

62719-329

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

OFFICE OF
CHEMICAL SUBSTANCES
AND POLLUTION PREVENTION

MAR 23 2011

Dr. Kenneth Racke
Dow AgroSciences LLC
9330 Zionsville Road
Indianapolis, IN 46268

Subject: Conserve Fire Ant Bait XT, EPA Reg. No. 62719-329
Date of Registrant Submission: December 11, 2009
Decision No.: 425129; 435124

Dear Dr. Racke,

The labeling, referred to above, and revised basic (dated Dec 6, 2010) and new alternate CSF #1 (dated Dec 16, 2010), submitted in connection with registration under the Federal insecticide, Fungicide, and Rodenticide Act, as amended, is acceptable.

Two (2) copies of the finished labeling must be submitted prior to releasing each product for shipment. If you have any questions regarding this letter, please contact Samantha Hulkower at (703) 603-0683.

Sincerely,

A handwritten signature in black ink that reads "Mark Suarez". The signature is stylized with a large, sweeping "S" at the end.

Mark Suarez
Product Manager 13
Insecticide Branch
Registration Division (7505P)

Enclosures: Label stamped 'Accepted'

Conserve[®] Fire Ant Bait XT

EPA Reg. No. 62719-329

The master label for Conserve Fire Ant Bait XT consists of separate, self-contained sub labels for agricultural uses and non-agricultural uses, respectively.

Registration Notes:

Source label text based on EPA accepted text dated September 23, 2009.

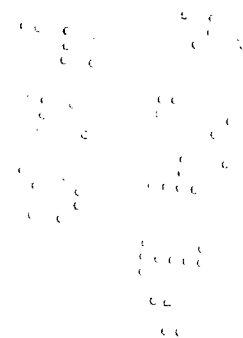
Proposed changes by amendment based on EPA National Organic Program Labeling Request Checklist dated March 11, 2010:

Sub Label A

1. Deleted "U.S. Patent No. 5,362,634 and 5,496,931."
2. Added "For Organic Production."
3. Personal Protective Equipment: Deleted "Non-WPS Uses. . .WPS Uses."
4. Non-Agricultural Use Requirements: Deleted section.
5. General Information: In first paragraph, deleted "Spinosad is classified as an organic substance by the USDA National Organic Standards Board."
6. Uses: (1) Deleted "Lawns and other turfgrass areas, including"; (2) deleted "Farmsteads, corrals and around animal housing facilities"; (3) deleted "and home gardens"; (4) added dates; (5) revised "grass and legume forage, fodder and hay crops, grass and legume forage crops grown for seed" to read "grass crops and grass grown for seed"; (6) added "(except Brassica)" to "leafy vegetables" and "-leaved" to "edible chrysanthemum; (7) added pomegranate; (8) added "tropical" to "tree fruits."
7. Application Timing: In first sentence, changed "greater" to "warmer."

Sub Label B

8. Deleted "U.S. Patent No. 5,362,634 and 5,496,931."
9. Added "For Use in Organic Gardening."
10. Added OMRI logo.
11. Personal Protective Equipment: Deleted (1) "Non-WPS Uses. . . ."; (2) "WPS Uses. . .waterproof gloves."
12. Agricultural Use Requirements: Deleted section.
13. Non-Agricultural Use Requirements: Deleted section.
14. General Use Precautions and Restrictions: Added (1) "Do not allow unprotected workers or other persons or pets in treated area during application."; (2) "Do not apply to hardscapes."
15. Uses: (1) Added "home" to "greenhouses"; (2) deleted "including sod farms" from "lawns and other turfgrass areas"; (3) deleted "crops and" from "home gardens"; (4) deleted "tree farms or plantations including" from "conifers, including Christmas trees, and deciduous trees"; (5) added dates; (6) added "(except Brassica)" to "leafy vegetables" and "-leaved" to "edible chrysanthemum; (7) deleted "in nurseries (including conifer seed orchards" from "ornamentals"; (8) deleted "grass and legume forage, fodder and hay crops, grass and legume forage crops grown for seed" from "pastures and rangeland"; (9) added pomegranate; (10) deleted "corn (field corn, popcorn and corn grown for seed)" from "sweet corn"; (11) added "tropical" to "tree fruits."
16. Application Directions: Deleted "Preharvest Interval. . . ."
17. Application Timing: In first sentence, changed "greater" to "warmer."



