

279-3244

9-27-2006

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

SEP 27, 2006

Christopher Davis
Registration Manager
FMC Corp
1735 Market Street
Philadelphia, PA 19103

Subject: Label Amendment – Adding New Use (tobacco)
Capture 1.15G Insecticide Miticide
EPA Reg. No. 279-3244
Your Submission Dated July 21, 2003

Dear Mr. Davis:

The Agency accepts your application for amended registration, including your request to add the crop, tobacco, to the subject product's labeling, since you have agreed in writing to the following terms for conditional registration in accordance with FIFRA section 3(c)(7)(B):

1. You will submit and/or cite all data required for registration/registration of your product under FIFRA sec.3(c)(5) when the Agency requires all registrants of similar products to submit such data: and submit responses required for reregistration of your product under FIFRA section 4.
2. You will submit production information (pounds or gallons produced) for the subject product for the fiscal year in which the product is conditionally registered, in accordance with FIFRA section 29. The fiscal year begins October 1 and ends September 30. The production information will be submitted to the Agency no later than November 15 following the end of the preceding fiscal year.

The information should be submitted to:


U.S. Environmental Protection Agency
Office of Pesticide Programs (7504C)
Document Processing Desk
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

3. The subject amendment is conditioned under the same terms and conditions for data generation as stipulated in the Agency's November 15, 1993 letter for use of this product (Capture 2EC Insecticide/Miticide: EPA Reg. No. 279-3244) on cotton.
4. FMC Corporation agreed that the current synthetic pyrethroid mitigation measures are interim in nature and may be reconsidered or modified after review and evaluation of the Spray Drift Task Force data.
5. Please make the following label changes:
 - a. Revise use directions for tobacco to specify the maximum number of foliar applications allowed and the maximum seasonal use rate. Refer to the enclosed April 6, 2006 Residue Chemistry Review.

Please note that if you fail to satisfy any of the conditions imposed on this registration. e.g., you fail to submit the required information/data by the specified deadlines or the data submitted were not generated in accordance with the applicable test guidelines, EPA may issue a notice of intent to cancel this registration under FIFRA section 6(e).

Finally, once the required data have been submitted and evaluated. EPA will entertain an application to amend the registration of the subject product to allow the unconditional use on cotton and other crops without any special restrictions on the duration of the registration.

A stamped copy of the label is enclosed for your records. If you have any questions regarding this action, please contact BeWanda Alexander of my team at (703) 305-7460.

Sincerely,

George T. LaRocca
Product Manager (13)
Insecticide Branch
Registration Division (7505P)

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RESTRICTED USE PESTICIDE
Toxic to fish and aquatic organisms.
For retail sale to and use only by certified applicators, or persons under their direct supervision and only for the uses covered by the certified applicator's certification.



Insecticide/Miticide

EPA Reg. No. 279-3244 EPA Est. 5905-IA-01

Active Ingredient:	By Wt.
Bifenthrin:*	1.15%
Other Ingredients:	98.85%
	100.0%

**Cis isomers 97% minimum, trans isomers 3% maximum.
U.S. Patent No. 4,238,505

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

**ACCEPTED
with COMMENTS
In EPA Letter Dated
SEP 27 2006**
Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
279-3244

FIRST AID

If Inhaled: Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible. Call a poison control center or doctor for further treatment advice.

If on Skin or Clothing: 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.

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 the poison control center or doctor. Do not give anything by mouth to an unconscious person.

HOTLINE NUMBER

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-331-3148 for emergency medical treatment information.

Note to Physician:
This product is a pyrethroid. If large amounts have been ingested, the stomach and intestines should be evacuated. Treatment is symptomatic and supportive. Digestible fats, oils, or alcohol may increase absorption and so should be avoided.

For Emergency Assistance Call (800) 331-3148.

PRECAUTIONARY STATEMENTS Hazards to Humans (and Domestic Animals)

CAUTION
Causes moderate eye irritation. Avoid contact with eyes or clothing.

