

**BEST AVAILABLE COPY**

Mr. Richard M. Vaught  
E.I. DuPont de Nemours & Co.  
P.O. Box 80038  
Wilmington, DE 19880-0038

FEB 12 1997

Dear Mr. Vaught:

Subject: DuPont Krenite<sup>®</sup> S (UT) Brush Control Agent  
EPA Registration No. 352-395  
Application and Your Letter Dated December 11, 1996,  
and Your Letter Dated December 12, 1996 and  
Resubmission Application and Letter Dated  
January 28, 1997 Requesting Signal Word  
and Precautionary Statements Revisions,  
Clarifications and Formatting Changes

The proposed labeling to reflect the subject amendments  
have been reviewed and found acceptable for registration under  
the Federal Insecticide and Rodenticide Act (FIFRA), as  
amended, provided that you:

- o Submit one (1) copy of the final printed labeling before  
you release the product for shipment under the subject  
labeling.

If this condition is not complied with, the registration  
will be subject to cancellation in accordance with FIFRA,  
Section 6(e). Your release for shipment of the product  
under the subject labeling constitutes acceptance of this  
condition.

Stamped copies of the labeling are enclosed for your records.

Sincerely yours,

Joanne I. Miller  
Product Manager (23)  
Fungicide-Herbicide Branch  
Registration Division (7505C)

Enclosures (2)

~~E. Wilson: Diskette ABC 32-02-12-97~~

CONCURRENCES

SYMBOL							
SURNAME							
DATE							



# Krenite<sup>®</sup> S

## brush control agent

### Water Soluble Liquid

Contains 4 Lbs. Active Ingredient Per Gallon

Active Ingredient	By Weight
Ammonium salt of fosamine [ethyl hydrogen (aminocarbonyl) phosphonate]	41.5%
Inert Ingredients	58.5%
TOTAL	100%

EPA Reg. No. 352-395

KEEP OUT OF REACH OF CHILDREN

## CAUTION

### PRECAUTIONARY STATEMENTS

#### HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION! CAUSES MODERATE EYE IRRITATION.

Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling

#### STATEMENT OF PRACTICAL TREATMENT

IF IN EYES: Flush eyes with plenty of water. Call a physician if irritation persists.

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

#### 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.

## DIRECTIONS FOR USE

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

KRENITE S should be used only in accordance with recommendations on this label or in supplemental DuPont publications.

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

Do not use on food or feed crops.

## GENERAL INFORMATION

DuPont KRENITE S Brush Control Agent is a water soluble liquid to be diluted with water and applied as a foliar spray for control and/or suppression of many woody species.

KRENITE S is recommended for use on noncropland, including highway rights-of-way, industrial sites, railroad rights-of-way, storage areas, utility and pipeline rights-of-way.

It is permissible to apply to floodplains where surface water is not present, terrestrial areas of deltas and low lying areas where water is drained but may be isolated in pockets due to uneven or unlevel conditions.

KRENITE S is non-flammable and non-volatile.

## ENVIRONMENTAL CONDITIONS AND BIOLOGICAL ACTIVITY

A KRENITE S spray directed to only part of susceptible brush species will provide control of the portion sprayed, resulting in a trimming effect. Treatment with KRENITE S generally does not immediately affect deciduous woody plants; they retain normal foliage for the remainder of the growing season. Treated susceptible plants do not produce foliage or grow the following spring. Coniferous species treated with KRENITE S generally display visible symptoms following application.

Effectiveness may be reduced if, following treatment, rainfall occurs on the same day.

## APPLICATION INFORMATION

### NONCROPLAND, INDUSTRIAL SITES

#### Application Timing

Make a single foliar application of the recommended rate of KRENITE S during the period after spring growth has hardened to the development of fall coloration on deciduous species. Coniferous species may be treated at anytime during the growing season.

ACCEPTED  
with COMMENTS  
In EPA Letter Dated

FEB 12 1997

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

352-395

**Species Controlled**

KRENITE S effectively controls or suppresses the following plants when applied at the use rates shown.

