

228-482

10/28/2010

10/11



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

NuFarm Americas, Inc.  
c/o Ms. Georgia Anastasiou  
Lewis & Harrison  
122 C Street, N.W. Suite 740  
Washington, DC 20001

OCT 28 2010

Dear Ms. Anastasiou:

Subject: Amendment: Add restrictions per Agency pyrethroid labeling letter dated June 4, 2009,  
Update per PR Notices 2000-5, 2007-1 and 2008-1, and Revise Warranty section  
Bifenthrin 0.115% Granular  
EPA Reg. No. 228-482  
Your submission dated September 3, 2010

The amendment referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) section 3(c)(7)(a), is acceptable provided the following revisions are made prior to release for shipment under the amended labeling:

- 1) This label appears to be a jumble of at least 3 or 4 different product labels. The main product label for Bifenthrin 0.115% Granular appears to have no direction for use. The master label must include all direction for use. Marketing subsets, which is what Option IB, Option IA, and Option II appear to be, can have less than the full direction but must carry the full precautions and storage and disposal section.
- 2) Since the only directions for use of this product against Imported Fire Ants for Option IB is broadcast application and there are no directions for Fire Ant mound application for Option IB, which is also required for a "control" claim, the claim regarding Fire Ants must be downgraded to "Aids in Control" for this pest for Option IB. On page 2, in the Insects Controlled table either revise "Fire Ants" to "Foraging Fire Ants" or add an asterisk after "Fire Ants" to lead down to footnote "Aids in Control". Then add a comment in the "On lawns" section under the heading How to Apply. The comment should read: "This product aids in the control of Fire Ants by killing foraging Fire Ants. Control of Fire Ants also requires treatment of the Fire Ant mounds with a product registered for that use. Be sure to follow the directions for use on Fire Ant mounds on that product's label."
- 3) On the unnumbered page between pages 2 and 3, there is a double asterisk sentence regarding use of tablespoons/teaspoons but the directions for use above that item and even on the

previous page do not contain directions regarding measurement by spoons and no entry his followed by a double asterisk. Therefore, delete the tablespoon/teaspoon note from this location. If there was an omission error and the Fire Ant mound directions were supposed to be included directly above the spoons note, then retain the spoons note and then the comments in item 2 of this letter would not apply.

4) On page 5, in the Spreader chart add "Avoid applying this product on flower, vegetable, and shrub plantings." to the Drop Spreader and Easy Green "Directions."

5) For Option II, the claim for European Crane Fly must be separated from Fire Ants. Furthermore, even given the incomplete nature of the directions for use for this Option, it appears only broadcast applications are permitted, thus the claim for Fire Ant Control is not appropriate (see item 2 above). The necessary corrections are covered in item 2 above.

6) Also in the pest listing, separate Grasshoppers and Leafhoppers from Foraging Fire Ants.

7) For Option II the Directions for Use are incomplete and incorrectly formatted. The heading "Key Product Facts" further complicates the formatting. Separate the heading DIRECTIONS FOR USE and its associated Federal law sentence out to appear above the How and When to Apply heading. A Spreader setting table is referred to (i.e., "suggested spreader settings") but is absent for Option II.

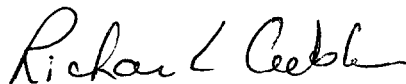
8) Presumably, the Storage and Disposal section and the Warranty apply to all 4 label options but this was not indicated, they just appear as a continuation of Option II. Presenting a complete master label followed by claims and specific directions for each of the 3 Ortho options (in the order of Option IA, Option IB, and Option II) will clarify this.

A stamped copy of the label is enclosed for your records. Please submit two copies of the revised amended labeling prior to release for shipment.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identifying the batch of the pesticide distributed and sold be placed on nonrefillable containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions regarding this letter, please contact Dana Pilitt, PhD of my staff at (703) 305-7071 or via e-mail at [pilitt.dana@epa.gov](mailto:pilitt.dana@epa.gov).

Sincerely,



Richard Gebken  
Product Manager 10  
Insecticide Branch  
Registration Division (7505P)

3 of 11

# BIFENTHRIN 0.115% GRANULAR

FOR RESIDENTIAL LAWN, HOME PERIMETER, ORNAMENTAL &  
FLOWER GARDEN, AND HOME GARDEN USE

**ACTIVE INGREDIENT:**

Bifenthrin ..... 0.115%

**OTHER INGREDIENTS:** ..... 99.885%

**TOTAL:** ..... 100.000%

Cis isomers 97% minimum, trans isomers 3% maximum.

