

62719-302

12-26-2001

123

Please read instructions on reverse before completing form.

Form Approved, OMB No. 2070-0060, Approval expires 05-31-98



United States Environmental Protection Agency Washington, DC 20460

<input type="checkbox"/>	Registration
<input type="checkbox"/>	Amendment
<input checked="" type="checkbox"/>	Other

OPP Identifier Number 275140

Application for Pesticide - Section I

1. Company/Product Number Dow AgroSciences/62719-302	2. EPA Product Manager Mary L. Waller	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Dow AgroSciences/Telone* C-35	PM# 21	
5. Name and Address of Applicant (Include ZIP Code) Dow AgroSciences LLC 9330 Zionsville Road Indianapolis, IN 46268 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3)(b)(i), my product is similar or identical in Composition and labeling to: EPA Reg. No. Product Name	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated	NOTIFICATION DEC 26 2001
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.	
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other- Explain below.	

Explanation: Use additional page(s) if necessary. (For Section I and Section II.)
 Listed below are the changes to this label via notification:
 1. General Use Precautions: At the request of the state of New York, added the following statement: "Use Restrictions for Certain New York Counties: This product is prohibited from sale, use or distribution in Nassau and Suffolk counties."
 2. Referral statements to Warranty Disclaimer, Inherent Risks of Use and Limitation of Remedies were revised per EPA correspondence from Joanne I. Miller dated August 31, 2000 and Dow AgroSciences response to Donald R. Stubbs dated November 20, 2000.

Section - III

1. Material This Product Will Be Packaged In:			2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes* <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Metal	<input type="checkbox"/> Plastic
*Certification must be submitted		If "Yes" Unit Packaging wgt. container	No. per container	<input type="checkbox"/> Glass
		If "Yes" Package wgt	No. per container	<input type="checkbox"/> Paper
				<input type="checkbox"/> Other (Specify) _____
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions <input type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled		<input type="checkbox"/> Other _____		

Section - IV

1. Contact Point /Complete items directly below for identification of individual to be contacted, if necessary, to process this application)		
Name Bruce A. Houtman	Title Regulatory Manager	Telephone No. (Include Area Code) (317) 237-3376
Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowing false or misleading statement may be punishable by fine or imprisonment or both under applicable law.		8. Date Application Received (Stamped)
2. Signature <i>Bruce A. Houtman</i>	3. Title Regulatory Manager	
4. Typed Name Bruce A. Houtman	5. Date November 27, 2001	

Telone* C-35

EPA Reg. No. 62719-302

Registration Notes:

Source label text based on EPA accepted text dated December 7, 1998, with conditions of acceptance and Notification coded "Q1A / Telone C-35 / Notif /06-14-99."

Proposed Changes by Notification:

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[Editor's note: **Added text is underlined.**]

*Trademark of Dow AgroSciences LLC

(Base Label):

Restricted Use Pesticide

Due to high acute inhalation toxicity and carcinogenicity.
For retail sale to and use only by Certified Applicators or persons under their direct supervision and only for those uses covered by the Certified Applicator's certification.

(Logo) Dow AgroSciences

Telone* C-35

A multi-purpose liquid fumigant for preplant treatment of soil to control nematodes, symphylans and certain soil borne diseases in cropland.

Not for use in greenhouses or other enclosed areas.

NOTIFICATION

DEC 26 2001

Active Ingredients:

1,3-dichloropropene	61.1%
chloropicrin	34.7%
Inert Ingredients	<u>4.2%</u>
Total	100.0%

One gallon of Telone C-35 weighs about 11.2 lb. Contains 6.84 pounds of 1,3-dichloropropene and 3.89 pounds of chloropicrin per gallon.

Keep Out of Reach of Children

**DANGER
PELIGRO**



POISON

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

Hazardous Liquid And Vapor

- Do not swallow any of this product. May be fatal if swallowed.
- Do not get in eyes. Causes severe eye injury.
- Do not get on skin. May be fatal if absorbed through the skin. Causes skin burns. May cause allergic skin reaction.
- Do not breathe vapor. May be fatal if inhaled. May cause lung, liver, and kidney damage and respiratory system irritation upon prolonged contact.
- The use of this product may be hazardous to your health. This product contains 1,3-dichloropropene, which has been determined to cause tumors in laboratory animals. Risks can be reduced by exactly following directions for use, precautionary statements, and by wearing the personal protective equipment specified in this labeling.
- This fumigant has the capacity to cause marked irritation to the upper respiratory tract. A strong lachrymator (tear-producing eye irritant). Low concentrations are capable of causing

painful eye irritation. The effect may be so powerful that a person may become temporarily blinded and panic-stricken. That, in turn, may lead to accidents.

Air Concentration Level

The acceptable air concentration level for persons exposed to chlorpicrin is 0.1 ppm (0.7 mg/M³). The air concentration level is measured by a direct reading detection device, such as a Matheson-Kitagawa, Draeger, or Sensidyne.

Personal Protective Equipment (PPE)

Chemical-Resistant Materials: Some materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for Category H on an EPA chemical resistance category selection chart. PPE constructed of Saranex, neoprene, and chlorinated polyethylene provide short-term contact or splash protection against liquid in this product. Longer-term protection is provided by PPE constructed of Viton, Teflon, and EVAL barrier laminates (for example Responder suits manufactured by Life-guard or Silvershield gloves manufactured by North). Where chemical-resistant materials are required, leather, canvas, or cotton materials offer no protection from this product and must not be worn when contact with this product is possible. Coveralls must be loose-fitting and constructed of woven fabrics (e.g. tight knot cotton or cotton/polyester), non-woven fabrics (e.g. Tyvek or Sontara), or fabrics containing microporous Teflon.

