

37979-1

5/4/2010

1097

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



MAY 04 2010

OFFICE OF  
PREVENTION, PESTICIDES  
AND TOXIC SUBSTANCES

Bryan Wolfe  
Creative Sales Inc.  
222 Park Avenue  
P.O. Box 501  
Fremont, NE 68026

Dear Mr. Wolfe:

Subject: Fast Track Amendment of label to revise net contents from metric units only to American units per New York SLITS question  
Acecap  
EPA Registration No. 37979-1

The labeling referred to above submitted in connection with the Federal Insecticide, Fungicide and Rodenticide Act, as amended is acceptable provided you make the following change:

1. As listed on pages 1 and 2, the pest "Emerald Ash Borer" is considered a quarantine pest by the USDA and now requires efficacy data to retain this pest on labels. Please submit or cite data to the Agency within 90 days from the date of this letter to retain the pest on your label or remove it from your label.

A stamped copy of the label is enclosed for your records. Please submit one final printed copy of the labeling before releasing the product for shipment. If you have any questions regarding this label, please contact Autumn Metzger at (703) 305-5314 or [metzger.autumn@epa.gov](mailto:metzger.autumn@epa.gov).

Sincerely,

A handwritten signature in black ink that reads "Venus Eagle".

Venus Eagle  
Product Manager 01  
Insecticide-Rodenticide Branch  
Registration Division (7505P)

NO MIXING,  
MEASURING,  
OR SPRAYING  
REQUIRED

# ACECAP<sup>®</sup>

## SYSTEMIC INSECTICIDE TREE IMPLANTS

FOR CONTROL OF LISTED DESTRUCTIVE  
PESTS OF ORNAMENTAL TREES

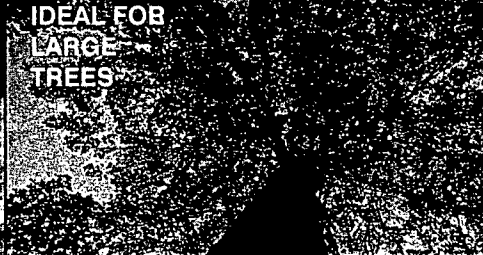
10 IMPLANTS WILL EFFECTIVELY TREAT UP TO A 14" TRUNK DIAMETER

**10 PAK**  
THIS PACKAGE  
CONTAINS 10  
IMPLANTS

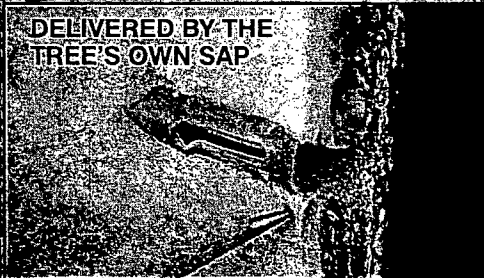
**EMERALD  
ASH BORER**



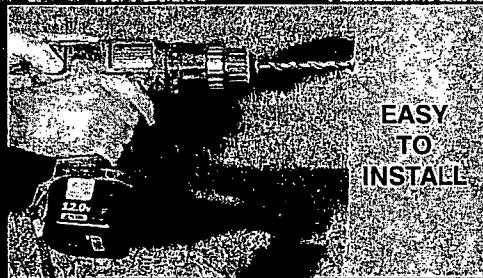
**IDEAL FOR  
LARGE  
TREES**



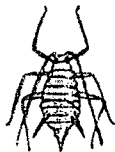
**DELIVERED BY THE  
TREE'S OWN SAP**



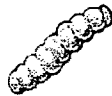
**EASY  
TO  
INSTALL**



**KILLS DESTRUCTIVE INSECTS**



APHIDS



BORERS



GYPSY MOTHS



TENT CATERPILLAR

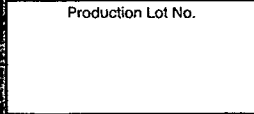


WEBWORMS



BAGWORMS

Production Lot No.



**ACTIVE INGREDIENT BY WT.**

Acetamiprid 50.0%  
OTHER INGREDIENTS 50.0%  
**TOTAL 100.0%**

**KEEP OUT OF REACH OF CHILDREN**

### CAUTION

READ LABEL BEFORE USING. SEE  
BACK PANEL FOR ADDITIONAL  
PRECAUTIONARY STATEMENTS.

NET CONTENTS: 0.0034 OZ.

