

# NITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

5909726

OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION

JAN 10 2012

Dr. Alice Walker Registration Specialist Winfield™ Solutions, LLC P.O. Box 64589 MS 5705 St. Paul, MN 55164-0589

Subject: AGRISOLUTIONS DIMATE 4E

EPA Registration No. 9779-273

Label Resubmission of January 3, 2012, and Confidential Statement of Formula

dated January 31, 2011

Dear Dr. Walker:

The revised basic Confidential Statement of Formula (CSF) dated January 31, 2011, changes the nominal concentration of active ingredient claimed in the product from 44.74% to 43.5%. We have determined that the formulation submitted on January 31, 2011, is substantially similar to the prior formulation of record for this product. The CSF dated January 31, 2011, is accepted as the basic formulation for this product and replaces all CSFs previously accepted for EPA Reg. No. 9779-273.

The proposed revised label submitted for this product on January 3, 2012, is accepted under the provisions of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended. The changes listed should be made before labels are printed.

- 1. In item "1)" in the second sentence of the third paragraph in the "Interval (Days) Between Last Application and Harvest" column of the "Crops and Sites" directions for "Citrus: Grapefruit, Lemons, Oranges, Tangerines Arizona only" (page 9), "these open bloom" should be changed to "these open blooms".
- 2. As the label restricts some reapplications to ornamentals, the fourth sentence of the second paragraph under "Ornamentals" (page 16) should be changed to

Where not prohibited by this label, applications to ornamental plants may be repeated as necessary.

- 3. In the "Specific Directions" cell for "Honeysuckle" in the use table for "Ornamentals" (page 17), "1 1/4 fl. oz." should be changed to "1-1/4 fl. oz."
- 4. In the lower "Specific Directions" cell for "Pinyon pine" (opposite "Pinyon 'pitch mass' borer, Pinyon spindle gall midge, Tip moth" in the use table for "Ornamentals", "1 1/2 fl. oz." should be changed to "1-1/2 fl. oz."

Our records indicate that the primary brand name for this product is "Agrisolutions Dimate 4E". This product also has one alternate brand name: "Dimate 4E".

A stamped copy of the label is enclosed for your records.

Submit two copies of final printed labeling before releasing this product for shipment under the labeling accepted via this letter. Products shipped after 18 months from the date of this Notice or the next printing of the label, whichever occurs first, must bear this revised label.

If these conditions are not complied with, this registration will be subject to cancellation in accordance with FIFRA section 6(e).

If you have any questions regarding this letter, contact Dr. William W. Jacobs by phone at 703-305-6406, by FAX at 703-308-0029, or via e-mail at jacobs.bill@epa.gov.

Sincerely,

Venus Eagle

Product Manager 01

Insecticide-Rodenticide Branch Registration Division (7505P)

Office of Pesticide Programs



# Dimate 4E

Systemic Insecticide

JAN 1 0 2012

Under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for the pesticide registered under:

EPA. Reg. No: 9779-273

> \*Contains Petroleum Distillate Contains 4 pounds dimethoate per gallon.

### 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 this label, find someone to explain it to you in detail).

FIRST AID ORGANOPHOSE	DHATE
IF SWALLOWED	<ul> <li>Call a poison control center or doctor immediately for treatment advice.</li> <li>Do not give any liquid to the person</li> <li>Do not give anything by mouth to an unconscious person.</li> <li>Do not induce vomiting unless told to do so by the poison control center or doctor.</li> </ul>
IF IN EYES	<ul> <li>Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li> <li>Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.</li> <li>Call a poison control center or doctor for treatment advice.</li> </ul>
IF INHALED	<ul> <li>Move person to fresh air.</li> <li>If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth, if possible.</li> <li>Call a poison control center or doctor for further treatment advice.</li> </ul>
IF ON SKIN OR CLOTHING	<ul> <li>Take off contaminated clothing.</li> <li>Rinse skin immediately with plenty of water for 15-20 minutes.</li> <li>Call a poison control center or doctor for treatment advice.</li> </ul>
	ontainer or label with you when calling a poison control center or doctor, or . For further emergency medical information call toll-free 1-877-424-7452.
NOTE TO PHYSIC	IAN: Dimethoate is an acetyl cholinesterase inhibitor. Atropine is antidotal. n distillate – vomiting may cause aspiration pneumonia.

Read additional PRECAUTIONARY STATEMENTS inside booklet.

EPA Reg. No. 9779-273

EPA Est. No. \_\_\_\_\_

Distributed By Winfield Solutions, LLC P.O. Box 64589, St. Paul, MN 55164-0589 RQ NET CONTENTS 2.5 GALS.

recerod

# PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS WARNING

Harmful or fatal if inhaled or swallowed or absorbed through the skin. May cause irritation of eyes, nose, throat and skin. Avoid contact with eyes and skin. Avoid breathing vapor or spray mist. Keep away from domestic animals and foodstuffs. Do not contaminate or apply onto feed or foodstuffs.

# Personal Protective Equipment (PPE):

Some materials that are chemical-resistant to this product are barrier laminate  $\geq$  14 mils, butyl rubber  $\geq$  14 mils and viton  $\geq$  14 mils. If you want more options, follow the instructions for category B on an EPA chemical resistance category selection chart.

Mixers, loaders, applicators, flaggers, and other handlers must wear:

- Long-sleeved shirt and long pants,
- · Shoes plus socks,
- · Chemical-resistant gloves,
- a NIOSH-approved dust mist filtering respirator with MSHA/NIOSH approval number prefix TC-21C or a NIOSH-approved respirator with any R, P, or HE filter, and
- Chemical-resistant apron when mixing, loading, cleaning up spills or equipment.

