

71711-33

9/30/2014

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

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

September 30, 2014

Ms. Lydia Cox, Ph.D., DABT  
Director of Regulatory Affairs  
Nichino America, Inc.  
4550 New Linden Hill Road, Suite 501  
Wilmington, DE 19808-2951

**Subject: Label Amendment – Addition of Editing Changes**  
**Product Name: TOURISMO® Insecticide**  
**EPA Registration Number: 71711-33**  
**Application Date: August 15, 2014**  
**Decision Number: 494789**

Dear Ms. Cox:

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

A stamped copy of your labeling is enclosed for your records. This labeling supersedes all previously accepted labeling. You must submit one copy of the final printed labeling before you release the product for shipment with the new labeling. In accordance with 40 CFR § 152.130(c), you may distribute or sell this product under the previously approved labeling for 18 months from the date of this letter. After 18 months, you may only distribute or sell this product if it bears this new revised labeling or subsequently approved labeling. "To distribute or sell" is defined under FIFRA section 2(gg) and its implementing regulation at 40 CFR 152.3.

Your release for shipment of the product constitutes acceptance of these conditions. If these conditions are not complied with, the registration will be subject to cancellation in accordance with section 6(e) of FIFRA. If you have any questions about this label review, please contact Mr. Carmen J. Rodia, Jr. at (703) 306-0327 or via e-mail at [Rodia.Carmen@epa.gov](mailto:Rodia.Carmen@epa.gov).

Sincerely,

A handwritten signature in black ink that reads "Richard J. Gebken".

Richard Gebken  
Product Manager 10  
Insecticide Branch  
Office of Pesticide Programs  
Date: September 30, 2014

Enclosure:  
071711-00033 D494789

Amended Master Label Stamped "Accepted," dated September 30, 2014

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# NICHINO AMERICA®

GROUP	28	16	INSECTICIDES
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**ACCEPTED**

**09/30/2014**

Under the Federal Insecticide, Fungicide and Rodenticide Act as amended, for the pesticide registered under EPA Reg. No. 71711-33

## TOURISMO® Insecticide

Marketing Brand: TOURISMO insecticide

### ACTIVE INGREDIENTS:

Flubendiamide: Benzenedicarboxamide, N2-[1,1-dimethyl-2-(methylsulfonyl) ethyl]-3-iodo-N1-[2-methyl-4-[1,2,2,2-tetrafluoro-1-(trifluoromethyl)ethyl] phenyl]	12.5%
Buprofezin: 4H-1,3,5-Thiadiazin-4-one, 2-[(1,1-dimethylethyl)imino]tetrahydro-3-(1-methylethyl)-5-phenyl-	25.0%

OTHER INGREDIENTS:	62.5%
<b>TOTAL</b>	<b>100.0%</b>

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.

**KEEP OUT OF REACH OF CHILDREN  
CAUTION**

FIRST AID	
If in eyes	<ul style="list-style-type: none"> <li>• Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li> <li>• Remove contact lenses, if present, after the first 5 minutes, then continue rinsing.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
If on skin or clothing	<ul style="list-style-type: none"> <li>• Take off contaminated clothing.</li> <li>• Rinse skin immediately with plenty of water for 15-20 minutes.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
HOTLINE 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 pesticide product (including human health concerns and medical emergencies), you may call 1-800-348-5832. In case of fire or spills, information may be obtained by calling 1-800-424-9300.	

NET CONTENTS: \_\_\_\_\_

Formulated and Packaged in U.S.A. for  
**NICHINO AMERICA, INC.**  
 4550 New Linden Hill Rd., Suite 501  
 Wilmington, DE 19808  
 888-470-7700

**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 (PPE)**

**Applicators and other handlers must wear:**

- Long-sleeved shirt and long pants
- Waterproof gloves
- Shoes plus socks

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 well-maintained vegetative buffer strip between areas to which this product is applied and surface water features such as ponds, streams and springs, as required under the 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 treated area during application.

For any use 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)

#### **USE INFORMATION**

TOURISMO insecticide is formulated as a suspension concentrate containing two active ingredients, flubendiamide (1.17 lbs) and buprofezin (2.33 lbs) with a total of 3.5 lbs per gallon. This product is used for the control of Lepidopteran and suppression of Hemipteran insect pests. TOURISMO insecticide is active on lepidoptera by larval ingestion leading to a rapid cessation of feeding followed by death of the insect. TOURISMO is also suppressive by contact action against the nymphal stages of listed hemipteran pests (whiteflies, scales, mealybugs, planthoppers, and leafhoppers) by inhibiting chitin biosynthesis, suppressing oviposition of adults, and reducing viability of eggs. TOURISMO insecticide should be used in a program with other products to provide season-long protection.

