DUPONT

Hyvar® X

herbicide

Wettable Powder

Acitve Ingredient	*By Weight*
Bromacil (5-bromo-3-sec-butyl-6-methyluracil)	80%
Inert Ingredients	20%
TOTAL	100%

EPA Reg. No. 352-287

ACCEPTED
Oct 29 1997
Under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for the pesticide registered under 352-287

KEEP OUT OF REACH OF CHILDREN

CAUTION

STATEMENT OF PRACTICAL TREATMENT

If in eyes: Flush with plenty of water. Get medical attention if irritation persists.

If on skin: Wash with plenty of soap and water. Get medical attention if irritation persists.

For medical emergencies involving this product, call toll free 1-800-441-3637.

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION! MAY IRRITATE EYES, NOSE, THROAT, AND SKIN.

Avoid breathing dust. Avoid contact with skin, eyes or clothing.

PERSONAL PROTECTIVE EQUIPMENT

Applicators and other handlers must wear:

Long-sleeved shirt and long pants.
Waterproof gloves.
Shoes plus socks.

Discard clothing or 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 PPE. If no such instructions for washables, 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.

ENVIRONMENTAL HAZARDS

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 contaminate water when disposing of equipment washwaters.

Bromacil is known to leach through soil and has been found in ground water as a result of normal field use. Users are advised not to apply in areas where soils are permeable, particularly where ground water is used for drinking water. Consult with the pesticide state lead agency for information regarding soil permeability and aquifer vulnerability in your area.

IMPORTANT

Injury to or loss of desirable trees or other plants may result from failure to observe the following: Do not apply (except as recommended for crop use), or drain or flush equipment on or near desirable trees or other plants, or on areas where their roots may extend, or in locations where the chemical may be washed or moved into contact with their roots. Do not use on lawns, walks, driveways, tennis courts, or similar areas. Prevent drift of dry powder or spray to desirable plants. Do not contaminate domestic waters. Keep from contact with fertilizers, insecticides, fungicides, and seeds. Thoroughly clean all traces of HYVAR X from application equipment immediately after use. Flush tank, pump, hoses, and boom with several changes of water after removing nozzle tips and screens (clean these parts separately).

PESTICIDE HANDLING

- Calibrate sprayers only with clean water away from the well site.
- Make scheduled checks of spray equipment.
- Assure accurate measurement of pesticides by all operation employees.
- Mix only enough product for the job at hand.
- Avoid over-filling of spray tank.
- Do not discharge excess material on the soil at a single spot in the field/grove or mixing/loading station.
- Dilute and agitate excess solution and apply at labeled rates/uses.
- Avoid storage of pesticides near well sites.

GENERAL INFORMATION

DuPont HYVAR X Herbicide is a wettable powder to be mixed in water and applied as a spray for control of weeds and brush. It is non-corrosive to equipment, non-flammable and non-volatile.

HYVAR X is an effective general herbicide for the control of many annual weeds at low rates and perennial weeds and brush at higher rates and is particularly useful for control of perennial grasses. It may be used on non-cropland for non-selective weed and brush control and for selective weed control in certain crops. HYVAR X is not to be used in any recreational areas or in or around homes.

Effects are slow to appear and may not become apparent until the chemical has been carried into the root zone of the weeds by moisture. The degree of control and duration of effect will vary with the amount of herbicide applied, soil texture, rainfall, and other conditions.

Resistance Management

When herbicides with the same mode of action are used repeatedly over several years to control the same weed species in the same field, naturally-occurring resistant weed biotypes may survive a correctly applied herbicide treatment, propagate, and become dominant in that field. These resistant weed biotypes may not be adequately controlled. Cultural practices such as tillage, preventing weed escapes from going to seed, and using herbicides with different modes of action within and between crop seasons can aid in delaying the proliferation and possible dominance of herbicide resistant weed biotypes.

