

64405-8

11/16/2005

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Please read instructions on reverse before completing form.

Form Approved. OMB No. 2070-0060.

United States Environmental Protection Agency 1200 Pennsylvania Avenue, N.W. Washington, DC 20460-0001	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other	OPP Identifier Number <h2 style="margin:0;">Notification</h2>
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Application for Pesticide – Section I

1. Company/Product Number EPA Reg. No. 64405-8	2. EPA Product Manager Richard Gebken	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/ Product (Name) NiBor™ Borate Insecticide and Fungicide	PM # 10	
5. Name and Address of Applicant (Include ZIP Code) Nisus Corporation c/o RegWest Company, LLC 30856 Rocky Road Greeley, CO 80631-9375	6. Expedited Review. In accordance with FIFRA Section 3(c)(3)(b)(i) my product is similar or identical in composition and labeling to: NOTIFICATION EPA Reg. No. <u>NOV 10 2005</u> Product Name _____	
<input type="checkbox"/> Check if this is a new address		

Section – II

<input type="checkbox"/> Amendment – Explain below. <input type="checkbox"/> Resubmission in response to Agency letter dated _____ <input checked="" type="checkbox"/> Notification – Explain below	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____ <input type="checkbox"/> "Me Too" Application. <input type="checkbox"/> Other – Explain below.
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Explanation: Use additional page(s) if necessary. (For Section I and Section II.)
Submit non-PRIA label revision notification per PR Notice 98-10.
Refer to the Reference Label for an illustration of 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.

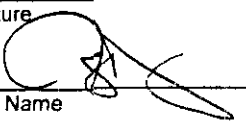
Section – III

1. Material This Product Will Be Packaged In:			
Child Resistant Packaging <input type="checkbox"/> Yes* <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	2. Type of Container <input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify): _____
*Certification must be submitted		If "Yes" Unit Packaging Wgt. No. Per Container	If "Yes" Packaging Wgt. No. Per Container
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container	5. Location of Label Directions <input type="checkbox"/> On Label <input type="checkbox"/> On Labeling Accompanying Product
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Stenciled <input type="checkbox"/> Paper glued <input type="checkbox"/> Other _____			

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application).

Name Kim Davis, CC, APC, Manager	Title Consultant/Agent	Telephone No. (Include Area Code) (970) 353-0611 kim@regwst.com
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Certification		6. Date Application Received (Stamped)
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.		
2. Signature 	3. Title Consultant/Agent	
4. Typed Name Kim Davis, CC, APC, Manager	5. Date October 11, 2005	

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(General Use Label)

NiBor™ Borate Insecticide and Fungicide

For the prevention and remedial control of wood* infesting organisms including: Termites, Drywood Termites, Wood Destroying Beetles, Decay Fungi and Carpenter Ants
*Also for Wood Foam Composite Structural Components

For the Control and Prevention of General Pests

A wood preservative for protection and treatment of lumber against fungal decay and wood destroying insects including termites

For the Control and Prevention of Common Mildew and Fungus

For the Control of Clothes Moths, Carpet Beetles, Mold and Rot in Wool Insulation

For the Control of Annosus Root Disease (*Heterobasidion annosum* (Fr.) Bref.) in Freshly Cut Stumps

For the Control of Crickets, Cockroaches, Silverfish, Ants

For Both Interior & Exterior Use

NOTIFICATION
NOV 10 2005

Active Ingredient:

Disodium Octaborate Tetrahydrate (Na ₂ BO ₁₃ •4H ₂ O)	98%
Other Ingredient+	2%
Total	100%
+Contains 2% H ₂ O – Absorbed Moisture	

EPA Reg. No. 64405-8

EPA Est. 64405-TN-1

Net Weight: _____

Keep Out of Reach of Children

CAUTION

[See Booklet for Additional Precautionary Statements]

[See side panel for First Aid and additional Precautionary Statements]

PRECAUTIONARY STATEMENTS

Hazards to Humans & Domestic Animals

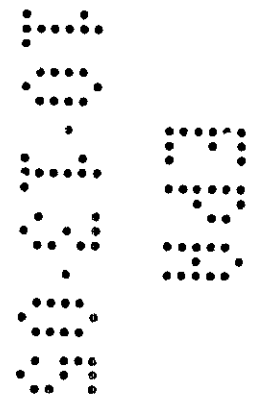
CAUTION: Harmful if swallowed or inhaled. Causes moderate eye irritation. Avoid contact with eyes or clothing. Avoid breathing dust. Thoroughly wash with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

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 Inhaled	<ul style="list-style-type: none"> • Move person to fresh air. • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible. • Call a poison control center or doctor for further 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 further treatment advice.

Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact 1-800-424-9300 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.}



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Personal Protective Equipment*

Applicators and handlers must wear waterproof gloves, eye protection, protective clothing (e.g., long sleeve shirt, long pants, shoes plus socks) and a NIOSH/MSHA-approved dust/mist mask respirator (in confined spaces) when utilizing powder or solution. *Only in California.

{Product packaged in containers of 50 pounds or larger will bear the following Environmental Hazards statements.}

Environmental Hazards

This pesticide is toxic to fish and wildlife. Do not contaminate water when cleaning equipment or disposing of equipment washwaters. 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.

{Product packaged in containers less than 50 pounds will bear the following Environmental Hazards statements.}

Environmental Hazards

This pesticide 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 the **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 the **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.

General Insect Control

General Information

NIBOR is a water soluble inorganic borate salt with insecticidal properties effective against general pests, including the target pests listed below. Apply as a liquid solution, mop solution, foam or dust. Use as a remedial treatment to kill and control existing infestations or as a preventative treatment for possible future infestations of general pests such as, but not limited to, those listed below:

Roaches (including German, Brown-banded, Smokey Brown, Brown, American, Australian and Oriental Roaches), **Silverfish**, **Earwigs**, **Crickets** (including House Crickets, Field Crickets and Camel Crickets), **General Ants** (including Argentine, Thief, Little Black, Pavement, Odorous House, Crazy and Ghost Ants), **Carpenter Ants**, **Boxelder Bugs**, **Cluster Flies**, **Centipedes** and **Millipedes**.

Use **NIBOR** as a dust or liquid crack, crevice, void and spot treatment for the control and prevention of general pests, such as ants, crickets, earwigs, roaches and silverfish. Use only as a crack and crevice treatment in food areas of food handling establishments, restaurants or other places where food is commercially prepared or processed. Do not use in edible product areas of these food-handling establishments. Do not use in serving or other food areas while food is exposed. Do not contaminate feed and foodstuffs. **Applications of this product in the food areas of food handling establishments other than as a crack and crevice treatment are not permitted.**

Use **NIBOR** in homes, restaurants, markets, schools, warehouses, factories, offices, hotels, hospitals, nursing homes, garages, grocery stores, apartment buildings, new construction, industrial plants, theaters, ships, trains, trucks, yachts, mobile homes, buses, zoos, kennels, military bases, libraries, utilities and on railroad ties. Apply **NIBOR** only in areas inaccessible to children and pets. **Do not use NIBOR for flea control.**

Note: Spraying water on some wood species can mobilize natural wood extractives, raise the grain and leave behind calcium or other deposits. Prior to treating large areas, treat a small area with **NIBOR** solution to ensure that you are satisfied with the final aesthetics.

Preparation of a Treatment Solution

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15% NIBOR Liquid Solution: To prepare solution, add approximately 80% of the required volume of water to the mixing vessel. While stirring, gradually add 1.5 pounds of NIBOR for each gallon of treating solution required. Add remaining water to the solution and stir until the entire product has dissolved. Use this solution as soon as possible and do not store for an extended length of time.

Wash and rinse all equipment after each use.

Application Instructions

NIBOR Application as a Dust: Dust NIBOR into wall voids, cracks and crevices, moist areas, openings around pipes and sinks, under refrigerators, behind baseboards and storage shelves to kill and prevent infestations of ants, crickets, cockroaches, silverfish and other insect pests and arthropods. No powder should be visible after application. Remove or brush any powder visible after application into cracks and crevices.

NIBOR Application as a Liquid: Apply NIBOR 15% liquid solution as a crack and crevice, void and spot treatment to kill and control infestations of ants, crickets, cockroaches, earwigs and silverfish. Apply NIBOR 15% liquid solution into cracks and crevices, void areas, between elements of construction, between equipment and floors, openings leading to voids and hollow spaces in walls, equipment legs and bases and areas where insects hide. Do not introduce the material into the air. Apply the NIBOR 15% liquid solution for general insect control as a spot treatment to outside areas of structures around windows, doorframes and other areas where insect pests may enter. Product may leave a light residue on dark surfaces. Residual effects of NIBOR will last longer in areas protected from weather and elements.

