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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

FEB 2 6 2009

Deena Newell Sr. Regulatory Specialist The Scotts Company LLC 14111 Scottslawn Road Marysville, OH 43041

Subject:

Truban® Fungicide 30% Wettable Powder

EPA Reg. No. 58185-7

Your amendment dated November 21, 2008 EPA Decision Number 401959 404453

Dear Ms. Newell:

The amended label referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act as amended is acceptable provided the following changes are made:

- 1. On page 2, put the FIRST AID instructions in a box to set them off from the rest of the text.
- 2. On page 8 in the **STORAGE AND DISPOSAL** box, change the subheader "STORAGE" to "PESTICIDE STORAGE".

Please note that should you wish to retain a reference to the company's website on your label, then please be aware that the website becomes labeling under the Federal Insecticide Fungicide and Rodenticide Act and is subject to review by the Agency. If the website is false or misleading, the product would be misbranded and unlawful to sell or distribute under FIFRA section 12(a)(1)(E). 40 CFR 156.10(a)(5) list examples of statements EPA may consider false or misleading. In addition, regardless of whether a website is referenced on your product's label, claims made on the website may not substantially differ from those claims approved through the registration process. Therefore should the Agency find or if it is brought to our attention that a website contains false or misleading statements or claims substantially differing from the EPA approved registration, the website will be referred to the EPA's Office of Enforcement and Compliance Assurance. As an alternative, you may refer consumers to the company's phone number or e:mail address.

EPA Reg. No. 58185-7

Product Name: Truban Fungicide 30% Wettable Powder

Page 2 of 2

One copy of the label stamped "Accepted with comments" is enclosed for your records. Please submit one copy of the final printed label that incorporates the required changes 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,

Mary L. Waller

Product Manager (21)

Fungicide Branch

Registration Division (7505P)

Mary L. Waller

Enclosure

GROUP 14 FUNGICIDE

TRUBAN® FUNGICIDE 30% WETTABLE POWDER

Alternate Brand Name: Truban® 30 WP

- For control of damping-off, root and stem rot diseases caused by Pythium and Phytophthora in ornamental and nursery crops.
- For control of Pythium Blight, damping-off, Cottony Blight, and Pythium root and crown rot on ornamental turf.

ACTIVE INGREDIENT:

Etridiazole†		30 9	%
OTHER INGREDIENTS:		70 9	%
Tot	:al	100 9	%

†CAS #2593-15-9

EPA Reg. No. 58185-7

EPA Est. 228-IL-1 EPA Est. 67545-AZ-1

KEEP OUT OF THE REACH OF CHILDREN WARNING AVISO

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.)

SEE BACK [SIDE] PANEL FOR ADDITIONAL PRECAUTIONARY STATEMENTS. Carefully read and follow attached labeling for directions for use.

Following boxed text to be used along with label language on shipping carton: AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR Part 170. Refer to labeling under "Agricultural Use Requirements" in the **Directions for Use** section for information about this standard.

If you have any questions regarding the use of this product, call TOLL FREE 1-800-492-8255.

Manufactured for [by]:

Scotts-Sierra Crop Protection Company

14111 Scottslawn Road Marysville, OH 43041

www.scottsprohort.com

[Product of/Made in USA]

NET WEIGHT 2 lb (907 g)

with COMMEN'S In EPA Letter Dated

Under the Federal Intesticide, Fundicide, and Rodenicide Act

58185-7

[Bracketed information is optional text].

FIRST AID

reader and is not part of the label.

If in eyes: Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after first 5 minutes, then continue rinsing eye. Call a poison control center or doctor for treatment advice.

For additional information in case of emergency call toll free 1-877-561-6584. Have product label with you when calling a poison control center or going for treatment.

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

WARNING! Causes substantial but temporary eye injury. Do not get in eyes or on clothing.

Personal Protective Equipment (PPE)

Some materials that are chemical-resistant to this product are barrier laminate, butyl rubber ≥14 mils, nitrile rubber ≥14 mils, neoprene rubber ≥14 mils, and natural rubber ≥14 mils. If you want more options, follow the instructions for category A on an EPA chemical-resistant category selection chart.

Mixers, loaders, applicators and handlers must wear:

- goggles or face shield,
- coveralls over long-sleeved shirt and long pants,
- chemical-resistant gloves made of any waterproof material
- chemical-resistant footwear plus socks,
- chemical-resistant headgear for overhead exposure
- NIOSH-approved respirator with:
 - an organic-vapor-removing cartridge with a prefilter approved for pesticides (MSHA/NIOSH approval number prefix TC-23C), or
 - a canister approved for pesticides (MSHA/NIOSH approval number prefix TC-14G), or
 - a NIOSH approved respirator with an OV cartridge or canister with any N², R, P, or HE prefilter
- chemical-resistant apron when mixing, loading, cleaning equipment

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

When all other 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)(5)], the handler PPE requirements may be reduced or modified as specified.

