

432-1228

7-24-2009

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

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Mr. Richard M. Gorrell  
Product Registration  
Bayer Environmental Science  
2T Alexander Drive  
Research Triangle Park, NC 27709

JUL 24 2009

SUBJECT: Application for Pesticide Notification (PRN 98-10)  
Request Warranty Statement Change  
EPA Reg. No. 432-1228  
Application Dated June 25, 2009

Dear Registrant:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 06/25/09 for the above product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action(s) requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-6249 or Owen F. Beeder of my staff at 703-308-8899.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Arrington".

Linda Arrington  
Notifications & Minor Formulations Team Leader  
Registration Division (7505P)  
Office of Pesticide Programs



United States  
**Environmental Protection Agency**  
 Washington, DC 20460

Registration  
 Amendment  
 Other

OPP Identifier Number

**Application for Pesticide - Section I**

1. Company/Product Number 432-1228	2. EPA Product Manager Ms. Joanne Miller	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Derringer Herbicide	PM#	
5. Name and Address of Applicant (Include ZIP Code) Bayer Environmental Science 2 T. W. Alexander Drive Research Triangle Park, 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. _____ <b>NOTIFICATION</b> Product Name _____ <b>JUL 24 2009</b>

**Section - II**

<input type="checkbox"/> Amendment - Explain below. <input type="checkbox"/> Resubmission in response to Agency letter dated _____ <input checked="" type="checkbox"/> Notification - Explain below.	<input checked="" type="checkbox"/> Final printed labels in response to Agency letter dated _____ <input type="checkbox"/> "Me Too" Application. <input type="checkbox"/> Other - Explain below.
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**Explanation:** Use additional page(s) if necessary. (For section I and Section II.)

This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and 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 98-10 and 40 CFR 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.  
 - Notification to revise the Warranty Statement as per EPA Guideline Document (10-17-06)

**Section - III**

<b>1. Material This Product Will Be Packaged In:</b>						<b>2. Type of Container</b>	
Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					<input type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____
* Certification must be submitted		If "Yes" Unit Packaging wgt.    No. per container	If "Yes" Package wgt    No. per container				
3. Location of Net Contents Information <input type="checkbox"/> Label <input checked="" type="checkbox"/> Container			4. Size(s) Retail Container 1 quart to 2.5 gallon		5. Location of Label Directions <input type="checkbox"/> _____		
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph Paper glued Stenciled				<input type="checkbox"/> Other _____ encased in plastic glued to jug; fold out/accordion			

**Section - IV**

<b>1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)</b>					
Name Richard M. Gorrell	Title Manager, Registrations	Telephone No. (Include Area Code) (919) 549-2423			
<b>Certification</b>					<b>6. Date Application Received</b>
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.					(Stamped)
2. Signature 	3. Title Manager, Registrations				
4. Typed Name Richard M. Gorrell	5. Date June 25, 2009				

# Bayer Environmental Science



June 25, 2009

EPA09RMG0625DerringerDisposalNotif  
Fedex

Ms. Linda Arrington  
U.S. Environmental Protection Agency  
Office of Pesticide Programs (7504P)  
Registration Division (7504P)  
Document Processing Desk (Supple)  
Room S-4900, One Potomac Yard  
2777 South Crystal Drive  
Arlington, VA 22202-4501  
RE: Derringer Herbicide (432-1228): Revised Warranty Statement

Dear Ms. Arrington:

Bayer Environmental Science (BES) is notifying the Agency of a revised Warranty Statement as proposed by the EPA on October 17, 2007.

The following information is included with this letter:

- EPA Application Form 8570-1
- 5 copies of the label

Bayer Environmental  
Science  
2 T.W. Alexander Drive  
RTP, NC 27709  
Phone : 919.549.2000

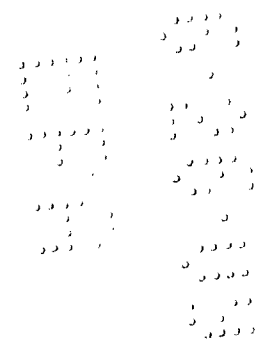
If you have any questions please contact me at (919) 549-2423 or email me at [mike.gorrell@bayercropscience](mailto:mike.gorrell@bayercropscience).

Sincerely,

Richard M. Gorrell

Incl.

