

2217-834

07/14/2003

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

JUL 14 2003

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Craig Martens
PBI/Gordon Corporation
P.O. Box 014090
Kansas City, MO 64101

Subject: EH-1383 Herbicide
EPA Reg. No. 2217-834
Amendment dated March 4, 2003

Dear Mr. Martens:

The subject amended label submitted in support of registration under the Federal Insecticide, Fungicide and Rodenticide Act as amended is acceptable provided the following changes are made:

In the Inerts statement:

- Move the underline to below "49.46"
- Line up the decimal point of "100.00%" with the other decimal points
- Add the statement "Contains petroleum distillates" immediately below the ingredient statement as a footnote to the inert ingredients.

It is also suggested, but not required, that the subheading "Inert Ingredients" be changed to "Other Ingredients".

One copy of the label stamped "Accepted with comments" is enclosed for your records. Please submit one copy of the final printed label before the product is released for shipment.

If you have any questions, please contact Robert Westin by phone at (703) 305-5721 or via email at westin.robert@epa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Joanne I. Miller".

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

Enclosure

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EH 1383 HERBICIDE

ACTIVE INGREDIENTS:

MCPA, 2-ethylhexyl ester	41.98
Mecoprop-p, acid	5.39
Dicamba, acid	2.69
Carfentrazone-ethyl	0.48

INERT INGREDIENTS:	49.46
TOTAL	100.00%

THIS PRODUCT CONTAINS:

- 2.21 lbs. 2-methyl-4-chlorophenoxyacetic acid equivalent per gallon or 26.92%.
- 0.44 lb. (+)-R-2-(2-methyl-4-chlorophenoxy)propionic acid equivalent per gallon or 5.39%.
- 0.22 lb. 3,6-dichloro-o-anisic acid equivalent per gallon or 2.69%.
- 0.04 lb. Ethyl a,2-dichloro-5-[4(difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1H-1,2,4-triazol-1-yl]-4-fluorobenzenepropanoate or 0.48%

TRIMEC® is a registered trademark of PBI/Gordon Corporation.

ACCEPTED
with COMMENTS
In EPA Letter Dated
JUL 14 2003

KEEP OUT OF REACH OF CHILDREN

CAUTION

Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.
2217-834

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.)

First Aid

If swallowed:	<ul style="list-style-type: none"> • Call a poison control center or doctor immediately for treatment advice. • Do not induce vomiting unless told to by a poison control center or doctor. • Do not give any liquid to the person. • Do not give anything by mouth to an unconscious person.
If in eyes:	<ul style="list-style-type: none"> • 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. • Call a poison control center or doctor for treatment advice.
If on skin:	<ul style="list-style-type: none"> • 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 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 mouth-to-mouth if possible. • Call a poison control center or doctor for treatment advice.
Have the product container or label with you when calling a poison control center or doctor or going for treatment.	
NOTE TO PHYSICIAN: Contains petroleum distillate - vomiting may cause aspiration pneumonia.	

See side panels for additional Precautionary Statements

NET CONTENTS: 1.0, 2.5, 30, or 55 U.S. GALLONS

AP102201
EPA Reg. No. 2217-834
EPA Est. No. 2217-KS-1
MANUFACTURED BY:





READ THE ENTIRE LABEL FIRST. OBSERVE ALL PRECAUTIONS AND FOLLOW DIRECTIONS CAREFULLY.

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

CAUTION: Causes moderate eye irritation. Harmful if absorbed through the skin. Avoid contact with skin, eyes, or clothing. Harmful if swallowed. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

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 E on a EPA chemical resistance category selection chart.

NON-WPS USES:

Applicators and other handlers who handle this pesticide for any use NOT covered by the Worker Protection Standard (40 CFR Part 170) – in general, only agricultural-plant uses are covered by the WPS – must wear the following:

- When mixing, loading or applying this product, wear long-sleeved shirt, long pants, socks, shoes, and chemical-resistant gloves.

Personal Hygiene Statement For Non-WPS Uses:

Wash thoroughly with soap and water after handling.

WPS USES:

Applicators and other handlers who handle this pesticide for any uses covered by the Worker Protection Standard (40 CFR Part 170) – in general agricultural-plant uses are covered – must wear the following:

- long-sleeved shirt and long pants.
- chemical resistant gloves such as barrier laminate, nitrile rubber, neoprene rubber or Viton gloves.
- shoes plus socks.

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. After each day of use, clothing or PPE must not be reused until it has been cleaned.

Engineering Control Statements For WPS Uses:

When handlers use closed systems or enclosed cabs in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240 (d)(4-6), the handler PPE requirements may be reduced or modified as specified in the WPS.

