

71653-6

8/26/2010

1 of 7



U.S. ENVIRONMENTAL PROTECTION AGENCY

Office of Pesticide Programs
Antimicrobials Division (7510P)
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

EPA Reg. Number: 71653-6

Date of Issuance: AUG 26 2010

Term of Issuance: Conditional

Name of Pesticide Product:

Genics CuB

NOTICE OF PESTICIDE:

Registration
[x] Reregistration

(under FIFRA, as amended)

Name and Address of Registrant (include ZIP Code):

Genics, Inc
561 Acheson Rd 53016 Hwy 60
Acheson, AB Canada T7X 5A7

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide and Rodenticide Act.

Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

Based on your response to the Coppers RED, the EPA has reregistered this product subject to the comments recorded in the succeeding paragraph. This action is taken under the authority of section 4(g)(2) of the Federal Insecticide, Fungicide and Rodenticide Acts, as amended. Reregistration under this section does not eliminate the need for continual reassessment of pesticides. The EPA may require submission of data at any time to maintain the registration of the subject product.

1. Make the following label changes:

- a. The claim immediately below the product name on page 1 must be revised to read "For the preservation and protection of wood or wood composites susceptible to fungal decay, mold, termite, or insect attack."
b. According to PR Notice 2001-1, First Aid Statements, the label must include a company number or toll free hotline number to obtain information about the product in emergency situations. Therefore, add the statement, "You may also contact

Signature of Approving Official:

Jacqueline Campbell-McFarlane
Product Manager Team-34
Regulatory Management Branch II
Antimicrobials Division (7510P)

Date:

AUG 26 2010

2087

[insert phone number 1-800-xxx-xxxx] for emergency medical treatment information." It must appear after the statement, "Have the product container or label..."

c. Revise the ingredient's statement to read:

**Active Ingredients:**

Disodium Octaborate Tetrahydrate .....	9.10%
Boric Acid.....	0.89%
Copper Hydroxide* (CAS # 20427-59-2) .....	0.99%
<b>Inert Ingredients</b> .....	<b>89.02%</b>
<b>Total</b>	<b>100.00%</b>

\*Metallic Copper Equivalent 0.64%

d. Based on the Copper RED, the following statements must be added to the label after the "Precautionary Statements:"

**Personal Protective Equipment (PPE)**

Mixers, loaders, applicators, and other handlers must wear the following:

- Long-sleeved shirt,
- Long pants,
- Shoes plus socks

**User Safety Requirements**

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

Discard clothing and other absorbent materials that have been drenched or heavily contaminate with this product's concentrate. Do not reuse them.

Users must wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.

Users must remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.

Users must remove PPE immediately after handling the product. As soon as possible, wash thoroughly and change into clean clothing.

e. Based on the Agency letter dated June 19, 2008, there is no data on file to support structural protection claims. Therefore, you must delete the 2nd paragraph under "General Information" on page 2 and the "New Construction Treatment" directions on page 3.

f. The following disclaimer must be added to the label to clarify the appropriate use pattern:

CONCURRENCES	
SYMBOL	Genics CuB is not intended as a substitute for mechanical alteration, soil treatment, or foundation treatment
SURNAME	Genics CuB is not intended for application to soil. In areas where a soil treatment/barrier
DATE	termite treatment is required, Genics CuB may be applied as a

3097

supplemental pretreatment to protect wood from subterranean termites that may penetrate chemical gaps occurring in termiticide-treated soil. Genics CuB is not a soil termiticide. Do not use to treat soil directly. When active infestations exist, get a professional inspection.

- g. According to 40 CFR 156.10 (i) (2)(ii), the general misuse statement, "It is a violation of Federal Law to use this product in a manner inconsistent with its labeling," must appear immediately after the "Directions for Use" heading.
- h. The "Directions for Use" must be brought into compliance with PR Notice 2000-5, Mandatory Labeling, by deleting the term, should and stating "must."
- i. According to the Copper RED, add the following "Environmental Hazards" statements:

**Environmental Hazards**

This pesticide is toxic to fish and aquatic invertebrates. 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 EPA.

