

# FIFRA Section 18 Specific Exemption

FOR DISTRIBUTION AND USE ON CORN SEED IN THE STATE OF North Dakota ONLY  
DURING 2010 PURSUANT TO SECTION 18 OF FIFRA, AS AMENDED

## Avipel<sup>®</sup> Dry Powder Corn Seed Treatment

Effective: April 8, 2010 – April 7, 2011

For the Protection of Corn Seed against consumption by Pheasants.

### ACTIVE INGREDIENT

9,10-Anthraquinone .....95%

OTHER INGREDIENTS .....5%

**Total 100%**

### KEEP OUT OF REACH OF CHILDREN CAUTION

NOT A PLANT FOOD INGREDIENT

Active Ingredient: 9,10-Anthraquinone

FIRST AID	
If inhaled:	<ul style="list-style-type: none"><li>• Move person to fresh air.</li><li>• If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible.</li><li>• Call a Poison Control Center or Doctor for further 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>
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 eye.</li><li>• Call a Poison Control Center or Doctor for treatment advice.</li></ul>
If swallowed:	<ul style="list-style-type: none"><li>• Call Poison Control Center or Doctor immediately for treatment advice.</li><li>• Have person sip a glass of water if able to swallow.</li><li>• Do not induce vomiting unless told to do so by the Poison Control Center or Doctor.</li><li>• Do not give anything by mouth to an unconscious person.</li></ul>
FOR MEDICAL EMERGENCIES INVOLVING THIS PRODUCT, CALL TOLL FREE 1-800-535-5053. HAVE THE PRODUCT CONTAINER OR LABEL AVAILABLE WHEN SEEKING TREATMENT ADVICE.	
See side panel for additional precautionary statements.	

**MANUFACTURED BY:**  
ARKION LIFE SCIENCES LLC  
551 Mews Drive Suite J  
New Castle, DE 19720

EPA Establishment No.: 84123-TN-001

EPA File Symbol: 10-ND-01

NET CONTENTS: 3.5 Ounces

DATE OF MANUFACTURE: \_\_\_\_\_

## PRECAUTIONARY STATEMENTS

### HAZARDS TO HUMANS AND DOMESTIC ANIMALS

#### CAUTION

Harmful if swallowed. Harmful if absorbed through skin. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling. Harmful if inhaled. Avoid breathing dust. Remove contaminated clothing and wash clothing before re-use. Causes moderate eye irritation. Avoid contact with eyes or clothing.

**PERSONAL PROTECTIVE EQUIPMENT:** When handling Avipel, use long-sleeved shirt and long pants, socks, shoes, chemical resistant gloves and goggles. Use a dust/mist filtering respirator (MSHA/NIOSH approval number prefix TC-21C), or a NIOSH approved respirator with any N,R,P or HE filter.

#### **ENVIRONMENTAL HAZARDS:**

Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of the EPA. Do not contaminate water by cleaning of equipment or disposal of waste. Apply this product only as specified on this label.

**The use of Avipel in agricultural applications is protected by US Patents 6,328,986; 5,885,604; 5,922,774**

#### **DIRECTIONS FOR USE**

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

#### **I. GENERAL INFORMATION**

**Avipel** forms a bird repellent coating on Corn seeds. Birds may sample treated seeds but they will avoid additional consumption. **Thorough, uniform and consistent coverage** is essential for full protection from bird depredation. Use only at the recommended labeled rate. Lower amounts may not give desired control.

#### **DIRECTIONS FOR USE**

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Reformulation or repackaging of this product is prohibited. 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 agency responsible for pesticide regulation.

The State Department of Agriculture must be informed immediately of any adverse effects that may result from the use of this product.

**RATES:** Field and Sweet Corn: Use at a rate of one pouch, 3.5 ounces per 42 pounds of seed (3.3 ounces a.i. per 42 pounds of seed), as a dry mixture in the planter box as a seed treatment prior to planting. A maximum of one (1) application may be made per season per acre.

**MIXING INSTRUCTIONS:** For best results, fill planter box only half full of seed, add half the required amount of **Avipel** and mix thoroughly with a stick or paddle. Add the remainder of the seed and **Avipel** and mix again so that all seeds are covered. **DO NOT MIX WITH BARE HANDS.** Use only at the recommended rate. Lower amounts may not give desired control. Treated seed must be adequately dyed in accordance with 21 CFR 2.25 to prevent use as a food or feed item.

### **Agricultural Use Restrictions**

Use this product only in accordance with its labeling and 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 4 hours. "Exception: if the product is soil-injected or soil-incorporated, the Worker Protection Standard, under certain circumstances, allows workers to enter the treated areas if there will be no contact with anything that has been treated." PPE required for early entry to treated areas that is permitted under the Worker Production Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is: coveralls, waterproof gloves, shoes plus socks, protective eyewear.

**User Safety Recommendations: Users Should:** Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet. Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. Remove PPE immediately after handling the product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

**Pesticide Disposal:** Improper disposal of excess pesticide or reconstituted is a violation of Federal law. If these wastes cannot be disposed of by use according to label instruction, contact your State Pesticide or Environmental Control Agency or the Hazardous Waste representative at the nearest EPA Regional Office for guidance. Arkion® also can be contacted for guidance on the disposal of pesticide wastes.

**Container Disposal:** Dispose of in a sanitary landfill or incinerator or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

**GENERAL:** Any unused or unregistered product must either be returned to the manufacturer or distributor (unopened containers) or disposed of in accordance with the Resource Conservation and Recovery Act regulations following the expiration of the emergency exemption.

**CONDITIONS OF SALE AND WARRANTY:**

Arkion<sup>®</sup> warrants that the product conforms to its chemical description and is reasonably fit for the purpose stated on the label only when used in accordance with label directions under normal conditions of use. Since timing, method of application, weather and ground conditions, mixture with other chemicals, and other factors affecting the use of this product are beyond our control, no warranty is given concerning the use of this product contrary to label directions, or under conditions which are abnormal or not reasonably foreseeable.

**ARKION<sup>®</sup> MAKES NO OTHER WARRANTIES EITHER EXPRESS OR IMPLIED WARRANTIES INCLUDING WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE.**

Handling, storage and use of the product by Buyer or User are beyond the control of Arkion<sup>®</sup> and Seller. Risks such as ineffectiveness or other directions will be assumed by the Buyer or User.

**IN NO CASE WILL ARKION<sup>®</sup> OR SELLER BE HELD LIABLE FOR CONSEQUENTIAL, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE HANDLING, STORAGE OR USE OF THIS PRODUCT, NOR HELD RESPONSIBLE FOR INJURY OR LOSS AS A RESULT OF THE HANDLING OR USE OF THIS PRODUCT.**

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