Personal Protective Equipment:
Applicators and other handlers must wear: long-sleeved shirt and long pants, waterproof gloves, and shoes plus socks. Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry. See other panels for additional precautionary statements.

<p>User Safety Recommendations Users should: Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet. Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.</p>
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Environmental Hazards

This pesticide is extremely toxic to fish and aquatic invertebrates. Use with care when applying in areas adjacent to any body of water. 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 make applications when weather conditions favor drift from treated areas. Drift and runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. Do not contaminate water when disposing of equipment washwaters.

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 while bees are actively visiting the treatment area.

The use of bifenthrin is prohibited in areas that may result in exposure of endangered species to bifenthrin. Prior to use in a particular county contact the local extension service for procedures and precautions to use to protect endangered species.

Physical/Chemical Hazards

Do not use or store near heat or open flame.

FMC
FMC Corporation
Agricultural Products Group
Philadelphia PA 19103

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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.

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.

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 12 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: long-sleeved shirt and long pants, socks and shoes and waterproof gloves.

STORAGE AND DISPOSAL

Pesticide Storage

Do not store in or around the home.

Keep out of reach of children and animals. Store in original containers only. Store in a cool, dry place and avoid excess heat. Carefully open containers. After partial use, fold and roll back bags, clamp and close tightly. Do not put concentrate or dilute material into food or drink containers. Do not contaminate other pesticides, fertilizers, water, food, or feed by storage or disposal.

In case of spill, avoid contact, isolate area and keep out animals and unprotected persons. Confine spills. Call FMC: (800) 331-3148.

To confine spill: Cover to prevent dispersal. Place damaged package in a holding container. Identify contents.

Pesticide Disposal

Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

Container Disposal

Completely empty bag into application equipment. Then dispose of empty bag in a sanitary landfill or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

Returnable/Refillable Container: Do not rinse container. Return empty container to point of purchase.

Rotational Crops

Leafy vegetables and root crops may be rotated 30 days following the final application of bifenthrin. Crops for which bifenthrin tolerances exist may be rotated at any time. All other crops may be rotated seven months following the final application of bifenthrin. Straw may not be used for food or feed.

Application Instructions

Rate of application is variable according to pest pressure, timing of sprays, and field scouting. Use lower rates under light to moderate infestations; higher rates under heavy insect pressure and for mite control. Arid climates generally require higher rates.

Cultivation within 10 feet of a water body is prohibited to allow for the growth of a vegetated filter strip.

Runoff from treated areas may be hazardous to aquatic organisms in adjacent aquatic sites. Do not apply this product within 20 yards of water (lakes, reservoirs, rivers, permanent streams, marshes, estuaries, natural ponds, and commercial fish farm ponds). Cover or incorporate spill (including end row spillage).

Use of Capture 1.15G is prohibited in all coastal counties.

In New York State this product may not be applied within 100 feet (using ground equipment) to 300 feet (using aerial equipment) of coastal marshes or streams that drain into coastal marshes.

Resistance

Some insects are known to develop resistance to products used repeatedly for control. Because the development of resistance cannot be predicted, the use of this product should conform to resistance management strategies established for the use area. Consult your local or state agricultural authorities for details. If resistance to this product develops in your area, this product, or other products with a similar mode of action, may not provide adequate control. If poor performance cannot be attributed to improper application or extreme weather conditions, a resistant strain of insect may be present. If you experience difficulty with control and resistance is a reasonable cause, immediately consult your local company representative or agricultural advisor for the best alternative method of control for your area.

FIELD CORN (GRAIN, SILAGE, AND SEED), POP-CORN (AT PLANT USE)

