62719-426

09/17/2003

1/13 Jacket



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES

SEP 1 7 2003

Ms. Kimberly S. Gilbert Regulatory Manager Dow AgroSciences LLC 9330 Zionsville Road Indianapolis, IN 46268

Dear Ms. Gilbert:

Subject: Dimension® Turf and Ornamental Herbicide EPA Registration No. 62719-426 Application and Your Letter Dated September 3, 2003, Request to Amend Registration by Adding and Revising Labeling: Proposed Split Label Alternate Brand for Residential Use: Based on Accepted Labeling for Crab-Buster® 0.25FG (EPA Re. No. 62719-492), and Dimension® EC (Professional Use Product) Dated January 28, 2003. Mixing and Application Directions Modified To Ensure Uniform Application as a Spray

The subject application to amend the subject pesticide product registration for Dimension EC has been reviewed and found to be acceptable under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, provided that the labeling submitted September 3, 2003 is amended to reflect the following revisions:

- Delete the claim "Non-Staining Formula" and "Treats Up To \_\_\_\_\_ Square Feet" from the Optional Label Claims Section of the proposed labeling.
- Either delete the claim for control of Grassbur from "The Optional Label Claims" section or add this weed to the list of weeds under the section "Weeds Control Or Supressed.
- 3. Submit one (1) copy of the final printed label prior to your shipment of this pesticide product under the enclosed revised label.

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA,

2/13

section 6(e). Your release for shipment under this labeling constitutes acceptance of these conditions. A stamped copy of the label is enclosed for your records.

Sincerely yours,

Joanne J. Miller

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

Enclosure

.

r

[Container Label]

(Logo) Dow AgroSciences

## Crab-Buster\* EC

### Lawn and Ornamental Herbicide

ACCEPTED with COMMENTS In EPA Letter Dated

Page 1

SEP 17 2003

Under the Federal Insecticide, Fundicide, and Bodenticide Act as amended, for the pesticide registered under EPA Reg. No. 627/9-426

#### For control of crabgrass and control or suppression of many other annual grass and broadleaf weeds in established turfgrasses and ornamental landscape areas

#### [Optional Label Claims]

- A Preemergence Herbicide for Control of Crabgrass and many Other Weeds in Established Lawns and Ornamental Turfgrasses and Residential Landscapes
- Contains Dimension\* Herbicide For Effective Crabgrass Control!
- Controls Crabgrass, Spurge, Oxalis & Control or Suppression of Many Other Annual Grasses & Broadleaf Weeds in Ornamental Landscape Areas, Established Lawns and Ornamental Turf
- Provides Early Postemergence Control of Young Crabgrass
- Can Be Applied Up to 4 Weeks later than other Preemergence Crabgrass Preventers
- Preemergence and Postemergence Activity on Crabgrass Allows a Wider Application Window
- Provides Longer Window of Application for Effective Weed Control
- Labeled for Use on most Warm and Cool Season Turfgrass Species
- Non-Staining Formula
- Treats Up To\_\_\_\_\_ Square Feet
- Provides Season Long Control of Crabgrass, Poa Annua, Henbit, Oxalis, Spurge, and Many Other Common Weeds
- Controls Sandbur (Sandspur, Grassbur)
- Also Labeled for Ornamental Use

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

In the state of New York, do not exceed 1.5 fl oz per1000 sq ft per year (equivalent to 0.5 pounds of active ingredient per acre). In Nassau and Suffolk Counties, do not exceed 0.75 fl oz per 1000 sq ft per year (equivalent to 0.25 pounds of active per acre).

