

75240-5

6/15/2004

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U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs
Registration Division (7505C)
401 "M" St., S.W.
Washington, D.C. 20460

EPA Reg.
Number:

75240-5

Date of Issuance:

JUN 15 2004

Term of Issuance:

Conditional

Name of Pesticide Product:

AgValue DES-PHEN

NOTICE OF PESTICIDE:

☒ Registration
☐ Reregistration

(under FIFRA, as amended)

Name and Address of Registrant (include ZIP Code):

Ms. Janelle Kay
AgValue-DP, LLC
c/o Pyxis Regulatory Consulting, Inc.
11324 17th Ave. Ct. N.W.
Gig Harbor, WA 98332

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered under the Federal Insecticide, Fungicide and Rodenticide Act.

Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is conditionally registered in accordance with FIFRA sec. 3(c)(7)(A) provided that you:

1. Submit and/or cite all data required for registration of your product under FIFRA sec. 3(c)(5) when the Agency requires all registrants of similar products to submit such data; and submit acceptable responses required for reregistration of your product under FIFRA section 4.
2. Add the phrase "EPA Registration No. 75240-5".
3. The Agency records indicate the following requirements remain unsatisfied.

Chemical Identity 830.1550
Beginning Materials 830.1600
Certified Limits 830.1750
Oxidation/Reduction 830.6314
Storage Stability 830.6317
Corrosion Characteristics 830.6320

The Agency will review the rebuttal dated June 12, 2003 that addresses the above cited deficiencies.

You are required to submit the results of the one-year study for both Corrosion and Storage Stability upon completion, or 18 months from the date of this letter.

Signature of Approving Official:

Date:

6-15-07

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

Submit three (3) copies of your final printed labeling before you release the product for shipment.

Enclosed for your records is a copy of your label stamped "Accepted with Comments".

NEW

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Ag/Value

DES-PHEN

Herbicide

FOR AGRICULTURAL USE ONLY

Postemergence Herbicide for Control of Weeds in Sugar Beets

ACTIVE INGREDIENT:

Phenmedipham*	8.0%
Desmedipham**	8.0%
OTHER INGREDIENTS***	84.0%
Total	100.0%

Contains 1.3 lbs. active ingredient per gallon.

This product contains the toxic inert ingredient isophorone.

*3-methoxycarbonylaminophenyl-3-methylcarbanilate

**Ethyl m-hydroxycarbanilate carbanilate (ester)

***Contains petroluem distillates

EPA Reg. No. 75240-

EPA Est. No. 37429-GA-1

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 the label, find someone to explain it to you in detail.)

For 24-Hour Emergency Contact, call CHEMTREC (1-800-424-9300)

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 eye.Call a poison control center or doctor for treatment advice.
If swallowed:	<ul style="list-style-type: none">Immediately call a poison control center or doctor.Do not induce vomiting unless told to do so by a poison control center or doctor.Do not give any liquid to the person.Do not give anything by mouth to an unconscious person.
If on skin or clothing:	<ul style="list-style-type: none">Take off contaminated clothing.Rinse skin immediately with plenty of water for 15-20 minutes.Call a poison control center or doctor for treatment advice.
HOT LINE NUMBER	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-424-9300 for emergency medical treatment information.	
NOTE TO PHYSICIAN	
Contains petroleum distillate - vomiting may cause aspiration pneumonia.	

See inside label booklet for additional Precautionary Statements

Net Contents:

Draft Label

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ACCEPTED
with COMMENTS
In EPA Letter Dated:
JUN 15 2004

Revised 10-24-02

**Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
75240-5**

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

WARNING

Causes substantial but temporary eye injury. Wear protective eyewear such as goggles. Do not get in eyes or on clothing. Harmful if swallowed or absorbed through skin. Avoid contact with skin. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

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 F on an EPA chemical resistance category selection chart.

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Chemical-resistant gloves such as barrier laminate or butyl rubber ≥ 14 mils, nitrile rubber ≥ 14 mils, or Viton® ≥ 14 mils
- 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/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 wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.

Users should remove clothing 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.

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 fish and aquatic organisms. 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 fish and aquatic organisms in adjacent aquatic sites. Do not contaminate water when cleaning equipment or disposing of equipment washwaters.