PEST	DOSAGE	REMARKS
Corn Rootworm Larvae Mexican Northern Southern Western Cutworms Wireworms Seed Corn Maggot Seed Corn Beetle White Grubs	6.4 to 8.0 oz product (0.005 - 0.006 lb ai) per 1,000 linear feet of row	Apply as a 5 to 7 inch T-band treatment over an open seed furrow. Position in front of the press wheel centered over the row. Use the table below to determine the Capture 1.15G needs per acre. Use highest use rate under heavy insect pressure. Granules must be incorporated into the top one inch of soil using lines, chains or other suitable equipment. Do not apply as a T-band treatment unless you can incorporate the granules.
Cutworms Wireworms Seed Corn Maggot Seed Corn Beetle White Grubs	3.2 to 8.0 oz product (0.002 - 0.006 lb ai) per 1,000 linear feet of row	Apply as an in-furrow application directly into the seed furrow. Use highest use rate under heavy insect pressure.
Rootworm Larvae	8.0 oz product (0.006 lb ai) per 1,000 linear feet of row	In-furrow for light to moderate pressure

ounces product per 1,000 linear feet of row	Capture 1.15G lbs product/acre (lbs ai/acre) based on row spacing					
	30"	32"	34"	36"	38"	40"
8.0	8.7 (0.100)	8.2 (0.094)	7.7 (0.088)	7.2 (0.083)	6.9 (0.079)	6.5 (0.075)
6.4	7.0 (0.080)	6.5 (0.075)	6.1 (0.071)	5.8 (0.067)	5.5 (0.063)	5.2 (0.060)
4.8	5.2 (0.080)	4.9 (0.056)	4.6 (0.053)	4.3 (0.050)	4.1 (0.047)	3.9 (0.045)
3.2	3.5 (0.040)	3.3 (0.036)	3.1 (0.035)	2.9 (0.033)	2.7 (0.032)	2.6 (0.030)

Planter Type	APPROXIMATE SETTINGS BASED ON SPEED - CALIBRATE FOR EXACT SETTINGS									
	4 mph		5 mph		6 mph		7 mph		8 mph	
JD Max 7200-7300	6.4 oz	8.0 oz	6.4 oz	8.0 oz	6.4 oz	8.0 oz	6.4 oz	8.0 oz	6.4 oz	8.0 oz
JD Max 7000-7100 odd notch	17	20	20	26	22	30	26	35	30	40
JD Max 7000-7100 even notch	11	14	13	16	15	18	17	19	19	21
JD Max 7000-7100 even notch	15	17	18	20	22	24	24	26	27	29
Kinzi even notch	13	16	16	19	19	21	20	22	22	24
Kinze odd notch	11	13	13	15	15	17	17	19	19	21
White 6000 series	12	14	15	17	17	20	19	22	21	24
Case-IH 800-900 series	1/7	1/9	2/1	2/3	2/4	2/6	2/6	2/9	2/8	3/2

Always calibrate equipment prior to application each season to insure proper insecticide delivery.

Utilize initial settings from the chart below or for clay granule insecticide delivery in the appropriate planter guide booklet.

Steps for calibration:

1. Fill insecticide hopper box
2. Attach a Capture calibration device to delivery tube opening
3. Set planter to initial setting
4. Measure off 1,000 row feet and drive your planter the pre-measured distance at your desired planting speed
5. Check the level in the calibration device and it should contain the number of ounces (3.2-8.0) required for your application
6. If a row is over or under the desired rate adjust the settings and repeat the calibration

FIELD CORN (GRAIN, SILAGE, AND SEED), POP-CORN (FOLIAR USE)

PEST	DOSAGE lb product/acre (lb ai/a)	REMARKS
European corn borer (1st generation) Fall armyworm Southwestern corn borer Armyworm	3.5- 8.7 (0.04 - 0.10)	Apply as a broadcast application when insects first appear. Applications may be made by with ground or aerial equipment. Use higher labeled use rates under heavy insect infestations. Apply by aircraft broadcasting over corn plants or with ground equipment by directing the granule into the whorl.

RESTRICTIONS—Corn

Do not apply to soil where there is greater than 30% cover of crop residue remaining.

Do not apply more than 0.1 pound active per acre per season as an at plant application.

Do not apply more than 0.3 pound active per acre per season including at plant plus foliar applications.

Do not apply within 30 days of harvest.

Do not graze livestock in treated areas or cut treated crops for feed within 30 days of the last application.

Do not make aerial or ground applications to corn if heavy rainfall is imminent.

