

74779-9

12/08/2009

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U.S. ENVIRONMENTAL PROTECTION AGENCY

Office of Pesticide Programs  
Registration Division (7505P)  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Washington, D.C. 20460

EPA Reg. Number:  
74779-9

Date of Issuance:  
DEC 8 2009

NOTICE OF PESTICIDE:

Registration  
 Reregistration  
(under FIFRA, as amended)

Term of Issuance: conditional

Name of Pesticide Product:  
RTSA HORTICULTURAL OIL

Name and Address of Registrant (include ZIP Code):

Mr. David L. Anderson  
Director, Manufacturing & Regulatory Affairs  
Rainbow Treecare™ Scientific Advancements.  
11571 K-Tel Drive  
Minnetonka, MN 55343

5856255  
300/1130  
5860773  
300/1180

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 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 of your product under FIFRA Sec. 3(c)(5) when the Agency requires all registrants of similar products to submit such data; and submit acceptable responses required for registration review.
2. Make the label changes listed below.
  - a. In the statement of ingredients, replace the term "Refined Petroleum Distillate" with "Mineral Oil". Footnote "Mineral Oil" with the phrase "Contains petroleum distillates".
  - b. Replace "EPA Reg. No. 74779-" with "EPA Reg. No. 74779-9".
  - c. After "EPA Est. No.", enter the correct EPA establishment number for the establishment that produces this product.

Signature of Approving Official:

Date:

DEC 8 2009

- d. In the “**FIRST AID**” box (page 2), change the order of treatments to that listed below.

**IF ON SKIN OR CLOTHING ...**  
**IF SWALLOWED ...**  
**IF IN EYES ...**  
**IF INHALED ...**

- e. Amend the paragraph under “**HAZARDS TO HUMANS AND DOMESTIC ANIMALS**” to read as shown below.

**CAUTION:** Harmful if absorbed through skin. Avoid contact with skin, eyes or clothing. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

- f. In the second sentence of the first third paragraph under “**PERSONAL PROTECTIVE EQUIPMENT (PPE):**”, change “category E” to “category G”.

- g. In the second bulleted item under “**Applicators and other handlers must wear:**”, replace “such as Barrier Laminate, Nitrile rubber, Butyl, Neoprene rubber or Viton” with “Barrier Laminate or Viton”.

- h. In the second sentence of the third paragraph under “**PERSONAL PROTECTIVE EQUIPMENT (PPE):**”, change “If no such instructions for washables” to “If there are no such instructions for washables” or “If no such instructions for washables exist”.

- i. In the third sentence of the “**ENVIRONMENTAL HAZARDS**” paragraph, change “wash waters” to “wash waters or rinsate”.

- j. Center the heading “**DIRECTIONS FOR USE**” and increase its type size so that it is clear that this heading subsumes all text from the general misuse statement (“It is a violation ... labelling”) through the sentence “1 gallon of oil per 100 gallons ... water” (currently at the top of page 7).

- k. Insert the heading “**Use Restrictions**” below the “**READ THE ENTIRE ... REGULATIONS**” paragraph and above the sentence “Do not apply this product through any type of irrigation system.”

- l. In the last sentence of the last paragraph in the “**AGRICULTURAL USE REQUIREMENTS**” box, replace “(such as Nitrile, Butyl, Neoprene, and/or Barrier Laminate)” with “made of any waterproof material”.

- m. In the “**NON-AGRICULTURAL USE REQUIREMENTS**” box, replace “Keep children and pets out of the treated area until sprays have dried” with “Do not enter or allow others to enter until sprays have dried.”

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- n. Immediately below the “**STORAGE AND DISPOSAL**” box, insert the spray drift management text shown below.

### **SPRAY DRIFT MANAGEMENT**

A variety of factors including weather conditions (e.g., wind direction, wind speed, temperature, and relative humidity) and method of application (e.g., ground or airblast) can influence pesticide drift. The applicator and grower must evaluate all factors and make appropriate adjustments when applying this product.

**Wind Speed:** Do not apply at wind speeds greater than 15 mph at the application site.

**Temperature Inversions:** If applying at wind speeds less than 3 mph, the applicator must determine if a) conditions of temperature inversion exist, or b) stable atmospheric conditions exist at or below nozzle height. Do not make applications into areas of temperature inversions.

**Droplet Size:** Apply as a medium or coarser spray (ASABE standard 572), and the minimum volume mean diameter (VMD) for spinning atomizer nozzles.