1. Handlers Performing Direct Contact Tasks

Direct contact tasks are tasks performed outdoors or in a well-ventilated area. They include:

- equipment calibration or adjustment
- equipment clean-up and repair
- product sampling
- any activity less than 6 feet from an unshielded pressurized hose containing this product
- removal of tarp or plastic film
- rinsate disposal
- fumigant transfer
- clean-up of small spills
- preparing containers for aeration
- any other task not otherwise listed in (2), (3), (4) or (5) below

Handlers performing direct-contact tasks must wear:

- Coveralls over short-sleeved shirt and short pants
- Chemical-resistant gloves, such as barrier laminate (EVAL) or viton
- Chemical-resistant footwear plus socks
- Chemical-resistant headgear for overhead exposure
- Chemical-resistant apron
- Full-face respirator with either an organic-vapor-removing cartridge with a prefilter approved for pesticides (MSHA/NIOSH approval number prefix TC-23C) or canister approved for pesticides (MSHA/NIOSH approval number prefix TC-14G). See further respirator requirements in the "User Safety Requirements" section on this label.

2. Handlers in Enclosed Cabs

Applicators and other handlers in enclosed cabs must wear:

- Coveralls
- Shoes and socks
- A full-face respirator with either an organic-vapor-removing cartridge with a prefilter approved for pesticides (MSHA/NIOSH approval number prefix TC-23C) or canister approved for pesticides (MSHA/NIOSH approval number prefix TC-14G). A respirator is not required if the occupants are within an enclosed cab that is in conformance with one of the following: 1) ASAE Standard S525

sections 7.1.5, 7.1.7, 7.2.3, and 9, or 2) the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides -- 40 CFR 170.240(d)(5). The cab must be equipped with a vapor-adsorptive filter containing a minimum of 1000 grams activated charcoal. The filter must be changed after no more than 50 hours of application time. See further respirator requirements in the "User Safety Requirements" section on this label.

- In addition, the PPE specified in (1) for direct-contact activities must be immediately available in the enclosed cab and must be worn if the handler leaves the enclosed cab to perform any direct-contact activity

3. Applicators Outside an Enclosed Cab

Applicators applying Telone* C-35 soil fungicide and nematicide (or sealing the soil following application of Telone C-35) who are not inside an enclosed cab that meets requirements specified above must wear:

- Coveralls over short-sleeved shirt and short pants
- Chemical-resistant gloves, such as barrier laminate (EVAL) or viton
- Chemical-resistant footwear plus socks
- Chemical-resistant headgear for overhead exposure
- A full-face respirator with either an organic-vapor-removing cartridge with a prefilter approved for pesticides (MSHA/NIOSH approval number prefix TC-23C) or canister approved for pesticides (MSHA/NIOSH approval number prefix TC-14G). See further respirator requirements in the "User Safety Requirements" section on this label.

4. Handlers in Treated Area within 5 days After Application

Only the following handler tasks may be performed in the treated area within 5 days after the application is complete:

- Assessing/adjusting the soil seal
- Assessing pest control, application technique, or application efficacy
- Sampling air or soil for this product

All other tasks are prohibited until the 5 day period has expired.

Unless in an enclosed cab as described in (2) above, handlers performing the above tasks in the treated area within 5 days after application must wear:

- Coveralls
- Chemical-resistant gloves, such as barrier laminate (EVAL) or viton
- Chemical-resistant footwear and socks
- A full-face respirator with either an organic-vapor-removing cartridge with a prefilter approved for pesticides (MSHA/NIOSH approval number prefix TC-23C) or canister approved for pesticides (MSHA/NIOSH approval number prefix TC-14G). See further respirator requirements in the "User Safety Requirements" section on this label.

5. Handlers Exposed to High Concentrations

Handlers exposed to high airborne concentrations of this product, such as cleanup following large spills and exposure to this product in poorly ventilated areas must wear:

- Chemical-resistant suit
- Chemical-resistant gloves, such as barrier laminate (EVAL) or viton
- Chemical-resistant footwear plus socks
- Chemical-resistant headgear
- Supplied-air respirator with MSHA/NIOSH approval number prefix TC-19C or self-contained breathing apparatus (SCBA) with MSHA/NIOSH approval number prefix TC-13F. See further respirator requirements in the "User Safety Requirements" section on this label.

Note: In-tank cleaning of bulk tanks must be performed only by persons who have been specifically trained for this activity. Refer to OSHA 29 CFR Part 1910.146 and the Telone User's Guide section on Storage Tanks.

6/23

Engineering Controls Requirements

Mechanical Transfer System: Personal protective equipment specified for "Direct Contact Activities" must be worn by the operator of the mechanical transfer system. The operator of the mechanical transfer system must follow instructions on proper operation of the system found in the "Telone Soil Fumigants - A Guide to Application" manual. Contact your distributor for Telone C-35 for more information or these materials.

End-Row Spillage Control: The dispensing system must shut off the feed stream when chisels are raised out of the ground. Do not stop or park near any area where dribble from chisel tips has fallen. The applicator must follow instructions on proper operation and maintenance of the system found in the "Telone Soil Fumigants - A Guide to Application" manual. Contact your distributor for Telone C-35 for more information or these materials.

- A flow shutoff device must be placed as close as is technically feasible to the fluid discharge point. This can be a ball, poppet, or diaphragm check valve, or full flow shutoff device such as an electric or pneumatically actuated valve.
- Check valves must be replaced immediately if continuous drip occurs.
- Place check valves above the orifice.
- Isolate the check valve from upstream pressure by installing a main line shut off or bypass valve prior to the manifold.
- Do not exceed 1/4 inch diameter tubing.
- Do not use any method of end-row spillage control other than that stated on this label.
- An alternative to shutoff devices is a purge system which clears the line of all liquid. Consult your Dow AgroSciences representative for purge system description. Do not use any method of end-row spillage control other than that stated on this label.

With all bulk and mini-bulk containers, Telone C-35 must be transferred through connecting hoses, pipes, and/or couplings sufficiently tight to prevent workers or other persons from coming in contact with liquid Telone C-35.