Note: Do not apply NIBOR liquid solutions in conduits, motor housings, junction boxes, switch boxes or other electrical equipment because of possible shock hazard.

Directions for Applying NIBOR as a Mop Solution: Add 8 ounces of NIBOR to each gallon of rinse water. Apply to floor areas only for the supplemental control of pests including ants and cockroaches. Make only enough for each application. This is to be used as a supplemental treatment in conjunction with other pest management practices and may be reapplied as necessary. Remove or brush any powder visible after application into cracks and crevices. Do not contaminate feed and foodstuffs.

Directions for Applying NIBOR to Control Mildew and Fungus (Except in California): Mix NIBOR at the rate of 8 ounces of powder to 1 gallon of water. In areas affected by mildew and fungus, apply to certain surfaces to kill and control mildew and fungus in conjunction with conventional moisture control practices such as repairing leaking structural components or pipes, lowering interior humidity levels and, where possible, providing adequate ventilation. Apply as a spot treatment to affected surfaces including baseboards and wall areas. DO NOT APPLY NIBOR TO CARPET AREAS. Reapply as necessary.

Wood Treatment

General Information

NIBOR is a water soluble, inorganic borate salt with insecticidal and fungicidal properties effective against wood-destroying organisms including the target pests listed below. Apply NIBOR as a liquid solution, powder or foam. NIBOR is an effective treatment for wood (and wood-foam composite structural components) to kill and prevent infestations of decay fungi including white rot, brown rot (i.e., *Poria*) and wet rots. This product may be used for preventative treatment (before signs of infestation), for wood in existing structures and for remedial treatment of infested wood in existing structures. This product may also be used for pre-treatment of wood before or during the construction process. NIBOR is also effective for the prevention and control of wood destroying insects such as, but not limited to, the following organisms:

Subterranean Termites (*Reticulitermes*, *Heterotermes*, *Coptotermes* (Formosan)), **Drywood Termites** (*Kalotermites*, *Incisitermes*), **Dampwood Termites** (*Zootermopsis*), **Powderpost Beetles** (*Lyctidae*), **"False" Powderpost Beetles** (*Bostrichidae*), **Deathwatch and Furniture Beetles** (*Anobiidae*), **Old House Borers, Longhorn Beetles** (*Cerambycidae*), **Carpenter Ants** (*Camponotus*), **Bark and Timber Beetles** (*Scolytidae*).

NIBOR is recommended for wood and cellulose material in accordance with the specific treatment methods described herein. NIBOR is effective for all interior and exterior wood (and wood-foam composite structural components) that will be protected from excessive rain and not in direct contact with the soil. Types of wood include, but are not limited to, all types of lumber, logs and plywood. This product kills wood-destroying organisms. Some etching of treated wood may occur from organisms before they die. Do not apply NIBOR to wood or cellulose material that has been painted, varnished or sealed. For best results, apply NIBOR to bare wood. Use soap and water to clean application equipment.

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Note: Spraying water on some wood species can mobilize natural wood extractives, raise the grain and leave behind calcium or other deposits. Prior to treating large areas, treat a small area with NIBOR solution to ensure that you are satisfied with the final aesthetics.

Preparation of Treatment Solutions

10% NIBOR Liquid Solution: To prepare solution, add approximately 80% of the required volume of water to the mixing vessel. While stirring, gradually add 1.0 pound of NIBOR for each gallon of treating solution required. Add remaining water to the solution and stir until the entire product has dissolved.

15% NIBOR Liquid Solution: Prepare solution as above, but gradually add 1.5 pounds of NIBOR for each gallon of treatment solution needed. [To prepare solution, add approximately 80% of the required volume of water to the mixing vessel. While stirring, gradually add 1.5 pounds of NIBOR for each gallon of treating solution required. Add remaining water to the solution and stir until the entire product has dissolved.] Use this solution as soon as possible and do not store for an extended length of time.

