



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

SEP 07 2010

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Gary R. Orr, Ph.D.
Product Registration
Arysta Lifescience NA Corporation
15401 Weston Parkway, Suite 150
Cary, NC 27513

SUBJECT: Application for Pesticide Notification (PRN 98-10)
Request General Label Change: Comply w/ State of California Regulations
EPA Reg. No. 66330-48
Application Dated August 11, 2010

Dear Registrant:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 08/11/10 for the above product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action(s) requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-5335 or Owen F. Beeder of my staff at 703-308-8899.

Sincerely,

A handwritten signature in cursive script that reads "Rachel C. Halloman".

Paul J. Mastradone, Ph.D., Acting *for*
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs

Please read instructions on reverse before completing form. expires 05-31-98

Form Approved, OMB No. 2070-0060, Approval

 EPA	United States Environmental Protection Agency Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other:	OPP Identifier Number
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Application for Pesticide - Section I

1. Company/Product Number 66330-48	2. EPA Product Manager Mary Waller	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Captevate 68 WDG Fungicide	PM# 21	
5. Name and Address of Applicant (Include ZIP Code) Arysta LifeScience North America, LLC 15401 Weston Parkway, Suite 150 Cary, NC 27513		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 _____
<input type="checkbox"/> Check if this is a new address		

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____
<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

NOTIFICATION
SEP 07 2010

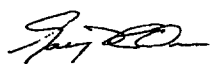
Notification of deletion of a pest per PR Notice 98-10.

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:				2. Type of Container	
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		<input type="checkbox"/> Metal	<input type="checkbox"/> Plastic
*Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
		If "Yes" Package wgt.	No. per container	<input type="checkbox"/> Other (Specify)	
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 1 gal., 2.5 gal., 5 gal., 30 gal., and bulk		5. Location of Label Directions <input type="checkbox"/> On Label <input type="checkbox"/> On labeling accompanying product	
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 Gary R. Orr, PhD	Title Regulatory Manager	Telephone No. (include Area Code) 919-678-4879
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 Gary R. Orr, PhD	5. Date August 11, 2010	



Arysta LifeScience

D# 43888er 3/13

August 11, 2010

VIA FEDEX DELIVERY

Ms. Mary Waller, PM 21
Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202-4501

Dear Ms. Waller:

**Subject: Captevate 68 WDG Fungicide
EPA Registration Number 66330-48
Notification- Deletion of Pest (specific to use in California only)**

Please find enclosed notification of Arysta LifeScience North America's deletion of the pest Spurbright from the directions for use of Captevate 68 WDG fungicide on raspberries. This deletion applies only to the state of California, with claims against this pest being retained in all other States. The following enclosures are included in this submission:

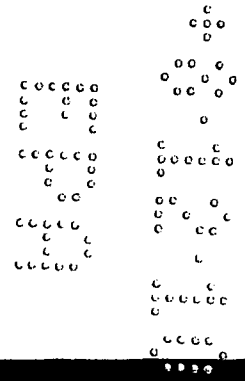
- EPA Form 8570-1 (*Application for Registration - Other*)
- One copy of the subject label with the changes clearly indicated
- One clean copy of the subject label

Should you have any questions concerning this notification, you may contact me by phone at 919-678-4879 or by email at gary.orr@arystalifescience.com.

Best regards,

Gary R. Orr, PhD
Regulatory Manager, Fungicides

Arysta LifeScience North America
15401 Weston Parkway, Suite 150, Cary, NC 27513 Phone 919-678-4900 Fax 919-678-2194
www.arystalifescience.com



NOTIFICATION

SEP 07 2010

(Front Panel)

CAPTEVATE® 68 WDG Fungicide

67.9% Water Dispersible Granule

For Use in Water as a Spray for the Control of Gray Mold (*Botrytis cinerea*), Anthracnose (*Colletotrichum* spp.), Spur blight (*Didymella applanata*) and Monilinia Diseases in Various Crops

