

44757-20

07-25-2011

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

JUL 25 2011

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Irene Boone
Agent for Incide Technologies, Inc.
c/o Regulatory Services, Inc.
17220 Westview Road
Lake Oswego, OR 97034

Subject: **BOARD DEFENSE®**
EPA Registration No.44757-20
Application Date: July 11, 2011
Receipt Date: July 12, 2011

Dear Ms Boone:

This acknowledges receipt of your Notification submitted under the provision of PR Notice 2007-4, and FIFRA section 3(c) 9.

Proposed Notification:

Registrant is updating container handling per Agency letter of June 15, 2011.

General Comment:

Based on review of submitted materials, your notification to update the container handling instruction per PRN 2007-4 is acceptable and part of the records on file with this product.

Should you have any questions or comments concerning this letter, you may contact me by telephone at (703) 308-6416 or by e-mail at Campbell-Mcfarlane.Jacqueline@epa.gov or Glen McLeod by telephone at (703) 347-0181 or by e-mail at mcleod.glen@epa.gov. When submitting information or data in response to this letter, a copy of this letter should accompany the submission to facilitate processing.

Sincerely,

A handwritten signature in black ink, appearing to read "Jacqueline Campbell-McFarlane".

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



United States
Environmental Protection Agency
 Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number InCide Technologies Inc/44757-20	2. EPA Product Manager Wanda McFarlane	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) InCide Technologies Inc/Board Defense	PM# 34	
5. Name and Address of Applicant (Include ZIP Code) InCide Technologies Inc 50 North 41st Avenue Phoenix, AZ 85009-4618 <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: <input checked="" type="checkbox"/> EPA Reg. No. _____ Product Name _____	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____
<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.)

Notification of label change per PR Notice 2007-4. See attached statement and label. Non-PRIA action.
 (Revision of label per 6/15/2011 EPA letter (copy attached))

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input checked="" type="checkbox"/> Yes* <input type="checkbox"/> No	Unit Packaging <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Metal	<input checked="" type="checkbox"/> Plastic
				<input type="checkbox"/> Glass	<input checked="" type="checkbox"/> Paper
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	Other (Specify) _____	
		If "Yes" Package wgt	No. per container		
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 1,25,45,50,880, 1100 lbs.		5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled			<input checked="" type="checkbox"/> Other pressure _____		

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Irene Boone	Title Agent	Telephone No. (Include Area Code) 503/675-8525
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 <i>Irene Boone</i>	3. Title Agent for InCide Technologies Inc.	
4. Typed Name Irene Boone	5. Date July 11, 2011	

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REGULATORY SERVICES INC.

PRODUCT: Board Defense, EPA Reg. No. 44757-20
COMPANY: InCide Technologies, Inc., 50 North 41st Avenue, Phoenix, AZ 85009-4618
DATE: 07/11/2011
SUBJECT: Notification of label change per PR Notice 2007-4

This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA regulations at 40 CFR § 156.10, 156.140, 156.144, 156.146 and 156.156. No other changes have been made to the labeling or Confidential Statement of Formula for 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 the amended label is not consistent with the requirements of 40 CFR § 156.10, 156.140, 156.144, 156.146, and 156.156, 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.

Irene Boone
Agent for InCide Technologies, Inc.

BOARD DEFENSE®

TERMITICIDE, INSECTICIDE and FUNGICIDE CONCENTRATE

FOR PROTECTION AND TREATMENT OF WOOD AND WOOD-FOAM COMPOSITE STRUCTURAL COMPONENTS, AGAINST DECAY FUNGI AND WOOD-DESTROYING INSECTS, AND CELLULOSE INSULATION (PAPER-BASED) AGAINST DECAY FUNGI. ALSO CONTROLS SUCH PESTS IN INFESTED WOOD.

PRECAUTIONARY STATEMENTS:

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Harmful if swallowed. Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash hands before eating, drinking, chewing gum, using tobacco or the toilet.

PERSONAL PROTECTION EQUIPMENT STATEMENT

- Applicators and other handlers must wear:
- Long-sleeved shirt and long pants
 - Chemical-resistant gloves (such as waterproof gloves)
 - Shoes plus socks
 - NIOSH/MSHA Certified Respirator

FIRST AID

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 induce vomiting unless told to do so by a poison control center or doctor. Do not give anything by mouth to an unconscious person.

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.

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 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 eye. Call a poison control center or doctor for treatment advice.

