


69117-3

5-28-2002

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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
Application for Pesticide – Section I			
1. Company/Product Number EPA Reg. No. 69117-3		2. EPA Product Manager Mary Waller	3. Proposed Classification
4. Company/ Product (Name) Shepherd™ Fungicide		PM # 21	<input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
5. Name and Address of Applicant (Include ZIP Code) ArborSystems, LLC c/o RegWest Company 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: EPA Reg. No. _____ 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.	
NOTIFICATION			
Explanation: Use additional page(s) if necessary. (For Section I and Section II.)			
Submit label revision notification per PR Notice 98-10			
MAY 28 2002			
<p><i>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.</i></p>			
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	No. Per Container	No. Per Container	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	Title Consultant/Agent	Telephone No. (Include Area Code) (970) 353-0611	
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	5. Date May 20, 2002		

SHEPHERD™ FUNGICIDE

For Systemic Fungicide Suppression of Selected Diseases in Trees

ACTIVE INGREDIENT:

Propiconazole (CAS No. 60207-90-1) 14.3%

OTHER INGREDIENTS 85.7%

Total 100.0%

Contains 14 grams (0.5 oz.) active ingredient per 120 ml (4 oz.) bottle

Keep Out of Reach of Children
WARNING
See insert below for additional precautionary statements.

NOTIFICATION

MAY 28 2002

Net Contents: 4 oz. (120 ml)

EPA Reg. No. 69117-3

EPA Est. _____

[Sold by]

ArborSystems, LLC

P.O. Box 34645

Omaha, NE 68134

www.arborsystems.com

PRECAUTIONARY STATEMENTS

Hazards to Humans & Domestic Animals

WARNING: Causes substantial but temporary eye injury. Wear goggles or face shield. Causes skin irritation. Do not get in eyes, on skin or on clothing. Harmful if swallowed, inhaled or absorbed through the skin. Avoid breathing vapor. Wear rubber or neoprene gloves when handling this product. Thoroughly wash with soap and water after handling. Remove and wash contaminated clothing before reuse.

First Aid

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 treatment advice.
If on Skin or Clothing	<ul style="list-style-type: none"> Take off contaminated clothing. Immediately rinse skin with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment advice.
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.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-698-4641 for emergency medical treatment information.

Note to Physician: If ingested, lavage stomach to avoid aspiration. A slurry of activated charcoal in water can be left in the stomach. Give a saline laxative and supportive therapy.

{Note: The First Aid statements' grid format will be used if market label space permits; otherwise a paragraph format will be used.}

Environmental Hazards

This product is toxic to fish. 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 disposing of equipment wash waters.

Physical or Chemical Hazards

Do not use or store near heat or open flame.

For assistance, contact ArborSystems at 402-339-4459.

DIRECTIONS FOR USE

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

Storage and Disposal

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

Storage: Store in a cool, dry place away from heat or open flame and in such a manner as to prevent cross contamination with fertilizers, food, feed and other pesticides. Store in original container out of reach of children, preferably in a locked storage area. **Disposal:** Do not reuse empty container; wrap and put in trash.

GENERAL INFORMATION

ArborSystems Injection System using the Patented Wedgle™ Tip and Patented WedgeChek™

The ArborSystems injection system injects pesticides or micronutrients into a tree with minimal wounding. The system will inject chemicals into the area of bark separation where the chemical can be actively transferred to other parts of the tree.

Spring through late summer is the ideal time for injection. Injections made during the spring or summer will be more successful than waiting until the fall. Specifically, each tree needs to be inspected. The bark needs to be pliable and that depends upon local weather conditions.

Shepherd™ Fungicide is a systemic fungicide for use as an injection for prevention and treatment of (1) Oak wilt (*Ceratocysds fagacearum*) of Oak (*Quercus* spp.), (2) Dutch elm disease (*Ceratocystis ulmi*) of elms (*Ulmus* spp.), (3) sycamore anthracnose (*Apiognomonina veneta*), and (4) leaf diseases (i.e., *Venturia inaequalis*, *Gymnosporangium juniperi-virginianae*, *Pucciniastrum goeppertianum*, etc.) of crabapple (*Malus* spp.).

These fungi infect the vascular system and cause plugging throughout the tree. It is recommended that Shepherd™ Fungicide be administered by trained arborists or others trained in injection techniques and in the identification of Oak wilt and Dutch elm disease. When possible, Shepherd™ Fungicide should be injected into flare roots to ensure even distribution throughout the vascular system of the tree.

Important: Oak trees exhibiting less than 20% crown loss from Oak wilt will have the best chance of responding to treatment by Shepherd™ Fungicide. Preventive application is more effective than therapeutic treatment in trees showing disease symptoms. Trees in advanced stages of disease development may not respond to treatment.

