



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, DC 20460

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

January 13, 2016

Gregory C. Mattern  
Regulatory Manager  
Nufarm Americas, Inc.  
4020 Aerial Center Pkwy., Suite 101  
Morrisville, NC 27560

Subject: Notification per PRN 98-10 – Removal of Weeds Claims Required by CA DPR  
Product Name: Tri-Power Selective Herbicide  
EPA Registration Number: 228-262  
Application Date: October 15, 2015  
Decision Number: 510676

Dear Mr. Mattern:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 for the above referenced product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action requested falls within the scope of PRN 98-10.

The label submitted with the application has been stamped "Notification" and will be placed in our records. Should you wish to add/retain a reference to the company's website on your label, then please be aware that the website becomes labeling under the Federal Insecticide Fungicide and Rodenticide Act and is subject to review by the Agency. If the website is false or misleading, the product would be misbranded and unlawful to sell or distribute under FIFRA section 12(a)(1)(E). 40 CFR 156.10(a)(5) list examples of statements EPA may consider false or misleading. In addition, regardless of whether a website is referenced on your product's label, claims made on the website may not substantially differ from those claims approved through the registration process. Therefore, should the Agency find or if it is brought to our attention that a website contains false or misleading statements or claims substantially differing from the EPA approved registration, the website will be referred to the EPA's Office of Enforcement and Compliance.

If you have any questions, please contact Terri Stowe by phone at (703) 305-6117, or via email at [stowe.terri@epa.gov](mailto:stowe.terri@epa.gov).

Sincerely,

A handwritten signature in black ink that reads "Kathryn V. Montague".

Kathryn V. Montague  
Product Manager 23  
Herbicide Branch  
Registration Division (7505P)  
Office of Pesticide Programs

HIGHLIGHTED COPY

GROUP 4 HERBICIDE

# TRI-POWER®

SELECTIVE HERBICIDE

## NOTIFICATION

228-262

The applicant has certified that no changes, other than those reported to the Agency have been made to the labeling. The Agency acknowledges this notification by letter dated:

01/13/2016

[alternate brand names: Ortho® Weed B Gon® Pro Southern]

FOR SELECTIVE BROADLEAF WEED CONTROL IN ORNAMENTAL LAWNS AND TURF GRASSES. ALSO FOR WOODY PLANTS, ROADSIDES, AND NON-CROP AREAS (as listed on this label).

CONTROLS: Dandelion, Chickweed, Black medic, Knotweed, Plantain, Oxalis, Clover, Cocklebur, Thistle and many other species of broadleaf weeds; some of which are listed on this label.

CONTAINS MCPA, MECOPROP-p AND DICAMBA

### ACTIVE INGREDIENTS:

Dimethylamine Salt of 2-Methyl-4-Chlorophenoxyacetic Acid*	40.42%
Dimethylamine Salt of (+)-R-2-(2-Methyl-4-Chlorophenoxy) propionic Acid**‡	7.99%
Dimethylamine Salt of Dicamba (3,6-Dichloro-o-Anisic Acid)***	3.97%

OTHER INGREDIENTS:	47.62%
<b>TOTAL:</b>	<b>100.00%</b>

Isomer Specific Method, Equivalent to:

*2-Methyl-4-Chlorophenoxyacetic Acid.	33.00%, 3.1 lbs/gal.
**(+)-R-2-(2-Methyl-4-Chlorophenoxy) propionic Acid.	6.60%, 0.6 lbs/gal.
***3,6-Dichloro-o-Anisic Acid.	3.30%, 0.3 lbs/gal.

‡CONTAINS THE SINGLE ISOMER FORM OF MECOPROP-p.

## KEEP OUT OF REACH OF CHILDREN DANGER / PELIGRO

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle.  
(If you do not understand this label, find someone to explain it to you in detail.)

