

PM 23

9198-140

7-24-98

10/16

 <b>United States</b> <b>Environmental Protection Agency</b> Washington, DC 20460		<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other	OPP Identifier Number  <b>233842</b>
		<b>Application for Pesticide - Section I</b>	
1. Company/Product Number <div style="text-align: right;">9198-140</div>		2. EPA Product Manager <div style="text-align: right;">Miller</div>	3. Proposed Classification <div style="text-align: right;"><input checked="" type="checkbox"/> None    <input type="checkbox"/> Restricted</div>
4. Company/Product (Name) <b>The Andersons Fertilizer with 0.426% Barricade</b>		PM# <div style="text-align: right;">23</div>	<div style="font-size: 2em; font-weight: bold; transform: rotate(-5deg);">NOTIFICATION</div> <div style="font-size: 1.5em; font-weight: bold; transform: rotate(-5deg);">JUL 24 1998</div>
5. Name and Address of Applicant (Include ZIP Code) <b>The Andersons, Lawn Fertilizer Division</b> <b>d/b/a Free Flow Fertilizer</b> <b>P.O. Box 119</b> <b>Maumee, OH 43537</b> <input type="checkbox"/> Check here if this is a new address		6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to:  EPA Reg. No.  Product Name	
<b>Section II</b>			
<input type="checkbox"/> Amendment - Explain below  <input type="checkbox"/> Resubmission in response to Agency letter dated _____  <input checked="" type="checkbox"/> Notification - Explain below.		<input type="checkbox"/> Final printed labels in response to Agency letter dated _____  <input type="checkbox"/> "Me Too" Application.  <input type="checkbox"/> Other - explain below	
<b>Explanation:</b> Use additional page(s) if necessary. (For section I and II). <div style="text-align: right; font-style: italic; font-size: 1.2em;">Adding Pests</div> <p><b>Notification of Minor Label Change per PR Notice 95-2: Minor label changes:</b> Addition of Bahiagrass and Buffalograss to Species and Rates Table, addition of Barnyardgrass to Weeds Controlled Section and correct footnote 1 under Weeds Controlled section; all were included on original label dated Jan 11, 1995. Add WPS exclusiomy statement "Not for use on turf being grown for sale or other commercial use as sod, or for commercial seed production, or for research purposes." for final labels which do not include use directions for ornamentals. Add "Disclaimer and Limitation of Liability" for subregistrant. All changes are highlighted on enclosed label.</p> <p>This notification is consistent with the provisions of PR Notice 95-2 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling of the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 95-2 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.</p>			
<b>Section III</b>			
1. Material This Product Will Be Packaged In:			
Child-Resistant Packaging <input type="checkbox"/> Yes * <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No  If "Yes," Unit Package wgt.    No. per container	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No  If "Yes," Unit Package wgt.    No. per container	2. Type of Container <input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) of Retail Container	5. Location of Label Directions <input type="checkbox"/> On label <input type="checkbox"/> On Labeling accompanying product
6. Manner in which Label is Affixed To Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled		<input type="checkbox"/> Other ( _____ )	
<b>Section IV</b>			
1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)			
Name <b>Dawn L. Walters</b>		Title <b>Regulatory Administrator</b>	Telephone No. (Include Area Code) <b>(419) 891-2781</b>
<b>Certification</b> I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.			6. Date Application Received (Stamped)
2. Signature <b>Dawn L. Walters</b>		3. Title <b>Regulatory Administrator</b>	
4. Typed Name <b>Dawn L. Walters</b>		5. Date <b>7/2/98</b>	

2046

**THE ANDERSONS FERTILIZER WITH 0.426% BARRICADE**

**ACTIVE INGREDIENT:**

Prodiamine: [N<sup>3</sup>,N<sup>3</sup>-Di-n-propyl-2,4-dinitro-6-(trifluoromethyl)-m-phenylenediamine] ..... **0.426%**

INERT INGREDIENTS: ..... **99.574%**

TOTAL: ..... **100.0%**

**Guaranteed Fertilizer Analysis:**

Nitrogen            32 %    (N)  
Phosphorus        4 %    (P<sub>2</sub>O<sub>5</sub>)  
Potassium         6 %    (K<sub>2</sub>O)

Nitrogen from: Urea formaldehyde, Urea, Ammonia

For selective preemergence control of grass and broadleaf weeds in:

- established turf grasses (excluding golf course putting greens) and lawns
- landscape ornamentals (including perennial & wildflower plantings)

KEEP OUT OF REACH OF CHILDREN

**CAUTION**

See the following section, Precautionary Statements, Hazards To Humans and Domestic Animals, for additional information.