[Sub Label A: Agricultural Uses]

(Base label):

Conserve® Fire Ant Bait XT

Insect Control

For control or suppression of red imported fire ant (*Solenopsis invicta*) and harvester ants

Kills the queen
and/or

Kills the mound
and/or

Controls the colony
and/or

No mixing required
and/or

No mound movement
and/or

Dead ants in 24 hours
and/or

Contains Conserve®
and/or

Controls [fire ants] [harvester ants] for up to 2 months
and/or

No watering necessary
and/or

Effective kill of [fire ants] [harvester ants]
and/or

Ready to use
and/or

No odor
and/or

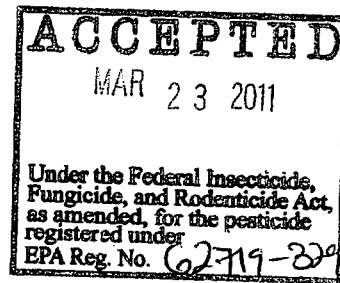
Easy to use
and/or

Mound or broadcast treatments
and/or

Use straight from the container
and/or

Kills [fire ants] [harvester ants]
and/or

Treats XX mounds



Group	5	INSECTICIDE
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Active Ingredients:

spinosad (a mixture of spinosyn A and spinosyn D)	0.015%
Other Ingredients	99.985%
Total	100.000%



For Organic Production

OMRI™
Listed

Listed by the Organic Materials Review Institute (OMRI) for use in organic production.

Keep Out of Reach of Children

CAUTION

Precautionary Statements

Hazards to Humans and Domestic Animals

Harmful If Swallowed.

Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco.

Personal Protective Equipment (PPE)

Applicators and other handlers who handle this product for any use covered by the Worker Protection Standard (40 CFR Part 170) -- such as agricultural plants grown for sale or research purposes in sod farms, forests, nurseries and greenhouses -- 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.

User Safety Recommendations

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.

First Aid

If swallowed: Call a poison control center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by the poison control center or doctor. Do not give anything by mouth to an unconscious person.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-992-5994 for emergency medical treatment information.

Environmental Hazards

This product is 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 cleaning equipment or 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.

(Storage and Disposal for rigid containers 5 gal or less)**Storage and Disposal**

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

Pesticide Storage: Store in original container in a cool dry place. In case of leak or spill, contain material and dispose as waste.

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

Container Handling: Nonrefillable container. Do not reuse or refill this container.

Triple rinse or pressure rinse container (or equivalent) promptly after emptying. Then offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

(Storage and Disposal for nonrigid containers any size)**Storage and Disposal**

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

Pesticide Storage: Store in original container in a cool dry place. In case of leak or spill, contain material and dispose as waste.

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

Container Handling: Nonrefillable container. Do not reuse or refill this container. Completely empty bag into application equipment. Then offer for recycling if available, or dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

(Storage and Disposal for refillable rigid containers greater than 5 gal)**Storage and Disposal**

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

Pesticide Storage: Store in original container in a cool dry place. In case of leak or spill, contain material and dispose as waste.

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

Container Handling: Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose.

Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or a mix tank. Fill the container about 10% full with water and, if possible, spray all sides while adding water. If practical, agitate vigorously or recirculate water with the pump for two minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times. Then offer for recycling if available, or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

(Storage and Disposal for nonrefillable rigid containers larger than 5 gal)**Storage and Disposal**

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

Pesticide Storage: Store in original container in a cool dry place. In case of leak or spill, contain material and dispose as waste.

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

Container Handling: Nonrefillable container. Do not reuse or refill this container.

Triple rinse or pressure rinse container (or equivalent) promptly after emptying. Then offer for recycling if available, or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

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Refer to label booklet for Directions for Use.

Notice: Read the entire label. Use only according to label directions. **Before using this product, read Warranty Disclaimer, Inherent Risks of Use, and Limitation of Remedies on back panel of label. 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.

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

EPA Reg. No. 62719-329

EPA Est. _____

®Trademark of Dow AgroSciences LLC

Produced for

Dow AgroSciences LLC

9330 Zionsville Road

Indianapolis, IN 46268

Net Weight _____

(Label booklet cover):

Conserve® Fire Ant Bait XT

Insect Control

For control or suppression of red imported fire ant (*Solenopsis invicta*) and harvester ants

Kills the queen

and/or

Kills the mound

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Controls the colony

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No mound movement

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Dead ants in 24 hours

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Contains Conserve®

and/or

Controls [fire ants] [harvester ants] for up to 2 months

and/or

No watering necessary

and/or

Effective kill of [fire ants] [harvester ants]

and/or

Ready to use

and/or

No odor

and/or

Easy to use

and/or

Mound or broadcast treatments

and/or

Use straight from the container

and/or

Kills [fire ants] [harvester ants]

and/or

Treats XX mounds

Active Ingredients:

spinosad (a mixture of spinosyn A and

spinosyn D)0.015%

Other Ingredients99.985%

Total100.000%



For Organic Production



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Listed by the Organic Materials Review Institute (OMRI) for use in organic production.

Keep Out of Reach of Children

CAUTION

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 inside of label booklet for additional precautionary information including Directions for Use.

Notice: Read the entire label. Use only according to label directions. **Before using this product, read Warranty Disclaimer, Inherent Risks of Use, and Limitation of Remedies on back panel of label. 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.

