

PM 25

45639-86

4/22/98

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APR 22 1998

Kenneth W. Chisholm  
AgrEvo USA Company  
Little Falls Centre One  
2711 Centerville Road  
Wilmington, DE 19808

Dear Mr. Chisholm:

Subject: Reduced Application Rate  
Betanex Herbicide  
EPA Registration No. 45639-86  
Betamix Herbicide  
EPA Registration No. 45639-87  
Your Submissions Dated March 17, 1998

The amendment referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended is acceptable provided that you:

1. Make the labeling changes listed below before you release the product for shipment bearing the amended labeling:

a. In the Environmental Hazards Section delete "For terrestrial uses,". Refer to PR Notice 93-8.

b. On the basic label the statement "(See Supplemental Label for use in North Dakota and Minnesota only)" isn't clear. We suggest text similar to the following:

Do not add additional wetting agents or other spray adjuvants except as specified on the Supplemental Label for use in North Dakota and Minnesota only.

c. Clarify the directions for use on the supplemental label. Specify the rates of UpBeet, Stinger and methylated seed oils that are added to specific spray volumes. According to PR Notice 82-2, the Tank Mix directions on the Supplemental Label must include statements similar to the following:

This product can be mixed with \_\_\_\_\_  
(chemical name, including percentage of active ingredient  
and type of formulation, or specific product name, or  
both) for use on \_\_\_\_\_ (Crops/sites) in accordance  
with the more (most) restrictive of label limitations and  
precautions. No label dosage rates should be exceeded.  
This product cannot be mixed with any product containing  
a label prohibition against such mixing.

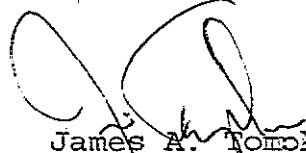
d. If the Precautionary Statements do not appear on the Front  
Panel of the basic label, add the following referral  
statement:

See side panel for additional precautionary statements

2. Submit one (1) copy of your final printed labeling before  
you release the product for shipment.

A stamped copy of the labeling is enclosed for your records.

Sincerely yours,



James A. Tompkins  
Product Manager (25)  
Herbicide Branch  
Registration Division (7505C)

Enclosure



**AgriEVO®**

# Betanex®

## HERBICIDE

### FOR AGRICULTURAL USE ONLY

**ACCEPTED**

*with comment*  
**APR 22 1998**

Under the Federal Insecticide,  
Fungicide, and Rodenticide Act,  
as amended, for the pesticide  
registered under  
EPA Reg. No. 45639-86

45639-86



**Postemergence Herbicide for Control of Redroot Pigweed  
and Other Weeds in Sugar Beets**

**ACTIVE INGREDIENT:**

Desmedipham\*

16.0%

**INERT INGREDIENTS:**

84.0%

**TOTAL 100.0%**

Contains 1.3 lbs. active ingredient per gallon.  
This product contains the toxic inert ingredient  
isophorone.

\*Ethyl m-hydroxycarbanilate carbanilate (ester)

EPA Reg. No. 45639-86

EPA Est. No. 407-1A-02

**KEEP OUT OF REACH  
OF CHILDREN**

**WARNING — AVI**

Si usted no entiende la etiqueta, b  
alguien para que se la explique a  
detalle. (If you do not understand  
find someone to explain it to you)

### STATEMENT OF PRACTICAL TREATMENT

**IF SWALLOWED:** Call a physician or poison control center. Do not induce vomiting.

**NOTE TO PHYSICIAN:** Empty stomach contents by gastric lavage. Avoid aspiration.

**IF IN EYES:** Flush with plenty of water. Get medical attention.

**IF ON SKIN:** Wash immediately with plenty of soap and water.

IN CASE OF MEDICAL EMERGENCIES OR HEALTH AND SAFETY INQUIRIES, OR IN CASE OF FIRE, LEAKING, OR DAMAGED CONTAINERS, INFORMATION MAY BE OBTAINED BY CALLING 800-228-5635, EXT. 202.

### PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS (AND DOMESTIC ANIMALS)

#### WARNING

**HARMFUL IF SWALLOWED. MAY PRODUCE SEVERE IRRITATION OF EYES AND IRRITATION OF SKIN. AVOID BREATHING SPRAY MIST. AVOID CONTACT WITH SKIN AND EYES.**

**AVOID CONTAMINATION OF FEED AND FOODSTUFFS.**

#### 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 F on an EPA chemical resistance category selection chart.

**Applicators and other handlers must wear:**

- ◇ Long-sleeved shirt and long pants
- ◇ Chemical resistant gloves, such as barrier laminate or butyl rubber or nitrile rubber or Viton<sup>®</sup>
- ◇ 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.

#### ENGINEERING CONTROLS STATEMENT

When handlers use closed systems, enclosed cabs, or aircraft 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.

### ENVIRONMENTAL HAZARDS

**THIS PRODUCT IS TOXIC TO FISH FOR TERRESTRIAL USES. 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 APPLY WHERE RUNOFF IS LIKELY TO OCCUR. DO NOT APPLY WHEN WEATHER CONDITIONS FAVOR DRIFT FROM AREAS TREATED. DO NOT CONTAMINATE WATER THROUGH DISPOSAL OF EQUIPMENT WASH-WATERS.**

### PHYSICAL OR CHEMICAL HAZARDS

**DO NOT USE OR STORE NEAR HEAT OR OPEN FLAME.**

#### STORAGE AND DISPOSAL

**STORAGE:** Store in original container and keep closed. Store in a cool, dry place. Do not use or store near heat or open flame.

**PESTICIDE DISPOSAL:** Do not contaminate water, food or feed by storage or disposal. Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law. 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.

#### WHEN PACKAGED IN PLASTIC CONTAINERS:

**Container Disposal:** 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.

#### WHEN PACKAGED IN SVR CONTAINERS:

**ECHO SYSTEM<sup>®</sup> SVR Return Procedure:** Return the ECHO SYSTEM SVR container clean (outside only) and empty to the place of business from which the BETANEX<sup>®</sup> Herbicide was purchased.

This ECHO SYSTEM SVR container is the sole property of AgrEvo USA Company.

#### DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Read the entire Directions for Use before using this product.

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.

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## 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 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 such as barrier laminate, butyl rubber, nitrile rubber, or Viton<sup>®</sup>
- ✧ Shoes plus socks
- ✧ Protective eyewear

## GENERAL INFORMATION

When used as directed, BETANEX Herbicide is selective against weeds in sugar beets. Follow label directions carefully to avoid severe injury to sugar beets. For best results, spray weeds in the cotyledon stage which are actively growing and are not under water or heat stress. BETANEX Herbicide will control the following weeds:

Annual sowthistle .....	<i>Sonchus oleraceus</i>
Black nightshade .....	<i>Solanum nigrum</i>
Hairy nightshade .....	<i>Solanum sarrachoides</i>
Coast fiddleneck .....	<i>Amsinckia intermedia</i>
Common chickweed .....	<i>Stellaria media</i>
Common lambsquarters .....	<i>Chenopodium album</i>
Common ragweed .....	<i>Ambrosia artemisiifolia</i>
Groundcherry .....	<i>Physalis lanceifolia</i>
London rocket .....	<i>Sisymbrium irio</i>
Nettleleaf goosefoot .....	<i>Chenopodium murale</i>
Prostrate pigweed .....	<i>Amaranthus gracizans</i>
Purslane .....	<i>Portulaca oleracea</i>
Redroot pigweed .....	<i>Amaranthus retroflexus</i>
Shepherdspurse .....	<i>Capsella bursa-pastoris</i>
Wild buckwheat .....	<i>Polygonum convolvulus</i>
Wild mustard .....	<i>Brassica kaber</i>

## USE PRECAUTIONS

DO NOT APPLY BETANEX HERBICIDE TO SUGAR BEETS LATER THAN 75 DAYS PRIOR TO HARVEST.

DO NOT EXCEED A TOTAL OF 12 PINTS BETANEX HERBICIDE PER ACRE PER SEASON.

