

## **PLEASE NOTE**

**This image contains more than one label approved for this product on this date.**

65864-1

11/16/2001

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Safe Materials, Inc. (SMI)  
c/o Mr. Dennis W. Long  
Regulatory Affairs Consultant  
5400 Fairway Circle  
Lake Park, GA 31636

NOV 16 2001

Dear Mr. Long:

Subject: SM-9  
EPA Reg. No. 65864-1  
Your Submission of October 21, 2001

The amendment referred to above, submitted in connection with registration under FIFRA sec. 3(c)(7)(A), is acceptable provided that the following labeling change is made prior to release of the product for shipment: Under Ornamentals, in the directions for use as a soil mix, change "13 ounces" to "13 fluid ounces".

Submit one copy of your final printed labeling before you release the product for shipment.

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product bearing the amended labeling constitutes acceptance of these conditions.

A stamped copy of the label is enclosed.

Sincerely yours,



Mary L. Waller  
Product Manager (21)  
Fungicide Branch  
Registration Division (7505C)

Enclosure

7505C:CGrable:cg:11/16/01

# SM-9 Fungicide

ACCEPTED  
with COMMENTS  
In EPA Letter Dated:

NOV 16 2011

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

65864-1

ACTIVE INGREDIENTS:	BY WEIGHT
Proprietary blend of linear secondary alcohols reacted with ethylene oxide: .....	99.97%
INERT INGREDIENTS: .....	0.03%
TOTAL	100.00%

KEEP OUT OF REACH OF CHILDREN  
**DANGER - PELIGRO**

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.)

### 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 the eye. Get medical attention at once.

**IF SWALLOWED:** Call 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 do so by the poison control center or doctor. Do not give anything by mouth to an unconscious person.

**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 INHALED:** Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible. Call a poison control center or doctor for further treatment advice

Have the product container or label with you when calling a poison control center or doctor, or going for treatment.

**NOTE TO PHYSICIAN:** Probable mucosal damage may contraindicate the use of gastric lavage.

SEE SIDE PANEL FOR ADDITIONAL PRECAUTIONARY STATEMENTS.

**SAFE MATERIALS, INC.**  
Valdosta, GA 31603

EPA Reg. No. 65864-1 EPA Est. No. 65864-GA-1

### PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

#### DANGER

Do not get in eyes, on skin, or clothing. If eye exposure occurs, get immediate medical attention. Harmful if swallowed.

### PERSONAL PROTECTIVE EQUIPMENT

Applicators and other handlers must wear: Long sleeved-shirt and long pants, chemical-resistant gloves made of any waterproof material, shoes plus socks and protective eyewear. Some materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for Category A on an EPA chemical resistance category selection chart.

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 instructions for washables, 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 PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

**NET CONTENTS:**

### ENVIRONMENTAL HAZARDS

Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwaters. Do not contaminate domestic or irrigation water. Do not apply when weather conditions favor drift from target areas. Do not apply to areas where birds may be contacted by spray or drift, including nesting and roosting sites.

### DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. READ ENTIRE LABEL. USE STRICTLY IN ACCORDANCE WITH LABEL PRECAUTIONARY STATEMENTS AND DIRECTIONS.

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 48 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, chemical-resistant gloves made of any waterproof material, shoes plus socks and protective eyewear.

### NON-AGRICULTURAL USE REQUIREMENTS

The requirements in this box apply to uses of this product that are not within the scope of the Worker Protection Standard (WPS) for agricultural pesticides, 40 CFR part 170. The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries or greenhouses.

Keep unprotected persons out of treated areas until the sprays have dried.

### STORAGE AND DISPOSAL

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

### PESTICIDE STORAGE

Store in original container only. Keep container tightly closed, do not allow water to be introduced into contents of this container. Do not store near heat or open flame.

### PESTICIDE DISPOSAL

Wastes resulting from the use of this product may be disposed of on site or at an approved facility.

