

64405-7

08/31/2011

1/9



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

OFFICE OF
CHEMICAL SAFETY
AND POLLUTION PREVENTION

AUG 31 2011

Ms. Kim Davis
Nisus Corporation
c/o RegWest Company, LLC
8203 West 20th Street, Suite A
Greeley, CO 80634-4696

Subject: Label Notification(s) for Pesticide Registration 98-10

Dear Ms. Davis:

Subject: Notification to Make Label Changes
EPA Registration Number: 64405-7
Date of Submission: July 29, 2011

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated July 29, 2011 for the product Boracide™ Borate Powder. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action(s) requested fall within the scope of PRN 98-10. The Confidential Statement of Formula (CSF) and/or label submitted with the application has (have) been stamped "Notification" and will be placed in our records.

If you have any questions, please contact Melody Banks on 703 305-5413.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Suarez".

Mark Suarez
Product Manager 11
Insecticide Branch
Registration Division (7504P)

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>
--	---	--

Application for Pesticide – Section I

1. Company/Product Number EPA Reg. No. 64405-7	2. EPA Product Manager Mark Suarez	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/ Product (Name) Boracide™ Borate Powder	PM # 13	
5. Name and Address of Applicant (Include ZIP Code) Nisus Corporation c/o RegWest Company, LLC 8203 West 20th St., Suite A Greeley, CO 80634-4696 <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: center; font-size: 2em; font-weight: bold; opacity: 0.5;">NOTIFICATION</div> EPA Reg. No. <u> AUG 31 2011 </u> Product Name _____

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.
--	---

Explanation: Use additional page(s) if necessary. (For Section I and Section II.)

Notification to change container size from 25 to 20 pounds, reinstate use sites from previous SAL and add company logos.
Refer to the Reference Label for an illustration of all revisions.

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 checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify): _____	
*Certification must be submitted		If "Yes" Unit Packaging Wt.	No. Per Container	If "Yes" Packaging Wt.	No. Per Container
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 1 through 1500 pounds		5. Location of Label Directions <input checked="" 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 checked="" type="checkbox"/> Paper glued <input checked="" type="checkbox"/> Other Self –Adhesive Booklet					

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	Title Consultant/Agent	Telephone No. (Include Area Code) 970.353.0611 kiin@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	5. Date July 29, 2011	

Additional Container Size and Label Revision Notification



July 29, 2011

Mr. Mark Suarez, Product Manager 13
Document Processing Desk - **FPL**
Office of Pesticide Programs – **7504P**
U.S. Environmental Protection Agency
One Potomac Yard (South Building), Room S-4900
2777 South Crystal Drive
Arlington, VA 22202

Dear Mr. Suarez:

Subject: Nisus Corporation
Boracide™ Borate Powder
EPA Reg. No. 64405-7

On behalf of **Nisus Corporation**, RegWest Company, LLC is submitting the attached document as a notification of an additional container size and label revision for subject product. RegWest Company will act as sole agent in this endeavor.

Attached are the following documents:

- 1. Application for Pesticide: **Notification**
- 2. One **Reference Label** (illustrating the label revisions)
- 3. Two **New Labels** (incorporating the revisions)

The attached application form notifies the Agency of a container size change from 25 pounds to 20 pounds; the primary label revisions are adding the Nisus logos and reinstating use sites that were inadvertently dropped, from the previous stamped accepted label dated August 21, 2002, amongst other changes. Please refer to the **Reference Label** for an illustration of all revisions.

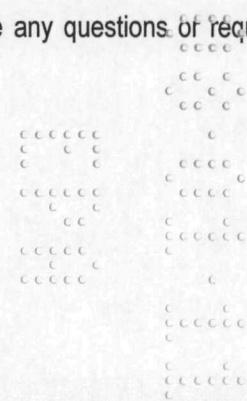
Please contact me or Dean Moser at 970.353.0611 or dean@regwest.com if you have any questions or require additional information.

Regards,
RegWest Company, LLC

Kim Davis,
Consultant/Agent

Attachments

cc: NIS – Kintz-Early, J.



4/9

Boracide™ Borate Powder

For the Control of Ants, Carpenter Ants, Cockroaches, Darkling Beetles, Drain Flies,
Dampwood Termites, Drywood Termites, Earwigs, Flies, Fly Larvae, Hide Beetles and Silverfish
[Select from listed insects in Directions for Use]

For Use In and Around
[Select from listed use sites in Directions for Use]

Active Ingredient:

Sodium Borate Pentahydrate 100%

EPA Reg. No. 64405-7

EPA Est. 64405-TN-1

**Keep Out of Reach of Children
CAUTION**

See other panels for First Aid and additional precautionary statements.

