

PM 03

62719-267

9/23/99

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SEP 23 1999

Mr. Robert F. Bischoff
Regulatory Manager
Regulatory Success-Americas
Dow AgroSciences LLC
9330 Zionsville Road
Indianapolis, IN 46268

Subject: Tracer (A.I. SPINOSAD)
Amendment to Add New Uses: Field Corn, Sorghum, Soybeans, and Wheat
EPA Registration No. 62719-267
Your Submission Dated July 1, 1998

Dear: Mr. Bischoff

The amendment referred to above, submitted in connection with registration under section 3 (c)(7)(B) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, is acceptable since you have agreed in your letter of September 1, 1999 to the following terms for conditional registration:

1. Submit/cite all data required for registration/reregistration of your product under FIFRA section 3(c)(5) or 4(a) when the Agency requires all registrants of similar products to submit such data.
2. Submit the data listed below, conducted in accordance with the test guidelines specified in 40 CFR Part 158:
 - a. Wheat residue study on processing fractions
 - b. Field trial data on representative commodities of Crop Subgroups 6B and 6C.
3. You will submit production information (pounds or gallons produced) for this product for the fiscal year in which the uses on wheat and Crop Subgroups 6B and 6C are conditionally registered, in accordance with FIFRA section 29. The fiscal year begins October 1 and ends September 30. The production information will be submitted to the

CONCURRENCES						
SYMBOL	7505C					
SURNAME	SPINAT					
DATE	9/23/99					

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U.S. Environmental Protection Agency
Office of Pesticide programs (7505C)
Document Processing Center
401 M Street, SW
Washington, DC 20460

4. Make the following label changes before you release the product for shipment bearing the amended labeling:
 - a. Under your "Precautionary Statements" section on your base label, please delete the statement "Hazards to Humans and Domestic Animals."
 - b. Under "Environmental Hazards", do not delete the word "highly" in the statement "This product is highly toxic to aquatic invertebrates."
5. Submit two (2) copies of your final printed labeling before you release the product for shipment.

You should note that if you fail to satisfy any of the conditions imposed on this registration, e.g., you fail to submit the required data by the specified guidelines or the data submitted were not generated in accordance with the applicable test guidelines, EPA may issue a notice to cancel these uses under FIFRA section 6(e)

You should also note that regardless of whether you satisfy all applicable conditions, this conditional registration will expire automatically on September 23, 2002. Sale and distribution of the subject product bearing labeling for use on what and Crop Subgroups 6B and 6C after September 23, 2002 will be illegal.

A stamped copy of the label is enclosed for your records. If you have any questions, please call Dr. William Sproat of my team at 703-308-8587.

Sincerely,

George T. LaRocca
Product Manager 13
Insecticide Branch
Registration Division (7505C)

Enclosure

3 9 15

(Base label):

(Logo) Dow AgroSciences LLC

Tracer*

A broad spectrum-worm insect control product for cotton, field corn, sorghum, soybeans, and wheat.

Active Ingredients:

— Spinosyn A:

2-[(6-deoxy-2,3,4-tri-O-methyl- α -L-mannopyranosyl)oxy]-13-[[5-(dimethylamino)tetrahydro-6-methyl-2H-pyran-2-yl]oxy]-9-ethyl-2,3,3a,5a,5b,6,9,10,11,12,13,14,16a,16b-tetradecahydro-14-methyl-1H-as-Indaceno[3,2-d]oxacyclododecin-7,15-dione, [2R-[2R*,3aS*,5aR*,5bS*,9S*,13S*(2R*,5S*,6R*),14R*,16aS*,16bR*]](9CI) and

— Spinosyn D:

2-[(6-deoxy-2,3,4-tri-O-methyl- α -L-mannopyranosyl)oxy]-13-[[5-(dimethylamino)tetrahydro-6-methyl-2H-pyran-2-yl]oxy]-9-ethyl-2,3,3a,5a,5b,6,9,10,11,12,13,14,16a,16b-tetradecahydro-4,14-dimethyl-1H-as-Indaceno[3,2-d]oxacyclododecin-7,15-dione, [2S-[2R*,3aS*,5aR*,5bR*,9R*,13R*(2S*,5R*,6S*),14S*,16aR*,16bR*]](9CI)

.....	44.2%
Inert Ingredients	55.8%
Total	100.0%

Active Ingredients:

_____ spinosad (a mixture of spinosyn A and	
_____ spinosyn D)	44.2%
Inert Ingredients	55.8%
Total	100.0%

Contains 4 pounds of active ingredient per gallon.