Cc: Karen Shearer  
Matthew Bradley  
Don Myers



A Business Group of  
Bayer CropScience

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# DERRINGER™ HERBICIDE

## FOR CONTROL OF EMERGED WEEDS AND WOODY PLANTS IN NONCROP AREAS

### ACTIVE INGREDIENT:

Glufosinate Ammonium\* ..... 11.33%\*\*

### OTHER INGREDIENTS:

..... 88.67%

\*CAS Number 77182-82-2 (Protected by U.S. Patent No 4,400,196)

**TOTAL** ..... 100.00%

\*\*Contains 1.0 pound of active ingredient per U.S. gallon.

EPA Reg. No. 432-1228

EPA Est. No. 407-IA-2

## KEEP OUT OF REACH OF CHILDREN WARNING – AVISO

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle.  
(If you do not understand the label, find someone to explain it to you in detail.)

IN CASE OF MEDICAL, ENVIRONMENTAL, OR TRANSPORTATION EMERGENCIES OR INQUIRIES, CALL 1-800-334-7577. For product inquiry information, call 1-800-331-2867

### FIRST AID

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

NOTE TO PHYSICIAN: If this product is ingested, endotracheal intubation and gastric lavage should be performed as soon as possible, followed by charcoal and sodium sulfate administration. **Additionally, call 1-800-334-7577 immediately for further information.**

### PRECAUTIONARY STATEMENTS

#### HAZARDS TO HUMANS AND DOMESTIC ANIMALS

##### WARNING

Causes substantial but temporary eye injury. Harmful if swallowed, inhaled, or absorbed through skin. Avoid contact with skin, eyes, or clothing. Avoid breathing vapor or spray mist.

##### Personal Protective Equipment (PPE)

Some materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for category C on an EPA chemical resistance category selection chart.

##### Applicators and other handlers must wear:

Long-sleeved shirt and long pants; chemical-resistant gloves (such as barrier laminate, butyl rubber ≥14 mils, nitrile rubber ≥14 mils, neoprene rubber ≥14 mils, polyvinyl chloride (PVC) ≥14 mils, or Viton® ≥14 mils) shoes, plus socks and protective eyewear.

Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them. 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.

### 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.
- Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

### ENVIRONMENTAL HAZARDS

Do not apply directly to water, or to areas where surface water is present, or to intertidal areas below the mean high water mark. Do not clean equipment or dispose of equipment washwaters in a manner that will contaminate water resources or arable land. Glufosinate-ammonium and its' degradates have those properties normally associated with pesticides that have been detected in groundwater. Use of this product in areas with coarse soils and high water tables may result in groundwater contamination.

### STORAGE AND DISPOSAL

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

**PESTICIDE STORAGE:** Do not use or store near heat or open flame.

**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:** Empty containers should be triple rinsed (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by incineration; or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

### GENERAL INFORMATION

Derringer Herbicide is a foliar active, water-soluble herbicide for application to foliage for control of a broad spectrum of existing vegetation. Derringer Herbicide will also control certain woody species. Plants that have not yet emerged at the time of application will not be controlled. THOROUGH SPRAY COVERAGE IS IMPORTANT. Visual effects and control from application of Derringer Herbicide occur within 2 to 4 days after application under good growing conditions. Cool temperatures may slow the activity of Derringer.

This product will injure or kill most green vegetation contacted. Avoid all contact with foliage or green tissue of desirable vegetation. Avoid direct spray contact with green, thin, or uncalloused bark of desirable vegetation or plant injury may result. If desirable vegetation is contacted, rinse the sprayed portion with water immediately.

Derringer Herbicide works best when weeds are actively growing. Weed control may be reduced when applications are made to weeds under stress. Weeds under stress or in dense populations, or when daytime temperatures are below 50 degrees will require application at the highest rate recommended.

### DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Do not use this product until you have read the entire label. 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.

In the State of New York only: Not for use in Nassau and Suffolk Counties.

### 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 intervals. 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: coveralls; chemical-resistant gloves such as barrier laminate, butyl rubber ≥14 mils, nitrile rubber ≥14 mils, neoprene rubber ≥14 mils, polyvinyl chloride (PVC) ≥14 mils, or Viton ≥14 mils; shoes plus socks; protective eyewear.

### NON AGRICULTURAL USE REQUIREMENTS

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for agricultural pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries, or greenhouses. The application for trimming and edging, industrial, recreational and public areas, and farmsteads are not within the scope of the WPS. Keep unprotected persons out of the treated areas until sprays have dried.