User Safety Recommendations:

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing/PPE 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

THIS PRODUCT IS TOXIC TO FISH. Do not apply directly to water or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwaters. Etridiazole can contaminate surface water through spray drift. Under some conditions, etridiazole may have a high potential for runoff into surface water for several weeks postapplication. These conditions include poorly draining or wet soils with readily visible slopes toward adjacent surface water, frequently flooded areas, areas overlaying extremely shallow ground water, areas with in-field canals or ditches that drain to surface water, areas not separated from adjacent waters with vegetated filter strips, and areas overlaying tile drainage systems that drain surface water.

PHYSICAL OR CHEMICAL HAZARDS

Do not use or store near heat or open flame.

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. Do not allow this product to drift.

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 Workers Protection Standard, 40 CFR part 170. This standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE) and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted-entry interval (REI) of 12 hours.

INDOOR RESTRICTIONS: Entry (including early entry that would otherwise be permitted under the WPS) into greenhouses, potting sheds, and other indoor areas by any person – other than a correctly trained applicator who is performing a handling task permitted by the WPS and who is wearing the required handler PPE including a respirator – is PROHIBITED in the entire enclosed structure/building from the start of application until application is complete and one of the following ventilation criteria (providing outdoor air) is met: 10 air exchanges; (2) 2 hours of fans or other mechanical ventilation providing outdoor air; (3) 4 hours of vents, windows, or other passive ventilation; (4) 11 hours with no ventilation followed by 1 hour of mechanical ventilation; (5) 11 hours of no ventilation followed by 2 hours of passive ventilation; or (6) 24 hours with no ventilation. After ventilation criteria are met and until the REI expires, do not enter or allow worker entry into treated areas, except as provided in the WPS. Note: after the expiration of the REI whenever etridiazole-treated soil or planting media is being handled or distributed indoors, continuous ventilation of the area is required at a minimum rate of one complete air exchange per hour.

EXCEPTION: If the product is soil-injected or soil incorporated, the Worker Protection Standard, under certain circumstances, allows workers to enter the treated area if there will be no contact with anything that has been treated.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water is:

- --coveralls.
- --chemical-resistant gloves made of any waterproof material, and
- --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.

-- Do not enter or allow others to enter area until spray has dried.

CHEMIGATION INFORMATION

Chemigation is prohibited in the State of California.

INTRODUCTION

Pesticide labels contain Directions For Use that are necessary for effecting the purpose for which the product is intended. Further, they protect health and environment from risks of pesticide contamination of ground water and decrease direct human exposure to pesticide-treated irrigation water.

Apply this product only through pressurized drench (flood), sprinkler, or drip (trickle) irrigation systems. Do not apply this product through any other type of irrigation systems.

7/13

Crop injury, lack of effectiveness, or illegal pesticide residues in the crop can result from non-uniform distribution of treated water.

If you have questions about calibration, you should contact State Extension Service specialists, equipment manufacturers, or other experts.

Do not connect any irrigation system (including greenhouse systems) used for pesticide application to a public water system unless the pesticide label-prescribed safety devices for public water systems are in place.

Should the need arise, a person knowledgeable of the chemigation system and responsible for its operation or under the supervision of the responsible person, shall shut the system down and make necessary adjustments.

Pressurized Drench (Flood) System

Systems utilizing a pressurized water and pesticide injection system must meet the following requirements:

- Systems using a gravity flow pesticide dispensing system must meter the
 pesticide into the water at the head of the field and downstream of a hydraulic
 discontinuity such as a drop structure or weir box to decrease potential for water
 source contamination from backflow if water flow stops.
- The system must contain a functional check valve, vacuum relief valve, and low pressure drain appropriately located on the irrigation pipeline to prevent water source contamination from backflow.
- The pesticide injection pipeline must contain a functional, automatic, quickclosing check valve to prevent the flow of fluid back toward the injection pump.
- The pesticide injection pipeline must also contain a functional, normally closed, solenoid-operated valve located on the intake side of the injection pump and connected to the system interlocked to prevent fluid from being withdrawn from the supply tank when the irrigation system is either automatically or manually shut down.
- The system must contain functional interlocking controls to automatically shut off the pesticide injection pump when the water pump motor stops.
- The irrigation line or water pump must include a functional pressure switch which will stop the water pump motor when the water pressure decreases to the point where pesticide distribution is adversely affected.
- Systems must use a metering pump, such as a positive displacement injection pump (e.g., diaphragm pump), effectively designed and constructed of materials that are compatible with pesticides and capable of being fitted with a system interlock.

