

62719-367

3-13-2003

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

MAR 13 2003

OFFICE OF  
PREVENTION, PESTICIDES  
AND TOXIC SUBSTANCES

Ms. Barbara J. Kaminski  
Dow AgroSciences, LLC  
9330 Zionsville Road  
Indianapolis, IN 46268

Dear Ms. Kaminski:

Subject: Surpass EC (Revise First Aid Statements and Other Changes)  
EPA Registration No. 62719-367  
Your Application Dated December 16, 2002

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act as amended is acceptable provided you make the following changes before you release the product for shipment.

1. At the beginning of the list of Personal Protective Equipment (PPE) within the Precautionary Statements, add the statements, "Some of the materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for category A on an EPA chemical-resistance category selection chart." In addition, revise the requirement for "waterproof gloves" to a requirement for "chemical-resistant gloves made of any waterproof material such as polyethylene or polyvinyl chloride."
2. Within the list of PPE in your precautionary statements the requirement for "long-sleeved shirt and long pants" must be revised to "coveralls over short-sleeved shirt and short pants."
3. Within the list of PPE for early re-entry in the Agricultural Use Requirements box, revise the requirement for "coveralls" to a requirement for "coveralls over short-sleeved shirt and short pants."
4. Within the list of PPE for early re-entry in the Agricultural Use Requirements box, revise the requirement for "waterproof gloves" to a requirement for "waterproof gloves made of any waterproof material."
5. Add "Pesticide" to "Storage" to read "Pesticide Storage".

Please submit three(3) copies of your final printed labeling incorporating the above changes before you release the product for shipment. Amended labeling supercedes all previously accepted ones. A stamped copy of labeling is enclosed for your records.

Sincerely,

*James A. Tompkins*  
James A. Tompkins  
Product Manager 25  
Herbicide Branch  
Registration Division (7505C)

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(Base Label)

**RESTRICTED USE PESTICIDE**

**Due to Oncogenicity**

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

# Surpass\* EC

**For use only on field corn, production seed corn, silage corn, and popcorn**

Active Ingredients:

acetochlor: 2-chloro-2'-methyl-6'-ethyl-N-ethoxymethylacetanilide .....	70.87%
Inert Ingredients: .....	29.13%
Total .....	100.00%

ACCEPTED  
 WITH COMMENTS  
 In EPA Letter Dated  
 MAR 13 2003  
 This pesticide is a restricted use pesticide and can only be used by or under the direct supervision of a person registered under EPA Reg. No. 62719-367

Contains 6.4 pounds active ingredient per gallon

**Keep Out of Reach of Children**

## WARNING AVISO

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

**Causes Skin And Eye Irritation • Harmful If Swallowed, Inhaled, Or Absorbed Through Skin**

**Do not get on skin, in eyes, or on clothing. Avoid breathing spray mist.**

#### Personal Protective Equipment (PPE)

**Applicators and other handlers must wear:**

- Long-sleeved shirt and long pants
- Waterproof gloves
- Chemical-resistant footwear plus socks
- Protective eyewear
- Chemical-resistant headgear for overhead exposure
- Chemical-resistant apron when cleaning equipment, mixing, or loading

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

When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

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### 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

Immediately start the procedures below. If further treatment is required, contact a Poison Control Center, a physician or the nearest hospital.

**If on skin or clothing:** Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment advice.

**If in eyes:** Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. Call a poison control center or doctor for treatment advice.

**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 a poison control center or doctor. Do not give anything by mouth to an unconscious person.

**If inhaled:** Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible. Call a poison control center or doctor for further treatment advice.

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 fish. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwaters.

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

Acetochlor has properties that may result in surface water contamination via dissolved runoff and runoff erosion. Practices should be followed to minimize the potential for dissolved runoff and/or runoff erosion.

### Physical and Chemical Hazards

**Do not use or store near heat or open flames.**

### 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 Directions for Use including Storage and Disposal.**

**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 at end of label booklet. If terms are not acceptable, 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](http://www.dowagro.com).

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

EPA Reg. No. 62719-367

EPA Est. \_\_\_\_\_

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

## Herbicide

Net Contents \_\_\_\_

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(Label Booklet)

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**Due to Oncogenicity**

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## Herbicide

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**Precautionary Statements**

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**Hazards to Humans and Domestic Animals****WARNING****Causes Skin And Eye Irritation • Harmful If Swallowed, Inhaled, Or Absorbed Through Skin****Do not get on skin, in eyes, or on clothing. Avoid breathing spray mist.****Personal Protective Equipment (PPE)****Applicators and other handlers must wear:**

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Acetochlor has properties that may result in surface water contamination via dissolved runoff and runoff erosion. Practices should be followed to minimize the potential for dissolved runoff and/or runoff erosion.

**Physical and Chemical Hazards**

**Do not use or store near heat or open flames.**

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**Directions for Use**

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

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

**Agricultural Use Requirements**

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE), and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 12 hours. **Exception:** If the product is soil-injected or soil-incorporated, the Worker Protection Standard, under certain circumstances, allows workers to enter the treated area if there will be no contact with anything that has been treated.

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

- Coveralls
- Waterproof gloves
- Chemical-resistant footwear plus socks
- Protective eyewear
- Chemical-resistant headgear for overhead exposure

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### Storage and Disposal

**Prohibitions:** Do not contaminate water, food, or feed by storage or disposal. Open dumping is prohibited. Do not reuse empty container.

**Storage:** Store in original container only. Keep container closed when not in use. Do not store near food or feed. In case of spill or leak on floor or paved surfaces, soak up with vermiculite, earth, or synthetic absorbent.

**Pesticide Disposal:** Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate 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.

