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

SEP 1 0 2007

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

9-10-07

Dow AgroSciences LLC 9330 Zionsville Road Idianapolis, Indiana 46268

Subject: EPA Reg. # 62719-192 / Benfluralin Reregistration Label amendment

The labeling is in compliance with the Benfluralin RED provided the following changes are made:

Occupational Use Sub-Label

- 1. To the label add the correct EPA Establishment Number.
- 2. The signal word "Caution" must be retained on the label.
- 3. The First Aid must be retained on the label and must include "If Swallowed: Call a poison control center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to by a poison control center or doctor. Do not give anything by mouth to an unconscious person. If Inhaled: Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth, if possible. Call a poison control center or doctor for further treatment advice."
- 4. The following emergency information should be retained on the label "Have the product container or label with you when calling a poison control center or doctor or going for treatment.".
- 5. Change the Hazards to Humans and Domestic Animals statements to "Harmful if swallowed. Harmful if inhaled. Avoid breathing dust. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.".
- 6. Remove "Wash the outside of gloves before removing" from the User Safety Recommendations.
- 7. The Application Restrictions and Entry Restrictions must be revised to include "or pets" as follows "Do not apply this product... workers or other persons (or pets), either directly

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16. To the Warranty statement change "Seller makes no" to "To the extent consistent with applicable law, seller makes no", "all such risks" to "to the extent consistent with applicable law, all such risks", "to the extent permitted by law" to "to the extent consistent with applicable law", and "in no case" to "to the extent consistent with applicable law, in no case".

Sincerely,

Joanne Miller

Product Manager 23

Herbicide Branch

Registration Division (7505P)

branne J. Miller

[Sub Label A: Professional Uses]

(Logo) Dow AgroSciences LLC

Turf Fertilizer - Contains Gallery[®] plus Team™

Herbicide

A fertilizer containing Gallery and Team, preemergence herbicides for control of annual grasses and broadleaf weeds in established turfgrass such as golf courses, parks, cemeteries, and non-residential and residential turf.

This product is for use by professional applicators only.

Active Ingredients:

isoxaben: N-[3-(1-ethyl-1-methylpropyl)-5-isoxazolyl]-	
2,6-dimethoxybenzamide and isomers	0.29%
trifluralin: α,α,α-trifluoro-2,6-dinitro- <i>N,N</i> -dipropyl-p-toluidine	
benefin: N-butyl-N-ethyl-α,α,α-trifluoro-2,6-dinitro-p-toluidine	0.53%
Other Ingredients	98.91%
Total	

Contains 0.2725 lb active ingredient per 25 lb bag.

[Editor's note: Supplemental distributor will add fertilizer analysis and derivation statement for fertilizer carrier used.]

Guaranteed Fertilizer Analysis: XX-XX-XX

Water-Insoluble Nitrogen	XX%
Total Nitrogen (N)	
Ammoniacal Nitrogen	
Urea Nitrogen	
Available Phosphoric Acid (P ₂ O ₅)	
Soluble Potash (K ₂ O)	
Calcium	
Magnesium (Mg)	XX%
Copper (Cu)	
Iron (Fe)	
Manganese (Mn)	
Zinc (Zn)	

ACCEPTED with COMMENTS In EPA Letter Dated:

SEP 1 0 2007 Under the Federal Insecticide. Fungicide, and Rodenticide Act as amended, for the pesticide registered under EPA Reg. No.

62719-192

Keep Out of Reach of Children

Precautionary Statements

Hazards to Humans and Domestic Animals

Personal Protective Equipment (PPE)

All loaders, applicators, and other handlers must wear:

- · Long-sleeved shirt and long pants
- · Socks plus shoes

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, 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/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 pesticide is extremely toxic to freshwater, marine, and estuarine fish and aquatic invertebrates, including shrimp and oyster. Do not apply in a manner which will directly expose canals, lakes, streams, ponds, marshes or estuaries to aerial drift. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwater or rinsate. Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas.

Refer to back panel for Directions for Use including Storage and Disposal.

Notice: Read the entire label. Use only according to label directions. Before using this product, read Warranty Disclaimer, Inherent Risks of Use, and Limitation of Remedies elsewhere on this label. If terms are unacceptable, return at once unopened.