ACCEPTED  
With COMMENTS  
In EPA Letter Dated:  
MAY 04 2010  
Under the Federal Insecticide, Fungicide  
and Rodenticide Act, As amended, for the  
pesticide Registered under EPA Reg. No:

37979-1

2007

## ACECAP SYSTEMIC INSECTICIDE IMPLANTS

FOR USE ON ORNAMENTAL TREES GROWING IN RESIDENTIAL AREAS AND ON ORNAMENTAL TREES GROWN FOR SALE OR COMMERCIAL PURPOSES.

### INSECT PESTS CONTROLLED:

Aphids, Bagworms, Bronze Birch Borer, Budworms, California Oakworm, Cankerworm (spring & fall), Casebearer, Citrus Blackfly, Eastern Tent Caterpillar, Elm Leaf Beetle Larvae, Emerald Ash Borer, 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, Spruce Coneworm, Thrips, Whitefly, Woolly Adelgid, 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 Non-Bearing refers to trees that will not bear fruit within one year of application.

### APPLICATION TIMING:

With the exception of the following insects, apply ACECAP implants when insects first appear: (1) **Budworm, Zimmerman Pine Moth and Gypsy Moth** apply implants just prior to larvae feeding. (2) **Elm Leaf Beetle Larvae** apply implants after egg masses are present on the underside of the tree leaves, or during early larvae feeding. (3) **Aphids and White Fly** apply implants when wingless forms are first present. (4) **Spruce Coneworm** apply implants at budswell. (5) **Bronze Birch Borer** apply implants in late May - early June. (6) **Emerald Ash Borer** apply implants from early April - early June. **Insecticide controls for Bronze Birch Borer and Emerald Ash Borer may be more effective if overall tree stress symptoms are reduced. Fertilize trees being attacked in fall or early spring and water regularly, especially during dry periods, and mulch around the tree base to increase moisture retention. Application to trees already heavily infested may not prevent the eventual loss of the trees due to existing pest damage and tree stress.**

DO NOT implant into trees having less than 3 inches trunk diameter (DBH). For trees having trunk diameter of 1-1/2 inches to 3 inches 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.

USE TOOLS AND TECHNIQUES AS SHOWN IN THE APPLICATION GUIDE 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). EXAMPLE: 13 inches DBH x 3.14 = 40.8 inches circumference 4 (inches) = 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 intervals. Using a tape measure, drill 3/8 inch diameter implant holes at a 4 inch spacing; spiraling up and around the trunk base. Drill 1-1/4 inch deep holes 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.

Manufactured in U.S.A. by  
**CSI Creative Sales, Inc.**  
222 N. Park Ave.  
Fremont, NE 68025 U.S.A.  
Ref. U.S. Patent Nos. 3,706,161; 4,308,689; 4,342,176  
6,311,429 B1

[www.acecap-medicap.com](http://www.acecap-medicap.com)

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

EPA Reg. No. 37979-1



3047

# PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS CAUTION

Harmful if swallowed. Causes eye irritation. Avoid contact with eyes, skin and clothing. Wash hands thoroughly after handling. Wash the outside of gloves before removing them. Remove contaminated clothing and wash clothing before reuse.

### PERSONAL PROTECTIVE EQUIPMENT (PPE)

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Chemical-resistant gloves made of any waterproof material
- Shoes plus socks.

### USER SAFETY RECOMMENDATIONS

User Should:

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

### FIRST AID

**Acephate is an organophosphate, cholinesterase inhibitor.**

<b>If Swallowed:</b>	<ul style="list-style-type: none"> <li>• Call poison control center or doctor immediately for treatment advice.</li> <li>• Have person sip a glass of water if able to swallow.</li> <li>• Do not induce vomiting unless told to do so by the poison control center or doctor.</li> <li>• Do not give anything by mouth to an unconscious person.</li> </ul>
<b>If inhaled:</b>	<ul style="list-style-type: none"> <li>• Move person to fresh air.</li> <li>• If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth, if possible.</li> <li>• Call a poison control center or doctor for further treatment advice.</li> </ul>

### HOT LINE NUMBER

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 800-759-7739 for emergency medical treatment information.

### NOTE TO PHYSICIAN

This material contains a cholinesterase inhibitor. Measurement of blood cholinesterase activity may be useful in monitoring exposure but decisions regarding treatment will usually need to be made before test results are available. If signs of cholinesterase inhibition appear, atropine sulfate is antidotal. 2-PAM (PROTOPAM) is also antidotal and may be used in conjunction with atropine but should not be used alone.

### ENVIRONMENTAL HAZARDS

This pesticide is toxic to birds. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water by cleaning of equipment or disposal of wastes.

