

432-796

4/2/2010

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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

APR 2 2010

Ms. Jan Brill
Bayer Environmental Science
2 T.W. Alexander Drive
Raleigh, NC 27709

Subject: Label Notification(s) for Pesticide Registration Notices 2007-4
and 98-10

Dear Ms. Brill:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice PRN 2007-4 dated March 23, 2010 for the following product(s):

Aqua Permanone (EPA Reg. No. 432-796)

The Registration Division (RD) has conducted a review of this request for applicability under PRN 2007-4 and finds that the label change(s) requested falls within the scope of PRN 98-10. The label has been date-stamped "Notification" and will be placed in our records.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identifying the batch of the pesticide distributed and sold be placed on nonrefillable containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions, please contact Regina Foushee'-Smith at 703-605-0780.

Sincerely,

A handwritten signature in black ink that reads "Richard J. Gebken".

Richard J. Gebken
Product Manager
Insecticide Branch
Registration Division (7505P)

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 EPA United States Environmental Protection Agency Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other:	OPP Identifier Number
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Application for Pesticide - Section I

1. Company/Product Number 432-796	2. EPA Product Manager Richard Gebken	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Aqua Permanone	PM# 10	
5. Name and Address of Applicant (Include ZIP Code) Bayer Environmental Science 2 T.W. Alexander Dr. Raleigh, NC 27709 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(I), my product is similar or identical in composition and labeling to: EPA Reg. No. NOTIFICATION Product Name APR - 2 2010	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below

Explanation: Use additional page(s) if necessary. (For Section I and Section II.)

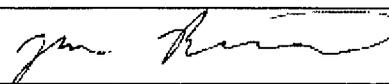
Notification of label changes per PR Notice 2007-4 and PR Notice 98-10

Notification of label changes per PR Notices 2007-4, and PR Notice 98-10. This notification is consistent with the guidance of PR Notice 2007-4, 98-10 and EPA regulations at 40 CFR § 156.10, 156.80, 156.140, 156.144, 156.146, 156.156, and 152.46. No other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 2007-4, 98-10 and 40 CFR § 156.10, 156.80, 156.140, 156.144, 156.146, 156.156, and 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

Section - III

1. Material This Product Will Be Packaged In:			
Child-Resistant Packaging <input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes" Unit Packaging wgt. No. per container	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes" Package wgt. No. per container	2. Type of Container <input checked="" type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify)
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 1 oz. to 55 gallons	
5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On labeling accompanying product		6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph <input checked="" type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled <input type="checkbox"/> Other _____	

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application)		
Name Jan Brill	Title Manager, Registrations	Telephone No. (Include Area Code) 919/549-2421
I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.		Date Application Received (Stamped)
2. Signature 	3. Title Manager, Registrations	
4. Typed Name Jan Brill	5. Date 23 March 2010	

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Bayer Environmental Science

Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202-4501

ATTN: Richard Gebken, PM #10

Subject: Aqua Permanone, EPA Reg. No. 432-796
Notification of Label Changes per PR Notices 2007-4 & 98-10

Dear Mr. Gebken,

With this submission, Bayer Environmental Science notifies EPA of Label Changes to bring the subject product into compliance with PR Notice 2007-4, and to update the warranty statement as outlined on Page 9 of Chapter 12 in the EPA Label Review Manual.

To effect this action, enclosed please find the following;

1. EPA Form 8570-1 with explanation page
2. 1 copy of proposed labeling for the subject product
3. 1 copy of proposed labeling with the changes highlighted

March 23, 2010

Bayer Environmental Science
P.O. Box 12014
2 T.W. Alexander Drive
Research Triangle Park,
NC 27709

