

61483-94

7/5/2012

119



U S ENVIRONMENTAL PROTECTION AGENCY

Office of Pesticide Programs  
Antimicrobials Division (7510C)  
1200 Pennsylvania Avenue NW  
Washington D C 20460

EPA Reg  
Number  
61483-94

Date of  
Issuance  
JUL - 5 2012

Term of Issuance

Unconditional

Name of Pesticide Product

**KMG-B Penta OL Penta  
Blocks**

NOTICE OF PESTICIDE

Registration  
 Reregistration

(under FIFRA as amended)

Name and Address of Registrant (include ZIP Code)

KMG-Bernuth, Inc  
9555 W Sam Houston Pkwy South, Suite 600  
Houston, Texas 77099

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant the above named pesticide is hereby registered/reregistered under the Federal Insecticide Fungicide and Rodenticide Act

Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment the Administrator on his motion may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product (OPP Decision No D-463044) is unconditionally registered in accordance with FIFRA, sec 3(c)(7)(A) provided that you

1 Submit and/or cite all data required for registration of your product under FIFRA sec 3(c)(5) when the Agency requires all registrants of similar products to submit such data, and submit acceptable responses required for re-registration of your product under FIFRA section 4

2 Make the following labeling changes listed below before you release the product for shipment

Signature of Approving Official

*Jacqueline Campbell-McFarlane*  
Jacqueline Campbell-McFarlane  
Product Manager Team-34  
Regulatory Management Branch II  
Antimicrobials Division (7510P)

Date

JUL - 5 2012

- a | Revise the "EPA Reg No 61483 \_\_\_" to read EPA Reg No 61483 94'
- b | Delete the term "recommended" in the first sentence of the second paragraph of the directions for use on page 5
- c | Revise the last sentence of the Directions for Use to read  
Remove bark from all wooden members before receiving treatment

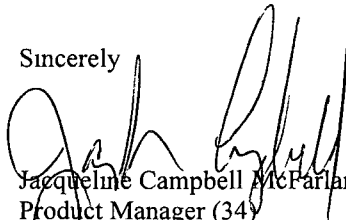
Submit three (3) copies of your final printed labeling before distributing or selling the product bearing the revised labeling

A stamped copy of the label is enclosed for your records

If these conditions are not complied with, this registration will be subject to cancellation in accordance with FIFRA sec 6(e) Your release for shipment of the product constitutes acceptance of these conditions

If you have questions concerning this matter please contact Jaclyn Carl at (703) 347 0213 or by email at [carl.jaclyn@epa.gov](mailto:carl.jaclyn@epa.gov)

Sincerely



Jacqueline Campbell McParlane  
Product Manager (34)

Regulatory Management Branch II  
Antimicrobials Division (7510P)

Enclosure

Stamped Label

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**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 PENTA BLOCKS**  
**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 %

**ACCEPTED**  
**with COMMENTS**  
**in EPA Letter Dated**  
**JUL - 5 2012**

EPA Reg No 61483 94

EPA Est No 54816 - MX - 1

**KEEP OUT OF REACH OF CHILDREN**

*Under the Federal Insecticide  
Fungicide and Rodenticide Act as  
amended for the pesticide  
registered under EPA Reg No  
61483-94*



**DANGER**

**POISON**

**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

#### 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 laws

**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 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 CO<sub>2</sub>, or dry chemical 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

**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 used for the preparation of fungicidal and insecticidal solutions This product is intended to treat wood 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

Recommended concentrations for such solutions vary according to the end uses and methods of applying solutions to obtain the desired efficacy This product is intended for commercial use only for the preparation of wood preservations formulations and must be dissolved before use Add one part or more of this product to 20 parts of fuel oil, kerosene, or other hydrocarbons with the desired volatility, and mix well Pressure or thermal treatment in a commercial pressure facility allows for the attainment of proper retention and penetration levels and makes the treated wood products suitable for ground contact

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 should be treated in a commercial vessel capable of physically (by pressure, temperature or time) 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 should be free of bark before receiving treatment

APPLICATION RESTRICTIONS

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  
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 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 hazardous wastes, or manage and dispose of by other procedures approved by state and local authorities