

7969-266

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**WASHINGTON, D.C. 20460**

OFFICE OF  
PREVENTION, PESTICIDES  
AND TOXIC SUBSTANCES

MAR 25 2009

Charlotte A. Sanson  
BASF Corporation  
26 Davis Drive  
P.O. Box 13528  
Research Triangle Park, North Carolina 27709

Subject: Stamina™ Fungicide Seed Treatment  
EPA Registration Number 7969-266  
D404878: Your master and supplemental label amendment  
received on December 29, 2008, adding on-farm use and  
increasing the corn seed treatment rate

Dear Ms. Sanson,

The master and supplemental labeling referred to above,  
submitted in connection with registration under the Federal  
Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended,  
are acceptable. A stamped copy of each label is enclosed for  
your records. Submit one copy of your final printed labeling  
before you release the product for shipment.

If you have any questions about this letter, please contact  
John Bazuin at (703)305-7381.

Sincerely yours,

A handwritten signature in black ink that reads "Tony Kish".

Tony Kish  
Product Manager (22)  
Fungicide Branch  
Registration Division (7505C)

Attachment: Master label stamped "ACCEPTED"  
Supplemental label stamped "ACCEPTED"

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The Chemical Company

Group 11 Fungicide

MAR 25 2009

7969-266



STAMINA™

FUNGICIDE SEED TREATMENT

For seed treatment use in barley, brassicas, bulb vegetables, corn, cotton, cucurbits, legume vegetables, peanut, rye, soybean, sugar beet, sunflower, and wheat

Active Ingredient\*:

pyraclostrobin: (carbamic acid, [2-[[[1-(4-chlorophenyl)-1H-pyrazol-3-yl]oxy]methyl]phenyl]methoxy-, methyl ester) ..... 18.4%

Other Ingredients: ..... 81.6%

Total: ..... 100.0%

\*Equivalent to 1.67 pounds of pyraclostrobin per gallon.

EPA Reg. No. 7969-266

EPA Est. No.

KEEP OUT OF REACH OF CHILDREN CAUTION/PRECAUCIÓN

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

See inside booklet for complete First Aid, Precautionary Statements, Directions For Use, Conditions of Sale and Warranty, and state-specific crop and/or use site restrictions.

In case of an emergency endangering life or property involving this product, call day or night 1-800-832-HELP (4357).

Net Contents:

<b>FIRST AID</b>	
<b>If swallowed</b>	<ul style="list-style-type: none"> <li>• Call a poison control center or doctor immediately for treatment advice.</li> <li>• Have person sip a glass of water if able to swallow.</li> <li>• <b>DO NOT</b> induce vomiting unless told to do so by a poison control center or doctor.</li> <li>• <b>DO NOT</b> give anything by mouth to an unconscious person.</li> </ul>
<b>If on skin or clothing</b>	<ul style="list-style-type: none"> <li>• Take off contaminated clothing.</li> <li>• Rinse skin immediately with plenty of water for 15 to 20 minutes.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<b>If in eyes</b>	<ul style="list-style-type: none"> <li>• Hold eyes open and rinse slowly and gently with water for 15 to 20 minutes.</li> <li>• Remove contact lenses, if present, after first 5 minutes; then continue rinsing eyes.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<b>If inhaled</b>	<ul style="list-style-type: none"> <li>• Move person to fresh air.</li> <li>• If person is not breathing, call 911 or an ambulance; then give artificial respiration, preferably by mouth to mouth, if possible.</li> <li>• Call a poison control center or doctor for further treatment advice.</li> </ul>
<b>HOT LINE NUMBER</b>	
Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact BASF Corporation for emergency medical treatment information: 1-800-832-HELP (4357).	

### Precautionary Statements

#### Hazards to Humans and Domestic Animals

**Caution.** Harmful if swallowed. Avoid contact with skin or clothing.

#### Personal Protective Equipment (PPE)

Some materials that are chemically resistant to this product are listed below. For more options, refer to **Category A** on an EPA chemical-resistance category selection chart.

#### Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Chemical-resistant gloves made of any waterproof material (such as nitrile, butyl, neoprene and/or barrier laminate)
- Shoes plus socks

Follow the manufacturer's instructions for cleaning and 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

This product is toxic to fish and aquatic invertebrates. **DO NOT** discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans, or other waters unless in accordance with the requirements of a National

Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. **DO NOT** discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority. For guidance, contact your State Water Board or the regional office of the EPA. **DO NOT** contaminate water when disposing of equipment washwaters.

