

# BIATHLON®

Ornamental Herbicide

Department of Agriculture  
STATE OF HAWAII

**LICENSED**

PERIOD **2014-2016** LIC. NO.

**9836.58**

**Preemergence control of weeds in field and container ornamentals, grounds maintenance and other specified non crop areas. Also for evergreens (broadleaf and needle) limited to Christmas tree farms and conifer farms.**

**ACTIVE INGREDIENTS:**

Oxyfluorfen .....	2.00%
Prodiamine .....	0.75%

**OTHER INGREDIENTS:**

.....	97.25%
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**TOTAL:**

.....	100.00%
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EPA Registration No. 59807-12

EPA Est. No. 82757-OH-001

Department of Agriculture  
STATE OF HAWAII

**LICENSED**

PERIOD **2011-2013** LIC. NO.

**KEEP OUT OF REACH OF CHILDREN  
CAUTION**

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.</li> <li>• 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 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 mouth-to-mouth, if possible.</li> <li>• Call a poison control center or doctor for further treatment.</li> </ul>
<p><b>HOT LINE NUMBER</b>  <b>In case of EMERGENCY Call 24 Hours A Day 1-800-356-4647</b></p> <p>Have the product container or label with you when calling a poison control center or doctor or going for treatment.</p>	

OHP, Inc.  
P.O. Box 230  
Mainland, PA 19451  
(800) 356-4647

**981350**

**Net Contents: 50 lbs. (22.7 kg)**



## PRECAUTIONARY STATEMENTS

### HAZARDS TO HUMANS AND DOMESTIC ANIMALS

# CAUTION

Causes moderate eye irritation. Harmful if inhaled or absorbed through the skin. Do not get in eyes, on skin or on clothing. In case of contact immediately wash eyes or skin with plenty of water. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Get medical attention if irritation persists.

### PERSONAL PROTECTIVE EQUIPMENT (PPE)

Mixers, loaders, applicators, and other handlers must wear:

- Long sleeved shirt and pants
- Socks and shoes

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.

### USER SAFETY RECOMMENDATIONS

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

### ENGINEERING CONTROLS

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.

### ENVIRONMENTAL HAZARDS

This pesticide is toxic to aquatic invertebrates and wildlife. Do not apply directly to water, to areas where surface water is present, or to intertidal areas below the mean high water mark. Runoff from treatment areas may be hazardous to aquatic organisms in neighboring areas. Apply this product only as specified on the label. Do not contaminate water by cleaning of equipment or disposal of wastes.

## 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 responsible for pesticide regulation.

### AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and 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 users 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).

The REI is 24 hours for all crops except for the following:

- Conifer seedlings: three days.
- Conifer trees: six days.

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
- Chemical-resistant gloves made of any waterproof material
- 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, forest, nurseries, or greenhouses. Do not allow unprotected persons to enter treated areas until dusts have settled.

## DESCRIPTION

**Biathlon** is a preemergent herbicide and will not control established weeds. **Biathlon** is a granular herbicide containing two selective herbicides that provide a broad spectrum of weed control with tolerance to many ornamental plants. **Biathlon** is not registered for use on vegetable or edible fruit bearing crops, turf, bedding plants or flowering crops except as described in the grounds maintenance and cut flower and foliage ornamentals section.

Non-bearing fruit trees are defined as trees such as Citrus (oranges, grapefruit, etc.), pome fruits (apples, pears, etc.) and stone fruits (cherries, peaches, etc.) which will not bear fruit for at least one year following application of **Biathlon**.

## CONTAINER GROWN ORNAMENTALS

Apply **Biathlon** prior to weed seed germination in the early spring or fall or following a complete weed removal. Repeat application at a 3 month interval (maximum residual) during the growing season. For application in the fall, apply 2 weeks prior to placing plants in an empty, enclosed greenhouse structure.

Apply **Biathlon** at 100 pounds per acre per application. A maximum of two applications may be made per growing season. Do not reapply at less than 3 month intervals for field grown ornamentals.

Where runoff water is recycled, care must be taken to locate pump intake line opening(s) close to the collection pond surface to avoid disturbing and recirculating clay fractions/organic matter accumulation near the pond bottom. This debris/settlement may contain amounts of previously applied pesticides tied-up on clay/organic matter fractions and may lead to plant injury.

## FIELD GROWN ORNAMENTALS, CHRISTMAS TREE AND CONIFER FARMS

Apply **Biathlon** at 100 pounds per acre per application. Apply immediately after planting or in the spring prior to weed seed germination or weed removal. A maximum of two applications may be made per growing season. Do not reapply at less than 3 month intervals for field grown ornamentals and less than 2 month intervals for Christmas trees.

