

62719-327

08/15/2008

1/13



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

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Ms. Kimberly S. Gilbert  
Product Registration  
Dow AgroScience LLC  
9330 Zionsville Road  
Indianapolis, IN 46268

AUG 15 2008

SUBJECT: Application for Pesticide Notification (PRN 98-10 and PRN 2008-1)  
Request General Label Change (Comply with FL Regulations)  
EPA Reg. No. 62719-327  
Application Dated July 21, 2008

Dear Registrant:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 07/21/08 for the above product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 & 2008-1 and finds that the action(s) requested fall within the scope of PRN 98-10 and PRN 2008-1. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-6249 or Owen F. Beeder of my staff at 703-308-8899.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Arrington".

Linda Arrington  
Notifications & Minor Formulations Team Leader  
Registration Division (7505P)  
Office of Pesticide Programs



United States  
Environmental Protection Agency  
Washington, DC 20460

|                                     |              |
|-------------------------------------|--------------|
| <input type="checkbox"/>            | Registration |
| <input type="checkbox"/>            | Amendment    |
| <input checked="" type="checkbox"/> | Other        |

OPP Identifier Number

### Application for Pesticide - Section I

|  |  |  |
|--|--|--|
| 1. Company/Product Number<br>Dow AgroSciences LLC/62719-327  | 2. EPA Product Manager<br>Joanne I. Miller   | 3. Proposed Classification<br><input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted |
| 4. Company/Product (Name)<br>Dow AgroSciences LLC/Super Team 1.25%   | PM#<br>23  |  |
| 5. Name and Address of Applicant (Include ZIP Code)<br>Dow AgroSciences LLC<br>9330 Zionsville Road<br>Indianapolis, IN 46268<br><input type="checkbox"/> Check if this is a new address | 6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to:<br><b>NOTIFICATION</b><br>EPA Reg. No. _____<br>AUG 15 2008<br>Product Name _____ |  |

### Section - II

|  |  |
|--|--|
| <input type="checkbox"/> Amendment - Explain below.                            | <input type="checkbox"/> Final printed labels in response to Agency letter dated _____ |
| <input type="checkbox"/> Resubmission in response to Agency letter dated _____ | <input type="checkbox"/> "Me Too" Application.   |
| <input checked="" type="checkbox"/> Notification - Explain below.              | <input type="checkbox"/> Other - Explain below.  |

#### Explanation: Use additional page(s) if necessary. (For section I and Section II.)

This notification is consistent with the provisions of PR Notice 98-10 and PR Notice 2008-1 and EPA regulations at 40 CFR 152.46, 40 CFR 156.10, and 156.80 and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and PR Notice 2008-1 and 40 CFR 152.46, 40 CFR 156.10, and 156.80 this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

### Section - III

|   |   |  |  |                                 |                   |
|---|---|--|--|---------------------------------|-------------------|
| 1. Material This Product Will Be Packaged In:   |   |  |  |                                 |                   |
| Child-Resistant Packaging<br><input type="checkbox"/> Yes<br><input type="checkbox"/> No  | Unit Packaging<br><input type="checkbox"/> Yes<br><input type="checkbox"/> No | Water Soluble Packaging<br><input type="checkbox"/> Yes<br><input type="checkbox"/> No | 2. Type of Container<br><input type="checkbox"/> Metal<br><input type="checkbox"/> Plastic<br><input type="checkbox"/> Glass<br><input type="checkbox"/> Paper<br><input type="checkbox"/> Other (Specify) _____ |                                 |                   |
| * Certification must be submitted   |   | If "Yes" Unit Packaging wgt.   | No. per container  | If "Yes" Package wgt.           | No. per container |
| 3. Location of Net Contents Information<br><input type="checkbox"/> Label <input type="checkbox"/> Container  |   | 4. Size(s) Retail Container  |  | 5. Location of Label Directions |                   |
| 6. Manner in Which Label is Affixed to Product<br><input type="checkbox"/> Lithograph<br><input type="checkbox"/> Paper glued<br><input type="checkbox"/> Stenciled |   |  | <input type="checkbox"/> Other _____   |                                 |                   |

### Section - IV

|  |  |                                |  |   |  |
|--|--|--------------------------------|--|---|--|
| 1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)  |  |                                |  |   |  |
| Name<br>Kimberly S. Gilbert  |  | Title<br>Regulatory Manager    |  | Telephone No. (Include Area Code)<br>(317) 337-4695 (fax: 317-337-4649) |  |
| Certification<br>I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment both under applicable law. |  |                                |  |   | 6. Date Application Received (Stamped) |
| 2. Signature<br>   |  | 3. Title<br>Regulatory Manager |  |   |  |
| 4. Typed Name<br>Kimberly S. Gilbert (ksgilbert@dow.com)   |  | 5. Date<br>July 21, 2008       |  |   |  |

# Super Team<sup>®</sup> 1.25%

EPA Reg. No. 62719-327

## Registration Notes:

**Source label text** based on EPA accepted copy dated December 28, 2007 and notification coded "P4A / Super Team 1.25% / Notif / 01-24-08."

