

# Akari® 5SC

Miticide/Insecticide

SPECIMEN



GROUP 21A INSECTICIDE

For use on greenhouse and nursery ornamentals, greenhouse cucumbers, greenhouse tomatoes, non-bearing fruit trees and vines, Christmas trees, and interior ornamental plantings and landscapes.

**Active Ingredient:**

fenpyroximate: *Tert*-butyl(E)- $\alpha$ -(1,3-dimethyl-5-phenoxy)pyrazol-4-ylmethyleneaminoxy)-p-toluate .....5.0%

**Other Ingredients** .....95.0%

**TOTAL** .....100.0%

Contains 0.42 lb active ingredient per U.S. gallon.

## Keep Out of Reach of Children

## WARNING / AVISO

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.)

Refer to label booklet for additional precautionary information and *Directions for Use* including *First Aid* and *Storage and Disposal*.

**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 unopened at once.

Akari® is a registered trademark of Nichino America, Inc. Manufactured for: **SePRO Corporation**  
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## PRECAUTIONARY STATEMENTS

### Hazards to Humans and Domestic Animals

#### Keep Out of Reach of Children

## WARNING / AVISO

Causes substantial but temporary eye injury. Do not get in eyes or on clothing. Wear protective eyewear (goggles or face shield). Harmful if swallowed. Harmful if absorbed through skin. Avoid contact with skin, eyes, or clothing. Wash thoroughly with soap and water after handling. Harmful if inhaled. Avoid breathing spray mist. Remove contaminated clothing and wash clothing before reuse.

### FIRST AID

<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. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.</li> <li>Call a poison control center or doctor for treatment advice.</li> </ul>
<b>If swallowed</b>	<ul style="list-style-type: none"> <li>Call a poison control center or doctor immediately for treatment advice.</li> <li>Have person sip a glass of water if able to swallow.</li> <li>Do not induce vomiting unless told to do so by the poison control center or doctor.</li> <li>Do not give anything by mouth to an unconscious person.</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 a 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 further treatment advice.</li> </ul>

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. For additional information on this pesticide product, including human health concerns and medical emergencies, you may call **INFOTRAC** at **1-800-535-5053**.

**NOTE TO PHYSICIAN:** There is no specific antidote. All treatment should be based on observed signs and symptoms of distress in the patient. Overexposure to materials other than this product may have occurred.

## PERSONAL PROTECTIVE EQUIPMENT (PPE)

### Applicators and other handlers must wear:

- Long-sleeved shirt and long pants;
- Protective eyewear;
- Chemical-resistant gloves (such as barrier laminate, butyl rubber, nitrile rubber, neoprene and/or Viton®);
- 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. When handlers use closed systems or enclosed cabs in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40CFR 170.240(d)(4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

## USER SAFETY RECOMMENDATIONS

- Do not eat, drink, smoke, or chew gum or tobacco while handling this product and until hands and face are thoroughly washed with soap and water.
- Do not use the toilet before thoroughly washing hands.
- If this product penetrated through your clothing or personal protective equipment, stop handling this product immediately, remove the clothing and equipment, wash your body thoroughly, and put on clean clothing and equipment before resuming the handling activity.
- After handling this product, remove personal protective equipment immediately. Wash the outside of gloves before taking them off. Shower or wash thoroughly and change into clean clothing as soon as possible.
- Discard clothing and personal protective equipment that cannot be reused, including clothing and other absorbent materials that have been drenched or thoroughly contaminated with this product's concentrate. Otherwise, wash clothing and personal protective equipment (including both the inside and outside of gloves) before each day of reuse according to manufacturers' directions or, if no such directions, in detergent and hot water. Keep and wash them separately from other laundry.

## ENVIRONMENTAL HAZARDS

This pesticide is very highly toxic to fish and aquatic invertebrates. For terrestrial uses, 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 cleaning equipment or disposing of equipment washwater or rinsate.

This product may impact surface water quality due to runoff of rain water. This is especially true for poorly draining soils and soils with shallow ground water. This product is classified as having medium to high potential for reaching both surface water and aquatic sediment via runoff for several weeks after application. A level, well-maintained vegetative buffer strip between areas to which this product is applied and surface water features such as ponds, streams, and springs will reduce the potential loading of this chemical from runoff water and sediment. Runoff of this product will be reduced by avoiding applications when rainfall is forecasted to occur within 48 hours. Sound erosion control practices will reduce this product's potential to reach aquatic sediment via runoff.

