

68173-3

11/12/2008

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Ms. Cindy Smith
Consultant
Kaken Pharmaceutical
c/o Arysta Life Science North America, LLC
15401 Weston Parkway, Suite 150
Cary, NC 27513

NOV 12 2008

Subject: Kaken Pharmaceutical c/o Arysta Life Science North America, LLC
Endorse Water Dispersible Granules, EPA Registration No. 68173-3
Label Amendment to Add First Food Use, B63
Application Dated 5/22/7, PRIA Date 11/15/8

Dear Ms. Smith:

The amendment referred to above, submitted in connection with registration under FIFRA section 3(c)(7)(A), is acceptable provided that you:

1. Submit and/or cite all data required for registration/re-registration of your product under FIFRA section 3(c)(5) when the Agency requires all registrants of similar products to submit such data.
2. Submit two (2) copies of your final printed labeling before you release the product for shipment. Final printed labeling means the label or labeling of the product when distributed or sold. Clearly legible reproductions or photo reductions will be accepted for unusual labels, such as those silk-screened directly onto glass or metal containers or large bags or drum labels.

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

If you have any questions contact Chris Pfeifer at 703-308-0031 or by email at: pfeifer.chris@epa.gov. A stamped copy of the label is enclosed for your records.

Sincerely,

Linda A. Hollis, Chief
Biochemical Pesticides Branch
Biopesticides and Pollution
Prevention Division (7511P)

Enclosure

CONCURRENCES

SYMBOL	7511P						
SURNAME	PFEIFER						
DATE	1/6/8						

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Alternate Brand Name for ENDORSE Water Dispersible Granules:

- **VERANDA™ Water Dispersible Granules**

ENDORSE® Water Dispersible Granules

For use on Turf, Ornamentals, and Various Crops

GROUP 19 FUNGICIDE

ACTIVE INGREDIENT:

Polyoxin D zinc salt	11.3%
OTHER INGREDIENTS:	88.7%
TOTAL.....	100.0%

KEEP OUT OF REACH OF CHILDREN

CAUTION

SEE SIDE OR BACK PANEL FOR ADDITIONAL PRECAUTIONARY STATEMENTS

EPA Reg. No. 68173-3
EPA Est. No. _____

Produced for:
Kaken Pharmaceutical Co. Ltd.
Agro Chemicals and Animal Health Products Department
28-8, Honkomagome 2-chome
Bunkyo-ku, Tokyo 113-8650, Japan

For Product Information Call 1-866-761-9397

Net Content: 1 lb
2 lbs 6.4 oz (2.4 lb)

ACCEPTED

NOV 12 2008

Under the Federal Insecticide, Fungicide,
and Rodenticide Act, as amended, for
the pesticide registered under
EPA Reg. No. 68173-3

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FIRST AID	
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 in eyes	<ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water for 15-20 minutes. • Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. • Call a poison control center or doctor for treatment advice.
If 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 to do so by the poison control center or doctor. • Do not give anything by mouth to an unconscious person.
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.
HOTLINE NUMBERS	
<p>Have the product container or label with you when calling a poison control center or doctor, or going for treatment.</p> <p style="text-align: center;">FOR 24-HOUR EMERGENCY MEDICAL ASSISTANCE</p> <p style="text-align: center;">Call PROSAR at 1-866-303-6952 or 1-651-632-8946 if calling from outside of the U.S.</p>	

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION. Harmful if absorbed through the skin, swallowed or inhaled. Causes moderate eye irritation. Avoid contact with skin, eyes or clothing. Avoid breathing dust or spray mist. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco, or using the toilet. Remove and wash contaminated clothing before reuse.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

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

- Long-sleeved shirt and long pants
- Socks
- Shoes
- Chemical-Resistant gloves

User Safety Requirements

Follow the manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables are available, use detergent and hot water. Keep and wash PPE separately from other laundry.

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USER SAFETY RECOMMENDATIONS

- Users should remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Users should 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 moderately toxic to aquatic invertebrates and fish. 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 disposing of equipment washwater or rinsate. Do not allow runoff into lakes, streams, ponds or public waterways. Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas.

Granules exposed on soil surface may be hazardous to fish and aquatic invertebrates. Collect granules spilled during loading.

Observe the most restrictive of the labeling limitations and precautions of all products used in mixtures.

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 State or Tribal agency responsible for pesticide regulation.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and 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 4 hours unless wearing appropriate PPE.

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, socks, shoes, chemical resistant gloves.