## GROUNDS MAINTENANCE ORNAMENTALS

**Biathlon** has been tested on those crops listed on the **Biathlon** label. **Biathlon** is not registered for use on vegetables or edible fruit bearing crops, turf, bedding plants or flowering crops. Apply at 100 lbs./A rate. After planting and before **Biathlon** application, remove established weeds. Irrigate with approximately 1/2 inch of water. Broadcast **Biathlon** evenly over growing area 1 week after planting. Water after application with approximately 1/2 inch of water and do not disturb soil. Loosen soil with light cultivation prior to reapplication of **Biathlon**.

Amount of <b>Biathlon</b>	Sq. ft.	100 sq. ft.	Acre	Sq. Meter	100 sq. meters
	1.0 g	100.0 g	100 lbs.	10.8 g	1.1 kg

1 ounce = 28 grams (g)

## CUT FLOWER AND FOLIAGE CROPS

Unless excluded under specific crops below, follow all use precautions listed on the label. Apply **Biathlon** prior to weed seed germination and or after a complete removal of weeds. After planting and prior to **Biathlon** application, irrigate with approximately 1/2 inch of water to firm soil around plant roots. Allow foliage to dry completely prior to application to prevent granules from sticking. Evenly broadcast **Biathlon** over production area at the recommended rate. Irrigate immediately after application to activate and remove any granules that may be on foliage. Water 3 weeks prior to applying to bare root plantings. Do not reapply at less than 3 month intervals.

## LIST OF CROPS TOLERANT TO BIATHLON

Crop Scientific Name	Crop Common Name
<i>Abelia Zanderi</i> 'Little Richard'	Abelia
<i>Abelia grand Compacta</i>	Compact abelia
<i>Abelia grandiflora</i> 'Ed Goucher'	Abelia
<i>Azalea indica</i> 'formosa'	Azalea
<i>Barberis thunbergii</i>	Barberry
<i>Barberis thunbergii</i> 'Ruby'	Barberry
<i>Buddleia davidii japonica</i>	Butterfly Bush
<i>Buddleia davidii</i> 'Nanho Purple'	Butterfly Bush
<i>Buddleia davidii</i> 'Nanho Blue'	Butterfly Bush
<i>Buxus</i> 'Wintergreen'	Winter Green Boxwood
<i>Buxus japonica</i>	Winter Gem
<i>Buxus japonica</i> 'Wintergem'	Winter Gem
<i>Calamagrostia acutiflora</i> 'overdam'	Variiegated Reed Grass
<i>Calypso Nerium</i>	Nerium oleander
<i>Cercis ariegate</i>	Eastern redbud
<i>Clethra alnifolia</i> 'Ruby Spice'	Clethra
<i>Coreopsis</i> 'Crème Brulee'	Coreopsis
<i>Coreopsis verticillata</i> 'Moonbeam'	Coreopsis
<i>Cornus Stolonifera</i> 'Arctic fire'	Red-Osier Dogwood
<i>Cotoneaster dammeri</i>	Cotoneaster
<i>Cryptomeria japonica</i> 'Yoshino'	Cryptomeria-Japanese-Cedar
<i>Deutzia gracilis</i> 'Nikko'	Slender deutzia
<i>Epimedium x rubrum</i>	Red epimedium; Red barrenwort
<i>Escallonia x exoniensis fradesii</i>	Pink Princess escallonia
<i>Euonymus ariega</i> 'Moon Shadow'	Euonymus 'wintercreeper'
<i>Euonymous japonica</i> 'aureo' marginata	Aureo-marginata Spindle Tree
<i>Gardenia jasminoides</i> 'Daisy'	Gardenia
<i>Gardenia Japonica</i>	Gardenia, August Beauty
<i>Gardenia veitchii</i>	Gardenia
<i>Hamelia patens</i> 'firebush'	Fire bush
<i>Helianthus salicifolius</i> 'First Light'	Willow-leaved sunflower

(continued)