Container Disposal: Triple rinse or puncture container and dispose of according to state or local authorities. In case of a chemical spill, leak, or fire call 1-800-424-9300.

### GENERAL INFORMATION

SM-9 is for use on golf course tees, greens, fairways, ornamental turfgrass, sod farms, lawns on Bentgrass, Bluegrass, Bermudagrasses, Fescues, Ryegrasses, St. Augustine, Zoysia, Centipede, Carpet grasses or their mixtures, ferns and ornamentals. Use spray mixture the same day it is prepared. In cold temperatures premix as a slurry in a small container, then add to spray tank. Spray uniformly over the area to be treated. For foliar diseases, allow sprayed area to completely dry before irrigation. For soil-borne diseases water in after application. Apply recommended amounts in sufficient water to obtain thorough coverage, usually 1 gallon water per 1,000 square feet of area. When treating golf greens, always treat aprons and approaches. Use the highest recommended rate under conditions of severe disease pressure. CHEMIGATION: Refer to supplemental labeling entitled "Chemigation Supplemental Label for Products Bearing the Signal Word DANGER for use directions for chemigation". Do not use SM-9 Fungicide through sprinkler irrigation equipment on golf courses. Do not apply this product through any irrigation system unless the supplemental labeling on chemigation is followed. NOTE: THOROUGHLY FLUSH IRRIGATION SYSTEMS AND ASSOCIATED PIPING WITH CLEAN WATER FOLLOWING APPLICATION.

SM-9 can be coated or mixed with approved clays or fertilizers.

Golf Course, Sod farm and Lawn Use

For control of the following diseases, apply SM-9 at 3/8 fl. oz to 1/4 fl. oz. in 1 gallon of water per 1,000 square feet beginning when the disease first appears. Repeat

applications at 7 to 21 day intervals as long as needed. Do not apply when grass is stressed from heat, drought, etc. During periods of high daytime temperatures, apply SM-9 in early morning or late afternoon.

LARGE BROWN PATCH (*Rhizoctonia Solani*)  
PYTHIUM BLIGHT (*Meriotylum*)  
DOLLAR SPOT (*Sclerotinia homeocarpa*)  
ANTHRACNOSE (*Colletotrichum graminicola*)

TAKE-ALL PATCH (*Gauemannomyces graminis*)  
POWDERY MILDEW (*Erysiphe graminis*)  
GRAY LEAF SPOT (*Piricularia grisea*)

GRAY SNOW MOLD (*Typhula incanta*) and PINK SNOW MOLD (*Microdochium nivale*): Apply SM-9 at 3/8 fl. oz. to 1/4 fl. oz. in 1 gallon of water per 1,000 square feet. Make first application in autumn before snow cover occurs. For optimal control, reapply this treatment if a winter thaw and loss of snow cover occurs.

NEMATODES: Apply SM-9 at 1/4 fl. oz. per 1,000 square feet in one gallon of water. Irrigate with 1/4 to 1/2 inch of water within 12 to 24 hours of application. Repeat at 30 to 60 day intervals as long as needed. Do not apply when grass is stressed from heat, drought, etc. During periods of high daytime temperatures, apply SM-9 in early morning or later afternoon.

#### FERNS

To control PYTHIUM BLIGHT (*Meriotylum*), ANTHRACNOSE (*Colletotrichum acutatum*), RHIZOCTONIA BLIGHT (*Rhizoctonia Solani*) and NEMATODES on FERNS: Apply SM-9 as a uniform spray for full coverage at 3/8 fl. oz. to 1/4 fl. oz. in 1 gallon of water beginning when the disease first appears. Repeat applications at 7 to 21 day intervals as long as needed. Do not apply when ferns are stressed from heat, drought, etc. During periods of high daytime temperatures, apply SM-9 in early morning or later afternoon.

#### Ornamental Use

Use SM-9 for nematode control on container, bench, or bed-grown ornamentals in greenhouses or outdoor nurseries, and for use on ornamentals grown in indoor or outdoor landscaping around residential, institutional, public, commercial and industrial buildings, parks and recreational areas.

