

74999-3

01/05/2007

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U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs
Biopesticides and Pollution Prevention Division (7511C)
1200 Pennsylvania Avenue NW
Washington, DC 20460

NOTICE OF PESTICIDE:

Registration
 Reregistration
(under FIFRA, as amended)

EPA Reg Number:
74999-3

Date of Issuance:
1/5/07

Term of Issuance:

Unconditional

Name of Pesticide Product:

Kapto K

Name and Address of Registrant (include ZIP Code):

Kapto Inc.
P.O. Box 14046
Scottsdale, AZ 85267

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Biopesticides and Pollution Prevention 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 registration does not eliminate the need for continual reassessment of the pesticide. If EPA determines at any time, that additional data are required to maintain in effect an existing registration, the Agency will require submission of such data under section 3(c)(2)(B) of FIFRA.

This product is registered in accordance with FIFRA section 3(c)(5) and is subject to the following terms and conditions:

- 1. Submit three (3) copies of the final printed labeling before you release the product for shipment.

Signature of Approving Official:

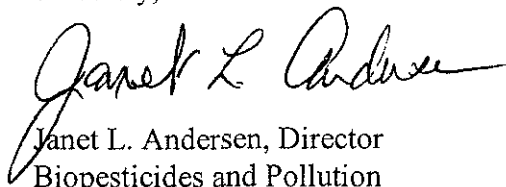
(See second page for signature)

Date:

1/5/07

2. A stamped copy of the label is enclosed for your records.

Sincerely,



Janet L. Andersen, Director
Biopesticides and Pollution
Prevention Division (7511P)

Enclosure

KAPTO K

For Use by Professional Pest Control Operators
See accompanying label booklet for complete details.

Kills Termites

For use in and around:

- Apartment, Homes, Commercial and Industrial Buildings
 - When used indoors it must be applied into infested galleries only.
 - Kapto K Termiticide is made with capsicum and must be handled with caution as it is a severe irritant.

ACTIVE INGREDIENTS: Capsaicin and related capsinoids.....	0.21 %
OTHER INGREDIENTS:	99.79 %
TOTAL	100.00 %

Hazards to Humans and Domestic Animals: Caution
Precautionary Statement: Avoid inhaling Kapto K, contact with eyes, skin, or clothing, or ingesting. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. If contact occurs, remove affected person from contaminated area to an open, upwind position. Keep subject calm and restrict activity. Most subjects will be well on their way to totally recover in 45 minutes after first aid begins.

Environmental Hazards:
 This product may be toxic to aquatic organisms. **DO NOT** apply or allow runoff to reach lakes, streams or ponds. **DO NOT** apply to contaminate water by cleaning of equipment or disposal of wastes.

Physical and Chemical Hazards:
 Do not allow contact with painted or varnished surfaces as discolorations may occur.

Directions for Use:
 It is a violation of Federal law to use this product in a manner inconsistent with its labeling.
 Locate termite entry points, suspected infestation and/or termite galleries. Drill holes into wood to locate infested galleries. Inject into the holes with the appropriate pump equipment. Low injection pressure is recommended directly into wood. Inject galleries until saturated. Avoid blowback or splash. Avoid contact with other surfaces other than infested galleries. Plug holes with an appropriate filler. Inject into all infested areas to ensure thorough coverage.

DO NOT contact electrical wiring, plumbing, etc., when drilling, and never use metal injectors where electrical shock may occur. Use standard plastic void injectors where applicable.

DO NOT contact any heater or air ducting.

Contact Telephone Number: 1-800-441-1111
 Poison Control: 1-800-441-1111

NOTE: If at anytime the exposed subject says, or appears to be in medical distress DIAL 911 for immediate medical care.