<p>User Safety Recommendations:</p> <p><i>Users should:</i></p> <ul style="list-style-type: none"> ◆ Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet. ◆ Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. ◆ Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS:

Carfentrazone-ethyl is very toxic to algae and moderately toxic to fish. This product is toxic to aquatic invertebrates. Drift or runoff may adversely affect aquatic invertebrates and nontarget plants. 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 washwater.

When cleaning equipment, do not pour the washwater on the ground; spray or drain over a large area away from wells and other water sources.

Most cases of groundwater contamination involving phenoxy herbicides such as MCPA and MCPP-p have been associated with mixing, loading and disposal sites. Caution should be exercised when handling MCPA and MCPP-p pesticides at such sites to prevent contamination of groundwater supplies. Use of closed systems for mixing or transferring this pesticide will reduce the probability of spills. Placement of the mixing/loading equipment on an impervious pad to contain spills will help prevent groundwater contamination.

DIRECTIONS FOR USE

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

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 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 and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted-entry interval (REI) of 48 hours.

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, wear:

- coveralls over long-sleeved shirt and long pants.
- chemical resistant gloves such as barrier laminate, nitrile rubber, neoprene rubber or Viton gloves.
- shoes plus socks.

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.

Reentry Statement: Do not reenter or permit workers to reenter treated areas until sprays have dried.

PRODUCT DESCRIPTION:

EH 1383 Herbicide contains four active ingredients including carfentrazone-ethyl that broaden the spectrum of weed control. Carfentrazone-ethyl is in the aryl triazolinone family and inhibits protoporphyrinogen oxidase (Protox), a pivotal enzyme in chlorophyll production.

EH 1383 Herbicide offers these advantages:

- Excellent postemergent activity with proven performance for broadleaf weed control in turfgrass.
- Superior cool weather performance.
- High selectivity (turfgrass safety) in established cool season turfgrass and warm season turfgrass.
- Good toxicological, environmental, and ecological properties compared to the standards.
- Carfentrazone-ethyl combinations provides rapid and effective weed control for common and troublesome weed species in turfgrass, e.g. spurge, pennywort (dollarweed), dandelion, and white clover.
- Fast acting with evidence of injury within hours. The speed of action (rate of phytotoxicity) and the early injury symptoms are unique features of carfentrazone-ethyl combinations. Generally, the injury symptoms can be noticed within hours of the application and plant death can occur within 7 - 14 days.

SPRAY PREPARATION AND TANK MIXTURES:

EH 1383 Herbicide is an emulsifiable concentrate intended for dilution with water. In certain applications, liquid fertilizer may replace part of the water as a diluent.

Water as diluent:

Add one-half the required amount of water to the spray tank, then add EH 1383 Herbicide slowly with agitation, and complete filling the tank with water. To prevent separation of the emulsion, mix thoroughly and continue agitation while spraying.

This product forms an emulsion and can separate upon extended or prolonged standing. Re-agitate to assure uniformity of the spray mixture. Storage of the spray mixture beyond 72 hours is not recommended.

Do not use tank additives that alter the pH of the spray solution below pH 5 or above pH 8. Buffer the spray solution to alter the pH range as appropriate.

Liquid fertilizers as diluents:

Use suitable sources and rates of fertilizer based upon local recommendations. Refer to the mixing directions on the labels of the liquid fertilizers (eg. UAN or urea solutions). Always perform a jar compatibility test before large scale mixing.

GROUND EQUIPMENT :

Power sprayers fitted with a boom or spray wand/gun may be used for broadcast applications and spot treatments. For best spray distribution and coverage, select a spray volume and delivery system that will ensure accurate and uniform coverage. Boom sprayers equipped with appropriate flat fan nozzles, tips, and screens are suitable for broadcast applications. Do not use flood nozzles, Raindrop®, or nozzle tips larger than 8008. Spray droplets larger than 400 microns may reduce coverage and subsequent loss in weed control.

Spray volumes of 3 - 175 gallons per acre with spray pressures adjusted to 20 - 40 psi are appropriate. Use higher spray volumes for dense weed populations.

Hand operated sprayers including backpack sprayers, compression sprayers, and knapsack sprayers are appropriate for small turfgrass areas when power equipment is unavailable, uneconomical, or impractical.

This product may cause injury to susceptible/nontarget plants at the use site by contacting the foliage, stems, or roots. To prevent injury to susceptible crops and other desirable broadleaf plants including but not limited to cotton, legumes, tobacco, tomatoes, garden/vegetable crops, and ornamentals (flowers, trees, and shrubs) avoid contact with the spray solution, spray droplets, and spray mist (fine droplets). Applications are recommended only when there is no potential hazard from spray drift during dormant and active growth periods. Do not apply when conditions are conducive to spray drift from the use site to untreated areas.

