



TERMIDOR® H•E

SPECIMIN

HIGH-EFFICIENCY TERMITICIDE

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

- **For use only by individuals/firms licensed or registered by the state to apply termiticide products.**
- **DO NOT** use this product for termite control indoors, except for label-specified applications for termite control.
- **DO NOT** use on golf course turf. May be used for control of termites found on/near structures associated with golf courses, but only as specified on this label.
- **DO NOT** use on/in commercial bee hives.
- **DO NOT** use for general pest control. This product is only for use as a termiticide.
- **DO NOT** use on animal trophies or animal skins.

See inside booklet for additional **Restrictions, First Aid, Precautionary Statements, Directions For Use, Conditions of Sale and Warranty**, and state-specific use sites and/or restrictions.

Active Ingredient:

fipronil: 5-amino-1-(2,6-dichloro-4-(trifluoromethyl)phenyl)-4-((1*R,S*)-(trifluoromethyl)sulfinyl)-
 1*H*-pyrazole-3-carbonitrile 8.73%

Other Ingredients: 91.27%

Total: 100.00%

One gallon of Termidor® H•E High-Efficiency Termiticide contains 0.8 lb of fipronil.

EPA Reg. No. 7969-329

EPA Est. No.

KEEP OUT OF REACH OF CHILDREN CAUTION/PRECAUCIÓN

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 MEDICAL AND TRANSPORTATION EMERGENCIES ONLY
CALL 24 HOURS A DAY 1-800-832-HELP (4357)**

For Product Use Information, call 1-877-TERMIDOR

Net Contents:

FIRST AID

If on skin or clothing	<ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15 to 20 minutes. • Call a poison control center or doctor for treatment advice.
If swallowed	<ul style="list-style-type: none"> • Call a poison control center or doctor immediately for treatment advice. • Have person sip a glass of water if able to swallow. • DO NOT induce vomiting unless told to by a poison control center or doctor. • DO NOT give anything by mouth to an unconscious person.
If in eyes	<ul style="list-style-type: none"> • Hold eyes open and rinse slowly and gently with water for 15 to 20 minutes. Remove contact lenses, if present, after the first 5 minutes; then continue rinsing eyes. • Call a poison control center or doctor for treatment advice.
If inhaled	<ul style="list-style-type: none"> • Move person to fresh air. • If person is not breathing, call 911 or ambulance; then give artificial respiration, preferably by mouth to mouth, if possible. • Call a poison control center or doctor for treatment advice.

HOTLINE NUMBER

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. In case of medical emergency involving this product, call BASF Corporation at 1-800-832-HELP (4357) or dial 911.

NOTE TO PHYSICIAN: There is no specific antidote. All treatment should be based on observed signs and symptoms of distress in the patient. Overexposure to materials other than this product may have occurred. In severe cases of overexposure by oral ingestion, lethargy, muscle tremors, and in extreme cases, possibly convulsions may occur.

Precautionary Statements

Hazards to Humans and Domestic Animals

CAUTION. Harmful if swallowed, absorbed through skin or inhaled. **DO NOT** get in eyes, on skin, or on clothing. **DO NOT** breathe spray mist.

Personal Protective Equipment (PPE)

Some materials that are chemically resistant to this product are listed below. For more options, refer to **Category A** on an EPA chemical-resistance category selection chart.

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Shoes plus socks
- Waterproof gloves, such as barrier laminate, butyl rubber ≥ 14 mils, or others listed in selection **Category A**

When working in a non-ventilated space, including but not limited to crawl spaces and basements, all pesticide handlers must wear:

- 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

When working in a non-ventilated space, including but not limited to crawl spaces and basements or when applying termiticide by rodding or sub-slab injection, all pesticide handlers must wear:

- Protective eyewear (goggles, a faceshield, or safety glasses with front, brow, and temple protection)

Follow the manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

USER SAFETY RECOMMENDATIONS

Users should:

- Wash thoroughly with soap and water after handling. Wash hands 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.

Environmental Hazards

This pesticide is toxic to birds, fish, and aquatic invertebrates. **DO NOT** apply directly to water, or to areas where surface water is present, or to intertidal areas below the mean high water mark. Runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. Care must be taken to avoid runoff. **DO NOT** contaminate water by cleaning equipment or disposal of wastes. **DO NOT** contaminate water when disposing of equipment washwater or rinsate.

Directions For Use

It is a violation of federal law to use this product in a manner inconsistent with its labeling. Read the entire label before using this product.

Termidor® H-E High-Efficiency Termiticide cannot be used to formulate, reformulate, or repackage into any other pesticide product without the written permission of BASF Corporation.

For use only by individuals/firms licensed or registered by the state to apply termiticide products. States may have more restrictive requirements regarding qualifications of persons using this product. Consult the structural pest control regulatory agency of your state prior to use of this product.

STORAGE AND DISPOSAL

DO NOT contaminate water, food, or feed by storage or disposal.

Pesticide Storage

Store unused product in original container only, out of reach of children and animals.

Pesticide Disposal

To avoid waste, use all material in this container by application according to label directions. If wastes cannot be avoided, offer remaining product to a waste disposal facility or pesticide disposal program (often such programs are run by state or local governments or by industry).

Container Handling

Nonrefillable Container. DO NOT reuse or refill this container. Triple rinse or pressure rinse container (or equivalent) promptly after emptying; then offer for recycling, if available, or reconditioning, if appropriate, or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures approved by state and local authorities.

Triple rinse containers small enough to shake (capacity ≤ 5 gallons) 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 1/4 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.

Pressure rinse as follows: Empty the remaining contents into application equipment or mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank, or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container and rinse at about 40 PSI for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

Spills

In case of large-scale spill of this product, call:

- CHEMTREC 1-800-424-9300
- BASF Corporation 1-800-832-HELP (4357)

Steps to take if this material is released into the environment or spilled:

- Wear **Personal Protective Equipment (PPE)** and avoid exposure when managing a spill. (See **Precautionary Statements** section of this label for required PPE.)