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

EPA Reg. No. 62719-329

EPA Est. _____

®Trademark of Dow AgroSciences LLC

**Produced for
Dow AgroSciences LLC
9330 Zionsville Road
Indianapolis, IN 46268**

Net Weight _____

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(Page 1 through end)

Precautionary Statements

Hazards to Humans and Domestic Animals**CAUTION****Harmful If Swallowed.**

Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco.

Personal Protective Equipment (PPE)

Applicators and other handlers who handle this product for any use covered by the Worker Protection Standard (40 CFR Part 170) -- such as agricultural plants grown for sale or research purposes in sod farms, forests, nurseries and greenhouses -- 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.

User Safety Recommendations

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.

First Aid

If swallowed: Call a poison control center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by the poison control center or doctor. Do not give anything by mouth to an unconscious person.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-992-5994 for emergency medical treatment information.

Environmental Hazards

This product is 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 cleaning equipment or when disposing of equipment washwaters.

Directions for Use

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Read all directions carefully before applying this product.

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

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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.

Pesticide Storage: Store in original container in a cool dry place. In case of leak or spill, contain material and dispose as waste.

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

Nonrefillable rigid containers 5 gallons or less:

Container Handling: Nonrefillable container. Do not reuse or refill this container.

Triple rinse or pressure rinse container (or equivalent) promptly after emptying. Then offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

Nonrefillable nonrigid containers:

Container Handling: Nonrefillable container. Do not reuse or refill this container. Completely empty bag into application equipment. Then offer for recycling if available, or dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

Refillable rigid containers larger than 5 gal:

Container Handling: Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose.

Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or a mix tank. Fill the container about 10% full with water and, if possible, spray all sides while adding water. If practical, agitate vigorously or recirculate water with the pump for two minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times. Then offer for recycling if available, or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

Nonrefillable rigid containers larger than 5 gal:

Container Handling: Nonrefillable container. Do not reuse or refill this container.

Triple rinse or pressure rinse container (or equivalent) promptly after emptying. Then offer for recycling if available, or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

General Information

Conserve® Fire Ant Bait XT insect control contains spinosad, which is biologically derived from the fermentation of *Saccharopolyspora spinosa*, a naturally occurring soil organism.

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Conserve Fire Ant Bait XT is attractive and deadly to foraging red imported fire ants (*Solenopsis invicta*) and harvester ants and is readily taken back into the nest as food for the colony. The active ingredient in the bait is distributed throughout the colony, killing the ants, including the queen. Fire ants and harvester ants that consume the bait will appear sick and lethargic within 12 to 24 hours. Dead ants will frequently be seen near treated mounds 24 to 36 hours after application. The entire colony, including the queen, will usually be controlled within 3 to 14 days after treatment, depending upon environmental conditions. Control of extremely large colonies may take longer or may require reapplication. If reapplication is required, use specified mound or broadcast application rates at intervals of no less than 14 days until control is achieved. Control may be slower with broadcast applications than with individual mound treatments. Maintain the freshness and attractiveness of the bait by keeping the container tightly sealed and using the product within the season of purchase.

General Use Precautions and Restrictions

- Do not use kitchen utensils for measuring. Keep measuring utensils with pest control products and away from children.
- Do not allow livestock or domestic animals to consume the bait.

Uses

This product may be applied in:

- Greenhouses
- Sod farms
- Crops
 - ◊ asparagus
 - ◊ banana and plantain
 - ◊ *Brassica* (cole) leafy vegetables including broccoli, broccoli raab, Brussels sprouts, cabbage, cauliflower, cavalo, Chinese broccoli, Chinese cabbage (bok choy), Chinese cabbage (napa), Chinese mustard cabbage (gai choy), collards, kale, kohlrabi, mizuna, mustard greens, mustard spinach, and rape greens. **Note: In the state of Georgia**, do not apply Conserve Fire Ant Bait XT to: broccoli raab, Chinese cabbage (bok choy), collards, kale, mizuna, mustard greens, mustard spinach, and rape greens.
 - ◊ bulb vegetables including dry bulb onion, garlic, great-headed (elephant) garlic, green onion, leek shallot, and welch onion
 - ◊ bushberries including blueberry, currant, elderberry, gooseberry, huckleberry, juneberry, lingonberry, and salal
 - ◊ caneberries including blackberry, black raspberry, loganberry, red raspberry and cultivars and/or hybrids of these
 - ◊ citrus including grapefruit, lemons, limes, oranges, and tangerines
 - ◊ corn (field corn, sweet corn, popcorn, and corn grown for seed) and teosinte
 - ◊ cotton
 - ◊ cranberry
 - ◊ cucurbits including cucumber, edible gourds, muskmelons (cantaloupe, honeydew, etc.), pumpkin, summer squash, watermelon, and winter squash
 - ◊ dates
 - ◊ fig
 - ◊ fruiting vegetables and okra including eggplant, groundcherry, pepino, pepper (except black), tomatillo, and tomato
 - ◊ grape
 - ◊ grass crops and grass grown for seed
 - ◊ herbs including angelica, balm, basil, borage, burnet, camomile, catnip, chervil (dried), Chinese chive, chive, cilantro, cilantro (leaf), clary, coriander (leaf), costmary, curry (leaf), dillweed, horehound, hyssop, lavender, lemongrass, lovage (leaf), marigold, marjoram, nasturtium, parsley (dried), pennyroyal, rosemary, rue, sage, summer savory, sweet bay, tansy, tarragon, thyme,

