



U.S. ENVIRONMENTAL PROTECTION AGENCY

Office of Pesticide Programs
Registration Division (7505P)
Ariel Rios Building
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

EPA Reg. Number:
228-597

Date of Issuance:
JAN 23 2009

NOTICE OF PESTICIDE:

- Registration
 - Reregistration
- (under FIFRA, as amended)

Term of Issuance: conditional

Name of Pesticide Product:
NUP-07333 Herbicide

Name and Address of Registrant (include ZIP Code):

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

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide and Rodenticide Act. Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is conditionally registered in accordance with FIFRA sec. 3(c)(7)(A) provided that you:

1. Submit and/or cite all data required for registration/reregistration review of your product when the Agency requires all registrants of similar products to submit data.

2. Submit the data listed below:

a. Submit storage stability (guideline 830.6317) and corrosion characteristics (guideline 830.6320) studies upon completion. Observations should be made at 0, 6, 9, and 12 months for both studies.

b. Submit a copy of the enforcement analytical method to the EPA Analytical Laboratory at the following address:

USA EPA Analytical Laboratory
701 Mapes Road
Ft. Meade, MD 20755-5350

Signature of Approving Official:

Jim Tompkins
Product Manager 25
Herbicide Branch
Registration Division (7505P)

Tobi Blinn-Snyder for

Date:

1-23-09

3. Make the following label changes:

Make all of the changes specified in the attached document "Summary of Comments on Label template – T S 090804.qxd"

Submit one copy of final printed labeling incorporating the above changes before you release the product for shipment. Please include an electronic label in pdf text format of the final printed labeling with your submission.

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA sec. 6(e). Your release for shipment of the product constitutes acceptance of these conditions.

A stamped copy of the label is enclosed for your records.

If you have any questions about this letter, you may contact Tobi Colvin-Snyder at 703-305-7801 or Colvin-Snyder.Tobi@epa.gov.



Jim Tompkins
Product Manager 25
Herbicide Branch
Registration Division (7505P)

Summary of Comments on Label template - T S 090804.qxd

Page: 4

Author: tsnyder
Subject: Note
Date: 1/6/2009 1:10:25 PM
 Add text at blue edit marks (2 in this section).

Author: tsnyder
Subject: Cross-Out
Date: 1/6/2009 1:08:53 PM


Author: tsnyder
Subject: Inserted Text
Date: 1/6/2009 1:09:10 PM
 a.e.

Author: tsnyder
Subject: Replacement Text
Date: 1/6/2009 1:09:24 PM
 a.e.

Author: tsnyder
Subject: Note
Date: 1/6/2009 1:20:13 PM
 Add text at blue edit marks (2 in this section)

Author: tsnyder
Subject: Replacement Text
Date: 1/6/2009 1:19:18 PM
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Author: tsnyder
Subject: Replacement Text
Date: 1/6/2009 1:19:31 PM
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Author: tsnyder
Subject: Note
Date: 1/6/2009 1:21:37 PM
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Author: tsnyder
Subject: Replacement Text
Date: 1/6/2009 1:21:00 PM
 a.e.

Author: tsnyder
Subject: Replacement Text
Date: 1/6/2009 1:22:11 PM
 a.e.

Page: 5

Author: tsnyder
Subject: Note
Date: 1/6/2009 2:08:48 PM
 Add text at blue edit marks (5 in this section).

Author: tsnyder
Subject: Replacement Text
Date: 1/6/2009 1:22:40 PM
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Author: tsnyder
Subject: Replacement Text
Date: 1/6/2009 2:09:14 PM
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Author: tsnyder
Subject: Replacement Text
Date: 1/6/2009 2:08:06 PM
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Author: tsnyder
Subject: Replacement Text
Date: 1/6/2009 2:07:58 PM
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Author: tsnyder
Subject: Replacement Text
Date: 1/6/2009 2:07:49 PM
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Date: 1/6/2009 2:14:13 PM
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Author: tsnyder
Subject: Note
Date: 1/6/2009 2:16:26 PM
 Delete text at two red strike out marks in this table.

Author: tsnyder
Subject: Cross-Out
Date: 1/6/2009 2:15:10 PM


Author: tsnyder
Subject: Cross-Out
Date: 1/6/2009 2:15:24 PM

Comments from page 5 continued on next page

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Page: 6

Author: tsnyder
Subject: Cross-Out
Date: 1/21/2009 11:24:13 AM

 - This label does not have any terrestrial application uses, so this statement would not be applicable.

- If terrestrial applications near a potable water well were to be made, there should be some type of restriction to ensure that the water is not contaminated.