Net Weight:

EPA Reg. No. 9198-140  
EPA Est. No.

The Andersons  
Lawn Fertilizer Division  
P.O. Box 119  
Mansfield, OH 43537

BARRICADE® is a Registered Trademark of Sandoz, Ltd.

**NOTIFICATION**  
JUL 24 1998

## PRECAUTIONARY STATEMENTS

### HAZARDS TO HUMANS AND DOMESTIC ANIMALS

#### CAUTION

Causes moderate eye injury (irritation). Harmful if inhaled or absorbed through the skin. Avoid contact with skin, eyes, or clothing. Avoid breathing dust. Wash thoroughly with soap and water after handling. Prolonged or frequently repeated skin contact while handling the material may cause allergic reactions in some individuals.

#### Statements of Practical Treatment

If in eyes: Flush thoroughly with water for several minutes. Get medical attention if irritation persists.

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

If inhaled: Remove victim to fresh air.

#### Environmental Hazards

This product has low solubility in water. At the limits of solubility, this product is not toxic to fish. However, at concentrations above the level of water solubility, it may be toxic to fish. Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Drift and runoff from treated areas may be hazardous to aquatic organisms in adjacent sites. Do not contaminate water when disposing of equipment washwaters.

4016

## STORAGE AND DISPOSAL

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

### STORAGE

Store in original container away from other fertilizer, feed, or food stuffs and separated from other pesticides.

### PESTICIDE DISPOSAL

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

### CONTAINER DISPOSAL

Plastic Containers: Triple rinse (or equivalent). Then offer for recycling or reconditioning, or; puncture and dispose of in a sanitary landfill or at an incineration facility, or; if allowed by state and local authorities, by burning locally. If burned, stay out of smoke.

Paper and plastic containers: Completely empty container into application equipment. Then dispose of empty container in a sanitary landfill or at an incineration facility, or; if allowed by state and local authorities, by burning locally. If burned, stay out of smoke.

Fiber Drums: Completely empty liner by shaking and tapping sides and bottom to loosen clinging particles. Empty residues into application equipment. Dispose of empty liner in a sanitary landfill or at an incineration facility if allowed by state and local authorities. If the drum cannot be reused, dispose of in a sanitary landfill or by incineration if allowed by state and local authorities.

50416

## DIRECTIONS FOR USE

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

This product is a selective preemergence herbicide that provides residual control of many grass and broadleaf weeds in the turf grasses and landscapes. This product controls susceptible weeds by inhibiting weed seeds germination and root development. For most effective weed control this product must be incorporated by 0.5 inch of rainfall or irrigation. Incorporation should take place as soon as possible after application and should not be delayed past 14 days from the date of application.

Not for use on plants being grown (1) for sale or other commercial use, (2) for commercial seed production, or (3) for research purposes. For use on plants intended for aesthetic purposes or climatic modification and being grown in ornamental gardens or parks, or on golf courses or lawns.

*Optional WPS exclusionary statement for final printed labels which do not include ornamentals:*

Not for use on turf being grown for sale or other commercial use as sod, or for commercial seed production, or for research purposes.

Do not graze or feed livestock forage cut from areas treated with this product.

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

Do not apply aerially.

Do not apply to golf course putting greens.

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### Application Directions

Apply uniformly through suitable, calibrated commercial application equipment.