SEE INSIDE BOOKLET FOR FIRST AID AND ADDITIONAL PRECAUTIONARY STATEMENTS

For Chemical Spill, Leak, Fire, or Exposure, Call CHEMTREC (800) 424-9300  
For Medical Emergencies Only, Call (877) 325-1840

EPA REG. NO. 228-262  
EPA EST. NO. \_\_\_\_\_

NET CONTENTS: \_\_\_\_ Gallons ( \_\_\_\_ Liters)

Manufactured For  
Nufarm Americas Inc.  
11901 S. Austin Ave.  
Alsip, IL 60803



# PRECAUTIONARY STATEMENTS

## HAZARDS TO HUMANS AND DOMESTIC ANIMALS

### DANGER / PELIGRO

Corrosive causes irreversible eye damage. Do not get in eyes or on clothing. Harmful if absorbed through skin. Avoid contact with skin, eyes or clothing. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

#### PERSONAL PROTECTIVE EQUIPMENT (PPE)

Some materials that are chemical-resistant to this product are made of waterproof material. If you want more options, follow the instructions for category A on an EPA chemical-resistant selection chart.

#### All mixers, loaders, applicators and other handlers must wear:

- Long-sleeved shirt and long pants,
- Shoes plus socks, and
- Chemical-resistant gloves made of any waterproof material,
- Protective eyewear (goggles , face shield or shielded safety glasses)

Follow 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 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. As soon as possible, wash thoroughly and change into clean clothing.

#### FIRST AID

<b>IF IN EYES</b>	<ul style="list-style-type: none"> <li>• Hold eye open and rinse slowly and gently with water for 15 to 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>
<b>IF ON SKIN OR CLOTHING</b>	<ul style="list-style-type: none"> <li>• Take off contaminated clothing.</li> <li>• Rinse skin immediately with plenty of water for 15 to 20 minutes.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<b>IF SWALLOWED</b>	<ul style="list-style-type: none"> <li>• Call a 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>

#### 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 1-877-325-1840 for emergency medical treatment information.

#### NOTE TO PHYSICIAN

Probable mucosal damage may contraindicate the use of gastric lavage.

#### ENVIRONMENTAL HAZARDS

This pesticide may adversely affect non-target plants. Do not apply directly to water, to areas where surface water is present, or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwater or rinsate. Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas. Runoff of this product will be reduced by avoiding applications when rainfall is forecasted to occur within 48 hours.

This chemical has properties and characteristics associated with chemicals detected in groundwater. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination.

## DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. READ ENTIRE LABEL BEFORE USING THIS PRODUCT. USE STRICTLY IN ACCORDANCE WITH LABEL PRECAUTIONARY STATEMENTS AND DIRECTIONS.

This product is for use on Ornamental Turf Lawns (Residential, Industrial and Institutional), Parks, Cemeteries, Athletic Fields and Golf Courses (Fairways, Aprons, Tees and Roughs); also for Woody Plants and Roadsides. Not for use on turf being grown for sale or other commercial use as sod, or for commercial seed production or for research purposes.

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.

Aerial application of this product is prohibited.

### SPRAY DRIFT MANAGEMENT

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 the grower are responsible for considering all factors when making decisions.

Apply only as medium or coarser sprays (ASAE standard 572) or a volume mean diameter of 300 microns or greater for spinning atomizer nozzles.

Apply only when the wind speed is 2 to 10 mph at the application site.

For ground applications: Do not apply with a nozzle height greater than 4 feet above the crop canopy.

### Temperature Inversions

If applying at wind speed less than 3 mph, the applicator must determine if: a) conditions of temperature inversion exist, or b) stable atmospheric conditions exist at or below nozzle height. Do not make applications into areas of temperature inversions or stable atmospheric conditions.

### USE PRECAUTIONS

Avoid drift of spray mist onto vegetables, flowers, ornamental plants, shrubs, trees and other desirable plants. Do not pour spray solutions near desirable plants. Do not use on Dichondra, nor on lawns or turf where desirable clovers are present. Avoid fine mists. Use lawn type sprayer with coarse spray as wind drift is less likely. Avoid contact with exposed feeder roots of ornamentals and trees. Maximum control of weeds will be obtained from Spring or early Fall applications when weeds are actively growing. Use the higher rate for hard to control weeds. Do not exceed specified dosages for any area; be particularly careful within the dripline of tree and other ornamental species. Do not apply to newly seeded grasses until well established. Avoid broadcast applications when air temperature exceeds 90 degrees. When using small, spot treatment applications in temperature over 90 degrees, turf injury may occur.

