

67690-1

06-10-2010

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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

JUN 10 2010

Ms. Amy Dugger-Ronyak
Product Registration
SePRO Corporation
11550 North Meridian Street, Suite 600
Carmel, Indiana 46032-4565

SUBJECT: Application for Pesticide Notification (PRN 98-10)
Request Warranty Statement & General Label Changes
EPA Reg. No. 67690-1
Application Dated April 28, 2010

Dear Registrant:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 04/28/10 for the above product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action(s) requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" received but not reviewed 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 cursive script that reads "Rachel C. Harriman".

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

Please read instructions on reverse before completing form.

Form Approved, OMB No. 2070-0060

Print Form



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 67690-1	2. EPA Product Manager Mary Waller	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Pipron Liquid Concentrate	PM# 21	
5. Name and Address of Applicant (Include ZIP Code) SePRO Corporation 11550 N. Meridian Street, Suite 600 Carmel, IN 46032 <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: <input checked="" type="checkbox"/> EPA Reg. No. _____ Product Name _____	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____	NOTIFICATION JUN 10 2010
<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.)

Changes per PRN 98-10. a. To permit approval/registration of the label, New York DEC is requiring SePRO to spell out Pipron "Liquid Concentrate" throughout the label text where it is presently listed as just Pipron L.C.

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container.	
Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>* Certification must be submitted</i>	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes" Unit Packaging wgt. No. per container	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes" Package wgt No. per container	<input type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____		
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 1-5 gallon	5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product		
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <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 Amy Dugger-Ronyak	Title Regul. Affairs Specialist	Telephone No. (Include Area Code) 317-580-8286
Certification 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 or both under applicable law.		6. Date Application Received (Stamped)
2. Signature 	3. Title Regulatory Affairs Specialist	
4. Typed Name Amy Dugger-Ronyak	5. Date April 28, 2010	



3
14

SePRO Corporation • 11550 North Meridian Street • Suite 600 • Carmel, Indiana 46032-4565
Phone: (317) 580-8282 • Fax: (317) 428-4577

April 28, 2010

Ms. Mary Waller, Product Manager 21
Document Processing Desk
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive.
Arlington, VA 22202-4501

**RE: Notification per PRNs 98-10
EPA Reg. No. 67690-1, Pipron**

Dear Ms. Waller:

On behalf of SePRO Corporation, I am submitting a notification for EPA Reg. No. 67690-1, Pipron L.C. As permitted by PR Notice 98-10, corrections for label consistency, I have changed all instances of "Pipron L.C." to "Pipron Liquid Concentrate". In addition, I have removed reference to SePRO's website (a non-FIFRA item) and updated the warranty statement to be consistent with language found on other SePRO labels.

Please find enclosed the following information to support this request:

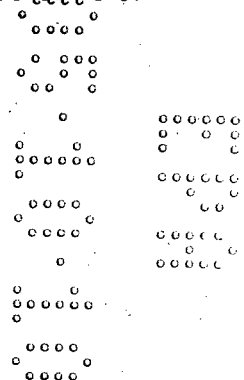
- EPA form 8570-1, Application for Pesticide; and
- Two (2) copies of the final printed label (one (1) with highlighting showing changes to the label).

This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, 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 USC Sec. 1001 to willfully make any false statement to the EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, this product may be in violation of FIFRA and may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

If you have any questions regarding this submission, please contact me at (317) 580-8286 or amy.dugger@sepro.com.

Sincerely,

Amy Dugger-Ronyak, Regulatory Affairs Specialist



Pipron*

Liquid Concentrate

EPA Reg. No. 67690-1

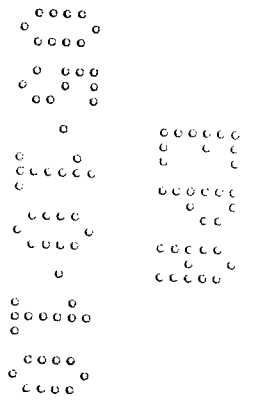
NOTIFICATION

JUN 10 2010

Registration Notes: Based off EPA stamped Notice of Pesticide Reregistration dated 8/7/2007 and Notifications dated 05/12/2009 & 4/28/2010.

Label changes:

1. Corrected formatting throughout label as permitted by PRN 98-10.
 - a. To permit approval/registration of the label, New York DEC is requiring SePRO to spell out Pipron "Liquid Concentrate" throughout the label text where it is presently listed as just Pipron L.C.
 - b. Updated warranty statement for consistency with other SePRO labels.
2. Removed website from label.



