

62719-592

4/8/2010

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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

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

APR 8 - 2010

Subject: Label Notification(s) for Pesticide Registration 2007-4

Dear Dr. Racke:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated for March 1, 2010

EPA Registration Number: 62719-592 SPLAT-MAT Spinosad ME

The Registration Division (RD) has conducted a review of this request for applicability Under PRN 2007-4 and finds that the label change(s) requested falls within the scope of PRN-2007-4. The label has been date-stamped "Notification" and will be placed in our records.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identifying the batch of the pesticide distributed and sold be placed on non-refillable containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions, please contact Melody Banks on 703 305-5413.

Sincerely,

Richard Gebken
Product Manager
Insecticide Branch
Registration Division (7505P)



United States
Environmental Protection Agency
Washington, DC 20460

☐ Registration
☐ Amendment
☒ Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number Dow AgroSciences/62719-592	2. EPA Product Manager Mark Suarez	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Dow AgroSciences/SPLAT-MAT Spinosad ME	PM# 13	
5. Name and Address of Applicant (Include ZIP Code) Dow AgroSciences LLC 9330 Zionsville Road Indianapolis, IN 46268 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____	NOTIFICATION APR 8 - 2010
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.	
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.	

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

Section - III

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

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)			
Name Kenneth D. Racke, Ph.D.		Title Regulatory Manager	Telephone No. (Include Area Code) (317) 337-4651 (fax: 317-337-4649)
Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.			6. Date Application Received (Stamped)
2. Signature 		3. Title Regulatory Manager	
4. Typed Name Kenneth D. Racke, Ph.D. (kracke@dow.com)		5. Date March 1, 2010	

Dow AgroSciences LLC
9330 Zionsville Road
Indianapolis, IN 46268-1054

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308/2E
March 1, 2010



Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
U. S. Environmental Protection Agency
One Potomac Yard
2777 S. Crystal Drive
Arlington, VA 22202

SPLAT-MAT SPINOSAD ME (A.I. SPINOSAD, METHYL EUGENOL)
EPA REGISTRATION NUMBER: 62719-592
NOTIFICATION OF MINOR LABEL CHANGE PER PR NOTICE 98-10

Enclosed please find labeling for the notification action of SPLAT-MAT™ Spinosad ME insecticidal bait. The following changes have been made by notification:

1. Pests and Application Rates: In table, added "spinosad" to "(0.0045-0.009 lb ai spinosad/acre)" to clarify that this is the amount of spinosad in the application.
2. Restrictions: In third bullet point, added "spinosad" to "(0.135 lb ai spinosad)" to clarify that this is the amount of spinosad in the application.
3. Deleted "U.S. Patent No." statement.

This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

Contents of Submission

- Transmittal document (this letter)
- Application for Pesticide, EPA Form 8570-1
- Label entitled SPLAT-MAT Spinosad ME (T6P/SPLAT-MAT Spinosad ME/Notif/03-01-10) (9 Pages plus Registration Notes) (1 Copy)

If you require further information, please contact Cindy Loy, Regulatory Specialist at (317) 337-4655.

Sincerely,

A handwritten signature in cursive script that reads "Cindy Loy".

Kenneth D. Racke, Ph.D.
Regulatory Leader
(317) 337-4654
(317) 337-4649 (FAX)

Enclosures

SPLAT-MAT™ Spinosad ME

EPA Reg. No. 62719-592

Registration Notes:

Source label text based on EPA-accepted text dated January 8, 2009.

Changes by notification:

1. Pests and Application Rates: In table, added "spinosad" to "(0.0045-0.009 lb ai spinosad/acre)" to clarify that this is the amount of spinosad in the application.
2. Restrictions: In third bullet point, added "spinosad to "(0.135 lb ai spinosad)" to clarify that this is the amount of spinosad in the application.
3. Deleted "U.S. Patent No." statement.

