PRECAUTIONARY STATEMENTS

Hazard to Humans and Domestic Animals

KEEP OUT OF REACH OF CHILDREN

DANGER / PELIGRO

Si usted no entienda la etiqueta, busque a alguien para que le explique a usted en detalle. (If you do not understand the label, find someone to explain it to you in detail.)

FIRST AID

If in eyes
- 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
- 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 swallowed
- 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 to an unconscious person.

If inhaled
- 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.

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

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.

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 worn over short-sleeved shirt and short 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 this product. 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 10-14 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. Captain XTR 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

Captain XTR is a chelated copper formulation that is effective in controlling a broad range of green and blue-green (cyanobacteria) algae, including filamentous, planktonic and macrophytic. Captain XTR is also an effective herbicide on submerged weed species with susceptibility to copper. The ethanamines in Captain XTR reduce the precipitation of copper with carbonates and bicarbonates in the water.

Use the lower concentrations/rates in softer water (<50 ppm alkalinity) or when treating species with greater susceptibility to Captain XTR; use higher concentrations/rates in harder water (>50 ppm alkalinity) and when treating heavier infestations and/or less susceptible species.

Treatment Notes

Performance of Captain XTR 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 Captain XTR 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 Captain XTR within the treatment area.
- Use a high-pressure surface spray application to break up dense floating algal mats.
- In heavily infested areas, a second application may be necessary. Retreat areas if regrowth begins to appear or if seasonal control is desired. Repeating application of Captain XTR too soon after initial application may have no effect.

Precautions and Restrictions

- Do not apply Captain XTR directly to, or otherwise permit it to come into contact with any desirable plants as injury may result.
- Do not allow in such a way that concentrated Captain XTR comes in contact with crops, ornamentals, grass or other desirable plants.
- Wash spray equipment thoroughly before and after each application.
- Contents may cause bluing where marcite has been etched.

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.

- 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 aerial applications:

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

APPLICATION INFORMATION

For aquatic weed control (including algae and vascular plants), do not exceed a concentration of 1.0 ppm copper during any single application; wait a minimum of 14 days between retreatments.

When treating aquaculture ponds when fish are present, do not exceed a concentration of 0.4 ppm during any single application when targeting nuisance algae; wait a minimum of 10 days between retreatments.

Application Methods and Rates

Surface Spray/Injection Algaecide Application

For effective control, proper rates of Captain XTR should be maintained for a minimum of three hours. The application concentrations/rates in Table 1 are based on static or minimal flow situations. Where significant dilution occurs from untreated waters or loss of water, within a three hour period, Captain XTR may have to be metered in (refer to the Drip System or Metering Pump Application for Flowing Water Treatments section of this label).

Identify the algae growth present as one of the following types: planktonic (suspended), filamentous (mat-forming), or macrophytic algae (chara/nitella).

Determine the surface acreage (1 acre = 43,560 ft.²) and average depth of infested area. Refer to chart below to determine gallons of Captain XTR to apply per surface acre.

<table>
<thead>
<tr>
<th>Algae Type or Species</th>
<th>Dose Copper PPM</th>
<th>Rates Gallons per Acre Foot</th>
<th>Treatment Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planktonic (Suspended)</td>
<td>0.2 - 1.0†</td>
<td>0.6 - 3.0</td>
<td>Apply lower rates for light infestations. Use higher rates on heavy blooms and where algal masses are clumped and accumulated.</td>
</tr>
<tr>
<td>Filamentous (Mat-forming)</td>
<td>0.2 - 1.0†</td>
<td>0.6 - 3.0</td>
<td>Apply lower rates for early season applications, light infestations or treatment of regrowth. Apply higher rates on surface mats and species such as Pithophora, Cladophora, Lyngbya, and Hydrodictyon.</td>
</tr>
<tr>
<td>Macrophytic (Chara/Nitella/ Starrystonewort)</td>
<td>0.4 - 1.0</td>
<td>1.2 - 3.0</td>
<td>Apply lower rates for new infestations or early season growth. Apply higher rates on older, established calcified plants. Apply as close to plant growth as possible.</td>
</tr>
</tbody>
</table>

† For planktonic and filamentous algae, Captain XTR may be applied up to 1.0 ppm when growth conditions require higher rates and for difficult to control species.