- wintergreen, winter savory, woodruff, and wormwood
- ◇ hops, dried cones
 - ◇ leafy vegetables (except *Brassica*) including amaranth, arugula, cardoon, celery, celtuce, chervil, Chinese celery, Chinese spinach, corn salad, dandelion, dock, edible-leaved chrysanthemum, endive (escarole), Florence fennel, garden cress, garden purslane, garland chrysanthemum, head lettuce, leaf lettuce, leafy amaranth, New Zealand spinach, orach, parsley, radicchio (red chicory), rhubarb, spinach, Swiss chard, tampala, upland cress, vine spinach, winter cress, winter purslane, and yellow rocket
 - ◇ leaves of legume vegetables including any cultivar of bean and field pea (except soybean)
 - ◇ leaves of root and tuber vegetables, turnip greens, and watercress including bitter cassava, black salsify, carrot, celeriac (celery root), chicory, dasheen (taro), edible burdock, garden beet, oriental radish (daikon), parsnip, radish, rutabaga, sugar beet, sweet cassava, sweet potato, tanager, true yam, turnip, and turnip-rooted chervil
 - ◇ legume vegetables (succulent and dried beans and peas) including adzuki bean, blackeyed pea, chickpea, cowpea, crowder pea, edible-pod pea, English pea, fava bean, field bean, field pea, garbanzo bean, garden pea, green pea, kidney bean, lentil, lima bean, lupins, mungbean, navy bean, pigeon pea, pinto bean, runner bean, snap bean, snow pea, sugar snap pea, tepary bean, wax bean, and yardlong bean
 - ◇ ornamentals (herbaceous and woody) growing outdoors, in nurseries (including conifer seed orchards), or in greenhouses
 - ◇ peanut
 - ◇ peppermint and spearmint
 - ◇ pineapple
 - ◇ pome fruits including apples, crabapple, loquat, mayhaw, pears, and quince
 - ◇ pomegranate
 - ◇ root and tuber vegetables and artichoke including arracacha, arrowroot, bitter cassava, black salsify, carrot, celeriac, chayote root, chicory, Chinese artichoke, chufa, dasheen, edible burdock, edible canna, garden beet, ginger, ginseng, horseradish, Jerusalem artichoke, leren, oriental radish, parsnip, potato, radish, rutabaga, salsify, skirret, Spanish salsify, sugar beet, sweet cassava, sweet potato, tanager, true yam, turmeric, turnip, turnip-rooted chervil, turnip-rooted parsley, and yam bean
 - ◇ small cereal grains and grain amaranth including barley, buckwheat, milo, oats, pearl millet, proso millet, rye, sorghum, triticale, and wheat
 - ◇ soybean
 - ◇ spices (except black pepper) including allspice, anise (seed), annatto (seed), black caraway, caper (buds), caraway, cardamom, cassia (buds), celery (seed), cinnamon, clove (buds), common fennel, coriander (seed), culantro (seed), cumin, dill (seed), Florence fennel (seed), fenugreek, grains of paradise, juniper (berry), lovage (seed), mace, mustard (seed), nutmeg, poppy (seed), saffron, star anise, vanilla, and white pepper
 - ◇ stone fruits including apricot, cherries, nectarine, peach, plum, and prune
 - ◇ strawberry
 - ◇ tree farms or plantations including conifers, including Christmas trees, and deciduous trees
 - ◇ tree nuts and pistachio including almond, beech nut, black walnut, Brazil nut, butternut, cashew, chestnut, chinquapin, English walnut, filbert (hazelnut), hickory nut, macadamia nut, and pecan
 - ◇ tropical tree fruits including acerola, atemoya, avocado, biriba, black sapote, canistel, cherimoya, custard apple, feijoa, guava, ilama, jaboticaba, longan, lychee, mamey sapote, mango, papaya, passionfruit, pulasan, rambutan, sapodilla, soursop, Spanish lime, star apple, starfruit, sugar apple, ti leaves, wax jambu (wax apple), and white sapote

Application Directions

Preharvest Interval: 0 days for forage. Hay and fodder may be cut 3 days after application.

Application Timing

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Apply when ants are active (usually when temperatures are warmer than 60°F). The best time to apply is in the cooler early morning or late evening hours when fire ant and harvester ant foraging is at its peak. Time tillage operations to avoid interference with foraging and consumption of the bait by fire ants and harvester ants. To prevent damage to seeds and seedling crops, apply 7 to 28 days before planting. To reduce stings during harvest or other activities, apply 7 to 28 days before the scheduled activity.