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

#### For Bulk and Mini-Bulk Containers

**Container Disposal:** Triple rinse (or equivalent); then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill or by other procedures approved by state and local authorities.

**Container Precautions:** Before refilling, inspect thoroughly for damage such as cracks, punctures, bulges, dents, abrasions, and damaged or worn threads on closure devices.

**For Mini-Bulk Containers: Refill Only With Surpass EC herbicide.** The contents of this container cannot be completely removed by cleaning. Refilling with materials other than Surpass EC will result in contamination and may weaken container.

- After filling and before transporting, check for leaks.
- Do not refill or transport damaged or leaking container.
- Circulation before dispensing is required.

**CONTAINER IS NOT SAFE FOR FOOD, FEED, OR DRINKING WATER!**

### General Information

Surpass\* EC herbicide is intended for preplant, preemergence, or early postemergence use in corn. Use of this product in corn is limited to field corn, production seed corn, silage corn, and popcorn. Do not apply this product to any crop other than corn.

Surpass EC is a unique combination of the herbicide acetochlor and the antidote or safener dichlormid. While the acetochlor provides weed control, the dichlormid safens corn against herbicide injury. Surpass EC may be applied to the surface or incorporated into the top 1-2 inch layer of soil. It is recommended for control alone, or in tank mix combinations as indicated, for the weeds listed in the "Target Weeds" section of these use directions. Surpass EC controls weeds by interfering with normal germination and seedling development. Surpass EC will not control established or germinated weeds present at application.

### General Use Precautions and Restrictions

- Do not apply to the following soils if groundwater depth is 30 feet or less: sand with less than 3% organic matter; loamy sand with less than 2% organic matter; or sandy loam with less than 1% organic matter.
- Do not apply this product using aerial application equipment.
- **Chemigation:** Do not apply this product through any type of irrigation system.
- Do not use flood irrigation to apply or incorporate this product.
- **Maximum Application Rate:** The maximum application rate for Surpass EC on corn is 3.75 pints (3 lb

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of acetochlor active ingredient) per acre per year.

- This product may not be mixed or loaded within 50 feet of any wells including abandoned wells and drainage wells, sink holes, perennial or intermittent streams and rivers, and natural or impounded lakes and reservoirs. This setback does not apply to properly capped or plugged abandoned wells and does not apply to impervious pad or properly diked mixing/loading areas.
- Operations that involve mixing, loading, rinsing, or washing of this product into or from pesticide handling or application equipment or containers within 50 feet of any well are prohibited unless conducted on an impervious pad constructed to withstand the weight of the heaviest load that may be positioned on or moved across the pad. Such a pad shall be designed and maintained to contain any product spills or equipment leaks, container or equipment rinse or washwater, and rainwater that may fall on the pad. Surface water shall not be allowed to either flow over or from the pad, which means the pad must be self-contained. The pad shall be sloped to facilitate material removal. An unroofed pad shall be of sufficient capacity to contain at a minimum 110% of the capacity of the largest pesticide container or application equipment on the pad. A pad that is covered by a roof of sufficient size to completely exclude precipitation from contact with the pad shall have a minimum containment capacity of 100% of the capacity of the largest pesticide container or application equipment on the pad. Containment capacities as described above shall be maintained at all times. The above specified minimum containment capacities do not apply to vehicles when delivering pesticide shipments to the mixing/loading site. States may have in effect additional requirements regarding wellhead setbacks and operational containment.
- Product must be used in a manner that will prevent back siphoning in wells, spills or improper disposal of excess pesticide, spray mixtures or rinsates.
- Do not apply under conditions that favor runoff or wind erosion of soil containing this product to non-target areas. To prevent off-site movement due to runoff or wind erosion:
  - Avoid treating powdery dry or light sandy soils when conditions are favorable for wind erosion. Under these conditions, the soil surface must first be settled by rainfall or irrigation.
  - Do not apply to impervious substrates such as paved or highly compacted surfaces or frozen or snow covered soils.
  - Do not use tailwater from the first flood or furrow irrigation of treated fields to treat non-target crops unless at least ½ inch of rainfall has occurred between application and the first irrigation.
- Do not apply when wind conditions favor drift to non-target sites. To minimize spray drift to non-target areas:
  - Use low pressure application equipment capable of producing a large droplet spray.
  - Do not use nozzles that produce a fine droplet spray.
  - Minimize drift by using sufficient spray volume to ensure adequate coverage with large droplet size sprays.
  - Keep ground-driven spray boom as low as possible above the target surface.
  - Make application when the wind velocity favors on-target product deposition (approximately 3 to 10 mph). Do not apply when wind velocity exceeds 15 mph. Avoid application when gusts approach 15 mph.
- Low humidity and high temperatures increase the likelihood of spray drift to sensitive areas. Avoid spraying during conditions of low humidity and/or high temperatures. Do not apply during inversion conditions.
- Do not apply more than 3¾ pints of Surpass EC per acre per season.

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**Rotational Crop Restrictions:**

When tank mixing with other herbicides, follow the most restrictive crop rotation guidelines on the label of each product used. The following rotational crops may be planted as indicated:

Rotational Crop(1)	Timing or Interval
corn	0 months after application
sorghum, soybeans, tobacco	Spring following application
wheat	4 months after application

Numbers within parentheses (-) in the table refer to Specific Rotational Crop Requirements below.

- (1) If crop treated with Surpass EC is lost, corn may be replanted immediately. Do not make a second application of Surpass EC. Do not rotate to crops other than corn, soybeans, sorghum, tobacco and wheat.