Net Contents: ___ pounds (___ grams)
{1, 5, 20 25, 50 and 1500 pounds}

{Other Panels}

First Aid

Borate Insecticide

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.
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. [You may also contact 1-800-424-9300 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. Thoroughly wash with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet.

Environmental Hazards

This product is toxic to fish and wildlife. 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 cleaning equipment or disposing of equipment washwaters.

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**.

DIRECTIONS FOR USE

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

Product Information

Do not use in edible product areas of food handling establishments, restaurants or other places where food is commercially prepared or processed. Do not use in serving areas while food is exposed. Do not contaminate feed and foodstuffs. As a termiticide, this product is not intended as a substitute for mechanical alteration, soil treatment or foundation treatment; where active infestations exist, get a professional inspection.

Use this product in aircraft, apartments, apartment buildings, bird/poultry production facilities, boats, buses, camps, existing construction, factories, food processing plants, garages, grocery stores, homes, hospitals, hotels, industrial plants, kennels, libraries, manhole cavities, markets, military bases, mobile homes, motels, new construction, nursing homes, offices, restaurants, schools, sewers, ships, supermarkets, theaters, trains, trucks, utilities, veterinary areas, warehouses, yachts and zoos.

Application Instructions

To Control Ants, Cockroaches, Earwigs and Silverfish, apply liberally, at the rate of 0.1 oz. to 0.5 oz. per foot, scattering under and behind refrigerator, stove, sink, dishwasher, washing machine and dryer tubs; into openings around drains, water pipes and electrical conduits; and in cracks and crevices along baseboards and corners of cabinets, cupboards and closets. Remove all lower drawers in kitchen and bathroom cabinets, bedroom dressers and chests of drawers, then scatter liberally in drawer wells.

Directions for Applying in New and Existing Construction to Control Cockroaches: When treating large areas, such as wall voids, soffit and subcabinet voids in new and existing construction, dust liberally using dusting application equipment.

Directions for Applying in New and Existing Construction to Control Ants, Carpenter Ants, Drywood Termites and Cockroaches: When treating areas such as wall voids and electrical lines for carpenter ants, and attics and areas over soffits, out to the gutter plate, for the control and prevention of drywood termites and cockroaches, dust liberally at the rate of 12 to 20 oz. per 250 sq. ft. using dusting application equipment. Apply dust directly into insect galleries and cracks and crevices in infested wood.

Directions for Controlling Fly Larvae in Refuse Containers: Apply liberally to trash cans or dumpsters as a dust or liquid spray (1 cup of powder per gallon of water).

Directions for Applying in Sewers and Manhole Cavities for the control of Ants and Cockroaches: Apply as a dust at a rate not to exceed 12 oz. per 250 square feet using a blower or air pressure equipment.

Directions for the Control of Carpenter Ants, Dampwood Termites and Drywood Termites in Infested Wood: Add 1 cup of powder (approximately four ounces) to each gallon of water and stir until dissolved. Inject solution directly into galleries.

Directions for the Control of Ants, Fly Larvae, Earwigs and Cockroaches as a Spray Solution: Add 1 cup of powder (approximately four ounces) to each gallon of water and stir until dissolved. Spray solution directly onto floors, baseboards and other non-food contact areas where insects are prevalent.

Directions for the Control of Drain Flies in Drains: Add 1 cup (approximately four ounces) of powder to each gallon of water and stir until dissolved. Pour one quart of solution into each drain at the end of working day.

Directions for Applying as a Mop Solution to Control Cockroaches: Add 1 cup (approximately four ounces) of powder to each gallon of rinse water. Apply only to floor areas. Make only enough for each application. This is only a supplemental treatment.

Reapply as necessary. Any powder visible after application must be brushed into cracks and crevices or removed. Apply only in areas inaccessible to children and pets. Do not use in edible product areas of food handling establishments, restaurants or other areas where food is commercially prepared or processed. Do not use in serving areas while food is exposed.

Crack and Crevice Treatment to Kill/Control Ants, Cockroaches, Fly Larvae and Silverfish

Food and Feed Handling Establishments: Places other than private residences in which food or feed is held, processed, prepared or served.

Food Area Application Limited to Crack and Crevice Treatment Only: Includes areas for receiving, storage, packing (canning, bottling, wrapping, boxing), preparing edible waste storage and enclosed processing systems (mills, dairies, edible oils, syrups). Serving areas (when food is exposed and facility is in operation) also would be considered a food area.

Apply in small amounts at the rate of 0.1 oz. to 0.5 oz. per foot, directly into cracks and crevices using a bulbous duster or other suitable equipment capable of applying insecticide directly into cracks and crevices, in points between different elements of construction, between equipment and floors, openings leading to voids and hollow spaces in walls, equipment legs and bases, conduits, motor housing and electrical switch boxes [where insects hide].

Avoid depositing the product onto exposed surfaces or introducing the material into the air. Avoid contamination of food or food processing surfaces.

