

1381-231

03-05-2012

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

MAR 05 2012

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Dr. Alice Walker
Winfield Solutions LLC
3094 Country Club Rd.
Senatobia, MS 38668

Subject: Revised Container Disposal Language

Dear Dr. Walker:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated February 16, 2012 for:

EPA Registration 1381-231

Nitro Shield

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

If you have any questions, call me at 703 305-5409 or electronically at daniel.dani@epa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Dani Daniel".

Dani Daniel
Registration Division (7504P)
Insecticide/Rodenticide Branch

EPAUnited States
Environmental Protection Agency

Washington, DC 20460

☐ Registration☐ Amendment☒ Other

OPP Identifier Number

NOTIFICATION**MAR 05 2012****Application for Pesticide -Section I**1. Company/Product Number
1381-2312. EPA Product Manager
Venus Eagle

3. Proposed Classification

☒ None ☐ Restricted4. Company/Product (Name)
Nitro ShieldPM#
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5. Name and Address of Applicant (Include ZIP Code)

Winfield Solutions LLC, c/o Alice Walker
3094 Country Club Rd.
Senatobia, MS 38668☐ Check if this is a new address6. **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.:

Product Name:

Section II☐ Amendment - Explain Below☐ Final printed labels☐ Resubmission in response to Agency letter _____☐ "Me Too" Application☒ Notification - Explain below☐ Other - explain below

Explanation: Use additional page(s) if necessary. (For Section I and Section II). Notification of revised Container Disposal language per PRN 2007-04. I believe this notification is consistent with the provisions of PR Notice 2007-4 and the requirements of EPA regulations at 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156 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 2007-04 and 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under section 12 and 14 of FIFRA.

Section III**1. Material This Product Will Be Packaged In:**

Child-Resistant Packaging

☐ Yes*
☐ No

Unit Packaging

☐ Yes
☐ No

Water Soluble Packaging

☐ Yes
☐ No

2. Type of Container

☐ Metal
☐ Plastic☐ Glass☐ Paper☐ Other (Specify) _____

*Certification must be submitted.

If "Yes,"
Unit Package Wt.No. Per
ContainerIf "Yes,"
Package Wt.No. Per
Container

3. Location of Net Contents Information

☐ Label☐ Container

4. Size(s) of Retail Container

5. Location of Label Directions

☐ On Label☐ On Labeling accompanying product

6. Manner In Which Label Is Affixed To Product

☐ Lithograph☐ Paper Glued☐ Stenciled☐ Other (self-adhesive booklet)**Section IV**

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)

Name

Alice Walker

Title

Registration Specialist

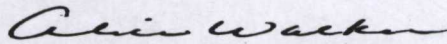
Telephone No. (Include Area Code)

662-562-3995

Certification

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.

2. Signature



3. Title

Registration Specialist

4. Typed Name

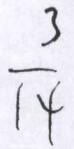
Alice Walker

5. Date

February 16, 2012

6. Date Application
Received

(Stamped)



Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

Re: Nitro Shield (EPA Reg. No. 1381-231)
Notification of Revised Container Disposal Language per PRN 2007-4.)

Winfield Solutions, LLC would like to change the Container Disposal text on the above referenced label. This can be revised via notification and is consistent with PRN 2007-4.

To this end, please find enclosed two copies of revised labeling, one highlighted indicating changes, along with the appropriate application form.

I believe this notification is consistent with the provisions of PR Notice 2007-4 and the requirements of EPA regulations at 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156 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 2007-04 and 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under section 12 and 14 of FIFRA.

Thank you for adding this notification to the registration record for this product.

Sincerely,

Alvin Walker

Alice Walker, Ph.D.
Registration Specialist

Enclosures

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NOTIFICATION

MAR 05 2012



ACTIVE INGREDIENTS:

Imidacloprid: 1-[(6-Chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine 48.7%

OTHER INGREDIENTS: 51.3%

TOTAL 100.0%

Contains 5 lbs. active per gallon (600 grams per liter)

KEEP OUT OF REACH OF CHILDREN

CAUTION

FIRST AID	
IF SWALLOWED:	<ul style="list-style-type: none">• Call a poison control center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow.• Do not induce vomiting unless told to do so by a poison control center or doctor.• Do not give anything by mouth to an unconscious person.
IF ON SKIN OR CLOTHING:	<ul style="list-style-type: none">• 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:	<ul style="list-style-type: none">• 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.
Have the product container or label with you when calling a poison control center or doctor, or going for treatment.	

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION. Harmful if swallowed, absorbed through skin or inhaled. Avoid breathing vapor or spray mist. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse.