[Front & Back Base labels for Nonrefillable, Rigid containers 5 gal or less]



GROUP 5 FUNGICIDE

Pipron*

Liquid Concentrate

A Fungicide to Control Powdery Mildew on Ornamentals.

For Use Only In Commercial Greenhouses and Similar Enclosed Structures with Nonporous Coverings Used for the Production of Ornamental Crops for Resale.

Active Ingredient

piperalin: 3-(2-methylpiperidino)propyl 3,4-dichlorobenzoate..... 84.4%

Other Ingredients 15.6%

TOTAL 100.0%

Contains 2 pounds of active ingredient per quart. Contains Petroleum Distillates.

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

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.)

Corrosive. Causes skin burns. Harmful if swallowed or inhaled. Causes moderate eye irritation. Do not get in eyes, on skin or on clothing. Avoid breathing spray mist. Prolonged or frequently repeated skin contact may cause allergic reaction in some individuals.

FIRST AID	
If on skin or clothing	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Call a poison control center or doctor for immediate treatment advice. • Have person sip a glass of water if able to swallow. • Do not induce vomiting unless told to do so by a poison control center or doctor. • Do not give anything by mouth to an unconscious person.
If inhaled	<ul style="list-style-type: none"> • 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.
If in eyes	<ul style="list-style-type: none"> • 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.

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- 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. In case of emergency endangering health or the environment involving this product, call **INFOTRAC** at **1-800-535-5053**.

NOTE TO PHYSICIAN: Probably mucosal damage may contraindicate the use of gastric lavage. Contains petroleum distillates. Vomiting may cause aspiration pneumonia.

PROP 65 NOTICE: This product contains a chemical known to the State of California to cause cancer.

STORAGE AND DISPOSAL

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

Pesticide Storage: Store in original container only. In case of leak or spill, use absorbent materials to contain liquids and dispose as waste.

Pesticide Disposal: Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal Law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste Representative at the nearest EPA Regional Office for guidance.

Nonrefillable Container Disposal (rigid, 5 gallons or less): Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container ¼ full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat the procedure two more times. Then offer for recycling (if available) or reconditioning, or puncture and dispose of in a sanitary landfill, or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

AGRICULTURAL USE REQUIREMENTS:

Refer to the label booklet for detailed use requirements specified by the Worker Protection Standard, 40 CFR part 170.

Refer to label booklet for additional precautionary information and directions for use.

NOTICE: Read the entire label before using. Use only according to label directions. **Before buying or using this product, read *Terms and Conditions of Use, Warranty Disclaimer, Inherent Risks of Use* and *Limitation of Remedies* at the end of the label booklet. If terms are unacceptable, return at once unopened.**

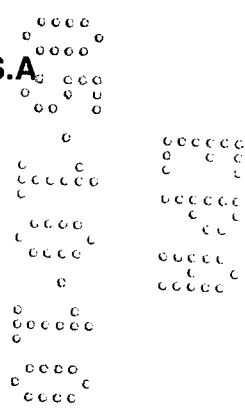
EPA REG. No. 67690-1
FPL042810

EPA EST. No. _____
SPC - _____

SePRO Corporation 11550 N. Meridian Street, Suite 600, Carmel, IN 46032 U.S.A.

Fungicide

Net contents _____



[Front of label booklet]



Pipron*

Liquid Concentrate

A Fungicide to Control Powdery Mildew on Ornamentals.

For Use Only In Commercial Greenhouses and Similar Enclosed Structures with Nonporous Coverings Used for the Production of Ornamental Crops for Resale.

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

DANGER / PELIGRO

Corrosive. Causes skin burns. Harmful if swallowed or inhaled. Causes moderate eye irritation. Do not get in eyes, on skin or on clothing. Avoid breathing spray mist. Prolonged or frequently repeated skin contact may cause allergic reaction in some individuals.

STORAGE AND DISPOSAL

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

Pesticide Storage: Store in original container only. In case of leak or spill, use absorbent materials to contain liquids and dispose as waste.

Pesticide Disposal: Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal Law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste Representative at the nearest EPA Regional Office for guidance.

