

37979-1

01/30/2004

1/7

Please read instructions on reverse before completing form.

Form Approved, OMB No. 2070-0060, Approval expires 2-28-95



United States
Environmental Protection Agency
Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

| | | |
|---|--|---|
| 1. Company/Product Number 37979-1 | 2. EPA Product Manager Dan Kenny | 3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted |
| 4. Company/Product (Name) Acecap® 97 Systemic Insecticide Implants | PM# 4 | |
| 5. Name and Address of Applicant (Include ZIP Code) Creative Sales, Inc. 222 Park Avenue; PO Box 501 Fremont, NE 68026-0501 <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
JAN 30 2004

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

Notification of Optional Marketing Statements: Takes 4-7 days for the insecticide to reach effected levels in the foliage of the tree; Easy to install; Take aim at Borers
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 CSF of this product. Creative Sales, Inc. understands that it is a violation of 18 U.S.C. Sec. 1001 to willingly make any false statements to EPA and further understands that if this notification is not consistent with the terms of PR Notice 98-10 and CFR 152.46, this product 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 type="checkbox"/> No | Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No | Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No | | <input type="checkbox"/> Metal | <input type="checkbox"/> Plastic |
| | | | | <input type="checkbox"/> Glass | <input type="checkbox"/> Paper |
| * Certification must be submitted | | If "Yes" Unit Packaging wgt. | No. per container | If "Yes" Package wgt. | 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 | |
| 6. Manner in Which Label is Affixed to Product <input 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 Warren D. Wolfe | Title President | Telephone No. (include Area Code) (402) 727-8600 |
| 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 <i>Warren D. Wolfe</i> | 3. Title President | |
| 4. Typed Name Warren Wolfe | 5. Date Jan. 2, 2004 | |

NO MIXING
MEASURING,
OR SPRAYING
REQUIRED

ACECAP 97

SYSTEMIC INSECTICIDE TREE IMPLANTS

FOR CONTROL OF CERTAIN DESTRUCTIVE
PESTS OF ORNAMENTAL TREES

10 IMPLANTS WILL EFFECTIVELY TREAT UP TO A 14" TRUNK DIAMETER

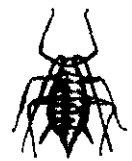
10 PAK
THIS PACKAGE
CONTAINS 10
IMPLANTS

IDEAL FOR LARGE TREES AND DECIDUOUS ORNAMENTAL



DELIVERED BY THE TREES
OWN SAP

KILLS DESTRUCTIVE INSECTS



APHIDS



BORERS



GYPSY MOTHS



SCALES/CRAWLERS



WEBWORMS



Production Lot No.

NET CONTENTS: 8.75 GRAMS

ACTIVE INGREDIENT BY WT.

Acephate (0, S-Dimethyl
Acetyl-phosphoramidothioate)97%

INERT INGREDIENTS3%

TOTAL100%

Each Cartridge contains .875 gram
Active ingredient.

KEEP OUT OF
REACH OF CHILDREN
CAUTION
READ LABEL BEFORE USING. SEE
BACK PANEL FOR ADDITIONAL
PRECAUTIONARY STATEMENTS.

Optional Marketing Statements:

Takes 4-7 days for the insecticide to reach effected levels in the foliage of the tree;
Easy to install;
Take aim at Borers

NOTIFICATION

JAN 30 2004

ACECAP 97 Systemic Insecticide Implants
EPA Reg. # 37979-1

Label Draft: Page 2 of 5

ACECAP 97 SYSTEMIC INSECTICIDE IMPLANTS

FOR RESIDENTIAL USE — FOR USE ON ORNAMENTAL TREES GROWING IN INTERIOR PLANTSCAPES, ORNAMENTAL GARDENS OR PARKS, OR ON GOLF COURSES OR LAWNS AND GROUNDS. THIS PRODUCT MAY BE USEFUL IN AN INTEGRATED PEST MANAGEMENT PROGRAM, OR WHERE FOLIAR SPRAYS OR SOIL APPLIED SYSTEMICS MAY BE OBJECTIONABLE. APPLICATION IS MADE BY IMPLANTING INTO THE TREE TRUNK BASE AS INSTRUCTED BELOW.