NET CONTENTS:

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KEEP OUT OF REACH OF CHILDREN	
Caution	
First AID	
IF INHALED	Remove victim to fresh air and face them into the wind. Apply artificial respiration, preferably mouth-to-mouth, if possible. Call a poison control center or a physician for further treatment advice.
IF IN EYES	Hold eyes open and rinse slowly and gently with water for 15-20 minutes. Flush with plenty of cool, clear water from the bridge of the nose to the side of the face. Remove contact lenses if present after first 5 minutes of flushing, continue flushing after removal. Call a poison control center or a physician for further treatment advice.
IF ON SKIN	Remove contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or a physician for further treatment advice.
IF SWALLOWED	Call a poison control center or a physician for further treatment advice. Have person sip a glass of water if able to swallow. 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.
EPA Reg. No. 74999-1 EPA Est. No.	
Poison Control Center: 1-800-441-1111	
Caution	
Product is a mixture of natural extractions of hot chili peppers and mineral oil. This product has profound irritant action and should be removed completely if contact with any body surface occurs. Wear full eye protection, respirator, gloves and full body protective clothing. Wash thoroughly with soap and water after use. Not for human consumption. May cause acute upper airway burn if inhaled.	

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in tightly sealed container in a dry warehouse at temperature not greater than 75° F.

PESTICIDE CONTAINER DISPOSAL: Triple rinse. Then offer for recycling or reconditioning, puncture and dispose of in a sanitary landfill, or incineration, or if allowed by state and local authorities, by burning. If burned, stay out of smoke. Do not reuse container.

KAPTO INC., Scottsdale, AZ 85267

4/9

Biochemical Pesticide and Termiticide

For the control of:

Subterranean termites
Reticulitermes, Heterotermes
Dampwood Termites
Zootermopsis, Neotermes

Drywood termites
Incisitermes Minor
Carpenter Ants

For use by individuals/firms licensed or registered by the state to apply termiticide products. States may have more restrictive requirement regarding qualifications of persons using this product. Consult the structural pest control regulatory agency of your state prior to use of this product.

Active ingredients: Capsaicin and related capsinoids.....	0.21%
Inert Ingredients	99.79%
Total.....	100.00%

KEEP OUT OF REACH OF CHILDREN

Caution

Contains extractives of Chili Peppers.

Caution: This product has profound irritant action and should be removed completely if contact with any body surface occurs. Wear full eye protection, respirator, gloves and full body protective clothing. Wash thoroughly with soap and water after use. Not for human consumption. May cause acute upper airway burn if inhaled.

Hazards to Humans and Domestic Animals:

Caution: Avoid inhaling KAPTO K, contact with eyes, skin, clothing, or swallowing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or the toilet. Avoid any contact with interior surfaces, which may contact skin or pets.

Precautionary statements

Refer to this booklet for precautionary information, First Aid and directions for use. Read the entire label. If you do not understand the label, find someone to explain it to you in detail.

Avoid contact with eyes, nose, mouth, mucous membranes, rashes, wounds or damaged skin. A person allergic to capsicum (peppers) should not use this product. A person with delicate skin should consult a physician prior to use. If eye contact occurs, flush eyes with copious amounts of water and contact a physician. Should skin contact occur, wash exposed areas with copious amounts of water and soap. Do not cover exposed skin with any topical ointments. Use a shower to wash body. Do not bathe. If contact occurs to clothing, strip contaminated clothing outdoors and put affected clothing in a plastic bag or other container. Wash clothing separately with detergent and water.

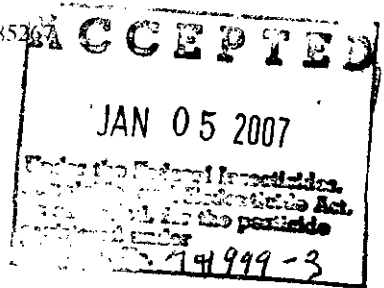
FIRST AID
If inhaled: Remove victim to fresh air and face into the wind. Apply artificial respiration, preferably mouth-to-mouth, if possible. Call a poison control center or a physician for further treatment advice.
If in Eyes: Hold eyes open and rinse slowly and gently with water for 15-20 minutes. Flush with plenty of cool, clear water from the bridge of the nose to the side of the face. Remove contact lenses if present after first 5 minutes of flushing, continue flushing after removal. Call a poison control center or a physician for further treatment advice.
If on Skin: Remove contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or a physician for further treatment advice.
If Swallowed: Call a poison control center or a physician for further treatment advice. Have person sip a glass of water if able to swallow. 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.
In case of medical emergency involving this product contact the poison control center:

EPA Reg. No. 74999-G
EPA Est. _____

Kapto Inc.
P.O. Box 14046
Scottsdale, AZ. 85267
1 (866) 234-5035

U.S. Patent Nos. 5,937,572 6,505,436 6,523,298 6,632,839

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Environmental Hazards:

This product is toxic to fish and aquatic organisms. Do not apply directly to water supplies or aquatic acres. Drift and runoff from treated areas may be hazardous to aquatic organisms in adjacent aquatic sites. Use care to avoid runoff. Do not contaminate aquatic sites by cleaning equipment or disposing of equipment wash-water near aquatic sites.

Physical and Chemical Hazards

Do not allow contact with painted or varnished surfaces as discolorations may occur. Do not spray into open flame or onto very hot surfaces.

Personal Protective Equipment (PPE)

All pesticide handlers (applicators, loaders, mixers) must wear protective clothing, which covers exposed areas of the body including long sleeved shirt and long pants, socks, chemical resistant boots or shoes and chemical resistant gloves, such as nitrile or butyl, respiratory protective devices, and protective eyewear. In addition: all pesticide handlers must wear a respirator with an organic-vapor removing cartridge and a pre-filter approved for pesticides with MSHA/NIOSH approval number prefix TC-14G when working in a non-ventilated space including but not limited to basements and crawlspaces.

Safety Recommendations

Wash hands thoroughly with plenty of soap and water before eating, drinking, touching exposed areas of the body, smoking or using the toilet. Remove any contaminated clothing then wash clothing in detergent and warm water. If contamination has soaked through clothing to the skin, wash body thoroughly with soap and warm water and put on clean clothing. Remove PPE immediately after handling this product. Wash the outside of gloves before removing. Wash PPE after each use.

Handling procedures and general precautions

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

Read all directions before applying this product.

Do not formulate this product into other end use products.

For external use only. Do not swallow. Although Kapto K is made with food grade capsaicin, do not take this product orally. In case of accidental ingestion contact a physician immediately.

Since packaging is not child resistant, keep away from children to avoid accidental exposure. Children and pets must vacate the treatment site prior to application. As with any pesticide, if you are pregnant or nursing a baby, seek the advice of a health professional before using this product.

General information

Kapto K can be used on all cellulose material including wood, plywood, particleboard, paper, oriented strand board (OSB), cardboard and wood composite structural components.

In areas where a soil treatment/barrier is required, Kapto K should be applied directly to the soil (trench and treat) or slab injection in the infested soil where the termites are accessing the structure. In order to provide an effective barrier between the wood in the structure and termite colonies in the soil, disperse the termiticide so as to avoid untreated gaps in the barrier.

The service technician (applicator) must be familiar with current control practices including trenching, rodding, sub-slab injection and low-pressure spray applications. The applicator must also be proficient in the techniques of direct wood injection for the control of wood infesting termites/pests. These techniques must be correctly employed to

The service technician (applicator) must be familiar with current control practices including trenching, rodding, sub-slab injection and low-pressure spray applications. The applicator must also be proficient in the techniques of direct wood injection for the control of wood infesting termites/pests. These techniques must be correctly employed to prevent or control termite/pest infestations. Choice of appropriate procedures includes consideration of such variable factors as the design of the structure, water table, soil type, soil compaction, grade conditions and the location and type of domestic water supplies. The behavior and biology of the termite/pest being treated are important factors to be known as well as the location of the colony and severity of the infestation within the structure to be protected. For advice concerning current control practices contact your local Structural Pest Control regulating agency.

Directions for Use

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

Pre-construction applications are defined as those applications made prior to the finished grade being installed, and post-construction applications are defined as those applications made after the final grade is installed.

Pre-construction treatment: Do not apply at a lower dosage and /or concentration than specified on this label for applications prior to installation of the finished grade.