Physical or Chemical Hazards

Combustible; Do Not Use or Store Near Heat or Open Flame.

STORAGE AND DISPOSAL

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

Pesticide Storage: Store in original container and keep closed. Store in a cool, dry place away from heat or open flame.

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.

When Packaged in Plastic Containers:

Container Disposal: Triple rinse (or equivalent). Then offer for recycling or reconditioning, or 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. **DO NOT REUSE THIS CONTAINER.**

When Packaged in Bulk/Mini-bulk Tanks:

Bulk/Mini-bulk Tanks: Triple rinse (or equivalent) and wash with appropriate cleaners before reusing.

DIRECTIONS FOR USE

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

Read the entire Directions for Use before using this product.

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 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 24 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:

- Coveralls
- Chemical-resistant gloves such as barrier laminate or butyl rubber \geq 14 mils, nitrile rubber \geq 14 mils, or Viton® \geq 14 mils
- Shoes plus socks
- Protective eyewear

General Information

When used as directed, DES-PHEN Herbicide is selective against weeds in sugar beets. Follow label directions carefully to avoid severe injury to sugar beets. For best results, spray weeds in the cotyledon stage which are actively growing and are not under water or heat stress. DES-PHEN Herbicide will control the following weeds:

Annual sowthistle *Sonchus oleraceus*
 Black nightshade *Solanum nigrum*
 Coast fiddleneck *Amsinckia intermedia*
 Common chickweed *Stellaria media*
 Common lambsquarters *Chenopodium album*
 Common ragweed *Ambrosia artemisiifolia*
 Green foxtail *Setaria viridis*
 Groundcherry *Physalis lanceifolia*
 Hairy nightshade *Solanum sarrachoides*
 Kochia *Kochia scoparia*

London Rocket *Sisymbrium irio*
 Nettleleaf goosefoot *Chenopodium murale*
 Yellow foxtail (pigeon grass) *Setaria glauca*
 Prostrate pigweed* *Amaranthus gracizans*
 Purslane *Portulaca oleracea*
 Redroot pigweed* *Amaranthus retroflexus*
 Shepherdspurse *Capsella bursa-pastoris*
 Wild buckwheat *Polygonum convolvulus*
 Wild mustard *Brassica kaber*

*Redroot pigweed and prostrate pigweed control will be improved with a tank mix of DES-PHEN and DES Herbicide in Eastern North Dakota and Minnesota (see Chart 4).

General Precautions and Restrictions

DO NOT APPLY DES-PHEN HERBICIDE TO SUGAR BEETS LATER THAN 75 DAYS PRIOR TO HARVEST.

DO NOT EXCEED A TOTAL OF 12 PINTS DES-PHEN PER ACRE PER SEASON.

DO NOT APPLY THIS PRODUCT THROUGH ANY TYPE OF IRRIGATION SYSTEM.

DO NOT ROTATE WITH CEREAL GRAIN CROPS FOR 120 DAYS FOLLOWING POSTEMERGENCE APPLICATION OF DES-PHEN.

DES-PHEN MAY CAUSE BEET INJURY IF THE CROP IS UNDER STRESS FROM ONE OR MORE OF THE FOLLOWING CONDITIONS:

- Rapid climatic changes from cool, overcast days, to hot (80°F or over) bright days. When the air temperature is, or is likely to be, above 80°F on the day of spraying, application should be made in the late afternoon when the temperature is decreasing.
- Frost within 3 days prior to application or 7 days following treatment could cause beet injury.
- Windy conditions or drought
- Use of a preplant or preemergence herbicide or other chemicals
- Insect or disease injury
- Close cultivation

If stress conditions are present, delay application in order to give plants a chance to recover.

IMPORTANT: DES-PHEN Herbicide may cause temporary growth retardation and/or chlorosis or tipburn on sugar beets. Sugar beets usually resume normal growth within 10 days.

Do Not Overtreat:

The use of higher than recommended rates may cause beet injury and/or carry over problems when tank mixed with ETHO SC Herbicide.

Do not spray while dew is present.