IN CASE OF AN EMERGENCY (TRANSPORTATION, SPILLS) INVOLVING THIS PRODUCT CALL:

CHEMTREC: (800) 424-9300 OR

IN CASE OF A MEDICAL EMERGENCY CALL (877) 424-7452.

EPA Reg. No. 1381-231

EPA Est. 42750-MO-01

NET CONTENTS: 2.5 Gallons (9.46 Liters)

Distributed By:
Winfield Solutions, LLC
P.O. Box 64589
St. Paul, MN 55164

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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:

1. Long-sleeved shirt and long pants,
2. Socks and shoes and
3. Chemical-resistant gloves (such as nitrile, butyl, neoprene, barrier laminate, polyvinyl chloride or Viton).

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

1. Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
2. Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
3. Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change clothing.

ENVIRONMENTAL HAZARDS

This product is highly toxic to birds and aquatic invertebrates. For terrestrial uses, 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 contaminate water when disposing of equipment washwaters. Cover or incorporate spilled treated seeds.

DIRECTIONS FOR USE

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

For use in commercial seed treaters only, with the exception of application to canola, cotton (delinted seed), field corn, sorghum, wheat and barley, which may be made either by commercial seed treatment or as an end-use seed treatment on agricultural establishments at, or immediately before, planting. This product is to be used in liquid or slurry treaters.

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.

Mix thoroughly before use or use entire container at one time. All tank mixes must be pre-tested to determine physical compatibility between formulations. Observe all cautions and limitations on labeling of all products used in mixtures.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40CFR 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.

Exception: If the seed is treated with the product and the treated seed is soil-injected or soil-incorporated,

the Worker Protection Standard, under certain circumstances, allows workers to enter the treated area if there will be no contact with anything that has been treated.

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:

1. Coveralls
2. Chemical-resistant gloves (such as nitrile, butyl, neoprene, barrier laminate, polyvinyl chloride or Viton).
3. Shoes plus socks
4. Protective eyewear.

STORAGE AND DISPOSAL

PROHIBITIONS: Do not contaminate water, food or feed by storage, disposal, or by cleaning of equipment. Do not reuse empty container. Open dumping is prohibited.

PESTICIDE STORAGE: Store in a cool place. Do not store in direct sunlight. Protect from freezing temperatures.

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: Use label language appropriate for container size and type.

Nonrefillable containers. Do not reuse or refill this container. Clean container promptly after emptying.

Nonrefillable container equal to or less than 5 gallons. 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 ¼ 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 by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

Nonrefillable container greater than 5 gallons. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container ¼ 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. Turn the container over onto its other 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 by 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 by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

STORED SEED PROTECTION

To protect stored seed of crops listed on this label apply a minimum 0.8 fluid ounces of NITRO SHIELD™ per 100 pounds of seed. Pest controlled by this application include Indian Meal Moth (*Plodia interpunctella*), Rice Weevil (*Sitophilus oryzae*), Red Flour Beetle (*Tribolium castaneum*), and Lesser Grain Borer (*Rhizopertha dominica*). If seed being treated is known to have existing pest infestation fumigation may be necessary prior to bagging.

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EARLY SEASON PROTECTION AGAINST SUCKING INSECTS

CROP	PEST	RATE (fluid ounces per hundredweight seed)	COMMENT
Canola, Rapeseed and Mustard Seed	Aphids, Flea beetles, Wireworms	10.24 - 25.6	Use higher rate when pest populations are above historical levels.
	Lygus Bugs (including Lygus spp.), Seedpod Weevil larvae (including Ceutorhynchus assimilis)	15.36 - 25.6	Suppression only. Use higher rate when pest populations are above historical levels.
Flax, crambe, and borage	wireworms, seed corn maggots and flea beetles	25.6	To provide early season protection of seedlings against insects, apply as a commercial seed treatment.

Canola, Rapeseed and Mustard Seed (For end use application at agricultural establishments):

Shake product well before making slurry and apply using a HCBT or Batch Treater. Apply 5.1 to 12.8 fl. oz. of NITRO SHIELD™ per 50 pound bag. May be diluted with an approved fungicide for disease control. Treat ½ of seed with ½ of slurry then add remainder of seed and slurry and continue mixing until all seed are covered.

CROP	PEST	RATE	COMMENT
Safflower	Wireworms	0.25 to 0.50 mg a.i./seed	To provide early season protection of seedlings against insects, apply as a commercial seed treatment Sunflower seed treated in California must be destined for planting in states other than California and is not to be planted in California.
Sunflower	wireworms, seed corn maggots and flea beetles	(One fluid ounce of this product contains 17.7g imidacloprid.)	