FOR AGRICULTURAL USE ONLY

Not for Residential Use

INGREDIENTS:	By Wt.
ACTIVE INGREDIENTS:	
Fenhexamid*	14.3%
Captan**	53.6%
Captan Related Derivatives	1.2%
OTHER INGREDIENTS:	30.9%
Total	100.0%

* N-(2,3-dichloro-4-hydroxyphenyl)-1-methyl-cyclohexane carboxamide

** N-trichloromethylthio-4-cyclohexene-1,2-dicarboximide

KEEP OUT OF REACH OF CHILDREN

DANGER

PELIGRO

Si usted no entienda la etiqueta, busque alguien para que se la explique a usted en detalle.

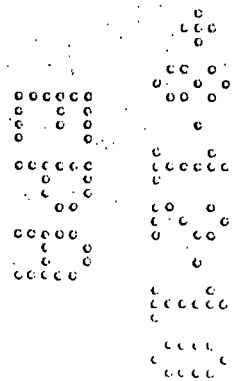
(If you do not understand the label, find someone to explain it to you in detail.)

Arysta LifeScience North America, LLC
15401 Weston Parkway, Suite 150
Cary, NC 27513

EPA Registration No. 66330-48
EPA Establishment No.

NET WEIGHT: ___ POUNDS (___ KILOGRAMS)

FIRST AID	
If in eyes	<ul style="list-style-type: none"> Hold eye open and rinse slowly and gently with warm water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. Call a poison control center or doctor for treatment advice.



If swallowed	<ul style="list-style-type: none"> • Call poison control center or doctor immediately for treatment advice. • Have person sip a glass of water if able to swallow. • Do not induce vomiting unless told so by the poison control center or doctor. • Do not give anything by mouth to an unconscious person.
If on skin or clothing	<ul style="list-style-type: none"> • 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 inhaled	<ul style="list-style-type: none"> • Move person to fresh air. • If person is not breathing, call 911 or an ambulance, then give artificial respiration preferably by mouth-to-mouth if possible. • Call a poison control center or doctor for further treatment advice.
<p>Have the product container or label with you when calling a poison control center or doctor, or going for treatment.</p>	
<p>FOR 24-HOUR EMERGENCY MEDICAL ASSISTANCE: CALL PROSAR 1-866-303-6952 FOR 24-HOUR CHEMICAL EMERGENCY (Spill, Leak, Fire or Accident) ASSISTANCE: CALL CHEMTREC 1-800-424-9300</p>	

See back panel for additional precautionary statements

PRECAUTIONARY STATEMENTS

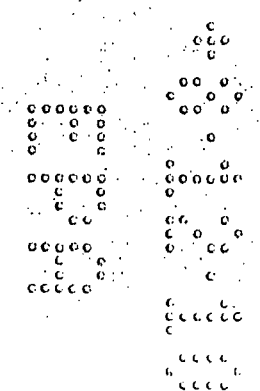
HAZARDS TO HUMANS AND DOMESTIC ANIMALS

DANGER: Causes irreversible eye damage. Do not get in eyes. Harmful if swallowed or inhaled. Avoid contact with skin, eyes and clothing. Prolonged or frequently repeated skin contact may cause allergic reaction in some individuals.

PERSONAL PROTECTIVE EQUIPMENT (PPE) Some materials that are chemical-resistant to this product are polyethylene and polyvinyl chloride. If you want more options, follow the instructions for category A on an EPA chemical-resistance category selection chart.

All mixers, loaders, applicators and other handlers must wear:

- Long-sleeved shirt and long pants,
- Shoes plus socks,
- Chemical-resistant gloves (except flaggers, applicators driving motorized equipment),
- Chemical-resistant apron when mixing loading, cleaning up spills, cleaning equipment or otherwise exposed to concentrate,
- Protective eyewear.



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.