Rainfall or sprinkler irrigation within 6 hours of spraying may reduce weed kill.

Do not allow spray drift to contact adjacent crops which may be injured by spray drift.

Mixing the Spray:

Make sure the sprayer is CLEAN.

DES-PHEN emulsifiable concentrate formulation contains sufficient wetting agents for optimum coverage. Do not add additional wetting agents or other spray adjuvants except as specified for "Micro-Rate Applications". Add sufficient water to fill the lines. Then add the desired amount of DES-PHEN Herbicide and the remaining quantity of water with the bypass agitator running. Bypass agitation is sufficient. Mechanical agitation is not necessary. Only use freshly prepared spray emulsions.

Always spray immediately after preparing the spray solution. Prepare only enough spray solution to last less than four hours.

Practices to Lower the Potential for Spray Drift

Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment and weather related factors determine the potential for spray drift. The applicator and grower are responsible for considering all these factors when making decisions. The following drift management requirements must be followed to avoid off-target drift movement from aerial applications to agricultural field crops. These requirements do not apply to forestry applications, public health uses or to applications using dry formulations.

1. The distance of the outer most nozzles on the boom must not exceed 3/4 the length of the wingspan or rotor.
2. Nozzles must always point backwards parallel with the air stream and never be pointed downwards more than 45 degrees.

Where states have more stringent regulations, they should be observed. The applicator should be familiar with and take into account the information covered in the **Aerial Drift Reduction Advisory Information** section below.

Aerial Drift Reduction Advisory Information:**Information on Droplet Size**

The most effective way to reduce drift potential is to apply large droplets. The best drift management strategy is to apply the largest droplets that provide sufficient coverage and control. Applying larger droplets reduces drift potential, but will not prevent drift if applications are made improperly, or under unfavorable environmental conditions (See Wind, Temperature and Humidity, and Temperature Inversions).

Controlling Droplet Size

- Volume – Use high flow rate nozzles to apply the highest practical spray volume. Nozzles with higher rated flows produce larger droplets.
- Pressure – Do not exceed the nozzle manufacturer's recommended pressures. For many nozzle types lower pressure produces larger droplets. When higher flow rates are needed, use higher flow rate nozzles instead of increasing pressure.
- Number of nozzles – Use the minimum number of nozzles that provide uniform coverage.
- Nozzle Orientation – Orienting nozzles so that the spray is released parallel to the airstream produces larger droplets than other orientations and is the recommended practice. Significant deflection from horizontal will reduce droplet size and increase drift potential.
- Nozzle Type – Use a nozzle type that is designed for the intended application. With most nozzle types, narrower spray angles produce larger droplets. Consider using low-drift nozzles. Solid stream nozzles oriented straight back produce the largest droplets and the lowest drift.

Boom Length

For some use patterns, reducing the effective boom length to less than 3/4 of the wingspan or rotor length may further reduce drift without reducing swath width.

Application Height

Applications should not be made at a height greater than 10 feet above the top of the largest plants unless a greater height is required for aircraft safety. Making applications at the lowest height that is safe reduces exposure of droplets to evaporation and wind.

Swath Adjustment

When applications are made with a crosswind, the swath will be displaced downwind. Therefore, on the up and downwind edges of the field, the applicator must compensate for this displacement by adjusting the path of the aircraft upwind. Swath adjustment distance should increase with increasing drift potential (higher wind, smaller drops, etc.)

Wind

Drift potential is lowest between wind speeds of 2-10 mph. However, many factors, including droplet size and equipment type determine drift potential at any given speed. Application should be avoided below 2 mph due to variable wind direction and high inversion potential.

Note: Local terrain can influence wind patterns. Every applicator should be familiar with local wind patterns and how they affect spray drift.

Temperature and Humidity

When making applications in low relative humidity, set up equipment to produce larger droplets to compensate for evaporation. Droplet evaporation is most severe when conditions are both hot and dry.