Flax, sunflower, crambe, and borage (For end use application at agricultural establishments): To provide early season protection of seedlings against wireworms, seed corn maggots and flea beetles, apply using an HCBT or a batch treater at 12.8 fluid ounces per hundredweight of seed.

Safflower (For end use application at agricultural establishments): To provide early season protection of seedlings against wireworms, apply using HCBT or a batch treater at 12.8 fluid ounces per hundredweight of seed.

CROP	PEST	RATE (fluid ounces per hundredweight seed)	COMMENT
Wheat, Barley, Oats, Rye, Triticale	Aphids (including Bird cherry-oat, English grain, Greenbug, and Russian wheat aphid), Hessian fly	0.8 to 2.4	Reduces possible yellow dwarf virus disease from aphid vectoring. Use the higher rate to increase time of protection and/or when insect pressure is heavy.
	Wireworm	0.13 - 0.26	Suppression only. Use the higher rate to increase time of protection and/or when insect pressure is heavy.
	Grasshopper	1.2 to 2.4	Treated seed may be planted as a 50 to 60 foot border around the perimeter of the field to help minimize early season damage from grasshoppers. Consult your local agricultural extension agent for grasshopper control information specific to your area. Use the higher rate to increase time of protection and/or when insect pressure is heavy.

Wheat, Barley, Oats, Rye, Triticale (For End-Use Application at Agricultural Establishments):
Make application using a Total Slurry Treater (TST), Farmer Applied Seed Treater (F.A.S.T.), or other on-
farm seed treating equipment capable of accurately applying low rates of NITRO SHIELD™. Apply 0.8 –
2.4 fl. oz. per hundredweight of seed. NITRO SHIELD™ may be mixed with a fungicide product for
protection against disease. NITRO SHIELD™ may be applied to seed previously treated with a fungicide.
In this case, dilution is necessary.

Do not graze or feed livestock on treated areas for 45 days after planting.

CROP	PEST	RATE (fluid ounces per hundredweight seed)	COMMENT
Sorghum	Aphids (including Corn leaf, English grain, Greenbug, and Yellow sugar cane aphid), Chinch bugs, Imported Fire ants, Wireworms	6.4	Thorough coverage is necessary for optimal control.

Sorghum (For End-Use Application at Agricultural Establishments):

Shake product well before making slurry and apply using a HCBT or Eight-Bag Batch Treater. May be diluted with an approved fungicide for disease control. Mix slurry so that rate is 8 – 10 fluid ounces per 50 pound bag of seed. Treat ½ of seed with ½ of slurry then add remainder of seed and slurry and continue mixing until all seed are covered. After slurry treatment, the addition of dry talc at the rate of ¾ - 1 ounce per 50 pounds of seed is recommended to minimize risk moisture buildup in planter.

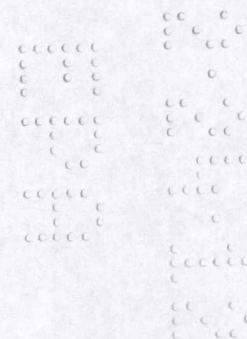
Do not graze or feed livestock on treated areas for 45 days after planting.

CROP	PEST	RATE (fluid ounces per hundredweight seed)	COMMENT
Cotton (Delinted Seed Only)	Thrips, Aphids	12.8 (Equivalent to 0.375 milligram active ingredient per seed)	Regardless of the type of application (seed treatment, soil or foliar) do not apply more than a total of 0.5 lb. of imidacloprid per acre per cropping cycle.

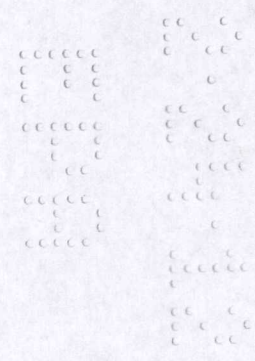
Cotton (Delinted Seed Only) (For End-Use Application at Agricultural Establishments):

Shake product well before making slurry and apply using a HCBT or Eight-Bag Batch Treater. May be diluted with an approved fungicide for disease control. Mix slurry so that rate is 8 – 10 fluid ounces per 50 pound bag of seed. Treat ½ of seed with ½ of slurry then add remainder of seed and slurry and continue mixing until all seed are covered.