When treating Carpetgrass and St. Augustine grass, avoid broadcast applications when air temperature exceeds 80 degrees. When air temperatures exceed 80 degrees, limit application to spot treatment only.

For optimum results: (1) avoid applying during excessively dry or hot periods unless irrigation is used; (2) avoid applying if rainfall is expected within 24 hours, nor should lawns be irrigated (watered) for 24 hours following application; (3) turf should not be mowed 1 to 2 days before and following application; (4) reseed no sooner than 3 to 4 weeks after application of this product. Adding oil, wetting agent, or other surfactant to the spray may be used to increase effectiveness on weeds, but doing so may reduce selectivity to turf resulting in turf damage. Clean and rinse spray equipment using soap or detergent and water, and rinse thoroughly before reuse for other sprays.

This product can be mixed with some liquid fertilizers or liquid iron materials. Because liquid fertilizers and liquid iron differ in pH, free ammonia content, density, salt concentration, and percentage of water, a compatibility test (given below) is recommended prior to mixing in the application equipment. All regulations, either State or Federal, relating to the application of liquid fertilizers or liquid iron and this product must be strictly followed. The following compatibility test should always be performed prior to full-scale mixing.

- 1) Pour 18 ounces of water into a quart jar.
- 2) Add 1 ounce of either the liquid fertilizer or liquid iron to be used.
- 3) Add 1 ounce of this product.
- 4) Close jar and shake well.
- 5) Watch the mixture for several seconds after shaking and check again after 30 minutes.
- 6) If the mixture does not show signs of separating, the combination may be used. If the mixture foams excessively, gels, separates or gets very thick, do not combine for field application.

- 7) Compatibility may be improved by the use of a compatibility agent. Some suggested compatibility agents to try are Kalo Laboratories, Complex, Farm Chemicals Inc.'s Compat, Harcros Chemicals' T-Mulz 734-2, Rigo Company's Rigo Compatibility Agent, Witco Chemical's Sponto 1 68D, Amoco Oil's Amoco Spray Mate and Universal Coop's Chem-Link. These agents are all used in the same manner. Follow the previously outlined test procedures and add 1/6 ounce of the compatibility agent between steps (the compatibility agent must be added to the fertilizer or iron before adding this product).
- 8) If the mixture does not separate, gel, foam or get very thick, it may be used for field application. Mix only the amount to be sprayed. Do not allow to stand overnight.

#### WEEDS CONTROLLED

Bedstraw	Dog fennel	Lespedeza	Red clover	Wild carrot
Bindweed	English daisy	Mallow	Red sorrel	Wild garlic
Black medic	Florida pusley	Morningglory	Sheep sorrel	Wild geranium
Buckhorn	Frenchweed	Mustard	Shepherdspurse	Wild lettuce
Burdock	Goldenrod	Oxalis	Smartweed	Wild onion
Buttercup	Ground ivy	Pennywort	Speedwell	Wild radish
Canada thistle	Hawkweed	Peppergrass	Spurge	Wood sorrel
Carpetweed	Healall	Pepperweed	Spurweed	Yarrow
Chickweed	Heartleaf	Pigweed	Stinging nettle	and many other
Chicory	Henbit	Plantain	Stitchwort	broadleaf weeds.
Clover	Jimsonweed	Poison ivy	Thistle	
Cocklebur	Knotweed	Poison oak	Toadf lax	
Dandelion	Kochia	Purslane	Veronica	
Dock	Lambsquarter	Ragweed	Wild aster	

## ORNAMENTAL LAWNS AND TURF:

This product may be applied by broadcast or spot treatment application methods. Spot treatment is defined as a treatment area no greater than 1000 ft<sup>2</sup> per acre.

**Cool Season Grasses:** Make broadcast application of this product at the rate of 2.5 to 3.87 pints in 20 to 240 gallons of spray solution per acre (or spot treatment application at the rate of 0.9 to 1.5 fluid ounces in 0.5 to 4 gallons of water per 1,000 square feet) to control (or kill) weeds growing in ornamental lawn turf planted to Kentucky bluegrass, Perennial ryegrass, Tall fescue or Fine fescue.

