

64405-5

1-11-2002

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Please read instructions on reverse before completing form.

Form Approved. OMB No. 2070-0060.

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
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**Application for Pesticide - Section I**

1. Company/Product Number <b>EPA Reg. No. 64405-5</b>	2. EPA Product Manager <b>Ann Sibold</b>	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) <b>RTU Wood Preservative/Pesticide</b>	PM # <b>10</b>	
5. Name and Address of Applicant (Include ZIP Code) <b>Nisus Corporation c/o RegWest Company 30856 Rocky Road Greeley, CO 80631-9375</b>	6. Expedited Review. In accordance with FIFRA Section 3(c)(3)(b)(i) my product is similar in composition and labeling to: <b>NOTIFICATION</b> EPA Reg. No. <u>JAN 11 2002</u> Product Name _____	

Check if this is a new address

**Section - II**

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated <b>07/08/96</b>
<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.)

**Submit label revision notification per PR Notice 98-10.  
(Please refer to attached "Notification Discussion")**

*This notification is consistent with the provisions of PR Notice 98-10 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 Notice 98-10 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:				2. Type of Container	
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		<input type="checkbox"/> Metal	<input type="checkbox"/> Plastic
<b>*Certification must be submitted</b>	If "Yes" Unit Packaging Wgt.	No. Per Container	If "Yes" Packaging Wgt.	No. Per Container	<input type="checkbox"/> Glass
					<input type="checkbox"/> Paper
					<input type="checkbox"/> Other (Specify): _____
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 <b>Kim Davis, CC, APC</b>	Title <b>Consultant/Agent</b>	Telephone No. (Include Area Code) <b>(970) 353-0911</b>

**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  
(Stamp)  
**(Stamped)**

2. Signature 	3. Title <b>Consultant/Agent</b>
4. Typed Name <b>Kim Davis, CC, APC</b>	5. Date <b>November 29, 2001</b>

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**NOTIFICATION DISCUSSION**

Product Name:  
RTU Wood Preservative/Pesticide

EPA Reg. No.:  
64405-5

Date of Notification:  
November 29, 2001

Refer to Reference Label

Description of Revision	Comments
<b>Page 1 of 5</b>	
Added: Exclusive Refillable Container+	Subregistrant intends to market product in a pump-up pressure garden-type sprayer container that can be refilled. Subregistrant also intends to market product in the containers that can be used to refill the sprayer container.
Added: New! Indoor-Outdoor Patented Formula	NEW! will be used only for six months after product's introduction into the market place. Other verbiage is taken from language on current stamped accepted label.
Added: Guaranteed Results*	Subregistrant is adding a money-back guarantee.
Added: Kills & Prevents Termites, Carpenter Ants, Powderpost Beetles, Old House Borers, Longhorn Beetles	Rearrangement of language on current stamped accepted label.
Changed: Powder Post Beetles To: Powderpost Beetles	Corrected spelling error
Added: Prevents Wood Decay to All Decks, Fences, Flooring, Homes	This product is similar in application rate(s) to Bora-Care (EPA Reg. No. 64405-1). The added verbiage is very simply identifies types of wood structures and is similar to existing approved verbiage on the Bora-Care label.
Added: Keep Termites Out with {Product Brand Name}	Merely another way of rephrasing "Elimination of Termites" which is on the current stamped accepted label.
Added: Easy-To-Use Spray or Brush On	Spray or brush on is revised verbiage taken from current stamped accepted label.
Added: Easy, No Mess Applicator	Descriptive of the market container with sprayer attachment
Added: Apply to all untreated bare wood surfaces!	Taken from current stamped accepted verbiage.
Added: Clear, Odorless Formula	Taken from current stamped accepted verbiage with substitution of "clear" for "colorless."
Added: Patent Numbers	Per patent attorney's recommendation.
<b>Page 2 of 5</b>	
Added: Clear	As another way of stating "colorless."
Added: T/this product	To be used in lieu of product brand name.
Revised the Disposal directions	Per PR Notice 2001-6.
<b>Page 3 of 5</b>	
Added: T/this product	To be used in lieu of product brand name.
Added: Clear	As another way of stating "colorless."
<b>Page 4 of 5</b>	
Added: +Refill only with {identify acceptable product(s) by brand/trade name(s)}	To go with front panel statement "Exclusive Refillable Container+."
Added: *Guarantee: If for any reason you are not satisfied with this product, mail receipt and proof of purchase to [the] {Company Name} for a refund double your purchase price.	To go with the front panel statement "Guaranteed Results*."
Added: Sprayer Directions section	The current approved verbiage states the product may be applied by brush or with a low pressure garden-type sprayer (page 3 of 5). These directions are being added pursuant to PR Notice 98-10 (Section II.E. Changes in Packaging and Related Labeling Statements) to provide adequate instructions on using the product in its market container.
<b>Page 5 of 5</b>	
Continuation of Sprayer Directions section	
Added: Sprayer Precautions section	Same comment as for Sprayer Directions section addition.