When treating adjacent to an existing structure, the applicator must check the area to be treated, and immediately adjacent areas of the structure, for visible and accessible cracks and holes to prevent any leaks or significant exposures to persons occupying the structure. People present or residing in the structure during application must be advised to remove their pets and themselves from the structure if they see any signs of leakage. After application, the applicator is required to check for leaks. All leaks resulting in the deposition of the termiticide in locations other than those prescribed on this label must be cleaned up prior to leaving the application site. Do not allow people or pets to contact contaminated areas or to reoccupy contaminated areas of the structure until the clean up is completed.

Trench and treat:

1. Treat the soil at the rate of 2 gallons of formulation per 8 linear feet per foot of trench depth.
2. Trenches should be approx. 6 inches deep
3. Remove all cellulose debris including scrap wood and form boards from the around the foundation walls, crawl spaces and porches in areas of treatment.
4. Treat adjacent the foundation or footing.
5. Avoid splashing.
6. Apply the termiticide adjacent the structures foundation and/or support piers in areas of infestation.
7. Mix thoroughly into the soil taking care to contain the liquid and prevent runoff or spillage.
8. After the treated soil has absorbed the termiticide formulation replace the soil into the trench.
9. Establish barriers in areas such as around the base of foundations, plumbing traps, and in all areas where termite activity enters the structure.
10. The actual depth of treatment varies depending on soil type, degree of compaction, and location of termite activity.

Sub-slab injections:

1. Sub-slab injections can be made from inside the structure or exterior walkways or patio slabs.
2. Drill vertically through the slab along the interior perimeter of the foundation including the garage. Drill holes along all concrete cold joints, expansion joints, plumbing traps and utility services penetrating the slab.
3. Care must be taken to not to rod into heating ducts, water and sewer lines, electrical conduits/lines, and plenum air spaces and air conditioning ducts and vents.
4. Space drilled holes throughout the slab to achieve a continuous barrier (approx. 18 inches apart).
5. Inject the termiticide into the soil below the slabs as to achieve a continuous barrier.
6. Saturate the soil below the slab to create a continuous barrier.
7. Fill drilled holes with mortar.

Re-treatment

Re-treatment for subterranean termites can only be performed if there is clear evidence of re-infestation or disruption of the barrier due to construction, excavation, or landscaping and or evidence of the breakdown of the termiticide in the

soil. These vulnerable or re-infested areas may be retreated in accordance with application techniques described in this product's labeling. The timing and type of these re-treatments will vary, depending on factors such as termite pressure, soil types, soil conditions and other factors that may reduce the effectiveness of the barrier.

Annual re-treatment of the structure is prohibited unless there is clear evidence that re-infestation or barrier disruption has occurred.

Control of wood infesting insects

When spraying overhead interior living areas of homes, apartments building, etc., cover surfaces below the area being sprayed with plastic sheeting or other material. Cover or remove foods before treatment.

Do not come in contact with treated areas until dry.

Dampwood and drywood termite treatments

Locate termite entry points, suspected infestations and/or termite galleries. Drill holes into wood to locate infested galleries. Inject into holes with appropriate pump equipment. Low injection pressure (60 p.s.i.) is recommended directly into wood. Inject galleries until saturated. Avoid blowback or splash. Avoid contact with other surfaces other than infested galleries. Inject directly into all infested areas to ensure thorough coverage but avoiding runoff. Plug holes with an appropriate filler. Do not come in contact with treated areas until dry.

Carpenter Ant treatments

For the control of carpenter ants in homes and other structures, apply formulation around the areas in which the carpenter ants are entering the structure and in areas in which they crawl and hide. Spray into cracks and crevices or through openings into wall voids where these ants or their nests are present. Cover the area to the point of wetness avoiding runoff. Do not come in contact with treated areas until dry.

Application Information

Do not treat soil that is water saturated or frozen. Do not treat while precipitation is occurring.

Pre-construction treatment: Do not apply at a lower dosage and/or concentration than specified on this label for applications prior to the installation of the finished grade.

When treating foundations deeper than 4 feet, apply the termiticide as the backfill is being replaced, or if the construction contractor fails to notify the applicator to permit this, treat the foundation to a minimum depth of 4 feet after the backfill has been installed. The applicator must trench and rod into the trench or trench along the foundation walls and around pillars and other foundation elements, at the rate prescribed from grade to a minimum depth of 4 feet. When the top of the footing is exposed, the applicator must treat the soil adjacent to the footing to depth not to exceed the bottom of the footing. However, in no case should a structure be treated below the footing.