- Dike and contain the spill with inert material (e.g., sand, earth) and transfer liquid and solid diking material to separate containers for disposal. Small-scale spills of **Termidor® H-E High-Efficiency Termiticide** finished dilution (that can be cleaned up with a typical spill kit) may be applied to labeled sites.
- Remove contaminated clothing, and wash affected skin areas with soap and water. Wash clothing before reuse.
- Keep spill out of all sewers and open bodies of water.

Use Restrictions

- When treating adjacent to an existing structure, the applicator must check the area to be treated, and immediate adjacent areas of the structure, for visible and accessible cracks and holes to prevent any leak or significant exposure to persons occupying the structure. People present or residing in the structure during application must be advised to remove themselves and their pets from the structure if they see any sign of leakage. After application, the applicator is required to check for leaks. All leaks resulting in the deposition of termiticide in locations other than those prescribed on this label must be cleaned up before leaving the application site. **DO NOT** allow people or pets to contact contaminated areas or to reoccupy contaminated areas of the structure until the cleanup is completed.
- Before the applicator drills and treats through concrete structures (e.g., patios, porches, sidewalks, and foundation slabs), first determine that there are no habitable areas below that could be unintentionally contaminated by the treatment.
- Only protected applicators wearing personal protective equipment, as required by this product label, are allowed to be in the immediate area during application.
- All drill holes, in commonly occupied areas into which product has been applied, must be plugged. Plugs must be of a non-cellulose material or covered by an impervious, non-cellulose material (e.g., Portland cement).
- **DO NOT** apply product until heating/air conditioning ducts, air vents, plumbing pipes, sewer lines, floor drains, heating pipes and electrical lines/conduits are known and identified. **DO NOT** puncture or contaminate any of these.
- **DO NOT** use this product in voids insulated with rigid foam.
- **DO NOT** treat within a distance of one foot out from the drip line of edible plants.
- **DO NOT** contaminate public and private water supplies.
- **DO NOT** make treatments while precipitation is occurring.
- **DO NOT** treat soil that is water saturated, or frozen, or in conditions where runoff or movement from the treatment area/site will occur.
- Use anti-backflow or air gap equipment with filling hoses.

Product Information

When used as directed in this label, **Termidor® H•E High-Efficiency Termiticide** (henceforth referred to as **Termidor HE**), provides effective prevention and/or control of listed termites. To maximize the termiticide potency, apply **Termidor HE** finished dilution in continuous treated zone(s) to prevent termites from infesting the wood to be protected.

Termidor HE finished dilution must only be applied by licensed technicians familiar with trenching, rodding, short-rodding, sub-slab injection, low-pressure banded surface applications, and foam delivery techniques.

Termidor HE finished dilution is highly effective against a variety of subterranean, arboreal, drywood, and damp-wood termites including species of *Reticulitermes*, *Coptotermes*, *Heterotermes*, *Nasutitermes*, and *Zootermopsis*.

Termidor HE is a water-based suspension concentrate containing 8.73% fipronil and a BASF Corporation-proprietary additive that optimizes the termiticide's performance under a wide range of soil types, environmental conditions, and application techniques.

Pre-construction and post-construction horizontal treatments and post-construction inaccessible crawl space construction treatments may be made with a 0.06% or 0.125% **Termidor HE** finished dilution. Pre-construction vertical and all post-construction treatments (including applications to posts/poles/wood landscape ornamentation and applications for termites above ground) listed on this label must be made using a 0.125% **Termidor HE** finished dilution (exception 0.06% finished dilution option for inaccessible crawl space construction).

Mixing Instructions

Mix **Termidor HE** in the following manner:

1. Fill tank 1/4 to 1/3 full with water. Filling hose must be equipped with an anti-backflow device or water flow must include an air gap to protect against back-siphoning.
2. Start pump to begin bypass agitation and place end of treating tool in tank to allow circulation through hose.
3. Add appropriate amount of **Termidor HE**. Refer to **Table 1** and **Table 2** for pre-construction and post-construction horizontal treatments and post-construction inaccessible crawl space construction and **Table 3** for pre-construction vertical and all other post-construction treatments to determine the proper amounts to add to prepare the desired amount of finished dilution.
4. Add remaining amount of water.
5. Let pump run and allow recirculation through the hose back into the tank until the **Termidor HE** has completely dispersed.

NOTE: For tanks pre-filled with water, follow steps 2, 3, and 5 above.

NOTE: Recirculation/agitation may not be required for in-line injection or other application systems.

(Table 1.) 0.06% Termidor HE Finished Dilution for Pre-construction and Post-construction Horizontal Treatments

0.06% Termidor HE Finished Dilution (gals)	Water (gals)	Termidor HE Termiticide (fl ozs)
1	1.00	0.8
25	25.00	19.8 (1 pt + 3.8 fl ozs)
50	49.75	39.5 (1 qt + 7.5 fl ozs)
100	99.50	79.0 (2 qts + 15 fl ozs)

(Table 2.) 0.125% Termidor HE Finished Dilution for Pre-construction and Post-construction Horizontal Treatments

0.125% Termidor HE Finished Dilution (gals)	Water (gals)	Termidor HE Termiticide (fl ozs)
1	1.00	1.6
25	24.75	39.5 (1 qt + 7.5 fl ozs)
50	49.50	79.0 (2 qts + 15 fl ozs)
100	99.00	158.0 (1 gal + 30 fl ozs)

(Table 3.) 0.125% Termidor HE Finished Dilution for Pre-construction Vertical and All Other Post-construction Treatment Types

0.125% Termidor HE Finished Dilution (gals)	Water (gals)	Termidor HE Termiticide (fl ozs)
1	1.00	1.6
25	24.75	39.5 (1 qt + 7.5 fl ozs)
50	49.50	79.0 (2 qts + 15 fl ozs)
100	99.00	158.0 (1 gal + 30 fl ozs)

Application Volume

To provide maximum control and protection against termite infestation, apply the volumes of **Termidor® H-E High-Efficiency Termiticide** finished dilution specified in the use directions throughout this label.

Pre-construction Treatments

For pre-construction treatments, up to and including installation of the finished grade:

- **DO NOT** apply at a **LOWER** dosage and/or concentration than:
 - 0.06% or 0.125% for horizontal treatments; and
 - 0.125% for vertical treatments.
- **DO NOT** apply at a **LOWER** finished dilution volume than 1.0 to 1.5 gallons per 10 square feet for concrete slabs on ground or in basements (horizontal treated zones).
- **DO NOT** apply at a **LOWER** finished dilution volume than 2 gallons per 10 linear feet per foot of depth for vertical treated zones along the interior and exterior perimeter of foundation walls and around pillars and other foundation elements.