INSECT PESTS CONTROLLED:

Aphids, Bagworms, Bronze Birch Borer, Budworms, California Oakworm, Cankerworm (spring & fall), Casebearer, Citrus Blackfly, Eastern Tent Caterpillar, Elm Leaf Beetle Larvae, Fall Webworm, Gypsy Moth Larvae, Honeylocust Mite, Lace Bug, Leaf Folder, Leaf Miners, Mapleworm, Mimosa Webworm, Nantucket Pine Tip Moth Larvae, Pine Needleminer, Scale (crawlers), Spruce Budworm, Thrips, Whitefly, Zimmerman Pine Moth.

TREES TO BE TREATED (Host Plants):

Ash, Alder, Banyon, Birch, Non-Bearing Cherry, Non-Bearing Citrus, Cottonwood, Dogwood, Elm, Ficus, Flame, Hawthorn, Hemlock, Holly, Kentucky Coffeetree, Larch, Lilac, Linden, Locust, Maple, Mimosa, Oak, Non-Bearing Olive, Pines (fir & spruce), Plane, Plumeria, Poplar, Redbud, Redwood, Sycamore, Tulip, Non-Bearing Walnut, Willow. NOTE: Non-Bearing refers to trees that will not bear fruit within one year of application.

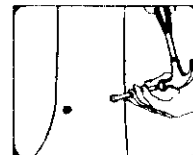
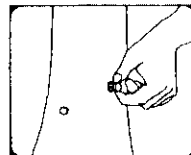
RECOMMENDED APPLICATION:

With the exception of the following insects, apply ACECAPS when insects first appear: (1) For **Budworm, Zimmerman Pine Moth** and **Gypsy Moth** apply just prior to anticipated larvae feeding. (2) For **Elm Leaf Beetle Larvae** apply after eggs are present or during early larvae feeding. (3) For **Aphids** and **White Fly** apply when wingless forms are first present. (4) For **Spruce Coneworm** apply at budswell. (5) **Bronze Birch Borer** — apply implants in late May, early June, when adult borers are emerging from the trunk. Insecticide controls for Bronze Birch Borer may be more effective if overall tree stress symptoms are reduced . . . i.e. fertilize the infested birch trees in spring or fall; water regularly, especially during dry periods; and mulch around the tree base to increase moisture retention and cool the tree roots.

DO NOT implant into trees having less than 3 inches (7.6 cm) trunk diameter (DBH). For trees having trunk diameter of 1-1/2 inches (3.8 cm) to 3 inches (7.6 cm) use MINI-IMPLANTS. **DO NOT** use ACECAP Systemic Implants on trees other than those listed on this label. **DO NOT** use on Flowering Crabapple as foliage injury may occur.

FOR BEST RESULTS USE TOOLS AND TECHNIQUES AS RECOMMENDED IN THE APPLICATION INSTRUCTIONS INCLUDED IN EACH CARTON AND IN EACH FOIL PACKAGE.

EASY
TO
INSTALL:



APPLICATION RATES AND PLACEMENT

TO DETERMINE NUMBER OF IMPLANTS REQUIRED — Determine the tree trunk diameter, multiply by 3.14 and divide by 4 (inches) or 10.16 (cm). EXAMPLE: 13 inches (33 cm) DBH x 3.14 = 40.8 inches (103.7 cm) circumference ÷ 4 (inches) or 10.16 (cm) = 10 (i.e. use 10 ACECAP implants). For trees of less than 3 inch trunk diameter, use one MINI-IMPLANT per inch DBH.

ACECAP Systemic Implants are to be implanted around the tree trunk base at 4 inch (10.16 cm) intervals. Using a tape measure, drill 3/8 inch (9.5 cm) diameter implant holes at a 4 inch (10.16 cm) spacing; spiraling up and around the trunk base. Holes should be drilled 1-1/4 inches (3.2 cm) into the tree trunk **from the cambium surface**, to assure the cartridge can be implanted beneath the bark and the cambium surface. Cartridges left extending outward into the bark will still provide control, however, will delay wound closure.

Applications timed with maximum upward flow of tree sap produce the most successful results. The characteristic may vary with the tree species, geographic area, time of year, time of day, individual tree vigor, or light intensity at time of treatment. If soil moisture conditions are dry, thorough deep root watering prior to or immediately following implant treatment will enhance chemical uptake.



Ref. U.S. Patent Nos. 3,706,161; 4,308,669; 4,342,176
6,311,429 B1

www.acecap-medicap.com

ACECAP, Reg. T.M.
Creative Sales, Inc.

