

71376-2

06/16/2009

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

NOTIFICATION

JUN 16 2009

Excel Marketing
c/o Rebecca Horton
Registrations by Design, Inc.
118 ½ East Main Street, Suite 1
Salem, VA 24153

Subject: **Notification:** Addition of non-public health pests and clarifying use sites
Excel Systemic Insect Control Granules
EPA Reg. No. 71376-2
Your letter dated: June 5, 2009

Dear Ms. Horton:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 6-5-09 for the product EPA Reg No. 71376-2. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action requested falls 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 contact me @ 703-305-5314 or metzger.autumn@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Autumn Metzger".

Autumn Metzger
Biologist
Insecticide-Rodenticide Branch
Office of Pesticide Programs



Please read instructions on reverse before completing form.

Form Approved.OMB No. 2070-0080. Approval expires 2-28-95



United States
Environmental Protection Agency
Washington, DC 20460

<input type="checkbox"/>	Registration
<input type="checkbox"/>	Amendment
<input checked="" type="checkbox"/>	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# Team 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. _____ Product Name _____	

NOTIFICATION

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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: to add non-public health pests & clarify ornamental sites (plant listings) consistent with pests & ornamental sites on other currently approved acephate labels (e.g. - 228-440).

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 Confidential Statement of Formula of 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 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 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 checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Metal	<input checked="" type="checkbox"/> Plastic
* Certification must be submitted		If "Yes" Unit Packaging wgt. No. per container	If "Yes" Package wgt. No. per container	<input checked="" type="checkbox"/> Glass	<input checked="" type="checkbox"/> Paper
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 1; 2; 4; 5; 10 LBS.		5. Location of Label Directions <input checked="" type="checkbox"/> on label	
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph <input checked="" 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 June 5, 2009	

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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 #7008 1140 0001 7211 2193

June 5, 2009

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 of Administrative Label Changes
EPA Reg. No. 71376-2, Excel[®] Systemic Insect Control Granules

Attn: Linda Arrington, Team Leader
Notifications & Minor Formulations

On behalf of Excel Marketing of Walnut Creek, California, enclosed is notification for the above-referenced product. The purpose of this notification is to add non-public health pests and clarify ornamental sites (plant listings) consistent with pests & ornamental plant listings on other currently approved acephate labels (e.g. - 228-440).

The following documents are enclosed:

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

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

Best regards,

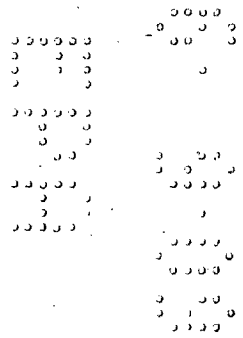


Rebecca M. Horton
Consultant/Agent for
EXCEL MARKETING
e-mail: sarahk@ntelos.net

RMH/shk

Enclosures

Established
1996



Handwritten signature or initials

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Excel[®] Systemic Insect Control Granules

NOTIFICATION

JUN 16 2009

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

Kills Fire Ants [and Harvester Ants]

Mound Treatment [for] Fire Ants

ACTIVE INGREDIENT:

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

OTHER INGREDIENTS:..... 98.5%

TOTAL: 100.00%

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

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

NET WT ____ LB (____ kg)

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.

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.

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, Leaf-tiers, Worms, Scale, Leaf-tier (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	Leaf-tier (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)
Bagworms	Plant Bugs (Lygus spp.)	Crickets
Tent Caterpillars	Leafrollers	Webworms
Grasshoppers	Gypsy Moth larvae	Pine Tip Moth Larvae
Pine Needle Miner	Oakworm	Sawflies
Earwigs	Box Elder Bugs	Lygus
	Pillbugs	

**on azalea and rhododendron

*on ficus

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 residential areas 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. For use only as a mound treatment for fire and harvester ants when applied to lawns- do not apply as a broadcast lawn treatment.

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 (figus), dahlia, daisies, Easter lily, elm, geranium, gladioli, holly, ivy, maple, marigold, oleander, pachysandra, pansy, peony, petunia, photinia, pyracantha, rhododendron, salvia, sedum, spirea, snapdragon, statice, strawflower, sycamore, viburnum, willow, yarrow, yaupon, yew, zinnia
Amount to Use	<p>Established Roses: ½ cup per 9 sq. ft. (3' x 3')</p> <p>Flowers: ⅔ lb. per 25 sq. ft. (5' x 5')</p> <p>Shrubs & Ornamentals: ⅔ cup for each foot of plant height.</p>
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	<p>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).</p> <p>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.</p> <p>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.</p>

RESIDENTIAL LAWNS – MOUND TREATMENT ONLY			
Application Site	Pests Controlled	Amount of Excel Systemic Insect Control Granules	Special Instructions
Residential Lawns	Imported Fire Ants and Harvester Ants	1 cup [20 Tbsp.] [10 oz.]	<p>Evenly distribute granules over the ant mound or as a spot treatment to outdoor areas where ants are observed. Water in gently.</p> <p>For best results, apply in the early morning or late afternoon when the ants are most active. Applications made under prolonged hot and dry conditions may be ineffective due to the location of the ants deep within the nest.</p> <p>Do not apply as a broadcast treatment.</p>

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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.

Excel Marketing

1340 Treat Boulevard, Suite 650

Walnut Creek, CA 94597

? 1-888-648-9855

+ 1-800-424-9300

[Batch Code to be added at production.]