Integrated Pest Management

DuPont recommends the use of Integrated Pest Management (IPM) programs to control pests. This product may be used as part of an Integrated Pest Management (IPM) program which can include biological, cultural, and genetic practices aimed at preventing economic pest damage. Application of this product should be based on IPM principles and practices including field scouting or other detection methods, correct target pest identification, population monitoring, and treating when target pest populations reach locally determined action thresholds. Consult your state cooperative extension service, professional consultants or other qualified authorities to determine appropriate action treatment threshold levels for treating specific pest/crop systems in your area.

DIRECTIONS FOR USE

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

DuPont HYVAR X Herbicide should be used only in accordance with recommendations on this label, or in separate published DuPont recommendations available through local dealers.

Do not apply this product through any type of irrigation system.

Apply HYVAR X as a spray just before or during the period of active growth of plants to be controlled and when rainfall can be expected for soil activation. If dense growth is present, results will be improved if vegetation is removed before treatment. Do not apply when ground is frozen.

Before spraying, calibrate equipment to determine quantity of water necessary to uniformly cover measured area to be treated. Weigh the proper amount of HYVAR X and mix into necessary volume of water.

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 USES

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 12 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.

For crop use, apply with a fixed-boom power sprayer properly calibrated to a constant speed and rate of delivery. Use sufficient water (min. 30 gal. per acre) to provide thorough and uniform coverage of the ground. Spray booms must be shut off while starting, turning, slowing, or stopping, or injury to the crop or successive crops may result.

For non-crop use, application also may be made with a handgun sprayer using at least 200 gals. spray per acre to insure uniform coverage. For small areas, a hand sprayer or sprinkling can may be used.

Nozzle screens should be 50 mesh or larger. Continuous agitation in the spray tank is required to keep the material in suspension. Agitate by mechanical or hydraulic means in the spray tank. If by-pass or return line is used, it should terminate at bottom of tank to minimize foaming. Do not use air agitation.

SELECTIVE USE IN CROPS

All dosages of HYVAR X are expressed as broadcast rates. For band treatment, use proportionately less.

Moisture is necessary to activate the chemical; best results are obtained if moisture is supplied by rainfall or irrigation within two weeks after application.

CITRUS

Apply as a band or broadcast treatment beneath and/or between trees. Avoid contact of foliage and fruit with spray or mist. Temporary yellowing of citrus leaves may occur following treatment. Do not use on citrus in Kern County, California.

Dosage rates are expressed as broadcast rates; for band treatment use proportionately less.

Because injury to citrus trees may result: do not use on soils low in organic matter (less than 1%) nor on poorly drained soils; do not apply more than 8 lbs. per acre per year; do not treat trees planted in irrigation furrows; do not treat diseased trees such as those with foot rot. Do not use in citrus orchards interplanted with other trees or desirable plants, nor in home citrus plantings or in areas where roots of other valuable plants or trees may extend as plant injury may result. Do not graze cattle in treated areas. Treated areas may be planted to citrus trees one year after last application; do not replant to other crops within 2 years after last application as plant injury may result.

FLORIDA ONLY

Do not use on citrus in the counties of Hardee, Highlands, Lake, Orange, and Polk, unless the citrus is "bedded".

Apply only in band applications: Do not apply "Trunk to Trunk".

- The maximum allowable is 6.4 lbs active (bromacil) per treated acre per year. The allowable amount is inclusive of all bromacil formulations used within one year.
- Under the above guidelines, do not apply more than 8 lbs per treated acre per year of HYVAR X which contains 6.4 lbs active (bromacil).
- Multiple applications may improve control of "hard-to-kill" species.
- Do not apply at less than 60 day intervals.

Trees Established Less Than One Year: For control of annuals, apply 2-3 lbs of HYVAR X per treated acre as needed to maintain weed control. Do not apply more than 6 pounds per treated acre within any 6 month period, or more than 8 pounds during the first year.

Trees Established One to Three Years: For control of annuals, apply 2-3 lbs of HYVAR X per treated acre as needed to maintain weed control. Do not apply more than 6 pounds per treated acre within any 6 month period, or more than 8 pounds per treated acre per year.