**Warm Season Grasses:** Make broadcast application of this product at the rate of 2 to 3 pints in 20 to 240 gallons of spray solution per acre (or spot treatment application at the rate of 0.7 to 1.1 fluid ounces in 0.5 to 4 gallons of water per 1,000 square feet) to control weeds growing in Bermudagrass or Zoysiagrass. Applications to other grass species including Bahiagrass, Kikuyugrass, Buffalograss, Centipedegrass, Carpetgrass, or St. Augustinegrass should be avoided unless injury can be tolerated. Avoid applications to warm season grasses emerging from Winter dormancy unless a slight delay in Spring green-up can be tolerated.

**Bentgrass Turf (Other Than Golf Course Greens and Tees):** On closely mowed Bentgrass, apply this product by broadcast application at a maximum rate of 2-1/2 pints per acre (or spot treatment application at the rate of 0.9 fluid ounces in 3 gallons of water per 1,000 square feet) in May or mid-August through September when weeds are actively growing. Exercise care when applying to avoid overdosing Bentgrass, or turf injury may result. Slight turf yellowing should disappear after about 1 week.

**Bentgrass Turf (Putting and Bowling Greens):** On closely mowed Bentgrass, apply this product at a maximum rate of 1 fluid ounce in 5 gallons of water per 1,500 square feet - preferably in May or mid-August through September. Slight turf yellowing will disappear after about one week.

**NOTE:** Care should be taken to avoid overdosing Bentgrass, St. Augustine, and Centipede grasses or injury may result. Large volumes of spray water will aid in obtaining uniform coverage. If hand-type sprayers are used, it is preferable to use a single nozzle sprayer rather than a multiple nozzle boom as sideways application with a boom where the spray from more than one nozzle is allowed to fall on the same area will result in heavy local over-application and subsequent turf discoloration or injury.

**Herbi™ Controlled Droplet Applicator:** For Cool Season Grasses - Add 1-2/3 to 2-1/2 pints of this product to the 5 pint Herbi bottle, then fill with water to make 5 pints of mixture or substitute 1/2 pint of a surfactant for water while agitating the solution, per 1 acre treatment.

For Listed Warm Season Grasses - Apply 1-1/4 to 1 -2/3 pints of this product, then add water to make total of 5 pints of mixture. While walking at approximately 1 pace (3 feet) per second, spray entire contents over 33,000 square feet (3/4 of an acre). Do not overlap (double coverage) at edge of spray patterns. Reduced rates (use 1/2 of rate shown above) of this product must be applied when grass is stressed from heat, drought, etc.

**Controlled Droplet Applicators - (CDA), Atomizers, and Spinning Disk Applicators:** For Cool Season Grasses - Use this product at the broadcast application rate of 2-1/2 to 3-1/2 pints per acre (or spot treatment application rate of 0.9 to 1.25 fluid ounces per 1,000 square feet) in sufficient water to assure coverage (1 to 4 gallons of water per acre is normal for this type of equipment).

For Listed Warm Season Grasses - Use 2 to 3 pints of this product per acre for broadcast application (or spot treatment application rate of 0.7 to 1.1 fluid ounces per 1,000 square feet) in sufficient water to assure coverage (1 to 4 gallons of water per acre is normal for this type of equipment).

**NOTE:** For all grasses (1) Do not overlap spray patterns; (2) Use reduced rates if grass is stressed from heat, or drought, and (3) Follow CDA equipment spray instructions.

## RESTRICTIONS AND LIMITATIONS FOR USE ON TURF

### PRODUCT SPECIFIC APPLICATION RESTRICTIONS

- Do not apply more than 3.87 pints of this product per acre per application (1.5 lbs MCPA ae, 0.3 lbs MCPP-p ae, 0.15 lbs Dicamba ae).
- Do not apply more than 2 applications of this product to the same treatment site per year
- The minimum retreatment interval for this product is 30 days.

