

42750-117

7/30/2009

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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

JUL 30 2009

Mr. Morris Gaskins
Albaugh Inc
P. O. Box 2127
Valdosta, GA 31604

Subject: Editing Large Tree Section Application
Imidacloprid 2 FL T&O EPA Reg. No. 42750-115
Imidacloprid 75 WSP T& O EPA Reg. No. 42750-117 ✓
Your Submission date, May 28, 2009

Dear Dr. Gaskins:

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act as amended is acceptable. A stamped copy is enclosed for your records. Submit two (2) copies of your final printed labeling before you release the product for shipment. If there are questions call me at 703 305-5409.

Sincerely,
SD

Dani Daniel
Insecticide-Rodenticide Branch
Registration Division 7505P

Enclosure:

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IMIDACLOPRID 75WSP T&O

Insecticide for foliar and systemic insect control in turfgrass (including sod farms), landscape ornamentals, listed fruit and nut trees and interior plantscapes.

ACTIVE INGREDIENT:

Imidacloprid, 1-[(6-Chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimin 75.0%

OTHER INGREDIENTS: 25.0%

TOTAL: 100.0%

Keep water soluble packets in this container and store in a cool dry place but not below freezing (32 F)

Do not remove packets from container except for immediate use.

KEEP OUT OF REACH OF CHILDREN.

CAUTION

PRECAUCION AL USUARIO: Si usted no puede leer o entender ingles, no use este producto hasta que la etiqueta le haya sido explicada ampliamente.

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

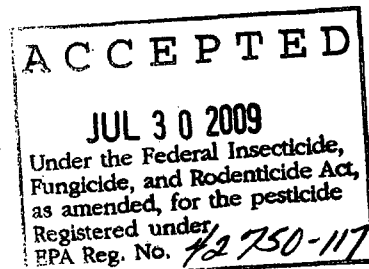
FIRST AID	
IF SWALLOWED	<ul style="list-style-type: none"> • Call a poison control center or doctor immediately for treatment advice. • Have person sip a glass of water if able to swallow. • Do not induce vomiting unless told to do so by a poison control center or doctor. • Do not give anything by mouth 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 to 20 minutes. • Call a poison control center or doctor for treatment advice.
IF IN EYES	<ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water for 15 to 20 minute. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. • Call a poison control center or doctor for treatment advice.
In case of emergency call CHEMTREC toll free at 1-800-424-9300. Have a product container or label with you when calling a poison control center or, doctor, or going for treatment.	
Note to Physician: No specific antidote is available. Treat the patient symptomatically.	

EPA Reg. No. 42750-117

EPA Est. No. xxxxxx-xx-xxx

NET CONTENTS: 4 x 1.6 oz

Manufactured For:
ALBAUGH, INC.
1525 NE 36th St.
ANKENY, IA 50021



For non-emergency questions for this product call Albaugh, Inc. toll free at 1-800-247-8013.

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION: Harmful if swallowed or absorbed through skin. Causes eye irritation. Avoid contact with skin, eyes, or clothing. Avoid breathing dust or vapor. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse. Keep children or pets off treated area until spray is dry.

Applicators and Other Handlers Must Wear:

1. Long-sleeved shirt and long pants
2. Chemical resistant gloves made of any waterproof material such as barrier laminate, butyl rubber, nitrile rubber, neoprene rubber, natural rubber, polyethylene, polyvinylchloride (PVC) or viton.
3. Shoes plus socks

Follow manufacturer's instructions for cleaning/ maintaining personal protective equipment, PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

ENGINEERING CONTROLS STATEMENTS:

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)(4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

USER SAFETY RECOMMENDATIONS

User 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 into clean clothing.

ENVIRONMENTAL HAZARDS

This product is highly toxic to 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 washwaters.

This product is highly toxic to bees exposed to direct treatment or residues on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds if bees are visiting the treatment area.

This chemical demonstrates the properties and characteristics associated with chemicals detected in groundwater. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in a cool, dry place and in such a manner as to prevent cross contamination with other pesticides, fertilizers, food, and feed. Store in original container and out of the reach of children, preferably in a locked storage area.