For **Ground-based Equipment Applications**, apply using a nozzle height of no more than 4 feet above the ground or crop canopy.

For **Airblast Applications**, turn off outward pointing nozzles at row ends and when spraying the outer row. To minimize spray loss over the top in applications to trees, spray must be directed into the canopy.

- o. Delete the heading “**GENERAL USE DIRECTIONS**” (page 4). Move the sentence below that heading to page 3 so that it becomes the first item under “**Use Restrictions**” (i.e., above the sentence “Do not apply this product through any type of irrigation system.” Edit the text of the sentence being moved so that it reads as shown below.

This product may be used on the plants listed on this label when they are growing on utility rights-of-way, residential areas, urban areas, or other non-crop areas, as well as on Christmas tree farms.

- p. In item “4.” under “**Mixing Directions**”, insert “the tank is” between “when” and “3/4 full”.

- q. Delete the second period from the end of the sentence under the subheading "**Application Instructions**".
- r. In the "**Dilute Applications.**" paragraph, replace "**Dilute Applications. Defined**" with "**Dilute Applications are defined**". Between the last two sentences of this paragraph, insert the sentence "Do not exceed 1500 gallons of spray per acre".
- s. Move the 8 "**Notes:**" items from page 5 to page 3 and insert them directly above the "**AGRICULTURAL USE REQUIREMENTS**" box. Present those items as shown below. Note that the first 4 items will become part of the "**Use Restrictions**" text.

Do not apply during periods of drought or when plants exhibit moisture stress.

Do not spray when there is obvious moisture deficit in leaves, or the plant is under stress.

Spray only when the temperature is above 40°F and there is no danger of freezing.

Shake well before use. If product is in a drum, roll the drum before use.

**Use Precautions**

All horticultural oils interfere with or slow plant transpiration and respiration during the period of evaporation.

Phytotoxicity may result if product is sprayed on plants during periods of prolonged high temperature and high relative humidity.

Keep applications away from open blooms as bleaching and spotting has been observed with open blooms of certain plants.

Protect painted surfaces, carpet and furnishings from overspray, as discoloration may occur.

- t. In the first sentence of the first paragraph under "**Tank Mixes**", replace "May" with "This product may". In the next-to-last sentence of the second paragraph under the same heading, change "residue" to "residues".
3. Submit two copies of the revised final printed label for the record. Additional label changes may be required for this product as a consequence of the reregistration of the source product for this registration.

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- 4. The reference on the label to the website "www.treecarescience.com" means that the website constitutes labeling under Section 2(p)(2)(B) of FIFRA and is subject to review by the Agency. If the website contained false or misleading information, the product would be misbranded, as defined in Section 2(q)(1)(A) of FIFRA, and unlawful to sell or distribute under Section 12(a)(1)(E) of FIFRA. 40 CFR §156.10(a)(5) lists categories of statements that are among those that EPA considers to be false or misleading. Regardless of whether a website is referenced on the label or labeling of a pesticide product, claims made on the website may not differ substantially from the claims approved for the product through the registration process. If EPA finds that a website contains false or misleading statements or claims substantially different from those accepted for the product, the website will be referred to the EPA's Office of Enforcement and Compliance Assurance.

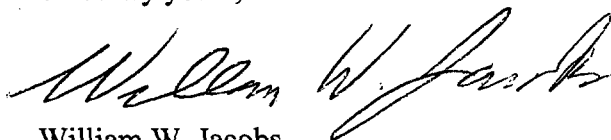
The Confidential Statement of Formula (CSF) dated "October 14, 2009" is accepted. That CSF describes the only formulation that may be used for this product. The CSF dated "August 13, 2009" is not accepted as you have indicated that you intended for it to be replaced by the CSF dated "October 14, 2009".

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.

If you have any questions regarding this letter, you may reach me by phone at 703-305-6406, by FAX at 703-308-0029, or via e-mail at [jacobs.bill@epa.gov](mailto:jacobs.bill@epa.gov).

Sincerely yours,



William W. Jacobs  
Insecticide-Rodenticide Branch  
Registration Division (7505P)

6/13

# RTSA Horticultural Oil

**KEEP OUT OF REACH OF CHILDREN  
CAUTION**

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.)

See Side/Back Panel for Additional Precautionary Statements, First Aid and Directions for Use

A superior spray oil for insect, mite and fungal pests on fruit trees and ornamentals.

