

PM 25

45639-209

11-12-97

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U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs
Registration Division (7505C)
401 "M" St., S.W.
Washington, D.C. 20460

EPA Reg.
Number:

45639-
209

Date of Issuance:

NOV 12 1997

NOTICE OF PESTICIDE:

X Registration
 Reregistration

(under FIFRA, as amended)

Term of Issuance:

Conditional

Name of Pesticide Product:

Preclaim EW Herbicide

Name and Address of Registrant (include ZIP Code):

AgrEvo USA Company
2711 Centerville Road
Wilmington, DE 19808

On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide and Rodenticide Act.

Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is conditionally registered in accordance with FIFRA sec. 3(c) (7) (A) provided that you:

1. Submit and/or cite all data required for registration/reregistration of your product under FIFRA sec. 3(c) (5) when the Agency requires all registrants of similar products to submit such data; and submit acceptable responses required for reregistration of your product under FIFRA section 4.

2. Make the following label changes before you release the product for shipment:

A. Child Resistant Packaging Required.

Signature of Approving Official:

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

Date:

11-12-97

20746

B. Agricultural Use Requirements -- Directions for Use should read:

"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, socks and chemical resistant footwear and chemical resistant gloves (such as Nitrile, Butyl, Neoprene and/or Barrier Laminate).

C. Precautionary Statement should read:

"Harmful if swallowed or absorbed through skin or inhaled. Causes moderate eye irritation. Avoid contact with eyes, skin or clothing. Avoid breathing spray mist. Wear long-sleeved shirt and long pants, socks and shoes and chemical resistant gloves (such as Nitrile, Butyl, Neoprene, and/or Barrier Laminate). Wash thoroughly with soap and water after handling.

Remove contaminated clothing and wash clothing before reuse.

D. Statement of Practical Treatment (SOPT) should read:

IF ON SKIN: Wash with plenty of soap and water. Get medical attention. For Category III, add "if symptoms persist."

IF INHALED: Remove victim to fresh air. If not breathing, give artificial respiration, preferably mouth-to-mouth. Get medical attention.

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

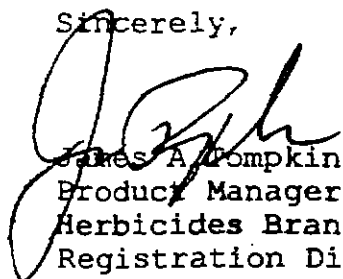
If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA sec. 6(e). Your release for shipment of the product constitutes acceptance of these conditions.

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

Sincerely,



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

Enclosure

Revised: October 27, 1997 (Edition #7)

PRECLAIM™ EW HERBICIDE

For Selective Preemergence and Postemergence Annual Grass and Preemergence Broadleaf Weed Control in Turfgrass Including Lawns, Commercial Turf, Sod Farms, Rights-of-Way and Ornamentals

ACTIVE INGREDIENTS:

Fenoxaprop-p-ethyl: (+)-ethyl 2-[4-[(6-chloro-2-benzoxazolyl)oxy]phenoxy] propanoate*..... 0.68%**

Pendimethalin: N-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine 22.97%***

INERT INGREDIENTS**** 76.35%

TOTAL: 100.00%

** Equivalent to 0.06 pound of pure fenoxaprop-p-ethyl (d isomer) per gallon

*** Equivalent to 2.0 pounds of pendimethalin per gallon

**** Contains petroleum distillates

KEEP OUT OF REACH OF CHILDREN

CAUTION - PRECAUCION

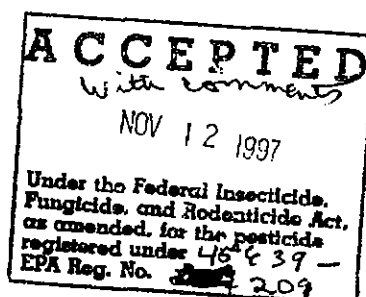
Si Usted no entiende la etiqueta, busque a alguien para que se la explique a Usted en detalle. (If you do not understand the label, find someone to explain it to you in detail.)