EPA Reg. No. 37979-1



ACECAP 97 Systemic Insecticide Implants
EPA Reg. # 37979-1

Label Draft: Page 3 of 5

FIRST AID

CAUTION

Contents of implant (gelatin capsule) is an organophosphate that inhibits cholinesterase.

IF SWALLOWED — 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 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. Rinse skin immediately 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.

HOT LINE NUMBER

For emergency information, call 1-800-759-7739, Monday through Friday, 9 a.m. to 5 p.m., Central Time. After 5 p.m. call your poison control center.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment.

NOTE TO PHYSICIAN

Content of implant capsule (acephate) is a cholinesterase inhibitor. If signs of cholinesterase inhibition occur, atropine is antidotal. 2-PAM may also be used in conjunction with atropine, but should never be used alone.

ENVIRONMENTAL HAZARDS — This pesticide is toxic to birds. For terrestrial uses, do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark.

DIRECTIONS FOR USE

"No Worker Protection Standard worker entry restrictions or worker notification requirements apply when this product is directly injected into agricultural plants."

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

REFER TO SPECIFIC INSTRUCTIONS FOR USE.

REGARDING RETREATMENT

ACECAP Systemic Implants may be utilized in an integrated pest management program, and combined where needed, over several seasons with conventional foliar or soil applications. **DO NOT REPEAT IMPLANT TREATMENTS WHERE A TREE HAS NOT SHOWN THE ABILITY TO ADEQUATELY CALLOUS OVER THE PRIOR TREATMENT.**

DISPOSAL INSTRUCTIONS

IF OUTER CONTAINER AND PACKAGING IS EMPTY ... DO NOT REUSE — Place in trash or offer for recycling if available. Do not reuse the plastic cartridge (containing the chemical); they are designed to be implanted into and left inside the tree.

IF OUTER CONTAINER AND PACKAGING REMAINS PARTLY FILLED WITH UNUSED PRODUCT ... Store in a cool, dry place in the original packaging away from the reach of children, preferably in a locked storage area. Never place unused product in the trash or recycling receptacles. Call your local solid waste agency or 1-800-CLEANUP.

CONDITIONS OF SALE

(1) Creative Sales, Inc. warrants that this material conforms to the chemical description on the label and is reasonably fit for use as directed hereon. We make no further warranty of FITNESS or of MERCHANTABILITY and no agent or representative is to do so concerning this material.

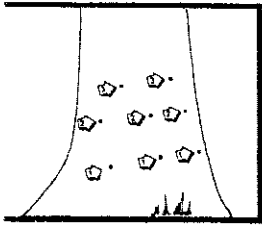
(2) Critical and unforeseeable factors beyond the manufacturer's control prevent us from eliminating all risks in connection with the use of chemicals. Such risks include, but are not limited to, lack of complete control. Buyer and user acknowledge and assume all risks and liability (except those indicated under 1 above) resulting from handling, storage and use of this material.



Manufactured in U.S.A. By
Creative Sales, Inc.
 Fremont, NE 68025 U.S.A.
www.acecap-medicap.com

EPA Reg. No. 37979-1
 EPA Est. No. 37979-NB-1
 Form No. 7-03-5

Additional Tips



When re-treatment is necessary, place the new implants in a spiral pattern between, and above or below the previous treatment. **Do not attempt to drill into and remove the cartridges implanted previously.** Note the positioning of three applications.

When using ACECAPS containing systemic insecticide, the implant treatment may be combined over several seasons with a conventional spray or soil treatment insect control program. **DO NOT REPEAT IMPLANT TREATMENTS IF TREE HAS NOT SHOWN THE ABILITY TO DEQUATELY CLOSE OVER THE PRIOR TREATMENT.**

FOLLOW CAUTIONS WHERE INDICATED

DO:

- Use proper drill bit
- Remove shavings from hole
- Recess cartridge end below the inner bark
- Sterilize the drill bit (using Lysol aerosol, or similar type, disinfectant) between trees being treated
- Water thoroughly if weather conditions are dry
- Carefully read the Application Timing for optimum results (see back panel)

ALWAYS READ & FOLLOW LABEL DIRECTIONS FOR PRODUCT BEING USED

- DO NOT** enlarge the hole diameter
- DO NOT** use a sharp end punch
- DO NOT** remove previously implanted cartridges
- DO NOT** break plastic gelatin
- DO NOT** place implant too deep

Application Timing

The "effect" of systemic implants is maximized when implants are in place in the tree during the period of optimum xylem activity, to transfer the chemical from the implants into the crown of the tree. The chemicals used possess little (if any) phloem activity, therefore, it is suggested **APPLICATION BE AVOIDED AS TREES ARE GOING INTO DORMANCY!** Guidelines are offered here for optimum results.

