

71376-2

12/15/2009

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

**NOTIFICATION**

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

**DEC 15 2009**

Excel Marketing  
c/o Rebecca Horton  
Registrations by Design, Inc.  
P.O. Box 1019  
Salem, VA 24153

Subject: **Notification:** to add non-public health pests & further identification of plant sites  
Excel Systemic Insect Control Granules  
EPA Reg. No. 71376-2  
Your submission dated November 24, 2009

Dear Ms. Horton:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated November 24, 2009 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 call me directly at 703-305-5314 or [metzger.autumn@epa.gov](mailto:metzger.autumn@epa.gov).

Sincerely,

Autumn Metzger  
Registration Division (7505P)  
Office of Pesticide Programs



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# Team 1	
5. Name and Address of Applicant (Include ZIP Code) Excel Marketing 1340 Treat Blvd., Suite 340 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. <u>NOTIFICATION</u> Product Name <u>DEC 15 2009</u>	

**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) optional marketing statements consistent with currently approved label use patterns and packaging; (2) added non-public health pests featured on other currently approved acephate label(s); (3) clarification of use sites featured on other currently approved acephate label(s) and (4) identification of insect pests consistent with currently approved label. 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 <input checked="" type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____
* 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 checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 1, 2, 4, 5, 10 LB		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 Paper glued 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	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	
4. Typed Name Rebecca M. Horton	5. Date November 24, 2009	

# Registrations by Design, Inc.™

CERTIFIED MAIL #7009 0080 0002 3610 7210  
November 24, 2009

170 1/2 East Main Street  
Suite 1  
Salem, VA 24150-0005  
phone 540.375.8826  
fax 540.375.8827

Document Processing Desk (NOTIF)  
Office of Pesticide Programs (7508P)  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Re: Notification to add non-public-health concern insect pests  
EPA Reg. No. 71376-2 Excel Systemic Insect Control Granules  
*Response to Agency letter dated Oct. 6, 2009*

Attention: Autumn Metzger

In response to your letter of October 6, 2009, Excel Marketing submits the enclosed, revised notification to to effect the following label changes:

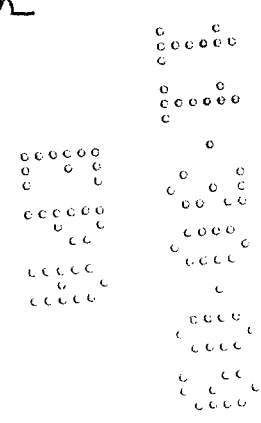
- 1) addition of optional marketing statements consistent with currently approved label use patterns/claims
- 2) addition of non-public-health concern insect pests currently featured on other approved Acephate labels, including EPA Reg. No. 37979-1; i.e., borers, cankerworm, casebearer, honeylocust mite, spruce coneworm and wooly adelgid
- 3) further identification/clarification of specific plants within currently approved use sites – as currently featured on other approved Acephate labels, including EPA Reg. No. 239-2461. *(excluding Emerald ash & Asian longhorn)*
- 4) further identification/clarification of specific insects within currently approved insect groups – as recommended/identified by state agricultural extension services (example from University of MN Extension Service submitted 9/14/09); e.g., aphids, currently approved on this label are further identified as “leaf sucking, leaf curl, honeysuckle, witches’ broom, and wooly”.

Per your letter of October 6<sup>th</sup>, “Emerald Ash Borer” has been omitted from the label and all references to use on trees have been qualified as “ornamental trees”.

I trust this provides the information needed to support submission as a notification for compliance with PR Notice 98-10, and look forward to your response.

Best regards,

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



Mailing address:  
P.O. Box 1019, Salem, VA 24153

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# Excel<sup>®</sup> Systemic Insect Control Granules

**NOTIFICATION**

**DEC 15 2009**

**Optional Marketing Statements**

Ready-to-Use

Systemic Insecticide – works from within the plant

6 Week Protection

For [Use on] Roses, Flowers, Ornamentals, Ornamental Trees & 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 (Controls) insects from within the plant

Works from within the plant to kill (control) listed insects

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, ornamentals, ornamental trees & shrubs:

- Aphids (plant lice) including leaf sucking, leaf curl, honeysuckle, witches' broom, wooly
- Bagworms
- Borers including bronze birch; excluding emerald ash borer and Asian longhorn beetle
- Box Elder Bugs
- Budworms including spruce
- Cankerworm (spring & fall)
- Casebearer including elm, larch
- Caterpillars including eastern tent, forest tent, red-humped, spiny elm, walnut, yellow-necked
- Crickets
- Earwigs
- Grasshoppers
- Honeylocust Mite
- Lace Bugs including azalea, hawthorne, oak
- Leaf Beetles including elm, willow, cottonwood, ninebark, viburnum
- Leafhoppers
- Leafminers including birch, holly, elm
- Leafrollers
- Leaf tier larvae
- Loopers
- Lygus
- Mealybugs
- Moths including maple shoot, Zimmerman pine, tussock
- Moth Larvae including pine tip, gypsy
- Oakworm
- Pine Needle Miner
- Plant Bugs (*Lygus spp.*) including ash, fourlined, honeylocust
- Pillbugs
- Psyllids
- Root Weevils including black vine, apopka, strawberry, obscure\*\*, white pine
- Sawflies including dogwood, dusky birch, European pine, introduced, larch, mountain ash, pear, redheaded pine, roseslug, yellowheaded spruce

Scale including armored, soft, black pineleaf, cottony maple, European elm, lecanium, oystershell, pine needle, pine tortoise, scurfy, spruce bud

Spruce Coneworm

Thrips including Cuban Laurel\*

Webworms

White Grub Larvae including elm leaf beetle, Japanese beetle, May beetle, June beetle, Phyllophaga beetle

Whiteflies

Woolly adelgid

\*\*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.

<b>PRODUCT USAGE</b>	
<b>Kills</b>	Aphids, Lace Bugs, Leaf Beetles, Leafhoppers, Leafminers, Worms, and other listed insects.
<b>Use on</b>	Roses, Flowers, and Ornamental Trees & Shrubs including abelia, ageratum, alder, aluminum plant, alyssum, arborvitae, ardisia, ash, asparagus fern, aster, azalea, bald cypress, barberry, begonia, birch, bird of paradise, bischofia, bougainvillea, Boston ivy, boxwood, calendula, camellia, carissa, carnation, catalpa, cedar, cherry laurel, Chinese elm, Chinese holly, chrysanthemum, cockspur thorn, coleus, cotoneaster, crapemyrtle, croton, Cuban laurel (ficus), dahlia, daisies, diffenbachia, dracaena, Easter lily, elm, euonymus, false aralia, fir, flowering almond, flowering cherry, flowering plum, fruitless mulberry, fuchsia, gardenia, geranium, gladioli, gloxinia, hackberry, hawthorn, hemlock, hibiscus, holly, honey locust, honeysuckle, ivy, juniper, lantana, ligustrum, lilac, linden, magnolia, mahonia, maple, marigold, mimosa, mock orange, nandina, nephthytis, oak, oleander, orchid, ornamental cabbage, osmanthus, pachysandra, palm, pansy, peony, periwinkle, petunia, philodendron, photinia, pine, pittosporum, podocarpus, poinsettia, poplar, primrose, purple passion, pyracantha, rhododendron, rose of Sharon, salvia, sassafras, schefflera, sedum, Siberian elm, silver maple, slippery elm, snapdragon, spirea, spruce, staghorn sumac, statice, strawflower, sweet gum, sycamore, tulip, viburnum, wandering Jew, wild cherry, willow, wisteria, yarrow, yaupon, yew (taxus), yucca, zinnia
<b>Amount to Use</b>	<p><b>Established Roses:</b>                    ½ cup per 9 sq. ft. (3' x 3')</p> <p><b>Flowers:</b>                                    ⅔ lb. per 25 sq. ft. (5' x 5')</p> <p><b>Shrubs &amp; Ornamentals:</b>            ⅓ cup for each foot of plant height.</p>
<b>When to Use</b>	When plants have about 1 inch of new growth in the spring. Reapply every 6 weeks through the summer.
<b>How to Use</b>	<p><b>Established Roses:</b> 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><b>Flower Beds:</b> 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><b>Ornamental Shrubs &amp; Trees</b> (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>



<b>RESIDENTIAL LAWNS – MOUND TREATMENT ONLY</b>			
<b>Application Site</b>	<b>Pests Controlled</b>	<b>Amount of Excel Systemic Insect Control Granules</b>	<b>Special Instructions</b>
Residential Lawns	Imported Fire Ants and Harvester Ants	1 cup [20 Tbsp.] [10 oz.]	<b>Evenly distribute granules over the ant mound or as a spot treatment to outdoor areas where ants are observed. Water in gently.</b> 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. Do not apply as a broadcast treatment.

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.]