

81824-8

04-07-2011

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

OFFICE OF
CHEMICAL SAFETY
AND POLLUTION PREVENTION

Mr. Ross Gilbert
Ensystem II, Inc.
c/o Pyxis Regulatory Consulting, Inc.
4110 136th St. NW
Gig Harbor, WA 98332

APR 7 2011

Subject: Notification to add alternate brand name
EPA Registration Number: 81824-8
Decision: 447241

Dear Mr. Gilbert:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration (PRN)98-10 dated March 25, 2011, for the abovementioned product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the actions requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions regarding this letter, please contact Samantha Hulkower at (703) 603-0683.

Sincerely,

Mark Suarez
Product Manager 13
Insecticide Branch
Registration Division (7505P)

Enclosures: Copy of Label Stamped "Notification"



United States
Environmental Protection Agency
Washington, DC 20460

<input type="checkbox"/>	Registration
<input type="checkbox"/>	Amendment
<input checked="" type="checkbox"/>	Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 81824-8	2. EPA Product Manager R. Gebken	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Ensystem II, Inc. / Borathor	PM# 10	
5. Name and Address of Applicant (Include ZIP Code) Ensystem II, Inc. c/o Pyxis Regulatory Consulting, Inc. 4110 136th St. NW Gig Harbor, WA 98332 <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.

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

Notification of an alternate brand name per PRN 98-10. The alternate brand name is "Borathor Dust". 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 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
* Certification must be submitted				<input checked="" type="checkbox"/> Glass	<input type="checkbox"/> Paper
If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt.	No. per container	Other (Specify) _____	
3. Location of Net Contents Information <input type="checkbox"/> Label <input checked="" type="checkbox"/> Container		4. Size(s) Retail Container 1 lb., 5 lbs., 10 lbs., 25 lbs.		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 checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled			<input type="checkbox"/> Other _____		

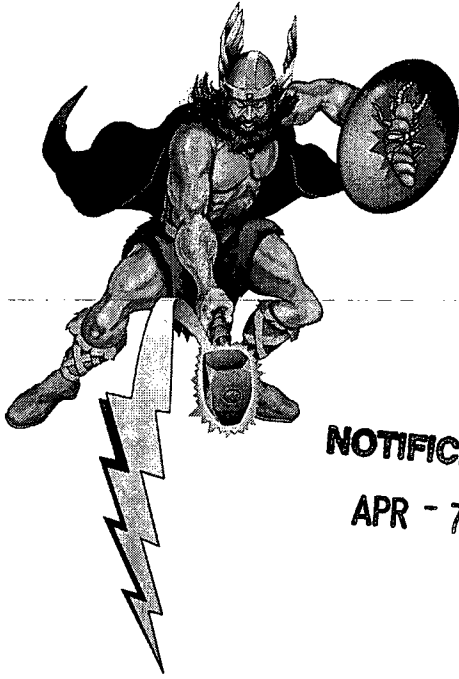
Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Ross Gilbert	Title Agent	Telephone No. (include Area Code) 253-853-7369

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.

2. Signature 	3. Title Agent	6. Date Application Received (Stamped)
4. Typed Name Ross Gilbert	5. Date 3/25/2011	



NOTIFICATION

APR - 7 2011

03/11

BORATHOR DUST

For protective and remedial treatment of wood and wood-foam composite structural components against attack by wood-destroying organisms including termites (including drywood), wood infesting beetles, carpenter ants and decay fungi

For the prevention and control of general pests

For the prevention and control of common mildew and fungus

For both interior and exterior use

Active Ingredient:	By Wt.
Disodium Octaborate Tetrahydrate.....	98.0%
Other Ingredients:	<u>2.0%</u>
TOTAL:	100.0%

EPA Reg. No. 81824-8 EPA Est. 81824-NC-001

STOP – Read the label before use

KEEP OUT OF REACH OF CHILDREN

CAUTION

(PRECAUCION AL USUARIO: Si usted no puede leer o entender ingles, no use este producto hasta que la etiqueta le haya sido explicada ampliamente.)

(TO THE USER: If you cannot read and understand English, do not use this product until the label has been fully explained to you.)

For more information call 1-866-367-8467 or www.for-thor.com.

NET CONTENTS: As marked on container

ENSYSTEX II, Inc.

2713 Breezewood Ave., Fayetteville, NC 28303

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FIRST AID

If swallowed	<ul style="list-style-type: none"> • Call poison control center or doctor immediately 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 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 to 20 minutes. • Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. • Call a poison control center or doctor for treatment advice.

Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact 1-800-369-4352 for emergency medical treatment information.

PRECAUTIONARY STATEMENTS

Hazards to Humans and 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. **Personal Protective Equipment (PPE):** Applicators and handlers must wear waterproof gloves, eye protection, protective clothing (e.g., long sleeve shirt, long pants, shoes plus socks) and NIOSH/MSHA-approved dust/mist respirator (in confined spaces) when utilizing powder or solution.

Environmental Hazards (less than 50 lb. package)

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.

Environmental Hazards (50 lb. package or larger)

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 lake, 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.

Physical and Chemical Hazards

Do not apply solutions of this product around electrical equipment, such as electrical conduits, motor housings, junction boxes, switch boxes, etc. due to the possibility of shock hazard.

DIRECTIONS FOR USE

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

Borathor Dust is a water soluble, inorganic borate salt with insecticidal and fungicidal properties. It is effective against a wide range of insects and fungi. Borathor Dust can be used to protect wood against attack from a wide range of wood destroying organisms. Borathor Dust can also be used to control a wide range of general household pests and to kill and control common mildew and fungus.

Phytotoxicity

This product may be phytotoxic to plants. When treating around the exterior of structures, cover and protect shrubbery and plants that may be potentially exposed to this product, when applied in accordance with the label directions.

Wood Destroying Organism Control

Borathor Dust can be applied to wood and wood-foam composite structural components to protect them against wood destroying organisms (insects and fungi). Borathor Dust can be applied as a preventative (before signs of infestation are found) or remedial (after signs of infestation are found) treatment of wood in existing structures and as a preventative pre-treatment to wood before or during the construction process.

Wood Destroying Insects Controlled

Borathor Dust is effective in preventing and remediating infestations of the following wood destroying insects:

Subterranean Termites (*Reticulitermes*, *Heterotermes*, *Coptotermes*)

Drywood Termites (*Kaloterms*, *Incisitermes*)

ampwood 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*)

Borathor Dust is a stomach poison that kills insects only after they have consumed it. Before Borathor Dust kills the attacking insect, some etching of Borathor Dust treated wood may occur due to the insect's attack.

Wood Decay Fungi Controlled

Borathor Dust is effective at preventing and remediating infestations of wood decay fungi (White Rot, Brown Rot (*Poria*) and wet rots).

Using Borathor Dust against Listed Wood Destroying Organisms

Borathor Dust can be used to treat and protect lumber, logs, plywood and wood-foam composite structural components. Borathor Dust can be applied to and will protect interior and exterior wood and cellulose containing components (including cellulose insulation) so long as they remain protected from moving moisture and are not in direct contact with the soil. Borathor Dust will not protect wood exposed to moving moisture such as water dripping onto or moving across its surface such as rain or plumbing leaks.

Borathor Dust can be applied as a dilute liquid solution, dilute foam or undiluted powder. Borathor Dust solutions can be sprayed or brushed onto wood surfaces. Best results are obtained when Borathor Dust is applied to bare wood. Do not apply Borathor Dust to painted, varnished or sealed surfaces of wood. Successive applications of Borathor Dust solutions incrementally increase the loading and depth of penetration of borate into the wood, increasing the level of protection against insect and fungi attack.

In addition to treatment with Borathor Dust, effective insect and fungi control may also include mechanical alteration of the structure to stop moisture accumulation on or within the confines of the structure. Elimination of leaks or points of moisture accumulation within or on the exterior of the structure that result in an increase in the moisture content of wooden structural components of the structure is advised. If possible, break contact between the ground and untreated wooden parts of the structure. When untreated wooden parts of the structure touch the ground and such contact cannot be broken, protect these parts of the structure against termite attack using a termiticidal product labeled to provide such protection.

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 Borathor Dust solution to ensure that you are satisfied with the final appearance of the treated surface after it dries.

When applying Borathor Dust as a liquid solution, a dye may be added to the solution to facilitate marking and tracking of the areas to which Borathor Dust has been applied. Mix and use dye according to the dye manufacturer's recommendations.

When applying Borathor Dust overhead above finished surfaces, protect the finished surfaces below the areas to be treated with a covering material such as plastic sheeting.