See Engineering Controls for additional requirements and exceptions.

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 exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

#### **Engineering Controls**

Mixers and loaders supporting aerial application to alfalfa, cotton, soybeans, corn, safflower, sorghum, and wheat must use a closed system that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240 (d)(4)]. The system must be capable of removing the pesticide from the shipping container and transferring it into mixing tanks and/or application equipment. At any disconnect point, the system must be equipped with a dry disconnect or dry couple shut-off device that is warranted by the manufacturer to minimize drippage to no more than 2 ml per disconnect. In addition, mixers and loaders must:

- --wear the personal protective equipment required on this labeling for mixers/loaders, except no respirator is required;
- --wear protective eyewear, if the system operates under pressure; and
- --be provided and have immediately available for use in an emergency, such as a broken package, spill, or equipment breakdown, chemical-resistant footwear and a respirator of the type specified in the PPE section of this labeling.

Pilots must use an enclosed cockpit that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240 (d)(6)]. Pilots need not wear the PPE required in this labeling for applicators, but must wear at least a long-sleeve shirt, long pants, shoes and socks.

When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240 (d) (4-5)], the handler PPE requirements may be reduced or modified as specified in the WPS.

Users should wash hands before eating, drinking, chewing gum, using tobacco or using the toilet. Users should remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. Users should 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 pesticide is toxic to wildlife and aquatic invertebrates. 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 washwater or rinsate.

Dimethoate is known to leach through soil into ground water under certain conditions as a result of label use. Use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in ground-water contamination.

This product may contaminate water through drift of spray in wind. This product has a high potential for runoff for several days after application. Poorly draining soils and soils with shallow water tables are more prone to produce runoff that contains this product.

A level, well maintained vegetative buffer strip between areas to which this product is applied and surface water features such as ponds, streams, and springs will reduce the potential for contamination of water from rainfall-runoff. Runoff of this product will be reduced by avoiding applications when rainfall is forecasted to occur within 48 hours.

A vegetative filter strip constructed and maintained in accordance with the 2000 Natural Resources Conservation Service publication "Conservation Buffers to Reduce Pesticide Losses" (<a href="http://www.nrcs.usda.gov/feature/buffers/">http://www.nrcs.usda.gov/feature/buffers/</a>) will significantly reduce the potential for contamination of water from rainfall-runoff.

HIGHLY TOXIC TO BEES: This product is toxic to bees. Restrict application to the period after dark when bees are inside the hive or in the early morning before the bees are foraging in the fields. Protective information may be obtained from your Cooperative Agricultural Extension Service.

### PHYSICAL OR CHEMICAL HAZARDS

Do not use, pour, spill, or store near heat or open flame. Do not use this product in or on electrical equipment due to the possibility of shock hazard.

# **DIRECTIONS FOR USE**

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

This product is for use in commercial settings only. Use in residential settings is prohibited.

This product may be used to control the types of insects listed in the tables in this section of the label on the fruit crops, nut crops, vegetable crops, field crops, and other crops listed in those tables. This product may be applied using ground sprayers, aircraft, or the types of irrigation systems indicated under "Application through Irrigation Systems."

2

#### 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), restricted-entry interval, and notification to workers. 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).

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 worn over long-sleeve shirt and pants, chemical-resistant gloves made of any waterproof material, chemical-resistant footwear plus socks, and chemical-resistant headgear for overhead exposure.

Notify workers of the application by warning them orally and by posting warning signs at entrances to treated area.

#### **Aerial Application**

Automatic flagging devices must be used whenever feasible.

If human flaggers are employed, they must wear the protective clothing and respirator specified on this label.

# Requirements for Reducing Spray Drift

Do not apply under circumstances where possible drift to unprotected persons or to food, forage, or other plantings that might be damaged or crops thereof rendered unfit for sale, use, or consumption can occur.

- 1. Use the largest droplet size consistent with acceptable efficacy. Formation of very small droplets may be minimized by appropriate nozzle selection, by orienting nozzles away from the air stream as much as possible, and by avoiding excessive spray boom pressure. For groundboom and aerial applications, use medium or coarser spray nozzles according to ASABE 572 definition for standard nozzles or a volume mean diameter (VMD) of 300 microns or greater for spinning atomizer nozzles.
- 2. Make aerial or ground applications when the wind velocity favors on-target product deposition. Apply only when the wind speed is less than or equal to 10 mph. For all non-aerial applications, wind speed must be measured adjacent to the application site on the upwind side, immediately prior to application.
- 3. Do not make aerial or ground applications into areas of temperature inversions. Inversions are characterized by stable air and increasing temperatures with increasing distance above the ground. Mist or fog may indicate the presence of an inversion in humid areas. Where permissible by local regulations, the applicator may detect the presence of an inversion by producing smoke and observing a smoke layer near the ground surface.
- Low humidity and high temperatures increase the evaporation rate of spray droplets and therefore the likelihood of increased spray drift. Avoid spraying during conditions of low humidity and/or high temperatures.
- 5. All aerial and ground application equipment must be properly maintained and calibrated using appropriate carriers.

- 6. For groundboom applications, apply with nozzle height no more than 4 feet above the ground or crop canopy.
- 7. For airblast applications, turn off outward pointing nozzles at row ends and when spraying the outer two rows. To minimize spray loss over the top in orchard applications, spray must be directed in to the canopy.
- 8. For aerial applications, release spray at the lowest height consistent with efficacy and flight safety. If the application includes an aquatic buffer zone, do not release spray at a height greater than 10 feet above the ground or crop canopy.
- 9. For aerial applications, the spray boom should be mounted on the aircraft so as to minimize drift caused by wing up vortices. The minimum practical boom length should be used and must not exceed 75% of the wingspan of 90% of rotor blade diameter. Use upwind swath displacement.

