

7479-5

5/6/2009

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



MAY 06 2009

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

David Anderson
Rainbow Treecare Scientific Advancements
2239 Edgewood Ave S
St. Louis Park, MN 55426

Dear Mr. Anderson,

Subject: Amendment to remove voluntary restriction: "Do not inject trees within two weeks of any other spray or chemical treatment."
Lepitect Infusible Ornamental Tree & Shrub Insecticide
EPA Registration No. 74779-5

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 changes:

1. Since you have elected to remove claims of Flatheaded Borers and Roundheaded Borers on your label instead of providing or citing data for them, revise the tables on pages 9-10 under "Use Site: Ornamental Trees, Shrubs, Evergreens, Conifers, & Palms" as follows:
 - After "Flatheaded Borers" add the statement: "excluding Emerald Ash Borer"
 - After "Round headed Borers" add the statement: "excluding Asian Longhorned Beetle"
2. On page 11, delete the empty bullet point.
3. On page 11, in the "Storage and Disposal" box add the required statement: "Do not contaminate water, food or feed by storage and disposal" per the Label Review Manual and revise the subheading "Storage" to read: "Pesticide Storage."

In addition to the above changes, an updated "Storage and Disposal" statement is due by August 17, 2009 by notification per PR Notice 2007-4.

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

Sincerely,


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

Lepitect Infusible Ornamental Tree & Shrub Insecticide
22 April 2009
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[Label for Container Containing Multiple Packets]

**Lepitect™ Infusible Ornamental Tree & Shrub
Insecticide**

For outdoor use in the control of insect pests of ornamental trees and shrubs in commercial and residential landscapes and plantscapes; nurseries; tree farms, and forests.

Active Ingredient	
Acephate (O,S-Dimethyl acetylphosphoramidothioate).....	97.4%
Other Ingredients.....	2.6%
Total	100.0%

EPA Reg. No. 74779-5

EPA Est. No.

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. (If you do not understand the label, find someone to explain it to you in detail.)

See Side/Back Panel for Additional Precautionary Statements, First Aid and Directions for Use

Net Contents: 150 g (0.33 lb) [Consists of (20) twenty 7.5 g (0.26 oz) foil packets]

Rainbow Treecare Scientific Advancements
11571 K-Tel Drive
Minnetonka, MN 55343
1-877-ARBORIST
1-877-272-6747
www.treecarescience.com

**ACCEPTED
With COMMENTS
In EPA Letter Dated:
MAY 06 2009
Under the Federal Insecticide, Fungicide
and Rodenticide Act, As amended, for the
pesticide Registered under EPA Reg. No:
74779-5**

FIRST AID:	
IF SWALLOWED	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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 INHALED	<ul style="list-style-type: none"> • Move person to fresh air • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth, if possible. • Call a poison control center or doctor for treatment advice.
IF ON SKIN OR CLOTHING	<ul style="list-style-type: none"> • 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.
Have the product container or label with you when calling a poison control center or doctor or going for treatment.	
HOT LINE NUMBER	
For 24 hour medical emergency assistance (human or animal), or chemical emergency assistance (spill, leak or accident). Call CHEMTREC at 1-800-424-9300.	
NOTE TO PHYSICIAN	
This material contains a cholinesterase inhibitor. If signs of cholinesterase inhibition appear, atropine is antidotal. 2-PAM also may be used in conjunction with atropine but should not be used alone.	

**PRECAUTIONARY STATEMENT
HAZARDS TO HUMANS AND DOMESTIC ANIMALS**

CAUTION: Harmful if swallowed. Causes eye irritation. Avoid contact with eyes, skin and clothing. Avoid breathing dust or spray mist. Wash hands thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse.

PERSONAL PROTECTIVE EQUIPMENT (PPE):

Some materials that are chemical resistant to this product are barrier laminate, butyl rubber or polyvinyl chloride. If you want more options, follow the instructions for category C on an EPA chemical-resistant category selection chart.

Mixers, loaders, applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Socks plus shoes
- Chemical resistant gloves
- Protective eyewear

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

USER SAFETY RECOMMENDATIONS:

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing/PPE 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.

ENVIRONMENTAL HAZARDS

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

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

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

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE) and restricted entry interval. The requirements in this box apply to uses that are covered by the Worker Protection Standard.

