JAN 27 1997

Ms. P. Leanne Pruett Cheminova, Inc. 1700 Route 23, Suite 210 Wayne, New Jersey 07470

Dear Ms. Pruett:

Subject: Product Name Change, Updated Labeling, New CSFs

Cyren 2E

EPA Registration No. 67760-6

Your Application Dated September 2, 1996

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is acceptable. A stamped copy of the label is enclosed for your records.

With the acceptance of this labeling, we are also acknowledging the change of product name to "Cyren 2E." Our records will be updated to reflect this change. Additionally, the revised Confidential Statement of Formula (CSF) for the Basic Formulation (dated July 30, 1996), and the CSF for the new alternate formulation (dated August 15, 1996), are both acceptable and have been placed in the product file.

Please note, in order for us to accept this labeling, we have deleted "Mosquito Abatement Districts" from the use restriction statement on the front panel. As you are aware, this use is not being supported through the reregistration process for chlorpyrifos.

Sincerely,

DHE

Dennis H. Edwards, Jr. Product Manager 19 Insecticide-Rodenticide Branch Registration Division (7505C)

Enclosure

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# Cyren™ 2E

Controls Numerous Pests of Households, Turf and Omamental Plants. Also recommended for Area Control of Ticks and Chiggers.

To be applied only by or under the supervision of Pest Control Operators, Public Helath Organizations, Masquito Abatement Districts, and other trained personnel repsonsible for Insect Control Programs:

# **ACTIVE INGREDIENT:**

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Chlorpyrifos (O,O-diethyl O-(3,5,6-trichloro-2-pyridinyl) phosphorothioate) 24.5% INERT INGREDIENTS 75.5% TOTAL 100.0%

Contains 2 pounds of Chlorpyrifes per gallon

Cyren ™ - Trade Mark of Cheminova Agro

#### KEEP OUT OF REACH OF CHILDREN

# WARNING AVISO

Si Usted no entiende la etiqueta, busque a alguien para que se la explique a Usted en detalle. (If you do not understand this label, find someone to explain it to you in detail.)

# FIRST AID

Organophosphate

IF SWALLOWED: Do not induce vomiting. Contains xylene range aromatic solvent. Call apphysician immediately. Do not give anything by mouth to an unconscious person. Avoid alcohol,

IF ON SKIN: Wash with plenty of soap and water. Get medical attention.

IF IN EYES: Hold eyelids open and flush with steady, gentle stream for 15 minutes. Call a physician.

IF INHALED: Remove victim to fresh air. If not breathing, give artificial respiration, preferably mouth-to-mouth. Get medical attention.

NOTE TO PHYSICIAN: May pose an aspiration pneumonia hazard. Chlorpyrifos is a cholinesterase inhibitor. Treat symptomatically. Atropine only by injection is an antidote. This product is an organophosphorus ester that inhibits cholinesterase.

See Additional Precautionary Statements Inside

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Under the Federal Issessicide.
Fungicide. and Rodesticide Act
on amended. for the pessicide
registered under 67760-6
EPA Reg. No.

EPA Est. No.

Manufactured By CHEMINOVA, INC. 1700 Route 23, Suite 210 Wayne, NJ 07470

IN CASE OF A MEDICAL EMERGENCY, CALL TOLL FREE. DAY OR NIGHT, 1- 800-228-5635, Ext. 153

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# PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

## WARNING

May be fatal if swallowed. May be fatal if absorbed through skin or inhaled. Avoid breathing vapors. Keep away from food, feedstuffs and water supplies.

## PERSONAL PROTECTIVE EQUIPMENT

Some materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for category G on an EPA chemical resistance category selection chart.