### ACTIVE INGREDIENT APPLICATION RESTRICTIONS

- Application of MCPA is limited to 3.0 lbs ae per acre per year, no more than 1.5 lbs ae per application, and no more than 2 applications per year.
- Application of Dicamba is limited to 2.0 lbs ae per acre per year, no more than 1.0 lbs ae per application, and no more than 2 applications per year.
- Application of MCPP is limited to 1.5 lbs ae per acre per year, no more than 0.75 lbs ae per application, and no more than 2 applications per year.

**OTHER NON-CROP AREAS: (fencerows, hedgerows, roadsides (including aprons and guard rails), ditches, rights-of-way, utility, pipelines, powerlines, railroads, airports, commercial plants, storage and lumber yards, barrier strips and firebreaks, equipment areas, nurseries and ornamental plantings, fuel tank farms, pumping stations and other industrial sites)**

**Other Non-Crop Areas:** For the control of broadleaf weeds, mix at a rate of 1/4 gallon to 3 pints of this product per 50 to 300 gallons of water. This mixture will cover 43,500 square feet. Thoroughly saturate all weeds with spray mixture. Apply any time between the time when plants come into full leaf (Spring) to when the plants begin to go dormant. Best results are obtained when weeds are young and actively growing. Do not cut weeds until herbicide has translocated throughout the plant causing root death. For small broadleaf weeds, use the lower rate.

**For Suppression of Woody Plants:** Apply to both stems and foliage any time from the time foliage is completely matured until the time plants start to go dormant. All leaves, stems and suckers must be completely wet to the ground line for effective control. Regrowth may be anticipated on the more resistant species. Add 3 pints of this product to 100 gallons of water applying 200 to 600 gallons of spray mixture per 43,500 square feet depending upon the height and thickness of the brush. Mix thoroughly before spraying.

## **RESTRICTIONS AND LIMITATIONS FOR USE ON OTHER NON-CROP AREAS**

### **PRODUCT SPECIFIC APPLICATION RESTRICTIONS**

- Do not apply more than 3.87 pints of this product per acre per application (1.5 lbs MCPA ae, 0.3 lbs MCPP-p ae, 0.15 lbs Dicamba ae).
- Do not apply more than 2 applications of this product to the same treatment site per year
- The minimum application site retreatment interval for this product is 30 days.

### **ACTIVE INGREDIENT APPLICATION RESTRICTIONS**

- Application of MCPA is limited to 3.0 lbs ae per acre per year, no more than 1.5 lbs ae per application, and no more than 2 applications per year.
- Application of Dicamba is limited to 2.0 lbs ae per acre per year, no more than 1.0 lbs ae per application, and no more than 2 applications per year.
- Application of MCPP is limited to 1.5 lbs ae per acre per year, no more than 0.75 lbs ae per application, and no more than 2 applications per year.

## STORAGE AND DISPOSAL

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

**PESTICIDE STORAGE:** Always store pesticides in a secured warehouse or storage building. Store at temperatures above 32°F. If allowed to freeze, remix before using. This does not alter this product. Containers should be opened in well ventilated areas. Keep container tightly sealed when not in use. Do not stack cardboard cases more than two pallets high. Do not store near open containers of fertilizer, seed, or other pesticide.

**PRODUCT DISPOSAL:** Pesticide wastes are acutely hazardous. If container is damaged or if pesticide has leaked, contain all spillage. Absorb and clean up all spilled material with granules or sand. Place in a closed labeled container for proper disposal. Improper disposal of excess pesticide, spray mixtures, 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.

### **CONTAINER HANDLING AND DISPOSAL:**

#### **[Nonrefillable Containers 5 Gallons or Less]**

Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available. Triple rinse container (or equivalent) promptly after emptying.

**Triple rinse 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. Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedures approved by State and local authorities. Plastic containers are also disposable by incineration, or, if allowed by State and local authorities, by burning. If burned stay out of smoke.

#### **[Nonrefillable containers larger than 5 gallons]**

Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available. If recycling or reconditioning not available, puncture and dispose of in a sanitary landfill, or by other procedures approved by State and local authorities. Plastic containers are also disposable by incineration, or, if allowed by State and local authorities, by burning. If burned stay out of smoke. Triple rinse or pressure rinse container (or equivalent) promptly after emptying.

**Triple rinse as follows:** Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times.

**Pressure rinse as follows:** Empty the remaining contents into application equipment or a 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.