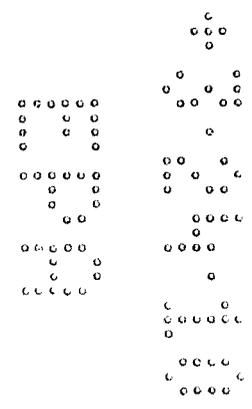
Tel. 919 549-2421
Fax. 919-549-3937

I trust that this completes the documentation for this registration action. If you have any questions, or require further information, please contact me either by telephone at 919/549-2421 or email at jan.brill@bayercropscience.com

Sincerely,

Manager, Registration

Email; jan.brill@bayercropscience.com



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APR - 2 2010

AQUA-PERMANONE®

FOR USE ONLY BY FEDERAL, STATE, TRIBAL OR LOCAL GOVERNMENT OFFICIALS RESPONSIBLE FOR PUBLIC HEALTH OR VECTOR CONTROL, OR BY PERSONS CERTIFIED BY THE STATE OR TRIBAL LEAD PESTICIDE REGULATORY AGENCY TO PERFORM ADULT MOSQUITO CONTROL APPLICATION, OR BY PERSONS UNDER THEIR DIRECT SUPERVISION

A Synergized Permethrin Formulation

- For Effective Adult Mosquito (Including organophosphate resistant species), Midge (biting and non-biting) and Blackfly Control
- For use as a Space Spray by Air and Ground Application to Control Adult Mosquitoes
- For use as a Space Spray By Aerial Application to Control Adult Mosquitoes
- For use as a Space Spray By Ground Application to Control Adult Mosquitoes
- Unique Patented Formulation Allows Dilution with Water Rather Than Oil
- Uses Water as a Diluent
- Fast and Effective Control of Adult Mosquitoes
- Provides Quick Knockdown and Effective Control of Mosquitoes, Black Flies, Gnats, Biting and Non-Biting Midges as well as Other Biting Flies
- For Aerial or Ground Application
- For Barrier/Surface Application
- A FFAST™ Formulation
- May be Applied Undiluted or Diluted in Water.
- ULV application provides excellent control at Rates Up to 0.007 Pounds Permethrin Per Acre.

ACTIVE INGREDIENTS:

*Permethrin.....20.0%

**Piperonyl Butoxide, Technical.....20.0%

OTHER INGREDIENTS***.....60.0%
100.0%

*(3-phenoxyphenyl)methyl(+/-)cis/trans 3-(2,2-dichloroethenyl) 2,2 dimethyl cyclopropanecarboxylate. Cis/trans ratio: min.35% (+/-) cis and max. 65% (+/-) trans.

**Equivalent to 16% (butylcarbityl)(6-propylpiperonyl)ether and 4.0% related compounds

*** Contains Petroleum Distillates

Contains 1.67 pounds of permethrin and 1.67 pounds of piperonyl butoxide per gallon

EPA Reg. No. 432-796

EPA Est. No.

PRECAUCION AL CONSUMIDOR: Si usted no lee ingles, no use este producto hasta que la etiqueta le haya sido explicada ampliamente.

(TO THE USER: If you can not read English, do not use this product until the label has been fully explained to you.)

KEEP OUT OF REACH OF CHILDREN

CAUTION

See Side Panel For Additional Precautionary Statements

FIRST AID	
IF SWALLOWED:	<ul style="list-style-type: none"> • Immediately call a poison control center or doctor. • Do not induce vomiting unless told to do so by the poison control center or doctor. • Do not give any liquid to the person. • Do not give anything by mouth to an unconscious person.
IF IN EYES:	<ul style="list-style-type: none"> • Hold eyelid 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 immediate treatment advice.
<p>Have the product container or label with you when calling a poison control center or doctor, or going for treatment. In case of Medical emergencies or health and safety inquiries or in case of fire, leaking or damaged containers, information may be obtained by calling 1-800-334-7577.</p>	

For Product information call Toll-Free: 1-800-331-2867.

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS & DOMESTIC ANIMALS

CAUTION

Harmful if swallowed. Wash thoroughly with soap and water after handling.