# **Application through Irrigation Systems**

Apply this product only through the following types of systems: center pivot, lateral move, end tow, side (wheel) roll, traveler, big gun, solid set, or hand move irrigation systems. Do not apply this product through any other type of irrigation system.

Crop injury, lack of effectiveness, or illegal pesticide residues in the crop can result from nonuniform distribution of treated water.

If you have questions about calibration, you should contact State Extension Service specialists, equipment manufacturers or other experts.

Do not connect an irrigation system (including greenhouse systems) used for pesticide application to a public water system unless the pesticide label-prescribed safety devices for public water systems are in place.

A person knowledgeable of the chemigation system and responsible for its operation, or under the supervision of the responsible person, shall shut the system down and make necessary adjustments should the need arise.

Mix, in clean supply tank, the specified amount of this product for acreage to be covered and needed quantity of water.

This product should not be tank-mixed with other pesticides, surfactants, or fertilizers unless prior use has shown the combination noninjurious under your conditions of use.

Follow precautionary statements and directions for all tank-mixed products.

On all crops, use sufficient gallonage of water to obtain thorough and uniform coverage, but not cause runoff or excessive leaching. This will vary depending on equipment, pest problem and stage of growth. Application of more or less than optimal quantity of water may result in decreased chemical performance, crop injury or illegal pesticide residues.

Meter this product into the irrigation water uniformly during the period of operation. Do not overlap application. Follow specified label rates, application timing, and other directions and precautions for crop being treated.

Continuous mild agitation of pesticide mixture may be needed to assure a uniform application, particularly if the supply tank requires a number of hours to empty.

#### Systems Connected to Public Water Sources

Great care should be taken and properly maintained equipment used when connecting chemigation systems to public water supplies. The following information is provided for users who

have diligently considered all other application and water supply options before electing to make such a connection.

Public water system means a system for the provision to the public of piped water for human consumption if such a system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. Chemigation systems connected to public water systems must contain a functional reduced-pressure zone, backflow preventer (RPZ) or the functional equivalent in the water supply line upstream from the point of pesticide introduction. As an option to the RPZ, the water from the public water system should be discharged into a reservoir tank prior to pesticide introduction. There shall be a complete physical break (air gap) between the outlet end of the fill pipe and the top or overflow rim of the reservoir tank of at least twice the inside diameter of the fill pipe.

The pesticide injection pipeline must contain a functional, automatic, quick-closing check valve to prevent the flow of fluid back toward the injection pump.

The pesticide injection pipeline must contain a functional, normally closed, solenoid-operated valve located on the intake side of the injection pump and connected to the system interlock to prevent fluid from being withdrawn from the supply tank when the irrigation system is either automatically or manually shut down.

The system must contain functional interlocking controls to automatically shut off the pesticide injection pump when the water pump motor stops, or in cases where there is no water pump, when the water pressure decreases to the point where pesticide distribution is adversely affected.

Systems must use a metering pump, such as a positive displacement injection pump (e.g., diaphragm pump) effectively designed and constructed of materials that are compatible with pesticides and capable of being fitted with a system interlock.

Do not apply when wind speed favors drift beyond the area intended for treatment.

#### Sprinkler Irrigation (Foliar Spray Uses)

The system must contain a functional check valve, vacuum relief valve, and low pressure drain appropriately located on the irrigation pipeline to prevent water source contamination from backflow.

The pesticide injection pipeline must contain a functional, automatic, quick-closing check valve to prevent the flow of fluid back toward the injection pump.

The pesticide injection pipeline must also contain a functional, normally closed, solenoid-operated valve located on the intake side of the injection pump and connected to the system interlock to prevent fluid from being withdrawn from the supply tank when the irrigation system is either automatically or manually shut down.

The system must contain functional interlocking controls to automatically shut off the pesticide injection pump when the water pump motor stops.

The irrigation line or water pump must include a functional pressure switch which will stop the water pump motor when the water pressure decreases to the point where pesticide distribution is adversely affected.

Systems must use a metering pump, such as a positive displacement injection pump (e.g., diaphragm pump) effectively designed and constructed of materials that are compatible with pesticides and capable of being fitted with a system interlock.

Do not apply when wind speed favors drift beyond the area intended for treatment.

# **Mixing Directions**

Mix this product in water to form an emulsion spray mixture. To make the emulsion, fill the spray tank half way with water. Agitate and add the proper amount of this product (see "Crops and Sites" table and "Ornamentals" for crop to be treated). Then fill the spray tank with water while still agitating. Continue to agitate mixture during use.

The hazards and precautions associated with handling this product apply to it equally before and after it is diluted with water for spray application.

## **Application Rates and Spray Equipment**

The "Crops and Sites" table and the paragraphs pertaining to "Ornamentals" indicate the amounts of this product that are to be applied per acre treated per application. Repeat applications as necessary to control the pests listed on this label unless directed otherwise by this label for the crop to be treated. Where the table indicates a range in application rate, use the lower of the rates indicated when treating small or young plants or when dealing with light infestations of insects.

When applying this product with ground sprayers, calibrate the equipment so that the specified amount of this product is not applied in less than 3 gallons of water per acre, unless directed otherwise by this label. Calibrate equipment used for aerial applications to deliver the specified amount of this product in 3 to 10 gallons of water, unless directed otherwise by this label. Always use sufficient water for adequate coverage of the crop foliage.