Contains petroleum distillates Contains 120 grams per liter or 1 pound per U.S. gallon of the active ingredient. Product protected by U.S. Patent No. 4,692,184. Other patents pending

# Keep Out of Reach of Children WARNING AVISO

[See Back Panel for Precautionary Statements]

**Precautionary Statements** 

Hazards to Humans and Domestic Animals

Causes Substantial But Temporary Eye Injury • Causes Skin Irritation • Harmful If Swallowed • May Cause Respiratory Tract Irritation • May Cause Allergic Skin Reaction

Do not get in eyes, on skin, or on clothing. Avoid breathing vapors or spray mist. Wear a longsleeved shirt, long pants, protective eyewear, chemical-resistant gloves such as barrier laminate or Viton  $\geq$ 14 mils, and shoes plus socks when mixing and applying this product. Remove contaminated clothing and wash before reuse. Wash thoroughly with soap and water after handling. Do not allow people or pets to enter treated area until sprays have dried.

#### **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.

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.

Hot Line Number: 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 day or night, for emergency treatment information.

Note to Physician: Contains petroleum distillate - vomiting may cause aspiration pneumonia.

#### **Environmental Hazards**

This product is toxic to fish and highly toxic to other aquatic organisms including oysters and shrimp. Use with care when applying to turf areas adjacent to any body of water. Drift and runoff from treated turf may adversely affect aquatic organisms in adjacent aquatic sites. Do not apply directly to water. Do not apply when weather conditions favor drift from treated areas. Do not contaminate water when disposing of equipment washwaters or rinsate.

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.

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

EPA Reg. No. 62719-426

EPA Est.

Net Contents

\*Trademark of Dow AgroSciences LLC Dow AgroSciences LLC Indianapolis, IN 46268 U.S.A.

#### [Label Booklet]

(Logo) Dow AgroSciences

## Crab-Buster\* EC

### Lawn and Ornamental Herbicide

#### For control of crabgrass and control or suppression of many other annual grass and broadleaf weeds in established turfgrasses and ornamental landscape areas

#### [Optional Label Claims]

- A Preemergence Herbicide for Control of Crabgrass and many Other Weeds in Established Lawns and Ornamental Turfgrasses and Residential Landscapes
- Contains Dimension\* Herbicide For Effective Crabgrass Control!
- Controls Crabgrass, Spurge, Oxalis & Control or Suppression of Many Other Annual Grasses & Broadleaf Weeds in Ornamental Landscape Areas, Established Lawns and Ornamental Turf
- Provides Early Postemergence Control of Young Crabgrass
- Can Be Applied Up to 4 Weeks later than other Preemergence Crabgrass Preventers
- Preemergence and Postemergence Activity on Crabgrass Allows a Wider Application Window
- Provides Longer Window of Application for Effective Weed Control
- Labeled for Use on most Warm and Cool Season Turfgrass Species
- Non-Staining Formula
- Treats Up To\_\_\_\_\_ Square Feet
- Provides Season Long Control of Crabgrass, Poa Annua, Henbit, Oxalis, Spurge, and Many Other Common Weeds
- Controls Sandbur (Sandspur, Grassbur)
- Also Labeled for Ornamental Use

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

In the state of New York, do not exceed 1.5 fl oz per1000 sq ft per year (equivalent to 0.5 pounds of active ingredient per acre). In Nassau and Suffolk Counties, do not exceed 0.75 fl oz per 1000 sq ft per year (equivalent to 0.25 pounds of active per acre).

Active Ingredient	
dithiopyr: 3,5- pyridinedicarbothioic acid,	
2-(difluoromethyl)- 4-(2-methylpropyl)-6-	
(trifluoromethyl)-S,S-dimethyl ester	2.7%
Inert Ingredients	.3%
Total	

Contains petroleum distillates Contains 120 grams per liter or 1 pound per U.S. gallon of the active ingredient. Product protected by U.S. Patent No. 4,692,184. Other patents pending

# Keep Out of Reach of Children WARNING AVISO

Refer to inside of 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.

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

EPA Reg. No. 62719-426

c

EPA Est.

\*Trademark of Dow AgroSciences LLC Dow AgroSciences LLC Indianapolis, IN 46268 U.S.A.