## ENDANGERED SPECIES RESTRICTIONS

This product may pose a hazard to endangered aquatic species. Follow all use directions.

## PHYSICAL OR CHEMICAL HAZARDS

Do not use or store near heat or open flame.

### Minimum Honey Bee Toxicity

Fenpyroximate is practically nontoxic to bees and wasps when fenpyroximate is applied to listed crops according to the label directions.

## DIRECTIONS FOR USE

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

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 (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.

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;
- Protective eyewear;
- Chemical-resistant gloves such as barrier laminate or Viton;
- Shoes plus socks.

### 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, or greenhouses. For other uses, including interiorscapes and other non-agricultural uses, do not enter treated areas without protective clothing until sprays have dried.

## GENERAL INFORMATION

### Akari 5SC Indoor Greenhouse and Outdoor Use on Ornamental Crops

**Akari® 5SC** is a contact miticide and insecticide used for the control of spider mites and other mite pests in greenhouse cucumbers, greenhouse tomatoes and greenhouse peppers, all ornamental crops including flowering and foliage crops, nursery crops, nonbearing fruit trees and vines, and Christmas trees. This product should be used in a program with other products to provide season long protection. Miticides must be rotated with alternate products for resistance management. Do not use products with the same mode of action (METI-2 inhibitor/IRAC Group 21A) in consecutive applications. Apply as a spray as set forth in the *APPLICATION DIRECTIONS* section of this label, using sufficient water volume to obtain thorough coverage of plants. Under severe mite conditions, use the maximum rates and the shorter spray interval as specified on the label. Dense foliage or excessive growth will often prevent adequate coverage; adjust spray volumes accordingly.

Akari 5SC Miticide/Insecticide is a 5% Suspension Concentrate containing 0.42 lb. of fenpyroximate per gallon, which, when mixed with water according to the *DIRECTIONS FOR USE*, will control mites on ornamentals.

Akari 5SC Miticide/Insecticide works primarily through contact action, **so good spray coverage is necessary**. Mix with sufficient water and apply as a foliar spray to obtain uniform coverage. Treat plants when pests are immature or at a susceptible stage and populations are building, before crop damage occurs.

Akari 5SC Miticide/Insecticide stops mite feeding immediately after application. Akari 5SC Miticide/Insecticide provides this stop-feeding action together with a cessation of egg laying, and mites die in 4 to 7 days.

When Akari 5SC Miticide/Insecticide is used to control mites, suppression of mealybugs on the treated crop may be achieved. This product must be used in a program with other products to provide protection against mealybugs.

## APPLICATION DIRECTIONS

Akari 5SC Miticide/Insecticide is recommended for use on greenhouse cucumbers, greenhouse tomatoes, and greenhouse peppers, all ornamental crops including flowering and foliage crops, nursery crops, nonbearing fruit trees and vines, and Christmas trees. These include those crops grown in greenhouses, shade and lathe houses, outdoor nurseries and fields, and in interiorscapes. The use directions of this product are based on the results of product testing programs on a wide variety of ornamental plants. However, it is impossible to test this product on all species and cultivars. The phytotoxicity of Akari 5SC Miticide/Insecticide has been assessed on a wide variety of common ornamental plants with no phytotoxicity. However, not all plant species and their varieties and cultivars have been tested with possible tank mix combinations, sequential pesticide treatments, and adjuvants and surfactants. Local conditions also can influence crop tolerance and may not match those under which testing has been conducted. Therefore, before using Akari 5SC Miticide/Insecticide, test the product on a sample of the crop to be treated to ensure that a phytotoxic response will not occur as a result of applications. Applications should be made immediately after the spray solution is prepared. Thorough spray coverage is essential for mite control.

Apply Akari 5SC Miticide/Insecticide using a properly calibrated sprayer in a minimum of 100 gallons of water per acre to ensure uniform, adequate coverage. Be sure to apply in sufficient water to obtain thorough coverage of all plant parts.

