


239-2707

5/12/2010

1 of 1

 <p style="text-align: center;">U.S. ENVIRONMENTAL PROTECTION AGENCY Office of Pesticide Programs Registration Division (7505C) 1200 Pennsylvania Ave., N.W. Washington, D.C. 20460</p> <p style="text-align: center;"><b>NOTICE OF PESTICIDE:</b> <u>  X  </u> Registration <u>    </u> Reregistration</p> <p>(under FIFRA, as amended)</p>	<b>EPA Reg. Number:</b>  239-2707	<b>Date of Issuance:</b>  MAY 12 2010
	<b>Term of Issuance:</b> Unconditional	
	<b>Name of Pesticide Product:</b> Ortho MAX Tree & Shrub Insect Control Ready-Spray II	
<b>Name and Address of Registrant (include ZIP Code):</b> The Scotts Company LLC 14111 Scotttslawn Road Marysville, Ohio 43041		
<p><b>Note:</b> Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.</p>		
<p>On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide and Rodenticide Act.</p> <p>Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.</p> <p style="text-align: center;">This product is unconditionally registered in accordance with FIFRA section 3(c)(5) provided that you:</p> <ol style="list-style-type: none"> <li>1. Submit and/or cite all data required for registration/reregistration/registration review of your product when the Agency requires all registrants of similar products to submit such data.</li> <li>2. Make the following label changes before you release the product for shipment: <ol style="list-style-type: none"> <li>a. Revise the EPA Registration Number to read, "EPA Reg. No. 239-2707."</li> <li>b. On page 2, under "Use Restrictions," revise the first bullet point to read "For Outdoor Residential Use Only" since there are no WPS instructions.</li> </ol> </li> </ol>		
<b>Signature of Approving Official:</b>  Venus Eagle, Product Manager (01) Insecticide-Rodenticide Branch, Registration Division (7505C)	<b>Date:</b>  MAY 12 2010	

- c. On page 2, under "Use Restrictions," delete the second sentence of the second bullet that reads "Do not apply to soils which are water-logged or saturated" since this is identical to the third bullet.
- d. On page 2, under "Use Restrictions," revise the last bullet that reads "Do not apply more than .4 lbs per acre per year (equivalent to 54 8-inch circumference trees per acre)" to something applicable to homeowners. The current statement implies .4 lbs product, however this number actually refers to lbs of active ingredient which is not something a homeowner could calculate since the amount of active ingredient per gallon is not provided. In addition, the example given is not a definitive amount. Revise the statement to read as follows "Do not apply more than \_\_\_\_ fl. oz. of this product per 1,000 sq feet (0.4 lbs active ingredient per acre) per year."
- e. On page 2, under "Use Restrictions," add the following restriction "Do not harvest or consume fruits or nuts from trees that have been treated within 1 year" since this product is intended for ornamental uses.
- f. On page 2, under "Use Restrictions," add the following restriction "Do not allow people or pets to re-enter treated area until spray has dried."
- g. On page 2, under "Use Restrictions," add the following restriction "Do not use on plants being grown for sale or other commercial use or for commercial seed production or for research purposes."
- h. On page 2, both under the "[Killed Listed Insects]" section and in the "Product Facts" box (as well as anywhere else on the label) remove all claims for Emerald Ash Borer and Asian Longhorned Beetle. These pests are considered USDA quarantine pests and data is required to retain them on your label. You may be add these pests back on with adequate data or citation of data.
- i. On page 3, under "Step 2 – Determine total spray time" revise the sentence "The gentle shower applicator applies..." to read "The low pressure applicator applies..." as the term "gentle" implies heightened safety.
- j. On page 4, at the end of both "How to Use" boxes revise the statement "Do not use hose end applicator indoors" with "**RESTRICTION:** Do not use hose end applicator indoors."
- k. On page 5, revise the first sentence "[For best results, use this product as part of an overall tree and shrub health care program before problems start]" by deleting "For best results" and qualifying when you would apply a pesticide before a problem started (i.e. history of problems with pest).
- l. On page 5, Revise both of the statements that read "Do not allow children and pets to re-enter the treated area until spray has dried" to read "**RESTRICTION:** "Do not allow children and pets to re-enter the treated area until spray has dried"
- m. On page 7, in the 4<sup>th</sup> bullet point, delete the word "complete" from the claim "Complete Bark Protection."
- n. On page 7, revise the 5<sup>th</sup> bullet point to read "Controls listed insects that damage trees and shrubs."

3. 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.

