through which cows leave the milking barn. In all cases, the bags should be adjusted so that the bottom of the bag will hang four to six inches below the topline of the cattle. For reduction of face flies, the bags must be located so the animals will be forced to use them daily and hung at a height to insure that the faces of the cattle will be dusted.

Horn Flies, Lice – Direct Application: Apply 2.0 ounces of dust per animal by shaker can over the head, neck, shoulders, back and tailhead. Repeat as necessary.

POULTRY

Northern Fowl Mites – Direct Application: Apply not more than 1lb/100 birds, directing dust to thoroughly cover vent area.

SWINE

Lice on Swine – Direct Application: Apply not more than 1 ounce* (3 level tablespoons) per head as a uniform coat to the head, shoulders and back by use of a shaker can or suitable mechanical dust applicator. Repeat as necessary, but not more often than once every ten days.

In severe infestations, both individual animals and the bedding may be treated as directed above.

Do not ship animals for slaughter within 5 days of last treatment.

*NOTE: 1 ounce of this material equals approximately three level tablespoonfuls.

STORAGE AND DISPOSAL

DO NOT contaminate water, food or feed by storage or disposal.

PESTICIDE STORAGE: Open as needed. Keep container sealed when not in use.

PESTICIDE DISPOSAL: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility

CONTAINER DISPOSAL: Nonrefillable container. Do not reuse or refill this container. Completely empty bag into application equipment. Then dispose of empty bag in a landfill or by incineration. Do not burn unless allowed by state and local ordinances.

Permethrin™ is a trademark of KMG-BERNUTH, INC.

Made in U.S.A.

U. S. Patent No. 4,024,163

EPA 082410