For dense infestations of filamentous algae or where the species of Hydrodictyon, Cladophora or Pithophora are present, apply the higher rate in the rate range. Filamentous algae species are easier to control before floating to the water’s surface (when they are forming on the pond/lake bottom). An adjuvant, such as d-limonene or similar surfactant, may be added for enhanced control of floating mats or difficult to control species of algae. Follow surfactant labeling instructions for application rates and use directions.

For planktonic (suspended) algae and free-floating filamentous algae mats, application rates should be based on treating to depths where algae are present (e.g. the upper 3 to 4 feet of water). For dense infestations and in certain other situations, it may be necessary to calculate rates based on the depth of known algae infestation (e.g. > 4 feet) or require treating the entire water column in the target area. To calculate the application rate per surface acre, multiply the application rate in Table 1 (0.6 to 3.0 Gallon per Acre Foot) by the average depth of infestation, or average water depth if infestation reaches the entire water column.
As a surface or subsurface application, Captain XTR may be applied diluted or undiluted, whichever is most suitable to ensure uniform coverage of the area to be treated. Dilution with water may be necessary at the lower application rates. Dilute the required amount of Captain XTR with enough water to ensure even distribution in the treated area with the type of equipment being used. For best results, dilute Captain XTR in water to provide a minimum spray mix of 20 to 50 gallons per acre; in areas with heavy infestations of filamentous algae, a total tank mix of >50 gallons per acre may be necessary; break up floating algae mats before spraying or while application is being made.

### Drip System or Metering Pump Application for Flowing Water Treatments

For Use in Potable Water, Canals, Ditches, and Irrigation and Drainage Systems

For optimal control, apply Captain XTR as soon as algae begin active growth or interfere noticeably with normal delivery of water (clogging of lateral headgates, suction screens, weed screens, and siphon tubes). Delaying treatment could perpetuate the problem causing massing and compacting of plants. Heavy infestations and low flow may cause poor distribution resulting in unsatisfactory control. Under these conditions repeated applications or increasing water flow rate during application may be necessary.

Prior to treatment it is important to accurately determine water flow rates. In the absence of weirs, orifices, or similar devices, which give accurate waterflow measurements, volume of flow can be estimated by the following formula:

\[
\text{Cubic feet per second (cfs) = average width (feet) x average depth (feet) x average velocity}^{1}\ \text{(feet/second) x 0.9}
\]

1 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.

After accurately determining the water flow rate in cfs or gallons/minute, find the corresponding Captain XTR rate in Table 2 or use the below formula.

\[
cfs \times \text{desired concentration of copper (ppm)} = \text{quarts/hour of application}
\]

### TABLE 2

<table>
<thead>
<tr>
<th>Water Flow Rate</th>
<th>PPM Copper</th>
<th>Captain XTR Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>CFS Gal/min.</td>
<td>Quart/hr.</td>
<td>ml/min.</td>
</tr>
<tr>
<td>1</td>
<td>0.2 - 1.0</td>
<td>0.2 - 1.0</td>
</tr>
<tr>
<td>2</td>
<td>0.2 - 1.0</td>
<td>0.4 - 2.0</td>
</tr>
<tr>
<td>3</td>
<td>0.2 - 1.0</td>
<td>0.6 - 3.0</td>
</tr>
<tr>
<td>4</td>
<td>0.2 - 1.0</td>
<td>0.8 - 4.0</td>
</tr>
<tr>
<td>5</td>
<td>0.2 - 1.0</td>
<td>1.0 - 5.0</td>
</tr>
<tr>
<td>10</td>
<td>0.2 - 1.0</td>
<td>2.0 - 10.0</td>
</tr>
<tr>
<td>100</td>
<td>0.2 - 1.0</td>
<td>20 - 100.0</td>
</tr>
</tbody>
</table>