Net Contents\_\_\_

• • • •

#### **Precautionary Statements**

Hazards to Humans and Domestic Animals

## WARNING

0

Causes Substantial But Temporary Eye Injury • Causes Skin Irritation • Harmful If Swallowed • May Cause Respiratory Tract Irritation • May Cause Allergic Skin Reaction

Do not get in eyes, on skin, or on clothing. Avoid breathing vapors or spray mist. Wear a longsleeved shirt, long pants, protective eyewear, chemical-resistant gloves such as barrier laminate or Viton  $\geq$ 14 mils, and shoes plus socks when mixing and applying this product. Remove contaminated clothing and wash before reuse. Wash thoroughly with soap and water after handling. Do not allow people or pets to enter treated area until sprays have dried.

#### 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.

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.

Hot Line Number: 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 day or night, for emergency treatment information.

Note to Physician: Contains petroleum distillate - vomiting may cause aspiration pneumonia.

#### **Environmental Hazards**

This product is toxic to fish and highly toxic to other aquatic organisms including oysters and shrimp. Use with care when applying to turf areas adjacent to any body of water. Drift and runoff from treated turf may adversely affect aquatic organisms in adjacent aquatic sites. Do not apply directly to water. Do not apply when weather conditions favor drift from treated areas. Do not contaminate water when disposing of equipment washwaters or rinsate.

#### **Directions for use**

*~* 

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

#### Storage and Disposal

Do not contaminate water, foodstuffs, feed or seed by storage or disposal.

**Pesticide Storage:** Store this product only in its original container in a dry, cool, secured storage area. **Container Disposal: If empty:** Do not reuse this container. Place in trash or offer for recycling, if available. **If partly filled:** Call your local solid waste agency or 1-800-CLEANUP for disposal instructions. Never place unused product don any indoor or outdoor drain.

Crab-Buster<sup>\*</sup> EC herbicide controls crabgrass and other listed weeds for up to 4 months in established turfgrasses and ornamental landscape areas when applied prior to their germination. This product will also provide postemergence control of crabgrass for up to 4 weeks after germination and emergence.

#### **Application Directions**

#### Mixing Instructions:

Apply Crab-Buster EC with a hand-held pump-up or backpack sprayer at the rate of 1.5 fl oz (3 Tbs) in 1 to 2 gallons of water per 1000 sq ft<sup>†</sup>. (In New York State, do not apply more than 0.75 fl oz (4 1/2 tsp) in 1 to 2 gallons of water per 1000 sq ft per year.) Fill the clean spray tank to about three-fourths of the required volume of water for the area being treated. Add the required amount of Crab-Buster EC to the spray tank and complete the filling process.

#### **Use Rates:**

	Equivalent Rate per 1000 sq ft <sup>†</sup>			
Application Rate (active ingredient/acre)	Fluid Ounces (fl oz)	Tablespoons (Tbs)	Teaspoons (tsp)	Milliliters (ml)
0.25 lb	0.75	1.5	4.5	22.5
0.5 lb	1.5	3	9	45

<sup>1</sup>1,000 square feet is equal to an area 100 feet X 10 feet or square area about 32 feet on a side.

#### **Equivalent Rates for Treatment of Small Areas:**

Rate	Equivale	ent Rate per	500 sq ft	Equivale	nt Rate per	100 sq ft
(fl oz per 1000 sq ft)	(fl oz)	(tsp)	(ml)	(fl oz)	(tsp)	(ml)
1.5	0.75	4 1/2	22.5	0.15	1	4.5
0.75	0.375	2 1/4	11.25	0.075	1/2	2.25

#### **Maximum Application Rates:**

- Do not apply more than 1.5 fl oz of this product per 1,000 sq ft per application and no more than 4.5 fl oz of this product/1000 sq ft per year.
- In the state of New York, do not exceed 1.5 fl oz of this product per 1000 sq ft per year. In Nassau and Suffolk Counties, do not exceed 0.75 fl oz of this product per 1000 sq ft per year.

