

71711-33

09-29-2009

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460-0001

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

September 29, 2009

Ms. Shannon Yanocha,
Registration Specialist
Nichino America, Inc.
4550 New Linden Hill Road, Suite 501
Wilmington, DE 19808-2951

Dear Ms. Yanocha:

**Subject: Amended Labeling, Deletion of Use on Pistachios
Tourismo® Insecticide, EPA Reg. No. 71711-33
Your Submission Dated August 11, 2009**

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act, as amended, is acceptable with the following provision(s):

General Statement:

1. Delete all text throughout the label marked with "strikethrough."
2. Relocate the "**AGRICULTURAL USE REQUIREMENTS**" text box to appear immediately preceding the "**DIRECTIONS FOR USE**" section.

Directions for Use section comment(s):

3. To consolidate all use restrictions on this label, add the following new subsection in its own text box immediately following the statement "**It is a violation of Federal law ...**" as follows:


USE RESTRICTIONS & PRECAUTIONS
<ul style="list-style-type: none">• Apply this product only as specified on this label.• Do not contaminate of food or feedstuffs.• Do not apply through chemigation• 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 treated area during application.• All crops listed on this label may be planted at any time. Leafy vegetables may be planted 30 days following application. Root and tuber vegetables may be planted 60 days following application. All other crops may be planted 365 days following application of this product.• For any use requirements specific to your State or Tribe, consult the agency in your State responsible for pesticide regulation.

4. Revise the subsection heading "**GENERAL INFORMATION**" to read "**USE INFORMATION.**"

A copy of your label stamped "Accepted with Comments" is enclosed for your records. Please submit two (2) copies of the final printed labeling, incorporating the above changes, before releasing the product for shipment. If these conditions are not complied with, the registration will be subject to cancellation in accordance with section 6(e) of FIFRA. Your release for shipment of the product bearing amended labeling constitutes accepting of these conditions.

If you have any questions about this label review, please contact Mr. Carmen Rodia at (703) 306-0327 or via e-mail at Rodia.Carmen@epa.gov.

Sincerely yours,

For 

Richard J. Gebken,
Product Manager (10)
Insecticide Branch,
Registration Division (7505P)

Enclosure: Label stamped "Accepted with Comments"
071711-00033 D419187

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GROUP	28	16	INSECTICIDES
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Tourismo® Insecticide

For use on Pome Fruit, Almonds, Grapes, Stone Fruit and Cotton

ACTIVE INGREDIENT:

Flubendiamide, N²-(1,1-dimethyl-2-methylsulfonylethyl)-3-iodo-N¹-{2-methyl-4-[1,2,2,2-tetrafluoro-1-(trifluoro-methyl)ethyl]phenyl}phthalamide.....12.5%
Buprofezin, [2-tert-butylimino-3-isopropyl-5-phenylperhydro-1,3,5-thiadiazin-4-one].....25.0%

OTHER INGREDIENTS: 62.5%
TOTAL 100.0%

Contains 1.17 lbs. flubendiamide and 2.33 lbs. buprofezin as active ingredient per U.S. gallon

EPA Reg. No. 71711-33

EPA Est. No. 67545-AZ-1

KEEP OUT OF REACH OF CHILDREN CAUTION

FIRST AID	
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. Call a poison control center or doctor for treatment advice.
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.
HOT LINE NUMBER	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. For additional information on this product (including health concerns and medical emergencies), you may call 1-800-348-5832. In case of fire or pesticide incidents (spills), you may call 1-800-424-9300.	

NET CONTENTS: _____

Active Ingredients Made in Japan; Formulated and Packaged in U.S.A for

ACCEPTED
With COMMENTS
In EPA Letter Dated:
September 29, 2009
Under the Federal Insecticide, Fungicide
and Rodenticide Act, As amended, for the
pesticide Registered under EPA Reg. No:

NICHINO AMERICA, INC.
4550 New Linden Hill Rd., Suite 501
Wilmington, DE 19808

71711-33

PRECAUTIONARY STATEMENTS
Hazards to Humans and Domestic Animals

CAUTION

Causes moderate eye irritation. Avoid contact with eyes or clothing. Wear protective eyewear (safety glasses, goggles, or face shield). Wash hands thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco, or using the toilet. Remove contaminated clothing and wash before reuse.

Personal Protective Equipment

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Waterproof gloves
- Shoes plus socks
- For overhead exposure, wear chemical resistant headgear

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

User Safety Recommendations

Users should:

Wash hands thoroughly 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.