Before each application, applicators must notify the general contractor, construction superintendent, or similar responsible party, of the intended **Termidor HE** finished dilution application and intended sites of application and instruct the responsible person to notify construction workers and other on-site individuals to leave the treatment area and not return until **Termidor HE** finished dilution has been absorbed into the soil.

Pre-construction treatments include treatments made during all phases of construction up to and including installation of the final grade. Effective pre-construction termite control is achieved by establishing thorough and complete horizontal and vertical treated zones.

When trenching, trenches must be a minimum of 2 inches deep (no deeper than the bottom of the footing) and need not be wider than 4 inches. When trenching in sloping (tiered) soil, the trench must be stepped to ensure adequate distribution and to prevent **Termidor HE** finished dilution from running out of the trench. Mix the finished dilution with the soil as it is replaced in the trench.

When treating foundations deeper than 2 feet, apply **Termidor HE** finished dilution as the backfill is being replaced, or, if the construction contractor fails to notify the applicator in sufficient time to permit this, treat the foundation to a minimum depth of 2 feet after the backfill has been installed.

- The applicator must trench and rod into the trench or trench alone along the foundation walls and around pillars and other foundation elements at the rate indicated from grade to a minimum depth of 2 feet.
- When the top of the footing is exposed, the applicator must treat the soil adjacent to the footing to a depth not to exceed the bottom of the footing.
- **DO NOT** treat a structure below the bottom of the footing.

CONCRETE SLAB ON GROUND OR IN BASEMENTS (including Monolithic/Floating/Supported Concrete Slabs)

Horizontal treated zone(s) and interior vertical treated zone(s) applications should be made prior to covering area with the concrete slabs.

Horizontal Treated Zones

Apply an overall treatment of 0.06% or 0.125% **Termidor HE** finished dilution to the entire surface that is to be covered beneath the concrete slab. This includes the slab under the actual living area, plus carports, porches, basement floors, and any extended entrances. Apply at the rate of 1.0 to 1.5 gallons **Termidor HE** finished dilution per 10 square feet. For horizontal treatments around anything that will penetrate the slab (e.g., utility service, plumbing lines), apply **Termidor HE** finished dilution at the rate of 1.0 to 1.5 gallons finished dilution per one square foot. Make these applications using a coarse spray nozzle and low-pressure spray (25 p.s.i. or less), spraying the dilution evenly and uniformly over the entire area treated. If the slab is not to be poured the same day as treatment, cover the treated soil with a waterproof barrier such as polyethylene sheeting.

If the concrete slab is poured before horizontal treatment, **Termidor HE** finished dilution must be used to treat penetrations, joints, bath traps, shower pan drain accesses, etc., as detailed in the **Post-construction Conventional Structural Treatments** section of this label. However, it is advised that complete horizontal treated zones be created before slab pour.

Vertical Treated Zones

Apply **Termidor HE** finished dilution at the rate of 1 gallon finished dilution per square foot around anything penetrating the slab (e.g., utility services, plumbing lines). Apply 2 gallons of 0.125% **Termidor HE** finished dilution per 10 linear feet per foot of depth along the interior and exterior perimeter of foundation walls and around pillars and other foundation elements. Treatments to the exterior perimeter of foundation walls and other exterior foundation elements must only be made after completion of the final exterior grade. Use low-pressure spray (25 p.s.i. or less at the nozzle) to treat soil as it is replaced into the trench.

- Make vertical treatments by trenching and rodding into the trench or by trenching alone from grade to a minimum depth of the top of the footing, or if the footing is more than 2 feet below grade, to a minimum depth of 2 feet. **DO NOT** treat a structure below the bottom of the footing. When rodding from grade or from the bottom of the trench, rod holes must be spaced no wider than 18 inches apart and not extend below the footing.

Crawl Spaces

For crawl spaces, apply vertical treatments of 0.125% **Termidor HE** finished dilution at the rate of 2 gallons per 10 linear feet per foot of depth from grade to the top of the footing, or if the footing is more than 2 feet below grade, to

a minimum depth of 2 feet. Apply by trenching and rodding into the trench, or trenching. Treat both sides of foundation and all piers and pipes. Where physical obstructions such as concrete walkways adjacent to foundation elements prevent trenching, make treatment by rodding alone. When soil type and/or conditions make trenching prohibitive, use rodding. When the top of the footing is exposed, the applicator must treat the soil adjacent to the footing to a depth of 2 feet or not to exceed the bottom of the footing. Mix the finished dilution with the soil as it is replaced in the trench.

- **DO NOT** treat a structure below the bottom of the footing. When rodding from grade or from the bottom of the trench, rod holes must be spaced no wider than 18 inches apart and not extend below the bottom of the footing.

Hollow Block Foundations/Voids

Hollow block foundations or voids in masonry resting atop the footing may be treated to create continuous treatment zones in treatment areas. Drill and treat voids in multiple masonry elements of the structure extending from the structure to the soil to create continuous treatment zones in the treatment area. Drill and treat into voids of masonry elements, if not openly accessible. Apply at the rate of 2 gallons of 0.125% **Termidor® H•E High-Efficiency Termiticide** finished dilution per 10 linear feet of footing using a nozzle pressure of 25 p.s.i. or less. When using this treatment, drill access holes below the sill plate and as close as possible to the footing as is practical. Applicators must inspect areas of possible runoff (e.g., voids and blocks, rubble foundation walls) as a precaution against application leakage in the treated areas. Some areas may not be treatable or may require mechanical alteration prior to treatment.

Post-construction Conventional Structural Treatments

Basic Information for Post-construction Conventional Treatments

For post-construction conventional **Termidor HE** applications made after the final grade is installed to protect the structure from termite infestation and/or for controlling existing termite populations, use a 0.125% **Termidor HE** finished dilution (see 0.06% finished dilution exception in the **Inaccessible Crawl Space Construction** portion of the **Post-construction Conventional Structural Treatments** section of this label).