**NOTIFICATION**  
JAN 11 2002

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# RTU WOOD PRESERVATIVE/PESTICIDE

[Exclusive Refillable Container+]  
[NEW!] Indoor-Outdoor Patented Formula  
[Guaranteed Results\*]

A Penetrating Broad Spectrum Wood Preservative for the Protection and Treatment of Wood Against Decay, Termites, Carpenter Ants and Wood Boring Beetles.

A Ready-to-Use Borate Termiticide, Insecticide and Fungicide for the Elimination and Prevention of Termites, Carpenter Ants, Wood Boring Beetles and Wood Decay Fungi

A Penetrating Broad Spectrum Wood Preservative and Ready-to-Use Borate Termiticide, Insecticide and Fungicide for the Protection and Treatment of Wood to Kill, Eliminate, Prevent and Control Decay, Termites, Carpenter Ants and Wood Boring Beetles.

Kills & Prevents Termites, Carpenter Ants, Powderpost Beetles, Old House Borers, Longhorn Beetles

Prevents Wood Decay to All Decks, Fences, Flooring, Homes . . .

Keep Termites out with {Product Brand Name}

Easy-To-Use Spray or Brush On  
[Easy, No Mess Applicator]  
Apply to All Untreated Bare Wood Surfaces!

Clear, Odorless Formula

**Active Ingredient:**

Disodium Octaborate Tetrahydrate (Na <sub>2</sub> B <sub>8</sub> O <sub>13</sub> •4H <sub>2</sub> O) .....	8.5%
<b>Other Ingredients</b> .....	91.5%
<b>Total</b> .....	100.0%

EPA Reg. No. 64405-5

EPA Est. 64405-TN-1

Density: 8.87 pounds per gallon

Keep Out of Reach of Children

**CAUTION**

See other panels [booklet] for additional precautionary statements.

**Net Contents:** 1 GALLON (3.78 LITERS)  
2.5 GALLONS (18.9 LITERS)

**Net Weight:** 8.87 POUNDS (4.02 KILOS)  
22.18 POUNDS (10.06 KILOS)

**NISUS CORPORATION**

215 Dunavant Drive  
Rockford, TN 37853  
(423) 577-6119

U.S. Patent Nos. 5,104,664; 5,296,240; 5,460,816; 5,645,828

RTU WOOD PRESERVATIVE/PESTICIDE is a trademark of Nisus Corporation

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**PRECAUTIONARY STATEMENTS**

**Hazards to Humans and Domestic Animals**

**CAUTION:** Harmful if swallowed or absorbed through the skin. Causes eye irritation. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling.

**Personal Protective Equipment (PPE)**

Applicators and other handlers must wear: Long-sleeved shirt and long pants; chemical-resistant or water repellent gloves; and shoes plus socks. Follow manufacturer's instructions for cleaning and maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

**First Aid**

<b>If Swallowed</b>	<ul style="list-style-type: none"> <li>• Call a poison control center or doctor immediately for treatment advice.</li> <li>• Have person sip a glass of water if able to swallow.</li> <li>• Do not induce vomiting unless told to do so by the poison control center or doctor.</li> <li>• Do not give anything by mouth to an unconscious person.</li> </ul>
<b>If on Skin or Clothing</b>	<ul style="list-style-type: none"> <li>• Take off contaminated clothing.</li> <li>• Rinse skin immediately with plenty of water for 15-20 minutes.</li> <li>• Call a poison control center or doctor for treatment advice.</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> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<p>Have the product container or label with you when calling a poison control center or doctor, or going for treatment. [You may also contact 1-800-525-9083 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.}

**User Safety Recommendations**

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- 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.