Temperature Inversions

Applications should not occur during a temperature inversion because drift potential is high. Temperature inversions restrict vertical air mixing, which causes small suspended droplets to remain in a concentrated cloud. This cloud can move in unpredictable directions due to the light variable winds common during inversions. Temperature inversions are characterized by 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 ground fog; however, if fog is not present, inversions can also be identified by the movement of smoke from a ground source or an aircraft smoke generator. Smoke that layers and moves laterally in a concentrated cloud (under low wind conditions) indicates an inversion, while smoke that moves upward and rapidly dissipates indicates good vertical air mixing.

Sensitive Areas

The pesticide should only be applied when the potential for drift to adjacent sensitive areas (e.g. residential areas, bodies of water, known habitat for threatened or endangered species, non-target crops) is minimal (e.g. when wind is blowing away from the sensitive areas).

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Application Instructions

MULTIPLE (LOW RATE) APPLICATIONS:

Multiple (low rate) applications of DES-PHEN Herbicide may be applied by air or ground to sugar beets to control early germinating weeds. The first application must be applied when the earliest emerging weeds have reached cotyledon size. See *Chart 1* for broadcast rates. For broadcast applications with ground equipment, apply in 10 to 20 gallons of water per acre. Use 5 to 15 gallons of water per acre with aerial application. See *Chart 2* for equivalent band rates. Any weeds which are not completely controlled by the first treatment will usually be checked and controlled by repeat applications. The repeat application should be made 5 to 7 days after the preceding application or when another flush of weeds germinates. If the second application is delayed, conventional treatment as described below will be necessary.

To avoid excessive phytotoxicity to fall-planted sugar beets south of the Tehachapi Mountains in California when temperatures are above 85°F, apply DES-PHEN at the rate of 1 pint per acre (broadcast equivalent). Evening applications are recommended.

DES-PHEN Herbicide applied postemergence in a tank mix with ETHO SC Herbicide (see *Chart 3*) broadens and enhances the control of troublesome weeds, in addition, provides control of Ladysthumb (*Polygonum persicaria*), Pennsylvania smartweed (*Polygonum pennsylvanicum*), Annual bluegrass (*Poa annua*) and Canarygrass (*Phalaris canariensis*).

For further information, contact your County Agricultural Agent, Farm Advisor or AgValue-DP, LLC

Chart 1
Dosage Chart for Multiple (Low Rate) Broadcast Applications

Weed Stage*	Pints/Acre Broadcast			
	DES-PHEN ALONE	DES-PHEN	+	ETHO SC
Cotyledon	1.5 - 3.0	1.5	+	0.25
2 leaf	2.0 - 3.0	2.0	+	0.33
4 leaf	3.0 - 4.5	3.0	+	0.5

*Applications should begin at the cotyledon stage of the weeds.

*Higher dosage rates could be required, depending on the advancement of the weed stage.

*Do not exceed 1.5 pt./acre when sugar beets are at or less than the cotyledon stage.

*Early two true-leaf sugar beets tend to be the most susceptible to phytotoxicity.

Chart 2
DES-PHEN Dosage Chart for Band Application

Broadcast Equivalent	Band Width	Band Rate - Row Spacing (fluid ounces)			
		22"	24"	28"	30"
1.50 pints/acre	5"	5.5	5.0	4.3	4.0
	7"	7.6	7.0	6.0	5.6
2.0 pints/acre	5"	7.3	6.7	5.7	5.3
	7"	10.2	9.3	8.0	7.5
3.0 pints/acre	5"	10.9	10.0	8.6	8.0
	7"	15.3	14.0	12.0	11.2
4.5 pints/acre	5"	16.4	15.0	12.9	12.0
	7"	22.9	21.0	18.0	16.8
6.0 pints/acre	5"	21.8	20.0	17.1	16.0
	7"	30.5	28.0	24.0	22.4
7.5 pints/acre	5"	27.3	25.0	21.4	20.0
	7"	38.2	35.0	30.0	28.0

Chart 3
ETHO SC Dosage Chart for Multiple (Low Rate) Band Applications

Broadcast Equivalent	Band Width	Band Rate - Row Spacing (fluid ounces)			
		22"	24"	28"	30"
0.25 pints/acre	5"	0.9	0.8	0.7	0.7
	7"	1.3	1.2	1.0	0.9
0.33 pints/acre	5"	1.2	1.1	0.9	0.9
	7"	1.7	1.5	1.3	1.2
0.5 pints/acre	5"	1.8	1.7	1.4	1.3
	7"	2.5	2.3	2.0	1.9

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Conventional Applications

By Ground: Apply DES-PHEN Herbicide at the rate of 4.5 to 7.5 pints per acre in 20 to 50 gallons of water broadcast basis. For band application, see *Dosage Chart 2*.