DO NOT APPLY THIS PRODUCT THROUGH ANY TYPE OF IRRIGATION SYSTEM.

BETANEX MAY CAUSE BEET INJURY IF THE CROP IS UNDER STRESS FROM ONE OR MORE OF THE FOLLOWING CONDITIONS:

- ✧ Rapid climatic changes from cool, overcast days, to hot (80°F or over) bright days. When the air temperature is, or is likely to be, above 80°F on the day of spraying, application should be made in the late afternoon when the temperature is decreasing.
- ✧ Frost within 3 days prior to application or 7 days following treatment could cause beet injury.
- ✧ Windy conditions or drought.
- ✧ Use of a preplant or preemergence herbicide or other chemicals.
- ✧ Insect or disease injury.
- ✧ Close cultivation.

If stress conditions are present, delay application in order to give plants a chance to recover.

**IMPORTANT:** BETANEX Herbicide may cause temporary growth retardation and/or chlorosis or tipburn on sugar beets. Sugar beets usually resume normal growth within 10 days.

**DO NOT OVERTREAT:** The use of higher than recommended rates may cause beet injury and/or carry over problems when tank mixed with Nortron<sup>®</sup> SC Herbicide.

Do not spray while dew is present.

Rainfall or sprinkler irrigation within 6 hours of spraying may reduce weed kill.

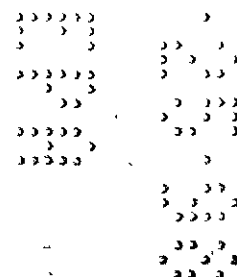
Do not allow spray drift to contact adjacent crops which may be injured by spray drift.

### MIXING THE SPRAY:

**Make sure the Sprayer is CLEAN.**

BETANEX emulsifiable concentrate formulation contains sufficient wetting agents for optimum coverage. Do not add additional wetting agents or other spray adjuvants. (See Supplemental Label for use in North Dakota and Minnesota only.) Add sufficient water to fill the lines. Then add the desired amount of BETANEX Herbicide and the remaining quantity of water with the bypass agitator running. Bypass agitation is sufficient. Mechanical agitation is not necessary. Only use freshly prepared spray emulsions.

Always spray immediately after preparing the spray solution. Prepare only enough spray solution to last less than four



hours.

## RATES OF APPLICATION

### MULTIPLE-(LOW RATE) APPLICATIONS

(ALL SUGAR BEET AREAS EXCEPT CALIFORNIA):

Multiple (low rate) applications of BETANEX Herbicide may be applied by air or ground to sugar beets to control early germinating weeds. The first application must be applied when the earliest emerging weeds have reached cotyledon size. See Chart 1 for broadcast rates. For broadcast applications with ground equipment, apply in 10-20 gallons of water per acre. Use 5-15 gallons of water per acre with aerial application. See Chart 2 for equivalent band rates. Any weeds which are not completely controlled by the first treatment will usually be checked and controlled by repeat applications. The repeat application should be made 5 to 7 days after the preceding application or when another flush of weeds germinates. If the second application is delayed, con-

ventional treatment will be necessary; see "Conventional Applications."

To avoid excessive phytotoxicity to fall-planted sugar beets south of the Tehachapi Mountains in California when temperatures are above 85°F, apply BETANEX at the rate of 1 pint per acre (broadcast equivalent). Evening applications are recommended.

BETANEX Herbicide applied postemergence in a tank mix with NORTON SC Herbicide (see Chart 3) broadens and enhances the control of troublesome weeds, in addition, provides control of Ladysthumb (*Polygonum persicaria*) and Pennsylvania smartweed (*Polygonum pennsylvanicum*).

For further information, contact your County Agricultural Agent, Farm Advisor or AgrEvo USA Company.