Trees exhibiting specific symptoms or symptomless trees immediately adjacent to a diseased tree should be considered infected. Symptomless trees separated by a primary plow line from diseased trees may be at less risk of infection. Do not use on sick plants or plants weakened by extreme environmental conditions such as heat, flooding, cold, etc.

How to Use the ArborSystems Injection System

1. Use protective eyewear and rubber or neoprene gloves when handling or installing the ArborSystems injection system.
2. Remove the small tab on top of the bottle and attach the bottle of chemical to the injector gun.
3. Attach the Wedgle™ Tip to the injector gun. Make sure the small hole in the tip is pointing straight up. Set the delivery volume on the syringe to 1 ml.
4. Determine the thickness of the bark. Insert the Wedgle™ Tip into the fissure or valley of the tree. If the tip penetrates more than the length of a WedgeChek™ the injection will be made in the fissure. If the tip penetrates less than the length of a WedgeChek™ the injection will be made through the tight outer bark of the tree.
5. Insert the WedgeChek™ Punch into the tree. Rotate the punch to separate the core from the tree bark and remove the punch from the tree. Squeeze the trigger to remove the bark core and make sure the removed core is as long as the WedgeChek™. Repeat this step while moving around the circumference of the tree. Be sure to follow the label directions on **this insert the chemical bottle insert** to determine how many injection sites are needed on any given tree. Usually this is approximately 1 injection for every 3 to 4 inches of circumference.
6. Put the WedgeChek™ on the Wedgle™ Tip, prior to inserting the tip into the tree.

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7. Using a straight motion insert the Wedgle™ Tip into the tree until it stops against the wood. This will usually be about ½" on Elms, shorter on crabapple, oak and sycamore trees. As the tip is pushed into the tree, the Wedgle™ Tip cuts through the WedgeChek™ and the blunt-edged tip automatically stops when it reaches the wood.
8. With a smooth motion, firmly squeeze both handles at the same time. This motion allows the bark to separate and the chemical to be deposited into the area. The WedgeChek™ plugs the hole, allowing the chemical to remain in the tree.
9. Slowly withdraw the tip and repeat this step while moving around the circumference of the tree.
10. Move laterally and make the next injection until the entire tree trunk has been treated. The WedgeCheks™ may be left in the tree and used to inject the tree the following year.

Indications	Dosage	{Illustrations of Injections Will Appear Here}
Treatment of Oak wilt disease for an uninfected Live Oak (not including Red Oak).	3-5 ml per injection site* spaced every 3-4" around the tree measured at DBH	
Treatment of Dutch Elm disease for an uninfected Elm or Oak other than Live Oak.	5-10 ml per injection site* spaced every 3-4" around the tree measured at DBH	
Treatment of leaf diseases in Crabapple. Do not use fruit from treated trees for food or feed purposes. Treatment of Anthracnose in Sycamore.	1-2 ml per injection site* spaced every 3-4" around the tree measured at DBH	

*Spaced every 3-4" around the tree measured at DBH.

Retreatment

Record the level of disease in each tree prior to initial Shepherd™ Fungicide injection. Consider preventative applications 12 months after the initial injection. Reevaluate the disease level in all trees, particularly those in high disease risk areas or high-value trees, for possible retreatment 12 months after each treatment and/or on an annual basis.

Notes

1. Accurate diagnosis of Oak wilt and Dutch Elm disease is important, since Shepherd™ Fungicide provides only suppression of the diseases listed on this label.
2. Shepherd™ Fungicide will be most effective when used in conjunction with other cultural practices recommended for management of Oak wilt and Dutch elm disease (removal of dead elm trees, pruning of diseased tree limbs and branches, control of bark beetles, etc.).
3. If difficulty in keeping all of the chemical in per site is encountered, mark this site and move on to the others. When finished moving around to the trees, return to the marked tree and add the required amount of chemical needed.

Notice of Warranty

ArborSystems, LLC warrants that this product conforms to the chemical description on the label and is reasonably fit for use under average conditions when used strictly in accordance with the directions on the labeling. ArborSystems, LLC does not make or authorize any agent or representative to make any other warranty, guarantee or representation, express or implied, concerning this product.

For assistance contact

ArborSystems, LLC

P.O. Box 34645 Omaha, NE 68134

Toll-Free 1-800-698-4641 Phone (402) 339-4459 FAX (402) 339-5011

www.arborsystemsllc.com

Shepherd™ Fungicide, Wedgle™ Tip and WedgeChek™ are registered trademarks of ArborSystems, LLC

Wedgle™ Tip is protected by U.S. Patent #5,239,773

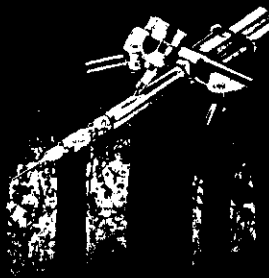
WedgeChek™ is protected by U.S. Patent #5,797,215

www.arborsystems.com



ArborSystems Tree Injection System

SW100 Injector Gun is designed to be used only with ArborSystems pre-bottled chemicals. Tampering with bottles or contents may cause non-warranted damage to your injection system.



