

64405-5

07-16-2009

1/9



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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

JUL 16 2009

Ms. Kim Davis, Consultant/Agent
Nisus Corporation
c/o RegWest Company, LLC
30856 Rocky Road
Greeley, CO 80631-9357

Dear Ms. Davis:

Subject: Label Amendment
RTU Wood Preservative/Pesticide
EPA Registration Number: 64405-5
Application Dated: May 15, 2009
Decision: 416966

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is acceptable. A stamped copy is enclosed for your records.

Sincerely,

A handwritten signature in black ink, appearing to read "Kimberly Nesci".

Kimberly Nesci
Product Manager 11
Insecticide Branch
Registration Division 7507P

Enclosures: Stamped Approved Label

2
1
9

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 (CAS No. 12008-41-2) | | 8.5% |
| Other Ingredients | | 91.5% |
| Total | | 100.0% |

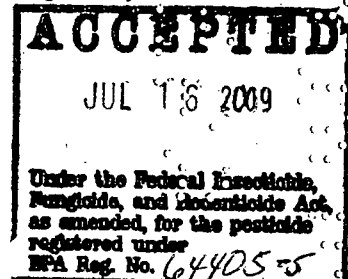
EPA Reg. No. 64405-5

EPA Est. 64405-TN-1

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

Net Contents: ___ Gallon(s) (___ Liters)
 {5 fl. oz., 1 quart, 1 gallon, 5 gallons, 50 gallons and 250 gallons}
 Net Weight: ___ Pound(s) (___ Kilos)

Nisus Corporation
 100 Nisus Drive
 Rockford, TN 37853
 (423) 577-6119



{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, Longhorned 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,

3
9

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

Subterranean Termites

Drywood Termites

Powderpost Beetles
(Bostrichidae and
Lyctinae)

Anobiid Beetles

Old House Borers

Longhorned Beetles

Carpenter Ants

[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}

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** statements 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**.

4
9

DIRECTIONS FOR USE

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

Safe Handling Procedures

Clean spills and over-spray with a damp cloth or absorb 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. As a termiticide, this product is not intended as a substitute for mechanical alteration, soil treatment or foundation treatment; when active infestations exist, get a professional inspection.

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 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. Either brush apply directly from the container or apply 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.

5
9

| Treatment | Application Notes |
|--|---|
| Exterior and interior wood preservation | Apply one coat of this product to all exposed sides of wood at the rate of 1 gallon to 150 to 250 square feet {or equivalent rate for container sizes less than 1 gallon} of wood surface area. Actual coverage will vary depending upon the surface texture and porosity of the wood being treated. Apply a second coat to wood thicker than 1 inch. |
| Exterior wood treatment to control active infestations | <p>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 2 coats to all surfaces. In areas where access is limited to 1 or 2 sides of a wood member, apply multiple coats of this product to the exposed surfaces.</p> <p>Treat infested wood by spraying all surfaces and/or injecting this product into beetle holes, termite and carpenter ant galleries and decay pockets. Apply 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.</p> |
| Interior wood treatment to control active infestations | <p>Treat infested basements and crawl spaces by applying 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 1 or 2 sides of wood members such as sills and plates on foundation walls. Apply at a rate of approximately 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 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 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 2 coats to all surfaces. Apply at the rate of 1 gallon of this product per 200 square feet of wood surface area {or equivalent rate for container sizes less than 1 gallon}.</p> |
| Preventative treatment against listed insects for protection of new wood | <p>Treat wood paneling, lumber, plywood and other wood surfaces/structures 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 1 coat of this product to all exposed sides of lumber or plywood. For lumber thicker than 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.

6
9

{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.

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 |
|---|---|---|---|------------|

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.

7
8

- Failure to heed all precautions and directions could result in serious bodily injury or property damage.

(For product packaged in non-refillable household/residential use market containers:)

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. **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: If empty:** Non-refillable container; do not reuse or refill this container; place in trash or offer for recycling, if available. **If partly filled:** Call your local solid waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain.

Batch Code [Lot Number]: _____

(For product packaged in non-refillable non-household/residential use market containers 5 gallons or less:)

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. **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. Offer for recycling, if available, or reconditioning, if appropriate; otherwise, call your local solid waste agency for disposal instructions. Promptly triple rinse (or equivalent) container 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.

Batch Code [Lot Number]: _____

(For product packaged in non-refillable non-household/residential use market containers greater than 5 gallons:)

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. **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. Offer for recycling, if available, or reconditioning, if appropriate; otherwise, call your local solid waste agency for disposal instructions. Promptly triple rinse (or equivalent) container after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 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.

Batch Code [Lot Number]: _____

(For product packaged in non-household/residential use refillable market containers:)

Storage and Disposal

Pesticide Storage: Store in a dry place. Do not store where children or animals may gain access. Protect from freezing. **Container Management:** Refillable container. Refill this container only with RTU Wood Preservative/Pesticide™. Do not reuse this container for any other purpose. Cleaning this container before refilling is the responsibility of the refiller. Cleaning the container before final disposal is the responsibility of the person

8
9

disposing of the container. To clean the container, empty the contents of this container according to use directions. Fill the container about 10% full with water, then agitate vigorously. Pump rinsate into rinsate collection system. Repeat this procedure two more times. **Container Disposal: If empty:** If not intending to refill this container, place cleaned container in trash or offer for recycling, if available. **If partly filled:** Call your local solid waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain.

First Aid

| | |
|--|--|
| If Swallowed | <ul style="list-style-type: none"> • Immediately call a poison control center or doctor 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. • Immediately rinse skin 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. |
| <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 {or other appropriate number} 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 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.

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

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 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.

9/9

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.

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

Nisus is a registered trademark of Nisus Corporation
RTU Wood Preservative/Pesticide is a trademark of Nisus Corporation

© _____

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