**Crops and Sites** 

Crop	Pest Controlled	Rate per acre	Interval (Days) Between Last Application and Harvest
Fruit: Pears	aphids, leaf- hoppers, mites (except rust mites), pear psylla	1/2 to 1 pt./100 gals. water	Do not apply when trees or substantial number of weeds in the orchard are in bloom. Do not graze livestock in treated orchards.

Maximum single application rate is 2 pt./acre (1 lb. a.i./acre). Maximum total rate per year is 2 pt./acre (1 lb. a.i./acre). The REI is 10 days; however, the REI is increased to 14 days in outdoor areas where the average annual rainfall is less than 25 inches per year.

areas where the average armaar rannam is less than 25 mones per year.				
Cherries, Pre- harvest (Idaho, Oregon, Utah, Washington, and Montana only)	aphids, cherry fruit flies, mites	Dilute application: 1/2 to 1 pt./100 gals. water  Concentrate application: 2 pts./A in a minimum of 50 gals. water	Make a single application within 7 days of adult fly emergence in the area. This single application should be made in late May or early June when the fruit is small in size. Concentrate sprays should be used with caution to avoid fruit marking and injury on sensitive varieties such as Rainier species. Do not apply when trees or substantial numbers of weeds in the treatment area are in bloom. Do not graze livestock in treated orchards. Only a single application may be made.	

2/3 pts./acre (1.33	lbs. a.i./acre). T		Maximum total rate per year is 2- er, the REI is increased to 14 days a 25 inches per year.  Make a single application a minimum or 7 days after final harvest or apply in cases where a decision is made not to harvest due to poor fruit quality, a light crop, or unfavorable market conditions. Do not apply when trees or substantial numbers of weeds in the treatment area are in bloom. Do not graze livestock
2/3 pts./acre (1.33	lbs. a.i./acre). T	he REI is 10 days; howeve	in treated orchards. Only a single application may be made.  Maximum total rate per year is 2-r, the REI is increased to 14 days
Citrus: Grapefruit, Kumquats, Lemons, Limes, Oranges, Pummelos, Tangelos, Tangerines (REI = 10 days)*	aphids, mites (except rust), psyllid, thrips, whiteflies	Ground Application: ½ to 1 pt. in 50 to 100 gals. of water for dilute application. Apply as a thorough distribution coverage spray.  Concentrate Application (Mist): Apply 2 pts. per acre in sufficient water to provide full coverage of foliage.  Air Application: Apply 2 pts. per acre in 5 to 10 gals of water.	Use the higher application rate if infestation is heavy or if orchard foliage is dense. Do not apply when trees or substantial numbers of weeds in the orchard are in bloom. Do not graze livestock in treated orchard.
	Scales (except black or snow)	Ground Application: 1/2 to 1-1/2 pts. in 50 to 100 gals. for dilute application. Apply as a thorough distribution coverage spray.  Concentrate Application (Mist): 2 pts. per acre in sufficient water to provide full coverage of foliage.	Use the higher application rate when insect pest population is high or if orchard foliage is dense. Do not apply when trees or substantial numbers of weeds in the orchard are in bloom. Do not graze livestock in treated orchards.

USE RESTRICTIONS: Maximum single application rate is 2 pt./acre (1 lb. a.i./acre). Maximum total rate per year is 2 pt./acre (1 lb. a.i./acre). Do not apply to citrus seedlings.

\*The REI is 10 days; however, the REI is increased to 14 days in outdoor areas where the average annual rainfall is less than 25 inches per year.

Citrus:
Grapefruit,
Lemons,
Oranges,
Tangerines
Arizona only
(REI = 10
days)*

**Thrips** 

# PHI 15 days

Use specified dosages of this product in the amount of water necessary to achieve adequate coverage of foliage. The type of equipment used will determine the concentration required.

Ground application: Apply up to 2 pts. (1 lb. a.i.) in not less than 20 gals. of water per acre. Do not enter treated groves within 4 days of last application.

Use of dimethoate is prohibited during any time of day in any given orchard from when that orchard is 10% open bloom until such time as there has been at least 75% petal fall on the north side of the trees. Applications of dimethoate shall be limited to that period of time between 1 hr. after sunset to 3 hrs. before sunrise when any one of the following conditions prevail: 1) Before the onset of petal fall, the orchard to be treated has open bloom present and these open bloom represent less than 10% of the total anticipated bloom in the orchard. 2) After the initiation of petal fall, there is less than 25% of open bloom remaining in the orchard to be treated. 3) It is between the calendar dates of February 15<sup>th</sup> and May 1<sup>st</sup>.

All applications of dimethoate on citrus must be documented on Form 1080, written either by a pest control advisor, farm owner or farm manager, as is normally required for custom applications of pesticides, except that private applicators may omit the "Pesticide Application Report" section. The description of the status of bloom on the orchard to be treated as it was at the time of the application shall be indicated in the section for "Label Restrictions/Special Instructions." Both private and custom applicators shall mail to the Agriculture Department's Phoenix office, the original of each completed Form 1080, done in accordance with this label. Each Form 1080 shall be postmarked not later than Monday following the week in which the application was made, except when holidays intervene.

USE RESTRICTIONS: Do not apply by air.

\*The REI is 10 days, however, the REI is increased to 14 days in outdoor areas where the average annual rainfall is less than 25 inches per year.

Citrus (California, Arizona): Non- bearing and nursery stock (REI = 10 days)*	aphids, thrips	Foliar Spray: 1 pt./100 gallons of water	Repeat applications as necessary. May be applied in the year trees begin to bear fruit. Do not graze livestock in treated orchards.
		Soil Drench (trees 1 to 3 years old): 1 pt./acre	Apply in the furrow or basin around the base of trees. Apply when insect injury to new growth appears. Do not apply to trees that will bear fruit within one year. Do not graze livestock in

treated orchards.