### 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. 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.

### Storage and Disposal

**DO NOT** contaminate water, food, or feed by storage or disposal.

**Pesticide Storage.** Store in original containers only. Keep container closed when not in use. **DO NOT** store near food or feed. In case of spill on floor or paved surfaces, mop and remove to chemical waste storage area until proper disposal can be made if product cannot be used according to label.

**Pesticide Disposal.** Wastes resulting from using this product may be disposed of on-site or at an approved waste disposal facility. If these wastes cannot be disposed of according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

**Storage and Disposal** (continued)

**CONTAINER DISPOSAL**

**Nonrefillable Container. DO NOT reuse or refill this container.** Triple rinse or pressure rinse container (or equivalent) promptly after emptying; then offer for recycling, if available, or reconditioning, if appropriate, or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures approved by state and local authorities.

**Triple rinse containers small enough to shake (capacity ≤ 5 gallons) 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.

**Triple rinse containers too large to shake (capacity > 5 gallons) 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. 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.

**Pressure rinse as follows:** Empty the remaining contents into application equipment or mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank, or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container and rinse at about 40 PSI for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

**Refillable Container.** Refill this container with pesticide only. **DO NOT** reuse this container for any other purpose. Triple rinsing the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller.

**Triple rinse as follows:** 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% 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.

**Storage and Disposal** (continued)

When this container is empty, replace the cap and seal all openings that have been opened during use; return the container to the point of purchase or to a designated location. This container must only be refilled with a pesticide product. **DO NOT** reuse the container for any other purpose. Prior to refilling, inspect carefully for damage such as cracks, punctures, abrasions, worn-out threads and closure devices. Check for leaks after refilling and before transport. **DO NOT** transport if this container is damaged or leaking. If the container is damaged, or leaking, or obsolete and not returned to the point of purchase or to a designated location, triple rinse emptied container and offer for recycling, if available, or dispose of container in compliance with state and local regulations.

**In Case of Spill**

In case of large-scale spillage regarding this product, call:  
CHEMTREC 1-800-424-9300  
BASF Corporation 1-800-832-HELP (4357)

**Steps to be taken in case this material is released or spilled:**

Dike and contain spill with inert material (sand, earth, etc.) and transfer liquid and solid diking material to separate containers for disposal. Remove contaminated clothing and wash affected skin areas with soap and water. Wash clothing before reuse. Keep spill out of all sewers and open bodies of water.

**General Information**

**Stamina™ fungicide seed treatment** is a broad-spectrum fungicide that provides preventive seed and seedling protection from several seed and soilborne diseases. Seed treatment applications with **Stamina** have been associated with more rapid and increased emergence of seedlings under certain cold conditions. Make all applications according to the use directions in this label. Use the higher rates of **Stamina** when disease pressure is expected to be high.

**Resistance Management**

The active ingredient in **Stamina**, pyraclostrobin, belongs to the group of respiration inhibitors classified by the EPA as **Quinone Outside Inhibitors (QoI)** or **target site of action Group 11** fungicides. Due to the minimal amounts of **Stamina** applied to the seed that relocate to the upper parts of the plant, the potential for development of resistance is extremely low. Seed treatments of **Stamina** can, therefore, be followed by foliar use and resistance management guidelines of foliar use fungicides containing pyraclostrobin (**Cabrio® EG fungicide**, **Headline® fungicide**, or **Pristine® fungicide**) as specified on the respective labels.

## Application Instructions

**Stamina™ fungicide seed treatment** can be used in both commercial seed treatment facilities and on-farm systems.

Apply **Stamina** as a water-based mixture using standard slurry or mist-type seed treatment application equipment. The exact amount of water needed to provide the mixture or slurry rate (ml/100 kg or oz/cwt of seed) for optimum coverage is difficult to predict because weather conditions, hot or cold, seed type and surface, and equipment used all have a bearing on coverage. Consult a seed treatment specialist regarding slurry rates recommended for the crop seed to be treated with **Stamina**. The required amount of **Stamina** must then be diluted with the specified amount of water that will provide uniform and complete coverage on the seed surface. Uniform application on seed and complete seed coverage are necessary for seed safety and best disease protection.

Seed must be of a good quality and well cleaned prior to treatment. The purchaser of **Stamina** is responsible for ensuring that all seed treated with this product are adequately dyed with a suitable color to prevent accidental use as food for man or feed for animals. Refer to 21CFR, Part 2.25. Use an EPA-approved dye or colorant that imparts an unnatural color to the seed. Any dye or colorant added to treated seed must be cleared for use under 40CFR, Part 180.900, "**Exemptions from the requirement of a tolerance**". Federal regulations have established official tolerances or exemptions from tolerances for residues on food and forage crops that must not be exceeded when the product (dye or colorant) is used at specified rates.

