

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs
Registration Division

Robert F Bischoff
DOWELANCO
QUAD IV 9002 PURDUE RD
INDIANAPOLIS IN 46268

Subject: Label Amendment Submission of 06/23/93
to Comply with WPS Labeling Requirements
EPA Reg Nr. 62719-221
LORSBAN 50W INSECTICIDE IN WATER SOLUBLE PACKETS

Dear Registrant:

The labeling cited above and submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is accepted subject to the comments listed below.

Based on your certification, the Agency has accepted only those changes to your labeling which are necessary to comply with PR Notices 93-7 and 93-11, which reflect the WPS labeling requirements of 40 CFR part 156, subpart K. Any other labeling changes submitted in connection with this amendment application and not directly related to compliance with PR Notice 93-7 or 93-11 have neither been reviewed nor accepted by the Agency. If you wish to make any such changes, you must submit a separate amendment application proposing them. If your product registration is currently suspended, acceptance of this labeling amendment does not affect the suspension in any way.

A copy of your proposed labeling stamped, "Accepted with comments", is attached. Make any required changes described below and send three copies of final labeling as soon as it is available to:

Document Processing Desk (FIN-LABEL)
Office of Pesticide Programs (H-7504C)
U.S. Environmental Protection Agency
401 M Street, SW
Washington, DC 20460-0001

6/21/93

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(Editor's Note: Deleted text indicated by strike-through and added text underlined. EPA copy dated 5/27/93 and worker protection standard.)

(Base Label)

(logo) DowElanco

Lorsban* 50W in Water Soluble Packets

ACCEPTED
with COMMENTS
In EPA Letter Dated

OCT 18 1993

Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.

62719-221

For control of various insects on certain fruit, nut and vegetable crops

Active Ingredient:

chlorpyrifos: O,O-diethyl O-(3,5,6-trichloro-2 pyridinyl) phosphorothioate 50%

Inert Ingredients 50%

Precautionary Statements

Hazards to Humans and Domestic Animals

WARNING

AVISO:

Precaucion al usuario: Si usted no lee inglés, no use este producto hasta que la etiqueta le haya sido explicada ampliamente.

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle.

(If you do not understand the label, find someone to explain it to you in detail.)

May Be Fatal If Swallowed • Harmful If Absorbed Through Skin Or Inhaled • Causes Eye Irritation

~~Avoid contact with eyes, skin or clothing. Avoid breathing dust or spray mist. Wash thoroughly with soap and water after handling and before eating or smoking. Wear protective clothing such as long pants, long sleeved shirt, gloves, hat and boots when loading the spray tank and during application of the spray mixture. Work to windward to stay out of spray drift or mist. Remove contaminated clothing and wash before reuse. Do not apply this product in such a manner as to directly or through drift expose workers or other persons. The area being treated must be vacated by unprotected persons. Keep away from food, feedstuffs, and water supplies.~~

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Waterproof gloves
- Shoes plus socks
- Chemical-resistant headgear for overhead exposure

Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them. Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

User Safety Recommendations

Users should:

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

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First Aid

An organophosphate insecticide/miticide.

If swallowed: Call a physician or Poison Control Center. Drink 1 or 2 glasses of water and induce vomiting by touching back of throat with finger. Do not induce vomiting or give anything by mouth to an unconscious person.

If on skin: Wash with plenty of soap and water. Get medical attention if irritation persists.

If in eyes: Flush with plenty of water for 5 minutes. Get medical attention if irritation persists.

If inhaled: Remove to fresh air if effects occur. Get medical attention.

Note to physician: Chlorpyrifos is a cholinesterase inhibitor. Treat symptomatically. If exposed, plasma and red blood cell cholinesterase tests may indicate significance of exposure (baseline data are useful). Atropine, only by injection, is the preferable antidote. Oximes, such as 2-PAM/protopam, may be therapeutic if used early; however, use only in conjunction with atropine. In case of severe acute poisoning, use antidote immediately after establishing an open airway and respiration.

