

64405-3

03/29/2011

1/7



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

OFFICE OF  
CHEMICAL SAFETY  
AND POLLUTION PREVENTION

Ms. Kim Davis  
Nisus Corporation  
c/o RegWest Company, LLC  
8203 West 20<sup>th</sup> St., Suite A  
Greeley, CO 80634-4696

MAR 29 2011

Subject: Label Notification(s) for Pesticide Registration 2007-4 & PR Notice 98-10

Dear Ms. Davis:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated for June 9, 2010:

**EPA Registration Number: 64405-3      Bora-Care® Manufacturing Concentrate**

The Registration Division (RD) has conducted a review of this request for applicability Under PRN 2007-4 and finds that the label change(s) requested falls within the scope of PRN-2007-4. The label has been date-stamped "Notification" and will be placed in our records.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identifying the batch of the pesticide distributed and sold be placed on non-refillable containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions, please contact Melody Banks on 703 305-5413.

Sincerely,

Mark Suarez  
Product Manager 13  
Insecticide Branch  
Registration Division (7504P)

United States <b>Environmental Protection Agency</b> 1200 Pennsylvania Avenue, N.W. Washington, DC 20460-0001	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other	OPP Identifier Number  <b>Notification</b>
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**Application for Pesticide – Section I**

1. Company/Product Number <p style="text-align: center;"><b>EPA Reg. No. 64405-3</b></p>	2. EPA Product Manager <p style="text-align: center;"><b>Richard Gebken</b></p>	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/ Product (Name) <p style="text-align: center;"><b>Bora-Care® Manufacturing Concentrate</b></p>		PM # <p style="text-align: center;"><b>10</b></p>
5. Name and Address of Applicant (Include ZIP Code) <b>Nisus Corporation</b> <b>c/o RegWest Company, LLC</b> <b>8203 West 20<sup>th</sup> St., Suite A</b> <b>Greeley, CO 80634-4696</b>  <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. _____  Product Name _____

**Section – II**

<input type="checkbox"/> Amendment – Explain below. <input type="checkbox"/> Resubmission in response to Agency letter dated _____ <input checked="" type="checkbox"/> Notification – Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____ <input type="checkbox"/> "Me Too" Application. <input type="checkbox"/> Other – Explain below.
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**Explanation:** Use additional page(s) if necessary. (For Section I and Section II.)

**Submit Label Revision Notification per PR Notices 98-10 and 2007-4.**

*This notification is consistent with the provisions of PR Notices 98-10 and 2007-4 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 the EPA. I further understand that if this notification is not consistent with the terms of PR Notices 98-10 and 2007-4 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.*

**Section – III**

1. Material This Product Will Be Packaged In:					
Child Resistant Packaging <input type="checkbox"/> Yes* <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	2. Type of Container <input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify): _____		
*Certification must be submitted		If "Yes" Unit Packaging Wt.	No. Per Container	If "Yes" Packaging Wt.	No. Per Container
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions <input 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"/> Stenciled <input type="checkbox"/> Paper glued <input type="checkbox"/> Other _____					

**Section - IV**

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application).		
Name  <p style="text-align: center;"><b>Kim Davis</b></p>	Title  <p style="text-align: center;"><b>Consultant/Agent</b></p>	Telephone No. (Include Area Code) <p style="text-align: center;"><b>970.353.0611</b></p> <p style="text-align: center;"><b>kim@regwest.com</b></p>

**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 <p style="text-align: center;"><b>(Stamped)</b></p>
2. Signature 	3. Title  <p style="text-align: center;"><b>Consultant/Agent</b></p>	
4. Typed Name  <p style="text-align: center;"><b>Kim Davis</b></p>	5. Date  <p style="text-align: center;"><b>July 16, 2010</b></p>	

DUPES! (3/7)

FedEx

FTN 8721 0043 8190

### Label Revision Notification



July 16, 2010

Mr. Richard Gebken, Product Manager 10  
Document Processing Desk  
Office of Pesticide Programs – 7504P  
**U.S. Environmental Protection Agency**  
One Potomac Yard (South Building), Room S-4900  
2777 South Crystal Drive  
Arlington, VA 22202

Dear Mr. Gebken:

**Subject:** Nisus Corporation  
Bora-Care® Manufacturing Concentrate  
EPA Reg. No. 64405-3

On behalf of **Nisus Corporation**, RegWest Company, LLC is submitting the attached documents per PR Notices 98-10 and 2007-4. RegWest Company will act as sole agent in this endeavor.