SWEET CORN (AT PLANT USE)

PEST	DOSAGE	REMARKS
Corn Rootworm Larvae Mexican Northern Southern Western Cutworms Wireworms Seed Corn Maggot Seed Corn Beetle White Grubs	6.4 to 8.0 oz product (0.005 - 0.006 lb ai) per 1,000 linear feet of row	Apply as a 5 to 7 inch T-band treatment over an open seed furrow. Position in front of the press wheel centered over the row. Use the table below to determine the Capture 1.15G needs per acre. Use highest use rate under heavy insect pressure. Granules must be incorporated into the top one inch of soil using tines, chains or other suitable equipment. Do not apply as a T-band treatment unless you can incorporate the granules.
Cutworms Wireworms Seed Corn Maggot Seed Corn Beetle White Grubs	3.2 to 8.0 oz product (0.002 - 0.006 lb ai) per 1,000 linear feet of row	Apply as an in-furrow application directly into the seed furrow. Use highest use rate under heavy insect pressure.
Rootworm Larvae	8.0 oz product (0.006 lb ai) per 1,000 linear feet of row	In-furrow for light to moderate pressure

ounces product per 1,000 linear feet of row	Capture 1.15G lbs product/acre (lbs ai/acre) based on row spacing					
	30"	32"	34"	36"	38"	40"
8.0	8.7 (0.100)	8.2 (0.094)	7.7 (0.088)	7.2 (0.083)	6.9 (0.079)	6.5 (0.075)
6.4	7.0 (0.080)	6.5 (0.075)	6.1 (0.071)	5.8 (0.067)	5.5 (0.063)	5.2 (0.060)
4.8	5.2 (0.060)	4.9 (0.056)	4.6 (0.053)	4.3 (0.050)	4.1 (0.047)	3.9 (0.045)
3.2	3.5 (0.040)	3.3 (0.036)	3.1 (0.035)	2.9 (0.033)	2.7 (0.032)	2.6 (0.030)

APPROXIMATE SETTINGS BASED ON SPEED - CALIBRATE FOR EXACT SETTINGS										
Planter Type	4 mph		5 mph		6 mph		7 mph		8 mph	
	6.4 oz	8.0 oz	6.4 oz	8.0 oz	6.4 oz	8.0 oz	6.4 oz	8.0 oz	6.4 oz	8.0 oz
JD Max 7200-7300	17	20	20	26	22	30	26	35	30	40
JD Max 7000-7100 odd notch	11	14	13	16	15	18	17	19	19	21
JD Max 7000-7100 even notch	15	17	18	20	22	24	24	26	27	29
Kinze even notch	13	16	16	19	19	21	20	22	22	24
Kinze odd notch	11	13	13	15	15	17	17	19	19	21
White 6000 series	12	14	15	17	17	20	19	22	21	24
Case-IH 800-900 series	17	19	21	23	24	26	26	29	28	32

proper insecticide delivery. Utilize initial settings from the chart below or for clay granule insecticide delivery in the appropriate planter guide booklet.

Steps for calibration:

1. Fill insecticide hopper box
2. Attach a Capture calibration device to delivery tube opening
3. Set planter to initial setting
4. Measure off 1,000 row feet and drive your planter the pre-measured distance at your desired planting speed
5. Check the level in the calibration device and it should contain the number of ounces (3.2-8.0) required for your application
6. If a row is over or under the desired rate adjust the settings and repeat the calibration

SWEET CORN (FOLIAR USE)

PEST	DOSAGE lb product/acre (lb ai/a)	REMARKS
European corn borer (1st generation) Fall armyworm Southwestern corn borer Armyworm	3.5- 8.7 (0.04 - 0.10)	Apply as a broadcast application when insects first appear. Applications may be made by with ground or aerial equipment. Use higher labeled use rates under heavy insect infestations. Apply by aircraft broadcasting over corn plants or with ground equipment by directing the granule into the whorl.

RESTRICTIONS—Sweet Corn

Do not make more than 0.2 pounds active ingredient per acre per season.

Do not apply within one day of harvest.