The applicator must trench and rod into the trench or trench alone along the foundation walls and around pillars and other foundation elements from grade to the top of the footing. When trenching, trenches must be a minimum of 2 inches deep (no deeper than the bottom of the footing) and need not be wider than 4 inches. When trenching in sloping (tiered) soil, the trench must be stepped to ensure adequate distribution and to prevent **Termidor HE** finished dilution from running out of the trench. Mix the finished dilution with the soil as it is replaced in the trench.

When the footing is more than 2 feet below grade, the applicator has the option to either (1) trench and rod to a minimum depth of 2 feet into the trench along the foundation walls or (2) trench alone along the foundation walls to a minimum depth of 2 feet. The actual depth of treatment will vary depending on soil type, degree of compaction, and location of termite activity. When the top of the footing is exposed, the applicator must treat the soil adjacent to the footing to a depth of 2 feet but not to exceed the bottom of the footing. **DO NOT** treat a structure below the bottom of the footing.

Exterior concrete structures adjoining the foundation (e.g., patios, porches, sidewalks) may be drilled followed by a sub-slab injection treatment of **Termidor HE** finished dilution so as to complete the exterior perimeter treatment zones along the foundation walls. All drill holes in commonly occupied areas into which **Termidor HE** finished dilution has been applied must be plugged. Plugs must be of a non-cellulose material or covered by an impervious, non-cellulose material such as Portland cement.

DO NOT apply **Termidor HE** finished dilution until location and type of the following construction elements are known and identified. **DO NOT** puncture any of these during application.

- Electrical lines/conduits
- Heat or air-conditioning ducts and vents
- Water and sewer (or plumbing) lines

CONCRETE SLAB OVER SOIL (including Monolithic/Floating/Supported Concrete Slabs)

Exterior Perimeter

Apply 2 gallons of 0.125% **Termidor HE** finished dilution by trenching and rodding into the trench or trenching alone along the foundation per 10 linear feet per foot of depth, or, if the footing is more than 2 feet below grade, to a minimum depth of 2 feet. Rod holes must be spaced no wider than 18 inches apart and not extend below the bottom of the footing.

Sub-slab Injection

Sub-slab injection treatments using a 0.125% **Termidor HE** finished dilution can be made from the interior of the structure or in cases when this is not possible by drilling through the foundation from the exterior as follows:

- **Vertical Drilling/Injection:** To treat under the slab, drill vertically through the slab along the interior perimeter of the foundation, including the garage. Drill holes along concrete expansion joints, cracks, plumbing, and utility services penetrating the slab. If there is clear evidence of termite activity or damage in an interior partition wall, it may be necessary to drill holes along one side of the slab adjacent to the interior partition wall. All drill holes through the slab must be spaced no wider than 18 inches apart. Apply **Termidor HE** finished dilution to the soil below the slab by injecting through the holes drilled through the slab at the rate of 2 gallons per 10 linear feet per foot of

depth. For best results, applications can be made with a lateral-dispersal nozzle.

- **Horizontal Drilling/Rodding/Sub-slab Injection from the Exterior of the Foundation:** Use this technique to treat underneath the slab only when floors or interior design elements do not allow for vertical drilling. Horizontal short-rodding practices can be used to establish a continuous treated zone in the soil closest to the interior of the foundation wall. Drill holes from the exterior of the foundation at an angle which allows **Termidor® H-E High-Efficiency Termiticide** finished dilution to be deposited below heating ducts, water/sewer lines, and electrical conduits, if present. Horizontal long-rodding practices may only be employed to treat areas underneath the slab not accessible by vertical rodding or horizontal short-rodding. **DO NOT** use long rods exceeding 20 feet. For horizontal rodding applications, drill holes through the foundation must be spaced no wider than 18 inches apart. Inject **Termidor HE** finished dilution into the holes at the rate of 2 gallons per 10 linear feet per foot of depth. These applications can be made with a lateral-dispersal nozzle.
- **Shower Pan Drains:** Soil beneath and adjacent to shower pan drains may be treated. Drill through the slab adjacent to the shower pan drain and apply **Termidor HE** finished dilution by sub-slab injection to the soil below. Foam can be used to maximize dispersion. Multiple access points adjacent to the shower pan drain may be drilled. A directional dispersion tip may be used to enhance treatment of the soil below the shower pan drain. Treat soil with a minimum of 1 gallon, but no more than 4 gallons **Termidor HE** finished dilution per shower pan drain. Horizontal rodding can be used to access and treat the soil associated with the shower pan drain.
- **Bath Traps:** Treat exposed soil or soil covered with tar or similar sealant beneath or around plumbing and/or drain-pipe entry areas. Tar or sealant may have to be removed to allow for adequate soil treatment. An access door or inspection portal may be installed if not already present. After inspection and removal of wood/cellulose debris, the soil can be treated by rodding or drenching the soil with **Termidor HE** finished dilution at the rate of 1 to 2 gallons per square foot.

STRUCTURES WITH FRENCH DRAINS AND SUMP PUMPS

French drains eliminate water at the footing along a foundation perimeter. They are common in hollow block foundation structures to drain water seeping from the exterior perimeter or underneath the foundation. Soil must be dry before applying to sites with French drains. **DO NOT** rod through the slab any closer than 48 inches to the French drain to prevent **Termidor HE** finished dilution seepage and/or damage to the drain or the tiles. **DO NOT** apply **Termidor HE** within 10 feet of the sump pump pit and pump. To prevent drainage/seepage from the block into the drain, **DO NOT** drill through hollow block foundations that border the French drain.

Once French drains have been identified and located, apply a 0.125% **Termidor HE** finished dilution as follows:

1. Unplug the sump pump. Inspect sump pump pit for water. If no water is present, the treatment can be made provided the sump pump remains unplugged, or
2. if water is in the sump pump pit, unplug the sump pump and remove four cups of water from the sump pump pit. Mark the water level. Wait 10 minutes and check the water level in the sump pump pit again. If the water level has risen, there is too much seepage to perform the treatment at this time. If the water level does not rise, make the treatment provided the sump pump remains unplugged.