Good spray coverage is necessary for maximum results. 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.

#### **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 or state cooperative extension service for recommendations.

## 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, Website link: <http://www.in.nrcs.usda.gov/technical/agronomy/newconbuf.pdf>

### USE RESTRICTIONS

- Apply this product only as specified on this label.
- Do not contaminate food or feedstuffs.
- **This product is not for sale, sale into, distribution, and/or use in Nassau or Suffolk counties of New York State.**
- Aerial application is prohibited in New York State.
- This product cannot be applied within 100 feet of a water body (lake, pond, river, stream, wetland, or drainage ditch) in New York State.
- Do not apply this product through any type of irrigation system.
- Do not apply by chemigation.
- Use in enclosed structures, such as greenhouses or planhouses, is not permitted unless specified otherwise by state-specific supplemental labeling.

### CROP ROTATIONAL RESTRICTIONS:

CROP/CROP GROUP	PLANTBACK TIMING
All crops listed on this label	0 days following application
Cereal grains	30 days following application
Alfalfa; Peanuts; Safflower; Soybean; Sugarcane; Sunflower; Tobacco; Vegetables - Legume (except Snap Beans); Root, Tuber and Bulb	60 days following application
All other crops	9 months following application

### RESISTANCE MANAGEMENT

TOURISMO insecticide contains two active ingredients with different modes of action. Flubendiamide is classified by IRAC in Group 28-ryanodine receptor modulators. Buprofezin is classified by IRAC in Group 16- chitin biosynthesis inhibitors. Cross-resistance between these classes of chemistry and other modes of action has not been documented. However, repeated use of the same crop protection product may increase development 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. For best results, and for resistance management practices, do not use alternate row middle sprays.

Unless directed otherwise in the specific crop/insect sections of the label, the following practices are recommended to prevent or delay the development of insecticide resistance to TOURISMO insecticide:

- Do not apply TOURISMO insecticide or other Group 28 insecticides to successive generations of the same insect pest. Multiple successive applications of TOURISMO insecticide are acceptable if they are used to treat a single insect generation.
- Avoid using less than labeled rates when applied alone or in tank mixtures.
- Target most susceptible insect life stages, whenever possible.
- Incorporate IPM techniques into the overall pest management program.

For additional information on insect resistance, modes of action, and monitoring, visit the Insecticide Resistance Action Committee (IRAC) on the web at <http://www.irac-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, resume 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 is physically and biologically compatible with many registered pesticides, fertilizers or micronutrients. 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 remixed, the mixture is considered physically compatible.

**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.

**APPLICATION RATE CHART FOR  
TOURISMO INSECTICIDE**

<b>Cotton</b>		
<b>Pest</b>	<b>Rate/Acre</b>	<b>Notes and Use Restrictions</b>
Armyworms Cabbage looper Cotton bollworm Cotton leafworm Cotton leafperforator Cutworm species European corn borer Omnivorous leafroller Saltmarsh caterpillar Soybean looper Tobacco budworm	7.0 to 12.0 fl oz/acre	<ul style="list-style-type: none"> <li>• Apply in a minimum of 10 gallons of water per acre using ground spray equipment to ensure uniform, adequate coverage.</li> <li>• For aerial application, apply in a minimum of 5 gallons of water per acre.</li> <li>• For early season use, when cotton is less than 10 inches in height, apply in a directed spray using ground spray equipment.</li> <li>• Do not make more than 3 applications per growing season.</li> <li>• Allow at least 28 days between applications.</li> <li>• Do not apply more than 27.0 fl oz per acre per growing season.</li> </ul>
Whiteflies*	12.0 fl oz/acre	<ul style="list-style-type: none"> <li>• Preharvest Interval (PHI): 28 days</li> </ul>
*suppression		

<b>Grapes</b>		
<b>Pest</b>	<b>Rate/Acre</b>	<b>Notes and Use Restrictions</b>
Cutworms European grapevine moth Grape berry moth Grape leaf folder Grapeleaf skeletonizer Leafhoppers* Leafrollers Orange tortrix Raisin moth	10.0 to 14.0 fl oz/acre	<ul style="list-style-type: none"> <li>• Apply 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.</li> <li>• Do not make more than 3 applications per growing season.</li> <li>• Allow at least 14 days between applications.</li> <li>• Do not apply more than 37.0 fl oz per acre per growing season.</li> <li>• Preharvest Interval (PHI): 7 days</li> </ul>
*suppression		