15% NIBOR Foam: Prepare a 15% liquid solution as described above and also add a surfactant-foaming agent. Generally 1-2 ounces of a foaming agent, added to the 15% liquid solution, produces a dry foam with the desired expansion ratio of approximately 20 to 1 (20 gallons of foam per 1 gallon of liquid solution). The NIBOR foam should be of a "dry" consistency that adheres to wood surfaces so that run-off is minimized. A "wet" foam may damage wallboard or other building components. Refer to the individual foam equipment manufacturer's manual and the surfactant's label for specific instructions. Wash and rinse all equipment after each use.

General Application Instructions

NIBOR as a liquid solution: NIBOR liquid applications may be made to wood structures including decks, fences, steps, sheds, barns and other outbuildings. On wood with drier than normal moisture content, apply by brush or spray two applications of a 10% solution to wood surfaces. On wood with normal moisture content, apply by brush or spray one application of a 15% solution to wood surfaces. Application may also be made by drilling and then injecting the solution under pressure into sound wood or into the insect galleries of infested wood. NIBOR may be applied as a foam to wood surfaces or injected into wall voids or insect galleries.

Remedial and Preventative Treatment

NIBOR Solutions for the Control of Wood Destroying Organisms and to Kill Active Infestations of Termites, Powderpost Beetles and Wood Decay Fungi: For remedial control of wood attacking organisms or for the protection of wood against future infestations, two applications of a 10% liquid solution are normally required. One application of a 15% liquid solution may be used. Apply NIBOR solutions by brush or spray at the rate of 5 gallons of liquid solution per 1000 square feet of wood surface area. Thoroughly wet wood surface area. Application may also be made by drilling and then injecting the liquid solution under pressure into sound wood or until run-off is observed coming from entry/exit holes of infested wood.

NIBOR Powder to Kill and Control Wood Destroying Organisms, Such as Termites and Carpenter Ants: Apply NIBOR as is to wood members by drilling and injecting the powder into galleries or by dusting generously on wood surfaces. NIBOR powder can also be injected or dusted into wall voids such as between studs, block voids, box sills, eaves, attics, soffets, etc. Apply NIBOR powder to these areas at the rate of 0.5 ounce (12-14 grams) per square foot.

NIBOR Foam: In wall voids, inject enough dry foam to contact wood surfaces of studs in the wall or the entire desired target area. Apply foam, where possible, to abutting wood surfaces and between wood joints. Apply the foam so that all accessible wood surfaces are covered with foam. NIBOR foam can also be injected into insect galleries until run-off is observed.

Wood Treatment During Construction for Prevention of Wood Destroying Organisms: During Construction: Spray, foam or powder applications of NIBOR may be made to wood. Apply a NIBOR liquid solution to all accessible surfaces of bare wood at a rate of approximately 5 gallons per 1000 square feet of wood surface area. Apply after framing and roofing are in place and before insulation and dry wall are installed. Do not spray electrical components or other non-wood components. Treat end-cuts of wood by application methods listed above, or by dipping end-cuts for 1-5 minutes in a NIBOR 10% liquid solution. Apply powder applications of NIBOR after framing and roofing are in place and before insulation and dry wall are installed. Apply powder at the rate of 0.5 ounce (12-14 grams) per square foot to wall stud areas, box sills, roof eaves, attics and soffets. Protect newly treated wood from excessive rain or moisture.

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Dip-Diffusion Treatment

Preparation of Solutions: To prepare solutions described below, add water to the tank to approximately 80% of the volume of solution required. Raise water temperature to the desired level and, with good agitation, gradually add the calculated amount of NIBOR. Add remaining water to the solution and agitate for an additional 10 minutes to ensure that all of the product has dissolved. The temperature of the solution should be maintained during treatment. Upon cooling some borate may crystallize out of the solution, but will redissolve when the solution is heated for the next treatment session. In very cold weather, provide some heating or insulation to prevent solidification in the bottom of the tank. Cover the tank when not in use to prevent contamination and evaporation.

Suggested Conditions and Solution Strengths for Dip-Diffusion

Lumber Thickness	Pounds of NiBor per Gallon of Solution	Solution Temperature	Diffusion Complete In
Up to 1 inch (2.5 cm)	1.40	105°F (40°C)	2 to 4 weeks
1 to 1.75 inches (2.5 to 4.0 cm)	1.80	120°F (50°C)	4 to 6 weeks
1.75 to 2.5 inches (4.0 to 6.5 cm)	2.50	130°F (55°C)	4 to 6 weeks
2.5 to 3 inches (6.5 to 7.5 cm)	2.80	135°F (57°C)	6 to 8 weeks
Lumber over 3 inches (7.5 cm) in thickness or over 5 inches (12.5 cm) in width should be dipped twice, 24 to 72 hours apart.			