Wedge™ Tip and WedgeClick™ are trademarks of ArborSystems.
Wedge™ Tap is protected by U.S. Patent #5,239,773.
WedgeClick™ is protected by U.S. Patent #5,197,215.



www.arborsystems.com



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SHEPHERD™ Fungicide

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For Systematic Fungicide Suppression
of Selected Diseases In Trees

ACTIVE INGREDIENT:

Propiconazole (CAS No. 60207-90-1)	14.3%
OTHER INGREDIENTS	85.7%
Total: 100.0%	

Contains 14 grams (0.5 oz.) active ingredient
per 120 ml (4 oz.) bottle.

Keep Out of Reach of Children

WARNING

See insert for additional precautionary statements.

DIRECTIONS FOR USE

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

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or
disposal. **Storage:** Store in a cool, dry place away
from heat or open flame and in such a manner as to
prevent cross contamination with fertilizers, food, feed
and other pesticides. Store in original container out of
the reach of children, preferably in a locked storage
area. **Disposal:** Do not reuse empty container;
wrap and put in trash.

Refer to insert for complete Directions for Use.

Net Contents 4 oz. (120 ml)

EPA Reg. No. 69117-3 EPA Est. 69117-NE-1

Sold by



www.arborsystems.com

AS_SH/BXL_02-102

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SHEPHERD™ Fungicide

For Systematic Fungicide Suppression of Selected Diseases In Trees

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Net Contents 4 oz. (120 ml) EPA Reg. No. 69117-3 EPA Est. 69117-NE-1

Sold by



Omaha, NE 68134

AS_SH/BL_02-102 1M

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SHEPHERD™ Fungicide
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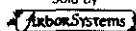
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WARNING

See inside for additional
precautionary statements.
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EPA Reg. No. 69117-3
EPA Est. 69117-NE-1

Sold by



Omaha, NE

PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND
DOMESTIC ANIMALS

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If Inhaled: 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.

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ENVIRONMENTAL HAZARDS

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PHYSICAL OR CHEMICAL HAZARDS

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GENERAL INFORMATION

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Federal Express
May 20, 2002

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AB 8336 1845 9987

Ms. Mary Waller, Product Manager 21
Document Processing Desk - **NOTIF**
Office of Pesticide Programs - **7504C**
U.S. Environmental Protection Agency
1921 Jefferson Davis Highway
Crystal Mall 2, Room 266A
Arlington, VA 22202-5601



Dear Ms. Waller:

Subject: ArborSystems, LLC
Shepherd™ Fungicide
EPA Reg. No. 69117-3

On behalf of its client **ArborSystems, LLC**, RegWest Company is submitting the attached materials as notification of a label revision for subject product. RegWest Company will act as sole agent in this endeavor.

Attached are the following:

1. Application for Pesticide: Other
2. One draft **Reference Label**
3. One copy of market labeling

The **Reference Label** illustrates the revisions as described below. The revisions are primarily being made due to the new packaging concept. Previously, for the professional market the product was sold in a 4- ounce container with an outsert (in a plastic sleeve) attached to the bottle. We will now be selling the product with the following components:

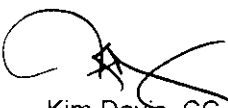
1. A "generic" box with the vertical self-adhesive label attached to the outside of the box.
2. The 4-ounce bottle with the horizontal self-adhesive label attached to it. The bottle is placed in the box.
3. The package insert that will be placed in the box with the product.

The following changes were made to the label (pages refer to the **Reference Label**):

1. Changed "below" to "insert" as a descriptor for where to find additional precautionary statements (page 1).
2. Dropped ", LLC" from the company name. ArborSystems is still a limited liability corporation, however, for consistency they no longer desire the "LLC" to be a part of the logo and name on their marketing materials (pages 1 and 3).
3. Deleted redundant verbiage:
 - a. Company address – added website (page 1);
 - b. "For assistance, contact ArborSystems at 402-339-4459" (page 2);
 - c. "Spring through late summer is the ideal time for injection" (page 2).
4. Changed "the chemical bottle outsert" to "this insert" (point number 5, page 2).
5. Consolidated "spaced every 3-4" around the tree measured at DBH" (page 3).
6. To the outer box added the verbiage about, and the graphic of, the injector gun.

Please contact me at (970) 353-0611 if you require additional information or have any questions.

Regards,
RegWest Company



Kim Davis, CG, APC
Consultant/Agent

Attachments

pc: ASI - Doolittle, C.

3085n Rocky Road
Greeley, CO 80631-4575
970-353-0611
970-353-0613 Fax
regwestco@aol.com