During application, check the sump pump pit every few minutes for the presence of **Termidor HE** finished dilution. If detected, stop treatment immediately and remove the contents of the sump pump pit before plugging in the sump pump again. Either apply the removed sump pump pit contents to a labeled site or dispose of the removed contents as directed by this label in the **Pesticide Disposal** section.

Note: For structures with French drains located adjacent to the outside of the foundation, refer to the **Structures with Adjacent Wells/Cisterns and/or Other Water Bodies** section of this label.

BASEMENT STRUCTURES

Exterior Perimeter

Apply by trenching and rodding into the trench or trenching alone along the exterior foundation perimeter at the rate of 2 gallons of 0.125% **Termidor HE** finished dilution per 10 linear feet per foot of depth, or if the footing is more than 2 feet below grade, to a minimum depth of 2 feet. Rod holes must be spaced no wider than 18 inches apart. **DO NOT** treat a structure below the bottom of the footing.

Interior Perimeter

To treat under the basement floor slab, drill vertically through the slab along the interior perimeter of the foundation. Drill holes along concrete expansion joints, cracks, plumbing, and utility services penetrating the slab. Drill holes along both sides of partition foundation walls. It may be necessary to drill holes along one side of the slab adjacent to a non-foundation interior partition wall if there is clear evidence of termite activity in the wall. All drill holes through the slab must be spaced no wider than 18 inches apart. Inject 0.125% **Termidor HE** finished dilution into the drill holes at the rate of 2 gallons per 10 linear feet per foot of depth. This application can be made with a lateral-dispersal nozzle.

CRAWL SPACES

NOTE: Before treatment turn off any air circulation system that moves air from area(s) to be treated to an untreated interior space of the structure until application has been completed and all **Termidor HE** finished dilution has been absorbed by the soil.

Accessible Crawl Space Construction

For accessible crawl spaces, apply vertical treatments of 0.125% **Termidor® H-E High-Efficiency Termiticide** finished dilution at the rate of 2 gallons per 10 linear feet per foot of depth from grade to the top of the footing, or if the footing is more than 2 feet below grade, to a minimum depth of 2 feet. Apply by trenching and rodding into the trench, or trenching alone. Treat both sides of the foundation and around all piers and pipes. Where physical obstructions such as concrete walkways adjacent to foundation elements prevent trenching, treatment may be made by rodding alone. When soil type and/or conditions make trenching prohibitive, rodding may be used. When the top of the footing is exposed, the applicator must treat the soil adjacent to the footing to a depth not to exceed the bottom of the footing.

- **DO NOT** treat a structure below the bottom of the footing. When rodding from grade or from the bottom of the trench, rod holes must be spaced no wider than 18 inches apart and not extend below the bottom of the footing.

Inaccessible Crawl Space Construction

For inaccessible interior areas (e.g., areas where there is insufficient clearance between floor joists and ground surfaces to allow operator access) excavate, if possible, and treat according to the instructions for accessible crawl spaces. Otherwise, apply one or a combination of the following two methods:

1. To establish a horizontal treated zone, apply to the soil surface 1 to 1.5 gallons of 0.06% or 0.125% **Termidor HE** finished dilution per 10 square feet using a nozzle pressure 25 p.s.i. or less and a coarse application nozzle (e.g., Delavan Type RD Raindrop®, RD-7 or larger, or Spraying Systems Co. 80110LP Teejet® or comparable nozzle). For an area that cannot be reached with the application wand, use one or more extension rods to make the application to the soil. **DO NOT** broadcast or power spray with high pressure.
2. To establish a horizontal treated zone, drill through the foundation wall or through the floor above and treat the soil adjacent to the foundation wall at the rate of 1 to 1.5 gallons of 0.06% or 0.125% **Termidor HE** finished dilution per 10 square feet. Drill spacing must be at intervals no wider than 18 inches apart. Many states have smaller intervals, so check state regulations. Soil adjacent to foundation elements may be treated with short-rodding or long-rodding techniques without drilling if access for treatment tool to soil site is available.

HOLLOW BLOCK FOUNDATIONS/VOIDS

Hollow block foundations or voids in masonry resting atop the footing may be treated. Drill and treat voids in multiple masonry elements of the structure extending from the structure to the soil to create continuous treatment zones in the treatment area. Applicators may drill and treat into voids of masonry elements if not openly accessible. Apply at the rate of 2 gallons of 0.125% **Termidor HE** finished dilution per 10 linear feet of footing using a nozzle pressure of 25 p.s.i. or less. When using this treatment, drill access

holes below the sill plate and as close as possible to the footing as is practical. Applicators must inspect areas of possible runoff (e.g., voids and blocks, rubble foundation walls) as a precaution against application leakage in the treated areas. Some areas may not be treatable or may require mechanical alteration prior to treatment.

TREATMENT OF STRUCTURES WITH WELLS OR CISTERNS

- **DO NOT** contaminate wells or cisterns.
- **DO NOT** apply **Termidor HE** finished dilution within 10 feet of any well or cistern.

Soil between 10 and 15 feet from a well or cistern must only be treated by the backfill method described here. Treatment of soil adjacent to water pipes within 3 feet of grade must only be done by the backfill method.

Backfill Method

1. Trench and remove soil to be treated and place onto heavy plastic sheeting or similar material or into a wheelbarrow.
2. Treat soil at the rate of 2 gallons 0.125% **Termidor HE** finished dilution per 10 linear feet per foot of depth of the trench, or 1.0 gallon per cubic foot of soil. Mix thoroughly into the soil to contain the liquid and prevent runoff or spillage.
3. After the soil has absorbed the **Termidor HE** finished dilution, return the soil into the trench.

STRUCTURES WITH ADJACENT WELLS/CISTERNS AND/OR OTHER WATER BODIES

Applicators must inspect all structures near water sources (e.g., wells, cisterns, surface ponds, streams, and other bodies of water) and evaluate, at a minimum, the following treatment directions prior to making an application of 0.125% **Termidor HE** finished dilution.

