



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

February 4, 2015

Janet Kintz-Early
Nisus Corporation
100 Nisus Drive
Rockford, TN 37853

Subject: Label Amendment – Adding directions for use for treatment of field cuts and end cuts; adding graphics requested by the State of California; other minor formatting and typographical revisions
Product Name: RTU Wood Preservative/Pesticide
EPA Registration Number: 64405-5
Application Date: November 25, 2014; resubmission dated February 3, 2015
Decision Number: 497979

Dear Ms. Kintz-Early:

The amended label referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act, as amended, is acceptable. This approval does not affect any conditions that were previously imposed on this registration. You continue to be subject to existing conditions on your registration and any deadlines connected with them.

A stamped copy of your labeling is enclosed for your records. This labeling supersedes all previously accepted labeling. You must submit one copy of the final printed labeling before you release the product for shipment with the new labeling. In accordance with 40 CFR 152.130(c), you may distribute or sell this product under the previously approved labeling for 18 months from the date of this letter. After 18 months, you may only distribute or sell this product if it bears this new revised labeling or subsequently approved labeling. "To distribute or sell" is defined under FIFRA section 2(gg) and its implementing regulation at 40 CFR 152.3.

Should you wish to add/retain a reference to the company's website on your label, then please be aware that the website becomes labeling under the Federal Insecticide Fungicide and Rodenticide Act and is subject to review by the Agency. If the website is false or misleading, the product would be misbranded and unlawful to sell or distribute under FIFRA section 12(a)(1)(E). 40 CFR 156.10(a)(5) list examples of statements EPA may consider false or misleading. In addition, regardless of whether a website is referenced on your product's label, claims made on the website may not substantially differ from those claims approved through the registration process. Therefore, should the Agency find or if it is brought to our attention that a website contains false or misleading statements or claims substantially differing from the EPA approved registration, the website will be referred to the EPA's Office of Enforcement and Compliance.

Page 2 of 2
EPA Reg. No. 64405-5
Decision No. 497979

Your release for shipment of the product constitutes acceptance of these conditions. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6. If you have any questions, you may contact Julie Chao at (703) 308-8735 or via email at chao.julie@epa.gov.

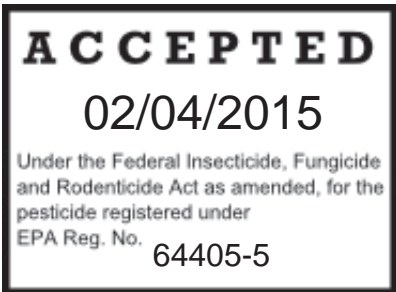
Sincerely,

A handwritten signature in black ink, appearing to read 'Kable Bo Davis', enclosed within a hand-drawn oval.

Kable Bo Davis, Product Manager 3
Invertebrate & Vertebrate Branch 1
Registration Division (7505P)
Office of Pesticide Programs

Enclosure

RTU Wood Preservative/Pesticide™



Penetrating Fungicide, Termiticide & Preservative

{ABN: Penashield Penetrating Fungicide, Termiticide & Preservative}

[Peel Here for instructions]

[STOP *{stop sign graphic}* 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. through 275 gallons}

Net Weight: ___ Pound(s) (___ Kilos)

{Note to reviewer: this product is sold in commercial and retail markets, all pack sizes greater than 1 gallon will not be sold in retail markets, all pack sizes could be sold in commercial markets}

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 <i>{insert appropriate toll free number}</i> 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.

Personal Protective Equipment (PPE)

Applicators and other handlers must wear long sleeve shirt and long pants; chemical resistant or water repellent gloves; shoes plus socks.

Environmental Hazards

{For containers less than or equal to 5 gallons:}

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.

{For containers greater than 5 gallons:}

Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans, or other waters 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.

DIRECTIONS FOR USE

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

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*.

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.

Product Information

RTU Wood Preservative/Pesticide [This product] is a ready-to-use product that is applied to wood. **RTU Wood Preservative/ Pesticide** [This product] will both kill [control] and prevent infestations of wood destroying organisms insects, such as subterranean and drywood termites, wood boring beetles, [Anobiid, Bostrichidae, Lyctinae, powderpost, longhorned, old house borers], carpenter ants and decay fungi [wood, wet, dry rot]. It may take several days for the infestation to be killed [controlled], 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.

