

# 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> Liquid Seed Treatment

Effective April 8, 2010 – April 7, 2011

For the protection of Field and Sweet Corn seed  
against consumption by Pheasants.

### ACTIVE INGREDIENT

9,10-Anthraquinone ..... 50%

**OTHER INGREDIENTS** ..... 50%

**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<sup>®</sup> LIFE SCIENCES LLC

551 Mews Drive Suite J

New Castle, DE 19720

EPA Establishment No. 62171-MS-1

EPA File Symbol: 10-ND-01

NET CONTENTS: 2.5 gallon

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 vapor or spray mist. Remove contaminated clothing and wash clothing before reuse. Causes moderate eye irritation. Avoid contact with eyes or clothing. Prolonged or frequently repeated skin contact may cause an allergic reaction in some individuals.

**PERSONAL PROTECTIVE EQUIPMENT:** When handling Avipel, use long-sleeved shirt and long pants, socks, shoes and chemical resistant gloves. Wear protective goggles and a respirator with an organic vapor-removing cartridge with a prefilter approved for pesticides (MSHA/NIOSH approval number prefix TC-23C), or a canister approved for pesticides (MSHA/NIOSH approval number prefix TC-14G), or a NIOSH approved respirator with an organic vapor (OV) cartridge or canister with any N,R,P or HE prefilter.

#### **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**

**Failure to follow the directions for use and precautions on this label may result in crop injury, or illegal residues.**

**Treatment of highly mechanically damaged seed, or seed of know low vigor and poor quality, may result in reduced germination and / or reduction of seed and seedling vigor. Treat and conduct germination test on a small portion of seed before committing the total seed lot to a select chemical treatment. Due to seed quality conditions beyond the control of Arkion Life Sciences LLC, no claims are made to guarantee germination of carry over seed.**

## I. GENERAL INFORMATION

When applied properly **Avipel** forms a bird repellent coating on corn seed. 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.

- Use this product only in commercial seed treatment equipment.
- Treated seed must not be used for or mixed with food or animal feed, or processed for other uses.

### APPLICATION

**RATE:** AVIPEL<sup>®</sup> may be applied as a water-based slurry alone, or with other compatible seed treatment materials, or sequentially with other registered, crop protection products. Apply water based slurry through a standard slurry, mist-type or batch commercial treater. Prior to mixing, potential tank mix partners which include pesticides, colorants, dyes and polymers should be tested for physical compatibility with AVIPEL<sup>®</sup>. Application rate is 13.5 fluid ounces of AVIPEL<sup>®</sup> per 100 pounds of seed. A maximum of one (1) application may be made per acre per season.

### MIXING INSTRUCTIONS

1. Application equipment must be clean and free of previously used pesticide residues before applying Avipel.
2. Shake Avipel well or agitate prior to use.
3. Mixing Avipel or Avipel with tank - mix partners: add  $\frac{1}{2}$  of the required water and add Avipel or Avipel and tank mix - partners to the mix tank. Start and maintain constant mechanical and by pass agitation throughout the entire mixing and treating process.
4. Accurate calibration of the application equipment and frequent checks of this calibration is recommended to insure proper seed coverage.
5. Uniform coating of the seed is necessary to insure proper efficacy.
6. Depending on the type of seed treating equipment a small amount of water can be added to the product to facilitate product flow through the spray nozzles. Do not exceed five (5) fluid ounces of water per one gallon of Avipel.
7. Environmental conditions such as temperature and humidity could have an effect on handling and during the drying of seed just after treatment.

**After treatment seed must be dry before storage or rebagging.**

**Note:** Federal law requires that bags of treated seeds shall be labeled with the following information. " This seed has been treated with 9,10-Anthraquinone bird repellent. Do not use for food, feed or oil purposes. Store away from food and feedstuffs." Use with an EPA - approved dye or colorant that imparts an unnatural color of the seed.

**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.

#### **AGRICULTURAL USE REQUIREMENTS**

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.

#### **II. STORAGE AND DISPOSAL**

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

**Pesticide Storage:** Store in a sheltered location away from food or feed. Do not allow product to freeze. After prolonged storage, product may separate. If this occurs, resuspend with agitation.

**Pesticide Disposal:** Improper disposal of excess pesticide or rinsate 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.

**Treated Seed Disposal:** Treated Seed must not be used for food, feed, or oil processing (left-over seed should not be stored, but should be double-sown around the headland).

**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® 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® 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® and Seller. Risks such as ineffectiveness or other directions will be assumed by the Buyer or User.

**IN NO CASE WILL ARKION® 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.**

**Contain and collect spilled product immediately.**

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