Applications of this product in the food areas of food handling establishments, other than as a crack and crevice treatment, are not permitted.

Serving Areas: Facilities where prepared foods are served, such as dining rooms, but excluding areas where food may be prepared or held. Apply as a spot treatment to selected surfaces such as baseboards, under elements of construction into cracks and crevices. Do not treat surfaces likely to be contacted by food. Do not apply when facility is in operation or foods are exposed.

Non-Food Areas: Including garbage rooms, lavatories, floor drains (to sewer), entries, vestibules, offices, locker rooms, machine rooms, boiler rooms, garages, closets and storage areas (after canning or bottling). Apply to baseboard areas, around water pipes, surfaces behind and beneath sinks, lockers, tables, pallets and similar areas where insects hide or through which they may enter.

To Kill and Control Darkling Beetles and Hide Beetles (adults and larvae) and Fly Control in Bird and Poultry Production Facilities

For dirt-floor and cement floor houses where birds are in contact with the litter: First, remove birds. Apply dry product with a spreader directly to the floor or old litter surface at the rate of 1 to 2 pounds of product per 100 square feet of floor area. Apply a band treatment along bird feeder lines. Reapply annually if needed or after each grow-out.

For houses where birds are in cages and not in contact with the floor or litter: First, remove birds. Apply dry product at the rate of 1.5 to 2 pounds of product per 100 square feet of surface area. Dust product into cracks and crevices, on surfaces of side walls, around insulation, posts, framing and top plates and any other structural components that might harbor beetles. Use equipment designed for this type of application. For long-term beetle control, reapply after each grow-out, especially if facility is washed, sanitized and disinfected using standard

7/9

procedures. For fly control, apply the dust to the surface of manure piles at the rate of 1.5 to 2 pounds of product per 100 square feet of surface area.

Liquid applications: For additional or supplemental control, apply this product as a liquid. First, remove birds. Dissolve dry product into water at the rate of 1.5 to 2 pounds per 4 gallons of water. Apply liquid solution onto surfaces at the rate of 4 gallons of spray for every 100 square feet of surface area. Spray structural sidewalls, into cracks and crevices, around insulation, posts, framing, top plates and other structural components that might harbor beetles. Only use spray equipment designed for this purpose. Do not expose birds to spray. For long-term beetle control, reapply spray application annually or after each grow-out, especially if facility is washed, sanitized and disinfected using standard procedures. For fly control, apply a liquid application to the surface of manure piles at the rate of 1.5 to 2 pounds of product per 100 square feet of surface area.

Cleanup: Use soap and water to clean up tools.

{For containers with only household/domestic uses:}

Storage and Disposal

Do not contaminate water, food or feed by storage or disposal.

Pesticide Storage: Store in a dry place. Do not store where children or animals may gain access. **Container Management:** Non-refillable container; do not reuse or refill this container. **If empty:** Place 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.

Lot Number {Batch Code}: _____

{For non-refillable containers labeled with non-household/domestic uses:}

Storage and Disposal

Do not contaminate water, food or feed by storage or disposal.

Pesticide Storage: Store in a dry place. Do not store where children or animals may gain access. **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. Completely empty container by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into application equipment; then offer for recycling, if available; or dispose of in a sanitary landfill; or, if allowed by state and local authorities, by incineration.

Lot Number {Batch Code}: _____

{For non-rigid refillable containers labeled with non-household/domestic uses:}

Storage and Disposal

Do not contaminate water, food or feed by storage or disposal.

Pesticide Storage: Store in a dry place. Do not store where children or animals may gain access. **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:** Refillable container; refill this container with only Boracide Borate Powder. Do not reuse this container for any other purpose. Cleaning the 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. Before final disposal, completely empty container by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into application equipment; then offer container for recycling, if available; or dispose of container in a sanitary landfill; or, if allowed by state and local authorities, by incineration.

{For rigid refillable containers labeled with non-household/domestic uses:}

Storage and Disposal

Do not contaminate water, food or feed by storage or disposal.

Pesticide Storage: Store in a dry place. Do not store where children or animals may gain access. **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:** Refillable container; refill this container with only Boracide Borate Powder. Do not reuse this container for any other purpose. Cleaning the 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 before final disposal, empty the remaining contents from this container into application equipment or mix tank. Fill the container about 10% full with water. Agitate vigorously or recirculate water with a pump for 2 minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times, then offer container for recycling, if available; or reconditioning, if appropriate; or dispose of container in a sanitary landfill; or, if allowed by state and local authorities, by incineration.

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

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 use/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.

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.



Nisus Corporation
100 Nisus Drive Rockford, TN 37853
(800) 264-0870



The World's Leader in Borate Technology.

Nisus is a registered trademark of Nisus Corporation
Boracide is a trademark of Nisus Corporation
Made in the U.S.A.

© _____

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