62719

NTAL PRO

# 06-24-201 **UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

WASHINGTON, DC 20460

OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION

Darin Lickfeldt, Ph.D. Dow AgroSciences LLC 9330 Zionsville Road Indianapolis, IN 46268

JUN 2 4 2011

Subject: Eagle 40WP EPA Reg. No. 62719-417 Amended Labeling EPA Decision Number 442823

Dear Dr. Lickfeldt,

The amended label 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:

- 1) Page 18, revise "General Information" to "Product Information."
- 2) Page 18, revise "General Use Precautions" to "Product Use Precautions."

One copy of the label stamped "Accepted with comments" is enclosed for your records. This label supersedes all labels previously accepted for this product. Please submit one copy of the final printed label before the product is released for shipment.

If you have any questions, please contact Erin Malone by phone at (703) 347-0253 or via email at malone.erin@epa.gov.

Sincerely,

Shaja B. Joyner

Product Manager (20) Fungicide Branch Registration Division (7504P)

Master Label Stamped "Accepted with Comments" Enclosure:

(Box label):

Group 3 FUNGICIDE
-------------------

5:890894

# Eagle<sup>®</sup> 40WP

Specialty Fungicide

A systemic, protectant and curative fungicide for disease control in established turfgrass, landscape ornamentals, greenhouse and nursery ornamentals, apples, stone fruits and grapes

Active Ingredient: myclobutanil: a-butyl-a-(chlorophenyl)-1 <u>H</u> -	
1,2,4,triazole-1-propanenitrile	40%
Other Ingredients	60%
Total	

# Keep Out of Reach of Children **CAUTION**

with COMMENTS In EPA Letter Dated JUN 2 4 2011 Under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for the pesticide registered under EPA Reg. No.

ACCEPTED

#### First Aid

**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 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.

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 day or night, for emergency treatment information.

#### **Precautionary Statements**

Hazards to Humans and Domestic Animals

### CAUTION

Harmful If Swallowed • Causes Moderate Eye Irritation • Harmful If Absorbed Through Skin • Avoid Contact With Skin, Eyes Or Clothing

Wash thoroughy with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove and wash contaminated clothing before reuse.

#### **Personal Protective Equipment (PPE)**

WPS Uses: Applicators and other handlers who handle this pesticide for any use covered by the Worker Protection Standard (40 CFR Part 170) must wear:

- Long-sleeved shirt and long pants
- · Chemical-resistant gloves made from any waterproof material
- Shoes plus socks

## Non-WPS Uses: Applicators and other handlers who handle this pesticide for any use NOT covered by the Worker Protection Standard (40 CFR Part 170) must wear:

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

#### **User Safety Requirements**

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

#### **User Safety Recommendations**

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing/PPE 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.

#### **Engineering Controls**

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.

#### Environmental Hazards

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 or rinsate. Do not apply when weather conditions favor drift or runoff from areas treated.

#### 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.

#### (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 a cool, dry area above freezing. The water soluble pouch may become brittle at storage temperatures below 32°F, but the fungicide is not affected. Do not remove the water soluble pouch from the container except for immediate use.

**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. **Triple rinse** as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. **Pressure rinse** as follows: Empty the remaining contents into application equipment or a mix tank. Hold container upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 psi for at least 30 seconds. Drain for 10 seconds after the flow begins to drip. 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 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 a cool, dry area above freezing. The water soluble pouch may become brittle at storage temperatures below 32°F, but the fungicide is not affected. Do not remove the water soluble pouch from the container except for immediate use.

**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 a cool, dry area above freezing. The water soluble pouch may become brittle at storage temperatures below 32°F, but the fungicide is not affected. Do not remove the water soluble pouch from the container except for immediate use.

**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. **Triple rinse** as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times. **Pressure rinse** as follows: Empty the remaining contents into application equipment or mix tank or collect rinsate for later use or disposal. Insert upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 psi for at least 30 seconds. Drain for 10 seconds after the flow begins to drip. 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 at end of label booklet. If terms are unacceptable, return at once unopened.

In case of emergency endangering health or the environment involving this product, call 1-800-992-5994.

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

EPA Reg. No. 62719-417

EPA Est. \_\_\_\_

<sup>®</sup>Trademark of Dow AgroSciences LLC Produced for

Dow AgroSciences LLC 9330 Zionsville Road Indianapolis, IN 46268

Net Weight \_\_ X \_\_ X 3 oz

(Overpack label):

Group	3	FUNGICIDE

# Eagle<sup>®</sup> 40WP

Specialty Fungicide

A systemic, protectant and curative fungicide for disease control in established turfgrass, landscape ornamentals, greenhouse and nursery ornamentals, apples, stone fruits and grapes

Active Ingredient:

myclobutanil: a-butyl-a-(chlorophenyl)-1 <u>H</u> -		
1,2,4,triazole-1-propanenitrile	40%	
Other Ingredients		
Total		

### Keep Out of Reach of Children<sup>®</sup> CAUTION

#### First Aid

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 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.

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 day or night, for emergency treatment information.

#### Precautionary Statements

Hazards to Humans and Domestic Animals

### CAUTION

Harmful If Swallowed • Causes Moderate Eye Irritation • Harmful If Absorbed Through Skin • Avoid Contact With Skin, Eyes Or Clothing

Wash thoroughy with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove and wash contaminated clothing before reuse.

#### Personal Protective Equipment (PPE)

WPS Uses: Applicators and other handlers who handle this pesticide for any use covered by the Worker Protection Standard (40 CFR Part 170) must wear:

- Long-sleeved shirt and long pants
- · Chemical-resistant gloves made from any waterproof material
- · Shoes plus socks

## Non-WPS Uses: Applicators and other handlers who handle this pesticide for any use NOT covered by the Worker Protection Standard (40 CFR Part 170) must wear:

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

#### **User Safety Requirements**

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

#### **User Safety Recommendations**

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing/PPE 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.

#### Engineering Controls

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.

#### Environmental Hazards

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 or rinsate. Do not apply when weather conditions favor drift or runoff from areas treated.

#### 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.

#### (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 a cool, dry area above freezing. The water soluble pouch may become brittle at storage temperatures below 32°F, but the fungicide is not affected. Do not remove the water soluble pouch from the container except for immediate use.

**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. **Triple rinse** as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. **Pressure rinse** as follows: Empty the remaining contents into application equipment or a mix tank. Hold container upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 psi for at least 30 seconds. Drain for 10 seconds after the flow begins to drip. 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 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 a cool, dry area above freezing. The water soluble pouch may become brittle at storage temperatures below 32°F, but the fungicide is not affected. Do not remove the water soluble pouch from the container except for immediate use.