ENVIRONMENTAL HAZARDS

This pesticide is extremely toxic to fish and aquatic invertebrates. Runoff from treated areas or deposition of spray droplets into a body of water may be hazardous to fish and aquatic invertebrates. Do not apply over bodies of water (lakes, rivers, permanent streams, natural ponds, commercial fish ponds, swamps, marshes or estuaries), except when necessary to target areas where adult mosquitoes are present, and weather conditions will facilitate movement of applied material away from the water in order to minimize incidental deposition into the water body. Do not contaminate water when disposing of equipment wash waters.

This pesticide is highly toxic to bees exposed to direct treatment on blooming crops or weeds. Do not apply this product or allow drift when bees are actively visiting the treatment area, except when applications are made to prevent or control a threat to public and/or animal health determined by a state, tribal or local health or vector control agency on the basis of documented evidence of disease causing agents in vector mosquitoes, or the occurrence of mosquito-borne disease in animal or human populations, or if specifically approved by the state or tribe during a natural disaster recovery effort. Applications should be timed to provide the maximum possible interval between treatment and the next period of bee activity.

DIRECTIONS FOR USE

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

Before making the first application in a season, it is advisable to consult with the state or tribal agency with primary responsibility for pesticide regulation to determine if permits or other regulatory requirements exist.

READ ENTIRE LABEL FOR DIRECTIONS

SHAKE OR AGITATE THOROUGHLY BEFORE DILUTING: Diluted product must be thoroughly agitated before use. Avoid prolonged storage of excess formulation in equipment.

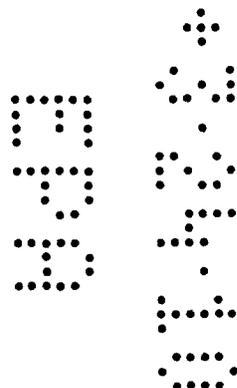
NOTICE: This concentrate is for dilution with water only; it can not be diluted in oil.

GENERAL

AQUA-PERMANONE is designed for application as an Ultra-Low Volume (ULV) aerosol to control adult mosquitoes and flies in residential, industrial, urban, recreational and other areas where adult mosquitoes and flies are found. The formulation greatly reduces the evaporation rate of water from the droplets and allows the water-based spray cloud to behave as that produced by a typical oil-based formulation. AQUA-PERMANONE is also recommended for application with mist-blowers, backpack sprayers, handheld sprayers, and low pressure hand sprayers for barrier or surface applications. AQUA-PERMANONE is used for control of annoyance flies and mosquitoes, mosquitoes and flies of public health or disease vector importance in areas such as but not limited to residential areas, industrial areas, urban areas, parks, campsites, woodlands, athletic fields, golf courses, playgrounds, recreational and overgrown waste areas, roadsides, and other areas where adult mosquitoes and flies occur. Apply at a rate not to exceed 0.007 pounds of permethrin per acre in any given 24 hour period. Do not exceed 25 applications at 0.007 pounds of permethrin per acre (not to exceed a total of 0.18 pounds of permethrin per acre) in any given season. More frequent applications may be made to prevent or control a threat to public and/or animal health determined by a state, tribal or local health or vector control agency on the basis of documented evidence of disease causing agents in vector mosquitoes or the occurrence of mosquito-borne disease in animal or human populations, or if specifically approved by the state or tribe during a natural disaster recovery effort.

AQUA-PERMANONE can be applied to the air column over specific growing crops prior to harvest and range grasses for the control of adult mosquitoes and biting flies within or adjacent to these areas. Application can be made where the following crops are present:

- Alfalfa
- Almonds
- Apples
- Broccoli
- Brussels sprouts
- Cabbage
- Celery
- Cauliflower
- Cherries
- Corn, fodder
- Corn, forage
- Corn grain
- Eggplant
- Range grasses
- Leafy vegetables



- Lettuce
- Mushrooms
- Onions, dry bulb
- Peaches
- Pears
- Peppers, bell
- Soybeans
- Tomatoes
- Vegetables, cucurbit
- Walnuts

In the treatment of corrals, feed lots, swine lots, poultry ranges and zoos cover any exposed drinking water, drinking fountains and animal feed before application.