WPS USES: Applicators and other handlers who handle this pesticide for any use covered by the Worker Protection Standard [40 CFR Part 170] - - in general, only agricultural - plant uses are covered - - must wear:

- 1. Coveralls over short-sleeved shirt and short pants
- Chemical-resistant glovès, such as barrier laminate or viton.
- 3. Chemical Resistant Footwear plus socks
- 4. Protective eyewear

Exception: Applicators who submerge containerized or balled/burlapped plants in tanks must wear:

- Coveralls over short-sleeved shirt and short pants
- 2. Chemical-resistant gloves, such as barrier laminate or viton
- 3. Chemical-resistant footwear plus socks
- Chemical-resistant apron
- 5. Protective eyewear

NON-WPS USES: Applicators and other handlers who handle this pesticide for any use NOT covered by the Worker Protection Standard [40 CFR part 170] - - in general, only agricultural - plant uses are covered - - must wear:

- 1. Long-sleeved shirt and long pants
- 2. Chemical-resistant gloves, such as barrier laminate or viton
- 3. Shoes plus socks
- Protective eyewear

Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them. Follow manufacturer's instructions for cleaning and maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

#### USER SAFETY RECOMMENDATIONS

#### Users should:

- 1. Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- 2. Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.

#### **ENVIRONMENTAL HAZARDS**

This pesticide is extremely toxic to fish, birds, and other wildlife. For terrestrial uses, do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Drift and runoff from treated areas may be hazardous to aquatic organisms in adjacent aquatic sites. Cover or incorporate spills. Do not contaminate water by cleaning of equipment or disposal of equipment washwaters.

#### PHYSICAL AND CHEMICAL HAZARDS

COMBUSTIBLE: Do not use or store near heat or open flame.

## **DIRECTIONS FOR USE**

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

# AGRICULTURAL USE REQUIREMENTS

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

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.

Do not enter or allow worker entry into treated areas during the restricted-entry interval (REI) of 12 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated such as plants, soil, or water, is:

- 1. Coveralls over short-sleeved shirt and short pants
- 2. Chemical-resistant gloves, such as barrier laminate or viton
- 3. Chemical-resistant footwear plus socks
- 4. Protective eyewear

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#### NON-AGRICULTURAL USE REQUIREMENTS

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

Keep children, pets and other unprotected persons out of treated area until sprays have dried.

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#### CHEMIGATION PROHIBITION

Do not apply this product through any type of imigation system.

# STORAGE AND DISPOSAL

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

Storage: Store in original container in secured dry storage area. Prevent cross-contamination with other pesticides and fertilizers. Do not store above 100°F for extended periods of time. Storage below 20°F may result in formation of crystals. If product crystallizes, store at 50° to 70°F and agitate to redissolve crystals. If container is damaged or spill occurs, use product immediately or dispose of product and damaged container as indicated below.

PESTICIDE DISPOSAL: Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

Container Disposal (CONTAINERS LESS THAN 1 GALLON): Wrap empty container in paper and dispose of in trash.

Container Disposal (METAL DRUM): Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

Container Disposal (PLASTIC): Triple rinse (or equivalent). Then puncture and dispose of in a sanitary landfill, or incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

Container Disposal (RETURNABLE / REFILLABLE CONTAINERS): Do not break or open any seals or cables. Pump out all possible product. Replace the dust cap in the one-way valve. Do not rinse the container. Return the empty container to a collection site designated by Cheminova or your distributor. If the drum has been damaged or the seals broken, please contact Cheminova at 1-800-548-6113 for instructions.

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## Pests Indoors

# General Information

Use Cyren™ 2E insecticide to control the pests indicated in the areas listed below by application as a 0.25% or 0.5% chlorpyrifos spray. Use the 0.25% spray to control light infestations and the 0.5% spray to quickly reduce heavy infestations or as directed. To prepare the spray, dilute Cyren™ 2E with water or with a suitable base oil\* as shown in the following "Spray Dilution Chart". Repeat the treatment as needed.

"Use only deodorized kerosene for oil-based sprays to be applied in food handling establishments.

