

73917-6

09/24/2003

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U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs
Registration Division (7505C)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

EPA Reg. Number:

73917-6 ✓

Date of Issuance:

SEP 24 2003

NOTICE OF PESTICIDE:

Registration
 Reregistration

(under FIFRA, as amended)

Term of Issuance:

Conditional

Name of Pesticide Product:

PoaConstrictor Herbicide

Name and Address of Registrant (include ZIP Code):

AgValue, Inc.
1124 N. Chinowth Avenue
Visalia, CA 93291

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide and Rodenticide Act.

Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is conditionally registered in accordance with FIFRA sec. 3(c)(7)(A) provided that you:

1. Submit and/or cite all data required for registration/reregistration of your product when the Agency requires all registrants of similar products to submit such data.
2. Make the following label change:
 - a. Revise the EPA Registration Number to read, "EPA Reg. No. 73917-6".

Signature of Approving Official

Joanne J. Miller

Date:

SEP 24 2003

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

A stamped copy of the label is enclosed for your records.

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

Enclosures

ACCEPTED
SEP 24 2003
Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under
EPA Reg. No. 73917-6



POA CONSTRICTOR

Herbicide

NOT FOR USE ON COMMERCIAL SOD FARMS IN ARIZONA
SUSPENSION CONCENTRATE HERBICIDE

Selective Herbicide For Use By Professional Applicators On Ornamental Turf Only

Active Ingredients:	
Ethofumesate: (2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate)*	42%
Inert Ingredients**	58%
Total	100%

*This product contains 4 lbs. active ingredient per gallon.

EPA Reg. No. 73917-

EPA Est. No.

Keep Out of Reach of Children
CAUTION PRECAUCION

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle.
(If you do not understand this label, find someone to explain it to you in detail.)

For 24-Hour Emergency Contact, call CHEMTREC (1-800-424-9300)

FIRST AID	
IF SWALLOWED:	<ul style="list-style-type: none"> • Call a 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 by a poison control center or doctor. • Do not give anything by mouth to an unconscious person.
IF IN EYES:	<ul style="list-style-type: none"> • Hold eyes 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. • Call a poison control center or doctor for treatment advice.
IF ON SKIN:	<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.
Have the product container or label with you when calling a poison control center or doctor or going for treatment.	

Net Contents: 2 Quarts

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

CAUTION

Harmful if swallowed, inhaled, or absorbed through skin. Avoid contact with skin, eyes, or clothing. Avoid breathing vapor or spray mist.

Personal Protective Equipment (PPE)

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Waterproof gloves
- Shoes plus socks

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 Statement

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.

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 outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

Environmental Hazards

For terrestrial users, do not apply directly to water, or to areas where surface water is present, or to intertidal areas below mean high water mark. Do not apply when weather conditions favor drift from target area. Do not contaminate water when disposing of equipment washwaters.

STORAGE AND DISPOSAL

Storage: Protect PoaConstrictor Herbicide from freezing temperatures.

Pesticide Disposal: Do not contaminate water, food, or feed by storage or 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.

Container Disposal: 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.

**DO NOT REUSE EMPTY CONTAINER
SHAKE CONTAINER WELL BEFORE USING**

General Information

PoaConstrictor Herbicide is an suspension concentrate formulation containing 4 lbs. active ingredient per U.S. gallon for use on established perennial ryegrass, Kentucky bluegrass, creeping bentgrass, turf-type tall fescue, St. Augustinegrass, and dormant bermudagrass for the control and/or suppression of specific annual grasses and broadleaf weeds. It may also be used, as directed, after overseeding specific grasses.

PoaConstrictor is intended for professional use only on the ornamental turf of sites such as golf courses, sod farms, parks, cemeteries, lawn of commercial establishments and homeowner lawns (see *Use Precautions* below).

PoaConstrictor has both preemergent and early (two-leaf stage) postemergent activity; it is used most effectively in programs emphasizing both approaches.