**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 a cool, dry area above freezing. The water soluble pouch may become brittle at storage temperatures below 32°F, but the fungicide is not affected. Do not remove the water soluble pouch from the container except for immediate use.

**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. **Triple rinse** as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times. **Pressure rinse** as follows: Empty the remaining contents into application equipment or mix tank or collect rinsate for later use or disposal. Insert upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 psi for at least 30 seconds. Drain for 10 seconds after the flow begins to drip. 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 at end of label booklet. If terms are unacceptable, return at once unopened.

In case of emergency endangering health or the environment involving this product, call 1-800-992-5994.

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

EPA Reg. No. 62719-417

EPA Est.

<sup>®</sup>Trademark of Dow AgroSciences LLC Produced for

Dow AgroSciences LLC 9330 Zionsville Road Indianapolis, IN 46268

Net Weight \_\_ X 3 oz water soluble packets

q

36

(Bulk base label):

Group	3	FUNGICIDE

# Eagle<sup>®</sup> 40WP

Specialty Fungicide

A systemic, protectant and curative fungicide for disease control in established turfgrass, landscape ornamentals, greenhouse and nursery ornamentals, apples, stone fruits and grapes

Active Ingredient:

myclobutanil: a-butyl-a-(chlorophenyl)-1 <u>H</u> -	
1,2,4,triazole-1-propanenitrile	40%
Other Ingredients	
Total	

# Keep Out of Reach of Children **CAUTION**

#### First Aid

**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 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.

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 day or night, for emergency treatment information.

#### **Precautionary Statements**

Hazards to Humans and Domestic Animals

### CAUTION

Harmful If Swallowed • Causes Moderate Eye Irritation • Harmful If Absorbed Through Skin • Avoid Contact With Skin, Eyes Or Clothing

Wash thoroughy with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove and wash contaminated clothing before reuse.

#### Personal Protective Equipment (PPE)

WPS Uses: Applicators and other handlers who handle this pesticide for any use covered by the Worker Protection Standard (40 CFR Part 170) must wear:

- Long-sleeved shirt and long pants
- · Chemical-resistant gloves made from any waterproof material
- · Shoes plus socks

# Non-WPS Uses: Applicators and other handlers who handle this pesticide for any use NOT covered by the Worker Protection Standard (40 CFR Part 170) must wear:

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

#### **User Safety Requirements**

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

#### User Safety Recommendations

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing/PPE 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.

#### **Engineering Controls**

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.

#### **Environmental Hazards**

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 or rinsate. Do not apply when weather conditions favor drift or runoff from areas treated.

#### 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.

#### (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 a cool, dry area above freezing. The water soluble pouch may become brittle at storage temperatures below 32°F, but the fungicide is not affected. Do not remove the water soluble pouch from the container except for immediate use.

**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. **Triple rinse** as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. **Pressure rinse** as follows: Empty the remaining contents into application equipment or a mix tank. Hold container upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 psi for at least 30 seconds. Drain for 10 seconds after the flow begins to drip. 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 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 a cool, dry area above freezing. The water soluble pouch may become brittle at storage temperatures below 32°F, but the fungicide is not affected. Do not remove the water soluble pouch from the container except for immediate use.

**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 a cool, dry area above freezing. The water soluble pouch may become brittle at storage temperatures below 32°F, but the fungicide is not affected. Do not remove the water soluble pouch from the container except for immediate use.

**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. **Triple rinse** as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times. **Pressure rinse** as follows: Empty the remaining contents into application equipment or mix tank or collect rinsate for later use or disposal. Insert upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 psi for at least 30 seconds. Drain for 10 seconds after the flow begins to drip. 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 at end of label booklet. If terms are unacceptable, return at once unopened.

In case of emergency endangering health or the environment involving this product, call 1-800-992-5994.

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

EPA Reg. No. 62719-417

EPA Est.

<sup>®</sup>Trademark of Dow AgroSciences LLC **Produced for** 

Dow AgroSciences LLC 9330 Zionsville Road Indianapolis, IN 46268 Page 12

١ζ

Net Weight \_\_\_

ĺ

(WSP label):

# Eagle<sup>®</sup> 40WP

#### **Specialty Fungicide**

Active Ingredient:

myclobutanil: a-butyl-a-(chlorophenyl)-1H-	
1,2,4,triazole-1-propanenitrile	40%
Other Ingredients	60%
Total	100%

# Keep Out of Reach of Children CAUTION

Refer to label booklet for Directions for Use.

EPA Reg. No. 62719-417

(Label booklet cover):

Group	3	FUNGICIDE

# Eagle<sup>®</sup> 40WP

**Specialty Fungicide** 

A systemic, protectant and curative fungicide for disease control in established turfgrass, landscape ornamentals, greenhouse and nursery ornamentals, apples, stone fruits and grapes

Active Ingredient:

myclobutanil: a-butyl-a-(chlorophenyl)-1H-	
1,2,4,triazole-1-propanenitrile	
Other Ingredients	60%
Total	100%

# Keep Out of Reach of Children **CAUTION**

#### First Aid

**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 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.

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 day or night, for emergency treatment information.

#### **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 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 at end of label booklet. If terms are unacceptable, return at once unopened.

In case of emergency endangering health or the environment involving this product, call 1-800-992-5994.

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

EPA Reg. No. 62719-417

EPA Est.

<sup>®</sup>Trademark of Dow AgroSciences LLC Produced for Dow AgroSciences LLC 9330 Zionsville Road Indianapolis, IN 46268

Net Weight \_\_\_\_

(Page 1 through end):

**Precautionary Statements** 

#### Hazards to Humans and Domestic Animals

### CAUTION

Harmful If Swallowed • Causes Moderate Eye Irritation • Harmful If Absorbed Through Skin • Avoid Contact With Skin, Eyes Or Clothing

Wash thoroughy with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove and wash contaminated clothing before reuse.

#### **Personal Protective Equipment (PPE)**

WPS Uses: Applicators and other handlers who handle this pesticide for any use covered by the Worker Protection Standard (40 CFR Part 170) must wear:

- Long-sleeved shirt and long pants
- · Chemical-resistant gloves made from any waterproof material
- · Shoes plus socks

## Non-WPS Uses: Applicators and other handlers who handle this pesticide for any use NOT covered by the Worker Protection Standard (40 CFR Part 170) must wear:

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

#### **User Safety Requirements**

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

#### User Safety Recommendations

Users should:

- · Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing/PPE 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.

#### **Engineering Controls**

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.

#### **Environmental Hazards**

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 or rinsate. Do not apply when weather conditions favor drift or runoff from areas treated.