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.—Either brush [apply directly from the container] on or apply with a [low-pressure garden-type] sprayer. Small wooden items, field cuts or end cuts 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.

When spraying attics or overhead interior areas, cover all surfaces below the treated area 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 applying **RTU Wood Preservative/Pesticide** to exterior surfaces, cover nearby plants and grasses with plastic to avoid affecting normal plant growth.

Protect **[RTU Wood Preservative/Pesticide-]** treated wood from rain or snow for at least 24 hours. If necessary, cover treated wood with a tarp.

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. Apply 1 coat when treating interior field cuts and end cuts.
Exterior wood treatment to control active infestations	<p>In cases of heavy infestations 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 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>

{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.

- 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 Handling: 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.

{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 Handling:** 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.

{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 Handling:** 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 for 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.

{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 Handling:** 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 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.

{Per PR Notice 2007-4 the batch code/lot number will appear on the label or container.}

Warranty Disclaimer

To the extent not prohibited by applicable law, 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. To the extent not prohibited by applicable law, 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) **TO THE EXTENT NOT PROHIBITED BY APPLICABLE LAW, 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.

It is not intended that this product be used to practice any applicable patent whether mentioned or not, without procurement of a license, if necessary, from the owner, following investigation by the user.

[Questions & Comments: *{phone graphic}* *{computer graphic}*]
[Call *{toll free number}*]

Made in [the] U.S.A.



Nisus Corporation
100 Nisus Drive
Rockford, TN 37853 USA
{insert telephone number}

U.S. Patent No. _____

{Brand Name} and Nisus Corporation are registered trademarks of Nisus Corporation.

© _____

{insert label code}

{Optional Marketing Claims}

{insert product name} [This product] Stops [Kills] [Prevents] [Controls] [Highly Effective Against] *{insert pests listed on label}* in [on] [around] *{insert application sites listed on label}*

{insert product name} [This product] is a patented formulation of boron compounds with additives that allow the active ingredient to fully penetrate throughout [the] wood.

{insert product name} [This product] is a termiticide, insecticide and fungicide that [stops] [kills] [controls] existing infestations [of *{insert pests listed on label}*] [and provides long-term protection against] [wood destroying organisms such as *{insert pests listed on label}*]

Use *{insert product name}* [this product] to prevent [stop] [kill] [control] wood decay and insect[s] [damage] to [in] [on] all interior and exterior wood.

Use *{insert product name}* [this product] to prevent [stop] [kill] [control] *{insert pests listed on label}*.

A [Penetrating] [Broad Spectrum] [Ready-to-Use] [Borate] [Termiticide, Insecticide and Fungicide] [Patented] Wood Preservative for the Protection [Treatment] of Wood Against *{insert pests listed on label}*

A [Penetrating] [Broad Spectrum] [Ready-to-Use] [Borate] [Termiticide, Insecticide and Fungicide] [Patented] [Wood Preservative] for the Control [Prevention] of *{insert pests listed on label}*

Preserves [Protects] Wood and Prevents *{insert pests listed on label}* to [on] [in] Wood Structures and Materials as well as Wood Components of *{insert application sites listed on label}*

Apply to All Untreated Bare Wood Surfaces!

Meets AWWPA Standard M4 for end cuts [(interior use only)]

Keep *{insert pests listed on label}* out with *{Product Brand Name}*

[Easy-To-Use] [Ready-to-Use] [Spray or Brush On] [No Dipping Required]
[Fully Penetrates the Wood] [Lifetime Treatment on Interior Wood] [Up to 5 Years Protection on Exterior Surfaces]
[Indoor-Outdoor] [Patented] [Highly Effective] [Odorless] [Colorless] [Clear] [Non-Staining] [Formula] Wood
Preservative
[Colorless] [End Cut] Treatment [(interior use only)]
[May also be used to refill the {insert product brand name} pressure sprayer]
Power Sprayer [Adjustable Spray Pattern] [Pump {graphic}] [Spray {graphic}] [Easy, No Mess Applicator] [Exclusive
Refillable Container+] [+Refill only with {identify acceptable product(s) by brand/trade name(s)}]
[Guaranteed Results*] [***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 Claims}

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