USE RESTRICTIONS: Do not apply more than 1 pt. of this product (1/2 lb. a.i.) per acre per application. Do not apply more than 2 pts. of this product (1 lb. a.i.) per acre per year. Do not apply by air.

\*The REI is 10 days; however, the REI is increased to 14 days in outdoor areas where the average annual rainfall is less than 25 inches per year.

Nuts: Pecans	aphids, mites, leafhoppers	Ground equipment: 2/3 pt./acre.	Do not graze livestock in treated groves.
	aphids	Aerial Equipment: 2/3 pt./acre in a minimum of 5 gals. of finished spray.	Maximum application rate is 2/3 pt./acre (1/3 lb. a.i./acre).  Maximum total rate per year is 2/3 pt./acre (1/3 lb. a.i./acre)  The REI is 48 hours.
Vegetable Crops: Asparagus (Do not use on asparagus in California or Arizona)	aphids, Asparagus beetles	1 pt./acre	Apply after the last harvest at no less than 14 day intervals up to a maximum of 2 pt. per acre per year. Do not apply less than 180 days before harvest. Maximum single application rate is 1 pt./acre (1/2 lb. a.i./acre). Maximum total rate per season is 2 pt./acre (1 lb. a.i./acre). The REI is 48 hours.
Beans, (including fresh, lima, snap, and dry beans and excluding cowpeas)	aphids, grasshoppers, leafhoppers, leaf miners, lygus bugs, mites	1/2 to 1 pt./acre	Beans may be harvested on day of application. Do not feed treated vines. Maximum single application rate is 1 pt./acre (1/2 lb. a.i./acre. 14 day retreatment interval. Maximum total rate per season is 2 pt./acre (1 lb. a.i./acre). The REI is 48 hours.
Broccoli Cauliflower	aphids	1/2 to 1 pt./acre	Maximum single application rate is 1 pt./acre (1/2 lb. a.i./acre). Retreatment interval is 7 days. Maximum total application rate per year is 3 pt./acre (1-1/2 lb. a.i./acre). The REI is 48 hours; however, the REI is increased to 72 hours in outdoor areas where the average annual rainfall is less than 25 inches per year.
Brussels Sprouts (For use in California only)	Aphids. Apply when insects first appear and repeat as needed.	Ground Equipment: 1 pt./acre in a minimum of 100 gals. of water per acre. Do not apply by air.	Do not exceed 3 applications per growing season. Do not feed or graze livestock in treated areas. Maximum single application rate is 1 pt./acre (1/2 lb. a.i./acre).

			11
			Maximum total application rate per year is 3 pt./acre (1-1/2 lb. a.i./acre). Retreatment interval is 7 days. The REI is 48 hours; however, the REI is increased to 72 hours in outdoor areas where the average annual rainfall is less than 25 inches per year.
Celery	leaf miners	Ground Equipment: 1 pt./acre	7 Maximum single application rate is 1 pt. acre (1/2 lb. a.i./acre). Retreatment interval is 7 days. Maximum total application rate per year is 3 pt./acre (1-1/2 lb. a.i./acre). The REI is 48 hours.
Kale	aphids, leafhoppers, leaf miners	1/2 pt./acre	Maximum single application rate is 1/2 pt./acre (1/4 lb. a.i./acre). Reapplication interval is 15 days. Maximum total application rate per year 1 pt./acre (1/2 lb. a.i./acre). The REI is 48 hours.
Leaf Lettuce, Swiss chard, Endive (Escarole)	aphids, leafhoppers, leaf miners	1/2 pt./acre	Maximum single application rate is 1/2 pt./acre (1/4 lb. a.i./acre). Reapplication interval is 7 days. Maximum total application rate per year is 1 1/2 pt./acre (3/4 lb. a.i./acre). The REI is 48 hours.
Lentils	lygus bug	1 pt./acre	Do not apply within 14 days of harvest. Do not feed or graze treated plants. Do not make more than two applications per growing season. This pesticide is highly toxic to bees. Do not apply if bees are visiting the areas to be treated when crop or weeds are in bloom.
	aphids	1/2 to 1 pt./acre	Do not make more than two applications per growing season. Do not apply within 14 days of harvest. Do not feed or graze treated plants. This pesticide is highly toxic to bees. Do not apply if bees are visiting the areas to be treated when crop or weeds are in bloom.
Melons (except watermelons)	aphids, leaf- hoppers, leaf miners, thrips	1 pt./acre	3

NOTE: For Lentils and Melons: Maximum single application rate is 1 pt./acre (1/2 lb. a.i./acre). 7 day reapplication interval. Maximum total rate per year is 2 pt./acre (1 lb. a.i./acre). The REI is 48 hours.

