

71376-2

10/17/2008

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Rebecca M. Horton
Consultant/Agent for Excel Marketing
c/o Registrations by Design, Inc.
118½ East Main Street, Suite 1
Salem, VA 24153-3805

OCT 17 2008

SUBJECT: Applications for Pesticide Notification – Revisions per PR Notice 2007-4 and
Revised Warranty

Excel® Systemic Rose & Flower Care
Excel® Systemic Insect Control Granules
Excel® Delta HPC
Applications Dated December 20, 2007

EPA Reg. No. 71376-1
EPA Reg. No. 71376-2
EPA Reg. No. 71376-3

Dear Ms. Horton:

The Agency is in receipt of your Applications for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 for the above products. The Registration Division (RD) has conducted a review of these requests for their applicability under PRN 98-10 and finds that the actions requested fall within the scope of PRN 98-10. The labels submitted with the applications have been stamped "Notification" and will be placed in our records.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identifying the batch of the pesticide distributed and sold be placed on nonrefillable containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions, please call me directly at 703-305-6249 or Terri Stowe of my staff at 703-305-6117.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Arrington".

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



Read instructions on reverse before completing form.

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

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United States
Environmental Protection Agency
Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 71376-2	2. EPA Product Manager Eagle	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Excel® Systemic Insect Control Granules	PM# 1	
5. Name and Address of Applicant (Include ZIP Code) Excel Marketing 1340 Treat Blvd., Ste. 650 Walnut Creek, CA 94597 <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. _____ NOTIFICATION Product Name _____ OCT 16 2008	

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.

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

NOTIFICATION of: (1) Label Change per PR Notice 2007-4; revised warranty statement. This notification is consistent with the provisions of PR Notice 2007-4 and the requirements of EPA regulations at 40 CFR 156.10, 156.140, 156.144, 156.146 and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for this product. Excel Marketing understands that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA, and further understands that if the amended label is not consistent with the requirements of 40 CFR 156.10, 156.140, 156.144, 156.146 and 156.156, this product may be in violation of FIFRA and Excel Marketing 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 <input type="checkbox"/> on label	
6. Manner in Which Label is Affixed to Product <input checked="" 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 Rebecca M. Horton	Title Consultant/Agent for Excel Marketing	Telephone No. (Include Area Code) 540-375-8826
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>Rebecca M Horton</i>	3. Title Consultant/Agent for Excel Marketing	
4. Typed Name Rebecca M. Horton	5. Date Dec. 20, 2007	

Registrations by Design, Inc.sm

118 1/2 East Main Street
Suite 1
Salem, VA 24153-3805
phone 540.375.8826
fax 540.375.8827

CERTIFIED MAIL #7007 1490 0002 9249 9474

December 20, 2007

Document Processing Desk (NOTIF)
Office of Pesticide Programs/Reg. Div. (7505P)
U.S. Environmental Protection Agency
Ariel Rios Bldg.
1200 Pennsylvania Ave., NW
Washington, DC 20460

Re: NOTIFICATION FOR COMPLIANCE WITH PR NOTICE 2007-4
EPA Reg. No. 71376-2, Excel[®] Systemic Insect Control Granules

Attn: Linda Arrington
Notifications & Minor Formulations Team Leader

On behalf of Excel Marketing, of Walnut Creek, California, enclosed is notification of administrative label revisions, including revision to the Storage & Disposal text for compliance with PR Notice 2007-4, and revised warranty statement.

The following documents are enclosed:

- 1) EPA Form #8570-1, Application for Pesticide – Notification (2 copies)
- 2) Copy of the proposed label with revisions highlighted in blue.

If further action or information is required on Excel's behalf, please advise.