In addition to the 98-10 and 2007-4 PR Notices changes, we are deleting the "General Information" and updating it with "Product Information" and updating previous warranty information. Please refer to the *Reference Label* for an illustration of all revisions.

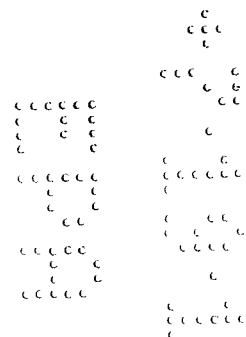
Please contact me at 970.353.0611 or kim@regwest.com if you have any questions or comments concerning this submission.

Regards,  
**RegWest Company, LLC**

Kim Davis,  
Consultant/Agent

Attachments

cc: NIS – Kintz-Early, J.



4/7

# Bora-Care® Manufacturing Concentrate

Fungicide, Insecticide and Termiticide Concentrate

An Insecticide Only for Manufacturing/Formulating Use

For Formulation into End-Use Pesticides for the Prevention and Control of  
Algae, Carpenter Ants, Fungi (Mold and Rot), Termites and Wood Destroying Beetles

**Active Ingredient:**

Disodium Octaborate Tetrahydrate (CAS No. 12280-03-4) ..... 40%

**Other Ingredients** ..... 60%

**Total** ..... 100%

Density: 11.51 pounds per gallon

EPA Reg. No. 64405-3

EPA Est. 64405-TN-1

Keep Out of Reach of Children

## CAUTION

See back panel for First Aid and additional Precautionary Statements

Net Contents: \_\_\_ gal. (\_\_\_ lt.)

Net Wt: \_\_\_ lbs. (\_\_\_ kl.)

{Back Panel}

### First Aid

Borate Pesticide

<b>If on Skin or Clothing</b>	<ul style="list-style-type: none"> <li>• Take off contaminated clothing.</li> <li>• Immediately rinse skin with plenty of water for 15-20 minutes.</li> </ul>
<b>If in Eyes</b>	<ul style="list-style-type: none"> <li>• Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li> <li>• Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.</li> </ul>
<p>Call a poison control center or doctor for further treatment advice. Have the product container or label with you when calling a poison control center or doctor, or going for treatment. [You may also contact 1-800-424-9300 for emergency medical treatment information.]</p>	

*{Note: The first aid statements' grid format will be used if market label space permits; otherwise a paragraph format will be used.}*

## PRECAUTIONARY STATEMENTS

### Hazards to Humans & Domestic Animals

**CAUTION:** Harmful if absorbed through skin. Causes moderate eye irritation. Avoid contact with skin, eyes or clothing. Thoroughly wash with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

### Environmental Hazards

This pesticide is toxic to fish and wildlife. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or other water 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.

**Notice**

Read and understand the entire label before using. Use only according to label directions.

Before buying or using this product, read **Warranty Disclaimer and Limitation of Remedies** 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 Disclaimer and Limitation of Remedies**.

**DIRECTIONS FOR USE**

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

**Product Information**

This concentrate is only for formulating use. Formulators using this product are responsible for obtaining EPA registration of their products. **Bora-Care Manufacturing Concentrate**, when formulated into end-use products for use on cellulosic and non-cellulosic materials, is an innovative termiticide, insecticide and fungicide that eliminates existing infestations and provides long-term protection against termites, beetles, borers, Carpenter ants, rots and wood decay and other fungi and molds.

This product may be used to formulate products for specific use(s) not listed on this label if the formulator, user group, or grower has complied with U.S. EPA submission requirements regarding support of such use(s).

[This product may be used to formulate products for any additional use(s) not listed on this label if the formulator, user group, or grower has complied with U.S. EPA submission requirements regarding support of such use(s).]