### Changes by notification:

1. Corrected trademark symbol throughout.
2. To comply with Florida fertilizer law 5E-1.003, added "In the state of Florida, do not apply near water . . . onto your lawn/garden."
3. Environmental Hazards: Per PR Notice 2008-1, revised statement.
4. General Use Precautions and Restrictions: To comply with Florida fertilizer law 5E-1.003, added new bullet point to be included for those products registered in the state of Florida.

<sup>®</sup>Trademark of Dow AgroSciences LLC

308/2E  
July 21, 2008



Document Processing Desk (NOTIF)  
Office of Pesticide Programs (7504P)  
U. S. Environmental Protection Agency  
One Potomac Yard  
2777 S. Crystal Drive  
Arlington, VA 22202

SUPER TEAM 1.25% (A.I. BENEFIN, TRIFLURALIN)  
EPA REGISTRATION NUMBER: 62719-327  
NOTIFICATION OF MINOR LABEL CHANGE PER PR NOTICES 98-10 AND 2008-1

Enclosed please find labeling for the notification action of Super Team® 1.25% herbicide. The following changes have been made by notification:

1. Corrected trademark symbol throughout.
2. To comply with Florida fertilizer law 5E-1.003, added "In the state of Florida, do not apply near water. . .onto your lawn/garden."
3. Environmental Hazards: Per PR Notice 2008-1, revised statement.
4. General Use Precautions and Restrictions: To comply with Florida fertilizer law 5E-1.003, added new bullet point to be included for those products registered in the state of Florida.

This notification is consistent with the provisions of PR Notice 98-10 and PR Notice 2008-1 and EPA regulations at 40 CFR 152.46, 40 CFR 156.10, and 156.80 and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and PR Notice 2008-1 and 40 CFR 152.46, 40 CFR 156.10, and 156.80 this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

**Contents of Submission**

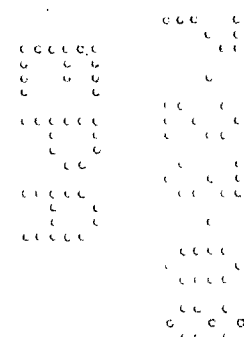
- Transmittal document (this letter)
- Application for Pesticide, EPA Form 8570-1
- Label entitled Super Team 1.25% (P4A/Super Team 1.25%/Notif/07-21-08) (9 Pages plus Registration Notes) (5 Copies)

If you require further information, please contact Cindy Loy, Regulatory Specialist at (317) 337-4655 or Paula McKinnies, Registration Assistant for this product, at (317) 337-4679.

Sincerely,

Kimberly S. Gilbert  
Regulatory Leader  
(317) 337-4685  
(317) 337-4649 (FAX)

Enclosures



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**NOTIFICATION**

**AUG 15 2008**

(Base label):

**Super Team® 1.25%**

**Herbicide**

**A fertilizer containing Team, a preemergence herbicide for control of crabgrass, foxtail, goosegrass, *Poa annua* and other annual weed grasses in established home lawns**

**In the state of Florida, do not apply near water, storm drains or drainage ditches. Do not apply if heavy rain is expected. Apply this product only to your lawn/garden, and sweep any product that lands on the driveway, sidewalk, or street, back onto your lawn/garden.**

**Covers up to 15,000 sq ft (100' X 150')**

and/or

**Covers up to 5,000 sq ft (100' X 50')**

**Prevents crabgrass & other unsightly [annual] weeds**

and/or

**Encourages quick spring greenup**

and/or

**Greens your lawn with extended feeding nitrogen**

and/or

**Prevents crabgrass before it starts**

and/or

**Made in the USA**

and/or

**For home use only**

**Active Ingredients:**

benefin: *N*-butyl-*N*-ethyl- $\alpha,\alpha,\alpha$ -trifluoro-2,6-dinitro-*p*-toluidine ..... 0.82%

trifluralin:  $\alpha,\alpha,\alpha$ -trifluoro-2,6-dinitro-*N,N*-dipropyl-*p*-toluidine ..... 0.43%

Other Ingredients ..... 98.75%

Total..... 100.00%

Contains 0.5 lb active ingredient per 40 lb bag.

