



U.S. ENVIRONMENTAL PROTECTION AGENCY
 Office of Pesticide Programs
 Biopesticides and Pollution Prevention Division (7511P)
 1200 Pennsylvania Ave., N.W.
 Washington, D.C. 20460

EPA Reg. Number:

62719-704

Date of Issuance:

10/27/2016

NOTICE OF PESTICIDE:

Registration
 Reregistration
 (under FIFRA, as amended)

Term of Issuance:

Unconditional

Name of Pesticide Product:

PowerCore™ Ultra Enlist™

Name and Address of Registrant (include ZIP Code):

Dow AgroSciences LLC.
 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 Biopesticides and Pollution Prevention 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 under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA or the Act).

Registration is in no way to be construed as an endorsement or recommendation of this product by the U.S. Environmental Protection Agency (EPA). In order to protect health and the environment, the Administrator, on his or her 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 the 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 unconditionally registered in accordance with FIFRA section 3(c)(5) provided that you:

1. Submit and/or cite all data required for registration or registration review of PowerCore™ Ultra Enlist™ when the EPA requires all registrants of similar products to submit such data.
2. The subject registration will automatically expire at midnight on October 31, 2028

Signature of Approving Official:

Alan Reynolds, Team Leader
 Microbial Pesticides Branch
 Biopesticides and Pollution Prevention Division (7511P)
 Office of Pesticide Programs

Date:

10/27/2016

3. Make the following labeling change before you release this product for shipment:
 - Revise the EPA Registration Number to read, “EPA Reg. No. 62719-704.”
4. The subject registration will be limited to MON 89034 field corn [*Bacillus thuringiensis* Cry1A.105 and Cry2Ab2 proteins], TC1507 [containing *Bacillus thuringiensis* Cry1F and PAT proteins], MIR 162 [*Bacillus thuringiensis* Vip3Aa20 and PMI proteins] and the genetic material necessary for their production [vectors PV-ZMIR245, PHP8999, and pNOV1300] in PowerCore™ Ultra Enlist™ corn [OECD Unique Identifier: MON-89034-3 x DAS-01507 x SYN-IR162-R x MON-00603-6]
5. This plant-incorporated protectant (PIP) may be combined through conventional breeding with other registered plant-incorporated protectants that are similarly approved for use in combination, through conventional breeding, with other registered plant-incorporated protectants to produce inbred corn lines and hybrid corn varieties with combined pesticidal traits.
6. You must commit to implementing the following Insect Resistance Management (IRM) Program, consisting of the following elements for PowerCore™ Ultra Enlist™:
 - a. Requirements relating to creation of a *non-Bacillus thuringiensis* (*Bt*) corn and/or Non-lepidopteran-resistant *Bt* corn refuge in conjunction with the planting of any acreage of PowerCore™ Ultra Enlist™ corn.
 - b. Requirements for Dow AgroSciences LLC (Dow) to prepare and require PowerCore™ Ultra Enlist™ users to sign “grower agreements,” that impose binding contractual obligations on the grower to comply with the refuge requirements.
 - c. Requirements for Dow to develop, implement, and report to EPA on programs to educate growers about IRM requirements.
 - d. Requirements for Dow to develop, implement, and report to EPA on programs to evaluate and promote growers’ compliance with IRM requirements.
 - e. Requirements for Dow to develop, implement, and report to EPA on programs to evaluate whether there are statistically significant and biologically relevant changes in susceptibility to Cry1A.105, Cry2Ab2, Cry1F, and Vip3Aa20 proteins in the target insects.
 - f. Requirements for Dow, to submit reports on units sold by state (units sold by county level will be made available to the Agency upon request), IRM grower agreement results, and the compliance assurance program including the education program upon request of the Agency, within 3 months of the request.
 - g. Requirements for Dow, on or before August 31st of each year, to submit reports on resistance monitoring.

A. Refuge Requirements for PowerCore™ Ultra Enlist™

These refuge requirements do not apply to seed increase/propagation of inbred and hybrid seed corn up to a total 20,000 acres per county and up to a combined United States (U.S.) total of 250,000 acres per plant-incorporated protectant (PIP) active ingredient per registrant per year.

When on-farm assessments identify non-compliance with refuge requirements for one or more *Bt* corn products, additional educational material and assistance will be provided by Dow to help these growers meet the refuge requirements across their farming operations.

Grower agreements (also known as stewardship agreements) will specify that growers must adhere to the refuge requirements as described in the grower guide/product use guide and/or in supplements to the grower guide/product use guide.