Mound Application

Apply according to the rate table below. Evenly distribute the bait over the mound and extend out to about two feet surrounding the mound. Do not disturb the mound before, during or after treatment. Avoid mowing or tillage operations before or after application. Disturbing the mound may cause the ants to relocate. If mound disturbance cannot be avoided, supplement mound treatments with a broadcast application. If rain occurs within six hours of application, adequate foraging of the bait may not occur and re-treatment may be necessary.

Mound Application Rate (tablespoons)	
Mounds Less Than 15" in Diameter	Mounds Greater Than 15" in Diameter
4	4 - 6

Broadcast Application

Apply according to the rate table below. Distribute as evenly as possible over the infested area with a calibrated rotary-type hand-held, PTO, electric or ground driven spreader. Broadcast applications will control established mounds and new colonies that are just becoming established. Applications every two months during the warm part of the year when the ants are active will help keep invading queens from establishing new colonies. If rain occurs within 12 hours of application, adequate foraging may not have occurred and re-treatment may be necessary.

Broadcast Application Rate		
cups per 1000 sq ft	cups per 10,000 sq ft	lb per acre
1/3 - 2/3	3 - 6	2.5 - 5

Use a higher rate in the rate range for heavier infestations, faster activity and greater overall control.

Reinfestation and Multiple Queen Colonies

Fire ant and harvester ant colonies become established when newly mated queens fly into an area, burrow into the ground and begin to lay eggs. Several mating flights are common during the summer months, often occurring shortly after rainfall. It may take several months for new mounds to appear. Combining mound and broadcast applications will control established colonies and help prevent new ones from developing.

An increasing number of fire ant and harvester ant infested areas have seen the development of multiple queen (polygyne) colonies that can be particularly difficult to eliminate. Consult your county extension agent or other authority to determine if these colonies exist in your area. Conserve Fire Ant Bait XT will control these colonies with a combination of individual mound treatment and subsequent broadcast application within one week. Repeating broadcast applications as directed above will help prevent reinfestation.

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.

Warranty Disclaimer

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Seller 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. SELLER 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. Plant 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 temperature, 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 Seller. To the extent permitted by law, all such risks shall be assumed by Buyer.

Limitation of Remedies

To the extent permitted by law, 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 Seller's 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.

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

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

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EPA accepted ___/___/___

[Sub Label B: Non-Agricultural Uses]

(Base label):

Conserve® Fire Ant Bait XT

Insect Control

For control or suppression of red imported fire ant (*Solenopsis invicta*) and harvester ants

Kills the queen

and/or

Kills the mound

and/or

Controls the colony

and/or

No mixing required

and/or

No mound movement

and/or

Dead ants in 24 hours

and/or

Contains Conserve®

and/or

Controls [fire ants] [harvester ants] for up to 2 months

and/or

No watering necessary

and/or

Effective kill of [fire ants] [harvester ants]

and/or

Ready to use

and/or

No odor

and/or

Easy to use

and/or

Mound or broadcast treatments

and/or

Use straight from the container

and/or

Kills [fire ants] [harvester ants]

and/or

Treats XX mounds

Group	5	INSECTICIDE
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Active Ingredients:

spinosad (a mixture of spinosyn A and

spinosyn D)0.015%

Other Ingredients99.985%

Total100.000%

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For Use in Organic Gardening



Keep Out of Reach of Children

CAUTION

Precautionary Statements

Hazards to Humans and Domestic Animals

Harmful if Swallowed.

Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco.

Personal Protective Equipment (PPE)

There are no specific PPE requirements for applicators and other handlers; however, the following is recommended as a minimum:

- Short-sleeved shirt and long pants
- Shoes plus socks

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.

First Aid

If swallowed: Call a poison control center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by the poison control center or doctor. Do not give anything by mouth to an unconscious person.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-992-5994 for emergency medical treatment information.

Environmental Hazards

This product is 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 cleaning equipment or when disposing of equipment washwaters.

(Storage and Disposal for rigid containers 5 gal or less)

Storage and Disposal

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

Pesticide Storage: Store in original container in a cool dry place. In case of leak or spill, contain material and dispose as waste.

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

Container Handling: Nonrefillable container. Do not reuse or refill this container. Triple rinse or pressure rinse container (or equivalent) promptly after emptying. Then offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

(Storage and Disposal for nonrigid containers any size)

Storage and Disposal

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

Pesticide Storage: Store in original container in a cool dry place. In case of leak or spill, contain material and dispose as waste.

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

Container Handling: Nonrefillable container. Do not reuse or refill this container. Completely empty bag into application equipment. Then offer for recycling if available, or dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

(Storage and Disposal for refillable rigid containers greater than 5 gal)

Storage and Disposal

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

Pesticide Storage: Store in original container in a cool dry place. In case of leak or spill, contain material and dispose as waste.