Trees Established Three or More Years: Apply 2-4 lbs per treated acre as needed to maintain weed control. Do not use more than 4 pounds per treated acre in any one application, nor more than 8 pounds per treated acre per year. Use the higher rate for control of perennials listed below. Repeat annual treatments are required to control perennials.

WEEDS CONTROLLED (annuals)

Barnyardgrass	Puncturevine
Crabgrass	Purslane
Crowfootgrass	Sandspur
Florida pusley	Sedge (annual)
Henbit	Sprangletop
Lambsquarters	Texas panicum
Mustard	Turkey mullein
Natalgrass (red top)	

WEEDS CONTROLLED (perennials)

Bahiagrass	Pangolagrass
Bermudagrass	Paragrass
Johnsongrass	Torpedograss
Nutsedge	

NOTE: Partial control of perennials usually occurs with a single treatment; repeat applications are required to control perennials. Control of perennials may be improved by cultivation prior to treatment; otherwise, avoid working the soil as long as weed control continues or else effectiveness of the treatment may be reduced.

TEXAS ONLY

For the control of the annual weeds listed above, apply 2-3 lbs of HYVAR X per acre. Use the lower rate for 1 to 2 year old trees and the higher rate for trees more than 2 years old. Do not apply more than 3 lbs HYVAR X per acre per year.

U.S. (EXCEPT FLORIDA and TEXAS)

Do not use on citrus in Kern County, California.

Trees Established for Four Years or More

Annual Weeds--Including barnyardgrass (watergrass), crabgrass, crowfootgrass, Florida pusley, henbit, lambsquarters, mustard, natalgrass (red top), puncturevine, purslane, sandspur, sedge (annual), sprangletop, Texas panicum (Colorado grass), and turkey mullein, apply 2 to 4 lbs per acre (3 lbs maximum per acre per year in Texas). Apply anytime of the year, preferably shortly before or after weed growth begins when adequate moisture is available.

Perennial Weeds--Best results are obtained if application is made shortly before or shortly after weed growth begins; if dense growth is present, remove tops and spray the ground. Effects on perennial weeds are slow to appear, usually progressing over a period of several months.

Make a single application per year during the period from winter to early summer; use at the following rates:

Soil Texture	Lbs HYVAR X Per Acre*
Sand, loamy sand	4 to 5
Sandy loam	5 to 6
Silt loam, clay loam	6 to 8

* Do not use more than 3 lbs HYVAR X per acre per year in Texas.

Alternatively, except for Texas, make two applications of 3 to 4 lbs HYVAR X per acre per year. In Texas, and Louisiana, apply in spring and summer; in California and Arizona, apply in fall and spring.

Note: Partial control usually occurs with a single treatment; repeat applications are required to control perennials.

HYVAR X controls the following:

Bermudagrass	All areas U.S.
Johnsongrass	Texas
Nutsedge	Texas, California

Control of perennials may be improved by cultivation prior to treatment; otherwise, avoid working the soil as long as weed control continues or else effectiveness of the treatment may be reduced.

PINEAPPLE

Do not replant treated areas to any crop other than pineapple within 2 years after last application as injury to subsequent crops may result.

Hawaii and Florida--For control of seedling weeds such as amaranthus, balsamapple, chloris, crabgrass, Floras paintbrush, foxtail, goosegrass (wiregrass), and Hialoa, apply 2 to 6 lbs. per acre broadcast before the planting material begins to grow. Use the lower rates in low rainfall areas
(5 to 10 inches annually) and on clean-culture fields; use the higher rates in high rainfall areas (above 10 inches annually) and for trashmulch fields. Follow with 2 to 4 lbs. per acre as directed interline spray as needed prior to differentiation, or apply 2 lbs. per acre broadcast as needed after plants are 8 months old but before differentiation. Do not apply more than 10 lbs. total per acre per plant crop.

For ratoon crop, apply 1 to 4 lbs. per acre broadcast after harvesting plant crop but before differentiation. Do not apply more than 4 lbs. total per acre per ratoon crop.