#### **Directions for Use**

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Read all Directions for Use carefully before applying. Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your state or tribe, consult the agency responsible for pesticide regulation.

#### Agricultural Use Requirements

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

Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 24 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
- · Chemical-resistant gloves made from any waterproof material
- Shoes plus socks

#### **Non-Agricultural Use Requirements**

The requirements in this box apply to uses of this product that are not within the scope of the Worker Protection Standard for agricultural pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries or greenhouses.

Keep unprotected persons out of treated area until sprays have dried.

#### Storage and Disposal

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

**Pesticide Storage:** Store in a cool, dry area above freezing. The water-soluble pouch may become brittle at storage temperatures below 32°F, but the fungicide is not affected. Do not remove the water-soluble pouches from the container except for immediate use.

**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. **Triple rinse** as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. **Pressure rinse** as follows: Empty the remaining contents into application equipment or a mix tank. Hold container upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 psi for at least 30 seconds. Drain for 10 seconds after the flow begins to drip. 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. Dispose of the empty outer foil pouch in the trash as long as WSP is unbroken.

#### 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. **Triple rinse** as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times. **Pressure rinse** as follows: Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 psi for at least 30 seconds. Drain for 10 seconds after the flow begins to drip. 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**

Eagle<sup>®</sup> 40WP specialty fungicide is a systemic, protectant and curative fungicide for the control of specific diseases in established turfgrass (including residential and commercial lawns, ornamental turfgrass, grounds or lawns around business and office complexes, and golf course fairways, roughs, tee boxes, and greens), landscape ornamentals, greenhouse and nursery ornamentals, and non-commercial tree fruits and vines, including apples, stone fruits and grapes. Optimum disease control is achieved when this product is applied in a regularly scheduled preventive program.

#### **General Use Precautions**

#### Fungicide Resistance Management

Eagle 40WP belongs to the sterol demethylation inhibitor (DMI) class of fungicides and is classified as a Group 3 fungicide by EPA. Since certain fungi can develop resistance to this class of products, use Eagle 40WP as part of a resistance management strategy that includes alternation and/or tank mixing with fungicides of different modes of action. After two consecutive applications of Eagle 40WP, another myclobutanil product, or another DMI, rotate to a product that is effective on the target pathogen and has a mode of action different from Eagle 40WP. Apply the alternate products within the intervals specified on the label for Eagle 40WP. Do not apply Eagle 40WP at rates below those specified on the label. If tank mixing, use the full label rate of Eagle 40WP with the full label rates of other products effective on the target pest. Consult your local or state agricultural authorities for resistance management strategies that are appropriate for your disease management program.

To delay development of fungicide/bactericide resistance, consider the following practices:

- Avoid the consecutive use of Eagle 40WP or other target site of action Group 3 fungicides/bactericides that have a similar target site of action on the same pathogens.
- Use tank mixtures or premixes with fungicides/bactericides from different target site of action groups as

long as the involved products are all registered for the same use and are both effective at the tank mix or prepack rate on the pathogen(s) of concern.

- Base fungicide/bactericide use on a comprehensive Integrated Pest Management (IPM) program.
- Monitor treated fungal/bacterial populations for loss of field efficacy.
- Contact your local extension specialist, certified crop advisors, and/or manufacturer for fungicide/bactericide resistance management and/or IPM recommendations for specific crops and resistant pathogens.
- For further information or to report suspected resistance, you may contact your local Dow AgroSciences representative or by calling 800-258-3033.

Handling Precautions for Water Soluble Packets: Eagle 40WP is packaged in water soluble pouches. Do not remove water soluble packet from overwrap except for immediate use. Do not allow water soluble packets to come into contact with water prior to use. Do not handle water soluble packets with wet hands or wet gloves. Do not open water soluble packets. Do not remove packets from overwrap except to add the intact packet directly into the spray tank. Do not split packets. Partial use of packets is not allowed. Carefully reseal package containing unopened water soluble packets and protect package from moisture.

#### **Mixing Directions**

Determine the size of the area to be treated, the label use rate and the gallonage to be applied to the area. Prepare only the amount of spray solution required to treat the measured area. Carefully calibrate spray equipment prior to use.

Be sure sprayer is clean and not contaminated with other materials prior to use. Fill the spray tank with 1/4 to 1/2 of the total amount of clean water required for the load. Start agitation and maintain agitation throughout mixing and application. Ensure the agitation system is working properly and creates a rolling, rippling effect on the surface of the liquid. Add the required number of unopened pouches (as determined by the dosage) directly into the spray tank. Minimize handling packets with hands. Always place Eagle 40WP into solution prior to adding co-applied agricultural chemicals registered for use on specific crop or crops being treated. Complete filling the tank. Before spraying, make sure packets have completely disintegrated and product is thoroughly and uniformly mixed. Depending upon the water temperature and degree of agitation, the pouches and product dissolve completely within approximately 10 minutes from the time they were added to the water.

#### Compatibility

Eagle 40WP is compatible with most commonly used fungicides, insecticides, growth regulators, micronutrients and spray adjuvants. When preparing tank mixes, consult spray compatibility charts or State Cooperative Extension Service Specialists prior to use. When an adjuvant is to be used with this product, Dow AgroSciences recommends the use of an appropriate Chemical Producers and Distributors Association certified adjuvant.

**Note**: Eagle 40WP is compatible with boron and spray oils. However, the water soluble pouches must be completely dissolved before adding spray oils or products containing boron to spray mixtures.

#### **Application Directions**

Carefully read, understand and follow label use rates and restrictions. For proper application, determine the size of the area to be treated, the specified label use rate and the gallonage to be applied to the area. Under low disease conditions, minimum label use rates per application can be used. Use maximum label rates and shortened spray schedules for severe or threatening disease conditions. Prepare only the amount of spray solution required to treat the measured area. Carefully calibrate spray equipment prior to use.

#### **Ground Application**

Thorough coverage sprays generally result in optimum disease control. Application equipment must be properly calibrated and provide uniform spray coverage.

36

Handgun or Pressurized Sprayers: For best results when applying this product on a protectant schedule, ensure thorough coverage of all plant parts.

#### **Chemigation Application**

Eagle 40WP must be applied on a regular protectant fungicide schedule, *not an irrigation schedule*. If irrigation cycles are less frequent than the application intervals for Eagle 40WP, ground or handgun applications must supplement chemigation applications to achieve adequate disease control.

**Directions for Sprinkler Chemigation:** Apply this product only through solid set or hand-move sprinkler irrigation systems. Do not apply this product through any other type of irrigation system.