Note: Where quick "knockdown" and/or "flushing action" is desired, dichlorvos (DDVP) or pyrethrins may be added to the spray mixture containing Cyren™ 2E. For best results, use DDVP at a concentration of 0.25% in both water and oil-based sprays; use pyrethrins at 0.25% in water-base and 0.5% in oil-base sprays. Consult labeling for the DDVP or pyrethrin product used to determine the amount needed to give the desired spray concentration. Also read and observe all use and handling precautions for these products. Do not use Cyren™ 2E in combination with dichlorvos (DDVP) or pyrethrins for treatment of food areas of food handling establishments. Mixtures of Cyren™ 2E and DDVP should not be sprayed on carpets.

#### **Spray Dilution Chart**

Gallons of Spray Mixture Desired	Fluid Ounces* of Cyren™ 2E to Use		
	0.25% spray	0.5% spray	
Water-base spray		_	
1	1 1/3	2 <sup>2</sup> / <sub>3</sub>	
3	4	8	
5	6 <sup>2</sup> / <sub>3</sub>	13 <sup>1</sup> / <sub>3</sub>	
10	13 <sup>1</sup> / <sub>3</sub>	26 <sup>2</sup> / <sub>3</sub>	
Oil-based spray**			
1	1	2	
3	3	· 8	
5	5	10	
10	10	20	

Note: \* 1 fluid ounce = 2 tablespoonfuls = 8 teaspoonfuls

#### Use Precautions

Do not apply water-base sprays of this product in conduits, motor housings, junction and switch boxes or other electrical equipment because of possible shock hazard. If there is a need to treat such areas use only oil-base sprays. Prior to application, de-energize electrical equipment. After application allow time for oil to evaporate before starting motors or placing switches in the "ON" position. Do not use in poultry houses. Do not allow spray to contact food, feedstuffs, and water supplies. Thoroughly wash dishes and food handling utensils with soap and water if they become contaminated by application of this product. Do not allow children or pets to contact treated surfaces until spray has dried. Remove pets and cover fish bowls (tanks) before spraying.



<sup>\*\*</sup> Calculated on basis of deodorized kerosene Approximate weight - 6.68 lbs. / gal.

Application Within Food Handling Establishments (Places Other Than Private Residences in Which Food is Held, Processed, Prepared or Served) Including, But Not Limited to, Restaurants, Grocery Stores, Bakeries, Bottling Plants, Canneries and Grain Mills

Use as a spot treatment in and around both food and nonfood areas to control Cockroaches (including strains resistant to certain other insecticides), Ants, Crickets, Firebrats, Silverfish, Spiders and stored product insects such as Confused Flour Beetles, Saw-Toothed Grain Beetles, Indian Meal Moths, Rice Weevils, Mediterranean Flour Moths and Red Flour Beetles. Apply as a coarse, low pressure (20 psi or less) spray to localized areas where the above pests have been seen or are suspected of hiding or entering. Apply only enough spray to thoroughly cover the surfaces treated using special care to avoid unnecessary runoff. Do not introduce the spray into the air or allow the spray to contact food or food-contacting surfaces. Areas treated may include dark comers of rooms and closets; along and behind baseboards; beneath and behind stoves, refrigeration units and similar food preparation areas and equipment; floor drains; and around plumbing and other utility installations.

For Ants apply to ant trails and wherever these pests may find entrance. Spot treatment may encompass crack and crevice treatment by applying small amounts of material directly into openings leading to voids and hollow spaces in walls, equipment legs and bases which occur at points between different elements of construction or between equipment and floors. Equipment capable of delivering a pinstream of insecticide should be used. Repeat treatment as needed but not more than once every 7 days in restaurants and similar food service establishments or more often than once every 14 days in other types of food handling establishments. In case of emergency (call back), Cyren 2E may be applied after 2 days from last treatment but emergency use should be limited to once per month.

Applications of this product in food handling establishments other than as a spot and/or crack and crevice treatment are not permitted.

