

# K-Tea\*

## Aquatic Algaecide

SPECIMEN



For use in slow-moving or quiescent bodies of water including: Golf Course, Ornamental, Fish, Irrigation and Fire Ponds; Fresh Water Lakes and Fish Hatcheries; Potable Water Reservoirs, Rivers, Streams, Bays and Coves; and Crop and Non-crop Irrigation Conveyance Systems (Canals, Laterals and Ditches).

There are no water use restrictions following application of K-Tea.

### Active Ingredient

Copper Triethanolamine complex<sup>1</sup> (CAS# 82027-59-6) .....26.7%

Other Ingredients .....73.3%

TOTAL .....100.0%

<sup>1</sup>Metallic Copper equivalent = 8%

### Keep Out of Reach of Children

## CAUTION / PRECAUCIÓN

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.)

### CONCENTRATED FORMULATION

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 K-Tea, read *Warranty Disclaimer, Inherent Risks of Use and Limitation of Remedies* inside label booklet.

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EPA Reg. No. 67690-24

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## PRECAUTIONARY STATEMENTS

### HAZARDS TO HUMANS AND DOMESTIC ANIMALS

**CAUTION. Causes moderate eye irritation. Harmful if swallowed, absorbed through the skin, or inhaled. Avoid contact with eyes, skin, or clothing. Avoid breathing vapor or spray mist. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco, or using the toilet. Remove contaminated clothing and wash clothing before reuse.**

### FIRST AID

<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 advice.</li></ul>
<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 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 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 a poison control center or doctor.</li><li>• Do not give anything by mouth to an unconscious person.</li></ul>

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 K-Tea, call **INFOTRAC** at **1-800-535-5053**.

## PERSONAL PROTECTIVE EQUIPMENT (PPE)

Some materials that are chemical-resistant to K-Tea are barrier laminate, butyl rubber  $\geq 14$  mils, or nitrile rubber  $\geq 14$  mils. If you want more options, follow the instructions for categories A on an EPA chemical-resistant category selection chart.

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

- Long-sleeve shirt and long pants;
- Shoes plus socks; and
- Chemical-resistant gloves (such as nitrile or butyl rubber).

**Exception:** Aquatic Subsurface Application or Closed Application System After K-Tea has been diluted or tank mixed with water, users must, at a minimum, wear (**NOTE** - Mixers and loaders for this application method must still wear the PPE as described in the above section):

- Short-sleeved shirt and long pants; and
- Shoes plus socks.

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 the K-Tea's concentrate. Do not reuse them.

## USER SAFETY INSTRUCTIONS

### Users must:

- 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 K-Tea. As soon as possible, wash thoroughly and change into clean clothing.

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 these waters.

## 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  $\frac{1}{2}$  of the water body to avoid depletion of oxygen due to decaying vegetation. Wait at least 10 to 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 (5 - 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), increase 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. Do not use K-Tea in ornamental ponds containing Koi.

## DIRECTIONS FOR USE

It is a violation of Federal Law to use K-Tea in a manner inconsistent with its labeling. Read all Directions for Use carefully before applying.

Do not apply in a way that concentrated K-Tea will contact workers or other persons, either directly or through drift; only protected handlers may be in close proximity to the application area or application equipment while in use. For any requirements specific to your State or Tribe, consult the State or Tribal agency responsible for pesticide regulation.

## PRODUCT INFORMATION

K-Tea algaecide provides effective control of various green and blue-green (cyanobacteria) algae, including filamentous, planktonic and branched algae which can occur in slow-moving or quiescent bodies of water, including golf course, ornamental, fish, irrigation and fire ponds; fresh water lakes and fish hatcheries; potable water reservoirs and associated waters (rivers, streams, bays and coves); and crop and non-crop irrigation conveyance systems (canals, laterals and ditches). K-Tea is most effective when applied at the first signs of algal bloom.

K-Tea may be applied aerially, through a ground sprayer or spray boat as a surface spray, and as a subsurface application through weighted hoses. K-Tea may also be applied in an invert emulsion or mixed with a polymer (except for CA).

In static or quiescent water such as lakes, reservoirs, ponds, and static canals, the application site is defined by this label as the specific location where K-Tea is applied. In slow-moving and flowing waters such as canals and rivers, the application site is defined by this label as the target location for plant control. Use the lower rate in soft water (less than 50 ppm alkalinity), for light infestations and less mature plants; use the higher concentration in hard water (above 50 ppm alkalinity), for dense infestations and when targeting more mature vegetation.