**KEEP OUT OF REACH OF CHILDREN  
CAUTION - PRECAUCION**

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.)

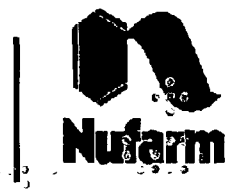
**[SEE ADDITIONAL PRECAUTIONARY STATEMENTS ON BACK OF BAG.]**  
**SEE [BACK PANEL] [BOOKLET,] [BACK PANEL] FOR [FIRST AID] [AND] ADDITIONAL PRECAUTIONARY STATEMENTS.**

For Chemical Spill, Leak, Fire, or Exposure, Call CHEMTREC (800) 424-9300  
For Medical Emergencies Only, Call (877) 325-1840

NOTE: Spanish language is optional

EPA REG. NO. 228-482  
EPA EST. NO. \_\_\_\_\_

MANUFACTURED BY  
NUFARM AMERICAS INC.  
BURR RIDGE, IL 60527-0866



NET WEIGHT \_\_\_\_ lbs / ( \_\_\_\_ kg)

000228-00482.20100820.PRN2000-5.2007-4.2008-1.Letter6-4-10

**ACCEPTED**  
**with COMMENTS**  
**In EPA Letter Dated:**

**OCT 28 2010**

Under the Federal Insecticide,  
Fungicide, and Rodenticide Act,  
as amended, for the pesticide  
registered under EPA Reg. No.  
228-482

40811

**PRECAUTIONARY STATEMENTS  
HAZARDS TO HUMANS (AND DOMESTIC ANIMALS)  
CAUTION - PRECAUCION**

Harmful if absorbed through the skin. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum or using tobacco. Remove and wash contaminated clothing before reuse.

<b>FIRST AID</b>	
<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 to 20 minutes.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>

**HOT LINE NUMBER**

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-877-325-1840 for emergency medical treatment information.

**NOTE TO PHYSICIAN**

This product is a pyrethroid. If large amounts have been ingested, milk, cream or other digestible fats and oils may increase absorption and should be avoided.

**ENVIRONMENTAL HAZARDS**

This pesticide is extremely toxic to fish and aquatic invertebrates. To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area. Sweeping any product that lands on a driveway, sidewalk, or street, back onto the treated area of the lawn or garden will help to prevent run off to water bodies or drainage systems.

**OPTION IB. Directions for Use for the ORTHO Group of The Scotts Company (Use on Lawns, Home Foundations/Perimeter Treatment, Ornamental and Flower Gardens, Vegetable Gardens)**

**DIRECTIONS FOR USE**

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

In New York State, DO NOT apply to any grass or turf area (lawns) within 100 feet of a water body (lake, pond, river, stream, wetland, drainage ditch). In New York State, make a single repeat application of this product if there are signs of renewed insect activity, but not sooner than two weeks after the first application.

Apply this product directly to the lawn or garden area. Water treated area as directed on this label. DO NOT water to the point of run-off.

DO NOT make applications during rain.

Application is prohibited directly into sewers or drains, or to any area like a gutter where drainage to sewers, storm drains, water bodies, or aquatic habitat can occur. DO NOT allow the product to enter any drain during or after application.

**PRODUCT FACTS**

**INSECTS CONTROLLED**

Use **LAWN INSECT CONTROL** to kill and control:

Fire Ants  
Centipedes  
Chiggers

Fleas  
Spiders

Ticks (including ticks that transmit Lyme Disease)

5 of 11

Apply **LAWN INSECT CONTROL** to the vegetables listed below:

CROP	DAYS TO WAIT TO HARVEST
Tomatoes, sweet corn	1
Green peas, sugar snap peas, snow peas, green beans (wax beans, snap beans), dry beans (black-eyed peas, cow pea), cucumber, gourds, muskmelon, pumpkin, squash, and watermelon	3
Artichoke	5
Broccoli, Chinese broccoli, cabbage, cauliflower, kohlrabi, Chinese mustard, eggplant, head lettuce, peppers (bell and non-bell)	7

**SPREADER TIPS**

For best results, use a **Scotts®** spreader.