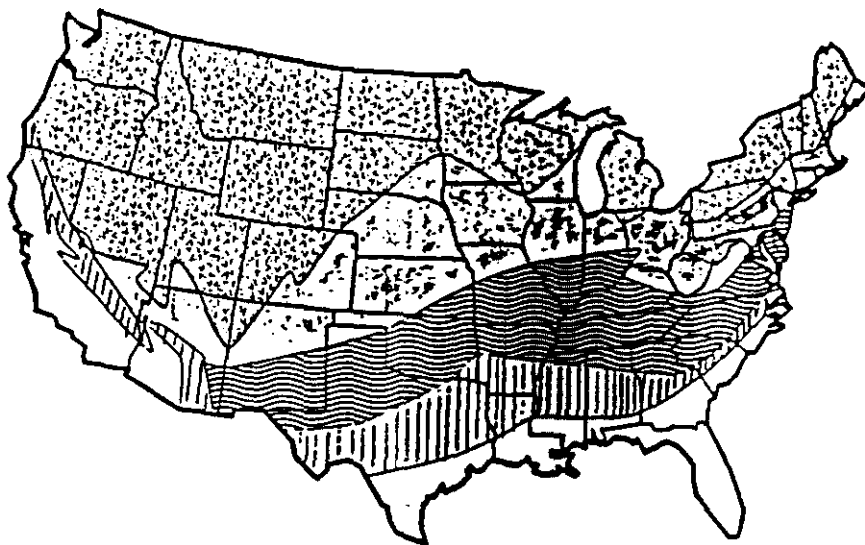
### ESTABLISHED TURF






This product is a selective preemergence herbicide that, when properly applied, will control certain grass and broadleaf weeds in established turf grass and lawns. The species of turf grass determines the maximum amount of material that may be applied during a year.

Most effective weed control in turf grasses will be obtained when this product is activated by at least 0.5 inch of rainfall or irrigation within 14 days after application and prior to weed germination. See the map below for approximate crabgrass germination dates.

### CRABGRASS SEED GERMINATION DATES

Approximate Date



-  After May 30
-  After May 10
-  After April 20
-  After March 20
-  January 1 to March 20

### Use Precautions

The following use precautions apply to the use of this product in turf grasses and lawns:

Application of this product may thin emerged annual bluegrass and newly over-seeded grasses.

Do not apply to OVERSEEDED TURF for 60 days after seeding or until after the second mowing, whichever is longer. Injury to desirable seedlings is likely if this product is applied before seedling secondary roots are in the second inch of soil, not thatch plus soil.

Do not apply to newly set sod until the following year.

Application of this product to turf stressed by drought, low fertility, or pest damage may result in turf injury.

Disturbing the herbicide barrier with cultural practices such as disking may result in reduced weed control.

Do not apply this product to putting greens or areas where dichondra, colonial bentgrass, velvet bentgrass or annual bluegrass (Poa annua) are desirable species.

## Maximum Annual Rates

This product should not be applied above a maximum annual rate of **352 lb/A**.

## Turf Species and Rates

For season long control this product may be applied as a single application, or if needed followed by a second application for increased length of control. The length of time of residual weed control provided by this product is related to the rate applied. Use the higher rate within the listed range for longer control. Longer control is desirable in areas where crabgrass germinates between January 1 and April 20 (See Crabgrass Seed Germination Data Map).

Select maximum use rate based on turf grass species. All applications must be made prior to germination of the target weed seeds. This product will not control established weeds.

Turf Species and Rates Table:

MAXIMUM RATE/CALENDAR YEAR of THE ANDERSONS FERTILIZER WITH 0.426% BARRICADE <sup>1</sup> by Turf Grass Species <sup>2</sup>		
Turf Species:	lb ANDERSONS FERTILIZER W 0.426% BARRICADE/A	lb ai/A
Bermudagrass <sup>2</sup> Bahiagrass Centipedegrass Seashore Paspalum Tall Fescue (including turf-type) Zoysia	<b>352</b>	1.5
Buffalograss Kentucky Bluegrass Perennial Ryegrass	<b>235</b>	1.0
Creeping Red Fescue St. Augustinegrass	<b>174</b>	0.75
Creeping Bentgrass	<b>155</b>	0.65

<sup>1</sup> These are the maximum rate per calendar year by species limitations.

<sup>2</sup> May be used on newly sprigged or plugged Bermudagrass at rates not to exceed **122 lb/A**. Newly sprigged or plugged Bermudagrass stolon rooting may be temporarily retarded. Suppression only of Foxtail, Goosegrass and Rescuegrass due to reduced product rates used in sprigging situations.

