

239-2461

5/5/2010

1098

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



MAY 05 2010

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Mandy Slack
The Scotts Company LLC
14111 Scottslawn Road
Marysville, Ohio 43041

Dear Ms. Slack:

Subject: Fast Track Amendment to add alternate brand names "Ortho Bug B Gon Systemic Insect Killer" and "Ortho Bug B Gone Systemic Insect Killer Concentrate" and update label per RED requirements.
Ortho Orthene Systemic Insect Control
EPA Registration No. 239-2461

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

1. On page 1, remove the brackets from the statements "FOR OUTDOOR RESIDENTIAL USE ONLY" since this chemical is only for outdoor use only.
2. On page 1, remove the brackets in between the words "Guaranteed" and "Results" so that it appears [Guaranteed results]*.
3. On page 2, increase the prominence of the heading "Directions for Use" (i.e., Center the heading and/or increase font size) so that it is clear to the readers the "Directions for Use" section encompasses all text from page 2 through page 4 (i.e. up to the Storage and Disposal section.)
4. On page 4, increase the prominence of the "Storage and Disposal" section to make it clearly distinguishable from other directions for use (see 40 CFR 156.10(i)(2)(ix)). As stated in the Label Review Manual, "blocking these statements with a solid line (a box) is suggested as a means of increasing their prominence."
5. On page 5, delete the following statements: "[Ortho & Your Environment: Your home and yard are places for family and pets to enjoy. That's why Ortho products are designed with care to provide effective solutions to insect problems inside and outside your home" as it this has been brought to the attention of Scotts in prior letters that it implies safety and are not acceptable on the label. In addition, this product is not for use indoors. In lieu of this statement you may use, "Ortho and the Environment - Ortho products are designed to provide effective pest solutions. To protect the environment, follow all instructions for proper usage, storage and disposal."

6. On page 6, under "Optional Marketing Claims," revise the claim that reads "Kills listed bugs on contact" to read "Kills listed bugs through contact." Implying that a product works "on" contact requires efficacy data on speed of kill.
7. On page 6, under "Optional Marketing Claims," delete the statement "Designed for GardenPro Retailers" as it is potentially misleading, because it implies that the product is for professional use, or that it is otherwise specially formulated for garden professionals.
8. Should you wish to add/retain a reference to the company's website on your label, then please be aware that the website becomes labeling under the Federal Insecticide Fungicide and Rodenticide Act and is subject to review by the Agency. If the website is false or misleading, the product would be misbranded and unlawful to sell or distribute under FIFRA section 12(a)(1)(E). 40 CFR 156.10(a)(5) list examples of statements EPA may consider false or misleading. In addition, regardless of whether a website is referenced on your product's label, claims made on the website may not substantially differ from those claims approved through the registration process. Therefore should the Agency find or if it is brought to our attention that a website contains false or misleading statements or claims substantially differing from the EPA approved registration, the website will be referred to the EPA's Office of Enforcement and Compliance Assurance.

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.

Sincerely,



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

3048

NOTE:

Bold, italicized text is information for the reader and is not part of the label.
[Bracketed information is optional text]. Text separated by / denotes and/or options.

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ORTHO® ORTHENE® Systemic Insect Control

Alternate Brand Names

- [Ortho® Bug-B-Gon® Japanese Beetle Killer Concentrate]
- [Ortho® Bug B Gon® Systemic Insect Killer]
- [Ortho® Bug B Gon® Systemic Insect Killer Concentrate]

[FOR OUTDOOR RESIDENTIAL USE ONLY] [Icon]
[Guaranteed] [results] †

Active Ingredient

Acephate..... 9.4%
Other Ingredients90.6%

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

See back panel/booklet for additional precautionary statements.

Net Contents: 32 fl oz (1 Qt) 946 ml
16 fl oz (1 Pt) 473 ml

**ACCEPTED
With COMMENTS
In EPA Letter Dated:
MAY 05 2010**

**Under the Federal Insecticide, Fungicide
and Rodenticide Act, As amended, for the
pesticide Registered under EPA Reg. No:**

239-2461

PRODUCT FACTS	
KILLS INSECTS	Aphids, Armyworms, Bagworm, Black Vine Weevil, Budworms, Cankerworms, Cuban Laurel Thrips, Flower Thrips, Grasshoppers, Gypsy Moth, Japanese Beetles, Leafhoppers, Leafminers, Leafrollers, Leaf tiers, Loopers, Mealybugs, Pine Tip Moth, Psyllids, Root Weevil, Rose Midge, Sawflies, Spittlebug, Scale (crawlers), Tent Caterpillars, Webworms, Whitefly and other listed leaf eating caterpillars.
WHERE TO USE	[On] Roses, Flowers, Ornamentals, Shrubs and Shade Trees.