NON-AGRICULTURAL USE REQUIREMENTS

The requirements in the 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 and pets out of treated area until sprays have dried.

GENERAL INFORMATION

ENDORSE Water Dispersible Granules is not for use on turf being grown for commercial seed production.

ENDORSE Water Dispersible Granules is not for homeowner use to treat food crops.

ENDORSE Water Dispersible Granules is for use in controlling or suppressing certain diseases on almonds, cucurbit vegetables, fruiting vegetables, ginseng, grapes, pistachios, pome fruits, potatoes, strawberries, ornamentals, golf courses, residential lawns, parks, and commercial and institutional grounds composed of cool and warm season grasses such as Bluegrass, Bentgrass, Fescue, Ryegrass, Zoysiagrass, or their mixtures.

Apply ENDORSE Water Dispersible Granules as a preventative or curative treatment in conjunction with good management practices.

RESISTANCE MANAGEMENT RECOMMENDATIONS

ENDORSE Water Dispersible Granules contains a Group 19 fungicide. Fungal isolates with acquired resistance to Group 19 may eventually dominate the fungal population if Group 19 fungicides are used repeatedly in the same field or in successive years as the primary method of control for targeted species. This may result in partial or total loss of control of those species by ENDORSE Water Dispersible Granules or other Group 19 Fungicides.

To delay fungicide resistance, consider:

- Avoiding the consecutive use of ENDORSE Water Dispersible Granules or other target site of action Group 19 fungicides that have a similar target site of action, on the same pathogens.
- Using tank-mixtures or premixes with fungicides from different target site of action Groups as long as the involved products are all registered for the same use and are both effective at the tank mix or prepack rate on the pathogen(s) of concern.
- Basing fungicide use on a comprehensive IPM program.
- Monitoring treated fungal populations for loss of field efficacy.
- Contacting your local extension specialist, certified crop advisors, and/or manufacturer for fungicide resistance management and/or IPM recommendations for specific crops and resistant pathogens.

MIXING AND APPLICATION

When diseases not specified on this label are present or expected, it is appropriate to mix ENDORSE Water Dispersible Granules with appropriately labeled fungicides. When tank mixing ENDORSE Water Dispersible Granules with other products, observe all precautions and limitations on each separate product label. 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. To assess the potential for phytotoxicity, test tank mixtures on a small number of plants prior to more widespread application.

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

Mixing instructions for ENDORSE Water Dispersible Granules:

- Fill spray tank with water to $\frac{1}{2}$ of the intended final volume.

- Start spray tank agitation.
- Add the appropriate amount of product to the tank according to the rates in the following tables. Follow the directions above for mixing other products in the spray tank.
- Agitate to ensure thorough mixing while adding the remaining required water.
- DO NOT allow the spray mixture to stand without agitation.

Mix only the amount of spray solution needed to treat the desired area.

For optimum control of labeled diseases, apply ENDORSE Water Dispersible Granules with sufficient water to provide a thorough coverage.

ALMONDS		
Disease Control	Rate	Application Notes
Alternaria <i>(Alternaria alternata)</i>	6.2 oz/acre (0.7 oz ai/acre)	<ul style="list-style-type: none"> • Mix in appropriate spray volume appropriate for sufficient coverage (Spray every row to ensure coverage [avoid every other row applications]). • Begin sprays preventatively and repeat on a 10–14 day interval. • 0 day Preharvest Interval. • May be applied by air or ground. • Use of an adjuvant may enhance coverage.
Notes: <ul style="list-style-type: none"> • Use in alternation with fungicides that have different modes of action. • Do not apply more than 3 applications of ENDORSE Water Dispersible Granules (2.1 oz ai/acre) per season. 		

CUCURBIT VEGETABLES		
[Chayote (fruit), Chinese waxgourd (Chinese preserving melon), Citron melon, Cucumber, Gherkin, Gourd, edible (includes hyotan, cucuzza, hechima, Chinese okra), <i>Momordica</i> spp. (includes balsam apple, balsam pear, bitter melon, Chinese cucumber), Muskmelon (includes true cantaloupe, cantaloupe, casaba, crenshaw melon, golden pershaw melon, honeydew melon, honey balls, mango melon, Persian melon, pineapple melon, Santa Claus melon, and snake melon), Pumpkin, Squash, summer (includes crookneck squash, scallop squash, straightneck squash, vegetable marrow, zucchini), Squash, winter (includes butternut squash, calabaza, hubbard squash, acorn squash, spaghetti squash), Watermelon]		
Disease Control	Rate	Application Notes
Powdery Mildew <i>(Sphaerotheca sp.)</i> Gummy Stem Blight <i>(Didymella bryoniae)</i> Gray Mold <i>(Botrytis sp.)</i> Corynespora leaf spot <i>(Corynespora cassicola)</i>	6.2 oz/acre (0.7 oz ai/acre)	<ul style="list-style-type: none"> • Mix in appropriate spray volume appropriate for sufficient coverage. • For all diseases, spray product preventatively and continue as needed on a 10-14 day interval. • 0 day Preharvest Interval.