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

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 fish and aquatic invertebrates. Drift and runoff may be hazardous to aquatic organisms in neighboring areas. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when cleaning equipment or 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.

Carefully read and understand the Directions for Use and restrictions before applying this product.

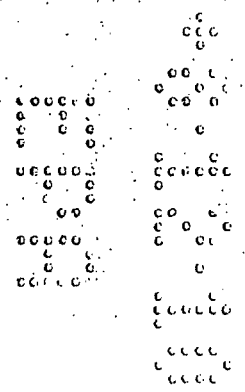
Do not apply this product in any way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

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 on this label about personal protective equipment (PPE), notification to workers, and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow entry into treated areas during the restricted entry interval (REI) of 24 hours for almond, cherry and strawberry and 48 hours for blueberry and raspberry.

PPE required 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, is: coveralls, shoes plus socks, chemical resistant gloves made of waterproof material, protective eyewear.

EYE PROTECTION

To mitigate eye irritation concerns from post-application exposures, the Agency is requiring that, for at least seven days following the application of captan,

- 1. at least one container designed specifically for flushing eyes is available in operating condition at the WPS-required decontamination site for workers entering the area treated with captan, and
- 2. workers are informed orally, in a manner they can understand:
 - that residues in the treated area may be highly irritating to their eyes,
 - that they should take precautions, such as refraining from rubbing their eyes, to keep the residues out of their eyes,
 - that if they do get residues in their eyes, they should immediately flush their eyes with the eyeflush container that is located at the decontamination site, and
 - on how to operate the eyeflush container.

DOUBLE NOTIFICATION

Notify workers of the application by warning them orally and by posting warning signs at entrances to treated areas.

GENERAL INFORMATION

CAPTEVATE 68 WDG Fungicide is a premix product containing fenhexamid, a hydroxanilide protectant fungicide having specific activity against *Botrytis* and *Monilinia* diseases, and captan, a broad-spectrum carboxamide protectant fungicide. CAPTEVATE 68 WDG Fungicide controls Gray mold (*Botrytis cinerea*) on blueberries, cherries, raspberries and strawberries, Anthracnose (*Colletotrichum* spp.) on blueberries, raspberries and strawberries, Spur blight (*Didymella applanata*) on raspberries, mummyberry (*Monilinia vaccini-corymbose*) on blueberries and Brown rot, Blossom blight and twig blight (*Monilinia* spp.) on almonds and cherries. Use this product in a program with other products to provide season-long protection and minimize the risk of resistance development. Apply as directed in the "APPLICATION" section using sufficient water to obtain thorough coverage of plants. Under severe disease conditions, use maximum rates and shorter application intervals as specified on the label. Dense foliage or excessive growth will often prevent adequate coverage; adjust spray volumes accordingly.

Avoiding spray drift from foliar applications is the responsibility of the applicator. The interaction of many equipment-and weather-related factors determine the potential for spray drift from foliar applications. To protect water resources, the applicator and the grower are responsible for considering all these factors when making decisions.

RESISTANCE MANAGEMENT

While there is no indication of cross-resistance between the active ingredients in this product and other fungicides, appropriate resistance management strategies such as a blocking program, alternation or tank mixture with other fungicides used for the diseases controlled are recommended. Do not apply more than two consecutive applications of CAPTEVATE 68 WDG Fungicide or any product containing the active ingredient fenhexamid. After the second application, use an alternative fungicide effective in controlling the labeled diseases for two applications before reapplying any product containing the active ingredient fenhexamid. Consult your local crop advisor for appropriate rotation recommendations. To avoid the development of resistant strains, DO NOT apply CAPTEVATE 68 WDG Fungicide at rates lower than recommended on this label.