## LIST OF CROPS TOLERANT TO BIATHLON (continued)

Crop Scientific Name	Crop Common Name
<i>Hibiscus syriacus</i> 'sanchoyo'	Hibiscus
<i>Ilex cornuta</i>	Holly
<i>Ilex x Attenuate fousteni</i>	Holly
<i>Ilex x meservae</i> 'Blue Prince'	Holly
<i>Illicium parviflorum</i> 'Star Ansie'	Yellow anise, star anise
<i>Jacaranda acutifolia</i>	Jacaranda
<i>Juniperus virginiana</i> 'gray owl'	Juniper
<i>Juniperus conferta</i> 'Blue Pacific'	Juniper
<i>Juniperus horizontalis</i>	Juniper
<i>Juniperus chinensis</i> 'Varigata'	Juniper
<i>Juniperus</i> 'seagreen'	Juniper
<i>Juniperus davurica</i> 'Expansa'	Parsons Juniper
<i>Lagerstroemia Tuscarora</i>	Crape Myrtle
<i>Lagerstroemia indica</i> 'Violet Filli'	Crape Myrtle
<i>Ligustrum</i> 'texanum'	Texanum Privet
<i>Ligustrum sinense</i> 'Variegata'	Privet
<i>Lantana montevidensis</i>	Trailing lantana
<i>Lantana</i> 'tangerine'	Lantana
<i>Lobelia</i> 'Queen Victoria'	Lobelia
<i>Loropetalum chinensis</i> v. r. 'Chang's Ruby'	Chinese Fringe-Flower
<i>Magnola grandaflora</i>	Southern magnolia
<i>Malus sargentii</i>	Sargents Crabapple
<i>Myrica pensylvanica</i> 'Morella pensylar'	Northern Bayberry
<i>Nandina domestica</i>	Heavenly Bamboo
<i>Pinus sylvestris</i>	Scotch Pine
<i>Pittosporum tobira</i>	Japanese mockorange
<i>Pittosporum tobira</i> 'Varigata'	Japanese mockorange
<i>Potentilla Fruticosa</i> 'abbotswood'	Abbotswood Shrubby Cinquefoil
<i>Prunus virginiana</i> 'Shubert'	Canada Red Chokecherry
<i>Rhododendron indicum</i> 'Coral Bells'	Coral Bell Azalea

(continued)

## LIST OF CROPS TOLERANT TO BIATHLON *(continued)*

Crop Scientific Name	Crop Common Name
<i>Rhododendron</i> 'Yakushimanum hybrid'	Rhododendron yakushimanum
<i>Rosa-Rainbow Knockout</i>	Rose
<i>Rosa Double Knock Out</i>	Rose
<i>Rose 'Candy oh Vivid red'</i>	Rose
<i>Sabel minor</i>	Sabel Palm
<i>Spirea japonica 'little princess'</i>	Spirea
<i>Spirea 'bridal wreath'</i>	Spirea
<i>Symphoricarpos 'sweet sensation'</i>	Symphoricarpos Sweet Sensation
<i>Syringa vulgaris</i>	Lilac
<i>Taxus x Media 'margarita'</i>	Yew
<i>Thuja occidentalis 'Emerald Green'</i>	Arborvitae
<i>Veronica peduncularis</i> 'Waterperry'	Speedwell-creeping
<i>Viburnum compact</i>	Viburnums
<i>Viburnum japonicum</i>	Japanese Viburnum
<i>Viburnum trilobum 'compactum'</i>	Viburnum-American Cranberry
<i>Viburnum obovatum 'Walters'</i>	Walters viburnum, small viburnum
<i>Vinca minor Bowles</i>	Vinca
<i>Weigela japonica wine &amp; roses</i>	Weigela

### Treatment of ornamental species not listed on the label for Biathlon

The species listed in the table above have been tested under actual growing conditions and found tolerant at the recommended application rate. Users who wish to use **Biathlon** on ornamental plant species listed on this label may determine the suitability for use by treating a small number of such plants at the labeled rate. Prior to treatment of large areas, the treated plants should be observed for any signs of herbicidal injury for 30 to 60 days of normal growing conditions to determine if the treatment is safe to the target plant species. The user assumes responsibility for any plant damage or other liability resulting from use of **Biathlon** on plant species not recommended on this label.

Injury on the following plant species has been observed following applications of **Biathlon** and use is not recommended.

Ageratum 'Hawaii Blue'  
 Clamatis x Dutchess of 'Edinburgh'  
 Dianthus spp.  
 Echinacea spp.  
 Erica mediterranea  
 Euonymus alata 'Compacta'  
 Hydranga spp.  
 Petunia spp.  
 Potentilla fruticosa 'Goldfinger'  
 Salvia spp.  
 Scabiosa spp. 'Pink Carnival'  
 Sarcococca hookerana humilllis  
 Zinnia spp.

