

Nautique®

Aquatic Herbicide

SPECIMEN

SePRO

For use in still or flowing aquatic sites such as potable water sources, lakes, rivers, reservoirs, and ponds, slow-flowing or quiescent water bodies, crop and non-crop irrigation and drainage systems (canals, ditches, and laterals), fish, golf course, ornamental, swimming, and fire ponds and aquaculture including fish and shrimp.

Active Ingredients

Copper Ethylenediamine Complex ¹ (CAS# 13426-91-0)	13.2%
Copper Triethanolamine Complex ¹ (CAS# 82027-59-6)	14.9%
Other Ingredients	71.9%
TOTAL	100.0%

¹Metallic Copper equivalent = 9.1%

Keep Out of Reach of Children
DANGER / PELIGRO

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 inside of 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* inside label booklet.

Nautique is a registered trademark of SePRO Corporation.
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EPA Reg. No. 67690-10
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PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

Keep Out of Reach of Children
DANGER / PELIGRO

Corrosive. Causes irreversible eye damage. Causes skin burns. May be fatal if absorbed through skin. Harmful if swallowed. Harmful if inhaled. Do not get in eyes, on skin or on clothing. Avoid breathing spray or mist vapor. When handling, wear protective eyewear, clothing and chemical-resistant gloves as described under the section of this label pertaining to Personal Protective Equipment (PPE). Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. Wash skin thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Remove and wash contaminated clothing before reuse.

For applications in waters destined for use as drinking water, those waters must receive additional and separate potable water treatment. Do not apply more than 1.0 ppm as metallic copper in any waters.

FIRST AID	
If in eyes	<ul style="list-style-type: none">• 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.• Call a poison control center or doctor for treatment advice.
If on skin or clothing	<ul style="list-style-type: none">• Take off contaminated clothing.• Rinse skin immediately with plenty of water for 15 - 20 minutes.• Call a poison control center or doctor for treatment advice.
If inhaled	<ul style="list-style-type: none">• Move person to fresh air.• If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible.• Call a poison control center or doctor for further treatment advice.

(continued)

FIRST AID (continued)	
If swallowed	<ul style="list-style-type: none">• Call a poison control center or doctor immediately for treatment advice.• Have person sip a glass of water if able to swallow.• Do not induce vomiting unless told to do so by a poison control center or doctor.• Do not give anything by mouth to an unconscious person.
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. In case of emergency endangering health or the environment involving this product, call INFOTRAC at 1-800-535-5053 .	

NOTE TO PHYSICIAN: Probable mucosal damage may contraindicate the use of gastric lavage.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Some materials that are chemical-resistant to this product are barrier laminate, butyl rubber ≥14 mils, or nitrile rubber ≥14 mils. If you want more options, follow the instructions for category A on an EPA chemical-resistant category selection chart.

- Mixers, loaders, applicators and other handlers must wear the following:**
- Coveralls (such as Tyvek suit or similar) worn over long-sleeved shirt and long pants;
 - Socks and chemical resistant footwear;
 - Chemical-resistant gloves (such as nitrile or butyl rubber);
 - Protective eyewear such as goggles, safety glasses, or face shield; and
 - A chemical-resistant apron when mixing and loading or cleaning equipment.

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. Discard clothing and other absorbent material that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them.

USER SAFETY RECOMMENDATIONS

- Users should:**
- Wash the outside of gloves before removing.
 - 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 Nautique. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish and aquatic invertebrates. Waters treated with this product may be hazardous to aquatic organisms. Treatment of aquatic weeds and algae can result in oxygen loss from decomposition of dead algae and weeds. This oxygen loss can cause fish and invertebrate suffocation. To minimize this hazard, do not treat more than ½ of the water body to avoid depletion of oxygen due to decaying vegetation. Wait at least 14 days between treatments. Begin treatment along the shore and proceed outwards in bands to allow fish to move into untreated areas. Consult with the State or local agency with primary responsibility for regulating pesticides before applying to public waters, to determine if a permit is required.