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DIRECTIONS FOR USE

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

RESTRICTIONS:

- Do not apply this product in a way that will contact people or pets.
- For outdoor residential use only.
- Do not apply to plants to be used for food or feed.
- Do not use on turf, including lawns.

MIXING INSTRUCTIONS

For Roses, Flowers, Ornamentals, Shrubs & Shade Trees

- Aphids & Grasshoppers
Amount to Use: 2 Tbs (1 fl oz) per gallon of water.
Ortho® Dial 'n Spray® setting is 1 oz.
- Japanese Beetles and Elm Leaf Beetle
Amount to Use: 4 Tbs (2 fl oz) per gallon of water.
Ortho® Dial 'n Spray® setting is 2 oz.
- Other Listed Insects Commonly Found on Ornamental Plants
Amount to Use: 3 Tbs (1 ½ fl oz) per gallon of water.
Ortho® Dial 'n Spray® setting is 1 ½ oz.

[Dial n' Spray illustration] When using Ortho® Dial 'n Spray®:

1. Set dial to the setting indicated above.
2. Pour product into sprayer to fill jar one-quarter to one-half full. DO NOT add water.
3. After spraying, unused product must be poured back into its original container.

Clean sprayer after use by flushing with water.

1 Tablespoon (Tbs) = 3 teaspoons (tsp)

1 fl oz = 2 Tbs

[OTHER] INSECTS COMMONLY FOUND ON ORNAMENTAL PLANTS

Aphids, armyworms, bagworms, **black vine weevil, budworms, cabbage looper, casebearers, catalpa sphinx moth, cherry laurel leaf tier, Cuban laurel thrips, elm leaf beetle, fall cankerworm, fall webworm, flower thrips, gladiolus thrips, **grasshoppers, green striped mapleworm, gypsy moth, hornworm, Japanese beetles, lacebugs, leafhoppers, leafminers, oblique banded leafrollers, omnivorous leaf tier, maple shoot moth, mealybugs, mimosa webworm, Nantucket pine tip moth, oak webworm, oleander caterpillar, orange-striped oakworm, **obscure root weevil (adults), pine tip moth, poplar tentmaker, psyllids, rose midge, sawflies, scales (crawlers), spittlebug, sunflower moth, tent caterpillars, two-spotted spider mites (suppression), webworms, willow leaf beetle, white-marked tussock moth, whiteflies and yellow necked caterpillar.

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HOW TO APPLY

Spray entire plant covering both sides of foliage thoroughly.

WHEN TO APPLY

Spray when insects are present or when feeding injury is first noticed. For hard to kill insects, such as flower thrips, gladiolus thrips, mealybugs, scales, two spotted spider mites, and whiteflies, spray 2 to 3 times, waiting 7 to 10 days between each application. Repeat if re-infestation occurs.

****SPECIAL DIRECTIONS**

For Obscure Root Weevil (Adults): Spray foliage in late spring as soon as feeding is noticed (usually about April). Repeat every 4 weeks through September. (Mid-July through August is the peak feeding time.)

For Black Vine Weevil: Spray foliage and soil beneath plants. Begin applications in mid-June. Spray 4 times, waiting 3 weeks between each application.

For Grasshoppers: Spray foliage of plants and soil beneath plants.

Honeysuckle Aphid on Honeysuckle: Spray thoroughly as leaves begin spring expansion. Reapply in 2 weeks with a third spray 4 weeks after second application.

ORNAMENTAL PLANTS

Ortho® Orthene® Systemic Insect Control can be used on over 100 plant varieties 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, crape myrtle, croton, Cuban laurel (ficus), dahlia, daisy, dieffenbachia, dracaena, euonymus, false aralia, fir, flowering almond, flowering cherry, flowering plum, fruitless mulberry, fuchsia, gardenia, geranium, gladiolus, 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, palm, periwinkle, petunia, philodendron, photinia, pine, pittosporum, podocarpus, poinsettia, poplar, primrose, purple passion, pyracantha, rhododendron, rose, rose of Sharon, salvia, sassafras, schefflera, Siberian elm, silver maple, slippery elm, snapdragon, spirea, spruce, staghorn sumac, sweet gum, sycamore, tulip, viburnum, wandering Jew, wild cherry, willow, wisteria, yaupon, yew (taxus), yucca and zinnia.

Important: Do not use on American elm, flowering crabapple, sugar maple, red maple, cottonwood, redbud or weigelia as foliage injury may occur.

COMBINATION SPRAY WITH FUNGICIDE ON ORNAMENTAL PLANTS

Ortho® Orthene® Systemic Insect Control may be mixed with the following fungicides (at the label rates for both products): Ortho RosePride Disease Control Concentrate, Ortho MAX Garden Disease Control Concentrate or other EPA registered fungicide labeled for use on ornamentals. Follow directions and restrictions on both labels. Do not make more than two consecutive applications of combination spray.