#### **[Refillable containers larger than 5 gallons]**

Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or a mix tank. Fill the container about 10% full with water. Agitate vigorously or recirculate water with the pump for two minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times.

#### **[Refillable Container]**

Refill this container with pesticide only. Do not reuse this container for any other purpose. Close all openings and replace all caps. Contact Nufarm's Customer Service Department at 1-800-345-3330 to arrange for return of the empty refillable container.



### WARRANTY DISCLAIMER

The directions for use of this product must be followed carefully. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, (1) THE GOODS DELIVERED TO YOU ARE FURNISHED "AS IS" BY MANUFACTURER OR SELLER AND (2) MANUFACTURER AND SELLER MAKE NO WARRANTIES, GUARANTEES, OR REPRESENTATIONS OF ANY KIND TO BUYER OR USER, EITHER EXPRESS OR IMPLIED, OR BY USAGE OF TRADE, STATUTORY OR OTHERWISE, WITH REGARD TO THE PRODUCT SOLD, INCLUDING, BUT NOT LIMITED TO MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, USE, OR ELIGIBILITY OF THE PRODUCT FOR ANY PARTICULAR TRADE USAGE. UNINTENDED CONSEQUENCES, INCLUDING BUT NOT LIMITED TO INEFFECTIVENESS, MAY RESULT BECAUSE OF SUCH FACTORS AS THE PRESENCE OR ABSENCE OF OTHER MATERIALS USED IN COMBINATION WITH THE GOODS, OR THE MANNER OF USE OR APPLICATION, INCLUDING WEATHER, ALL OF WHICH ARE BEYOND THE CONTROL OF MANUFACTURER OR SELLER AND ASSUMED BY BUYER OR USER. THIS WRITING CONTAINS ALL OF THE REPRESENTATIONS AND AGREEMENTS BETWEEN BUYER, MANUFACTURER AND SELLER, AND NO PERSON OR AGENT OF MANUFACTURER OR SELLER HAS ANY AUTHORITY TO MAKE ANY REPRESENTATION OR WARRANTY OR AGREEMENT RELATING IN ANY WAY TO THESE GOODS.

### LIMITATION OF LIABILITY

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, MANUFACTURER OR SELLER SHALL NOT BE LIABLE FOR SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES, OR FOR DAMAGES IN THEIR NATURE OF PENALTIES RELATING TO THE GOODS SOLD, INCLUDING USE, APPLICATION, HANDLING, AND DISPOSAL. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, MANUFACTURER OR SELLER SHALL NOT BE LIABLE TO BUYER OR USER BY WAY OF INDEMNIFICATION TO BUYER OR TO CUSTOMERS OF BUYER, IF ANY, OR FOR ANY DAMAGES OR SUMS OF MONEY, CLAIMS OR DEMANDS WHATSOEVER, RESULTING FROM OR BY REASON OF, OR ARISING OUT OF THE MISUSE, OR FAILURE TO FOLLOW LABEL WARNINGS OR INSTRUCTIONS FOR USE, OF THE GOODS SOLD BY MANUFACTURER OR SELLER TO BUYER. ALL SUCH RISKS SHALL BE ASSUMED BY THE BUYER, USER, OR ITS CUSTOMERS. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BUYER'S OR USER'S EXCLUSIVE REMEDY, AND MANUFACTURER'S OR SELLER'S TOTAL LIABILITY SHALL BE FOR DAMAGES NOT EXCEEDING THE COST OF THE PRODUCT.

**If you do not agree with or do not accept any of the directions for use, the warranty disclaimers, or limitations on liability, do not use the product, and return it unopened to the Seller, and the purchase price will be refunded.**

(RV071014)

Tri-Power and The Optical Advantage are registered trademarks of Nufarm Americas Inc.  
All other trademarks are the property of their respective owners.

000228-00262.20151015.NOTIF

**[OPTIONAL MARKETING CLAIMS – FRONT PANEL**

**GET THE OPTICAL ADVANTAGE®**

This product contains a purified form of MCPP known as the optical isomer, which is the portion of the molecule active as an herbicide. The Optical Advantage ® is not associated with user eye safety.]