Handle and open container in a manner as to prevent spillage. If the container is leaking or material spilled for any reason or cause, care-fully sweep material into a pile. Refer to Precautionary Statements on label for hazards associated with the handling of this material. Do not walk through spilled material. Dispose of pesticide as directed below. In spill or leak incidents, keep unauthorized people away. You may contact CHEMTREC at 800-424-9300 for decontamination procedures or any other assistance that may be necessary.

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: Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

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.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE) and restricted-entry 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 product is applied by drenching, 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 made of any waterproof material such as barrier laminate, butyl rubber, nitrile rubber, neoprene rubber, natural rubber, polyethylene, polyvinylchloride (PVC) or viton.
3. Shoes plus socks

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NON-AGRICULTURAL USE REQUIREMENTS

The requirements in this box apply to uses of this product that are NOT with-in the scope of the Worker Protection Standard for agricultural pesticides (40 CFR part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries, or greenhouses.

Keep children and pets off treated area until dry.

Do not formulate this product into other end-use products.

APPLICATION TO TURFGRASS

IMIDACLOPRID 75WSP T&O will control the following soil inhabiting pests found in turfgrass

PEST	SCIENTIFIC NAME
Northern & Southern masked chafers	<i>Cyclocephala borealis, C. immaculata, and/or C. lurida</i>
Asiatic garden beetle	<i>Maladera castanea</i>
European chafer	<i>Rhizotrogus majalis</i>
Green June beetle	<i>Cotinis nitida</i>
May or June beetle	<i>Phyllophaga spp.</i>
Japanese beetle	<i>Popillia japonica</i>
Oriental beetle	<i>Anomala orientalis</i>
Billbugs	<i>Spherophorus spp.</i>
Annual bluegrass weevil	<i>Hyperodes spp.</i>
Black turfgrass ataenius	<i>Ataenius spretulus and Aphodius spp</i>
European Crane Fly	<i>Tipula paludosa</i>
Mole crickets	<i>scapteriscus spp.</i>

IMIDACLOPRID 75WSP T&O will suppress cutworms and chinch bugs.

IMIDACLOPRID 75WSP T&O can be applied on turfgrass in the following sites:

- | | |
|------------------------------------|-----------------|
| Home lawns | Cemeteries |
| Business and office complexes | Parks |
| Shopping complexes | Playgrounds |
| Multi-family residential complexes | Athletic fields |
| Golf courses | Sod farms* |
| Airports | |

* Do not use in Arizona unless otherwise directed by supplemental labeling.

IMIDACLOPRID 75WSP T&O has adequate residual activity that applications can be made preceding the egg laying activity of the target pests. Best control is achieved when applications are made prior to egg hatch of the pests. Sufficient irrigation or rainfall is required to move the active ingredient through the thatch.

Do not apply when infested turfgrass areas are waterlogged or soil beneath turf is saturated with water. These conditions prevent thorough and consistent distribution. Best results are achieved when rainfall or irrigation after application will penetrate vertically in the soil column carrying the active ingredient into the zone where insects are normally located.

RESTRICTION: Do not exceed a total of 8.6 ounces application (0.4 lb of active ingredient) per acre per year.

APPLICATION EQUIPMENT FOR USE ON TURFGRASS

Dilute IMIDACLOPRID 75WSP T&O with enough water to provide adequate volume to promote thorough distribution into the pest zone. Use only accurately calibrated equipment for application to turfgrass. Apply a uniform, coarse droplet spray, using a low pressure setting to eliminate off target drift. Perform calibration on a regular basis to ensure that equipment is distributing product properly.

APPLICATION TO ORNAMENTALS

IMIDACLOPRID 75WSP T&O can be applied to ornamental plants in commercial and residential landscapes and interior plantscapes. IMIDACLOPRID 75WSP T&O is a systemic insecticide that is transported within the plant system from the roots to upper foliage. IMIDACLOPRID 75WSP T&O must be applied into a growing area of the plant that allows absorption of the active ingredient. Adding soluble nitrogen type fertilizers to the spray solution when appropriate can promote the uptake of the active ingredient.