**Chemigation Equipment Preparation:** The following use directions are to be followed when this product is applied through irrigation systems. Thoroughly clean the chemigation system and tank of any fertilizer or chemical residues, and dispose of the residues according to state and federal laws. Flush the injection system with soap or a cleaning agent and water. Determine the amount of Eagle 40WP needed to cover the desired area. Mix according to instructions in the Mixing Directions section. Continually agitate the mixture during mixing and application.

**Chemigation Equipment Calibration:** In order to calibrate the irrigation system and injector to apply the mixture containing Eagle 40WP, determine the following: 1) Determine area covered by sprinkler; 2) Fill injector solution tank with water and adjust flow rate to use the contents over a 10- to 30-minute interval; 3) Determine the amount of Eagle 40WP required for treatment area; 4) Add the required amount of Eagle 40WP into the same quantity of water used to calibrate the injection equipment. Maintain constant solution tank agitation during the injection period. Operate system at normal pressures specified by the manufacturer of the injection equipment and used for the time interval established during calibration. Inject Eagle 40WP at the end of an irrigation cycle or as a separate application to maximize foliar absorption and retention. Stop injection equipment after treatment is completed. Continue to operate the system until the solution with Eagle 40WP has cleared the last sprinkler head.

#### **Chemigation Equipment Requirements:**

- The system must contain an air gap, an approved backflow prevention device, a functional check valve, vacuum relief valve (including inspection port), and low-pressure drain appropriately located on the irrigation pipeline to prevent water source contamination from back flow. Refer to the American Society of Agricultural Engineer's Engineering Practice 409 for more information or state specific regulations.
- The pesticide injection pipeline must contain a functional, automatic, quick-closing check valve to prevent the flow of fluid back toward the injection pump.
- The pesticide injection pipeline must also contain a functional, normally closed, solenoid-operated valve located on the intake side of the injection pump and connected to the system interlock to prevent fluid from being withdrawn from the supply tank when the irrigation system is either automatically or manually shut down.
- The system must contain functional interlocking controls to automatically shut off the pesticide injection pump when the water pump motor stops.
- Systems must use a metering pump, such as a positive displacement injection pump (e.g., diaphragm pump) effectively designed and constructed of materials that are compatible with pesticides and capable of being fitted with a system interlock.
- To ensure uniform mixing of the fungicide in the water line, inject the mixture in the center of the pipe diameter or just ahead of an elbow or tee in the irrigation line so that the turbulence created at those points will assist in mixing. The injection point must be located after all backflow prevention devices on the water line.
- Ensure the tank holding the fungicide mixture is free of rust, fertilizer, sediment, and foreign material, and equipped with an in-line strainer situated between the tank and the injector point.

#### **Chemigation Precautions:**

 Crop injury, lack of fungicidal effectiveness, or illegal pesticide residues in the crop can result from nonuniform distribution of treated water.

- If you have questions about calibration, contact State Extension Service specialists, equipment manufacturers or other experts.
- Public water system means a system for the provision to the public of piped water for human consumption if such system that has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.
- A person knowledgeable of the chemigation system and responsible for its operation, or under the supervision of the responsible person shall operate the system. This operator is responsible for continuously monitoring the injection and making any necessary adjustments to the equipment.

#### **Chemigation Restrictions:**

- Chemigation systems connected to public water systems must contain a functional reduced-pressure zone (RPZ), back flow preventer or the functional equivalent in the water supply line upstream from the point of pesticide introduction. As an option to the RPZ, discharge the water from the public water system into a reservoir tank prior to pesticide introduction. There shall be a complete physical break (air gap) between the flow outlet end of the pipe fill and the top or overflow rim of the reservoir tank of at least twice the inside diameter of the fill pipe.
- The pesticide injection pipeline must contain a functional, automatic, quick-closing check valve to prevent the flow of fluid back toward the injection.
- The pesticide injection pipeline must contain a functional, normally closed, solenoid-operated valve located on the intake side of the injection pump and connected to the system interlock to prevent fluid from being withdrawn from the supply tank when the irrigation system is either automatically or manually shut down.
- The system must contain functional interlocking controls to automatically shut off the pesticide injection pump when the water pump motor stops, or in cases where there is no water pump, when the water pressure decreases to the point where pesticide distribution is adversely affected.
- Systems must use a metering pump, such as a positive displacement injection pump (e.g., diaphragm pump) effectively designed and constructed of materials that are compatible with pesticides and capable of being fitted with a system interlock.
- Do not connect an irrigation system used for pesticide application (including greenhouse systems) to a public water system unless the pesticide label-prescribed safety devices for public water systems are in place with current certification. Specific local regulatios may apply and must be followed.
- Do not apply when wind speed favors drift beyond the area intended for treatment. End guns must be turned off during the application if they irrigate nontarget areas.
- Do not allow irrigation water to collect or run off and pose a hazard to livestock, wells, or adjoining crops.
- Do not enter treated area during the restricted entry interval (REI) specified in the Agricultural Use Requirements section unless the required early entry PPE is worn.
- Do not apply through sprinkler systems that deliver a low coefficient of uniformity such as certain water drive units.

#### Uses

#### **Established Turfgrass**

Use Eagle 40WP in conjunction with turf management practices that promote good plant health and optimum disease control. The key to selecting a fungicide is the proper diagnosis of the organism causing the disease. Use diagnostic kits, extension experts, or other identification methods when developing disease control strategies.

In non-residential turfgrass (including commercial lawns, ornamental turfgrass, grounds or lawns around business and office complexes, and golf course fairways, roughs, tee boxes, and greens), optimum disease control is achieved when Eagle 40WP is applied in a preventive disease control program at a rate of 0.5 to 1.2 oz per 1000 sq ft. In residential turfgrass, optimum disease control is achieved when Eagle 40WP is applied in a preventive disease control so the Eagle 40WP is applied in a preventive disease control so the Eagle 40WP is applied in a preventive disease control so the Eagle 40WP is applied in a preventive disease control program at a rate of 0.6 oz per 1000 sq ft. See the tables below for specific application rates for various diseases.

Page 22

Apply Eagle 40WP in sufficient water to ensure thorough coverage. For foliar diseases, use approximately 1 gallon of water per 1000 sq ft. Use 2 to 3 gallons of spray solution per 1000 sq ft to control diseases causing root and crown rots. Under conditions favorable for high disease development, reduce the spray interval between applications of Eagle 40WP. Under light to moderate disease pressure, apply Eagle 40WP at the low use rate and/or longer application interval. When disease pressure is high or when used as a curative treatment, use higher rates of Eagle 40WP and/or shorter treatment interval unless otherwise specified.