1. All hoses, piping, and tanks used in connection with Telone C-35 shall be of type appropriate for use under the pressure and vacuum conditions to be encountered.
2. External sight gauges shall be equipped with valves so that pipes to sight gauge can be shut off in case of breakage or leakage.
3. The mechanical transfer system must be adequate to make necessary measurements of the pesticide being used.
4. Shut-off devices must be installed on the exit end of all hoses and at all disconnect points to prevent leakage of Telone fumigant product when the transfer is stopped and hose is removed or disconnected. A dry coupler that will **minimize pesticide leakage** must be installed at the disconnect point.
5. The pressure in hoses used to move Telone C-35 beyond a pump **must not exceed** the manufacturer's maximum pressure specification.

User Safety Requirements

1. **Respirator Requirements:** When a respirator is required for use with this product, the following criteria must be met:
 - a. Full-face respirators must be worn.
 - b. Cartridges or canisters must be replaced daily or when odor or irritation from this product becomes apparent, whichever is sooner.
 - c. Respirators must be fit-tested and fit-checked using a program that conforms to OSHA's requirements (described in 29 CFR Part 1910.134).
 - d. Respirator users must be trained using a program that conforms to OSHA's requirements (described in 29 CFR Part 1910.134).
 - e. Respirator users must be examined by a qualified medical practitioner to ensure physical ability to safely wear the style of respirator to be worn.
2. **Never fumigate alone:** It is imperative to always have an assistant and proper protective equipment in case of accidents.
3. **Driver's Responsibilities:** Drivers of application equipment must advise other workers of all precautions and procedures. In addition, drivers must instruct their helpers in the mechanical operation of the tractor and how to safely work with the tractor and driver while fumigating.
4. **Dispose of Contaminated Clothing:** Discard clothing and other absorbent materials that have been drenched or heavily contaminated with liquid from this product. Do not reuse them.
5. **Clean and Maintain PPE:** 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. Wash PPE after each day's use.
6. **Contact With Mouth:** Never siphon this product by mouth or use mouth to blow out clogged lines, nozzles, etc.
7. **Heat Illness Avoidance:** Use measures to avoid or minimize heat illness while using this product. These measures include gradual adjustment to heat and respirator stress, fans for cooling, cooling vests, frequent breaks to cool down, frequent intake of drinking water, and maintaining weight from day to day.

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.

First Aid

If inhaled: Remove to fresh air. If not breathing, give artificial respiration, preferably mouth-to-mouth. If breathing is difficult, give oxygen. Call a physician.

If on skin: Immediately flush skin with plenty of water for at least 15 minutes while removing contaminated clothing and shoes. Call a physician. If water not immediately available, remove excess chemical from skin with sorbent material such as towel or dry soil, then proceed at once to location where water is available and thoroughly wash contaminated skin with plenty of water. Call a physician.

If in eyes: Immediately flush eyes with plenty of water for at least 15 minutes. Call a physician.

If swallowed: Do not induce vomiting. Call a physician or Poison Control Center immediately. Never give anything by mouth to an unconscious person.

Note to physician: Because rapid absorption may occur through lungs if product is aspirated and cause systemic effects, the decision to induce vomiting or not should be made by a physician. If lavage is performed, endotracheal and/or esophageal control is suggested. Danger from lung aspiration must be weighed against toxicity when considering emptying the stomach.

8/23

Environmental Hazards

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 by disposal of equipment washwaters. See "Storage, Shipment, and Disposal" section. In case of spills properly dispose of contaminated materials.

Ground water advisory: 1,3-dichloropropene is known to move through soil and under certain conditions has the potential to reach ground water as a result of agricultural use. Application in areas where soils are permeable and ground water is near the surface could result in ground water contamination. Do not apply within 100 feet of any well used for potable water. Do not apply in areas overlying karst geology. In North Dakota, South Dakota, Wisconsin, Minnesota, New York, Maine, New Hampshire, Vermont, Massachusetts, Utah, and Montana: Where groundwater aquifers exist at a depth of 50 feet or less from the surface, do not apply this product where soils are Hydrologic Group A.

Physical or Chemical Hazards

Flammable - Do not use, pour, spill, or store near heat or open flame. Do not cut or weld container.

Agricultural Use Requirements

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. Refer to the 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 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, Inherent Risks of Use, and Limitation of Remedies inside at end of label booklet. If terms are unacceptable, return at once unopened.**

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.

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

EPA Reg. No. 62719-302

16 45 69
EPA Est. 464-MI-1; 464-CA-1; 54686-WA-1
Superscripts correspond to places 7 & 8 of lot number.

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

Soil Fungicide and Nematicide

Net Contents XXX

9/23

(Label Booklet Cover):

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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.

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10/23

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Soil Fungicide and Nematicide

11/23

(Page 1 through end):

Table of Contents	Page
Precautionary Statements	-
Hazards to Humans and Domestic Animals	-
First Aid	-
Environmental Hazards	-
Physical or Chemical Hazards	-
Directions for Use	-
Agricultural Use Requirements	-
Storage, Shipment and Disposal	-
General Information	-
General Use Precautions	-
Application Directions	-
Application Timing	-
Soil Conditions	-
Soil Preparation	-
Placement of Fumigant	-
Application Methods and Equipment	-
Sealing the Soil After Application	-
Soil Fumigation Interval	-
Approved Uses	-
Control of Nematodes: Vegetable Crops, Field Crops	-
Fruit and Nut Crops, Nursery Crops	-
Broadcast Application Rates and Use Information for Control of	-
Nematodes, Symphylans, Wireworms and Certain Soil Borne	-
Diseases in Crops Listed (Table 1)	-
Rate Conversion Chart for Various Row Spacings and Fumigant	-
Flow Rates (Table 2)	-
Warranty Disclaimer	-
Inherent Risks of Use	-
Limitation of Remedies	-

Precautionary Statements

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Hazardous Liquid And Vapor

- Do not swallow any of this product. May be fatal if swallowed.
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- The use of this product may be hazardous to your health. This product contains 1,3-dichloropropene, which has been determined to cause tumors in laboratory animals. Risks can be reduced by exactly following directions for use, precautionary statements, and by wearing the personal protective equipment specified in this labeling.
- This fumigant has the capacity to cause marked irritation to the upper respiratory tract. A strong lachrymator (tear-producing eye irritant). Low concentrations are capable of causing painful eye irritation. The effect may be so powerful that a person may become temporarily blinded and panic-stricken. That, in turn, may lead to accidents.