1. Corn-Belt Refuge Requirements

For PowerCore™ Ultra Enlist™ field corn grown outside cotton-growing areas (e.g., the Corn Belt), grower agreements (also known as stewardship agreements) will specify that growers must adhere to the refuge requirements as described in the grower guide/product use guide and/or in supplements to the grower guide/product use guide.

- Specifically, growers must plant a structured refuge of at least 5% *non-Bt* corn and/or non-lepidopteran resistant *Bt* corn that may be treated with insecticides, as detailed below, to control lepidopteran stalk-boring and other pests.
- Refuge planting options include: separate fields, blocks within fields (e.g., along the edges or headlands), perimeter strips, and strips across the field.
- External refuges must be planted within 1/2 mile.
- When planting the refuge as strips across the field or as perimeter strips, refuges must be at least 4 consecutive rows wide.
- Insecticide treatments for control of ECB, CEW, SWCB, and other lepidopteran target pests listed on the label, grower guides, or other educational material may be applied only if economic thresholds are reached for one or more of these target pests. Economic thresholds will be determined using methods recommended by local or regional professionals (e.g., Extension Service agents or crop consultants). Instructions to growers will specify that microbial *Bt* insecticides must not be applied to *non-Bt* corn and/or non-lepidopteran resistant *Bt* corn refuges.

2. Cotton-Growing Area Refuge Requirements

For PowerCore™ Ultra Enlist™ field corn grown in cotton-growing areas, grower agreements (also known as stewardship agreements) will specify that growers must adhere to the refuge requirements as described in the grower guide/product use guide and/or in supplements to the grower guide/product use guide.

- Specifically, growers in these areas must plant a structured refuge of at least 20% *non-Bt* corn and/or non-lepidopteran resistant *Bt* corn that may be treated with insecticides, as detailed below, to control lepidopteran stalk-boring and other pests.
- Refuge planting options include: separate fields, blocks within fields (e.g., along the edges or headlands), perimeter strips, and strips across the field.
- External refuges must be planted within 1/2 mile.

- When planting the refuge as strips across the field or as perimeter strips, refuges must be at least 4 consecutive rows wide.
- Insecticide treatments for control of ECB, CEW, SWCB, and other lepidopteran target pests listed on the label, grower guides, or other educational material may be applied only if economic thresholds are reached for one or more of these target pests. Economic thresholds will be determined using methods recommended by local or regional professionals (e.g., Extension Service agents or crop consultants). Instructions to growers will specify that microbial *Bt* insecticides must not be applied to *non-Bt* corn and/or non-lepidopteran resistant *Bt* corn refuges.
- Cotton-growing areas include the following states: Alabama, Arkansas, Georgia, Florida, Louisiana, North Carolina, Mississippi, South Carolina, Oklahoma (only the counties of Beckham, Caddo, Comanche, Custer, Greer, Harmon, Jackson, Kay, Kiowa, Tillman, Washita), Tennessee (only the counties of Carroll, Chester, Crockett, Dyer, Fayette, Franklin, Gibson, Hardeman, Hardin, Haywood, Lake, Lauderdale, Lincoln, Madison, Obion, Rutherford, Shelby, and Tipton), Texas (except the counties of Carson, Dallam, Hansford, Hartley, Hutchinson, Lipscomb, Moore, Ochiltree, Roberts, and Sherman), Virginia (only the counties of Dinwiddie, Franklin City, Greensville, Isle of Wight, Northampton, Southampton, Suffolk City, Surrey, Sussex), and Missouri (only the counties of Dunklin, New Madrid, Pemiscot, Scott, and Stoddard).

3. Grower Agreements for PowerCore™ Ultra Enlist™

- I. Persons purchasing PowerCore™ Ultra Enlist™ must sign a grower agreement. The term "grower agreement" refers to any grower purchase contract, license agreement, or similar legal document.
- II. The grower agreement and/or specific stewardship documents referenced in the grower agreement must clearly set forth the terms of the current IRM program. By signing the grower agreement, a grower must be contractually bound to comply with the requirements of the IRM program.
- III. Dow must integrate this registration into the current system used for its other *Bt* corn plant-incorporated protectants, which is reasonably likely to assure that persons purchasing PowerCore™ Ultra Enlist™ corn will affirm annually that they are contractually bound to comply with the requirements of the IRM program.
- IV. If Dow wishes to change any part of the grower agreement or any specific stewardship documents referenced in the grower agreement that would affect either the content of the IRM program or the legal enforceability of the provisions of the agreement relating to the IRM program, thirty (30) days prior to implementing a proposed change, Dow must submit to EPA the text of such changes to ensure that it is consistent with the terms and conditions of this registration.
- V. Dow shall maintain records of all PowerCore™ Ultra Enlist™ grower agreements for a period of three years from December 31st of the year in which the agreement was signed.
- VI. Dow shall make available upon request records of the number of units of PowerCore™ Ultra Enlist™ corn seeds sold or shipped and not returned, and the number of such units that were sold to persons who have signed grower agreements for the previous growing season, within three months of the request.