SM-9 may be applied as a soil surface spray or incorporated into a soil mix for subsequent seeding or transplanting of ornamentals. For a soil surface spray, apply SM-9 at 1/4 fluid ounce per 1,000 square feet to the soil surface in a broadcast or banded spray in sufficient water to obtain thorough coverage of the plant root zone. After application, irrigate 1/4 to 1/2 inch of water within 12 to 24 hours. Repeat at 30 to 60 day intervals as long as needed to maintain control. Do not

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apply when ornamentals are stressed from heat, drought, etc. During periods of high daytime temperatures, apply SM-9 in early morning or late afternoon. For preparing a soil mix for seeding or transplanting, spread soil out 2-3 inches deep on a tarp. Mix 1/4 fluid ounce of SM-9 in 1 gallon of water, apply 13 ounce of this solution to 100 square feet and thoroughly mix soil.

SM-9 can be used on the following ornamentals for control of nematodes:

Foliage plants: *aphelandra*, *dieffenbachia*, *peperomia*, *philodendron*, *pothos*, *schefflera*, *sedum*, *sempervivum*, *zygocactus*.

Bedding plants: *ageratum*, *Algerian ivy*, *artemisia*, *aster*, *begonia*, *caladium*, *camation*, *chrysanthemum*, *coleus*, *daisy*, *English ivy*, *foxglove*, *gaillardia*, *geranium*, *impatiens*, *marigold*, *pansy*, *petunia*, *phlox*, *pinks*, *primrose*, *salvia*, *snapdragon*, *verbena*, *zinnia*.

Flowers: *African violet*, *anthurium*, *baby's breath*, *carnation*, *columbine*, *delphinium*, *easter lily*, *geranium*, *gloxinia*, *poinsetta*, *rose*.

Woody ornamentals: *azaleas*, *boxwood*, *camellia*, *ceanothus*, *cedar*, *crape myrtle*, *dogwood*, *elm*, *figus*, *juniperus spp.*, *photinia*, *pieris japonica*, *pinus spp.*, *white cedar*, *white pine*.

#### WARRANTY STATEMENT

SAFE MATERIALS, INC. warrants that this material conforms to the chemical description on the label and is reasonably fit for the purposes referred to in the Directions for Use, subject to the risks referred to therein. SAFE MATERIALS, INC. MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS OR MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY. IN NO CASE SHALL SAFE MATERIALS, INC. OR SELLER BE LIABLE FOR CONSEQUENTIAL, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT INCLUDING, BUT NOT LIMITED TO, LOSS OF PROFITS, BUSINESS REPUTATION, OR CUSTOMERS; LABOR COST; OR OTHER EXPENSES INCURRED IN PLANTING OR HARVESTING. SAFE MATERIALS, INC. and seller offer this product and the buyer and user accept it subject to the foregoing conditions of sale and warranty which may be varied only by agreement in writing signed by a duly authorized representative of SAFE MATERIALS, INC.

**NEXT**

**LABEL**

65864-1

11/16/2001

1/4

Safe Materials, Inc. (SMI)  
c/o Mr. Dennis W. Long  
Regulatory Affairs Consultant  
5400 Fairway Circle  
Lake Park, GA 31636

Nov 16 2001

Dear Mr. Long:

Subject: SM-9

EPA Reg. No. 65864-1

Your Submission of October 23, 2001

The amendment referred to above, submitted in connection with registration under FIFRA sec. 3(c)(7)(A), is acceptable provided that the following labeling change is made prior to release of the product for shipment.


Delete the 3 fl.oz./1000 sq.ft. rate and adjust the water volume accordingly. The added application by soil injection is acceptable at the rate of 3/4 fl.oz./1000 sq.ft. There are no data to indicate the effect the increased rate would have on concentrations of the active ingredient in surface or ground water.

Submit one copy of your final printed labeling before you release the product for shipment.

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product bearing the amended labeling constitutes acceptance of these conditions.