- Do not apply more than **352** lb of this product per calendar year.
- Use higher rates of this product to achieve higher levels of fertility and weed control for each turf type.

### Weeds Controlled

When used at the recommended rates (see Turf Species and Rates Table) this product will control:

Barnyardgrass	Carpetweed
Bluegrass, Annual ( <u>Poa annua</u> )	Chickweed, Common
Crabgrass (large, smooth)	Henbit
Foxtails, Annual	Knotweed
Goosegrass <sup>1</sup>	Lambsquarter, Common
Johnsongrass (from seed)	Pigweed
Rescuegrass <sup>2</sup>	Purslane, Common
Signalgrass, Broadleaf	Shepard's-purse <sup>2</sup>
	Spurge, Prostrate
	Woodsorrel, Yellow (from seed)

Do not exceed the maximum annual application rates recommended for the turf species. All applications must be made prior to germination of weed seeds. This product will not control established weeds.

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- <sup>1</sup> In many areas a single application of **155 to 352 lb/A** of this product will control goosegrass. However, under heavy goosegrass pressure and/or an extended growing season, make an initial application of **155 to 235 lb/A** followed after 60 to 90 days by a second application of **122 to 197 lb/A**, respectively, for season long goosegrass control. Do not exceed the maximum rate for turf grass species listed in the Maximum Annual Rate Table above.
  - <sup>2</sup> Winter weeds are best controlled by applications made prior to germination: late summer, fall or winter timings.
  - <sup>3</sup> Suppression only.

## Overseeding/Reseeding

This product will inhibit the germination of turf species if overseeded/reseeded too soon after application. The interval between application and overseeding/reseeding is dependent on the application rate, soil temperature, and soil moisture. A shorter interval is possible if growing conditions are warm and wet, while a longer interval is needed if conditions are cool and dry.

Use the Overseeding/Reseeding Intervals Table below as a guide when choosing the appropriate overseeding/reseeding interval for each situation.

Overseeding/Reseeding Intervals Table:

This Product Rate (lb/A)	Overseeding/Reseeding Interval (months) Based Upon Seeding Method and Predominant Soil Conditions for the Season			
	Broadcast Seeding		Drill Seeding	
	Wet and Warm	Cool and Dry	Wet and Warm	Cool and Dry
122	4	6	3	4
235	8	12	6	8
352	12	18	9	12

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## **LANDSCAPE ORNAMENTALS** (including Perennial and Wildflower Plantings)

This product may be applied for residual preemergence weed control in ornamentals.

### **Use Rates**

Apply this product at ~~155 to 352 lb/A~~ in fall and/or spring. Use the higher rate of application for longer control periods. Sequential or single applications are allowed so long as the total amount of product applied does not exceed the maximum annual application rate of ~~352 lb/A~~.

### **Application Timing and Information**

Apply this product prior to weed seed germination to the soil surface surrounding established tolerant ornamentals listed below. Delay application to allow soil to settle around new transplants and water thoroughly before applying this product. Apply this product after cuttings form roots and become established.

This product is a preemergence herbicide and will not control emerged weeds. Most effective weed control in ornamentals will be obtained when this product is activated by at least 0.5 inch of rainfall or irrigation, or with shallow (1 to 2 inches) mechanical incorporation, before weed seeds germinate. Acceptable control will be obtained when this product is activated within 14 days after application.

Best weed control is obtained when this product is applied to soil free of clods, weeds, and debris such as leaves and mulch. Prior to application of this product, control existing vegetation by hand weeding, cultivation or the use of an appropriate postemergence herbicide.

### **Tolerant Ornamental Species**

This product will not harm most established ornamental trees, shrubs and flowers. The species listed below are tolerant to this product. Best results will be obtained when this product is uniformly applied to the soil surface; avoid applying to ornamental shoots which may defeat the effort to get uniform distribution on the soil surface. This product may be applied over the top of these species without injury.