- VII. Dow must allow a review of the grower agreements and grower agreement records by EPA or by a State pesticide regulatory agency if the State agency can demonstrate that confidential business information, including names, personal information, and grower license number, will be protected.
- C. IRM Education and Compliance Monitoring Programs for PowerCore™ Ultra Enlist™ Corn**
- I. Dow must implement a comprehensive, ongoing IRM education program designed to convey to PowerCore™ Ultra Enlist™ corn users the importance of complying with the IRM program. The program shall include information encouraging PowerCore™ Ultra Enlist™ users to pursue optional elements of the IRM program relating to refuge configuration and proximity to PowerCore™ Ultra Enlist™ fields. The education program shall involve the use of multiple media, e.g. face-to-face meetings, mailing written materials, EPA-reviewed language on IRM requirements on the bag or bag tag, and electronic communications such as by internet, radio, or television commercials. Copies of the materials will be provided to EPA for its records. The program shall involve at least one written communication annually to each PowerCore™ Ultra Enlist™ corn user separate from the grower technical guide. The communication shall inform the user of the current IRM requirements. Dow shall coordinate its education program with the educational efforts of other registrants and other organizations, such as the National Corn Growers Association and state extension programs.
- II. Annually, Dow shall revise, and expand as necessary, its education program to take into account the information collected through the compliance survey and from other sources. The changes shall address aspects of grower compliance that are not sufficiently high.
- III. Within three months of EPA request, Dow shall provide copies of grower education materials and information on grower education activities including any substantive changes to these materials and activities conducted either individually or as part of a report from the industry working group, the Agricultural Biotechnology Stewardship Technical Committee (ABSTC).
- IV. Dow must implement an ongoing IRM compliance assurance program designed to evaluate the extent to which growers purchasing PowerCore™ Ultra Enlist™ corn are complying with the IRM program and that takes such actions as are reasonably needed to assure that growers who have not complied with the program either do so in the future or lose their access to Dow PIP products. Dow shall coordinate with other *Bt* corn registrants in improving its compliance assurance program and continue to integrate this amended registration into the current compliance assurance program used for its other *Bt* corn plant-incorporated protectants. Other required features of the program are described in paragraphs V-XXIII below.
- V. Dow must maintain and publicize a "phased compliance approach," i.e., a guidance document that indicates how Dow will address instances of non-compliance with the terms of the IRM program and general criteria for choosing among options for responding to any non-compliant growers after the first year of noncompliance. While recognizing that for reasons of difference in business practices there are needs for flexibility between different companies, all *Bt* corn registrants must use a consistent set of standards for responding to non-compliance. An individual grower found to be significantly out of compliance two years in a row would be denied access to Dow's *Bt* corn products the next year. Similarly, seed dealers who are not fulfilling their obligations to inform/educate growers of their IRM obligations will lose their opportunity to sell *Bt* corn