ENGINEERING CONTROLS STATEMENT

When handlers use closed systems, enclosed cabs, or aircraft 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.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to aquatic invertebrates. 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. Do not contaminate water when cleaning equipment or disposing of equipment washwater or rinsate.

Ground Water Advisory

Flubendiamide and its degradate NNI-0001-des-iodo have properties and characteristics associated with chemicals detected in groundwater. This chemical may leach into groundwater if used in areas where soils are permeable, particularly where the water table is shallow.

Surface Water Advisory

Flubendiamide and its degradate NNI-0001-des-iodo may also impact surface water quality due to runoff of rainwater. This is especially true for poorly draining soils and soils with shallow groundwater. These chemicals are classified as having a medium potential for reaching both surface water and aquatic sediment via runoff several months or more after application. A vegetative buffer strip as required under Directions for Use will reduce the potential for loading of flubendiamide and its degradate NNI-0001-des-

iodo from runoff water and sediment. Runoff of this product will be reduced by avoiding applications when rainfall is forecasted to occur within 48 hours.

DIRECTIONS FOR USE

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

~~Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency in your State 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 (PPE) 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 worker entry into treated areas during the restricted entry interval (REI) of 12 hours following application.

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:

- Coveralls worn over short-sleeved shirt and short pants
- Socks
- Chemical-resistant footwear
- Protective eyewear (such as safety glasses, goggles, or face shield)
- Chemical-resistant gloves (such as nitrile or butyl)
- Chemical-resistant headgear

When mixing and loading, wear a chemical-resistant apron. When cleaning equipment, wear a chemical-resistant apron.

GENERAL INFORMATION

TOURISMO Insecticide is a suspension concentrate which contains 3.5 lbs of active ingredients per gallon. This product is a contact insecticide used for the control of Lepidopteran and Homopteran insect pests in field, vine and orchard crops. **TOURISMO Insecticide** should be used in a program with other products to provide season long protection. Apply as a spray as directed in the "Application Directions" section of this label.

TOURISMO Insecticide works primarily through contact action, so good spray coverage is necessary. Mix with sufficient water and apply as a foliar spray to obtain uniform coverage. Dense foliage or excessive growth will often prevent adequate coverage; adjust spray volumes accordingly. Treat plants when pests are immature or at a susceptible stage and populations are building, before crop damage occurs.

This product is not for sale, sale into, distribution, and or use in Nassau and Suffolk counties of New York State.

Use in enclosed structures, such as greenhouses or planthouses, is not permitted unless specified otherwise by state-specific supplemental labeling.

BUFFER ZONES**Vegetative Buffer Strip**

Construct and maintain a minimum 15-foot wide vegetative filter strip of grass or other permanent vegetation between field edge and down gradient aquatic habitat (such as, but not limited to, lakes; reservoirs; rivers; permanent streams; marshes or natural ponds; estuaries; and commercial fish farm ponds).

Only apply products containing flubendiamide onto fields where a maintained vegetative buffer strip of at least 15 feet exists between the field edge and down gradient aquatic habitat.

For guidance, refer to the following publication for information on constructing and maintaining effective buffers: Conservation Buffers to Reduce Pesticide Losses. Natural Resources Conservation Services. USDA, 2000. Fort Worth, TX. 21 pp.
<http://www.wsi.nrcs.usda.gov/products/W2Q/pest/docs/newconbuf.pdf>

SPRAY DRIFT REDUCTION MANAGEMENT

Do not apply when wind speed favors drift beyond the area intended for treatment. The interaction of many equipment and weather related factors determine the potential for spray drift. The applicator is responsible for considering all of these factors when making application decisions. Avoiding spray drift is the responsibility of the applicator.

Importance of Droplet Size:

An important factor influencing drift is droplet size. Small droplets (<150 - 200 microns) drift to a greater extent than large droplets. Within typical equipment specifications, applications should be made to deliver the largest droplet spectrum that provides sufficient control and coverage. Use only Medium or coarser spray nozzles (for ground and non-ULV aerial application) according to ASAE (S572) definition for standard nozzles. In conditions of low humidity and high temperatures, applicators should use a coarser droplet size.

Ground Applications:

Wind speed must be measured adjacent to the application site on the upwind side, immediately prior to application. For ground boom applications, apply using a nozzle height of no more than 4 feet above the ground or crop canopy. For airblast applications, turn off outward pointing nozzles at row ends and when spraying the outer two (2) rows. To minimize spray loss over the top in orchard applications, spray must be directed into the canopy.