Mustard	aphids,	1/2 pt./acre	14
Greens	leafhoppers, leaf miners		Maximum single application rate is 1/2 pt./acre (1/4 lb. a.i./acre). Reapplication interval is 9 days. Maximum total application rate per year is 1 pt./acre (1/2 lb. a.i./acre). The REI is 48 hours.
Watermelons	aphids,	1/2 to 1 pt./acre	3
	leafhoppers, leaf miners,		Maximum single application rate is 1 pt./acre (1/2 lb. a.i./acre). 7 day reapplication interval.  Maximum total rate per year is 2 pt./acre (1 lb. a.i./acre). The REI is 48 hours.
Peas	aphids	1/3 pt./acre	Peas may be harvested on day
(Not for use on Field Peas)			of application. Do not feed or graze hay within 21 days after last application when a stationary viner is used. Do not feed or graze when a mobile viner is used. Do not make more than one application per season. Maximum application rate is 1/3 pt./acre (1/6 lb. a.i./acre). Maximum total rate per year is 1/3 pt./acre (1/6 lb. a.i./acre). The REI is 48 hours.
Peppers	aphids, leaf miners, maggots	1/2 to 2/3 pt./acre	Peppers may be harvested on day of application. Maximum single application rate is 2/3 pt./acre (1/3 lb. a.i./acre). Reapplication interval is 7 days. Maximum total rate per year is 3-1/3 pt./acre (1-2/3 lb. a.i./acre) The REI is 48 hours.
Potatoes	aphids, grasshoppers, leaf miners, leafhoppers	1/2 to 1 pt./acre	Potatoes may be harvested on day of application. Maximum single application rate of 1 pt./acre (1/2 lb. a.i./acre). Reapplication interval is 7 days. Maximum total rate per year is 2 pt./acre (1 lb. a.i./acre). The REI is 48 hours.
Tomatoes	aphids, leaf miners, leafhoppers	1/2 to 1 pt./acre	7 Maximum single application rate is 1 pt./acre (1/2 lb. a.i./acre).

The state of the s			13
			Maximum total rate per year is 2 pt./acre (1 lb. a.i./acre). 6 day reapplication interval. The REI is 48 hours.
Turnip (greens and root)	aphids, leafhoppers, leaf miners	1/2 pt./acre	Maximum single application rate is 1/2 pt./acre (1/4 lb. a.i./acre). Reapplication interval is 3 days. Maximum total rate per year is 3-1/2 pt./acre (1-3/4 lb. a.i./acre). The REI is 48 hours.
	endosulfan and ma		the above rates of DIMATE 4E are e with the manufacturer's directions
Field Crops: Alfalfa	aphids, grasshoppers, leafhoppers, lygus bugs, reduction of alfalfa weevil larvae.	1/2 to 1 pt./acre	Do not apply to alfalfa in the bloom period. Do not apply within 10 days of harvest or pasturing. Make only one application per cutting. Effective only on cutting to which applied. Maximum single application rate is 1 pt./acre (1/2 lb. a.i./acre). Maximum total rate per crop cycle or cutting is 1 pt./acre (1/2 lb. a.i./acre). The REI is 48 hours.
Field Corn Popcorn	banks grass mites (excluding Trans-Pecos area of Texas), aphids, bean beetles, two- spotted spider mites, corn rootworm adult*	2/3 to 1 pt./acre Aerial Application: spray over the foliage when mites appear. Apply above rates in 1 or more gals. of water per acre.	Do not feed or graze within 14 days of last application. Maximum single application rate is 1 pt./acre (1/2 lb. a.i./acre). Maximum total rate per year is 1 pt./acre (1/2 lb. a.i./acre). The REI is 48 hours.
	grasshoppers	1 pt./acre. Ground Application: Apply above rate in 20 to 40 gals. of water per acre. Aerial Application: Apply above rate in 1 or more gals. of water per acre.	*Note: Corn rootworm adult not registered for use in California.  Maximum single application rate is 1 pt./acre (1/2 lb. a.i./acre).  Maximum total rate per year is 1 pt./acre (1/2 lb. a.i./acre). The REI is 48 hours.

tasks for 4 days		and for 15 days in outdoor	eated area to perform detasseling areas where the average annual
Cotton (grown in California and Arizona)	lygus bugs, leafhoppers, black fleahoppers, plant bugs (including lugus), thrips	1/2 to 1 pt./acre	Repeat applications may not be made at intervals closer than 14 days. Make only 2 applications per season at the higher rate. Do not feed treated forage or graze livestock on treated fields. Maximum single application rate is 1 pt./acre (1/2 lb. a.i./acre). Maximum total rate per season is 2 pt/acre (1 lb. a.i./acre). The REI is 48 hours.
Cotton (except California and Arizona)	aphids, mites, thrips, fleahoppers, plant bugs	1/4 to 1 pt./acre	Do not make applications at intervals closer than 14 days. Do not feed treated forage or
	lygus bugs	1/2 pt./acre	graze livestock on treated fields. Maximum single application rate is 1 pt./acre (1/2 lb. a.i./acre). Maximum total rate per season is 2 pt/acre (1 lb. a.i./acre). The REI is 48 hours.
Safflower (grown in California and Arizona)	aphids, leaf- hoppers, lygus bugs, thrips	1/2 to 1 pt./acre	Do not make applications at intervals closer than 14 days. Make only 2 applications per season at the higher rate. Maximum single application rate is 1 pt./acre (1/2 lb. a.i./acre). Maximum total rate per crop cycle or cutting is 1 pt./acre (1/2 lb. a.i./acre). The REI is 48 hours.
Sorghum (milo)	aphids	1/2 to 1 pt./acre Ground Application: Apply above rates in 25 to 40 gals. of water per acre. Aerial Application: Apply above rates in 1	Do not feed or graze within 28 days of last application. Make no more than 3 applications as needed per season. Do not apply after heading.  Maximum single application rate
	banks grass mites (excluding Trans-Pecos area of Texas)	or more gals of water per acre.  1 pt./acre Ground Application: Apply above rates in 25 to 40 gals. of water per acre.	is 1 pt./acre (1/2 lb. a.i./acre). Reapplication interval is 7 days. Maximum total application rate per year is 2 pt./acre (1 lb. a.i./acre). The REI is 48 hours.