Scientific name	Common name
<i>Acer palmatum</i>	Japanese Maple
<i>A. platanoides</i>	Norway Maple
<i>Actinidia chinensis</i>	Kiwi*
<i>Agapanthus africanus</i>	Lily-of-the-Nile
<i>Arctostaphylos densiflora</i>	Vine Hill Manzanita
<i>Arctotheca calendula</i>	Cape Weed
<i>Aucuba japonica</i>	Japanese Aucuba
<i>Barberis gladiolifolia</i>	Barberry
<i>B. julianae</i>	Wintergreen Barberry
<i>B. mentorensis</i>	Mentor Barberry
<i>B. thunbergii</i>	Japanese Barberry
<i>B. verruculosa</i>	Warty Barberry
<i>Buxus microphylla</i>	Japanese Boxwood
<i>Callistemon viminalis</i>	Weeping Bottlebrush
<i>Calluna vulgaris</i>	Scotch Heather
<i>Carpobrotus edulis</i>	Hottentot Fig (Ice Plant)
<i>Cassia artemisoides</i>	Feathery Cassia
<i>Ceanothus rigidus</i>	Wild Lilac
<i>Chamaecyparis pisifera</i>	False Cypress
<i>Cleyera japonica</i>	Cleyera
<i>Citrus</i> spp.	Citrus species*
<i>Cornus florida</i>	Flowering Dogwood
<i>C. stolonifera</i>	American Dogwood
<i>Cortaderia selloana</i>	Pampas Grass
<i>Cotoneaster apiculatus</i>	Cranberry Cotoneaster
<i>C. buxifolius</i>	Cotoneaster
<i>C. dammeri</i>	Bearberry Cotoneaster
<i>C. microphyllus</i>	Rockspray Cotoneaster
<i>Cretaeus</i> spp.	Hawthorne*
<i>Cupressus sempervirens</i>	Italian Cypress
<i>Delasperma alba</i>	White Trailing Ice Plant
<i>Dodonea viscosa</i>	Hop Bush
<i>Elaeagnus pungens</i>	Silverberry
<i>Euonymus fortunei</i>	Wintercreeper
<i>E. japonica</i>	Evergreen Euonymus
<i>E. kiautschovica</i>	Spreading Euonymus
<i>Fatsia japonica</i>	Japanese Aralia
<i>Forsythia intermedia</i>	Border Forsythia
<i>F. viridissima</i>	Greenstem Forsythia
<i>Gardenia jasminoides</i>	Gardenia, Cape-Jasmine
<i>Hedera helix</i>	English Ivy
<i>Hibiscus rosa-sinensis</i>	Chinese Hibiscus
<i>Ilex cornuta</i>	Chinese Holly
<i>I. crenata</i>	Japanese Holly
<i>I. opaca</i>	American Holly
<i>I. pernyi</i>	Holly

Scientific name	Common name
<i>Jasminium nudiflorum</i>	Winter Jasmine
<i>Juniperus chinensis</i>	Chinese Juniper
<i>J. conferta</i>	Shore Juniper
<i>J. horizontalis</i>	Creeping Juniper
<i>Juglans</i> sp.	Walnut*
<i>Justicia brandegeana</i>	Shrimp Plant
<i>Lagerstromia indica</i>	Crepe Myrtle
<i>Ligustrum amurense</i>	Amur Privet
<i>L. japonicum</i>	Japanese Privet
<i>L. lucidum</i>	Glossy Privet
<i>Liriope muscari</i>	Big Blue Lily Turf
<i>Lonicera japonica</i>	Japanese Honeysuckle
<i>L. tatarica</i>	Tatarian Honeysuckle
<i>Maleophora luteola</i>	Ice Plant
<i>Malus</i> sp.	Crabapple*
<i>Nandina domestica</i>	Heavenly Bamboo
<i>Olea europaea</i>	Olive*
<i>Ophiopogon japonicus</i>	Mondo Grass
<i>Osteospermum fruticosum</i>	Trailing African Daisy
<i>Oxydendrum arboreum</i>	Sourwood
<i>Persea americana</i>	Avocado*
<i>Photinia fraseri</i>	Fraser's Photinia
<i>Picea abies</i>	Norway Spruce
<i>Pieris japonica</i>	Lily-of-the-Valley Shrub
<i>Pinus brutia</i>	Calabrian Pine
<i>P. canariensis</i>	Canary Island Pine
<i>P. halepensis</i>	Aleppo Pine
<i>P. nigra</i>	Austrian Black Pine
<i>P. radiata</i>	Monterey Pine
<i>P. thunbergiana</i>	Japanese Black Pine
<i>P. strobus</i>	Eastern White Pine
<i>P. sylvestris</i>	Scotch Pine
<i>Pistachio</i> sp.	Pistachio*
<i>Pittosporum rhombifolium</i>	Queensland Pittosporum
<i>P. tobira</i>	Japanese Pittosporum
<i>Podocarpus macrophyllus</i>	Japanese Yew
<i>Prunus laurocerasus</i>	English Laurel
<i>Prunus</i> sp.	Almond, Apricot, Nectarine, Peach, Plum and Prune*
<i>Pyracantha coccinea</i>	Firethorn
<i>P. fortuneana</i>	Firethorn
<i>P. koidzumii</i>	Firethorn
<i>Pyrus</i> sp.	Bradford Pear sp.
<i>Quercus rubra</i>	Red Oak
<i>Raphiolepis indica</i>	Indian Hawthorne