Environmental Hazards

This pesticide is toxic to birds and wildlife, and extremely toxic to fish and aquatic organisms. Do not apply directly to water. Drift and runoff from treated areas may be hazardous to aquatic organisms in adjacent aquatic sites. Cover or incorporate spills. 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. Avoid use when bees are actively foraging or if bees are likely to come in contact with wet or re-wetted treated surfaces. Protective information may be obtained from your Cooperative Extension Service. This product may pose a hazard to certain Federally endangered fish species. Refer to the "Endangered Species Restrictions" section of this label for any geographic restrictions.

Endangered Species Restrictions

The use of Lorsban 50W may pose a hazard to certain Federally endangered fish species.

This product cannot be used on sour cherry trees in the following counties:

Colorado: Delta, Larimer and Mesa

Ohio: Washington

Utah: Emery, Grand, Utah and Washington

Wisconsin: Iowa, Pierce, Richland and Vernon

Refer to label booklet for additional precautionary information including Personal Protective Equipment (PPE), and Directions for Use including Agricultural Use Requirements and Storage and Disposal.

Notice: Read and understand the entire label. Use only according to label directions. Before buying or using this product, read "Warranty Disclaimer" and "Limitation of Remedies" inside label booklet.

In case of emergency endangering health or the environment involving this product, call collect 517-636-4400.

Agricultural Chemical: Do not ship or store with food, feeds, drugs or clothing.

EPA Reg. No. 62719-221

EPA Est. 464-MI-1, 33967-NJ-1

Superscripts correspond to first letters of lot number.

900-001080

28846

*Trademark of DowElanco

DowElanco • Indianapolis, IN 46268, U.S.A.

Insecticide

Net Weight 6 x 5 x 1 lb

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(Stand Alone Booklet)

(cover)

(logo) DowElanco

Lorsban* 50W in Water Soluble Packets

For control of various insects on certain fruit, nut and vegetable crops

Active Ingredient:

chlorpyrifos: O,O-diethyl O-(3,5,6-trichloro-2 pyridinyl) phosphorothioate..... 50%

Inert Ingredients..... 50%

Refer to label booklet for additional precautionary information including Personal Protective Equipment (PPE), and Directions for Use including Agricultural Use Requirements and Storage and Disposal.

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Insecticide

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Hazards to Humans and Domestic Animals WARNING AVISO:

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May Be Fatal If Swallowed • Harmful If Absorbed Through Skin Or Inhaled • Causes Eye Irritation

Avoid contact with eyes, skin or clothing. Avoid breathing dust or spray mist. Wash thoroughly with soap and water after handling and before eating or smoking. Wear protective clothing such as long pants, long sleeved shirt, gloves, hat and boots when loading the spray tank and during application of spray mixture. Work to windward to stay out of spray drift or mist. Remove contaminated clothing and wash before reuse. Do not apply this product in such a manner as to directly or through drift expose workers or other persons. The area being treated must be vacated by unprotected persons. Keep away from food, feedstuffs, and water supplies.

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Waterproof gloves
- Shoes plus socks
- Chemical-resistant headgear for overhead exposure

Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them. Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

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Environmental Hazards

This pesticide is toxic to birds and wildlife, and extremely toxic to fish and aquatic organisms. Do not apply directly to water. Drift and runoff from treated areas may be hazardous to aquatic organisms in adjacent aquatic sites. Cover or incorporate spills. 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. Avoid use when bees are actively foraging or if bees are likely to come in contact with wet or re-wetted treated surfaces. Protective information may be obtained from your Cooperative Extension Service. This product may pose a hazard to certain Federally endangered fish species. Refer to the "Endangered Species Restrictions" section of this label for any geographic restrictions.

Endangered Species Restrictions

The use of Lorsban 50W may pose a hazard to certain Federally endangered fish species.

This product cannot be used on sour sherry trees in the following counties:

Colorado: Delta, Larimer and Mesa

Ohio: Washington

Utah: Emery, Grand, Utah and Washington

Wisconsin: Iowa, Pierce, Richland and Vernon

Directions For Use

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Read all Directions for Use carefully before using.