## Application Directions - Corn

**Carriers and Spray Volume**

**Liquids:** Either water or liquid fertilizers such as solutions, slurries, or suspensions may be used as liquid carriers. If fluid fertilizers are used, a physical compatibility with these must be done **before combining** in the spray tank. See Appendix I for details of the compatibility testing procedure. Even if Surpass EC is physically compatible with a fluid fertilizer, constant agitation is necessary to maintain a uniform mixture during application.

Apply in a minimum broadcast spray volume of 10 gallons per acre using boom equipment for ground applications. Use low-pressure nozzles designed for application of herbicides. Use sufficient operating pressure to produce the desired spray pattern for the nozzle (15 to 40 psi) and follow manufacturer's recommendations for nozzle spacing and operating height to ensure uniform spray distribution at the soil surface. Use 50-mesh or coarser screens, if needed.

**Dry Bulk Fertilizer:** Surpass EC may be impregnated on dry bulk fertilizer and applied as the fertilizer is spread. Use at least 200 pounds of dry bulk fertilizer per acre. See Appendix II for more details. See Appendix II for details including which fertilizers are compatible.

**Adding to Spray Tank**

The spray tank must be clean, thoroughly rinsed, and decontaminated before adding either Surpass EC alone or in tank mix combinations. If water is used as the carrier, use clean water. All return lines to the spray tank must discharge below the liquid level.

**Used Alone:** If Surpass EC is used alone, add the recommended amount to the spray tank before the tank is half filled, then add the rest of the water or fluid fertilizer. Provide sufficient agitation to ensure thorough mixing and to maintain a uniform spray mixture during application.

**Tank Mixed:** If a tank mixture is used, it is recommended that a small-scale test of compatibility be done before actual tank mixing. See Appendix I for details on the procedure for such a test.

**Water Carrier**

Allow time for complete dispersion/mixing before adding an another product to the spray mixture. Add products to the tank mixture in the following order:

- To start, add one-half of the required amount of water to the spray tank. Begin agitation.
- Products in water soluble packaging. Important: Allow time for complete dispersion.
- Wettable powders or dry flowables (slurry if recommended by tank mix product label)
- Liquid flowables

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- Surpass EC or other emulsifiable concentrates
- Suspension concentrates
- Urea ammonium nitrate (UAN) or ammonium sulphate (AMS), if required.
- Compatibility agent if needed
- Soluble liquids such as glyphosate, paraquat, 2,4-D amine
- Crop oil concentrate (COC) or nonionic surfactant (NIS), if required
- Finish filling spray tank to required spray volume

### Liquid Fertilizer Carrier

Allow time for complete dispersion/mixing before adding another product to the spray mixture. Add products to the tank mixture in the following order:

- To start, add one-half of the required amount of liquid fertilizer to the spray tank. Begin agitation.
- Compatibility agent if needed
- Products in water soluble packaging. Important: Products in water soluble packaging must be premixed with water (slurried) prior to addition to the spray tank.
- Wettable powders or dry flowables (slurry if recommended by tank mix product label)
- Liquid flowables
- Surpass EC or other emulsifiable concentrates
- Suspension concentrates
- Ammonium sulphate (AMS), if tank mixing with glyphosate.
- Soluble liquids such as glyphosate, paraquat, 2,4-D amine
- Crop oil concentrate (COC) or nonionic surfactant (NIS), if required
- Finish filling spray tank to required spray volume.

**Note:** For all tank mixtures, maintain agitation during mixing and throughout application to ensure spray mixture remains uniformly suspended.

## Application Timing and Methods

For the optimum period of effective weed control during the time most critical to corn production, preplant application of Surpass EC should occur as close as possible to planting. Preemergence applications should occur as close as possible to planting, but prior to weed emergence. Postemergence applications should occur prior to weed emergence or in tank mix combination with a product that controls emerged weeds.

**Early Preplant:** Surpass EC and certain tank mixtures may be applied up to 30 days before planting.

**Preplant Incorporation:** Surpass EC and certain tank mixes may be mechanically incorporated in the top 2 inches of the soil by mechanical means such as field cultivators, discs, or spring tooth harrows any time up to 14 days before planting. Improper incorporation, excessive crop residues, or poor soil tillage may result in erratic, streaked, or otherwise unsatisfactory weed control. Do not mix Surpass EC deeper than 2" into the soil and avoid moving or shaping soil after incorporation.

**Preemergence Surface:** Surpass EC and certain tank mixes may be applied to the soil surface as a broadcast or banded application. Precipitation or sprinkler irrigation of at least 0.25 inch is required to bring Surpass EC into contact with germinating seeds. If rain or sprinkler irrigation does not occur within 7 days after application, weed control may be improved by using a rotary hoe, or similar equipment, to incorporate the herbicide. Incorporation equipment should be run at a shallow depth to avoid disturbance of germinating corn seed. Erratic weed control resulting from exposure of untreated soil may occur if surface soil is moved or reshaped after incorporation.

**Postplant-Preemergence:** Surpass EC may be applied after planting but prior to corn emergence. If rain or sprinkler irrigation does not occur within 7 days after application, weed control may be improved by using a rotary hoe, or similar equipment, to shallowly incorporate the herbicide. Incorporation equipment

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should be run at a shallow depth to prevent disturbance of the germinating corn. Erratic weed control resulting from exposure of untreated soil may occur if surface soil is moved or reshaped during incorporation.

**Banding-Preemergence:** Surpass EC may be applied in a 10 to 14 inch band after corn planting but prior to emergence. If rain or sprinkler irrigation does not occur within 7 days after application, weed control may be improved by shallow incorporation using a rotary hoe or similar equipment. Do not disturb the germinating corn seed. Erratic weed control resulting from exposure of untreated soil may occur if surface soil is moved or reshaped during incorporation.