Application Within Residential Buildings Including Homes and Apartment Buildings and Within Nonfood Areas of Industrial, Institutional, and Commercial Buildings Including Hospitals, Stores, Manufacturing Plants and Warehouses (For Spot Treatment Only)

Apply as a coarse spray or with a paint brush to localized areas where Cockroaches (including strains resistant to certain other insecticides) Ants, Clover Mites, Crickets, Firebrats, Silverfish, Spiders and stored product insects such as Confused Flour Beetles, Saw-Toothed Grain Beetles, Indian Meal Moths, Rice Weevils, Mediterranean Flour Moths and Red Flour Beetles are found or normally occur including dark corners of rooms and closets; cracks and crevices in walls; along and behind baseboards; beneath and behind sinks, stoves, refrigerators and cabinets; around plumbing and other utility installations.

For *Ants* apply to ant trails, also around doors and windows, and wherever else these pests may find entrance.

For Clover Mites use a 0.5% spray only.

Note: A period of 4 to 7 days is normally required for maximum effect on Cockroaches.

For control of *Carpet Beetles*, thoroughly apply a 0.5% spray as a spot treatment along baseboards and edges of carpeting, under carpeting, rugs, and furniture, in closets and on shelving, and wherever else these insects are seen or suspected.

For control of *Brown Dog Ticks*, thoroughly apply a 0.5% spray as a spot treatment to infested areas such as pet beds and resting quarters; nearby cracks and crevices; along and behind baseboards, window and door frames and localized areas of floor and floor covering where these pests may be present. Old bedding of pets should be removed and replaced with clean, fresh bedding after treatment. Do not treat pets with this product.

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# **Pests Outdoors**

## General Information

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Use Cyren™ 2E for control of certain pests on outside surfaces of buildings and on lawns and ornamental plants, for area control of *Ticks* and *Chiggers* amd for *Mosquito* control. Consult the following directions for dosage and application details to control the pests listed.

# Pests on Outside Surfaces of Buildings

Use Cyren<sup>TM</sup> 2E at the rate of 2 <sup>2</sup>/<sub>3</sub> fluid ounces per one gallon of water (0.5% chlorpyrifos emulsion) to control Ants, Clover Mites, Cockroaches, Crickets, Earwigs, Fleas, Flies, Millipedes, Mosquitoes, Sowbugs, Spiders and Ticks by application as a residual spray or with a paint brush to outside surfaces of buildings including porches, decks, screens, window frames, eaves, patios, garages, refuse dumps and other areas where these pests congregate or have been seen. Repeat treatment as needed to maintain effectiveness.

Note: To help prevent infestation of buildings by Ants, Crickets, Earwigs, Millipedes, and Sowbugs (Pillbugs), treat a band of soil 6 to 10 feet wide around and adjacent to buildings, also treat the building foundation to a height of 2 to 3 feet, where pests are active and may find entrance. Use 1 pint of Cyren™ 2E per 100 gallons of water and apply as a coarse spray at the rate of about 10 gallons spray mixture per 1000 square feet to thoroughly and uniformly wet the band area.

## Pests of Lawns and Other Ornamental and Recreational Turf Grass Areas

Use Cyren™ 2E to control pests listed in the following table by application at the recommended dosages and in accordance with the directions given below. Dilute Cyren™ 2E in enough water to obtain complete and uniform coverage of pest infested areas and apply as a coarse, low-pressure spray using suitable application equipment. Thoroughly water immediately after treatment to wash the insecticide into the turf, except as noted. For best results, the lawn should be moist at time of treatment.