Aerial Applications:

The spray boom should be mounted on the aircraft so as to minimize drift caused by wing tip vortices. The minimum practical boom length should be used, and must not exceed 75% of the wing span or 80% rotor diameter. Flight speed and nozzle orientation must be considered in determining droplet size. Spray must be released at the lowest height consistent with pest control and flight safety. Do not release spray at a height greater than 10 feet above the crop canopy unless a greater height is required for aircraft safety. When applications are made with a cross-wind, the swath will be displaced downwind. The applicator must compensate for this displacement at the downwind edge of the application area by adjusting the path of the aircraft upwind. Making applications at the lowest height that is safe reduces the exposure of the droplets to evaporation and wind.

Wind Speed Restrictions:

Drift potential increases at wind velocities of less than 3 mph (due to inversion potential) or more than 10 mph. However, many factors, including droplet size, canopy and equipment specifications determine drift potential at any given wind speed. Only apply this product if the wind direction favors on-target deposition. Do not apply when wind velocity exceeds 15 mph and avoid gusty and windless conditions. Risk of exposure to sensitive aquatic areas can be reduced by avoiding applications when wind direction is toward the aquatic area.

Restrictions During Temperature Inversions:

Do not make ground applications during temperature inversions. Drift potential is high during temperature inversions. Temperature inversions restrict vertical air mixing, which causes small suspended droplets to remain close to the ground and move laterally in a concentrated cloud. Temperature inversions are characterized by stable air and increasing temperatures with altitude and are common on nights with limited cloud cover and light to no wind. They begin to form as the sun sets and often continue into the morning. Their presence can be indicated by mist or ground fog; however, if fog is not present, inversions can also be identified by the movement of smoke from a ground source. Smoke that layers and moves laterally near the ground surface in a concentrated cloud (under low wind conditions) indicates an inversion, while smoke that moves upward and rapidly dissipates indicates good vertical mixing.

INSECT RESISTANCE MANAGEMENT

TOURISMO Insecticide contains two active ingredients with different modes of action. Flubendiamide is classified by IRAC in Group 28-ryandodine receptor modulators. Buprofezin is classified by IRAC in Group 16- chitin synthesis inhibitors. Cross-resistance between these classes of chemistry and other modes of action has not been documented. However, repeated use of the same chemistry has been shown to result in the buildup of resistant strains of insects. Rotate the use of **TOURISMO Insecticide** with alternate mode of action insecticides.

Consult your local horticultural advisor for the most appropriate alternative products. Resistance management strategies recommend that you DO NOT apply rates lower than recommended on the label. For best results and for resistance management practices, do not use alternate row middle sprays. Do not make more applications of **TOURISMO Insecticide** than permitted on the label in a single growing season. Also, for more information about Insect Resistance Management (IRM), visit the Insecticide Resistance Action Committee (IRAC) on the web at <http://www.irc-online.org>.

MIXING DIRECTIONS

Shake well before using. Read and follow all label directions for each tank mix product prior to any tank mixing with **TOURISMO Insecticide**. This product can be mixed with other registered pesticides for use on labeled crops or sites, in accordance with the most restrictive use directions and precautions. No labeled dose rate should be exceeded. **TOURISMO Insecticide** cannot be mixed with any product containing a label prohibition against such mixing.

TOURISMO Insecticide ALONE: Begin with clean equipment. Fill spray tank with $\frac{3}{4}$ of the amount of water needed for the intended application and then turn on agitation. Pour recommended amount of product on the surface of water in the spray tank. Add the balance of the water to the spray tank with agitation running. Keep agitation running during filling and spraying operations. If spraying must be stopped before emptying the sprayer, resumè agitation before spraying the remainder of the load.

TOURISMO Insecticide TANK MIXTURES: Follow all use directions as listed above under **TOURISMO Insecticide ALONE** with the following exception: after the **TOURISMO Insecticide** is thoroughly mixed and the tank is $\frac{3}{4}$ full, add the recommended amount of wettable powder, soluble powder, flowable, emulsifiable concentrate, or soluble liquid product, **while maintaining agitation**. Then continue adding water to the tank to achieve the desired level, while maintaining agitation.

TOURISMO Insecticide TANK MIXTURES WITH PRODUCTS IN WATER-SOLUBLE PACKAGING: Follow all use directions as listed above under **TOURISMO Insecticide ALONE** with the following exception: add the desired number of water-soluble bags to the tank (if allowed by their label instructions) at the same time the **TOURISMO Insecticide** is added. **Note:** If using products in water soluble packaging, do not tank mix with products that contain boron, chromium, or other micronutrients.