Puerto Rico--For control of seedling weeds such as crabgrass, goosegrass, jungle rice, pigweed, and purslane, apply 2 to 4 lbs. per acre broadcast immediately after planting and before planting material begins to grow.

NON-AGRICULTURAL USES

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 Part170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries, or greenhouses.

Non-crop weed and brush control are not within the scope of the Worker Protection Standard.

Do enter or allow others to enter the treated area until sprays have dried.

WEED CONTROL

To control most weeds for an extended period of time on non-cropland areas such as RAILROAD, HIGHWAY and PIPELINE RIGHT-OF-WAYS, PETROLEUM TANK FARMS, LUMBERYARDS, STORAGE AREAS and INDUSTRIAL PLANT SITES. Do not apply to open water (such as lakes, reservoirs, rivers, streams, creeks, salt water bays or estuaries) nor while water is present in fresh water wetlands (such as marshes, swamps, bogs or potholes) nor to salt water marshes within tidal areas nor to ditches, steep banks along waterways or impervious substrates, nor to areas near desirable plants where roots of these plants may extend.

Apply 3 to 6 lbs. per acre for control of annuals such as cheat, crabgrass, downy brome, foxtail, lambsquarters, puncturevine, ragweed, ryegrass, turkey mullein, and wild oats. When applied just prior to or after emergence of annuals, rates as low as 2 lbs. per acre control many annual weeds and grasses in low rainfall areas and give short term control in higher rainfall areas.

Apply 7 to 15 lbs per acre for control of perennials such as bahiagrass, bermudagrass, bluegrass, broomsedge, dandelion, dog fennel, goldenrod, johnsongrass, nutsedge, plantain, purpletop, natalgrass (redtop), quackgrass, smooth brome, and wild carrot. In areas with low or seasonal rainfall, rates as low as 5 lbs. per acre control many perennial weeds and grasses.

Where limited rainfall (usually less than 4 inches) occurs during the active growth period, such as some areas of the West, HYVAR X usually will not provide satisfactory control of hard-to-kill, deep-rooted perennial weeds such as johnsongrass.

NOTE: Use the higher levels of the dosage ranges on adsorptive soils (those high in organic matter or carbon).

Retreatment--Apply 2 to 6 lbs per acre when annual weeds and grasses reappear on sites where weed growth has been controlled.*

For Small Areas--1/4 cupful of HYVAR X per 250 sq. ft. is approximately 15 lbs. per acre.

Combinations - For broader spectrum control of emerged weeds, apply HYVAR X (as listed above) plus surfactant with dicamba or 2,4-D amine. Use the higher rates of HYVAR X on heavier soils or soils high in organic matter; use the companion herbicides as recommended on package labels using higher rates on heavy, dense vegetation.

BRUSH CONTROL

To control undesirable woody plants on non-cropland areas such as RAILROAD RIGHT-OF-WAYS, STORAGE AREAS, and INDUSTRIAL PLANT SITES.

Apply in spring or summer as a broadcast or basal (spot) treatment. Do not use where marketable timber or other desirable trees or shrubs are immediately adjacent to the treated area.

Broadcast Treatment--Apply 7 to 15 lbs per acre to control brush such as oak, pine, sweet gum, and willow. Use the higher rates on adsorptive soils (those high in organic matter or carbon).

Basal (Spot) Treatment--Mix 2 1/2 lbs in 5 gals. of water and apply at the rate of 1 to 2 fl. oz. per stem 2" to 4" in basal diameter; wet base of stem to run-off. Treatment controls woody plants such as cottonwood, hackberry, maple, oak, poplar, red bud, sweet gum, wild cherry, willow, and winged elm.

SPRAY PREPARATION

Mixing in water - Fill tank 1/2 full with water. Start agitation system, add HYVAR X and continue adding water. Add separately each additional component of any tank-mix while adding water. Continue agitation throughout.

Mixing in liquid fertilizer (citrus only) - A fertilizer solution may be used in the spray mixture. Small quantities should be tested for compatibility by the following procedures before full scale mixing.

