

ProFume® Gas Fumigant 2009 Fumigator & Distributor Stewardship Policy

OBJECTIVE

To promote the use of ProFume® gas fumigant in accordance with all label directions. Proper use of ProFume gas fumigant is the obligation of all parties handling and releasing ProFume. Any Fumigator or Distributor not complying with the ProFume label or one or more of these stewardship policies will risk interruption of sales or use of ProFume by Dow AgroSciences (DAS). *This Stewardship Policy supersedes and replaces any previous version of the ProFume Stewardship Policy.*

DEFINITIONS

Fumigator – Individual licensed and/or certified by a state to perform fumigations, and eligible to purchase ProFume following training by DAS or its designees on the use and application of ProFume.

Fumigator Location - Office or location at or from which a Fumigator conducts activities subject to this agreement.

Distributor – An entity that is under contract with DAS to purchase ProFume for resale to Fumigators.

IMPLEMENTATION

DAS and its Distributors will implement the following procedures with all Fumigators of ProFume® gas fumigant:

1. **DAS and its Distributors will communicate this DAS STEWARDSHIP POLICY to all Fumigators.**

2. **Initial ProFume Training**

All Fumigators newly responsible for releasing ProFume into a structure and/or aerating and clearing a structure for re-entry must successfully complete the INITIAL PROFUME TRAINING PROGRAM which will include, among other things:

- a. Classroom and on-site training and testing on the proper use, handling, and storage of ProFume gas fumigant, the use and calibration of monitoring and clearing equipment, necessary safety equipment and safety procedures, review of the label, MSDS, Fumiguide™ program for ProFume gas fumigant and the ProFume Fumigation Manual;
- b. Field use of the product with DAS or approved Distributor personnel participation and evaluation.

3. **Annual ProFume Stewardship Training**

Annually, after participation in the Initial ProFume Training, all Fumigators responsible for releasing ProFume into a structure and/or aerating and clearing a structure for re-entry must participate in the ANNUAL PROFUME STEWARDSHIP TRAINING PROGRAM provided by DAS and/or its Distributors. It is the responsibility of each Fumigator to make certain that all appropriate Fumigators attend the program(s). "Make up" sessions will be conducted at the discretion of DAS or Distributors.

The ANNUAL PROFUME STEWARDSHIP TRAINING PROGRAM will include, at a minimum:

- a. Review of the label for ProFume with special emphasis on worker and public safety issues and updates;
- b. Proper use, handling and care of safety equipment including, but not limited to, an approved clearance device and positive pressure self-contained breathing apparatus (SCBA);
- c. Updates to the ProFume Fumigation Manual and other technical information; and
- d. Proper ProFume handling and application training.

4. **Clearance Devices**

Clearance device owners are responsible for maintaining proper calibration of their clearance devices (such as INTERSCAN, Spectros ExplorIR and/or MIRAN gas analyzers), based on the manufacturer's recommendations and the ProFume gas fumigant product label.

Once a year, the Fumigator will provide to their DAS representative or Distributor of ProFume pertinent information, such as the model number, serial number, calibration record, and last date of calibration check, on operational clearing device(s) they own. The Fumigator will present to their DAS representative or Distributor of ProFume all approved clearance devices used in their business for inspection and/or calibration (or performance verification thereof) or provide third party verification of operational status of clearance devices. If during the year a Fumigator changes Distributors, the above information must be provided to the new Distributor.

5. **Availability of Clearance Devices:** To help ensure proper care and calibration of clearance devices, and to follow ProFume label requirements, each Fumigator Location performing a fumigation with ProFume® gas fumigant must have at the time of the fumigation at least one (1) approved clearance device on site and a back-up clearance device available. To help ensure that proper care and calibration are being administered to all approved clearance devices, each company fumigating with ProFume® gas fumigant must wholly own at least one approved clearance device. In situations where Fumigation Companies are transitioning to use of ProFume and do not own at least one approved clearance device, they may perform fumigation with ProFume if all of the following conditions are met: 1) have written documentation of a lease for a clearance device, and 2) have expressed written permission by the DAS Marketing Manager to use a leased clearance device for a limited period of time. A clearance device may then be leased on a short-term basis.