Weed Species Controlled

PREEMERGENCE

Annual Grasses

Annual bluegrass	<i>Poa annua</i>	Green foxtail	<i>Setaria viridis</i>
Large crabgrass	<i>Digitaria sanguinalis</i>	Yellow foxtail	<i>Setaria glauca</i>
Smooth crabgrass	<i>Digitaria ischaemum</i>	Canarygrass	<i>Phalaris canariensis</i>
Barnyardgrass	<i>Echinochloa crus-galli</i>		

Annual Broadleaves

Burclover	<i>Medicago sp.</i>	Common purslane	<i>Portulaca oleracea</i>
Common chickweed	<i>Stellaria media</i>	Redroot pigweed	<i>Amaranthus retroflexus</i>

PoaConstrictor will also reduce competition from:

Yellow nutsedge	<i>Cyperus esculentus</i>	Purple nutsedge	<i>Cyperus rotundus</i>
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POSTEMERGENCE

Annual Grasses

Annual bluegrass	<i>Poa annua</i>
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Annual Broadleaves

Common chickweed	<i>Stellaria media</i>	White clover	<i>Trifolium repens</i>
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PREEMERGENCE/EARLY POSTEMERGENCE

Annual Grasses

Smooth crabgrass

Digitaria ischaemum

Large crabgrass

Digitaria sanguinalis

Use Precautions

- PoaConstrictor should be used only for recommended purposes and at the recommended rates (DO NOT OVERAPPLY).
- Avoid spray overlap or turf injury may occur.
- Use of a spray colorant or indicator in the spray tank is recommended so that spray pattern overlapping can be avoided.
- Do not apply with flood jet nozzles and hand-held sprayers, since treatments may not be uniform.
- DO NOT apply this product through any type of irrigation system.
- PoaConstrictor application is most effective on healthy, vigorously growing turf.
- PoaConstrictor may be applied to homeowner lawns by licensed or certified applicators. PoaConstrictor is not intended for use by homeowners.
- Overseeding is recommended in conjunction with PoaConstrictor applications to achieve conversion to desired turfgrass species and to avoid stand thinning due to annual bluegrass loss.
- When overseeding, use the rate of PoaConstrictor recommended for the overseeded species. In mixed stands of established turfgrasses, use the rate recommended for the least tolerant species.
- Do not apply PoaConstrictor within 8 weeks following the application of a Plant Growth Regulator. A PoaConstrictor program may be initiated on creeping bentgrass 3 weeks after a single application of PRIMO* has been applied.
- PoaConstrictor application is recommended for golf course fairways, roughs, and tees but at fairway-height only. Do not apply to putting greens.
- Do not apply PoaConstrictor to zoysiagrass and hard or fine fescue; serious injury may result.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Do not graze livestock on treated turf. Do not feed treated grass clippings to livestock. Read entire Use Precautions, Directions for Use, and Disclaimer of Warranties before using this product.

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 in your State 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 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
- Shoes plus socks
- Waterproof gloves

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 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 area until sprays have dried.

Spray Equipment, Application, and Precautions

Apply PoaConstrictor Herbicide using standard, low pressure (20 to 50 psi) spray equipment. Spray equipment should be carefully calibrated before use and checked frequently during application. Addition of a spray indicator may improve treatment uniformity. The tank and line should be cleaned and rinsed before and after using PoaConstrictor.

Varietal Tolerance

The following turfgrass cultivars have shown tolerance to PoaConstrictor Herbicide; however, all species and varieties have not been tested. Ethofumesate has been used safely on the following turfgrass cultivars, but its use is not strictly limited to these. Before large scale use of PoaConstrictor on other cultivars, a tolerance test on a small area is recommended.

- **PERENNIAL RYEGRASS**—Acclaim, Blazer, Dasker, Derby, Elka, Fiesta, Goalie, Hunter, Linn, Loretta, Manhattan II, Palmer, Pennfine, Regal, Yorktown
 - **KENTUCKY BLUEGRASS**—Adelphi, American, Aspen, Asset, Challenger, Classic, Emundi, Huntsville, Georgetown, Glade, Haga, Julic, Liberty, Merit, Midnight, Monopoly, Mystic, Parade, Rugby, Sydsport, Touchdown.
- DO NOT APPLY to the following cultivars: Northstar, Explorer, Limousine, RAN I and Total Eclipse.

- **CREeping BENTGRASS**—Carmen, Cobra, Highland, Lopez, Mariner, National, Penncross, Providence, Putter, Southshore, SR1020, and Viper have shown good to excellent tolerance to PoaConstrictor Herbicide. Injury has been noted on Emerald, Penneagle, and Pennlinks occasionally. PoaConstrictor may cause serious injury to Cohansey, Colonial, south German varieties, Egmont, Bardot, Tracenta, Allure, Astoria, and SR7100.
- **TURF-TYPE FALL FESCUE**—America, Arid, Mustang
- **ST. AUGUSTINEGRASS**—Raleigh
- **DORMANT BERMUDAGRASS**—Tifgreen, Tidwarf, Common bermudagrass is more susceptible to PoaConstrictor than hybrid bermudagrass.