			10
		Aerial Application: Apply above rate in 1 or more gals. of water per acre.	
	sorghum midge	1/4 to 1/2 pt./acre Aerial Application: Apply above rates in 1 or more gals. of water per acre	
Soybeans	Mexican bean beetle, spider mites, bean leaf beetle, leafhopper	1 pt./acre Aerial Application: Apply specified rate in a minimum of 2 gals of water per acre.	Do not feed or graze within 5 days of last application.  Maximum single application rate is 1 pt./acre (1/2 lb. a.i./acre).
	grasshoppers	1 pt./acre Ground Application: Apply above rate in 25 to 40 gals. of water per acre. Aerial Application: Apply above rate in 1 or more gals. of water per acre.	Reapplication interval is 7 days.  Maximum total application rate per year is 2 pt./acre (1 lb. a.i./acre). The REI is 48 hours.
Triticale, Wheat	aphids (greenbugs), wheat midges	1/2 to 3/4 pt./acre	Do not apply within 14 days of grazing immature plant. Do not harvest grain within 35 days of last application. Do not make more than 2 applications per year. Maximum single application rate is 3/4 pt./acre (3/8 lb. a.i./acre). Maximum total rate per crop cycle or cutting is 1 pt./acre (1/2 lb. a.i./acre). The REI is 48 hours.
	brown wheat mite	1/3 to 1/2 pt./acre	
	grasshoppers	3/4 pt./acre	
Seed Crops: Alfalfa	aphids, leafhoppers, lygus bugs, grasshoppers, reduction of Alfalfa weevil larvae	1/2 to 1 pt./acre	Do not apply to alfalfa in the bloom period. Do not feed or graze livestock in treated crops, hay, threshings, or stubble within 10 days of application.  Maximum single application rate is 1 pt./acre (1/2 lb. a.i./acre).  Maximum total rate per crop cycle or cutting is 1 pt./acre (1/2 lb. a.i./acre). The REI is 48 hours.
Grasses grown for seed	winter grain mites, aphids, thrips, plant bugs	1/2 to 2/3 pt./acre	Do not graze or use seed or seed screenings for feed purposes. Do not apply within 14 days of harvest. Maximum single application rate of 2/3 pt./acre (1/3 lb. a.i./acre). 90 day retreatment interval.

	16
	Maximum total rate per year is 2 pt./acre (1 lb. a.i./acre). The REI is 48 hours.
ATTENTION: DO NOT USE GRASS.	ON SEED ONIONS, SEED CARROTS, OR SEED BERMUDA

#### **Ornamentals**

FOR USE ON ORNAMENTAL PLANTS GROWN IN NURSERIES ONLY

Do not use on ornamental plants growing in greenhouses, Christmas tree and conifer plantations, landscapes, interiorscapes and residential, public, recreational, commercial, industrial and institutional establishments.

DIMATE 4E is effective in controlling many sucking, piercing and chewing insects, including aphids, thrips, leafminers, scales, leafhoppers, and mites, that attack valuable ornamental plantings. For proper timing of treatments for the control of specific pests on ornamental plants, consult local horticultural authorities. Apply sprays uniformly and thoroughly to foliage, except as otherwise directed, when insects or their damage is first observed. Repeat applications as needed. Do not overdose or overspray. Use only on the ornamental plants listed below.

IMPORTANT--When making soil injections, use a low pressure soil injection device. Always wear a full face shield, rubber gloves, long-sleeved shirt and rubber apron. DO NOT inject into soil areas where children or pets may dig or exhume treated soil. Do not make soil injections within 20 feet of edible crop gardens.

High Pressure Handwand Equipment: When applications are made by high pressure handwand equipment, the maximum application rate for all crops and use-patterns is ½ teaspoon per gallon (0.0025 lb. a.i./gal.).

Conifer Seed Orchards: Maximum application rate is 2 pt./acre (1 lb. a.i./acre). Maximum total rate per year is 2 pt./acre (1 lb. a.i./acre). The REI is 48 hours; however, the REI is increased to 4 days in outdoor areas where the average annual rainfall is less than 25 inches per year.

Woody Ornamentals and Christmas Tree Nurseries: Maximum application rate: 2 pt. acre (1 lb. a.i./acre), 14 day reapplication interval. Maximum total rate per year: 6 pt./acre (3 lb. a.i./acre). When applications are made by high pressure handwand equipment, the maximum application rate for all crops and use-patterns is ½ teaspoon per gallon (0.0025 lb. a.i./gal.). The REI is 10 days; however, the REI is increased to 14 days in outdoor areas where the average annual rainfall is less than 25 inches per year.

Herbaceous Ornamentals: Maximum single application rate is 1/2 pt./acre (1/4 lb. a.i./acre). Maximum total rate per year is 1/2 pt./acre (1/4 lb. a.i./acre). The REI is 48 hours.

Crop	Pest Controlled	Rate	Specific Directions
Hackberry	Hackberry nipplegall psyllid, Hackberry budgall psyllid	Soil injection: Use a 1:3 dilution (1 part DIMATE 4E to 3 parts water).	Apply using a low-pressure injector. Inject 1 fl. oz. of dilution, 6 inches below ground, for each 1/2 inch of trunk diameter. Make insertions within dripline of tree.  Apply prior to bud break. Do not apply to plants that have not been established for at least 3 years.