CUCURBIT VEGETABLES		
<p>[Chayote (fruit), Chinese waxgourd (Chinese preserving melon), Citron melon, Cucumber, Gherkin, Gourd, edible (includes hyotan, cucuzza, hechima, Chinese okra), <i>Momordica</i> spp. (includes balsam apple, balsam pear, bitter melon, Chinese cucumber), Muskmelon (includes true cantaloupe, cantaloupe, casaba, crenshaw melon, golden pershaw melon, honeydew melon, honey balls, mango melon, Persian melon, pineapple melon, Santa Claus melon, and snake melon), Pumpkin, Squash, summer (includes crookneck squash, scallop squash, straightneck squash, vegetable marrow, zucchini), Squash, winter (includes butternut squash, calabaza, hubbard squash, acorn squash, spaghetti squash), Watermelon]</p>		
Disease Control	Rate	Application Notes
<p>Scab (<i>Cladosporium</i> sp.)</p> <p>Early Blight (<i>Alternaria</i> sp.)</p>		
<p>Notes:</p> <ul style="list-style-type: none"> • Use in alternation with fungicides that have different modes of action. • Do not apply more than 5 applications of ENDORSE Water Dispersible Granules (3.5 oz ai/acre) per season. 		

FRUITING VEGETABLES (Except Cucurbits)		
<p>[Eggplant, Groundcherry, Pepino, Pepper (includes bell pepper, chili pepper, cooking pepper, pimento, sweet pepper), Tomatillo, Tomato]</p>		
Disease Control	Rate	Application Notes
<p>Powdery Mildew (<i>Leveillula taurica</i>, <i>Oidiopsis sipula</i>)</p> <p>Botrytis Rot (<i>Botrytis</i> sp.)</p> <p>Early Blight (<i>Alternaria solani</i>)</p>	<p>6.2 oz/acre (0.7 oz ai/acre)</p>	<ul style="list-style-type: none"> • Mix in appropriate spray volume appropriate for sufficient coverage. • For all diseases, spray product preventatively and continue as needed on a 10-14 day interval. • 0 day Preharvest Interval.
Disease Suppression		
<p>Anthracoise (<i>Colletotricum coccodes</i>)</p>		
<p>Notes:</p> <ul style="list-style-type: none"> • Use in alternation with fungicides that have different modes of action. • Do not apply more than 5 applications of ENDORSE Water Dispersible Granules (3.5 oz ai/acre) per season. 		

GINSENG (Except California)		
Foliar Disease Control	Rate	Application Notes
<p>Alternaria blight (<i>Alternaria panax</i>)</p> <p>Botrytis blight (<i>Botrytis cinerea</i>)</p>	<p>6.2 oz/acre (0.7 oz ai/acre)</p>	<ul style="list-style-type: none"> • Apply as a foliar spray every 7–10 days. • Apply prior to disease development and when conditions are conducive for disease.¹

GINSENG (Except California)		
Root and Crown Disease Control	Rate	Application Notes
Cylindrocarpon root rot (<i>Cylindrocarpon destructans</i>)	6.2 oz/acre (0.7 oz ai/acre)	• Apply as a drench every 14 days.
Rhizoctonia root and crown rot (<i>Rhizoctonia solani</i>)		• Apply as a drench every 14–28 days.
Notes:		
<ul style="list-style-type: none"> • Apply within 2 weeks following plant emergence and continue throughout the season. • ¹Consult your local extension agent or local recommendations for information relating to proper timing for control of these diseases. • Use in alternation with fungicides that have different modes of action. • Do not apply more than 3 applications of ENDORSE Water Dispersible Granules (2.1 oz ai/acre) per season. 		

