



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

January 28, 2021

Kim Davis
Consultant/Agent
ArborSystems, Inc. d/b/a ArborSystems
c/o RegWest Company, LLC
8209 West 20th Street, Suite B
Greeley, CO 80634-4699

Subject: Non-PRIA (Pesticide Registration Improvement Act) Labeling Amendment – Revision to the Labeling to add more asterisks to certain pests (including: Apple Black Spot/Scab (*Venturia inaequalis*)*, Fire Blight*, Needle Cast*, *Pythium* spp.* diseases and Verticillium Wilt (suppression)* in the "Indications" box (to indicate Not for use in California) and moved “Not for use in California” into the “Indications” box.
Product Name: WHIPPET Fungicide
EPA Registration Number: 69117-6
Application Date: 12/23/2020
Case Number: 00147721

Dear Ms. Davis:

The amended labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, is acceptable.

This approval does not affect any terms or conditions that were previously imposed on this registration. You continue to be subject to existing terms or conditions on your registration and any deadlines connected with them.

A stamped copy of your labeling is enclosed for your records. This labeling supersedes all previously accepted labeling. You must submit one (1) copy of the final printed labeling before you release this product for shipment with the new labeling. In accordance with 40 CFR § 152.130(c), you may distribute or sell this product under the previously approved labeling for 18 months from the date of this letter. After 18 months, you may only distribute or sell this product if it bears this new revised labeling or subsequently approved labeling. “To distribute or sell” is defined under FIFRA section 2(gg) and its implementing regulation at 40 CFR § 152.3.

Should you wish to add/retain a reference to your company’s website on your label, then please be aware that the website becomes labeling under FIFRA and is subject to review by the U.S. Environmental Protection Agency (EPA). If the website is false or misleading, the product will be considered to be misbranded and sale or distribution of the product is unlawful under FIFRA section 12(a)(1)(E). 40 CFR § 156.10(a)(5) lists examples of statements the EPA may consider false or misleading. In addition, regardless of whether a website is referenced on your product’s label, claims

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made on the website may not substantially differ from those claims approved through the registration process. Therefore, should the EPA find or if it is brought to our attention that a website contains false or misleading statements or claims substantially differing from the EPA-approved registration, the website will be referred to the EPA's Office of Enforcement and Compliance Assurance.

Your release for shipment of this product constitutes acceptance of these terms. If these terms are not complied with, this registration will be subject to cancellation in accordance with FIFRA section 6.

If you have any questions, please contact James Parker by phone at (703) 306-0469 or via email at parker.james@epa.gov.

Sincerely,

A handwritten signature in blue ink that reads "Andrew C. Bryceland". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Andrew Bryceland, Team Leader
Biochemical Pesticides Branch
Biopesticides and Pollution
Prevention Division (7511P)
Office of Pesticide Programs

Enclosure

WHIPPET® Fungicide

{Collapsible Pouch Label (WP_TAG) – used for both container sizes}

WHIPPET® Fungicide

For systemic fungicide control of Sudden Oak Death, Sycamore Anthracnose, Stem and Canker Blights, Pine Pitch Canker, Beech Decline and *Phytophthora* spp. diseases in a wide variety of trees and palm plants in urban environmental, residential areas and interior plantscapes.

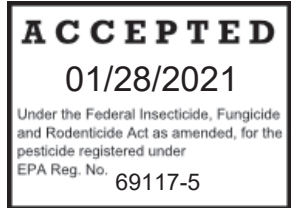
Active Ingredients:

*Mono- and di-potassium salts of Phosphorous Acid	45.8%
Other Ingredients	<u>54.2%</u>
Total	<u>100.0%</u>

*Equivalent to 3.35 lbs Phosphorous Acid/gallon.

Contains 2.4 fl. oz. (69 grams) active ingredient per 4 fl. oz. (120 ml) pack.

Contains 20 fl. oz. (575 grams) active ingredient per 1 qt. 2 fl. oz. (1000 ml) pack.



Keep Out of Reach of Children

CAUTION

See booklet for First Aid, additional Precautionary Statements and complete Directions for Use.