#### Non-Residential Turfgrass<sup>1</sup>

		Applica	tion Rate <sup>2</sup>		
		Area	Application	· ·	
Diama	Eagle 40WP	Covered per	Interval/Timing		<b>D</b>
Disease	(oz/1000 sq ft)	Pouch (sq ft)	(Days)	Directions	Restrictions
anthracnose red thread septoria leaf spot	0.6	5000	14 - 21	Apply when conditions are favorable for disease development.	<ul> <li>Do not apply more than 36 oz of Eagle 40WP per</li> </ul>
brown patch copper spot zonate leaf spot crown rot leaf spot melting-out			14	Begin applications when conditions are favorable for disease development and before disease symptoms are apparent. If disease is present, mix Eagle 40WP with an EPA registered contact fungicide, such as Fore <sup>®</sup> T/O fungicide. Under conditions of high temperature and humidity, use the shorter spray interval. Apply when conditions are favorable for disease development.	<ul> <li>5000 sq ft. per year (12, 3-oz packets) per year.</li> <li>For Nassau and Suffolk Counties in New York State, do not apply more than 9 oz of Eagle 40WP per 5000 sq ft per year (1.95 lb myclobutanil per acre).</li> </ul>
dollar spot	0.3	10,000	7	Apply when conditions are favorable for disease development.	
			14	Tank mix with a low label rate of chlorothalonil.	
	0.6	5000	21 - 28	Tank mix with the label rate of chlorothalonil.	

Page 2
--------

		Applica	tion Rate <sup>2</sup>		7
		Area	Application		
	Eagle 40WP	Covered per	Interval/Timing		
Disease	(oz/1000 sq ft)	Pouch (sq ft)	(Days)	Directions	Restrictions
dollar spot	0.6 – 1.2	2500 – 5000	14 - 28	If using this rate without tank mixing, make no more than 3 consecutive applications for dollar spot control before rotating to a registered fungicide with a different mode of action.	<ul> <li>Do not apply more than 36 oz of Eagle 40WP per 5000 sq ft. per year (12, 3-oz packets)</li> </ul>
fusarium blight	0.6 – 1.2	2500 - 5000	14 - 21	Apply when conditions are favorable for disease development.	per year. • For Nassau and Suffolk
fusarium patch (pink snow mold)			fall - winter	Apply prior to snow cover.	Counties in New York State, do not
gray leaf spot	0.6 - 1.2	2500 - 5000	14	Apply when conditions are favorable for disease development. If using the lower rate, tank mix with a registered contact fungicide at its specified rate.	apply more than 9 oz of Eagle 40WP per 5000 sq ft per year (1.95 Ib myclobutanil
leaf smuts	0.6	5000	14	Apply in the fall after turfgrass enters dormancy and/or in the spring prior to the initiation of growth.	per acre).
necrotic ring spot	0.6 - 1.2	2500 - 5000	spring: 28	Make applications on a preventive basis in early to mid-spring.	
			fall: 28	Make 2 applications beginning in August before the turfgrass goes dormant. Apply 1.2 oz per 1000 sq ft followed by a second application one month later.	
powdery mildew rusts	0.6	5000	14 - 28	Apply when conditions are favorable for disease development.	
spring dead spot	1.2	2500	fall: 28	Make 1 to 2 applications in the fall before turfgrass dormancy. Water in to reach roots. May repeat application in the spring.	

		Applicat	tion Rate <sup>2</sup>	· · · · · · · · · · · · · · · · · · ·	
		Area	Application		
	Eagle 40WP	Covered per	Interval/Timing		
Disease	(oz/1000 sq ft)	Pouch (sq ft)	(Days)	Directions	Restrictions
summer patch	0.6 - 1.2	2500 - 5000	14 - 28	Begin applications in the spring when conditions are favorable for disease development. Make 2 to 4 applications depending upon recommendations from local turfgrass extension experts. Use at least 2 to 3 gallons of water per 1000 sq ft to increase spray penetration to crown and roots.	<ul> <li>Do not apply more than 36 oz of Eagle 40WP per 5000 sq ft. per year (12, 3-oz packets) per year.</li> <li>For Nassau and Suffolk Counties in New York</li> </ul>
take-all patch	1.2	2500	fall/spring: 28	To reduce the severity, make 1 to 2 fall applications in September and October or when night temperatures drop to 55°F, and 1 to 2 spring applications in April and May depending upon local recommendations.	State, do not apply more than 9 oz of Eagle 40WP per 5000 sq ft per year (1.95 lb myclobutanil per acre).
zoysia large patch			fall: 28	Make applications in fall before turfgrass dormancy.	

<sup>1</sup>Including commercial lawns, ornamental turfgrass, grounds or lawns around business and office complexes, and golf course fairways, roughs, tee boxes, and greens. <sup>2</sup>Each 3 oz water soluble pouch is equivalent to 0.075 lb of myclobutanil per 5000 sq ft (0.65 lb myclobutanil per acre).

#### **Residential Turfgrass**

Diseases	Eagle 40WP (oz/1000 sq ft) <sup>1</sup>	Application Interval/Timing (Days)	Directions	Restrictions
anthracnose red thread septoria leaf spot	0.6	14 - 21	Apply when conditions are favorable for disease development.	<ul> <li>Do not apply more than 36 oz of Eagle 40WP per</li> </ul>
brown patch		14	Begin applications when conditions are favorable for disease development and before disease symptoms are apparent. If disease is present, mix Eagle 40WP with an EPA registered contact fungicide, such as Fore T/O. Under conditions of high temperature and humidity, use the shorter spray interval.	5000 sq ft. per year (12, 3-oz packets per year).

		Application	· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·
	Eagle 40WP	Interval/Timing		
Diseases	$(oz/1000 \text{ sq ft})^1$	(Days)	Directions	Restrictions
	0.6	14	Apply when conditions are	
copper spot zonate leaf spot	0.0	14	favorable for disease	<ul> <li>Do not apply more than 36 oz of</li> </ul>
			development.	
crown rot leaf spot			development.	Eagle 40WP per 5000 sq ft. per
melting-out				year (12, 3-oz
dollar spot			Apply when conditions are	packets per year).
uollar spot			favorable for disease	For Nassau and
			development. Make no more	Suffolk Counties
			than 3 consecutive	in New York
			applications for dollar spot	State, do not
			control before rotating to a	apply more than_9
			registered fungicide with a	oz of Eagle 40WP
			different mode of action.	per 5000 sq ft per
fusarium blight			Apply when conditions are	year (1.95 lb
			favorable for disease	myclobutanil per
			development.	acre).
fusarium patch		fall - winter	Apply prior to snow cover.	
(pink snow mold)				
gray leaf spot		14	Apply when conditions are	
			favorable for disease	
			development.	
leaf smuts		14	Apply in the fall after turfgrass	
			enters dormancy and/or in	
			the spring prior to the	
			initiation of growth.	
necrotic ring spot		spring: 28	Make applications on a	
			preventive basis in early to	
		fall: 28	mid-spring. Make 2 applications beginning	
		1aii. 20	in August before the turfgrass	
			goes dormant.	
powdery mildew		14 - 28	Apply when conditions are	
rusts			favorable for disease	
10010			development.	
summer patch		14	Begin applications in the	
			spring when conditions are	
			favorable for disease	
			development. Make 2 to 4	
			applications depending upon	
			recommendations from local	
			turfgrass extension experts.	
			Use at least 2 to 3 gallons of	
			water per 1000 sq ft to	
			increase spray penetration to	
			crown and roots.	