1. Put 1 pint fertilizer solution in a quart jar.
2. Mix 2 teaspoons HYVAR X with 2 tablespoonfuls of water; mix thoroughly and add to fertilizer solution.
3. Close jar and shake well.
4. If other herbicides are used in the mixture, premix 2 teaspoonfuls of dry materials to 1 teaspoonful of liquids with 2 tablespoons of water; add to HYVAR X/fertilizer solution mixture.
5. Close jar and shake well.
6. Watch mixture for several seconds; check again in 30 minutes.
7. If mixture does not separate, foam, gel or become lumpy, it may be used.

Provided the above procedure shows the mixture to be compatible, prepare the tank mixture as follows: add the fertilizer solution to the spray tank first, mix the required amount of HYVAR X with water to form a slurry, with the agitator running, slowly add the slurry and mix thoroughly. For other herbicides, follow directions above. When tank mixing with other herbicides, all applicable directions, restrictions, and precautions for the additional herbicides are also to be followed.

Thoroughly reagitate before using if allowed to settle.

SPRAY DRIFT MANAGEMENT

The interaction of many equipment and weather-related factors determines the potential for spray drift. The applicator is responsible for considering all these factors when making application decisions.

AVOIDING SPRAY DRIFT IS THE RESPONSIBILITY OF THE APPLICATOR.

IMPORTANCE OF DROPLET SIZE

The most effective way to reduce drift potential is to apply large droplets (>150 - 200 microns). The best drift management strategy is to apply the largest droplets that provide sufficient coverage and control. The presence of sensitive species nearby, the environmental conditions, and pest pressure may affect how an applicator balances drift control and coverage. APPLYING LARGER DROPLETS REDUCES DRIFT POTENTIAL, BUT WILL NOT PREVENT DRIFT IF APPLICATIONS ARE MADE IMPROPERLY OR UNDER UNFAVORABLE ENVIRONMENTAL CONDITIONS! See **Wind, Temperature and Humidity**, and **Surface Temperature Inversions** sections of this label.

Controlling Droplet Size - General Techniques

- **Volume** - Use high flow rate nozzles to apply the highest practical spray volume. Nozzles with higher rated flows produce larger droplets.
- **Pressure** - Use the lower spray pressures recommended for the nozzle. Higher pressure reduces droplet size and does not improve canopy penetration. WHEN HIGHER FLOW RATES ARE NEEDED, USE A HIGHER-CAPACITY NOZZLE INSTEAD OF INCREASING PRESSURE.
- **Nozzle Type** - Use a nozzle type that is designed for the intended application. With most nozzle types, narrower spray angles produce larger droplets. Consider using low-drift nozzles.

Controlling Droplet Size - Aircraft

- **Number of Nozzles** - Use the minimum number of nozzles with the highest flow rate that provide uniform coverage.
- **Nozzle Orientation** - Orienting nozzles so that the spray is emitted backwards, parallel to the airstream will produce larger droplets than other orientations.
- **Nozzle Type** - Solid stream nozzles (such as disc and core with swirl plate removed) oriented straight back produce larger droplets than other nozzle types.

BOOM LENGTH AND HEIGHT

- **Boom Length (aircraft)** - The boom length should not exceed 3/4 of the wing length, using shorter booms decreases drift potential. For helicopters use a boom length and position that prevents droplets from entering the rotor vortices.
- **Boom Height (aircraft)** - Application more than 10 ft above the canopy increases the potential for spray drift.
- **Boom Height (ground)** Setting the boom at the lowest height which provides uniform coverage reduces the exposure of droplets to evaporation and wind. The boom should remain level with the crop and have minimal bounce.

WIND

Drift potential increases at wind speeds of less than 3 mph (due to variable direction and inversion potential) or more than 10 mph. However, many factors, including droplet size and equipment type determine drift potential at any given wind speed. AVOID APPLICATIONS DURING GUSTY OR WINDLESS CONDITIONS.