Certain water conditions including low pH (< 6.5), low dissolved organic carbon (DOC) levels (3.0 mg/L or lower), and "soft" waters (i.e. alkalinity less than 50 mg/L), increases the potential acute toxicity to non-target aquatic organisms. Do not use in waters containing trout or other fish species that are highly sensitive to copper if the alkalinity is less than 50 ppm. Fish toxicity generally decreases when the hardness of water increases. This product must not be used in ornamental ponds containing Koi.

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling. Read all directions for use carefully before applying this product. Use only according to label directions.

Do not apply this product in a way that concentrate will contact workers or other persons, either directly or through drift; only protected handlers may be in close proximity to the mixing area or application equipment while in use.

Obtain Required Permits: Consult with appropriate state or local pesticide and/or water authorities before applying this product in or around public waters. Permits and posting or treatment notification may be required by State, Tribal or local public agencies.

PRODUCT INFORMATION

Nautique controls a variety of submersed, floating, and emergent aquatic weed species in still or flowing aquatic sites such as potable water sources, lakes, rivers, reservoirs, and ponds, slow-flowing or quiescent water bodies, crop and non-crop irrigation and drainage systems (canals, ditches, and laterals), fish, golf course, ornamental, swimming, and fire ponds and aquaculture including fish and shrimp.

Nautique is formulated with dual chelating agents. This aids in copper uptake by aquatic plants and reduces the precipitation of copper with carbonates and bicarbonates in the water. Nautique has a broad spectrum of activity to weed species that are susceptible to copper.

Treatment Notes

Performance of Nautique is enhanced under certain conditions. It is recommended to consult a SePRO Aquatic Specialist for guidance in implementing a treatment program to achieve optimal results. The following apply to the use of Nautique to achieve optimum effectiveness:

- Treat when growth first begins to appear (if possible) or when target vegetation is actively growing.
- Apply in a manner that will ensure even distribution of the chemical within the treatment area.
- Aquatic weeds typically drop below the surface within 3 to 14 days after treatment. The complete results of treatment will be observed 1 to 4 weeks post-treatment in most cases.
- In heavily infested areas a second application may be necessary. Retreat areas if regrowth begins to appear and seasonal control is desired. Repeating application of Nautique too soon after initial application may have no effect.

Precautions and Restrictions

- Do not apply Nautique directly to, or otherwise permit it to come into contact with any desirable plants as injury may result. Do not apply in such a way that concentrated Nautique comes in contact with crops, ornamentals, grass or other desirable plants.
- Wash spray equipment thoroughly before and after each application.

Spray Drift Management

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

Droplet Size

Apply only as a medium or coarser spray (ASAE standard 572) or a volume mean diameter of 300 microns or greater for spinning atomizer nozzles.

Wind Speed

Do not apply at wind speeds greater than 15 mph. Only apply this product if the wind direction favors on-target deposition (approximately 3 to 10 mph), and there are no sensitive areas within 250 feet downwind.

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 or stable atmospheric conditions.

Other State and Local Requirements

Applicators must follow all state and local pesticide drift requirements regarding application of copper compounds. Where states have more stringent regulations, they must be observed.

Equipment

All aerial and ground application equipment must be properly maintained and calibrated using appropriate carriers or surrogates.

Additional requirements for aerial applications:

- The boom length must not exceed 75% of the wingspan or 90% of the rotor blade diameter.

- Release spray at the lowest height consistent with efficacy and flight safety. Do not release spray at a height greater than 10 feet above the crop canopy unless a greater height is required for aircraft safety.
- When applications are made with a crosswind, the swath must be displaced downwind. The applicator must compensate for this displacement at the up and downwind edge of the application area by adjusting the path of the aircraft upwind.

Additional requirements for ground boom application:

Do not apply with a nozzle height greater than 4 feet above the crop canopy.

APPLICATION INFORMATION

For aquatic weed control (including vascular plants and algae), do not exceed a concentration of 1.0 ppm copper during any single application. Wait at least 14 days between treatments.

