

64405-5

12/15/2005

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Please read instructions on reverse before completing form.

Form Approved. OMB No. 2070-0060.

United States Environmental Protection Agency 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 <h2 style="text-align: center;">Notification</h2>
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Application for Pesticide – Section I

1. Company/Product Number EPA Reg. No. 64405-5	2. EPA Product Manager Richard Gebken	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/ Product (Name) RTU Wood Preservative/Pesticide	PM # 10	
5. Name and Address of Applicant (Include ZIP Code) Nisus Corporation c/o RegWest Company, LLC 30856 Rocky Road Greeley, CO 80631-9375 <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: <div style="text-align: right; font-size: 1.2em;"> NOTIFICATION <hr/> EPA Reg. No. _____ Product Name DEC 15 2005 </div>	

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 non-PRIA label revision notification per PR Notice 98-10 and August 7, 2005 Florida letter.
Refer to the Reference Label for an illustration of revision.

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 <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" Packaging Wgt.	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 Kim Davis, CC, APC, Manager	Title Consultant/Agent	Telephone No. (Include Area Code) (970) 353-0611 kim@regwest.com
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 Consultant/Agent	
4. Typed Name Kim Davis, CC, APC, Manager	5. Date November 17, 2005	

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NOTIFICATION

DEC 15 2005

64405-5 New Label: Page 1 of 6
09/27/04 SAL + 03/09/05 and 11/17/05 NOTIFS

RTU Wood Preservative/Pesticide

Penetrating Fungicide, Termiticide & Preservative

[Peel Here for instructions
STOP Read all instructions inside before using
See inside for Spanish instructions]

{Select and insert appropriate sales/marketing verbiage from *Marketing Copy*}

Active Ingredient:

Disodium Octaborate Tetrahydrate (Na ₂ B ₈ O ₁₃ •4H ₂ O)	8.5%
Other Ingredients	91.5%
Total	100.0%

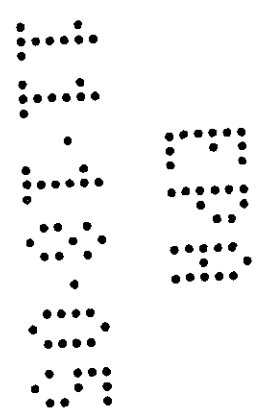
EPA Reg. No. 64405-5

EPA Est. 64405-TN-1

Keep Out of Reach of Children
CAUTION
See other panels [booklet] for additional precautionary statements.

Net Contents: ___ Gallon(s) (___ Liters)
Net Weight: ___ Pound(s) (___ Kilos)

NISUS CORPORATION
100 Nisus Drive
Rockford, TN 37853
(423) 577-6119
www.nisuscorp.com



{Marketing Copy}

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 (wet and dry rot), Termites, Carpenter Ants and Wood Boring Beetles.

Kills & Prevents All Termites (including Formosan), Carpenter Ants, Powderpost Beetles, Old House Borers, Longhorn Beetles, Wood Boring Beetles, Wood Decay (Wet & Dry Rot)

Preserves/Protects Wood and Prevents Wood Decay (wet and dry rot) to Wood Structures and Materials as well as wood Components of Homes, Apartment Buildings, Cabins, Log Homes, Outbuildings (Barns, Sheds, Coops, Garages, etc.), Office Buildings, Decks, Fences, Flooring, Gazebos, Furniture, Cabinets, Shelves, Doors, Handrails, Picnic Shelters, Bath Houses, Saunas, Logs, Beams, Timber, Dimensional Lumber, Plywood, Paneling, etc.

Apply to All Untreated Bare Wood Surfaces!

