

Supplemental Label



SUPPLEMENTAL LABEL FOR SPECIAL LOCAL NEED REGISTRATION

FOR DISTRIBUTION AND USE ONLY IN THE STATE OF OREGON

ORTHENE® 97

APPLICATION THROUGH SPRINKLER IRRIGATION SYSTEMS FOR
CUTWORM CONTROL IN PEPPERMINT AND SPEARMINT

EPA Reg. No. 59639-91
EPA SLN No. OR-060019

**This label valid until December 31, 2010 or until otherwise
amended, withdrawn, cancelled or suspended.**

	By Wt.
Active Ingredient	
Acephate (O,S-Dimethyl acetylphosphoramidothioate)	97%
Other Ingredients	3%
TOTAL	100%

This label and the EPA-registered label must be in the possession of the user at the time of mixing and pesticide application.

Follow all applicable directions, restrictions and precautions on the EPA-registered label and this label. It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

KEEP OUT OF THE REACH OF CHILDREN CAUTION

ENVIRONMENTAL HAZARDS: This pesticide is toxic to birds. Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water by cleaning of equipment or disposal of wastes. 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 the treatment area.

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 only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted-entry interval (REI) of 24 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil or water is: coveralls, waterproof gloves, shoes plus socks and chemical-resistant headgear for overhead exposure.

DIRECTIONS FOR USE

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

FAILURE TO FOLLOW THE DIRECTIONS FOR USE AND PRECAUTIONS ON THIS LABEL MAY RESULT IN NONPERFORMANCE OF PRODUCT, CROP INJURY OR ILLEGAL RESIDUES.

Application Method	Pest Controlled	Rate of <i>Orthene 97</i> per Acre	Remarks	Days to Harvest
FOLIAR Sprinkler Irrigation Systems (Chemigation)	Cutworms	1.0 lb. (16 ounces)	Apply <i>Orthene 97</i> in no more than 0.15" of water with center pivot, wheel roll or solid set sprinkler irrigation equipment. Chemigation application – early season, may be slightly less effective than ground or air application due to total water volume when crop canopy is minimal. Apply when cutworms first appear. Make one repeat application if necessary to maintain control. Make one repeat application at a minimum of a 7-day interval, if necessary, to maintain control.	14

Restrictions:

1. Do not apply more than 2 lb. of *Orthene 97* per acre per year, regardless of application method.
2. At least 7 days must pass between applications of *Orthene 97*.
3. Do not graze treated areas.
4. This product is highly toxic to bees exposed to direct treatment or residues on blooming crops or broadleaf weeds. Care must be taken if bees are working in fields within 1/4 mile of application target.

Chemigation Information:

Application of more than label recommended quantities of irrigation water per acre may result in decreased product performance by removing the chemical from the zone of effectiveness. Use a metering device to inject *Orthene 97* into the irrigation water at a constant flow. Constant agitation must be maintained in the chemical supply tank during the entire period of application. Inject the product with a positive displacement pump into the main line ahead of a right angle turn to ensure adequate mixing. Allow time for all lines to flush the product through all nozzles before turning off irrigation water. To ensure the lines are flushed and free of remaining product, a dye indicator may be injected into the lines to mark the end of the application period.

Use Precautions

1. Apply this product only through sprinkler irrigation systems including center pivot, lateral move, end tow, side (wheel) roll, travelers, big gun, or solid set. Do not apply this product through any other type of irrigation system.
2. Lack of effectiveness or illegal pesticide residues in the crop may result from non-uniform distribution of treated water.
3. If you have any questions about calibration, you should contact State Extension Service specialists, equipment manufacturers or other experts.
4. Do not connect an irrigation system (including greenhouse systems) used for pesticide application to a public water system unless the label-prescribed safety devices for public water supplies are in place.
5. A person knowledgeable of chemigation system and responsible for its operation, or under supervision of the responsible person, shall shut the system down and make necessary adjustments should the need arise.
6. The system must contain a functional check valve, vacuum relief valve and low pressure drain appropriately located on the irrigation pipeline to prevent water source contamination from backflow.
7. The pesticide injection pipeline must contain a functional, automatic, quick-closing check valve to prevent the flow of fluid back toward the injection pump.
8. The pesticide injection pipeline must also contain a functional, normally closed solenoid-operated valve located on the intake side of the injection pump and connected to the system interlock to prevent fluid from being withdrawn from the supply tank when the irrigation system is either automatically or manually shut down.

