

WASHINGTON, D.C. 20460

MAY 2 5 2005

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Ms. Shannon R. Webb U.S. Registration Coordinator DuPont Crop Protection Stine Haskell Research Center P.O. Box 30 Newark, DE 19714-0030

Dear Ms. Webb:

SUBJECT: DuPont™ Velpar® ULW Herbicide EPA Registration No. 352-450

Application and Letter Dated May 13, 2005, Request To Amend Registration with Revised Labeling as Described on the Application and in the Letter

The subject revised labeling has been reviewed and found to be acceptable as an amendment to this pesticide product registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, provided that you:

1. Revise the "NON-AGRICULTURAL USES, Application Information" section by deleting the descriptor "general" for brush; and revised to read: "VELPAR® ULW is recommended for brush species, listed as woody plants on this label, on the following uncultivated agricultural areas (nonfood producing): farmyards, fuel storage areas, fence rows, rights-of-way, fallow land, barrier strips; and on uncultivated nonagricultural areas (outdoors): airports, highway rights-of-way, railroad rights-of-way, utility rights-of-way, and sewage disposal areas; industrial sites: lumberyards tank farms, etc.

Note: If you wish to add specific use-sites such as "pipelines" you may do so, provided that the use site is added parenthetically to the use site listed in the Federal Code of Regulations Title 40: 158 Appendix A (10), in this case to "utility rights-of-way", e.g. "utility rights-of way, (pipelines)".

2. The added woody plant, Yaupon, <u>Ilex vomitoria</u>, must also be listed with the "Woody Plants" on page 6; or describe the use-pattern separately for the control of this weed.

2/10

If these conditions are not complied with the registration will be subject to cancellation in accordance with FIFRA, section 6(e). Your release for shipment of this product under the revised labeling constitutes acceptance of these conditions. A stamped copy of the conditionally accepted labeling is enclosed for your records.

Joanne J. Miller

Product Manager (23)
Herbicide Branch

Registration Division (7505C)

Enclosure



herbicide

ACCEPTED with COMMENTS In EPA Letter Dated:

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

352-450

Soluble Granules

Active Ingredient	By Weight
Hexazinone	
[3-cyclohexyl-6-(dimethylamino)	
-1-methyl-1,3,5-triazine-2,4(1H,3H)-dione]	75%
Inert Ingredients	25%
TOTAL	100%

EPA Reg. No. 352-450

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 this label, find someone to explain it to you in detail.)

FIRST AID

IF IN EYES: Hold eye open and rinse slowly and gently with water for 15-20 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: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment advice.

IF SWALLOWED: 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 a poison control center or doctor. Do not give anything by mouth to an unconscious person.

NOTE TO PHYSICIAN: Probable mucosal damage may contraindicate the use of gastric lavage.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-441-3637 for medical emergencies involving this product.

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS DANGER! CAUSES EYE DAMAGE.

Corrosive, causes irreversible eye damage. Harmful if swallowed. Do not get in eyes or on clothing. Wash thoroughly with soap and water after handling.

PERSONAL PROTECTIVE EQUIPMENT

Some materials that are chemical resistant to this product are listed below. If you want more options follow the instructions for Category A on an EPA chemical resistance category selection chart.

Applicators and other handlers must wear:

Long-sleeved shirt and long pants.

Chemical resistant gloves made of any water proof material.

Shoes plus socks.

Protective eyewear.

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 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.

The active ingredient, hexazinone, in this product is known to leach through soil into ground water under certain conditions as a result of agricultural use. Use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in ground-water contamination.

GENERAL INFORMATION

DuPont™ VELPAR® ULW herbicide is a special granular product that is used to control undesirable woody and herbaceous plants in reforestation and noncrop sites.

VELPAR® ULW may be applied using appropriately modified ground or aerial equipment (where permitted). All application equipment should be adjusted to ensure that product distribution across the treated area is uniform. Thoroughly clean all application equipment immediately with water after use.

VELPAR® ULW is noncorrosive to equipment.