Target Species

Nautique is a chelated copper formulation that provides effective control of floating, submersed, and emergent aquatic plants having sensitivity to copper including:

Brazilian elodea (<i>Egeria densa</i>)	pondweed spp.(e.g., sago, American) [†]
coontail	salvinia spp. (e.g. giant and common)
curlyleaf pondweed	starry stonewort [†]
duckweed	thinleaf pondweed
elodea	watermilfoil, Eurasian [†]
eelgrass (<i>Vallisneria</i>) [†]	water hyacinth
horned pondweed [†]	water lettuce
hydrilla	widgeon grass
naiad	

[†] Variable control may be obtained, especially in waters with higher alkalinity, and repeat applications may improve control.

² Except in California.

Application Methods

Nautique can be applied directly as a surface spray, subsurface through trailing weighted hoses, by aerial application, or in combination with other aquatic herbicides and algaecides. Surfactants, sinking agents, polymers (except CA), penetrants, or other adjuvants may be combined with Nautique to improve the retention time, sinking, and distribution of the herbicide. Nautique inverts easily using either tank mix or multi-fluid mixer techniques. For submersed plants, invert applications should be made through weighted hoses dragged below the water surface; for heavy infestations, direct application is preferable.

When treating moving water, apply the spray solution counter to the flow of water (unless metering Nautique into flowing water – see the *Flowing Water Treatment* section of this label). Nautique can be applied diluted or undiluted, whichever is most suitable to insure uniform coverage of the area to be treated. Dilution with water may be necessary at the lower application rates and when targeting floating or emergent vegetation. Dilute the required amount of Nautique with enough water to ensure even distribution in the treated area with the type of equipment being used. For best results, dilute Nautique in water to provide a minimum spray mix of 20 to 50 gallons per acre; in areas with heavy weed infestations, a total tank mix of > 50 gallons per acre may be necessary.

For effective control, proper Nautique concentrations should be maintained for a minimum of three (3) hours. The rates in Table 1, *Nautique Application Rates*, are based on static or minimal flow situations. Where significant dilution occurs from untreated waters or loss of water within a three (3) hour period, Nautique may have to be metered in (refer to the *Flowing Water Treatment* section of this label).

Use the lower rates for treating soft water (less than 50 ppm alkalinity) or when targeting species with greater susceptibility to Nautique. Use the higher rates for treating less susceptible species, heavier infestations, and/or treating hard water (above 50 ppm alkalinity). Surface applications may be made from shore into shallow water along the shoreline.

Application Rates

Application rates in Table 1 are based on minimal water flow in ponds, lakes, reservoirs, and irrigation conveyance or drainage systems. Treatments that extend chemical contact time with target vegetation will generally result in improved efficacy. In conveyance systems where significant water flow results in rapid off-site movement of Nautique, consult Table 2 and the *Flowing Water Treatment* section of this label for application instructions.

Application rates are calculated by using the following formula to obtain the appropriate Nautique dose/rate:

Gallons of Nautique per surface acre = desired concentration of metallic copper (ppm) x average depth of water (feet) x 3.0

TABLE 1 Nautique Application Rates									
Relative Plant Density	ppm copper	Gallons Per Surface Acre				Liters Per Surface Hectare			
		Depth in Feet†				Depth in Meters†			
		1	2	3	4	0.5	0.75	1.0	1.25
Low Density	0.5	1.5	3.0	4.5	6.0	12.0	24.1	36.1	48.2
	0.6	1.8	3.6	5.4	7.2	14.9	29.8	44.7	59.6
Medium Density	0.7	2.1	4.2	6.3	8.4	17.2	34.4	51.6	68.8
	0.8	2.4	4.8	7.3	9.6	19.5	39.0	58.5	78.0
High Density	0.9	2.7	5.4	8.1	10.8	21.8	43.6	65.4	87.2
	1.0	3.0	6.0	9.0	12.0	24.1	48.2	72.3	96.4

† For depths greater than 4 feet (1.25 meters) add rates given for the sum of the corresponding depths in the chart

Free-Floating Plants

Apply Nautique using a foliar spray at a rate of 8 - 12 gallons/acre for control of water hyacinth, duckweed (except CA), and salvinia (except CA), and up to 4 - 6 gallons/acre for control of water lettuce (do not exceed 3 gallons/acre foot). Add Nautique and the appropriate surfactant to a minimum of 20 to 50 gallons per acre with water. Use an adequate spray volume to ensure good coverage of the plant. Apply Nautique to the area where the greatest concentration of foliage is located in a manner that will optimize herbicide contact on leaf surfaces.