Note to User - Re-entry

Do not allow reentry into treated areas within 24 hours unless protective clothing is worn. Protective clothing consists of at least a hat or other suitable head covering, a long-sleeved shirt and long-legged trousers or a coverall type garment (all of closely woven fabric covering the body, including the arms and legs), shoes and socks. Because certain states may require more restrictive reentry intervals for various crops treated with this product, consult your State Department of Agriculture for further information.

Written or oral warnings must be given to workers who are expected to be in a treated area or in an area about to be treated with this product. These oral warnings shall inform workers of areas or fields that may not be entered without protective clothing and actions to take in case of accidental exposure as shown by the Statement of Practical Treatment section on this label. When oral warnings are given, warnings shall be given in a language customarily understood by workers. Written warnings must include the following information: WARNING - Area treated with LORSBAN 50W wettable powder insecticide on (insert date of application). Do not enter without protective clothing for 24 hours. In case of accidental exposure (insert actions to take as shown by the Statement of Practical Treatment section on this label).

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

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Agricultural Use Requirements

Use this product only in accordance with its labeling and with the Worker Protection Standard, CFR part 170. This Standard contains requirements for the protection of agricultural workers, 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 exemptions pertaining to the statements on this label about personal protective equipment (PPE) and restricted-entry interval. The requirements in this label 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 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is:

- Coveralls
- Waterproof gloves
- Shoes plus socks
- Chemical-resistant headgear for overhead exposure

Storage and Disposal

Do not contaminate water, food or feed by storage or disposal. Open dumping is prohibited. Storage: Store in original container in secured dry storage area. Packets may become brittle when stored below 32°F. Handle carefully to avoid breakage. Prevent cross-contamination with other pesticides and fertilizers. Do not store above 100°F for extended periods of time. If container is damaged or spill occurs, use product immediately or dispose of product and damaged container as indicated below.

Pesticide Disposal: Waste resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

Container Disposal: When all packets are used dispose of empty package in a sanitary land or by incineration or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

General Information

The outer protective package contains five 1 lb water soluble packets. Do not allow packets to become wet prior to adding to the spray tank. Wear gloves when handling water soluble packets. Do not handle with wet gloves. Do not excessively handle water soluble packets since this may cause breakage. Reseal outer package to protect remaining packets. Packets may become brittle when stored below 32°F. Handle carefully to avoid breakage.

Lorsban 50W insecticide in water soluble packets is designed for use as a cover or foliar spray to control various pests. The pests controlled are listed in the accompanying table. Generally Lorsban 50W is compatible with insecticides, miticides, and fungicides commonly recommended for agricultural crops except for alkaline materials such as Bordeaux mixture and lime. Prepare small amount of the spray mixture and check for compatibility before mixing a large volume of spray.

Test compatibility of the intended tank mixture before adding Lorsban 50W to the spray or mixture tank. Add proportionate amounts of each ingredient to a pint or quart jar, cap, shake, and let stand 15 minutes. Formation of precipitates that do not readily redisperse indicates an incompatible mixture that should not be used.

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Mixing Directions

Lorsban 50W mixes readily with water to form a suspension. Do not apply Lorsban 50W (in water soluble packets) with liquid fertilizer or oil as a carrier. Fill the spray tank 1/3 full of water. Activate the agitation system. Add the required number of water soluble packets to the spray tank. Complete filling the spray tank while the packets dissolve and the Lorsban 50W disperses. For best results, add all Lorsban 50W in the water soluble packets to the water before any other tank mix ingredients are added. Before beginning to spray, make sure the Lorsban 50W has dispersed and the water soluble packets have dissolved. Note: Depending on the water temperature and degree of agitation, the packets and Lorsban 50W should completely be dispersed within approximately 5 minutes from the time they were added to the water. Maintain sufficient agitation during both mixing and application to ensure uniformity of the spray mixture. Lorsban 50W contains a wetting agent. Do not use additional wetting agents, spreaders or stickers.