GRAPES		
Disease Control	Rate	Application Notes
Botrytis Bunch Rot (<i>Botrytis cinerea</i>) Powdery Mildew (<i>Uncinula necator</i>)	6.2 oz/acre (0.7 oz ai/acre)	<ul style="list-style-type: none"> • Mix in appropriate spray volume appropriate for sufficient coverage. • For Botrytis Bunch Rot control, spray product at veraison and 7 days prior to harvest. • For Powdery Mildew control, begin sprays preventatively and continue as needed on a 14 day interval. • 0 day Preharvest Interval. • Do not apply by air.
Notes:		
<ul style="list-style-type: none"> • Use in alternation with fungicides that have different modes of action. • Do not apply more than 3 applications of ENDORSE Water Dispersible Granules (2.1 oz ai/acre) per season. 		

PISTACHIOS		
Disease Control	Rate	Application Notes
Alternaria (<i>Alternaria</i> sp.)	6.2 oz/acre (0.7 oz ai/acre)	<ul style="list-style-type: none"> • Mix in appropriate spray volume appropriate for sufficient coverage (Spray every row to ensure coverage (avoid every other row applications)) • For both diseases, begin sprays preventatively and continue as needed on a 10–14 day interval. • 0 day Preharvest Interval. • Do not apply by air.
Disease Suppression		
Botryosphaeria blight (<i>Botryosphaeria</i> sp.)		

PISTACHIOS		
Disease Control	Rate	Application Notes
		<ul style="list-style-type: none"> • Use of an adjuvant may enhance coverage.
<p>Notes:</p> <ul style="list-style-type: none"> • Use in alternation with fungicides that have different modes of action. • Do not apply more than 3 applications of ENDORSE Water Dispersible Granules (2.1 oz ai/acre) per season. 		

POME FRUITS [Apple, Crabapple, Loquat, Mayhaw, Pear, Oriental Pear, Quince]		
Disease Control	Rate	Application Notes
Powdery Mildew <i>(Apple: Podosphaera leucotricha</i> <i>Pear: Phyllactinia mali)</i> Alternaria Leaf Spot <i>(Alternaria mali)</i> Blotch <i>(Diplocarpon mali)</i>	6.2 oz/acre (0.7 oz ai/acre)	<ul style="list-style-type: none"> • Mix in appropriate spray volume appropriate for sufficient coverage. • Start sprays for scab control at green tip and continue as needed on a 7-10 day interval. • For Powdery Mildew control, begin preventatively and repeat as necessary on a 10-14 day interval. Use of an alternation program with a sterol inhibiting fungicide is recommended. • 0 day Preharvest Interval.
Disease Suppression		
Scab <i>(Venturia sp.)</i>		
<p>Notes:</p> <ul style="list-style-type: none"> • Use in alternation with fungicides that have different modes of action. • Do not apply more than 6 applications of ENDORSE Water Dispersible Granules (4.2 oz ai/acre) per season. 		

POTATOES		
Disease Control	Rate	Application Notes
Early Blight <i>(Alternaria solani)</i>	6.2 oz/acre (0.7 oz ai/acre)	<ul style="list-style-type: none"> • Mix in appropriate spray volume appropriate for sufficient coverage. • For all diseases, spray product preventatively and continue as needed on a 10-14 day interval. • 0 day Preharvest Interval.
<p>Notes:</p> <ul style="list-style-type: none"> • Use in alternation with fungicides that have different modes of action. • Do not apply more than 5 applications of ENDORSE Water Dispersible Granules (3.5 oz ai/acre) per season. 		

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STRAWBERRIES		
Disease Control	Rate	Application Notes
Anthracnose Leaf and Fruit Rot (<i>Colletotricum</i> sp.) Botrytis Fruit Rot (<i>Botrytis cinerea</i>) Powdery Mildew (<i>Sphaerotheca macularis</i>)	6.2 oz/acre (0.7 oz ai/acre)	<ul style="list-style-type: none"> • Mix in appropriate spray volume appropriate for sufficient coverage. • Begin applications preventatively and continue as needed on a 7–10 day interval. • 0 day Preharvest Interval. • Do not apply by air. • Use of adjuvant may enhance coverage.
Notes: <ul style="list-style-type: none"> • Use in alternation with fungicides that have different modes of action. • Do not apply more than 3 applications of ENDORSE Water Dispersible Granules (2.1 oz ai/acre) per season. 		