Tank Mix

Nautique can be tank mixed with other herbicides for control of a broader weed spectrum. Do not mix concentrates in a tank without first adding water. To ensure compatibility, a jar test is recommended before field application. Nautique must not be mixed with any product containing a label prohibition against such mixing and must be used in accordance with the more restrictive of the label limitations and precautions. No label dosage rates should be exceeded.

- **Nautique + Sonar* A.S. Tank Mix (Except California)** - Nautique can be mixed with Sonar A.S. to enhance the submersed weed control spectrum and be applied as a uniform surface spray or injected under the water's surface. For best results, apply this tank mix at a minimum of 0.5 ppm Nautique and 0.03 ppm (30ppb) Sonar A.S. Lower concentrations may be effective on more susceptible species and under certain conditions.
- **Nautique + Diquat Tank Mix** - For best results, apply Nautique/diquat (e.g. Littora*, Reward) combinations in a 2:1 ratio of Nautique:Diquat (e.g. 4 gallons Nautique and 2 gallons Littora* per acre in waters with average depth of 4 feet). Do not exceed maximum labeled rates for any product. For hydrilla control and control of other species with high sensitivity to copper, lower rates of Nautique may also enhance the activity of diquat. Nautique must be applied at a minimum of 0.1 ppm in combination with diquat. Higher rates may be needed in areas with dense weeds.
- **Nautique + Endothall Tank Mix** - For best results apply Nautique/endothall (i.e. dipotassium salt of endothall; Aquathol K – 3 lbs a.i./gallon) combinations at a minimum rate of 1 gallon Nautique per acre foot and 0.75 gallons endothall per acre foot.
- **Tank Mix Adjuvants/Surfactants** - The addition of a surfactant is recommended to improve efficacy on floating and emergent plants. **Silicone surfactants are not recommended for floating plants as they generally can cause the plant to sink causing the spray solution to be washed off the plant.** Observe all cautions and restrictions on the labels of both products used in this mixture. Adjuvants/surfactants may also enhance performance on other species. Consult manufacturer recommendations.

Flowing Water Treatment

Drip System or Metering Pump Application for Canals, Ditches, and Laterals

For optimal control, Nautique should be applied as soon as submersed macrophytes or algae begin active growth or interfere with normal delivery of water (clogging of lateral head gates, suction screens, weed screens, and siphon tubes). Delaying treatment could perpetuate the problem causing massing and compacting of plants. Heavy infestations and low flows may result in pooling or uneven product distribution resulting in unsatisfactory control. Under these conditions repeated applications or increasing the water flow rate during application may be necessary.

To achieve desired control with Nautique herbicide in flowing waters, a minimum exposure period of three hours should be maintained at a concentration of 0.5 to 1.0 ppm. Other factors to consider include: plant species and density of infestation and water temperature and hardness. Longer contact times and the highest rates may be required for less susceptible species and in difficult treatment conditions (e.g. less susceptible weed species, dense weed beds, hard water).

1. Treatment with Nautique requires accurate calculations of water flow rates. Devices that provide accurate flow measurements such as weirs or orifices are the preferred method; however, the volume of water to be treated may also be estimated using the following formula:

Cubic feet per second (cfs) = average width (feet) x average depth (feet) x average velocity (feet/second) x 0.9

The velocity can be estimated by determining the length of time it takes a floating object to travel a defined distance. Divide the distance (feet) by the time (seconds) to estimate velocity (feet/seconds). This measure should be repeated 3 times at the intended application site and then calculate the average velocity.