Dip-Diffusion Method of Application: Dip freshly-cut lumber in a tank containing a hot liquid solution of NIBOR for 2 to 5 minutes. After dipping, stack the newly treated wood and store under a tarpaulin or shed roof to slow the drying process and prevent wash-off by rainfall, thus improving penetration. Diffusion of the wood preservative into the interior of the wood will start immediately and will require several weeks to thoroughly penetrate the lumber, depending on the species and thickness of wood. The dip-diffusion method of treatment can result in complete penetration throughout the cross-sectional area of treated lumber.

Pressure Treatment

Pressure treatment of wood should result in a retention of 0.3 lb./ft.³ (4.8 kg/m³) NIBOR in the assay zone specified in American Wood Preservers Association (AWPA) Standard C-31 for waterborne preservatives. The concentration of the solution must be adjusted to give the correct retention for wood species and size being treated; in general, solutions are in the range of 1-2% (0.1-0.2 lb./gal.) w/v. Consult standards C-1 and C-2 of the AWPA Book of Standards regarding treatment times, pressures and temperatures necessary for various wood species.

Cut clean wood to dimension, dry to less than 25% moisture (as oven dry weight) and sticker before treating. If several species are being treated at once, choose the treatment schedule for the most difficult to treat species. If both sapwood and heartwood are included, use the schedule for heartwood to ensure adequate loading.

**For Wool Insulation and Woolen Carpets/Materials Treatment
Against Clothes Moths, Carpet Beetles and Decay Fungi (Mold and Rot)**

Use a 5% to 10% active solution (1/2 to 1 pound NIBOR per gallon of water) in the final rinsing bowl of scouring and treat wet wool by emersion prior to drying and carding. Alternatively, NIBOR may be applied by spray to dry wool products. Heated water improves wool fiber penetration. In both cases the minimum target retention on a dry weight basis is 1% to 5% boron to control decay fungi and insect infestation (beetles and moths).

For Annosus Root Disease Control

NIBOR Solutions to Control Annosus Root Disease (*Heterobasidion annosum* (Fr.) Bref.) to Treat the Top of Freshly Cut Stumps: Dilute NIBOR to a 5% active solution by thoroughly mixing 1/2 pound NIBOR per gallon of water. Using a mechanical harvester, back-pack sprayer or hand-held sprayer apply solution to the surfaces of freshly cut stumps immediately or within 3 days of felling. Apply to the point of wetness. A rate of one gallon solution per four hundred (400) square feet of stump surface area will treat 400 to 2,000 stumps, depending on stump size. Marker dye may be added to the solution as a visual treatment aid.

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(For product packaged in containers of household use size:)

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. **Disposal: If empty:** Do not reuse this container. Place in trash or offer for recycling if available. **If partly filled:** Call your local solid waste agency [or 1-800-CLEANUP] for disposal instructions. Never place unused product down any indoor or outdoor drain.

(For product packaged in large containers:)

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 Disposal:** Completely empty liner by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into application equipment. Then dispose of liner in a sanitary landfill or by incineration if allowed by state and local authorities. If drum is contaminated and cannot be reused, dispose of in the same manner.

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. **MANUFACTURER MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.**

Inherent Risks of Use

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, the manner of application or other factors, all of which are beyond the control of the seller. All such risks shall be assumed by the buyer.

Limitation of Remedies

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.

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. **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.

[[Logos:]]

[Nisus
Corporation]

[Nisus
Industrial
The World's Leader in Borate Technology]

Nisus Corporation
100 Nisus Drive • Rockford, TN 37853
(800) 264-0870
www.nisuscorp.com

© _____
Made in the U.S.A.

