

Please read instructions on reverse before completing form.

Form Approved, OMB No. 2070-0060, Approval expires 2-28-95

	United States Environmental Protection Agency Washington, DC 20460	<input type="checkbox"/> Registration	OPP Identifier Number
		<input type="checkbox"/> Amendment	
		<input checked="" type="checkbox"/> Other	

Application for Pesticide - Section I

1. Company/Product Number 39578-3	2. EPA Product Manager R. Gebken	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Finacide LQ	PM# 10	
5. Name and Address of Applicant (Include ZIP Code) Schirm USA, Inc. c/o D. O'Shaughnessy Consulting Inc., 21 Birch Parkway, Sparta, NJ 07871 <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. <u>64405-1</u> Product Name <u>Bora-Care</u>	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____	NOTIFICATION FEB 15 2006
<input type="checkbox"/> Resubmission in response to Agency letter dated <u>see below</u>	<input type="checkbox"/> "Me Too" Application.	
<input type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.	

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

Addition of "fine mist / high pressure spraying" limitation required by California DPR.

Section - III

1. Material This Product Will Be Packaged In:					
Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2. Type of Container <input type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____		
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt.	No. per container
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input checked="" type="checkbox"/> Container		4. Size(s) Retail Container 1, 2.5 gal		5. Location of Label Directions <input type="checkbox"/> container label and/or booklet	
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph Paper glued Stenciled <input checked="" type="checkbox"/> Other <u>paper glued or attached booklet</u>					

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Don O'Shaughnessy	Title President, D. O'Shaughnessy Consulting Inc	Telephone No. (Include Area Code) 973-726-4533
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 Agent for Schirm USA, Inc.	
4. Typed Name D. O'Shaughnessy	5. Date <u>1/30/06</u>	

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NOTIFICATION

FEB 15 2006

FINACIDE LQ™

Wood Preservative / Insect Control

For the preservation, protection and preventative treatment or new construction pre-treatment of wood* against decay fungi and wood destroying insects and for remedial control of such pests in infested wood. For use indoors or outdoors.

** Also for wood-foam composite structural components.*

May be used on non-food contact surfaces in edible product areas of official establishments operating under the Meat, Poultry, Shell Egg Grading and Egg Products Inspection Programs.

ACTIVE INGREDIENT:

Disodium Octaborate Tetrahydrate 40.0% (by wt.)
(Na₂B₈O₁₃ · 4H₂O)

INERT INGREDIENTS:..... 60.0% (by wt.)

Total:..... 100.0% (by wt.)

KEEP OUT OF REACH OF CHILDREN

CAUTION

EPA Reg. No.: 39578-3

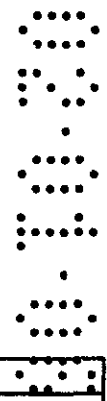
EPA Est. No.: 39578-TX-1

Net Contents: XXXX

(1 gallon covers approximately 200 - 300 square feet of wood surface)

Manufactured by:
Schirm USA, Inc.
2801 Oak Grove Road
Ennis, TX 75119

Product of Italy



FIRST AID

If swallowed	<ul style="list-style-type: none"> • Call poison control center or doctor immediately for 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.
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.

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.
<p>Have the product container or label with you when calling a poison control center or doctor, or going for treatment.</p>	

PRECAUTIONARY STATEMENTS
Hazards to Humans and Domestic Animals

CAUTION: Harmful if swallowed. Avoid contact with skin, eyes or clothing. Avoid breathing dust. Wash thoroughly with soap and water after handling. Avoid contamination of food and feed. Do not leave container where children or animals may gain access.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Applicators and other handlers must wear: Long sleeve shirt and long pants, shoes plus socks, protective eyewear, chemical resistant gloves (such as barrier laminate, butyl rubber, nitrile rubber, neoprene rubber, polyvinyl chloride or viton) and, in confined spaces, a respirator with an organic removing cartridge with a prefilter approved for pesticides (MSHA/NIOSH approval number prefix TC-14G), or a NIOSH approved respirator with an organic vapor (OV) cartridge with any N, R, P or HE prefilter.

ENVIRONMENTAL HAZARDS

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 Pollutant 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.