Active Ingredient	
Refined Petroleum Distillate*.....	98.8%
Other Ingredients:.....	1.2%
Total	100%
*Unulfonated Residue of Petroleum Distillate .....	92.0% Min
*50% Distillation Point of Petroleum Distillate .....	414.0 °F
*Flash Point .....	345.0 °F
Weight per Gallon .....	7.1 lbs

EPA Reg. No. 74779-

EPA Est. No.

**Net Contents:**

Rainbow Treecare Scientific Advancements  
 11571 K-Tel Drive Minnetonka, MN 55343  
 1-877-ARBORIST  
 1-877-272-6747  
 www.treecarescience.com

**ACCEPTED  
 With COMMENTS  
 In EPA Letter Dated:  
 DEC 8 2009**

**Under the Federal Insecticide, Fungicide  
 and Rodenticide Act, As amended, for the  
 pesticide Registered under EPA Reg. No:**

**74779-9**

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<b>FIRST AID</b>	
<b>IF SWALLOWED</b>	<ul style="list-style-type: none"><li>• Immediately call a poison control center or doctor.</li><li>• Do not induce vomiting unless told to do so by a poison control center or doctor.</li><li>• Do not give any liquid to the person.</li><li>• Do not give anything by mouth to an unconscious person.</li></ul>
<b>IF IN EYES</b>	<ul style="list-style-type: none"><li>• Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li><li>• Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.</li><li>• Call poison control center or doctor for treatment advice.</li></ul>
<b>IF ON SKIN OR CLOTHING</b>	<ul style="list-style-type: none"><li>• Take off contaminated clothing.</li><li>• Rinse skin immediately with plenty of water for 15-20 minutes.</li><li>• Call poison control center or doctor for treatment advice.</li></ul>
<b>IF INHALED</b>	<ul style="list-style-type: none"><li>• Move person to fresh air</li><li>• If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible.</li><li>• Call a poison control center or doctor for treatment advice.</li></ul>
<b>HOT LINE NUMBER</b>	
Have the product container or label with you when calling a poison control center or doctor or going for treatment. For 24 hour medical emergency assistance (human or animal), or chemical emergency assistance (spill, leak or accident). Call CHEMTREC at 1-800-424-9300.	
<b>NOTES TO PHYSICIAN</b>	
Petroleum distillate poses aspiration pneumonia hazard. Only minor irritation should be expected from any type of exposure other than pulmonary aspiration. Ingestion may result in some gastroenteritis and mild diarrhea. Since systemic toxicity is not expected, the added risk of aspiration from attempts to induce vomiting or lavage are deemed not warranted.	

**PRECAUTIONARY STATEMENT  
HAZARDS TO HUMANS AND DOMESTIC ANIMALS**

**CAUTION:** Harmful if swallowed or absorbed through skin or inhaled. Prolonged or frequently repeated skin contact may cause allergic reaction in some individuals. This product is a potential skin sensitizer. Causes moderate eye irritation. Avoid contact with eyes, skin, or clothing. Avoid breathing spray mist. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

**PERSONAL PROTECTIVE EQUIPMENT (PPE):**

Some materials that are chemical-resistant to this product are listed below. If you want more options, follow the instruction for category E on an EPA chemical-resistant category selection chart.

**Applicators and other handlers must wear:**

- Long-sleeved shirt and long pants
- Chemical resistant gloves (such as Barrier Laminate, Nitrile rubber, Butyl, Neoprene rubber or Viton)
- Shoes plus socks

Follow manufacturer's instructions for cleaning and maintaining PPE. If no such instructions for washables,

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

**Engineering control statements:**

When handlers use closed systems, or enclosed cabs in a manner that meets with 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/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.

**ENVIRONMENTAL HAZARDS**

This pesticide 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 wash waters. Apply this product only as specified on the label.

**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 PRECAUTIONARY STATEMENTS AND DIRECTIONS AND WITH APPLICABLE STATE AND FEDERAL REGULATIONS.**

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

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.

Do not apply this product by air.

**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 4 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is: coveralls over long-sleeved shirt and long pants, shoes plus socks and chemical-resistant gloves (such as Nitrile, Butyl, Neoprene, and/or Barrier Laminate).

**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 children and pets out of the treated area until sprays have dried.

#### STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal. Open dumping is prohibited. Do not reuse empty container.

**Pesticide Storage:** Keep container closed when not in use. Do not store near food or feed. Protect from freezing. In case of spill or leak on floor or paved surfaces, soak up with sand, earth, or synthetic absorbent. Remove to chemical waste area.