<sup>1</sup>Each 3 oz water soluble pouch is equivalent to 0.075 lb of myclobutanil per 5000 sq ft (0.65 lb myclobutanil per acre). Each pouch covers 5000 sq ft.

#### Landscape, Greenhouse and Nursery Ornamentals

Eagle 40WP is a locally systemic fungicide having protectant and curative properties that will translocate to new growth. For best control of labeled diseases, achieve thorough coverage of all plant parts on a

protective application schedule. For dilute application sprays (≥100 gallons of spray volume per acre) applied to ornamental plants in greenhouses, field grown plantings or in commercial and residential landscapes, apply Eagle 40WP at the rate of 3 to 6 oz (1 to 2 pouches) per 100 gallons of spray volume on a 10- to 14-day application schedule unless otherwise directed. Use the higher rate under conditions of high disease pressure and/or optimum conditions for infection.

For concentrate sprays (<100 gallons of spray volume per acre), apply 3 oz (1 pouch) per acre on a 10- to 14-day application schedule.

The addition of a non-phytotoxic spray adjuvant will improve spray coverage and fungicidal performance. Maintain treated\_plants in a vigorous growing condition. Plants under nutritional or water stress will not respond as well to treatment as well-maintained plants. Overdosage of Eagle 40WP can result in observable foliar greening, thickened leaves, and/or shortened internodes. If this condition is observed, reduce the fungicide use rate but do not extend the application schedule.

#### Crop Tolerance

Plant tolerances are acceptable in the specific plants listed on this label. It is not possible to evaluate all ornamental plant species or varieties for tolerance to Eagle 40WP. Test for possible phytotoxic responses by treating a limited number of plants, at specified use rates, prior to initiating large scale use.

The effects of spraying Eagle 40WP in combination with plant growth regulators are not fully understood at this time. If the use of a plant growth regulator is planned in an area being treated, test for possible enhanced growth regulatory effects by treating a small number of plants, at the specified use rates of all products, prior to initiating large-scale use. Since the effectiveness of such products depends not just upon plant species or cultivar but also weather and seasonable differences (e.g., daylight hours), repeat tests on previously tested varieties as environmental factors change and that observations for growth regulatory regulatory responses be made at regular intervals.

#### Specific Use Directions for Chrysanthemum

**Foliar Sprays:** Best control is achieved by thorough coverage sprays applied to point of runoff on a protectant application schedule. Use Eagle 40WP at a rate of 3 oz (1 pouch) per 75 gallons of spray mixture. Do not apply more than 10 oz of Eagle 40WP (0.25 lb myclobutanil) per acre per application. Apply on a 10- to 14-day schedule (not to exceed 21 days).

**Prestick Dip Treatment:** Chrysanthemum cuttings may be treated by a dip procedure prior to planting as follows: Prepare a dip suspension at a concentration equivalent to 3 oz (1 pouch) of Eagle 40WP per 75 gallons of water. Fully submerge cuttings in the dip suspension until wet throughout (do not submerge cuttings for more than 2 minutes). If cuttings are dipped, this procedure is the first spray under the quarantine program. Dispose of used dip suspension if it becomes contaminated with soil, plant debris or other foreign matter. Dispose of used dip suspension by spraying it onto registered crops (but not onto previously dipped cuttings) after filtering, or in a manner consistent with local, state, and federal guidelines.

Note: All infected plant material must be destroyed if your state is under quarantine directive.

#### **Specific Use Restrictions:**

- Do not apply more than 10 oz of Eagle 40WP (0.25 lb myclobutanil) per acre per application.
- Do not apply more than 5 lb of Eagle 40WP (2 lb myclobutanil) per acre per year.
- Do not use treated plant materials for food or feed.
- Do not apply to landscape, greenhouse and nursery ornamentals in Nassau and Suffolk Counties in New York State.
- Do not apply to carrotwood (Cupaniopsis anacardioides).

(

Crops	Diseases	Directions	Precautions/Restrictions
abelia	cercospora leaf spot		
acalypha (copper- leaf)	powdery mildew		
achillea (yarrow)	powdery mildew rust		
African violet	powdery mildew		
ageratum	powdery mildew	· · · · · · · · · · · · · · · · · · ·	
alder	rust		
almond, flowering	blossom blight ( <i>Monilinia</i> spp.)	Apply prebloom, 50% bloom and at petal fall.	
amelanchier (juneberry, shadbush)	fabraea leaf spot powdery mildew rust		
amorpha (false indigo)	cercospora leaf spot powdery mildew rust		
anemone	rust		
angelica	cercospora leaf spot rust		
ash	rust		
aster	powdery mildew rust		
Australian pine	diplodia tip blight		
azalea	petal blight ( <i>Ovulinia</i> spp.) powdery mildew	Begin applications when flowers start to exhibit color.	
barberry	powdery mildew rust		May cause temporary damage to crimson pigmy and other atropurposis varieties.
begonia	powdery mildew		
bellflower	cercospora leaf spot powdery mildew rust		
birch	rust		
bittersweet	powdery mildew		
buckeye buttonbush	cercospora leaf blight powdery mildew rust		
calendula	cercospora leaf spot		
California poppy	powdery mildew		· · · · · · · · · · · · · · · · · · ·
canna lilly	rust		1
carnation	powdery mildew rust		
catalpa	cercospora leaf spot powdery mildew		
cherry, flowering	leaf spot powdery mildew		
chestnut, horse	powdery mildew		
China aster	rust		
chokeberry	rust twig and fruit blight		Do not use treated fruit for food or feed.