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After using this product, clean sprayer with soap or detergent and water, or an approved spray tank cleaner and rinse thoroughly before applying other pesticides.

WHERE TO USE:

EH 1383 Herbicide provides selective broadleaf control in warm season and cool season turfgrass in five (5) use sites.

- *Institutional sites* are defined as turf areas around properties or facilities providing a service to public or private organizations including, but not limited to hospitals, nursing homes, schools, museums, libraries, sport facilities, golf courses (fairways, aprons, and roughs) , and office buildings.
- *Ornamental sites* include turfgrass established around residences, parks, streets, retail outlets, cemeteries, industrial and institutional buildings, recreation areas, fairgrounds, and areas adjacent to athletic fields.
- *Residential/domestic sites* are defined as areas associated with the household or home life including, but not limited to apartment complexes, condominiums, and patient care areas of nursing homes, mental institutions, hospitals, or convalescent homes.
- *Agricultural site:* Commercial sod production
- *Noncropland Sites:* Highway rights-of-way (principal, interstate, county, private, and unpaved roads): Roadsides, roadside ditches, road shoulders, road embankments, dividers, and medians. Municipal, state, and federal lands: Airports and military installations.

Prohibitions of Sites:

- Do not apply to any body of water such as lakes, streams, rivers, ponds, reservoirs, or estuaries (salt water bays). Do not apply to any shorelines (noncropland sites adjacent to the edges of a body of water) for lakes, streams, rivers, ponds, reservoirs, or estuaries (salt water bays).
- Do not apply to wetlands (swamps, bogs, potholes, or marshes).
- Do not apply to agricultural irrigation water or on agricultural irrigation ditchbanks and canals.
- Do not apply to agricultural drainage water or on agricultural ditchbanks.

Turfgrass tolerance:

- The turfgrass tolerance to EH 1383 Herbicide may vary and temporary turfgrass yellowing may occur on St. Augustinegrass and certain varieties (F1) hybrids of hybrid bermudagrass. Environmental conditions and certain spray tank additives (eg. adjuvants, wetting agents, surfactants), liquid fertilizers, and tank mixtures containing other emulsifiable concentrates may reduce the selectivity on the turfgrass.

These cool season and warm season turfgrass species may be treated:

Cool Season Turf

- Kentucky bluegrass
- Annual bluegrass
- Annual ryegrass
- Perennial ryegrass
- Tall fescue
- Red or fine leaf fescues
- Creeping bentgrass
- Colonial bentgrass

Mixtures of cool season species in noncropland areas established for roadside vegetation management or for low maintenance. (Kentucky bluegrass, tall fescue, smooth brome grass, and orchardgrass)

Warm Season Turf

- Common bermudagrass
 - Hybrid bermudagrass
 - Bahiagrass
 - Zoysiagrass
 - Buffalograss
 - St. Augustinegrass (excluding 'Floritam')
 - Centipedegrass
 - Seashore paspalum
 - Kikuyugrass
-

Prohibitions:

- Do not apply this product to bentgrass greens, carpetgrass, dichondra, legumes, and lawns where desirable clovers are present.
- Do not apply this product to St. Augustinegrass during spring green-up which is the transition period between dormancy and active growth.
- Cultivars of St. Augustinegrass vary in tolerance to this product. Do not apply this product to 'Floritam' St. Augustinegrass.

APPLICATION SCHEDULES:

Early postemergent applications of EH 1383 Herbicide are recommended for annual, biennial, and perennial weeds. Apply EH 1383 Herbicide to broadleaf weeds that are young and actively growing for the best results. EH 1383 Herbicide combines a contact herbicide with systemic herbicides and provides little or no residual activity at recommended use rates.

EH 1383 Herbicide may be applied as a single broadcast application or as a split/sequential broadcast applications in the spring, summer, or fall. Spring and fall treatments under adequate soil moisture conditions are preferred to the summer treatments. Generally, summer broadcast applications to older, drought stressed weeds are less effective.

Sequential broadcast applications or follow-up applications as spot treatments at a 2 - 6 week interval are recommended for more mature weeds, for dense infestations, and for adverse environmental conditions.

Spot treatments during the summer may be appropriate for sparse infestations, or as a follow-up treatment, or any time broadleaf weeds are susceptible. Apply on a spray-to-wet basis for the best results.