Net Contents: 4 fl oz (120 ml)

[Net Contents: 1 qt 2 fl oz (1000 ml)]

EPA Reg. No. 69117-5 • EPA Est. 69117-NE-1

ArborSystems

800-698-4641 FAX: 402-339-5011

P.O. Box 34645 Omaha, NE 68134

{Affixed Booklet (WP_BK) – used for both container sizes – Front Panel}

WHIPPET® Fungicide

An ArborSystems® Direct-Inject™ Chemical

[[Note: This is a Restricted Use Product in New York State]]

For systemic fungicide control of Sudden Oak Death, Sycamore Anthracnose, Stem and Canker Blights, Pine Pitch Canker, Beech Decline and *Phytophthora* spp. diseases in a wide variety of trees and palm plants in urban environmental, residential areas and interior plantscapes.

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Net Contents: 4 fl. oz. (120 ml)

[Net Contents: 1 qt. 2 fl. oz. (1000 ml)]

Keep Out of Reach of Children
CAUTION

See inside for First Aid, additional Precautionary Statements and complete Directions for Use.

{Affixed Booklet (WP_BK) – used for both container sizes – First Page}

WHIPPET® Fungicide
An ArborSystems® Direct-Inject™ Chemical
• Easy • No Drilling • Saves Time and Money

For systemic fungicide control of Sudden Oak Death, Sycamore Anthracnose, Stem and Canker Blights, Pine Pitch Canker, Beech Decline and *Phytophthora* spp. diseases in a wide variety of trees and palm plants in urban environmental, residential areas and interior plantscapes (such as those in domestic landscape/garden areas, public display plantings, recreation areas, highway and other transportation rights-of-way, scenic corridors, storage areas, forest areas and campgrounds).

To be used only with the ArborSystems Direct-Inject Tree Injection System.

800-698-4641 • Fax: 402-339-5011
P.O. Box 34645 • Omaha, NE 68134



EPA Reg. No. 69117-5 • EPA Est. 69117-NE-1
Net Contents: 4 fl oz (120 ml)
Net Contents: 1 qt 2 fl oz (1000 ml)

First Aid

If Swallowed: 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 to an unconscious person.

If in Eyes: 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: 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 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.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. For non-emergency information on product usage call 800-698-4641, Monday through Friday, 9 am to 5 pm (Central time). For medical emergencies call the National Poison Control Center at 1-800-222-1222.

PRECAUTIONARY STATEMENTS

Hazards to Humans & Domestic Animals

CAUTION: Harmful if swallowed, absorbed through skin or inhaled. Causes moderate eye irritation. Avoid contact with skin, eyes or clothing. Thoroughly wash with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove and wash contaminated clothing before reuse.

Personal Protective Equipment (PPE)

Wear protective eyewear and rubber or neoprene gloves when handling ArborSystems Direct-Inject chemicals.

Environmental Hazards

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 washwaters or rinsate.



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Notice of Warranty

ArborSystems 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. To the extent consistent with applicable law, ArborSystems does not make or authorize any agent or representative to make any other warranty, guarantee or representation, express or implied, concerning this product.

ArborSystems®, Whippet®, Portle® and Wedgle® are registered trademarks of ArborSystems.

Direct-Inject™ and WedgeChek™ are trademarks of ArborSystems.

Direct-Inject™ unit is protected by U.S. Patent #5,901,498

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

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

Portle® Tip is protected by U.S. Patent #7,178,286

{Affixed Booklet (WP_BK) – used for both container sizes – Second Page}

WHIPPET® Fungicide DIRECTIONS FOR USE

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

Product Information

ArborSystems® Direct-Inject™ Tree Injection System

The ArborSystems Direct-Inject Tree Injection System is easy to use. Most trees are treated in as little as five minutes or less, allowing applicators to treat trees quickly. There is no need to wait for absorption (translocation). Chemical is injected into the cambial area (the active vascular system) of the tree. Because the chemical is placed right where the tree can use it, effectiveness of the chemical is increased.

Use in sunny or overcast conditions, rainy or dry, at any time of day. As no drilling or implants are required, you can treat trees year after year, with no threat of long-term or permanent damage to the tree. This system minimizes wounding and promotes long-term tree vigor.