Nonrefillable Container Disposal (rigid, 5 gallons or less): Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container ¼ full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat the procedure two more times. Then offer for recycling (if available) or reconditioning, or puncture and dispose of in a sanitary landfill, or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

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FPL042810

Fungicide

(

ron* Liquid Concentrate, 67690-1

SPC - _____

Net contents _____

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[Label Booklet Text]

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

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.)

Corrosive. Causes skin burns. Harmful if swallowed or inhaled. Causes moderate eye irritation. Do not get in eyes, on skin or on clothing. Avoid breathing spray mist. Prolonged or frequently repeated skin contact may cause allergic reaction in some individuals.

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 A on an EPA chemical-resistant category selection chart.

Applicators and other handlers must wear:

- Coveralls worn over long-sleeved shirt and long pants;
- Socks and chemical-resistant footwear;
- Chemical-resistant gloves such as Nitrile, Butyl, Neoprene and/or Barrier Laminate;
- Chemical-resistant headgear for overhead exposure; and
- Chemical-resistant apron when mixing, loading or cleaning equipment.

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 exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

USER SAFETY RECOMMENDATIONS

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

FIRST AID	
If on skin or clothing	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Call a poison control center or doctor for immediate treatment advice. • Have person sip a glass of water if able to swallow. • Do not induce vomiting unless told to do so by a poison control center or doctor. • Do not give anything by mouth to an unconscious person.
If inhaled	<ul style="list-style-type: none"> • Move person to fresh air.

	<ul style="list-style-type: none"> • 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.
If in eyes	<ul style="list-style-type: none"> • 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.
<p>Have the product container or label with you when calling a poison control center or doctor, or going for treatment. In case of emergency endangering health or the environment involving this product, call INFOTRAC at 1-800-535-5053.</p>	

NOTE TO PHYSICIAN: Probably mucosal damage may contraindicate the use of gastric lavage. Contains petroleum distillates. Vomiting may cause aspiration pneumonia.

ENVIRONMENTAL HAZARDS

This product is toxic to fish. Do not apply directly to water or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwater.

PROP 65 NOTICE: This product contains a chemical known to the State of California to cause cancer.

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.

For early entry into 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, wear:

- Coveralls worn over long-sleeved shirt and long pants;
- Socks and chemical-resistant footwear; and
- Chemical-resistant gloves such as Nitrile, Butyl, Neoprene and/or Barrier Laminate.

GENERAL INFORMATION

Pipron for the Control of Powdery Mildew

Pipron Liquid Concentrate fungicide is highly effective against powdery mildew-causing fungi. Pipron Liquid Concentrate is particularly designed as an eradicant fungicide for treatment of crops in Integrated Pest Management (IPM) programs, when disease conditions are present, or after initial infestations are noted.

Resistance Management Recommendations

Pipron Liquid Concentrate contains a Group 5 Fungicide. Fungal isolates with acquired resistance to Group 5 may eventually dominate the fungal population if Group 5 fungicides are used repeatedly in the same field or in successive years as the primary method of control for targeted species. This may result in partial or total loss of control of these species by Pipron Liquid Concentrate or other Group 5 fungicides.

General Use Precautions

Do not apply this product through any type of irrigation system.

Pipron Liquid Concentrate has been shown to be safe and effective on certain cultivars of the plants types listed in Table 1, except as noted under *Comments*. For the plant types listed, users should conduct tests on a small scale basis to confirm plant safety under local growing conditions. Before using Pipron Liquid Concentrate on plant types and cultivars not listed, first test Pipron Liquid Concentrate on a small-scale basis to confirm efficacy and plant safety.

Application Directions

Mix Pipron Liquid Concentrate with water and apply as a spray to the plants. Sufficient pressure and volume of water should be used in spraying Pipron Liquid Concentrate to ensure thorough coverage of all plant surfaces. Special care should be taken to thoroughly wet new terminal growth and plant areas already infected with powdery mildew. Better disease control may be achieved when applications are made in early morning or evening when the foliage will remain moist longer. Under certain conditions, such as hard to wet rose leaves or dense mildew growth, the use of a surfactant is recommended to enhance efficacy. Refer to surfactant label for dose, compatibility, and plant safety information.

Mixing Instructions: Fill the spray tank $\frac{1}{2}$ - $\frac{3}{4}$ full with water, and the proper amount of Pipron Liquid Concentrate, then add the rest of the water. Agitate constantly during mixing and application to maintain a uniform emulsion.