U.S. Patent No. 5,362,634 and 5,496,931

Keep Out of Reach of Children

CAUTION PRECAUCION

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.)

Precautionary Statements

Hazards to Humans and Domestic Animals

CAUTION PRECAUCION

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.)

Harmful if absorbed through skin.

ACCEPTED
with COMMENTS
in EPA Letter Dated

SEP 23 1999

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

62719-267

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~~Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling.~~

Personal Protective Equipment (PPE)

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Shoes plus socks
- Waterproof gloves

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.

First Aid

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

User Safety Recommendations

Users should wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.

Environmental Hazards

This product is highly toxic to bees exposed to direct treatment on blooming crops or other vegetation. Avoid use when bees are actively foraging. Protective information may be obtained from your Cooperative Agricultural Extension Service. This product is highly toxic to aquatic invertebrates. Do not apply directly to water, 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.

Agricultural Use Requirements

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. Refer to label booklet under "Agricultural Use Requirements" in the Directions for Use section for information about this standard.

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

Notice: Read 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 1-800-992-5994. If you wish to obtain additional product information, visit our web site at www.dowagro.com.

Shake Well Before Use -- Avoid Freezing

EPA Reg. No. 62719-267

EPA Est. 00000-XX-00

*Trademark of Dow AgroSciences LLC
Dow AgroSciences LLC • Indianapolis, IN 46268 U.S.A.

Naturalyte* Insect Control

Net Contents XXX

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(Label booklet cover):

(Logo) Dow AgroSciences LLC

Tracer*

A broad spectrum-worm insect control product for cotton, field corn, sorghum, soybeans, and wheat.

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Inert Ingredients	55.8%
Total	100.0%

Active Ingredients:

_____ spinosad (a mixture of spinosyn A and spinosyn D)	44.2%
<u>Inert Ingredients</u>	<u>55.8%</u>
<u>Total</u>	<u>100.0%</u>

Contains 4 pounds of active ingredient per gallon.

U.S. Patent No. 5,362,634 and 5,496,931

Keep Out of Reach of Children

CAUTION PRECAUCION

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.)

Agricultural Use Requirements
 Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. Refer to label booklet under "Agricultural Use Requirements" in the Directions for Use section for information about this standard.

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

Notice: Read 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 1-800-992-5994. If you wish to obtain additional product information, visit our web site at www.dowagro.com.

Shake Well Before Use -- Avoid Freezing

EPA Reg. No. 62719-267

EPA Est. 00000-XX-00

*Trademark of Dow AgroSciences LLC
Dow AgroSciences LLC • Indianapolis, IN 46268 U.S.A.

Naturalyte* Insect Control

Net Contents XXX

(Page 1 through end):

Keep Out of Reach of Children

Precautionary Statements

Hazards to Humans and Domestic Animals

CAUTION PRECAUCION

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~~Harmful if absorbed through skin.~~

~~Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling.~~

Personal Protective Equipment (PPE)

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Shoes plus socks
- Waterproof gloves

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.

— First Aid

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

User Safety Recommendations
Users should wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.

Environmental Hazards

This product is highly toxic to bees exposed to direct treatment on blooming crops or other vegetation. Avoid use when bees are actively foraging. Protective information may be obtained from your Cooperative Agricultural Extension Service. This product is highly toxic to aquatic invertebrates. Do not apply directly to water, 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.

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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 applying.

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 4 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

Storage And Disposal

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

Storage: Store in original container only. In case of leak or spill, contain material with absorbent materials and dispose as waste.

Disposal: Wastes resulting from the use of this product may be disposed of on site according to label use directions or at an approved waste disposal facility.

Container Disposal: Triple rinse (or equivalent). Then dispose of in a sanitary landfill or by incineration if permitted by state and local authorities. If burned, stay out of smoke.

General Information

Tracer* Naturalyte* insect control is a fermentation-derived insect control agent for insect control and management in cotton, field corn, sorghum, soybeans, and wheat. The suspension concentrate formulation of Tracer should be mixed with water and applied with air or ground equipment equipped for conventional insecticide spraying.

General Use Precautions

Do not apply more than 0.45 lb active ingredient (14.4 fl oz) of Tracer per acre per growing season.

Preharvest Interval: Do not apply Tracer within 28 days of harvest.