1. Prior to treatment, if feasible, expose the water pipe(s) coming from the well to the structure if the pipe(s) enter the structure within 3 feet of grade. Treat soil adjacent to the water pipe(s) according to the backfill method described above.
2. Prior to treatment, applicators are advised to take precautions to limit the risk of applying **Termidor HE** finished dilution into subsurface drains that could empty into bodies of water. Precautions include evaluating whether application to the top of the footing will result in contamination of the subsurface drain. The applicator should take into account factors such as depth to the drain system, soil type, and degree of soil compaction when determining the depth of treatment.
3. When appropriate (e.g., on the water side of the structure), the treated backfill method can also be used to minimize off-site movement of **Termidor HE** finished dilution.

PLENUM CONSTRUCTION

NOTE: Before treatment turn off any air circulation system that moves air from area(s) to be treated to an untreated interior space of the structure until application has been completed and all Termidor® H•E High-Efficiency Termiticide finished dilution has been absorbed by the soil.

Follow the directions listed in **Accessible Crawl Space Construction**, including instructions for sloping (tiered) soils, when making applications of 0.125% **Termidor HE** finished dilution to the soil exterior to the foundation walls.

For interior treatment of plenum structures that use a sealed underfloor space to circulate heat and/or cooled air throughout the structure:

1. Ensure the sealing fabric and anything on the sealing fabric is removed to expose no more than 18 inches adjacent to all foundation structures, including foundation walls, interior piers, pipes, and any other structures with soil contact. Follow the preceding instructions for exterior and interior treatment of **Accessible Crawl Space Construction**.
2. After the **Termidor HE** finished dilution has been absorbed by the soil, replace the sealing fabric and anything to be placed on the fabric to its original, pre-treatment position.

Post-construction Exterior Perimeter/Localized Interior (EP/LI) Structural Treatments*

* Not approved for use in Louisiana.

For post-construction Exterior Perimeter/Localized Interior (EP/LI) **Termidor HE** applications made after the final grade is installed to protect the structure from termite infestation and/or for controlling existing termite populations, use a 0.125% **Termidor HE** finished dilution (see 0.06% finished dilution exception in the **Inaccessible Crawl Space Construction** portion of the **Post-construction Exterior Perimeter/Localized Interior (EP/LI) Structural Treatments** section of this label).

Termidor HE finished dilution can be used to protect structures by following either the use directions in the **Post-construction Conventional Structural Treatments** or the **Post-construction Exterior Perimeter/Localized Interior (EP/LI) Structural Treatments** sections of this label. Structural termite protection is achieved by first establishing a continuous treated zone along the exterior of the foundation of the structure. Localized interior treatments are also made to areas where known termite activity is observed. If no termite activity is observed on the interior of the structure at treatment time, interior local treatments are not required.

This treatment method is designed to be non-invasive to the interior of the structure by applying a continuous treatment along the exterior of the foundation and treating interior areas that show termite activity. It may not be

considered a conventional complete treatment. If you have questions regarding this treatment, consult your lead state agency.

Termite activity is defined as one or more of the following infestation conditions: either alates (winged termites) have swarmed in the interior of the structure or live termites are found to be active within the structure; or there is clear evidence of termite activity on or in the structure (e.g., mud tubes, galleries in wood) and live termites.

DO NOT apply **Termidor HE** finished dilution as an EP/LI treatment at an application volume or rate less than specified within the **Post-construction Exterior Perimeter/Localized Interior (EP/LI) Structural Treatments** section of this label.

Exterior Perimeter Treatment

When conducting an exterior perimeter application, **Termidor HE** finished dilution must be applied to provide a continuous treatment zone to prevent termites from infesting the structure. All drill holes in commonly occupied areas into which **Termidor HE** finished dilution has been applied must be plugged. Plugs must be of a non-cellulose material or covered by an impervious, non-cellulose material such as Portland cement.

When trenching, trenches must be a minimum of 2 inches deep (no deeper than the bottom of the footing) and need not be wider than 4 inches. When trenching in sloping (tiered) soil, the trench must be stepped to ensure adequate distribution and to prevent **Termidor HE** finished dilution from running out of the trench. Mix the finished dilution with the soil as it is replaced in the trench.

Where physical obstructions (e.g., concrete walkways adjacent to foundation elements) prevent trenching, treatment may be made by rodding alone. When soil type and/or conditions make trenching prohibitive, rodding may be used with rod holes no wider than 18 inches apart. Drilling and sub-slab injection treatment of sub-soil is necessary for exterior concrete structures adjoining the foundation (e.g., patios, porches, sidewalks) to complete the exterior perimeter treatment zone. For driveways, exterior drilling is necessary only around building supports or wall elements that are permanently and physically located at driveway joints. **DO NOT** treat a structure below the bottom of the footing.

Concrete Slab on Ground (including Monolithic/Floating/Supported Concrete Slabs)

Apply along the exterior foundation perimeter by trenching and rodding into the trench or trenching alone at the rate of 2 gallons 0.125% **Termidor HE** finished dilution per 10 linear feet per foot of depth. Rod holes must be spaced to achieve a continuous treatment zone but no wider than 18 inches apart. **DO NOT** treat a structure below the bottom of the footing.

Basement and Inaccessible Crawl Space Construction

For basements, apply along the exterior foundation perimeter by trenching and rodding into the trench or trenching alone at the rate of 2 gallons 0.125% **Termidor® H•E High-Efficiency Termiticide** finished dilution per 10 linear feet per foot of depth from grade to the top of the footing, or if the footing is more than 2 feet below grade, to a minimum depth of 2 feet. Rod holes must be spaced to achieve a continuous treatment zone but no wider than 18 inches apart. **DO NOT** treat a structure below the bottom of the footing.

If termite activity is found on the interior of an inaccessible crawl space, the area with termite activity must be treated at a rate of 1 to 1.5 gallons of 0.06% or 0.125% **Termidor HE** finished dilution per 10 square feet. A localized interior treatment must be made at the site of the termite activity and at least 2 feet in both directions from the termite activity. Choose the appropriate application technique for treating inaccessible crawl space construction from the techniques listed earlier in the **Post-construction Conventional Structural Treatments** section of this label. When the top of the footing is exposed, the applicator must treat soil adjacent to the footing to a depth not to exceed the bottom of the footing.

Accessible Crawl Spaces

NOTE: Before treatment turn off any air circulation system that moves air from areas to be treated to an untreated interior space of the structure until application has been completed and all Termidor HE finished dilution has been absorbed by the soil.