EPA Registration Number: 45639- ENO _ _ _

EPA Establishment Number:

NET CONTENTS: [1 Quart, 1 Gallon & 2.5 Gallons]

*Protected by U.S. Patent No. 5,254,527



AgrEvo USA Company
Little Falls Centre One
2711 Centerville Road
Wilmington, DE 19808

STATEMENT OF PRACTICAL TREATMENT

- If Swallowed:** Call a doctor or get medical attention. Do not induce vomiting. Do not give anything by mouth to an unconscious person. Avoid alcohol.
- If in Eyes:** Flush eyes with plenty of water. Call a physician if eye irritation persists.
- If on Skin:** Wash with plenty of soap and water. Get medical attention if irritation persists.
- If Inhaled:** Remove victim to fresh air. If not breathing, give artificial respiration, preferably mouth-to-mouth. Get medical attention.

If possible, bring the container and labeling to the attending physician.

NOTE TO PHYSICIAN: Because of increased risk of chemical pneumonia or pulmonary edema caused by aspiration of the hydrocarbon solvent, vomiting should be induced only under professional supervision.

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
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PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Causes moderate eye irritation. Harmful if swallowed, inhaled or absorbed through skin. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling. Use with adequate ventilation.

Personal Protective Equipment (PPE)

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, butyl rubber ≥ 14 mils, nitrile rubber ≥ 14 mils, or viton ≥ 14 mils; 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.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish and aquatic invertebrates. 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 aquatic sites. Do not contaminate water by cleaning of equipment or disposal of equipment washwaters.

STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage and disposal. Keep container tightly closed when not in use. Avoid cross-contamination with other pesticides.

Do not store over 100°F or below 40°F.

Pesticide Disposal: Pesticide wastes are toxic. 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: Empty containers should be triple rinsed into the spray tank during the spray operation. Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

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 (PPE), and restricted-entry intervals. 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, such as barrier laminate, butyl rubber ≥ 14 mils, nitrile rubber ≥ 14 mils or viton ≥ 14 mils; shoes plus socks; protective eyewear.

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. Uses on commercial and residential turf, golf courses and ornamentals in residential and commercial areas are not within the scope of the WPS.

Keep unprotected persons and pets out of the treated area until sprays have dried.

GENERAL INFORMATION

Preclaim EW Herbicide is recommended for the selective postemergence and preemergence control of annual grassy weeds and preemergence control of broadleaf weeds in established turfgrass (lawns, sod, turf areas) and ornamental species. Examples of such sites include but are not limited to: grounds or lawns around residential and commercial establishments, multifamily dwellings, military and other institutions, parks, airports, roadsides, schools, picnic grounds, athletic fields, houses of worship, cemeteries, golf courses, and sod farms. In addition, Preclaim EW Herbicide can be applied for general grounds maintenance around areas such as rights-of-way, parking lots, driveways and roadsides, alleyways, bike and jogging paths, edges of sidewalks, vacant lots, buildings, stone gardens and gravel yards, markers and fence lines, mulch beds and other similar areas.

Fenoxaprop-p-ethyl is a systemic postemergence annual grass herbicide which is absorbed through the foliage. Pendimethalin is a preemergence annual grass and broadleaf herbicide that controls weeds as they germinate. Preclaim EW Herbicide will not control established broadleaf weeds. Time applications to follow grassy weed emergence.

Thorough coverage of emerged annual grasses will provide optimum activity. Young, actively growing grassy weeds are more easily controlled than larger established grassy weeds. Visual injury of the annual grassy weeds is evident approximately 4-10 days after application (dependent upon environmental conditions) but control of the grassy weeds will take 12-21 days. Visible effects begin as a general chlorosis (yellowing) and/or reddening of the leaf surface followed by death of the weed.

The efficacy of Preclaim EW Herbicide will improve if the application is allowed to dry and then is followed by one-half inch of rainfall or its equivalent in sprinkler irrigation within 30 days. If this water management schedule is not followed, erratic weed control may result.

Uneven application can decrease weed control or cause crop injury. Seedling diseases, cold weather, excessive moisture, high soil pH, high soil salt concentration, or drought can weaken seedlings and plants and increase the possibility of plant damage from Preclaim EW Herbicide.