General Household Pest Control

To control existing infestations or as a preventative treatment against future infestations of general pests such as, but not limited to, roaches, silverfish, earwigs, crickets (including House, Field and Camel), Boxelder Bugs, Cluster Flies, centipedes, millipedes and ants (except Pharaoh Ants, Fire Ants and Harvester Ants) that may come in contact with the treated surfaces, mix Borathor Dust according to the dilution and mixing directions and apply according to the specific treatment methods described herein.

Mildew Control

Borathor Dust can also be used to control common mildew.

DILUTION AND MIXING DIRECTIONS

Use rates for Borathor Dust are expressed and the solution is mixed according to the percentage (%) concentration it forms when mixed in water.

Percent Solution Desired	Pounds of Borathor Dust to add per gallon
5.0%	0.5
10.0%	1.0
15.0%	1.5

Liquid Solution Mixing Directions

Mix Borathor Dust as a ready to use solution in the following manner:

1. Fill tank with 80% of the volume of water required for treatment.
2. While stirring, gradually add the required amount of Borathor Dust needed to form the desired concentration solution.
3. Add remaining amount of water.
4. Continue to stir until the Borathor Dust is completely dissolved in the water.

Foam Mixing and Application Directions

Prepare a solution as explained in the *Liquid Solution Mixing Directions* section while also adding a foaming agent according to the foaming agent manufacturer's recommendations. The foam should be of a dry consistency that adheres to wood surfaces and minimizes runoff. Avoid generating a wet foam as it may damage building components. Apply foamed Borathor Dust to void spaces at a 1:20 to 1:30 foam ratio (one (1) gallon of mixed solution expanded with foaming agent to produce 20 to 30 gallons of foam). Apply enough foam to fill void and contact all wood surfaces in the void space.

CONTROL OF WOOD DESTROYING ORGANISMS

Borathor Dust Application to Wood as a Liquid Solution

Borathor Dust applied as a liquid to the surface of wood penetrates the wood to varying degrees based on wood density and wood moisture content.

Treatment of Wood in Existing Structures with a Liquid Solution

Preventative Surface Treatment for Wood Destroying Insects and Fungi

For wood of normal moisture, a single application of a 15% solution can be made. For wood of below normal moisture content, two successive applications of a 10% solution are recommended. Brush or spray solution onto wood at a rate of 5 gallons of solution per 1000 square feet, thoroughly wetting wood surfaces.

Remedial Surface Treatment for Wood Destroying Insects and Fungi

Two successive applications of a 10% solution are recommended however one application of a 15% solution may be used. Brush or spray solution onto wood at a rate of 5 gallons of solution per 1000 square feet, thoroughly wetting wood surfaces.

Remedial or Preventative Subsurface (Injection) Treatment for Wood Destroying Insects

Application may also be made by drilling and injecting the solution under pressure into sound or infested wood.

For infested wood, drill into insect galleries and inject solution until run-off is observed coming from insect entry/exit holes.

Preventative Treatment of Wood During Construction With A Liquid Solution

Preventative Surface Treatment for Wood Destroying Insects and Fungi

Liquid applications of Borathor Dust to exposed surfaces of structural wooden components of structures under construction can be made to prevent infestations of and damage to treated wooden components by all the wood destroying organisms that are controlled by Borathor Dust.

For wood of normal moisture content, a single application of a 15% solution can be made. For wood of below normal moisture content, two successive applications of a 10% solution are recommended. Brush or spray solution onto all accessible wood surfaces at a rate of 5 gallons of solution per 1000 square feet, thoroughly wetting wood surfaces. Apply after framing and roofing are in place and before insulation and drywall are installed.

Do not spray electrical components. Protect treated wood from rain and moving moisture.

Protect end cuts of wood by dipping them into a Borathor Dust solution for 1 to 5 minutes.

Borathor Dust Application to Wood as a Powder Remedial or Preventative Treatment for Termites and Carpenter Ants

Drill into insect galleries and inject undiluted Borathor Dust in powder form into galleries. Borathor Dust can also be injected and/or dusted into wall voids, block voids and voids in eaves, attics, soffits and other areas at a rate of ½ ounce per square foot. Borathor Dust can also be dusted onto wood surfaces.

Borathor Dust Application to Wood as a Foam Remedial or Preventative Treatment for Termite and Carpenter Ants

Inject a sufficient amount of dry foam made from a 15% Borathor Dust solution into wall voids so as to contact wood surfaces of the wall studs lining the wall void with the foam. Direct foam between visible wood joints and abutting wood surfaces.