ENVIRONMENTAL CONDITIONS AND BIOLOGICAL ACTIVITY

Rainfall dissolves the VELPAR® ULW granules, releasing the active ingredient (hexazinone) into the root zone, where it is absorbed during periods of vigorous plant growth. On herbaceous plants, symptoms usually appear within 3 to 4 weeks after activation by moisture. Activity may be reduced when vegetation is dormant, semidormant, or under stress. On woody plants, symptoms usually appear within 4 to 8 weeks after activation by moisture. Defoliation and subsequent refoliation may occur, but susceptible plants are killed. Results may develop slowly, and maximum effects may not be achieved until 12 to 24 months after activation.

The degree and duration of control may depend on the following:

- · use rate
- · soil texture
- · pest spectrum and size at application
- · environmental conditions at and following treatment

RESISTANCE

When herbicides that affect the same biological site of action are used repeatedly over several years to control the same weed species in the same field, naturally-occurring resistant biotypes may survive a correctly applied herbicide treatment, propagate, and become dominant in that field. Adequate control of these resistant weed biotypes cannot be expected. If weed control is unsatisfactory, it may be necessary to retreat the problem area using a product affecting a different site of action.

To better manage herbicide resistance through delaying the proliferation and possible dominance of herbicide resistant weed biotypes, it may be necessary to change cultural practices within and between crop seasons such as using a combination of tillage, retreatment, tank-mix partners and/or sequential herbicide applications that have a different site of action. Weed escapes that are allowed to go to seed will promote the spread of resistant biotypes.

It is advisable to keep accurate records of pesticides applied to individual fields to help obtain information on the spread and dispersal of resistant biotypes. Consult your agricultural dealer, consultant, applicator, and/or appropriate state agricultural extension service representative for specific alternative cultural practices or herbicide recommendations available in your area.

INTEGRATED PEST MANAGEMENT

This product may be used as part of an Integrated Pest Management (IPM) program that can include biological, cultural, and genetic practices aimed at preventing economic pest damage. IPM principles and practices include 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.

VELPAR® ULW should be used only in accordance with recommendations on this label or in separate published DuPont recommendations available through local suppliers.

The correct use rates by crop and geographical area,

specified on the label, and proper mixing/loading site considerations and application procedures must be followed to minimize potential for hexazinone movement into ground water. We encourage you to consult with your state Department of Agriculture, Extension Service, or other pesticide lead agency for information regarding soil permeability, aquifer vulnerability, and best management practices for your area.

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 24 hours. PPE required for early entry to treated areas that is

permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is:

Coveralls

Chemical resistant gloves made of any water proof material

Shoes plus socks

Protective eyewear

FORESTRY

CONIFER RELEASE (U.S.)

DuPont™ VELPAR® ULW is recommended for the suppression of woody plants and the control of herbaceous plants following conifer establishment. See table below for use rates.

USE RATES

Soil Texture Description	DuPont™ VELPAR® ULW (Pound per acre)
Sand, Loamy Sand, Sandy Loam	1 to 2
Loam, Sandy Clay Loam, Silt Loam	2 to 3
Clay Loam, Sandy Clay, Silty Clay Loam, Silty Clay, Clay	3 to 4

EASTERN U.S.

SITE PREPARATION

VELPAR® ULW is recommended for the control of undesirable woody and herbaceous plants in forest site preparation.

VELPAR® ULW may be applied where the following conifer species will be grown:

Loblolly pine	Pinus taeda
Longleaf pine	Pinus palustris
Shortleaf pine	Pinus echinata
Slash pine	Pinus elliottii
Virginia pine	Pinus virginiana

APPLICATION INFORMATION

Apply VELPAR® ULW at 2.5 to 6.33 pounds per acre. Use the lower rates on coarse textured soils and soils low in organic matter. Use the higher rates on fine textured soils and soils high in organic matter. Use the higher rates where those weeds identified in the WEEDS CONTROLLED section of this label as "partial control or suppression" predominate.

APPLICATION TIMING

For best results, apply in the spring after the danger of a killing frost has passed. Weeds and brush should be actively growing at application. Weed and brush control is dependent on sufficient rainfall following treatment to activate VELPAR® ULW.

WESTERN U.S. (CA, ID, MT, OR, WA) SITE PREPARATION

VELPAR® ULW may be applied in the above states where the following conifer species are grown:

Douglas fir	Pseudotsuga menziesii
Englemann spruce	Picea englemannii
Grand fir	Abies grandis
Lodgepole pine	Pinus contorta
Ponderosa pine	Pinus ponderosa

APPLICATION INFORMATION

Apply VELPAR® ULW at rates of 4 to 5.33 pounds per acre. Use the lower rate range on coarse textured soils, soils low in organic matter or where target vegetation is considered easy to control. Use a higher rate range on fine textured soils, soils high in organic matter or where vegetation is considered hard to kill.