**Pesticide Disposal:** Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law. If these 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:

Non-refillable container: Do not reuse or refill this container. Triple rinse or pressure rinse container (or equivalent) promptly after emptying. Offer for recycling, if available or puncture and dispose of in a sanitary landfill, or incineration, or if allowed by state and local authorities, by burning. If burned, stay out of smoke.

(non-refillable <5 gallons) 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 this procedure two more times.

(non-refillable >5 gallons): Triple rinse as follows: Empty the remaining contents into application equipment or mix tank. Fill the container ¼ full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times.

Pressure rinse as follows: Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank or collect rinsate for later use for disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 PSI for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

#### GENERAL USE DIRECTIONS

For use on the plants listed on this label which are growing on utility rights-of-way, residential areas, urban areas, other non-crop areas as well as on Christmas tree farms.

#### Mixing Directions

1. Use only in equipment with sufficient agitation to keep spray thoroughly mixed. Be sure tank is clean.
2. Partially fill tank with water and start agitator.
3. Add other desired pesticide. If wettable powder formulation, mix the water and powder thoroughly so that the powder is totally suspended in the water before the oil is added. If other pesticide to be added is an emulsifiable formulation, add after the oil and water have been thoroughly mixed.
4. Add oil under agitation, when ¾ full topping off with water to form milky solution.
5. Maintain agitation until solution is used.

- 6. In small equipment lacking agitators, stir or shake diluted spray frequently during application.
- 7. Flush fluid in sprayer hose lines back into tank reservoir if fluid is allowed to stand for more than 20 minutes.

**Application Instructions**

To obtain adequate pest control, spray to obtain thorough coverage until completely wet but without significant runoff.

**Dilute Applications.** Defined as the number of gallons needed to completely cover the entire tree, but not to the point of runoff. For most tree fruits this can be as much as 300-400 gallons per acre or as low as 100 gallons per acre for smaller trees. For mature citrus trees this can be as much as 800-1500 gallons per acre. Dilute applications ensure the best coverage.

**Notes:**

- Shake well before use. If using drum, roll before use.
- All horticultural oils interfere with or slow plant transpiration and respiration during the period of evaporation.
- Do not apply during periods of drought or when plants exhibit moisture stress.
- Phytotoxicity may result if sprayed on plants during periods of prolonged high temperature and high relative humidity.
- Do not spray when there is obvious moisture deficit in leaves, or the plant is under stress.
- Keep away from open blooms, bleaching and spotting has been observed with open blooms of certain plants.
- Spray only when the temperature is above 40°F and there is no danger of freezing.
- Protect painted surfaces, carpet and furnishings from overspray as discoloration may occur.

**Tank Mixes**

May be tank mixed with other pesticides to improve the level of pest control. Use ¼ to 1% RTSA Horticultural Oil (0.25 – 1 gallon RTSA Horticultural Oil per 100 gallons of finished solution) in combination with other products or follow label directions for the product that the oil is to be mixed with. Test all combinations prior to use to ensure compatibility. The combination of RTSA Horticultural Oil with more than one pesticide is not recommended. Use caution and read and follow all directions and restrictions on the labels of the proposed tank mix products.

Do not tank mix with any insecticide, herbicide, fungicide, or miticide whose label indicates that it should not be used with oil. Do not use in combination with or immediately before or after spraying with Anilazine, Captan, captofol, cyprex, chlorothalonil, dimethoate, dinocap, dithianon, fentin hydroxide, fentinacetate, folpet, methiocarb, oxythioquinox, PMA, propargite, lime sulfur, wettable sulfur, or any other product containing sulfur. If possible, either keep the spray equipment used for these compounds separate from the equipment used for oil, or make sure that the sprayer is thoroughly cleaned so that no residue from these compounds remain. Do not use with Sevin brand 50W carbaryl on deciduous fruit trees.

