

62719-357

12/5/2003

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DEC - 5 2003

Rafael Herrera
Dow AgroSciences LLC
9330 Zionsville Road
Indianapolis, IN 46268-1054

Dear Mr. Herrera:

SUBJECT: Label Amendment
Clincher SF
EPA Registration No. 62719-357
Your Application Dated September 3, 2003

The label amendment referred to above, submitted in accordance with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is acceptable. A stamped copy is enclosed for your records. Please submit one (1) copy of your final printed labeling before you release the product for shipment. This amended labeling supersedes all previously accepted ones.

Sincerely yours,

JM
Joanne I. Miller
Product Manager (23)
Herbicide Branch
Registration Division (7505C)

Enclosure

7505C							
<i>Joanne</i>							
12/5/03							

(Base Label):

(logo) Dow AgroSciences

Clincher* SF

For selective postemergence grass weed control in rice

Active Ingredient(s):

cyhalofop: 2-[4-(4-cyano-2- fluorophenoxy) phenoxy] propanoic acid, butyl ester, (R)	29.6%
Inert Ingredients	70.4%
Total	100.0%

ACCEPTED
In EPA Letter Dated

DEC - 5 2003

Under the Federal Insecticide, Fungicide, and Rodenticide Act as amended, for use as a post-emergence registered under FIFRA Reg. No. 62719-357

Contains 2.38 lb of active ingredient per gallon.
Contains petroleum distillates.

Keep Out of 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.)

Precautionary Statements

Hazards to Humans and Domestic Animals

Causes Substantial, But Temporary Eye Injury Causes Skin Irritation Harmful If Swallowed

Do not get in eyes or on skin or clothing.

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 or G on an EPA chemical resistance category selection chart.

Applicators and other handlers must wear:

- Coveralls over long-sleeved shirt and long pants
- Chemical-resistant gloves such as Barrier Laminate or Viton
- Chemical-resistant footwear plus socks
- Protective eyewear (goggles, face shield or safety glasses)
- On a daily basis, mixers and loaders for aerial applications are limited to handling no more than the amount of product sufficient to treat 800 acres.

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

A closed system must be used for mixing and loading for aerial application. When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240 (d) (4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.



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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.
- 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.

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.

If swallowed: Immediately call a poison control center or doctor. Do not induce vomiting unless told to do so by a poison control center or doctor. Do not give any liquid to the person. Do not give anything by mouth to an unconscious person.

Note to Physician: Contains petroleum distillate - vomiting may cause aspiration pneumonia. No specific antidote. Provide supportive care. Treatment should be based on physician's judgment in response to reactions of the patient.

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

Environmental Hazards

This product is toxic to fish and aquatic invertebrates. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark except when treating rice fields as specified in this product label. Drift from ground or aerial applications is likely to result in damage to sensitive aquatic organisms in water bodies adjacent to the treatment area. Do not contaminate water when disposing of equipment wash waters or rinsate.

NOTE: See Surface Water and Groundwater advisories in label booklet under Environmental Hazards.

Physical or Chemical Hazards

Combustible. Do not use or store near heat or open flame.

Agricultural Use Requirements

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

Refer to label booklet 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 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. If you wish to obtain additional product information, visit our web site at www.dowagro.com.

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

EPA Reg. No. 62719-357

EPA Est. _____

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*Trademark of Dow AgroSciences LLC
Dow AgroSciences LLC Indianapolis, IN 46268 USA

Herbicide

Net Contents _____

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(Label Booklet Cover):

(logo) Dow AgroSciences

Clincher* SF

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Refer to label booklet for additional precautionary information and Directions for Use.

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(Page 1 through end):

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Applicators and other handlers must wear:

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Surface Water: This chemical can contaminate surface water through spray drift from aerial and ground application equipment. Treated rice field water can contaminate surface water through accidental release or overflow, or by deliberate release due to normal growing practices, including interim or final release of flood water at harvest

Groundwater: This chemical demonstrates the properties and characteristics associated with chemicals detected in groundwater. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination.

Physical or Chemical Hazards

Combustible. 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. Read all Directions for Use carefully before applying.

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 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.

