

# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES

Theodore D. Head Product Registration Manager Nufarm Americas Inc., AGT Division 150 Harvester Drive Suite 200 Burr Ridge, Il 60527

APR 1 8 2008

Re: Notification for Deleting and Pests

EPA Reg No.: 228-447

Date of Submission: March 11, 2008

Dear Mr. Head:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated March 11, 2008, for the product, Momentum FX2 Herbicide. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the actions requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-6249 or Joyce Edwards of my staff at 703-308-5479.

Sincerely,

Linda Arrington Notifications & Minor Formulations Team Leader Registration Division (7505P) Office of Pesticide Programs

(Stamped)

under applicable law.

2. Signature

4. Typed Name

3. Title Product Registration Manager

5. Date



# Nufarm Americas Inc.

150 Harvester Drive, Suite 200 Burr Ridge, IL 60527 Telephone: (630) 455.2000 Facsimile: (630) 455.2001 www.us.nufarm.com

March 11, 2008

Document Processing Desk (NOTIF) Office of Pesticide Programs (7504P) U. S. Environmental Protection Agency Room S-4900, One Potomac Yard 2777 South Crystal Drive Arlington, VA 22202-4501

Attention:

Minor Formulation Review Coordinator

Subject:

Label notification for Momentum FX2 Herbicide

EPA Reg. No. 228-447

# To Whom It May Concern:

Nufarm is requesting a label notification for the above-mentioned product in accordance with PR Notice 98-10 Section II(B)(1-6). <u>Adding or Deleting Pests.</u> We are simply adding Yellow Nutsedge to the list of Weeds Controlled. Additionally are removing the word professional from the font panel of the label.

If you should have any questions, please contact me at the address and telephone number above or by e-mail to <ted.head@us.nufarm.com>.

Theodore D. Head

Product Registration Manager

# MOMENTUM® FX<sup>2</sup> HERBICIDE

# FOR THE CONTROL OF ANNUAL AND PERENNIAL BROADLEAF WEEDS IN ORNAMENTAL TURF

**CONTAINS 2,4-D, TRICLOPYR, AND FLUROXYPYR** 

# ACTIVE INGREDIENTS:

Triisopropanolamine Salt of 2,4-Dichlorophenoxyacetic Acid*							
Triethylamine Salt of 3,5-6-Trichloro-2-Pyridinyloxyacetic Acid**	3.86%						
1-Methylheptyl Ester of Fluroxypyr:[(4-amino-3-5-dichloro-6-fluoro-2-pyridinyl)oxy]acetic Acid,1-methylheptyl Ester *** . 4.20%							
OTHER INGREDIENTS:	<u>47,74%</u>						
TOTAL:	100.00%						
By Isomer Specific AOAC Method, Equivalent to:							
*2,4-Dichlorophenoxyacetic Acid	23.70%, 2.254 lbs./gal.						
**3,5,6-Trichloro-2-Pyridinyloxyacetic Acid	2.77%, 0.263.lbs./gal.						
***[(4-amino-3-5-dichloro-6-fluoro-2-pyridinyl)oxylacetic Acid	2 92% 0 278 lbs /gal						

FOR USE BY TURF MAINTENANCE PERSONNEL, LANDSCAPING OR COMMERCIAL APPLICATORS ONLY DO NOT SELL, DISTRIBUTE OR USE THE PRODUCT IN NASSAU AND SUFFOLK COUNTY IN NEW YORK

# 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 the 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. 228-447 EPA EST. NO. 228-IL-1 MANUFACTURED BY NUFARM AMERICAS INC. 150 HARVESTER DRIVE BURR RIDGE, IL 60527



**NET CONTENTS** 

GALS.

000228-00447.20080311.EPA







# PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS DANGER - PELIGRO

Corrosive. Causes irreversible eye damage. Harmful if swallowed. Do not get in eyes or on clothing. If this container is over one gallon and less than five gallons, then persons engaged in open pouring of this product must also wear coveralls or a chemical-resistant apron. If this container is five gallons or more in capacity, do not open pour product from this container. A mechanical system (such as a probe and pump or spigot) must be used for transferring the contents of this container. If the contents of a non-refillable pesticide container are emptied, the probe must be rinsed before removal.

