

69117-8

9/25/2009

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

SEP 25 2009

Mrs. Kim Davis
CC, APC, Manager
Consultant/Agent
ArborSystems, Inc.
c/o RegWest Company, LLC
30856 Rocky Road
Greeley, CO 80631-9375

RE: Notification of a label revision and Additional Brand Name: "DIY Tree Care Products
Multi-Insect Killer"

EPA Registration Number: 69117-8
Date of Submission: August 21, 2009

Dear Mrs. Davis:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated, August 21, 2009, for the above mentioned 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, please me directly at 703-305-6249 or Joyce Edwards of my staff at 703-308-5479.

Sincerely,

A handwritten signature in black ink, appearing to be "Linda Arrington", is written above the typed name.

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs

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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 Notification
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Application for Pesticide – Section I

1. Company/Product Number EPA Reg. No. 69117-8	2. EPA Product Manager Venus Eagle	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/ Product (Name) POINTER® Insecticide S	PM # 1	
5. Name and Address of Applicant (Include ZIP Code) ArborSystems, Inc. c/o RegWest Company, LLC 30856 Rocky Road Greeley, CO 80631-9375 <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"/> Resubmission in response to Agency letter dated _____ <input checked="" type="checkbox"/> Notification – Explain below.	<input checked="" type="checkbox"/> Final printed labels in response to NOTIFICATION 09/10/2009 <input type="checkbox"/> "Me Too" Application. <input type="checkbox"/> Other – Explain below.
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SEP 25 2009**Explanation:** Use additional page(s) if necessary. (For Section I and Section II.)

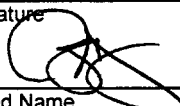
Submit label revision and additional brand name notification per PR Notice 98-10.
Refer to the Reference Label for an illustration of all label revisions and
the final printed labeling for front panel graphics.
Additional brand name: DIY Tree Care Products Multi-Insect Killer

This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR § 152.45, 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.

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 Wt.	No. Per Container	If "Yes" Packaging Wt.	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, Manager	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.			6. Date Application Received (Stamped)
2. Signature 	3. Title Consultant/Agent		
4. Typed Name Kim Davis, CC, APC, Manager	5. Date August 21, 2009		

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August 21, 2009

Ms. Linda Arrington
Document Processing Desk – **NOTIF/FPL**
Office of Pesticide Programs – **7504P**
U.S. Environmental Protection Agency
One Potomac Yard, Room S-4900
2777 South Crystal Drive
Arlington, VA 22202

Dear Ms. Arrington:

Subject: ArborSystems, Inc.
Pointer[®] Insecticide S
EPA Reg. No. 69117-8

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

Attached are the following:

1. Application for Pesticide: Other (Notification)
2. One **Reference Label** (illustrating the revisions)
3. Two **New Labels** (incorporating the revisions)
4. Market labeling

The additional brand name is: DIY Tree Care Products Multi-Insect Killer

Please refer to the **Reference Label** for an illustration of the label revisions in addition to the use directions' graphics. Additional graphics are found on the front panel of the market labeling.

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

Regards,
RegWest Company, LLC

Kim Davis, CC, APC, Manager
Consultant/Agent

Attachments

cc: ASI - Doolittle, C.

30856 Rocky Road
Greeley, CO 80631-9375
970-353-0611
970-353-0613 Fax
Kim@regwest.com

4048

POINTER® Insecticide S

{Additional Brand Name: DIY Tree Care Products Multi-Insect Killer}

{Hang Card/Box Label – Front Panel}

POINTER® Insecticide S
Control Tree Pests Stop Tree Pests [Insects] Dead Tree Insect Killer

Kill Tree Insects
Control Adelgids Including Hemlock Woolly Adelgids
Beetles, Borers Including Emerald Ash Borer
Aphids & More

[For] Systemic Insect Control on Landscape Ornamentals [Residential Trees] [and Interior Plantscapes]
Convenient Easy-to-Use Do-it-Yourself

One application provides full-season control of: {Choose from "Listed Pests"}

{Listed Pests:} Adelgids (including Hemlock Woolly Adelgids), Aphids, Armored Scales (suppression), Asiatic Garden Beetles, Black Vine Weevil Larvae, Chafer, Elm Leaf Beetles, Eucalyptus Longhorned Borer, Flathead Borers (including Alder-Birch Borer, Bronze Birch Borer and Emerald Ash Borer), Japanese Beetles, Japanese Beetle Larvae, Lace Bugs, Leafhoppers, Leafminers, Mealybugs, Oriental Beetles, Pine Bark Beetles, Pine Tip Moth Larvae, Psyllids, Royal Palm Bugs, Sawfly Larvae, Soft Scale Insects, Thrips (Suppression) and Whiteflies

On All Types of Ornamental Trees [Residential Trees]

DO NOT TREAT FOOD-BEARING PLANTS

Active Ingredient:

Imidacloprid (CAS No. 138261-41-3) 5%

Other Ingredients 95%

Total 100%

Contains 0.025 oz. (0.75 grams) active ingredient per 0.5 fl. oz. (15 ml) bottle.