ACECAP® SYSTEMIC INSECTICIDE

There are two key points to remember when using ACECAP Implants ...

1. It takes 4-7 days for the insecticide to "reach" effective levels in the foliage of the tree (as little as 2 days **if trees are in a healthy vegetative growth condition**).

2. Maximum duration of control documented is 18 weeks, and **optimum** control of **severe infestations** is 10-12 weeks.

Duration of insect control **in conifers** (pine, spruce, fir) has been documented for a year.

THEREFORE, ACECAP IMPLANTS SHOULD BE MADE JUST PRIOR TO EXPECTED INSECT ACTIVITY, OR AT EARLIEST INDICATION OF INSECT ACTIVITY! Application of ACECAPS is normally not recommended during tree dormancy (as with nutrient implants) when attempting to control targeted insect pests on the foliage; however, treatment during dormancy for certain pine seed cone insects may be advantageous.

ACECAP and MEDICAP ... Reg. T.M.'s
Creative Sales, Inc.

APPLICATION GUIDE FOR ACECAP® SYSTEMIC TREE IMPLANTS



Creative Sales, Inc.
222 N. Park Ave.
Fremont, NE 68025 U.S.A.
www.acecap-medicap.com

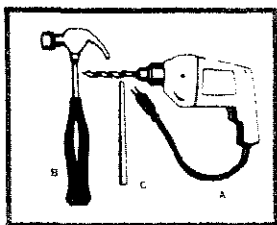
ACECAP 97 Systemic Insecticide Implants

EPA Reg. # 37979-1

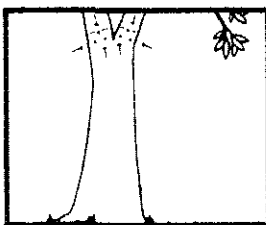
Label Draft: Page 5 of 5



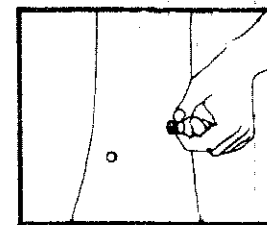
... Systemic Insect Control For Trees



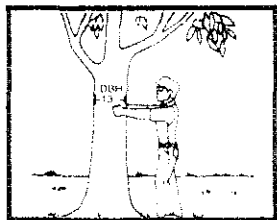
1. First select the proper tools. You will need:
 A. Electric or rechargeable drill (using a sharp spiral drill bit as shown). Always refer to package in use for recommended drill bit size (i.e.) 1/4, 3/8, or 1/2 inch).
 B. Hammer C. Flat end punch, or dowel rod. D. Tree Wound dressing (see #11).



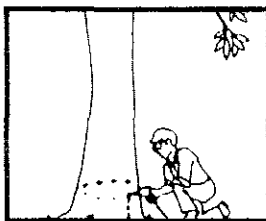
5. NOTE: On large trees where there is no main stem or trunk and multiple branching occurs, treat each stem as if it were a separate tree. This will assure adequate distribution of chemical throughout the tree.



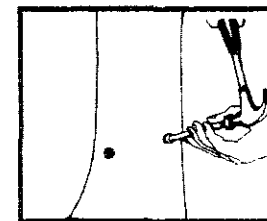
9. Place the Implant cartridge into the pre-drilled holes, simply pressing them into the tree trunk. Be sure to press the cartridges in as far as possible.



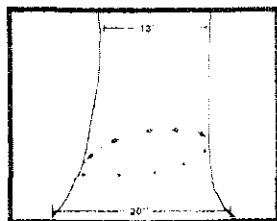
2. The number of Implants required is based on the tree trunk size at 4 ft. above the ground (commonly referred to as DBH), and the specific recommendations for the product being used. The circumference of the tree trunk (in inches at 4 ft. above the ground) can be determined by using a tape measure; or calculated from the DBH (see #3 below). In either case, after determining the circumference, divide the circumference by the recommended spacing for the product being used (i.e. 3, 4 or 6 inches), and apply the Implants evenly around the base of the tree (refer to #3 and #6).