#### PERSONAL PROTECTIVE EQUIPMENT (PPE)

NON-WPS TURF USES: Applicators and other handlers who handle this pesticide for any use NOT covered by the Worker Protection Standard (40 CFR Part 170) (in general only agricultural plant uses are covered by the WPS) must wear face shield, goggles, or safety glasses and long pants, long-sleeved shirt, socks, shoes and chemical-resistant gloves when mixing, loading or applying this product. It is recommended that safety glasses include front, brow, and temple protection. In addition to the clothing and eye protection listed above, commercial mixer/loaders must wear chemical-resistant in place of rubber gloves except when the product is to be applied to a golf course. After using this product, rinse gloves before removing, remove clothing and launder separately before reuse, and promptly and thoroughly wash hands and exposed skin with soap and water. Remove saturated clothing as soon as possible and shower.

NON-WPS INDUSTRIAL USES: When mixing, loading or applying this product or repairing or cleaning equipment used with this product, wear face shield, goggles, or safety glasses and chemical-resistant gloves, long-sleeved shirt, long pants, socks and shoes. It is recommended that safety glasses include front, brow, and temple protection. For aerial applicators in an enclosed cockpit and applicators applying this product from a tractor that has a completely enclosed cab, eye protection is not required. Wash hands, face and arms with soap and water as soon as possible after mixing, loading or applying this product. After work, remove all clothing and shower using soap and water. Do not reuse clothing worn during the previous day's mixing and loading or application of this product without cleaning first. Clothing must be kept and washed separately from other household laundry. Remove saturated clothing as soon as possible and shower.

WPS USES: Applicators and other handlers who handle this pesticide for any use covered by the Worker Protection Standard (40 CFR Part 170) (in general, agricultural plant uses are covered) must wear: long-sleeved shirt and long pants, chemical-resistant gloves made of any waterproof material, shoes plus socks, and protective eyewear, when cleaning equipment, mixing or loading. Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them. Follow manufacturer's instructions for cleaning/maintaining Personal Protective Equipment (PPE). If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry. After each day of use, clothing or PPE must not be reused until it has been cleaned. If this container is over one gallon and less than five gallons, mixers and loaders who do not use a mechanical system (such as a probe and pump or spigot) to transfer contents of this container must wear coveralls or a chemical-resistant apron in addition to the other required PPE.

Engineering Controls Statements: If this container is five gallons or more in capacity, do not open pour product from this container. A mechanical system (such as a probe and pump or spigot) must be used for transferring the contents of this container. If the contents of a non-refillable pesticide container are emptied, the probe must be rinsed before removal.

If the mechanical system is used in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

#### **USER SAFETY RECOMMENDATIONS**

# **Users Should:**

- Wash hands, face and arms with soap and water before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Remove PPE immediately after handling this product.
- · Wash the outside of gloves before removing.
- As soon as possible, wash thoroughly and change into clean clothing.

	FIRST AID	
IF IN EYES	<ul> <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>	
IF SWALLOWED	<ul> <li>Call poison control center or doctor immediately for treatment advice.</li> <li>Have person sip a glass of water if able to swallow.</li> <li>Do not induce vomiting unless told to do so by the poison control center or doctor.</li> <li>Do not give anything by mouth to an unconscious person.</li> </ul>	
	HOT LINE NUMBER  Intainer or label with you when calling a poison control center or doctor, or going for treatritient.	( t.c.



# **ENVIRONMENTAL HAZARDS**

This product is toxic to fish. Drift or runoff from treated areas may be hazardous to aquatic organisms and nontarget plants. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not apply when weather conditions favor drift from target area. Clean and rinse spray equipment using soap or detergent and water, and rinse thoroughly before reuse for other spraying. When cleaning equipment, do not pour washwater on the ground; spray or drain over a large area away from wells and other water sources. Do not contaminate water when disposing of equipment washwaters. Do not apply this product through any type of irrigation system. Do not contaminate water used for irrigation or domestic purposes.

Most cases of groundwater contamination involving phenoxy herbicides such as 2,4-D have been associated with mixing/loading and disposal sites. Caution should be exercised when handling these herbicides at such sites to prevent contamination of groundwater supplies. Use of closed systems for mixing or transferring this pesticide will reduce the probability of spills. Placement of the mixing/loading equipment on an impervious pad to contain spills will help prevent 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 pesticide should be used strictly in accordance with the drift and run-off precautions on this label in order to minimize off-site exposure.