In areas where other conifer species may be mixed in with the conifers listed above, VELPAR® ULW may be applied if the user has prior experience with VELPAR® ULW on the other conifer species. With no prior experience, it is recommended that either a small area of plantings be tested for conifer safety prior to treating larger areas, or make no application of VELPAR® ULW in these areas within the site preparation area. Conifer species, such as, sugar pine and western larch that are senstive to VELPAR® (hexazinone) ULW, require 18 months before inter-planting on treated sites is successful.

Applications made to shelter wood sites may also result in mortality to over-story conifers. Factors that may influence conifer sensitivity in these sites could include application rate, conifer species, soil characteristics, uniformity of granule distribution across the treatment swath and environmental stress.



APPLICATION TIMING

Best control of weed and brush plants is dependent on sufficient precipitation following the application of DuPontTM VELPAR® ULW. For best results west of the Cascades, and other areas of high spring rainfall, apply VELPAR® ULW in the spring when weeds and brush are actively growing. In areas east of the Cascades, and other areas of low spring rainfall, apply VELPAR® ULW in the fall before the soil freezes or in the spring in anticipation of rainfall. Spring applications should be made after the snow cover melts.

WILDLIFE OPENINGS – LOGGING ROADS

VELPAR® ULW is also recommended for the control of undesirable woody and herbaceous plants in establishing wildlife openings and maintaining logging roads. Apply VELPAR® ULW at rates of 2 to 5.33 pounds per acre.

WEEDS CONTROLLED FORESTRY

HERBACEOUS PLANTS

Aster, showy Aster, white heath* Barnyardgrass Bentgrass Bristlegrass, African Bromegrass, ripgut Carrot, wild Catsear, smooth Daisy, oxeye Dandelion, common* Dock, curly Fescue* Fireweed* Fleabane, hairy Foxtail Goldenrod, Canada Groundsel, common Horseweed* Manzanita (bearberry) Mullein, common Orchardgrass Ragweed, common Ryegrass, Italian Smartweed Snowberry, creeping Squawcarpet Thistle, Canada Velvetgrass Wheatgrass, bluebunch

Aster spectabilis Aster pilosus Echinochloa crus-galli Agrostis spp. Setaria sphacelata Bromus rigidus Daucus carota Hypochaeris glabra Leucanthemum vulgare Tarazacum officinale Rumex crispus Festuca spp. Chamerion augustifolium Conyza bonariensis Setaria spp. Solidagó canadensis Senecio vulgaris Conyza canadensis Arctostaphylos uva-ursi Verbascum thansus Dactylis glomerata Ambrosia elatior Lolium multiflorum Polygonun spp. Gaultheria humifusa Ceanothus prostratus Cirsium arvense Holcus lanafus Pseudoroegneria spictata

WOODY PLANTS

Ash, green* Fraxinus pennsylvanica Ash, white* Fraxinus americana Elder, American Sambucus canadensis Birch Betula spp. Nyssa sylvatica Blackgum* Brambles(such as) Rubus spp. Blackberry Dewberry Raspberry Cedar, Eastern red* Juniperus virginiana Cherry, black* Prunus serotina Cherry, choke* Prunus virginiana Dogwood* (flowering) Comus florida Ulmus spp. Elm Hawthorn Crataegus spp. Carya spp. Hickory* Honeysuckle Lonicera spp. Hornbeam, American Maple, red* Carpinus caroliniana Acer rubrum Mulberry Morus spp. Oaks (such as) Quercus stellata Post oak Southern red oak Quercus falcata Turkey oak Quercus laevis Water oak Ouercus nigra White oak Quercus alba Olive, Russian Elaeagnus angustifolia Prunus spp. Plum, wild Rosa multiflora Rose, multiflora Sumac* Rhus spp. Sweetgum Liquidambar styraciflua Willow Salix spp.