For accessible crawl spaces, apply vertical treatments of 0.125% **Termidor HE** finished dilution at the rate of 2 gallons per 10 linear feet per foot of depth from grade to the top of the footing, or if the footing is more than 2 feet below grade, to a minimum depth of 2 feet. Treat the exterior of the foundation and around all piers and pipes where they touch the soil. Where physical obstructions such as concrete walkways adjacent to foundation elements prevent trenching, make treatment by rodding alone. When soil type and/or conditions make trenching prohibitive, use rodding. When the top of the footing is exposed, the applicator must treat soil adjacent to the footing to a depth not to exceed the bottom of the footing.

- **DO NOT** treat a structure below the bottom of the footing. When rodding from grade or from the bottom of the trench, rod holes must be spaced no wider than 18 inches apart and not extend below the bottom of the footing.

Garages

Attached garage floors should be treated in structures.

Sub-slab Injection. Sub-slab injection treatments using a 0.125% **Termidor HE** finished dilution can be made from the interior of the garage or in cases where this not possible by drilling through the foundation from the exterior as follows:

- **Vertical Drilling/Injection:** To treat under the slab, drill vertically through the slab along the interior perimeter of the garage foundation. Drill holes can be placed along concrete expansion joints, cracks, plumbing, and utility services penetrating the slab. If there is termite activity or damage in the wall, it may be necessary to drill holes along one side of the slab adjacent to an interior partition wall. All drill holes through the slab must be spaced no wider than 18 inches apart. Inject 0.125% **Termidor HE** finished dilution through the holes drilled through the slab at the rate of 2 gallons per 10 linear feet per foot of depth. For best results, make applications with a lateral-dispersal nozzle.
- **Horizontal Drilling/Rodding/Sub-slab Injection from the Exterior of the Garage Foundation:** Use this technique to treat underneath the slab only when floors or interior design elements do not allow for vertical drilling. Horizontal short-rodding practices can be used to establish a continuous treated zone in the soil closest to the interior of the foundation wall. Drill holes from exterior of the foundation at an angle which allows **Termidor HE** finished dilution to be deposited below heating ducts, water/sewer lines, and electrical conduits, if present. Horizontal long-rodding practices may only be employed to treat areas underneath the slab not accessible by vertical rodding or horizontal short-rodding. **DO NOT** use long rods exceeding 20 feet. For horizontal rodding applications, drill holes through the foundation must be spaced no wider than 18 inches apart. Inject a 0.125% **Termidor HE** finished dilution into the holes at the rate of 2 gallons per 10 linear feet per foot of depth. These applications can be made with a lateral-dispersal nozzle.

Localized Interior Treatment

Targeted interior applications may be made to vulnerable areas such as around plumbing/utility lines penetrating floors, shower pan drain, bath traps, or along expansion joints or settlement cracks. However, if known termite activity exists (as described at the beginning of the **Post-construction Exterior Perimeter/Localized Interior (EP/LI) Structural Treatments** section of this label) in areas on the interior of the structure's living spaces (i.e., occupied areas of the structure) or non-living spaces (e.g., crawl spaces, plenums), a localized interior treatment must be made at the site of termite activity and at least 2 feet in two or more directions radiating from the site. All drill holes in commonly occupied areas into which **Termidor HE** finished dilution has been applied must be plugged. Plugs must be of a non-cellulose material or covered by an impervious, non-cellulose material such as Portland cement.

NOTE: In conjunction with **Termidor HE** finished dilution localized interior treatments, **Termidor® DRY termiticide (EPA Reg. No. 499-546)** may be applied to areas where termite damage is observed or where termite activity is present or suspected. **Termidor DRY** may only be applied in accordance with its approved label directions.

Interior Concrete Floor

If termite activity occurs in an interior wall or structural member, the area under the floor and behind the wall adjacent to the termite activity must be treated with a 0.125% **Termidor® H-E High-Efficiency Termiticide** finished dilution at a rate equal to 2 gallons per 10 linear feet. Foam can be used to maximize dispersion.

Hollow Block Foundations/Voids

If termite activity occurs in or in the vicinity (within 2 feet) of hollow block foundations or voids in masonry resting atop footings, the wall adjacent to the termite activity must be drilled if not openly accessible. Inject a 0.125%

Termidor HE finished dilution into the void at a rate of 2 gallons per 10 linear feet of footing using a nozzle pressure of 25 p.s.i. or less. This localized interior treatment to hollow block must be made at the site of the termite activity and to areas above the termite activity. Treatment must be made at least 2 feet in two or more directions radiating from the site of termite activity or along the wall pier or support post. Foam can be used to maximize dispersion. When using this treatment, drill access holes below the sill plate and as close to the footing as is practical. Applicators must inspect areas of possible runoff (e.g., voids and blocks, rubble foundation walls) as a precaution against application leakage in the treated areas. Some areas may not be treatable or may require mechanical alteration prior to treatment.

Shower Pan Drains

If termite activity is observed within two feet of a shower pan drain, soil beneath and adjacent to the shower pan drain must be treated. Drill through the slab adjacent to the shower pan drain and apply a 0.125% **Termidor HE** finished dilution by sub-slab injection to the soil below. Foam can be used to maximize dispersion. Multiple access points may be drilled adjacent to the shower pan drain. A directional dispersion tip may be used to enhance treatment of the soil below the shower pan drain. Treat soil with a minimum of 1 gallon, but no more than 4 gallons, of **Termidor HE** finished dilution per shower pan drain. Horizontal rodding can be used to access and treat the soil associated with the shower pan drain.

Bath Traps

If termite activity is observed within 2 feet of the bath trap, treat exposed soil or soil covered with tar or similar sealant beneath or around plumbing and/or drain pipe entry areas. Tar or sealant may have to be removed to allow for adequate soil treatment. An access door or inspection portal may be installed if not already present. After inspection and removal of all wood/cellulose debris, soil can be treated by rodding or drenching the soil with 0.125% **Termidor HE** finished dilution at the rate of 1 to 2 gallons per square foot.