A stamped copy of the label is enclosed.

Sincerely yours,

  
Mary L. Waller  
Product Manager (21)  
Fungicide Branch  
Registration Division (7505C)

Enclosure

7505C:CGrable:cg:11/16/01

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# SM-9 Fungicide

65864-1

ACCEPTED  
with COMMENTS  
In EPA Letter Dated:

NOV 16 2001

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

ACTIVE INGREDIENTS:	BY WEIGHT
Proprietary blend of linear secondary alcohols reacted with ethylene oxide: .....	99.97%
INERT INGREDIENTS: .....	0.03%
TOTAL	100.00%

KEEP OUT OF REACH OF CHILDREN  
**DANGER - PELIGRO**

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.)

### 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 the eye. Get medical attention at once.

**IF SWALLOWED:** Call 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 do so by the poison control center or doctor. Do not give anything by mouth to an unconscious person.

**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 INHALED:** Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible. Call a poison control center or doctor for further treatment advice.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment.

**NOTE TO PHYSICIAN:** Probable mucosal damage may contraindicate the use of gastric lavage.

**SEE SIDE PANEL FOR ADDITIONAL PRECAUTIONARY STATEMENTS.**

**SAFE MATERIALS, INC.**  
Valdosta, GA 31603

EPA Reg. No. 65864-1 EPA Est. No. 65864-GA-1

### PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

#### DANGER

Do not get in eyes, on skin, or clothing. If eye exposure occurs, get immediate medical attention. Harmful if swallowed.

### PERSONAL PROTECTIVE EQUIPMENT

Applicators and other handlers must wear: Long sleeved-shirt and long pants, chemical-resistant gloves made of any waterproof material, shoes plus socks and protective eyewear. Some materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for Category A on an EPA chemical resistance category selection chart.

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 instructions for washables, 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 PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

**NET CONTENTS:**



## ENVIRONMENTAL HAZARDS

Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwaters. Do not contaminate domestic or irrigation water. Do not apply when weather conditions favor drift from target areas. Do not apply to areas where birds may be contacted by spray or drift, including nesting and roosting sites.

## DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. READ ENTIRE LABEL. USE STRICTLY IN ACCORDANCE WITH LABEL PRECAUTIONARY STATEMENTS AND DIRECTIONS.

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 48 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, chemical-resistant gloves made of any waterproof material, shoes plus socks and protective eyewear.

### NON-AGRICULTURAL USE REQUIREMENTS

The requirements in this box apply to uses of this product that are not within the scope of the Worker Protection Standard (WPS) for agricultural pesticides, 40 CFR part 170. The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries or greenhouses.

Keep unprotected persons out of treated areas until the sprays have dried.

## STORAGE AND DISPOSAL

Store in original container only. Keep container tightly closed, do not allow water to be introduced into contents of this container. Do not contaminate water sources by runoff from cleaning of equipment, disposal of equipment washwaters or waste from sprays composed of other toxicants. Do not store near heat or open flame.

Container Disposal: Triple rinse or puncture container and dispose of according to state or local authorities. In case of a chemical spill, leak, or fire call 1-800-424-9300.

## GENERAL INFORMATION

SM-9 is for use on golf course tees, greens, fairways, ornamental turfgrass, sod farms, lawns on Bentgrass, Bluegrass, Bermudagrasses, Fescues, Ryegrasses, St. Augustine, Zoysia, Centipede, Carpet grasses or their mixtures and on ferns. Use spray mixture the same day it is prepared. In cold temperatures premix as a slurry in a small container, then add to spray tank. Spray uniformly over the area to be treated. For foliar diseases, allow sprayed area to completely dry before irrigation. For soil-borne diseases water in after application. Apply recommended amounts in sufficient water to obtain thorough coverage, usually 1 gallon water per 1,000 square feet of area. When treating golf greens, always treat aprons and approaches. Use the highest recommended rate under conditions of severe disease pressure. CHEMIGATION: Refer to supplemental labeling entitled "Chemigation Supplemental Label for Products Bearing the Signal Word DANGER for use directions for chemigation". Do not use SM-9 Fungicide through sprinkler irrigation equipment on golf courses. Do not apply this product through any irrigation system unless the supplemental labeling on chemigation is followed. NOTE: THOROUGHLY FLUSH IRRIGATION SYSTEMS AND ASSOCIATED PIPING WITH CLEAN WATER FOLLOWING APPLICATION.