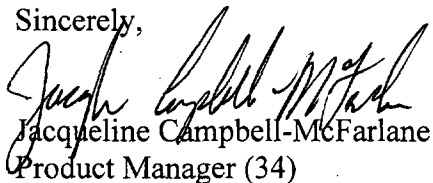
- j. Revise the "Container Disposal" statements to be in compliance with the Container Rule by adding the statements, "Nonrefillable container. Do not reuse or refill this container."

2. A stamped copy of the label is enclosed for your records. Submit two (2) copies of the revised labeling bearing the labeling revisions listed above.

If these conditions are not complied with, this registration will be subject to cancellation in accordance with FIFRA sec. 6(e). Your release for shipment of the product constitutes acceptance of these conditions.

If you have questions concerning this matter, please contact me at (703) 308-6416 or by email at Campbell-McFarlane.Jacqueline@epa.gov.

Sincerely,



Jacqueline Campbell-McFarlane  
Product Manager (34)

Regulatory Management Branch II

Animal and Pesticide Division (7510P)

CONCURRENCES							
SYMBOL	Enclosure	Stamped Label					
SURNAME		Chemistry/Acute Toxicology	Data Evaluation				
DATE							



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

**READ THE ENTIRE LABEL BEFORE USE.**

**PRECAUTIONARY STATEMENTS**

May be harmful if swallowed. Avoid contact with eyes and skin. May cause eye irritation. Avoid rubbing eyes while working with product. Wash hands thoroughly with soap and water after handling and before eating, drinking or smoking. Store and wash all protective clothing separately from household laundry. Personal protective clothing, normal work clothes (i.e. long pants, shoes, a long sleeved shirt) plus waterproof gloves for all users of product. Do not leave container where children or animals may gain access.

**GENERAL INFORMATION**

When spraying overhead interior areas of homes, apartment buildings, etc., cover or protect all surfaces below the area being sprayed with plastic sheeting material that can be disposed of if contamination from dripping occurs. Do not apply in food serving areas while food is exposed.

~~In new construction applications for the prevention of subterranean termites, structural wood is defined as only wood needed for the basic building structure as found in the dried in stage of construction, including wood in direct contact with foundations, interior and exterior wall sill plates, wood studs, wood or cellulosic sheathing, floor joists and sub-flooring. For new construction, this product may be considered a stand alone (primary) treatment for protection against subterranean termites (including Formosan termite), in states requiring a preconstruction treatment. This product may also be used in conjunction with other termite control tactics to provide additional protection.~~

Use soap and water to clean up tools.

In structures where a soil treatment/barrier termiticide has been applied and/or termite bait system installed, Genics CuB may be applied as an additional treatment to protect wood from subterranean termites that may have penetrated the chemical gaps occurring within the termiticide-treated soil or have bypassed the bait/monitor systems and entered the structure. For termites, beetles, other insects and decay fungi that can fly or be carried directly into the structure, entirely bypassing the soil treatment.

As a remedial treatment, Genics CuB will both eliminate and prevent infestations of Formosan, native subterranean termites, wood boring beetles, carpenter ants and decay fungi. It may also be used as a supplement or alternative to fumigation in order to provide long-term residual control. Since Genics CuB is applied directly in the structure, it can be used in areas where environmental contamination is of concern (nearby wells, cisterns, etc.). The active ingredients in Genics CuB are inorganic salts and once in place, will not decompose or volatilize out of the wood.

Genics CuB is not a soil termiticide. Do not use to directly treat soil except as directed.

Older wood boring beetle larvae and especially pupae (particularly Old House Bcrers) already present in the wood at the time of treatment may occasionally emerge some time after treatment. This is because they are no longer feeding on the wood. This will

not occur frequently, though to cause structural damage to any wooden member and reinfestation is prevented.