Under some conditions this product may have a potential to run-off to surface water or adjacent land. Where possible, use methods which reduce soil erosion, such as no till, limited till and contour plowing; these methods also reduce pesticide run-off. Where feasible, use application techniques such as T-banding and in-furrow techniques which incorporate the pesticide into the soil. Use of vegetation filter strips along rivers, creeks, streams, wetlands, etc. or on the downhill side of fields where run-off could occur will minimize water run-off is recommended.

Low humidity and high temperatures increase the evaporation rate of spray droplets and therefore the likelihood of increased spray drift. Avoid spraying during conditions of low humidity and/or high temperatures.

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

#### AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR Part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about Personal Protective Equipment (PPE) and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted-entry interval (REI) of 48 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is: Coveralls, chemical-resistant gloves made of any waterproof material, shoes plus socks and protective eyewear.

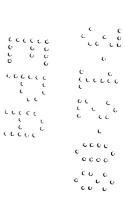
# **NON-AGRICULTURAL USE REQUIREMENTS**

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for agricultural pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries, or greenhouses.

For turf use, the maximum number of broadcast applications per treatment site is 2 per year.

Do not allow people (other than applicator) or pets on treatment area during application. Do not enter treatment areas until spray has dried.

This product is a broad-spectrum herbicide for control of actively growing annual and perennial broadleaf weeds. It is for use on established Ornamental Turf Lawns (Residential, Industrial and Institutional), Parks, Cemeteries, Athletic Fields, Roadsides, Golf Courses (Fairways, Aprons and Roughs) and similar turf areas; also for use on Sod Farms. Do not use on Golf Greens or Tees.



This product may be applied to the following established turfgrass species:

#### Established Cool Season Turfgrasses

Common Name
Bentgrass†
Bluegrass, Kentucky
Fescue, chewing
Fescue, creeping red
Fescue, sheeps

Ryegrass, perennial

Fescue, tall

Poa pratensis
Festuca rubravar. commutata
Festuca rubra
Festuca ovina
Festuca arundinaceae
Lolium perenne

Scientific Name

Agrostis species

#### Established Warm Season Turfgrasses††

Common Name
Bahiagrass†
Bermudagrass†
Buffalograss
Centipedegrass†
Zoysiagrass†
Zoysiagrass†
Fescue, tall (growing in warm season areas)

Scientific Name
Paspalum notatum
Cynodon dactylon
Buchloe dactyloides
Eremochloa ophiuroides
Zoysia japonica
Zoysia tenuifolia
Festuca arundinacea

†Do not apply to these turfgrass species unless potential turfgrass injury can be tolerated. Also, when treating these turfgrass species, do not apply more than 3 pints per acre. To minimize grass injury, additional applications should be made at least four weeks apart. Avoid swath overlaps.

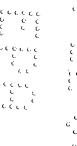
††Do not treat warm season turfgrass with this product when mowing height is less than 1/2 inch.

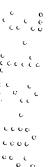
Note: This product may discolor and/or stunt turf that is not well-established or is stressed or weakened due to unfavorable climatic conditions, temperature extremes, drought, nematodes, or other factors which damage or weaken turf. Apply this product only to healthy, well-established turf that has a well-anchored root system. Do not apply this product to grass species not listed on this label unless potential turf injury can be tolerated.

#### **USE PRECAUTIONS**

Do not apply this product directly to, or otherwise permit drift or spray mist to come into contact with cotton, citrus, grapes, tobacco, vegetables, flowers, ornamental plants, shrubs, trees, and other desirable plants. Do not pour spray solutions near desirable plants. Avoid fine mists. Use lawn type sprayer with coarse spray as wind drift is less likely. Spray drift can be reduced by spraying when wind velocity is low, keeping spray boom as low as possible, using nozzles that deliver larger spray droplets and minimize the production of fine spray particles, and by using higher spray volumes and lower pressures. Applications should be made only when hazards from spray drift are at a minimum. Very small quantities of spray, which may not be visible, may seriously injure susceptible plants. Do not spray when wind is blowing toward susceptible crops or ornamental plants near enough to be injured. Do not apply to exposed roots of shallow rooted trees and shrubs. Maximum kill of weeds will be obtained from Spring or early Fall applications when weeds are actively growing. Do not apply more than 4 pints per acre per application. Mow newly seeded turf at least twice before treatment with this product.

For optimum results: (1) avoid applying during excessively dry or hot periods unless irrigation is used; (2) turf should not be mowed 1 to 2 days before and following application; (3) reseed no sooner than 3 to 4 weeks after application of this product.





# **WEEDS CONTROLLED**

This product is designed to control many broadleaf weeds such as:

Alder	Common mullein	Indiana mallow	Prostrate vervain	Toadflax
Annual yellow sweet	Common sowthistle	Ironweed	Puncture vine	Trailing Crownvetch
clover	Corn Chamomile	Jewelweed	Purslane	Tumble mustard
Artichoke	Creeping jenny	Jimsonweed	Ragweed	Tumble pigweed
Aster	Crimson clover	Kochia	Red clover	Tumbleweed
Austrian fieldcress	Croton	Knawel	Redroot pigweed	Velvet leaf
Bedstraw	Cudweed	Knotweed	Red sorrel	Venice mallow
Beggartick	Curly dock	Lambsquarter	Redstem filaree	Veronica
Biden	Curly indigo	Lespedez	Rough cinquefoil	Vervain
Bindweed	Dandelion	Locoweed	Rough fleabane	Vetch
Bird vetch	Dead nettle	Lupine	Roundleafed marigold	Virginia buttonweed
Bitterweed	Dock	Mallow	Rush	Virginia creeper
Bitter wintercress	Dogban <del>e</del>	Marshelder	Russian pigweed	Virginia pepperweed
Black-eyed Susan	Dogfennel	Matchweed	Russian thistle	Wavyleaf bullthistle
Black medic	Elderberry	Mexicanweed	St. Johnswort	Western clematis
Black mustard	English daisy	Milk vetch	Scarlet pimpernel	Western salsify
Black-seed plantain	Fall dandelion	Milkweed bloodflower	Scotch thistle	White clover
Blessed thistle	False dandelion	Mugwort	Sheep sorrel	White mustard
Blue lettuce	Faise flax	Morningglory	Shepherdspurse	Wild mustard
Blue vervain	False sunflower	Mousear chickweed	Slender plantain	Wild aster
Box elder		Musk thistle	Smallflower galinsoga	Wild buckwheat
Bracted plantain	Fiddleneck	Mustard	Smartweed	Wild carrot
Brassbuttons	Field bindweed	Narrowleaf plantain	Smooth dock	Wild four-o'-clock
Bristly oxtongue	Field pansy	Narrowleaf vetch	Smooth pigweed	Wild garlic
Broadleaf dock	Flea bane (daisy)	Nettle	Sneezeweed	Wild geranium
Broadleaf plantain	Flixweed	Nutgrass	Southern wild rose	Wild lettuce
Broomweed	Florida betony	Orange hawkweed	Sowthistle	Wild marigold
Buckhorn	Florida pusley	Oxalis	Spanishneedle	Wild onion
Buckhorn plantain	Frenchweed	Oxeye daisy	Spatterdock	Wild parsnip
Bulbous buttercup	Galinsoga	Parsley-piert	Speedwell	Wild radish
Bull nettle	Garlic mustard	Parsnip	Spiny Amaranth	Wild rape
Bull thistle	Goathead	Pearlwort	Spiny cocklebur	Wild strawberry
Burdock	Goatsbeard	Pennycress	Spotted catsear	Wild sweet potato
Burning nettle	Goldenrod	Pennywort	Spotted knapweed	Wild vetch
Bur ragweed	Ground ivy	Peppergrass	Spotted spurge	Willow
Burweed	Gumweed	Pepperweed	Spurge	Witchweed
Buttercup	Hairy bittercress	Pigweed	Spurweed	Woolly morningglory
Canada thistle	Hairy fleabane	Pineywoods bedstraw	Stinging nettle	Woodsorrel
Carolina geranium	Hawkweed	Plains coreopsis	Stinkweed	Woolly croton
Carpetweed	Healall	Plantain	Stitchwort	Woolly plantain
Catchweed bedstraw	Heartleaf drymary	Poison hemlock	Strawberry clover	Wormseed
Catsear	Hedge bindweed	Poison ivy	Sumac	Yarrow
Catnip	Hedge mustard	Poison oak	Sunflower	Yellow Nutsedge*
Chickweed	Hemp	Pokeweed	Sweet clover	Yellow rocket
Chicory	Henbit	Poorjoe	Tall nettle	Yellowflower
Cinquefoil	Hoary cress	Povertyweed	Tall vervain	pepperweed
Clover	Hoary plantain	Prickly lettuce	Tansy mustard	and other broadleaf
Cockle	Hoary vervain	Prickly sida	Tansy ragwort	weeds.
Cocklebur	Honeysuckle	Primrose	Tanweed	
Coffeebean	Hop clover	Prostrate knotweed	Tarweed	
Coffeeweed	Horsenettle	Prostrate pigweed	Thistle	
Common chickweed	Horsetail	Prostrate spurge	Tick trefoil	

<sup>\*</sup> Provides suppression at 1.5 oz./1000 square feet.

After applying this product, many broadleaf weeds will begin to show visible signs of leaf curl within a few days. Some hard-to-control broadleaf weeds may require a second broadcast treatment in 3 to 4 weeks. In the event more than two broadcast applications per site per year are necessary, use as a spot treatment. To spot treat, make up solution as listed below.

#### **RECOMMENDED MIXING INSTRUCTIONS**

Fill spray tank with water. Start agitation and slowly add the recommended amount of concentrate. Maintain continuous agitation of after mixing and during application. If this product is allowed to stand in tank for extended periods of time, some separation may occur. Reagitate before use.

5



#### **TURF APPLICATION DIRECTIONS**

Apply 3 to 4 pints of this product per acre (1.1 to 1.5 ozs./1,000 sq.ft.) to control above listed broadleaf weeds.

The maximum use rate for most warm season grasses is 3 pints per acre. For exceptions, see listing of warm season grasses listed above.

Make application using equipment that will ensure uniform coverage (see specific application directions below). Foliar sprays should be applied during warm weather when weeds are actively growing. Application under drought conditions may provide less than desirable results. When hard-to-control species are prevalent, when applications are made in late Summer, when weeds are mature, or during drought conditions, use the higher rates. (Optional language: When hard-to-control species are prevalent or when weeds are mature, use the higher rates.)

On closely mowed golf course fairway bentgrass, apply this product at a maximum rate of 2 pints in 20 to 240 gallons of water per acre (0.73 fluid ounces in 0.5 to 5.5 gallons of water per 1,000 square feet). During conditions which promote turf stress use lower rates, 1 to 1-1/2 pints in 20 to 240 gallons of water, per acre (0.36 to 0.55 fluid ounces in 0.5 to 5.5 gallons per 1,000 square feet). Slight turf yellowing will disappear after one week. To minimize grass injury, a second application should not be made for at least 4 weeks. Avoid swath overlaps, Do not use on golf course greens or tees.

Note: Broadleaf weeds germinate at different times of the year. Only emerged weeds present at the time of application will be controlled by this product.

Standard Volume Broadcast Applications: Apply 3 to 4 pints of this product in enough water to deliver 20 to 200 gallons of total spray mix per acre (0.5 to 5 gallons spray per 1,000 square feet). Higher application volumes may be used when this product is tank mixed with liquid fertilizers.

Low Volume Broadcast Applications: Apply 3 to 4 pints of this product in enough water to deliver from 5 to 40 gallons of total spray mixture per acre. Use low pressures and application equipment capable of delivering a uniform droplet size that can wet the weed leaf surface.

Targeted Zone Applications or Spot Treatment Using Portable Sprayers: Mix 1.1 to 1.5 ounces of this product in enough water to make one gallon of spray and apply at any time broadleaf weeds are actively growing. Target plants should be sprayed to wet but not beyond point of runoff.

# 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. Do not store near open containers of herbicides and other pesticides, fertilizer and seed. Store at temperatures above 25°F. Protect product from freezing. If allowed to freeze, remix well 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 pesticides.

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 and may contaminate groundwater. 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 DISPOSAL FOR NON-REFILLABLE CONTAINERS: Triple rinse (or equivalent). 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.

CONTAINER DISPOSAL FOR REFILLABLE CONTAINERS: Close all openings which have been opened during use and replace all caps. Contact Nufarm Customer Service 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 OF WARRANTY OR AGREEMENT RELATING IN ANY WAY TO THESE GOODS.

6

# **LIMITATION OF LIABILITY**

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, IN NO EVENT SHALL MANUFACTURER OR SELLER 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 RISING 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 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.

(RV031108A)

Momentum is a Registered Trademark licensed to Nufarm Americas Inc.

