

81943-36

2/18/2011

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

OFFICE OF
CHEMICAL SAFETY AND
POLLUTION PREVENTION

Ms. Sherry B. Hutcheson
Director, Regulatory Affairs
Phoenix Environmental Care, LLC
P.O. Box 370
Valdosta, GA 31603-0370

FEB 18 2011

Subject: Label Amendment: response to Ethofumesate RED
Product Name: Thrasher
EPA Reg. No. 81943-36
Application dated November 1, 2010

Dear Ms. Hutcheson:

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, is acceptable.

Amended labeling will supercede all previously accepted ones. A stamped copy of labeling is enclosed for your records.

Submit one (1) copy of final printed labeling before you release the product for shipment.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathryn V. Montague".

Kathryn V. Montague
Product Manager 23
Herbicide Branch
Registration Division (7505P)

2012

Thrasher Draft Label Revision and Amendment
Revised per EPA's instruction
February 10, 2011

Thrasher
HERBICIDE

NOT FOR USE ON COMMERCIAL SOD FARMS IN ARIZONA

Intended for sale and use by professional applicators.

ACTIVE INGREDIENTS:

Ethofumesate: (2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate)* 42%

OTHER INGREDIENTS: 58%

TOTAL: 100%

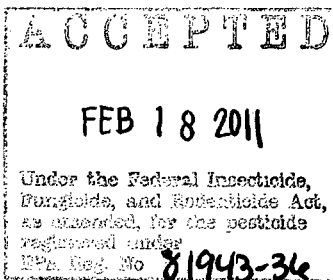
*This product contains 4 lbs. active ingredient per gallon.

HOT LINE NUMBER

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-888-875-1724 for emergency medical treatment information.

Phoenix Environmental Care, LLC
PO Box 370
Valdosta, GA 31603-0370

Net Contents: _____gallons
EPA Reg. No. 81943-36
EPA Est. No. _____



PERSONAL PROTECTIVE EQUIPMENT (PPE)

Some materials that are chemical-resistant to this product are made of any waterproof material. If you want more options, follow the instructions for category A on an EPA chemical-resistance category selection chart.

All mixers, loaders, applicators and other handlers must wear:

- Long-sleeved shirt,
- Long pants,
- Shoes plus socks, and
- Chemical-resistant gloves (except flaggers, or applicators in cockpits, and enclosed cabs)

See engineering controls for additional requirements.

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.

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.

On-Site Closed Mixing and Loading System Engineering Controls for Liquid Formulations

Mixers and loaders must use a closed system that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(4)] for dermal protection, and must: -- wear the personal protective equipment required in the PPE section of this labeling for mixers and loaders (this must consist of long-sleeve shirt, long pants, shoes, socks, chemical-resistant gloves, and chemical-resistant apron, or be listed here), -- wear protective eyewear, if the system operates under pressure, and -- be provided and must have immediately available for use in an emergency, such as a broken package, spill, or equipment breakdown: chemical-resistant footwear, and (insert the appropriate type of respirator, if there are inhalation concerns).

For Commerical Dry Bulk Fertilizer Impregnation Applications:

Handlers must use a closed system designed by the manufacturer to provide dermal and inhalation protection to enclose the pesticide to prevent it from contacting handlers or other people AND the system is functioning properly and is used and maintained in accordance with the manufacturer's written operating instructions.

The handlers:

- Must wear the PPE listed on this label and
- Must wear protective eyewear if the system operates under pressure
- Must have immediately available for use in an emergency, such as a spill, or equipment breakdown, chemical-resistant footwear and chemical-resistant apron.

Enclosed Cabs for Aerial Applicators

Pilots must use an enclosed cockpit that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240 (d) (6)].

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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

This pesticide may be toxic to fish and aquatic invertebrates. Do not apply directly to water, or to areas where surface water is present, or to intertidal areas below the mean high water mark. Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas. Do not contaminate water when disposing of equipment washwaters or rinsate.

DIRECTIONS FOR USE

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

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.

SPRAY DRIFT MANAGEMENT

This chemical can contaminate surface water through spray drift.

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

Wind Speed: Do not apply at winds speeds greater than 15 mph.

Temperature Inversions: Do not make applications into areas of temperature inversion or stable atmospheric conditions.

SHAKE CONTAINER WELL BEFORE USING

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

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- Chemical-resistant gloves made of any waterproof material.

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.

Do not enter or allow others to enter until sprays have dried.