**Early Postemergence:** Surpass EC may be applied early postemergence to corn up to 11" tall. Application must be made prior to weed seedling emergence or in a tank mixture that controls the emerged weeds. Read and follow restrictions and directions on tank mix product labels.

**Sprinkler Irrigation: Do not apply Surpass EC by sprinkler irrigation.** Use a sprinkler system only to incorporate Surpass EC after application. After Surpass EC has been applied, a sprinkler irrigation system set to deliver 0.25 to 0.75 inch of water per acre may be used to incorporate the product. Using more than 0.75 inch of water could result in reduced performance. On sandy soil low in organic matter, use no more than 0.5 inch of water. Do not use flood irrigation to apply or incorporate Surpass EC.

**Fall Application - For use in IA; IL (North of Route 136); NE (North of Route 20); MN; ND; SD; WI:** Following soybean harvest, apply to soybean stubble after October 15, when the sustained soil temperature at 4-inch depth is less than 50°F, but before ground freezes. Use on medium and fine textured soils with greater than 2.5% organic matter. Only corn may be planted the following spring.

Ground may be tilled before or after application. Do not exceed 2-inch incorporation depth if tilled after application.

If a spring application is made, the total rate of the fall plus spring application must not exceed the maximum labeled rate for corn grown on that soil.

## Cultivation

Cultivation should be delayed as long as possible. If weeds develop, a shallow cultivation or rotary hoeing will generally result in improved weed control. If Surpass EC was incorporated, cultivate to a depth of less than half the depth of incorporation.

If cultivation is necessary due to soil crusting or compaction, adjust equipment to run shallow and minimize soil movement. This will decrease the possibility of diluting or moving the herbicide from the weed control zone.

## Soil Texture and Organic Matter

The use rate of Surpass EC is determined by a combination of two factors, soil texture and organic matter, which must be determined prior to application. Different soil textures are grouped into three textural classes (coarse, medium, and fine) as outlined in Table 1. Soil texture and organic matter content of the soil may be determined from soil survey information and/or by laboratory analysis and must be known in order to select the proper rate from Table 2.

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**Table 1: Soil Texture Groupings for Surpass EC Use Rate Selection.**

Coarse	Medium	Fine
Sand Loamy Sand Sandy Loam	Loam Silt Silt Loam Sandy Clay Loam	Silty Clay Loam Silty Clay Sandy Clay Sandy Clay Loam Clay Loam Clay

**Use Rates in Conventional Tillage Systems**

**Table 2: Use Rates for Surpass EC by Soil Texture and Organic Matter Content in Conventional Tillage Systems.**

The following use rates are for preplant incorporated, preemergence, and early postemergence applications (see Application Timing and Methods). Consult Table 3 if no-till applications are made or application is made more than 14 days prior to planting under conventional tillage.

Soil Texture	Soil Organic Matter Content		
	Less than 3%	3% or Greater	Greater than 7%
Coarse	1.5 - 2.25 pt/acre	1.5 - 2 1/2 pt/acre	2 - 3 pt/acre
Medium	1.5 - 2.5 pt/acre	1.5 - 2 1/2 pt/acre	2.5 - 3.75 pt/acre
Fine	1.5 - 2.75 pt/acre	2 - 3 pt/acre	3 - 3.75 pt/acre

**Rate Ranges:** If the weed infestation is light and/or organic matter is in the lower end of the range, use a rate at the lower end of the rate range for the soil texture and organic matter content. If the weed infestation is heavier and/or organic matter is in the upper end of the range, use the higher rates in the rate range for the soil texture and organic matter.

**Use Rates for Reduced Tillage Systems**

Surpass EC may be used in reduced and no-till systems. Application may occur up to 30 days prior to planting or after planting but before corn emergence. Optimal weed control will be obtained when applications are made as close as possible to planting but before the weeds emerge. In reduced or no-till systems, it is recommended that a burndown herbicide such as paraquat (Gramoxone) or glyphosate (Glyphomax, Roundup or Touchdown) or 2,4-D be tank mixed with Surpass EC if emerged weeds are present at application.

**Table 3: Use rates for Surpass EC by Soil Texture and Organic Matter Content in Reduced and No-Till Systems.<sup>1</sup>**

Soil Texture	Soil Organic Matter Content		
	Less Than 3%	3% or Greater	Greater than 7%
Coarse	2 pt/acre	2 pt/acre	2 - 3 pt/acre
Medium	2 - 2.5 pt/acre	2.5 pt/acre	2.5 - 3.75 pt/acre
Fine	3 pt/acre	3 pt/acre	3 - 3.75 pt/acre

<sup>1</sup> Rates are for single applications. Split applications of Surpass EC may be used; apply at least 60% of the recommended rate up to 30 days before planting and the remaining balance, up to 40%, at planting.

**Band Applications**

This product may be applied as a band treatment. Use the following formulas below to determine the

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appropriate rate and volume per treated acre.

Band width in inches  
 ----- X Broadcast rate = Band rate per  
 Row width in inches per acre treated acre

Band width in inches  
 ----- X Broadcast volume Band volume  
 Row width in inches per acre per treated acre

**Weeds Controlled**

Surpass EC, applied as directed in this label, will provide control or partially control the weeds listed in Table 4. Partially controlled weeds will be severely stunted, or experience reduced height, vigor, or population compared to untreated areas. Depending on the infestation level or density, a follow-up treatment with another herbicide registered for use on corn may be needed to provide complete control.

Additional weeds may be controlled with tank mixes. See the "Tank Mix Combinations" section for recommended tank mix combinations and the additional weeds controlled.