Net Contents: 0.5 fl. oz. (15 ml), one syringe and one syringe tip

Keep Out of Reach of Children

WARNING

See back panel for additional Precautionary Statements

First Aid

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-222-1222 for emergency medical treatment information.

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 by mouth to an unconscious person. **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. **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 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.

{Hang Card/Box Label – Back Panel}

DIRECTIONS FOR USE

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

Personal Protective Equipment (PPE):

Use safety glasses and gloves when handling this product. Use chemical resistant gloves made of any waterproof material such as barrier laminate, butyl rubber, nitrile rubber, neoprene rubber, natural rubber, polyethylene, polyvinylchloride (PVC) or viton.

Product Information

Tree Insecticide and Syringe Applicator

Do Not Treat Food-Bearing Plants

This product contains an insecticide that is deposited into holes drilled into the tree trunk at the flare of the tree. This simple application method is convenient and easy-to-use. Control of pests can start to be seen within two weeks.

The insecticide controls Adelgids (including Hemlock Woolly Adelgids), Aphids, Armored Scales (suppression), Asiatic Garden Beetles, Black Vine Weevil Larvae, Chafers, Elm Leaf Beetles, Eucalyptus Longhorned Borer, Flathead Borers (including Alder-Birch Borer, Bronze Birch Borer and Emerald Ash Borer), Japanese Beetles, Japanese Beetle Larvae, Lace Bugs, Leafhoppers, Leafminers, Mealybugs, Oriental Beetles, Pine Bark Beetles, Pine Tip Moth Larvae, Psyllids, Royal Palm Bugs, Sawfly Larvae, Soft Scale Insects, Thrips (Suppression) and Whiteflies on all types of ornamental trees.

Timing of Treatments:

Treat trees anytime during the growing season. Treatments earlier in the growing season are more successful. **As a preventative**, apply in early spring prior to insect activity in the tree; one application provides full-season control. **As a remedial (on trees already showing symptoms of infestation) [to kill insects already on a tree]**, apply in spring through fall; more than one application may be needed depending on the infestation severity or tree condition. Treatments to conifers (pine trees) may be slow in uptake.

Included in this Package:

0.5 fl. oz. (15 ml) Pointer Insecticide S, one syringe and one syringe tip. This is enough insecticide for 15 application sites and can treat from fifteen 4" circumference trees to one 60" tree.

Tools Needed:

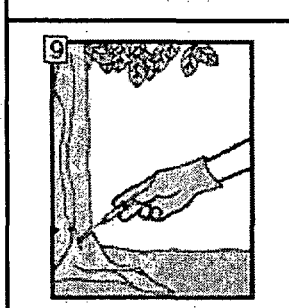
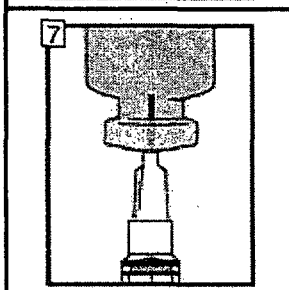
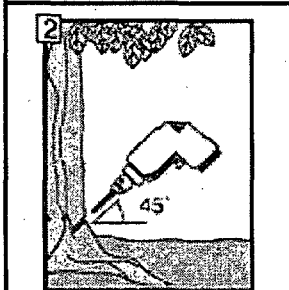
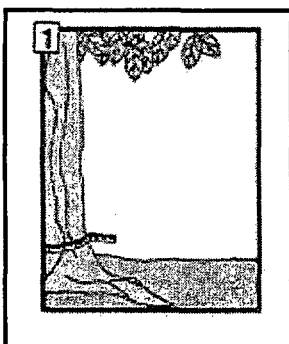
Measuring tape, power drill and clean, sharp 1/4" drill bit.

Dosage:

Measure the circumference of tree within 12" of the ground. Apply 1 ml of Pointer® Insecticide S [this product] for every 4" of trunk circumference.