**CHART 1**  
**DOSAGE CHART FOR MULTIPLE (LOW RATE) BROADCAST APPLICATIONS**

Pints/Acre Broadcast			
Weed Stage*	BETANEX ALONE	BETANEX + NORTON SC	
Cotyledon	1.5-3.0	1.5	+ 0.25
2 leaf	2.0-3.0	2.0	+ 0.33
4 leaf	3.0-4.5	3.0	+ 0.5

\*Applications should begin at the cotyledon stage of the weeds.

\*Higher dosage rates could be required, depending on the advancement of the weed stage.

\*Do not exceed 1.5 pt./acre when sugarbeets are at or less than the cotyledon stage.

\*Early two true-leaf sugar beets tend to be the most susceptible to phytotoxicity.

**CHART 2**  
**BETANEX DOSAGE CHART FOR BAND APPLICATION**

Band Rate — Row Spacing (fluid ounces)					
Broadcast Equivalent	Band Width	22"	24"	28"	30"
1.50 pints/acre	5"	5.5	5.0	4.3	4.0
	7"	7.6	7.0	6.0	5.6
2.0 pints/acre	5"	7.3	6.7	5.7	5.3
	7"	10.2	9.3	8.0	7.5
3.0 pints/acre	5"	10.9	10.0	8.6	8.0
	7"	15.3	14.0	12.0	11.2
4.5 pints/acre	5"	16.4	15.0	12.9	12.0
	7"	22.9	21.0	18.0	16.8
6.0 pints/acre	5"	21.8	20.0	17.1	16.0
	7"	30.5	28.0	24.0	22.4
7.5 pints/acre	5"	27.3	25.0	21.4	20.0
	7"	38.2	35.0	30.0	28.0

### CHART 3

#### NORTRON SC DOSAGE CHART FOR MULTIPLE (LOW RATE) BAND APPLICATIONS

Broadcast Equivalent	Band Width	Band Rate — Row Spacing (fluid ounces)			
		22"	24"	28"	30"
0.25 pints/acre	5"	0.9	0.8	0.7	0.7
	7"	1.3	1.2	1.0	0.9
0.33 pints/acre	5"	1.2	1.1	0.9	0.9
	7"	1.7	1.5	1.3	1.2
0.5 pints/acre	5"	1.8	1.7	1.4	1.3
	7"	2.5	2.3	2.0	1.9

#### CONVENTIONAL APPLICATIONS

**By Ground:** Apply BETANEX Herbicide at the rate of 4.5 to 7.5 pints per acre in 20 to 50 gallons of water broadcast basis. For band application, see Dosage Chart 2.

**By Air:** Apply BETANEX Herbicide at the rate of 4.5 to 7.5 pints per acre using 5 to 15 gallons of spray per acre.

Apply the 4.5 to 7.5 pint rates only to sugar beets past the two true-leaf stage. Use the 7.5-pint rate only on well-established sugar beets which are not under stress. The stage of growth of the weeds is very important for satisfactory control. For best results, spray when the weeds are at the two true-leaf stage or smaller, are actively growing and are not under water or heat stress.

In order to avoid phytotoxic spray drift to nontarget crops during application of BETANEX, the following buffer zones should be observed:

Cotton, Potatoes, Sunflowers,  
Sorghum, Wheat ..... 50 feet  
Blackeye beans, Cabbage, Flax ..... 100 feet  
Lettuce, Rape, Tomatoes ..... 300 feet

DO NOT APPLY WHEN WIND SPEED IS OVER 10 MILES PER HOUR. AVOID APPLICATIONS WHEN CONDITIONS FAVOR DRIFT.

**REPEAT APPLICATION OF BETANEX:** For control of later germinating weeds, make a second application of BETANEX Herbicide; use 4.5 to 6 pints of BETANEX. Allow at least 7 days between first and second applications. Apply when Sugar beets have at least 4 leaves. For best results, use the higher rate and spray when weeds are at the two true-leaf stage. Apply lower rates when the sugar beets are under stress as explained in the "Use Precautions" section.

#### TANK MIX COMBINATIONS

When tank mixing, read and follow the label for each tank mix product used for precautionary statements, directions for use, weeds controlled, geographic and other restrictions. Use in accordance with the most restrictive of label limitations and precautions. No label dosage should be exceeded. This product cannot be mixed with any product containing a label prohibition against such mixing.