ORNAMENTALS		
Foliar Disease Control	Rate	Application Notes
Botrytis blight (<i>Botrytis cinerea</i>)	0.25 – 0.5 lb/100 gal/acre (0.03 – 0.06 lb ai/100 gal/acre)	<ul style="list-style-type: none"> • Apply as a foliar spray every 7 – 10 days. • Apply prior to disease development and when conditions are conducive to disease development.¹
Alternaria blight (<i>Alternaria panax</i>)	0.5 lb/100 gal/acre (0.06 lb ai/100 gal/acre)	
Root and Crown Disease Control	Rate	Application Notes
Rhizoctonia root and crown rot (<i>Rhizoctonia solani</i>)	0.25 – 0.5 lb/100 gal/acre (0.03 – 0.06 lb ai/100 gal/acre)	<ul style="list-style-type: none"> • Apply as a soil drench every 14 – 28 days.
Notes: <ul style="list-style-type: none"> • ¹Consult your local extension agent or local recommendations for information relating to proper timing for control of these diseases. • Use in alternation with fungicides that have different modes of action. 		

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TURF GRASSES		
Disease	Rate	Application Notes
Control	2.4 lbs /acre (0.27 lb ai/acre in a minimum of 88 gallons of water)	<ul style="list-style-type: none"> Repeat treatment on a 7-14 day schedule where environmental conditions are conducive to development of diseases.¹ When symptoms are present, best control will be achieved by using a shorter interval. For best results apply after mowing.
Brown Patch		
Large Patch		
Aids in Control (Except California)		
Cool Weather Brown Patch (Yellow Patch) (<i>Rhizoctonia cerealis</i>)		
Foliar and Basal Anthracnose (<i>Collectotrichum graminicola</i>)		
Gray Snow Mold (<i>Typhula ishikariensis</i> and <i>Typhula incarnate</i>)		
Leaf Spot/Melting Out (<i>Dreschlera poae</i>)		
Pink Snow Mold (<i>Microdochium solani</i>)		
Red Thread (<i>Laetisaria fuciformis</i>)		
Rhizoctonia Damping Off (<i>Rhizoctonia solani</i>)		
Zoysia Patch (<i>Rhizoctonia solani</i>)		
Aids in Suppression (Except California)	1 oz/1000 sq ft in minimum of 2 gallons of water (0.27 lb ai/acre in 88 gallons of water)	<ul style="list-style-type: none"> Make two-three applications on a 7-day interval schedule. Use a penetrating wetting agent. Immediately following application, water in the treatment with sufficient irrigation (0.5-1") to wet the active root zone.
Gray Leaf Spot (<i>Pyricularia grisea</i>)		
Suppression and Short Term Control:	1 oz/1000 sq ft in minimum of 2 gallons of water (0.27 lb ai/acre in 88 gallons of water)	<ul style="list-style-type: none"> Make two-three applications on a 7-day interval schedule. Use a penetrating wetting agent. Immediately following application, water in the treatment with sufficient irrigation (0.5-1") to wet the active root zone.
Fairy Ring (including <i>Marasmius</i> spp., <i>Lepiota</i> , spp. and <i>Agarius</i> spp.)		
Notes: <ul style="list-style-type: none"> With the exception for treatment of Fairy Ring, irrigation or rainfall soon after treatment with ENDORSE Water Dispersible Granules will decrease disease control. For best control, do not irrigate for 12 hours after treatment. ¹Consult your local extension agent or local recommendations for information relating to proper timing for control of these diseases. 		

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TURF GRASSES		
Disease	Rate	Application Notes
<ul style="list-style-type: none"> Use in alternation with fungicides that have different modes of action. 		

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal.
PESTICIDE STORAGE: Store in dry place away from 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: Completely empty bag into application equipment. Then dispose of empty bag in a sanitary landfill or by incineration, or, if allowed, by State and local authorities, by burning. If burned, stay out of smoke.

**FOR 24-HOUR CHEMICAL EMERGENCY (Spill, Leak, Fire or Accident) ASSISTANCE:
CALL CHEMTREC 1-800-424-9300**

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 Kaken Pharmaceutical Co. Ltd. ("Kaken"), and can cause crop injury, injury to non-target crops or plants, ineffectiveness of the product, or other unintended consequences. To the extent consistent with applicable law, all such risks shall be assumed by the user or buyer.
- Kaken 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 Kaken, and is subject to the inherent risks described above. **TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, KAKEN 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, KAKEN, 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 KAKEN 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 KAKEN, MANUFACTURER, AND SELLER, SHALL BE LIMITED TO THE PURCHASE PRICE PAID, OR AT KAKEN'S ELECTION, THE REPLACEMENT OF THE PRODUCT.**