

73605-2

5/6/2011

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

MAY 6 2011

OFFICE OF
CHEMICAL SAFETY
AND POLLUTION PREVENTION

M s. Kim Davis
American Borate Company
c/o RegWest Company, LLC
8203 West 20th Street, Suite A
Greeley, CO 80634-4696

Subject: Label Notification(s) for Pesticide Registration PR Notice 2007-4 & PR Notice 98-10

Dear Ms. Davis:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 and 2008-1 dated April 29, 2011 for:

EPA Registration Number: 73605-2 Boric Acid® FG

The Registration Division (RD) has conducted a review of this request for applicability Under PRN 2007-4 and finds that the label change(s) requested falls within the scope of PRN-2007-4. The label has been date-stamped "Notification" and will be placed in our records.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identifying the batch of the pesticide distributed and sold be placed on non-refillable containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

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)

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 Notification |
|--|--|--|

Application for Pesticide – Section I

| | | |
|---|--|--|
| 1. Company/Product Number EPA Reg. No. 73605-2 | 2. EPA Product Manager Richard Gebken | 3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted |
| 4. Company/ Product (Name) Boric Acid® FG | PM # 10 | |
| 5. Name and Address of Applicant (Include ZIP Code) American Borate Company 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: EPA Reg. No. _____ Product Name _____ | |

Section – II

| | |
|--|--|
| <input type="checkbox"/> Amendment – Explain below. | <input type="checkbox"/> Final printed labels in response to Agency letter dated _____ |
| <input type="checkbox"/> Resubmission in response to Agency letter dated _____ | <input type="checkbox"/> "Me Too" Application. |
| <input checked="" type="checkbox"/> Notification – Explain below. | <input type="checkbox"/> Other – Explain below. |

NOTIFICATION
MAY - 6 2011

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

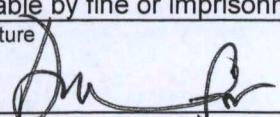
**Submit Label Revision Notification per PR Notices 98-10 and 2007-4.
Refer to Reference Label for an illustration of all label revisions.**

Notification of label change per PR Notices 98-10 and 2007-4. This notification is consistent with the guidance of PR Notices 98-10 and 2007-4 and the requirements of EPA's regulations at 40 CFR § § 152.46, 156.10, 156.140, 156.144, 156.146 and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for 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 40 CFR § § 152.46, 156.10, 156.140, 156.144, 156.146 and 156.156, 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 | | | |
| *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 55 pounds through 2205 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 checked="" type="checkbox"/> Paper glued | <input type="checkbox"/> Stenciled <input checked="" type="checkbox"/> Other Printed; Self-adhesive | | |

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 kim@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. | | | | | 8. Date Application Received (Stamped) |
| 2. Signature  | | 3. Title Consultant/Agent | | | |
| 4. Typed Name Kim Davis | | 5. Date April 29, 2011 | | | |

Label Revision Notification



April 29, 2011

Mr. Richard Gebken, Product Manager 10
Document Processing Desk - **NOTIF**
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. Gebken:

Subject: American Borate Company
Boric Acid® FG
EPA Reg. No. 73605-2

On behalf of **American Borate Company**, RegWest Company, LLC is submitting the attached documents per PR Notices 98-10 and 2007-4. RegWest will act as sole agent in this endeavor.

Attached are the following documents:

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

In addition to the PR Notices changes, we are deleting "73605-VA-01" and replacing it with a blank line, amongst other minor 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 comments concerning this submission.

Regards,
RegWest Company, LLC

A handwritten signature in black ink, appearing to read "Kim Davis", written over a white background.

Kim Davis,
Consultant/Agent

Attachments

cc: ABCo – Reid, B.

Boric Acid FG is a soluble inorganic powder for formulating into certain end-use products; insecticides/fungicides for wood treatment; insecticides for mop, spot, or crack and crevice treatment in residential, industrial, commercial and institutional buildings.

Formulators and repackagers are responsible for obtaining their own registrations.

Not for food or drug use.

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:** Non-refillable container; do not reuse or refill this bag. Completely empty bag into application equipment. Offer for recycling, if available; otherwise 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.

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

Notice: To the extent permitted by applicable law, neither manufacturer nor seller shall be liable in respect to any injury or damages suffered by reason of the use of this product for a purpose not indicated by the label, or when used contrary to the directions or instructions hereon, nor with respect to breach of any warranty not expressly specified herein. To the extent permitted by applicable law, buyer accepts this material subject to these terms, and assumes full risk of usage and handling except when used or handled in accordance with this label.

Manufactured by:
American Borate Co.
5700 Cleveland Street, Suite 420
Virginia Beach, VA 23462
Emergency phone number 800-424-9300

[] Denotes optional/alternative language
{ } Denotes language that does not appear on the market label