BETANEX Herbicide can be tank mixed with the following broadleaf herbicides for improved broadleaf weed control if application timing is correct for the tank mix products.

Herbicide	Use Rate (pt./A)
Stinger <sup>®</sup> ††	0.25–0.50
BETAMIX <sup>®</sup>	See Chart 4
PROGRESS <sup>™</sup>	See Chart 4

\*The BETANEX + Stinger tank mix should be applied when sugar beets are in the two true-leaf stage or larger.

#### CHART 4

##### DOSAGE CHART FOR TANK MIXES OF BETAMIX OR PROGRESS WITH BETANEX

Desired Rate (Pints/acre Broadcast)	BETAMIX + BETANEX (Pints/acre Broadcast)	PROGRESS + BETANEX (Pints/acre Broadcast)
1.13	0.57 + 0.57	0.57 + 0.78
1.25	0.63 + 0.63	0.63 + 0.88
1.33	0.67 + 0.67	0.67 + 0.92
1.50	0.75 + 0.75	0.75 + 1.00
1.75	0.88 + 0.88	0.88 + 1.20
2.25	1.13 + 1.13	1.13 + 1.60
3.25	1.63 + 1.63	1.63 + 2.25
5.0	2.50 + 2.50	2.50 + 3.50

#### TRADEMARK INFORMATION

†Viton is a registered trademark of DuPont Dow Elastomers LLC.

††Stinger is a registered trademark of DowElanco.

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**IMPORTANT: READ BEFORE USE**

By using this product, user or buyer accepts the following conditions, warranty, disclaimer of warranties and limitations of liability.

**CONDITIONS:** The directions for use of this product are believed to be adequate and should be followed carefully. However, because of extreme weather and soil conditions, manner of use and other factors beyond AgrEvo USA Company's control, it is impossible for AgrEvo USA Company to eliminate all risks associated with the use of this product. As a result, crop injury or ineffectiveness is always possible. All such risks shall be assumed by the user or buyer.

**DISCLAIMER OF WARRANTIES:** THERE ARE NO WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE OR OTHERWISE, WHICH EXTEND BEYOND THE STATEMENTS MADE ON THIS LABEL. No agent of AgrEvo USA Company is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. AgrEvo USA Company disclaims any liability whatsoever for incidental or consequential damages, including, but not limited to, liability arising out of breach of contract, express or implied warranty (including warranties of merchantability and fitness for a particular purpose), tort, negligence, strict liability or otherwise.

**LIMITATIONS OF LIABILITY:** THE EXCLUSIVE REMEDY OF THE USER OR BUYER FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER IN CONTRACT, WARRANTY, TORT, NEGLIGENCE, STRICT LIABILITY OR OTHERWISE, SHALL NOT EXCEED THE PURCHASE PRICE PAID, OR AT AGREVO USA COMPANY'S ELECTION, THE REPLACEMENT OF PRODUCT.

© AgrEvo USA Company, 1996

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**AgrEvo**

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2711 Centerville Road  
Wilmington, DE 19808  
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PM JK 45639-80 4/22/98 9/11  
APR 22 1998

Kenneth W. Chisholm  
AgrEvo USA Company  
Little Falls Centre One  
2741 Centerville Road  
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(chemical name, including percentage of active ingredient  
and type of formulation, or specific product name, or  
both) for use on \_\_\_\_\_ (Crops/sites) in accordance  
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Panel of the basic label, add the following referral  
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See side panel for additional precautionary statements

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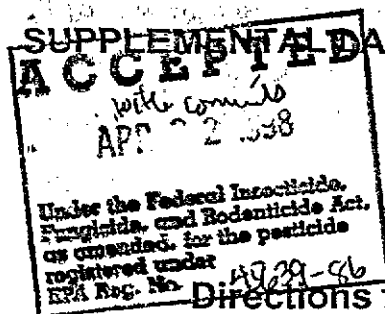
A stamped copy of the labeling is enclosed for your records.