Use and Dosage Recommendations

Use Lorsban 50W at the dosages indicated by application as a foliar spray to control pests listed in the following table. Where a rate range is listed in the use directions, use the higher rate for more severe infestations. Mix the required dosage in sufficient water to ensure adequate coverage and apply as a concentrate or dilute spray using conventional, power-operated ground spray equipment or by aircraft (fixed-wing or helicopter). For dilute sprays applied to tree fruits and nuts, mix the required dosage in sufficient water to allow for spray to run off. For concentrate sprays, apply an equivalent amount of Lorsban 50W per acre. Treat when pests appear or in accordance with local conditions. Mow or beat down orchard blooming weed cover tops before applying spray to tree fruit crops to reduce hazard to bees. This step is especially important in relation to early spring cover sprays when morning conditions may be wet from dew. Lorsban 50W will perform best in an almond or walnut pest control program that includes winter sanitation (removal of mummy nuts) and regular monitoring of target pests. To control apple aphid infesting apples, spray every 10 to 14 days on a preventative schedule. To suppress pecan leaf scorch mite on pecans, use in a preventative program. For best pecan *Phylloxera* control, use two applications 7 to 10 days apart starting at bud swell and ending by early leaf expansion. For ant control on pecans, do not apply where weed growth or other obstructions would impede uniform coverage of the orchard floor. Consult your state agricultural experiment station, certified pest control advisor, or extension service specialist for specific use information in your area.

Lorsban 50W may also be used on almonds and walnuts as a dormant/delayed dormant treatment applied at the dosages indicated in a dilute or concentrate spray. Proper equipment must be used to obtain complete coverage of the entire bark area. If scale infestations are severe, dilute sprays should be used to ensure complete coverage. Do not use oil with Lorsban 50W on walnuts. Because dry or cold conditions may cause Lorsban 50W plus oil sprays to infuse trees resulting in bud damage or drop, do not apply until winter rains or irrigation has replenished soil moisture such that bark and twigs are not desiccated.

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Apples

Use Lorsban 50W to control the pests listed in the following table at the rates indicated.

Geographic Location	Pests Controlled†	Dosage Recommen- da tions	Remarks
All Areas	apple aphid ¹ apple maggot climbing cutworm codling moth dogwood borer (trunk spray) European apple sawfly eyespotted bud moth European corn borer fruittree leafroller green fruitworm lesser appleworm obliquebanded leafroller orange tortrix pandemis leafroller oriental fruit moth periodical cicada plum curculio redbanded leafroller rosy apple aphid San Jose scale tarnished plant bug tufted apple bud moth variegated leafroller woolly apple aphid	3 lb/acre (Three 1 lb packets)	1. For apple aphid control, Lorsban 50W should not be used alone as a rescue treatment.