General Recommendations

Fall applications to turfgrass sites to control annual bluegrass are most effective if application is initiated during the period of maximum weed germination and ended as close to the first killing freeze as possible. Spring applications may be made during the period of maximum weed germination. Consult the university extension service or weed science specialist for these dates in your locality. Spring applications are most effective following fall applications.

SEE CHART FOR USE RATES AND TIMINGS. READ TEXT BELOW FOR SPECIFIC RECOMMENDATIONS FOR EACH TYPE OF GRASS!

COOL SEASON TURFGRASSES

I. Perennial Ryegrass

Application to perennial ryegrass is recommended in fall and/or spring during the primary period of annual bluegrass germination, and up to 30 days after annual bluegrass emergence. Annual bluegrass is easiest to control when young and newly emerged. Spring applications should be used in conjunction with fall applications. Consult Extension Service or University weed specialists for date(s) annual bluegrass germinates in your area.

When overseeding with perennial ryegrass, apply PoaConstrictor Herbicide to the seeded area 1 to 2 weeks after emergence of the ryegrass seedlings, when the seedlings are approximately 1" tall or after the first cutting. For overseeding, the soil should be prepared according to recommended practice. Remove or thoroughly work thatch, as it can reduce the effectiveness of the PoaConstrictor treatment. Delay application of straw or other mulch until after PoaConstrictor application. Application to overseeded perennial ryegrass in the fall or spring will also reduce competition from selected broadleaf weeds and crabgrass.

II. Kentucky Bluegrass

Apply PoaConstrictor Herbicide to bluegrass not less than 8 weeks after emergence. Bluegrass overseeded with ryegrass may be treated one to two weeks after ryegrass emergence.

Do not reseed with Kentucky bluegrass until 6 weeks after the last PoaConstrictor application. For fall application programs of PoaConstrictor, alternatives are to seed dormant bluegrass in the late fall or to delay reseeding until the spring. Kentucky bluegrass sod quality during the spring may be reduced following fall applications of PoaConstrictor.

III. Creeping Bentgrass

PoaConstrictor Herbicide may be applied safely to bentgrass cut at fairway height. PoaConstrictor use should be avoided in poorly drained and/or heavily shaded turf areas which are more prone to herbicide injury. Tank mixing with soluble or controlled release nitrogen at (.1 to .25 lb N per 11000 ft²) with PoaConstrictor may improve creeping bentgrass turf tolerance and improve creeping bentgrass coloration.

A spring application of PoaConstrictor following fall applications is useful in further reducing populations of annual bluegrass. Apply PoaConstrictor in the spring after creeping bentgrass has resumed active growth and has achieved full green-up.

Do not apply PoaConstrictor to renovated or overseeded bentgrass fairway turf less than three (3) to four (4) weeks after seedling emergence.

Do not overseed with creeping bentgrass until three (3) to four (4) weeks after the last PoaConstrictor application.

IV. Turf-Type Tall Fescue

Apply PoaConstrictor Herbicide to turf-type tall fescue in the fall. If overseeding with turf-type tall fescue, PoaConstrictor application and the seeding may be simultaneous.

WARM SEASON TURFGRASSES

I. St. Augustinegrass (Established Turf)

Apply PoaConstrictor Herbicide to St. Augustinegrass in the spring and early summer to suppress bermudagrass and Bermudagrass seedhead formation or control annual bluegrass. Best results are achieved when multiple applications are made.

PoaConstrictor suppresses the development of actively growing Bermudagrass in established St. Augustine Sod. Begin PoaConstrictor applications when Bermudagrass first breaks dormancy in the spring. Application timing is critical to achieve optimum results and will vary depending on location and temperature. A second application of PoaConstrictor should be made 21-28 days after the first application. For optimum suppression, a third application may be necessary 21-28 days after the second application. Temporary stunting and minor discoloration of St. Augustinegrass may occur after application. To improve suppression, PoaConstrictor may be tank-mixed with Atrazine in each application (Atrazine at up to 2 lb ai/A for first application and 0.75 lb - 1 lb ai/A triazine for second or third application). DO NOT treat St. Augustinegrass that has not been established for six months. DO NOT treat St. Augustinegrass that is under stress or injury may occur. If the St. Augustinegrass shows signs of severe yellowing or stunting, discontinue applications.