In case of emergency endangering health or the environment involving this product, call 1-800-992-5994.

Agricultural Chemical: Do not ship or store with food, feeds, drugs or clothing.

EPA Reg. No. 62719-192	EPA Est.
™ [®] Trademark of Dow AgroSciences LLC Dow AgroSciences LLC • Indianapolis, Indiana 46268 U.S.A.	
	Net Weight

Directions for Use

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Read all directions carefully before applying this product.

Application Restrictions: 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.

Entry Restrictions: Do not enter or allow others to enter treated area until dusts have settled. If soil incorporation is required after application, do not enter or allow others to enter the treated area (except those persons involved in the incorporation) until the incorporation is complete. If the incorporation is accomplished by watering-in, do not enter or allow others to enter the treated area until the surface is dry after the watering-in.

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

Storage and Disposal

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

Pesticide Storage: Store in original container. Protect stored product from moisture. In case of leak or spill, contain material and dispose as waste.

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: Completely empty bag into application equipment. Then dispose of empty bag in a sanitary landfill or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

General Information

This product is a granular fertilizer containing Gallery® and Team™, preemergence herbicides for application to established turfgrass such as golf courses, parks, cemeteries, and non-residential and residential turf for control of certain broadleaf weeds and annual grasses. This product will not control existing weeds. Existing weeds should be controlled with a foliarly applied postemergence herbicide, either before or after application of this product.

General Use Precautions and Restrictions

- · Do not apply to dichondra.
- Do not apply to newly sprigged or hydromulched areas of Bermudagrass, St. Augustinegrass, centipedegrass or zoysiagrass until turf is well established.
- Any cultural practices that disturb the soil, such as aerification or verticutting, should be done prior to application of this product.
- Do not make more than 2 applications of this product per year.
- Apply this product only to established turf. Apply to newly seeded turf (including overseeded turf) only
 after seedlings are established (three leaf stage and tillering) and well rooted (generally after 3
 mowings).
- **Reseeding:** Do not reseed treated areas for at least 8 weeks after a single application of 275 lb of product per acre, or 12 to 16 weeks after a single application of 375 lb of product per acre.
- Do not apply to non-turf areas such as flower beds or gardens. Take precautions to prevent inadvertent application from rotary-type applicators to such areas. The herbicides in this product prevent seed emergence and may injure bedding plants.
- This product may injure turf that is weakened due to severe winter weather or is not well established.
- · Do not apply this product in the spring and summer to tall fescue turfgrass seeded the previous fall.
- Do not apply in the spring to Bermudagrass that has been overseeded with winter annual grasses since thinning may occur.

- Do not overdose or overlap during application in such a way as to apply in excess of labeled rates as turf injury may occur.
- Apply this product only to the grass species listed on this label. The user assumes responsibility for any plant damage or other liability resulting from use of this product on turf species not recommended on this label.
- Maximum Single Application Rate: Cool season turf 275 lb of Turf Fertilizer Contains Gallery plus Team per acre; warm season turf 375 lb of Turf Fertilizer Contains Gallery plus Team per acre.
- Maxmum Yearly Rate: Cool season turf 550 lb of Turf Fertilizer Contains Gallery plus Team per acre; warm season turf – 750 lb of Turf Fertilizer – Contains Gallery plus Team per acre.
- Minimum Re-Treatment Interval: Cool season turf 56 to 70 days; warm season turf 70 to 84 days.
- This product must be watered in as soon as possible after application.

This product is recommended for use on the following established turfgrass species:

Established Cool Season Turfgrass

Common Name	Scientific Name
bentgrass, colonial	Agrostis tenuis
bentgrass, creeping	Agrostis stolonifera
bluegrass, Kentucky	Poa pratensis
fescue, chewings	Festuca rubra var. commutata
fescue, creeping red	Festuca rubra
fescue, sheep	Festuca ovina
fescue, tall	Festuca arundinaceae
ryegrass, perennial	Lolium perenne