Application can be made by foliar application or soil applications; including soil injection, drenches, and broadcast sprays. Foliar applications offer locally systemic activity against insect pests.

The systemic translocation of active ingredient will be slower when applied to woody plants with soil applications. This delay can take 60 days or longer depending on species and size of plant. To offset this, make applications before anticipated pest infestation.

For outdoor ornamentals, broadcast applications cannot exceed a total of 8.6 ounces (0.4 lb of active ingredient) per acre per year.

ANT MANAGEMENT PROGRAMS

Using IMIDACLOPRID 75WSP T&O to control aphids, scale insects, mealybugs and other sucking pests on ornamentals will reduce ant populations because it removes honeydew as a food source. To enhance control of ants, supplement with residual sprays, bait placements or other ant control tactics.

RESTRICTION: Not for use in commercial greenhouses, nurseries, or on grasses grown for seed, or on commercial fruit and nut trees.

APPLICATION EQUIPMENT FOR FOLIAR APPLICATIONS

IMIDACLOPRID 75WSP T&O mixes readily with water and may be used in many types of application equipment. Add a commercial spreader/sticker promote coverage on hard to wet foliage such as holly, pine, or ivy.

IMIDACLOPRID 75WSP T&O is compatible with many commonly used fungicides, miticides, liquid fertilizers, and other insecticides. If applicator has no prior experience with a particular tank mix; check physical compatibility by making a small clear jar test using correct proportions of products to be tank mixed.

RESTRICTIONS

- Keep children and pets off treated area until dry.
- Do not apply more than 8.6 ounces (0.4 lb of active ingredient) per acre per year.
- Do not graze treated areas or use clippings from treated areas for feed or forage.
- Do not apply through any irrigation system
- Do not allow puddling of irrigation water following application.
- Do not apply IMIDACLOPRID 75WSP T&O to areas which are water logged or saturated, which will not allow penetration into the root zone of the plant.

- Treated areas may be replanted with any crop specified on an imidacloprid label, or with any crop for which a tolerance exists for the active ingredient.
- For crops not listed on an imidacloprid label, or for crops for which no tolerances for the active ingredient have been established, a 12-month plant-back interval is required.

TURF GRASSES

TO CONTROL LARVAE OF:

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|-------------------------|--------------------------|
| European Crane Fly | Black turfgrass ataeinus |
| Annual bluegrass weevil | Oriental beetle |
| Green June beetle | Cutworms (suppression) |
| Asiatic garden beetle | Phyllophaga spp. |
| Japanese beetle | European chafer |
| Billbug | Southern masked chafer |
| Northern masked chafer | |

Apply 1.6 ounces (1 packet) per 8,250 to 11,000 sq ft). Make application prior to egg hatch of grubs, billbugs, annual bluegrass weevil, and European Crane Fry to maximize control.

For chinch bugs (suppression) and mole crickets apply 1.6 ounces (1 packet) per 8,250 sq. ft. For suppression of chinchbugs, make application before the hatching of the first instar nymphs.

For control of mole crickets make application before or during the peak egg hatch period. If adults or large nymphs are actively tunneling, combine applications of IMIDACLOPRID 75WSP T&O with a remedial insecticide. Follow label instructions for other insecticides when tank-mixing.

Consult your local turf, state Agricultural Experiment Station, or State Extension Service Specialists for more specific Information regarding timing of application.

Note: In order to move the active ingredient through the thatch, irrigate if rainfall does not occur within 24 hours after application.

RESTRICTIONS FOR TURF GRASS:

- Do not apply more than 8.6 ounces (0.4 lb of active ingredient) per acre per year.
- Do not mow turf or lawn area, until after adequate irrigation or rainfall has occurred.