Note: Local terrain can influence wind patterns. Every applicator should be familiar with local wind patterns and how they effect spray drift.

TEMPERATURE AND HUMIDITY

When making applications in hot and dry conditions, set up equipment to produce larger droplets to reduce effects of evaporation.

SURFACE TEMPERATURE INVERSIONS

Drift potential is high during a surface temperature inversion. Surface inversions restrict vertical air mixing, which causes small suspended droplets to remain close to the ground and move laterally in a concentrated cloud. Surface inversions are characterized by increasing temperature with altitude and are common on nights with limited cloud cover and light to no wind. They begin to form as the sun sets and often continue into the morning. Their presence can be indicated by ground fog; however, if fog is not present, inversions can also be identified by the movement of smoke from a ground source or an aircraft smoke generator. Smoke that layers and moves laterally in a concentrated cloud (under low wind conditions) indicates a surface inversion, while smoke that moves upward and rapidly dissipates indicates good vertical air mixing.

SHIELDED SPRAYERS

Shielding the boom or individual nozzles can reduce the effects of wind. However, it is the responsibility of the applicator to verify that the shields are preventing drift and not interfering with uniform deposition of the product.

SPRAY TANK CLEANOUT

Thoroughly clean all traces of HYVAR X from application equipment immediately after use. Flush the tank, pump, hoses, and boom with several changes of water after removing nozzle tips and screens (clean these parts separately). Dispose of the equipment wash water by applying it to a use-site listed on this label.

STORAGE AND DISPOSAL

STORAGE: Store product in original container only. Do not contaminate water, other pesticides, fertilizer, food or feed in storage.

PRODUCT DISPOSAL: Do not contaminate water, food, or feed by storage or disposal. Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

CONTAINER DISPOSAL: 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.

LIMITATION OF WARRANTY AND LIABILITY

NOTICE: Read This Limitation of Warranty and Liability Before Buying or Using This Product. If the Terms Are Not Acceptable, Return the Product at Once, Unopened, and the Purchase Price Will Be Refunded.

It is impossible to eliminate all risks associated with the use of this product. Such risks arise from weather conditions, soil factors, off target movement, unconventional farming techniques, presence of other materials, the manner of use or application, or other unknown factors, all of which are beyond the control of DuPont. These risks can cause: ineffectiveness of the product; crop injury, or; injury to non-target crops or plants.

DuPont does not agree to be an insurer of these risks. WHEN YOU BUY OR USE THIS PRODUCT, YOU AGREE TO ACCEPT THESE RISKS.

DuPont warrants that this product conforms to the chemical description on the label thereof and is reasonably fit for the purpose stated in the Directions for Use, subject to the inherent risks described above, when used in accordance with the Directions for Use under normal conditions.

DUPONT MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS OR OF MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

IN NO EVENT SHALL DUPONT OR SELLER BE LIABLE FOR ANY INCIDENTAL, CONSEQUENTIAL OR SPECIAL DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT. BUYER'S OR USER'S BARGAINED-FOR EXPECTATION IS CROP PROTECTION. THE EXCLUSIVE REMEDY OF THE USER OR BUYER AND THE EXCLUSIVE LIABILITY OF DUPONT OR SELLER, FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY OR CONTRACT, NEGLIGENCE, TORT OR STRICT LIABILITY), WHETHER FROM FAILURE TO PERFORM OR INJURY TO CROPS OR OTHER PLANTS, AND RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, SHALL BE THE RETURN OF THE PURCHASE PRICE OF THE PRODUCT, OR AT THE ELECTION OF DUPONT OR SELLER, THE REPLACEMENT OF THE PRODUCT.

DuPont or its Authorized Retailer must have prompt notice of any claim so that an immediate inspection of buyer's or user's growing crops can be made. Buyer and all users shall promptly notify DuPont or a DuPont Authorized Retailer of any claims, whether based on contract, negligence, strict liability, other tort or otherwise or be barred from any remedy.

This Limitation of Warranty and Liability may not be amended by any oral or written agreement.

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