Extremes in environmental conditions e.g. temperature and moisture, soil conditions, and cultural practices may affect the activity of EH 1383 Herbicide. Under warm moist conditions, herbicide symptoms may be accelerated. While under very dry conditions, the expression of herbicide symptoms is delayed, and weeds hardened off by drought are less susceptible to EH 1383 Herbicide.

For newly seeded areas:

The application of EH 1383 Herbicide to grass seedlings is recommended after the second mowing.

For newly sodded, sprigged, or plugged areas:

The application of EH 1383 Herbicide to newly sodded, sprigged, or plugged grasses should be delayed until 3 to 4 weeks after the sodding, sprigging, or plugging operations.

For dormant turf:

Applications to dormant bermudagrass, dormant zoysiagrass, and dormant bahiagrass are suggested.

Prohibitions for application schedules:

- Do not broadcast apply when air temperatures exceed 90°F; some injury may be expected with spot treatments when air temperatures exceed 90°F.

HOW MUCH TO USE: USE RATES AND SPRAY VOLUMES FOR TURFGRASS:

Generally, the lower application rates within the specified range will provide satisfactory control of sensitive weed species. The higher application rates within the specified range will be required for dense infestations of perennial weeds, for adverse/extreme environmental conditions, or for weeds beyond the appropriate growth stages.

The maximum seasonal rate of carfentrazone-ethyl contained in this product with two (2) broadcast applications to turfgrass is 0.06 pounds of carfentrazone-ethyl per acre per season. The retreatment interval for sequential broadcast applications of this product on turfgrass is two (2) to six (6) weeks depending upon the growth stages of the target weeds.

Use rates and spray volumes of EH 1383 Herbicide as broadcast treatments for use on turfgrass are presented in Table 1.

TABLE 1. RATE RECOMMENDATIONS FOR SOD FARMS, ORNAMENTAL LAWNS AND TURFGRASS.

Species	Amount of Product for SENSITIVE WEEDS	Amount of Product for HARD-TO-CONTROL WEEDS	Spray Volume	
	Pints/Acre (fl. oz./1,000 sq. ft.)	Pints/Acre (fl. oz./1,000 sq. ft.)	Gallons/Acre	Gallons per 1,000 sq. ft.
Cool-Season Turf				
Kentucky bluegrass, Annual bluegrass, Annual ryegrass, Perennial ryegrass, Tall Fescue, Red or Fine Fescue, Creeping and Colonial Bentgrass. Mixtures of cool- season species in non- cropland areas established for roadside vegetation management or for low maintenance. (Kentucky bluegrass, tall fescue, smooth bromegrass & orchardgrass).	3.5 - 4 Pints/Acre (1.3 to 1.5 fl. oz. per 1,000 sq. ft.)	4 - 5 Pints/Acre (1.5 to 1.8 fl. oz. per 1,000 sq. ft.)	3 - 175	0.1 - 4.0
Warm Season Turf				
Common and Hybrid Bermudagrass, Bahia grass, Zoysiagrass, Buffalograss, St. Augustinegrass, Centipedegrass, Seashore paspalum, Kikuyugrass.	2 - 3 Pints/Acre (0.75 to 1.1 fl. oz. per 1,000 sq. ft.)	3 - 4 Pints/Acre (1.1 to 1.5 fl. oz. per 1,000 sq. ft.)	3 - 175	0.1 - 4.0

SPOT TREATMENTS WITH HAND OPERATED SPRAYERS (INCLUDING BACKPACK SPRAYERS, COMPRESSION SPRAYERS, AND KNAPSACK SPRAYERS):

- For cool season turfgrass, mix 1.5 - 2.2 fl.oz. of EH 1383 Herbicide per one (1.0) gallon of water for treatment of approximately 1,000 sq.ft of turfgrass. Apply any time the emerged broadleaf weeds are susceptible. Spray the target weeds thoroughly and wet the entire leaf surface of the undesirable plants.
- For warm season turfgrass, mix 0.75 - 1.5 fl.oz. of EH 1383 Herbicide per one (1.0) gallon of water for treatment of approximately 1,000 sq.ft of turfgrass. Apply any time the emerged broadleaf weeds are susceptible. Spray the target weeds thoroughly and wet the entire leaf surface of the undesirable plants.

EH 1383 Herbicide may be tank mixed with other herbicides EPA-registered for use on turfgrass to broaden the weed control spectrum compared to the products alone. These tank mixtures must be used according to the most restrictive label limitations and precautions. No label dosage rate should be exceeded. Follow the labeling of each companion product for precautionary statements, directions for use, dosage rates, and application schedules. Tank mixture recommendations are for use only in states where the companion products and application site are registered.