Preclaim EW Herbicide may cause temporary discoloration of sprayed surfaces. Rinse immediately to avoid staining. Spray colorants or dyes can be added to alter the color of the spray solution to match the treated surfaces.

WEED CONTROL IN TURFGRASS AND ORNAMENTALS**Use in Turfgrass Species (Lawns, Sod, Turf Areas)**

Preclaim EW Herbicide can be applied for preemergence and postemergence (up to 3 tiller) control of grassy weeds and for preemergence broadleaf weeds in a wide range of established turfgrasses. Preclaim EW Herbicide can be applied as a broadcast application to all cultivars of the following turfgrass species.

Common Name	Scientific Name
Fine fescues	<i>Festuca</i> spp.
Kentucky bluegrass	<i>Poa pratensis</i>
Perennial ryegrass	<i>Lolium perenne</i>
Tall fescue	<i>Festuca arundinaceae</i>
Zoysiagrass	<i>Zoysia</i> spp.

DO NOT apply to warm season turfgrass species other than those listed above. Preclaim EW Herbicide should only be applied to well established turfgrass with a dense and uniform stand. To prevent establishment of weeds along the edges of lawns it may be necessary to overlap the spray three to six inches onto sidewalks or driveways, etc. to ensure effective application rates in these especially vulnerable sites. Where temporary discoloration of pavement is to be avoided, rinse immediately to avoid staining.

Use in Ornamental Species

Preclaim EW Herbicide can be applied for preemergence and postemergence (up to 3 tiller) control of grassy weeds and broadleaf weeds (preemergence) in a wide range of established ornamental species. Plant tolerance may vary according to environmental conditions. Determine tolerance prior to extensive use. Preclaim EW Herbicide can be safely applied over-the-top of the plants listed below.

Common Name	Scientific Name
Azalea	<i>Rhododendron</i>
Barberry	<i>Berberis</i>
Boxwood, Korean	<i>Buxus</i>
Cotoneaster	<i>Cotoneaster</i>
Dogwood, flowering	<i>Cornus</i>
English ivy	<i>Hedera</i>
Euonymus	<i>Euonymus</i>
False cypress	<i>Chamaecyparis</i>
Firethorn	<i>Pyracantha</i>
Forsythia	<i>Forsythia</i>
Holly, American	<i>Ilex</i>
Holly, Japanese	<i>Ilex</i>
Juniper, blue rug	<i>Juniperus</i>
Juniper, dwarf shore	<i>Juniperus</i>
Juniper, Parsonii	<i>Juniperus</i>
Juniper, San Jose	<i>Juniperus</i>
Juniper, Wiltoni	<i>Juniperus</i>
Magnolia	<i>Magnolia</i>
Maple, Japanese	<i>Acer</i>
Maple, red	<i>Acer</i>
Nandina	<i>Nandina</i>
Oleander	<i>Nerium</i>
Photinia	<i>Photinia</i>
Pine, white	<i>Pinus</i>
Privet	<i>Ligustrum</i>
Rhododendron	<i>Rhododendron</i>
Willow	<i>Salix</i>
Yew	<i>Taxus</i>

Applications of Preclaim EW Herbicide to the following ornamental plants will result in phytotoxicity. **DO NOT** apply Preclaim EW Herbicide to the plants listed below.

Common Name	Scientific Name
Hydrangea	<i>Hydrangea</i>
Juniper, barharbor	<i>Juniperus</i>
Philodendron	<i>Philodendron</i>
Pittosporum	<i>Pittosporum</i>
Podocarpus	<i>Podocarpus</i>
Salvia	<i>Salvia</i>

Weed Species Controlled

Preclaim EW Herbicide will provide preemergence and postemergence control of the following grassy weed species.

Common Name	Scientific Name
Smooth crabgrass	<i>Digitaria ischaemum</i>
Hairy crabgrass	<i>Digitaria sanguinalis</i>
Goosegrass, silver crabgrass	<i>Eleusine indica</i>
Foxtail species	<i>Sefaria</i> spp.
Barnyardgrass	<i>Echinochlea crusgalli</i>
Panicum species	<i>Panicum</i> spp.
Johnsongrass (seedling)	<i>Sorghum halepense</i>
Sandbur	<i>Cenchrus incertus</i>
Sprangletop	<i>Leptochloa</i> spp.

Preclaim EW Herbicide will provide preemergence control of the following grass and broadleaf weed species. Application must be made prior to germination of weeds. Preclaim EW Herbicide will not control these weeds after they become established.

Common Name	Scientific Name
Bluegrass, annual	<i>Poa annua</i>
Burweed, lawn	<i>Soliva pterosperma</i>
Carpetweed	<i>Mollugo verticillata</i>
Chickweed, common	<i>Stellaria media</i>
Chickweed, mouseear	<i>Cerastium vulgatum</i>
Clover, hop	<i>Trifolium procumbens</i>
Crowfootgrass	<i>Dactyloctenium aegyptium</i>
Cudweed	<i>Gnaphalium</i> spp.
Evening primrose	<i>Oenothera biennis</i>
Fiddleneck, coast	<i>Amsinckia intermedia</i>
Filaree	<i>Erodium</i> spp.
Henbit	<i>Lamium amplexicaule</i>
Itchgrass	<i>Rottboellia exaltata</i>
Junglerice	<i>Echinochloa colonum</i>
Knotweed, prostrate	<i>Polygonum aviculare</i>
Kochia	<i>Kochia scoparia</i>
Lambsquarters	<i>Chenopodium album</i>
Lovegrass	<i>Eragrostis</i> spp.
Pigweed	<i>Amaranthus</i> spp.
Puncturevine	<i>Tribulus terrestris</i>
Purslane	<i>Portulaca oleracea</i>
Pusley, Florida	<i>Richardia scabra</i>
Rocket, London	<i>Sisymbrium irio</i>
Shepherdspurse	<i>Capsella bursa-pastoris</i>
Signalgrass	<i>Brachiaria platyphylla</i>
Smartweed, Pennsylvania	<i>Polygonum pennsylvanicum</i>
Speedwell, corn	<i>Veronica arvensis</i>
Spurge, annual	<i>Euphorbia</i> spp.
Spurge, prostrate	<i>Euphorbia matriculata</i>
Velvetleaf (buttonweed)	<i>Abutilon theophrasti</i>
Witchgrass	<i>Panicum capillare</i>
Woodsorrel, yellow	<i>Oxalis stricta</i>
Woolly cupgrass	<i>Eriochloa villosa</i>

Application Information

Preclaim EW Herbicide contains fenoxaprop-p-ethyl, a systemic postemergence annual grass herbicide and pendimethalin, a preemergence annual grass and broadleaf herbicide. Thorough coverage of emerged annual grasses will provide optimum activity.

Young, actively growing grassy weeds are more easily controlled than larger established grassy weeds. Avoid applications to turfgrass under stress due to lack of moisture, chemical injury or temperature extremes. Apply Preclaim EW Herbicide according to the annual grassy weed stage of growth listed in the following table. These rates will also provide effective preemergence control of listed weeds.

**Preclaim EW Herbicide Application Rate and
Timing Recommendations Chart**

Annual Grassy Weed Growth Stage	Fluid Ounces per Acre	Fluid Ounces per 1000 Square Feet
1 - 4 Leaf*	96	2.2
1 Leaf - 1 Tiller	128	3.0
1- 3 Tiller	192	4.5

***DO NOT** use this rate within or south of the transition zone where longer residual control is required. The transition zone is the region of the U.S. where both cool and warm season turfgrasses are adapted.

Do not apply more than a total of 192 oz/acre per growing season.

Mixing and Application Instructions

1. Fill the tank one-half to three-quarters full with clean water.
2. Add Preclaim EW Herbicide slowly to the partially filled tank of water while agitating and then fill the remainder of the tank with water.
3. **MAINTAIN CONTINUOUS AGITATION WHILE ADDING Preclaim EW Herbicide AND UNTIL SPRAYING IS COMPLETED.** If the spray mixture is allowed to settle for any period of time, thorough agitation is essential before spraying is resumed. Continue agitation while spraying.