Best regards,

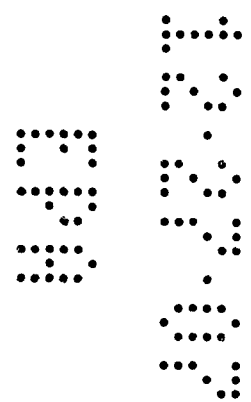


Rebecca M. Horton
Consultant/Agent for
EXCEL MARKETING
e-mail: hortonb@ntelos.net

BMH/sjh

Enclosures

cc: MGarbett/EM



Excel[®] Systemic Insect Control Granules

Optional Marketing Statements

Ready-to-Use

Systemic Insecticide – works from within the plant

6 Week Protection

For [Use on] Roses, Flowers and Shrubs [including ageratum, arborvitae, aster, azalea, birch, camellia, cherry laurel, chrysanthemum, crape myrtle, Cuban laurel (ficus), dahlia, elm, geranium, holly, maple, marigold, oleander, petunia, photinia, pyracantha, rhododendron, salvia, spirea, snapdragon, sycamore, viburnum, willow, yaupon, yew, zinnia]

Absorbs through the roots to protect from the inside out

Kills both chewing and sucking insects as listed: Aphids, Lace Bugs, Leafhoppers, Cuban Laurel Thrips, Leafminers, Leaf Beetles, Leaf-tiers, Worms, Scale, Leaf-tier (larvae), Dusky Birch Sawfly, Loopers, Thrips, Budworms, Mealybugs, Root Weevils, Whiteflies, White Grub Larvae, Plant Bugs and Psyllids

Won't wash off with rain or sprinklers

ACTIVE INGREDIENT:

Acephate (CAS No. 30560-19-1)..... 1.5%

OTHER INGREDIENTS: 98.5%

TOTAL: 100.00%

NOTIFICATION

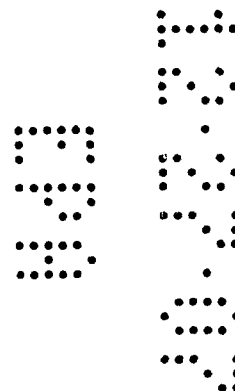
OCT 16 2008

KEEP OUT OF REACH OF CHILDREN

CAUTION

(See back/side/other panel(s) for additional Precautionary Statements and First Aid)

NET WT ____ LB (____ kg)



Excel® Systemic Insect Control Granules contains an effective systemic insecticide that provides up to 6 weeks control of Aphids, Lace Bugs, Leafhoppers, Cuban Laurel Thrips, Leafminers, Leaf Beetles, Leafhoppers, Worms, Scale, Leafhopper (larvae), Dusky Birch Sawfly, Loopers, Thrips, Budworms, Mealybugs, Root Weevils, Whiteflies, White Grub Larvae, Plant Bugs and Psyllids [the following listed insects].

Excel® Systemic Insect Control Granules prevents damage caused by the destructive insects listed on this label. *Systemic* means that the plant actually absorbs the insecticide through its root system and then moves it internally through the sap stream into its branches, leaves, blossoms and new growth.

Excel® Systemic Insect Control Granules protects against insects for 6 weeks. It cannot be washed by rain or sprinkling, since the protection is internal. This systemic action protects all plant surfaces, including undersides of leaves and blossoms. New growth is also fully protected.

Excel® Systemic Insect Control Granules kills the following insects on roses, flowers and shrubs:

Aphids (plant lice)	Cuban Laurel Thrips*	Leafhoppers
Lace Bugs	Holly Leafminers	Birch Leafminers
Maple Shoot Moth	Elm Leaf Beetle	Willow Leaf Beetle
Obscure Root Weevil**	Scale	Leafhopper (larvae)
Dusky Birch Sawfly	Loopers	Budworms
Thrips	Mealybugs	Whiteflies
Root Weevils (including Black vine, Apopka, & Strawberry***)	Psyllids	White Grub Larvae (including Elm Leaf and Japanese Beetle)
	Plant Bugs (Lygus spp.)	