[] Indicates alternate/optional language
{ } Indicates language that will not appear on the market labeling

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{Professional (PCO) Label}

{House Design Trademark logo}*

NIBOR™* Borate Insecticide and Fungicide

Only for sale to, use and storage by professional pest control operators

A preservative for protection and treatment of wood against fungal decay and wood destroying insects including termites

For the prevention and remedial control of wood** infesting organisms including: Termites, Drywood Termites, Wood Destroying Beetles, Decay Fungi and Carpenter Ants

**Also for Wood Foam Composite Structural Components

Active Ingredient:
 Disodium Octaborate Tetrahydrate (Na₂B₈O₁₃•4H₂O) 98%
Other Ingredient+ 2%
 Total 100%
 +Contains 2% H₂O – Absorbed Moisture

* {Product Name} and the House Design trademark are registered trademarks of U.S. Borax Inc. and are used under license.

EPA Reg. No. 64405-8 EPA Est. 64405-TN-1

Net Weight: _____

Keep Out of Reach of Children

CAUTION

PRECAUTIONARY STATEMENTS

Hazards to Humans & Domestic Animals

CAUTION: Harmful if swallowed or inhaled. Causes moderate eye irritation. Avoid contact with eyes or clothing. Avoid breathing dust. Thoroughly wash with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

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 Inhaled	<ul style="list-style-type: none"> • Move person to fresh air. • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible. • Call a poison control center or doctor for further 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 further 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 1-800-424-9300 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.}

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9/12

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Environmental Hazards

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DIRECTIONS FOR USE

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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 Disposal:** **{Paper or Plastic Bags:}** Completely empty bag into application equipment. Dispose of empty bag in a sanitary landfill or by incineration, or if allowed by state and local authorities, by burning. If burned, stay out of smoke. **{Plastic Containers:}** Triple rinse (or equivalent) then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or incineration, or if allowed by state and local authorities, by burning. If burned, stay out of smoke.

General Information

NIBOR is a water soluble, inorganic borate salt with insecticidal and fungicidal properties effective against wood-destroying organisms including the target pests listed below. Apply **NIBOR** as a liquid solution, powder or foam. **NIBOR** is an effective treatment for wood (and wood-foam composite structural components) to kill and prevent infestations of decay fungi including white rot, brown rot (i.e., *Poria*) and wet rots. This product may be used for preventative treatment (before signs of infestation), for wood in existing structures and for remedial treatment of infested wood in existing structures. **NIBOR** is also effective for the prevention and control of wood destroying insects such as, but not limited to, the following organisms:

Subterranean Termites (*Reticulitermes*, *Heterotermes*, *Coptotermes* (Formosan)), **Drywood Termites** (*Kaloterms*, *Incisitermes*), **Dampwood Termites** (*Zootermopsis*), **Powderpost Beetles** (*Lyctidae*), **"False" Powderpost Beetles** (*Bostrichidae*), **Deathwatch and Furniture Beetles** (*Anobiidae*), **Old House Borers**, **Longhorn Beetles** (*Cerambycidae*), **Carpenter Ants** (*Camponotus*), **Bark and Timber Beetles** (*Scolytidae*)

NIBOR is recommended for wood and cellulose material in accordance with the specific treatment methods described herein. **NIBOR** is effective for all interior and exterior wood (and wood-foam composite structural components) that will be protected from excessive rain and not in direct contact with the soil. Types of wood include, but are not limited to, all types of lumber, logs and plywood. This product kills wood-destroying organisms. Some etching of treated wood may occur from organisms before they die. Do not apply **NIBOR** to wood or cellulose material that has been painted, varnished or sealed. For best results, apply **NIBOR** to bare wood. Use soap and water to clean application equipment.

Note: Spraying water on some wood species can mobilize natural wood extractives, raise the grain and leave behind calcium or other deposits. Prior to treating large areas, treat a small area with **NIBOR** solution to ensure that you are satisfied with the final aesthetics.

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Preparation of Treatment Solutions

10% NIBOR Liquid Solution: To prepare solution, add approximately 80% of the required volume of water to the mixing vessel. While stirring, gradually add 1.0 pound of NIBOR for each gallon of treating solution required. Add remaining water to the solution and stir until the entire product has dissolved.

15% NIBOR Liquid Solution: Prepare solution as above, but gradually add 1.5 pounds of NIBOR for each gallon of treatment solution needed. Use this solution as soon as possible and do not store for an extended length of time.