FOR CHEMICAL EMERGENCY, SPILL, LEAK, FIRE, EXPOSURE, OR ACCIDENT Call CHEMTREC - Day or Night: 1-800-424-9300 toll free in the continental U.S., Puerto Rico, or U.S. Virgin Islands. For calls originating elsewhere: 703-527-3887 (collect calls accepted). **Notice** Read and understand the entire label before using. Use only according to label directions. Before buying or using this product, read **WARRANTY LIMITATIONS AND DISCLAIMER** statement found elsewhere on this label. If terms are unacceptable, return unopened package to seller for full refund of purchase price. Otherwise, use by the buyer or any other user constitutes acceptance of the terms under **WARRANTY LIMITATIONS AND DISCLAIMER**.

DIRECTIONS FOR USE

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

FINACIDE LQ is an inorganic borate salt, soluble in water, with insecticidal and fungicidal qualities effective against wood-destroying organisms, including the target pests listed below. This product can be used as a remedial treatment of infested wood, and as a protective or preventative treatment (before signs of infestations are observed) of wood in existing construction.

FINACIDE is recommended for the treatment of wood and cellulose materials when used in accordance with the specific treatment methods described within this product label. *FINACIDE is effective for all interior and exterior wood (including wood-foam composite structural components) that will be protected from excessive rain and that will not be in direct contact with soil. Types of*

wood that can be treated include, but are not limited to, all types of lumber, logs and plywood. FINACIDE LQ should be applied only to bare, clean wood, plywood, particle board and other cellulosic materials where an intact water-repellent barrier such as paint, stain, or a sealer is not present.

Since FINACIDE LQ is applied directly to the wood, it can be used in areas where environmental contamination is of concern (nearby wells, cisterns, etc.). The active ingredient in FINACIDE LQ is an inorganic salt and once in place, it will not decompose or volatilize out of the wood.

Treatment is long lasting as long as the treated material is not exposed to rain, continuous water or ground contact.

This product is toxic to wood-destroying insects, however surface etching of treated wood by the target organisms may still occur. Older wood boring beetle larvae (particularly Old House Borers) already present in the wood at the time of treatment may occasionally emerge sometime after treatment. This will not occur frequently enough to cause structural damage to any wooden member.

FINACIDE LQ is not intended as a substitute for mechanical alteration, soil treatment or foundation treatment, but simply as a supplementary treatment. When active infestations exist, get a professional inspection. In areas where a soil treatment/barrier termiticide treatment is required by law, FINACIDE LQ should be applied as a supplemental pretreatment to protect wood from subterranean termites that may penetrate chemical gaps occurring in termiticide-treated soil. When spraying overhead interior areas of homes, apartment buildings, etc. cover or protect all surfaces below the area being sprayed with plastic sheeting or other material which can be disposed of if contamination from dripping occurs. Do not apply in food serving areas while food is exposed.

The use of this product in food processing establishments should be confined to time periods when the plant is not in operation. Foods should be removed or covered during treatment. All food processing surfaces should be covered during treatment or thoroughly cleaned before using. After treatment in food processing plants, thoroughly wash all equipment, benches, shelving, etc. where exposed food will be handled, with an effective cleaning compound and rinse with potable water.

TARGET ORGANISMS

FINACIDE is effective for the treatment of wood (including wood-foam composite structural components) against decay fungi, including brown (i.e. *Poria*), white and wet rots, and for wood-boring insects including but not limited to the following varieties of termites, beetles and carpenter ants:

Subterranean termites

Reticulitermes

Heterotermes

Coptotermes (Formosan)

Drywood termites

Kaloterms

Incisitermes

Dampwood termites

Zootermopsis

Ambrosia beetles

Scolytidae

"False" powder post beetles

Bostrichidae

Furniture and deathwatch beetles
Anobiidae

Old house borers / Longhorn beetles
Cerambycidae

Powder post beetles
Lyctidae

Carpenter ants
Camponotus

APPLICATION RATE FOR ALL WOOD SURFACES

Apply Finacide diluted as described below to wetness but not runoff by spray or brush application. See specific directions for foam or injection.

SURFACE PREPARATION

Wood must be clean and bare: free of dirt, wax, and surface finishes. Remove all previous coatings or sealants. Remove surface mold or mildew prior to applying FINACIDE LQ. Do not apply to frozen, cold or very hot wood. Surface temperature must be between 40° F and 90°F.