™Trademark of Dow AgroSciences LLC

NOTIFICATION

ADD

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(Base label)

SPLAT-MAT™ Spinosad ME

Insecticidal Bait

For selective attraction and control of male tephritid fruit flies of the genus *Bactrocera* (or other fruit fly species which respond to the male specific attractant methyl eugenol)

This product is intended for use by government agencies or in commercial agriculture in eradication or management programs.

For non-crop use only; not for use in residential areas

Active Ingredients:

spinosad (a mixture of spinosyn A and spinosyn D)	2%
methyl eugenol	51%
Other ingredients: includes water, waxes and oils	47%
Total	100%

NOTIFICATION

APR 8 - 2010

Ready to use formulation.

Keep Out of Reach of Children

CAUTION

Precautionary Statements

Hazards to Humans and Domestic Animals

Causes Moderate Eye Irritation

Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet.

Personal Protective Equipment (PPE)

- Long-sleeved shirt and long pants
- Shoes and socks
- Chemical-resistant gloves

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.

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

Environmental Hazards

This product is toxic to aquatic invertebrates. Do not apply directly to water, to areas where surface water

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is present or to intertidal areas below the mean high water mark. Do not contaminate water when cleaning equipment or when disposing of equipment washwaters.

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

Storage and Disposal

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

Pesticide Storage: Store in original container only. In case of leak or spill, contain material with absorbent materials and dispose as waste.

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

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

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

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

Storage and Disposal

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

Pesticide Storage: Store in original container only. In case of leak or spill, contain material with absorbent materials and dispose as waste.

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

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

Cleaning the container before final disposal is the responsibility of the person disposing of the container.

Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment. 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 rinsate collection system. Repeat this rinsing procedure two more times. Then offer for recycling if available, or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

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

Storage and Disposal

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

Pesticide Storage: Store in original container only. In case of leak or spill, contain material with absorbent materials and dispose as waste.

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

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

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

Refer to label booklet for Directions for Use.

Notice: Read the entire label. Use only according to label directions. **Before using this product, read Warranty Disclaimer, Inherent Risks of Use, and Limitation of Remedies 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 1 800-992-5394.

AVOID FREEZING

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EPA Reg. No. 62719-592

EPA Est. _____

SPLAT (Specialized Pheromone & Lure Application Technology) from ISCA Technologies

ISCA
TECHNOLOGIES
Pest Management Tools & Solutions

SPLAT

TMTrademark of Dow AgroSciences LLC

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

Net Contents ____

(Label booklet cover)

SPLAT-MAT™ Spinosad ME**Insecticidal Bait**

For selective attraction and control of male tephritid fruit flies of the genus *Bactrocera* (or other fruit fly species which respond to the male specific attractant methyl eugenol)

This product is intended for use by government agencies or in commercial agriculture in eradication or management programs.

For non-crop use only; not for use in residential areas

Active Ingredients:

spinosad (a mixture of spinosyn A and spinosyn D)	2%
methyl eugenol	51%
Other ingredients: includes water, waxes and oils	47%
Total	100%

Ready to use formulation.

Keep Out of Reach of Children

CAUTION

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

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

AVOID FREEZING

EPA Reg. No. 62719-592

EPA Est. _____

SPLAT (Specialized Pheromone & Lure Application Technology) from ISCA Technologies

ISCA
TECHNOLOGIES

Pest Management Tools & Solutions

SPLAT

™Trademark of Dow AgroSciences LLC

Produced for

Dow AgroSciences LLC

9330 Zionsville Road

Indianapolis, IN 46268

Net Contents ____

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Precautionary Statements

Hazards to Humans and Domestic Animals**CAUTION****Causes Moderate Eye Irritation**

Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet.

Personal Protective Equipment (PPE)

- Long-sleeved shirt and long pants
- Shoes and socks
- Chemical-resistant gloves

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.

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

Environmental Hazards

This product is toxic to aquatic invertebrates. Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when cleaning equipment or when disposing of equipment washwaters.

Directions for Use

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

Storage and Disposal

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

Pesticide Storage: Store in original container only. In case of leak or spill, contain material with absorbent materials and dispose as waste.