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

RESTRICTION

Do not use this product on food bearing trees or shrubs or on trees or shrubs that will bear food within one year after application.

APPLICATION TO ORNAMENTAL TREES AND SHRUBS

Controls insect pests of ornamental trees and shrubs grown outdoors in residential and commercial landscapes, golf courses, roadsides, airport grounds, cemeteries, parks, playgrounds, and athletic fields. Lepitect™ Infusible Ornamental Tree & Shrub Insecticide can also be used in commercial forestry production, nurseries, and in state, federal, county and local recreational forests. Lepitect™ Infusible Ornamental Tree & Shrub Insecticide is a systemic product and will be translocated upward into the plant system.

NOTE: To assure optimum effectiveness, inject the product into the root flares. For optimum control, irrigate thoroughly prior to injection treatment.

DIRECTIONS

Measure the diameter of the tree at breast height (54" from ground) in inches. If measuring circumference, divide this number by three to determine Diameter at Breast Height (DBH). Refer to tables below to determine appropriate application rate.

Best uptake is in trees in full leaf. Conditions that favor transpiration (i.e., warm soil temperatures >45° F, moist conditions) are optimal for injection uptake. In conifers, high humidity and cool temperatures favor transpiration (i.e., early morning, overcast, rainy days) are optimal for injection uptake.

Field Code Changed

MICRO-INFUSION

Required Equipment:

- **Gloves**
- **Protective eyewear**
- **Drill**
- **15/64" HIGH HELIX drill bit**
- **M3 Infusers**
- **M3 mixing bottle with rubber septum**
- **M3 fill gun**
- **M3 charger**
- **DBH measuring tape**

MIXING INSTRUCTIONS

1. Use the appropriate number of packets for the tree size you wish to inject. Measure the tree at 4' 6" above the soil with a DBH tape. Refer to the Tree Diameter table (Table 1) below for mixing quantities.
2. Using the M3 mixing bottle, combine the appropriate amount of water for every 1 package of Lepitect™ Infusible Ornamental Tree & Shrub Insecticide. Tear open the packet and empty the contents into the mixing bottle.
3. Seal the M3 mixing bottle with the rubber septum and gently shake the solution until the Lepitect™ Infusible Ornamental Tree & Shrub Insecticide has dissolved and the contents are evenly distributed throughout the mixture. Mix only the desired amount of Lepitect™ Infusible Ornamental Tree & Shrub Insecticide that will be used for each application and use immediately after adding water.

Lepitect Infusible Ornamental Tree & Shrub Insecticide
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Table 1: Micro Infusion Dilution Rates, Number of Infusion Sites, and Volume of Ready-to-use Solution Needed Based on Tree Size.

DBH	Number of Packets	mls of water required for treatment	Number of M3 infusers per tree	Mls of Ready-to-use solution per M3 infuser
6	1	50	4	12
7	1	50	4	12
8	1	50	4	12
9	2	100	6	16
10	2	100	6	16
11	2	100	6	16
12	3	150	8	18
13	3	150	8	18
14	3	150	8	18
15	3	150	8	18
16	3	150	8	18
17	4	200	10	20.0
18	4	200	10	20.0
19	4	200	10	20.0
20	4	200	10	20.0
21	4	200	10	20.0
22	4	200	10	20.0
23	4	200	10	20.0
24	6	300	15	20.0
25	6	300	15	20.0
26	6	300	15	20.0
27	6	300	15	20.0
28	6	300	15	20.0
29	6	300	15	20.0
30	8	400	20	20.0
31	8	400	20	20.0
32	8	400	20	20.0
33	8	400	20	20.0
34	8	400	20	20.0
35	10	500	25	20.0
36	10	500	25	20.0
37	10	500	25	20.0
38	10	500	25	20.0
39	10	500	25	20.0
40	10	500	25	20.0
41	12	600	30	20.0
42	12	600	30	20.0
43	12	600	30	20.0
44	12	600	30	20.0
45	12	600	30	20.0
46	12	600	30	20.0
47	12	600	30	20.0
48	14	700	35	20.0
49	14	700	35	20.0
50	14	700	35	20.0
51	14	700	35	20.0
52	14	700	35	20.0
53	14	700	35	20.0
54	16	800	40	20.0