4. Storage stability (830.6317) and corrosion characteristics (830.6320) data must be submitted within 18 months from the date of this notice.

5. Submit one copy of the revised final printed label for the record before you release the product for shipment.

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product constitutes acceptance of these conditions. If you have any questions regarding this letter, please contact Autumn Metzger at (703) 305-5314 or metzger.autumn@epa.gov.

A stamped copy of the label is enclosed for your records.



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

Enclosure

4 of 11

NOTE:

EPA Reg. No. 239-NEW

***Bold, italicized text is information for the reviewer and is not part of the label.***

[Bracketed information is optional text]. Text separated by / denotes and/or options.

Underline text is new. ~~Strike-through text is being deleted.~~

# Ortho<sup>®</sup> MAX Tree & Shrub Insect Control Ready-Spray II

[ABN: Ortho<sup>®</sup> MAX Tree & Shrub Insect Control Ready-Spray 2]

[ABN: Ortho<sup>®</sup> Tree & Shrub insect Control Ready-Spray II]

ACTIVE INGREDIENT:

Imidacloprid ..... 1.47%

OTHER INGREDIENTS: ..... 98.53%

TOTAL: ..... 100.00%

USE RESTRICTION

Not for sale, sale into, distribution and or use in Nassau, Suffolk, Kings, and Queens counties of New York.

KEEP OUT OF REACH OF CHILDREN

## CAUTION

See back [panel] for [first aid and] additional precautionary statements.

ACCEPTED  
With COMMENTS  
In EPA Letter Dated:  
MAY 12 2010

NET CONTENTS [32 fl. oz.] [30 fl. oz.] [XX fl. oz.]

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

239-2707

50 of 11

NOTE:

EPA Reg. No. 239-NEW

**Bold, italicized text is information for the reviewer and is not part of the label.**  
[Bracketed information is optional text]. Text separated by / denotes and/or options.  
Underline text is new. ~~Strike-through text is being deleted.~~

**DIRECTIONS FOR USE**

Read all directions prior to application of the product.  
It is a violation of Federal law to use this product in a manner inconsistent with the labeling.

**USE RESTRICTIONS**

- For Outdoor Use Only
- Do not apply near lakes, streams, rivers, or ponds. Do not apply to soils which are water-logged or saturated.
- Do not apply this product when the ground is waterlogged or frozen. These conditions inhibit the movement of the product down into the root zone.
- Do not apply more than 0.4 lbs per acre per year (equivalent to 54 8-inch circumference trees per acre)

For use on outdoor ornamental trees and shrubs, including listed fruit and nut trees:

Apple	Loquat	Oriental Pear	Pecan
Crabapple	Mayhaw	Pear	Quince

**[KILLS LISTED INSECTS]** (*pests identified on product packaging may include any/all of the following*):

This product can be used to control the following insects:

- Adelgids
- Aphids
- Vine Weevil larvae (including Black Vine Weevil)
- Borers: Roundheaded Borers (including Asian Longhorned Beetle and Eucalyptus Longhorned Borer)  
Flatheaded (including Bronze Birch Alder, and Emerald Ash Borers)
- Japanese Beetles, Adult
- Lacebugs
- Leaf Beetles (including Elm Leaf Beetles and Viburnum Leaf Beetles)
- Leafhoppers (including Glassy-winged Sharpshooter)
- Leafminers (including Birch Leafminers)
- Mealybugs
- Pine Tip Moth Larvae
- Psyllids
- Royal Palm Bugs
- Sawfly Larvae
- Scales (including Armored Scale [Suppression] and Soft Scale)
- Thrips
- Whiteflies

**(Begin Optional Product Facts Section)**-----

<b>PRODUCT FACTS</b>	
Kills Insects	Kills and prevents Adelgids, Aphids, Emerald Ash Borer, Japanese Beetles and other listed insects
Where to Use (Apply)	For use on outdoor trees and shrubs, including listed fruit and nut trees
Amount to Use	See How to Use table for correct amount to apply.
[icon] People & Pets	Do not allow people and pets to re-enter treated area until spray has dried

**(End Optional Product Facts Section)**-----

60011

NOTE:

EPA Reg. No. 239-NEW

**Bold, italicized text is information for the reviewer and is not part of the label.**  
 [Bracketed information is optional text]. Text separated by / denotes and/or options.  
Underline text is new. ~~Strike-through text is being deleted.~~

**(Begin Directions for Use Option 1)**-----

<b>HOW TO USE</b>	
Determine the amount of product needed to treat your tree or shrub by following the steps below. Apply the required amount of product around the base of the tree or shrub.	
<b>STEP 1 – DETERMINE AMOUNT OF PRODUCT NEEDED</b>	
[icon] <b>Tree with 1 trunk</b>	<ul style="list-style-type: none"> <li>• Measure distance (in inches) around tree trunk at chest height using a flexible tape measure.</li> <li>• This is the number of ounces of this product to apply.</li> </ul>
[icon] <b>Tree with 2 or more trunks</b>	<ul style="list-style-type: none"> <li>• Measure distance (in inches) around each tree trunk and add together.</li> <li>• Multiply this total by 0.75 to get the required number of ounces of this product to apply.</li> </ul> Example: A tree has 4 trunks. They measure 20, 10, 5 and 5 [inches] or a total of 40 [inches]. 40 x 0.75 = 30 ounces.
[icon] <b>Shrubs</b>	<ul style="list-style-type: none"> <li>• Measure the height of the shrub to the nearest foot.</li> <li>• Multiply this number of feet by 3. This will be the number of ounces of this product to apply.</li> </ul> Example: A shrub is 4 feet tall. 4 x 3 = 12 ounces
<b>STEP 2 – DETERMINE TOTAL SPRAY TIME</b>	
The gentle shower applicator applies approximately 1 ounce of product every [5] [X] seconds.	
$\text{Number Ounces (Step 1)} \quad \times \quad [5] [X] \text{ Seconds} \quad = \quad \text{Total Time to Apply}$	
Example – 12 ounces are needed (from Step 1). 12 ounces x [5] [X] seconds = [60] [XX] Total Seconds Apply for approximately [60] [XX] seconds to plant base.	
<b>[Option A] HOW TO APPLY</b>	
Connect	<ul style="list-style-type: none"> <li>• Shake bottle well.</li> <li>• Connect sprayer to hose.</li> <li>• Turn on water.</li> </ul>
Spray	<ul style="list-style-type: none"> <li>• To begin spraying, point nozzle at the base of the tree/shrub you want to treat. Bend small plastic tab down and turn knob to ON position.</li> <li>• Apply evenly around the tree/shrub as close to the trunk/main stem as possible.</li> <li>• Spray for as long as calculated in the "HOW TO USE" section.</li> </ul>
Finish	<ul style="list-style-type: none"> <li>• Stop spraying, turn knob to OFF position.</li> <li>• Turn off water.</li> <li>• Relieve water pressure by bending the plastic tab down and turning knob to ON position until water slows to a drip. Then turn knob back to OFF position.</li> <li>• Disconnect sprayer from hose.</li> </ul>
<b>[Option B] Ready-Spray II / Ready-Spray 2 / (Applicator Name) [Hose End Applicator]</b>	
Shake container gently before using.	
Connect: [illustration]	<ul style="list-style-type: none"> <li>• Shake bottle well</li> <li>• Connect/Attach Sprayer/bottle to end of hose</li> <li>• Turn on water</li> </ul>
Spray: [illustration]	<ul style="list-style-type: none"> <li>• To begin spraying, [disengage safety lock and] point nozzle towards the base of the tree or shrub.</li> <li>• Slide thumb activation switch forward to ON position.</li> </ul>

70911

NOTE:

EPA Reg. No. 239-NEW

**Bold, italicized text is information for the reviewer and is not part of the label.**  
 [Bracketed information is optional text]. Text separated by / denotes and/or options.  
 Underline text is new. Strike-through text is being deleted.

	<ul style="list-style-type: none"> <li>Apply evenly around the tree/shrub as close to the trunk/stem as possible.</li> <li>Spray for the length of time calculated in the "HOW TO USE" section.</li> </ul>
Finish: [illustration]	<ul style="list-style-type: none"> <li>To STOP spraying, slide thumb activation switch backward to OFF position.</li> <li>Turn off water.</li> <li>Relieve water pressure by sliding thumb switch to [ON] [WATER] [WATER ONLY] position until water slows to a drip. Then, slide switch back to OFF position [and engage safety lock].</li> <li>Disconnect the sprayer from hose.</li> </ul>
<b>Do not use hose end applicator indoors</b>	