Established Warm Season Turfgrass

Common Name	Scientific Name	
bahiagrass	Paspalum notatum var. Saurae parodi	
Bermudagrass	Cynodon dactylon	
centipedegrass	Eremochloa ophiuroides	
fescue, tall	Festuca arundinaceae	
St. Augustinegrass	Stenotaphrum secundatum	
zoysiagrass	Zoysia japonica	
zoysiagrass	Zoysia tenuifolia	

Weeds Controlled

Weeds controlled when applied at 250 to 375 lb per acre (5.75 to 8.6 lb/1000 sq ft):

Scientific Name
Poa annua
Echinochloa crus-galli
Soliva pterosperma
Ranunculus spp.
Mollugo verticillata
Apium leptophyllum
Stellaria media
Cerastium vulgatum
Digitaria spp.
-
Cenchrus incertus
Aethusa cynapium
<i>Setaria</i> spp.

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bristlegrass giant foxtail green foxtail pigeongrass robust foxtail

geranium, Carolina

goosegrass

henbit knotweed, prostrate mallow, little parsley - piert pennywort, lawn pineappleweed

speedwell, thymeleaf spurge, prostrate spurge, spotted spurry, corn woodsorrel, creeping woodsorrel, yellow Geranium carolinianum

Eleusine indica

Lamium amplexicaule Polygonum aviculare Malva parviflora Alchemilla arvensis

Hydrocotyle sibthorpioides Matricaria matricarioides Veronica serpyllifolia Euphorbia humistrata Euphorbia maculata Spergula arvensis Oxalis corniculata

Weeds controlled by a repeat application 8 weeks after the first application when applied at 250 to 375 lb per acre (5.75 to 8.6 lb/1000 sq ft):

Common Name

clover spp.¹ clover, white¹ dandelion¹ groundsel, common medic, black

plantain, broadleaf plantain, buckhorn plantain, slender

¹From seed only

Scientific Name

Oxalis stricta

Trifolium spp.
Trifolium repens
Taraxacum officinale
Senecio vulgaris
Medicago lupulina
Plantago major
Plantago lanceolata

Plantago lanceolata Plantago elongata

Application Directions

Apply this product using a drop or rotary-type spreader designed to apply granular fertilizer. Calibrate application equipment prior to use according to the manufacturer's directions. Check frequently to be sure equipment is working properly and distributing granules uniformly. Do not use spreaders that apply material in narrow concentrated bands. Avoid skips or overlaps as poor weed control or turfgrass injury may occur. More uniform application may be achieved by spreading half of the required amount of product over the area and then applying the remaining half in swaths at right angles to the first. A splashboard mounted below the release point of drop-type spreaders can improve the uniformity of product distribution.

Rates and Timing of Application

Broadcast Application Rates

	Cool Season Turfgrass	Warm Season Turfgrass
summer annual grass weeds	250 lb/acre	250 to 375 lb/acre
(spring application)	(5.75 lb/1000 sq ft)	(5.75 to 8.6 lb/1000 sq ft)
winter annual grass weeds	275 lb/acre	250 to 375 lb/acre
(fall application)	(6.3 lb/1000 sq ft)	(5.75 to 8.6 lb/1000 sq ft)

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Apply this product at a rate of 250 to 375 lb per acre. A minimum of 250 lb per acre is recommended for optimum results. Apply in late summer or early fall, approximately 3 weeks prior to germination of winter annual weeds, or in early spring, 3 weeks prior to germination of weeds which emerge in spring or early summer. Use the higher rate in the rate range where heavy weed infestation is anticipated.

Terms and Conditions of Use

If terms of the following Warranty Disclaimer, Inherent Risks of Use, and Limitation of Remedies are not acceptable, return unopened package at once to the seller for a full refund of purchase price paid. Otherwise, use by the buyer or any other user constitutes acceptance of the terms under Warranty Disclaimer, Inherent Risks of Use and Limitations of Remedies.

Warranty Disclaimer

Seller warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the label when used in strict accordance with the directions, subject to the inherent risks set forth below. SELLER MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

Inherent Risks of Use

It is impossible to eliminate all risks associated with use of this product. Plant injury, lack of performance, or other unintended consequences may result because of such factors as use of the product contrary to label instructions (including conditions noted on the label, such as unfavorable temperature, soil conditions, etc.), abnormal conditions (such as excessive rainfall, drought, tornadoes, hurricanes), presence of other materials, the manner of application, or other factors, all of which are beyond the control of Seller. All such risks shall be assumed by Buyer.

