

10/22/2013

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



OFFICE OF
CHEMICAL SAFETY AND
POLLUTION PREVENTION

October 22, 2013

Ms. Amanda Slack
The Scotts Company d/b/a The Ortho Group
P.O. Box 190
Marysville, OH 43040

Subject: Amended label adding pollinator protection language
Product Name: Ortho MAX Tree & Shrub Insect Control Ready-Spray II
EPA Reg. No. 239-2707
EPA Decision No. 483666
Submission dated September 18, 2013

Dear Ms. Slack:

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act is acceptable. A stamped copy of your labeling is enclosed for your records. This labeling supersedes all previously accepted labeling. You must submit one (1) copy of the final printed labeling before you release the product for shipment with the new labeling. See 40 CFR 156.10(a)(6).

Under 40 CFR 152.130(d), EPA may establish dates by which all product distributed or sold by the registrant must bear revised labeling. The following paragraphs set forth the schedule for ensuring that that your product bears revised labeling within a reasonable time period:

- Any product released for shipment after 2/28/14 must bear the new label.

If these conditions are not complied with, EPA will take appropriate action against this registration. If you have any questions please contact Julie Chao at 703-308-8735 or chao.julie@epa.gov.

Regards,

A handwritten signature in black ink, appearing to read "Venus Eagle", written over a horizontal line.

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

NOTE:

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EPA Reg. No. 239-2707

Ortho[®] MAX Tree & Shrub Insect Control Ready-Spray II

[ABN: Ortho[®] MAX Tree & Shrub Insect Control Ready-Spray 2]
[ABN: Ortho[®] 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.

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

ACCEPTED

OCT 22 2013

**Under the Federal Insecticide, Fungicide,
and Rodenticide Act, as amended, for the
pesticide registered under:**

EPA. Reg. No: 239- 2707

NOTE:

EPA Reg. No. 239-2707

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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.



Do not apply Ortho MAX Tree & Shrub Insect Control Ready-Spray II while bees are foraging.

Do not apply Ortho MAX Tree & Shrub Insect Control Ready-Spray II to plants that are flowering.

Only apply after all flower petals have fallen off.

USE RESTRICTIONS

- For Outdoor Residential Use Only
- Do not apply near lakes, streams, rivers, or ponds.
- 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 9.4 fl oz. of this product per 1000 sq. ft. (0.4 lbs active ingredient per acre) per year.
- Do not harvest or consume fruits or nuts from trees that have been treated within 1 year.
- Do not allow people or pets to re-enter treated area until spray has dried.
- Do not use on plants being grown for sale or other commercial use or for commercial seed production or for research purposes.

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 Borer)
- 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)-----

PRODUCT FACTS

NOTE:

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Kills Insects	Kills and prevents Adelgids, Aphids, Emerald Ash Borers, 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)-----

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

HOW TO USE	
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.	
STEP 1 – DETERMINE AMOUNT OF PRODUCT NEEDED	
[icon] Tree with 1 trunk	<ul style="list-style-type: none"> Measure distance (in inches) around tree trunk at chest height using a flexible tape measure. This is the number of ounces of this product to apply.
[icon] Tree with 2 or more trunks	<ul style="list-style-type: none"> Measure distance (in inches) around each tree trunk and add together. Multiply this total by 0.75 to get the required number of ounces of this product to apply. <p>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.</p>
[icon] Shrubs	<ul style="list-style-type: none"> Measure the height of the shrub to the nearest foot. Multiply this number of feet by 3. This will be the number of ounces of this product to apply. <p>Example: A shrub is 4 feet tall. 4 x 3 = 12 ounces</p>
STEP 2 – DETERMINE TOTAL SPRAY TIME	
The low pressure spray applicator applies approximately 1 ounce of product every [5] [X] seconds.	
<p style="text-align: center;"> Number Ounces x [5] [X] Seconds = Total Time to Apply (Step 1) </p> <p>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.</p>	
[Option A] HOW TO APPLY	
Connect	<ul style="list-style-type: none"> Shake bottle well. Connect sprayer to hose. Turn on water.
Spray	<ul style="list-style-type: none"> 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. Apply evenly around the tree/shrub as close to the trunk/main stem as possible. Spray for as long as calculated in the "HOW TO USE" section.
Finish	<ul style="list-style-type: none"> Stop spraying, turn knob to OFF position. Turn off water. 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. Disconnect sprayer from hose.