# Dosage and Directions for Use on Lawns and other Turf Grass Areas

Pest	Dosage Cyren™ 2E per 1000 sq. ft.	Remarks
Ants Armyworms Chiggers Chinch Bugs Clover Mites Crickets Cutworms Earwigs Fleas Grasshoppers Mosquitoes Sod Webworms Ticks	1 1/2* fl. oz.	Spray when pests first appear, re-treat when needed. For sod webworms delay watering or mowing the treated areas for 12 to 24 hours after treatment
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Turfgrass Weevil (Hyperodes)	3 fl. oz.	Spray suspected problem areas in mid-April and again in mid-May or as recommended by your local agricultural extension service specialist in your area.
White Grubs (European Chafer) (Southern Masked Chafer) (Japanese Beetle Larvae)	3 - 6 fl. oz.	For white grubs spray when grubs are young and actively feeding near the soil surface, usually during late July and August or as recommended by your local agricultural extension service specialist in your area. Immediately after spraying irrigate the treated area with ½ to 1 inch of water to wash the insecticide into the underlying soil.
Bluegrass Billbug	3 - 6 fl. oz.	Spray early in the season when adults first appear. Re-treat when needed.

<sup>\* 1 1/2</sup> fl. oz. per 1000 sq. ft. = 7 1/2 fl. oz. per 5000 sq. ft. = 1 pint per 10,700 sq. ft. = 2 quarts per acre.

# **Pests of Ornamentals**

Use Cyren™ 2E to treat flowers, shrubs, vines, shade and flowering trees, and evergreens found to be infested with pests listed in the following table. Dilute Cyren™ 2E with water according to directions given in the table and apply using suitable hand or power spray equipment in a manner to provide complete and uniform coverage. For best results apply a wetting spray to both upper and lower leaf surfaces and infested limb and trunk areas. Attempt to penetrate dense foliage but avoid overspraying to the point of excessive runoff. Treat when pests appear and repeat at 7 to 10 day intervals, if needed.

**Note:** Do not use on azaleas, camellias, poinsettias, rose bushes, or variegated ivy because of possible injury to these plants.

# Use Precautions for Lawn and Ornamental Plant Pests

Keep children and pets off treated areas until spray has dried. Keep out of lawn and garden fishpools and other bodies of water.

# Wood Boring Insects Infesting Shrubs and Trees Such as Dogwood Borer, Lilac Borer, Ash Borer and Rhododendron Borer

Apply Cyren™ 2E to the trunks and lower limbs of trees and shrubs when the adults begin to emerge. Consult your state agricultural experiment station or extension service specialist for proper time to treat in your area. Mix at the rate of two quarts of Cyren™ 2E in 100 gallons of water and apply uniformly as a coarse low-pressure spray.

**Note:** *Mosquitoes* coming to rest on areas treated for control of turf and ornamental plant pests will be killed for varying periods of time after treatment, depending on exposure of treated areas to weathering conditions.

#### Peach Tree Borer

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Apply Cyren™ 2E to flowering trees and shrubs of the genus Prunus in water as a trunk spray before newly hatched larvae enter the trees. Apply as a coarse, low-pressure spray. Thoroughly wet all bark areas from ground level to scaffold limbs. Consult your state agricultural experiment station or extension service specialist for proper time to treat in your area.



#### Native Elm Bark Beetle

Prevention of Overwintering: To prevent the adult beetle from overwintering in uninfected trees and to reduce beetle populations in disease free areas, apply Cyren<sup>TM</sup> 2E as a 0.5% mixture of chlorpyrifos in water to the bottom 9 feet of trunk. Wet the trunk thoroughly but do not spray to runoff. Care should be taken to apply the spray right to the base of the root flare. Applications can be made with either a back pack mist blower or a hydraulic pressure sprayer from spring through early fall.

Prevention of Branch and Twig Feeding on High Value Elm Trees: To reduce twig and branch feeding on uninfected trees deemed to be high in value apply a 0.5% chlorpyrifos water spray to the tree crown. Application should be made in the spring or early summer using a sprayer that will give thorough coverage to the tree crown.