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1. Handlers Performing Direct Contact Tasks

Direct contact tasks are tasks performed outdoors or in a well-ventilated area. They include:

- equipment calibration or adjustment
- equipment clean-up and repair
- product sampling
- any activity less than 6 feet from an unshielded pressurized hose containing this product
- removal of tarp or plastic film
- rinsate disposal
- fumigant transfer
- clean-up of small spills

13/23

- preparing containers for aeration
- any other task not otherwise listed in (2), (3), (4) or (5) below

Handlers performing direct-contact tasks must wear:

- Coveralls over short-sleeved shirt and short pants
- Chemical-resistant gloves, such as barrier laminate (EVAL) or viton
- Chemical-resistant footwear plus socks
- Chemical-resistant headgear for overhead exposure
- Chemical-resistant apron
- Full-face respirator with either an organic-vapor-removing cartridge with a prefilter approved for pesticides (MSHA/NIOSH approval number prefix TC-23C) or canister approved for pesticides (MSHA/NIOSH approval number prefix TC-14G). See further respirator requirements in the "User Safety Requirements" section on this label.

2. Handlers in Enclosed Cabs

Applicators and other handlers in enclosed cabs must wear:

- Coveralls
- Shoes and socks
- A full-face respirator with either an organic-vapor-removing cartridge with a prefilter approved for pesticides (MSHA/NIOSH approval number prefix TC-23C) or canister approved for pesticides (MSHA/NIOSH approval number prefix TC-14G). A respirator is not required if the occupants are within an enclosed cab that is in conformance with one of the following: 1) ASAE Standard S525 sections 7.1.5, 7.1.7, 7.2.3, and 9, or 2) the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides -- 40 CFR 170.240(d)(5). The cab must be equipped with a vapor-adsorptive filter containing a minimum of 1000 grams activated charcoal. The filter must be changed after no more than 50 hours of application time. See further respirator requirements in the "User Safety Requirements" section on this label.
- In addition, the PPE specified in (1) for direct-contact activities must be immediately available in the enclosed cab and must be worn if the handler leaves the enclosed cab to perform any direct-contact activity

3. Applicators Outside an Enclosed Cab

Applicators applying Telone* C-35 soil fungicide and nematicide (or sealing the soil following application of Telone C-35) who are not inside an enclosed cab that meets requirements specified above must wear:

- Coveralls over short-sleeved shirt and short pants
- Chemical-resistant gloves, such as barrier laminate (EVAL) or viton
- Chemical-resistant footwear plus socks
- Chemical-resistant headgear for overhead exposure
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4. Handlers in Treated Area within 5 days After Application

Only the following handler tasks may be performed in the treated area within 5 days after the application is complete:

- Assessing/adjusting the soil seal
- Assessing pest control, application technique, or application efficacy
- Sampling air or soil for this product

All other tasks are prohibited until the 5 day period has expired.

Unless in an enclosed cab as described in (2) above, handlers performing the above tasks in the treated area within 5 days after application must wear:

14/23

- Coveralls
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5. Handlers Exposed to High Concentrations

Handlers exposed to high airborne concentrations of this product, such as cleanup following large spills and exposure to this product in poorly ventilated areas must wear:

- Chemical-resistant suit
- Chemical-resistant gloves, such as barrier laminate (EVAL) or viton
- Chemical-resistant footwear plus socks
- Chemical-resistant headgear
- Supplied-air respirator with MSHA/NIOSH approval number prefix TC-19C or self-contained breathing apparatus (SCBA) with MSHA/NIOSH approval number prefix TC-13F. See further respirator requirements in the "User Safety Requirements" section on this label.

Note: In-tank cleaning of bulk tanks must be performed only by persons who have been specifically trained for this activity. Refer to OSHA 29 CFR Part 1910.146 and the Telone User's Guide section on Storage Tanks.

Engineering Controls Requirements

Mechanical Transfer System: Personal protective equipment specified for "Direct Contact Activities" must be worn by the operator of the mechanical transfer system. The operator of the mechanical transfer system must follow instructions on proper operation of the system found in the "Telone Soil Fumigants - A Guide to Application" manual. Contact your distributor for Telone C-35 for more information on these materials.

End-Row Spillage Control: The dispensing system must shut off the feed stream when chisels are raised out of the ground. Do not stop or park near any area where dribble from chisel tips has fallen. The applicator must follow instructions on proper operation and maintenance of the system found in the "Telone Soil Fumigants - A Guide to Application" manual. Contact your distributor for Telone C-35 for more information on these materials.

- A flow shutoff device must be placed as close as is technically feasible to the fluid discharge point. This can be a ball, poppet, or diaphragm check valve, or full flow shutoff device such as an electric or pneumatically actuated valve.
- Check valves must be replaced immediately if continuous drip occurs.
- Place check valves above the orifice.
- Isolate the check valve from upstream pressure by installing a main line shut off or bypass valve prior to the manifold.
- Do not exceed 1/4 inch diameter tubing.
- Do not use any method of end-row spillage control other than that stated on this label.
- An alternative to shutoff devices is a purge system which clears the line of all liquid. Consult your Dow AgroSciences representative for purge system description. Do not use any method of end-row spillage control other than that stated on this label.