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

| <b>Guaranteed Fertilizer Analysis</b>                            |       |
|--|-------|
| Total Nitrogen (N) .....   | XX.X% |
| Available Phosphoric Acid (P <sub>2</sub> O <sub>5</sub> ) ..... | XX.X% |
| Soluble Potash (K <sub>2</sub> O) .....                          | XX.X% |

**Keep Out of Reach of Children**

**WARNING**

**Precautionary Statements**

**Hazards to Humans and Domestic Animals**

6/13

**Causes Substantial But Temporary Eye Injury • Harmful if Absorbed Through Skin • Prolonged Or Frequently Repeated Skin Contact May Cause Allergic Reactions In Some Individuals**

**Do not get in eyes or on clothing. Avoid contact with skin. Wear protective eyewear. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco.**

### **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.

### **First Aid**

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

**If on skin or clothing:** Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment advice.

Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact 1-800-992-5994 for emergency medical treatment information.

### **Environmental Hazards**

This pesticide is extremely toxic to freshwater, marine, and estuarine fish and aquatic invertebrates, including shrimp and oyster. To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area. Sweeping any product that lands on a driveway, sidewalk, or street, back onto the treated area of the lawn or garden will help to prevent runoff to water bodies or drainage systems.

### **Storage and Disposal**

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

**Pesticide Storage:** Store in a cool dry place out of the reach of children and domestic animals. Store in original container only.

**Container Reuse:** Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available.

**Refer to label booklet for Directions for Use.**

**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. 62719-327

EPA Est. No. \_\_\_\_\_

®Trademark of Dow AgroSciences LLC

**Produced for  
Dow AgroSciences LLC**

7/13

**9330 Zionsville Road  
Indianapolis, Indiana 46268**

**Net Weight \_\_\_\_\_**

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(Label booklet cover):

# Super Team<sup>®</sup> 1.25%

## Herbicide

**A fertilizer containing Team, a preemergence herbicide for control of crabgrass, foxtail, goosegrass, *Poa annua* and other annual weed grasses in established home lawns**

**In the state of Florida, do not apply near water, storm drains or drainage ditches. Do not apply if heavy rain is expected. Apply this product only to your lawn/garden, and sweep any product that lands on the driveway, sidewalk, or street, back onto your lawn/garden.**

**Covers up to 15,000 sq ft (100' X 150')**

and/or

**Covers up to 5,000 sq ft (100' X 50')**

**Prevents crabgrass & other unsightly [annual] weeds**

and/or

**Encourages quick spring greenup**

and/or

**Greens your lawn with extended feeding nitrogen**

and/or

**Prevents crabgrass before it starts**

and/or

**Made in the USA**

and/or

**For home use only**

Active Ingredients:

benefin: *N*-butyl-*N*-ethyl- $\alpha,\alpha,\alpha$ -trifluoro-2,6-dinitro-*p*-toluidine ..... 0.82%

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Other Ingredients ..... 98.75%

Total..... 100.00%

Contains 0.5 lb active ingredient per 40 lb bag.

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

| <b>Guaranteed Fertilizer Analysis</b>                            |       |
|--|-------|
| Total Nitrogen (N) .....   | XX.X% |
| Available Phosphoric Acid (P <sub>2</sub> O <sub>5</sub> ) ..... | XX.X% |
| Soluble Potash (K <sub>2</sub> O) .....                          | XX.X% |

**Keep Out of Reach of Children**

## WARNING

**Refer to inside of label booklet for additional precautionary information including Directions for Use.**



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**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 at end of label booklet. 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. 62719-327

EPA Est. No. \_\_\_\_\_

®Trademark of Dow AgroSciences LLC

**Produced for**

**Dow AgroSciences LLC**

**9330 Zionsville Road**

**Indianapolis, Indiana 46268**

**Net Weight** \_\_\_\_\_

10/13

(Page 1 through end):

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**Precautionary Statements**

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**Hazards to Humans and Domestic Animals****WARNING**

**Causes Substantial But Temporary Eye Injury • Harmful If Absorbed Through Skin • Prolonged Or Frequently Repeated Skin Contact May Cause Allergic Reactions In Some Individuals**

**Do not get in eyes or on clothing. Avoid contact with skin. Wear protective eyewear. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco.**

**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.

**First Aid**

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

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**Environmental Hazards**

This pesticide is extremely toxic to freshwater, marine, and estuarine fish and aquatic invertebrates, including shrimp and oyster. To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area. Sweeping any product that lands on a driveway, sidewalk, or street, back onto the treated area of the lawn or garden will help to prevent runoff to water bodies or drainage systems.

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**Directions for Use**

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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 area 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 watering) until the watering in is complete and 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 and disposal.

**Pesticide Storage:** Store in a cool dry place out of the reach of children and domestic animals. Store in original container only.

**Container Reuse:** Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available.

### How This Product Works

This product is a granular fertilizer containing Team<sup>®</sup>, a preemergence herbicide for application to established home lawns and other turfgrass areas for control of annual bluegrass (*Poa annua*), smooth and hairy crabgrass, goosegrass (silver crabgrass or crowfoot), barnyardgrass (watergrass), and green and yellow foxtail. This product also provides partial control of prostrate spurge, spotted spurge, creeping spurge, creeping woodsorrel, and yellow woodsorrel. This product will not harm most nearby ornamental trees and shrubs.