Post-construction treatment: For applications made after the final grade is installed, the applicator must trench and rod into the trench or trench along the foundation walls and around pillars and other foundation elements, at the rate prescribed from grade to the top of the footing. When the footing is more than four (4) feet below grade, the applicator must trench and rod into the trench or trench along the foundation walls at the rate prescribed to a minimum depth of four feet. The actual depth of treatment will vary depending on soil type, degree of compaction, and location of termite activity. When the top of the footing is exposed, The applicator must treat the soil adjacent to the footing to a depth not to exceed the bottom of the footing. However, in no case should a structure be treated below the footing.

For crawl spaces, apply vertical termiticide barriers at the rate of 2 gallons of formulation per 8 linear feet per foot of depth from grade to the top of the footing, or if the footing is more than 4 feet below grade, to a minimum depth of 4 feet. Apply by trenching and rodding into the trench, or trenching. Treat both sides of the foundation and around all piers and pipes. Where physical obstruction, such as concrete walkways adjacent to foundation, elements prevent trenching, treatment may be made by rodding alone. When soil type and/or conditions make trenching prohibitive, rodding may be used. When the top of the footing is exposed, the applicator must treat the soil adjacent to the footing to a depth not to exceed the bottom of the footing. Read and follow the missing and use direction section of the label if situations or encountered where the soil will not accept the full application volume.

- 1. Rod holes and trenches must not extend below the bottom of the footing.

2. Rod holes must be spaced so as to achieve a continuous chemical barrier but in no case more than 12 inches apart.
3. Trenches must be a minimum of 6 inches deep or to the bottom of the footing, whichever is less, and need not be wider than 6 inches. When trenching in sloping (tiered) soil, the trench must be stepped to ensure adequate distribution and to prevent termiticide from running off. The formulation must be mixed with the soil as it is replaced in the trench.
4. When treating crawl spaces, turn off the air circulation system of the structure until application has been completed and all termiticide has been absorbed by the soil.

For inaccessible interior areas, such as areas where there is insufficient clearance between floor joists and ground surfaces to allow operator access, excavate, if possible, and treat according to the instructions for accessible crawl spaces. Otherwise, apply one, or a combination of the following two methods.

1. To establish a horizontal barrier, apply to the soil surface, 2 gallon of formulation per 8 linear feet overall using a nozzle pressure of 60-100 p.s.i. and a coarse application nozzle (e.g. Delavan type RD raindrop, RD-7 or larger, or spraying systems Co. 8010LP Teejet or comparable nozzle). For an area that cannot be reached with the application wand, use one or more extension rods to make the application to the soil. Do not broadcast or power spray with higher pressures.
2. To establish a horizontal barrier, drill through the foundation wall or through the floor above and treat the soil perimeter at a rate of 2 gallon of formulation per 8 linear feet. Drill spacing must be at intervals not to exceed 16 inches. Many states have smaller intervals so check state regulations, which may apply.

When treating crawl spaces, turn off the air circulation system of the structure until application has been completed and all termiticide has been absorbed by the soil.

Treatment of voids: Not for use in voids insulated with rigid foam.

Drill and treat voids in multiple masonry elements of the structure extending from the structure to the soil in order to create a continuous treatment barrier in the area to be treated. Apply at the rate of 2 gallons of formulation per 8 linear feet of footing using a nozzle pressure of 60-100 p.s.i. When using this treatment, access holes must be drilled below the sill plate and should be as close as possible to the footing as is practical. Treatment of voids in block or rubble foundation walls must be closely examined: Applicators must inspect areas of possible runoff as precaution against application leakage in the treated areas. Some areas may not be treatable or may require mechanical alteration prior to treatment.

All leaks resulting in the deposition of termiticide in locations other than those prescribed on this label must be cleaned up prior to leaving the application site. Do not allow people or pets to contact contaminated areas or to reoccupy the contaminated areas of the structure until the clean up is completed.