Limitation of Remedies

To the extent permitted by law, the exclusive remedy for losses or damages resulting from this product (including claims based on contract, negligence, strict liability, or other legal theories), shall be limited to, at Seller's election, one of the following:

- 1. Refund of purchase price paid by buyer or user for product bought, or
- 2. Replacement of amount of product used.

Seller shall not be liable for losses or damages resulting from handling or use of this product unless Seller is promptly notified of such loss or damage in writing. In no case shall Seller be liable for consequential or incidental damages or losses.

The terms of the Warranty Disclaimer, Inherent Risks of Use, and this Limitation of Remedies cannot be varied by any written or verbal statements or agreements. No employee or sales agent of the Seller or the seller is authorized to vary or exceed the terms of the Warranty Disclaimer or this Limitation of Remedies in any manner.

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EPA accepted _	1		_	_	

[Sub Label B: Residential Uses]

(Logo) Dow AgroSciences LLC

Dow AgroSciences Turf Fertilizer - Contains Gallery[®] plus Team[™]

Herbicide

A fertilizer containing Gallery and Team, preemergence herbicides for control of annual grasses and broadleaf weeds in established home lawns.

[Editor's note: One or more of the following statements may be included on the label.] and/or

Lawn weed preventer and fertilizer

and/or

Stops weeds before they start

and/or

Prevents broadleaf weeds from germinating all year

and/or

Controls broad spectrum of weeds

and/or

Prevents dandelions, crabgrass, clover, chickweed, plantain, spurge, and henbit

and/or

One easy application

and/or

Greens and thickens lawns

ACCEPTED
with COMMENTS
In EPA Letter Dated:
SEP 1 0 2007

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

62719-192

Active Ingredients:

isoxaben: N-[3-(1-ethyl-1-methylpropyl)-5-isoxazolyl]-	
2,6-dimethoxybenzamide and isomers	0.29%
trifluralin: α,α,α-trifluoro-2,6-dinitro- <i>N</i> , <i>N</i> -dipropyl-p-toluidine	0.27%
benefin: N-butyl-N-ethyl-a,a,a-trifluoro-2,6-dinitro-p-toluidine	0.53%
Other Ingredients	98.91%
Total	

Contains 0.2725 lb active ingredient per 25 lb bag.

[Editor's note: Supplemental distributor will add fertilizer analysis and derivation statement for fertilizer carrier used.]

Guaranteed Fertilizer Analysis: XX-XX-XX

Water-Insoluble Nitrogen	XX%
Total Nitrogen (N)	
Ammoniacal Nitrogen	
Urea Nitrogen	
Available Phosphoric Acid (P ₂ O ₅)	
Soluble Potash (K ₂ O)	
Calcium	XX%
Magnesium (Mg)	XX%
Copper (Cu)	
Iron (Fe)	
Manganese (Mn)	

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Q8B /Turf Fertilizer - Contains Gallery Plus Team / MSTR Amend / 10-10-06	Page 8
Zinc (Zn)XX%	
Keep Out of Reach of Children	
Precautionary Statements	
Hazards to Humans and Domestic Animals	
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 clothing.	I put on clean
Environmental Hazards This pesticide is extremely toxic to freshwater marine, and estuarine fish and aquatic invinctuding shrimp and oyster. Do not apply directly to water. Do not contaminate water vequipment washwaters or rinsate.	
Refer to back panel for Directions for Use including Storage and Disposal.	
Notice: Read the entire label. Use only according to label directions. Before using this Warranty Disclaimer, Inherent Risks of Use, and Limitation of Remedies elsewhere If terms are unacceptable, return at once unopened.	
In case of emergency endangering health or the environment involving this product, call	1-800-992-5994.
Agricultural Chemical: Do not ship or store with food, feeds, drugs or clothing.	
EPA Reg. No. 62719-192 EF	PA Est

Net Weight

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Directions for Use

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Read all directions carefully before applying this product.