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

Nonrefillable containers 5 gallons or less:

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

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

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. 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 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. 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

SPLAT-MAT™ Spinosad ME insecticidal bait is an "attract-and-kill" insecticide bait that is specific to male fruit flies which respond to the powerful chemical attractant methyl eugenol. Baits of this type are often referred to as Male Annihilation Technique (MAT) products and work by selectively eliminating males from a fruit fly population, leading to mating disruption and localized population control. SPLAT-MAT Spinosad ME can be used as part of government-coordinated eradication programs targeting fruit fly species attracted to methyl eugenol. Most, but not all, of the fruit fly species whose males are strongly attracted to methyl eugenol are found within the genus *Bactrocera*, which includes a number of destructive and invasive fruit fly pest species including oriental fruit fly, carambola fruit fly, peach fruit fly, guava fruit fly. SPLAT-MAT Spinosad ME is comprised of an insecticide-toxicant (spinosad) and the chemical attractant methyl eugenol dispersed within a waxy formulation carrier (SPLAT™). The unique SPLAT formulation serves to impart increased residual and rainfastness to both the insecticide active ingredient and the methyl eugenol lure.

SPLAT-MAT Spinosad ME is designed for non-crop use only and may not be applied directly to edible portions of any crop. The powerful nature of the methyl eugenol attractant enables this product to be used off-crop and still provide crop protection. SPLAT-MAT Spinosad ME works best as a spot application applied to stakes, posts, non-crop tree trunks or limbs, fences, artificial targets, or non-edible border vegetation surrounding crop fields. SPLAT-MAT Spinosad ME can also be used in programs designed to detect (when used within traps) and eradicate populations of quarantined, invasive fruit fly species as part of government-coordinated programs.

Preparation for Use

SPLAT-MAT Spinosad ME comes as a ready-to-use formulation. It should never be diluted with water or other solvents or diluents. Upon sitting, a clear layer of liquid may appear on the surface of SPLAT-MAT Spinosad ME; this is normal and will disappear with mixing. Thorough stirring and mixing of the formulation is required prior to use. The viscosity of SPLAT-MAT Spinosad ME is compatible with various application techniques and equipment. Equipment can be cleaned by rinsing in warm, soapy water. Unused portions of SPLAT-MAT Spinosad ME can be stored and re-used at a later date if care is taken to re-seal the original container after each use.

Application Directions

Application Methods and Sites

Proper application techniques help ensure adequate coverage and correct dosage necessary to obtain optimum control of fruit fly pests. SPLAT-MAT Spinosad ME works best if applied as small droplets or large droplets targeted as spot applications to stakes, posts, fences, non-crop tree trunks or limbs, artificial targets, or non-edible border vegetation surrounding crop fields. When used in eradication programs, SPLAT-MAT Spinosad ME should be applied to sites not readily accessible to the public such as higher up on telephone poles, light poles, fences, other inanimate objects, non-crop tree trunks or

limbs, non-edible foliage, etc. SPLAT-MAT Spinosad ME should never be applied to edible plants or surfaces that might come into contact with edible plants or other edible produce.

Application Equipment and Techniques

Application techniques can range from application of dollops using a spatula or other spreading implement to mechanical or pneumatic meter-jet capable of delivering large droplets. Aerial applications are not permitted.

Application Rates and Intervals Between Application Sites

Apply SPLAT-MAT Spinosad ME as targeted, spot applications to non-crop surfaces at a rate of 3.4 to 6.85 fl oz of ready to use formulated material per acre. The powerful methyl eugenol attractant will draw male fruit flies from long distances, so applications of SPLAT-MAT Spinosad ME can be spaced at convenient intervals along field edges and still provide adequate crop protection. Application sites can be spaced at intervals with the distance between sites varying with pest pressure, weather conditions, convenience, and the number and sizes of dollops or droplets at each application station (see table below for application amounts and intervals).