**TABLE 4: Weeds Controlled or Partially Controlled by Surpass EC at Recommended Use Rates.**

<b>Grasses and Sedges</b>	<b>C = Control PC = Partial Control</b>	<b>Broadleaves</b>	<b>C = Control PC = Partial Control</b>
barnyardgrass	C	beggarweed, Florida	C
crabgrass spp.	C	carpetweed	C
crowfootgrass	C	galinsoga	C
cupgrass, prairie	C	kochia	PC
cupgrass, southwestern	C	lambsquarters, common (2)	C
cupgrass, woolly	PC	nightshade, black	C
foxtail, bristly	C	nightshade, hairy	C
foxtail, giant	C	pigweed	C
foxtail, green	C	purslane, common	C
foxtail, robust (purple, white)	C	pusley, Florida	C
foxtail, yellow	C	ragweed, common	C
goosegrass	C	sida, prickly	C
johnsongrass, seedling	PC	smartweed spp.	C
millet, foxtail	C	waterhemp, tall	C
millet, wild proso	PC	waterhemp, common	C
nutsedge, yellow (1)	C		
panicum, browntop	C		
panicum, fall	C		
panicum, Texas (3)	C		
rice, red	C		
sandbur, field	PC		
shattercane	PC		
signalgrass, broadleaf (3)	C		
sprangletop, red	C		
witchgrass	C		

- (1) Yellow nutsedge requires a minimum of 2.5 pints. Incorporation will improve control.
- (2) Light to moderate infestations will be controlled. Heavy infestations may require a tank mixture or sequential herbicide.



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- (3) Best control is achieved when Surpass EC is applied within 5 days of planting and rainfall occurs shortly after application or mechanical incorporation is used to activate the herbicide. If it does not rain within 7 days, shallow cultivation will enhance activity. Excessive rainfall after application may reduce control. Under adverse weather conditions and/or heavy infestations, a cultivation or follow-up herbicide may be needed

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### **Tank Mix Combinations**

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Additional weeds may be controlled with tank mixes. Tank mix combinations may be used in either conventional, reduced, or no-till systems and may be applied by the same methods and at the same application timing as Surpass EC unless otherwise specified in the tank mix product label.

Surpass EC may be tank mixed with any other herbicide labeled for use on corn provided the compatibility of the tank mix is verified by a jar test and tank mixing with Surpass EC is not prohibited by the label of the tank mix product. The compatibility of a tank mixture can be determined by mixing the ingredients of the herbicide mixture in their relative proportions in a glass jar as described for fluid fertilizer mixtures in Appendix I by substituting water for fluid fertilizer. Refer to the label of the tank mix product for applicable use directions, precautions and limitations, including additional weeds controlled. Do not exceed application rates on the respective product labels. Do not tank mix with another pesticide product that contains the same active ingredient as this product unless the label of either tank mix partner specifies the maximum dosages that may be used.

**When tank mixing Surpass EC with atrazine, do not exceed the maximum allowable rate of atrazine in your county or state. In some atrazine management areas, atrazine is more restricted. Consult your county extension office or state university for further information.**

### **Use of Spray Adjuvants**

Surpass EC is a preemergence herbicide for which spray adjuvants have little or no influence on performance. However, several herbicides used in tank mixtures with Surpass EC require use of adjuvants to aid in the burndown of emerged weeds. Use only those adjuvants recommended on the label of the tank mix product and approved for use in growing crops. Surfactants and/or low rate liquid fertilizers (28%, 30% or 32% UAN) or ammonium sulfate (AMS) adjuvants may be used with tank mixes applied preplant or preemergence to the crop.

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## Preemergence Tank Mix Combinations

### Conventional Tillage (Surpass EC Plus):

Tank Mix Herbicide †	Comments
Atrazine 4L	<ul style="list-style-type: none"> <li>• May be applied preplant surface, preplant incorporated, preemergence. If emerged weeds are greater than 1.5 inches tall at the time of application, add an appropriate postemergence herbicide</li> <li>• Provides control or partial control of cocklebur, giant ragweed, ground cherry (spp), jimsonweed, kochia, morningglory (spp), mustards, sicklepod and velvetleaf</li> <li>• Use when there is heavy broadleaf weed pressure</li> </ul>
Balance Pro	<ul style="list-style-type: none"> <li>• Not labeled in all states; please refer to the label for Balance Pro for applicable directions for use, geographic and other restrictions</li> <li>• For use in field corn only</li> <li>• Refer to the use rates section for minimum use rates for Surpass EC</li> </ul>
Hornet WDG	<ul style="list-style-type: none"> <li>• Tank mix with 4.0 – 5.0 oz/acre of Homet* WDG herbicide to provide consistent control of velvetleaf, lambsquarters, pigweed species, waterhemp and triazine resistant varieties of these species. Also provides improved control of cocklebur, common ragweed, giant ragweed, common sunflower and jimsonweed.</li> </ul>
Princep 4L	<ul style="list-style-type: none"> <li>• Provides improve crabgrass or fall panicum control.</li> </ul>
Python WDG	<ul style="list-style-type: none"> <li>• Tank mix with 0.8 – 1.33 oz/acre of Python* WDG herbicide to provide consistent control of velvetleaf, lambsquarters, pigweed species, waterhemp and triazine resistant varieties of these species.</li> </ul>

† Formulations that are not listed may be used: Perform a compatibility test and check the label of the tank mix product label for application rates, applicable use directions, precautions and limitations.