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

ENVIRONMENTAL HAZARDS

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 when disposing of equipment washwaters or rinsate.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in a dry place. Do not store where children or animals may gain access.

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. Offer for recycling, if available. (Bag sizes only): Completely empty bag into application equipment. Then offer for recycling, or dispose of bag in a sanitary landfill or if allowed by state and local authorities, by burning. If burned, stay out of smoke. (Less than 50 lb. rigid container): Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or mix tank. Fill the container 1/2 full with water and recp. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times.

(50 lbs and over rigid container): Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/2 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times.

DIRECTIONS FOR USE

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

BOARD DEFENSE® is water soluble inorganic borate salt for the protection and treatment of lumber and wood-foam composite structural components against decay fungi and wood boring beetles including Powder Post Beetles (*Lycidae*), Furniture Beetles and Old House Borer (*Anobidae*), and Longhorn Beetles (*Cerambycidae*), and cellulose insulation (paper-based) against decay fungi. This treatment is not effective against wood staining fungi and may require mixing with compatible products. BOARD DEFENSE® also controls Subterranean Termites (*Reticulitermes*, *Coptitermes*, *Heterotermes*), Dampwood Termites (*Zootermopsis*), Drywood Termites (*Kaloterms*, *Incisitermes*), and Carpenter Ants (*Caponotus*). BOARD DEFENSE® is recommended for all interior and exterior wood, wood-foam composite structural components, and cellulose insulation, which will be protected from rain and not in direct contact with soil. The treatment of lumber and cellulose insulation is permanent even after cutting and finishing providing the wood or insulation is not exposed to moisture or in contact with soil. This product is toxic to wood destroying insects but surface etching of treated wood, wood-foam composite structural components may occur.

REMEDIAL TREATMENT

For remedial control of organisms attacking wood, apply a 10% aqueous solution of BOARD DEFENSE® (1 lb./gallon solution). Solution may be applied by brush or spray until surface thoroughly wetted (approximately 7-10 gallons per 1000 sq. ft.). For timbers 2 inches in thickness or greater, apply a second application 6 to 24 hours after the initial treatment. Application may also be made by drilling and then injecting the solution directly into the infested area. Inject a sufficient amount of solution to cause runoff from exit holes drilled into the infested member. Alternatively, apply BOARD DEFENSE® dust to infested member by drill and injection directly into galleries or dust wood surfaces and wall voids at a rate of 2 to 3 pounds per 100 sq. ft.

PREPARATION OF SOLUTION: To prepare solution described above, water should be added to the tank to about 80% of the final volume solution required. While agitating, 1.0 pound of BOARD DEFENSE® is then gradually added for each gallon of treating solution that is required. The remaining water is then added and the solution is agitated until the product has dissolved.

PRE-TREATMENT

Wood, wood-foam composite structural components may be treated to prevent infestation of attacking organisms using the spray application method described above. For timbers 2 inches in thickness or greater apply a second application 6 to 24 hours after the first. Cellulose insulation may be treated to prevent infestation of attacking decay fungi by applying a 10% aqueous solution of BOARD DEFENSE® (1 lb./gallon solution) by spraying surfaces uniformly during production or application (approximately one gallon per 500 pounds of cellulose insulation). Current InCide® Technologies, Inc. specifications and test methods should be followed to ensure adequate chemical loading.

ACTIVE INGREDIENT

Sodium Octaborate Tetrahydrate 98%
(Na₂B₈O₁₃•4H₂O)

INERT INGREDIENT 2%

TOTAL 100%

KEEP OUT OF REACH OF CHILDREN

CAUTION

See Side Panel for Additional Precautionary Statements and

Practical Treatment

NOTICE

Because of many varying conditions affecting use and application, manufacturer warns buyer that these may impair or vary the results or effects of the use of this product. In any event, 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 damage 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 hereon nor with respect to breach of any warranty not expressly specified herein. Buyer accepts this material subject to these terms, and assumes all risk of usage and handling except when used or handled in accordance with the label. Neither manufacturer nor seller makes, and their employees and agents are not permitted to make, any representation or warranties, express or implied by law, not specifically set forth herein.

Net Contents: _____ lbs.

InCide
TECHNOLOGIES, INC.

50 North 41st Avenue
Phoenix, AZ 85009-4618
1-800-777-4569
Made in U.S.A.

EPA Reg. No. 44757-20 EPA Est. No. 44757-AZ-1

BATCH CODE

NOTIFICATION
Date Performed: 9/25/11
Reviewed By: [Signature]

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