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55	16	800	40	20.0
56	16	800	40	20.0
57	16	800	40	20.0
58	16	800	40	20.0
59	16	800	40	20.0
60	18	900	45	20.0
61	18	900	45	20.0
62	18	900	45	20.0
63	18	900	45	20.0
64	18	900	45	20.0
65	20	1000	50	20.0
66	20	1000	50	20.0
67	20	1000	50	20.0
68	20	1000	50	20.0
69	20	1000	50	20.0
70	20	1000	50	20.0
71	20	1000	50	20.0

Field Code Changed

MICRO- INFUSION PROCEDURE (Low Volume System)

Root flare injections are recommended—Lepitect™ Infusible Ornamental Tree & Shrub Insecticide can only be used with M3 refillable tree infusion devices.

Directions for Ornamental Trees and Shrubs:

Installation and Application using the Rainbow Treecare Scientific Advancement M3 injector:

1. Examine the tree for the presence of root flares. If flares are not visible, excavate the root collar.
2. Thoroughly brush all soil from the root flares. A dirty root flare will dull the drill bit and increase uptake time.
3. Close the M3 infuser control valves.
4. Attach the mixing bottle to the M3 fill gun.
5. Insert the needle of the M3 fill gun into the M3 infuser duckbill valve and inject the listed amount of the ready-to-use solution (Table 1). Note: Do not penetrate the duckbill valve with the needle.
6. Lay the M3 infusers around the tree to select injection sites (refer to the tree diameter table above for the number of M3 infusers to use). Evenly space the M3 infusers around the root flares. Using a 15/64" HIGH HELIX drill bit, drill a hole at a downward angle into each selected buttress root flare above the soil line. Drill to a depth of 2 to 2.5 cm (3/4 to 1") into healthy xylem tissue. The hole needs to be drilled at an angle that will allow the M3 infuser to empty. If the M3 infuser is too horizontal to the ground, the solution may not completely drain and will remain inside the injector.
7. Insert the tip of the M3 infuser into the hole and seat firmly with hand pressure.
8. Start the infusion. Holding the M3 infuser firmly with one hand, turn the control valve to the left (Counter-clockwise) until fluid has entered the tip. If you find that the solution is not emptying, air may be added to increase the internal pressure within the M3 infuser. Insert the fill tip of the M3 charger into the duckbill valve and administer the required volume in each M3 infuser. Do not inject more than 10 – 15 cc of air.
9. Check for leaks. If leaks are found close the valve, seat firmly into the tree and re-open the valve. If leaks persist the problem may be too shallow of a hole, close the valve, remove the infuser and re-drill to a deeper depth.
10. Uptake usually occurs within minutes. Do not leave M3 Infusers unattended during the infusion process. Do not leave used M3 Infusers in the tree. Once the solution has emptied from the M3 infusers, remove the M3 infusers from the tree. At the end of each days use, flush the M3 infusers with water and infuse into the tree or dispense into a chemical resistant container. Dispose of at an approved waste facility.
11. Store M3 infusers properly for reuse.

Note:

For Resinous Conifers such as pine and spruce, start the injection and/or infusion process immediately following the setting of the infusion device into the sapwood. A prolonged delay may reduce uptake efficacy on account of resin flow.

MACRO-INFUSION (High Volume System):

With this product, a hand pump with a 3-5 gallon reservoir is the recommended device along with the Rainbow Treecare Scientific Advancement's Macro-infusion Tees and Harness Tubing.

Required Equipment:

- Gloves
- Protective eyewear
- Drill

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- 15/64" HIGH HELIX drill bit
- Macro infusion pump
- Macro infusion tees
- Harness tubing
- DBH measuring tape

Directions for Ornamental Trees and Shrubs:

Installation, Mixing and Application Instructions:

1. Measure the diameter of the tree at breast height (DBH).
2. Examine the tree for the presence of root flares. If flares are not visible, carefully remove soil from the base of the tree to uncover the top of the flare roots. Brush away loose soil. Very thoroughly – Dirty flares will dull the drill bit and increase uptake time. Make infusion sites 6-8 inches below the top of the root flare.
3. Drill holes through the bark, into sapwood, using a clean, sharp, 15/64 diameter, HIGH HELIX drill bit. Drill perpendicular to the surface of the flare. Drill hole diameter needs to be adequate to allow insertion of infusion tees and formation of airtight contact between active xylem and the delivery point of the infusion tees.