TOURISMO Insecticide is physically and biologically compatible with many registered pesticides, fertilizers or micronutrients. Contact your supplier for advice when considering mixing **TOURISMO Insecticide** with other pesticides, fertilizers or micronutrients. For further information, contact your local Nichino America Representative. If you have no experience with the combination you are considering, you should conduct a test to determine physical compatibility. To determine physical compatibility, add the recommended proportions of each chemical with the same proportion of water, as will be present in the chemical supply tank, into a suitable container, mix thoroughly and allow to stand for five minutes. If the combination remains mixed, or can be readily re-mixed, the mixture is considered physically compatible.

APPLICATION DIRECTIONS

Applications should be made immediately after the spray solution is prepared. Thorough spray coverage is essential for effective control. Applications may be made with high or low volume spray equipment that provides thorough coverage of the plant. Apply with properly calibrated spray equipment. For best results, apply when pest populations are beginning to build, before reaching economic thresholds. Consult your local agricultural advisor, state cooperative extension service, or regional Nichino America representative for recommendations.

~~USE PRECAUTIONS~~

- ~~All crops listed on this label may be planted at any time. Leafy vegetables may be planted 30 days following application. Root and tuber vegetables may be planted 60 days following application. All other crops may be planted 365 days following application of this product.~~
- ~~Do not apply through any type of irrigation system. Do not apply by chemigation.~~

APPLICATION RATE CHART FOR
TOURISMO Insecticide

Crop	Pests Controlled	Rate (TOURISMO Insecticide per acre)	Spray Volume	Use Directions and Restrictions
<p>POME FRUIT OF CROP GROUP 11 INCLUDING:</p> <p>Apple Crabapple Loquat Mayhaw Pear Oriental Pear Quince</p>	<p>Codling Moth</p> <p>Use TOURISMO Insecticide in a complete program with other registered products and non-chemical measures such as mating disruption. Follow local university recommendations regarding pest life cycle development. TOURISMO Insecticide is effective only against larval stages, so use in conjunction with ovicides and/or adulticides will provide best control.</p>	<p>15.0 to 17.0 fluid ounces</p>	<p>Apply TOURISMO Insecticide in a minimum of 100 gallons of water per acre using ground sprayer or airblast (air assist) spray equipment. Use higher spray volume to provide adequate coverage in larger trees with dense foliage.</p>	<ul style="list-style-type: none"> • Do not enter or allow entry into treated areas during the restricted entry interval (REI) of 12 hours. • Do not apply within 14 days of harvest. • Do not apply more than 46 fluid ounces of product per acre per crop season. • Allow at least 7 days between applications. • Do not apply more than 3 times per crop season. • Do not apply by using alternate row middle spray application method.
	<p>Eyespotted bud moth Fruit tree leafroller Green fruitworm Lacanobia fruitworm Lesser appleworm Mealybug (suppression) Obliquebanded leafroller Oriental fruit moth Pandemis leafroller Redbanded leafroller San Jose Scale (suppression) Spotted tentiform leafminer Tufted apple budmoth Variegated leafroller Western tentiform leafminer White apple leafhopper (suppression)</p>	<p>12.0 to 17.0 fluid ounces</p>		

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Crop	Pests Controlled	Rate (TOURISMO Insecticide per acre)	Spray Volume	Use Directions and Restrictions
ALMONDS	Fall Webworm Filbertworm Hickory shuckworm Navel orangeworm Obliquebanded leafroller Omnivorous leafroller Peach twig borer Pecan casebearer Redhumped caterpillar San Jose Scale (suppression) Walnut caterpillar	10.0 to 14.0 fluid ounces	Apply TOURISMO Insecticide in a minimum of 100 gallons of water per acre using ground sprayer or airblast (air assist) spray equipment. Use higher spray volume to provide adequate coverage in larger trees with dense foliage.	<ul style="list-style-type: none"> • Do not enter or allow entry into treated areas during the restricted entry interval (REI) of 12 hours. • Do not apply within 60 days of harvest. • Do not apply more than 37 fluid ounces of product per acre per crop season. • Allow at least 7 days between applications. • Do not apply more than 3 times per crop season.

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Crop	Pests Controlled	Rate (TOURISMO Insecticide per acre)	Spray Volume	Use Directions and Restrictions
GRAPES	Cutworms Grape berry moth Grape leaffolder Grapeleaf skeletonizer Leafhopper (suppression) Mealybug Obliquebanded leafroller Omniovorus leafroller Orange tortrix Redbanded leafroller	10.0 to 14.0 fluid ounces	Apply TOURISMO Insecticide in a minimum of 50 gallons of water per acre using ground sprayer or airblast (air assist) spray equipment. Use higher spray volume in mature vineyards with dense foliage to ensure adequate coverage.	<ul style="list-style-type: none"> • Do not enter or allow entry into treated areas during the restricted entry interval (REI) of 12 hours. • Do not apply within 7 days of harvest. • Do not apply more than 37 fluid ounces of product per acre per crop season. • Allow at least 14 days between applications. • Do not apply more than 3 times per crop season.