### General Precautions and Restrictions

- Do not enter or allow others to enter until application is complete.
- Do not apply undiluted solution of K-Tea 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 K-Tea comes in contact with crops, ornamentals, grass or other desirable plants. Wash spray equipment thoroughly before and after each application.
- No more than 1/2 of the water body may be treated at one time.

### Avoiding Injurious Spray Drift

Applications must be made only when there is little or no hazard from spray drift. Very small quantities of spray, which may not be visible, may seriously injure susceptible plants. Do not spray when wind is blowing toward desirable susceptible crops or ornamental plants near enough to be injured. Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment- and weather-related factors determine the potential for spray drift. The applicator is responsible for considering all these factors when making decisions.

### 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 exists, or b) stable atmosphere 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 and surrogates.

#### Requirements for Aerial Applications:

- The boom length must not exceed 75% of wingspan or 90% of the rotor blade.
- Release spray at the lowest height with efficacy and flight safety. Do not release spray at height greater than 10ft above the water surface 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.

### APPLICATION INFORMATION

For aquatic weed control (including vascular plants and algae), do not exceed 1.0 ppm copper during any single application; wait a minimum of 10 to 14 days between re-treatments (**Exception** - In aquaculture do not exceed 0.4 ppm during any single application when targeting nuisance algae; there are no restrictions on retreatment intervals).

Free floating (planktonic) algae, such as *Anabaena*, *Aphanizomenon*, *Chlorella*, *Dictyosphaerium*, *Euglena*, and *Microcystis*, are controlled using 0.2 to 1.0 ppm metallic copper depending upon severity of growth.

Mat-forming (filamentous) algae, such as *Cladophora*, *Oedogonium*, *Lyngbya*, and *Oscillatoria*, may require up to 0.5 to 1.0 ppm metallic copper depending on growth, intensity, and other certain other conditions. *Chara* and *Phormidium* are difficult to control unless treatment at 0.5 to 1.0 ppm metallic copper is generally initiated at the first signs of algal bloom. For dense infestations of filamentous algae or where the species of *Hydrodictyon*, *Cladophora* or *Pithophora* are present, use the highest rate in the rate range be applied. 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 adjuvant product labeling instructions for application rates and use directions.

**For best results**, K-Tea must be applied when conditions are calm and when algae first appear. Even distribution of K-Tea in the water will improve algae control; therefore, apply in a manner that distributes K-Tea throughout the treated area. Filamentous algae species are easier to control before floating to the water's surface (when they are forming on the pond/lake bottom). The genera of algae listed in Table 1 are commonly found in waters of the United States.

TABLE 1 COPPER LEVELS REQUIRED FOR CONTROL OF DIFFERENT GENERA OF ALGAE		
Organism	0.2-1.0 PPM Copper	0.5-1.0 PPM Copper
<b>Cyanophyceae</b> (Blue-green Algae)	<i>Anabaena</i> <i>Aphanizomenon</i> <i>Cylindrospermum</i> <i>Gloeotrichia</i> <i>Gomphosphaeria</i> <i>Microcystis</i> <i>Oscillatoria</i> <i>Plectonema</i> <i>Polycystis</i>	<i>Calothrix</i> <i>Nostoc</i> <i>Phormidium</i> <i>Symploca</i>
<b>Chlorophyceae</b> (Green Algae)	<i>Botryococcus</i> <i>Closterium</i> <i>Coelastrum</i> <i>Draparnaldia</i> <i>Enteromorpha</i> <i>Gloeocystis</i> <i>Microspora</i> <i>Spirogyra</i> <i>Tribonema</i> <i>Ulothrix</i> <i>Zygnema</i>	<i>Ankistrodesmus</i> <i>Chara</i> <i>Chlorella</i> <i>Cladophora</i> <i>Crucigenia</i> <i>Desmidium</i> <i>Golenkinia</i> <i>Nitella</i> <i>Oocystis</i> <i>Palmella</i> <i>Pithophora</i> <i>Scenedesmus</i> <i>Staurastrum</i> <i>Tetraedron</i>
<b>Diatomaceae</b> (Diatoms)	<i>Asterionella</i> <i>Fragilaria</i> <i>Gomphonema</i> <i>Melosira</i> <i>Navicula</i> <i>Nitzschia</i> <i>Stephanodiscus</i> <i>Synedra</i> <i>Tabellaria</i>	<i>Achnanthes</i> <i>Cymbella</i> <i>Neidium</i>
<b>Protozoa</b> (Flagellates)	<i>Ceramium</i> <i>Cryptomonas</i> <i>Dinobryon</i> <i>Euglena</i> <i>Glenodinium</i> <i>Mallomonas</i> <i>Synura</i> <i>Uroglena</i> <i>Volvox</i>	<i>Chlamydomonas</i> <i>Eudorina</i> <i>Haematococcus</i> <i>Pandorina</i> <i>Peridinium</i>