GENERAL INSECT CONTROL

Borathor Dust applied as a liquid solution or undiluted powder can be used to control or prevent infestations of general household pests including but not limited to, roaches, silverfish, earwigs, crickets (including House, Field and Camel), ants (except Pharaoh Ants, Fire Ants and Harvester Ants), Boxelder Bugs, Cluster Flies, centipedes and millipedes that may come in contact with treated surfaces. **Not for use for flea control.**

Borathor Dust can be used 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.

Do not apply in areas that are accessible to children and pets. Do not apply Borathor Dust to carpets. Use only as a crack and crevice 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 where food is exposed. Do not contaminate feed and foodstuffs. **Applications of this product in the foods areas of food handling establishments other than as a crack and crevice treatment are not permitted.**

Borathor Dust Application for General Insect Control as a Liquid

Indoors, apply a 15% Borathor Dust solution into insect harborages such as cracks and crevices, void areas, between elements of construction, between equipment and floors, into openings around pipes and sinks, into openings leading to voids and hollow spaces in walls, inside equipment legs and bases and other areas where insect may hide.

In unoccupied parts of structures such as crawl spaces and unfinished basements, Borathor Dust can be applied to masonry surfaces such as crawl space and basement walls and basement floors as a general surface spray.

Outdoors, apply a 15% Borathor Dust solution as a spot treatment around windows, doorframes and other areas where insects may enter. A visible residue may be left on dark surfaces as the result of applications onto those surfaces. The effective life of any treatment will be decreased by exposure to the weather and rain.

Borathor Dust Application for General Insect Control as a Powder

Apply undiluted Borathor Dust powder into cracks and crevices, void areas, between elements of construction, into openings around pipes and sinks, inside equipment legs and bases, under appliances, behind baseboards and under and behind storage shelves. No powder should be visible after application. Remove any powder visible after application or brush it into cracks and crevices.

MILDEW AND FUNGUS CONTROL (except in California)

Borathor Dust applied as a 5.0% liquid solution can be used to kill and control common mildew. Apply solution to areas affected by mildew such as wall surfaces and baseboards as a spot treatment. Application should be in conjunction with conventional moisture control/reduction practices such as structural leak repair, humidity reduction (dehumidification) and ventilation improvements.

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 use of his product may be disposed of on site or at an approved water disposal facility.

Container Disposal: (Paper and Plastic Bags) Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available. 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.

Container Disposal: (Plastic Containers) Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available. Clean container promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container ¼ full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times.

If recycling is not available, puncture and dispose of rinsed container in a sanitary landfill, or by other procedures approved by state and local authorities.

IMPORTANT READ BEFORE USE

NOTICE: Read the entire Directions for Use, Conditions of Sale, Disclaimer of Warranties and Limitations of Liability before buying or using this product. If the terms are not acceptable, return the product at once, unopened, and the purchase price will be refunded.

CONDITIONS OF SALE: The Directions for Use of this product are believed to be adequate and should be followed carefully. However, because of manner of use and other factors beyond the control of Ensysstex II, Inc., it is impossible for Ensysstex II to eliminate all risks associated with the use of this product such as ineffectiveness or unintended consequences. All such risks shall be assumed by Buyer and User, and Buyer and User agree to hold Ensysstex II harmless for any claims relating to such factors.

DISCLAIMER OF WARRANTIES: Seller warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the Directions for Use when used in accordance with the Directions for Use under normal conditions of use. **ENSYSTEX II MAKES NO WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE, NOR ANY OTHER EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE SELECTION, PURCHASE, OR USE OF THIS PRODUCT THAT EXTEND BEYOND THE STATEMENTS MADE ON THIS LABEL.** Any warranties, express or implied, having been made are inapplicable if this product has been used contrary to label instructions, under abnormal conditions or under conditions not reasonably foreseeable by (or beyond the control of) seller or Ensysstex II, Inc., and buyer assumes the risk of any such use.

LIMITATIONS OF LIABILITY: To the extent permitted by law, Ensysstex II shall not be liable for any incidental, consequential or special damages resulting from the use or handling of this product. **THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE EXCLUSIVE LIABILITY OF ENSYSTEX II AND SELLER FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY, CONTRACT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHERWISE) RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, SHALL BE THE RETURN OF THE PURCHASE PRICE OF THE PRODUCT OR, AT THE ELECTION OF ENSYSTEX II, THE REPLACEMENT OF THE PRODUCT.**

This Conditions of Sale and Limitation of Warranty and Liability may not be amended by any oral or written agreement.

Borathor is a registered trademark of Ensysstex II, Inc.

Revised 03/11