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 over long-sleeved shirt and long pants
- Chemical-resistant gloves such as Barrier Laminate or Viton
- Chemical-resistant footwear plus socks
- Protective eyewear (goggles, face shield or safety glasses)

Storage and Disposal

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

Pesticide Storage: Store in cool dry place in original container.

Pesticide Disposal: Wastes resulting from the use of this product may be disposed of on site according to label directions or at an approved waste disposal facility.

Container Disposal (Plastic): Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities. Plastic containers, after triple rinsing, may be incinerated if allowed by state and local authorities. If burned, stay out of smoke.

Container Disposal (Metal): Do not reuse container. Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

General Information

Clincher[®] SF is a postemergence herbicide for selective control of grass weeds in drilled and water seeded rice. Clincher SF is rainfast within 2 hours after application and has no preemergence or soil residual activity. Only actively growing grass weeds emerged at the time of application are controlled. Clincher SF will not control broadleaf weeds or sedges. The product may also be applied for control of susceptible grass weeds in ratoon rice up to 60 days before harvest.

General Use Precautions and Restrictions

- **Preharvest Interval:** Do not apply within 60 days of rice harvest.
- Do not apply more than 15 fl oz/acre in a single application. Do not make more than 2 applications or apply more than 25 fl oz per acre during the growing season including first and ratoon rice crops. Sequential applications must be made at least 10 days apart.
- **Water Holding Period:** Do not allow discharge of rice field water from treated areas for a minimum of 7 days following the most recent application of Clincher SF.
- Do not rotate treated land to crops other than rice for 3 months following application.
- Do not apply where runoff or irrigation water may flow directly onto agricultural land other than rice fields.
- Do not fish or commercially grow fish, shellfish or crustaceans on treated acres during the year of treatment.
- Do not apply if grass weeds are under drought stress.

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- Reduced weed control may result if application of Clincher SF is made to grass weeds under stress from prior herbicide applications, preventing active growth. To help prevent this reduced control, delay the application of Clincher SF until grass weeds resume active growth.
- If applied to heading grass weeds, heavy weed densities and/or previously untreated areas (salvage treatment), only partial control should be expected. Regrowth of these grass weeds may occur.
- Clincher SF does not control ACC'ase resistant weeds.
- **Chemigation:** Do not apply this product through any type of irrigation system.

Mixing Instructions

Note: Mixers and loaders for aerial applications must use a closed system.

Use of Surfactants

Use of an agriculturally approved crop oil concentrate at a rate of 1 quart per acre must be used for all applications of Clincher SF. Read and follow all use directions and precautions on crop oil concentrate label.

Clincher SF - Alone

Fill spray tank to one-half (1/2) full with water. Start agitation. Add correct quantity of Clincher SF and crop oil concentrate. Continue agitation while filling spray tank to required volume and during application.

Clincher SF In Tank Mix

Continuous agitation is required for tank mixes. Sparger pipe agitators generally provide the best agitation in spray tanks.

Mixing Order: Fill the tank one-third (1/3) full with water. Start the agitation. Different formulation types should be added in the following order: dry flowables (DF), wettable powders (WP), aqueous suspensions (AS), flowables (F), or liquids (L). Allow each product type to completely disperse before adding another. Continue agitation and fill the spray tank to three-fourths (3/4) full, add the correct quantity of Clincher SF or other emulsifiable concentrates (EC) and mix thoroughly. Finally, add any solution (S) formulations or surfactant, agitate and finish filling. Maintain agitation during filling and during application. If spraying and agitation must be stopped before the tank is empty, suspended materials may settle to the bottom. It is important to resuspend all of the settled material before continuing application. A sparger agitator is particularly useful for this purpose.

Carefully follow all mixing instructions for each material added to the tank. Initial dispersion of dry or flowable formulations can be improved by mixing with a small amount of water (slurrying) and pouring the slurry through a 20 to 35 mesh wetting screen in the top of the spray tank. Line screens in the tank should be no finer than 50 mesh (100 mesh is finer than 50 mesh).

If the spray solution is >pH 8, a buffering agent should be used to lower the pH to <pH 8.

Application Guidelines

Broadcast Spray Volume

Apply in a spray volume of 10 or more gallons per acre when applying by air or ground equipment. Apply with medium to coarse droplet size category (per S-572 ASAE standard; see NAAA, USDA or nozzle manufacturer's recommendations).