Use Table 2 below to determine the amount of K-Tea required to achieve the desired copper concentration. For optimal algae control, maintain the desired copper concentration for a minimum of three (3) to twenty-four (24) hours. Rates given below represent concentrations for quiescent or slow-moving water. If water flow results in significant dilution of the treated water, it may be necessary to meter K-Tea into the water (refer to Table 3 and the *Drip System Application* section of this label).

<b>APPLICATION RATES FOR QUIESCENT OR SLOW-MOVING WATER</b>			
<b>Average Water Depth of Treatment Site (Feet)<sup>†</sup></b>	<b>Gallons of K-Tea per Surface Acre to Achieve the Desired Copper Concentration</b>		
	<b>0.2 ppm</b>	<b>0.5 ppm</b>	<b>1.0 ppm</b>
1	0.7	1.7	3.4
2	1.4	3.4	6.8
3	2.0	5.1	10.2

<sup>†</sup> To calculate the application rate in water with an average depth > 3 feet, multiply the average depth by the recommended amount of K-Tea in one foot of water.

### Application Methods

Apply by handgun, spray boat, helicopter or other method of application which provides uniform coverage of the treated area. K-Tea 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 K-Tea with enough water to ensure even distribution in the treated area with the type of equipment being used. For best results, Dilute K-Tea 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 100 gallons per acre may be necessary. To ensure best results, remove large mats of floating algae manually before treatment or break them up before spraying or while application is being made. A second application may be necessary for heavily infested areas. When treating moving water, apply the spray solution counter to the flow of water (unless metering product into flowing water – see recommendations under *Drip System Application* section of this label).

### Surface Application

Spray diluted mixture from shore or boat evenly across the surface of the water. Surface applications generally are near shorelines, in shallower waters, and/or for floating algal mats, and may be made from shore into shallow water.

### Subsurface Application

In deeper water and/or when filamentous algae is forming on the bottom, make a subsurface application of K-Tea through weighted trailing hoses where the greatest concentration of algae is present. Do not drag hoses on the bottom.

### Adjuvants/Surfactants

Adjuvants (polymers, invert emulsions, etc.) or surfactants may be added to K-Tea or to a K-Tea/water premix to improve efficacy. Consult the manufacturer's recommendations regarding the use of these products for improved algae control.

### Aerial Application

Apply K-Tea in a minimum of 10 gallons of total spray solution per surface acre. Add the recommended rates of a drift control or sinking agent to the spray solution. Maintain constant agitation during addition of the polymer (except California – polymers not approved for use with K-Tea) and continue throughout the application.

### Drip System Application

#### For Use in Irrigation Conveyance Systems and Other Moving Water

For best results, application must be made in anticipation of algae that may interfere with normal flow or delivery of water (obstruction of lateral headgates, screens, pumps, pumping systems and siphon tubes). Delayed treatment may result in matting or compaction of algae mats.

Determine the water flow rate prior to treatment of the water system. If available, use weirs, orifices or similar devices which give accurate water flow measurements. If these devices are not available, volume of flow may be estimated by the following formula:

$$\text{Average width (feet) x Average depth (feet) x Average velocity (feet/second) x 0.9 = Cubic feet per second (cfs)}$$

To determine velocity, measure the time it takes a floating object in the middle of the canal to travel a given distance. Divide the distance traveled (feet) by the time (seconds) for velocity (feet/second). Repeat

this procedure at least three times and then calculate the average velocity. Use the average velocity (feet/second) in the formula above to determine the flow rate (cfs).

