

62719-583

7/30/2009

10/12



U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs
Registration Division (7505P)
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

EPA Reg. Number:
62719-583

Date of Issuance:
30 JUL 2009

NOTICE OF PESTICIDE:

Registration
 Reregistration
(under FIFRA, as amended)

Term of Issuance:

Conditional

Name of Pesticide Product:

Instinct

Name and Address of Registrant (include ZIP Code):

Dow AgroSciences
9330 Zionsville Road
Indianapolis, IN 46268-1054

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide and Rodenticide Act. Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is conditionally registered in accordance with FIFRA sec. 3(c)(7)(A) provided that you:

1. Submit and/or cite all data required for registration/reregistration of your product when the Agency requires all registrants of similar products to submit data.
2. Add the phrase "EPA Registration No. 62719-583" to your label before you release the product for shipment.
3. Submit one (1) copy of your final printed labeling before you release the product for shipment.

Signature of Approving Official:

Joanne I. Miller
Product Manager 23
Herbicide Branch
Registration Division (7505P)

Date:

30 JUL 2009

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EPA Reg. No. 62719-583

4. Submit the results of one year storage stability and corrosion characteristic studies to EPA within one year of this date of registration. Submit a hard copy and an electronic copy also.

5. Submit the following studies within 4 years of the date of registration conducted in accordance with applicable guidelines:

- a. Photodegradation on Soil - Nitrapyrin
- b. Aerobic Aquatic Metabolism - Nitrapyrin
- c. Terrestrial Field Dissipation Studies - Nitrapyrin
- d. Terrestrial Field Dissipation Studies - Encapsulated Nitrapyrin
- e. Photolysis - 6-CPA
- f. Aerobic Soil Metabolism - 6-CPA
- g. Aerobic Aquatic Metabolism - 6-CPA
- h. Aquatic invertebrate Life Cycle (estuarine/marine) - Nitrapyrin
- i. Estuarine/marine fish, early life cycle - Nitrapyrin
- j. Avian reproduction - Nitrapyrin

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product constitutes acceptance of these conditions.

A stamped copy of the label is enclosed for your records.

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(Base label):

Instinct™

Nitrogen Stabilizer

Delays nitrification of ammoniacal and urea nitrogen fertilizer compositions in the soil by controlling the nitrification process in corn

Active Ingredient:

nitrapyrin: 2-chloro-6-(trichloromethyl) pyridine.....	17.67%
Other Ingredients	82.33%
Total	100.00%

ACCEPTED
with COMMENTS
in EPA Letter Dated

30 JUL 2009

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

Contains petroleum distillates
Contains 1.85 lb of active ingredients per gallon.

Keep Out of Reach of Children

62719-583

Precautionary Statements

Hazards to Humans and Domestic Animals

Prolonged Or Frequently Repeated Skin Contact May Cause Allergic Reactions In Some Individuals

Note to Physician: May pose an aspiration pneumonia hazard. Contains petroleum distillate.

Personal Protective Equipment (PPE)

Some materials that are chemical-resistant to this product are barrier laminate and viton ≥14 mils. If you want more options, follow the instructions for category G on an EPA chemical resistance category selection chart.

Mixers, loaders, applicators and other handlers must wear:

- Coveralls worn over short-sleeved shirt and short pants
- Chemical-resistant gloves
- Chemical-resistant footwear plus socks
- When mixing and loading, or cleaning equipment, wear a chemical-resistant apron

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.

Environmental Hazards

This pesticide is toxic to oysters/shrimp. Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas. Do not apply directly to water, to areas where surface water is present, or to

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intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwaters or rinsate.

This product may contaminate water through runoff. This product has a high potential for runoff for several weeks after application. Poorly draining soils and soils with shallow water tables are more prone to produce runoff that contains this product.

A level well-maintained vegetative buffer strip between areas to which this product is applied and surface water such as ponds, streams, and springs will reduce the potential for contamination of water from rainfall runoff. Runoff of this product will be reduced by avoiding applications when rainfall is forecasted to occur within 48 hours. Sound erosion control practices will reduce this product's contribution to surface water contamination.

Agricultural Use Requirements

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

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

Storage and Disposal

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

Pesticide Storage: Do not freeze.

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 and drain for 10 seconds after the flow begins to drip. 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 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.

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

Storage and Disposal

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

Pesticide Storage: Do not freeze.

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.

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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.

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.