*{For product in refillable containers:}*

**Storage and Disposal**

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

**Pesticide Storage:** Store in original container in a preferably locked storage area inaccessible to children and pets. Do not freeze. **Pesticide Disposal:** Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility. **Container Management:** Refillable container; refill this container only with Bora-Care Manufacturing Concentrate. Do not reuse this container for any other purpose. Cleaning the container before refilling is the responsibility of the refiller; cleaning before final disposal is the responsibility of the person disposing of the container. To clean the container before final disposal, empty the remaining contents from this container into application equipment or mix tank. Fill the container about 10% full with water, then vigorously agitate or recirculate water with the pump for 2 minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure 2 more times, then offer for recycling, if available, or reconditioning, if appropriate; or puncture and dispose of in a sanitary landfill.

*{For product packaged in rigid, non-refillable containers less than or equal to 5 gallons:}*

**Storage and Disposal**

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

**Pesticide Storage:** Store in a cool, dry (preferably locked) storage area inaccessible to children and pets. Do not freeze. **Pesticide Disposal:** Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility. **Container Management:** Non-refillable container; do not reuse or refill this container. Triple rinse (or equivalent) container promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. 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, then offer for recycling, if available; or reconditioning, if appropriate; or puncture and dispose of in a sanitary landfill.

{For product packaged in rigid, non-refillable containers greater than 5 gallons:}

**Storage and Disposal**

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

**Pesticide Storage:** Store in a cool, dry (preferably locked) storage area inaccessible to children and pets. Do not freeze. **Pesticide Disposal:** Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility. **Container Management:** Nonrefillable container; do not reuse or refill this container. Triple rinse (or equivalent) container promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container ¼ 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. Then offer for recycling, if available; or reconditioning, if appropriate; or puncture and dispose of in a sanitary landfill.

{The Batch Code or Lot Number will appear either on the container or labeling per PR Notice 2007-4.}

**Warranty Limitations and Disclaimer**

Manufacturer warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the label when used in strict accordance with the directions, subject to the inherent risks set forth below. To the extent not prohibited by applicable law, **MANUFACTURER MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.**

**Inherent Risks of Use**

The directions for use of this product are believed to be adequate and must be carefully followed. It is impossible to eliminate all risks associated with use of this product. Lack of performance or other unintended consequences may result because of such factors as use of the product contrary to label instructions, abnormal conditions, the presence of other materials, climatic conditions or the manner of use/application, all of which are beyond the control of the Manufacturer. The buyer/user assumes all such risks.

**Limitation of Remedies**

To the extent not prohibited by applicable law, the exclusive remedy for losses or damages resulting from this product (including claims based on contract, negligence, strict liability or other legal theories) shall be limited to, at Manufacturer's election, one of the following:

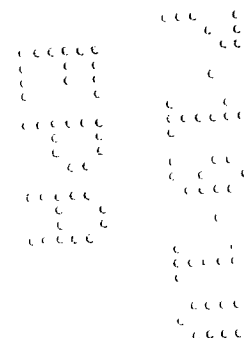
1. Refund of purchase price paid by buyer or user for product bought, or
2. Replacement of amount of product used.

To the extent not prohibited by applicable law: a) Manufacturer shall not be liable for losses or damages resulting from handling or use of this product unless Manufacturer is promptly notified of such loss or damage in writing; and b) **IN NO CASE SHALL MANUFACTURER BE LIABLE FOR CONSEQUENTIAL OR INCIDENTAL DAMAGES OR LOSSES, INCLUDING WITHOUT LIMIT, HEALTH RELATED DAMAGES OR INJURIES.**

The terms of this **Warranty Disclaimer** and **Limitation of Remedies** cannot be varied by any written or verbal statements or agreements. No employee or sales agent of Manufacturer or the seller is authorized to vary or exceed the terms of this **Warranty Disclaimer** or **Limitation of Remedies** in any manner.



100 Nisus Drive  
Rockford, TN 37853  
(800) 264-0870



**Bora-Care® is a Registered Trademark of Nisus Corporation**

**Made in the U.S. A.**

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[ ] Denotes optional/alternate language

{ } Denotes language that will not appear on market labeling