Once the water flow rate (cfs. or gallons per minute) has been calculated, find the corresponding drip rate for K-Tea in Table 3.

<b>APPLICATION RATES FOR MOVING WATER</b>				
<b>WATER FLOW RATE</b>		<b>K-TEA DRIP RATE</b>		
<b>C.F.S.</b>	<b>GAL./MIN.</b>	<b>QTS./HR.</b>	<b>ML./MIN.</b>	<b>FL. OZ./MIN.</b>
1	500	1.25	20	0.7
2	1,000	2.50	40	1.3
3	1,500	3.75	60	2.0
4	2,000	5.00	80	2.3
5	2,500	6.25	100	3.3

### Determining Amount of K-TEA

The rates shown above will produce a concentration of 1.0 ppm Cu<sup>++</sup> in the treated water. This concentration must be maintained for at least 3 hours. Lower concentrations may be used on highly susceptible algae species or if longer exposure times are maintained. To determine the total amount of K-Tea needed to maintain the drip rate for 3 hours, calculate as follows:

$$\begin{aligned} &\text{Quarts / Hour. x 3; or} \\ &\text{Milliliters / Minute x 180; or} \\ &\text{Fluid ounces / Minute x 180.} \end{aligned}$$

For longer injection periods, multiply dosage rate by desired time in minutes or hours as appropriate. Thorough mixing is necessary to uniformly disperse K-Tea in the water; therefore, apply K-Tea in the channel at weirs or other structures which create turbulence or at several injection points across the flow. K-Tea may be injected as concentrated K-Tea or diluted with water.

### Calibrating For Drip Application

Pour the amount of K-Tea needed to treat for three hours (calculated above) into a drum or tank equipped with valve or other volume control device that can be calibrated to maintain a constant drip rate. Open the valve and allow K-Tea to drip into a graduated container (measuring cup, graduated cylinder, etc.), using a stopwatch to measure the time required to reach the desired volume. Adjust the valve so that K-Tea is dripping at the desired rate. **NOTE:** If the flow rate changes during the treatment period, it may be necessary to recalibrate the delivery system. A small pump or other metering pump may be used to meter K-Tea into the water more accurately.

Distance of algae control from the application point will vary with severity of infestation, water quality and conditions of water conveyance system. Repeat application at a designated point downstream from the previous treatment station. Repeat as necessary to treat entire infested area. It may be necessary to periodically repeat treatments to maintain seasonal control. Consult an Aquatic Specialist to determine optimal use rate, location of treatment stations and duration of treatment period under local conditions.

### Submersed Plant Control

K-Tea may be tank mixed with other aquatic herbicides to enhance efficacy, and to control algae in areas where heavy algae growth that may cover target submersed plant species and interfere with herbicide uptake. K-Tea may be applied to control hydrilla (*Hydrilla verticillata*), egeria (*Egeria densa*), and other copper sensitive aquatic weeds. Apply K-Tea at a recommended rate to achieve 0.75 to 1.0 ppm copper. In heavily infested areas, a second application may be necessary.

**Do not** mix concentrates in tank without first adding water. To ensure compatibility, a jar test is recommended before field application. K-Tea cannot 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. Label dosage rates must not be exceeded.

### Hydrilla Control – K-Tea + Diquat Tank Mix

K-Tea can be mixed with diquat (diquat dibromide) at 4 gallons K-Tea and 2 gallons diquat (Littora<sup>®</sup>, Reward<sup>®</sup> - 2 lbs a.i./gallon) per acre. Lower rates of K-Tea may also enhance the activity of diquat. K-Tea must 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 cool dry place.

**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.

**Nonrefillable Container Handling (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 Handling (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 Handling (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.

**Container Handling (bulk, tanker):** 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.

## WARRANTY DISCLAIMER

SePRO Corporation warrants that K-Tea 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 K-Tea. Plant injury, lack of performance, or other unintended consequences may result because of such factors as use of K-Tea 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 as 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 K-Tea (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 K-Tea bought, or
- (2) Replacement of amount of K-Tea used.

To the extent consistent with applicable law, SePRO Corporation shall not be liable for losses or damages resulting from handling or use of K-Tea unless SePRO Corporation is promptly notified of such losses or damages in writing. To the extent consistent with applicable law, in no case shall SePRO Corporation be liable for consequential or incidental damages or losses.

The terms of the *Warranty Disclaimer* above 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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