AQUA-PERMANONE provides effective control of adult mosquitoes, black flies, gnats, biting and non-biting midges, stable flies, horse flies, deer flies, sheep flies, horn flies, and nuisance flying insects such as houseflies.

Spray Droplet Size Determination

Ground Equipment:

Spray equipment must be adjusted so that the volume median diameter is less than 30 microns ($D_v 0.5 < 30 \mu m$) and that 90% of the spray is contained in droplets smaller than 50 microns ($D_v 0.9 < 50 \mu m$). Directions from the equipment manufacturer or vendor, pesticide registrant or a test facility using a laser-based measurement instrument must be used to adjust equipment to produce acceptable droplet size spectra. Application equipment must be tested at least annually to confirm that pressure at the nozzle and nozzle flow rate(s) are properly calibrated.

Aerial Equipment:

Spray equipment must be adjusted so that the volume median diameter produced is less than 60 microns ($D_v 0.5 < 60 \mu m$) and that 90% of the spray is contained in droplets smaller than 100 microns ($D_v 0.9 < 100 \mu m$). The effects of flight speed and, for non-rotary nozzles, nozzle angle on the droplet size spectrum must be considered. Directions from the equipment manufacturer or vendor, pesticide registrant or a test facility using a wind tunnel and laser-based measurement instrument must be used to adjust equipment to produce acceptable droplet size spectra. Application equipment must be tested at least annually to confirm that pressure at the nozzle and nozzle flow rate(s) are properly calibrated.

All types of applications should be conducted at temperatures above 50°F. Apply when ground wind speeds are equal to or greater than 1 mph.

GROUND APPLICATION

Vehicle-Mounted ULV Cold Aerosol Generators or Vehicle-Mounted Non-Thermal Aerosol (Cold Fog): Apply through non-thermal ULV application equipment and base acreage calculations on the equipment manufacturer's recommended swath width. Apply at a rate not to exceed 0.007 pounds of permethrin per acre in any given 24 hour period. An optimum swath is created when AQUA-PERMANONE is applied from a truck that is being driven perpendicular to the wind direction. Direct the spray head of equipment to ensure even distribution of the spray cloud throughout the area. For best results, apply when insects are most active and meteorological conditions are conducive to keeping the spray cloud in the air column close to the ground. An inversion of air temperatures and a light breeze is preferable. Do not exceed 25 applications at 0.007 pounds of permethrin per acre (not to exceed a total of 0.18 pounds of permethrin per acre) in any given season. More frequent applications may be made to prevent or control a threat to public and/or animal health determined by a state, tribal or local health or vector control agency on the basis of documented evidence of disease causing agents in vector mosquitoes or the occurrence of mosquito-borne disease in animal or human populations, or if specifically approved by the state or tribe during a natural disaster recovery effort. Application during the cooler hours of the night or early morning is recommended.

AQUA-PERMANONE may be applied through ULV Cold Aerosol Generators, or other equipment designed for non-thermal ULV aerosol applications. The desired application rate may be obtained under different conditions by altering the dilution rate of AQUA-PERMANONE, the flow rate of the insecticide from the application equipment and the vehicle speed. Examples are given in the following Table:

Application Rate (lb permethrin/Acre)	Vehicle Speed (MPH)	Flow Rate (Fluid Ounces Per Minute)					Diluted 1 + 9
		Undiluted	Diluted 1 + 1	Diluted 1 + 2	Diluted 1 + 4.5	Diluted 1 + 9	
0.0015	10	0.70	1.40	2.10	3.8	7.0	
	15	1.05	2.10	3.10	5.7	10.5	
	20	1.40	2.80	4.20	7.6	14.0	
0.0035	10	1.63	3.25	4.90	8.9	16.3	
	15	2.45	4.90	7.30	13.4	24.5	
	20	3.25	6.50	9.80	17.9	32.6	
0.007	10	3.25	6.50	9.80	17.9		
	15	4.89	9.70	14.60	26.5		
	20	6.53	12.90	19.50	35.4		

Where dense vegetation is present, the use of higher rates and/or slower speeds is recommended.