Aerial Application

Apply at a height that provides the most effective swath width for the aircraft. Follow recommendations in the Aerial Spray Drift Advisory to minimize potential drift to off-target vegetation.

Ground Application

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The use of flat fan nozzles designed for use with herbicides is recommended. Follow nozzle manufacturer's recommendations for nozzle pressure, spacing and boom height to provide a uniform spray pattern. Wind speed and direction must be monitored during the application. Boom height should be no more than 4 feet and average wind speed below 15 mph unless added precautions are taken such as increased buffers distances.

Avoiding Injury to Non-Target Plants

Do not apply this product where drift may be a problem due to proximity to susceptible crops or other desirable plants. See Buffer Zones below for restrictions.

Spray drift produced during application is the responsibility of the applicator and care should be taken to minimize off-target movement of spray during application. A drift control agent suitable for agricultural use may be used with this product to aid in reducing spray drift. If used, follow all use recommendations and precautions on the product label.

Buffer Zones

Buffer zones are defined as the distance between the application site and the sensitive crop. For aerial applications, follow recommendations in Spray Drift Management and Aerial Drift Reduction Advisory sections, in addition to the recommended buffers, to minimize potential drift to off-target vegetation. Do not apply Clincher SF when wind speeds are less than 3 mph or greater than 10 mph. The potential for injury to non-target cereal and grass crops is less likely under conditions of advanced growth stages, low wind, and dry soil moisture conditions. The buffer zones listed below must be followed:

Sensitive Crop	Ground Restrictions	Aerial Restrictions
Non-target cereal and grass crops such as corn, sugar cane sudangrass, sorghum, grass grown for seed, millet, and sod farms.	50 feet	150 feet
Commercial peach and nectarine orchards	660 feet	2 miles if wind blowing from treatment area away from sensitive crop. 4 miles if wind blowing from treatment area toward sensitive crop.

Spray Drift Management

Avoiding spray drift is the responsibility of the applicator. The interaction of many equipment and weather related factors determine the potential for spray drift. Make applications only when there is little or no hazard from spray drift. The applicator and grower are responsible for considering all of these factors when making decision to apply this product.

The following drift management requirements must be followed to avoid off-target drift movement from aerial applications:

1. The distance between the outer most nozzles on the boom must not exceed 70% of the wingspan of fixed-wing aircraft or 80% of the helicopter rotor width.
2. Nozzles must always point backward parallel to the air stream and never downward more than 45 degrees.

Where states have more stringent regulations, they should be observed.

The applicator should be familiar with and take into account the information covered in the Aerial Drift Reduction Advisory. In general, the best drift management strategy is to apply the largest droplets that provide sufficient coverage and control.

Aerial Drift Reduction Advisory

Information on Droplet Size: The most effective way to reduce drift potential is to apply large droplets. The best drift management strategy is to apply the largest droplets that provide sufficient coverage and control. Applying larger droplets reduces drift potential, but will not prevent drift if applications are made improperly, or under unfavorable environmental conditions (see Wind, Temperature and Humidity, and Temperature Inversions).

Controlling Droplet Size:

- **Volume** - Use high flow rate nozzles to apply the highest practical spray volume. Nozzles with higher rated flows produce larger droplets.
- **Pressure** - Do not exceed the nozzle manufacturer's recommended pressures. For many nozzle types lower pressure produces larger droplets. When higher flow rates are needed, use higher flow rate nozzles instead of increasing pressure.
- **Number of Nozzles** - Use the minimum number of nozzles that provide uniform coverage.
- **Nozzle Orientation** - Orienting nozzles so that the spray is released parallel to the air stream produces larger droplets than other orientations and is the recommended practice. Significant deflection from horizontal will reduce droplet size and increase drift potential.
- **Nozzle Type** - Use a nozzle type that is designed for the intended application. With most nozzle types, narrower spray angles produce larger droplets. Consider using low-drift nozzles. Solid stream nozzles oriented straight back produce the largest droplets and the lowest drift.

Boom Length: Reducing the effective boom length to 70% of the wingspan of fixed-wing aircraft or 80% of the helicopter rotor width may further reduce drift without reducing swath width. Follow EPA and state regulations and recommendations.