Uniformly apply with properly calibrated ground equipment in sufficient water per acre to provide uniform spray distribution. Low pressure (20-40 psi) sprayers are recommended. Avoid application when winds may cause drift or non-uniform spray pattern.

Pressurized Hydraulic Sprayer Application

Apply Preclaim EW Herbicide by means of a pressurized hydraulic sprayer using 20-40 psi and 30-60 gallons of water per acre (0.7 to 1.4 gallons of finished spray per 1,000 square feet). **Thorough spray coverage is essential for optimum results.** Flat fan nozzles are recommended.

High Volume Handgun Spray Application

If a high volume handgun type sprayer is utilized, the addition of a surfactant at 32 fluid ounces per 100 gallons is recommended. **Thorough coverage is essential for optimum results.**

Notes for Weed Control in Turfgrass

1. Stunting and/or chlorosis may occur on succulent, rapidly growing Kentucky bluegrass. These symptoms are temporary and will subside.
2. Avoid application of Preclaim EW Herbicide to turfgrass under stress due to lack of moisture, chemical injury or temperature extremes.
3. Annual grassy weed control will be reduced if Preclaim EW Herbicide is applied when the soil moisture is low and the annual grasses are under moisture stress. Irrigation prior to or within 1 day after the application will improve annual grassy weed control performance.
4. The preemergence activity of Preclaim EW Herbicide will improve if the application is followed (after the spray has dried) by one-half inch of rainfall or its equivalent in sprinkler irrigation. If Preclaim EW Herbicide is not activated by rainfall or irrigation within 30 days, erratic weed control may result.
5. Rainfall or irrigation within one hour after application or before spray deposit has dried may cause a reduction of grass control.
6. Broadleaf Herbicides such as 2,4-D or MCPP may reduce the effectiveness of Preclaim EW Herbicide. Tank-mixes with 2,4-D or MCPP containing herbicides are not recommended. **DO NOT** apply Preclaim EW Herbicide within 21 days following a 2,4-D or MCPP application, or 5 days before a 2,4-D or MCPP application.
7. A tank mix application of Preclaim EW Herbicide and broadleaf herbicides may be made to provide postemergence broadleaf weed and annual grassy weed control. No label dosage rates should be exceeded. Preclaim EW Herbicide can be tank mixed with the following herbicides to control established broadleaf weeds: dicamba 4E, Confront¹, Turflon¹ Amine 3E and Turflon¹ Ester 4EC.
8. In newly established turf areas, **DO NOT** apply Preclaim EW Herbicide to seedling Kentucky bluegrass, fine fescue, tall fescue, or perennial ryegrass until the turfgrass has filled in and has been mowed at least four times. On turf that has been thinned or damaged due to winter injury, excessive moisture, etc., allow for turf recovery prior to making an application.
9. **DO NOT** use on bentgrass, annual bluegrass (*Poa annua*), or dichondra where these are desired species.
10. Delay fall overseeding by 3 months and sprigging by 5 months after application.

11. **DO NOT** apply Preclaim EW Herbicide to sod within 4 weeks before cutting for transplanting or within 4 weeks after transplanting.
12. **DO NOT** apply this product through any type of irrigation system.

Notes for Weed Control in Ornamentals

1. Apply only to established ornamental plantings.
2. Avoid application of Preclaim EW Herbicide to ornamentals under stress due to lack of moisture, chemical injury, or temperature extremes.
3. Stunting and/or chlorosis may occur on succulent, rapidly growing ornamentals. These symptoms are temporary and will subside.
4. Adequate soil moisture will enhance the performance of Preclaim EW Herbicide. Thorough irrigation one to two days before or within one day after application will be helpful under these conditions. Rainfall or irrigation within one hour of application or before spray deposit has dried may cause a reduction of grass control.
5. The preemergence activity of Preclaim EW Herbicide will improve if the application is followed by one-half inch of rainfall or its equivalent in sprinkler irrigation. If Preclaim EW Herbicide is not activated by rainfall or irrigation within 30 days, erratic weed control may result.
6. **DO NOT** tank mix this product with any other herbicide for application on ornamentals.
7. **DO NOT** apply this product through any type of irrigation system.

Trademark Information

¹ Confront and Turflon are registered trademarks of DowElanco.

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.

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