Indications

Use Whippet Fungicide for effective control of *Phytophthora* spp. diseases including Sudden Oak Death (*Phytophthora ramorum*), Beech Decline, Pine Pitch Canker (*Fusarium subglutinans*), Stem and Canker Blight and Sycamore Anthracnose (*Gnomonia platar*) as well as Apple Black Spot/Scab (*Venturia inaequalis*)*, Fire Blight*, Needle Cast*, *Pythium* spp.* diseases and Verticillium Wilt (suppression)*. On Black and English Walnut use Whippet Fungicide for effective control of Thousand Cankers Disease (*Geosmithia morbida*)*.

*Not for use in California

Tree Species*

Use on palm plants and trees such as, but not limited to: Almond, Apple, Avocado, Beech, Cedar, Chestnut, Conifers (including Christmas trees and Forests), Crabapple, Dogwood, Elm, Fir, Hawthorne, Juniper, Linden, Macadamia Nut, Monterey Pine, Oaks (Coastal, Live, Shreve, Black Canyon), Oriental Pear, Ornamental Pear, Ornamentals, Pyracantha, Stone Fruit, Sweet Birch, Sweet Gum, Sycamore, Tan Oaks, Walnut (Black and English), White Cedar, White Pine and Willow

*Use in California limited to oaks (Coastal, Live, Shreve, Black Canyon)

Timing of Injections

Inject trees anytime during the growing season. Treatments are more effective when made early in the growing season. Do not inject trees in winter months.

Dosage and Number of Injection Sites

2 ml (0.068 fl oz) per 4" of trunk circumference measured within 12" of the ground. Increase dosage to 4 ml (0.136 fl oz) per 4" of trunk circumference for trees with diameters over 12 feet.

Note: Because some treatments require large amounts of chemical per site, there may be occasions where it is difficult to keep all of the chemical dose in the injection site. If this is experienced, several options are possible:

1. Use the Portle or WedglePlus Injection Tips which have a check valve in the hub of each tip that keeps chemical in the tree until it is absorbed.
2. Reduce dosage volume by half and double the number of injection sites.
3. Inject half the dose at each site, mark the tree, continue treating other trees, then return to the marked tree and inject remaining dosage in each site.

How to Use ArborSystems Direct-Inject Chemicals with ArborSystems Direct-Inject Tree Injection System

1. Use only ArborSystems Direct-Inject chemicals with your unit as they have been formulated specifically for the Direct-Inject system.
2. Measure the circumference of the tree within 12" of the ground. Follow the label directions and application dosages in this booklet to determine the number of injection sites and the amount of chemical to be injected at each site.
3. Choose which style and length of ArborSystems Injection Tip is most appropriate for the type of tree you are treating.
4. The injection unit is preset to deliver a 1 ml (0.034 fl oz) dose of chemical with each full stroke of the handles. If you need to inject a 0.5 ml (0.017 fl oz) dose of chemical, move the dose adjustment ring to the 0.5 ml (0.017 fl oz) dose adjustment groove.
5. Make injections working around the base (or flare) of the tree. Make all injections within 12" of the ground unless otherwise noted.
6. With a smooth motion, firmly squeeze the injection unit handles to deliver chemical into the tree. Apply equal pressure on both handles—unequal pressure may bend or break the tip.
7. Continue making injections moving around the tree until the entire tree trunk has been treated.
8. When removing tips from the tree, use a straight rearward motion. Avoid rocking motions as that may damage tips or the injection unit.
9. Clean tips after each use by submerging in alcohol or diluted bleach.
10. At the end of the day, water flush the Direct-Inject unit to prevent clogging.

Storage and Disposal

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

Pesticide Storage: Store in original container in a cool, dry place. Do not store near any heat source or strong oxidants. **Pesticide Disposal:** Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility. **Container Handling:** Non-refillable container; do not reuse or refill this container. Completely empty pack into application equipment, then offer for recycling, if available, or dispose of empty pack in a sanitary landfill or by incineration.