<b>Pome Fruits (Crop Group 11)</b> apple, crabapple, loquat, mayhaw, pear, pear, Asian; quince		
<b>Pest</b>	<b>Rate/Acre</b>	<b>Notes and Use Restrictions</b>
Eyespotted bud moth Green fruitworm Lacanobia fruitworm Leafrollers Lesser appleworm Mealybugs* Spotted tentiform leafminer Tufted apple budmoth Western tentiform leafminer White apple leafhopper*	12.0 to 17.0 fl oz/acre	<ul style="list-style-type: none"> <li>• Apply 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.</li> <li>• Do not apply by using Alternate Row Middle spray application method.</li> <li>• Do not make more than 3 applications per growing season.</li> <li>• Allow at least 7 days between applications.</li> <li>• Do not apply more than 46.0 fl oz per acre per growing season.</li> <li>• Preharvest Interval (PHI): 14 days</li> </ul>
Codling moth Oriental fruit moth	15.0 to 17.0 fl oz/acre	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> <li>• <b>Codling moth and Oriental fruit moth:</b> Use in a complete program with other registered products and nonchemical measures such as mating disruption. Follow local university recommendations regarding pest life cycle development. This product is effective only against larval stages, so use in conjunction with ovicides and/or adulticides will provide best control.</li> </ul>
*suppression		

<b>Stone Fruits (Crop Group 12)</b> apricot; cherry (sweet and tart); nectarine; peach; plum (includes Chickasaw plum, Damson plum, and Japanese plum); plumcot; prune (fresh and dried)		
<b>Pest</b>	<b>Rate/Acre</b>	<b>Notes and Use Restrictions</b>
Cherry fruitworm Eyespotted bud moth Green fruitworm Leafrollers Lesser appleworm Peach twig borer Redhumped caterpillar Spotted tentiform leafminer Tufted apple budmoth	10.0 to 14.0 fl oz/acre	<ul style="list-style-type: none"> <li>• Apply 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.</li> <li>• Do not apply by using Alternate Row Middle spray application method.</li> <li>• Do not make more than 3 applications per growing season.</li> <li>• Allow at least 14 days between applications.</li> <li>• Do not apply more than 37.0 fl oz per acre per growing season.</li> <li>• Preharvest Interval (PHI): 14 days</li> </ul>
Codling moth Oriental fruit moth	14.0 fl oz/acre	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> <li>• <b>Codling moth and Oriental fruit moth:</b> Use in a complete program with other registered products and nonchemical measures such as mating disruption. Follow local university recommendations regarding pest life cycle development. This product is effective only against larval stages, so use in conjunction with ovicides and/or adulticides will provide best control.</li> </ul>

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<b>Tree Nuts (Crop Group 14) including pistachio</b> almond; beechnut; Brazil nut; butternut; cashew; chestnut; chinquapin; filbert; hickory nut; macadamia nut; pecan; pistachio; walnut (black and English)		
<b>Pest</b>	<b>Rate/Acre</b>	<b>Notes and Use Restrictions</b>
Fall webworm Filbertworm Leafrollers Peach twig borer Redhumped caterpillar	10.0 to 14.0 fl oz/acre	<ul style="list-style-type: none"> <li>• Apply 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.</li> <li>• Do not apply when bees are actively foraging.</li> <li>• Do not apply more than 37.0 fl oz per acre per growing season.</li> <li>• Do not make more than 3 applications per growing season.</li> </ul>
Navel orangeworm	14.0 fl oz/acre	<ul style="list-style-type: none"> <li>• Allow at least 7 days between applications.</li> <li>• Do not apply by using Alternate Row Middle spray application method.</li> <li>• Preharvest Interval (PHI): 60 days.</li> </ul>

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### STORAGE AND DISPOSAL

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

**PESTICIDE STORAGE:** Store in original container, and keep tightly closed when not in use. Store in a cool, dry place.

**PESTICIDE DISPOSAL:** Wastes resulting from the use of this product must be disposed of on site or at an approved waste disposal facility.

#### **CONTAINER HANDLING:**

##### **Nonrefillable plastic container (Less than 5 gallons)**

Nonrefillable container. Do not reuse or refill this container. Clean container 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 if available or reconditioning if appropriate or puncture and dispose of in a sanitary landfill or by other procedures approved by state and 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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