* Partial Control or Suppression - Specie suppression or partial control is a visible reduction in plant competition (reduced population and/or vigor) as compared to an untreated area. Degree of suppression will vary with rate applied, size of plants at application and environmental conditions following treatment. Species indicated above, especially resprouts of these species, may require a follow up treatment for acceptable control. Burning, as a follow up treatment, will enhance control of resprouts.

Ilex vomitoria

USE PRECAUTIONS

FORESTRY

Yaupon*

- Do not cut for forage or hay nor graze domestic animals on treated areas for 60 days following application.
- On tracts of land where various soil types are present and VELPAR® ULW rate selection is difficult, conifer damage or less-than-expected vegetation suppression may occur due to the rate differences required for various soil types.
- Injury to or loss of desirable trees or other plants may result if VELPAR® ULW
 - granules drift onto desirable plants,
 - is applied on or near desirable trees or other plants, or areas where the roots may extend,
 - if equipment washwater is drained or flushed on or near desirable trees or other plants, on areas where their roots may extend, or
 - is applied in locations where the chemical may be washed or moved into contact with roots of desirable trees or other plants.
- Following harvest, stumps and injured trees should be allowed sufficient time to adequately resprout before VELPAR® ULW application.



- Where burning is desired in site preparation applications, burn only after the residual stand is completely defoliated (at least twice), allowing for sufficient root uptake of DuPontTM VELPAR® ULW.
- Do not apply to frozen soil.
- Poor weed and brush control may result from the following:
 - use on poorly drained sites
 - applications made when the soil is saturated with water
 - applications to soils high in organic matter (greater than 5%)
 - spring applications that do not receive adequate rainfall for activation
 - uneven distribution of product across the treatment swath
- Excessive conifer injury may occur when VELPAR® ULW is applied for release in the following situations:
 - on trees that show poor vigor, or damage by insects, disease, winter injury drought, or other stress conditions
 - on any soil containing less than 1% organic matter
 - on loamy sand or sandy loam with less than 2% organic matter
 - on conifers growing on gravelly or rocky soils, exposed subsoils or clay knobs, or sand or sandy soil with 85% or more sand
 - on conifer species not listed on this label
 - on southern pines outplanted less than 4 years on coarsetextured soils or less than 3 years on fine-textured soils
 - in an uneven distribution pattern of product across the treatment swath

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 Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries, or greenhouses.

Noncrop, Industrial Brush Control, as described on this label, is not within the scope of the Worker Protection Standard.

NON-CROP SITES

VELPAR® ULW is recommended for the control of undesirable herbaceous and woody plants in non-crop sites.

APPLICATION INFORMATION

VELPAR® ULW is recommended for general brush control as follows: uncultivated non-agricultural areas (such as, airports, highway, railroad and utility rights-of-way, sewage disposal areas); uncultivated agricultural areas (non-crop producing, which includes: farmyards, fuel storage areas, fence rows, barrier strips); industrial sites (outdoor, such as, lumberyards, pipeline and tank farms).

VELPAR® ULW may be applied by either ground or aerial application equipment when used on military installations. All other uses should be applied as a broadcast treatment by ground application equipment only.

APPLICATION TIMING

Apply VELPAR® ULW from late winter through summer, from pre-budbreak through periods of active growth, when adequate rainfall can be expected for activation. In areas where the soil remains frozen during the winter, and spring rains are usually inadequate for soil activation, a fall or winter treatment may be applied before the soil freezes.

APPLICATION EQUIPMENT

VELPAR® ULW should be applied using appropriately modified ground equipment only. A Solo® backpack equipped with a granular applicator that has been modified to handle prescribed use rates is recommended.

All application equipment should be adjusted to ensure that distribution across the treatment swath is uniform.

Thoroughly clean all traces of VELPAR® ULW herbicide from application equipment immediately after use. Wash equipment thoroughly with water.

USE RATES

VELPAR® ULW use rates for herbaceous and woody plants are shown in the Plants Controlled—Non-Crop sections below. Use the lower rates on coarse-textured soils and soils low in organic matter; use the higher rates on fine-textured soils and on soils high in organic matter.