COMPATIBILITY OF MIXTURES

This product is believed to be compatible with most commonly used fungicides, insecticides, micronutrients, growth regulators and spray adjuvants, with the exception of oils and strongly alkaline materials. Alkaline materials such as spray lime, lime sulfur and Bordeaux mixture will reduce the fungicidal activity of CAPTEVATE 68 WDG Fungicide. DO NOT apply CAPTEVATE 68 WDG Fungicide in combination with or immediately before or closely following oil sprays. DO NOT allow oil sprays on adjacent crops to drift onto crops that have been or will shortly be treated with CAPTEVATE 68 WDG Fungicide. Consult specific product labels for additional information. It is always advisable to conduct a tank mix compatibility test when you plan to mix this product with other products. To determine the physical compatibility of this product with other products, use a jar test: Using a quart jar, add the proportionate amounts of the products to approximately one quart of water with agitation. Add dry formulations first, then flowables, then emulsifiable concentrates last. After thorough mixing, allow this mixture to stand for 5 minutes. If the combination remains mixed or can be readily remixed, it is physically compatible. Once compatibility has been proven, use the same procedure for adding required ingredients to the spray tank. It is suggested that combinations be used on a small number of plants before treating large areas.

PREPARATION OF SPRAY SOLUTION

Read **COMPATIBILITY OF MIXTURES** section prior to any tank mixing with this product. Begin with clean equipment. Add sufficient clean water to the spray tank for one-half of the mix load. Start tank agitation. Add and properly suspend the necessary amount of product before adding any other products. Agitate to ensure thorough mixing while adding the remaining required water. If desired, add a high quality wetting agent or other spray adjuvant, approved for use on your crop, to spray solutions according to the manufacturer's use instructions. Properly suspend and dilute CAPTEVATE 68 WDG Fungicide prior to the addition of any adjuvant. When an adjuvant is to be used with this product, Arysta recommends the use of a Chemical Producers and Distributors Association (CPDA) certified adjuvant. Consult the adjuvant label or manufacturer for crop tolerance and safety information when used with this product. Maintain agitation during mixing. DO NOT allow the spray mixture to stand without agitation. Apply with properly calibrated spray equipment. If agitation is stopped for any reason, the spray solution must be thoroughly re-mixed prior to any further use.

APPLICATION AND RATE CALCULATIONS

Prepare only the amount of spray solution needed to treat the area to be sprayed. Maintain agitation during application. Apply immediately after the spray solution is prepared. If there is any delay in application, continue mix agitation. DO NOT allow the spray mixture to stand without agitation. If agitation is stopped for any reason, the spray solution must be thoroughly re-mixed prior to any further use. Rainfall or overhead irrigation within 2 hours of application will necessitate re-treatment.

Proper calibration and operation of spray equipment is essential for successful spraying. Consult the spray equipment manufacturer's operators manual, spray nozzle catalogs, and/or your crop advisor for more information.

DO NOT apply this product through any type of irrigation system.

Consult State Agricultural Experiment Stations or State Agricultural Extension Service for additional information, as the time of applications needed will vary with the local conditions.

SPRAY DRIFT MANAGEMENT

Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment-and-weather-related factors determine the potential for spray drift. The applicator and the grower are responsible for considering all these factors when making decisions.

Apply only as a medium or coarser spray (ASAE standard 572) or a volume mean diameter of 300 microns or greater for spinning atomizer nozzles.

Apply only when the wind speed is 2-10 mph at the application site.

Apply using ground equipment only (such as boom type, air blast, hand gun or mist blower sprayer). For ground boom application, do not apply with a nozzle height greater than 4 feet above the crop canopy. Where states have more stringent regulations, they should be observed. For food crops, thorough coverage of all flowers and fruiting parts is essential for control of blossom and fruit infections caused by *Botrytis* and *Monilinia* spp.

Do not replant food crops other than those for which the product is labeled within 30 days following the last application.

When using any product containing the active ingredients fenhexamid or captan, the maximum seasonal application amount must be respected. The tables below list equivalent active ingredient (AI) rates for CAPTEVATE 68 WDG Fungicide and maximum application amounts for reference.