Consult the seed treatment specialist for calibration and operation procedures of the seed treatment equipment being used. Mechanical agitation is required for proper mixing of **Stamina**. Prepare no more mixture of **Stamina** than is needed for immediate treating. Add 3/4 of the required volume of water to the mix tank. With agitation running, add the required amount of **Stamina** in the tank along with other seed treatment components. Add the remaining 1/4 amount of the required volume of water. Use the mixing sequence that follows. Agitate thoroughly before and during application.

### Stamina With Tank Mix Partners

**Stamina** mixes easily with water and other water-based seed treatments manufactured by BASF Corporation. When using **Stamina** in a tank mixture with other seed treatment products, observe all directions for use, crops/sites, use rates, dilution ratios, precautions, and limitations that appear on the tank mix partner label. Label dosage or application rate must not be exceeded, and the most restrictive label precautions and limitations must be followed. **Stamina** must not be mixed with any product that prohibits such mixing. All applications must be made according to the use directions.

When mixing **Stamina** with products from other manufacturers, test the compatibility prior to use by conducting a jar test as follows:

1. Mix all intended seed treatments with the appropriate amount of water in a clear glass container.
2. Mix well and allow to sit for one hour.
3. Remix and observe for incompatibility.

Physical compatibility is only part of compatibility. Testing also needs to be done with the seed to make sure the combination of products does not have detrimental effects on the seed.

### Tank Mixing Instructions

1. Add 3/4 of the required amount of water to the mix tank and turn on the agitation. Mechanical agitation is preferred.
2. Use the following mixing sequence: dye or colorant, wettable powders, soluble powders, flowable formulations, emulsifiable concentrates, and remaining 1/4 of the required water. The 1/4 of the required water as the last item for addition to the premix tank can be used as rinsate for the chemical container or to adjust the total slurry to compensate for water displacement by powdered products.
3. Maintain agitation until the entire slurry mixture has been used.
4. Ensure that seed is dry prior to bagging.

**NOTE:** Federal law requires that bags of treated seeds shall be labeled with the following: "This seed has been treated with pyraclostrobin fungicide. **DO NOT** use for food, feed or oil purposes. Store away from food and feedstuffs."

**Stamina™ fungicide seed treatment Crop-specific Use Directions for Seed Treatment**

Crop	Target Disease	Product Use Rate fl ozs/100 lbs seed (lb ai/100 lbs seed)
<b>Barley</b>	Seed and seedling disease (damping-off) caused by <i>Rhizoctonia solani</i> , seedborne fungi causing seed decay, seedling damping-off  Suppression of common root rot ( <i>Cochliobolus</i> sp.), <i>Fusarium</i> seed rot and seedling blight ( <i>Fusarium</i> spp.), covered smut ( <i>Ustilago hordei</i> ), and seedling damping off by <i>Pythium</i> spp.  <b>Stamina</b> may be tank mixed with <b>Charter® fungicide seed treatment</b> . Refer to the <b>Charter</b> label for application rates and other use directions.	0.4 to 0.8 (0.005 to 0.01)
<b>Brassica vegetables</b>	Seed and seedling disease (damping-off) caused by <i>Rhizoctonia solani</i> and other seedborne fungi causing seed decay, seedling damping-off	0.8 to 2.3 (0.01 to 0.03)
<b>Bulb vegetables</b>	Suppression of seed and seedling disease (damping-off) caused by seedborne fungi causing seed decay, seedling damping-off	0.8 to 2.3 (0.01 to 0.03)
<b>Corn (field, pop, corn for seed production)</b>	Seed and seedling disease (damping-off) caused by <i>Rhizoctonia solani</i> , seedborne fungi causing seed decay, seedling damping-off  Suppression of seed and seedling disease caused by <i>Pythium</i> spp. and <i>Fusarium</i> spp.	0.4 to 0.8 (0.005 to 0.01)*  *equivalent to 0.013 mg ai per kernel and 0.18 fl oz product/80,000 kernel count (based on 1816 and 3632 kernels per pound, respectively)
<b>Corn (sweet)</b>	Seed and seedling disease (damping-off) caused by <i>Rhizoctonia solani</i> , seedborne fungi causing seed decay, seedling damping-off  Suppression of seed and seedling disease caused by <i>Pythium</i> spp. and <i>Fusarium</i> spp.	0.8 (0.01)**  **equivalent to 0.013 mg ai per kernel and 0.18 fl oz product/80,000 kernel count (based on 3632 kernels per pound)
<b>Cotton</b>	Seed and seedling disease (damping-off) caused by <i>Rhizoctonia solani</i> , seedborne fungi causing seed decay, seedling damping-off	1.5 to 3.0 (0.02 to 0.04)
<b>Cucurbits</b>	Seed and seedling disease (damping-off) caused by <i>Rhizoctonia solani</i> , seedborne fungi causing seed decay, seedling damping-off	0.4 to 0.8 (0.005 to 0.01)
<b>Legume vegetables (dried shelled peas and beans)</b>  Broad bean, Chickpea, Guar, Lablab bean, Lentil, Pigeon pea <i>Lupinus</i> spp.: Grain lupin, Sweet lupin, White lupin <i>Phaseolus</i> spp.: Field bean, Kidney bean, Lima bean, Navy bean, Pink bean, Pinto bean, Tepary bean <i>Vigna</i> spp.: Adzuki bean, Black-eyed pea, Catjang, Cowpea, Crowder pea, Moth bean, Mung bean; Rice bean, Southern pea, Urd bean <i>Pisum</i> spp.: Field pea	Seed and seedling disease (damping-off) caused by <i>Rhizoctonia solani</i> , seedborne fungi causing seed decay, seedling damping-off  Suppression of seed and seedling disease caused by <i>Pythium</i> spp. and <i>Fusarium</i> spp.	0.4 to 1.5 (0.005 to 0.02)