- VI. The IRM compliance assurance program shall include an annual survey, conducted by an independent third party, of a statistically representative sample of growers of PowerCore™ Ultra Enlist™ field corn who plant the vast majority of all corn in the United States and in areas in which the selection intensity is greatest. The survey shall consider only those growers who plant 200 or more acres of corn in the Corn-Belt and who plant 100 or more acres of corn in corn-cotton areas. The survey shall measure the degree of compliance with the IRM program by growers in different regions of the country and consider the potential impact of non-response. The sample size and geographical resolution may be adjusted annually, based upon input from independent marketing research firms and academic scientists, to allow analysis of compliance behavior within regions or between regions. The sample size must provide a reasonable sensitivity for comparing results across the United States.
- VII. The survey shall be designed to provide an understanding of any difficulties growers encounter in implementing IRM requirements. An analysis of the survey results must include the reasons, extent, and potential biological significance of any implementation deviations.
- VIII. The survey shall be designed to obtain grower feedback on the usefulness of specific educational tools and initiatives.
- IX. Dow shall provide a final written summary of the results of the prior year's survey (together with a description of the regions, the methodology used, and the supporting data) to EPA on or before January 31st of each year. Dow shall confer with other registrants and EPA on the design and content of the survey prior to its implementation.
- X. Dow shall revise, and expand as necessary, its compliance assurance program to take into account the information collected through the compliance survey required under paragraphs VI through VIII and from other sources. The changes shall address aspects of grower compliance that are not sufficiently high. Dow must confer with the Agency prior to adopting any changes.
- XI. Dow shall conduct an annual on-farm assessment program. Dow shall train its representatives who make on-farm visits with growers of PowerCore™ Ultra Enlist™ to perform assessments of compliance with IRM requirements. There is no minimum corn acreage size for this program. Therefore, growers will be selected for this program from across all farm sizes. In the event that any of these visits result in the identification of a grower who is not in compliance with the IRM program, Dow shall take appropriate action, consistent with its "phased compliance approach," to promote compliance.
- XII. Dow shall carry out a program for investigating legitimate "tips and complaints" that its growers are not in compliance with the IRM program. Whenever an investigation results in the identification of a grower who is not in compliance with the IRM program, Dow shall take appropriate action, consistent with its "phased compliance approach."
- XIII. If a grower, who purchases PowerCore™ Ultra Enlist™ for planting, was specifically identified as not being in compliance during the previous year, Dow shall visit with the grower and evaluate whether the grower is in compliance with the IRM program for the current year.
- XIV. Annually, Dow shall provide a report to EPA summarizing the activities carried out under their compliance assurance program for the prior year and the plans for the compliance assurance program during the current year. Within one month of submitting this report to EPA, Dow shall meet with EPA to discuss its findings. The report will include information regarding grower interactions (including, but not limited to, on-farm visits, verified tips and complaints, grower meetings and letters), the extent of noncompliance, corrective measures to address the non-compliance, and any follow-up actions taken. The report must inform EPA of the number of growers deemed ineligible to purchase *Bt* corn seed on the basis of continued non-compliance

with the insect resistance management refuge requirements. Dow may elect to coordinate information with other registrants and report collectively the results of compliance assurance programs.

- XV. Dow and the seed corn dealers for Dow must allow a review of the compliance records by EPA or by a State pesticide regulatory agency if the State agency can demonstrate that confidential business information, including the names, personal information, and grower license number of the growers will be protected.
- XVI. Dow may coordinate with other registrants in designing and implementing its Compliance Assurance Program.
- XVII. Dow will enhance the refuge education program throughout the seed delivery channel:
- a. Ensure sales representatives, licensees, seed dealers, and growers recognize the importance of correct refuge implementation and potential consequences of failure to plant the required refuge;
 - b. Include the refuge size requirement on all *Bt* corn seed bags or bag tags. The PIP product label accepted by EPA must include how this information will be conveyed to growers via text and graphics.
- XVIII. Dow will focus the majority of on-farm assessments on regions with the greatest risks for resistance:
- a. Use *Bt* corn adoption, pest pressure information, and other available information to identify regions where the risk of resistance is greatest;
 - b. Focus approximately two-thirds of on-farm assessments on these regions, with the remaining assessments conducted across other regions where the product is used.
- XIX. Dow will use its available PowerCore™ Ultra Enlist™ sales records and other information to refine grower lists for on-farm assessments of their compliance with refuge requirements:
- a. Identify for potential on-farm assessment growers whose sales information indicates they have purchased the PowerCore™ Ultra Enlist™ corn product but may have purchased little or no refuge seed from the registrant, licensee, or affiliated company.
- XX. Dow will contract with third parties to perform on-farm assessments of compliance with refuge requirements:
- a. The third-party assessors will conduct all first-time on-farm assessments as well as second year on-farm assessments of those growers found out of compliance in a first-time assessment
- XXI. Annually, Dow will refine the on-farm assessment program for the PowerCore™ Ultra Enlist™ corn product to reflect the adoption rate and level of refuge compliance for PowerCore™ Ultra Enlist™.
- XXII. Dow will follow up with growers who have been found significantly out of compliance under the on-farm assessment program and are found to be back in compliance the following year:
- a. All growers found to be significantly out of compliance in a prior year will annually be sent additional refuge assistance information for a minimum of two years by Dow, a seed supplier, or third party assessor, after completing the assessment process;
 - b. Dow will conduct follow-up checks on growers found to be significantly out of compliance within three years after they are found to be back in compliance;
 - c. A grower found with a second incident of significant non-compliance with refuge requirements for PowerCore™ Ultra Enlist™ corn within a five-year period will be denied access the next year to Dow's *Bt* corn products for which the grower is required to plant a separate structured refuge.