1 lb (0.679 lb AI) CAPTEVATE 68 WDG Fungicide	Contains	
	0.143 lb AI Fenhexamid	0.536 lb AI Captan

Crop	Maximum Use Rate Per Season	
	Fenhexamid	Captan
Almond	3.0 lb AI	20 lb AI
Blueberry	3.0 lb AI	35 lb AI
Cherry	3.0 lb AI	14 lb AI
Raspberry	3.0 lb AI	10 lb AI
Strawberry	3.0 lb AI	24 lb AI

ALMONDS (Except in California)		
Diseases	Application Rate	Application Timing
Blossom blight, twig blight (<i>Monilinia</i> spp.)	3.5 – 5.25 lbs/A (2.4 - 3.6 lb AI/A)	<ul style="list-style-type: none"> • Pink bud • Full bloom • Petal fall • Up to 28 days after petal fall
Notes: <ul style="list-style-type: none"> • PHI = 30 days • Apply in sufficient water to obtain complete coverage of flowers, fruit and twigs • Do not make more than 2 consecutive applications. -- Refer to the Resistance Management section for rotation guidelines. • Do not apply more than 21.0 lbs/A/season (14.3 lbs AI/A/season). 		

BLUEBERRIES		
Disease	Application Rate	Application Timing
Gray mold (<i>Botrytis cinerea</i>)	3.5 – 4.7 lbs/A (2.4 – 3.2 lb AI/A)	<ul style="list-style-type: none"> • For Gray mold control, begin applications at 10% bloom • Continue applications through harvest • Applications should be made every 7 – 10 days or when conditions favor disease development
Mummyberry (<i>Monilinia vaccinii-corymbosi</i>) Anthracnose (<i>Colletotrichum</i> spp.)	4.7 lbs/A (3.2 lb AI/A)	<ul style="list-style-type: none"> • For Mummyberry and Anthracnose control, begin applications at early green tip and pink bud. • Continue applications through harvest. • Applications should be made every 7-10 days or when conditions favor disease development.

Notes:

- PHI = 0 days.
- Do not make more than 2 consecutive applications. -- Refer to the Resistance Management section for rotation guidelines.
- Do not apply more than 21.0 lbs/A/season (14.3 lbs A/A/season).

CHERRIES (Except California)		
Disease	Application Rate	Application Timing
Brown rot, Leaf spot, Blossom blight, Twig blight (<i>Monilinia</i> spp.)	3.75 lbs/A (2.55 lb A/A)	<ul style="list-style-type: none"> • Early bloom. • Late bloom. • 2 weeks after petal fall. • Up to day of harvest.
Gray mold (<i>Botrytis cinerea</i>)	3.5 lbs/A (2.38 lb A/A)	<ul style="list-style-type: none"> • Early bloom. • Then every 7-10 days or when conditions favor disease development. • Up to day of harvest,

Notes:

- PHI = 0 day.
- Do not make more than 2 consecutive applications. Refer to the Resistance Management section for rotation guidelines.
- Do not apply more than 18.75 lbs/A/season (12.75 lbs A/A/season).

RASPBERRIES		
Disease	Application Rate	Application Timing
Gray mold (<i>Botrytis cinerea</i>) Spur blight (<i>Didymella applanata</i>)*. Anthracnose (<i>Colletotrichum</i> spp.)	3.5 lbs/A (2.38 lb A/A)	<ul style="list-style-type: none"> • For Gray Mold control, begin applications at 10% bloom. • For Spur Blight and Anthracnose control, begin applications when blossoms are in bud (young canes are 8-10" long). • Continue applications through harvest. • Applications should be made every 7-14 days or when conditions favor disease development.

Notes:

- PHI = 3 days.
- Do not make more than 2 consecutive applications. Refer to the Resistance Management section for rotation guidelines.