**Environmental Hazards**

Do not apply directly to water, 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 wash waters or rinsate.

- ◆Odorless    ◆Highly Effective    ◆Colorless [Clear]    ◆Low Toxicity

**RTU Wood Preservative/Pesticide** [This product] is a patented formulation of boron compounds with additives that allow the active ingredient to penetrate throughout wood. **RTU Wood Preservative/Pesticide** [This product] offers far greater wood protection than [other] preservatives that treat only the surface.

- ◆ Use **RTU Wood Preservative/Pesticide** [this product] to eliminate wood destroying insects and wood rot.
- ◆ Use **RTU Wood Preservative/Pesticide** [this product] to prevent wood decay and insect damage to all interior and exterior wood.
- ◆ [**RTU Wood Preservative/Pesticide**] [This product] P/prevents and controls:

Wood Rot and Decay Fungi  
Anobiid Beetles

Subterranean Termites  
Old House Borers

Drywood Termites  
Longhorn Beetles

Powderpost Beetles  
Carpenter Ants

**DIRECTIONS FOR USE**

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

**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. Protect from freezing. **Disposal:** **If empty:** Do not reuse this container. Place in trash or offer for recycling if available. **If partly filled:** Call your local solid waste agency or 1-800-CLEANUP for disposal instructions. Never place unused product down any indoor or outdoor drain.

**Safe Handling Procedures**

Spills and over-spray may be cleaned with a damp cloth or absorbed with appropriate materials. When applying this product in confined spaces, it is recommended that ventilation or an exhaust system be provided. If this is impractical, the use of a NIOSH approved respirator designed for protection from organic vapors is recommended.

[For Use as a Wood Preservative:]

**Surface Preparation**

Apply only to bare, dry wood. Remove any previous finishes or water repellents before applying **RTU Wood Preservative/Pesticide** [this product]. Surfaces to be treated should be clean and free of dirt and other contaminants. If the finished appearance is a primary concern, mold and mildew should also be removed prior to application of **RTU Wood Preservative/Pesticide** [this product]. If detergents or cleaners are used to prepare the surface, rinse thoroughly and allow surface to dry prior to application of **RTU Wood Preservative/Pesticide** [this product].

**Coverage**

One (1) gallon of **RTU Wood Preservative/Pesticide** [this product] will treat between 150 to 250 square feet of wood surface area (one coat). Actual coverage will vary, depending on the surface texture and porosity of the wood being treated.

**Application Instructions**

Apply one (1) coat of **RTU Wood Preservative/Pesticide** [this product] to all exposed sides of lumber or plywood. For lumber thicker than one (1) inch, apply a second coat after the first has been absorbed. Wait at least 20 minutes between applications.

[**RTU Wood Preservative/Pesticide**] Treated exterior wood should not be exposed to rain or snow for at least 24 hours after treatment. If necessary, cover freshly treated exterior wood with a tarp.

**Maintenance of Treated Surfaces**

**RTU Wood Preservative/Pesticide** [this product] should be applied annually to exterior unfinished bare wood surfaces. For longer protection, exterior wood surfaces that have been treated with **RTU Wood Preservative/Pesticide** [this product] may be subsequently coated with a water-resistant finish such as paint or exterior stain. Interior surfaces do not require coating except in situations involving repeated moisture contact or high humidity, such as shower stalls, bathhouses, saunas, etc. It is important to allow **RTU Wood Preservative/Pesticide** [this product] to completely dry (at least 24 hours) before applying any protective finish. The finish or topcoat should be applied within two (2) weeks of treatment. Although a wide variety of paints and stains have been successfully used over [**RTU Wood Preservative/Pesticide**] treated wood, it is always a good idea to coat a small section of treated wood with the finish to be used and check for compatibility prior to complete application.

**Cleanup**

Use soap and water to clean up tools.

[For Use as a Pesticide:]

[Authorized by the USDA for Use 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.

The use of this product in food processing establishments should be confined to time periods when the plant is not in operation. Food 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, wash all equipment, benches, shelving, etc., where exposed food will be handled thoroughly with an effective cleaning compound and rinse with potable water.]