For broader spectrum control, Pipron Liquid Concentrate can be mixed with other fungicides and insecticides. Check compatibility for tank-mixes. Observe all directions, precautions, and limitations on label of all products used in tank-mixes.

Tank-Mixing: If Pipron Liquid Concentrate is tank-mixed with other products, use the following sequence:

1. Always check the compatibility of the tank-mix using a jar test with proportionate amounts of Pipron Liquid Concentrate, other chemicals to be used, and water, before mixing in the spray tank.
2. Provide sufficient jet or mechanical agitation during filling and application to keep the tank-mix uniformly suspended.
3. Fill tank at least $\frac{1}{2}$ full of clean water.

4. Add wettable powders to the tank first, allowing them to completely suspend in the tank before proceeding. This process can be hastened by premixing the product in water before adding to the tank.
5. Add flowables or suspensions next.
6. Add Pipron Liquid Concentrate and other emulsifiable concentrates last.
7. Do not leave tank-mix combinations in the spray tank for prolonged periods without agitation. Mix and apply them the same day.
8. You must test the tank-mix on a small number of plants to confirm efficacy and plant safety.

It is recommended that Pipron Liquid Concentrate not be tank-mixed with Pentac® Aqua Flow and Mavrik® Aqua Flow.

Rates and Spraying Schedule: To control powdery mildew, add to each 100 gallons of water 4 to 8 fluid ounces of Pipron Liquid Concentrate. If a surfactant is to be used, add to the diluted Pipron Liquid Concentrate emulsion.

Apply the low rate soon after the first leaves expand or the first symptoms of powdery mildew appear. Use the high rate if powdery mildew is already present.

TABLE 1	
Plant Type	Comment
African Violet	
Begonia	Treatment of certain Hiemalis cultivars has resulted in flower spotting when treated after flower initiation. All begonia cultivars should be evaluated for similar flower spotting.
Catalpa	
Chrysanthemum	
Dahlia	
Gerbera Daisy	
Grape Leafed Ivy	Not for use in California
Hydrangea	Do not treat after flower buds are visible.
Kalanchoe	
Lilac	
Monarda	
Phlox	
Poinsettia	There have been reports of spotting on mature bracts. Preliminary tests should be completed as noted below on a small scale and then evaluated for crop sensitivity under local greenhouse conditions.
Roses, Cut	
Roses, Potted	
Verbena, Annual	
Zinnia	

¹ **NOTE:** Certain cultivars may be sensitive to the final solution. Even with plants mentioned above, users should check for sensitivity by testing a small number of plants prior to treating an entire area. Wait several days before evaluating for crop injury.

Plant Tolerance: Neither the manufacturer nor the seller has determined whether or not Pipron Liquid Concentrate can be used safely on all ornamental plants. Prior to any large application, the user should determine the safety of Pipron Liquid Concentrate by testing on a

small number of plants to be treated at the recommended rates. Observe the treated plants for symptoms of phytotoxicity several days after treatment.

STORAGE AND DISPOSAL

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

Pesticide Storage: Store in original container only. In case of leak or spill, use absorbent materials to contain liquids and dispose as waste.

Pesticide Disposal: Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal Law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste Representative at the nearest EPA Regional Office for guidance.

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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, to the extent consistent with applicable law, 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

SePRO Corporation warrants that the 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 CONSISTENT WITH APPLICABLE LAW, SEPRO CORPORATION MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

INHERENT RISKS OF USE

It is impossible to eliminate all risks associated with use of this product. Plant injury, lack of performance, or other unintended consequences may result because of such factors as use of the product contrary to label instructions (including conditions noted on the label such as unfavorable 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 SePRO Corporation or the seller. To the extent consistent with applicable law, all such risks shall be assumed by buyer.

LIMITATION OF REMEDIES

To the extent consistent with applicable 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 SePRO Corporation's election, one of the following:

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

To the extent consistent with applicable law, SePRO Corporation shall not be liable for losses or damages resulting from handling or use of this product unless SePRO Corporation is promptly notified of such losses or damages in writing. To the extent consistent with applicable law SePRO Corporation shall not 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 SePRO Corporation or the seller is authorized to vary or exceed the terms of the *Warranty Disclaimer* or this *Limitations of Remedies* in any manner.

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*Trademark of SePRO Corporation

Pentac Aquaflow is a registered trademark of Sandoz Agro, Inc.
Mavrik Aquaflow is a registered trademark of Wellmark International