Foam Applications

Construction practices, soil subsidence, and other factors may make it difficult to create a continuous treatment zone. In such situations, conventional liquid application methods

can be supplemented by use of foam-generating equipment. Treatment of filled stoops and porches, chimney bases, piers, soil under concrete slabs, block voids, masonry and other veneer voids and stud walls are examples where foam applications can be useful. Use dry foam (from a range of relatively dry foam of 15:1 to 25:1 to 50:1 expansion ratio) when making foam applications to wall voids in stud walls. Apply foam to wall voids where termites or termite damage are present or suspected.

In most instances, a **foam-only treatment** under slabs is appropriate when trying to maximize horizontal coverage in areas where there is no deep foundation or footing (e.g., around plumbing entries, near settlement cracks in concrete slabs). In areas where both lateral spread and deeper vertical penetration is needed, use both foam and conventional liquid (e.g., adjacent to foundation walls). Foam and conventional liquid applications must be consistent with volume and active ingredient instructions to ensure proper application has been made. The volume and amount of active ingredient are essential for an effective treatment.

- At least 75% of the gallons of **Termidor HE** finished dilution must be applied as a conventional liquid treatment.
- The remaining 25% or less of the gallons of **Termidor HE** is delivered to appropriate locations using foam application.

The total amount of product applied with the combination of **Termidor HE** finished dilution and **Termidor HE** foam must be equivalent to that of an application of liquid **Termidor HE** finished dilution only. In many instances, foam applications are a good supplement to conventional liquid treatments and can be helpful in treating difficult areas.

Foam Mixing Instructions and Application

Prepare the 0.125% **Termidor HE** finished dilution and mix it with the manufacturer's recommended volume of foaming agent in foaming equipment. Apply a sufficient volume of the **Termidor HE** foam formulation to provide a continuous treated zone at the labeled rate for specific application situation (refer to rates provided for the various treatment types listed in this label). If sufficient foam volume cannot be applied to achieve the rate, apply additional **Termidor HE** as liquid to assure proper treatment volume in the treated area.

(Table 4.) **Termidor HE** Foam Mixing Directions

0.125% [†] Termidor HE Finished Dilution (gals)	Foam Expansion Ratio ^{††}	Finished Foam (gals)
1.0	25:1	25
1.75	15:1	
2.5	10:1	
5.0	5:1	

[†] Percentage weight of active ingredient to weight of finished dilution.

^{††} Add the manufacturer's recommended quantity of foam agent to the **Termidor HE** finished dilution.

Retreatment Instructions

For all application types listed on this label (e.g., pre-construction: horizontal and vertical; post-construction: conventional and EP/LI), retreatment for termites can only be performed if there is clear evidence of any of the following:

- Reinfestation or disruption of the treated zone(s) because of construction, excavation, or landscaping; and/or
- Evidence of the breakdown of the termiticide treated zone in the soil.

These reinfested/disrupted/vulnerable areas may be retreated using spot, partial or complete treatment(s) using application techniques described in this label. The timing and type of these retreatments will vary depending on factors such as termite pressure, soil types, soil conditions, and other factors that can reduce the effectiveness of the treated zone.

Annual retreatment of the structure is prohibited unless there is clear evidence that reinfestation, treatment zone disruption, and/or evidence of breakdown has occurred.

Use with Other Products

When a borate-based termiticide product is used as the primary pre-construction termite treatment and is applied according to that termiticide's label directions for use, a 0.125% **Termidor® H•E High-Efficiency Termiticide** finished dilution may be applied as an exterior perimeter pre-construction treatment. If the exterior perimeter pre-construction treatment option is selected, **Termidor HE** finished dilution must be applied in such a manner as to create a continuous treated zone along the exterior foundation of the structure. A complete and thorough horizontal pre-construction treatment with **Termidor HE** finished dilution under the concrete slab is optional. **Termidor HE** finished dilution may also be applied to critical areas of the interior of the structure (e.g., plumbing and utility entry sites, bath traps, shower pan drain penetrations, expansion joints, foundation cracks, and areas of known or suspected termite activity).

For applications to the exterior perimeter and critical areas, follow the instructions in the **Post-construction Exterior Perimeter/Localized Interior (EP/LI) Structural Treatments** section of this label.

Posts, Poles, Wood Landscape Ornamentation

DO NOT contaminate wells or cisterns.

Treatment at Time of Installation

Apply 2 gallons of 0.125% **Termidor HE** finished dilution per 10 linear feet per foot of depth to create a continuous treatment zone in the soil around wooden posts, poles, fence posts, signs, or landscape ornamentation. Place the **Termidor HE** finished dilution application at a depth of 6 inches below the bottom of the posts, poles, or other wooden items in contact with the soil. For treatments made

during installation, apply the finished dilution to soil as it is replaced around the post or pole.

Treatment to Previous Installations

To treat previously installed poles, posts, landscape ornamentation, or signs, apply **Termidor HE** finished dilution by sub-surface injection or treatment by gravity flow through holes made from the bottom of a trench around the pole or post. When trenching, the trench must be a minimum of 2 inches deep and need not be wider than 4 inches. When subsurface injecting, treat all sides of the wooden item to create a continuous treatment zone. Apply to a depth of 2 inches below the bottom of the wood item.

Termites Above Ground

DO NOT TREAT EDIBLE FRUIT-BEARING OR NUT-BEARING TREES.

For control of above-ground termites, termite aerial colonies or drywood termites in localized areas of wood structures, apply a 0.125% **Termidor HE** finished dilution to areas of wooden members or void spaces. Application may be made to inaccessible areas by drilling and then injecting **Termidor HE** finished dilution with a crack-and-crevice injector into the damaged wood member or void spaces. **Termidor HE** finished dilution foam applications may be made to void spaces.

Likewise, termite nests in trees or building voids may be injected with **Termidor HE** finished dilution using a pointed injection tool. Multiple injection points to varying depths may be necessary. Carton nests may be physically removed from building voids after treatment.

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The **Directions For Use** of this product reflect the opinion of experts based on field use and tests. The directions are believed to be reliable and must be followed carefully. However, it is impossible to eliminate all risks inherently associated with the use of this product. Ineffectiveness or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or use of the product in a manner inconsistent with its labeling, all of which are beyond the control of BASF CORPORATION ("BASF") or the Seller. To the extent consistent with applicable law, all such risks shall be assumed by the Buyer.

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PC309

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