Dosage Chart

Circumference (within 12" of the ground)	Number of Application Sites (number of holes to drill)
4 inches	1 site
12 inches	3 sites
24 inches	6 sites
36 inches	9 sites
48 inches	12 sites
60 inches	15 sites

Application Instructions

Use the syringe to deposit the insecticide into holes drilled around the base of the tree. Follow these steps:

1. Measure the circumference of tree within 12" of the ground and, using the dosage chart above, determine the correct number of application sites.
2. Using a clean, sharp 1/4" drill bit, drill a hole for each application site, spaced evenly (4" to 5" apart) around the base of the tree, within 12" of the ground. Drill holes 1" deep and at a 45° downward angle (so the insecticide will stay in the tree).
3. Place the metal syringe tip on the end of the syringe. Twist to lock tip in place.
4. Remove the tear-off covering from the metal cap on the top of the insecticide bottle exposing the rubber stopper.
5. Depress the plunger completely into the syringe.
6. Insert the syringe tip through the silicone stopper into the bottle; this requires a steady pressure.
7. Turn the bottle upside down [Tilt bottle] so the insecticide surrounds the syringe tip. Slowly pull back the plunger to draw 1 ml of insecticide into the syringe. Markings on the syringe barrel show the 1 ml fill line. **Do not pull the plunger out of the syringe; you will break the syringe.**
8. Carefully withdraw the syringe and tip from stopper.
9. Place the tip into one of the drilled holes. Slowly and completely depress plunger to deposit the insecticide into the tree.
10. Repeat process placing 1 ml of insecticide in each drilled hole.
11. Thoroughly water the yard area around the tree after treatment, unless it has recently rained.
12. Allow syringe and syringe tip to thoroughly dry prior to storage or disposal.
13. If you have any insecticide remaining in the container, it may be stored in the container; the rubber stopper is self-sealing.

Holes drilled in a tree are wounds. Do not drill holes in a tree more than once a year or more than two consecutive years.

[Storage and Disposal]

Storage: Store above 65°F in a cool, dry place. Store empty syringe and insecticide in original container out of reach of children, preferably in a locked storage area. **Container Management:** Non-refillable container; do not reuse or refill this container. **If empty:** Offer container and used syringe/syringe tip for recycling, if available; alternatively, dispose of empty container and used syringe/syringe tip in trash. **If partly filled,** call your local solid or household waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain.

Lot Number: on box flap.

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PRECAUTIONARY STATEMENTS

Hazards to Humans & Domestic Animals

WARNING: Harmful if swallowed, inhaled or absorbed through skin. Causes substantial but temporary eye injury. Do not get in eyes or on clothing. Wear safety glasses. Thoroughly wash with soap and water after handling and before eating, drinking, chewing tobacco, using the toilet or using tobacco. Remove contaminated clothing and wash clothing before reuse.

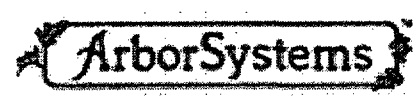
Environmental Hazards

This product is highly toxic to fish and aquatic invertebrates. 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. This product is highly toxic to bees exposed to direct treatment or residues on blooming plants or weeds. Do not apply this product to blooming plants or weeds if bees are visiting the treatment area.

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. ArborSystems does not make, or authorize any agent or representative to make, any other warranty, guarantee or representation, express or implied, concerning this product.

[Sold by]



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

Pointer® Insecticide S is a registered trademark of ArborSystems.

EPA Reg. No. 69117-8 EPA Est. 69117-NE-1

{Syringe Label}

Fill to red line = 1 ml
←

Pointer® Insecticide S

Active Ingredient:	
Imidacloprid*	5%
Other Ingredients	95%
Total	100%
*CAS No. 138261-41-3	

KEEP OUT OF REACH OF CHILDREN

WARNING

See box for First Aid,
Precautionary Statements
and Directions for Use.
Net Contents 0.5 fl. oz.
EPA Reg. No. 69117-8

[Sold By]

ArborSystems
800-698-4641 • Fax: 402-339-5011

8088

P.O. Box 34645 • Omaha, NE 68134

{Container Label}

Pointer® Insecticide S

Active Ingredient:

Imidacloprid (CAS No. 138261-41-3) 5%

Other Ingredients 95%

Total 100%

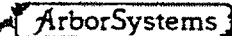
Contains 0.025 oz. (0.75 g) active ingredient per 0.5 fl. oz. (15 ml) bottle.

KEEP OUT OF REACH OF CHILDREN

WARNING

See box for First Aid,
Precautionary Statements
and Directions for Use.
Net Contents 0.5 fl. oz. (15 ml)
EPA Reg. No. 69117-8
EPA Est. 69117-NE-1

[Sold By]

 **ArborSystems**

800-698-4641 • Fax: 402-339-5011

P.O. Box 34645 • Omaha, NE 68134

[] Denotes alternate/optional language

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