Sprinkler Chemigation

- The system must contain a functional check valve, vacuum relief valve, and low pressure drain appropriately located on the irrigation pipeline to prevent water source contamination from backflow.
- The pesticide injection pipeline must contain a functional, automatic, quickclosing check valve to prevent the flow of fluid back toward the injection pump.
- The pesticide injection pipeline must also contain a functional, normally closed, solenoid-operated valve located on the intake side of the injection pump and connected to the system interlock to prevent fluid from being withdrawn from the

- supply tank when the irrigation system is either automatically or manually shut down.
- The system must contain functional interlocking controls to automatically shut off the pesticide injection pump when the water pump motor stops.
- The irrigation line or water pump must include a functional pressure switch which will stop the water pump motor when the water pressure decreases to the point where pesticide distribution is adversely affected.
- Systems must use a metering pump, such as a positive displacement injection pump (e.g., diaphragm pump), effectively designed and constructed of materials that are compatible with pesticides and capable of being fitted with a system interlock.
- Irrigate the crop prior to applying Truban® Fungicide 30% Wettable Powder in order to ensure even moisture content over the entire crop.
- Apply Truban® Fungicide 30% Wettable Powder at the appropriate concentration for the crop and disease(s) targeted.
- Referring to the rate information contained in this label, apply the appropriate volume of fungicide solution to the crop.
- Upon completing the application of the appropriate volume of Truban® Fungicide 30% Wettable Powder, allow the irrigation system to run long enough to flush the irrigation lines clear of fungicide solution. Do not apply more clear water than is necessary to flush the lines or poor disease control may result.
- Do not apply when wind speed favors drift beyond the area intended for treatment.

Drip (Trickle) Chemigation

- The system must contain a functional check valve, vacuum relief valve, and low pressure drain appropriately located on the irrigation pipeline to prevent water source contamination from backflow.
- The pesticide injection pipeline must contain a functional, automatic, quick closing check valve to prevent the flow of fluid back toward the injection pump.
- The pesticide injection pipeline must also contain a functional, normally closed, solenoid-operated valve located on the intake side of the injection pump and connected to the system interlock to prevent fluid from being withdrawn from the supply tank when the irrigation system is either automatically or manually shut down.
- The system must contain functional interlocking controls to automatically shut off the pesticide injection pump when the water pump motor stops.
- The irrigation line or water pump must include a functional pressure switch which will stop the water pump motor when the water pressure decreases to the point where pesticide distribution is adversely affected.
- Systems must use a metering pump, such as a positive displacement injection pump (e.g., diaphragm pump), effectively designed and constructed of materials that are compatible with pesticides and capable of being fitted with a system interlock.

General Information: Pesticide supply tanks are recommended for the application of these products. See label instructions for dilution use rates and timing of application. For emulsifiable concentrates – agitate prior to use. For wettable powders – agitate continuously during application.

MIXING INSTRUCTIONS

Add the recommended amount of Truban® Fungicide 30% Wettable Powder to the partially filled spray tank with the agitation running. Truban® Fungicide 30% Wettable Powder suspensions in water should be constantly agitated to assure uniform mixing and application. Truban® Fungicide 30% Wettable Powder suspensions need not be protected from light. Use at recommended rates and concentrations. Overdosage may result in toxicity to sensitive plants. If plants are suspected of being sensitive, apply fungicide to a small number to insure safety. Apply uniformly to turf area with a mobile spray boom or other suitable equipment. Truban® Fungicide 30% Wettable Powder should not be mixed with other pesticides or nutrients unless adequately trialed first. Thoroughly rinse Truban® Fungicide 30% Wettable Powder residues out of all equipment after use.

ORNAMENTALS AND NURSERY CROPS

For use in commercial greenhouses only. Use in residential greenhouses or other indoor plant sites is prohibited.

Truban® Fungicide 30% Wettable Powder is a soil fungicide for the control of damping-off, root and stem rot diseases caused by Pythium and Phytophthora. It may be used at time of seeding and transplanting as a drench to control the labeled pathogens in greenhouse and outdoor culture.

Resistance Management Recommendations

Truban® Fungicide 30% Wettable Powder contains a Group 14 fungicide. Fungal isolates with acquired resistance to Group 14 may eventually dominate the fungal population if Group 14 fungicides are used repeatedly in the same field or in successive years as the primary method of control for targeted species. This may result in partial or total loss of control of those species by Truban® Fungicide 30% Wettable Powder or other Group 14 fungicides.