By Air: Apply DES-PHEN Herbicide at the rate of 4.5 to 7.5 pints per acre using 5 to 15 gallons of spray per acre.

Apply the 4.5 to 7.5 pint rates only to sugar beets past the two true-leaf stage. Use the 7.5-pint rate only on well-established sugar beets which are not under stress. The stage of growth of the weeds is very important for satisfactory control. For best results, spray when the weeds are at the two true-leaf stage or smaller, are actively growing and are not under water or heat stress.

In order to avoid phytotoxic spray drift to nontarget crops during application of DES-PHEN, the following buffer zones should be observed:

Cotton, Potatoes, Sunflowers, Sorghum, Wheat	50 feet
Blackeye beans, Cabbage, Flax	100 feet
Lettuce, Rape, Tomatoes	300 feet

DO NOT APPLY WHEN WIND SPEED IS OVER 10 MILES PER HOUR. AVOID APPLICATIONS WHEN CONDITIONS FAVOR DRIFT.

REPEAT APPLICATION OF DES-PHEN: For control of later germinating weeds, make a second application of DES-PHEN Herbicide; use 4.5 to 6 pints of DES-PHEN. Allow at least 7 days between first and second applications. Apply when sugar beets have at least 4 leaves. For best results, use the higher rate and spray when weeds are at the two true-leaf stage. Apply lower rates when the sugar beets are under stress as explained in the *General Precautions and Restrictions* section.

Tank Mix Combinations

When tank mixing, read and follow the label for each tank mix product used for precautionary statements, directions for use, weeds controlled, geographic, and other restrictions. Use in accordance with the most restrictive of label limitations and precautions. No label dosage should be exceeded. This product cannot be mixed with any product containing a label prohibition against such mixing.

DES-PHEN Herbicide can be tank mixed with the following broadleaf herbicides for improved broadleaf weed control if application timing is correct for the tank mix products.

Herbicide	Use Rate (pt./A)
Stinger™*	0.25 - 0.50
DES*	See Chart 4

*The DES-PHEN + Stinger tank mix should be applied when sugar beets are in the two true-leaf stage or larger.

Chart 4
Dosage Chart for Tank Mixes of DES-PHEN and DES

Desired Rate (Pints/acre Broadcast)	DES-PHEN + DES Pints/acre Broadcast
1.13	0.57 + 0.57
1.25	0.63 + 0.63
1.33	0.67 + 0.67
1.50	0.75 + 0.75
1.75	0.88 + 0.88
2.25	1.13 + 1.13
3.25	1.63 + 1.63
5.0	2.50 + 2.50

Micro-Rate Applications (Except California)

Multiple Micro-rate applications of DES-PHEN Herbicide in tank mixtures with reduced rates of UpBeet®, Stinger, and modified seed oils may be applied by air or ground equipment to sugar beets to control early germinating weeds.

When adding spray adjuvants to DES-PHEN the rate must not exceed 0.08 lb a.i./A (see *Dosage Chart 5* below) when sugar beets are in the cotyledon to 4-true-leaf stage. When the smallest sugar beet plants in the field are in the 4-true-leaf stage, the rate can be increased to 0.12 lb a.i./A (see *Dosage Chart 5* below). The use of wetting agents or spray adjuvants with conventional rates (0.73 to 1.22 lb a.i./acre) or multiple low rate (0.24 to 0.73 lb a.i./acre) applications of DES-PHEN is prohibited.

Favorable climatic conditions (good conditions for plant growth and development) are essential for adequate weed control.

Chart 5
Dosage Chart for Multiple Micro-Rate Broadcast Applications

Sugar Beet Stage	DES-PHEN Fluid Ounces/Acre Broadcast
Cotyledon to 4-leaf	8.0 (equivalent to 0.08 lb. ai/A)
4-Leaf*	8.0 - 12.0 (equivalent to 0.08 - 0.12 lb. ai/A)

*Rate can be increased when the smallest sugar beet plants in the field are in the 4-true leaf stage or larger.