2. After accurately determining the water flow rate in cubic feet per second(s) (cfs) or gallons/minute, find the corresponding drip rate in Table 2. For flow rates not listed in the table, multiply the flow rate by the recommended amount of Nautique in 1 cfs for application rates or use the below formula.

**cfs x desired concentration of metallic copper (ppm) =
quarts/hour of application**

TABLE 2 Nautique Application Drip or Injection Rates For Flowing Water				
Water Flow Rate		PPM Copper	Nautique Drip Rate	
cfs	gal/min.		Quart/ hr	ml / min
1	450	0.5 - 1.0	0.5 - 1.0	7.9 - 15.7
2	900	0.5 - 1.0	1.0 - 2.0	15.7 - 31.5
3	1,350	0.5 - 1.0	1.5 - 3.0	23.6 - 47.3
4	1,800	0.5 - 1.0	2.0 - 4.0	31.5 - 63.0
5	2,250	0.5 - 1.0	2.5 - 5.0	39.4 - 78.8
10	4,500	0.5 - 1.0	5.0 - 10.0	78.8 - 157.7
100	45,000	0.5 - 1.0	50 - 100	789 - 1,577

Calculate the amount of Nautique needed to maintain the drip rate for a treatment period of 3 hours by multiplying **quart(s)/hour by 3 or milliliters/minute by 180**. For longer injection periods, multiply dosage rate by desired time in minutes or hours as appropriate.

Rates will target up to 1.0 ppm copper concentration in the treated water for the treatment period. Lower concentrations may be used on susceptible plant species or if longer exposure/injection times are maintained. Introduction of Nautique should be made in the channel at weirs or other turbulence-creating structures to promote the dispersion of the chemical.

Use a drum or tank equipped with a valve or other volume control device that can be calibrated to maintain a constant drip rate. Use a stopwatch and appropriate measuring container to set the desired drip rate. Readjust accordingly if the canal flow rate changes during the treatment period. A small pump or other metering device may be used to meter Nautique into the water more accurately. Application can be made using diluted or undiluted material.

Results can vary depending upon species and density of vegetation, desired distance of control and flow rate, and impact of water quality on Nautique and efficacy. Periodic maintenance treatments may be required to maintain seasonal control (every 2 to 6 weeks). In addition, Nautique can be used in a rotational program with other herbicides labeled for flowing water for an integrated management approach. It is recommended to consult a SePRO Aquatic Specialist to determine optimal use rate location of treatment stations and duration of treatment period under local conditions.

Irrigation Ponds or Reservoirs

When applying to irrigation ponds or reservoirs, it is best to hold water for a minimum of 3 hours before irrigating to ensure proper exposure of Nautique at targeted rates to plants. If water is to be continually pumped from the treated system during application, application techniques (drip, injection, or multiple spray applications) should be made to compensate for dilution of Nautique within the targeted area.

STORAGE AND DISPOSAL

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

Pesticide Storage: Store in a cool dry place. Do not store near feed or foodstuffs. In case of leak or spill, use absorbent materials to contain liquids and dispose in a manner consistent with the pesticide disposal instructions.

Pesticide Disposal: Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal Law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance. Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

Nonrefillable Container Disposal (rigid, 5 gallons or less): Do not reuse or refill this container. Triple rinse container (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, treatment area, or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat the 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.

Nonrefillable Container Disposal (rigid, larger than 5 gal): Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 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, treatment area, 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 and local authorities, by burning. If burned, stay out of smoke.

Refillable Container Disposal (rigid, larger than 5 gal): 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, rinsate collection system, or treatment area. Repeat this rinsing procedure two more times. If returning container, seal all openings which have been opened during use. Return the empty container to a collection site designated by SePRO Corporation. If the container has been damaged and cannot be returned according to the recommended procedures, contact SePRO Corporation at 1-800-419-7779 to obtain proper handling instructions.

STORAGE AND DISPOSAL (continued)

Container Disposal (bulk): Triple rinse (or equivalent). Then offer for recycling 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 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, 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 this 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 the product bought, or
- (2) Replacement of amount of the 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 Nautique 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 this *Limitations of Remedies* in any manner.

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