Author: tsnyder
Subject: Note
Date: 1/6/2009 2:22:06 PM

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Author: tsnyder
Subject: Replacement Text
Date: 1/6/2009 2:21:35 PM

 40

Author: tsnyder
Subject: Note
Date: 1/6/2009 2:26:36 PM

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Author: tsnyder
Subject: Inserted Text
Date: 1/6/2009 2:26:05 PM

 To the extent consistent with applicable law,

3/3

NUP-07333

Herbicide

Aquatic Sites: For control of emersed, submersed and floating aquatic weeds in the following aquatic sites: ponds; lakes; reservoirs; marshes; wetlands; impounded rivers, streams and other bodies of water that are quiescent; non-irrigation canals, seasonal irrigation waters and ditches which have little or no continuous outflow.

ACTIVE INGREDIENT:		
triclopyr: 3,5,6-trichloro-2-pyridinyloxyacetic acid, triethylamine salt	14.0%
OTHER INGREDIENTS:	86.0%
	TOTAL:	100.0%

Acid equivalent: triclopyr - 10.0%

KEEP OUT OF REACH OF CHILDREN

CAUTION - PRECAUCIÓN

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

SEE TO 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-
EPA EST. NO.

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



000000-00000.20081030.EPA.NEW
NUP-07333

ACCEPTED
with COMMENTS
In EPA Letter Dated
JAN 23 2009

Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.
228-597

**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS
CAUTION - PRECAUCIÓN**

Causes moderate eye irritation. Avoid contact with eyes or 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 ON SKIN OR CLOTHING	<ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15 to 20 minutes. • Call a poison control center or doctor for treatment advice.
IF SWALLOWED	<ul style="list-style-type: none"> • Call a poison control center or doctor immediately for treatment advice. • Have person sip a glass of water if able to swallow. • Do not induce vomiting unless told to do so by the poison control center or doctor. • Do not give anything by mouth to an unconscious person.
IF INHALED	<ul style="list-style-type: none"> • Move person to fresh air. • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible. • Call a poison control center or doctor for further 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.	

USER SAFETY RECOMMENDATIONS	
Users Should:	
<ul style="list-style-type: none"> • 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. If pesticide gets on skin, wash immediately with soap and water. • Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing. 	

ENVIRONMENTAL HAZARDS

Under certain conditions, treatment of aquatic weeds can result in oxygen depletion or loss due to decomposition of dead plants, which may cause fish suffocation. Therefore, to minimize this hazard **DO NOT** treat more than one-half (1/2) of the water area in a single operation and wait at least 10 days between treatments when susceptible plants are mature and have grown to the water's surface, or when the treatment would result in significant reductions in total plant biomass. Begin treatment along the shore and proceed outwards in bands to allow fish to move into untreated areas. Consult with the State agency for fish and game before applying to public water to determine if a permit is needed.

AGRICULTURAL CHEMICAL: Do not ship or store with food, feeds, drugs or clothing.

DIRECTIONS FOR USE

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

Read all, Directions for Use carefully before applying.

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.

GENERAL INFORMATION

When applying this product follow all applicable use directions, precautions and limitations.

For Aquatic and Wetland Sites:

Use this product for control of emersed, submersed and floating aquatic weeds in the following aquatic sites: ponds; lakes; reservoirs; marshes; wetlands; impounded rivers, streams and other bodies of water that are quiescent; nonirrigation canals, seasonal irrigation waters and ditches which have little or no continuous outflow.

Obtain Required Permits: Consult with appropriate state or local water authorities before applying this product in and around public waters. State or local public agencies may require permits.

Recreational Use of Water in Treatment Area: **DO NOT** swim in water treated with this product for three (3) hours after treatment. There are no restrictions on use of water in the treatment area for fishing.

Livestock Use of Water from Treatment Area: There are no restrictions on livestock consumption of water from the treatment area.