**1 1/2 to 6 gal KRENITE S per acre**

Bigleaf maple**	Red alder
Birch	Red maple**
Blackberry	Red oak
Black cherry**	Salmonberry
Blackgum	Sassafras**
Black locust	Sourwood**
Bracken (fern)	Sumac
Chinese tallow	Sweetgum
Chokecherry**	Thimbleberry
Elm**	Tuliptree (yellow poplar)**
Hawthorn**	Vine maple
Hickory**	Virginia pine
Leafy spurge***	Water oak
Loblolly pine	White ash
Persimmon**	White oak
Pin cherry	Willow**
Quaking aspen	

**2 to 6 gal KRENITE S per acre**

American elder	Slippery elm
Basswood**	Sycamore
Eastern cottonwood	Tree-of-heaven
Eastern white pine	Wild grape
Field bindweed***	Wild plum
Multiflora rose	Winged elm**

\*\* Difficult to control--Partial control and growth suppression.

\*\*\* Make applications after plants begin to bloom.

**SPRAY EQUIPMENT**

KRENITE S may be applied using high volume or low volume ground sprayers as well as aircraft (helicopter only).

Application equipment should be properly calibrated before making applications of KRENITE S.

**HIGH VOLUME GROUND APPLICATION**

Prepare a spray solution using 1 1/2 to 3 gallons of KRENITE S per 100 gallons of water. Apply a quantity of spray solution which will thoroughly and uniformly cover the foliage. Rate and volume per acre will depend on plant species, height and density of growth as well as the type of application equipment used. On tall or dense stands of brush it may be necessary to spray from opposite sides in order to obtain thorough coverage of the foliage. Use the higher rates on stands where difficult to control species are dominant.

Do not apply more than 4 gallons of KRENITE S per acre.

**LOW VOLUME GROUND APPLICATION**

Prepare a spray solution using 1 1/2 to 3 gallons of KRENITE S per 10 gallons of water. Apply a quantity of spray solution using equipment that will deliver small spray droplets ensuring uniform coverage of the foliage. Rate and volume per acre will depend on plant species, height and density of growth as well as the type of application equipment used. Use the higher concentrations on stands where difficult to control species are dominant.

Do not apply more than 4 gallons of KRENITE S per acre.

**AERIAL APPLICATION**

Prepare a spray solution using 1 1/2 to 3 gallons of KRENITE S in 10 to 40 gallons of water. Use sufficient spray solution to uniformly and thoroughly cover the foliage. Total rate and volume per acre will depend on plant species, height and density of growth. Use the higher concentrations on stands in which difficult to control species are predominant.

Do not apply more than 3 gallons of KRENITE S per acre when using aerial equipment.

**SIDE TRIMMING**

For control of only a portion of a plant, direct the spray solution to thoroughly cover only the portion of the plant to be controlled. Application methods described above may be used for side trimming.

Do not apply more than 6 gallons of KRENITE S per acre when side trimming.

**SPRAY ADJUVANTS**

To enhance the activity of the KRENITE S treatment, the addition of penetrating type oil-based surfactant may be added as the last ingredient. The oil should be mixed in the spray solution at a minimum concentration of 1/4% by volume (1 quart per 100 gallons) or at the manufacturer's recommended dosage.

If foaming is a problem during mixing, an anti-foam agent may be added.

**MIXING INSTRUCTIONS**

1. Fill spray tank 1/2 full of water.
2. With the agitator running, add the desired amount of KRENITE S.
3. If using a tank mix partner, add the recommended amount. Read and follow the cautionary statements and other information appearing on the product container label of the selected tank mix partner.
4. Add spray adjuvants if any are to be used.
5. Add the remaining water.
6. Agitate the spray solution thoroughly. After KRENITE S has been thoroughly mixed in the spray tank agitation of the spray solution is not required.

**SPRAYER CLEANUP**

Thoroughly clean all mixing and spray equipment immediately following applications of KRENITE S. Flush tank, pump, hoses and boom with several changes of water after removing the nozzle tips and screens (clean these parts separately).