With all bulk and mini-bulk containers, Telone C-35 must be transferred through connecting hoses, pipes, and/or couplings sufficiently tight to prevent workers or other persons from coming in contact with liquid Telone C-35.

1. All hoses, piping, and tanks used in connection with Telone C-35 shall be of type appropriate for use under the pressure and vacuum conditions to be encountered.

15/23

2. External sight gauges shall be equipped with valves so that pipes to sight gauge can be shut off in case of breakage or leakage.
3. The mechanical transfer system must be adequate to make necessary measurements of the pesticide being used.
4. Shut-off devices must be installed on the exit end of all hoses and at all disconnect points to prevent leakage of Telone fumigant product when the transfer is stopped and hose is removed or disconnected. A dry coupler that will **minimize pesticide leakage** must be installed at the disconnect point.
5. The pressure in hoses used to move Telone C-35 beyond a pump **must not exceed** the manufacturer's maximum pressure specification.

User Safety Requirements

1. **Respirator Requirements:** When a respirator is required for use with this product, the following criteria must be met:
 - a. Full-face respirators must be worn.
 - b. Cartridges or canisters must be replaced daily or when odor or irritation from this product becomes apparent, whichever is sooner.
 - c. Respirators must be fit-tested and fit-checked using a program that conforms to OSHA's requirements (described in 29 CFR Part 1910.134).
 - d. Respirator users must be trained using a program that conforms to OSHA's requirements (described in 29 CFR Part 1910.134).
 - e. Respirator users must be examined by a qualified medical practitioner to ensure physical ability to safely wear the style of respirator to be worn.
2. **Never fumigate alone:** It is imperative to always have an assistant and proper protective equipment in case of accidents.
3. **Driver's Responsibilities:** Drivers of application equipment must advise other workers of all precautions and procedures. In addition, drivers must instruct their helpers in the mechanical operation of the tractor and how to safely work with the tractor and driver while fumigating.
4. **Dispose of Contaminated Clothing:** Discard clothing and other absorbent materials that have been drenched or heavily contaminated with liquid from this product. Do not reuse them.
5. **Clean and Maintain PPE:** 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. Wash PPE after each day's use.
6. **Contact With Mouth:** Never siphon this product by mouth or use mouth to blow out clogged lines, nozzles, etc.
7. **Heat Illness Avoidance:** Use measures to avoid or minimize heat illness while using this product. These measures include gradual adjustment to heat and respirator stress, fans for cooling, cooling vests, frequent breaks to cool down, frequent intake of drinking water, and maintaining weight from day to day.

16/23

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.

First Aid

If inhaled: Remove to fresh air. If not breathing, give artificial respiration, preferably mouth-to-mouth. If breathing is difficult, give oxygen. Call a physician.

If on skin: Immediately flush skin with plenty of water for at least 15 minutes while removing contaminated clothing and shoes. Call a physician. If water not immediately available, remove excess chemical from skin with sorbent material such as towel or dry soil, then proceed at once to location where water is available and thoroughly wash contaminated skin with plenty of water. Call a physician.

If in eyes: Immediately flush eyes with plenty of water for at least 15 minutes. Call a physician.

If swallowed: Do not induce vomiting. Call a physician or Poison Control Center immediately. Never give anything by mouth to an unconscious person.

Note to physician: Because rapid absorption may occur through lungs if product is aspirated and cause systemic effects, the decision to induce vomiting or not should be made by a physician. If lavage is performed, endotracheal and/or esophageal control is suggested. Danger from lung aspiration must be weighed against toxicity when considering emptying the stomach.

Environmental Hazards

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 by disposal of equipment washwaters. See "Storage, Shipment, and Disposal" section. In case of spills properly dispose of contaminated materials.

Ground water advisory: 1,3-dichloropropene is known to move through soil and under certain conditions has the potential to reach ground water as a result of agricultural use. Application in areas where soils are permeable and ground water is near the surface could result in ground water contamination. Do not apply within 100 feet of any well used for potable water. Do not apply in areas overlying karst geology. In North Dakota, South Dakota, Wisconsin, Minnesota, New York, Maine, New Hampshire, Vermont, Massachusetts, Utah, and Montana: Where groundwater aquifers exist at a depth of 50 feet or less from the surface, do not apply this product where soils are Hydrologic Group A.

Physical or Chemical Hazards

Flammable - Do not use, pour, spill, or store near heat or open flame. Do not cut or weld container.

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.

17/23

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 intervals, and notification to workers. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard (WPS).

Entry Restriction:

Entry (including early entry that would otherwise be permitted under the WPS) by any person -- other than a correctly trained and equipped handler who is performing a handling task permitted on this labeling -- is **prohibited** from the start of application until 5 days after application. **In addition**, if tarps are used for the application, non-handler entry is prohibited while tarps are being removed.

Notification:

Notify workers of the application by warning them orally and by posting fumigant warning signs at entrances to treated areas. The sign must bear the skull and crossbones symbol and state: (1) "**DANGER/PELIGRO**," (2) Areas under fumigation, **DO NOT ENTER/NO ENTRE**," (3) the date and time of fumigation, (4) "Telone C-35 fumigant in use," and (5) name, address, and telephone number of the applicator." Post the fumigant warning sign instead of the WPS sign for this application, but follow all WPS requirements pertaining to location, legibility, size and timing of posting and removal.

PPE For Reentry During The Entry-Restricted Period:

PPE for entry that is permitted by this labeling is listed in the "Hazards to Humans and Domestic Animals" section of this labeling.

Storage, Shipment and Disposal

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

Storage: Store in tightly-closed original container in a cool place away from dwellings. Do not allow contamination of seeds, plants, fertilizers, or other pesticide chemicals. Do not contaminate food, feedstuffs, drugs, or domestic water supplies.

Disposal: Pesticide wastes are toxic. Improper disposal of excess pesticide and rinsates 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.

Because Telone C-35 is corrosive under certain conditions, flush all application equipment with fuel oil, kerosene or a similar type of petroleum solvent immediately after use. Fill pumps and meters with new motor oil or a 50% motor oil/fuel oil mixture before storing. **Do not use water.** Dispose of rinsate by applicable Federal, state and local regulations. Never introduce rinsate or unused Telone C-35 into surface or underground water supplies.

Metal Container Disposal: To dispose of container emptied during application operation, remove bungs, invert container in the field just treated and ensure that the container is free of liquid. Orient container such that ventilation of bung holes is not restricted. Allow containers to aerate for at least 14 days. Replace bungs prior to transport. After aeration, offer container to qualified reconditioner or dispose of as directed by State or local regulations.

Refillable Containers: Follow cleaning and handling directions in the Telone User's Guide.

18/23

General Information

Telone* C-35 soil fungicide and nematicide is a multi-purpose liquid fumigant for preplant treatment of cropland soil that can be used as part of a management program involving rotation, resistant varieties, and other cultural practices designed to alleviate nematode and disease pressure.

Telone C-35 may be applied as a preplant soil treatment as part of a management program for certain **soil borne diseases** [soil rot (soil pox) of sweet potatoes; Granville (bacterial) wilt, black root rot, black shank diseases of tobacco; Verticillium wilt of strawberries, cole crops and mint, pink root of onions, pod rot of peanuts, Fusarium crown and root rot of tomatoes. This is not a complete list of crops and soil borne diseases. Consult your crop advisor for recommendations on specific soil borne diseases.]; **plant parasitic nematodes** [root-knot, root lesion, citrus, cyst formers (golden, sugar beet, soybean), burrowing, lance, reniform, ring, spiral, sting, pin, stubby root, stylet, dagger and certain others]; **symphylans** (garden centipedes) and **wireworms**.

Before fumigation, soil sampling for the type and number of pests present is recommended. In fields where pre-treatment soil samples indicate the presence of high population levels of nematodes, a successful fumigation cannot be expected to eradicate entire populations. Therefore, post-treatment sampling is recommended to determine the need for additional pest management practices.

Consult State Agricultural Experiment Station or Extension Service specialists for information on other practices such as post-harvest destruction of crop residues, weed control or other cultural practices, and use of nematode resistant crop varieties that may aid in reducing crop losses from soil borne pests.

General Use Precautions

Soil fumigation using Telone C-35 should be conducted only according to directions and conditions of use described in this labeling.

Formulator use of Telone C-35: Labeling for end use products containing Telone C-35 that are prepared and sold by formulators must comply with all precautionary statements, use precautions, environmental hazards, handling and protective equipment requirements, maximum application rates and other exposure mitigation measures specified in this product labeling. Any product formulated from this product and/or any product which is formulated from the repackaging of this product must be labeled only as a pre-plant soil injected and/or soil fumigant product. Each formulator is responsible for obtaining EPA registration for each end use product. **Note:** A revised groundwater advisory in accordance with EPA agreement dated Sept. 30, 1998, must be included on the label of any product reformulated from Telone C-35 after August 1, 1999.

Recontamination prevention: Telone C-35 will control pests that are present in the soil treatment zone at time of fumigation. It will not control pests that are introduced into soil after fumigation. To avoid reinfestation of treated soil do not use irrigation water, transplants, seed pieces, or equipment that could carry soil borne pests from infested land. Avoid contamination from moving infested soil onto treated beds through cultivation, movement of soil from below the treated zone, dumping contaminated tare soil in treated fields and soil contamination from equipment or crop remains. Clean equipment carefully before entering treated fields.

Do not use containers, pumps or other transfer equipment made of aluminum, magnesium or their alloys, as under certain conditions Telone C-35 may be severely corrosive to such metals.

Equipment Clean-up: Because Telone C-35 is corrosive under certain conditions, flush all application equipment with fuel oil, kerosene or a similar type of petroleum solvent immediately after use. Fill pumps and meters with new motor oil or a 50% motor oil/fuel oil mixture before storing. **Do not use water.**

19/23

Dispose of rinsate by incorporation into field just treated or by other approved means. Never introduce rinsate or unused Telone C-35 into surface or underground water supplies.

Chemigation: Do not apply Telone C-35 through any type of irrigation system.

Fertility Interactions: Fumigation may temporarily raise the level of ammonia nitrogen and soluble salts in the soil. This is most likely to occur when heavy rates of fertilizer and fumigant are applied to soils that are either cold, wet, acid, or high in organic matter. To avoid injury to certain crops including red beets, carrots, corn, radishes, cole crops, legumes (beans), lettuce, onions, and sugar beets, fertilize when possible as indicated by soil tests made after fumigation. To avoid ammonia injury or nitrate starvation (or both) to crops grown on high organic soils, do not use fertilizers containing ammonium salts. Use only fertilizers containing nitrates until after the crop is well established and the soil temperature is above 65°F. In mineral soils, do not apply more than 2/3 of the nitrogen requirements from fertilizers containing ammonium salts until the crop is well established and the soil temperature is above 65°F.

When using high rates of Telone C-35 as required by certain state nursery regulations, liming of highly acid soils before fumigation may stimulate nitrification and reduce the possibility of ammonia toxicity. Certain nursery crops such as citrus seedlings, *Cornus* sp., *Crataegus* sp., spruce, and vegetable crops such as cauliflower have shown evidence of phosphorus deficiency following fumigation. To avoid this possible effect, additional phosphate fertilizer (foliar applied) is recommended where experience indicates a deficiency may occur.