GENERAL USE PRECAUTIONS AND RESTRICTIONS

- **State of New York specific restriction:** Note to all pesticide applicators: Before application under any project program, notification of an approval by the NYS Department of Environmental Conservation is required, either by an aquatic permit issued pursuant to ECL Section 15.0313(4) or issuance of purchase permits for such use.
- **Chemigation:** DO NOT apply this product through any type of irrigation system.
- **Irrigation:** Water treated with this product may not be used for irrigation purposes for 120 days after application or until triclopyr residue levels are determined by laboratory analysis, or other appropriate means of analysis, to be 1.0 ppb or less. This label describes both required and recommended uses of a chemical analysis for the active ingredients triclopyr. Nufarm Americas Inc. recommends the use of an Enzyme-Linked Immunoassay (ELISA) test for the determination of the active ingredient concentration in water. Contact Nufarm Americas Inc. for the incorporation of this analysis in your treatment program. Other proven chemical analysis for the active ingredient may also be used. The ELISA analysis is referenced in this label as the preferred method for the rapid determination of the concentration of the active ingredient in the water.
 - **Seasonal Irrigation Waters:** This product may be applied during the off season to surface waters that are used for irrigation on a seasonal basis, provided that there is a minimum of 120 days between product application and the first use of treated water for irrigation purposes or until triclopyr residue levels are determined by laboratory analysis, or other appropriate means of analysis, to be 1.0 ppb or less.
 - **Irrigation Canals/Ditches:** DO NOT apply this product to irrigation canals/ditches unless the 120 day restriction on irrigation water usage can be observed or triclopyr residue levels are determined by laboratory analysis, or other appropriate means of analysis, to be 1.0 ppb or less.
 - **There is no restriction on use of treated water to irrigate established grasses.**
- DO NOT apply this product directly to, or otherwise permit it to come into direct contact with grapes, tobacco, vegetable crops, flowers, or other desirable broadleaf plants, and do not permit product dust to drift into them.
- DO NOT apply to salt water bays or estuaries.
- DO NOT apply directly to un-impounded rivers or streams.
- DO NOT apply on ditches or canals currently being used to transport irrigation water or that will be used for irrigation within 120 days following treatment or until triclopyr residue levels are determined to be 1.0 ppb or less.
- DO NOT apply where runoff water may flow onto agricultural land as injury to crops may result.
- **Grazing and Haying Restrictions:** Except for lactating dairy animals, there are no grazing restrictions following application of this product.
 - **Grazing Lactating Dairy Animals:** DO NOT allow lactating dairy animals to graze treated areas until the next growing season following application of this product.
 - DO NOT harvest hay for 14 days after application.
 - Grazed areas of non-cropland and forestry sites may be spot treated if they comprise no more than 10% of the total grazable area.
- **Slaughter Restrictions:** During the season of application, withdraw livestock from grazing treated grass at least 3 days before slaughter.

BEST PRACTICES FOR DRIFT MANAGEMENT

Equipment used in the application of this product should be carefully calibrated to be sure it is working properly and delivering a uniform distribution pattern. Aerial application should be made only when the wind velocity is 2 to 10 mph.

Applications should be made only when there is little or no hazard for volatility or dust drift, and when application can maintain this product's placement in the intended area. Very small quantities of dust, which may not be visible, may seriously injure susceptible plants, and this product may be blown outside of the intended treatment area under extreme conditions. Do not spread this product when wind is blowing toward susceptible crops or ornamental plants that are near enough to be injured.

Avoiding drift at the application site is the responsibility of the applicator. The interaction of many equipment and weather related factors determine the potential for drift. The applicator is responsible for considering all these factors when making decisions.

Ground Application Equipment: To aid in reducing drift, this product should be applied when wind velocity is low (follow state regulations; see *Sensitive Area under Aerial Drift Reduction Advisory* below) or using a slurry injection system.

Aerial Drift Reduction Advisory

This section is advisory in nature and does not supersede the mandatory label requirements.

Application Height: Applications should not be made at a height greater than 10 feet above the top of the largest plants unless a greater height is required for aircraft safety. Making applications at the lowest height that is safe reduces drift potential.

Swath Adjustment: When applications are made with a crosswind, the swath will be displaced downwind. Therefore, on the up and downwind edges of the field, the applicator must compensate for this displacement by adjusting the path of the aircraft upwind. Swath adjustment distance should increase, with increasing drift potential (e.g. higher wind).

Wind: Drift potential is lowest between wind speeds of 2 to 10 mph (follow state regulations). However, many factors, including equipment type, determine drift potential at any given speed. Application should be avoided below 2 mph due to variable wind direction and high inversion potential. **Note:** Local terrain can influence wind patterns. Every applicator should be familiar with local wind patterns and how they affect drift.

Sensitive Areas: This product should only be applied when the potential for drift to adjacent sensitive areas (e.g., residential areas, known habitat for threatened or endangered species, non-target crops) is minimal (e.g., when wind is blowing away from the sensitive areas).

AQUATIC WEEDS CONTROLLED

alligatorweed	parrotfeather††	yellow water lily (<i>Nuphar</i> spp., spatterdock)
American lotus	pickereelweed	white water lily (<i>Nymphaea</i> spp.)
bladderwort	pennywort	water primrose (<i>Ludwigia</i> spp.)
Eurasian watermilfoil	smartweed	watershield (<i>Brasenia</i> spp.)
milfoil species	water chestnut†, ††	

†Not for use California.