PLANTS CONTROLLED NON-CROP SITES

DuPont[™] VELPAR® ULW controls the following herbaceous and woody plants when applied at the rates shown:

HERBACEOUS PLANTS

2 1/3 to 8 Pounds per Acre

Barnyardgrass Echinochola crus-galli Bromegrass Bromus sp. Burdock Arctium lappa Cocklebur Xanthium sp. Crabgrass Digitaria sp. Crownvetch Securigera varia Fiddleneck Amsinckia intermedia Filaree Erodium cicutarium Fleabane Convza bonariensis Goatsbeard vine Aruncus dioicus Goldenrod, Canada Solidago Canadensis Lespedeza Lespedeza sp. Sinapis arvensis Mustard, wild **Paragrass** Urochloa mutica Pigweed Amaranthus sp. Purslane, common Portulaca oleracea Quackgrass Agropyron repens Ryegrass, Italian Lolium multiflorum Smartweed Polygonum sp. Spurge Euphorbia sp. Parsnip, wild Pastinaca sativa Star thistle, wild Centaurea sp. Woodsorrel Oxalis sp.

WOODY PLANTS

3 2/3 to 5 1/3 Pounds per Acre

Pepper, Brazilian

Schinus terebinthifolius

5 1/3 to 10 2/3 Pounds per Acre

Acacia, catclaw Acacia greggii Alder Alnus sp. Ash* Fraxinus sp. Populus sp. Aspen Magnolia virginiana Bay, sweet Blackgum* Nyssa sylvatica Birch Betula sp. Cedar, Eastern red* Juniperus virginiana

Cherry, black Prunus serotina Chinaberry* Melia azedarach Deerbrush Ceanothus integerrimus Dogwood Cornus sp. Elm, American Ulmus Americana Elm, Chinese Ulmus parvifolia Hackberry Celtis sp. Hawthorn Crataegus sp. Hazel Corylus sp. Hickory* Carya sp. Huisache Acacia farnesiana

Juniper Juniperus sp.
Lotebush Ziziphus obtusifolia

Locust Robinia sp.

Manzanita Arctostaphylos sp.

Maple, red* Acer rubrum

Mesquite Prosopis sp.

Mulberry Morus sp.

Myrtus sp.

Oaks
Orange, Osage
Persimmon*
Plum, wild
Poplar, balsam
Poplar, vallow

Poplar, yellow
Privet*
Ligustrum sp.
Rose, multiflora
Sassafrass*
Snowbrush
Soapweed, small
Liriodendron tulipifera
Ligustrum sp.
Rosa multiflora
Sassafras sassafras
Ceanothus velutinus
Yucca glauca

Sourwood* Oxydendrum arboretum

Sumac Rhus sp.

Sweetgum Liquidambar styraciflua Whitebrush Aloysia gratissima

Willow Salix sp.

*Difficult to control.

USE PRECAUTIONS NON-CROP

- Do not use on lawns, walks, driveways, tennis courts, or similar residential areas.
- Do not cut for forage or hay nor graze domestic animals on treated areas for 60 days following application. For rates above 8 lb per acre, do not cut for forage or hay nor graze domestic animals for 1 year.
- Injury to or loss of desirable trees or other plants may result if DuPontTM VELPAR® ULW
 - granules drift onto desirable plants,
 - is applied on or near desirable trees or other plants, or areas where the roots may extend,
 - if equipment washwater is drained or flushed on or near desirable trees or other plants, on areas where their roots may extend, or
 - is applied in locations where the chemical may be washed or moved into contact with roots of desirable trees or other plants.
- Following mechanical cutting or clearing, stumps and injured trees should be allowed sufficient time to adequately resprout before VELPAR® ULW application.
- · Poor brush control may result from the following:
 - use on poorly drained or marshy sites
 - applications made when the soil is saturated with water
 - applications to soils high in organic matter (greater than 5%)
 - applications that do not receive adequate rainfall for activation
 - uneven distribution of product across the treatment swath
 - treatment of target plants that are under stress
- · Do not use on frozen soils.
- Do not use on soil with 85% or more sand and less than 1% organic matter.

STORAGE AND DISPOSAL

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

Pesticide Storage: Store product in original container only. Store in a cool, dry place.

Pesticide Disposal: Waste resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

Container Disposal: For Paper and 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.

NOTICE TO BUYER: Purchase of this material does not confer any rights under patents of countries outside of the United States.

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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.

TO THE FULLEST EXTENT PERMITTED BY LAW, 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 Ag 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 Ag 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.

For product information call: 1-888-6-DUPONT
Internet address: http://cropprotection.dupont.com/
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