- XXIII. Dow will conduct and support grower education (e.g. corn clinics, certified crop advisor training, etc.) that demonstrates the economic and technology – preserving value of crop rotation as a best agronomic practice. Dow will submit to EPA a report on the grower education program (specifically including the number of education sessions/trainings held, locations, number of attendees, examples of presentation materials and grower survey results if available) upon the request of the agency within three months of the request.

D. Insect Resistance Monitoring and Remedial Action Plan for PowerCore™ Ultra Enlist™

EPA is imposing the following conditions for the Cry1A.105, Cry2Ab2, Cry1F, and Vip3Aa20 proteins, expressed in PowerCore™ Ultra Enlist™ corn:

Dow will monitor for resistance to Cry1A.105, Cry2Ab2, Cry1F, and Vip3Aa20 proteins, expressed in PowerCore™ Ultra Enlist™ corn. The monitoring program shall consist of two approaches: (1) focused population sampling and laboratory testing; and (2) investigation of reports of less-than expected control of labeled insects. Should field-relevant resistance be confirmed, an appropriate resistance management action plan will be implemented.

Focused Population Sampling

Annually, Dow shall sample and bioassay populations of the key target pests: *Ostrinia nubilalis* (European corn borer; ECB), *Diatraea grandiosella* (Southwestern corn borer; SWCB), and *Helicoverpa zea* (corn earworm; CEW). Sampling for the target pests will be focused in areas identified as those with the highest risk of resistance development (e.g., where lepidopteran-active *Bt* hybrids are planted on a high proportion of the corn acres, and where the insect species are regarded as key pests of corn). Bioassay methods must be appropriate for the goal of detecting field-relevant shifts in population response to PowerCore™ Ultra Enlist™ and/or changes in resistance-allele frequency in response to the use of PowerCore™ Ultra Enlist™ and, as far as possible, should be consistent across sampling years to enable comparisons with historical data. Each protein in PowerCore™ Ultra Enlist™ must be tested separately, rather than a mixture of the proteins, because resistance to one protein could be masked by the activity of the other. The number of populations to be collected shall reflect the regional importance of the insect species as a pest, and specific collection regions will be identified for each pest. For ECB, a minimum of 12 populations across the sampling region will be targeted for collection at each annual sampling. For SWCB, the target will be a minimum of six populations. For CEW, the target will be a minimum of 10 populations. Pest populations should be collected from multiple com-growing states reflective of different geographies and agronomic conditions. To obtain sufficient sensitivity to detect resistance alleles before they become common enough to cause measurable field damage, each population collection shall attempt to target 400 insect genomes (egg masses, larvae, mated females, and/or mixed-sex adults), but a successful population collection will contain a minimum of 100 genomes. It is recognized that it may not be possible to collect the target number of insect populations or genomes due to factors such as natural fluctuations in pest density, environmental conditions, and area-wide pest suppression. The sampling program and geographic range of collections may be modified as appropriate based on changes in pest importance and for the adoption levels of PowerCore™ Ultra Enlist™. The Agency shall be consulted prior to the implementation of such modifications. Dow will

report to the Agency by August 31st of each year, the results of the population sampling and bioassay monitoring program.

Any incidence of unusually low sensitivity to the Cry1A.105, Cry2Ab2, Cry1F, and Vip3Aa20 proteins in bioassays shall be investigated as soon as possible to understand any field relevance of such a finding. Such investigations shall proceed in a stepwise manner until the field relevance can be either confirmed or refuted, and results of these shall be reported to the Agency annually before August 31st. The investigative steps will include:

1. Re-test progeny of the collected population to determine whether the unusual bioassay response is reproducible and heritable. If it is not reproducible and heritable, no further action is required.
2. If the unusual response is reproducible and heritable, progeny of insects that survive the diagnostic concentration will be tested using methods that are representative of exposure to PowerCore™ Ultra Enlist™ under field conditions. If progeny do not survive to adulthood, any suspected resistance is not field relevant and no further action is required.
3. If insects survive steps 1 and 2, resistance is confirmed, and further steps will be taken to evaluate the resistance. These steps may include:
 - determining the nature of the resistance (i.e., recessive or dominant, and the level of functional dominance);
 - estimating the resistance-allele frequency in the original population;
 - determining whether the resistance-allele frequency is increasing by analyzing field collections in subsequent years sampled from the same site where the resistance allele(s) was originally collected;
 - determining the geographic distribution of the resistance allele by analyzing field collections in subsequent years from sites surrounding the site where the resistance allele(s) was originally collected.