Professional pesticide applicators applying to residential turf, including home lawns, parks, and recreation areas must inform their customers that all persons and pets must be kept off the treated turf until sprays have dried.

PRODUCT INFORMATION

THRASHER is a herbicide intended for use on ornamental turf such as golf courses, sod farms, parks, cemeteries and residential or commercial lawns, and after overseeding specific grasses. It may be used 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. Thrasher is intended for sale and use by professional applicators.

THRASHER has both preemergent and early (two leaf stage) postemergent activity; Works best in programs emphasizing both approaches. Thrasher is most effective on healthy, vigorously growing turf.

WEED SPECIES CONTROLLED

PREEMERGENCE

Annual Grasses

- Barnyardgrass *Echinochloa crus-galli*
- bluegrass, annual *Poa annua*
- Canarygrass *Phalaris canariensis*
- Crabgrass, large *Digitaria sanguinalis*
- Crabgrass, smooth *Digitaria ischaemum*
- Green foxtail *Setaria viridis*
- Yellow foxtail *Setaria glauca*

Annual Broadleaves

- Burclover *Medicago sp.*
- Chickweed, common *Stellaria media*
- Purslane, common *Portulaca oleracea*
- Pigweed, redroot *Amaranthus retroflexus*

THRASHER will also reduce competition from:

- Nutsedge, yellow *Cyperus esculentus*
- Nutsedge, purple *Cyperus rotundus*

POSTEMERGENCE

Annual Grasses

- Bluegrass, annual *Poa annua*

Annual Broadleaves

- Chickweed, common *Stellaria media*
- Clover, white *Trifolium repens*

PREEMERGENCE/EARLY POSTEMERGENCE

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Annual Grasses

| | |
|-------------------|------------------------------|
| Crabgrass, smooth | <i>Digitaria ischaemum</i> |
| Crabgrass, large | <i>Digitaria sanguinalis</i> |

USE RESTRICTIONS AND PRECAUTIONS:

Advisory Precautions:

- Spray overlap can cause turf injury due to over application. Use of a spray colorant or indicator is recommended so that spray overlap can be avoided.
- When using Thrasher, overseed to prevent stand thinning as a result of loss of annual bluegrass loss. Use the rate of Thrasher specified for the overseeded species when overseeding. In mixed stands of established turfgrasses, use the rate specified for the least tolerant species.
- Delay application of Thrasher at least 8 weeks after application of a Plant Growth Regulator, although a Thrasher program may be initiated on creeping bentgrass 3 weeks after a single application of Goldwing has been applied.

Restrictions:

- Thrasher is not intended for use by homeowners and may only be applied to residential lawns by professional applicators.
- DO NOT OVERAPPLY Thrasher. Follow the instructions in this label or damage to non-target turf may result.
- Do not apply with hand-held or flood jet nozzles because treatments may not be uniform.
- Do not apply this product through any type of irrigation system.
- Do not apply Thrasher to putting greens.
- Do not apply Thrasher to zoysiagrass and hard or fine fescue to avoid serious injury.
- Do not harvest treated sod for 3 days following application.
- Do not graze livestock on treated turf.
- Do not feed treated grass clippings to livestock.

Spray Equipment, Application, and Precautions

Use standard, low pressure (20 to 50 psi) spray equipment to apply Thrasher. Calibrate spray equipment prior to use and frequently check the equipment during application. Use a spray indicator to aid in even application. Prior to and after applying Thrasher, thoroughly clean and rinse the spray tank and line.

Varietal Tolerance

Ethofumesate (the active ingredient in Thrasher) has been used safely on the following turfgrass cultivars. However, THRASHER can be used on other cultivars. Prior to large-scale use of Thrasher on cultivars other than listed below, test a small area for tolerance.

- **CREEPING BENTGRASS** – The following cultivars have shown good to excellent tolerance to Thrasher: Carmen, Cobra, Highland, Lopez, Mariner, National, Penncross, Providence, Putter, Southshore, SR1020, and Viper.

Injury has been occasionally noted Emerald, Penneagle, and Pennlinks.

THRASHER may cause serious injury to Cohansey, Colonial, south German varieties, Egmont, Bardot, Tracenta, Allure, Astoria, and SR7100.

- **DORMANT BERMUDAGRASS** – Tifgreen, Tidwarf, Common bermudagrass is more susceptible to THRASHER than hybrid bermudagrass.
- **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: Explorer, Limousine, Northstar, RAN I and Total Eclipse.