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Application of DES-PHEN Herbicide in broadcast applications is strongly recommended. If band applications are used, do not use less than 11-inch bands.

For broadcast applications of DES-PHEN with selected tank mix partners, apply in 10 to 20 gallons of water per acre for ground application, or 5 to 15 gallons of water per acre for aerial application. Use the minimum rate recommended on the tank mix partner label, or a reduced rate of the tank mix partner(s), at the discretion of the grower or applicator, as permitted under FIFRA. [Minimum label rate for Upbeet is 0.5 oz/acre; for Stinger, 4.0 fl oz/acre.]

Use modified seed oils at a finished spray concentration of 1.5% v/v or a minimum of 1 pt/acre. A minimum of three sequential applications should be used. Accurate timing is essential; make initial application immediately after weeds emerge, and make repeat applications on 5- to 7-day intervals. If weed control is not adequate due to climatic conditions, spray coverage or other factors, return to conventional application rates.

DES-PHEN Herbicide can be mixed with UpBeet, Stinger, and modified seed oils for use on sugar beets in accordance with the most restrictive label limitations and precautions. No label dosage rates should be exceeded. DES-PHEN Herbicide cannot be mixed with any product containing a label prohibition against such mixing.

Fungicides or insecticides can be tank mixed with DES-PHEN plus UpBeet plus Stinger plus methylated seed oils, however, do not combine both fungicides and insecticides with micro-rate mixtures.

Mixing Instructions for Micro-Rate Multiple Applications of DES-PHEN

1. Start with a clean spray tank.
2. Fill spray tank with one-third of the total amount of clean water needed for application and start gentle agitation.
3. Slurry UpBeet in water before adding to spray tank, then add slurried UpBeet to spray tank.
4. Fill spray tank to two-thirds of the total amount of clean water needed for the application.
5. Add DES-PHEN followed by Stinger, then modified seed oil.
6. Add remaining amount of water while continuing gentle agitation. Spray immediately. Spray mixture should not remain in spray tank overnight.

Use Precautions for Micro-Rate Applications

Not all weeds will be adequately controlled, even with favorable climatic conditions. Micro-rate applications of DES-PHEN mixed with UpBeet and Stinger will not control ALS-resistant kochia. Conventional rates of DES-PHEN and/or hand labor may be required if multiple micro-rate applications do not adequately control weeds.

Modified seed oils must not be added if the DES-PHEN rates exceed the rates listed in *Dosage Chart 5* above, as the addition of modified seed oils could increase the possibility of crop injury at dosage rates greater than those listed in the *Dosage Chart 5*.

Multiple micro-rate applications may injury sugar beets if climatic conditions rapidly change from cool, wet, overcast days to bright sunny days. Plugging of spray nozzles may be encountered due to the potential formation of a precipitate in the spray solution that is often associated with micro-rate applications. To minimize potential formation of precipitate, start with a clean spray system, use warm spray water for mixing, completely empty spray solution from each tank load, flush tank and lines between loads with fresh water, never leave diluted spray solution in tank overnight, and/or add ammonia (2% household) at 1% v/v or a basic blend additive (as referenced in the most recent North Dakota State University Weed Control Guide) at 1% v/v. DO NOT apply micro-rate treatments when conditions are favorable for drift to non-target species.

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TERMS AND CONDITIONS OF USE

If terms of the following Warranty Disclaimer, Inherent Risks of Use, and Limitation of Remedies are not acceptable, return unopened package at once to the seller for a full refund of purchase price paid. Otherwise, use by the buyer or any other user constitutes acceptance of the terms under Warranty Disclaimer, Inherent Risks of Use and Limitations of Remedies.

WARRANTY DISCLAIMER

AgValue-DP, LLC 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. AgValue-DP, LLC 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, hurricanes), presence of other materials, the manner of application, or other factors, all of which are beyond the control of AgValue-DP, LLC or the seller. All such risks shall be assumed by buyer.

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 AgValue-DP, LLC'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

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

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