,

28 l

holly

Crops	Diseases	Directions	Precautions/Restrictions
Christmas trees	rust		
chrysanthemum	ascochyta blight		
	rust	· ·	
	white rust		
columbine	rust		
cornflower			
cosmos	powdery mildew		
cottonwood			
crabapple, flowering	powdery mildew		
	rust scab		
arana muntia	powdery mildew		
crepe-myrtle daffodil	rust		
dahlia	powdery mildew		· · · · ·
the second s	rust		
daylilly delphinium	powdery mildew		
deiphinium	rust		
dianthus	rust		
dogwood	anthracnose		· · ·
aognood	powdery mildew		
	septoria leafspot		
Douglas fir	needle rust	Apply 6 to 9 oz per acre starting early spring. Continue applications at 2- to 3-week intervals until the threat of infection has passed. Spray adjuvants must be added to spray solutions to obtain good spray coverage and disease control.	
elm	powdery mildew		
euonymus	· · · · · · · · · · · · · · · · · · ·		
fern	rhizoctonia aerial blight	`	
fleabane	cercospora leaf spot powdery mildew rust		
four o'clock	rust		······································
fuchsia			
gaillardia	powdery mildew		
gardenia	rust		
geranium.			
gerbera daisy	powdery mildew		
gourd, ornamental		· · · · · · · · · · · · · · · · · · ·	
grape leaf ivy	· · · · · · · · · · · · · · · · · · ·		
hackberry	cercospora leaf spot powdery mildew		
hawthorn	fabraea leaf spot powdery mildew		
	rust scab		
hibiscus	powdery mildew		
bolly	1		l '

Page 28

29

6

Page 29

Crops	Diseases	Directions	Precautions/Restrictions
hollyhock	powdery mildew rust		
honeysuckle	cercospora leaf spot powdery mildew		
hydrangea	cercospora leaf spot powdery mildew		
iris	didymellina leaf spot rust	Apply 3 oz per 50 gallons of spray solution.	
juniper	rust		
leucothoe	cercospora leaf spot		
leyland cypress			
lilac	powdery mildew		
loblolly pine	fusiform rust	Apply 6 to 9 oz per acre starting early spring. Continue applications at 2- to 3-week intervals until the threat of infection has passed. Spray adjuvants must be added to spray solutions to obtain good spray coverage and disease control.	
locust	powdery mildew		
maple			Do not use treated trees for syrup production. Do not apply to abutilon (flowering maple).
marigold	cercospora leaf spot rust		
mock-orange	powdery mildew rust		
moonflower	rust		
mountain laurel	cercospora leaf spot ovulinia petal blight powdery mildew	Begin applications when flowers start to exhibit color.	
nephthytis	cephalosporium leaf spot		
ninebark	rust		
oak	powdery mildew		
pansy	powdery mildew rust		
pear, flowering	powdery mildew rust scab		
petunia	powdery mildew rust		
phlox	cercospora leaf spot powdery mildew rust		
photinia	entomosporium leaf spot powdery mildew rust		
poinsettia	poinsettia scab powdery mildew		

Page 30

Crops	Diseases	Directions	Precautions/Restrictions
poplar	rust	· ·	
potentilla			
privet	cercospora leaf spot powdery mildew	· · · ·	
pyracantha (firethorn)	fusicladium scab		
quince, flowering	blossom and twig blight cercospora leaf spot fabraea leaf spot rust		
rhododendron	cercospora leaf spot ovulinia petal blight powdery mildew	Begin applications when flowers start to exhibit color.	
rose	black spot powdery mildew rust	Apply on a 7- to 10-day protectant schedule. In areas where black spot is not a problem, spray intervals may be increased to a maximum of 14 days. Greenhouse rose varieties vary in their sensitivity to Eagle 40WP. For best results, evaluate for possible abnormal response by treating a limited number of plants, at specified rates, prior to initiating large-scale use.	
Russian olive	cercospora leaf spot		
salvia	powdery mildew rust		
sedum	powdery mildew		
slash pine	fusiform rust	Apply 6 to 9 oz per acre starting early spring. Continue applications at 2- to 3-week intervals until the threat of infection has passed. Spray adjuvants must be added to spray solutions to obtain good spray coverage and disease control.	
smoke-tree (cotinus)	cercospora leaf spot rust		
snapdragon	powdery mildew rust		
spirea	powdery mildew		
sunflower	cercospora leaf spot powdery mildew rust		Do not use seeds from treated plants for food or feed.
sycamore	powdery mildew		
trumpet-creeper	cercospora leaf blight powdery mildew		

31 36

Page 31

Crops	Diseases	Directions	Precautions/Restrictions
viburnum	powdery mildew rust		
walnut	powdery mildew		Do not use nuts from treated trees for food or feed.
willow			
zinnia	cercospora leaf spot powdery mildew		

#### Home Orchards, Vineyards, or Fruit Trees

Best control of labeled diseases is achieved when Eagle 40WP is applied on a 7- to 10-day protectant schedule. Eagle 40WP is a systemic fungicide and does not redistribute after application. Adjust application equipment spray nozzles to apply a uniform spray throughout the entire tree canopy.

The best method is a dilute application (thorough coverage) based upon the amount of spray solution required to thoroughly wet trees to the point of run-off. Refer to use directions for specific tree fruits and vines to determine actual use rate per 100 gallons of spray for control of labeled diseases. The following specific use directions are based on a dilute spray volume of 300 gallons per acre. Intended for use by professional and commercial applicators. Follow provisions within the Agricultural Use Requirements box.

Apple

Diseases	Eagle 40WP (oz/100 gal) <sup>1</sup>	Directions	Restrictions
powdery mildew ( <i>Podosphaera</i> spp.)	2 - 3	Begin application at tight cluster and continue through the second cover spray. Additional sprays beyond second cover may be needed on susceptible varieties or under heavy disease pressure. Use high label rate if powdery mildew was present in previous years.	<ul> <li>Preharvest Interval: Do not apply within 14 days of harvest.</li> <li>Do not apply more than 5 lb of Eagle 40WP (2 lb myclobutanil) per acre per season.</li> </ul>
rusts ( <i>Gymnospor-</i> <i>angium</i> spp.)		Begin applications at pink stage and continue through the second cover spray.	
scab ( <i>Venturia</i> spp.) prebloom		Begin application at green tip or when environmental conditions become favorable for primary scab development. Apply Eagle 40WP alone or tank mixed with a protectant fungicide on a 7- to 10-day schedule.	
bloom, postbloom	2 - 3	Use Eagle 40WP in a tank mixture with the specified rate of a protectant fungicide, registered for use on apples, for improved fruit scab and summer disease control.	<ul> <li>Preharvest Interval: Do not apply within 14 days of harvest.</li> <li>Do not apply more than 5 lb of Eagle 40WP (2 lb</li> </ul>
post infection	3	Eagle 40WP provides 96-hour post- infection control or curative activity. Apply as soon as possible after infection period. Follow with a standard preventive spray schedule.	myclobutanil) per acre per season.

<sup>1</sup>Based on dilute sprays with a 300 gallon per acre basis.