Sincerely yours,



James A. Tompkins  
Product Manager (25)  
Herbicide Branch  
Registration Division (7505C)

Enclosure



**BETANEX® Herbicide**  
EPA Reg. No. 45639-86

**Directions for Use for Micro-Rate Applications to Sugarbeets**

**General Information**

Multiple Micro-rate applications of Betanex Herbicide in tank mixtures with reduced rates of <sup>1</sup>UpBeet™, <sup>2</sup>Stinger™, and/or methylated seed oils may be applied by air or ground equipment to sugar beets to control early germinating weeds in the states of North Dakota and Minnesota only. The rate of Betanex **must not exceed 0.5 pint/acre** (broadcast application) when in combination with these spray adjuvants. The use of wetting agents or spray adjuvants with conventional rates (4.5 to 7.5 pints/acre) or multiple low rate (1.5 to 4.5 pints/acre) applications of Betanex is prohibited on the Betanex master label. Favorable climatic conditions (good conditions for plant growth and development) are essential for adequate weed control. **All other use precautions and restrictions on the Betanex master label must be followed.**

**Directions for Using Micro-rate Multiple Applications of Betanex:**

Apply Betanex Herbicide in broadcast applications only at a rate of 0.5 pints/acre in tank mixture with the tank mix partners selected following the Directions for Use on the tank mix partner label. A minimum of three sequential applications should be utilized. Accurate timing is essential; make initial application immediately after weeds emerge, and make repeat applications on 5-day intervals. If weed control is not adequate due to climatic conditions, spray coverage or other factors, return to conventional application rates as recommended on the Betanex master label.

**Use Precautions for Micro-rate applications: (see Betanex master label for additional use precautions)**

Not all weeds will be adequately controlled, even with favorable climatic conditions. Conventional rates of Betanex Herbicide and/or hand labor may be required if multiple micro-rate applications do not adequately control weeds. Plugging of spray nozzles may be encountered due to the potential for formation of a precipitate in the spray solution that is often associated with micro rate applications. AgrEvo will not be responsible for any nozzle plugging that may occur with the use of multiple micro-rate applications. Methylated seed oils **must not be added** if the Betanex rate exceeds 0.5 pint/acre broadcast, as the addition of methylated seed oils could increase the possibility of crop injury at dosage rates greater than 0.5 pints/acre.

**IMPORTANT: READ BEFORE USE**

By using this product, user or buyer accepts the following conditions, warranty, disclaimer of warranties and limitations of liability. **CONDITIONS:** The directions for use of this product are believed to be adequate and should be followed carefully. However, because of extreme weather conditions and soil conditions, manner of use and other factors beyond AgrEvo USA Company's control, it is impossible for AgrEvo USA Company to eliminate all risks associated with the use of this product. **As a result, crop injury or ineffectiveness is always possible. All such risks shall be assumed by the user or buyer.**

**DISCLAIMER OF WARRANTIES:** THERE ARE NO WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE OR OTHERWISE, WHICH EXTEND BEYOND THE STATEMENTS MADE ON THIS LABEL. No agent of AgrEvo USA Company is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. AgrEvo USA Company disclaims any liability whatsoever for incidental or consequential damages, including, but not limited to, liability arising out of breach of contract, express or implied warranty (including warranties of, merchantability and fitness for a particular purpose), tort, negligence, strict liability or otherwise.

**LIMITATIONS OF LIABILITY:** THE EXCLUSIVE REMEDY OF THE USER OR BUYER FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER IN CONTRACT, WARRANTY, TORT, NEGLIGENCE, STRICT LIABILITY OR OTHERWISE, SHALL NOT EXCEED THE PURCHASE PRICE PAID, OR AT AGREVO USA COMPANY'S ELECTION, THE REPLACEMENT OF PRODUCT

© AGREVO USA COMPANY, 1997

<sup>1</sup>UpBeet is a registered trademark of E.I. duPont de Nemours & Co., Inc.

<sup>2</sup>Stinger is a registered trademark of Dow AgroSciences.