## 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 of these factors when making applications.

**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 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.

## WIND

Drift potential increases at wind speeds of less than 3 mph (due to 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 GUSTY OR WINDLESS CONDITIONS.**

**Note:** Local terrain can influence wind patterns. Every applicator should be familiar with local wind patterns and how they affect 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.

## TEMPERATURE INVERSIONS

Drift potential is high during a temperature inversion. Temperature inversions restrict vertical air mixing, which causes small suspended droplets to remain close to the ground and move laterally in a concentrated cloud. Temperature 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 in a concentrated cloud (under low wind conditions) indicates an inversion, while smoke that moves upward and rapidly dissipates indicates good vertical air mixing.

## USE PRECAUTIONS

- Cutting of treated stems of brush before they are completely dead may result in sprouting.
- Do not use for the control of woody plants on lawns, walks, driveways, tennis courts or similar areas.
- Should treated areas be converted to cropland, do not plant to food crops nor graze livestock within 1 year of treatment; however non-food/feed plants such as wildflowers and native grasses may be planted anytime after treatment of the sites listed.
- Drift or spray mist contact with desirable trees, shrubs, or other plants may results in injury.
- Not registered for sale or use in California or Arizona.

## 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:** Triple rinse (or equivalent) the container. Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

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**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.



# Krenite<sup>®</sup> UT

## brush control agent

### Water Soluble Liquid

Contains 4 Lbs. Active Ingredient Per Gallon

<i>Active Ingredient</i>	<i>By Weight</i>
Ammonium salt of fosamine [ethyl hydrogen (aminocarbonyl) phosphonate]	41.5%
<i>Inert Ingredients</i>	58.5%
TOTAL	100%

EPA Reg. No. 352-395

KEEP OUT OF REACH OF CHILDREN

## CAUTION

### PRECAUTIONARY STATEMENTS

#### HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION! CAUSES MODERATE EYE IRRITATION.

Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling

#### STATEMENT OF PRACTICAL TREATMENT

IF IN EYES: Flush eyes with plenty of water. Call a physician if irritation persists.

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

#### 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.

## DIRECTIONS FOR USE

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

KRENITE UT should be used only in accordance with recommendations on this label or in supplemental DuPont publications.

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

Do not use on food or feed crops.

## GENERAL INFORMATION

DuPont KRENITE UT Brush Control Agent is a water soluble liquid to be diluted with water and applied as a foliar spray for control and/or suppression of many woody species.

KRENITE UT is recommended for the control and suppression of undesirable woody plants on railroad, utility and pipeline rights-of-way

It is permissible to apply to floodplains where surface water is not present, terrestrial areas of deltas and low lying areas where water is drained but may be isolated in pockets due to uneven or unlevel conditions.

KRENITE UT is non-flammable and non-volatile.

## ENVIRONMENTAL CONDITIONS AND BIOLOGICAL ACTIVITY

A KRENITE UT spray directed to only part of susceptible brush species will provide control of the portion sprayed, resulting in a trimming effect. Treatment with KRENITE UT generally does not immediately affect deciduous woody plants; they retain normal foliage for the remainder of the growing season. Treated susceptible plants do not produce foliage or grow the following spring. Coniferous species treated with KRENITE UT generally display visible symptoms following application.

Effectiveness may be reduced if, following treatment, rainfall occurs on the same day.

## APPLICATION INFORMATION

### Application Timing

Make a single foliar application of the recommended rate of KRENITE UT during the period after spring growth has hardened to the development of fall coloration on deciduous species. Coniferous species may be treated at anytime during the growing season.

ACCEPTED  
with COMMENTS  
In EPA Letter Dated

FEB 12 1997

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

352-395

**Species Controlled**

KRENITE UT effectively controls or suppresses the following plants when applied at the use rates shown.