**RTU Wood Preservative/Pesticide** [This product] should be applied only to bare wood or to wood surfaces where an intact water-repellent barrier is not present. **RTU Wood Preservative/Pesticide** [This product] is a ready-to-use product. This product may be brush applied directly from the container or applied with a low-pressure garden-type sprayer. Small wooden items may also be treated by dipping. Return unused product to original container and seal tightly. Always clean and/or flush equipment and lines with water after use.

- ◆Odorless ◆Highly Effective ◆Colorless [Clear] ◆Low Toxicity

**RTU Wood Preservative/Pesticide** [This product] is an innovative termiticide, insecticide and fungicide that eliminates existing infestations and provides long-term protection against wood destroying organisms such as:

- |                          |                       |                  |                    |
|--------------------------|-----------------------|------------------|--------------------|
| Wood Rot and Decay Fungi | Subterranean Termites | Drywood Termites | Powderpost Beetles |
| Anobiid Beetles          | Old House Borers      | Longhorn Beetles | Carpenter Ants     |

**RTU Wood Preservative/Pesticide** [This product] is applied to wood and is particularly suited for use in situations where odor, chemical sensitivity and environmental contamination are of concern. **RTU Wood Preservative/Pesticide** [This product] will both eliminate and prevent infestations of wood destroying insects, such as subterranean and drywood termites, wood boring beetles, carpenter ants and decay fungi.

This product is not a contact poison. Since the active ingredient in this product must be consumed by the infesting insects, it may take several days for the infestation to be completely eliminated.

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**I. Treatment to Control Active Infestations**

Apply this product to the point of runoff to all infested wood. Always apply two (2) coats to all surfaces, waiting at least 20 minutes between applications. In areas where access is limited to one (1) or two (2) sides of a wood member, apply multiple coats of this product to the exposed surfaces.

Infested wood should be treated by spraying all surfaces and/or injecting this product into beetle holes, termite and carpenter ant galleries and decay pockets. In cases where the infestation is not accessible from the surface, small holes may be drilled into the wood in order to gain access to insect galleries or infested areas. Inject enough solution to completely flood the infested area. Apply two (2) coats to all surfaces, waiting at least 20 minutes between coats.

Infested basements and crawl spaces should be treated by applying two (2) coats of this product to all wood surfaces including sill plates, piers, girders, subfloors, floor joists and any wood exposed to vertical access from the soil. Apply multiple coats of this product to wood where access is limited to one (1) or two (2) sides of wood members such as sills and plates on foundation walls. Wait at least 20 minutes between applications. Apply at a rate of approximately one (1) gallon of this product per 100 square feet of crawl space or basement floor area (approximately 200 sq. ft. of wood surface area).

Infested studs and headers in wall voids should be treated by spraying or misting this product into voids and channels in infested wood and/or through small holes drilled into baseboard areas or adjacent to the wood to be treated. Holes should be spaced no more than 16" apart and at least one (1) hole should be drilled between each wall stud when treating base plates. Use sufficient amount of material to cover all areas to the point of runoff. **Note:** If insulation is present in the wall void, it will have to be removed prior to treatment. If necessary, first remove dry wall or paneling and then the insulation. Spray studs and headers with this product, allow to dry, then replace insulation and wall. Apply two (2) coats to all surfaces, waiting at least 20 minutes between coats.

Treat infested attics by spraying all accessible wood surfaces including roof sheathing, ceiling joists, rafters and top plates to the point of runoff. Apply two (2) coats to all surfaces, waiting at least 20 minutes between coats. Apply at the rate of one (1) gallon of this product per 200 square feet of wood surface area.

**Note:** When spraying attics or overhead interior areas, cover all surfaces below the area being sprayed with plastic sheeting to prevent damage to ceiling boards, insulation or other materials. Do not apply in food serving areas while food is exposed.

**II. Preventive Treatment for Protection of New Wood**

Wood paneling, lumber and plywood can be treated either as received from the lumber yard, during the construction process or upon completion of construction. Treatment should be performed while the wood's surface is most accessible.