Should field relevant resistance be confirmed; and the resistance appears to be increasing or spreading, Dow will consult with the Agency to develop and implement a case-specific resistance management action plan.

Investigation of Reports of Unexpected Levels of Damage by the Target Pests:

Dow will follow up on grower, extension specialist or consultant reports of unexpected levels of damage by the lepidopteran pests listed on the pesticide label. Dow will instruct its customers to contact them if such incidents occur. Dow will investigate all legitimate reports submitted to the company or the company's representatives. If reports of unexpected levels of damage lead to the suspicion of resistance in any of the key target pests (ECB, SWCB, CEW and FAW), Dow will implement the actions described below, based on the following definitions of *suspected resistance* and *confirmed resistance*.

Suspected resistance

EPA defines *suspected resistance* to mean field reports of unexpected levels of insect feeding damage for which:

- The corn in question has been confirmed to be lepidopteran-active *Bt* com;
- The seed used had the proper percentage of corn expressing *Bt* protein;
- The relevant plant tissues are expressing the expected level of *Bt* protein; and
- It has been ruled out that species not susceptible to the protein could be responsible for the damage, that no climatic or cultural reasons could be responsible for the damage, and that there could be no other reasonable causes for the damage.

EPA does not interpret *suspected resistance* to mean grower reports of possible control failures or suspicious results from annual insect monitoring assays, nor does the Agency intend that extensive field studies and testing be undertaken to confirm scientifically the presence of insects resistant to PowerCore™ Ultra Enlist™ corn in commercial production fields before responsive measures are undertaken.

If resistance is *suspected*, Dow will instruct growers to do the following:

- Use alternative control measures in PowerCore™ Ultra Enlist™ fields in the affected region to control the target pest during the immediate growing season.
- Destroy PowerCore™ Ultra Enlist™ crop residues in the affected region within one month after harvest with a technique appropriate for local production practices to minimize the possibility of resistant insects over-wintering and contributing to the next season's target pest population.

Additionally, if possible, and prior to the application of alternative control measures or destruction of crop residue, Dow will collect samples of the insect population in the affected fields for laboratory rearing and testing. Such rearing and testing shall be conducted as expeditiously as practical.

Confirmed resistance

EPA defines *confirmed resistance* to mean, in the case of field reports of unexpected levels of damage from the key target pests, that all the following criteria are met:

- There is >30% insect survival and commensurate insect feeding in a bioassay, initiated with neonate larvae, that uses methods that are representative of exposure to *Bt* corn hybrids under field conditions (ECB and SWCB only).
- In standardized laboratory bioassays using diagnostic concentrations of the *Bt* protein suited to the target pest in question, the pest exhibits resistance that has a genetic basis and the level of survivorship indicates that there may be a resistance-allele frequency of ≥ 0.1 in the sampled population.
- In standardized laboratory bioassays, the LC_{50} exceeds the upper limit of the 95% confidence interval of the LC_{50} for susceptible populations surveyed both in the original baselines developed for this pest species and in previous years of field monitoring.

Response to Confirmed Resistance in a Key Target Pest as the Cause of Unexpected Levels of Damage in the Field

- When field resistance is *confirmed* (as defined above), the following steps will be taken by Dow: EPA will receive notification within 30 days of resistance confirmation;
- Affected customers and extension agents will be notified about confirmed resistance within 30 days;
- Monitoring will be increased in the affected area and local target pest populations will be sampled annually to determine the extent and impact of resistance;
- If appropriate (depending on the resistant pest species, the extent of resistance, the timing of resistance, and the nature of resistance, and the availability of suitable alternative control measures), alternative control measures will be employed to reduce or control target pest populations in the affected area. Alternative control measures may include advising customers and extension agents in the affected area to incorporate crop residues into the soil following harvest to minimize the possibility of over-wintering insects, and/or applications of chemical insecticides;
- Unless otherwise agreed with EPA, stop sale and distribution of the relevant lepidopteran-active *Bt* corn hybrids in the affected area immediately until an effective local mitigation plan approved by EPA has been implemented;
- Dow will develop a case-specific resistance management action plan within 90 days according to the characteristics of the resistance event and local agronomic needs. Dow will consult with appropriate stakeholders in the development of the action plan, and the details of such a plan shall be approved by EPA prior to implementation;
- Notify affected parties (e.g., growers, consultants, extension agents, seed distributors, university cooperators and state/federal authorities as appropriate) in the region of the resistance situation and approved action plan; and
- In subsequent growing seasons, maintain sales suspension and alternative resistance management strategies in the affected region(s) for the *Bt* corn hybrids that are affected by the resistant population until an EPA-approved local resistance management plan is in place to mitigate the resistance.