### Reduced or No-Tillage Corn (Surpass EC Plus):

Tank Mix Herbicide †	Comments
Atrazine 4L	<ul style="list-style-type: none"> <li>• Provides control or partial control of cocklebur, giant ragweed, ground cherry (spp), jimsonweed, kochia, morningglory (spp), mustards, sicklepod and velvetleaf</li> <li>• If emerged weeds are greater than 1.5 inches tall at the time of application, add an appropriate postemergence herbicide</li> <li>• Use in areas with heavy broadleaf weed pressure</li> </ul>
Balance Pro	<ul style="list-style-type: none"> <li>• Not labeled in all states; refer to the label for Balance Pro label for precautionary statements, directions for use, geographic and other use restrictions</li> <li>• For use in field corn only</li> <li>• Refer to use rate section for minimum use rates for Surpass EC</li> </ul>
Banvel/Clarity Marksman	<ul style="list-style-type: none"> <li>• Apply preplant or preemergence in reduced/ no-till systems for burndown of existing weeds</li> </ul>
Glyphomax Plus, Roundup UltraMax, Touchdown	<ul style="list-style-type: none"> <li>• Apply preplant for burndown of existing weeds</li> <li>• Weeds less than 6 inches tall are easiest to control with burndown herbicides applied in combination with Surpass EC.</li> <li>• Always add ammonium sulphate (AMS) to tank mixes prior to addition of glyphosate (8.5 to 17 lb per 100 gal of spray).</li> </ul>
Gramoxone Max	<ul style="list-style-type: none"> <li>• Control annuals, suppress perennials</li> </ul>

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Pendimax* / Prowl	<ul style="list-style-type: none"> <li>• Preemergence to early postemergence to corn up to 3" tall, but before weeds are more than 1" tall.</li> </ul>
Princep 4L	<ul style="list-style-type: none"> <li>• Provides improved control of crabgrass and fall panicum</li> </ul>
2,4-D	<ul style="list-style-type: none"> <li>• Burndown existing weeds</li> </ul>

† Formulations that are not listed may be used: Perform a compatibility test and check the product label for application rates, applicable use directions ,precautions and limitations.

**Postemergence Tank Mix Combinations**

Surpass EC may be applied before, with, or following the use of one or more of the following herbicides: Accent, Accent Gold, Aim, atrazine, Banvel, Basis, Basis Gold, Beacon, Bladex, Buctril, Buctril/atrazine, Clarity, Distinct, Exceed, Hornet WDG, Liberty, Lightning, Marksman, Peak, Permit, Princep, Prowl, Pendimax, Pursuit, Shotgun, Spirit and Steadfast. Refer to the label of the tank mix product for applicable directions for use, precautions and restrictions, and a list of weeds controlled. Surpass EC may be tank mixed with any product approved for use on corn unless it is prohibited by the tank mix product label. Note: Do not use liquid fertilizer as the carrier when Surpass EC is applied postemergence to corn as severe injury may result. The addition of liquid fertilizers used as adjuvants with Surpass EC tank mixes applied postemergence to corn under environmental stress conditions may result in significant crop injury and should be avoided if the risk of crop injury is unacceptable.

When tank mixing, refer to the label of the tank mix product and follow additional use directions in the following table: **Surpass EC can be applied to corn up to 11" tall.**

**Postemergence Tank Mixes (Surpass EC Plus):**

Tank Mix Herbicide	Rate	Comments
Accent Gold	3.5 oz/acre	<ul style="list-style-type: none"> <li>• Always add crop oil concentrate at 1% v/v. An ammonium nitrogen fertilizer is also recommended.</li> </ul>
Hornet WDG	2-5 oz/acre	<ul style="list-style-type: none"> <li>• Always add NIS at 0.25% v/v or COC at 1% v/v.</li> </ul>
Aim EW	0.5 oz/acre	<ul style="list-style-type: none"> <li>• Always add a NIS at 0.25% v/v.</li> </ul>
Banvel Clarity Marksman	0.5 - 1.0 pt/acre 0.5 - 1.0 pt/acre 2 - 3.5 pt/acre	<ul style="list-style-type: none"> <li>• Early postemergence up to 8" tall corn on all soils. If grasses are more than 2- leaf stage, combine with another herbicide to control these weeds.</li> </ul>
Buctril Buctril/atrazine Shotgun herbicide	1.5 pt/acre 2.0 pt/acre 2 - 3 pt/acre	<ul style="list-style-type: none"> <li>• Refer to tank mix product labels for applicable use directions, precautions and restrictions.</li> </ul>