*(End Directions for Use Option 1)*-----

*(Begin Directions for Use Option 2)*-----

<b>HOW TO USE</b>	
Determine the amount of product needed to treat your tree or shrub by following the steps below. Apply the required amount of product around the base of the tree or shrub.	
<b>DETERMINE AMOUNT OF PRODUCT NEEDED</b>	
[icon] <b>Tree with 1 trunk</b>	<ul style="list-style-type: none"> <li>Measure distance (in inches) around tree trunk at chest height using a flexible tape measure.</li> <li>This is the number of ounces of this product to apply.</li> </ul>
[icon] <b>Tree with 2 or more trunks</b>	<ul style="list-style-type: none"> <li>Measure distance (in inches) around each tree trunk and add together.</li> <li>Multiply this total by 0.75 to get the required number of ounces of this product to apply. Example: A tree has 4 trunks. They measure 20, 10, 5 and 5 [inches] or a total of 40 [inches]. 40 x 0.75 = 30 ounces.</li> </ul>
[icon] <b>Shrubs</b>	<ul style="list-style-type: none"> <li>Measure the height of the shrub to the nearest foot.</li> <li>Multiply this number of feet by 3. This will be the number of ounces of this product to apply.</li> </ul>
<b>Ready-Spray II / Ready-Spray 2 / (Applicator Name) [Hose End Applicator]</b> Shake container gently before using.	
Connect: [illustration]	<ul style="list-style-type: none"> <li>Shake bottle well</li> <li>Connect/Attach Sprayer/bottle to end of hose</li> <li>Turn on water</li> </ul>
Spray: [illustration]	<ul style="list-style-type: none"> <li>To begin spraying, [disengage safety lock and] point nozzle towards the base of the tree or shrub.</li> <li>Slide thumb activation switch forward to ON position.</li> <li>Apply evenly around the tree/shrub as close to the trunk/stem as possible.</li> <li>Using the view stripe as a guide, apply the number of ounces calculated in the "DETERMINE AMOUNT OF PRODUCT NEEDED" section.</li> </ul>
Finish: [illustration]	<ul style="list-style-type: none"> <li>To STOP spraying, slide thumb activation switch backward to OFF position.</li> <li>Turn off water.</li> <li>Relieve water pressure by sliding thumb switch to [ON] [WATER] [WATER ONLY] position until water slows to a drip. Then, slide switch back to OFF position [and engage safety lock].</li> <li>Disconnect the sprayer from hose.</li> </ul>
<b>Do not use hose end applicator indoors</b>	

*(End Directions for Use Option 2)*-----

80911

NOTE:

EPA Reg. No. 239-NEW

***Bold, italicized text is information for the reviewer and is not part of the label.***  
[Bracketed information is optional text]. Text separated by / denotes and/or options.  
Underline text is new. ~~Strike-through text is being deleted.~~

[For best results, use this product as part of an overall tree and shrub health care program before problems start.] [During prolonged dry periods [spells], water the tree/shrub well the night before making an application.]

[For severe infestations, treat with a foliar insecticide, then use this product as part of routine care program.]

[The insecticide dissolved in water moves down through the soil, where it is absorbed by the roots.] [Once absorbed, it moves up through the tree or shrub providing year-long insect protection.] [This product even moves into new growth after application, thus protecting it, too!] [To protect the whole tree or shrub, the insecticide must distribute completely through it.] [Depending on the size and health of the plant, this may take one week to three months (for very large trees).] [Rain or water cannot wash off this internal protection.]

[NOTE: Application to trees heavily infested may not prevent their eventual loss due to existing pest damage and tree stress.]

Do not allow children and pets to re-enter the treated area until spray has dried.

**OR -- Alternate Re-entry Statement**

[icon] Do not allow people and pets to re-enter treated areas until spray has dried.

**STORAGE AND DISPOSAL**

**PESTICIDE STORAGE:** Keep out of reach of children and animals. Store in original container only. Store in a cool, dry place and avoid excess heat.

**PESTICIDE and CONTAINER DISPOSAL:** **Nonrefillable container. Do not reuse or refill this container. If empty:** 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.

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

**CAUTION**

Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Remove and wash contaminated clothing before reuse.

**PERSONAL PROTECTIVE EQUIPMENT (PPE)**

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants.
- Shoes plus socks.



9 of 11

NOTE:

EPA Reg. No. 239-NEW

**Bold, italicized text is information for the reviewer and is not part of the label.**  
[Bracketed information is optional text]. Text separated by / denotes and/or options.  
Underline text is new. ~~Strike-through text is being deleted.~~

<b>FIRST AID</b>	
<b>If swallowed</b>	<ul style="list-style-type: none"> <li>• Call a poison control center or doctor immediately for treatment advice.</li> <li>• Have person sip a glassful of water if able to swallow.</li> <li>• Do not induce vomiting unless told to do so by a poison control center or doctor.</li> <li>• Do not give anything by mouth to an unconscious person.</li> </ul>
<b>If in eyes</b>	<ul style="list-style-type: none"> <li>• Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li> <li>• Remove contact lenses, if present, after first 5 minutes, then continue rinsing eye.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<p>Have the product container or label with you when calling a poison control center or doctor, or going for treatment. Questions? 1-800-225-2883.</p>	

**ENVIRONMENTAL HAZARDS**

This pesticide is toxic to aquatic invertebrates. 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.