CROP	PEST	RATE (fluid ounces per seed unit) (1)	COMMENT
Sugar Beets (commercial seed treatment)	Whitefly, Aphids, Leafhoppers, Root aphid, Thrips, Wireworms	2.4 - 5.0	(1) On a unit of pelleted sugar beet seed with a weight ratio of 2:1 pelleting mixture to raw seed (seed count 100,000 seed - approximately 1 kilogram by weight). (2) Including to reduce risk of spread of Curly top and Yellow mosaic virus If applying to non-pelleted raw seed, do not exceed a rate of 2.4 fluid ounces per 100,000 seed (approximately 1 Kg by weight).



CROP	PEST	RATE (fluid ounces per hundredweight seed)	COMMENTS
Sweet Corn (commercial seed treatment)	Flea beetle, Early season corn leaf aphid, Seed corn maggot, Wireworm	6.4	Mix slurry so that it is applied at a rate of 16 - 20 fl. oz. of diluted solution per hundredweight of seed.
	Imported fire ant, Early season corn leaf aphid, Seed corn maggot, Wireworm	3.2 - 6.4	
	Imported fire ant, Seed corn maggot, (seed protection) Wireworm (seed protection)	1.6 -- 3.2	
	Wireworm (seed protection)	0.8 - 1.6	
Popcorn (commercial seed treatment)	Flea beetles	6.4	
Soybean	Seed corn maggot, Soybean aphids, Over-wintering bean leaf beetles	1.6 - 3.2	Use higher rates to provide increased length of protection and for heavy insect pressure. Can be used as an over-treatment. Do not graze or feed livestock on soybean forage or hay.

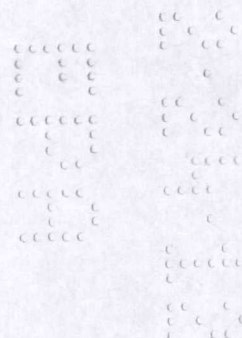


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CROP	PEST	RATE (fluid ounces per hundredweight seed)	COMMENTS
Adzuki Bean, Asparagus Bean, Broad Bean (Succulent Or Dry), Catjang Bean, Chinese Longbean, Field Bean, Guar Bean, Jackbean, Kidney Bean, Lablab Bean, Lima Bean (Succulent Or Dry), Moth Bean (Succulent Or Dry), Mung Bean, Navy Bean, Pinto Bean, Rice Bean, Runner Bean, Snap Bean, Sword Bean, Tepary Bean, Urd Bean, Wax Bean, Yardlong Bean, Blackeyed Pea (Succulent Or Dry), Chickpea, Cowpea (Succulent Or Dry), Crowder Pea, Dwarf Pea, Edible-Pod Pea, English Pea, Field Pea, Garden Pea, Green Pea, Pigeon Pea (Succulent Or Dry), Snow Pea, Southern Pea (Succulent Or Dry), Sugar Snap Pea, Grain Lupin, Sweet Lupin, White Lupin, White Sweet Lupin, Lentil.*	Wireworm, Bean leaf beetle, Imported fire ant, Aphid	1.6 - 3.2	* Seed-and-pod vegetable seed treated In California must be destined for planting in states other than California and Is not to be planted in California.
Carrot	Seed corn maggot, Wireworm	6.4	

ROTATIONAL CROPS

Treated areas may be replanted with any crop specified on an imidacloprid label, or any crop for which a tolerance exists for the active ingredient, as soon as practical following the last application. The following plant-back intervals must be observed for listed crops:



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ROTATIONAL PLANT-BACK INTERVALS*				
IMMEDIATE PLANT-BACK				30-DAY PLANT-BACK
Artichoke	Cranberry	Mustard Seed	Soybean	Cereals, including: buckwheat millet rice Safflower
Barley	Cucurbits	Oats	Strawberry	
Brassica (cole)	Eggplant	Okra	Sugarbeet	
leafy vegetable	Ground cherry	Pepinos	Tomatiilo	
Canola	Leaf petiole	Pepper	Tomato	
Cilantro	vegetable	Popcorn	Triticale	
Corn, Field	Leafy vegetable	Potato	Vegetable Root	
Corn, Sweet	Legume vegetable	Rapeseed	and Tuber	
Cotton	(succulent or dried, except soybean)	Rye	Watercress	
		Sorghum	Wheat	
* Cover crops for soil building or erosion control may be planted any time, but do not graze or harvest for food or feed.				
* For all other crops not listed on an Imidacloprid label, or for crops for which no tolerance for the active ingredient has been established, a 12-month plantback interval should be observed.				

NOTIFICATION of the crop rotational restriction must be conveyed to the grower by appropriate seed tag labeling or bag printing on all seed units.