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Connecticut	apple aphid ²	2-3 lb/acre	2. For apple aphid control, use 2 to 3 lb/acre Lorsban 50W or a tank mix with Lannate 1.8L or Lannate 90SP herbicides as recommended. Lorsban 50W should not be used alone or in a tank mix as a rescue treatment. Treatments should be applied at regular intervals (1 to 2 weeks apart).
Delaware	apple maggot ³	(Two or three 1 lb packets)	3. For apple maggot control in Michigan or in other areas after July, use 3 lb/acre Lorsban 50W or a tank mix with Imidan 50W, Guthion 35W or Penncap M herbicides as recommended.
Maine	codling moth	(8-12 oz/100 gal dilute) ¹¹	4. No tank mix recommended.
Maryland	dogwood borer (trunk spray) ⁴	OR	5. For European apple sawfly control, use 2 to 3 lb/acre Lorsban 50W or a tank mix with Imidan 50W, Guthion or Penncap M herbicides as recommended.
Massachusetts	European apple sawfly ⁵	A tank mix of 1 1/2 lbs/acre (6 oz/100 gal dilute) with one of the following:	6. For control of European corn borer or obliquebanded leafroller, use 2 to 3 lb/acre Lorsban 50W or a tank mix with Lannate 1.8L or Lannate 90SP herbicides as recommended.
Michigan	European corn borer ⁶	1 1/2 pints/acre Lannate 1.8L (6 fl oz/100 gal dilute) ¹¹	7. European red mite suppression with Lorsban 50W is achieved when a regularly scheduled preventative spray program is followed or when used with other mite management practices such as biological control.
New Hampshire	European red mite ⁷	6 oz/acre Lannate 90SP (1 1/2 oz/100 gal dilute) ¹¹	8. For plum curculio control in Michigan, use 3 lb/acre Lorsban 50W or a tank mix with Imidan 50W, Guthion 35W or Penncap M herbicides as recommended. For other areas, use 2 to 3 lb/acre Lorsban 50W or one of the above-mentioned tank mixes.
New Jersey	eyespot bud moth	2 lbs/acre Imidan 50W (8 oz/100 gal dilute) ¹¹	9. For control of spotted tentiform leafminer or white apple leafhopper, use a tank mix with Lannate 1.8L or Lannate 90SP herbicides as recommended. Lorsban 50W alone is not recommended for control of these pests.
New York	fruittree leafroller	1 1/2 lbs/acre Guthion 35W (6 oz/100 gal dilute) ¹¹	10. For tufted apple bud moth control, use 3 lb/acre Lorsban 50W or a tank mix with Lannate 1.8L or Lannate 90SP herbicides as recommended.
N. Carolina	green fruitworm	2 pints/acre Penncap M (8 fl oz/100 gal dilute) ¹¹	11. Based on 400 gal dilute/acre.
Ohio	lesser appleworm		
Pennsylvania	obliquebanded leafroller ⁸		
Rhode Island	oriental fruit moth		
S. Carolina	periodical cicada ⁴		
Vermont	plum curculio ⁸		
Virginia	potato leafhopper		
West Virginia	redbanded leafroller		
	rosy apple aphid		
	San Jose scale		
	spotted tentiform leafminer ⁹		
	tarnished plant bug		
	tufted apple bud moth ¹⁰		
	variegated leafroller		
	white apple leafhopper ¹¹		
	woolly apple aphid		

Restrictions (All Use Areas)

Make no more than 8 applications per season.

Do not apply last treatment within 28 days before harvest or apply last two treatments closer than 21 days apart.

Do not allow livestock to graze in treated orchards.

Do not break individual packets. If the tank mix rate of 1 1/2 lb/acre is to be used, mix the total spray in 2 acre

increments to avoid the need for dividing individual packets.

Additional Restrictions (By Geographic Location)

In California: Do not do work involving contact with trees within 2 days after treatment.

†Superscripts refer to "Remarks".

Use and Dosage Recommendations For Lorsban 50W

Crop	Insects Controlled	Dosage Lorsban 50W	Restrictions
Almonds	navel orangeworm peach twig borer San Jose scale	4 lb/acre (Four 1 lb packets)	Make only one dormant/ delayed dormant spray application and no more than three foliar spray applications on almonds per season, one dormant/ delayed dormant spray application and no more than two foliar spray applications on walnuts per season, and no more than three foliar spray applications on filberts per season. Do not apply within 14 days of harvest. Do not allow livestock to graze in treated orchards. Do not apply as a dormant spray application on almonds in the following counties in California: Butte, Colusa, Glenn, Solano, Sutter, Tehama, Yolo and Yuba. Make no more than 5 applications per season. Do not apply within 28 days of harvest. Do not allow livestock to graze in treated orchards.
Walnuts	codling moth walnut scale walnut husk fly	4 lb/acre (Four 1 lb packets)	
Filberts	eyespotted bud moth filbert aphid filbert leafroller filbertworm obliquebanded leafroller omnivorous leaflier winter moth	3 or 4 lb/acre (Three or four 1 lb packets)	
Pecans	black pecan aphid hickory shuckworm pecan leaf scorch mite (suppression)	2 lb/100 gal (Two 1 lb packets)	
	pecan nut casebearer <i>Phylloxera</i> spp. fall webworm spittlebug	1 lb/100 gallons (One 1 lb packets)	
	fire ants and other ant species (orchard floor)	2 lb/acre (Two 1 lb packets)	