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

Container Handling: Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose.

Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or a mix tank. Fill the container about 10% full with water and, if possible, spray all sides while adding water. If practical, agitate vigorously or recirculate water with the pump for two minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times. Then offer for recycling if available, or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

(Storage and Disposal for nonrefillable rigid containers larger than 5 gal)

Storage and Disposal

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

Pesticide Storage: Store in original container in a cool dry place. In case of leak or spill, contain material and dispose as waste.

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

Container Handling: Nonrefillable container. Do not reuse or refill this container.

Triple rinse or pressure rinse container (or equivalent) promptly after emptying. Then offer for recycling if available, or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

Refer to label booklet for Directions for Use.

Notice: Read the entire label. Use only according to label directions. **Before using this product, read Warranty Disclaimer, Inherent Risks of Use, and Limitation of Remedies on back panel of label. 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.

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

EPA Reg. No. 62719-329

EPA Est. _____

® Trademark of Dow AgroSciences LLC

**Produced for
Dow AgroSciences LLC
9330 Zionsville Road
Indianapolis, IN 46268**

Net Weight _____

(Label booklet cover):

Conserve® Fire Ant Bait XT

Insect Control

For control or suppression of red imported fire ant (*Solenopsis invicta*) and harvester ants

Kills the queen
and/or

Kills the mound
and/or

Controls the colony
and/or

No mixing required
and/or

No mound movement
and/or

Dead ants in 24 hours
and/or

Contains Conserve®
and/or

Controls [fire ants] [harvester ants] for up to 2 months
and/or

No watering necessary
and/or

Effective kill of [fire ants] [harvester ants]
and/or

Ready to use
and/or

No odor
and/or

Easy to use
and/or

Mound or broadcast treatments
and/or

Use straight from the container
and/or

Kills [fire ants] [harvester ants]
and/or

Treats XX mounds

Active Ingredients:

spinosad (a mixture of spinosyn A and spinosyn D)	0.015%
Other Ingredients	99.985%
Total	100.000%



For Use in Organic Gardening



Keep Out of Reach of Children

CAUTION

Refer to inside of label booklet for additional precautionary information including Directions for Use.

Notice: Read the entire label. Use only according to label directions. **Before using this product, read Warranty Disclaimer, Inherent Risks of Use, and Limitation of Remedies on back panel of label. 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.

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

EPA Reg. No. 62719-329

EPA Est. _____

®Trademark of Dow AgroSciences LLC

**Produced for
Dow AgroSciences LLC
9330 Zionsville Road
Indianapolis, IN 46268**

Net Weight _____

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(Page 1 through end)

Precautionary Statements

Hazards to Humans and Domestic Animals**CAUTION****Harmful If Swallowed.**

Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco.

Personal Protective Equipment (PPE)

There are no specific PPE requirements for applicators and other handlers; however, the following is recommended as a minimum:

- Short-sleeved shirt and long pants
- Shoes plus socks

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.

First Aid

If swallowed: Call a poison control center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by the poison control center or doctor. Do not give anything by mouth to an unconscious person.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-992-5994 for emergency medical treatment information.

Environmental Hazards

This product is 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 cleaning equipment or when disposing of equipment washwaters.

Directions for Use

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Read all directions carefully before applying this product.

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.

Storage and Disposal

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

Pesticide Storage: Store in original container in a cool dry place. In case of leak or spill, contain material and dispose as waste.

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

Nonrefillable rigid containers 5 gallons or less:

Container Handling: Nonrefillable container. Do not reuse or refill this container.

Triple rinse or pressure rinse container (or equivalent) promptly after emptying. Then offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

Nonrefillable nonrigid containers:

Container Handling: Nonrefillable container. Do not reuse or refill this container. Completely empty bag into application equipment. Then offer for recycling if available, or dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

Refillable rigid containers larger than 5 gal:

Container Handling: Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose.

Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or a mix tank. Fill the container about 10% full with water and, if possible, spray all sides while adding water. If practical, agitate vigorously or recirculate water with the pump for two minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times. Then offer for recycling if available, or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

Nonrefillable rigid containers larger than 5 gal:

Container Handling: Nonrefillable container. Do not reuse or refill this container.

Triple rinse or pressure rinse container (or equivalent) promptly after emptying. Then offer for recycling if available, or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

General Information

Conserve® Fire Ant Bait XT insect control contains spinosad, which is biologically derived from the fermentation of *Saccharopolyspora spinosa*, a naturally occurring soil organism.