Application Height: Applications should not be made at a height greater than 10 feet above the top of the largest plants unless a greater height is required for aircraft safety. Making applications at the lowest height that is safe reduces exposure of droplets to evaporation and wind.

Swath Adjustment: When applications are made with a crosswind, the swath will be displaced downward. Therefore, on the up and downwind edges of the field, the applicator must compensate for this displacement by adjusting the path of the aircraft upwind. Swath adjustment distance should increase, with increasing drift potential (higher wind, smaller drops, etc.).

Wind: Drift potential is lowest between wind speeds of 3-10 mph. However, many factors, including droplet size and equipment type determine drift potential at any given speed. Application should be avoided below 3 mph due to variable wind direction and high inversion potential. **Note:** Local terrain can influence wind patterns. Every applicator should be familiar with local wind patterns and how they affect spray drift.

Temperature and Humidity: When making applications in low relative humidity, set up equipment to produce larger droplets to compensate for evaporation. Droplet evaporation is most severe when conditions are both hot and dry.

Temperature Inversions: Applications should not occur during a local, low level temperature inversion because drift potential is high. Temperature inversions restrict vertical air mixing, which causes small suspended droplets to remain in a concentrated cloud. This cloud can move in unpredictable directions due to the light variable winds common during inversions. Temperature inversions are characterized by increasing temperatures with altitude and are common on nights with limited cloud cover and light to no wind. They begin to form as the sun sets and often continue into the morning. Their presence can be indicated by ground fog; however, if fog is not present, inversions can also be identified by the movement

of the smoke from a ground source or an aircraft smoke generator. Smoke that layers and moves laterally in a concentrated cloud (under low wind conditions) indicates an inversion, while smoke that moves upward and rapidly dissipates indicates good vertical air mixing.

Sensitive Areas: The pesticide should only be applied when the potential for drift to adjacent sensitive areas (e.g., residential areas, bodies of water, known habitat for threatened or endangered species, non-target crops) is minimal (e.g., when wind is blowing away from the sensitive areas).

Application Timing

Clincher SF may be applied to rice from the 1 leaf stage up to 60 days before harvest. Within this application window, application timing is dependent on cultural practices and optimum timing for weed species present. (See Weeds Controlled and Application Rates table.)

Drill Seeded Rice

Preflood: Clincher SF is recommended as a preflood application. Apply to grass weeds in the 1 to 4 leaf stage (see table below). Tank mixing recommendations are described below. Good soil moisture conditions (saturated soil) and actively growing grass weeds are essential for preflood applications. For this reason, levee grass weeds may not be fully controlled by Clincher SF. Because of the need for saturated soil at application, application by ground rig is strongly discouraged.

Flushing of rice fields may be necessary prior to application if rice and grass weeds are moisture stressed. If a field is flushed, make sure the field is drained prior to treatment so that grass weeds are fully exposed. Clincher SF should be tank mixed with a residual grass control product to prevent additional grass weed germination after treatment (see Tank Mixing instructions).

Postflood: Best results will be obtained from applications within the first 2 weeks after flooding. Maintaining the flood at application is recommended so long as grass weeds are at least 50% exposed. If fields are drained at application, they should be re-flooded beginning 2 hours after application and within 24-48 hours to prevent germination of new weeds. Following application, it is important to maintain a flood of at least 2-4 inches across the field to reduce the risk of grass weed regrowth. A permanent flood following application will give the best results. For this reason, levee grass weeds may not be fully controlled by Clincher SF. If Clincher SF is applied as a postflood salvage treatment to previously untreated areas or areas of extremely high grass weed density, total control of labeled grass weeds should not be expected. Regrowth of these grass weeds may occur.

Water Seeded Rice

Before permanent flood: Allow grass weeds to germinate before application. Good soil moisture conditions (saturated soil) and actively growing grass weeds are essential. Residual water remaining in the field does not adversely affect grass weed control so long as grass weeds are at least 50% exposed. Because of the need for wet soil at application, application by ground rig is strongly discouraged. If fields are drained at application, they should be re-flooded beginning 2 hours after application and within 24-48 hours after application to prevent germination of new grass weeds.