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• Do not apply more than 17.5 lbs/A/season (11.9 lbs AI/A/season).
 * Not for use in California

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STRAWBERRIES

Disease	Application Rate	Application Timing
Gray mold (<i>Botrytis cinerea</i>)	3.5 - 5.25 lbs/A (2.4 - 3.6 lb AI/A)	<ul style="list-style-type: none"> For Anthracnose control, begin applications at flower bud emergence For Gray mold control, begin applications at early bloom Continue applications every 7-10 days or apply when conditions favor disease development, up to the day of harvest
Anthracnose (<i>Colletotrichum</i> spp.)	5.25 lbs/A (3.6 lb AI/A)	<ul style="list-style-type: none"> For Anthracnose control, begin applications at flower bud emergence. Continue applications every 7-10 days or apply when conditions favor disease development, up to the day of harvest.

Notes:

- PHI = 0 days
- Do not make more than two consecutive applications. Refer to the Resistance Management section for rotation guidelines
- Do not apply more than 21.0 lbs/A/season (14.3 lbs AI/A/season)
- When plastic mulch is used, do not apply within 16 feet (5 meters) of naturally vegetated or aquatic areas.

STORAGE AND DISPOSAL

PROHIBITIONS: Do not contaminate water, food or feed by storage or disposal.
PESTICIDE STORAGE: Store in a cool, dry place. Protect from excessive heat. Do not store or transport near food or feed.
PESTICIDE DISPOSAL: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.
CONTAINER DISPOSAL: Nonrefillable container. Do not reuse or refill this container. Offer bag for recycling if available, or dispose of bag in a sanitary landfill, or if allowed by State and local authorities, by burning. If burned, stay out of smoke.

Warranty and Disclaimer Statement

The directions for use of this product are believed to be adequate and must be followed carefully. However, it is impossible to eliminate all risks associated with the use of this product. Such risks may arise from weather conditions, soil factors, off-target movement, unconventional farming techniques, the presence of other materials, the manner of use or application, or other unknown factors, all of which are beyond the control of Arysta LifeScience North America, LLC ("Arysta"), and can cause crop injury, injury to non-target crops or plants, ineffectiveness of the product, or other unintended consequences. All such risks shall be assumed by the user or buyer.

Arysta warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated in the Directions for Use, subject to the inherent risks described above, when used in accordance with the Directions for Use under normal conditions. This warranty does not extend to the use of this product contrary to label instructions or under conditions not reasonably foreseeable to Arysta, and is subject to the inherent risks described above.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, ARYSTA DISCLAIMS ALL OTHER WARRANTIES, EXPRESSED OR IMPLIED, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, ARYSTA, MANUFACTURER, AND SELLER DISCLAIM AND SHALL NOT BE LIABLE FOR ANY SPECIAL, INCIDENTAL, INDIRECT, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE, HANDLING, APPLICATION, STORAGE, OR DISPOSAL OF THIS PRODUCT OR FOR DAMAGES IN THE NATURE OF PENALTIES, AND THE USER AND BUYER WAIVE ANY RIGHT THAT THEY MAY HAVE TO SUCH DAMAGES. NO AGENT, REPRESENTATIVE OR EMPLOYEE OF ARYSTA IS AUTHORIZED TO MAKE ANY WARRANTY, GUARANTEE OR REPRESENTATION BEYOND THOSE CONTAINED HEREIN OR TO MODIFY THE WARRANTIES CONTAINED HEREIN.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE TOTAL LIABILITY OF ARYSTA, MANUFACTURER, AND SELLER, SHALL BE LIMITED TO THE PURCHASE PRICE PAID, OR AT ARYSTA'S ELECTION, THE REPLACEMENT OF THE PRODUCT.

Fenhexamid was invented and is produced by Bayer AG, Germany.
CAPTEVATE® is a registered trademark of Arysta LifeScience North America, LLC

CAPTEVATE 68 WDG AD071205, NOTIFICATION 08/10/10