- Apply with high or low volume spray equipment to greenhouse cucumbers, greenhouse tomatoes, and greenhouse peppers.
- Apply with high volume, low volume, or ultra low volume (thermal and non-thermal foggers, misters, etc.) spray equipment to ornamental trees, vines, shrubs, foliage, and flowering plants.

Follow the spray equipment manufacturer's directions to determine the amount of spray solution required to obtain thorough coverage. Consult the spray equipment manufacturer's operator's manual, spray nozzle catalogs and/or your crop advisor for more information. Except for use on greenhouse cucumbers, greenhouse tomatoes, and greenhouse peppers, a wetting agent or other spray adjuvant, approved for use on the crop, may be added to spray solutions according to the manufacturer's use instructions to achieve optimum mite control.

For best results, apply when pest populations are beginning to build, before reaching economic thresholds. Consult your local agricultural advisor, state cooperative extension service, or regional SePRO Corporation representative for further information.

### USE OF ADJUVANTS

When thorough coverage is a concern, it is recommended that a spray adjuvant be used to maximize uniformity of coverage and performance of Akari 5SC miticide/insecticide. Use a non-ionic activator type wetting, spreading or penetrating adjuvant or horticultural spray oil adjuvant. Do not use a dormant oil, or binder or sticker-type adjuvant. Non-ionic adjuvants (NIS) should contain at least 75% surfactant. Crop oil concentrates (COC), methylated seed or vegetable oils (MSO), organosilicone products (OS), or blends of these adjuvants should contain at least 15% emulsifier/surfactant. Check compatibility of any adjuvant used with Akari 5SC miticide/insecticide before using. Follow the Directions for Use on each adjuvant product label for rates of use and use restrictions.

### GENERAL USE RESTRICTIONS

- Do not apply within 75 feet of fish-bearing waters.
- In Florida, do not use on bearing or nonbearing commercial fruit trees and vines.
- Do not apply this product through any type of irrigation system.
- Do not use products with the same mode of action in consecutive applications.
- Do not apply this product as a smoke or aerosol.
- Do not apply to fruit trees and vines that will bear harvestable fruit within 12 months unless the crop appears on the label.
- Do not enter the entire enclosed area (treated area) without protective equipment for 12 hours unless one of the following items is completed:
  1. Ten air exchanges;
  2. Two hours of system ventilation;
  3. Four hours of ventilation using vents, windows, or other passive ventilation;
  4. Eleven hours with no ventilation followed by 1 hour of mechanical ventilation;
  5. Eleven hours with no ventilation followed by 2 hours of passive ventilation;
  6. All required PPE is worn.

**RESISTANCE MANAGEMENT**

Repeated use of the same chemistry has been shown to result in the buildup of resistant strains of mites or other insects. Do not use Akari 5SC miticide/insecticide in successive miticide applications. Rotate the use of Akari 5SC miticide/insecticide with alternate mode of action insecticides.

- Miticides must be rotated with alternate products for resistance management.
- Do not use products with the same mode of action (METI-2 inhibitor/IRAC Group 21A) in consecutive applications.

**COMPATIBILITY OF SPRAY MIXTURES**

Akari 5SC miticide/insecticide is believed to be compatible with most commonly used fungicides, insecticides, micronutrients, growth regulators, and spray adjuvants. Consult specific product labels for additional information. It is always a good idea to conduct a tank mix compatibility test when you plan to mix

Akari 5SC miticide/insecticide with other products.

To determine the physical compatibility of Akari 5SC miticide/insecticide with other products, use a jar test. Using a jar, add the proportionate amounts of the products to approximately one quart of water with agitation. Add dry formulations first, then flowables, then emulsifiable concentrates last. After thorough mixing, allow this mixture to stand for 5 minutes. If the combination remains mixed or can be remixed readily, it is physically compatible. Once compatibility has been proven, use the same procedure for adding required ingredients to the spray tank. It is suggested that combinations be used on a small number of plants before treating large areas to check for cultivar sensitivity.