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Crop	Pests Controlled	Rate (TOURISMO Insecticide per acre)	Spray Volume	Use Directions and Restrictions
<p>STONE FRUIT OF CROP GROUP 12 INCLUDING:</p> <p>Apricot Cherry (sweet and tart) Nectarine Peach Plum (includes Chickasaw plum, Damson plum, and Japanese plum) Plumcot Prune (fresh and dried)</p>	<p>Codling Moth* Cherry Fruitworm Eye spotted bud moth Fruittree leafroller Green fruitworm Lesser appleworm Mealybug (suppression) Obliquebanded leafroller Omnivorus leafroller Oriental fruit moth Pandemis leafroller Peach Twig Borer Redbanded leafroller Redhumped caterpillar San Jose Scale (suppression) Spotted tentiform leafminer Threelined leafroller Tufted apple budmoth Variegated leafroller</p>	<p>10.0 to 14.0 fluid ounces</p>	<p>Apply TOURISMO Insecticide in a minimum of 50 gallons of water per acre using ground sprayer or airblast (air assist) spray equipment. Use higher spray volume to provide adequate coverage in larger trees with dense foliage.</p>	<ul style="list-style-type: none"> • Do not enter or allow entry into treated areas during the restricted entry interval (REI) of 12 hours. • Do not apply within 14 days of harvest. • Do not apply more than 37 fluid ounces of product per acre per crop season. • Allow at least 14 days between applications. • Do not apply more than 3 times per crop season. • Do not apply by using alternate row middle spray application method.

*control of codling moth on plums only

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Crop	Pests Controlled	Rate (TOURISMO Insecticide per acre)	Spray Volume	Use Directions and Restrictions
COTTON	Beet armyworm Cabbage looper Cotton bollworm Cotton leafworm Cotton leaf perforator Cutworm species European corn borer Fall armyworm Omnivorous leafroller Saltmarsh caterpillar Soybean looper Tobacco budworm True armyworm Yellow-striped armyworm	7.0 to 12.0 fluid ounces	Apply TOURISMO Insecticide using ground spray equipment in a minimum of 10 gallons of water per acre to ensure uniform, adequate coverage. For aerial application, apply TOURISMO Insecticide in a minimum of 5 gallons of water per acre.	<ul style="list-style-type: none"> • Do not enter or allow entry into treated areas during the restricted entry interval (REI) of 12 hours. • Do not apply within 28 days of harvest. • Do not apply more than 27 fluid ounces of product per acre per crop season. • Allow at least 28 days between applications. • For early season use, when cotton is less than 10 inches in height, apply in a directed spray using ground spray equipment. • Do not apply more than 3 times per crop season.
	Whitefly (suppression)	12.0 fluid ounces		

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STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in original container, unopened in a cool, dry place.

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: Non-refillable container. Do not reuse or refill this container. Triple rinse, or equivalent, promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container ¼ full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedures approved by State or local authorities.

IMPORTANT: READ BEFORE USE

By using this product, user or buyer accepts the following conditions, warranty, disclaimer of warranties and limitations of liability.

CONDITIONS: The directions for use of this product are believed to be accurate and must be followed carefully. However, because of extreme weather and soil conditions, use methods and other factors beyond the control of Nichino America, Inc. (NAI), it is impossible for NAI to eliminate all risks associated with the use of this product. As a result, crop injury or ineffectiveness is always possible. To the extent consistent with applicable law, all such risks are assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THERE ARE NO WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE OR OTHERWISE, WHICH EXTEND BEYOND THE STATEMENTS MADE ON THIS LABEL. No agent of NAI is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. To the extent consistent with applicable law, NAI disclaims any liability whatsoever for incidental or consequential damages, including, but not limited to, liability arising out of breach of contract, express or implied warranty (including warranties of merchantability and fitness for a particular purpose), tort, negligence, strict liability or otherwise.

LIMITATIONS OF LIABILITY: TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER IN CONTRACT, WARRANTY, TORT, NEGLIGENCE, STRICT LIABILITY OR OTHERWISE, SHALL NOT EXCEED THE PURCHASE PRICE PAID, OR AT THE ELECTION OF NICHINO AMERICA, THE REPLACEMENT OF PRODUCT.

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Protected by US patent # 6603004

REVISION: 080309