To delay fungicide resistance consider:

- Avoiding the consecutive use of Truban® Fungicide 30% Wettable Powder, or other target site of action Group 14 fungicides that have a similar target site of action, on the same pathogens.
- Using tank-mixtures or premixes with fungicides from different target site of
 action Groups as long as the involved products are all registered for the same
 use and are both effective at the tank mix or prepack rate on the pathogen(s) of
 concern.
- Basing fungicide use on a comprehensive IPM program
- Monitoring treated fungal populations for loss of field efficacy.
- Contacting your local extension specialist, certified crop advisors, and/or manufacturer for fungicide resistance management and/or IPM recommendations for specific crops and resistant pathogens.

For further information or to report suspected resistance, you may contact Scotts at 800-492-8255 or at www.scottsprohort.com.



PLANT TYPE	REMARKS
BEDDING PLANTS	BEDDING PLANTS (soil 2" to 3" deep).
Ageratum Coleus Petunia Alyssum Dahlia Portulaca Aster Dianthus Salvia Balsam Foxglove Snapdragon Begonia Impatiens Stokesia Calendula Larkspur Verbena Carnation Marigold Vinca Celosia Pansy Zinnia	Mix 4-6 oz. of Truban® Fungicide 30% Wettable Powder with 100 gal. of water and apply to 800 sq. ft. of bed area (equivalent to 1 pint/sq. ft. of soil surface) and use at time of seeding and transplanting. Irrigate immediately with additional water equal to at least half the volume of the fungicidal drench for improved soil penetration of the fungicide. Re-treat at 4 to 8 week intervals if additional applications are necessary.
Aglaonema Peperomia Anthurium Philodendron Brassaia Pilea Caladium Pothos Chinese Evergreen Dieffenbachia Echeveria Nephthytis	BENCH PLANTINGS OF TROPICAL FOLIAGE PLANTS (peat and other high organic growth media 6" deep or more). Mix 8-12 oz. of Truban® Fungicide 30% Wettable Powder with 100 gal. of water and apply to 400 sq. ft. of bench area (equivalent to 1 quart/sq. ft. of soil surface). Irrigate immediately with additional water equal to at least half the volume of the fungicidal drench for improved soil penetration of the fungicide. Retreat at 8 to 12 week intervals to maintain disease control. BEDGROWN PLANTS Mix 3 to 10 oz. of Truban® Fungicide 30% Wettable Powder with 100 gal. of water per 400 sq. ft. (equivalent to 1 quart/sq. ft. of soil
CONTAINER & BEDGROWN HERBACEOUS African Violet Geranium	surface) or apply in sufficient volume to saturate the soil mixture. Re-treat at 4 to 12 week intervals if necessary. CONTAINER & BEDGROWN PLANTS Mix 3 to 10 oz. of Truban® Fungicide 30% Wettable Powder with 100 gal. of water per
Begonia Geranium Calceolaria Gysophilia Carnation Heather Chrysanthemum Orchids Daphne Sinningia Easter Lily Statice	wettable Powder with 100 gal. of water per 400 sq. ft. (equivalent to 1 quart/sq. ft. of soil surface) or apply in sufficient volume to saturate the soil mixture, such as ½ pint per 6" pot. Irrigate immediately with additional water equal to at least half the volume of the fungicidal drench for improved soil penetration of the fungicide. Re-treat at 4 to 12 week intervals if necessary.

PLANT TYPE			REMARKS
WOODY Arborvitae Arctostaphylos Camellia Carissa Ceanothus Fir Hemlock	Juniper Laurel Leucothoe Ligustrum Magnolia Norfolk Island Pine	Poinsettia Rhamnus Rhododendron Southern Pine Western Pine Yew	

TURF

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

For commercial use only. For use on golf course greens and tees only. Do not graze treated areas. Do not feed clippings to livestock.

Truban® Fungicide 30% Wettable Powder is intended for use on ornamental turf. Truban® Fungicide 30% Wettable Powder may be used on established turf to prevent or control Pythium Blight (cottony blight, grease spot) and Pythium Root and Crown Rot. It may be used at time of seeding to control damping-off. Night temperatures above 65°F (18.3°C) with high humidity are favorable for Pythium development.