**MIXING DIRECTIONS**

**Shake well before using**

Please read *COMPATIBILITY OF SPRAY MIXTURES* section prior to any tank mixing with Akari 5SC miticide/insecticide. Begin with clean equipment. Prepare only the amount of spray solution needed to treat the target area. Add sufficient clean water to the spray tank for one-half of the mix load. Where possible, start agitation and properly suspend the necessary amount of Akari 5SC miticide/insecticide in the tank. Agitate to ensure thorough mixing while adding the remaining required water volume and other products. Akari 5SC Miticide/Insecticide should be properly suspended and diluted prior to the addition of any adjuvant or before spraying. Consult the adjuvant label or manufacturer for crop tolerance and safety information when using Akari 5SC miticide/insecticide. Maintain agitation during mixing and application. If agitation is stopped for any reason, the spray solution must be thoroughly re-mixed prior to further use.

Application Rates For Akari 5SC Miticide/Insecticide On Cucumbers Grown In Greenhouses			
Pests	Rate per Acre	Spray Volume	Directions for Use
Spider mites Whitefly (suppression)	1.0 to 2.0 pints (0.053 to 0.105 lb a.i.)	100 gallons	<p><b>USE RESTRICTIONS</b></p> <ul style="list-style-type: none"> <li>• Do not use products with the same mode of action in consecutive applications.</li> <li>• Do not apply more than 2.0 pints (0.1 lb a.i.) per acre per crop cycle.</li> <li>• Do not make more than 1 application per growing season.</li> <li>• Do not make more than 2 applications per year.</li> <li>• Pre-harvest interval (PHI): 7 days</li> <li>• Do not apply through any type of irrigation system.</li> <li>• Do not apply in Ultra Low Volume Equipment.</li> </ul> <p><b>APPLICATION RECOMMENDATIONS</b></p> <ul style="list-style-type: none"> <li>• Apply with low or high volume ground equipment only. Follow the spray equipment manufacturer's directions to determine the amount of spray solution required to obtain thorough coverage. Consult the spray equipment manufacturer's operator's manual, spray nozzle catalogs and/or your crop advisor for more information.</li> </ul>

Application Rates For Akari 5SC Miticide/Insecticide On Tomatoes and Peppers Grown In Greenhouses			
Pests	Rate per Acre	Spray Volume	Directions for Use
Mites Potato Psyllid Whitefly	1.0 to 2.0 pints (0.053 to 0.105 lb a.i.)	100 gallons	<p><b>USE RESTRICTIONS</b></p> <ul style="list-style-type: none"> <li>• Do not use products with the same mode of action in consecutive applications.</li> <li>• Do not apply more than 4.0 pints (0.2 lbs a.i.) per acre per crop cycle.</li> <li>• Do not make more than 2 applications per crop cycle.</li> <li>• Do not make more than 4 applications per year</li> <li>• Allow 14 days between applications.</li> <li>• Pre-harvest Interval (PHI): 1 day.</li> <li>• Do not apply through any type of irrigation system.</li> <li>• Do not apply in Ultra Low Volume Equipment.</li> </ul> <p><b>APPLICATION RECOMMENDATIONS</b></p> <ul style="list-style-type: none"> <li>• Apply with low or high volume ground equipment only. Follow the spray equipment manufacturer's directions to determine the amount of spray solution required to obtain thorough coverage. Consult the spray equipment manufacturer's operator's manual, spray nozzle catalogs and/or your crop advisor for more information.</li> </ul>

Application Rates For Akari 5SC Miticide/Insecticide On Ornamental Trees, Vines, Shrubs, Foliage, and Flowering Plants		
Pest	Application Rate fl. oz./100 Gallons	Directions for Use
Spider mites	16.0 to 24.0 fl oz (0.053 to 0.079 lb a.i.)	<p><b>USE RESTRICTIONS</b></p> <ul style="list-style-type: none"> <li>• Do not use products with the same mode of action in consecutive applications.</li> </ul>
Tarsonemid mites • Broad mite ( <i>Polyphagotarsonemus latus</i> ) • Cyclamen mite ( <i>Phytonemus pallidus</i> )	24.0 fl oz (0.079 lb a.i.)	<ul style="list-style-type: none"> <li>• Do not apply within 75 feet of fish-bearing waters.</li> <li>• Do not apply by air.</li> <li>• Do not make more than 2 applications per year.</li> <li>• Allow 14 days between applications.</li> </ul>
Eriophyid mites (rust, gall, and bud mites) including but not limited to: • Hemlock rust mite ( <i>Nalepella tsugifoliae</i> ) • Hackberry rust mite	24.0 fl oz (0.079 lb a.i.)	<ul style="list-style-type: none"> <li>• Do not apply more than 10 gallons of spray per 1,000 sq. ft. per application.</li> <li>• Do not apply more than 48 fl. oz. (0.158 lb a.i.) per crop cycle or per growing season, whichever is longer.</li> </ul>
Mealybugs*, including but not limited to: • Citrus mealybug ( <i>Planococcus citri</i> ) • Long-tailed mealybug ( <i>Pseudococcus longispinus</i> )	24.0 fl oz (0.079 lb a.i.)	<p><b>APPLICATION RECOMMENDATIONS</b></p> <ul style="list-style-type: none"> <li>• Use the lower rate for low to moderate mite populations.</li> <li>• Use in sufficient volume to obtain uniform plant coverage. 100 gallons of spray will typically cover 20,000 sq. ft. of greenhouse.</li> </ul> <p>*For <b>suppression</b> of certain mealybug pests, use in sufficient volume to obtain uniform plant coverage. 100 gallons of spray will typically cover 20,000 sq. ft. of greenhouse.</p>