	Tri	To "	17
Honeysuckle	Honeysuckle aphid	Soil injection: Use a 1:3 dilution	Apply using a low-pressure injector. Inject 1 1/4 fl. oz. of dilution, 6 inches beneath ground surface, for each 1/2 inch of trunk diameter. Do not apply to plants that have not been established for at least 3 years.
Pinyon pine	Pinyon needle scale	25-1/2 oz. in 10 gals. water	Apply spray to egg masses at the base of the trees and to all rough bark and crotches that can be reached from the ground. Make this bark application when crawlers start to emerge from the eggs. Use hydraulic or backpack sprayer. Do not spray leaves or needles since phytotoxicity may result.
	Pinyon "pitch mass" borer, Pinyon spindle gall midge, Tip moth	Soil injection: Use a 1:3 dilution	Apply using a low-pressure injector. Inject 1 1/2 fl. oz. of dilution, 6 inches below ground surface, for each 1 inch of trunk diameter. Make insertions within dripline of tree. For Spindle gall midge and Tip moth apply in mid to late spring. For Pinyon borer make application in early summer.
Douglas Fir	Fir cone midge	6-1/2 oz. in 10 gals. water	Make thorough coverage application when cones are closed and pendant. Use hydraulic or backpack sprayer.

Washington and Oregon Only -- Special exception for airblast applications to Douglas Fir Seed Orchards: Maximum application rate of 1.15 gal./acre (4.15 lb. a.i./acre). Maximum total rate per year of 1.15 gal./acre (4.15 lb. a.i./acre). If airblast applications are applied at a rate greater than 1 qt/acre, the REI is 16 days; however, the REI is increased to 25 days in outdoor areas

where the average annual rainfall is less than 25 inches per year.

Pines	Loblolly pine sawfly, Nantucket pine tip moth	6 oz. in 10 gals. water	Apply when most larvae are in the second and third instars.
	Zimmerman pine moth	3-1/2 oz. in 10 gals. water	Spray in Mid-April and/or in early September for larvae control.
Arborvitae	Aphids, Bagworm, Mites	3-1/2 oz. in 10 gals. water	
Azaleas	Lace bug, Leafminers, Mites, Tea scale, Whiteflies	1-3/4 oz. in 10 gals. water	
Birch	Aphids, Leafminers	1-3/4 oz. in 10 gals. water	For leafminers, apply when leaves are expanded, about mid-May, and repeat in early July.
Boxwood	Leafminers, Mealy bug,	1-3/4 oz. in 10 gals. water	For leafminers, apply in spring when leafminer flies first appear,

	Mites		or in early summer for control of larvae in the infested leaves.
Carnations	Aphids, Thrips, Mites	Soil drench: 2 oz. per 500 sq. ft. of bed or bench	Apply in sufficient water for even distribution. Water in thoroughly following application.
Camellias	Aphids, Camellia scale, Mites, Tea scale	Foliar Spray: 1-3/4 oz. in 10 gals. water. Soil drench: 2 oz. in 1 gal. water. For plants up to 6" tall. Increase rate proportionately for larger plants.	Foliar spray: Apply 2 sprays, 6 weeks apart the first year, followed by annual applications soon after first growth begins in the spring.  Soil drench: Apply as a soil drench around the base of plants in early spring.
Cedar	Mites	3-1/2 oz. in 10 gals. water	
Cypress	Bactra moth larvae	1-3/4 oz. in 10 gals. water	Apply as a drenching spray.
Daylillies	Aphids, Thrips	3-1/2 oz. in 10 gals. water	
Euonymus	Aphids, Scale	3-1/2 oz. in 10 gals. water	
Ficus Nitida	Thrips	1-3/4 oz. in 10 gals. water	
Gardenias	Tea scale, Whitefly	1-3/4 oz. in 10 gals. water	
Gerberas	Thrips	1-3/4 oz. in 10 gals. water	
Gladiolus	Aphids, Thrips	1-3/4 oz. in 10 gals. water	
Hemlock	Mites, Scale	1-3/4 oz. in 10 gals. water	
Holly (English & American) not Burford variety	Leafminers, Mites, Soft scale	1-3/4 oz. in 10 gals. water	For leafminers, apply in spring when leafminer flies first appear, or in early summer, for control of larvae in infested leaves.
Iris	Aphids, Iris borer, Thrips	3-1/2 oz. in 10 gals. water	For borer control, spray when new leaves are 5 to 6 inches tall.
Juniper	Aphids, Bagworms, Midges, Mites	3-1/2 oz. in 10 gals. water	
Oak	Golden oak scale	3-1/2 oz. in 10 gals. water	
Poinsettia	Mites, Whitefly, Mealybug, Aphids	1-3/4 oz. in 10 gals. water	
Roses	Aphids, Leafhoppers, Mites, Thrips	1-3/4 oz. in 10 gals. water	
Taxus (upright or spreading yews)	Fletcher scale, Mealybug, Mites	3-1/2 oz. in 10 gals. water	

# STORAGE AND DISPOSAL

## DO NOT CONTAMINATE WATER, FOOD, OR FEED BY STORAGE OR DISPOSAL.

**PESTICIDE STORAGE**: Store in a dry location away from children, animals, foods, feeds, and other agricultural chemicals. Keep container closed when not using. Do not allow water into container as this may cause deterioration of product. Handle in accordance with information given under PRECAUTIONARY STATEMENTS. Do not store under conditions where temperatures may exceed 120°F or be below 45°F. Keep storage area locked when not in use. In the event of spillage or leakage, soak up material with absorbent clay, sand, sawdust, or other absorbent material. Scrape up and dispose of in accordance with information given under PESTICIDE DISPOSAL. Repackage and relabel useable product in a sound container.

**PESTICIDE DISPOSAL**: Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use 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.

**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 other procedures approved by state and local authorities.

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 other procedures approved by state and local authorities.

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 other procedures approved by state and local authorities.

FOR CHEMICAL EMERGENCY: Spill, leak, fire, exposure or accident, call CHEMTREC 1-800-424-9300.

#### 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, 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,

20

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 THE 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 RISING 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.