Application Restrictions: Do not apply this product in a way that will contact any person or pet, either directly or through drift. Keep people and pets out of the area during application.

Entry Restrictions: Do not allow people or pets to enter the treated areas until dusts have settled. If watering-in is required after the application, do not enter or allow others to enter the treated areas (except those involved in the watering) until the watering-in is complete and the surface is dry.

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

Storage and Disposal

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

Pesticide Storage: Store in original container. Protect stored product from moisture. In case of leak or spill, contain material and dispose as waste.

Pesticide Disposal: If empty: Do not reuse this container. Place in trash or offer for recycling if available. If partly filled: Call your solid waste agency or 1-800-992-5994 for disposal instructions. Never place unused product down any indoor or outdoor drain.

How This Product Works

This product is a granular fertilizer containing Gallery[®] and Team[™], preemergence herbicides for application to established home lawns for control of certain broadleaf weeds and annual grasses. This product also feeds the lawn with a fertilizer designed to provide prolonged, even greening without excess top growth.

This product will not control existing weeds. Existing weeds should be controlled with a foliarly applied postemergence herbicide either before or after application of this product.

General Use Precautions and Restrictions

- · Do not apply to dichondra.
- Do not apply to newly sprigged or hydromulched areas of Bermudagrass, St. Augustinegrass, centipedegrass or zoysiagrass until turf is well established.
- Any cultural practices that disturb the soil, such as aerification or verticutting, should be done prior to application of this product.
- Do not make more than 2 applications of this product per year.
- Apply this product **only** to established turf. Apply to newly seeded turf (including overseeded turf) only after seedlings are established and well rooted (generally after 3 mowings).
- Reseeding: Do not reseed treated areas for at least 8 weeks following application of this product,
- Do not apply to non-turf areas such as flower beds or gardens. Take precautions to prevent inadvertent application from rotary-type applicators to such areas. The herbicides in this product prevent seed emergence and may injure bedding plants.
- This product may injure turf that is weakened due to severe winter weather or is not well established.
- Do not apply this product in the spring and summer to tall fescue turfgrass seeded the previous fall.
- Do not apply in the spring to Bermudagrass that has been overseeded with winter annual grasses since thinning may occur.
- Do not overdose or overlap during application in such a way as to apply in excess of labeled rates as turf injury may occur.
- Apply this product only to the grass species listed on this label. The user assumes responsibility for any plant damage or other liability resulting from use of this product on turf species not recommended on this label.

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- Maximum Single Application Rate: 7.2 lb of Turf Fertilizer Contains Gallery plus Team per 1000 sq
- Maxmum Yearly Rate: 14.4 lb of Turf Fertilizer Contains Gallery plus Team per 1000 sq ft.
- Minimum Re-Treatment Interval: Cool season turf 56 to 70 days; warm season turf 70 to 84 days.

This product is recommended for use on the following established turfgrass species:

Established Cool Season Turfgrass

bentgrass, colonial bentgrass, creeping bluegrass, Kentucky fescue, chewings fescue, creeping red

fescue, sheep fescue, tall

ryegrass, perennial

Established Warm Season Turfgrass

bahiagrass Bermudagrass centipedegrass fescue, tall

St. Augustinegrass

zoysiagrass

Weeds Controlled

Weeds controlled when applied prior to weed germination:

annual bluegrass

barnyardgrass burweed, lawn

buttercup carpetweed celery, wild

chickweed, common chickweed, mouseear crabgrass

large crabgrass smooth crabgrass

field sandbur (field sandspur)

foolsparsley foxtails bottlegrass

bristlegrass giant foxtail green foxtail pigeongrass robust foxtail geranium, Carolina

goosegrass henbit

knotweed, prostrate

mallow, little parsley - piert pennywort, lawn pineappleweed speedwell, thymeleaf spurge, prostrate spurge, spotted

spurry, corn woodsorrel, creeping woodsorrel, yellow

Weeds controlled by a repeat application 8 weeks after the first application when applied prior to weed germination:

clover spp.1

medic, black

clover, white1 dandelion1

plantain, broadleaf plantain, buckhorn

groundsel, common

plantain, slender

¹From seed only

How to Apply

Apply this product using a drop or rotary-type spreader designed to apply granular fertilizer. Calibrate application equipment prior to use according to the manufacturer's directions. Check frequently to be sure equipment is working properly and distributing granules uniformly. Do not use spreaders that apply