After permanent flood: Maintain the flood at application so long as grass weeds are at least 50% exposed. Following application, it is important to maintain a flood of 2-4 inches across the field to reduce the risk of grass weed regrowth. A permanent flood following application provides the best results. If Clincher SF is applied as a postflood salvage treatment to previously untreated areas or areas of extremely high grass weed density, total control of labeled grass weeds should not be expected. Regrowth of these grass weeds may occur.

Application Rates and Weeds Controlled

(Arkansas, Florida, Louisiana, Mississippi, Missouri, Tennessee, and Texas)

Drill Seeded Rice

Weeds Controlled Common name (scientific name)	Application Rates of Clincher SF and Stage of Grass Weed Development	
	13.5 fl oz/acre	13.5 to 15 fl oz/acre †
Amazon (tighthead) sprangletop (<i>Leptochloa panicoides</i>) Barnyardgrass (<i>Echinochloa crus-galli</i>) Bearded sprangletop (<i>Leptochloa fascicularis</i>) Broadleaf signalgrass (<i>Brachiaria platyphylla</i>) Fall panicum (<i>Panicum dichotomiflorum</i>) Johnsongrass (seedling) (<i>Sorghum halepense</i>) Junglerice (<i>Echinochloa colona</i>) Red sprangletop (<i>Leptochloa filiformis</i>)	Up to 4 leaf	Postflood, prior to grass weed heading
Weeds Suppressed Goosegrass (<i>Eleusine indica</i>) Large crabgrass (<i>Digitaria sanguinalis</i>)		

† If applied to heading grasses, heavy weed densities and/or previously untreated areas (salvage treatment), only partial control should be expected. Regrowth of these grass weeds may occur.

Note: Do not apply more than 15 fl oz in a single application or apply more than 25 fl oz per year in both the first and ratoon crops combined.

Water Seeded Rice

Weeds Controlled Common name (scientific name)	Application Rates of Clincher SF and Stage of Grass Weed Development	
	13.5 fl oz/acre	13.5 to 15 fl oz/acre †
Amazon (tighthead) sprangletop (<i>Leptochloa panicoides</i>) Barnyardgrass (<i>Echinochloa crus-galli</i>) Bearded sprangletop (<i>Leptochloa fascicularis</i>) Broadleaf signalgrass (<i>Brachiaria platyphylla</i>) Fall panicum (<i>Panicum dichotomiflorum</i>) Junglerice (<i>Echinochloa colona</i>) Knotgrass ^{††} (<i>Paspalum distichum</i>) Red sprangletop (<i>Leptochloa filiformis</i>)	Up to 4 leaf	Mid- to-late tillering or branching, prior to grass weed heading
Weeds Suppressed		

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Brook paspalum (<i>Paspalum acuminatum</i>) Perennial barnyardgrass (<i>Echinochloa polystachya</i>) Texas panicum (<i>Panicum texanum</i>) Water paspalum (<i>Paspalum hydrophilum</i>)		
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† If applied to heading grasses, heavy weed densities and/or previously untreated areas (salvage treatment), only partial control should be expected. Regrowth of these grass weeds may occur.

†† Knotgrass at 1-4 leaf stage can be controlled with 10 to 13.5 fl oz/acre.

Note: Do not apply more than 15 fl oz in a single application or apply more than 25 fl oz per year in both the first and ratoon crops combined.

Tank Mixing

Clincher SF may be applied in tank mix combination (see Mixing Instructions) with labeled rates and timings of Pendimax (pendimethalin), Prowl (pendimethalin), Facet (quinclorac) or Command (clomazone) for early postemergence, pre-flood application in rice. When tank mixing, follow label directions, including application rates, use precautions and limitations on each respective label. State regulations may apply. Reduced grass weed control may result if Clincher SF is applied in tank mix combination with or immediately following other herbicides not listed above, especially if applied under conditions of plant stress and/or advanced grass weed growth stages. To avoid the potential of reduced grass weed control, apply Clincher SF at least 3 days before or 5 days after the application of herbicides not listed above.

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

Dow AgroSciences 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. Dow AgroSciences 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. Crop 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 temperatures, 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 Dow AgroSciences or the seller. All such risks shall be assumed by buyer.

Limitation of Remedies

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 Dow AgroSciences' election, one of the following:

- (1) Refund of purchase price paid by buyer or user for product bought, or

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(2) Replacement of amount of product used.

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