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brassica (cole)	cabbage aphid
broccoli	cutworms
Brussel	imported
sprouts	cabbageworm
cabbage	striped flea
cauliflower	beetle (adult)
collards	armyworms (including beet
kale	armyworm)
kohlrabi	diamondback moth ¹

2 lb/acre
(Two 1 lb
packets)

Make no more than 6 applications per season.
Do not apply within 21 days before harvest.
To avoid phytotoxicity in brassica crops, do not treat plants that are under stress from extreme heat and/or lack moisture.
For aerial applications, apply in a minimum of 5 gal of water per acre. Control may be reduced at low spray volumes.
Tank mixing is recommended only if previous experience indicates that the combination will not result in phytotoxicity under the current conditions of use, and the other pesticides and spray adjuvants are registered for this use². Read and carefully follow all applicable directions, restrictions, and precautions on labeling for other products used in combination with Lorsban 50W.

¹Significant organophosphate insecticide resistance has been reported for diamondback populations in Texas. Lorsban 50W will not control organophosphate-resistant populations of diamondback moth. Consult your local extension service for resistance management information.

²For regional information regarding a specific tank mix, contact your local DowElanco representative. Tank mixes with Thiodan 3EC, Thiodan 50WP, or cottonseed oil are not recommended. Refer to the "General Information" section of this label for directions on testing tank mix compatibility.

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Sour Cherries	borers (American plum) (lesser peachtree) (Pacific flatheaded) (peach twig) (peachtree) (shothole) climbing cutworm green fruitworm leafrollers: (fruitree) (obliquebanded) (pandemis) (redbanded) lesser appleworm tarnished plant bug moth eyespotted bud mineola scale European fruit lecanium San Jose stink bug	2 or 3 lb/acre (Two or three 1 lb packets)	Make no more than 8 applications per season. Do not apply within 14 days of harvest. Do not allow livestock to graze in treated orchards. In California, do not do work involving contact with trees within 2 days after treatment. Do not use on sweet cherries. Refer to the "Endangered Species Restrictions" section of this label for geographic restrictions on the use of Lorsban 50W on sour cherries.
	black cherry aphid cherry fruit fly plum curculio rose chafer	3 lb/acre (Three 1 lb packets)	

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Warranty Disclaimer

DowElanco warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the label when used in strict accordance with the directions, subject to the inherent risks set forth below. DOWELANCO MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

Inherent Risks of Use

It is impossible to eliminate all risks associated with use of this product. Crop injury, lack of performance, or other unintended consequences may result because of such factors as use of the product contrary to label instructions (including conditions noted on the label, such as unfavorable temperatures, soil conditions, etc.), abnormal conditions (such as excessive rainfall, drought, tornadoes, hurricanes), presence of other materials, the manner of application, or other factors, all of which are beyond the control of DowElanco or the seller. All such risks shall be assumed by Buyer.

Limitation of Remedies

The exclusive remedy for losses or damages resulting from this product (including claims based on contract, negligence, strict liability, or other legal theories), shall be limited to, at DowElanco's election, one of the following:

- (1) Refund of purchase price paid by buyer or use for product bought, or
- (2) Replacement of amount of product used.

DowElanco shall not be liable for losses or damages resulting from handling or use of this product unless DowElanco is promptly notified of such loss or damage in writing. In no case shall DowElanco be liable for consequential or incidental damages or losses.

The terms of the Warranty Disclaimer above and this Limitation of Remedies cannot be varied by any written or verbal statements or agreements. No employee or sales agent of DowElanco or the seller is authorized to vary or exceed the terms of the Warranty Disclaimer or this Limitation of Remedies in any manner.

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