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Atrazine	0.5 - 2.0 lb ai/acre	<ul style="list-style-type: none"> <li>• May be applied preplant surface, preplant incorporated, preemergence or early postemergence to corn up to 8" tall. If emerged weeds are greater than 1.5 inches tall at the time of application, add an appropriate postemergence herbicide.</li> <li>• <b>Note:</b> The maximum atrazine application rate per year for corn is 2.0 lb active if applied only postemergence or 2.5 lb active if pre- and postemergence applications are made.</li> </ul>																
Distinct	4.0 - 6.0 oz/acre	<ul style="list-style-type: none"> <li>• Always add a NIS at 0.25% v/v and 1.25% UAN.</li> <li>• Can be applied up to corn up to 10 inches tall.</li> </ul>																
Exceed	1.0 oz/acre	<ul style="list-style-type: none"> <li>• Always add crop oil concentrate at 1% v/v.</li> <li>• See label for Exceed for geographic restrictions.</li> </ul>																
Liberty	16 - 28 oz/acre	<ul style="list-style-type: none"> <li>• <b>For use on liberty tolerant corn only.</b> Apply to grass and broadleaf weeds up to 6" tall. Do not add additional surfactant.</li> </ul>																
Lightning	1.28 oz/acre	<ul style="list-style-type: none"> <li>• <b>For use on Clearfield corn only.</b> Use a NIS at 25%v/v and a liquid nitrogen fertilizer at 1 - 2 qt per acre or ammonium sulfate at 2.5 lb per acre.</li> </ul>																
Pendimax / Prowl	1.8 - 3.6 pt/acre	<ul style="list-style-type: none"> <li>• Apply preemergence or apply early postemergence to corn up to 3" tall, but before weeds are more than 1" tall.</li> </ul>																
Princep	1.0 - 3.0 lb ai/acre	<ul style="list-style-type: none"> <li>• May be applied preplant surface, preplant incorporated, preemergence to corn.</li> </ul>																
Pursuit 2.5L Pursuit 70DG	4.0 fl oz/acre 1.4 fl oz/acre	<ul style="list-style-type: none"> <li>• Use only on <b>Clearfield</b> varieties.</li> <li>• Apply preplant incorporated, preplant surface, preemergence or early postemergence to weeds up to 3 inches tall.</li> </ul>																
Resource	4.0 - 6.0 oz/acre	<ul style="list-style-type: none"> <li>• Apply to weeds less than 5" tall. Add a crop oil concentrate at 1 - 2 pt/acre and either 28% nitrogen at 2% v/v or ammonium sulfate at 2.5 lb/acre. May cause some burn or spotting to corn leaves.</li> </ul>																
Spirit	1.0 oz/acre	<ul style="list-style-type: none"> <li>• Always add crop oil concentrate at 1% v/v.</li> <li>• See label for Spirit for geographic restrictions.</li> </ul>																
2,4-D Ester	See Label	<ul style="list-style-type: none"> <li>• Apply preplant surface or preemergence to control emerged broadleaf weeds in corn.</li> </ul>																
Accent 75WDG Beacon 75WDG Basis Steadfast	1/4 - 2/3 oz/acre 0.76 oz/acre 1/4 - 2/3 oz/acre 0.75 oz/acre	<ul style="list-style-type: none"> <li>• Minimum Surpass EC use rates (pt/acre):  <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>Soil</th> <th>&lt;3%OM</th> <th>3-7%OM</th> <th>&gt;7%OM</th> </tr> </thead> <tbody> <tr> <td>Coarse</td> <td>1.5</td> <td>1.5</td> <td>2.0</td> </tr> <tr> <td>Medium</td> <td>1.5</td> <td>1.5-2.0</td> <td>2.0</td> </tr> <tr> <td>Fine</td> <td>1.5</td> <td>1.5-2.0</td> <td>2.0</td> </tr> </tbody> </table> </li> <li>• Always add NIS at 0.25% (v/v) and in addition, if applied under dry conditions, add 4% (v/v) clear liquid fertilizer.</li> <li>• Banvel, Clarity, Marksman, Buctril, Buctril/ atrazine may be added to this mixture to provide burndown and residual control of broadleaf weeds.</li> </ul>	Soil	<3%OM	3-7%OM	>7%OM	Coarse	1.5	1.5	2.0	Medium	1.5	1.5-2.0	2.0	Fine	1.5	1.5-2.0	2.0
Soil	<3%OM	3-7%OM	>7%OM															
Coarse	1.5	1.5	2.0															
Medium	1.5	1.5-2.0	2.0															
Fine	1.5	1.5-2.0	2.0															

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Basis Gold	14.0 oz/acre	<ul style="list-style-type: none"> <li>Minimum Surpass EC use rates (pt/acre):           <table border="1"> <thead> <tr> <th>Soil</th> <th>&lt;3%OM</th> <th>3-7%OM</th> <th>&gt;7%OM</th> </tr> </thead> <tbody> <tr> <td>Coarse</td> <td>1.5</td> <td>1.5</td> <td>2.0</td> </tr> <tr> <td>Medium</td> <td>1.5</td> <td>1.5-2.0</td> <td>2.0</td> </tr> <tr> <td>Fine</td> <td>1.5</td> <td>1.5-2.0</td> <td>2.0</td> </tr> </tbody> </table> </li> <li>Always add COC at 1.0% v/v or, under dry arid conditions, add COC at 2.0% v/v plus 2 qt/acre of 28% liquid nitrogen or 2 lb/acre of ammonium sulfate.</li> <li>Banvel, Clarity, Marksman, Buctril, or Tough herbicide may be added to this mixture to provide burndown and residual control of broadleaf weeds.</li> </ul>	Soil	<3%OM	3-7%OM	>7%OM	Coarse	1.5	1.5	2.0	Medium	1.5	1.5-2.0	2.0	Fine	1.5	1.5-2.0	2.0
Soil	<3%OM	3-7%OM	>7%OM															
Coarse	1.5	1.5	2.0															
Medium	1.5	1.5-2.0	2.0															
Fine	1.5	1.5-2.0	2.0															

### Surpass EC Physical Data

- Specific Gravity: 1.10 at 68°F (20°C)
- Pounds/Gallon: 9.16 at 68°F (20°C)
- Flash Point: 167°F
- Viscosity: Sprayable to minus 20°F (-29°C)

## Appendix I

### Procedure for Testing the Compatibility of Surpass EC and Tank Mixes with Fluid Fertilizers

Since fluid fertilizers vary, the following procedure is suggested for determining whether Surpass EC may be combined with a specific fluid fertilizer for spray tank application.