TURF TYPE/DISEASES	REMARKS
Established Turf For Pythium blight (cottony blight, grease spot)	Mix 2-4 ½ oz. of Truban® Fungicide 30% Wettable Powder with 5 gal. of water for each 1,000 sq. ft. of turf to be treated. Use 2 oz./1,000 sq. ft. when disease incidence is expected to be light and 4 ½ oz./1,000 sq. ft. for more severe conditions. Re-treat in 10 days, depending on climatic conditions, to maintain disease control.
Established TurfFor Pythium Root and Crown Rot	Mix 4 ½ oz. of Truban® Fungicide 30% Wettable Powder with 5 gal. of water for each 1,000 sq. ft. Drench (irrigate) the treated area immediately following applications to increase performance. During periods of high temperatures (90°-95°F) apply Truban® Fungicide 30% Wettable Powder in early morning or late afternoon. Re-treat in 10 days, depending on climatic conditions, to maintain disease control.
Newly Seeded Turf • For damping-off	Apply 4 ½ oz. of Truban® Fungicide 30% Wettable Powder in 5-10 gal. of water immediately after seeding. Irrigate promptly for improved soil penetrations of the fungicide and to initiate seed germination. Re-treat at 10 day intervals at the 2-4 ½ oz. rate in order to maintain a preventative disease control program after germination.

Truban® Fungicide 30% Wettable Powder does not afford broad spectrum fungus disease control for brown patch (*Rhizoctonia solani*), dollar spot (*Sclerotinia homoeocarpa* or *Rutstroemia, Lanzia*, or *Moellerodiscus*), copper spot (*Gloeocercospora sorghi*), and similar turf diseases. A fungicide program to control these diseases should be followed if they co-exist with Pythium blight. Use ALLBAN® FLO, ALLBAN® WSB or ZYBAN® WSB [*or other appropriate product name(s)*] to control a broad spectrum of diseases other than Pythium.

IMPORTANT:

Application to fairways is prohibited.

The maximum application rate for golf course tees and greens may not exceed 4.5 oz /1000 ft²/application and may not exceed 11 oz /1000 ft²/year.

The interval between applications to golf course tees and greens may not be less than 10 days.

STORAGE AND DISPOSAL

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

STORAGE: Not sensitive to light. Stable at normal temperatures and humidities. Store in a dry place at temperature above 45°F (7°C) in a well-closed container.

PROHIBITIONS: Open dumping is prohibited.

PESTICIDE DISPOSAL: Pesticide, spray mixture or rinse water that cannot be used according to the label instructions must be disposed of according to applicable Federal, State or local procedures.

CONTAINER DISPOSAL: Do not reuse container. Dispose of empty container in a sanitary landfill or by incineration, or if allowed by State and local authorities, by burning. If burned, stay out of smoke.

DISCLAIMER AND LIMITATION OF LIABILITY

IMPORTANT NOTICE FROM THE SCOTTS COMPANY LLC AND SCOTTS-SIERRA HORTICULTURAL PRODUCTS COMPANY ("SCOTTS"). PLEASE READ BEFORE USE.

By using this product, user or buyer accepts the conditions, disclaimer of warranties and limitations of liability. Read the entire directions for use, conditions of warranties and limitations of liability before using this product. If terms are not acceptable, return the unopened product container at once for full refund.

CONDITIONS: This product has been researched to provide necessary data to support its uses listed on the label. The directions for use of this product are believed to be adequate and the user or buyer must always follow the label directions carefully and exercise judgment and caution when using this product under their growing conditions. However, it is impossible to eliminate all risks associated with the use of this product. Crop injury, ineffectiveness, unsatisfactory or substandard results or other unintended consequences may result because of such factors as weather conditions, presence or

absence of other materials, or the manner of use or application, all of which are beyond the control of Scotts. All such risks shall be assumed by the user or buyer.

WARRANTY: This product corresponds to all claims and descriptions set forth on the label and, subject to the conditions set forth above, is reasonably fit for use for any purpose for which it is intended. Scotts recognizes that the rights and remedies of the user or buyer are subject to the provisions of the applicable state law, but makes no other warranties or representations, express or implied, of merchantability or of fitness for a particular purpose or otherwise, that extend beyond the statements made on this label. No agent of Scotts is authorized to make any warranties beyond those contained herein or to modify the warranties contained therein. Subject to the user's or buyer's rights and remedies under the applicable state law, Scotts disclaims any liability whatsoever for special, incidental or consequential damages resulting from the use or handling of this product.

LIMITATIONS OF LIABILITY: Subject to the user's or buyer's rights and remedies under the applicable state law, the exclusive remedy of the user or buyer and the liability of Scotts or its affiliates, 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 by the user or Buyer for the quantity of this product involved or at Scotts' election, the replacement of the product. Subject to the user's or buyer's rights and remedies under the applicable state law, any and all claims or actions related to the use or handling of this product must be commenced within one (1) year from the date the product was purchased.

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