9. The system must contain functional interlocking controls to automatically shut off the pesticide injection pump when the water pump motor stops.
10. The irrigation line or water pump must include a functional pressure switch which will stop the water pump motor when the water pressure decreases to the point where pesticide distribution is adversely affected.
11. Systems must use a metering pump, such as a positive displacement injection pump (e.g., diaphragm pump) effectively designed and constructed of materials that are compatible with pesticides and capable of being fitted with a system interlock.
12. Do not apply when wind speed favors drift beyond the area intended for treatment.

Spray Drift Management

1. For overhead chemigation, apply only when wind speed is 10 mph or less.
2. Do not allow spray to drift from the application site and contact people, structures people occupy at any time and the associated property, parks and recreation areas, nontarget crops, aquatic and wetland areas, woodlands, pastures, rangelands or animals.
3. The applicator also must use all other measures necessary to control drift.

DISCLAIMER, RISKS OF USING THIS PRODUCT, LIMITED WARRANTY AND LIMITATION OF LIABILITY

IMPORTANT: Read the entire Label including this Disclaimer, Risks of Using this Product, Limited Warranty, and Limitation of Liability before using this product. If the terms are not acceptable THEN DO NOT USE THE PRODUCT; rather, return the unopened product within 15 days of purchase for a refund of the purchase price.

RISKS OF USING THIS PRODUCT

The Buyer and User (referred to collectively herein as "Buyer") of this product should be aware that there are inherent unintended risks associated with the use of this product which are impossible to eliminate. These risks include, but are not limited to, injury to plants and crops to which this product is applied, lack of control of the target pests or weeds, resistance of the target pest or weeds to this product, injury caused by drift, and injury to rotational crops caused by carryover in the soil. Such risks of crop injury, non-performance, resistance or other unintended consequences are unavoidable and may result because of such factors as weather, soil conditions, disease, moisture conditions, irrigation practices, condition of the crop at the time of application, presence of other materials either applied in the tank mix with this product or prior to application of this product, cultural practices or the manner of use or application, (or a combination of such factors) all of which are factors beyond the control of Valent. The Buyer should be aware that these inherent unintended risks may reduce the harvested yield of the crop in all or a portion of the treated acreage, or otherwise affect the crop such that additional care, treatment and expense are required to take the crop to harvest. If the Buyer chooses not to accept these risks, THEN THIS PRODUCT SHOULD NOT BE APPLIED. By applying this product Buyer acknowledges and accepts these inherent unintended risks AND TO THE FULLEST EXTENT ALLOWED BY LAW, AGREES THAT ALL SUCH RISKS ASSOCIATED WITH THE APPLICATION AND USE ARE ASSUMED BY THE BUYER.

Valent shall not be responsible for losses or damages (including, but not limited to, loss of yield, increased expenses of farming the crop or such incidental, consequential or special damages that may be claimed) resulting from use of this product in any manner not set forth on the label. Buyer assumes all risks associated with the use of this product in any manner or under conditions not specifically directed or approved on the label.

LIMITED WARRANTY

Valent warrants only that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated in the label, under average use conditions, when used strictly in accordance with the label **and subject to the Risks of Using This Product as described above. EXCEPT AS SET FORTH ABOVE, VALENT MAKES NO OTHER WARRANTIES, EITHER EXPRESSED OR IMPLIED.** No agent or representative of Valent or Seller is authorized to make or create any other express or implied warranty.

LIMITATION OF LIABILITY

To the fullest extent allowed by law, Valent or Seller is not liable for any incidental, consequential, indirect or special damages resulting from the use or handling of this product. The limitation includes, but is not limited to, loss of yield on all or any portion of the treated acreage, increased care, treatment or other expenses required to take the crop to harvest, increased finance charges or altered finance ratings, emotional or mental distress and/or exemplary damages. TO THE FULLEST EXTENT ALLOWED BY LAW, THE EXCLUSIVE REMEDY OF THE BUYER, AND THE EXCLUSIVE MAXIMUM LIABILITY OF VALENT OR SELLER FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING 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 THIS PRODUCT OR, AT THE ELECTION OF VALENT OR SELLER, THE REPLACEMENT OF THE PRODUCT.

PROMPT NOTICE OF CLAIM

Valent must be provided notice as soon as Buyer has reason to believe it may have a claim, but in no event later than twenty-one days from date of planting, or twenty-one days from the date of application, whichever is latter, so that an immediate inspection of the affected property and growing crops can be made.

If Buyer does not notify Valent of any claims, in such period, it shall be barred from obtaining any remedy.

NO AMENDMENTS

Valent and Seller offer this product, and Buyer accepts it, subject to the foregoing **Disclaimer, Risks of Using This Product, Limited Warranty and Limitation of Liability**, which may not be modified by any oral or written agreement.

FIFRA § 24(c) Registrant: Valent U.S.A. Corporation
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