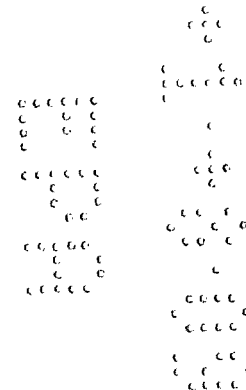
EPA Reg. No. 62719-LIG

EPA Est. _____

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

Net Contents _____



(Label booklet cover):

Instinct™

Nitrogen Stabilizer

Use to delay nitrification of ammoniacal and urea nitrogen fertilizer compositions in the soil by controlling the nitrification process.

Active Ingredient:

nitrapyrin: 2-chloro-6-(trichloromethyl) pyridine.....	17.67%
Other Ingredients	82.33%
Total	100.00%

Contains petroleum distillates
Contains 1.85 lb of active ingredients per gallon.

Keep Out of Reach of Children

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

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.**

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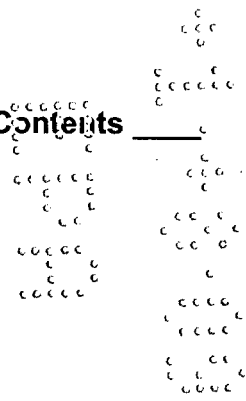
EPA Reg. No. 62719-LIG

EPA Est. _____

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(Page 1 through end):

Precautionary Statements

Hazards to Humans and Domestic Animals

Prolonged Or Frequently Repeated Skin Contact May Cause Allergic Reactions In Some Individuals

Note to Physician: May pose an aspiration pneumonia hazard. Contains petroleum distillate.

Personal Protective Equipment (PPE)

Some materials that are chemical-resistant to this product are barrier laminate and viton ≥14 mils. If you want more options, follow the instructions for category G on an EPA chemical resistance category selection chart.

Mixers, loaders, applicators and other handlers must wear:

- Coveralls worn over short-sleeved shirt and short pants
- Chemical-resistant gloves
- Chemical-resistant footwear plus socks
- When mixing and loading, or cleaning equipment, wear a chemical-resistant apron

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.

First Aid

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 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.

Note: Contains petroleum distillate – vomiting may cause aspiration pneumonia.

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 pesticide is toxic to oysters/shrimp. Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas. Do not apply directly to water, to areas where surface water is present, or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwaters or rinsate.

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This product may contaminate water through runoff. This product has a high potential for runoff for several weeks after application. Poorly draining soils and soils with shallow water tables are more prone to produce runoff that contains this product.

A level well-maintained vegetative buffer strip between areas to which this product is applied and surface water such as ponds, streams, and springs will reduce the potential for contamination of water from rainfall runoff. Runoff of this product will be reduced by avoiding applications when rainfall is forecasted to occur within 48 hours. Sound erosion control practices will reduce this product's contribution to surface water contamination.

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, restricted-entry interval, and notification to workers (as applicable). 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.

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.

For early entry into 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, wear:

- Coveralls
- Chemical-resistant gloves made of any waterproof material
- Shoes plus socks
- Protective eyewear

Storage and Disposal

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

Pesticide Storage: Do not freeze.

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

Nonrefillable 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 and drain for 10 seconds after the flow begins to drip. 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 and continue to drain for 10 seconds

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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.

Refillable containers 5 gallons or larger:

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 containers 5 gallons or larger:

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

Instinct™ nitrogen stabilizer is a water-based microencapsulated formulation of nitrapyrin that may be used in the application of aqua ammonia, other liquid ammoniacal or urea nitrogen fertilizer compositions such as 28%, 30% or 32% UAN. Instinct is not a substitute for fertilizer.

Instinct may be mixed with liquid fertilizer, insecticides, herbicides and/or water and applied as a preplant incorporated or preemergence (pre to corn) application. Incorporation may occur at any time up to 10 days after application and may be either by mechanical means or by moisture (rainfall or overhead irrigation). For moisture incorporation, a minimum of 0.5 inch moisture is necessary. If 0.5 inch of moisture does not occur within the 10-day window, incorporate mechanically with light tillage.

The best manure management practice is to inject liquid manure, but surface applications are also permitted.

Precautions and Restrictions

Instinct is no more corrosive to standard liquid fertilizer equipment than liquid fertilizer alone.

Chemigation: Do not apply this product through any type of irrigation system.

Mixing Directions

Anhydrous Ammonia

Instinct is soluble in liquid fertilizer and should **not** be tank mixed with anhydrous ammonia, although it may be applied with anhydrous ammonia if it is injected into the ammonia stream through a downstream injection system.

Liquid Fertilizers

Instinct may be mixed with liquid fertilizers such as aqua ammonia or other liquid ammoniacal or urea nitrogen fertilizers. Instinct can be added to urea ammonium nitrate liquid fertilizer without a compatibility agent, although when mixing Instinct with fertilizer plus herbicides or insecticides, a jar test may indicate that a compatibility agent is needed.