[Option B] Ready-Spray II / Ready-Spray 2 / (Applicator Name) [Hose End Applicator]

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Shake container gently before using.	
Connect: [illustration]	<ul style="list-style-type: none"> Shake bottle well Connect/Attach Sprayer/bottle to end of hose Turn on water
Spray: [illustration]	<ul style="list-style-type: none"> To begin spraying, [disengage safety lock and] point nozzle towards the base of the tree or shrub. Slide thumb activation switch forward to ON position. Apply evenly around the tree/shrub as close to the trunk/stem as possible. Spray for the length of time calculated in the "HOW TO USE" section.
Finish: [illustration]	<ul style="list-style-type: none"> To STOP spraying, slide thumb activation switch backward to OFF position. Turn off water. 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]. Disconnect the sprayer from hose.
RESTRICTION: Do not use hose end applicator indoors	

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

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

HOW TO USE	
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.	
DETERMINE AMOUNT OF PRODUCT NEEDED	
[icon] Tree with 1 trunk	<ul style="list-style-type: none"> Measure distance (in inches) around tree trunk at chest height using a flexible tape measure. This is the number of ounces of this product to apply.
[icon] Tree with 2 or more trunks	<ul style="list-style-type: none"> Measure distance (in inches) around each tree trunk and add together. Multiply this total by 0.75 to get the required number of ounces of this product to apply. <p>Example: A tree has 4 trunks. They measure 20, 10, 5 and 5 [inches] or a total of 40 [inches]. $40 \times 0.75 = 30$ ounces.</p>
[icon] Shrubs	<ul style="list-style-type: none"> Measure the height of the shrub to the nearest foot. Multiply this number of feet by 3. This will be the number of ounces of this product to apply.
Ready-Spray II / Ready-Spray 2 / (Applicator Name) [Hose End Applicator]	
Shake container gently before using.	
Connect: [illustration]	<ul style="list-style-type: none"> Shake bottle well Connect/Attach Sprayer/bottle to end of hose Turn on water
Spray: [illustration]	<ul style="list-style-type: none"> To begin spraying, [disengage safety lock and] point nozzle towards the base of the tree or shrub. Slide thumb activation switch forward to ON position. Apply evenly around the tree/shrub as close to the trunk/stem as possible. Using the view stripe as a guide, apply the number of ounces calculated in the "DETERMINE AMOUNT OF PRODUCT NEEDED" section.
Finish: [illustration]	<ul style="list-style-type: none"> To STOP spraying, slide thumb activation switch backward to OFF position. Turn off water. Relieve water pressure by sliding thumb switch to [ON] [WATER]

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	<p>[WATER ONLY] position until water slows to a drip. Then, slide switch back to OFF position [and engage safety lock].</p> <ul style="list-style-type: none"> • Disconnect the sprayer from hose.
RESTRICTION: Do not use hose end applicator indoors	

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

[If you have experienced a history of pest problems or if listed pests have been identified in your area, 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.]

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

OR -- Alternate Re-entry Statement

[icon] **RESTRICTION:** 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 DISPOSAL and CONTAINER HANDLING: **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. Users of this product must wear long-sleeved shirt, long pants, shoes and socks. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Remove and wash contaminated clothing before reuse.

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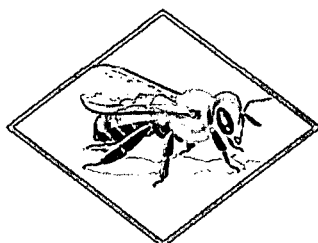
EPA Reg. No. 239-2707

FIRST AID	
If swallowed	<ul style="list-style-type: none"> • Call a poison control center or doctor immediately for treatment advice. • Have person sip a glassful 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.
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 first 5 minutes, then continue rinsing eye. • 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. Questions? 1-800-225-2883.	

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.

PROTECTION OF POLLINATORS



APPLICATION RESTRICTIONS EXIST FOR THIS PRODUCT BECAUSE OF RISK TO BEES AND OTHER INSECT POLLINATORS. FOLLOW APPLICATION RESTRICTIONS FOUND IN THE DIRECTIONS FOR USE TO PROTECT POLLINATORS.



Look for the bee hazard icon in the Directions for Use for each application site for specific use restrictions and instructions to protect bees and other insect pollinators. This product can kill bees and other insect pollinators.

Bees and other insect pollinators will forage on plants when they flower, shed pollen, or produce nectar. Bees and other insect pollinators can be exposed to this pesticide from:

- Direct contact during foliar applications, or contact with residues on plant surfaces after foliar applications
- Ingestion of residues in nectar and pollen when the pesticide is applied as a seed treatment, soil, tree injection, as well as foliar applications.

When Using This Product Take Steps To:

- Minimize exposure of this product to bees and other insect pollinators when they are foraging on pollinator attractive plants around the application site.
- Minimize drift of this product on to beehives or to off-site pollinator attractive habitat. Drift of this product onto beehives or off-site to pollinator attractive habitat can result in bee kills.

Information on protecting bees and other insect pollinators may be found at the Pesticide Environmental Stewardship website at: <http://pesticidestewardship.org/PollinatorProtection/Pages/default.aspx>. Pesticide incidents (for example, bee kills) should immediately be reported to the state/tribal lead agency. For contact information for your state, go to: www.aapco.org/officials.html. Pesticide incidents should also be reported to the National Pesticide Information Center at: www.npic.orst.edu or directly to EPA at: beekill@epa.gov

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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

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!
- Bark Protection
- Controls listed 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

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- 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^{†††}
- 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]

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.

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EPA Reg. No. 239-2707

EPA Est. No. XXXX-XXX

[Superscript used is first letter of lot number]