**DIRECTIONS FOR USE**

**Genics CuB is READY-TO-USE and should be applied as an undiluted product by dip, spray, brush, roller or other means of application that allows thorough coverage of the surface.**

**Genics CuB** may be used on all cellulosic materials including wood, plywood, particle board, paper, oriented strand board (OSB) cardboard, wood composite, and foam materials. Apply Genics CuB only to bare wood, plywood, particle board and other cellulosic materials where an intact water repellent barrier, such as paint, stain or sealant is not present. Do not apply to frozen wood.

Genics CuB is a highly effective termiticide, insecticide, fungicide and moldicide that eliminates infestations and provides long term protection against:

- Subterranean Termites:** Reticulitermes, Heterotermes
- Formosan Termites:** Coptotermes
- Drywood Termites:** Incisitermes, Kaloterms
- Dampwood Termites:** Zootermopsis, Neotermes
- Old House Borers, Longhorn Beetles (Cerambycidae)**
- Carpenter Ants (Camponotus)**
- Furniture and Deathwatch Beetles (Anobiidae)**
- Ambrosia Beetles:** Platypodidae, Scolytidae
- Powderpost Beetles:** Lyctidae, Bostrichidae
- Anobiid Beetles:** Anobiidae
- Wood Decay:** Brown, White and Dry rot

**Dip Treating Logs and Lumber:** Sticker bundle wood to ensure the solution covers all wood surfaces. Submerge logs and/or lumber in the solution for at least one (1) minute or until all entrapped air has escaped. After dipping, the newly treated wood should be stacked and stored under a tarpaulin or shed roof to slow the drying process and prevent wash off by rainfall, thus improving penetration. Complete penetration may require several weeks to occur, depending upon species and thickness of wood.

**Brush/Roller/Spray:** For remedial control, two applications of Genics CuB are normally required for control of decay or insects while only a single application will control mold. Apply Genics CuB solution by brush, roller or spray until wood surface is thoroughly wet, at a rate of approximately 1 litre per 10 square meters [1 gal per 400 square feet] of wood surface area. When spraying, apply evenly using a medium or coarse spray at low pressures (1-2 kg/cm<sup>2</sup> [ $<25$  psi]). Thoroughly soak cut ends. Additional coats may be applied if necessary, waiting at least 20 minutes between applications.

~~**New Construction Treatment:** For protection of wood against subterranean termites, apply Genics CuB at the dried-in stage of construction, when structural wood is first accessible. This application would usually occur after walls are in place but not covered with drywall, and before installation of electrical wiring or placement of insulation. Apply one coat of Genics CuB thoroughly to structural wood, including sill plates, piers, subfloors, studs or any other structural wood component. Use no less than 1 gallon of product per 400 square feet (1 liter per 10 square meters) of treated wood. For sub~~

~~construction, apply a continuous band to base plate and a to a minimum height of 0.6 meters (2 feet) from the slab. For other types of construction, apply a two foot (0.6 m) band around all cellulose materials in crawl spaces and basements. In cases where access to structural wood is limited to two or less sides, two coats should be applied 20 minutes apart.~~

**Pressure Treatment:** Pressure Treatment must rigidly adhere to the current specifications of Genics CuB or those of the American Wood Preservers' Association (AWPA) for borates.

**Injection:** Application may be made by drilling, then injecting the solution into infested areas until refusal occurs. Product may also be applied as a foam by adding 3 to 8 ounces of foam per gallon of solution. Apply foam so as to completely fill the void and contact all surfaces in the void space.

It is important to allow treated material to completely dry (at least 48 hours, depending upon temperature and humidity) before applying any protective finish. The finish or topcoat should be applied within two weeks of treatment if the treated product is exposed to rain or running water. Although a wide variety of paints and stains have been successfully used over Genics CuB 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.

**STORAGE and DISPOSAL**

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

**Pesticide Storage:** Store in a cool, dry place inaccessible to children and pets and away from food or feed. Do not freeze.

**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:** 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.