BACKPACK SPRAYER ULV APPLICATION: Apply through non-thermal ULV application equipment and base acreage calculations on a 50 foot swath. Dilute AQUA-PERMANONE with water and apply at the rate of 8 ounces of finished spray per acre (based on a 50 foot swath, 8 ounces should be applied while walking 870 feet). To apply 0.0035 pounds of permethrin per acre, dilute 1 part AQUA-PERMANONE with 31 parts water and apply at the rate listed above. To apply 0.007 pounds of permethrin per acre, dilute 1 part AQUA-PERMANONE with 15 parts of water and apply at the rate listed above.

URBAN ULV MOSQUITO CONTROL APPLICATIONS: For control of resting or flying adult mosquitoes, biting flies and biting midges in areas such as utility tunnels, sewers, storm drains and catch basins, pipe chases, underground basements, underground passages, parking decks, crawl spaces or uninhabited buildings. AQUA-PERMANONE may be applied using mechanical foggers, hand-held or truck-mounted ULV equipment, thermal foggers or other spray equipment suitable for this application. Apply AQUA-PERMANONE at rates up to but not exceeding 0.007 pounds permethrin per acre.

AERIAL APPLICATION

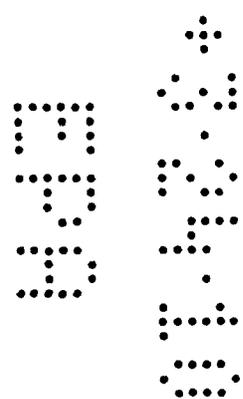
AQUA-PERMANONE may be applied either diluted or undiluted at rates of 0.0035 to 0.007 pounds permethrin per acre by fixed wing or rotary aircraft that are capable of making a ULV application. Do not apply by fixed wing aircraft at a height less than 100 feet, or by helicopter at a height less than 75 feet. Do not exceed 25 applications at 0.007 pounds of permethrin per acre (not to exceed 0.18 pounds of permethrin per acre) in any given season. More frequent applications may be made to prevent or control a threat to public and/or animal health determined by a state, tribal or local health or vector control agency on the basis of documented evidence of disease causing agents in vector mosquitoes or the occurrence of mosquito-borne disease in animal or human populations, or if specifically approved by the state or tribe during a natural disaster recovery effort.

For best results, treat when insects are most active and meteorological conditions are conducive to keeping the spray cloud in the air column close to the ground. In order to compensate for windy conditions and ensure drift onto the target area aerial application with aircraft equipped with Global Positioning Systems (GPS) is recommended.

BARRIER APPLICATIONS: For control and exclusion of resting or flying adult mosquitoes in areas such as animal quarters, roadsides, urban areas, residential areas, industrial areas, golf courses, parks, recreational areas, tire piles and all public areas where adult mosquitoes may occur. May be used to treat aggregation and harborage areas such as the perimeter of residential buildings, storage buildings, empty rail cars, truck transport trailers, abandoned buildings and other areas where adult mosquitoes find harborage. For application to resting or aggregation surfaces using low pressure hand sprayers or other similar equipment which has demonstrated the capacity to deliver an even distribution of the labeled rate over the desired treatment area, mix 2.8 oz. in one gallon of water and apply sufficient spray to dampen surface, approximately 700-750 square feet of treated area. For application using backpack or truck-mounted mistblower equipment, apply undiluted product at a rate not to exceed 7.7 oz. per acre or diluted at a rate not to exceed 0.1 lbs. Ai per acre. Direct spray onto foliage at the perimeter of areas from which mosquitoes or flies are to be excluded or direct spray into harborage areas or resting areas where adult mosquitoes or flies may be found. When this product is applied as a barrier application using low pressure hand sprayers, hydraulic sprayers or ground ULV equipment, do not apply within 100 feet (30 meters) of lakes and streams.