APPLICATION

Applications of FINACIDE water soluble borate powder may be used as a solution or foam. Solution may be applied by brush, spray, or dipping. When spraying, apply as a coarse spray with low-pressure equipment. Finacide LQ is not intended for use a fine spray in low-volume or high pressure spray equipment. Application of the solution may also be made by drilling and then injecting under pressure into sound wood or into the holes or galleries of infested wood. As foam, FINACIDE LQ may be applied directly to wood surfaces or injected into insect galleries or wall voids. See directions for **REMEDIAL AND PREVENTATIVE WOOD TREATMENTS** for detailed application instructions.

PREPARATION OF AQUEOUS TREATMENT SOLUTION

Shake container before use. For use, FINACIDE is diluted in water at a ratio of 1 part FINACIDE LQ to 1 part water. Use of warm water will increase rate of dissolution. For each gallon of clean water slowly add 42 ounces (1/3 gallon) of FINACIDE LQ, while stirring or agitating. Stir or agitate until FINACIDE LQ is completely dissolved in the water. This mixture must be used within 24 hours. To avoid blocking spray hoses, mix in separate container then pour into spray tank. If this is not possible, be sure to add WARM water first, then add FINACIDE LQ while stirring or agitating, SLOWLY enough to be sure it is dissolving as it is added.

PREPARATION OF FOAM TREATMENT MIXTURE

Prepare 1:2 aqueous solution as stated above and add surfactant/ foaming agent. Follow the instructions for the foaming agent to produce dry foam with the desired expansion ratio of approximately 20 to 1 (approx. 20 gallons of foam per 1 gallon of aqueous solution). Typically 1-2 ounces of foaming agent added to the solution is appropriate. FINACIDE LQ foam should be of a "dry" consistency Refer to the foam machine equipment manufacturer manuals and the surfactant's label for specific instructions.

REMEDIAL AND PREVENTATIVE WOOD TREATMENTS

FOR EXPOSED WOOD SURFACES: For infested wood, or preventive treatment of wood, that has exposed surfaces, e.g. in basements, crawl spaces, decks, sheds, siding, or fences, treat by dipping, spray, brush, or foam. When spraying, apply as a coarse spray with low-pressure equipment. Finacide LQ is not intended for use a fine spray in low-volume or high pressure spray equipment. Include joists, sill plates, studs, girders, piers, base plates, etc. Wood must be clean and not treated with a surface covering. If using on treated surfaces, sand or strip before treating. If not all surfaces of the wood are accessible, apply a second coat to the accessible surfaces after at least 20 - 30 minutes. Wood containing an active infestation may also be treated by injection. Use entries to galleries, or drill holes into wood where galleries are expected, and inject prepared solution until runoff is seen from exit holes. Exterior wood surfaces should have at least 48 hours without exposure to rain. Continued exposure to rain or other wetting will reduce the duration of effectiveness. Once completely dry, which might take 1 - 4 weeks depending on local conditions, wood should be protected from moisture by sealing with a water resistant stain or sealer, or by covering. Annual inspection is advised.

Lumber, logs, etc. treated by dipping should be immersed for one minute then removed and allowed to dry. If bundled, use spacers to allow access to all surfaces of all pieces of wood. Protect treated wood from rain or snow for at least 24 - 48 hours.

FOR COVERED WOOD: For wood that is not exposed, drill small holes adjacent to studs and/or along baseboards (or remove baseboards and drill through wall covering). Holes should be no less than 2 feet apart. Spray or apply foam into wall void to thoroughly wet all wood surfaces. If the void is empty, foam will be most effective and should be applied to fill the void and contact all surfaces. If insulation is present, this may affect distribution of spray, and it may be necessary to displace or remove insulation before treatment. Foam insulation may be injected and surface sprayed.

FOR FLOORING: Finished flooring must first be stripped or sanded. Once the surface is clean and open, apply by brush, roller, or spray. Allow to dry at least 48 - 72 hours. Water-based treatment as described may raise flooring grain, so an additional light sanding might be required before refinishing. If residue or tackiness is found after 72 hr., wipe the floor lightly with a sponge or mop, and allow to dry. Once dry to touch, with no tackiness, sand lightly if required, apply a new finish.

PRETREATMENT OF WOOD BEFORE CONSTRUCTION

(FINACIDE LQ IS NOT REGISTERED FOR PRETREATMENT OF WOOD IN THE STATE OF FLORIDA)

Pre-treatment of homes or other wood-framed buildings under construction can protect from future infestation with Formosan, subterranean, drywood, and dampwood termites; carpenter ants; old house borers; powderpost and other wood-boring beetles; and wood decay fungi. Pretreatment should be done when access to wooden structural components is optimized, such as the "dried-in" stage when sheathing and roofing are in place, but before installation of wiring, plumbing, and other mechanical components.