**1 1/2 to 6 gal KRENITE UT per acre**

Bigleaf maple**	Red alder
Birch	Red maple**
Blackberry	Red oak
Black cherry**	Salmonberry
Blackgum	Sassafras**
Black locust	Sourwood**
Bracken (fern)	Sumac
Chinese tallow	Sweetgum
Chokecherry**	Thimbleberry
Elm**	Tuliptree (yellow poplar)**
Hawthorn**	Vine maple
Hickory**	Virginia pine
Leafy spurge***	Water oak
Loblolly pine	White ash
Persimmon**	White oak
Pin cherry	Willow**
Quaking aspen	

**2 to 6 gal KRENITE UT per acre**

American elder	Slippery elm
Basswood**	Sycamore
Eastern cottonwood	Tree-of-heaven
Eastern white pine	Wild grape
Field bindweed***	Wild plum
Multiflora rose	Winged elm**

\*\* Difficult to control--Partial control and growth suppression.  
\*\*\* Make applications after plants begin to bloom.

**SPRAY EQUIPMENT**

KRENITE UT may be applied using high volume or low volume ground sprayers as well as aircraft (helicopter only). Application equipment should be properly calibrated before making applications of KRENITE UT.

**HIGH VOLUME GROUND APPLICATION**

Prepare a spray solution using 1 1/2 to 3 gallons of KRENITE UT per 100 gallons of water. Apply a quantity of spray solution which will thoroughly and uniformly cover the foliage. Rate and volume per acre will depend on plant species, height and density of growth as well as the type of application equipment used. On tall or dense stands of brush it may be necessary to spray from opposite sides in order to obtain thorough coverage of the foliage. Use the higher rates on stands where difficult to control species are dominant.

Do not apply more than 4 gallons of KRENITE UT per acre.

**LOW VOLUME GROUND APPLICATION**

Prepare a spray solution using 1 1/2 to 3 gallons of KRENITE UT per 10 gallons of water. Apply a quantity of spray solution using equipment that will deliver small spray droplets ensuring uniform coverage of the foliage. Rate and volume per acre will depend on plant species, height and density of growth as well as the type of application equipment used. Use the higher concentrations on stands where difficult to control species are dominant.

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Do not apply more than 3 gallons of KRENITE UT per acre when using aerial equipment.

**SIDE TRIMMING**

For control of only a portion of a plant, direct the spray solution to thoroughly cover only the portion of the plant to be controlled. Application methods described above may be used for side trimming.

Do not apply more than 6 gallons of KRENITE UT per acre when side trimming.

**SPRAY ADJUVANTS**

To enhance the activity of the KRENITE UT treatment, the addition of penetrating type oil-based surfactant may be added as the last ingredient. The oil should be mixed in the spray solution at a minimum concentration of 1/4% by volume (1 quart per 100 gallons) or at the manufacturer's recommended dosage.

If foaming is a problem during mixing, an anti-foam agent may be added.

**MIXING INSTRUCTIONS**

1. Fill spray tank 1/2 full of water.
2. With the agitator running, add the desired amount of KRENITE UT.
3. If using a tank mix partner, add the recommended amount. Read and follow the cautionary statements and other information appearing on the product container label of the selected tank mix partner.
4. Add spray adjuvants if any are to be used.
5. Add the remaining water.
6. Agitate the spray solution thoroughly. After KRENITE UT has been thoroughly mixed in the spray tank agitation of the spray solution is not required.

**SPRAYER CLEANUP**

Thoroughly clean all mixing and spray equipment immediately following applications of KRENITE UT. Flush tank, pump, hoses and boom with several changes of water after removing the nozzle tips and screens (clean these parts separately).

## 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 of these factors when making applications.

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

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## TEMPERATURE INVERSIONS

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## USE PRECAUTIONS

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- Should treated areas be converted to cropland, do not plant to food crops nor graze livestock within 1 year of treatment; however non-food/feed plants such as wildflowers and native grasses may be planted anytime after treatment of the sites listed.
- Drift or spray mist contact with desirable trees, shrubs, or other plants may results in injury.
- Not registered for sale or use in California or Arizona.

## 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:** Triple rinse (or equivalent) the container. Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.



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**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.