Conserve Fire Ant Bait XT is attractive and deadly to foraging red imported fire ants (*Solenopsis invicta*) and harvester ants and is readily taken back into the nest as food for the colony. The active ingredient in the bait is distributed throughout the colony, killing the ants, including the queen. Fire ants and harvester ants that consume the bait will appear sick and lethargic within 12 to 24 hours. Dead ants will frequently be seen near treated mounds 24 to 36 hours after application. The entire colony, including the queen, will usually be controlled within 3 to 14 days after treatment, depending upon environmental conditions. Control of extremely large colonies may take longer or may require reapplication. If reapplication is required, use specified mound or broadcast application rates at intervals of no less than 14 days until control is achieved. Control may be slower with broadcast applications than with individual mound treatments. Maintain the freshness and attractiveness of the bait by keeping the container tightly sealed and using the product within the season of purchase.

General Use Precautions and Restrictions

- Do not use kitchen utensils for measuring. Keep measuring utensils with pest control products and away from children.
- Do not allow livestock or domestic animals to consume the bait.
- Do not allow unprotected workers or other persons or pets in treated area during application.
- Do not apply to hardscapes.

Uses

This product may be applied in:

- Home greenhouses
- Lawns and other turfgrass areas
- Noncrop areas such as roadsides, rights of way, industrial areas, campgrounds, parks, recreational areas, and rough turfgrass areas, farmsteads, corrals and around animal housing facilities
- Recreation areas, including golf courses, parks, playgrounds and playing fields
- Home gardens
 - ◊ asparagus
 - ◊ banana and plantain
 - ◊ *Brassica* (cole) leafy vegetables including broccoli, broccoli raab, Brussels sprouts, cabbage, cauliflower, cavalo, Chinese broccoli, Chinese cabbage (bok choy), Chinese cabbage (napa), Chinese mustard cabbage (gai choy), collards, kale, kohlrabi, mizuna, mustard greens, mustard spinach, and rape greens **Note: In the state of Georgia**, do not apply Conserve Fire Ant Bait XT to: broccoli raab, Chinese cabbage (bok choy), collards, kale, mizuna, mustard greens, mustard spinach, and rape greens
 - ◊ bulb vegetables including dry bulb onion, garlic, great-headed (elephant) garlic, green onion, leek shallot, and welch onion
 - ◊ bushberries including blueberry, currant, elderberry, gooseberry, huckleberry, juneberry, lingonberry, and salal)
 - ◊ caneberries including blackberry, black raspberry, loganberry, redraspebery and cultivars and/or hybrids of these
 - ◊ citrus including grapefruit, lemons, limes, oranges, and tangerines
 - ◊ Conifers, including Christmas trees, and deciduous trees
 - ◊ cotton
 - ◊ cranberry
 - ◊ cucurbits including cucumber, edible gourds, muskmelons (cantaloupe, honeydew, etc.), pumpkin, summer squash, watermelon, and winter squash
 - ◊ dates
 - ◊ fig
 - ◊ fruiting vegetables and okra including eggplant, groundcherry, pepino, pepper (except black), tomatillo, and tomato
 - ◊ grape
 - ◊ herbs including angelica, balm, basil, borage, burnet, camomile, catnip, chervil (dried), Chinese chive, chive, cilantro, cilantro (leaf), clary, coriander (leaf), costmary, curry (leaf), dillweed, horehound, hyssop, lavender, lemongrass, lovage (leaf), marigold, marjoram, nasturtium, parsley (dried), pennyroyal, rosemary, rue, sage, summer savory, sweet bay, tansy, tarragon, thyme, wintergreen, winter savory, woodruff, and wormwood
 - ◊ hops, dried cones
 - ◊ leafy vegetables (except *Brassica*) including amaranth, arugula, cardoon, celery, celtuce, chervil, Chinese celery, Chinese spinach, corn salad, dandelion, dock, edible-leaved chrysanthemum, endive (escarole), Florence fennel, garden cress, garden purslane, garland chrysanthemum, head lettuce, leaf lettuce, leafy amaranth, New Zealand spinach, orach, parsley, radicchio (red chicory), rhubarb, spinach, Swiss chard, tampala, upland cress, vine spinach, winter cress, winter purslane, and yellow rocket
 - ◊ leaves of legume vegetables including any cultivar of bean and field pea (except soybean)
 - ◊ leaves of root and tuber vegetables, turnip greens, and watercress including bitter cassava, black salsify, carrot, celeriac (celery root), chicory, dasheen (taro), edible burdock, garden beet, oriental radish (daikon), parsnip, radish, rutabaga, sugar beet, sweet cassava, sweet potato, tanier, true yam, turnip, and turnip-rooted chervil
 - ◊ legume vegetables (succulent and dried beans and peas) including adzuki bean, blackeyed pea, chickpea, cowpea, crowder pea, edible-pod pea, English pea, fava bean, field bean, field pea, garbanzo bean, garden pea, green pea, kidney bean, lentil, lima bean, lupins, mungbean, navy bean,