Calculate the amount of Captain XTR needed to maintain the drip rate for a treatment period of 3 hours by multiplying either:

**Quarts / hr x 3; Milliliters / Minute x 180; or Fluid ounces / Minute x 180**

Rates will target 1.0 ppm copper concentration in the treated water for the treatment period. Lower concentrations may be used on highly susceptible algae species or if longer exposure times are maintained. Introduction of the chemical should be made in the channel at weirs or other turbulence-creating structures to promote the dispersion of the chemical. For injection periods longer than three hours (180 minutes), calculate the amount of Captain XTR needed by multiplying the rate by the desired time in minutes or hours, as appropriate.

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 Captain XTR into the water more accurately. Application can be made using diluted or undiluted material.

Results can vary depending upon species and density of algae and vegetation, desired distance of control and flow rate, and impact of water quality on efficacy. Periodic maintenance treatments may be required to maintain seasonal control. It is recommended to consult a SePRO Aquatic Specialist to determine optimal use rate, location of treatment stations and treatment period under local conditions.

### Slug Application Method for Flowing Irrigation Canals with no Functioning Potable Water Intakes

Do not use this method of application in flowing canals with functioning potable water intakes at or downstream from the application site. For optimal control, apply Captain XTR as soon as algae begin active growth or interfere noticeably with normal delivery of water. Heavy infestations and low flow may cause poor distribution resulting in unsatisfactory control. Under these conditions repeated applications or increasing water flow rate during application may be necessary. Apply Captain XTR into the irrigation canal or lateral at 0.05 fluid ounces to 0.55 gallons (70 fluid ounces per CFS as a slug or dump application (see above for determining CFS). Depending upon water hardness, alkalinity, velocity and algae conditions, a slug application is typically required every 5 to 30 miles. High water hardness or alkalinity levels may require the use of higher rates within the rate range above to achieve control. When velocity levels are higher (>1 foot per second) distance between drop stations for slug applications can be increased.

### Chemigation System Application

Captain XTR may be applied for the maintenance of chemigation systems. To control algae in chemigation systems Captain XTR should be applied continuously during water application. For continuous addition application apply 0.91 - 9.1 gallons of Captain XTR per 1,000,000 (one million) gallons of water (0.3 - 3.0 gallons of Captain XTR per acre-foot of water). This will produce a concentration of 0.1 to 1.0 ppm of copper. Do not exceed 1.0 ppm of copper or 0.91 gallons of Captain XTR per 100,000 gallons of water. For additional guidance regarding specific calibrations or application techniques contact application equipment manufacturer, supplier, or pest control advisor. It is not necessary to agitate or dilute Captain XTR in the supply tank before application to chemigation systems.
Chemigation Systems Connected to a Public Water Supply

- The system must contain functional interlocking controls to automatically shut off the pesticide injection pump when the water pump motor stops or in cases where there is no water pump, when the water pressure decreases to the point where pesticide distribution is adversely affected.
- The pesticide injection pipeline must contain functional, normally closed, solenoid-operated valves located on the intake side of the injection pump and connected to the system interlock to prevent fluid from being withdrawn from the supply tank when the irrigation system is either automatically or manually shut down.
- The system must contain functional interlocking controls to automatically shut off the pesticide injection pump when the water pressure decreases to the point where pesticide distribution is adversely affected.
- Systems must use a metering pump, such as a positive displacement injection pump (e.g., diaphragm pump) effectively designed and constructed of materials that are compatible with pesticides and capable of being fitted with a system interlock.
- Do not apply when wind speed favors drift beyond the area intended for treatment.