### WEEDS CONTROLLED

#### GRASSY WEEDS

Annual bluegrass (*Poa annua*)  
 Barnyardgrass (*Echinochloa crusgalli*)  
 Crabgrass (*Digitaria sanguinalis*)  
 Fall Panicum (*Panicum dichotomiflorum*)  
 Foxtail, Green (*Setaria viridis*)  
 Foxtail, Yellow (*Setaria lutescens*)  
 Goosegrass (*Eleusine indica*)  
 Kikuyu Grass (*Pennisetum clandestinum*)  
 Sprangletop (*Leptochloa uninervia*)

#### BROADLEAF WEEDS

Bittercress (*Cadamine pennsylvanica*)  
 Common Chickweed (*Stellaria media*)  
 Cudweed (*Gnaphalium obtusifolium*)  
 Dandelion (*Taraxacum officinale*)  
 Eclipta (*Eclipta prostrata*)  
 Fleabane (*Erigeron strigosus*)  
 Fireweed (*Epilobium angustifolium*)  
 Groundsel (*Senecio vulgaris*)  
 Marestail (*Conyza Canadensis*)  
 Oxalis (*Oxalis stricta*)  
 Pearlwort (*Sagina procumbens*)  
 Pepperweed (*Lepidium virginicum*)  
 Pigweed (*Amaranthus retroflexus*)  
 Shepherdspurse (*Capsella bursa-pastoris*)  
 Sowthistle (*Sonchus arvensis*)  
 Spurge, Garden (*Euphorbia hirta*)  
 Spurge, Prostrate (*Euphorbia supina*)  
 Spurge, Spotted (*Euphorbia maculata*)

## CULTURAL CONSIDERATIONS

In order for **Biathlon** to provide maximum preemergence weed control activity, follow the following cultural practices. Prior to application, the bed or soil surface should be smooth and free of crop and weed trash (decaying leaves, clippings, dead weeds, etc.). Leaves and trash may be removed by blowing the area to the treated or by thoroughly mixing the trash into the soil through cultivation prior to herbicide application. Apply **Biathlon** when at least 1/2 inch of irrigation or rainfall is forecasted to occur within 24 hours after application. The best results from **Biathlon** are from applications to established beds or soil surfaces that are left undisturbed during the time period for which weed control is desired. Cultural practices that result in redistribution or disturbance of the soil surface after treatment will decrease the herbicidal effectiveness of **Biathlon**. Cutting water furrows or cultivations that mix untreated soil into treated areas will also reduce the effectiveness of the treatment.

## APPLICATION INSTRUCTIONS

- Apply to dry foliage only.
- Water in immediately to wash the particles off the plant foliage.
- Apply 2.3 lbs. **Biathlon** per 1,000 sq. ft.
- Repeat application at 3 month intervals.

Before each application remove any existing weeds. Apply the product with a properly calibrated rotary spreader that will assure accurate, even particle distribution. Apply to dry foliage only. To test for moisture, rub hands over plant foliage. Immediately after the application water in with 1/2 - 1 inch of water to wash the particles off the plant foliage and to activate the herbicide. For season-long weed control, repeat applications are required at approximately 3-month intervals during the growing season, but do not apply more than 200 lbs. **Biathlon** per acre per year.

**Biathlon** may be applied to newly transplanted and established ornamentals. Irrigation or rainfall must occur soon after application to wash residues off plant foliage and activate the herbicide. **Biathlon** may be applied at any time to established plants. Delay application to allow soil or media to settle around new transplants. Apply **Biathlon** after cuttings form roots and become established. Apply before budding/grafting or after buds/grfts have taken to avoid any inhibition of the tissue union. For optimum control **Biathlon** should be activated by at least 1/2 inch of rainfall or irrigation prior to weed seed germination and within 14 days following application.

## INDIVIDUAL CONTAINER APPLICATIONS

For situations where broadcast application of the product is not appropriate, apply the product uniformly over the entire container surface at the rates on the following table (1 gm **Biathlon**/sq. ft.):

Container Size	Surface Area (Sq. Ft.)	Grams of Biathlon/ Container	Volume of Biathlon Per Container
1 gal. (6" diam.)	0.20	0.20	1/8 tsp.
2 gal. (9" diam.)	0.44	0.44	1/4 tsp.
3 gal. (10" diam.)	0.55	0.55	1/4 tsp. (rounded)
5 gal. (12" diam.)	0.79	0.79	1/4 tsp. (heaping)
15 gal. (17" diam.)	1.60	1.60	1/2 tsp.