- pigeon pea, pinto bean, runner bean, snap bean, snow pea, sugar snap pea, tepary bean, wax bean, and yardlong bean
- ◇ ornamentals (herbaceous and woody) growing outdoors or in greenhouses
- ◇ pastures and rangeland
- ◇ peanut
- ◇ peppermint and spearmint
- ◇ pineapple
- ◇ pome fruits including apples, crabapple, loquat, mayhaw, pears, quince
- ◇ pomegranate
- ◇ root and tuber vegetables and artichoke including arracacha, arrowroot, bitter cassava, black salsify, carrot, celeriac, chayote root, chicory, Chinese artichoke, chufa, dasheen, edible burdock, edible canna, garden beet, ginger, ginseng, horseradish, Jerusalem artichoke, leren, oriental radish, parsnip, potato, radish, rutabaga, salsify, skirret, Spanish salsify, sugar beet, sweet cassava, sweet potato, tanager, true yam, turmeric, turnip, turnip-rooted chervil, turnip-rooted parsley, and yam bean
- ◇ small cereal grains and grain amaranth including barley, buckwheat, milo, oats, pearl millet, proso millet, rye, sorghum, triticale, and wheat
- ◇ soybean
- ◇ spices (except black pepper) including allspice, anise (seed), annatto (seed), black caraway, caper (buds), caraway, cardamom, cassia (buds), celery (seed), cinnamon, clove (buds), common fennel, coriander (seed), culantro (seed), cumin, dill (seed), Florence fennel (seed), fenugreek, grains of paradise, juniper (berry), lovage (seed), mace, mustard (seed), nutmeg, poppy (seed), saffron, star anise, vanilla, and white pepper
- ◇ stone fruits including apricot, cherries, nectarine, peach, plum, prune
- ◇ strawberry
- ◇ sweet corn and teosinte
- ◇ tree nuts and pistachio including almond, beech nut, black walnut, Brazil nut, butternut, cashew, chestnut, chinquapin, English walnut, filbert (hazelnut), hickory nut, macadamia nut, and pecan
- ◇ tropical tree fruits including acerola, atemoya, avocado, biriba, black sapote, canistel, cherimoya, custard apple, feijoa, guava, ilama, jaboticaba, longan, lychee, mamey sapote, mango, papaya, passionfruit, pulasan, rambutan, sapodilla, soursop, Spanish lime, star apple, starfruit, sugar apple, ti leaves, wax jambu (wax apple), and white sapote

Application Directions

Application Timing

Apply when ants are active (usually when temperatures are warmer than 60°F). The best time to apply is in the cooler early morning or late evening hours when fire ant and harvester ant foraging is at its peak. Time tillage operations to avoid interference with foraging and consumption of the bait by fire ants and harvester ants. To prevent damage to seeds and seedling crops, apply 7 to 28 days before planting. To reduce stings during harvest or other activities, apply 7 to 28 days before the scheduled activity.

Mound Application

Apply according to the rate table below. Evenly distribute the bait over the mound and extend out to about two feet surrounding the mound. Do not disturb the mound before, during or after treatment. Avoid mowing or tillage operations before or after application. Disturbing the mound may cause the ants to relocate. If mound disturbance cannot be avoided, supplement mound treatments with a broadcast application. If rain occurs within six hours of application, adequate foraging of the bait may not occur and re-treatment may be necessary.

Mound Application Rate (tablespoons)	
Mounds Less Than 15" in Diameter	Mounds Greater Than 15" in Diameter
4	4 - 6

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Broadcast Application

Apply according to the rate table below. Distribute as evenly as possible over the infested area with a calibrated rotary-type hand-held, PTO, electric or ground driven spreader. Broadcast applications will control established mounds and new colonies that are just becoming established. Applications every two months during the warm part of the year when the ants are active will help keep invading queens from establishing new colonies. If rain occurs within 12 hours of application, adequate foraging may not have occurred and re-treatment may be necessary.

Broadcast Application Rate		
cups per 1000 sq ft	cups per 10,000 sq ft	lb per acre
1/3 - 2/3	3 - 6	2.5 - 5

Use a higher rate in the rate range for heavier infestations, faster activity and greater overall control.

Reinfestation and Multiple Queen Colonies

Fire ant and harvester ant colonies become established when newly mated queens fly into an area, burrow into the ground and begin to lay eggs. Several mating flights are common during the summer months, often occurring shortly after rainfall. It may take several months for new mounds to appear. Combining mound and broadcast applications will control established colonies and help prevent new ones from developing.

An increasing number of fire ant and harvester ant infested areas have seen the development of multiple queen (polygyne) colonies that can be particularly difficult to eliminate. Consult your county extension agent or other authority to determine if these colonies exist in your area. Conserve Fire Ant Bait XT will control these colonies with a combination of individual mound treatment and subsequent broadcast application within one week. Repeating broadcast applications as directed above will help prevent reinfestation.

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.

Warranty Disclaimer

Seller 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. SELLER 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. Plant 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 temperature, 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 Seller. To the extent permitted by law, all such risks shall be assumed by Buyer.

Limitation of Remedies

To the extent permitted by law, 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 Seller's election, one of the following:

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

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

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

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