[This product is] A Ready-to-Use Formula of the Patented Product Used by Pest Control Operators

Keep Termites out with {Product Brand Name} Easy-To-Use **[**]Spray or Brush On**
[May also be used to refill the {product brand name} pressure sprayer]**

[Easy, No Mess Applicator] No Dipping Required Fully Penetrates the Wood
Lifetime Treatment on Interior Wood Up to 5 Years Protection on Exterior Surfaces
Clear, Odorless, Non-Staining Formula

[Power Sprayer • Ready-to-Use • Adjustable Spray Pattern
• Pump {graphic}
• Spray {graphic}]

•Odorless •Highly Effective •Colorless [Clear] •Low Toxicity •Non-Staining

RTU Wood Preservative/Pesticide [This product] is a patented formulation of boron compounds with additives that allow the active ingredient to fully penetrate throughout [the] wood.

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

Wood Rot (wet and dry rot) and Decay Fungi Anobiid Beetles	Subterranean Termites Old House Borers	Drywood Termites Longhorn Beetles	Powderpost Beetles Carpenter Ants
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[Exclusive Refillable Container+] Indoor-Outdoor Patented Formula [Guaranteed Results*]

[+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.]

{End of Marketing Copy}

DIRECTIONS FOR USE

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

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.

General Information

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. It may take several days for the infestation to be eliminated, however, any termites that start to ingest treated wood or that are directly sprayed will die.

Do not expose [RTU Wood Preservative/Pesticide-] T/treated exterior wood to rain or snow for at least 24 hours after treatment. If necessary, cover freshly treated exterior wood with a tarp. When applying **RTU Wood Preservative/Pesticide** to exterior surfaces cover nearby plants and grasses with plastic to avoid affecting normal plant growth.

Surface Preparation

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

Maintenance of Treated Surfaces

Apply **RTU Wood Preservative/Pesticide** [this product] every 1 to 5 years to exterior unfinished bare wood surfaces. Interior surface treatments of existing wood are considered permanent and do not require reapplication or coating except in situations involving repeated moisture contact or high humidity, such as shower stalls, bathhouses, saunas, etc. Any additional installed wood must be treated. Protection may be extended by coating/painting treated wood with a water-resistant finish such as paint or exterior stain. 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. Allow [RTU Wood Preservative/Pesticide-] treated wood to completely dry (at least 24 hours) before applying any protective finish and apply protective finish within two (2) weeks of treatment.

Cleanup

Use soap and water to clean up tools.

Application Instructions

Apply **RTU Wood Preservative/Pesticide** [This product] 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 [this] 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.] When applying more than one coat, wait at least 20 minutes between applications. No immersion or dip soaking necessary.

Treatment	Application Notes
Exterior and interior wood preservation	Apply this product to all exposed sides of wood at the rate of one (1) gallon to 150 to 250 square feet of wood surface area (one coat). Actual coverage will vary depending upon the surface texture and porosity of the wood being treated. Apply a second coat to wood thicker than one (1) inch.
Exterior wood treatment to control active infestations	In cases of very active infestation or where there is a risk of structural failure consult a professional pest control operator to ensure full and proper application. Apply this product to the point of runoff to all infested wood. Always apply two (2) coats to all surfaces. 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.

Treatment	Application Notes
Exterior wood treatment to control active infestations (continued)	Treat infested wood by spraying all surfaces and/or injecting this product into beetle holes, termite and carpenter ant galleries and decay pockets. Apply two (2) coats to all surfaces. In cases where the infestation is not accessible from the surface, drill small holes into the wood to gain access to insect galleries or infested areas. Inject enough solution to completely flood the infested area.
Interior wood treatment to control active infestations	<p>Treat infested basements and crawl spaces 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. 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).</p> <p>Treat infested studs and headers in wall voids 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. Space holes no more than 16" apart. Drill at least one (1) hole 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 must 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.</p> <p>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. Apply at the rate of one (1) gallon of this product per 200 square feet of wood surface area.</p>
Preventative treatment against listed insects for protection of new wood	<p>Wood paneling, lumber, plywood and other wood surfaces/structures may be treated either as received from the lumberyard, during the construction process or upon completion of construction. Apply while the wood surface is most accessible.</p> <p>Liberally apply one (1) coat of 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.</p> <p>Do not use as a preventative treatment for new construction in Florida.</p>

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.