††Retreatment may be needed to achieve desired level of control.

APPLICATION METHODS

Surface Applications

Use a mechanical spreader such as a fertilizer spreader or mechanical seeder or similar equipment capable of uniformly applying this product. Before spreading any product, carefully calibrate the application equipment. When using boats and power equipment, you must determine the proper combination of (1) boat speed (2) rate of delivery from the spreader, and (3) width of swath covered by the product.

Use the following formula to calibrate the spreader's delivery in pounds of this product per minute:

$$\frac{\text{Miles per hour} \times \text{spreader width (feet)} \times \text{pounds per acre}}{495} = \text{Pounds per minute}$$

Aerial Application (Helicopter Only)

Ensure uniform application. All equipment should be properly calibrated using blanks with similar physical characteristics to this product. To avoid streaked, uneven or overlapped application, use an appropriate tracking device (e.g. GPS). Refer to the *Aerial Drift Reduction Advisory* section of this label for additional precautions and instructions for aerial application.

Floating and Emerged Weeds

For control of water lily's (*Nymphaea* spp. and *Nuphar* spp.), watershield (*Brasenia* spp.), and other susceptible emerged and floating herbaceous weeds, apply 1.0 to 2.5 AE ppm triclopyr per acre. Apply when plants are actively growing.

Use higher rates in the rate range when plants are mature, when the weed mass is dense, or for difficult to control species. Repeat as necessary to control regrowth, but do not exceed a total of 2.5 ppm AE triclopyr for the treatment area per annual growing season.

Submersed Weeds

For control of Eurasian watermilfoil (*Myriophyllum spicatum*) and other susceptible submerged weeds in ponds, lakes, reservoirs, impounded rivers, streams and other bodies of water that are quiescent; non-irrigation canals, and seasonal irrigation waters, or ditches that have little or no continuous outflow, apply this product using mechanical or portable spreading equipment. Rates should be selected according to the rate chart below to provide a triclopyr concentration of 0.50 to 2.5 ppm AE in treated water. Use of higher rates in the rate range is recommended in areas of greater water exchange. These areas may require a repeat application. However, total application of this product must not exceed an application rate of 2.5 ppm AE triclopyr for the treatment area per annual growing season.

For optimal control, apply when Eurasian watermilfoil or other submersed weeds are actively growing.

CONCENTRATION OF TRICLOPYR ACID IN WATER (PPM AE)						
	0.50 ppm	0.75 ppm	1.0 ppm	1.5 ppm	2.0 ppm	2.5 ppm
Avg. Water Depth (ft)	Pounds of Product / acre					
1	14	20	27	41	54	68
2	27	41	54	81	108	135
3	41	61	81	122	162	202
4	54	81	108	162	216	270

For applications greater in depth than 4 feet, when targeting difficult to control species and/or in sites with high dilution potential, the following formula should be used to calculate applications rates should greater than 270 pounds of this product be needed to achieve desired weed control. **NOTE:** Do not exceed 2.5 ppm AE triclopyr for the treatment area per annual growing season.

$$\text{average depth} \times \text{target ppm} \times 27 = \text{pounds of this product per acre}$$

Example Calculation:

6 foot average depth x 2.5 ppm x 27 = 405 pounds of this product per acre.

Small Site (Less than 1/2 acre) / Spot Treatment Application

For small treatment sites of 1/2 acre or less use the rate chart below to determine the application rate depending on average water depth to achieve a concentration of 1.25 to 2.5 ppm AE. Do not exceed 2.5 ppm AE triclopyr for the treatment area per annual growing season. Use higher rates in small treatment areas and in areas prone to higher dilution and for heavy weed infestation. Use the lower rates for spot treatment application of areas less prone to dilution and lighter weed infestations. For best results, split the total application rate into three equal applications 8 to 12 hours apart. Apply when water is calm.

Example: A 100 ft. by 40 ft. lakeshore swimming area with a 4 ft. average depth, heavily infested with Eurasian watermilfoil.

Step 1: Determine the area to be treated in square feet (ft²) by multiplying the length of the area by the width.
 -> 100 ft. x 40 ft. = 4,000 ft²

Step 2: Determine the amount of product to be used by consulting the Product Rate Chart for Areas Less than 1/2 Acre.
 -> Use 24.7 lbs. of this product total based on 4 foot average depth in Rate Chart below.

Step 3: Apply this product uniformly over weeds in treatment site in three equal applications of 8.2 lbs. each, 8 to 12 hours apart.