Akari 5SC Miticide/Insecticide is recommended for use on all ornamental plantings including those listed in Table 1.

**TABLE 1**  
**List Of Plant Species Tested For Tolerance To Akari 5SC Miticide/Insecticide<sup>1</sup>**

Common Name	Scientific Name
African violet	<i>Saintpaulia ionantha</i>
Azalea	<i>Rhododendron</i> spp.
Chrysanthemum	<i>Chrysanthemum morifolium</i>
Citrus, nonbearing	<i>Citrus</i> spp.
Coleus	<i>Coleus X hybridus</i>
Cotoneaster	<i>Cotoneaster</i> spp.
Dieffenbachia	<i>Dieffenbachia</i> spp.
English ivy	<i>Hedera helix</i>
Fern	<i>Davallia</i> spp.
Ficus	<i>Ficus</i> spp.
Geranium	<i>Geranium</i> spp.
Gerbera	<i>Gerbera</i> spp.
Grape, nonbearing	<i>Vitis</i> spp.
Hackberry	<i>Celtis occidentalis</i>
Hemlock	<i>Tsuga</i> spp.
Holly (e.g. blue, Burford, Japanese)	<i>Ilex</i> spp.
Hypoestes	<i>Hypoestes</i> spp.
Juniper (e.g. creeping, Parsons, upright)	<i>Juniperus</i> spp.
Marigold	<i>Tagetes erecta</i>
New Guinea Impatiens	<i>Impatiens linearifolia</i>
Pittosporum	<i>Pittosporum</i> spp.
Poinsettia	<i>Euphorbia pulcherrima</i>
Pyracantha (firethorn, red firethorn)	<i>Pyracantha angustifolia</i> , <i>P. coccinea</i>
Rose, cut and miniature	<i>Rosa</i> spp.
Schefflera	<i>Schefflera</i> spp.
Sweetpotato vine, ornamental	<i>Ipomoea batatas</i>
Zinnia	<i>Zinnia elegans</i>

<sup>1</sup> Local conditions can influence crop tolerance and may not match those under which these species were tested. Before using Akari 5SC miticide/insecticide, test the product on a small sample of the crop to be treated.

#### STORAGE AND DISPOSAL

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

**PESTICIDE STORAGE:** Store in a cool, dry place.

**PESTICIDE DISPOSAL:** Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

#### CONTAINER HANDLING:

##### **(Nonrefillable container equal to or less than 5 gallons)**

Nonrefillable 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 reconditioning, or puncture and dispose of in a sanitary landfill, or by incineration, or, if allowed by state or local authorities, by burning. If burned, stay out of smoke.

##### **(Nonrefillable container greater than 5 gallons)**

Nonrefillable 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. 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 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. 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 or local authorities, by burning. If burned, stay out of smoke. (continued)

#### STORAGE AND DISPOSAL (continued)

##### **(Refillable container greater than 5 gallons)**

Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or mix tank. Fill the container about 10 percent full with water. Agitate vigorously or recirculate water with the pump for 2 minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing 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.

#### 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 Limitation 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 the 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:

- (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. In no case shall SePRO Corporation 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 Limitations of Remedies* in any manner.

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