Structures with wells/cisterns inside foundations

Do not contaminate wells or cisterns.

Structures that contain wells or cisterns within the foundation of a structure can only be treated using the following techniques:

1. Do not treat soil while it is beneath or within the foundation or along the exterior perimeter of a structure that contains a well or cistern in use or useable condition. The treated backfill method must be used if soil is removed and treated outside/away from the foundation. The treated backfill technique is described as follows:
 - A. Trench and remove soil to be treated onto heavy plastic sheeting or similar material or into a wheelbarrow.
 - B. Treat the soil at the rate of 2 gallons of formulation per 8 linear feet per foot of depth of the trench. Mix thoroughly into the soil taking care to contain the liquid and prevent runoff or spillage.
 - C. After the treated soil has absorbed the formulation, replace the soil into the trench.
2. Treat infested and/or damaged wood in place using an injection technique such as described in the "Treatment Methods" section of this label.

Structures with adjacent wells/cisterns and/or other water bodies

Applicators must inspect all structures with nearby water sources such as wells, cisterns, surface ponds, streams, and other bodies of water and evaluate, at a minimum, the treatment recommendations listed below prior to making an application.

1. Prior to treatment, if feasible, expose the water pipe(s) coming from the well to the structure, if the pipe(s) enter the structure within 3 feet of grade.
2. Prior to treatment applicators are advised to take precautions to limit the risk of applying the termiticide into subsurface drains that could empty into any bodies of water. These precautions include evaluating whether application of the termiticide to the top of the footer may result in contamination of the subsurface drain. Factors such as depth to the drain system and soil type and degree of compaction should be taken into account in determining the depth of treatment.
3. When appropriate (i.e., on the water side of the structure), the treated back-fill technique (described above) can also be used to minimize off-site movement of termiticide.

Plugging of holes

All holes in commonly occupied areas into which material has been applied must be plugged. Plugs must be of a non-cellulose material or covered by an impervious, non-cellulose material.

Exposure information for construction workers

Prior to each application, applicators must notify the general contractor, construction superintendent, or similar responsible party, of the intended termiticide application and intended sites of application and instruct the responsible person to notify construction workers and other individuals to leave the area to be treated during application and until the termiticide is absorbed into the soil.

Plenum construction

When treating plenums, turn off the air circulation system of the structure until application has been completed and all termiticide has been absorbed by the soil.

<u>Storage and Disposal</u>
Do not contaminate water, food or feed by storage or disposal.
Storage: Store in a dry place in original container, not to exceed 75°F. Do not store where children or animals may gain access. Do not freeze. Store at room temperature and shake occasionally to mix.
Pesticide Disposal: Do not contaminate water when disposing of equipment wash-water. Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.
Container disposal: Triple rinse. Empty container and offer for recycling or reconditioning or dispose of in a sanitary landfill.
Spills and clean-ups: Contain all spills. Kapto K can be soaked up with sawdust or other clean-up soaking products. Dispose of cleanup material and wash with soap and water. Wear all protective equipment (PPE) during all clean up and spills. If spilled, cover and incorporate spills.

Warranty Statement Disclaimer

Conditions may vary affecting use and application of this product. The manufacturer warns the buyer that these may impair or vary the results or effects of the use of this product. Complete prevention or elimination of the termite colonies is not guaranteed. The buyer shall be solely responsible for any and all loss or damage, which results from the use of this product in any manner, which is inconsistent with the label directions, warnings or cautions. In no event shall manufacturer or seller be liable for special, indirect or consequential damages resulting from the use or handling of this product when use or handling is not in accordance with label directions.

It is impossible to eliminate all risks associated with use of this product. Plant injury, lack of performance, or other unintended consequences may result because of such factors as use of the product contrary to label instructions (including conditions noted on the label, such as unfavorable temperatures, soil conditions, etc.), abnormal conditions (such as excessive rainfall, drought, high winds, hurricanes), presence of other materials, the manner of application, or other factors, all of which are beyond the control of Kapto Inc. or the seller. The buyer shall assume all such risks. Buyer accepts this material subject to these terms and assumes all risk of usage and handling except when used or handled in accordance with this label.