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- **PERENNIAL RYEGRASS** – Acclaim, Blazer, Dasker, Derby, Elka, Fiesta, Goalie, Hunter, Linn, Loretta, Manhattan II, Palmer, Pennfine, Regal, Yorktown
- **ST. AUGUSTINEGRASS** – Raleigh
- **TURF-TYPE FALL FESCUE** – America, Arid, Mustang

Use Instructions

- For fall control of annual bluegrass, begin applications of Thrasher during the period of maximum weed germination and end as close to the first killing freeze as possible.
 Makespring during the period of maximum weed germination. Consult your weed science specialist or university extension service for the recommended application timing in your area.
 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.

APPLICATION RATES AND TIMINGS¹

| Turf Type | Primary Targets | Application Timing | fl. oz./Acre | fl. oz./1,000 sq. ft | | | Overseeding Safety Interval ³ (Weeks After Treatment) | Application Safety Interval ⁵ (Weeks After Emergence) |
|--------------------------------------|--------------------------|---------------------|--------------|----------------------|----------------|-----------------------------|--|--|
| | | | | | # Applications | Application Interval (Days) | | |
| Creeping Bentgrass | Annual bluegrass | Fall | 24 | 9/16 | 2-3 | 21-28 | 4 | 4 |
| | | Spring ² | 24 | 9/16 | 1-2 | 21-28 | | |
| Kentucky bluegrass | Annual bluegrass | Fall | 24 | 9/16 | 2-3 | 21-28 | 6 | 8 |
| Ryegrass | Annual bluegrass | Fall | 32-64 | ¾-1 1/2 | 2-3 | 21-28 | 1-2 | 1-2 |
| | | Spring ² | | | 1-2 | 21-28 | | |
| St. Augustinegrass (Est. Turf) | Bermudagrass suppression | Spring | 48-64 | 1 1/8-2 ¼ | 2-3 | 21-28 | NA | NA |
| Turf-type tall fescue | Annual bluegrass | Fall | 24-48 | ¾-1 1/2 | 2-3 | 21-28 | 0 | 2-3 |
| Overseeded (ryegrass) bermuda grass: | | | | | | | | |
| Dormant bermudagrass | Annual bluegrass | Fall | 24-64 | 9/16-1 1/2 | 2-3 | 21-28 | NA | NA |
| Nondormant bermudagrass | Annual bluegrass | Fall | 32-36 | 3/4-7/8 | 2 | 21-28 | NA | NA |

1 Apply Thrasher in 20 to 60 gallons of water per acre or 1 to 3 gallons of water per 1,000 sq. feet.
 2 Only make spring applications after previous fall treatments.
 3 After the last treatment of Thrasher, the interval provided applies to overseeding of the specific grass on same type of grass to which Thrasher was applied.
 4 Thrasher may be applied to specific grass following seed emergence after the specified time interval.

NA = Not applicable

Directions for specific grass types

COOL SEASON TURFGRASSES

Creeping Bentgrass

THRASHER may be applied to bentgrass as long as the turf is at a length typically found on fairways (or longer). When applying to bentgrass, use the following guidelines:

- Avoid using Thrasher in areas that are heavily shaded and/or poorly drained.
- Creeping bentgrass tolerance to Thrasher may be improved by tank mixing Thrasher with nitrogen fertilizer (controlled release or soluble) at a rate of 0.1 to 0.25 lbs. N per 10,000 ft². This may also improve creeping bentgrass conversion in the areas treated.
- Control of annual bluegrass is best achieved by making two applications of Thrasher; one in the fall followed by one in the spring.
- Thrasher works best in the spring if applied after creeping bentgrass has resumed active growth and is fully green.

When overseeding with creeping bentgrass, use the following guidelines:

- After applying THRASHER wait a minimum of 3-4 weeks before overseeding with bentgrass.
- When an area has been renovated or overseeded with bentgrass, do not apply Thrasher until 3-4 weeks after seedling emergence.

Kentucky Bluegrass

- Delay applying THRASHER to bluegrass until at least 8 weeks after emergence.
- Bluegrass overseeded with ryegrass may be treated 1-2 weeks after ryegrass emergence.

When overseeding with Kentucky bluegrass use the following guidelines:

- Wait at least 6 weeks after the last THRASHER application before reseeding with Kentucky bluegrass.
- Note that sod quality during the spring may be diminished following fall applications of Thrasher. Alternatives to fall application of Thrasher include seeding with dormant bluegrass in the late fall or to delay reseeding until the spring.