### GENERAL USE SITES

#### Industrial Areas

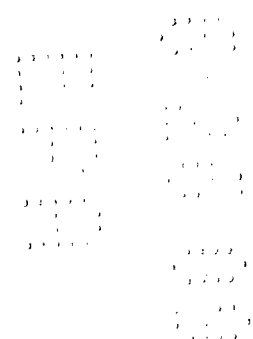
Derringer Herbicide is labeled for use in areas such as: airports, commercial plants, storage and lumber yards, highways, educational facilities, fence lines, ditch banks, dry ditches, schools, parking lots, tank farms, pumping stations, parks, utility rights-of-way, roadsides, railroads, and similar industrial and other non-crop areas. Refer to the *How to Apply* section of this labeling for appropriate application rates to control specific weeds.

Applications may be made on a broadcast, spot, or directed treatment basis depending on the situation. Regrowth may occur due to the weed stage of growth at application, low use rate, or environmental conditions. Repeat treatments may be necessary to control plants generating from regrowth of plant parts or seed.

#### HOW TO MIX

Derringer must be mixed with water to make a finished spray solution as follows:

1. Fill the spray tank with the required amount of water.
2. Add the proper amount of this product, then mix thoroughly.



**HOW TO APPLY**

**Spot or Directed Applications**

This product may be used as a spot- or directed-spray application. Prepare the desired volume of spray solution by mixing Derringer in water with the amounts indicated in the following table:

Table 1. Amount of Derringer added to water to make 1, 25, or 100 gallons of spray solution at dosages of 1-6%

% Dosages	Volume of Spray Solution		
	1 Gallon	25 Gallons	100 Gallons
	<b>Derringer</b>		
1 %	1½ fl oz	2 pints	1 gallon
1½%	2 fl oz	3 pints	1½ gallons
2½%	3 fl oz	5 pints	2½ gallons
3 %	4 fl oz	6 pints	3 gallons
6 %	8 fl oz	12 pints	6 gallons

Select appropriate dosage and spray undesirable vegetation foliage on a spray-to-wet basis. Do not apply beyond runoff. Ensure uniform and complete coverage. Use a coarse spray. To minimize drift, avoid spraying during windy conditions. Backpack, pump-up, and hydraulic sprayers may be used. Thoroughly clean the sprayer following use.

**Broadcast or Boom Applications**

Use a minimum of 20 gallons of water per acre with a minimum of 30 psi spray pressure.

**Aerial Applications (Helicopter Application only)**

Use a drift control device such as a microfoil or Thru Valve-Boom® when applying as a foliar treatment to utility rights-of-way, forestry plantings, ditch banks or other approved sites that may be near susceptible crops. Use a minimum of 5 gallons of water per acre to ensure thorough coverage. Spray pressure should be no greater than 30 psi. Do not apply when winds are gusty or under any condition which favor drift on to desirable vegetation. Applications under conditions, which cause drift of this product, will result in damage to vegetation contacted. Drift control additives may be used. If a drift control additive is used, observe and follow all directions and precautions as specified on the additive label.

**Tank Mix Recommendations for Noncrop Uses**

Tank mixes of Derringer Herbicide plus one or more appropriate residual herbicide(s) listed on this label may be needed to control vegetation emerging from underground parts or seeds, as well as vegetative growth from previously treated plants. Derringer Herbicide is compatible in tank mixes with many other herbicides; however, test for compatability prior to tank mixing with tank mix partners other than those listed on this label. Use as directed on the labeling of the tank mix partner.

Tank mix application of Derringer Herbicide plus one or more of the following herbicides is recommended for broad-spectrum postemergence and preemergence vegetation control.

Arsenal® Herbicide	Pendulum® WDG Herbicide
Barricade® 65WG Herbicide	Surflan® AS Specialty Herbicide

### COMPATIBILITY TESTING WITH TANK MIX PARTNERS

A compatibility test must be conducted with any potential tank mix partner with Derringer Herbicide, except with any one of those listed above. Using a clear glass quart jar, conduct the test as described below:

1. Fill the jar three-quarters full with water
2. Add the appropriate amount of herbicide in the following order: (a) dry flowable, (b) wettable powder, (c) aqueous suspensions, (d) flowables, (e) liquids and (f) solutions and emulsifiable or liquid concentrates. Shake or gently stir jar after each addition to thoroughly mix.
3. After adding all ingredients, let the mixture stand for 15 minutes and then look for separation, large flakes, precipitates, gels, and heavy oily film on the jar or other signs of incompatibility.
4. If the compatibility test shows signs of incompatibility, do not tank mix the product tested with Derringer Herbicide.