**OPTIONAL FILL MARKER EMBOSSED ON BOTTLE**

- fl ounces
- fl oz

**OPTIONAL NON-PESTICIDAL CLAIMS (claims may appear on any or all label panel(s))**

- Broadcast [applicator] [spray pattern]
- Convenient [Simple] [Design]
- Easily cover large areas
- Easy grip [control]
- Easy [to use]
- [Easy] [Ergonomic] Comfort Grip [Design]
- Economical – use to cover large areas
- Ergonomic [design]
- Low Pressure Applicator
- Won't Damage Plants or Blooms
- Hand doesn't get wet
- Hand stays dry
- Instant / Easy [One-handed] on/off applicator / switch / action
- Includes water [only] setting / option
- No mixing required
- One-handed operation
- Ready-Spray® / Ready-to-Spray / (Applicator Name)
- Simple [and easy] [to use]
- [Simply] attach to [garden] hose and spray / go

NOTE:

EPA Reg. No. 239-NEW

**Bold, italicized text is information for the reviewer and is not part of the label.**  
[Bracketed information is optional text]. Text separated by / denotes and/or options.  
Underline text is new. ~~Strike-through text is being deleted.~~

**OPTIONAL PESTICIDAL CLAIMS (claims may appear on any or all label panel(s))**

- [12-Month] [1 Year] Bark Protection / Defense
- [12-Month] [1 Year] Tree Protection / Defense
- [Whole] Tree Protection – Roots to Leaves!
- Complete Bark Protection
- Controls insects that damage trees and shrubs
- Creates a barrier over the Entire Tree / Trees
- Helps keep trees and shrubs strong. Protects new growth.
- Insect Barrier for Trees
- Insects stop eating when they feed on the plant
- Kills insects & prevents new infestations
- One application protects / treats / controls / defends / prevents / works up to 12 months
- Prevents damage from listed pests
- Prevents insects from damaging trees and shrubs
- Protects / treats / controls / defends / works down to the Roots!
- Protects / treats / controls / defends / works from the Roots to the Leaves
- Protects / defends trees and shrubs from damaging insects with one easy treatment
- Provides 12-Month Insect Protection / Defense
- Provides 12-Month Systemic Protection / Defense [Against Damaging Insects] [Including] [Leafminers,] [Beetles and Borers.]
- Systemic insecticide is absorbed through the roots, carried up into the plant and won't wash off
- Year Long [Protection] [Defense]
- Year-long insect protection/defense for trees and shrubs
- Systemic [Protection/Defense/Control/Prevention] from/against/for/of [**any combination of listed insects**].
- Easy to use/apply [Just apply at plant base] [for up to 12 months of worry-free care]
- Kills and prevents insects [like **any combination of listed insects**] for up to 12 months.
- For use on all ornamental trees, listed fruit & nut trees, and shrubs
- Guaranteed<sup>†††</sup>
- Having beautiful trees and shrubs has never been easier.
- (Just) Apply Around Plant Base
- Rain-Proof Formula
- Rainproof Protection
- Treats up to X average size trees and Y shrubs
- Will not harm trees and shrubs

**[ORTHO® & YOUR ENVIRONMENT**

Ortho® products are designed to provide effective pest solutions. To protect the environment follow all instructions for proper usage, storage and disposal.

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

[phone icon]QUESTIONS, COMMENTS OR MEDICAL INFORMATION  
Call 1-800-225-2883

[Visit our website] [computer icon]  
[www.ortho.com](http://www.ortho.com)

110211

NOTE:

EPA Reg. No. 239-NEW

***Bold, italicized text is information for the reviewer and is not part of the label.***  
[Bracketed information is optional text]. Text separated by / denotes and/or options.  
Underline text is new. ~~Strike-through text is being deleted.~~

Manufactured for / Sold by  
The Ortho Group  
P.O. Box 190  
Marysville, OH 43040

†††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.

Product of / Made in U.S.A.

©2010, licensed by The Ortho Group.  
World rights reserved.

EPA Reg. No. 239-NEW  
EPA Est. No. XXXX-XXX  
[Superscript used is first letter of run code on end of container]