Prepare solution as described above in "PREPARATION OF AQUEOUS TREATMENT SOLUTION" section, or prepare foam as described above in "PREPARATION OF FOAM TREATMENT MIXTURE" section. Apply 1 gallon of solution or foam equivalent (i.e. the foam resulting from 1 gallon of solution) per 108 square feet of surface treated. Wood surfaces should not be free any water-resistant cover. Brush or spray to wetness an uninterrupted band on all wood surfaces at least 2 feet up and 2 feet in from the base perimeter of the wood structure, as

well as all wood with vertical access to soil. When spraying, apply as a coarse spray with low-pressure equipment. Finacide LQ is not intended for use a fine spray in low-volume or high pressure spray equipment. Also treat all wood in a 2-foot band along planned plumbing pipe routes in plumbing walls, and adjacent to cut-outs or conduits for plumbing, heating, wiring, or other mechanical components which may lead to contact with or proximity to soil. For wood where the 2 broadest surfaces are not both accessible, apply a second coating at least 20 - 30 minutes later. For voids where the interior is not accessible, drill small holes no more than 2 feet apart and spray into the interior, or better, fill the void with foam.

For optimal protection spray or brush all the wood surfaces of the entire first storey of the framing, joists, and subfloors.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in a dry place. Do not store where children or animals may gain access. After prolonged storage shake container before opening and mixing.

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

For Paper or Plastic Bags: Completely empty bag into application equipment. Then dispose of empty bag in a sanitary landfill or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

For Plastic Containers: Do not reuse empty container. Triple rinse container, then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

For Mini-bulk Refillable Containers: Return to Schirm USA, Inc. If not returned or refilled, do not reuse container. Triple rinse, then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill or by incineration, or, if allowed by Sate and local authorities, by burning. If burned, stay out of smoke.

DISCLAIMER

IMPORTANT:

Read the entire Label including this disclaimer, Risks of Using this product, Limited Warranty, and Limitation of Liability before using this product.

Seller makes no warranty expressed or implied, concerning the use of this product other than as indicated on the label. Buyer assumes all risk of use and/or handling of this material when use and/or handling is contrary to label instructions. Because of many varying conditions affecting use and application, manufacturer warns complete prevention of decay by fungi or other organisms is not guaranteed.

Neither manufacturer nor seller shall be liable in respect to any injury or damages suffered by reason of the use of this product for a purpose not indicated by the label, or when used contrary to the directions or instructions herein, nor with respect to breach of any warranty not expressly specified herein.

Buyer assumes all risks associated with the use of this product in any manner or under conditions not specifically directed or approved on the label.

LIMITED WARRANTY

Schirm warrants only that this product conforms to the description on the label and is reasonably fit for the purpose stated in the label, under average use conditions, when used strictly in accordance with the label.

Product of Italy

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D. O'Shaughnessy Consulting, Inc.

Jan. 31, 2006

Mr. Richard Gebken (PM 10)
US EPA, OPP, Registration Division (7505C)
Crystal Mall #2, Rm. 266A
1801 South Bell St.
Arlington, VA 22202

Dear Mr. Gebken,
NOTIFICATION, Finacide LQ, Reg. No. 39578-3 (addition of sprayer type restrictions for California)

Enclosed is a Notification to amend the subject product. Specifically, a restriction has been added to prohibit high-pressure, fine mist spraying of the product. This would be an extremely unlikely use pattern for a wood preserving product in any event. It is likely this qualifies as a "Non-Notification under PRN 98-10, however the State of California requires a formal record of the change in directions due to restrictions within that state. One of the 5 copies of labeling contains highlighted sentences to aid in review of this, should that be required. No statements other than the highlighted ones have been changed from the original registered label.

Documents enclosed include:

- application form
- Draft labeling (5 copies, 1 copy with changes highlighted)

If you have questions, please contact me at 973-726-4533 or by email at doconstl@earthlink.net.

Sincerely



Don O'Shaughnessy, Ph.D. DABT, DABFM
Agent for Schirm USA, Inc.

cc Denise Webster, CDPR