Use Restrictions for Certain Florida Counties: For application of this product in Brevard, Broward, Charlotte, Citrus, Collier, Dade, DeSoto, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lake, Lee, Manatee, Martin, Monroe, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Sarasota, Seminole, St. Lucie, Sumter, and Volusia counties, applicators must have labeling for FIFRA Section 24(c)_Special Local Need (SLN) FL990005 in their possession and comply with stated requirements.

Use Restrictions for Certain New York Counties: This product is prohibited from sale, use or distribution in Nassau and Suffolk counties.

Application Directions

Application Timing

Telone C-35 can be applied at any time of the year when soil conditions permit. Conditions that allow rapid diffusion of the fumigant as a gas through the soil normally give best results. Because Telone C-35 does not provide residual control of soil pests, it should be used as a preplant application before planting each crop. The following soil temperature and moisture conditions should exist at time of treatment. Failure to meet these conditions may result in unsatisfactory product performance:

Soil Conditions

Soil temperature at the depth of application must be between 40°F and 80°F. In areas where the soil temperature in the spring may not reach 40°F in time to allow application of Telone C-35 prior to planting, late summer or early fall treatment is recommended.

Soil Moisture

It is critical to manage soil moisture properly before fumigation. Plan fumigation for seasons, crop rotations, or irrigation schedules which leave moisture in the soil. For fumigation depths greater than 18 inches, the soil should be moist within a 16 inch radius upwards from the point of injection as determined by the feel method (see below). For all other applications, the soil must be moist from two inches below the soil surface to at least 12 inches deep as determined by the feel method (see below). The amount of moisture needed in this zone will vary according to soil type. The surface soil generally dries very rapidly and should not be considered in this determination. If there is insufficient moisture at the two to six inch depth, the soil moisture must be adjusted. If irrigation is not available and there is adequate soil moisture below six inches, it may be brought to the surface by disking or plowing before or during the injection. To

20/23

conserve existing soil moisture, pretreatment or treatment tillage practices should be done as close to the time of application as possible. For fields with more than one soil texture, soil moisture content in the lightest textured (most sandy) areas must comply with this soil moisture requirement. Whenever possible, the field should be divided into areas of similar soil texture and the soil moisture of each area should be adjusted as needed. Coarser textured soils can be fumigated under conditions of higher soil moisture than finer textured soils; however, if the soil moisture is too high, fumigant movement will be retarded and effectiveness of the treatment will be reduced. Previous and/or local experience with the soil to be treated or the crop to be planted can often serve as a guide to conditions that will be acceptable. If you do not know how to determine the soil moisture content of the area to be treated, consult your local extension service or soil conservation service specialist or pest control advisor (ag consultant) for assistance.

In general, no irrigation should immediately precede subsoiling or fumigation; however, when irrigation is available and surface soil moisture conditions are not likely to provide an adequate seal against fumigant loss, a very light sprinkler irrigation to wet the top 1 to 2 inches of soil may be used to bring soil moisture content to the desired level.

The following descriptions will aid in determining acceptable soil moisture conditions by the "feel method". For coarse soils (sand and loamy sand), there must be enough moisture to allow formation of a weak ball when compressed in the hand. Due to soil texture, this ball is easily broken with little disturbance. In loamy, moderately coarse, or medium textured soils (coarse sandy loam, sandy loam, and fine sandy loam), a soil sample with the proper moisture content can be formed into a ball which holds together with moderate disturbance, but does not stick between the thumb and forefinger. Fine textured soils (clay loam, silty clay loam, sandy clay, silty clay, sandy clay loam and clay), should be pliable and not crumbly, but should not form a ribbon when compressed between the thumb and forefinger.

Soil Preparation

The soil should be free of clods. Large clods can prevent effective soil sealing and reduce effectiveness of Telone C-35. Plant residues should be thoroughly incorporated into the soil prior to treatment to avoid interfering with application. Undecomposed plant material may harbor pests that will not be controlled by fumigation. Little or no crop residue should be present on the soil surface. Crop residue that is present should lie flat to permit the soil to be sealed effectively. Compacted soil layers within the desired treatment zone should be fractured before or during application of the fumigant. Deviation from the above conditions may result in unsatisfactory results.

Placement of Fumigant

Telone C-35 may be applied as either a broadcast or row treatment. It must be placed at least 12 inches below the final soil surface. When soil conditions allow, placement a minimum of 14 inches below the final soil surface is recommended. Deeper placement is recommended when fumigating soil to be planted to deep-rooted plants, such as perennial fruit and nut crops, or to control deeply distributed pests. For row application, the fumigant must be placed at least 12 inches from the nearest soil/air interface (e.g. furrow).

Application Methods and Equipment

Broadcast Application: Use chisel (shank), offset wing shank, Nobel (sweep) plow or plow-sole application equipment. For best results when using chisel equipment, use ripper-type, forward-swept shanks. Nobel plow equipment is particularly useful for fall fumigation when the soil still contains some standing undecomposed plant material. Subsoiling may be necessary before application as described under "Soil Preparation". Choose application equipment which allows the deepest application and best soil seal under existing conditions.

The fumigant outlet spacing varies with the type of application equipment used.

With chisel equipment a fumigant shank spacing of 12 to 24 inches is recommended. The outlet spacing for this equipment may be up to 1 1/2 times the application depth but generally should be equal to the application depth and should not exceed the soil-shattering capability of the chisels. The maximum outlet spacing should not exceed 24 inches.

21/23

With plow-sole equipment a 12-inch outlet spacing is recommended. Do not exceed an outlet spacing of 18 inches.

With Nobel (sweep) plow equipment use an outlet spacing of 9-12 inches along the sweeps.

Row Application (for row spacing greater than 24 inches): Use chisel equipment to treat a band of soil where the crop is to be planted, i.e. the plant row. When multiple chisels per plant row are used, space the chisels (fumigant outlets) 8 to 12 inches apart. Regardless of the number or spacing of chisels used, the fumigant must be placed at least 12 inches from the nearest soil/air interface (e.g. furrow). To prevent seed germination problems caused by improper seed-to-soil contact or improper seeding depth, do not place the seed directly over the furrow left by the applicator chisel(s).