PRODUCT RATE CHART FOR AREAS LESS THAN 1/2 ACRE				
Pounds of Product				
Area (ft ²)	3 foot average depth		4 foot average depth	
	1.25 ppm AE _A	2.5 ppm AE _A	1.25 ppm AE _A	2.5 ppm AE _A
500	1.2	2.3	1.5	3.0
1,000	2.3	4.6	3.1	6.1
4,000	9.3	18.6	12.4	24.7
10,000	23.2	46.5	31.0	61.9
20,000	46.5	93.0	62.0	123.9

For applications with an area or depth not included in the above chart, the following formula should be used to calculate application rates.

area (ft²)/43,560 x average depth x target ppm x 27 = pounds of product

Example Calculation:

8,250 ft²/43,560 x 4 foot average depth x 1.25 ppm x 27 = 25.6 pounds of product

Small treatment application of this product is recommended with waterproof gloves or a hand spreader to uniformly distribute flakes on target weeds.

Precautions for Potable Water Intakes

For applications of this product to control floating, emersed, and submersed weeds in sites that contain a functioning potable water intake for human consumption, see the chart below to determine the minimum setback distances of the application from the functioning potable water intakes.

CONCENTRATION OF TRICLOPYR ACID IN WATER (PPM AE)					
Area Treated (acres)	0.75 ppm	1.0 ppm	1.5 ppm	2.0 ppm	2.5 ppm
	Required Setback Distance (ft) from Potable Water Intake				
A	300	400	600	800	1000
>4 to 8	420	560	840	1120	1400
>8 to 16	600	800	1200	1600	2000
16 to 32	780	1040	1560	2080	2600
>32 acres, calculate a setback using the formula for the appropriate rate	Setback (ft) = (800 *ln (acres) - 160) / 3.33	Setback (ft) = (800 *ln (acres) - 160) / 2.50	Setback (ft) = (800 *ln (acres) - 160) / 1.67	Setback (ft) = (800 *ln (acres) - 160) / 1.25	Setback (ft) = (800 *ln (acres) - 160)

Note: ln = natural logarithm

Example Calculation 1: To apply 2.5 ppm of product to 50 acres:

Setback in feet = (800 x ln (50 acres)) - 160
 = (800 x 3.912) - 160
 = 2970 feet

Example Calculation 2: To apply 0.75 ppm of product to 50 acres:

$$\begin{aligned} \text{Setback in feet} &= \frac{(800 \times \ln(50 \text{ acres}))}{3.33} - 160 \\ &= \frac{(800 \times 3.912)}{3.33} - 160 \\ &= 892 \text{ feet} \end{aligned}$$

Note: Existing potable water intakes which are no longer in use, such as those replaced by potable water wells or connections to a municipal water system, are not considered to be functioning potable water intakes. ~~These setback restrictions do not apply to terrestrial applications made adjacent to potable water intakes.~~

To apply this product around and within the distances noted above from a functioning potable water intake, the intake must be turned off until the triclopyr level in the intake water is determined to be 50 parts per billion (ppb) or less by laboratory analysis or immunoassay.

Wetland Sites

Wetlands include flood plains, deltas, marshes, swamps, bogs, and transitional areas between upland and lowland sites. Wetlands may occur within forests, wildlife habitat restoration and management areas and similar sites as well as areas adjacent to or surrounding domestic water supply reservoirs, lakes and ponds.

For control of emerged, floating or submersed aquatic weeds in wetland sites, follow use directions and application methods associated with the *Floating and Emerged or Submersed* sections on this label.

Use Precautions

Minimize unintentional application to open water when treating target vegetation in wetland sites. **Note:** Consult local public water control authorities before applying this product in and around public water. Permits may be required to treat such areas.

IF ANY CONTENT ON THIS LABEL IS NOT UNDERSTOOD, OR YOU NEED FURTHER ASSISTANCE, CONTACT A NUFARM AQUATIC SPECIALIST WITH QUESTIONS SPECIFIC TO YOUR APPLICATION.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in original container. Do not store near food or feed. In case of leak or spill, contain material and dispose as waste.

PESTICIDE DISPOSAL: Wastes resulting from the use of this product must be disposed of on site or at an approved waste disposal facility.

CONTAINER DISPOSAL: Nonrefillable container: Do not reuse or refill this container. Offer for recycling if available. Open dumping is prohibited. **PLASTIC BAGS:** Completely empty bag into application equipment. Then dispose of empty bag in a sanitary landfill or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke. Consult federal, state, or local disposal authorities for approved alternative procedures.

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 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 iimitations on liability, do not use the product, and return it unopened to the Seller, and the purchase price will be refunded.

(NEW)