IN NEW YORK: THIS PRODUCT IS NOT REGISTERED FOR USE IN THE STATE OF NEW YORK. THE STATE OF NEW YORK PROHIBITS DISTRIBUTION, SALE OR USE IN THE STATE OF NEW YORK.

IN FLORIDA: Do not apply by aircraft unless approved by the Florida Department of Agriculture & Consumer Services.



STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal.

PESTICIDE STORAGE AND SPILL PROCEDURES: Store upright at room temperature. Avoid exposure to extreme temperatures. In case of spill or leakage, soak up with an absorbent material such as sand, sawdust, earth, fuller's earth, etc. Dispose of with chemical waste.

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:

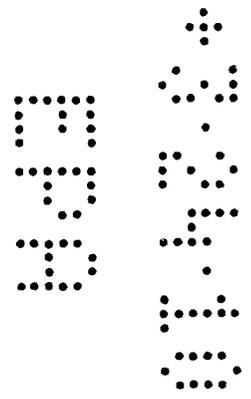
Rigid, Non-refillable containers small enough to shake (i.e., with capacities equal to or less than 5 gallons)

Non-refillable container. Do not reuse or refill this container. Offer for recycling, if available. Triple rinse or pressure rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Then offer for recycling or reconditioning or puncture and dispose of in a sanitary landfill or incineration, or if allowed by State and Local authorities, by burning. If burned, stay out of smoke.

Rigid Non-refillable containers that are too large to shake (i.e., with capacities greater than 5 gallons or 50 lbs)

Non-refillable container. Do not reuse or refill this container. Offer for recycling, if available. Triple rinse or pressure rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times. Then offer for recycling or reconditioning or puncture and dispose of in a sanitary landfill or incineration, or if allowed by State and Local authorities, by burning. If burned, stay out of smoke.

Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or mix tank. Fill the container about 10 percent full with water. Agitate vigorously or recirculate water with the pump for 2 minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times. Then offer for recycling or reconditioning or puncture and dispose of in a sanitary landfill or incineration, or if allowed by State and Local authorities, by burning. If burned, stay out of smoke.



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IMPORTANT: READ BEFORE USE

Read the entire Directions for Use, Conditions, Disclaimer of Warranties and Limitations of Liability before using this product. If terms are not acceptable, return the unopened product container at once.

By using this product, user or buyer accepts the following Conditions, Disclaimer of Warranties and Limitations of Liability.

CONDITIONS: The directions for use of this product are believed to be adequate and must be followed carefully. However, it is impossible to eliminate all risks associated with the use of this product. Crop injury, ineffectiveness or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or the manner of use or application, all of which are beyond the control of Bayer CropScience LP. All such risks shall be assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BAYER CROPSCIENCE LP MAKES NO OTHER WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE OR OTHERWISE, THAT EXTEND BEYOND THE STATEMENTS MADE ON THIS LABEL. No agent of Bayer CropScience LP is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BAYER CROPSCIENCE LP DISCLAIMS ANY LIABILITY WHATSOEVER FOR SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.

LIMITATIONS OF LIABILITY: TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER IN CONTRACT, WARRANTY, TORT, NEGLIGENCE, STRICT LIABILITY OR OTHERWISE, SHALL NOT EXCEED THE PURCHASE PRICE PAID, OR AT BAYER CROPSCIENCE LP'S ELECTION, THE REPLACEMENT OF PRODUCT.

AQUA-PERMANONE is a registered trademark and FFAST is a trademark of the Bayer Group

Net Contents:

Produced for

Bayer Environmental Science
A Business Group of Bayer CropScience LP
PO BOX 12014, 2 T. W. Alexander Drive
Research Triangle Park, NC 27709

AQUA-PERMANONE (PENDING) 03/08/10