Calibration

Calibration must be done in a manner which does not release Telone C-35 above the soil. Recommended methods are use of a flow meter or determining flow rate by dispensing an alternate fluid such as water or diesel fuel into collection cups. Flow meter capacity previously calibrated for water or methyl bromide may be converted to Telone C-35 capacity using the following equations:

Flow capacity for water X 0.85 = flow capacity for Telone C-35.

Flow capacity for methyl bromide X 1.2 = flow capacity for Telone C-35.

For example, a flow meter with a capacity of 4.0 gallons of water or 2.84 gallons of methyl bromide per minute will deliver 3.4 gallons of Telone C-35 per minute. Flow capacity for diesel fuel is roughly the same as for Telone C-35.

Flow rates for individual outlets can be calculated using the formula:

$\text{fl oz}/1000 \text{ ft of row/outlet} = 0.245 \times \text{broadcast rate in gallons/acre} \times \text{outlet spacing in inches.}$

For example, the application rate is 23.1 gallons/acre and desired row spacing is 18 inches, the flow rate per outlet is: $0.245 \times 23.1 \times 18 = 102 \text{ fl oz}/1000 \text{ ft/outlet}$. If dispensing water to determine flow rate, multiply the amount dispensed by 0.85 to determine the amount of Telone C-35.

Sealing the Soil After Application

Immediately after chisel application of Telone C-35 the soil must be "sealed" to prevent fumigant loss and ensure that an effective concentration of fumigant is maintained within the soil for a period of several days.

For broadcast treatment (flat fumigation), sealing can be accomplished with equipment that will uniformly mix the soil to a depth of 3 to 4 inches to effectively eliminate chisel or plow traces which can allow direct escape of the fumigant. A tandem disc or similar equipment may be used for this purpose. To maximize sealing, steps should also be taken to compact the soil surface to further retard the rate of fumigant loss by following with a ring roller, cultipacker or roller in combination with tillage equipment. Compaction of the soil surface alone does not effectively disrupt chisel or plow traces.

For row treatment, forming the beds at the time of application should be accomplished in a manner that places the fumigant at least 12 inches from the nearest soil/air interface (e.g. furrow). The closest soil/air interface could be the furrow for multiple knife applications or the top of the bed for single knife applications. Row treatments into preformed beds must be sealed by disrupting the chisel trace using press sealers, ring rollers or by reforming the beds and following with such equipment.

Sealing can also be improved by applying non-perforated plastic film, such as polyethylene, over the entire area or in strips. Use of a film to seal the soil surface does not eliminate the need to eliminate chisel traces prior to application of the plastic film.

Proper soil conditions at the time of application (see Soil Preparation section) are important to ensure proper placement of fumigant (see Placement of Fumigant section) and obtaining adequate sealing. Prior tillage should be adequate to eliminate clods and thoroughly mix crop residues into the soil.

Soil Fumigation Interval

22/23

Leave the soil undisturbed and unplanted for at least 7 days after application of the fumigant. A longer undisturbed interval is required if the soil becomes cold or wet, and for deep-rooted tree, shrub and vine planting sites.

After the fumigation interval, to prevent phytotoxicity, allow the fumigant to dissipate completely before planting the crop. Under optimum soil conditions for dissipation, 1 week for each 10 gallons/acre is recommended. Seed may be used as a bioassay to determine if Telone C-35 is present in the soil at concentrations sufficient to cause plant injury.

Buffer Zone: An application of Telone C-35 shall not be made within 300 feet of an occupied structure, such as a school, hospital, business or residence. No person shall be present at this structure at any time during the seven consecutive day period following application. **This buffer zone does not apply to use on soils that will not experience an additional 1,3-D treatment for at least three years. For example, on soils to be planted with fruit trees, nut and nursery crops, perennial vines, hops, mint or pineapple.**

Approved Uses

Control of Nematodes

Telone C-35 is recommended for control of nematodes, symphylans and wireworms in soils to be planted to vegetable crops, field crops, fruit and nut crops and nursery crops.

Table 1. Broadcast Application Rates and Use Information for Control of Nematodes, Symphylans[†], Wireworms[†] and Certain Soil-Borne Diseases in Listed Soils and Crops.

Crop	Soil Type	Broadcast Application Rates ¹ (Gallons/Acre)
Vegetable Crops	Mineral	13 to 20.5 ²
	Muck or Peat	33 ³ to 36
Field Crops	Mineral	13 to 20.5 ²
	Muck or Peat	26
Fruit and Nut Crops including Strawberries	Mineral, Muck, or Peat	39 to 50
Nursery Crops	Mineral, Muck, or Peat	60.5 to 79
Mint	Mineral, Muck, or Peat	33

¹Rates given may be concentrated in the row, but in no case should the amount applied per acre exceed the maximum broadcast application rates (gallons/acre) given in the above table.

²For cyst-forming nematodes increase dosage to 26 gallons/acre (45.4 fl oz/1000 ft row per chisel).

³For muck soils containing less than 30% organic matter use 26 gallons/acre. In New York, for high organic matter soils, use up to 49 gallons per acre.

[†]**Note:** To control symphylans (garden centipedes) use only as a broadcast application at 15.5 or more gallons per acre, and apply during late summer or early fall when the soil is warm.

To suppress wireworms, use dosages recommended for nematodes as a broadcast application.

Terms and Conditions of Use

If terms of the following Warranty Disclaimer, Inherent Risks of Use, and Limitation of Remedies are not acceptable, return unopened package at once to the seller for a full refund of purchase price paid. Otherwise, use by the buyer or any other user constitutes acceptance of the terms under Warranty Disclaimer, Inherent Risks of Use and Limitation of Remedies.

23/03

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.

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, Inherent Risks of Use ~~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.

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