

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460

OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION

July 5, 2019

Anna Crowder Regulatory Affairs Specialist Nisus Corporation Nisus Corporation 100 Nisus Drive Rockford TN 37853

Subject: Registration Review Label Mitigation for Boric Acid

Product Name: RTU Wood Preservative / Pesticide

EPA Registration Number: 64405-5 Application Date: Oct 7, 2018 Decision Number: 552083

Dear Anna Crowder:

The Agency, in accordance with the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, has completed reviewing all of the information submitted with your application to support the Registration Review of the above referenced product in connection with the Boric Acid Interim Decision, and has concluded that your submission is acceptable. The label referred to above, submitted in connection with registration under FIFRA, as amended, is acceptable.

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.

A copy of your label stamped "Accepted" is enclosed. Products shipped after 12 months from the date of this amendment must bear the new revised label. Your release for shipment of the product bearing the amended label 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 about this letter, please contact Miguel Zavala by phone at 973-873-5298 or via email at <u>zavala.miguel@epa.gov</u>.

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Sincerely,

Linda Arrington, Branch Chief Risk Management and Implementation Branch 4 Pesticide Re-Evaluation Division Office of Pesticide Programs

Enclosure

64405-5

pesticide registered under

EPA Reg. No.

2018 AMEND Page **1** of **9**

BORIC ACID/ SODIUM SALTS

GROUP:

8D

INSECTICIDE FUNGICIDE

{The MOA Box will be used if required}

RTU Wood Preservative/Pesticide™

Penetrating Fungicide, Termiticide & Preservative

{ABN: Penashield Penetrating Fungicide, Termiticide & Preservative, Bora-Care Quick Shot}

Active Ingredient: Disodium Octaborate Tetrahydrate (CAS No. 120 Other Ingredients Total	<u>91.5%</u>
EPA Reg. No. 64405-5	EPA Est
Keep Out of Rea	
See other panels [booklet] for First Aid an	

{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	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	Take off contaminated clothing.
or 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	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 co	ntact { insert appropriate toll free 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.}

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 repellant gloves; shoes plus socks.

Environmental Hazards

Wood treatment facilities must take steps to prevent runoff of the product into the waterway. Treated material stored outdoors within 100 feet of a pond, lake, stream, or river must be covered, surrounded by a containment berm, or otherwise protected to prevent surface water runoff. The containment berm must be of sufficient height to prevent runoff during heavy rainfall events.

{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.

Use of this product for the control of bed bugs is prohibited.

Applications to carpets are prohibited

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.

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 help prevent infestations of wood destroying organisms, such as subterranean, which includes Formosan and drywood termites, wood boring beetles, [Anobiid, Bostrichidae, Lyctidae, 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 whole structure treatment.

Surface Preparation

Apply only to bare, dry wood.

Maintenance of Treated Surfaces

RTU Wood Preservative/Pesticide [this product] may be reapplied as needed to exterior unfinished 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.

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.

When spraying attics or overhead interior areas, cover all surfaces below the treated area with plastic sheeting. 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.

{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 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.

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

[{Option 1}]

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.

[{Option 2}]

[For a complete and printable Warranty Disclaimer, please visit www.nisuswarranty.com.]

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

Made in [the] U.S.A.



U.S. Patent No
(Brand Name) and Nisus Corporation are registered trademarks of Nisus Corporation
©
[{insert label code}]

FOR PRODUCT PACKAGED IN A BOV STYLE CAN

RTU Wood Preservative/Pesticide™

Penetrating Fungicide, Termiticide & Preservative

{ABN: Bora-Care Quick Shot}

Active Ingredient: Disodium Octaborate Tetrahydrate (CAS No. 12008-41-2) Other Ingredients Total	91.5%
EPA Reg. No. 64405-5 EPA Est	
Keep Out of Reach of Children CAUTION See other panels [booklet] for First Aid and additional Prec	autionary Statements.

Net Contents: _	Gallon(s) (_Liters
{5 fl. oz. t	hrough 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	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	Take off contaminated clothing.
or 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	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.
	container or label with you when calling a poison control center or doctor, or going for treatment.
[You may also co	ntact { insert appropriate toll free 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.}

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 pants; chemical resistant or water repellant gloves; shoes plus socks.

{For Bag On Valve Containers Only:}

Physical Chemical Hazards

Store at room temperatures.

Contents under pressure. Do not puncture or incinerate. Exposure to temperatures above 120° F may cause bursting. Do not spray directly into any electrical equipment due to the possibility of short circuits and shock hazards.

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.

DIRECTIONS FOR USE

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

Use of this product for the control of bed bugs is prohibited.

Applications to carpets are prohibited

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, such as subterranean, which includes Formosan and drywood termites, wood boring beetles, [Anobiid, Bostrichidae, Lyctidae, 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 localized treatment, this product is not intended to protect the entire structure [This product is not intended to be used as a full structure treatment.]

{Note to Reviewer: As mentioned above, this is a BOV can and will be used as a localized treatment.}

Surface Preparation

Apply only to bare, clean, dry wood.

Maintenance of Treated Surfaces

RTU Wood Preservative/Pesticide [this product] may be reapplied every as needed to exterior unfinished bare wood surfaces. Interior surface treatments of existing wood do not require reapplication except in situations involving repeated moisture contact or high humidity, such as shower stalls, bathhouses, saunas, etc. 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. Apply protective finish within 2 weeks of treatment.

Application Instructions

RTU Wood Preservative/Pesticide is intended as a supplemental spot treatment for wood destroying organisms. Apply RTU Wood Preservative/Pesticide [This product] only to bare wood or to wood surfaces where an intact water-repellent barrier is not present. Try to directly spray drywood termite galleries. If possible, spray directly into beetle exit holes in addition to wood surface. Spray carpenter ant galleries directly. Each can will cover between 17-28 sq. ft

Protect [RTU Wood Preservative/Pesticide-] treated wood from rain or snow for at least 24 hours.

{For product packaged in non-refillable non-household/residential use Bag On Valve 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:** Do not puncture or incinerate. 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.

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

[{Option 1}

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.

[{Option 2}

[For a complete and printable Warranty Disclaimer, please visit www.nisuswarranty.com.]

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

Made in [the] U.S.A.



U.S. Patent No
(Brand Name) and Nisus Corporation are registered trademarks of Nisus Corporation.
©
[{insert label code}]

{Optional Marketing Claims}

Sprays at any angle

[{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 AWPA 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}