SM-9 can be coated or mixed with approved clays or fertilizers.

For control of the following diseases, apply SM-9 at 3/8 fl. oz to 3/4 fl. oz. in 1 gallon of water per 1,000 square feet beginning when the disease first appears. Repeat applications at 7 to 21 day intervals as long as needed. Do not apply when grass is stressed from heat, drought, etc. During periods of high daytime temperatures, apply SM-9 in early morning or late afternoon.

- LARGE BROWN PATCH (Rhizoctonia Solani)
- PYTHIUM BLIGHT (Meriotylum)
- DOLLAR SPOT (Sclerotinia homeocarpa)
- ANTHRACNOSE (Colletotrichum graminicola)

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TAKE-ALL PATCH (*Gauemannomyces graminis*)  
POWDERY MILDEW (*Erysiphe graminis*)  
GRAY LEAF SPOT (*Piricularia grisea*)

offer this product and the buyer and user accept it subject to the foregoing conditions of sale and warranty which may be varied only by agreement in writing signed by a duly authorized representative of SAFE MATERIALS, INC.

GRAY SNOW MOLD (*Typhula incanta*) and PINK SNOW MOLD (*Microdochium nivale*): Apply SM-9 at 3/8 fl. oz. to 1/4 fl. oz. in 1 gallon of water per 1,000 square feet. Make first application in autumn before snow cover occurs. For optimal control, reapply this treatment if a winter thaw and loss of snow cover occurs.

NEMATODES: Apply SM-9 broadcast at 1/4 fl. oz. per 1,000 square feet in one gallon of water. Irrigate with 1/4 to 1/2 inch of water within 12 to 24 hours of application. Repeat at 30 to 60 day intervals as long as needed.

SM-9 may be injected 3 to 5 inches deep with high-pressure or knife shank injection equipment. Apply SM-9 at 1/4 to 3.0 fl. oz. per 1,000 square feet in 1.0 to 11.5 gallons of water. Irrigate with 1/2 to 1.0 inch of water within 12 to 24 hours of application. Repeat at 30 to 60 day intervals as long as needed.

Do not apply when grass is stressed from heat, drought, etc. During periods of high daytime temperatures, apply SM-9 in early morning or late afternoon.

#### FERNS

To control PYTHIUM BLIGHT (*Meriotalium*), ANTHRACNOSE (*Colletotrichum acutatum*), RHIZOCTONIA BLIGHT (*Rhizoctonia Solani*) and NEMATODES on FERNS: Apply SM-9 as a uniform spray for full coverage at 3/8 fl. oz. to 1/4 fl. oz. in 1 gallon of water beginning when the disease first appears. Repeat applications at 7 to 21 day intervals as long as needed. Do not apply when ferns are stressed from heat, drought, etc. During periods of high daytime temperatures, apply SM-9 in early morning or later afternoon.

#### WARRANTY STATEMENT

SAFE MATERIALS, INC. warrants that this material conforms to the chemical description on the label and is reasonably fit for the purposes referred to in the Directions for Use, subject to the risks referred to therein. SAFE MATERIALS, INC. MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS OR MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY. IN NO CASE SHALL SAFE MATERIALS, INC. OR SELLER BE LIABLE FOR CONSEQUENTIAL, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT INCLUDING, BUT NOT LIMITED TO, LOSS OF PROFITS, BUSINESS REPUTATION, OR CUSTOMERS; LABOR COST; OR OTHER EXPENSES INCURRED IN PLANTING OR HARVESTING. SAFE MATERIALS, INC. and seller