15% NIBOR Foam: Prepare a 15% liquid solution as described above and also add a surfactant-foaming agent. Generally 1-2 ounces of a foaming agent, added to the 15% liquid solution, produces a dry foam with the desired expansion ratio of approximately 20 to 1 (20 gallons of foam per 1 gallon of liquid solution). The NIBOR foam should be of a "dry" consistency that adheres to wood surfaces so that run-off is minimized. A "wet" foam may damage wallboard or other building components. Refer to the individual foam equipment manufacturer's manual and the surfactant's label for specific instructions.

Wash and rinse all equipment after each use.

General Application Instructions

NIBOR as a liquid solution: NIBOR liquid applications may be made to wood structures including decks, fences, steps, sheds, barns and other outbuildings. Such structures must be protected from excess rain. On wood with drier than normal moisture content, apply by brush or spray two applications of a 10% solution to wood surfaces. On wood with normal moisture content, apply by brush or spray one application of a 15% solution to wood surfaces. Application may also be made by drilling and then injecting the solution under pressure into sound wood or into the insect galleries of infested wood. NIBOR may be applied as a foam to wood surfaces or injected into wall voids or insect galleries.

Remedial and Preventative Treatment

NIBOR Solutions for the Control of Wood Destroying Organisms and to Kill Active Infestations of Termites, Powderpost Beetles and Wood Decay Fungi: For remedial control of wood attacking organisms or for the protection of wood against future infestations, two applications of a 10% liquid solution are normally required. One application of a 15% liquid solution may be used. Apply NIBOR solutions by brush or spray at the rate of 5 gallons of liquid solution per 1000 square feet of wood surface area. Thoroughly wet wood surface area. Application may also be made by drilling and then injecting the liquid solution under pressure into sound wood or until run-off is observed coming from entry/exit holes of infested wood.

NIBOR Powder to Kill and Control Wood Destroying Organisms, Such as Termites and Carpenter Ants: Apply NIBOR as is to wood members by drilling and injecting the powder into galleries or by dusting generously on wood surfaces. NIBOR powder can also be injected or dusted into wall voids such as between studs, block voids, box sills, eaves, attics, soffets, etc. Apply NIBOR powder to these areas at the rate of 0.5 ounce (12-14 grams) per square foot.

NIBOR Foam: In wall voids, inject enough dry foam to contact wood surfaces of studs in the wall or the entire desired target area. Apply foam, where possible, to abutting wood surfaces and between wood joints. Apply the foam so that all accessible wood surfaces are covered with foam. NIBOR foam can also be injected into insect galleries until run-off is observed.

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. **MANUFACTURER MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.**

Inherent Risks of Use

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, the manner of application or other factors, all of which are beyond the control of the seller. All such risks shall be assumed by the buyer.

Limitation of Remedies

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

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2. Replacement of amount of product used.

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. **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.

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{ } Indicates alternate/optional language
{ } Indicates language that will not appear on the market labeling

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October 11, 2005



Mr. Richard Gebken, Product Manager 10
 Document Processing Desk - **NCTIF**
 Office of Pesticide Programs - **7504C**
U.S. Environmental Protection Agency
 1801 South Bell Street
 Crystal Mall #2, Room 266A
 Arlington, VA 22202-4501

Dear Mr. Gebken:

Subject: Nisus Corporation
 NiBor™ Borate Insecticide and Fungicide
 EPA Reg. No. 64405-8

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

Attached are the following items:

1. Application for Pesticide: Other – Notification ✓
2. One **Reference Label** (illustrating the changes) ✓
3. One **New Label** (incorporating the changes) ✓
4. Two copies of the market labeling (using the three additional brand names of NiBor-D, Cellu-Treat DOT Wood Preservative and Tim-bor Professional) * *Kim Davis - Services Manager /sin*

* Please note **none** of the market labels have all approved label verbiage and should not be used for stamping or posting purposes.

In addition to adding selling copy to and correcting typographical errors in the *Pressure Treatment* section of the General Use portion of the label and reinstating the phrase *Only for sale to, use and storage by professional pest control operators* to the PCO label, we are also making the following changes to both portions: qualifying the Personal Protective Equipment verbiage as applicable only in California (as California is the only state which requires such language) and revising the Warranty verbiage.

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

Regards,
RegWest Company, LLC

Kim Davis, CC, APC, Manager
 Consultant/Agent

Attachments

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