#### **Tips for Optimum Weed Control:**

• Uniform application is essential for effective weed control. Apply uniformly to the treatment area as a coarse spray. Avoid streaking, skips or excess overlapping during application. Use of marker dyes aid in making more accurate applications. Prevent direct spray or drift in areas where treatment is not intended.

- In turf, for optimum results, apply after mowing and delay mowing again for a few days after the application.
- In established ornamental plantings, apply uniformly to the soil surface as a directed spray, avoiding direct contact with foliage.

#### Use Directions for Established Turfgrasses

Apply this product only to turfgrass species listed on this label.

The following turfgrass species are tolerant to this product when applied as directed:

Cool-Season Grasses	Warm-Season Grasses
Bentgrass, creeping <sup>7</sup>	Bahiagrass
Bluegrass, Kentucky	Bermudagrass <sup>†††</sup>
Fescue, fine <sup>††</sup>	Buffalograss tttt
Fescue, tail	Carpetgrass
Ryegrass, perennial	Centipedegrass
	St. Augustinegrass
	Zoysiagrass

- <sup>†</sup> Do not apply this product to Colonial bentgrass. Use of this product on certain varieties of creeping bentgrass, such as 'Carmen', 'Cohansey', or 'Seaside' will result in undesirable turf injury. Not all varieties of creeping bentgrass have been tested.
- <sup>††</sup> The following fine fescue varieties have been found to be sensitive to this product: 'Atlanta', 'Banner', 'Beauty', 'Bilgart', 'CF-2', 'Enjoy', 'HF-93', 'Highlight', 'Ivalo', 'Jamestown', 'Koket', 'Majenta', 'Mary', 'Pennlawn', 'Tamara', 'Tatjana', 'Waldorf', and 'Waldina'.
- <sup>†††</sup> Use of this product on 'Tifgreen' (328) hybrid bermudagrass is not recommended as use may result in undesirable turfgrass injury.
- titt **Do not** use this product on seedling buffalograss in the spring of the first year of establishment until the turfgrass is fully green and has established new roots.

#### **Use Precautions for Turf**

This product should be applied only to turfgrasses that are well established. For newly established lawns, initial application of this product should be made only after turfgrasses have developed a vigorous root system, uniform stand, and received at least two mowings following seeding, sodding, or sprigging.

- Use of this product on turfgrasses that are not well established, or weakened by stress due to mechanical operations, pests, excessive temperatures, or lack of moisture may result in turfgrass injury.
- For best results, cultural practices that disturb the soil, such as core-, spike-, or hydro-aerification, and verticutting, should be done before application of this product. Do not apply this product until turgrass has recovered from the mechanical injury caused by these practices.
- Reseeding, Overseeding, or Sprigging: Reseeding, overseeding, or sprigging of areas treated with this product within 10 weeks after a single application of this product or within 16 weeks after a second application totaling 1.5 fl oz per1000 sq ft (0.5 lb active ingredient per acre) or more may inhibit the establishment of desirable turfgrasses. If this product is applied in the fall, do not reseed, overseed or sprig turfgrasses within 12 weeks after application.
- Do not use clippings from treated turf for mulching around vegetables or fruit trees.
- Reentry: Do not allow people or pets to enter treated area until sprays have dried.

#### **Application Timing**

Page 7

#### Spring Application

**Control of Crabgrass:** Crab-Buster EC provides preemergence control of crabgrass and control or suppression of other listed weeds when applied prior to their germination. In addition, this product provides postemergence control of seedling crabgrass after germination and emergence. Postemergence control is limited to crabgrass only and is effective up to 4 weeks after germination of crabgrass. This generally corresponds to the time when crabgrass seedlings are at the 3-leaf stage of growth (or earlier) and first become visible in the established turf. This product will not control crabgrass when plants begin to spread (tiller). Properly timed applications will control existing crabgrass and prevent further emergence of crabgrass seedlings. Do not apply this product later than 4 weeks after crabgrass germination.