Sprinkler Chemigation Requirements

- The system must contain a functional check valve, vacuum relief valve, and low pressure drain appropriately located on the irrigation pipeline to prevent water source contamination from back flow.
- The pesticide injection pipeline must contain a functional, normally closed, solenoid-operated valve located on the intake side of the injection pump and connected to the system interlock to prevent fluid from being withdrawn from the supply tank when the irrigation system is either automatically or manually shut down.
- The system must contain functional interlocking controls to automatically shut off the pesticide injection pump when the water pump motor stops.
- The irrigation line or water pump must include a functional pressure switch which will stop the water pump motor when the water pressure decreases to the point where pesticide distribution is adversely affected.
- Systems must use a metering pump, such as a positive displacement injection pump (e.g., diaphragm pump) effectively designed and constructed of materials that are compatible with pesticides and capable of being fitted with a system interlock.
- Do not apply when wind speed favors drift beyond the area intended for treatment.

Floor (Basin), Furrow and Border Chemigation Requirements

- Systems using a gravity flow pesticide dispensing system must meter the pesticide into the water at the head of the field and downstream of a hydraulic discontinuity such as a drop structure or weir box to decrease potential for water source contamination from back flow if water flow stops.
- Systems utilizing a pressurized water and pesticide injection system must meet the following requirements:
  - The system must contain a functional check valve, vacuum relief valve, and low pressure drain appropriately located on the irrigation pipeline to prevent water source contamination from back flow.
  - The pesticide injection pipeline must contain a functional, automatic, quick-closing check valve to prevent the flow of fluid back toward the injection pump.

Submersed Plant Control Applications

Captain XTR can be applied to control hydrilla (Hydrilla verticillata), egeria (Egeria densa), and other aquatic weeds with susceptibility to copper. Apply Captain XTR at a rate to achieve 0.75 to 1.0 ppm copper (2.3 to 3.0 Gallons Captain XTR/Acre foot). In heavily infested areas, a second application after the 14 day retreatment interval may be necessary.

Tank Mix Applications

Captain XTR can be tank mixed with other herbicides to improve efficacy; and to control algae in areas where heavy algae growth may cover target submersed plant species and interfere with herbicide exposure. Do not mix concentrates in tank without first adding water. To ensure compatibility, a jar test is recommended before field application. Captain XTR 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.

Hydrilla Control – Captain XTR + Diquat Tank Mix

Captain XTR can be mixed with diquat (diquat dibromide) at 4 gallons Captain XTR and 2 gallons diquat (Littora*, Reward® - 2 lbs a.i./gallon) per acre. Lower rates of Captain XTR may also enhance the activity of diquat. Captain XTR should be applied at a minimum of 0.1 ppm in combination with diquat. Higher rates may be needed in areas with dense weeds.
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.

Container Handling

Nonrefillable Container. DO NOT reuse or refill this container. Triple rinse or pressure rinse container (or equivalent) promptly after emptying; then offer for recycling, if available, or dispose of container in compliance with state and local authorities.

Triple rinse containers small enough to shake (capacity ≤ 5 gallons) 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.

Triple rinse containers too large to shake (capacity > 5 gallons) 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 end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank, or store rinsate for later use or disposal. Repeat this procedure two more times.

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

Refillable Container. Refill this container with pesticide only. DO NOT reuse this container for any other purpose. Triple rinsing the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller.

Triple rinse as follows: 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% 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.

When this container is empty, replace the cap and seal all openings that have been opened during use; return the container to the point of purchase or to a designated location. This container must only be refilled with a pesticide product. Prior to refilling, inspect carefully for damage such as cracks, punctures, abrasions, worn-out threads and closure devices. Check for leaks after refilling and before transport. DO NOT transport if this container is damaged or leaking. If the container is damaged, or leaking, or obsolete and not returned to the point of purchase or to a designated location, triple rinse emptied container and offer for recycling, if available, or dispose of container in compliance with state and local regulations.

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 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 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 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.

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