### Weeds Controlled by Derringer Herbicide (More Sensitive Plants)

#### (Lower Rate Use)

##### For spot application:

Apply 1% spray solution of Derringer Herbicide when the weed height or diameter is less than 6 inches.

Apply 2 1/2 % spray solution of Derringer Herbicide when the weed height or diameter is 6 inches or greater.

##### For broadcast application:

Apply 3 quarts Derringer Herbicide per acre when the weed height or diameter is less than 6 inches.

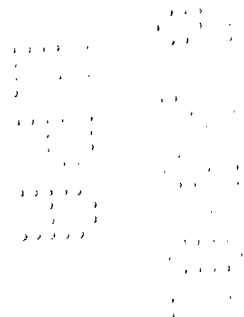
Apply 4 quarts Derringer Herbicide per acre when the weed height or diameter is 6 inches or greater.

#### Broadleaf Weeds

- chickweed
- clover
- common cocklebur
- filaree
- jimsonweed
- kochia
- London rocket
- malva (little mallow)
- marestail
- purslane
- shepherdspurse
- smartweed

#### Grasses and Sedges

- barnyardgrass
- cupgrass
- fall panicum
- giant foxtail
- goosegrass
- green foxtail
- Johnsongrass (rhizome)
- lovegrass
- shattercane
- stinkgrass
- windgrass
- yellow foxtail





## Weeds Controlled by Derringer Herbicide (Less Sensitive Plants)

### Higher Rate Use

#### For spot application:

Apply 3% spray solution of Derringer Herbicide when the weed height or diameter is less than 6 inches.

Apply 4% spray solution of Derringer Herbicide when the weed height or diameter is 6 inches or greater.

#### For broadcast application:

Apply 4 quarts Derringer Herbicide per acre when the weed height or diameter is less than 8 inches tall.

Apply 6 quarts Derringer Herbicide per acre when the weed height or diameter is 8 inches or greater.

#### Broadleaf Weeds

- annual sowthistle
- bindweed
- buffalobur
- burdock
- Canada thistle
- curly dock
- dandelion
- dogbane (hemp)
- field gromwell
- fleabane
- goldenrod
- Henbit
- horsetail
- lambsquarters
- leafy spurge
- mugwort
- musk thistle
- nettle
- nightshade
- pennycress
- pigweed, red root
- plantain
- pokeweed
- prickly lettuce
- ragweed
- Russian thistle
- tansy mustard
- velvetleaf
- vervain
- Virginia cooperleaf
- white heath aster
- wild buckwheat
- wild mustard
- wild onion
- wild rose
- wild turnip
- woodsorrel
- Virginia buttonweed
- yellow rocket

#### Grasses and Sedges

- annual bluegrass
- bahiagrass
- barley
- Bermudagrass
- carpetgrass
- crabgrass
- dallisgrass
- downy brome
- fescue
- guineagrass
- Kentucky bluegrass
- nutsedge
- paragrass
- quackgrass
- ryegrass
- sandbur
- smooth brome
- torpedograss
- vaseygrass
- wheat
- wild oat

### Use Notes

The addition of 8.5 to 17 pounds of ammonium sulfate (spray grade) per 100 gallons of water (1 to 2% by weight) or 2 to 4 pounds of ammonium sulfate per acre may result in better weed control.

## Woody Plant Use Recommendations

### General

Use Derringer Herbicide at rates from  $\frac{3}{4}$  to  $1\frac{1}{2}$  gallons per acre to control woody plants and not to exceed  $1\frac{1}{2}$  gallons per acre per year. Non-ionic surfactants may be used when making foliar applications. Follow any special instructions on the surfactant manufacturer's label.

For hard-to control woody plants such as elm, certain oaks or when plant leaf surfaces have hardened off, use the higher rate of Derringer Herbicide or tank mix Derringer Herbicide with other herbicides registered for control of these woody plants (Follow the label directions for the tank mix partner). Use the highest rate of Derringer Herbicide when the brush height is greater than 12 ft and the brush density exceeds 60% of the area to be treated.