NON-BEARING FRUIT & NUT TREES, SHRUBS, EVERGREENS, FLOWERS,
FOLIAGE PLANTS, GROUNDCOVERS AND INTERIOR PLANTSCAPES

(Only for Industrial, Commercial Buildings, Residential and Landscaped Areas)

TO CONTROL:

- | | |
|---|--|
| Adelgids | Leafminers (Including Boxwood leafminer) |
| Aphids | Mealybugs |
| Borers (Including Two-lined Chestnut borer,
Bronze birch borer, Asian longhorned beetle,
Emerald ash borer) | Planthoppers |
| Honeylocust Plant Bug | Psyllids |
| Diptera (Including Rhododendron gall midge,
Honeylocust pod gall midge) | Sawfly larvae |
| Froghoppers | Scales (Including Lecanium, Azalea bark,
Calico, Cottony Camellia, Cottony maple,
Cottony taxus) |
| Galls (Including Hickory stem gall) | Spittlebugs |
| Japanese beetles | Thrips (suppression) (Including Flower, Pear
and
Pine thrips) |
| Lace bugs | Treehoppers |
| Leaf beetles
(Including elm and viburnum leaf beetles) | Weevils (Including white Pine and Black vine) |
| Leafhoppers
(Including glassy-winged sharpshooter) | Whiteflies |

Apply 1.6 ounces (1 packet) of Imidacloprid 75WSP T&O per 300 gallons of water. Make foliar applications before high pest populations become established. Reapply on an as needed basis.

To control White grub larvae, (such as Japanese beetle larvae, Chafers, Phyllophaga spp. Asiatic garden beetle, Oriental beetle) apply 1.6 ounces (1 packet) per 8,250 to 11,000 sq ft.

Make broadcast applications by mixing specified rate in enough water to uniformly cover the treated area. Do not use less than 2 gallons of water per 1000 sq ft. If necessary, irrigate thoroughly to incorporate IMIDACLOPRID 75WSP T&O into the upper soil profile.

Refer to use directions specific for FLOWERS and GROUND COVERS concerning additional use directions.

RESTRICTIONS: Do not apply more than 8.6 ounces (0.4 lb of active ingredient) per acre per year.

NON-BEARING FRUIT & NUT TREES, SHRUBS, FLOWERS AND GROUNDCOVERS
(Only For Industrial, Commercial Buildings, Residential, and Landscaped Planting Areas)
(Including State, National, and Private Wooded and Forested Areas)

TO CONTROL:

- | | |
|---|---|
| Adelgids | Lace bugs |
| Aphids | Leaf beetles
(including elm and viburnum leaf beetles) |
| Armored scales (suppression) | Leafhoppers
(including glassywinged sharpshooter) |
| Asian longhorn beetle | Leafminers |
| Black vine weevil larvae | Mealybugs |
| Emerald Ash Borer | Pine tip moth larvae |
| Eucalyptus longhorned borer | Plant bug |
| Flatheaded borers
(including bronze birch and alder borer) | Psyllids |
| Japanese beetles | |

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Roundheaded borers
Royal Palm Bugs
Sawfly larvae
Soft scales

Thrips (suppression)
White grub larvae
Whiteflies

For TREES –

Apply 1.6 ounces (1 packet) of Imidacloprid 75WSP T&O per 12 to 48 inches of cumulative trunk diameter. The higher rate may be necessary for larger trees (e.g. over 15" DBH) (Diameter Breast Height) or difficult to control insects or trees with severe infestations. Do not apply more than 0.53 lb of 75WSP (0.4 lb of active ingredient) per acre per year.

APPLICATION TECHNIQUE:

SOIL INJECTION:

Mix required dosage in sufficient water to inject an equal amount of solution in each hole. For concentrate injectors mix required dose with up to 1 gallon of water per DBH inch. Maintain a low pressure and use sufficient solution for distribution of the liquid into treatment zone. Dilution rate may vary depending on equipment used, tree size and application rate. Refer to the instructions for injector equipment being used for guidance.

- **GRID SYSTEM:** Make applications in a grid pattern on 2.5 foot centers within the drip line of the tree.
- **CIRCLE SYSTEM:** Make applications in holes evenly spaced approximately 2 – 3 feet apart in a circle within the drip line of the tree. Larger trees may require additional application circles.
- **BASAL SYSTEM:** Make applications into holes evenly spaced around the base of the tree trunk no more than 6 to 12 inches out from the base.