{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. Attach spray hose to bottle by turning hose connection cap to the right. Make certain the connection is secure. 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

The sprayer may be refilled up to 5 times with {product brand name}. Before opening, release any built-up pressure opening valve. Press down on pump handle and turn to left to remove pump assembly from tank. Add the contents of the refill container. Use "Fill to Here" mark on the side of the bottle as a guide. Shake well to mix. Replace pump, turning to right to seal.

IMPORTANT: Do not refill more than 5 times.

To keep track of the number of times refilled, put a mark through the appropriate number:

1	2	3	4	5 Final
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Do not use any product other than {product brand name} in the sprayer. Incompatible chemicals may change the pump making it unsafe to use.

4. 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 thoroughly inspect your sprayer 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.
- 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 sprayer while using or pumping it.
- 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.

{For product packaged in a non-refillable market container:}

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.

{For product packaged in the refillable pump-up pressure sprayer market container:}

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:** Refill only with {identify acceptable product(s) by brand/trade name(s)}. If not intending to refill 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.

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.

First Aid

If Swallowed	<ul style="list-style-type: none"> • 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 the poison control center or doctor. • Do not give anything by mouth to an unconscious person.
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 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.

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 {or other appropriate number} for emergency medical treatment information.]

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

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.

Warranty Disclaimer and Liability Limitations

Except as expressly set forth here in manufacturer makes no warranty, whether expressed or implied, including, without limit, the implied warranties of merchantability and fitness for a particular purpose, both of which are hereby expressly disclaimed. Manufacturer will not be liable for direct, consequential or incidental damages, including without limitation lost profits or any health-related claims, damages or injuries, even if manufacturer is aware of the possibility of these damages occurring. Buyer's sole remedy and manufacturer's sole liability shall be limited solely to product replacement. Further, varying conditions may affect the use and application of the product and manufacturer does not guarantee complete or permanent prevention of decay or insect or fungal infestation.

Questions & Comments: {phone graphic} {computer graphic}
Call {toll free number} or visit our website at {website address}

Made in [the] U.S.A.

U.S. Patent Nos. 5,104,664; 6,426,095; 5,460,816; 5,645,828
RTU Wood Preservative/Pesticide is a trademark of Nisus Corporation

© _____

- [] Denotes alternate/optional language
- { } Denotes language that does not appear on the market labeling

November 17, 2005

Document Processing Desk - **NOTIF**
Office of Pesticide Programs - **7504C**
U.S. Environmental Protection Agency
1801 South Bell Street
Crystal Mall #2, Room 266A
Arlington, VA 22202-4501



Dear Reviewer:

Subject: Nisus Corporation
RTU Wood Preservative/Pesticide
EPA Reg. No. 64405-5

On behalf of **Nisus Corporation**, RegWest Company, LLC is submitting the attached materials as a non-PRIA **replacement** label revision notification per PR Notice 98-10. RegWest Company will act as sole agent in this endeavor.

Attached are the following items:

1. Application for Pesticide: Other – Notification
2. A copy of the August 8, 2005 Florida Department of Agriculture & Consumer Services letter
3. One **Reference Label** (illustrates the change)
4. Two **New Labels** (incorporates the change)

This notification replaces the notification dated and submitted September 30, 2005. We request that the September 30, 2005 notification be withdrawn and that the EPA discard it.

As illustrated on the *Reference Label* we are adding the following sentence to the last section of the "Treatment/Application Notes" chart (page 4):

Do not use as a preventative treatment in new construction in Florida.

This statement is being added per the attached letter from Florida to Nisus Corporation. Upon review of that letter, you will see Florida gave us four language choices; we chose item number 4 because the letter states it is the preferred language.

Please contact me at (970) 353-0611 or at kim@regwest.com if you have any questions concerning this notification.

Regards,
RegWest Company, LLC

Kim Davis, CC, APC, Manager
Consultant/Agent

Attachments

pc: NIS – Kirkland, K.

30856 Rocky Road
Greeley, CO 80631-9375
970-393-0611
970-353-0613 Fax
Kim@regwest.com