### Foliage Treatments With Ground Equipment

#### High Volume Applications

Mix  $1\frac{1}{2}$  gallons of Derringer Herbicide with water to make 50-100 gallons of spray solution. For best results, make sure that the targeted plant foliage is thoroughly covered.

#### Low Volume Applications

Mix  $\frac{3}{4}$  to  $1\frac{1}{2}$  gallons of Derringer Herbicide in sufficient water to make 10-50 gallons of finished spray. The concentration of Derringer Herbicide in the spray solution and the volume applied (10-50 gallons) should be adjusted according to the size and density of the vegetation (brush height less than 6 ft. and brush density less than 60% of area).

Backpack Sprayer: For best results, apply Derringer Herbicide when brush height does not exceed 6 ft and the brush density is less than 60% of the area to be treated.

Vehicle-Mounted Sprayer: For best results, adjust the sprayer to deliver the spray solution at 1-2 gpm with a spray pressure of 50-75 psi.

### Broadcast Applications With Ground Equipment

Mix  $1\frac{1}{2}$  gallons of Derringer Herbicide with water to make 25-100 gallons of spray solution. The amount of spray solution to use will depend on the height and density of the brush. Use spray nozzles and equipment that will provide thorough coverage of the targeted brush species. A non-ionic surfactant may be added to the spray mixture. Follow directions on the label of the surfactant.

**Woody Species Controlled by Derringer Herbicide**

blackberry	<i>Rubus</i> spp.
deer brush	<i>Ceanothus integerrimus</i>
Douglas fir	<i>Pseudotsuga menziesii</i>
gallberry	<i>Ilex</i> spp.
hazel	<i>Corylus</i> spp.
honeysuckle	<i>Lonicera</i> spp.
huckleberry	<i>Gaylussacia</i> spp.
maple	<i>Acer</i> spp.
multiflora rose	<i>Rosa multiflora</i>
oak	<i>Quercus</i> spp.
pine	<i>Pinus</i> spp.
poison ivy	<i>Toxicodendron radicans</i>
poison oak	<i>Toxicodendron toxicarium</i>
roundleaf greenbriar	<i>Smilax rotundifolia</i>
salmonberry	<i>Rubus spectabilis</i>
sweet gum	<i>Liquidambar styraciflua</i>
sumac	<i>Rhus</i> spp.
thimbleberry	<i>Rubus parviflorus</i>
trumpet creeper	<i>Campsis radicans</i>
vine maple	<i>Acer circinatum</i>
Western red cedar	<i>Thuja plicata</i>

**USE PRECAUTIONS**

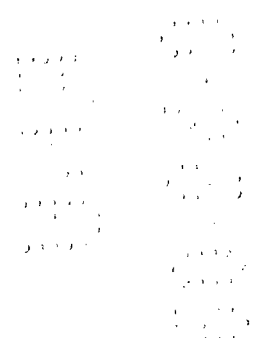
**DO NOT** apply more than 1½ gallons of Derringer Herbicide per acre per year.

**DO NOT** apply this product through any type of irrigation system.

**DO NOT** apply directly to or allow drift to contact desirable green tissue or green, thin, or uncalloused bark of desirable vegetation.

Derringer Herbicide is rainfast in a minimum of one-half hour and an average of 4 hours after application depending upon weed species, environmental conditions, and herbicide application rate.

**DO NOT** cut treated vegetation for forage or hay, nor graze domestic animals on treated areas for one year following application.



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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.

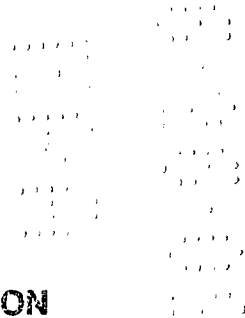
**DISCLAIMER OF WARRANTIES:** TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BAYER CROPSCIENCE LP MAKES NO OTHER WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE OR OTHERWISE, THAT EXTEND BEYOND THE STATEMENTS MADE ON THIS LABEL. No agent of Bayer CropScience LP 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.

Arsenal and Pendulum are registered trademarks of BASF.  
Barricade is a registered trademark of Sygenta Crop Protection Inc.  
Surflan is a registered trademark of Dow AgroSciences.  
Viton is a registered trademark of DuPont Company.  
Derringer is a trademark of Bayer AG  
Thru Valve-Boom is a trademark of Waldrum Specialties

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

Derringer Herbicide 8/6/03 approval final print 12-5-03, Notification 06/22/09



**NOTIFICATION**

JUL 24 2009