II. Overseeded Dormant Bermudagrass

Apply PoaConstrictor Herbicide to overseeded bermudagrass in late fall, one to two weeks after emergence of overseeded perennial ryegrass to control annual bluegrass. Treatment to turf that is not fully dormant may cause early injury and/or delayed spring green-up. Applications of 32 to 36 oz. of PoaConstrictor per acre have shown acceptable control of annual bluegrass with minimum injury to nondormant (or predormant) bermudagrass when applied in late November or early December. Lower rates have shown lesser annual bluegrass control and higher rate have shown more bermudagrass injury when the bermudagrass is not fully dormant. The onset of dormancy will vary according to location and yearly weather. One or two supplemental applications at 21 to 28 day intervals may be required to maintain control through the winter months. **DO NOT APPLY** more than two applications of PoaConstrictor when treating nondormant bermudagrass. The final PoaConstrictor application should be made to bermudagrass no later than February 1st or 4 weeks prior to breaking of winter dormancy. Late applications (within 4 weeks of breaking dormancy) to turf that will be breaking dormancy may temporarily delay resumption of active growth (spring green-up) of bermudagrass in the spring. The breaking of winter dormancy will vary according to location and yearly weather. Application of PoaConstrictor Herbicide to bermudagrass that is stressed due to shade, poorly drained soils, and high traffic may result in increased turf injury. Avoid use of PoaConstrictor or use lower rates under these conditions. Care should be taken to keep the PoaConstrictor in the overseeded areas during the applications (particularly when making applications to nondormant bermudagrass) so that the ryegrass will mask any early injury or late transition in the spring. Higher seeding rate may also be helpful to minimize a thin stand appearance since annual bluegrass will be removed. Common bermudagrass in fairways or roughs may be more susceptible to herbicide injury than hybrid bermudagrass.

Recommended Rates and Timings¹

Turf Type	Main Target Pests	Start	# Apps	Application INT (Days)	Use Rate ²		Overseeding Safety Interval ³ (Weeks After Treatment)	Application Safety Interval ⁴ (Weeks After Emergence)
					Oz/Acre	Oz/ 1000 Sq. Ft.		
Ryegrass	Annual Bluegrass	Fall	2-3	21-28	32-64	3/4-1 1/2	1-2	1-2
		Spring ⁴	1-2	21-28				
Kentucky Bluegrass	Annual Bluegrass	Fall	2-3	21-28	24	9/16	6	8
Creeping Bentgrass	Annual Bluegrass	Fall	2-3	21-28	24	9/16	4	4
		Spring ⁴	1-2	21-28	24	9/16		
Turf-Type Tall Fescue	Annual Bluegrass	Fall	2-3	21-28	24-48	3/4-1 1/2	0	2-3
St. Augustinegrass (Est. Turf)	Bermudagrass Suppression	Spring	2-3	21-28	48-64	1 1/8-2 1/4	NA	NA
Overseeded (ryegrass) Bermudagrass:								
Dormant	Annual Bluegrass	Fall	2-3	21-28	24-64	9/16-1 1/2	NA	NA
Bermudagrass								
Nondormant	Annual Bluegrass	Fall	2	21-28	32-36	3/4-7/8	NA	NA
Bermudagrass								

¹ Refer to label text for further instructions regarding each grass species.

² Apply recommended rate of PoaConstrictor in 20 to 60 gallons of water per acre or 1 to 3 gallons of water per 1000 Ft².

³ Interval applies to overseeding specific grass on same type of grass after last PoaConstrictor treatment.

⁴ Use spring application after previous fall treatments only.

⁵ Refers to interval in which PoaConstrictor may be safely applied to specific grass following seed emergence.

NA - Not applicable.

PoaConstrictor Mixtures with Fertilizers

PoaConstrictor Impregnation on Dry Bulk Fertilizers

PoaConstrictor Herbicide may be impregnated on many dry bulk fertilizers (See "1" below.) and applied for the control of labeled grasses and broadleaf weeds. All PoaConstrictor label and supplementary literature instructions and precautions regarding rates per acre, soil type, application, and other directions must be followed. All individual State regulations relating to dry bulk fertilizer blending, registration, labeling and application are the responsibility of the individual and/or company selling the PoaConstrictor fertilizer mixtures. A minimum of 200 pounds and a maximum of 700 pounds of approved fertilizer ingredients impregnated with the appropriate amount of PoaConstrictor must be applied per acre. For impregnating the pesticide on dry fertilizers, use a closed rotary drum type mixer equipped with suitable spraying equipment. The spray nozzles should be positioned inside of the mixer to provide uniform spray coverage of the tumbling fertilizer. The PoaConstrictor should be sprayed uniformly onto the fertilizer using a fine spray pattern.