**Control or Suppression of Other Grass and Broadleaf Weeds:** For control or suppression of other grass and broadleaf weeds, this product must be applied as a preventative (preemergence) treatment prior to their germination and emergence.

#### Fall Application

This product may be applied from late summer through early fall (late August through November) for preemergence control of all listed weeds, including annual bluegrass (*poa annua*). When applied in the fall, a sequential or second application of this product is recommended in the following spring to provide season-long control of crabgrass.

#### Weeds Controlled or Suppressed

Crab-Buster EC will provide control of crabgrass and control or suppression of other listed grass and broadleaf weeds when applied prior their germination.

Grasses	Broadleaf Weeds		
barley barnyardgrass bluegrass, annual brome crabgrass, large crabgrass, smooth crabgrass, smooth crabgrass, Southern crowfootgrass <sup>†</sup> dallisgrass goosegrass foxtail, green foxtail, yellow kikuyugrass <sup>†</sup> oats, wild ryegrass (annual & perennial) sandbur smutgrass	bittercress <sup>†</sup> carpetweed chickweed <sup>†</sup> geranium, Carolina <sup>†</sup> henbit knotweed, prostrate lespedeza, common <sup>†</sup> marestail medic, black mustard oxalis, buttercup pineappleweed	pigweed, redroot parsley-piert <sup>†</sup> purslane, common rocket, London shepherdspurse speedwell, corn <sup>†</sup> spurge, garden spurge, prostrate spurge, spotted woodsorrel, creeping woodsorrel, yellow	

<sup>†</sup>Suppression only

#### Use Directions for Landscape Ornamentals

Crab-Buster EC provides preemergence control or suppression of listed annual grass and broadleaf "weeds in plantings of ornamental plants listed on this label. See Application Directions section at "".

•\_\_\_\_

10/13

# beginning of Directions for Mixing Instructions and Use Rates, and Weeds Controlled or Suppressed section above for listing of susceptible weeds.

Crab-Buster EC is a preemergence herbicide that controls weeds as they germinate. It will not control established weeds. Applications in ornamental plantings must be made prior to weed seed germination or to bare ground. The best weed control is obtained when applications are made to soil that is free of clods, weeds and debris such as leaves. Prior to making an application, existing vegetation should be controlled by hand weeding, by cultivation, or with a postemergence herbicide. Once an application of this product has been made, avoid disturbance of the soil surface as the herbicide barrier will be broken. To maintain continuous preemergence weed control, up to three applications of 1.5 fl oz per 1000 sq ft per year may be made at 3 to 4 month intervals (See maximum rate limitations for the State of New York under Use Rates).

Apply Crab-Buster EC as a post-directed spray to the soil surface, avoiding direct spray contact with foliage of ornamental plants. This product is not recommended for use as an over-the-top spray in ornamentals. Foliage that receives direct or indirect (drift) spray contact may be injured. The injury is typically cosmetic and the plants normally outgrow this condition rapidly and develop normally.

#### **Use Precautions for Ornamentals**

- Apply this product only to established ornamentals. Care must be taken that soil or planting mixes have settled firmly around roots following transplanting and watering to prevent contact of this product with plant roots.
- Do not apply this product directly to bare roots of ornamental plants as injury may result.
- Do not incorporate this product into soil. Dilution of active ingredient and possible injury to plant roots may occur.
- Do not apply to soil around ornamental plants that are under stress due to drought, flooding, excessive fertilizer or soil salts, wind injury, hail, frost damage, winter injury, injury from previously applied pesticides or injury due to insects, nematodes or disease.
- This product is not recommended for use as an over-the-top spray in ornamentals.
- Do not apply under windy conditions to avoid uneven spray distribution and weed control or spray drift to areas where treatment is unintended.

#### **Tolerant Ornamentals**

The ornamentals listed below have shown tolerance to this product when applied according to label directions. However, this product has not been tested on all ornamental species, all cultivars of species on this label, or under all possible growing conditions. If in doubt, it is recommended that a small area involving only a few plants be treated and observed for tolerance under local growing conditions prior to large-scale use.