Scientific name	Common name
<i>Rhododendron</i> (including <i>Azalea</i> )	'Coral Bells' 'Formosa' 'Hino-crimson' 'PJM' 'Roseum Elegans' Lady Bank's Rose
<i>Rosa banksiae</i>	Rosemary
<i>Rosmarinus officinalis</i>	
<i>Santolina virens</i>	
<i>Sedum album</i>	Stonecrop
<i>Syzygium paniculatum</i>	Japanese Boxcherry
<i>Taxus cuspidata</i>	Japanese Yew
<i>T. media</i>	Yew
<i>Thuja occidentalis</i>	American Arborvitae
<i>Trachelospermum asiaticum</i>	Star Jasmine
<i>Tsuga canadensis</i>	Canada Hemlock
<i>Viburnum japonicum</i>	Japanese Viburnum
<i>V. odoratissimum</i>	Sweet Viburnum
<i>V. plicatum</i>	Japanese Snowball
<i>V. rigidum</i>	Canary Island Viburnum
<i>V. tinus</i>	Laurustinus
<i>V. trilobium</i>	Cranberry Bush
<i>V. wrightii</i>	
<i>Vinca minor</i>	Dwarf Periwinkle
<i>Vitis</i> sp.	Grape*
<i>Weigela florida</i>	Old Fashioned Weigela
<i>Yucca aloifolia</i>	Spanish Bayonet
<i>Y. filamentosa</i>	Yucca, Adam's Needle

\*Ornamental species only. Do not use on food producing trees or vines.

## **LIMITATION OF WARRANTY AND LIMITATION OF LIABILITY**

**NOTICE:** Read this Limitation of Warranty and Limitation of 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 inherently associated with the use of this product. Crop injury, ineffectiveness, or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or the manner of use or application, all of which are beyond the control of the manufacturer or seller. All such risks shall be assumed by buyer or user.

The manufacturer warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated in the Directions for Use, under normal use conditions, subject to the risks described above. **THE MANUFACTURER MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS OR OF MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.** In no event shall the manufacturer or seller be liable for any incidental, consequential or special damages resulting from the use or handling of this product.

The manufacturer and seller offer this product, and buyer and user accept it, subject to the foregoing limitations of warranty and limitation of liability, which may not be modified by any oral or written agreement.

***Optional Liability statement for subregistrant:***

**IMPORTANT NOTICE: DISCLAIMER AND LIMITATION OF LIABILITY**

This product has been researched to provide necessary data to support its uses listed on the label. The user should always follow the label directions and exercise his judgment and caution when using the product under growing conditions. **NO WARRANTY OR REPRESENTATION IS MADE, EXPRESS OR IMPLIED, CONCERNING THE RESULTS TO BE OBTAINED FROM THE USE OF THIS PRODUCT IF NOT USED IN ACCORDANCE WITH DIRECTIONS OR ESTABLISHED SAFE PRACTICE.** The exclusive remedy of the user or Buyer, and the limit of liability of The Scotts Company or any other Seller, for any and all losses, injuries or damages resulting from the use or handling of this product shall be the purchase price paid by the user or Buyer for the quantity of this product involved. The Buyer and users are deemed to have accepted the terms of this Notice, which may be varied only by agreement in writing, signed by a duly authorized representative of The Scotts Company.