NOTE: The purchaser of this product is responsible for ensuring that all seed treated with this product are adequately dyed with a suitable color to prevent its accidental use as food for man or feed for animals. Refer to 21 CFR, Part 2.25. Any dye or colorant added to treated seed must be cleared for use under 40CFR, Part 180.1001. Federal regulations have established official tolerances for certain pesticide residues. In order that residues on food and forage crops will not exceed established tolerances, use only at recommended rates.

Treated seed must not be used for or mixed with food or animal feed or processed for oil. Seed commercially treated with NITRO SHIELD™ must be labeled in accordance with all applicable requirements of the Federal Seed Act.

Labels for commercially treated seed must include the following addition to the Environmental Hazards statements:

Exposed treated seed may be hazardous to birds. Dispose of all excess treated seed and seed packaging by burial away from bodies of water. Cover or incorporate spilled treated seeds.

USE RESTRICTION

Rape greens grown and harvested from NITRO SHIELD™ treated seed must not be used for human and feed consumption. Rapeseed grown and harvested from treated seed is only for industrial uses and can not be used for edible oil or any other human/feed consumption.

Wheat, Barley, Oats, Rye, Triticale, Sorghum: Do not graze or feed livestock on treated areas for 45 days after planting.

Cotton (delinted seed only): Regardless of the type of application (seed treatment, soil, or foliar) do not apply more than a total of 0.5 lb. of imidacloprid per acre per cropping cycle.

WARRANTY DISCLAIMER

The directions for use of this product must be followed carefully. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, (1) THE GOODS DELIVERED TO YOU ARE FURNISHED "AS IS" BY MANUFACTURER OR SELLER AND (2) MANUFACTURER AND SELLER MAKE NO WARRANTIES,

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GUARANTEES, OR REPRESENTATIONS OF ANY KIND TO BUYER OR USER, EITHER EXPRESS OR IMPLIED, OR BY USAGE OF TRADE, STATUTORY OR OTHERWISE, WITH REGARD TO THE PRODUCT SOLD, INCLUDING, BUT NOT LIMITED TO MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, USE, OR ELIGIBILITY OF THE PRODUCT FOR ANY PARTICULAR TRADE USAGE. UNINTENDED CONSEQUENCES, INCLUDING BUT NOT LIMITED TO INEFFECTIVENESS, MAY RESULT BECAUSE OF SUCH FACTORS AS THE PRESENCE OR ABSENCE OF OTHER MATERIALS USED IN COMBINATION WITH THE GOODS, OR THE MANNER OF USE OR APPLICATION, INCLUDING WEATHER, ALL OF WHICH ARE BEYOND THE CONTROL OF MANUFACTURER OR SELLER AND ASSUMED BY BUYER OR USER. THIS WRITING CONTAINS ALL OF THE REPRESENTATIONS AND AGREEMENTS BETWEEN BUYER, MANUFACTURER AND SELLER, AND NO PERSON OR AGENT OF MANUFACTURER OR SELLER HAS ANY AUTHORITY TO MAKE ANY REPRESENTATION OR WARRANTY OR AGREEMENT RELATING IN ANY WAY TO THESE GOODS.

LIMITATION OF LIABILITY

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, IN NO EVENT SHALL MANUFACTURER OR SELLER BE LIABLE FOR SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES, OR FOR DAMAGES IN THEIR NATURE OF PENALTIES RELATING TO THE GOODS SOLD, INCLUDING USE, APPLICATION, HANDLING, AND DISPOSAL. MANUFACTURER OR SELLER SHALL NOT BE LIABLE TO BUYER OR USER BY WAY OF INDEMNIFICATION TO BUYER OR TO CUSTOMERS OF BUYER, IF ANY, OR FOR ANY DAMAGES OR SUMS OF MONEY, CLAIMS OR DEMANDS WHATSOEVER, RESULTING FROM OR BY REASON OF, OR ARISING OUT OF THE MISUSE, OR FAILURE TO FOLLOW LABEL WARNINGS OR INSTRUCTIONS FOR USE, OF THE GOODS SOLD BY MANUFACTURER OR SELLER TO BUYER. ALL SUCH RISKS SHALL BE ASSUMED BY THE BUYER, USER, OR ITS CUSTOMERS. BUYER'S OR USER'S EXCLUSIVE REMEDY, AND MANUFACTURER'S OR SELLER'S TOTAL LIABILITY SHALL BE FOR DAMAGES NOT EXCEEDING THE COST OF THE PRODUCT.

If you do not agree with or do not accept any of directions for use, the warranty disclaimers, or limitations on liability, do not use the product, and return it unopened to the Seller, and the purchase price will be refunded.

AgriSolutions™ is a trademark of and NITRO SHIELD® is a registered trademark of Winfield Solutions, LLC.