PLANTS	PEST	Gallons of Oil per 100 gallons of water	APPLICATION TIMING	COMMENTS
Shade trees and ornamental plants including conifers, deciduous broadleaf evergreens & woody ornamentals in landscapes, along city streets, rights-of-ways, and other non-crop areas.	Aphids	2 – 3	Winter dormant period as needed	Do not spray more than 1 time per week. Do not spray when there is an obvious moisture deficit in leaves, or the plant is under stress.  Follow the spray schedule outlined
	Adelgids			
	Bugs (immature)	0.25 – 2	Summer (foliar or cover) as needed	
	Cankerworms			
	Certain caterpillars			
	Eriophyid mites			
	Gall mites			
	Lace bug			
	Leaf beetle larvae			
	Leafhoppers			
	Leaf miner			
	Leafrollers			

Flowers and foliage plants including roses and other flowering shrubs, foliage ornamentals and bedding plants	Leafhoppers Mealybug Plantbugs Psyllids Sawfly Scale Insects Mites Webworms Whiteflies Thrips Will kill other immature forms of insects if spray covers the insect.			in the <b>Directions for Use</b> or specified by your State Agricultural Extension Service Spray Guide for seasonal applications of Horticultural Spray Oils.
Residential fruit trees: apples, pears, pecan, peaches, plum, and prune	Apple red bug Fruit tree leaf roller European red mite San Jose scale Pear leaf blister mite Pear psylla Spider mites Plant bugs	1 - 3	Winter dormant period as needed	
		0.25 - 2	Summer (foliar or cover) as needed	
Residential Citrus	Scale Greasy spot Spot and sooty mold Spider mites Rust mites Whitefly	0.25 - 3	Apply post bloom	Oils applied after October may increase cold damage to citrus trees; applied in August and September may affect solid contents, may retard color.
	California red scale	1.3 - 1.6		

PLANTS	PEST	Fl. oz. of Oil per gallon of water	APPLICATION TIMING	COMMENTS
<b>Christmas Trees</b>	Adelgids Aphids Scale Spider mites	2 - 3	Winter dormant period as needed	
		0.75 - 2	Summer (foliar or cover) as needed	

Note: This product removes the glaucous (blue) bloom from such evergreens as Colorado Blue Spruce and Koster Spruce. Use with Caution and reduced dosage for summer application on Japanese Red Maple, Amur Maple and Black Walnut. Use with Caution and reduced dosage for dormant application on Sugar Maple, Redbud, Japanese Holly, Cryptomeria, Chamaecyparis, Red Cedar and Smoketree.

Use enough spray solution to completely penetrate the leaf canopy and cover both top and bottom of all of the leaves and stems until wet but without significant runoff.

1 gallon of oil per 100 gallons of water is approximately equal to 1.3 fl oz of oil per gallon of water.

**CONDITIONS OF SALE AND LIMITATION OF WARRANTY AND LIABILITY**

**Notice:** Read the entire Directions for Use and Conditions of Sale and Limitation of Warranty and Liability before buying or using this product. If the terms are not acceptable, return the product at once, unopened, and the purchase price will be refunded.

The Directions for Use of this product must be followed carefully. It is impossible to eliminate all risks inherently associated with the use of this product. Tree injury, ineffectiveness or other unintended consequences may result because of such factors as manner of use or application, weather or tree conditions, presence of other materials or other influencing factors in the use of the product, which are beyond the control of RAINBOW TREECARE SCIENTIFIC ADVANCEMENTS or seller. To the extent consistent with applicable law, all such risks shall be assumed by Buyer and User, and Buyer and User agree to hold RAINBOW TREECARE SCIENTIFIC ADVANCEMENTS and seller harmless for any claims relating to such factors.

RAINBOW TREECARE SCIENTIFIC ADVANCEMENTS warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated in the Directions for Use, subject to the inherent risks referred to above, when used in accordance with directions. This warranty does not extend to the use of the product contrary to label instructions, and Buyer and User assume the risk of any such use. **TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, RAINBOW TREECARE MAKES NO WARRANTIES OR MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY EXCEPT AS STATED ABOVE.**

To the fullest extent permitted by law, RAINBOW TREECARE SCIENTIFIC ADVANCEMENTS or Seller shall not be liable for any incidental, consequential or special damages resulting from the use or handling of this product. **TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY, CONTRACT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHERWISE) RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, SHALL BE THE RETURN OF THE PURCHASE PRICE OF THE PRODUCT OR, AT THE ELECTION OF RAINBOW TREECARE OR SELLER, THE REPLACEMENT OF THE PRODUCT.**

RAINBOW TREECARE SCIENTIFIC ADVANCEMENTS and Seller offer this product, subject to the foregoing Conditions of Sale and Limitation of Warranty and Liability, which may not be modified except by written agreement signed by a duly authorized representative of RAINBOW TREECARE SCIENTIFIC ADVANCEMENTS.

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**OPTIONAL MARKETING CLAIMS**