Do not graze livestock in treated areas or cut treated crops for feed within 1 day of the last application. Do not apply within 18 days of harvest for corn that is hand harvested.

Do not make aerial or ground applications to corn if heavy rainfall is imminent.

CUCURBITS:

Chayote (fruit); Chinese waxgourd (Chinese preserving melon); Citron melon; Cucumber; Gherkin; Gourd, edible (includes hyotan, cucuzza) (*Luffa* spp.) (includes hechima, Chinese okra) (*Momordica* spp.) (includes balsam apple, balsam pear, bitter melon, Chinese cucumber); Muskmelon (hybrids and/or cultivars of *Cucumis melo*) (includes true cantaloupe, cantaloupe, casaba, crenshaw melon, golden pershaw melon, honeydew melon, honey balls, mango melon, Persian melon, pineapple melon, Santa Claus melon, and snake melon); Pumpkin (*Cucurbita* spp.); Squash, summer (includes crookneck squash, scallop squash, straightneck squash, vegetable marrow, zucchini); Squash, winter (includes butternut squash, calabaza, hubbard squash (*C. mixta*; *C. pepo*) includes acorn squash, spaghetti squash); Watermelon (includes hybrids and/or varieties of *Citrullus* spp.).

PEST	DOSAGE lb product/acre (lb ai/a)	REMARKS
Wireworms Grubs Seed Maggots Cutworms	3.5- 8.7 (0.04 - 0.10)	Make application of Capture as soon as pests are present. Thorough coverage is essential to achieve control.

RESTRICTIONS

Do not apply more than 0.3 lb active ingredient per acre per season.

Do not make more than two applications after bloom.

Do not make applications less than 7 days apart.

Do not apply within 3 days of harvest.

SUCCULENT PEAS AND BEANS:

Pea (*Pisum* spp.): Dwarf pea. Edible-pod pea. English pea Garden pea, Green pea, Snow pea, Sugar snap pea, Pigeon pea; Bean (*Phaseolus* spp.): Broadbean (succulent), Lima bean (green) Runner bean, Snap bean, Wax bean; Bean (*Vigna* spp.) Asparagus bean, Blackeyed pea, Chinese longbean, Cowpea, Moth bean, Southern pea, Yardlong bean, Jackbean, Soybean (immature seed), Sword bean

PEST	DOSAGE lb product/acre (lb ai/a)	REMARKS
Wireworms Grubs Seed Maggots Cutworms	3.5- 8.7 (0.04 - 0.10)	Make application of Capture as soon as pests are present. Thorough coverage is essential to achieve control.

RESTRICTIONS

Do not apply more than 0.2 lb. active ingredient per acre per season.

Do not apply within 3 days of harvest. Do not apply within 9 days of harvest for peas/beans that are hand harvested.

BRASSICAS:

Head and Stem Brassica Vegetables including: Broccoli, Chinese Broccoli (gai lan, white flowering broccoli), Brussels Sprouts, Cauliflower, Cavalo broccolo, Kohlrabi, Cabbage, Chinese Cabbage (napa), Chinese Mustard Cabbage (gai choy)

PEST	DOSAGE lb product/acre (lb ai/a)	REMARKS
Wireworms Grubs Seed Maggots Cutworms	3.5- 8.7 (0.04 - 0.10)	Make application of Capture as soon as pests are present. Thorough coverage is essential to achieve control.
RESTRICTIONS Do not apply more than 0.5 lb. active ingredient per acre per season. Do not make more than 5 applications after bloom. Do not make applications less than 7 days apart. Do not apply within 7 days of harvest		

LETTUCE, HEAD:

PEST	DOSAGE lb product/acre (lb ai/a)	REMARKS
Wireworms Grubs Seed Maggots Cutworms	3.5- 8.7 (0.04 - 0.10)	Make application of Capture as soon as pests are present. Thorough coverage is essential to achieve control.
RESTRICTIONS Do not make applications less than 7 days apart. Do not apply more than 0.20 pound active ingredient per acre per season. Do not apply within 7 days of harvest.		