Perennial Ryegrass

Control of annual bluegrass in perennial ryegrass is easiest when it is newly emerged, and application of Thrasher is made during the primary period of annual bluegrass germination (and up to 30 days after annual bluegrass emergence) in the fall and/or spring. Consult your local Extension Service or University weed specialists for date(s) annual bluegrass germinates in your area.

- For best results, apply Thrasher in both the fall and spring.
- Application in the fall or spring will also reduce competition from selected broadleaf weeds and crabgrass.

When overseeding with perennial ryegrass, use the following guidelines:

- Wait 1 to 2 weeks (or until the seedlings are approximately 1" tall) before applying Thrasher to the seeded area.
- To the extent possible, remove thatch from the area being seeded as it can diminish the effectiveness of the THRASHER treatment.
Do not apply mulch or straw to the seeded areas until after THRASHER has been applied.

Turf-Type Tall Fescue

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Make THRASHER applications to turf-type tall fescue in the fall. If overseeding with turf-type tall fescue, application of Thrasher may be done at the same time as seeding.

WARM SEASON TURFGRASSES

St. Augustinegrass (Established Turf)

THRASHER suppresses the development of actively growing bermudagrass in established St. Augustinegrass sod. Apply Thrasher to St. Augustine in the spring and early summer to suppress bermudagrass and Bermudagrass seedhead formation and/or control annual bluegrass.

Notes regarding applications to St. Augustinegrass:

- Do not treat St. Augustinegrass in the first 6 months after germination.
- Do not treat St. Augustinegrass that is under stress or injury to the turf may result.
- Temporary stunting and minor discoloration of St. Augustinegrass may occur after application. If the St. Augustinegrass shows signs of severe yellowing or stunting, discontinue applications.

Use the following guidelines when applying Thrasher to St. Augustinegrass:

- Begin Thrasher 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.
- For best results, make multiple applications of Thrasher with the second application being made 21-28 days after the first application.
- A third application made 21-28 days after the second application may be necessary for maximum suppression of bermudagrass or annual bluegrass.
- To improve suppression, each application of Thrasher may be tank-mixed with Atrazine at up to 2 lbs. ai/A for the first application and 0.75 lbs. – 1 lb. ai/A triazine for second or third application.

Overseeded Dormant Bermudagrass

Notes regarding applications to Bermudagrass:

- Do not make more than two applications of Thrasher when treating nondormant bermudagrass. Treatment to turf that is not fully dormant may cause early injury and/or delayed spring green up.
- Application of Thrasher to bermudagrass that is stressed due to shade, poorly drained soils and high traffic may result in increased turf injury. Avoid use of Thrasher or use lower rates under these conditions.

Use the following guidelines when applying Thrasher to Bermudagrass:

- To control annual bluegrass, make applications of Thrasher in late fall (ideally 1-2 weeks after emergence of overseeded perennial ryegrass) on overseeded Bermudagrass.
- When Thrasher is applied in late November or early December, applications of 32-36 fl. oz per acre have shown acceptable control of annual bluegrass with minimum injury to nondormant (or predormant) bermudagrass. If lower rates are used, reduced annual bluegrass control should be expected. If higher rates are used, increased injury to bermudagrass may occur.
- One or two supplemental applications made through the winter (at 21-28 day intervals) may assist in controlling annual bluegrass.
- Do not apply Thrasher to Bermudagrass in the 4 weeks prior to breaking winter dormancy. Applications made to Bermudagrass in the 4 weeks prior to breaking dormancy may temporarily delay the normal start of active growth.

When overseeding bermudagrass, use the following guidelines:

- Common bermudagrass in fairways or roughs may be more susceptible to herbicide injury than hybrid bermudagrass.
- When making applications to nondormant bermudagrass, apply Thrasher within areas that are overseeded so that the ryegrass will mask any early injury or late transition in the spring that may occur.

- Using a higher than normal seeding rate may be desirable in order to minimize the appearance of thin turf.

**THRASHER USED
IN FERTILIZER APPLICATIONS**

Dry fertilizer coated with Thrasher:

Certain dry fertilizers can be coated with THRASHER and used in applications to manage listed grasses and broadleaf weeds. All directions for use, restrictions and advisory precautions are required for the use of Thrasher and any additional labeled products used. State regulations regarding fertilizers must be followed by the company and/or persons responsible for such applications. No more than 700 lbs./A of any labeled fertilizers coated with THRASHER may be applied (with a minimum of 200 lbs/A).