SOIL DRENCH:

Apply in no less than 10 gallons of water per 1000 square feet as a drench around the base of the tree, directed to the root zone. Any plastic or other barrier that may prevent drench solution from reaching the root zone must be removed.

NOTES FOR ALL APPLICATION TECHNIQUES:

- Inject an equal amount of water and solution in each hole.
- Use low pressure and sufficient solution for thorough distribution into the treatment zone.
- Maintain soil moisture for 7 to 10 days.
- Application to trees already heavily infested with borers listed may not prevent the eventual loss of the trees.

RESTRICTIONS FOR TREES:

- Do not use less than 4 holes per tree.
- No Soil Injection Applications Allowed In Nassau or Suffolk Counties of New York.

For SHRUBS –

Apply 1.6 ounces (1 packet) of Imidacloprid 75WSP T&O per 24 to 48 foot of cumulative shrub height.

APPLICATION TECHNIQUES:

SOIL INJECTION:

Apply to individual plants using dosage indicated.

SOIL DRENCH:

Uniformly apply the dosage in no less than 10 gallons of water per 1000 square feet as a drench around the base of the tree, directed to the root zone. Remove plastic or any other barrier that will stop solution from reaching the root zone.

NOTES:

- Mix required dosage in sufficient water to inject an equal amount of solution in each hole.
- Use low pressure and sufficient solution for distribution of the liquid into the treatment zone.
- Maintain soil moisture for 7 to 10 days.

RESTRICTIONS FOR SHRUBS:

- Do not use less than 4 holes per shrub.
- No Soil Injection Applications Allowed In Nassau or Suffolk Counties of New York.

For FLOWERS and GROWDCOVERS -

Apply 1.6 ounces (1 packet) of Imidacloprid 75WSP T&O per 8,250 to 11,000 sq ft.

Apply as a broadcast treatment and incorporate into the soil before piling or apply after plants are established. If application is made to established plants, best control is achieved by irrigating after application.

POME FRUITS
(For Residential Areas Only)

Includes: Apple, Crabapple, Loquat, Mayhaw, Pear, Pear (oriental), Quince

TO CONTROL:

Aphids (except Woolly apple aphid)
Leafhoppers (including glassy-winged sharpshooter)

Leafminer
Mealybugs*
San Jose Scale*

Apply 1.6 ounces (1 packet) per 300 gallons of water OR 2.1 ounces per acre¹ as foliar spray after petal-fall is complete.

NOTES:

- For control of rosy apple aphid, apply prior to leafrolling caused by the pest.
- For first generation leafminer control, make first application as soon as petal fall is complete. Greatest leafminer control will result from the earliest possible application. For second and succeeding generations of leafminer, optimal control is obtained from applications made early in the adult flight against egg and early instar larvae. A second application may be required 10 days later if severe pressure continues or if generations are overlapping a single application may result in suppression only. IMIDACLOPRID 75WSP T&O will not control late stage larvae.
- For San Jose Scale, time applications to the crawler stage. Treat each generation.
- For late season (preharvest) control of leafhopper species, apply IMIDACLOPRID 75WSP T&O while most leafhoppers are in the nymphal stage.
- For optimal control of mealybug, insure good spray coverage of the trunk and scaffolding limbs or other resting sites of the mealybug.

RESTRICTIONS FOR RESIDENTIAL POME FRUITS:

- Do not apply more than 2.1 ounces per acre in a single application. Do not make more than 4 applications per year.
- Allow 10 or more days between applications.
- Allow at least 7 days between last application and harvest.
- Not for use in California for control on pears.

¹ The amount of Imidacloprid 75WSP T&O required per acre depends on tree size and/or volume of foliage. The rate per acre is based on a standard of 400 gallons of dilute spray solution per acre for large trees with full foliage.

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PECAN
(For Residential Areas Only)

(Do not use on pecans in California unless directed by specific supplemental labeling)

TO CONTROL:

- | | |
|----------------------|-----------------------|
| Yellow pecan aphid | Pecan stem phylloxera |
| Pecan spittlebug | Pecan leaf phylloxera |
| Black margined aphid | |

Apply 1.6 ounces (1 packet) per 300 gal

OR

2.1 ounces per acre¹ as a foliar application as pest pressure begins to increase.