EGGPLANT:

PEST	DOSAGE lb product/acre (lb ai/a)	REMARKS
Wireworms Grubs Seed Maggots Cutworms	3.5- 8.7 (0.04 - 0.10)	Make application of Capture as soon as pests are present. Thorough coverage is essential to achieve control.
RESTRICTIONS Do not make applications less than 9 days apart. Do not apply more than 0.2 lb active ingredient per acre per season. Do not apply within 9 days of harvest.		

COTTON:

PEST	DOSAGE lb product/acre (lb ai/a)	REMARKS
Wireworms Grubs Seed Maggots Cutworms	3.5- 8.7 (0.04 - 0.10)	Make application of Capture as soon as pests are present. Thorough coverage is essential to achieve control.
RESTRICTIONS Do not apply more than 0.5 pound active per acre per season. Do not apply within 14 days of harvest. Do not graze livestock in treated areas or out treated crops for feed. Do not make more than 10 synthetic pyrethroid applications (of one product or combination of products) to a cotton crop in one growing season. Synthetic pyrethroid products include Ambush®, Ammo®, Asana® XL, Baythroid®, Capture®, Danito®, Karate®, Mustang®, and Scout X-TRA®. This product is not for sale or use in the State of California.		

PEPPERS, BELL AND NON-BELL:

PEST	DOSAGE lb product/acre (lb ai/a)	REMARKS
Wireworms Grubs Seed Maggots Cutworms	3.5- 8.7 (0.04 - 0.10)	Make application of Capture as soon as pests are present. Thorough coverage is essential to achieve control.
RESTRICTIONS Do not make applications less than 7 days apart. Do not apply more than 0.20 pound active ingredient per acre per season. Do not apply within 7 days of harvest.		

CANOLA, CRAMBE, RAPESEED:

PEST	DOSAGE lb product/acre (lb ai/a)	REMARKS
Wireworms Grubs Seed Maggots Cutworms	2.7 - 3.5 (0.033 - 0.04)	Make application of Capture as soon as pests are present. Thorough coverage is essential to achieve control.
RESTRICTIONS Do not apply more than 0.08 lb active ingredient per acre per season. Do not make applications less than 14 days apart. Do not apply within 35 days of harvest.		

TOBACCO

CROP	PEST	DOSAGE lb product/acre (lb ai/a)	REMARKS
Tobacco	Wireworms White grubs Tobacco flea beetle larvae Mole crickets Cutworm spp.	8.7 (0.1)	Preplant Broadcast Treatment: Apply Capture 1.15G using equipment that will evenly distribute the granules over a treated area. Immediately following application, incorporate the granules into the soil to a depth of 2 to 4 inches using suitable equipment. Do not make more than one application of Capture 1.15G per season. Do not apply more than 0.2 lb active ingredient to tobacco per season from all bifenthrin applications.

Dealers Should Sell in Original Packages Only.

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 should be followed carefully. It is impossible to eliminate all risks inherently associated with the use of this product. Crop injury, ineffectiveness, or other unintended consequences may result because of such factors as manner of use or application, weather or crop conditions beyond the control of FMC or Seller. All such risks shall be assumed by Buyer and User, and Buyer and User agree to hold FMC and Seller harmless for any claims relating to such factors.

Seller warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the Directions for Use when used in accordance with the directions under normal conditions of use. FMC MAKES NO WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE, NOR ANY OTHER EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE SELECTION, PURCHASE, OR USE OF THIS PRODUCT. Any warranties, express or implied, having been made are inapplicable if this product has been contrary to label instructions, or under abnormal conditions, or under conditions not reasonably foreseeable to (or beyond the control of) seller or FMC, and buyer assumes the risk of any such use.

To the extent allowed by law, FMC or seller shall not be liable for any incidental, consequential or special damages resulting from the use or handling of this product. THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE EXCLUSIVE LIABILITY OF FMC AND 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 THE PRODUCT OR, AT THE ELECTION OF FMC OR SELLER, THE REPLACEMENT OF THE PRODUCT.

This Conditions of Sale and Limitation of Warranty and Liability may not be amended by any oral or written agreement.

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