A report on results of resistance monitoring and investigations of damage reports must be submitted to the Agency annually by August 31st each year for the duration of the conditional registration.

E. Annual Reporting Requirements for PowerCore™ Ultra Enlist™ Corn

The following annual reports must be submitted:

1. Compliance Assurance Plan: Compliance Assurance Program activities, including IRM Grower Survey and on-farm assessment results as required by this registration, for the previous year and plans for the compliance assurance program during the current year, on or before January 31st of each year.
2. Insect Resistance Monitoring Results: Results of monitoring and investigations of damage reports as required by this registration, on or before August 31st of each year.

Your release for shipment of this product constitutes acceptance of these terms. If these terms are not complied with, this registration will be subject to cancellation in accordance with FIFRA section 6(e). A stamped copy of the labeling is enclosed for your records. Please also note that the record for this product currently contains the following acceptable Confidential Statement of Formula (CSF):

- Basic CSF dated 01/06/2016

Any CSFs other than those listed above are superseded.

If you have any questions, please contact Jennifer Wingart of my team by phone at (703) 347-0100 or via email at wingart.jennifer@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alan Reynolds', with a long horizontal flourish extending to the right.

Alan Reynolds, Team Leader
Microbial Pesticides Branch
Biopesticides and Pollution
Prevention Division (7511P)

Enclosure: Stamped Label

Plant-Incorporated Protectant Label

PowerCore™ Ultra Enlist™

**(Alternate Brand Name: PowerCore™ Ultra)
(Alternate Brand Name: MON 89034 x TC1507 x MIR162
Insect-Protected Herbicide-Tolerant Corn)**

(OECD Unique Identifier: MON-89Ø34-3 × DAS-Ø15Ø7-1 × SYN-IR162-4)

Active Ingredients:

Bacillus thuringiensis Cry1A.105 protein and the genetic material (vector PV-ZMIR245) necessary for its production in corn event MON 89034 (OECD Unique Identifier: MON-89Ø34-3) ≤ 0.0129%*

Bacillus thuringiensis Cry2Ab2 protein and the genetic material (vector PV-ZMIR245) necessary for its production in corn event MON 89034 (OECD Unique Identifier: MON-89Ø34-3) ≤ 0.00489%*

Bacillus thuringiensis Cry1F protein and the genetic material (vector PHP8999) necessary for its production in corn event TC1507 (OECD Unique Identifier: DAS- Ø15Ø7-1) ≤ 0.00099%*

Bacillus thuringiensis Vip3Aa20 insecticidal protein and the genetic material necessary for its production (vector pNOV1300) in corn event MIR162 (OECD Unique Identifier: SYN-IR162-4) ≤ 0.0098%*

Other Ingredients:

The marker protein, PAT (phosphinothricin acetyl transferase), and the genetic material (vector PHP8999) necessary for its production in corn event TC1507 ≤ 0.000033*

The marker protein PMI (phosphomannose isomerase), and the genetic material (vector pNOV1300) necessary for its production in corn event MIR162 (OECD Unique Identifier: SYN-IR162-4) ≤ 0.00046%*

*Maximum percent dry weight of forage

KEEP OUT OF REACH OF CHILDREN

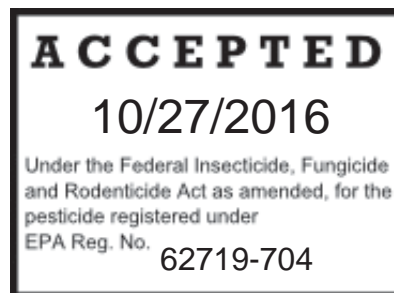
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CAUTION

EPA Registration No. 62719-xx

EPA Establishment No. 62719-IN-1

Dow AgroSciences LLC
9330 Zionsville Rd.
Indianapolis, IN 46268



DIRECTIONS FOR USE

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

This plant-incorporated protectant (PIP) may be combined through conventional breeding with other registered plant-incorporated protectants that are similarly approved for use in combination, through conventional breeding, with other registered plant-incorporated protectants to produce inbred corn lines and hybrid corn varieties with combined pesticidal traits.

PowerCore™ Ultra Enlist™ protects corn crops from leaf, stalk, and ear damage caused by lepidopteran corn pests listed on this label. In order to minimize the risk of these pests developing resistance to PowerCore™ Ultra Enlist™ corn an insect resistance management plan must be implemented which includes planting of a structured refuge. Growers who fail to comply with the IRM requirements risk losing access to Dow AgroSciences' corn PIP products that require a separate structured refuge.