CULTURAL TIPS FOR IMPROVED CONTROL:***Irrigation:***

- Do not apply this product through any type of irrigation system.
- Do not apply this product immediately before rainfall or irrigation. Do not irrigate or water the turfgrass within 24 hours after application

Mowing:

- Delay mowing 1 to 2 days before and after the application of this product.

Reseeding interval:

- Treated areas may be reseeded 2 weeks after application.

BROADLEAF WEEDS CONTROLLED:

EH 1383 Herbicide will control or suppress the following broadleaf weeds and will control or suppress other broadleaf weeds that are susceptible to MCPA.

- BROADLEAF WEEDS -		
Aster, white heath & white prairie	Field oxeye-daisy (*creeping oxeye)	Prostrate knotweed (*knotweed)
Bedstraw	Filaree, whitestem & redstem	Puncturevine
Beggarweed, creeping	Florida pusley	Purple cudweed
Bindweed	Ground ivy	Purslane
Black medic	Groundsel	Ragweed
Broadleaf plantain	Hawkweed	Redweed
Buckhorn plantain	Healall	Red sorrel (*sheep sorrel)
Bull thistle	Henbit	Shepherdspurse
Burclover	Innocence (Blue-eyed Mary)	Spotted spurge
Burdock, common	Lambsquarters	Spurge, prostrate
Buttercup, creeping	Lawn burweed	Thistle
Carpetweed	Lespedeza, common	Veronica (*corn speedwell)
Chickweed, common	Mallow, common	Virginia buttonweed
Chicory	Matchweed	White clover (*Dutch clover, honeysuckle clover, white trefoil, & purplewort)
Cinquefoil	Mouseear chickweed	Wild carrot
Clover	Old world diamond flower	Wild garlic
Compassplant	Oxalis (*yellow woodsorrel & creeping woodsorrel)	Wild geranium
Curly dock	Parsley-piert	Wild lettuce
Dandelion	Pennsylvania smartweed	Wild mustard
Dayflower	Pennywort (*dollarweed)	Wild onion
Deadnettle	Pepperweed	Wild strawberry
Dock	Pigweed	Wild violet
Dogfennel	Pineappleweed	Yarrow
English daisy	Plantain	Yellow rocket
False dandelion (*spotted catsear & common catsear)	Poison ivy	
Field bindweed (*morningglory & creeping jenny)	Poison oak	

*Synonyms

STORAGE & DISPOSAL

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

STORAGE: Store in original container in a locked storage area inaccessible to children or pets. Keep from freezing.

PESTICIDE DISPOSAL: Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law and may contaminate groundwater. If these wastes cannot be disposed of by use according to label instructions, contact your state Pesticide or Environmental Control Agency or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

CONTAINER DISPOSAL: *For Metal Containers* - Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

For Plastic Containers - Triple rinse (or equivalent). 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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LIMITED WARRANTY AND DISCLAIMER.

The manufacturer warrants only that the chemical composition of this product conforms to the ingredient statement given on the label, and that the product is reasonably suited for the labeled use when applied according to the Directions for Use.

THE MANUFACTURER NEITHER MAKES NOR INTENDS ANY OTHER EXPRESS OR IMPLIED WARRANTIES, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, WHICH ARE EXPRESSLY DISCLAIMED. This limited warranty does not extend to the use of the product inconsistent with label instructions, warnings or cautions, or to use of the product under abnormal conditions such as drought, excessive rainfall, tornadoes, hurricanes, etc. These factors are beyond the control of the manufacturer or the seller. Any damages arising from a breach of the manufacturer's warranty shall be limited to direct damages, and shall not include indirect or consequential damages such as loss of profits or values, except as otherwise provided by law.

The terms of this Limited Warranty and Disclaimer cannot be varied by any written or verbal statements or agreements. No employee or agent of the seller is authorized to vary or exceed the terms of this Limited Warranty and Disclaimer in any manner.

APPENDIX

I. Advertising claims that may be presented on container labeling, advertisements, brochures, and other marketing/sales promotional materials.:

- ◆ Rainfast in as little as 3 hours
- ◆ Rainfast [Rainproof] in 3 hours
- ◆ Visible results in just 24 hours
- ◆ Clover control in as little as one week
- ◆ Proven cool-weather performance
- ◆ Consistently fast control on tough weeds like clover, plantain, ground ivy and spurge [various other listed weeds].
- ◆ [This product] Smokes weeds, fast
- ◆ From the makers of Trimec® herbicides.
- ◆ For information call XXX-XXX-XXXX [contact www.xxx-xxxx.com]