Chemigation: Do not apply through any type of irrigation equipment.

Integrated Pest Management (IPM) Programs:

Tracer insect control is recommended as the foundation of an IPM program in cotton labeled crops. Tracer should be applied when field scouting indicates that target pest densities have reached the economic threshold, i.e., the point at which the insect population must be reduced to avoid economic losses beyond the cost of control. Other than reducing the target pest species as a food source, Tracer

does not significantly reduce certain parasitic insects or the natural predaceous arthropod complex including big eyed bugs, ladybird beetles, flower bugs, lacewings, minute pirate bugs, damself bugs, assassin bugs or spiders. When preserved, the feeding activities of these beneficial arthropods aid in the extended natural control of other insects and reduce the likelihood of secondary pest outbreaks for which additional insecticide treatments may be needed. Tracer will not flare aphids or mites. If Tracer is tank mixed with any insecticide that reduces its selectivity in preserving beneficial predatory insects, then the full benefit of Tracer to your IPM program may not be realized.

Insecticide Resistance Management (IRM) Recommendations:

Any insect control agent will become less effective over time if target insects develop resistance to its mode of action. Adherence to the following IRM strategy should prolong the usefulness of Tracer and conventional insecticides:

- Tracer or any insect control product from the same class or mode of action should not be used on consecutive generations of tobacco budworm or cotton bollworm. However, up to three applications to reduce a "single" insect generation below the economic threshold are permitted. [Note: Cotton bollworm (*Helicoverpa zea*) and tobacco budworm (*Heliothis virescens*) are different species. If the initial infestation is predominately (greater than 80%) cotton bollworm or tobacco budworm, then a subsequent infestation which is predominantly the "other" species should not be considered a "sequential" generation.] If uncertain of the generation cycle, do not make more than three consecutive applications of an insect control product from the same product class, rotate to a different class of insect control product, or use no treatment for the next 30 days.
- Do not use less than labeled rates of any insect control product when applied alone or in tank mixtures and target applications against small larvae and eggs.
- Always consult with your local agricultural specialist or Dow AgroSciences representative (1-800-258-3033) for guidance and information on how Tracer will fit into area resistance management programs.
- Include multiple non-chemical tactics (e.g. cultural or biological controls) within an Integrated Pest Management (IPM) program where available and appropriate.

Mixing

Always shake well before use. Avoid freezing.

Mixing Tracer Alone

Fill the spray tank about one-half full of water. Start agitation and add the required amount of Tracer. Continue agitation while mixing and ~~agitation while~~ filling the spray tank to the required spray volume. Maintain sufficient agitation during application to ensure uniformity of the spray solution. Do not allow water or spray mixture to back-siphon into water source.

Tank Mixing

When tank mixing Tracer with other materials, a compatibility test (jar test) using relative proportions of tank mix ingredients should be conducted prior to mixing ingredients in the spray tank. Vigorous, continuous agitation during mixing, filling and throughout application is required for all tank mixes. Sparger pipe agitators generally provide the most effective agitation in spray tanks. To prevent foaming in the spray tank, avoid stirring or splashing air into the spray mixture.

Mixing Order for Tank Mixes: Fill the spray tank with water to 1/4 to 1/3 of the total spray volume required. Start agitation. Add different formulation types in the order indicated below, allowing time for complete mixing and dispersion after addition of each product. Allow extra mixing and dispersion time for dry flowable products.

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Add different formulation types in the following order:

1. Water dispersible granules;
2. Wettable powders;
3. Tracer and aqueous suspensions;

Maintain agitation and fill spray tank to 3/4 of total spray volume. Then add:

4. Emulsifiable concentrates and water-based solutions.

Finish filling the spray tank. Maintain continuous agitation during mixing, final filling and throughout application. If spraying and agitation must be stopped before the spray tank is empty, the materials may settle to the bottom. Settled materials must be resuspended before spraying is resumed. A sparger agitator is particularly useful for this purpose.

Premixing: Dry and flowable formulations may be premixed with water (slurried) and added to the spray tank through a 20-35 mesh screen. This procedure assures good initial dispersion of these formulation types.

Application

Proper application techniques help ensure thorough spray coverage and correct dosage necessary to obtain optimum control of insect pests. The following recommendations are provided for ground and aerial application of Tracer.