Abelia, Dwarf	Cycads	Lily, African	Pine, Virginia
Ajuga	Cypress, Bald	Lily, African Blue	Pine, White
Almond, Flowering	Cypress, Italian	Lily of the Valley	Pineapple, Guava <sup>†</sup>
Apple <sup>†</sup>	Cypress, Japanese False	Lilyturf	Pieris
Arborvitae	Cypress, Leyland	Liriope, Green	Pittosporum, Japan
Arborvitae, Golden	Daffodil	Maple, Japanese	Potentilla
Aster, Chinese	Daylilly	Maple, Norway	Privet
Ash, Green	Dianthus (Sweet William)	Maple, Red <sup>†</sup>	Privet, Glossy
Ash, Mountain	Delphinium	Maple, Silver	Pyracantha
Ash, Purple	Dogwood	Maple Sugar <sup>†</sup>	Queen Palm
Azalea	Dogwood, American	Marigold	Quince, Japanese <sup>†</sup>
Azalea, Flame	Douglas Fir	Mock Orange <sup>†</sup>	Rhododendron
Azalea, Kirishima	Dusty Miller	Mondo Grass	Rhododendron, Carolina
Bamboo, Heaveniy	Elm, Drake	Moss Rose	Rhododendron, Catawba
Barberry	Euonymus	Myrtle, Crape	Rockcress
Barberry, Purple	Fetterbush	Myrtle, Wax	Rhodie Max (Rosebay)
Basket flower	Ficus	Nandina	Rose <sup>†</sup>

#### G2B / Crab-Buster EC / Proposed Section 3 Labeling / 08-25-03

Bearberry (common) **Bee Balm** Begonia Birch, River Blackeyed Susan **Blanket Flower** Blueberry <sup>1</sup> Bottlebrush Boxwood, Japanese Boxwood, Weller Broom **Bugle Carpet** Cameilia Candy Tuft Carex, Variegated Cedar, Red Celosia Centaura Cockscomb, Plumosa Coleus Fan Palm, European Fescue Columbine Copper leaf Coreopsis Corn Flower Cotoneaster Covotebrush

(

Fir Fraser Forsythia Fuchsia Galium Gardenia Geranium Gum Hawthorn Heather, Twisted Hemlock, Canada Hibiscus Holly Holly, Chinese Holly, Japanese Holly, Yaupon Honeysuckle Hosta ice Plant Impatiens Iris Ivy, English Jasmine, Asian Juniper King Palm Laurel, Australian Laurel, Mountain Leucothoe Ligustrum, Japanese

Narcissus Oak, Laurel Oak, Pin Oak, Red Oak, Southern Oak, Willow Oleander Osteospermum Pachysandra Palm, Bangalow Fan Palm, Mexican Fern (various) Pampas Grass Pansv Paper Flower Peach † Periwinkle, Dwarf Petunia Photinia, Red Tip Pieris Pine, Australian Pine, Japanese Black Pine, Loblolly Pine, Longleaf Pine, Mugo Pine, Scotch Pine, Slash Pine, Swiss Mt.

Rosemary<sup>†</sup> Rosemary, Bog Salvia Sedum Snapdragon Sourwood Spiraea Spiraea Spiraea, Garland Spruce, Black Hills Spruce, Colorado Blue Spruce, Norway Spruce, White Sweetflag, Grassyy-Le Sweetgum Sycamore Tree Fern (Tiki Fern) Trumpet Flower, Evening Tulip Verbena, Shrub Vervain Viburnum Vinca (Periwinkle) Windmill Palm Xvlosma Yarrow Yaupon Yew

<sup>†</sup>Ornamental species only: Do not use on food producing trees and ornamentals.

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

\*Trademark of Dow AgroSciences LLC EPA-accepted date: \_\_/\_\_/\_\_\_



13/13