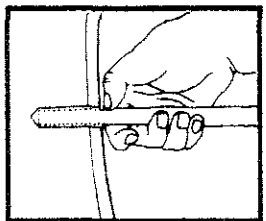
6. Next, drill the Implant holes at a uniform spacing, spiraling up and around the lower tree trunk surface. Start approximately 6 inches (15.2 cm) from the soil level. Be sure to remove drill shavings from each hole. The holes need to be deep enough to allow each Implant to be recessed just inside the inner bark. See #11 and #8 for proper drilling depth.



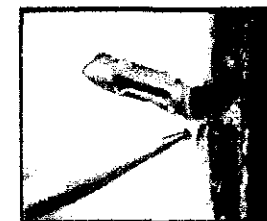
10. Using a hammer and a flat end punch or dowel rod ... carefully drive the cartridge into the tree, recessing the large end slightly beneath the cambium surface, which is below the bark. See #11.



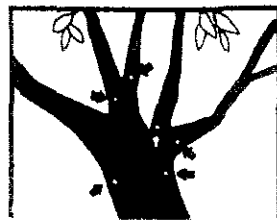
3. NOTE: If you are calculating the tree size and rate of application from the tree trunk diameter (DBH) using example shown to the left, DBH is 13 inches (33 cm) x 3.14 = 40.8 inches (103.7 cm) circumference ÷ 4 inches (10.16 cm) Implant spacing ... i.e. use 10 IMPLANTS. If the tree base is larger than the DBH (as illustrated) be sure to place the recommended number of Implants evenly around the tree base note #6.



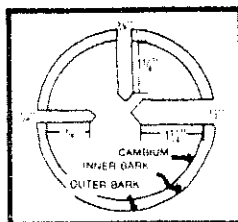
7. Using a measuring instrument (i.e. flat end of pen or pencil) as a depth gauge, insert completely into each hole and mark the depth by placing your thumb against the outer bark. Based on Implant diam. and thickness of bark, holes should be drilled as illustrated below:



11. The cartridge head securely plugs the small wound made to the tree trunk, however on thin barked trees (i.e. birch, ficus, etc.) it is recommended that a light wound dressing be applied over the implant site. This provides further protection until the cambium closes over. Having no scientific evidence that wound dressings aid in the healing of tree bark, we might suggest that a latex paint (aerosol or brush applied) be used.



4. NOTE: Where lower branching occurs 4 feet or less from the ground, make certain the Implants are placed directly beneath the lower branches. This will assure adequate distribution of chemical throughout the tree.



8. NOTICE: Hole depth is from inside the inner bark.

| TREE SIZE | RECOMMENDED SIZE OF IMPLANT DIAM. | DRILL EACH HOLE DEPTH |
|--------------------------|-----------------------------------|-----------------------|
| 1 1/2" - 3" (3.8-7.6 cm) | "Mini" 1/8" (.64 cm) | 7/8" (2.23 cm) |
| 3" and up (7.6 cm & up) | "Standard" 3/8" (.95 cm) | 1 1/2" (3.2 cm) |
| 8" and up (20.3 cm & up) | "Super" 1/2" (1.27 cm) | 1 1/2" (3.2 cm) |

* 1 1/2" Implants apply only in MEDCAP EE



Cross section of tree 2 years following treatment.

12. The application process is now completed ... natural sap flow will "systemically" absorb the chemical and distribute it throughout the tree. The active layer of cambium will soon grow over and close the Implant site. The cartridges are to be left inside the tree.

6/4

222 park ave.
p.o. box 501
fremont, ne 68026-0501

7/7
(402) 727-4800
800-759-7739
fax (402) 727-4841

ACECAP
MEDICAP

CERTIFIED MAIL ..
RETURN RECEIPT
REQUESTED

January 2, 2004

Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504C)
U.S. Environmental Protection Agency
Room 266A, Crystal Mall 2
1921 Jefferson Davis Highway
Arlington, VA 22202-4501

RE: ACECAP[®]97 Systemic Insecticide Implants
EPA Reg. 37979-1
NOTIFICATION OF OPTIONAL MARKETING STATEMENTS

TO WHOM IT MAY CONCERN :

Enclosed, please find a completed form 8570-1, Notification for optional marketing statements and labeling for above-mentioned registration. I trust that you will find everything in order.

Should you have any questions or need additional information, please do not hesitate to contact me at 402-727-4800.

Sincerely,


Warren D. Wolfe
President

CREATIVE SALES, INC.

WDW/kb

Enclosure : 2 "ea."



creative
sales
inc.

MEMBER

- National Arborist Assn
- International Society of Arboriculture