Ground Application: Apply in a minimum spray volume of 5 gallons of water per acre. Use power-operated ground spray equipment capable of thorough coverage of the target crop. Orient the boom and nozzles to obtain uniform (crop) coverage (of the crop). Under certain conditions, drop nozzles may be required to obtain uniform coverage. Use flat fan or disc-core hollow cone nozzles suitable for insecticide spraying. Follow manufacturer's recommendations for ideal nozzle spacing and spray pressure. Minimize boom height to optimize coverage uniformity, maximize deposition (optimize on-target deposition), and reduce (spray) drift.

Band Application: Band application may be appropriate when cotton is small. Nozzle selection, placement, or shielding to compensate for windy conditions is critical to ensure adequate coverage.

Aerial Application: Apply in a total spray volume of 2 to 5 gallons per acre using nozzle configurations which will provide a median droplet size of 200-300 microns (for example: D4-D6 or 6504-6508 nozzles - recommended nozzle angle is 0 degrees straight back to 45 degrees down; or CP nozzles - recommended nozzle angle zero degrees straight back, orifice setting 0.125, deflector medium, speed 120). Boom length must be less than 75% of wing or rotor span. Use minimum safe application height (should not exceed 12 feet above crop canopy). Use swath markers or flagging. The aircraft boom nozzle configurations used should be patterned previously (e.g., at NAAA Fly-In) for both crosswind and near parallel winds. If parallel wind application must be made, swath width should be adjusted downward. Use some swath adjustment (offset) to compensate for increasing crosswinds. Do not apply in dead calm and preferably only when wind speed is between 2-10 mph. Under conditions of low humidity and high temperatures, adjust spray volume and droplet size upward.

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Approved Uses

Cotton

Pests and Application Rates for foliar application:

Pests	Rate per Acre ¹		
	Pounds Active	Ounces of Product	Acres per Gallon
tobacco budworm cotton bollworm (prebloom) cotton leafperforator European corn borer	0.045 - 0.089	1.4 - 2.9	90 - 45
armyworms (including beet armyworm and fall armyworm) cotton bollworm (postbloom) loopers (including soybean looper and cabbage looper) saltmarsh caterpillar thrips	0.067 - 0.089	2.14 - 2.9	60 - 45

¹Use the minimal reapplication interval of 5 days for high rates of application.

Specific Use Directions:

Factors in Rate and Spray Volume Selection - Choose a higher rate within the rate range and higher spray volume when one or more of the following is true:

- (1) Tobacco budworm and/or cotton bollworm are more than 1/4 inch in length;
- (2) Target pest population is 2X above state threshold level;
- (3) Foliage canopy is tall/dense and worms are present in the lower part of the canopy.

Scouting and Application Timing

Tobacco Budworm and/or Cotton Bollworm: For the most effective control, fields should be scouted twice per week and application of Tracer made when the majority of the population is within the time of blackhead egg stage to 1/8-inch larval length. The following table illustrates the size of development of worms in relation to age and stage of development (instar) as a guide to timing treatments for optimum control. **Note:** A scouting schedule of only once per week is risky since hatching worms will have grown to third instar before the next scouting observation has determined the need to spray.

Age (Days)	Average Size	Instar
Hatch	1/16"	1st
3	1/4"	2nd
5	1/2"	3rd
8	7/8"	4th
10	1"	5th

IPM (Considerations): Where early season conservation of beneficial insects is practical to the success of the IPM program, use Tracer to control first and third generation of tobacco budworm and/or cotton bollworm. Where conservation of beneficial insects is not as critical (for example, fields with early season treatments for boll weevil or non-selective lygus bug treatments), plan to use Tracer to control either the second or third generation of tobacco budworm and/or cotton bollworm.

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Beet Armyworm: Economic thresholds vary with local conditions and sampling methods. The following is an example of one such method: Apply Tracer when field scouting reveals three or more occurrences of egg hatch or larval feeding per 100 feet of row.

Loopers: Economic thresholds vary with local conditions and sampling methods. The following is an example of one such method: Apply Tracer when field scouting reveals 4 larvae per 1 foot of row or 25% defoliation.

Restrictions:

- Do not apply more than 0.45 lb active ingredient (14.4 fl oz) of Tracer per acre per growing season.
- Preharvest Interval: Do not apply Tracer within 28 days of harvest.