# Imported Fire Ant

Treatment of potted, containerized and balled and burlapped nursery stock: Use Cyren™ 2E to control imported fire ants in soil attached to roots of these plants by completely submerging the ball of soil in a tank containing Cyren™ 2E diluted at the rate of 8 fluid ounces per 100 gallons of water. Do not remove burlap wrap or plastic containers with drain holes prior to submerging. Keep soil submerged until complete saturation has occurred, normally about 30 seconds. Wear chemical—resistant gloves, boots and apron during this operation. An alternate treatment to submerging potted plants is to apply a solution containing Cyren™ 2E (8 fluid ounces per 100 gallons of water) as a substitute for plain water during routine watering activities. This solution should be applied to the point of run-off on a twice daily schedule for three consecutive days. Do not remove burlap wrap or container from plants prior to treatment. Application should be made in a well-ventilated area.

Treatment of fire ant mounds: Apply Cyren™ 2E as a drench diluted at the rate of 1 fluid ounce (30 cc) per 2 gallons of water. Gently sprinkle a total of 1 gallon of the diluted solution over the surface of each mound using a sprinkler can. Thoroughly wet mound and surrounding area to a 4 foot diameter (12 square feet). For best results apply in cool weather, 65-80°F, or in early morning or late evening hours. Treat new mounds as they appear. Pressurized sprays may disturb the ants and cause migration, reducing product effectiveness.

# Dosages and Dilutions for Use on Ornamental Plants

Pests Controlled	Amount of Cyren™ 2E in Water to make			
	3 Gallons	10 Gailons	100 Gallons	
Aphids Bagworms Eastern Tent Caterpillar Fall Webworms Grasshoppers Mites Orangestriped Oakworms Spittlebugs Whiteflies Yellownecked Caterpillar	0.5 fl. oz.	1.6 fl. oz.	1 pt.*	
Cutworms Leafhoppers Mealy Bugs Mimosa Webworms	1.0 fl. oz.	3.2 fl. oz.	1 qt.***	

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Redhumped Caterpillar Thrips (exposed)			
Ash Borer Lilac Borer Dogwood Borer Rhododendron Borer Scale Crawlers (Oak Lecanium) (Pine Needle) (Tea) (White Peach)	2.0 fl. oz.	6.4 fl. oz.	2 qt.***
Peach Tree Borer	5.8 fl. oz.	19.2 fl. oz.	6 qt.****

- Equivalent to 4 ounces of chlorpyrifos per 100 gallons
- \*\* Equivalent to 8 ounces of chlorpyrifos per 100 gallons
- \*\*\* Equivalent to 1 pound of chlorpyrifos per 100 gallons
- Equivalent to 3 pounds of chlorpyrifos per 100 gallons

# Area Control of Ticks and Chiggers

Use Cyren™ 2E to control Ticks and Chiggers infesting non-cropland areas such as roadsides, footpaths and trails, picnic and camping sites, parks and other recreational areas where these pests are present and create a nuisance or possible public health problem. Apply Cyren™ 2E in water at the rate of 1 pint per acre (equivalent to 1 fl. oz. per 2,700 sq. fl.) using a hydraulic sprayer, mist applicator, knapsack sprayer, or other suitable hand or power spray equipment. Treat low underbrush, grassy areas, weeds, and ground surface and debris using enough spray volume to obtain thorough coverage, usually 40 to 100 gallons per acre.

#### Use Precautions

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Do not allow public use of treated areas during application or until spray has dried.

# WARRANTY DISCLAIMER

Cheminova 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. CHEMINOVA MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

#### INHERENT RISKS OF USE

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

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# LIMITATION OF REMEDIES

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 Cheminova's 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

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

The terms of the Warranty Disclaimer above and this Limitation of Remedies cannot be varied by any written or verbal statements or agreements. No employee or sales agent of Cheminova or the seller is authorized to vary or exceed the terms of the Warranty Disclaimer or this Limitation of Remedies in any manner.

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Cheminova Inc.

Label code:

XXX/7143/XX/0896/HGS/001/US/13/XX

Replaces: