

228-453

2/28/2011

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

OFFICE OF
CHEMICAL SAFETY AND
POLLUTION PREVENTION

Mr. George Meindl
Nufarm Americas, Inc.
150 Harvester Drive, Suite 200
Burr Ridge, IL 60527

FEB 28 2011

Subject: Label Amendment : add text to allow reduced eye protection after product dilution
Product Name: Battleship 3 Selective Herbicide
EPA Registration Number: 228-453
Decision Number: 441025

The label amendment referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended is acceptable provided that you make the following revisions to the product label:

1. Move the "Do not" statements in the "Use Precautions" section and other sections of the label to a "Use Restrictions" section. Include the maximum use rate and number of applications to this new "Use Restrictions" section. It is recommended that all restrictions be presented in a bulleted format to make more user-friendly.

One copy of the label stamped "Accepted with Comments" is enclosed for your records. Products shipped after 18 months from the date on this notice or the next printing of the label whichever occurs first, must bear the new revised label. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA. Your release for shipment of this product constitutes acceptance of these conditions. This label supersedes all previous accepted labels. You must submit one copy of the final printed label before the product is released for shipment.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathryn V. Montague".

Kathryn V. Montague
Product Manager (23)
Herbicide Branch
Registration Division (7505P)

2098

ACCEPTED
with COMMENTS
In EPA Letter Dated:

FEB 28 2011
Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.

228-453

BATTLESHIP® 3 SELECTIVE HERBICIDE

FOR THE CONTROL OF ANNUAL AND PERENNIAL
BROADLEAF WEEDS IN ORNAMENTAL TURF INCLUDING SOD FARMS

CONTAINS MCPA, FLUROXYPYR, AND TRICLOPYR

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.

ACTIVE INGREDIENTS:

Dimethylamine Salt of 2-Methyl-4-Chlorophenoxyacetic Acid*	37.84%
1-Methylheptyl Ester of Fluroxypyr:((4-amino-3-5-dichloro-6-fluoro-2-pyridinyl)oxy)acetic Acid, 1-methylheptyl ester**	4.45%
Triethylamine Salt of 3,5,6-Trichloro-2-Pyridinyloxyacetic Acid***	4.07%

OTHER INGREDIENTS:	53.64%
TOTAL	100.00%

By Isomer Specific AOAC Method, Equivalent to:

*2-Methyl-4-Chlorophenoxyacetic Acid	30.90%, 2.85 lbs./gal.
**((4-amino-3-5-dichloro-6-fluoro-2-pyridinyl)oxy)acetic Acid	3.09%, 0.29 lbs./gal.
***3,5,6-Trichloro-2-Pyridinyloxyacetic Acid	2.92%, 0.27 lbs./gal.

DO NOT SELL, DISTRIBUTE OR USE THE PRODUCT IN NASSAU AND SUFFOLK COUNTY IN NEW YORK.

**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 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) 325-1 840

EPA REG. NO. 228-453
EPA EST. NO. 228-IL-1

Manufactured For
NUFARM AMERICAS INC.
150 Harvester Drive
Burr Ridge, IL 60527



NET CONTENTS: GAL. (L)

**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS
DANGER / PELIGRO**

CORROSIVE. CAUSES IRREVERSIBLE EYE DAMAGE. Harmful if swallowed or absorbed through skin. Do not get in eyes or on clothing. Avoid contact with skin.

PERSONAL PROTECTIVE EQUIPMENT (PPE):

Mixers, loaders, applicators, and other handlers, supporting any type of application to non-crop lands must wear:

- long-sleeved shirt and long pants
- protective eyewear (goggles or face shield) *
- chemical-resistant gloves (such as or made of any waterproof material)
- shoes plus socks

* After this product has been diluted in accordance with Directions for Use, safety glasses for protective eyewear can be worn.

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.

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 exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

See **ENGINEERING CONTROLS STATEMENT** for additional requirements.

Engineering Controls Statement: When handlers use closed systems or enclosed cabs 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:	
<ul style="list-style-type: none"> • Wash hands, face and arms with soap and water before eating, smoking, drinking, 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. 	

FIRST AID	
IF IN EYES	<ul style="list-style-type: none"> • Hold eye 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 eye. • 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 do so by the poison control center or doctor. • Do not give anything by mouth to an unconscious person.
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.
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 use of gastric lavage.	

ENVIRONMENTAL HAZARDS

Drift or runoff may adversely affect non-target plants and 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. Do not apply directly to water, to areas where surface water is present, or to intertidal areas below the mean high water mark.

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

Do not contaminate water when disposing of equipment washwater or rinsate. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or other waters unless in accordance with the requirements of a National Pollution Discharge Elimination (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of the EPA.

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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.

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.

This product should be used strictly in accordance with the drift and runoff precautions on this label in order to minimize off-site exposure.

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 for high temperatures.

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, waterproof gloves, 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.

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

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 these factors when making decisions.

Apply only as a medium or coarser spray (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.

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

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 and 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		ESTABLISHED WARM SEASON TURFGRASSES†	
Common Name	Scientific Name	Common Name	Scientific Name
Bentgrass	<i>Agrostis species</i>	Bahiagrass	<i>Paspalum notatum</i>
Bluegrass, Kentucky	<i>Poa pratensis</i>	Bermudagrass	<i>Cynodon dactylon</i>
Fescue, chewing	<i>Festuca rubra</i> var. <i>commutata</i>	Buffalograss	<i>Buchloe dactyloides</i>
Fescue, creeping red	<i>Festuca rubra</i>	Centipedegrass	<i>Eremochloa ophiuroides</i>
Fescue, sheeps	<i>Festuca ovina</i>	Zoysiagrass	<i>Zoysia japonica</i>
Fescue, tall	<i>Festuca arundinaceae</i>	Zoysiagrass	<i>Zoysia tenuifolia</i>
Ryegrass, perennial	<i>Lolium perenne</i>	Fescue, tall (growing in warm season areas)	<i>Festuca arundinaceae</i>

†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) Add a spray adjuvant, such as DYNE-AMIC for best results; (2) Use a water conditioning agent, such as, QUEST for high PH and water hardness; (3) Avoid applying during excessively dry or hot periods unless irrigation is used; (4) Turf should not be mowed 1 to 2 days before and following application; (5) 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 | Chickweed | Ground ivy | Nettle |
| Annual yellow sweet clover | Chicory | Gumweed | Orange hawkweed |
| Artichoke | Cinquefoil | Hairy bittercress | Oxalis |
| Aster | Clover | Hairy fleabane | Oxeye daisy |
| Austrian fieldcress | Cockle | Hawkweed | Parsley-piert |
| Bedstraw | Cocklebur | Healall | Parsnip |
| Beggartick | Coffebean | Heartleaf drymary | Pearwort |
| Biden | Coffeeweed | Hedge bindweed | Pennycress |
| Bindweed | Common chickweed | Hedge mustard | Pennywort |
| Bird vetch | Common mullein | Hemp | Peppergrass |
| Bitterweed | Common sowthistle | Henbit | Pepperweed |
| Bitter wintercress | Corn Chamomiile | Hoary cress | Pigweed |
| Black-eyed Susan | Creeping jenny | Hoary plantain | Pineywoods bedstraw |
| Black medic | Crimson clover | Hoary vervain | Plains coreopsis |
| Black mustard | Croton | Honeysuckle | Plantain |
| Black-seed plantain | Cudweed | Hop clover | Poison hemlock |
| Blessed thistle | Curly dock | Horsenettle | Poison ivy |
| Blue lettuce | Curly indigo | Horsetail | Poison oak |
| Blue vervain | Dandelion | Indiana mallow | Pokeweed |
| Box elder | Dead nettle | Ironweed | Poorjoe |
| Bracted plantain | Dock | Jewelweed | Povertyweed |
| Brassbuttons | Dogbane | Jimsonweed | Prickly lettuce |
| Bristly oxtongue | Dogfennel | Kochia | Prickly sida |
| Broadleaf dock | Elderberry | Knawel | Primrose |
| Broadleaf plantain | English daisy | Knotweed | Prostrate knotweed |
| Broomweed | Fall dandelion | Lambsquarter | Prostrate pigweed |
| Buckhorn | False dandelion | Lespedeza | Prostrate spurge |
| Buckhorn plantain | False flax | Locoweed | Prostrate vervain |
| Bulbous buttercup | False sunflower | Lupine | Puncture vine |
| Bull nettle | Fiddleneck | Mallow | Purslane |
| Bull thistle | Field bindweed | Marshelder | Ragweed |
| Burdock | Field pansy | Matchweed | Red clover |
| Burning nettle | Flea bane (daisy) | Mexicanweed | Redroot pigweed |
| Bur ragweed | Flixweed | Milk vetch | Red sorrel |
| Burweed | Florida betony | Milkweed bloodflower | Redstem filaree |
| Buttercup | Florida pusley | Mugwort | Rough cinquefoil |
| Canada thistle | Frenchweed | Morningglory | Rough fleabane |
| Carolina geranium | Galinsoga | Mousear chickweed | Roundleafed marigold |
| Carpetweed | Garlic mustard | Musk thistle | Rush |
| Catchweed bedstraw | Goathead | Mustard | Russian pigweed |
| Catsear | Goatsbeard | Narrowleaf plantain | Russian thistle |
| Catnip | Goldenrod | Narrowleaf vetch | (continued) |