The physical properties of fertilizers vary, particularly in liquid absorptive capacity. When absorptivity is sufficient, simple spray impregnation of the fertilizer with PoaConstrictor provides a satisfactory dry mixture. If the absorptivity is not adequate, use of a highly absorptive powder is required to provide a dry, free-flowing mixture. Microcel E (Johns-Manville Products Corporation) is the recommended absorbent powder. It should be added separately and uniformly to the prepared pesticide/fertilizer mixture in a quantity that is sufficient to provide a suitably free-flowing mixture. Generally, less than 2% by weight of Microcel E is required.

The amount of PoaConstrictor actually required in the formulation of specific fertilizer mixtures should be calibrated carefully for each production operation. This is necessary to ensure that the amount of PoaConstrictor actually contained in the fertilizer mixture applied to the soil represents the correct dosage rate.

Bulk fertilizers impregnated with PoaConstrictor should be applied immediately, NOT STORED.

1. Approved dry fertilizer ingredients for use with PoaConstrictor

PoaConstrictor Impregnation on Dry Bulk Fertilizers

	N	P	K
Ammonium nitrate	34	0	0
Ammonium sulfate	21	0	0
Ammonium phosphate-sulfate	16	20	0
Diammonium phosphate	18	46	0
Monoammonium phosphate	11	56	0
Potassium chloride	0	0	60
Potassium sulfate	0	0	52
Single superphosphate	0	20	0
Triple superphosphate	0	46	0
Urea	45	0	0
PoaConstrictor Physical Data			
Density	1.14 g/cm3		
Pounds/gallon	9.50		
Flashpoint	Non-combustible		

PoaConstrictor with Liquid Fertilizer

The following procedure is suggested for evaluation of physical compatibility of PoaConstrictor Herbicide in mixtures with liquid fertilizers for spray tank applications.

Material Required

1. PoaConstrictor - components of tank sizes if intended for use
2. Liquid fertilizer to be used
3. Adjuvant for fertilizer tank mix: Compex* or E-Z Mix**
4. Two (or more) one quart, wide mouth containers with lids or stoppers
5. Measuring spoons (25 ml pipette or graduated cylinder provides more accurate measurement)
6. Measuring cup, 8 fl. oz. (237 ml)

*Compex, Kalo Laboratories, Inc., Kansas City, MO

**E-Z Mix, United Agri-Products, Greeley, CO

Procedure

1. Pour one pint (473 ml) of the liquid fertilizer into each of the quart containers.
2. Add adjuvant(s) to one or more of the containers and mix; follow label directions of adjuvant.
3. Add the PoaConstrictor and tank mix components to the containers (see rate table below).
4. Close the containers with lids or stoppers and mix contents by inverting the containers ten times.
5. Inspect the surface and body of mixture:
 - a. immediately after mixing,
 - b. after allowing mixtures to stand quietly for 30 minutes,
 - c. immediately after mixing again (invert the containers ten more times).

If uniform mixture does not occur, the spray tank mixture should not be used. If any of the mixtures remain uniform for 30 minutes, that mixture may be used in spray tank applications. Should any of the mixtures separate after 30 minutes but remix readily into a uniform mixture with inversion of the container, the mixture may be used provided that the adequate agitation is maintained in the spray tank. If a PoaConstrictor + fertilizer mixture utilizing an adjuvant is satisfactory, but the one without adjuvant is not, be sure to use the adjuvant in the spray tank at the rate recommended on the label which was used in the test.

If non-dispersible oil, sludge, or clumps of solids form in the mixtures, those combinations should not be used for spray tank application.

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

AgValue, Inc. 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. AgValue, Inc. 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 AgValue, Inc. 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 AgValue, Inc.'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

AgValue, Inc. shall not be liable for losses or damages resulting from handling or use of this product unless AgValue, Inc. is promptly notified of such loss or damage in writing. In no case shall AgValue, Inc. be liable for consequential, incidental or special damages or losses.

The terms of the Warranty Disclaimer above and this Limitation of Remedies cannot be varied by any written or verbal statements or agreements. No employee or sales agent of AgValue, Inc. or the seller is authorized to vary or exceed the terms of the Warranty Disclaimer or this Limitation of Remedies in any manner. Buyer accepts this product subject to the foregoing limitations of warranty and of liability.

AgValue, Inc. of Visalia, California 93291