### DIRECTIONS FOR USE

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

**READ ENTIRE LABEL AND PAMPHLET, USE STRICTLY IN ACCORDANCE WITH PRECAUTIONARY STATEMENTS AND DIRECTIONS AND WITH APPLICABLE STATE AND FEDERAL REGULATIONS.**

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

### 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.**

### STORAGE AND DISPOSAL

**DO NOT** contaminate water, food, or feed by storage and disposal.

**PESTICIDE STORAGE:** Store in a cool, dry place in the original packaging away from the reach of children, preferably in a locked storage area and in such a manner as to prevent cross contamination with other pesticides, fertilizers, food and feed. Protect from excessive heat. Keep foil packages sealed until ready to use. Refer to Precautionary Statements on label for hazards associated with the handling of this material.

**CONTAINER DISPOSAL:** Do not reuse or refill this container. Dispose of in a sanitary landfill or offer for recycling if available. Do not reuse the plastic cartridges (containing the chemical); they are designed to be implanted into and left inside the tree.

**PESTICIDE DISPOSAL: 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. Wastes resulting from the use of this product may be disposed of at an approved waste disposal facility.

4057

## **DISCLAIMER, RISKS OF USING THIS PRODUCT, LIMITED WARRANTY AND LIMITATION OF LIABILITY**

NOTICE: Read this Limitation of Warranty and 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.

### **RISKS OF USING THIS PRODUCT**

It is impossible to eliminate all risks associated with the use of this product. Such risks arise from weather conditions, soil factors, off-target movement, unconventional farming techniques, the presence of other materials, the manner of use or application, or other unknown factors, all of which are beyond the control of Creative Sales, Inc. These risks can cause: ineffectiveness of the product, crop injury, or injury to non-target crops or plants.

Creative Sales, Inc. does not agree to be an insurer of these risks beyond what is expressly warranted by this label. When you buy or use this product, you agree to accept these risks.

### **LIMITED WARRANTY**

Creative Sales, Inc. warrants that this product conforms to the chemical description on the label thereof and is reasonably fit for the purpose stated in the Directions for Use, subject to the inherent risks described above, when used in accordance with the Directions for Use under normal conditions.

To the extent consistent with applicable law, Creative Sales, Inc. makes no other express or implied warranty of fitness or of merchantability or any other express or implied warranty. No agent or representative of Creative Sales, Inc. or seller is authorized to make or create any other express or implied warranty.

### **LIMITATION OF LIABILITY**

To the extent consistent with applicable law, in no event shall Creative Sales, Inc. or seller be liable for any incidental, consequential or special damages resulting from the use or handling of this product. Buyer's or user's bargained-for expectation is crop protection. To the extent consistent with applicable law, the exclusive remedy of the user or buyer and the exclusive liability of Creative Sales, Inc. or seller, for any and all claims, losses, injuries or damages (including claims based on breach of warranty or contract, negligence, tort or strict liability), whether from failure to perform or injury to crops or other plants, and 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 Creative Sales, Inc. or seller, the replacement of the product.

### **PROMPT NOTICE OF CLAIM**

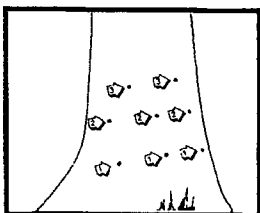
To the extent consistent with applicable law allows such requirement, Creative Sales, Inc. or its Ag Retailer must have prompt notice of any claim so that an immediate inspection of buyer's or user's growing crops can be made. To the extent consistent with applicable law allows such requirement, buyer and all users shall promptly notify Creative Sales, Inc. or a Creative Sales, Inc. Ag Retailer of any claims, whether based on contract, negligence, strict liability, or other tort or otherwise be barred from any remedy.

### **NO AMENDMENTS**

Creative Sales, Inc. and seller offer this product, and buyer accepts it subject to the foregoing Disclaimer, Risks of Using This Product, Limited Warranty and Limitation of Liability, which may not be amended by any oral or written agreement.

5 of 7

## 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 WHERE TREE HAS NOT SHOWN THE ABILITY TO ADEQUATELY 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.