Since each fertilizer can absorb liquids differently proper care should be taken to ensure the appropriate amount of THRASHER is used in the coating process. In the coating process, ensure a consistent coverage of THRASHER is applied to the dry fertilizer. If after the application THRASHER is not properly absorbed then a powder like Microcel E (Johns-Manville Products Corporation) may be required. Only an adequate amount to obtain the appropriate product mixture should be used in the combination product of fertilizer and THRASHER. Follow the manufacturer's labeled directions for use and application rates. Further make sure equipment is properly calibrated before use. Make sure the amount of THRASHER coated fertilizer when applied to the soil is correct for the intended labeled use rate.

Restrictions:

Dry fertilizers coated with THRASHER must not be placed in storage for later use but used directly.

Dry fertilizers which have been tested for use with Thrasher are listed in the table below.

| | N | P | K |
|----------------------------|----------|----------|----------|
| Ammonium nitrate | 34 | 0 | 0 |
| Ammonium sulfate | 21 | 0 | 0 |
| Ammonium phosphate-sulfate | 16 | 20 | 0 |
| Di-ammonium phosphate | 18 | 46 | 0 |
| Mono-ammonium phosphate | 11 | 56 | 0 |
| Potassium chloride | 0 | 0 | 60 |
| Potassium sulfate | 0 | 0 | 52 |
| Single Super Phosphate | 0 | 20 | 0 |
| Triple Super Phosphate | 0 | 46 | 0 |
| Urea | 45 | 0 | 0 |

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Liquid fertilizer mixed with Thrasher:

Physical compatibility of all product ingredients should be tested before use. To the test jar, add one pint of liquid fertilizer, an adjuvant approved for use with fertilizers, and Thrasher using the rates listed below. Shake the components in the jar to effect the solution. The mixture is deemed compatible if after a period of thirty minutes the components do not form layers, sludges, solids, or oils. If the components form layers but readily mix, constant agitation of the tank mix may be required. If any layers or solids form which do not readily redisperse, then the mixture is considered incompatible.

THRASHER + Liquid fertilizer use rates

| Amount of fertilizer per acre | Amount of THRASHER added to fertilizer (1 pint) | |
|-------------------------------|---|-----|
| | gal. | mL |
| 20 | 17.6 | 3.6 |
| 30 | 12.0 | 2.4 |
| 40 | 9.0 | 1.9 |
| 50 | 7.1 | 1.5 |
| 60 | 6.0 | 1.2 |

*Based on field rate of 3.0 lbs ai/acre (3/4 gal/acre) in the fertilizer volumes indicated. The amount of THRASHER added must be amended to match up with the rates listed for the intended purpose on the label. Add the appropriate amount of each ingredient in the tank mixture.

STORAGE AND DISPOSAL

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

Pesticide Storage: Protect THRASHER 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 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 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 this procedure two more times. Then offer for recycling, if available or puncture and dispose of in a sanitary landfill or by incineration. Do not burn unless allowed by state and local ordinances.

DO NOT REUSE EMPTY CONTAINER

LIMITATION OF WARRANTY AND LIABILITY

NOTICE: Read the 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.

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It is impossible to eliminate all risks associated with the use of this product. Crop injury, ineffectiveness of the product, or injury to non-target crops or plants may result as a consequence due to manner of use or application, weather or other factors which are beyond the control of Phoenix Environmental Care, LLC or Seller. All such risks shall be assumed by Buyer and User, and Buyer and User agree to hold Phoenix Environmental Care, LLC and Seller harmless for any claims relating to such factors.

Phoenix Environmental Care, LLC 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 under normal use conditions. This warranty does not extend to the use of this product contrary to label instructions, or under abnormal conditions or under conditions not reasonably foreseeable to or beyond the control of Seller or Phoenix Environmental Care, LLC, and Buyer and User assume the risk of any such use. **TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, PHOENIX ENVIRONMENTAL CARE, LLC MAKES NO WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY EXCEPT AS STATED ABOVE.**

To the extent consistent with applicable law, neither Phoenix Environmental Care, LLC nor Seller shall 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, AND THE EXCLUSIVE LIABILITY OF PHOENIX ENVIRONMENTAL CARE, LLC AND SELLER FOR ANY AND ALL CLAIMS, LOSSES, 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 PHOENIX ENVIRONMENTAL CARE, LLC OR SELLER, THE REPLACEMENT OF THE PRODUCT.**

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