Application Timing and Frequency

SPLAT-MAT Spinosad ME selectively eliminates male fruit flies from a localized area, causing a disruption in mating which in turn can lead to the severe decline or local eradication of a fruit fly population. This population level impact will not be immediate. For crop protection uses it is necessary to begin applications of SPLAT-MAT Spinosad ME as soon as monitoring traps indicate flies are present and to maintain a presence of SPLAT-MAT Spinosad ME around the crop throughout the cropping season or even beyond. Re-apply SPLAT-MAT Spinosad ME at 2- to 6-week intervals as indicated by population monitoring. This product resists wash-off. During periods of ripe fruit availability the male annihilation technique of SPLAT-MAT Spinosad ME can be combined with other more direct, on-crop fruit protection methods, such as feeding bait sprays (i.e., GF-120® NF Naturalyte® Fruit Fly Bait), which directly protect the fruit and kill both male and female flies. SPLAT-MAT Spinosad ME, and male annihilation technique products in general, works best when used as a deterrent to pest population growth and when used in a season-long program that begins before fruit becomes ripe and continues even after harvest. Elimination of males and the mating disruption which follows works best when fruit fly populations are maintained at low levels and males are already scarce.

Use in Fruit Fly Detection, Monitoring or Eradication Programs

SPLAT-MAT Spinosad ME is attractive to many of the most damaging invasive fruit fly species and can attract males of these species over long distances. Thus, SPLAT-MAT Spinosad ME is appropriate for quarantine and eradication programs both in terms of detection and monitoring (when used within traps) or for local eradication (applied as spot treatments).

Pests and Application Rates

Choose rate based upon pest pressure, distance between application sites, amount of material or size and numbers of discrete drops per application site.

Target Pests (Controlled or Suppressed)	SPLAT-MAT Spinosad ME (fl oz/acre)
tephritid fruit flies, including those that respond to methyl eugenol: <i>Bactrocera dorsalis</i> (oriental fruit fly) <i>Bactrocera carambolae</i> (carambola fruit fly) <i>Bactrocera papayae</i> (Asian papaya fruit fly) <i>Bactrocera zonata</i> (peach fruit fly) <i>Bactrocera invadens</i> (Asian fruit	3.4 – 6.85 (0.0045 – 0.009 lb ai spinosad/acre)

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fly) <i>Bractrocera</i> spp.	
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Application Site Spacings

The amount of SPLAT-MAT Spinosad ME applied at various application site spacings are calculated based upon a linear border application.

Distance Between Application Stations (yd)	Number of Application Stations (acre)	Amount of SPLAT-MAT Spinosad ME per Application Station	
		(fl oz)	(grams)
5	56	0.061 – 0.122	1.68 – 3.36
10	28	0.121 – 0.245	3.33 – 6.74
15	20	0.17 – 0.34	4.68 – 9.36
20	16	0.212 – 0.428	5.83 – 11.77

Precautions

This product will damage painted surfaces. To avoid unwanted staining do not apply to surfaces where damage is not acceptable.

Restrictions

- Do not apply SPLAT-MAT Spinosad ME to edible plants or surfaces that might come into contact with edible plants.
- Do not aerially apply this product.
- Do not apply more than 100 fl oz of SPLAT-MAT Spinosad ME (0.135 lb ai spinosad) per acre per year, nor make more than 15 total applications per acre per year.
- Do not apply within one-half mile from the edge of endangered picture-wing flies habitat in Hawaii.
- Do not apply SPLAT-MAT Spinosad ME to trees during their flowering in order to protect bees.

California Proposition 65

The following statement is made in order to comply with the California Safe Drinking Water and Toxic Enforcement Act of 1986:

This product contains methyl eugenol, a chemical known to the state of California to cause cancer.

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. TO THE EXTENT PERMITTED BY LAW, 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 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. To the extent permitted by law, 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.

SPLAT (Specialized Pheromone & Lure Application Technology) from ISCA Technologies



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EPA accepted 01/08/09