Field Corn

Including Corn Grown for Seed and Popcorn

Pests and Application Rates:

Pests	Rate per Acre [†]		
	Active Ingredient (lb/acre)	Product (fl oz/acre)	Acres per Gallon of Product
European corn borer larvae	0.031 - 0.094	1 - 3	128 - 43
armyworms (such as fall armyworm) corn earworm southwestern corn borer western bean cutworm	0.062-0.094	2 - 3	64 - 43

[†]Use a higher rate for heavy infestations and/or difficult spray coverage situations.

Specific Use Directions:

Application Timing: Scout for European corn borer and armyworms with enough regularity to monitor egg laying and egg hatch. Applications of Tracer should be timed to coincide with peak egg hatch of each generation.

Spray Delivery: For control of first generation European corn borer, apply broadcast or as a directed spray into the leaf whorls. For control of second generation European corn borer, apply as a broadcast spray.

Restrictions:

- Do not apply more than 6 ounces (0.188 lb of spinosad) of Tracer per acre per year.
- Preharvest Interval: Do not apply within 28 days of grain or fodder harvest or within 7 days of forage harvest.

Sorghum**Including Milo and Grain Sorghum****Pests and Application Rates:**

Pests	Rate per Acre		
	Active Ingredient (lb/acre)	Product (fl oz/acre)	Acres per Gallon of Product
sorghum midge armyworms corn earworm (head worm) southwestern corn borer web worms	0.047-.094	1.5 - 3.0	85 - 43

Specific Use Directions:

Application Timing: Scout for **armyworms** and **headworms** with enough regularity to monitor egg laying and egg hatch. Applications of Tracer should be timed to coincide with peak egg hatch of each generation. For sorghum midge follow state guidelines or scout for adults and treat when adults are present and 25 percent of heads have emerged and are in bloom. Repeat application 3 to 5 days later if adults are still active. A third application may be needed if midge is still present.

Restrictions:

- Do not apply more than 14.4 ounces (0.45 lb of spinosad) of Tracer per acre per year.
- **Preharvest Interval:** Do not apply within 7 days of grain or fodder harvest or within 14 days of forage harvest.

Soybeans**Pests and Application Rates:**

Pests	Rate per Acre		
	Active Ingredient (lb/acre)	Product (fl oz/acre)	Acres per Gallon of Product
soybean looper velvet bean caterpillar green clover worm	0.031 - 0.062	1 - 2	128 - 64
armyworms (such as fall armyworm yellowstriped armyworm beet armyworm) corn earworm (podworm)	0.047-.062	1.5 - 2	85 - 64

Specific Use Directions:

Application Timing: Treat when field counts or crop injury indicates damaging pest populations are present or developing. Time applications to treat small larvae and use sufficient spray volume to ensure good coverage.

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Restrictions:

- Do not apply more than 6 ounces (0.186 lb of spinosad) of Tracer per acre per year.
- Do not feed treated forage or hay to meat or dairy animals.
- Preharvest Interval: Do not apply within 28 days of harvest.

Wheat**Pests and Application Rates:**

Pests	Rate per Acre		
	Active Ingredient (lb/acre)	Product (fl oz/acre)	Acres per Gallon of Product
armyworms (such as fall armyworm yellowstriped armyworm) grasshoppers	0.047 - 0.094	1.5 - 3	85 - 43

Specific Use Directions:

Application Timing: Scout for armyworms and grasshoppers with enough regularity to monitor egg laying and egg hatch and treat when thresholds are reached. Applications of Tracer perform best when timed to coincide with peak egg hatch of each generation. For midge follow state guidelines or scout for adults and treat when adults are present (1 midge per 5 heads) and 75 percent of the heads have emerged. Timing is critical for good control. Ensure good coverage and apply when adults are active (afternoons and temperature above 50°F).

Restrictions:

- Do not apply more than 9 ounces (0.28 lb of spinosad) of Tracer per acre per year.
- Preharvest Interval: Do not apply within 21 days of grain or straw harvest or within 14 days of forage or hay harvest.

Warranty Disclaimer

Dow AgroSciences 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. Dow AgroSciences 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 Dow AgroSciences or the seller. All such risks shall be assumed by buyer.

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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 Dow AgroSciences' election, one of the following:

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

Dow AgroSciences shall not be liable for losses or damages resulting from handling or use of this product unless Dow AgroSciences is promptly notified of such loss or damage in writing. In no case shall Dow AgroSciences 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 Dow AgroSciences or the seller is authorized to vary or exceed the terms of the Warranty Disclaimer or this Limitation of Remedies in any manner.

*Trademark of Dow AgroSciences LLC
EPA-Accepted: / /

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