Form 25 Rev. 1/08

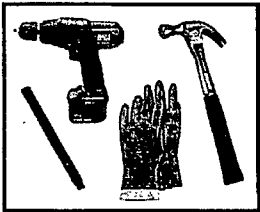
# APPLICATION GUIDE FOR **ACECAP**® SYSTEMIC TREE IMPLANTS



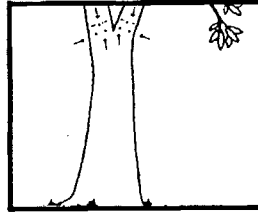
Creative Sales, Inc.  
222 N. Park Ave.  
Fremont, NE 68025 U.S.A.  
www.acecap-medicap.com

1007

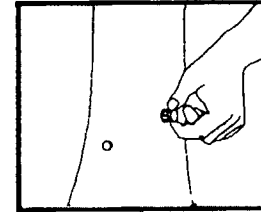
# ACECAP . . . Systemic Insect Control For Trees



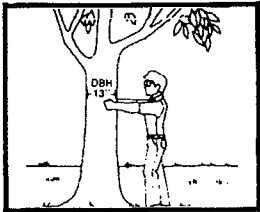
1. Select the proper tools. You will need:
- Drill
  - Hammer
  - Flat end punch or dowel rod
  - Chemical resistant gloves.



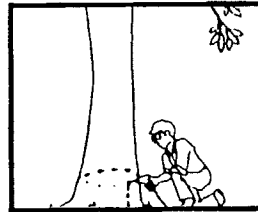
5. On large trees where there is no main stem or trunk and multiple branching occurs, treat each stem as if it were a separate tree. This will assure adequate distribution of chemical throughout the tree.



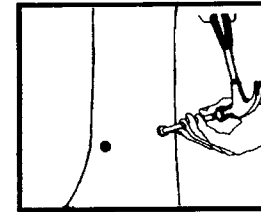
9. Place the Implant cartridge into the pre-drilled holes, simply pressing them into the tree trunk. Be sure to press the cartridges in as far as possible.



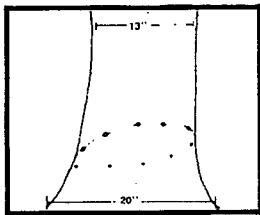
2. The number of Implants required is based on the tree trunk size at 4 ft. above the ground (commonly referred to as DBH), and the specific instructions for the product being used. The circumference of the tree trunk (in inches at 4 ft. above the ground) can be determined by using a tape measure; or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



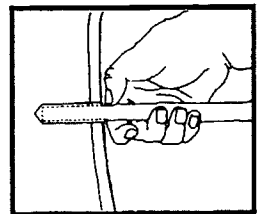
6. Next, drill the Implant holes at a uniform spacing, spiraling up and around the lower tree trunk surface. Start approximately 6 inches from the soil level. Be sure to remove drill shavings from each hole. The holes need to be deep enough to allow each Implant to be recessed just inside the inner bark.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



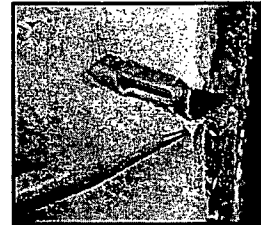
10. Using a hammer and a flat end punch or dowel rod, carefully drive the cartridge into the tree, recessing the large end slightly beneath the cambium surface, which is below the bark. See #11.



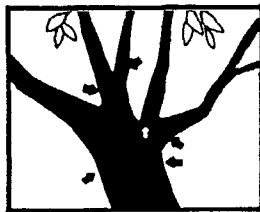
3. If you are calculating the tree size and rate of application from the tree trunk diameter (DBH) using example shown to the left, DBH is 13 inches x 3.14 = 40.8 inches circumference ÷ 4 inches implant spacing = use 10 Implants. If the tree base is larger than the DBH (as illustrated) be sure to place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



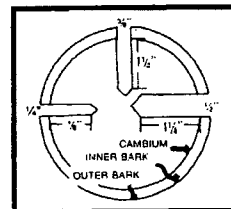
7. Using a measure instrument (i.e. flat end of pen or pencil) as a depth gauge, insert completely into each hole and mark the depth by placing your thumb against the outer bark. Based on implant diam. and thickness of bark, drill each hole depth as illustrated below.



11. The cartridge head securely plugs the small wound made to the tree trunk. However, on thin barked trees (i.e. birch, ficus, etc.) apply latex caulking or "Lac Balsam" over the implant site. This provides further protection until the cambium closes over.



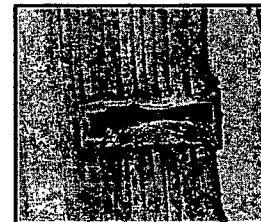
4. Where lower branching occurs 4 feet or less from the ground, make certain the Implants are placed directly beneath the lower branches. This will assure adequate distribution of chemical throughout the tree.



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"	"Mini" 1/4"	7/8"
3" and up	"Standard" 3/8"	1 1/4"
8" and up	"Super" 1/2"	1 1/4"

\* 1/2" Implants available only in MEDICAP FE



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.

7067