6. **Deficiency Reporting:** DAS and its Distributors will require their personnel to document observed violations of the label for ProFume and breaches of this Stewardship Policy by a Fumigator, whether noted at a fumigation site, during transportation, or in storage. DAS and/or Distributor personnel will notify the Fumigator of any such deficiency that requires correction. A copy of the observation may be sent to the Fumigator's management. DAS may also provide its Distributors with a copy of the observation. It will be the responsibility of the Fumigator to ensure any label violations or stewardship deficiencies are corrected.
7. **Reporting Information:** Report summary level information about ProFume fumigations on a regular basis to DAS or Distributor in the form and manner designated by DAS.
8. **Chief Product Steward:** Each Fumigation Company or business association of Fumigators will identify a representative, the Chief Product Steward, to be the primary contact for DAS to contact relative to stewardship training and stewardship deficiencies.
9. **Fumigation Practices:** Fumigators responsible for releasing, aerating or clearing a structure involving ProFume gas fumigant must allow DAS's representatives to be present at job sites to conduct a quality assurance review when requested. The DAS representative will be permitted to observe any fumigation activities desired to determine Fumigator's stewardship of the product.

In the event a Fumigator FAILS TO:

1. Use an approved and properly calibrated clearance device to clear the structure, or
2. Follow "Connected Areas" requirements on the label for ProFume, or
3. Properly use a positive pressure self-contained breathing apparatus, or
4. Properly post and secure structures,

and fails to establish for DAS or Distributor that fumigation practices that have or could result in label violations are corrected to the satisfaction of DAS, DAS or Distributor will document the deficiency and may send a copy of his or her observations to the appropriate state regulatory agency. Further, DAS may seek the discontinuance of further sales of ProFume gas fumigant to the Fumigator and/or Fumigator Location until the fumigation practices are corrected to the satisfaction of DAS.

MINIMUM DISTRIBUTOR RESPONSIBILITIES

In addition to the implementation and support of the STEWARDSHIP POLICY requirements, distributors shall comply with federal, state, and local regulations including, but not limited to, DOT rule HM-232 and are also required to perform the following functions:

1. Provide adequate security measures to prevent product tampering or theft by:
 - a. Having a written security plan,
 - b. Performing background checks on employees having access to ProFume cylinders,
 - c. Employing at least two methods simultaneously to secure ProFume cylinders while in storage,
 - d. Installing adequate lighting to deter theft and provide for safe emergency response, and
 - e. Instituting a lock and key control policy.
2. At a minimum of once a year, obtain pertinent information, such as the model number, serial number, calibration record, and last date of calibration check, on operational clearing device(s) owned by Fumigators. Calibrate INTERSCAN analyzers or verify proper performance of MIRAN and/or Spectros ExplorIR analyzers used by Fumigators purchasing ProFume® gas fumigant or obtain third party verification of operational clearance devices. This will include recording all equipment serial numbers, customers and dates of calibration or performance verification, and ensuring that Fumigators own an approved clearance device prior to purchasing ProFume.
3. At the request of DAS, provide a list of all Fumigators purchasing ProFume and the related clearance device information for stewardship verification.
4. Assist in INITIAL and ANNUAL STEWARDSHIP TRAINING PROGRAMS and make mailings to Fumigators when necessary to ensure notification of the STEWARDSHIP POLICY and training opportunities and/or requirements.
5. Deny the sale of ProFume to any Fumigator and/or Fumigator Location that fails to attend the INITIAL and ANNUAL STEWARDSHIP TRAINING PROGRAMS. As outlined by the STEWARDSHIP POLICY, all Fumigators responsible for releasing ProFume into a structure and/or aerating and clearing a structure for re-entry must participate in the INITIAL and ANNUAL STEWARDSHIP TRAINING PROGRAMS.
6. Deny the sale of ProFume to any Fumigator and/or Fumigator Location that is not equipped to transport cylinders securely in an upright position and/or attempts to transport cylinders in a closed vehicle where cylinders occupy the same airspace as personnel.
7. Discontinue sales of ProFume to a Fumigator and/or Fumigator Location if the Distributor is aware of, or is informed by DAS or state regulatory authorities of, uncorrected fumigation practices that have resulted in or could result in label violations or breaches of this Stewardship Policy, as outlined above.
8. Any discontinuance of sale should be immediately communicated to DAS.
9. Report all sales and conveyances of ProFume to DAS monthly, in the form and manner designated by DAS.
10. Collect summary level information about ProFume fumigations on a regular basis in the form and manner designated by DAS.
11. Transport and store cylinders of ProFume according to the label requirements and guidelines specified on the marketing letter.
12. Immediately notify the local DAS representative of all new Fumigators and/or Fumigator Locations that seek to purchase ProFume from them.