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material in narrow concentrated bands. Avoid skips or overlaps as poor weed control or turfgrass injury may occur. More uniform application may be achieved by spreading half of the required amount of product over the area and then applying the remaining half in swaths at right angles to the first. A splashboard mounted below the release point of drop-type spreaders can improve the uniformity of product distribution. Optimum weed control performance will be obtained when an application is followed by sprinkler irrigation or rainfall within a few hours. A single rainfall or sprinkler irrigation of 0.5 inch or more is required to activate this product.

How Much to Apply

Apply this product to cool season turfgrass at a rate of 5.75 lb per 1000 sq ft and to warm season turfgrass at a rate of 7.2 lb per 1000 sq ft.

When to Apply

This product can be applied at any time of the spring or fall. The type of weeds controlled will vary depending upon time of application so other weed control products may be needed to provide a total annual weed control program.

Early spring (before forsythia blooms): If applied in early spring, this product will prevent crabgrass and other annual grasses (including *Poa annua*) and broadleaf weeds, such as dandelion, clover, plantain, and spurge, that normally germinate in the spring and summer. When used in this manner, this product may be substituted for a multi-step weed and feed program. For your area, consult the local extension service for optimum timing for control of crabgrass.

Mid-late spring (after forsythia blooms, before Memorial Day): This product will prevent annual grasses (including *Poa annua*) and broadleaf weeds, such as dandelion, clover, plantain, and spurge, that have yet to germinate in the spring and summer, ensuring season-long weed control.

Early fall (before average night temperatures fall below 60°F): This product will prevent establishment of winter annual grasses (including *Poa annua*) and broadleaf weeds, such as chickweed, henbit, and speedwell, that normally germinate in the fall and winter and broadleaf weeds that germinate the following spring season. A supplemental application of a crabgrass pre-emergence herbicide may be needed in the spring for spring and summer weed control..

Late fall: This product will prevent establishment of broadleaf weeds, such as chickweed, henbit, and speedwell, that may germinate over winter and broadleaf weeds that germinate the following spring season. A supplemental application of a crabgrass pre-emergence herbicide may be needed in the spring for spring and summer weed control.

Terms and Conditions of Use

If terms of the following Warranty Disclaimer, Inherent Risks of Use, and Limitation of Remedies are not acceptable, return unopened package at once to the seller for a full refund of purchase price paid. Otherwise, use by the buyer or any other user constitutes acceptance of the terms under Warranty Disclaimer, Inherent Risks of Use and Limitations of Remedies.

Warranty Disclaimer

Seller warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the label when used in strict accordance with the directions, subject to the inherent risks set forth below. SELLER MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

Inherent Risks of Use

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It is impossible to eliminate all risks associated with use of this product. Plant injury, lack of performance, or other unintended consequences may result because of such factors as use of the product contrary to label instructions (including conditions noted on the label, such as unfavorable temperature, soil conditions, etc.), abnormal conditions (such as excessive rainfall, drought, tornadoes, hurricanes), presence of other materials, the manner of application, or other factors, all of which are beyond the control of Seller. All such risks shall be assumed by Buyer.

Limitation of Remedies

To the extent permitted by law, the exclusive remedy for losses or damages resulting from this product (including claims based on contract, negligence, strict liability, or other legal theories), shall be limited to, at Seller's election, one of the following:

- 1. Refund of purchase price paid by buyer or user for product bought, or
- 2. Replacement of amount of product used.

Seller shall not be liable for losses or damages resulting from handling or use of this product unless Seller is promptly notified of such loss or damage in writing. In no case shall Seller be liable for consequential or incidental damages or losses.

The terms of the Warranty Disclaimer, Inherent Risks of Use, and this Limitation of Remedies cannot be varied by any written or verbal statements or agreements. No employee or sales agent of the Seller or the seller is authorized to vary or exceed the terms of the Warranty Disclaimer or this Limitation of Remedies in any manner.

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