33

#### Grape

Thorough spray coverage is essential for good disease control. Apply Eagle 40WP in sufficient spray volume to ensure complete and uniform coverage.

Diseases	Eagle 40WP (oz/acre)	Directions	Restrictions
anthracnose ( <i>Elsinoe</i> spp.)	3 - 5	Begin application when new shoots are 1 to 3 inches in length. Reapply on a protectant schedule that does not exceed 14 days.	<ul> <li>Preharvest Interval: Do not apply within 14 days of harvest.</li> <li>Do not apply more than 1.5</li> </ul>
black rot ( <i>Guignardia</i> spp.)		<ul> <li>Preventive Schedule: Begin application when new shoots are 1 to 3 inches in length. Reapply on a protectant schedule that does not exceed 14 days. Use a higher rate under heavy disease pressure.</li> <li>Post-infection Schedule: Apply within 72 hours after the beginning of an infection period.</li> </ul>	
powdery mildew ( <i>Uncinula</i> spp.)		Begin application at prebloom (12- to 18-inch shoots) and do not extend applications beyond a 21-day interval. Use a higher rate or shorter spray interval on susceptible varieties or under heavy disease pressure.	

#### **Stone Fruits**

Crops	Diseases	Eagle 40WP (oz/100 gal)	Directions	Restrictions
apricot	brown rot blossom blight ( <i>Monilinia</i> spp.)	1 - 1.65	Begin application at early red bud stage before infection occurs. If conditions are favorable for disease development, reapply at full bloom and petal fall.	Do not apply more than 2.75 lb of Eagle 40WP (1.1 lb myclobutanil) per acre per season.
	brown rot ( <i>Monilinia</i> spp.)		Apply 6 oz (2.4 oz myclobutanil) per acre on a 7- to 14-day protectant schedule. Apply when environmental conditions favor disease development during the month prior to harvest.	<ul> <li>Applications may be made up to the day of harvest.</li> </ul>
	powdery mildew ( <i>Podosphaera</i> spp.)		Follow brown rot blossom blight schedule. Reapply at 10- to 14-day intervals until terminal growth ceases.	
	shothole ( <i>Stigmina</i> spp.)		Follow brown rot blossom blight schedule. Reapply at 7- to 10- day intervals as long as needed.	

Page 33

•

Crops	Diseases	Eagle 40WP (oz/100 gal)	Directions	Restrictions
cherries	brown rot blossom blight ( <i>Monilinia</i> spp.)	1 - 1.65	Begin application at early popcorn stage, before infection occurs. If conditions are favorable for disease development, reapply at full bloom and petal fall.	• Do not apply more than 3.25 lb of Eagle 40WP (1.3 lb myclobutanil) per acre per season.
	brown rot ( <i>Monilinia</i> spp.)		Apply 6 oz (2.4 oz myclobutanil) per acre on a 7- to 14-day protectant schedule. Apply when environmental conditions favor disease development during the month prior to harvest.	<ul> <li>Applications may be made up to the day of harvest.</li> </ul>
	powdery mildew ( <i>Podosphaera</i> and <i>Sphaerotheca</i> spp.)		Follow brown rot blossom blight schedule. Reapply at 10- to 14-day intervals until terminal growth ceases.	
	leaf spot ( <i>Blumeriella</i> spp.)		Follow brown rot blossom blight schedule. Reapply at 7- to 10- day intervals. Make additional applications after harvest.	
nectarine	brown rot blossom blight ( <i>Monilinia</i> ·spp.)		Begin application at early pink bud stage before infection occurs. If conditions are favorable for disease development, reapply at full bloom and petal fall.	
	brown rot ( <i>Monilinia</i> spp.)		Apply 6 oz (2.4 oz myclobutanil) per acre on a 7- to 14-day protectant schedule. Apply when environmental conditions favor disease development during the month prior to harvest.	
	powdery mildew ( <i>Podosphaera</i> and <i>Sphaerotheca</i> spp.)		Follow brown rot blossom blight schedule. Reapply at 10- to 14-day intervals until terminal growth ceases.	
	shothole ( <i>Stigmina</i> spp.)		Follow brown rot blossom blight • schedule, Reapply at 7- to 10- day intervals as long as needed.	

34 36

Page 34

		Eagle 40WP		
Crops	Diseases	(oz/100 gal)	Directions	Restrictions
peach	brown rot blossom blight ( <i>Monilinia</i> spp.)	1 - 1.65	Begin application at early pink bud stage before infection occurs. If conditions are favorable for disease development, reapply at full bloom and petal fall.	<ul> <li>Do not apply more than 3.25</li> <li>lb of Eagle</li> <li>40WP (1.3 lb myclobutanil) per acre per season.</li> </ul>
	brown rot ( <i>Monilinia</i> spp.)		Apply 6 oz (2.4 oz myclobutanil) per acre on a 7- to 14-day protectant schedule. Apply when environmental conditions favor disease development during the month prior to harvest.	<ul> <li>Applications may be made up to the day of harvest.</li> </ul>
	powdery mildew ( <i>Podosphaera</i> spp.)		Follow brown rot blossom blight schedule. Reapply at 10- to 14-day intervals until terminal growth ceases.	
	rust ( <i>Tranzschelia</i> spp.)		Apply 6 oz (2.4 oz myclobutanil) per acre. Begin application approximately 8 weeks after flowering if environmental conditions are favorable for disease development. For optimum disease control, do not apply on a protectant schedule exceeding 21 days.	
plum prune	brown rot blossom blight ( <i>Monilinia</i> spp.)	1 - 1.65	Begin application at green tip before infection occurs. If conditions are favorable for disease development, reapply at full bloom and petal fall.	Do not apply more than 2.75 lb of Eagle 40WP (1.1 lb myclobutanil) per
	rust (Tranzschelia spp.)		Apply 6 oz (2.4 oz myclobutanil) per acre. Begin application approximately 8 weeks after flowering if environmental conditions are favorable for disease development. For optimum disease control, do not apply on a protectant schedule exceeding 21 days.	<ul> <li>acre per season.</li> <li>Applications may be made up to the day of harvest.</li> </ul>

#### 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.

#### 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. TO THE EXTENT PERMITTED BY LAW, Dow AgroSciences

35

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 Dow AgroSciences or the 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 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

To the extent permitted by law, Dow AgroSciences shall not be liable for losses or damages resulting from handling or use of this product unless Dow AgroSciences is promptly notified of such loss or damage in writing. In no case shall Dow AgroSciences be liable for consequential or incidental damages or losses.

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

<sup>®</sup>Trademark of Dow AgroSciences LLC EPA accepted \_\_/\_/\_\_