Drill hole depth must be adequate to deliver the product into active xylem tissue. Make the depth approximately 1 inch past the bark. Drill at slow speeds and do not unnecessarily spin the bit in the hole.

For best tree distribution use 1.5-2 infusion sites for every DBH inch (approximately 1 infusion site every 4-6 inches) evenly spaced around the root-flares.

4. Determine the amount of water and fill solution reservoir with half of the required amount. Refer to Table 2 below. With high volume systems, more water can be utilized without a decrease in product effectiveness.
5. Check each tee to be sure it is not plugged and replace badly damaged tees. Firmly insert tees by hand. Attach tubing from the solution reservoir to feed into the harness in 2 locations, on opposite sides of the tree.
6. Pull out 2 tees on opposite sides of the tree. Prime the pump if it is not self-priming. Turn on the pump and bleed the air out of the line. With all air out of harness, re-insert the 2 tees and check for leaks. Adjust the pressure to 15-20 psi. Lightly tap any leaking tees.
7. Determine the appropriate number of packets for the tree size. Tear open packets and pour into tank. Refer to the Tree Diameter table (Table 2) below for mixing quantities.
8. Add the remaining amount of water.
9. Seal the solution reservoir and gently shake the solution until the **Lepitect™ Infusible Ornamental Tree & Shrub Insecticide** has dissolved and the contents are evenly distributed throughout the mixture. Mix only the desired amount of **Lepitect™ Infusible Ornamental Tree & Shrub Insecticide** that will be used for each application and use immediately after adding water.
10. During the infusion, monitor tees for leaks. Maintain pressure at 15-20 psi.
11. Do not leave macro infusion system unattended during the injection process.
12. Do not leave used macro infusion tees in the tree. Turn off the pump when air is drawn into the harness. Remove tees from the tree. Replace soil and sod around the base of the tree. It is not necessary to treat drill holes with wound paint or other sealing compounds.

Directions for Palms:

Drill a pilot hole into the vascular bundle using a 3/16" diameter bit one third the stem diameter (e.g., if the palm is 12" DBH, then drill a 4" deep pilot hole), then drill a wider, shallow hole to set the injection device

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and complete the application. Only one application site is required. See table 2 for the number of packets and volume of water required. Avoid wounding the meristematic tissue located within the crown of the plant. In general, make applications to the lower trunk region, typically within 12" of the soil.

Table 2: Macro Infusion Dilution Rates Based on Tree Size. (Use 1.5 – 2 infusion sites per inch of DBH.)

Tree Size (DBH)	# of Lepitect™ Infusible Ornamental Tree & Shrub Insecticide Packets	Macro-Infusion L of water (Total Injection volume)
6 – 11"	1-2	1
12 – 23"	3-4	2
24 – 35"	6-10	4
36 – 47"	10-12	6
48 – 59"	14-16	8
60 – 71"	18-20	10

APPLICATION:

Use Site: Ornamental Trees, Shrubs, Evergreens, Conifers, & Palms		
For outdoor use in residential and commercial landscapes, golf courses, roadsides, airport grounds, cemeteries, parks, playgrounds, and athletic fields. Lepitect™ Infusible Ornamental Tree & Shrub Insecticide can also be used in commercial forestry production, nurseries, and in state, federal, county and local recreational forests.		
Pest	DBH	Rate
Adelgids (including Hemlock Woolly Adelgid)	6 - 11"	1-2 packet
Aphids	12 - 23"	3-4 packets
Bagworms	24 - 35"	6-10 packets
Birch Leafminer	36 - 47"	10-12 packets
Boxelder Bug	48 - 59"	14-16 packets
Browntail moth	60 - 71"	18-20 packets
Budworms		
Cankerworms (Spring and Fall)		
Carpenterworm		
Casebearer		
Clear Wing Borers		
Cone worms		
Cottonwood Twig Borer		
Eastern Oak Looper		
Eastern Tent Caterpillar		
Elm Spanworm		
Fall Cankerworm		
Fall Webworm		
Flatheaded Borers (Including Bronze Birch Borers)		
Gall Midges		
Gypsy Moth (larvae)		