#### Materials Needed:

- Surpass EC and any tank mix products
- Fluid fertilizer to be used
- Adjuvant for fertilizer tank mix: Use any adjuvant cleared for use on growing crops under 40 CFR 180.1001 to improve the compatibility of Surpass EC with fluid fertilizers. The adjuvant that provides the best emulsification depends on the specific fertilizer under consideration.
- Two 1 quart, wide mouth glass jars with lid or stopper
- Measuring spoons (a 25 ml pipette or graduated cylinder provides more accurate measurement)
- Measuring cup, 8 ounces (257 ml)

#### Procedure:

1. Pour a pint (about 473 ml) of the fluid fertilizer into each of the quart jars.
2. Add Surpass EC and any tank mix combination to the jars. The order of addition is wettable powders first with mixing, followed by flowables with mixing and the EC's last. The rate of wettable powders and dry flowables is 1½ teaspoon per pound of product per acre to be applied. EC's should be added at the rate of ½ teaspoon for each pint per acre to be applied. Premixing the wettable powders in 1 ounce of water before adding to the pint of fluid fertilizer will improve the compatibility of the final mixture.
3. Add ½ teaspoon (2 ml) adjuvant to one of the jars, label it as "with", and mix. The rate of ½ teaspoon per pint is equal to 3 pints of adjuvant per 100 gallons of fluid fertilizer.
4. Close both jars with lids or stoppers and mix the contents by turning the jars upside down ten times.
5. Inspect the surface and body of the mixtures-
  - (a) Immediately after completing the jar inversions
  - (b) After allowing the jars to stand quietly for 30 minutes
  - (c) And then again after turning the jars upside down 10 times after the 30 minute inspection

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**Evaluation:**

If either mixture remains uniform for 30 minutes, the combination may be used. Should either mixture separate after 30 minutes, but readily remix uniformly with 10 jar inversions, the mixture can be used if adequate agitation is maintained in the tank. If the mixture with adjuvant is satisfactory but the one without adjuvant is not, be sure to use the adjuvant in the spray tank. Add the adjuvant first at a rate of 3 pints per 100 gallons of fluid fertilizer. Foaming may be minimized by using moderate agitation. **If non-dispersible oil, sludge, or clumps of solids form in the mixtures, the combination should not be used.**

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## Appendix II

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**Dry Bulk Fertilizer Impregnation**

All individual state regulations relating to dry bulk fertilizer blending, registration, labeling, and application are the responsibility of the individual and/or company selling Surpass EC, Surpass fertilizer mixtures.

When applying Surpass EC alone or in tank mixes with dry bulk fertilizers, follow all directions for use and precautions on the respective tank mix product labels regarding use rates, soil texture, application methods, and rotational restrictions. Use a minimum of 200 pounds of dry bulk fertilizer per acre.

**Approved Dry Fertilizer Ingredients for Use with Surpass EC<sup>1</sup>**

Fertilizer	N	P	K
Ammonium Phosphate-Sulfate	16	20	0
Ammonium Sulfate	21	0	0
Diammonium Phosphate	18	46	0
Monoammonium Phosphate	11	56	0
Potassium Chloride	0	0	60
Potassium Sulfate	0	0	52
Urea <sup>2</sup>	45	0	0

<sup>1</sup> Do not impregnate on fertilizers containing ammonium nitrate, potassium nitrate, or sodium nitrate.

<sup>2</sup> Some ureas may be phytotoxic when high rates are applied to corn. Use only urea rates known to be safe for corn application.

For impregnating pesticides on dry fertilizers, use suitable mixers equipped with suitable spraying equipment. The spray nozzles should be positioned inside the mixer to provide uniform spray coverage of the tumbling fertilizer. The Surpass EC should be sprayed uniformly onto the fertilizer using a fine spray pattern. Tank mix components may be applied as separate ingredients with powders and dry flowables added first or they may be mixed in a slurry in the proper ratio and added jointly.

Surpass EC may also be impregnated on dry bulk fertilizer in the field while the fertilizer is being spread using a pneumatic applicator equipped to impregnate herbicides.

The following table provides a reference to determine the amount of Surpass EC to be mixed per ton of dry bulk fertilizer for a range of herbicide rates.

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Fertilizer Rate (lb/acre)	Acres Covered (per ton)	Surpass EC (pints/acre)		
		2 pt/acre	2.5 pt/acre	3 pt/acre
		Pints Herbicide/Ton Fertilizer		
200	10.0	20.0	25.0	30.0
300	6.7	13.4	16.8	20.1
400	5.0	10.0	12.5	15.0
500	4.0	8.0	10.0	12.0
600	3.3	6.6	8.3	9.9
700	2.9	5.8	7.3	8.7

To determine the amount of Surpass EC needed for other rates of fertilizer, use this formula:

$$\frac{\text{Surpass EC (pints/acre)}}{\text{Pounds of fertilizer/acre}} \times 2000 = \frac{\text{Pints of Surpass EC}}{\text{per ton of fertilizer}}$$

If the herbicide/fertilizer mixture is too wet, use of a drying agent is required to provide a dry, free-flowing mixture. For mixtures to be used in spinning-disc applicators, Micro-Cel E calcium silicate powder (Manville, Filtration & Minerals) is recommended for use as a drying agent. Mixtures to be used in pneumatic applicators should use Micro-Cel E or Agsorb 16/30 RVM-MS granular clay (Oil-Dri Corporation). The drying agents should be added separately and uniformly to the prepared pesticide/fertilizer mixture, in a quantity that is sufficient to provide a suitable free-flowing mixture. Generally, less than 2% Micro-Cel E or 5% Agsorb 16/30 RVM-MS by weight is required.

**Precaution:** To avoid potential for explosion, do not impregnate Surpass EC on ammonium sorbate nitrate, potassium nitrate, or sodium nitrate fertilizer or fertilizer blends. Do not impregnate on a single (0-20-0) or triple (0-46-0) super phosphate. Do not attempt to impregnate Surpass EC on agricultural limestone as the herbicide will not be adequately absorbed.

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### 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 Limitations of Remedies.

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### 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.

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### Inherent Risks of Use

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

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### **Limitation of Remedies**

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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.

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