There are two methods which may be used to create a stable emulsion with Instinct plus a compatibility agent in liquid fertilizer:

Pre-Mix Method: The compatibility agent and Instinct may be mixed together in a separate container and then added to the liquid fertilizer. Agitation should be continuous as the mixture is added to the fertilizer.

Sequential Method: The compatibility agent may be added to the fertilizer and thoroughly agitated. While the agitation continues, the required amount of Instinct may be added to the tank.

Most phosphate ester types of compatibility agents are suitable for use in these mixtures. Follow the label directions for the compatibility agent to determine rates and any use precautions.

Liquid Manure

Use Instinct at the rate of 35 to 70 fl oz per acre. The 70 fl oz per acre rate is recommended for all fall applications with animal manure. To ensure uniform mixing, Instinct may need to be premixed with a phosphate ester compatibility agent at a ratio of 1 part phosphate ester compatibility agent to 8 parts Instinct before adding Instinct to the liquid animal manure.

Granular Ammonium and Urea

Instinct may be impregnated on most dry ammoniacal fertilizers or fertilizer blends containing ammoniacal fertilizers. Uniform application in the field is necessary to insure optimum results.

For impregnating Instinct on dry fertilizers, use a closed rotary drum mixer equipped with suitable spraying equipment. The spray nozzle should be positioned inside the mixer to provide uniform spray coverage of the tumbling fertilizer. The maximum amount of Instinct to be added is 35 fl oz per 100 lb of dry fertilizer and the minimum amount is 35 fl oz per 500 lb of dry fertilizer. At the higher concentrations of Instinct, the fertilizer may not readily absorb all of the liquid. For a suitable free-flowing mixture, an absorptive powder such as Micro-CelE should be added separately and uniformly to the fertilizer blend following addition of Instinct. Do not apply more than 1 lb ai nitrapyrin per acre per year."

Bulk fertilizers impregnated with Instinct should be applied immediately, **not stored**. All bulk containers should be covered while the products are being transported and applied.

All individual state regulations including those related to dry bulk blending registration, labeling and application are the responsibility of the individual and/or company selling Instinct on fertilizer mixtures.

Do not use Instinct with dry fertilizers containing nitrate such as ammonium nitrate, potassium nitrate or calcium nitrate. Do not mix seed with dry fertilizers impregnated with Instinct.

Tank Mixing

Instinct may also be applied in tank mixtures with preplant incorporated or preemergence herbicides or insecticides registered for use on corn. The tank mixes may be in water or in most urea-ammonium nitrate solutions, N-P-K solutions, slurries, or suspensions. Check the physical compatibility of these mixtures as indicated below. Maintain constant agitation during both mixing and application to ensure

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uniformity of the spray mixture. Read and carefully follow all applicable directions including dosage rates, restrictions, and precautions on labeling for the other products used in combination with Instinct.

The recommended mixing sequence is to add the herbicide(s) to the tank after Instinct and the compatibility agent (if used) have been thoroughly mixed. Wettable powders or flowables should be added before emulsifiable concentrates. Agitation should be continuous during the mixing cycle.

Tank Mix Compatibility Test: To test the compatibility of Instinct with liquid fertilizers and/or herbicide or insecticide mixes, add proportionate amounts of each ingredient to a small jar, cap, shake, and let stand for 15 minutes. Formation of precipitates or layers that do not readily redisperse indicates an incompatible mixture and should not be used.

Corn

Preplant, Preemergence, At-Plant Row or Band Injection Application: Use Instinct at the rate of 35 fl oz per acre. Do not apply after corn has emerged.

Liquid Manure: Use Instinct at the rate of 70 fl oz per acre when fall applied with liquid manure or a minimum of 35 fl oz per acre when applied with liquid manure in the spring. Applying Instinct with liquid manure in the spring is limited to a preplant application only.

Restrictions:

- Do not apply more than 70 fl oz of Instinct (1 lb ai nitrapyrin) per acre per year on corn.
- **Replant restriction:** Crops other than corn are not to be rotated in less than one year from application.
- An enclosed cab must be used for groundboom application to corn.

Terms and Conditions of Use

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

Warranty Disclaimer

Dow AgroSciences warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the label when used in strict accordance with the directions, subject to the inherent risks set forth below. Dow AgroSciences MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

Inherent Risks of Use

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

Limitation of Remedies

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 at Dow AgroSciences' election, one of the following:

1. Refund of purchase price paid by buyer or user for product bought, or

2. Replacement of amount of product used

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

The terms of the Warranty Disclaimer, Inherent Risks of Use, 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 this Limitation of Remedies in any manner.

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EPA accepted ___/___/___