<p>Japanese Beetle Lace bugs Leaf Beetles (larvae) (Including Elm Leaf and Willow Leaf Beetle) Leafhoppers Leafminers Leafrollers Linden Looper Longhorned Borers (Including Eucalyptus and Red Oak Longhorned Borers) Mealybug Nantucket Pine Tip Moth (larvae) Oakworms Pine Cone Worm Pine Needle Miners Pine Tip Moth Plant Bugs Poplar Tentmaker Root Weevil (adults) (Including Black Vine Weevil) Roundheaded Borers Royal Palm Bugs Sawfly (larvae) Scales (crawlers) Spider mites Spring Cankerworm Tent Caterpillar Thrips Tussock Moth (larvae) Variable Oakleaf Caterpillar Walnut Caterpillar Webworms Winter Moth White Flies White Pine Weevil Whitemarked Tussock Moth Yellownecked Caterpillar Zimmerman Pine Moths</p>	
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RESTRICTIONS

- Do not use this product on food bearing trees or shrubs or on trees or shrubs that will bear food within one year after application.
- Do not leave injection devices unattended. Do not leave empty injection devices on trees.
- Do not store unused mix solution.
- Keep away from children.

NOTES

- Make treatments when signs of insects first appear.
-
- Only for use with the tree injection systems specified on the label.

STORAGE AND DISPOSAL

Storage: Keep product in original container. Store product in a cool dry place. Do not contaminate food or feedstuffs. Do not store or transport near feed or food. In spill or leak incidents, keep unauthorized people away. You may contact CHEMTREC at 800-424-9300 for decontamination procedures or any other assistance that may be necessary.

Pesticide Disposal: Wastes resulting from the use of this product should be disposed of according to the Directions for Use, i.e. used as directed in the injection equipment.

Container Disposal: Dispose of empty containers in a sanitary landfill.

CONDITIONS OF SALE AND LIMITATION OF WARRANTY AND LIABILITY

Notice: Read the entire Directions for Use and Conditions of Sale and 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.

The Directions for Use of this product must be followed carefully. It is impossible to eliminate all risks inherently associated with the use of this product. Tree injury, ineffectiveness or other unintended consequences may result because of such factors as manner of use or application, weather or tree conditions, presence of other materials or other influencing factors in the use of the product, which are beyond the control of RAINBOW TREECARE SCIENTIFIC ADVANCEMENTS or seller. To the extent consistent with applicable law, all such risks shall be assumed by Buyer and User, and Buyer and User agree to hold RAINBOW TREECARE SCIENTIFIC ADVANCEMENTS and seller harmless for any claims relating to such factors.

RAINBOW TREECARE SCIENTIFIC ADVANCEMENTS warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated in the Directions for Use, subject to the inherent risks referred to above, when used in accordance with directions. This warranty does not extend to the use of the product contrary to label instructions, and Buyer and User assume the risk of any such use. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, RAINBOW TREECARE MAKES NO WARRANTIES OR MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY EXCEPT AS STATED ABOVE.

To the fullest extent permitted by law, RAINBOW TREECARE SCIENTIFIC ADVANCEMENTS or Seller shall not be liable for any incidental, consequential or special damages resulting from the use or handling of this product. **TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER, INJURIES OR DAMAGES (INCLUDING**

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CLAIMS BASED ON BREACH OF WARRANTY, CONTRACT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHERWISE) 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 RAINBOW TREECARE OR SELLER, THE REPLACEMENT OF THE PRODUCT.

RAINBOW TREECARE SCIENTIFIC ADVANCEMENTS and Seller offer this product, subject to the foregoing Conditions of Sale and Limitation of Warranty and Liability, which may not be modified except by written agreement signed by a duly authorized representative of RAINBOW TREECARE SCIENTIFIC ADVANCEMENTS.

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OPTIONAL MARKETING CLAIMS

Committed to advancing the science of tree care.

Committed to bringing tools inside protocols that get predictable results for the arborist practitioner.



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[Label for Individual Foil Packets]

Lepitect™ Infusible Ornamental Tree & Shrub Insecticide

Active Ingredient: Acephate 97.4%

EPA Reg. No. 74779-5

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

Refer to label for complete directions for use and precautions

Net Contents: 7.5g (0.26 oz)