St. Johnswort	Spurge	Tumbleweed	Wild lettuce
Scarlet pimpernel	Spurweed	Velvet leaf	Wild marigold
Scotch thistle	Stinging nettle	Venice mallow	Wild onion
Sheep sorrel	Stinkweed	Veronica	Wild parsnip
Shepherdspurse	Stitchwort	Vervain	Wild radish
Slender plantain	Strawberry clover	Vetch	Wild rape
Smallf lower galinsoga	Sumac	Virginia buttonweed	Wild strawberry
Smartweed	Sunflower	Virginia creeper	Wild sweet potato
Smooth dock	Sweet clover	Virginia pepperweed	Wild vetch
Smooth pigweed	Tall nettle	Wavyleaf bullthistle	Willow
Sneezeweed	Tall vervain	Western clematis	Witchweed
Southern wild rose	Tansy mustard	Western salsify	Wooly morningglory
Sowthistle	Tansy ragwort	White clover	Woodsorrel
Spanishneedle	Tanweed	White mustard	Wooly croton
Spatardock	Tarweed	Wild mustard	Wooly plantain
Speedwell	Thistle	Wild aster	Wormseed
Spiny Amaranth	Tick trefoil	Wild buckwheat	Yarrow
Spiny cocklebur	Toadflax	Wild carrot	Yellow rocket
Spotted catsear	Trailing Crownvetch	Wild four-o'clock	Yellowflower pepperweed
Spotted knapweed	Tumble mustard	Wild garlic	and other broadleaf weeds.
Spotted spurge	Tumble pigweed	Wild geranium	

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.

RECOMMENDED MIXING INSTRUCTIONS

Fill spray tank with water. Start agitation and slowly add the recommended amount of concentrate. Maintain continuous agitation 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.

TURF APPLICATION DIRECTIONS

For residential turf, golf courses, sod farm and grass grown for seed uses: Apply 3 to 4 pints of this product per acre (1.1 to 1.5 oz. per 1000 square feet) to control above listed broadleaf weeds.

Do not apply more than 4.2 pints of product (1.5 lbs total ae) per acre per application. Do not apply more than 2 applications per year with a minimum retreatment interval of 21 days.

The maximum use rate for most warm season grasses is 3 pints per acre.

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.

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 1.5 pints in 20 to 240 gallons of water per acre (0.36 to 0.55 fluid ounces in 0.3 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 0.5 to 1.0 ounce 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.

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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 25°F. Protect from freezing. If allowed to freeze, remix well before using. Freezing does not alter the 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.

PESTICIDE 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:

[Nonrefillable Containers 5 Gallons or Less:] Nonrefillable container. Do not reuse or refill this container. 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. 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 Container 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 and, if possible, spray all sides while adding water. If practical, 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.

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, 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 BYWAY 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.

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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. *By using the goods, you expressly agree to all of the terms and conditions of this contract.*

USES WITH OTHER PRODUCTS (TANK MIXES) If the goods are used in combination with any other product except as specifically recommended in writing by Nufarm, then Nufarm shall have no liability for any crop, plant, or other loss, damage, or injury arising out of its use in any such combination not so specifically recommended.

(RV021308)

Battleship is a Registered Trademark of Helena Chemical Company
All other trademarks are the property of their respective owners.

U.S. Patent No. 6,831,038 (VBS NUBS chemical technology)