{Per PR Notice 2007-4 Batch Code/Lot Number will appear either on the label or the container.}

[] Denotes alternate/optional language

{ } Denotes language that does not appear on the market labeling

{Cylinder (Pack) Label (WP_PL) – used for only 4 fl oz container}

WHIPPET® Fungicide
An ArborSystems® Direct-Inject™ Chemical

For systemic fungicide control of Sudden Oak Death, Sycamore Anthracnose, Stem and Canker Blights, Pine Pitch Canker, Beech Decline and *Phytophthora* spp. diseases in a wide variety of trees and palm plants in urban environmental, residential areas and interior landscapes.

To be used only with the ArborSystems Direct-Inject Tree Injection System

Active Ingredients:

*Mono- and di-potassium salts of
Phosphorous Acid 45.8%

Other Ingredients 54.2%

Total 100.0%

*Equivalent to 3.35 lbs. Phosphorous Acid/gallon.
Contains 2.4 fl oz (69 grams) active ingredient per 4 fl oz (120 ml) pack.

Keep Out of Reach of Children
CAUTION
See booklet for First Aid, additional Precautionary Statements and complete Directions for Use.

Net Contents: 4 fl oz (120 ml)

EPA Reg. No. 69117-5
EPA Est. 69117-NE-1



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P.O. Box 34645 • Omaha, NE 68134

DIRECTIONS FOR USE

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

The ArborSystems Direct-Inject unit is designed to be used only with ArborSystems pre-packed chemicals.

Storage and Disposal

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

Pesticide Storage: Store in original container in a cool, dry place. Do not store near any heat source or strong oxidants. **Pesticide Disposal:** Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility. **Container Handling:** Non-refillable container; do not reuse or refill this container. Completely empty pack into application equipment, then offer for recycling, if available, or dispose of empty pack in a sanitary landfill or by incineration.

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{Outer Box Label (WP_PXL) (WP_1MS) – used for both container sizes}

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Net Contents: 4 fl oz (120 ml)
[Net Contents: 1 qt 2 fl oz (1000 ml)]
EPA Reg. No. 69117-5 • EPA Est. 69117-NE-1



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{Additional Selling/Marketing Copy for use in promotional pieces: on the website; brochures; and in other promotional materials, displays, etc.}

ArborSystems® Direct-Inject™ Tree Injection System

The ArborSystems Direct-Inject Tree Injection System is effective. Chemicals are injected directly into a tree. Because the chemical is placed right where the tree can use it, most problems can be seen in as little as three to five days. Also, because no chemical is lost in non-active wood, the Direct-Inject System allows you to use less chemical; this saves money and reduces chemical waste. The Direct-Inject System injects chemicals into a tree with minimal wounding. With no holes to drill, no air or pathogens are allowed to enter the tree, potential decay never starts and long-term wounding is prevented. The tree's ability to move water and nutrients, and to store food, is not compromised.

Pre-mixed chemicals are supplied in self-sealing containers. After injections have been made, you have only one small container of which to dispose. Concerns you may have had when spraying will be eliminated. And with a closed system there is no mixing.

With no drilling required the ArborSystems Direct-Inject System:

- Minimizes wounding to keep out fungi, bacteria, and insects.
- Prevents air from getting into the tree. When air is allowed into a tree's vascular system, it cuts off the flow of water and nutrients.
- Allows multiple or annual treatments without damaging the tree.
- Requires no drills, power supply or other bulky equipment.

With this system and chemicals many of the most devastating fungal diseases in trees can be managed.

The ArborSystems Direct-Inject System is designed to preserve and protect the indigenous and urban forest. Treat almost any tree in five minutes or less. Control is achieved with less chemical because chemical is placed precisely where the tree can best use it. No chemical is lost in dead wood.

ArborSystems Direct-Inject chemicals are integral parts of the Direct-Inject Tree Injection System. Use only ArborSystems Direct-Inject™ chemicals with the Direct-Inject Units. Using unauthorized chemicals with the ArborSystems Direct-Inject System constitutes a violation of Federal law.

Chemical Selection

Your distributor can advise you on the best chemical selections for trees in your area. See our website for additional information.

WHIPPET® Fungicide

Chemical: Mono- and di-potassium salts of Phosphorous Acid

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