**Stamina™ fungicide seed treatment Crop-specific Use Directions for Seed Treatment** (continued)

Crop	Target Disease	Product Use Rate fl ozs/100 lbs seed (lb ai/100 lbs seed)
Peanut	Seed and seedling disease (damping-off) caused by <i>Rhizoctonia solani</i> , seedborne fungi causing seed decay, seedling damping-off	0.4 to 1.5 (0.005 to 0.02)
Rye	Seed and seedling disease (damping-off) caused by <i>Rhizoctonia solani</i> , seedborne fungi causing seed decay, seedling damping-off Suppression of common root rot ( <i>Cochliobolus</i> sp.), and <i>Fusarium</i> seed rot and seedling blight ( <i>Fusarium</i> spp.)	0.4 to 0.8 (0.005 to 0.01)
Soybean ( <i>Glycine</i> spp.)	Seed and seedling disease (damping-off) caused by <i>Rhizoctonia solani</i> , seedborne fungi causing seed decay, seedling damping-off Suppression of seed and seedling disease caused by <i>Pythium</i> spp. and <i>Fusarium</i> spp.	0.4 to 1.5 (0.005 to 0.02)
Sugar beet	Seed and seedling disease (damping-off) caused by <i>Rhizoctonia solani</i> , seedborne fungi causing seed decay, seedling damping-off	0.4 to 0.8 (0.005 to 0.01)
Sunflower	Seed and seedling disease (damping-off) caused by <i>Rhizoctonia solani</i> , seedborne fungi causing seed decay, seedling damping-off	0.4 to 0.8 (0.005 to 0.01)
Wheat	Seed and seedling disease (damping-off) caused by <i>Rhizoctonia solani</i> , seedborne fungi causing seed decay, seedling damping-off Suppression of common root rot ( <i>Cochliobolus</i> sp.), <i>Fusarium</i> seed rot and seedling blight ( <i>Fusarium</i> spp.), dry seed decay ( <i>Penicillium</i> spp.), common bunt ( <i>Tilletia caries</i> ), and seedling damping off ( <i>Pythium</i> spp.) <b>Stamina</b> may be tank mixed with <b>Charter® fungicide seed treatment</b> . Refer to the <b>Charter</b> label for application rates and other use directions.	0.4 to 0.8 (0.005 to 0.01)

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**Conditions of Sale and Warranty**

The **Directions For Use** of this product reflect the opinion of experts based on field use and tests. The directions are believed to be reliable and must be followed carefully. However, 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 the presence of other or untested or unapproved materials, seed of low quality or low vigor or low germination, use of the product in a manner inconsistent with its labeling, misapplication of the product, or weather conditions at planting or environmental conditions during seed storage, all of which are beyond the control of BASF CORPORATION ("BASF") or the Seller. To the extent consistent with applicable law, all such risks shall be assumed by the Buyer.

BASF warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes referred to in the **Directions For Use**, subject to the inherent risks, referred to above.

**TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BASF MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS OR MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.**

**TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BUYER'S EXCLUSIVE REMEDY AND BASF'S EXCLUSIVE LIABILITY, WHETHER IN CONTRACT, TORT, NEGLIGENCE, STRICT LIABILITY, OR OTHERWISE, SHALL BE LIMITED TO REPAYMENT OF THE PURCHASE PRICE OF THE PRODUCT.**

**TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BASF AND THE SELLER DISCLAIM ANY LIABILITY FOR CONSEQUENTIAL, EXEMPLARY, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.**

BASF and the Seller offer this product, and the Buyer and User accept it, subject to the foregoing **Conditions of Sale and Warranty** which may be varied only by agreement in writing signed by a duly authorized representative of BASF.

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*Stamina is trademark of BASF.*

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Supersedes: NVA 2008-04-306-0120

BASF Corporation  
26 Davis Drive  
Research Triangle Park, NC 27709





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MAR 25 2009

7969-266



The Chemical Company



# Supplemental Label

## For use in commercial seed treatment facilities and on-farm; and updated application rate range in corn (field, pop, corn for seed production)

EPA Reg. No. 7969-266

### Active Ingredient\*:

pyraclostrobin: (carbamic acid, [2-[[[1-(4-chlorophenyl)-1H-pyrazol-3-yl]oxy]methyl]phenyl] methoxy-, methyl ester)..... 18.4%

Other Ingredients:..... 81.6%

Total: ..... 100.0%

\* Equivalent to 1.67 pounds of pyraclostrobin per gallon.

All applicable directions, restrictions and precautions on the Stamina™ fungicide seed treatment container label, EPA Reg. No. 7969-266, must be followed; however, the Application Information permitting on-farm use and Directions for Use on this supplemental label pertaining to corn supersede those on the Stamina container label. This supplemental label and the full Stamina container label must be in the possession of the user at the time of pesticide application.

Refer to the Stamina main label for specific seed treatment instructions.

Note: Federal law requires that bags of treated seeds shall be labeled with the following: "This seed has been treated with pyraclostrobin fungicide. DO NOT use for food, feed or oil purposes. Store away from food and feedstuffs. Use with an EPA-approved dye that imparts an unnatural color to the seed."

### 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. Only protected handlers may be in the area during application.

### Stamina Crop-specific Use Directions for Seed Treatment

### General Information

Stamina is a broad-spectrum fungicide that provides preventive seed and seedling protection from several seed and soil-borne diseases.

Due to the minimal amounts of Stamina applied to the seed that relocate to the upper parts of the plant, the potential for development of resistance is extremely low. Refer to the Stamina main label for general resistance management information.

Crop	Target Disease	Product use rate fl ozs/100 lbs seed (lb ai/100 lbs seed)
Corn (field, pop, corn for seed production)	Seed and seedling disease (damping-off) caused by <i>Rhizoctonia solani</i> , seedborne fungi causing seed decay, seedling damping-off.  Suppression of seed and seedling disease caused by <i>Pythium</i> spp. and <i>Fusarium</i> spp.	0.4 to 0.8 (0.005 to 0.01)*  *equivalent to 0.013 mg ai per kernel and 0.18 fl oz product/80,000 kernel count (based on 1816 and 3632 kernels per pound, respectively)

### Application Information

Stamina may be used in both commercial seed treatment facilities and on-farm systems for all crops listed on the Stamina container label (EPA Reg. No. 7969-266).

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**Conditions of Sale and Warranty**

The **Directions For Use** of this product reflect the opinion of experts based on field use and tests. The directions are believed to be reliable and must be followed carefully. However, 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 the presence of other or untested or unapproved materials, seed of low quality or low vigor or low germination, use of the product in a manner inconsistent with its labeling, misapplication of the product, or weather conditions at planting or environmental conditions during seed storage, all of which are beyond the control of BASF CORPORATION ("BASF") or the Seller. To the extent consistent with applicable law, all such risks shall be assumed by the Buyer.

BASF warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes referred to in the **Directions For Use**, subject to the inherent risks, referred to above.

**TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BASF MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS OR MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.**

**TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BUYER'S EXCLUSIVE REMEDY AND BASF'S EXCLUSIVE LIABILITY, WHETHER IN CONTRACT, TORT, NEGLIGENCE, STRICT LIABILITY, OR OTHERWISE, SHALL BE LIMITED TO REPAYMENT OF THE PURCHASE PRICE OF THE PRODUCT.**

**TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BASF AND THE SELLER DISCLAIM ANY LIABILITY FOR CONSEQUENTIAL, EXEMPLARY, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.**

BASF and the Seller offer this product, and the Buyer and User accept it, subject to the foregoing **Conditions of Sale and Warranty** which may be varied only by agreement in writing signed by a duly authorized representative of BASF.

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The Chemical Company