Apply one (1) coat of this product liberally to all exposed sides of lumber or plywood. For lumber thicker than one (1) inch, apply a second coat after the first has been absorbed. Wait at least 20 minutes between applications.

[RTU Wood Preservative/Pesticide] T/treated wood should not be exposed to rain or show for at least 24 hours after treatment. If necessary, cover freshly treated wood with a tarp.

**Maintenance of Treated Surfaces**

This product should be applied annually to exterior unfinished bare wood surfaces. For longer protection, exterior wood surfaces which have been treated with this product may be subsequently coated with a water-resistant finish such as paint or exterior stain. Interior surfaces do not require coating except in situations involving repeated moisture contact or high humidity, such as shower stalls, bath houses, saunas, etc. It is important to allow this product to completely dry (at least 24 hours) before applying any protective finish. The finish or topcoat should be applied within two (2) weeks of treatment. Although a wide variety of paints and stains have been successfully used over [RTU Wood Preservative/Pesticide] treated wood, it is always a good idea to coat a small section of treated wood with the finish to be used and check for compatibility prior to complete application.

**Cleanup**

Use soap and water to clean up tools.

[+Refill only with {identify acceptable product(s) by brand/trade name(s)}]

[\***Guarantee:** If for any reason you are not satisfied with this product, mail receipt and proof of purchase to [the] {Company Name} for a refund double your purchase price.]

{When the product is sold in a container with a garden-type pressure pump sprayer attachment the following directions/precautions will be included:}

**Sprayer Directions**

**1. Pressurize Sprayer**

Before first use, bend or break off shipping safety "tabs" located on each side of the pump rod. Align locking bar on pump handle with slots on top of pump to release handle for pumping. Pump 10-20 times for maximum pressure. Fewer pumps may be desirable to control spray in tight areas. Pump occasionally during application to maintain tank pressure and desired spray pattern. Do not overpressurize.

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## 2. Spraying

Position deflector shield on top of nozzle outlet for a fine fan spray to cover wider areas; rotate to bottom of nozzle outlet for a more precise, solid stream. Depress button to begin spraying. Slide button forward to lock on; press down and back to release to off.

## 3. Refilling Sprayer

Before opening, release any built-up pressure by turning tank upside down and opening valve. Then, turn sprayer upright, press down on pump handle and turn to left to remove pump assembly from tank. Add {identify acceptable product(s) by brand/trade name(s)} refill liquid. Replace pump, turning to right to seal.

## Cleaning/Maintaining Sprayer

Between uses, release pressure as described above. Detach sprayer hose from tank by turning hose connection cap to left. Lock on sprayer nozzle, hold end of hose under running water, and let clean water run through hose for 1-2 minutes. Drain water from hose, reattach to sprayer and place handle in built-in storage pocket. Apply a few drops of oil to pump rod, then pump several times to lubricate the rod. Store container in a cool, dark place between uses.

### Sprayer Precautions

- Always inspect your sprayer thoroughly before each use.
- Be sure hose is securely attached and in good condition before pressurizing tank.
- Discard if any worn or damaged parts are noticed.
- Always follow directions on this container. Read them thoroughly and follow carefully.
- Always wear such protective clothing as recommended on this label.
- Do not allow spray to reach people or animals.
- Always release air pressure before removing pump (see sprayer directions).
- Do not use this sprayer to apply any materials other than {identify acceptable product(s) by brand/trade name(s)}. Other materials could cause the container to weaken or corrode its working parts, which could lead to injury.
- Do not use mechanical devices to pressurize the tank. They can create excessive and dangerous pressure which could cause the tank to explode.
- Do not stand over pressurized tank while using or pumping it.
- Do not use solutions hotter than 105 degrees F.
- Always securely tighten the pump. An improperly tightened pump could be forcibly ejected and cause serious injury.
- Do not pressurize sprayer until ready to use. Do not store sprayer pressurized, or leave pressurized sprayer unattended.
- Do not lift or carry sprayer by hose or extension rod. Carry only by pump or bottle handle, making sure handle is properly locked in place before lifting.
- Do not force clogged nozzle open with air pressure. Clean with fine wire or toothpick.
- Failure to heed all precautions and directions could result in serious bodily injury or property damage.

[ ] Denotes alternate/optional language

{ } Denotes language that does not appear on the market labeling