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COMBINATION SPRAY WITH FUNGICIDE OR FERTILIZER ON ROSES

May be used together with Ortho RosePride Disease Control Concentrate or other EPA registered fungicide labeled for use on ornamentals at rates specified on each product label. Apply fungicides on a regular schedule for disease control; add Ortho® Orthene® Systemic Insect Control only when necessary for insect control. Do not apply more than two consecutive applications in combination with any of the above fungicides.

RESTRICTION: [*re-entry icon*] Do not allow people or pets to enter the treated area until sprays have dried.

[*icon*] **STORAGE AND DISPOSAL**

PESTICIDE STORAGE: Keep pesticide in original container. Do not put concentrate or dilute into food or drink containers. Do not contaminate feed or foodstuffs. Store in a cool, dry place, preferably in a locked storage area. Do not store diluted spray.

PESTICIDE DISPOSAL: If empty: Non-refillable container. Do not reuse or refill this container. Place in trash or offer for recycling if available. If partly filled: Call your local solid waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain.

[*icon*] **PRECAUTIONARY STATEMENTS**

HAZARDS TO HUMANS & DOMESTIC ANIMALS

CAUTION: Harmful if swallowed. Causes moderate eye irritation. Avoid contact with eyes or clothing. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. When handling this product, wear safety glasses, chemical resistant gloves (including barrier laminate, butyl, nitrile or neoprene rubber, polyvinyl chloride or viton), long pants, and long-sleeved shirt. When using outdoors, spray with the wind to your back and do not use when wind speeds are 10 mph or more. Wash the outside of the gloves with soap and water before removing. Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet. Remove contaminated clothing and wash clothing before reuse.

[<i>icon</i>] FIRST AID:	
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 5 minutes, then continue rinsing eye. Call a poison control center or doctor for treatment advice.
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 a poison control center or doctor. Do not give anything by mouth to an unconscious person.
Have the product container or label with you when calling a poison control center or doctor, or going for treatment.	
Note to Physicians: Emergency Information call 1-800-225-2883. This product contains a cholinesterase inhibitor. If signs and symptoms of cholinesterase inhibition are present, atropine is antidotal. 2-PAM may also be given in conjunction with atropine.	

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ENVIRONMENTAL HAZARDS: This pesticide is toxic to birds. To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area. Rinsing application equipment over the treated area will help avoid run off to water bodies or drainage systems.

Cover or soil-incorporate spills. This product is highly toxic to bees exposed to direct treatment or residues on blooming crops or weeds. Do not apply this product, or allow it to drift to blooming crops or weeds if bees are visiting treatment area.

PHYSICAL OR CHEMICAL HAZARDS: Flammable. Keep away from heat and open flame.

NOTICE: To the extent consistent with applicable law, buyer assumes all risks of use, storage or handling of this product not in accordance with directions.

[† **The Ortho Guarantee:** If for any reason you, the consumer, are not satisfied with this product, mail us your original proof of purchase to obtain a full refund of your purchase price.]

[**Ortho & Your Environment:** Your home and yard are places for family and pets to enjoy. That's why Ortho products are designed with care to provide effective solutions to insect problems inside and outside your home. Follow instructions for appropriate usage, storage and disposal.]

[*phone icon*] Questions, Comments or Medical Information? call 1-800-225-2883
[*computer icon*] www.ortho.com

[Sold By] [Manufactured for / by]:
The ORTHO Group
P.O. Box 190
Marysville, OH 43040

EPA Reg. No. 239-2461
EPA Est. 239-IA-3¹, 58996-MO-1^A, 84064-IA-001^P, 085652-OH-1^W
Superscript is first letter of lot number

Made in USA

8098

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OPTIONAL MARKETING CLAIMS

- Makes 21 gallons diluted spray. (Quart)
- Makes 10 gallons diluted spray. (Pint)
- **CONTROLS:** Aphids, Armyworms, Bagworm, Black Vine Weevil, Budworms, Cankerworms, Cuban Laurel Thrips, Flower Thrips, Grasshoppers, Gypsy Moth, Japanese Beetles, Leafhoppers, Leafminers, Leafrollers, Leaf tiers, Loopers, Mealybugs, Pine Tip Moth, Psyllids, Root Weevil, Rose Midge, Sawflies, Spittlebug, Scale (crawlers), Tent Caterpillars, Webworms, Whitefly and other listed leaf eating caterpillars.
- **ON:** Roses, Flowers, Ornamentals, Shrubs and Shade Trees.
- Kills Listed Bugs on Contact
- Use on Over 100 Plant Varieties
- Stops Plant Damage
- Thank you for choosing ORTHO. You'll like the results and so will your plants.
- Specially formulated for residential use.
- Designed for GARDENPRO Retailers
- Designed for Independent Retailers
- [OPEN Resealable Label for Directions & Precautions]
- [PRESS TO RESEAL]
- [*Dial 'n Spray illustration*] Easy to apply with an Ortho Dial 'n Spray®, hose-end or tank sprayer.