**on azalea and rhododendron

*on ficus

***for non-bearing plants only

DIRECTIONS FOR USE

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

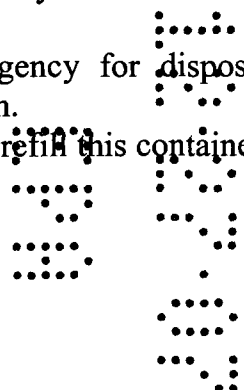
USE RESTRICTIONS: For outdoor use around the home only. Do not allow people or pets to enter treatment area until dusts have settled. Do not apply this product in a way that will contact people or pets. Do not apply to plants used for food or feed. Do not apply to ornamentals that are planted directly beneath food producing trees such as fruit or nut bearing trees. Do not apply to lawns.

Storage & Disposal

Pesticide Storage: Keep in original container. Store in a cool, dry, preferably locked area away from children and pets.

Pesticide Disposal: *If partly filled* – Call your local solid waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain.

Container Disposal: *If empty* – Nonrefillable container. Do not reuse or refill this container. Place in trash or offer for recycling if available.



PRODUCT USAGE	
Kills	Aphids, Lace Bugs, Leaf Beetles, Leafhoppers, Leafminers, Worms, and other listed insects.
Use on	Roses, Flowers, Shrubs & Ornamentals including ageratum, arborvitae, aster, azalea, birch, camellia, cherry laurel, chrysanthemum, crape myrtle, Cuban laurel (ficus), dahlia, elm, geranium, holly, maple, marigold, oleander, petunia, photinia, pyracantha, rhododendron, salvia, spirea, snapdragon, sycamore, viburnum, willow, yaupon, yew, zinnia
Amount to Use	Established Roses: ½ cup per 9 sq. ft. (3' x 3') Flowers: ⅔ lb. per 25 sq. ft. (5' x 5') Shrubs & Ornamentals: ⅓ cup for each foot of plant height.
When to Use	When plants have about 1 inch of new growth in the spring. Reapply every 6 weeks through the summer.
How to Use	Established Roses: Work into the top 1-2 inches of the soil, taking care not to disturb plant roots. Water thoroughly. Do not apply to newly planted roses until they have become well established (planted in the ground for 3 months). Flower Beds: Work into the top 1-2 inches of the soil. Plant seed or set plants and water thoroughly. Do not get on foliage when foliage is wet. Ornamental Shrubs & Trees (under 12 ft. tall): Distribute evenly from the base to the dripline of all sides of the plant. Work into the top 1-2 inches of the soil and water in thoroughly.

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

CAUTION: Harmful if swallowed or absorbed through the skin. Causes moderate eye irritation. Avoid contact with skin, eyes or clothing. When handling this product or mixing into the soil as directed, wear long pants and long-sleeved shirt, socks, shoes and gloves. Wash the outside of gloves with soap and water before removing. Remove and wash contaminated clothing before reuse.

USER SAFETY RECOMMENDATIONS

Users should wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet. Users should remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.

Environmental Hazards

This pesticide is toxic to birds. Do not apply directly to water. Do not contaminate water by cleaning of equipment washwaters or rinsate.

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 x-xxx-xxx-xxxx [the National Pesticide Information Center at 1-800-858-7378] for emergency medical treatment information.

If swallowed: Call a 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 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.

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 five 5 minutes, then continue rinsing eye. Call a poison control center or doctor for treatment advice.

NOTE TO PHYSICIAN: Contains an organophosphate that inhibits cholinesterase. If symptoms of cholinesterase inhibition are present, atropine sulfate by injection is antidotal. 2-PAM is also antidotal and may be administered in conjunction with atropine.

NOTICE: To the extent consistent with applicable law, seller makes no warranty, expressed or implied, concerning the use of this product other than indicated on the label. To the extent consistent with applicable law, buyer assumes all risk of use and/or handling of this material when use and/or handling is contrary to label instructions.

? 1-888-648-9855

+ 1-800-424-9300

Excel Marketing
1340 Treat Boulevard, Suite 650
Walnut Creek, CA 94597

[Batch Code to be added at production.]