Make a second application 10 to 14 days after first if field scouting reveals continued pest pressure. Use of an organosilicone based spray adjuvant at specified rate can insure thorough coverage of foliage.

RESTRICTIONS FOR RESIDENTIAL PECAN TREES:

- Do not apply more than a total of 6.3 ounces of IMIDACLOPRID 75WSP T&O per acre per year.
- Do not make more than 3 applications per year.
- Allow 10 or more days between applications.

¹ The amount of Imidacloprid 75WSP T&O required per acre may vary and depends on tree size or volume of foliage. The rates given are based on a standard of 400 gallons of dilute spray solutions per acre for large trees with full foliage. DO NOT apply more than 6.3 fluid ounces of Imidacloprid 75 T&O per acre per year.

GRAPES
(For Use Only For Industrial, Commercial Buildings and Residential Planting Areas)

TO CONTROL:

- Leafhoppers (including glassy-winged sharpshooter)
- Mealybugs

Apply 1.6 ounces (1 packet) per 300 gallons of water

OR

1.0 ounces per acre as a foliar spray using 200 gallons of water per acre.

RESTRICTIONS FOR RESIDENTIAL GRAPES:

- Do not apply more than a total of 2.0 ounces of IMIDACLOPRID 75WSP T&O per acre per year.
- Allow at least 14 days between applications.
- Applications may be applied up to and including day of harvest.

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 use of this product. Crop injury, ineffectiveness, or other unintended consequences may

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result because of such factors as weather conditions, presence of other materials, or the manner of use or application, all of which are beyond the control of ALBAUGH, INC., its Supplemental Distributors, or the Seller. To the extent consistent with applicable law, All such risks shall be assumed by the Buyer.

ALBAUGH, INC., its Supplemental Distributors and the Seller warrant 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, NEITHER ALBAUGH, INC. NOR ITS SUPPLEMENTAL DISTRIBUTORS MAKE ANY OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS FOR ANY PARTICULAR PURPOSE OR OF MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THIS WARRANTY DOES NOT EXTEND TO, AND THE BUYER SHALL BE SOLELY RESPONSIBLE FOR, ANY AND ALL LOSS OR DAMAGE WHICH RESULTS FROM THE USE OF THIS PRODUCT IN ANY MANNER WHICH IS INCONSISTENT WITH THE LABEL DIRECTIONS.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BUYER'S EXCLUSIVE REMEDY AND THE EXCLUSIVE LIABILITY OF ALBAUGH, INC., ITS SUPPLEMENTAL DISTRIBUTORS AND THE SELLER FOR ANY AND ALL CLAIMS, LOSSES, DAMAGES, OR INJURIES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER OR NOT BASED IN CONTRACT, NEGLIGENCE, STRICT LIABILITY IN TORT OR OTHERWISE, SHALL BE LIMITED, AT THE MANUFACTURER'S OPTION, TO REPLACEMENT OF OR THE REPAYMENT OF THE PURCHASE PRICE FOR THE QUANTITY OF PRODUCT WITH RESPECT TO WHICH DAMAGES ARE CLAIMED. To the extent consistent with applicable law, When Buyer suffers losses or damages resulting from the use or handling of this product (including claims based on contract, negligence, strict liability, or other legal theories), Buyer must promptly notify Seller in writing of any claims to be eligible to receive either remedy stated above. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, IN NO CASE SHALL ALBAUGH, INC., ITS SUPPLEMENTAL DISTRIBUTORS, OR THE SELLER BE LIABLE FOR CONSEQUENTIAL, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT. ALBAUGH, INC., its Supplemental Distributors, and the Seller offer this product, and the Buyer accepts 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 ALBAUGH, INC.

No employee or agent of ALBAUGH, INC., its Supplemental Distributor, or the Seller is authorized to vary or exceed the terms of this Warranty in any other manner.