



PhycoTerra®

2020 PhycoTerra® Performance Guarantee Terms & Conditions

TERMS AND CONDITIONS

Program effective period:
January 1, 2020 – December 31, 2020.

This program covers crops planted or treated during calendar year 2020 and is limited to those fields that have been accepted into the PhycoTerra® Performance Guarantee before December 31, 2020.

Annual crops planted during the winter of 2020/2021 also qualify so long as they are enrolled by December 1, 2020. Permanent crops like trees, vines, brambles, etc. must be established and have borne at least one harvestable crop in the prior year to be enrolled in the guarantee.

Fields may qualify for this guarantee if they have not received any previous application of PhycoTerra® or PhycoTerra® Organic soil microbe food products.

ENROLLMENT APPLICATIONS

You must apply to participate in the PhycoTerra® Performance Guarantee. Applications must be submitted by December 1, 2020 to qualify. A completed enrollment application form must be uploaded with required files according to the instructions available at www.phycoterra.com/guarantee to Heliae™ Agriculture at least 30 days prior to the first application of PhycoTerra® or PhycoTerra® Organic soil microbe food products.

Applications must include an agronomic plan detailing the crop grown, application method and rate, and any other relevant management practice information specific to the crop. To learn more about the acceptable agronomic practices, consult the agronomic guide for your crop available at www.phycoterra.com

In addition, the application must include a) details regarding the field where the crop will be grown and b) designated treated and untreated areas must be identified. This information must be supplied by uploading shape files for the specific field location or providing other field documentation via Google® maps or other mapping software.

APPROVAL

Heliae™ Agriculture will approve applications based on the order in which they are received and will provide either a) an acceptance notification or b) a Heliae™ Agriculture representative will contact the applicant to resolve any questions about the application.

NOTE: The approval process may take up to 30 days. Please feel free to submit your application well in advance of the product application date.

Heliae™ Agriculture reserves the right to not accept an application at any time for any reason. If a crop does not have an established agronomic recommendation, your application may be denied, but you will be contacted by Heliae™ Agriculture to review your request.

REPORTING RESULTS

Return on investment (ROI) will be determined using local market prices on day of harvest. For crops that are harvested multiple times, you must include all the harvests in your

calculations. Upload harvest and ROI data to www.phycoterra.com/guarantee. You can submit results under the RESULTS tab.

For single- or multiple-harvest annual crops - Treated and untreated areas of the field will be harvested separately and the yield and quality results reported separately.

If the field is double-cropped and only one fertilizer application applied, then both crops will be added together for yield benefit.

For permanent crops, Heliae™ Agriculture requires the harvests of two crop years for this program.

CLAIMS

In the event of a verified claim, Heliae™ Agriculture will provide the participating retailer with a credit equal to the approved claim amount, which shall not exceed the cost of the PhycoTerra® or PhycoTerra® Organic purchased and used by the participating grower under this program. The credit must be applied to future purchases only.

In the event of a verified claim, the participating retailer will provide the grower with a credit for the claim amount, which shall not exceed the cost of the PhycoTerra® or PhycoTerra® Organic used or an equivalent amount of a free product the following crop season.

Any claim for annual crops must be submitted with all supporting information within 60 days of final harvest or by December 31, 2020, whichever comes first.

For winter annual crops, you must submit a claim within 60 days of final harvest, or up to July 1, 2020 whichever comes first. For permanent crops, your deadlines are extended across two harvest seasons. You must submit a claim within 60 days of final harvest, or up to December 1, 2021, whichever comes first.

CONDITIONS NOT COVERED BY THIS GUARANTEE

This program is not insurance. This performance guarantee only covers up to the amount of the actual price paid for PhycoTerra® or PhycoTerra® Organic soil microbe food products, up to the Suggested Retail Price (SRP) for the product purchased – it does not cover any other cost or loss.

If the grower's crop is impacted by factors beyond Heliae™ Agriculture's control (such as war, labor disputes (including strikes and lockouts), civil disorders, governmental acts, epidemics, quarantines, embargoes, fires, earthquakes, storms, pests, disease, drought, hail, or other acts of God) or if you fail to provide normal and customary care of your crops consistent with good agricultural practices for your crops and region, then this Heliae™ Agriculture PhycoTerra® Performance Guarantee shall not apply.

Heliae™ Agriculture will have no further obligation hereunder, and you will not be entitled to make any claim under this Heliae™ Agriculture PhycoTerra® Performance Guarantee. Participants must promptly let Heliae™ Agriculture know of the occurrence of any of the foregoing events that adversely impacts their crops.