These refuge requirements do not apply to seed propagation of inbred and hybrid seed corn up to a total of 20,000 acres per county and up to a combined US total of 250,000 acres per PIP active ingredient per year.

Grower agreements will specify that growers must adhere to the refuge requirements that will be described in the Product Use Guide for PowerCore™ Ultra Enlist™ corn or other applicable product use documents.

Sales of corn hybrids that contain Dow AgroSciences' Bt corn plant-incorporated pesticide(s) must be accompanied by a Product Use Guide which includes information on planting, production, and insect resistance management and notes that routine applications of insecticides to control these insects are usually unnecessary when corn containing the Bt proteins is planted.

INSECT RESISTANCE MANAGEMENT

Growers are instructed to read information on insect resistance management.

These refuge requirements do not apply to seed increase/propagation of inbred and hybrid seed corn up to a total of 20,000 acres per county and up to a combined United States (U.S.) total of 250,000 acres per plant-incorporated protectant (PIP) active ingredient per registrant per year.

The following information regarding commercial production must be included in grower guides and bag tags for PowerCore™ Ultra Enlist™ corn in cotton and non-cotton growing areas

1) *Refuge size, all regions other than the cotton growing region where corn earworm is a significant pest as defined below.* The use of PowerCore™ Ultra Enlist™ corn requires an accompanying 5% refuge consisting of non-Bt corn and/or non-lepidopteran resistant Bt corn

2) *Refuge size, the cotton growing region where corn earworm is a significant pest as defined below*.* The use of PowerCore™ Ultra Enlist™ corn requires an accompanying 20% refuge consisting of non-Bt corn and/or non-lepidopteran resistant Bt corn.

3) *Refuge location*

- Refuge planting options include: separate fields, blocks within fields (e.g., along the edges or headlands), and strips across the field.
- External refuges must be planted within ½ mile.

- When planting the refuge in strips across the field, refuges must be at least 4 rows wide.

4) *Refuge management*

- Insecticide treatments for control of European corn borer, corn earworm, southwestern corn borer and other lepidopteran target pests listed on the label, grower guides, or other educational material may be applied only if economic thresholds are reached for one or more of these target pests. Economic thresholds will be determined using methods recommended by local or regional professionals (e.g., Extension Service agents, crop consultants). Instructions to growers will specify that microbial *Bt* insecticides must not be applied to non-*Bt* corn and/or non-lepidopteran resistant *Bt* corn refuges.

*The cotton-growing region where corn earworm is a significant pest, which requires 20% refuge consists of the following states: Alabama, Arkansas, Georgia, Florida, Louisiana, North Carolina, Mississippi, South Carolina, Oklahoma (only the counties of Beckham, Caddo, Comanche, Custer, Greer, Harmon, Jackson, Kay, Kiowa, Tillman, and Washita), Tennessee (only the counties of Carroll, Chester, Crockett, Dyer, Fayette, Franklin, Gibson, Hardeman, Hardin, Haywood, Lake, Lauderdale, Lincoln, Madison, Obion, Rutherford, Shelby, and Tipton), Texas(except the counties of Carson, Dallam, Hansford, Hartley, Hutchinson, Lipscomb, Moore Ochiltree, Roberts, and Sherman), Virginia (only the counties of Dinwiddie, Franklin City, Greensville, Isle of Wight, Northampton, Southampton, Suffolk City, Surrey, and Sussex) and Missouri (only the counties of Dunklin, New Madrid, Pemiscot, Scott, and Stoddard).

Corn Insects Controlled or Suppressed

European corn borer (ECB)	<i>Ostrinia nubilalis</i>
Southwestern corn borer (SWCB)	<i>Diatraea grandiosella</i>
Southern cornstalk borer (SCSB)	<i>Diatraea crambidoides</i>
Corn earworm (CEW)	<i>Helicoverpa zea</i>
Fall armyworm (FAW)	<i>Spodoptera frugiperda</i>
Stalk borer	<i>Papaipema nebris</i>
Lesser corn stalk borer	<i>Elasmopalpus lignosellus</i>
Sugarcane borer (SCB)	<i>Diatraea saccharalis</i>
Western bean cutworm (WBC)	<i>Striacosta albicosta</i>
Black cutworm	<i>Agrotis ipsilon</i>

PowerCore™ Ultra Enlist™ is a product of Dow AgroSciences' research programs offering unique genetic characteristics for specific grower needs and may be protected by one or more of the following U.S. patents that can be found at <http://www.traitstewardship.com>.

EPA Accepted: _____