### General Use Precautions and Restrictions

- Do not apply this product to dichondra.
  - Do not apply to newly sprigged 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.
  - **Maximum Single Application Rate:** 5.5 lb of Super Team 1.25% per 1000 sq ft.
  - **Maximum Yearly Rate:** 11 lb of Super Team 1.25% per 1000 sq ft.
  - **Minimum Re-Treatment Interval:** Cool season turf – 56 to 70 days; warm season turf – 70 to 84 days.
- [Editor's note: Supplemental distributor will add one of the following statements as appropriate if their product is registered in the state of Florida.]

- Florida Applications: Do not exceed [2] [3] applications per year on bahiagrass in the north.
- Florida Applications: Do not exceed [2] [3] [4] applications per year on bahiagrass in [central Florida] [the south].
- Florida Applications: Do not exceed [3] [4] [5] applications per year on bermudagrass in the north.
- Florida Applications: Do not exceed [4] [5] [6] applications per year on bermudagrass in central Florida.
- Florida Applications: Do not exceed [5] [6] [7] applications per year on bermudagrass in the south.
- Florida Applications: Do not exceed [1] [2] applications per year on centipedegrass in the north.
- Florida Applications: Do not exceed [2] [3] applications per year on centipedegrass in [central Florida] [the south].
- Florida Applications: Do not exceed [2] [3] [4] applications per year on St. Augustinegrass in the north.
- Florida Applications: Do not exceed [2] [3] [4] [5] applications per year on St. Augustinegrass in central Florida.
- Florida Applications: Do not exceed [4] [5] [6] applications per year on St. Augustinegrass in the south.
- Florida Applications: Do not exceed [3] [4] [5] applications per year on zoysiagrass in the north.
- Florida Applications: Do not exceed [3] [4] [5] [6] applications per year on zoysiagrass in central Florida.
- Florida Applications: Do not exceed [4] [5] [6] applications per year on zoysiagrass in the south.

**Reseeding:** Do not reseed treated areas for at least 8 weeks after a single application of 3.6 lb of product per 1000 sq ft, or 12 to 16 weeks after a single application of 5.5 lb of product per 1000 sq ft unless injury can be tolerated. For split applications, do not reseed treated areas for 8 to 10 weeks after the last 2.75 lb of product per 1000 sq ft rate is applied, or 10 to 12 weeks after the last 3.6 lb of product per 1000 sq ft rate is applied unless injury can be tolerated.

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

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**Established Cool Season Turfgrass**

bentgrass  
 fescues  
 Kentucky bluegrass  
 perennial ryegrass

**Established Warm Season Turfgrass**

bahiagrass  
 bermudagrass  
 centipedegrass  
 St. Augustinegrass  
 tall fescue  
 zoysiagrass

**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 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.

**Spreader Settings as a Guide for Calibration**

| Brand and Model of Spreader | Calibration Settings at Specified Rate (lb/1000 sq ft) |    |    |    |    |
|-----------------------------|--|----|----|----|----|
|                             | XX   | XX | XX | XX | XX |
| XXXXXXXX                    | XX   | XX | XX | XX | XX |

**When to Apply**

Apply this product 1 to 2 weeks prior to germination of annual weeds since it does not control established weeds.

**How Much to Apply**

|   | Cool Season Turfgrass     | Warm Season Turfgrass |
|---|---------------------------|-----------------------|
| summer annual grass weeds<br>(spring application) | 2.75 to 5.5 lb/1000 sq ft | 5.5 lb/1000 sq ft     |
| winter annual grass weeds<br>(fall application)   | 2.75 to 3.6 lb/1000 sq ft | 5.5 lb/1000 sq ft     |

This product may also be applied in split applications. This program is desirable when the initial application is made well in advance of weed germination and where weed control is desired for a longer period of time. For a split application, apply this product at 2.75 lb plus 2.75 lb per 1000 sq ft for cool season turfgrass and in the northern half of the warm season turfgrass area, or 3.6 lb plus 3.6 lb per 1000 sq ft in the southern half of the warm season turfgrass area. Make the second application 8 to 10 weeks following the 2.75 lb per 1000 sq ft rate and 10 to 12 weeks following the 3.6 lb per 1000 sq ft rate.

**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. TO THE EXTENT PERMITTED BY LAW, SELLER MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

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### **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. To the extent permitted by law, all such risks shall be assumed by buyer.

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### **Limitation of Remedies**

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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 is authorized to vary or exceed the terms of the Warranty Disclaimer or this Limitation of Remedies in any manner.

®<sup>TM</sup>Trademark of Dow AgroSciences LLC  
EPA accepted 12/28/07