## NONCROPLAND APPLICATIONS

**Biathlon** may be applied as a preemergent for the control of certain broadleaf weeds and annual grasses on noncropland areas: industrial sites, utility substations, highway guardrails, sign posts, and delineators.

Apply **Biathlon** any time prior to germination of target weeds. Areas to be treated should be free of established weeds or existing weeds. This can be done with the application of a postemergence herbicide.

## USE RESTRICTIONS

**Do not** use for Christmas tree and conifer farms in Arizona.

**Do not** apply to moist foliage.

**Do not** apply while plants are producing a new flush of spring growth. Tender, newly forming leaves are especially sensitive and may be injured by the herbicide.

**Do not** apply when extreme cold stress (35°F or lower) is expected.

**Do not** apply product in enclosed greenhouse or polyhouse structures containing plants as ornamental injury may result.

**Do not** apply to plant types whose leaves channel the herbicide granules in the leafbase (such as Yucca spp. and Dracaena spp.).

**Do not** apply in wind conditions that affect distribution of the product. If metallic surfaces (nursery equipment, automobiles, etc. are present at the application site, **do not** use this product under windy conditions (5-10 mph) due to its staining potential.

**Do not** apply to vegetable crops. Do not use on fruit trees that will bear fruit within one year of application. The user assumes all responsibility for any crop damage or other liability from the use of this product on ornamental plant species not recommended on this label.

**Do not** apply to bedding plants, liner production beds, flowers, ground covers, vegetables, or turf.

**Do not** mechanically incorporate **Biathlon** into soil or potting media or apply product directly to bare roots.

**Do not** graze or feed forage from treated fields to livestock.

**Do not** disturb the soil surface following application as the herbicide barrier will be broken, resulting in less than optimum control.

**Do not** apply to nursery seedling beds, cutting beds or transplants beds.

**Do not** apply to unrooted liners or cuttings that have been planted in pots for the first time.

**Do not** apply to pots less than 4 inches wide.

## STORAGE AND DISPOSAL

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

**PESTICIDE STORAGE:** Store in a clean, dry place. Store in original container and out of the reach of children, preferably in a locked storage area.

**PESTICIDE DISPOSAL:** Do not contaminate water, food, or feed by storage or disposal. Wastes resulting from the use of this product may be disposed of on site or at approved waste disposal facility.

**CONTAINER DISPOSAL:** Non-refillable container. Do not reuse or refill this container. Completely empty container into application equipment. Then dispose of empty container 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 CONDITION 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 Limitation of Remedies.

## WARRANTY DISCLAIMER

OHP, 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. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, OHP, Inc. MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

This product has been researched to provide necessary data to support its use on the ornamentals listed on the label. However it is understood that tests may not have been carried out on all varieties or cultivars and under all growing conditions on all plants listed on the label. The user should always follow the label directions and exercise sound judgment and caution when using this product on a given variety until familiar with the results under prevailing growing conditions.

NO WARRANTY OR REPRESENTATION IS MADE, EXPRESS, OR IMPLIED, CONCERNING THE RESULTS OBTAINED FROM THE USE OF THIS PRODUCT IF NOT USED IN ACCORDANCE WITH DIRECTIONS OR ESTABLISHED SAFE PRACTICE. The exclusive remedy of the user or Buyer, and the limit of liability of OHP, Inc. or any other Seller, for any and all losses, injuries or damages resulting from the use or handling of this product shall be the purchase price paid by the user or Buyer for the quantity of this product involved. The Buyer and all users are deemed to have accepted the terms of this Notice, which may be varied only by agreement in writing, signed by a duly authorized representative of OHP, Inc.

## 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, but not limited to, excessive rainfall, drought, tornadoes, hurricanes), presence of other materials, the manner of application, or other factors, all of which are beyond the control of OHP, Inc. or the seller. All such risks shall be assumed by buyer.

## LIMITATION OF REMEDIES

To the extent consistent with applicable law, the exclusive remedy for losses or damages resulting from this product (including claims based on contract, negligence, strict liability, or other legal theories), shall be limited to, OHP, Inc.'s election, one of the following:

Refund of purchase price paid by buyer or user for product bought, or Replacement of amount of product used.

OHP, Inc. shall not be liable for losses or damages resulting from handling or use of this product unless OHP, Inc. is promptly notified of such loss or damage in writing. In no case shall OHP, Inc. 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 the Seller or the seller is authorized to vary or exceed the terms of the Warranty Disclaimer or this Limitation of Remedies in any manner.

Biathlon is a registered trademark of OHP, Inc.

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