SPREADER	SPREADER SETTINGS Pounds of Product / 1,000 sq. ft.			DIRECTIONS
	1 lb*	2 lbs	4 lbs	
Scotts Drop Spreader	XX	XX	XX	Mow lawn first if grass is tall enough to touch the bottom of the spreader. First apply two header strips. Operate spreader the longest way of the lawn. Overlap wheel marks to ensure uniform coverage. Shut off spreader when you have reach the header strips or stopped.
Scotts EasyGreen® Rotary	XX	XX	XX	Slide shut-off lever to the right; application automatically starts and stops when you do. For complete coverage make each pass about 30 inches from the previous one, so some overlapping occurs.
Scotts SpeedyGreen® or Edgeguard® Rotary	XX	XX	XX	Shut off speader anytime you stop. For complete coverage make each pass about five feet from the previous one, so some overlapping occurs.

\* 1 lb/1 ,000 sq. ft. is equivalent to 0.5 lb/500 sq. ft.

60011

**Use LAWN INSECT CONTROL to kill and provide residual control of:**

- |   |                       |  |
|---|-----------------------|--|
| Ants (including Carpenter, Red Harvester, Pavement, Odorous, Pyramid, Argentine, Pharaoh, Black Turf) | Dichondra Flea Beetle | Mole Crickets (including Tawny Mole Cricket, Southern Mole Cricket, Short-winged Mole Cricket) |
| Armyworms (including Lawn Armyworm, Fall Armyworm)  | Earwigs               | Pillbugs   |
| Billbugs (including Bluegrass Billbug, Hunting Billbug)   | European Crane Fly    | Seed Maggots   |
| Black Turfgrass Ataenius (adults)   | Fiery Skipper         | Webworms (including Sod Webworm, Grass Webworm, Tropical Sod Webworm)                          |
| Bristletail   | Firebrat              | Springtails  |
| Chinch Bugs   | Fruitfly              | Striped Grassworm  |
| Crickets  | Grasshoppers          | Two-lined Spittlebugs  |
| Cutworms (including Black Cutworm, Bronzed Cutworm, Granulate Cutworm, Variegated Cutworm)            | Greenbug              | Weevils (including Hyperodes and Bluegrass)  |
|   | Ground Bettles        | Wireworms  |
|   | Ground pearl          |  |
|   | Leafhoppers           |  |
|   | Lucerne Moth          |  |
|   | Mealybugs             |  |
|   | Millipedes            |  |

For grub control, apply GrubEx® Season-Long Grub Control anytime from late-April to mid-August.

**WHERE TO APPLY:** Lawns, Around Home Foundations (Perimeter Treatment), Ornamental and Flower Gardens, and Vegetable Gardens.

**WHEN TO APPLY:** Apply early/proactively (in the spring/summer/fall) to prevent infestation. Otherwise, apply at the first sign of insect activity or damage.

**HOW TO APPLY:** For best results, treated area should be thoroughly watered immediately after application.

**On Lawns**

- Using a spreader designed for application of granular materials, uniformly apply 1 to 2 lbs over 1,000 sq. ft.
- For mole cricket control, apply 2 to 4 lbs over 1,000 sq. ft. area.
- For 3 month/season-long control, apply 4 lbs of product for every 1,000 sq. ft. •
- A 10- (20-) pound bag will treat up to 10,000 (20,000) sq. ft. area of lawn. [XX pound bag should treat XXXXX square feet.]

**On Ornamentals & Flowers**

- Apply 0.5 to 1 lb. evenly over each 500 sq. ft. area. Repeat if there are signs of renewed insect activity.
- Apply just before planting or after plants emerge.

**Vegetable Gardens**

- Apply a single application just prior to planting or after plants emerge and work into the top 4 to 6 inches of soil. Use 1.0 lb of product for a 500 sq. ft. area.

**Home Foundation/Barrier Treatment**

Evenly apply a 2-foot wide band next to the house/home foundation. Use 0.5 to 1.0 lb for each 500 sq. ft. (2 ft. x 250 ft.).

**\*\*Food utensils such as tablespoons/teaspoons must not be used for food purposes after use in measuring pesticides.**

**OPTION IA. Directions for Use for the ORTHO Group of The Scotts Company (Lawn Use Only)**

**PRODUCT FACTS**

**SURFACE-FEEDING LAWN INSECTS**

Use **LAWN INSECT CONTROL** for the control of:

- |   |  |   |
|---|--|---|
| Ants (including Carpenter, Red Harvester, Pavement, Odorous, Pyramid, Argentine, Pharaoh, Fire Ants and Foraging Fire Ants) | Crickets<br>Cutworms<br>Earwigs<br>European Crane Fly<br>Fleas<br>Grasshoppers<br>Leafhoppers<br>Mealybugs | Millipedes<br>Mole Crickets<br>Sod Webworms (Lawn Moth)<br>Spiders<br>Ticks (including ticks that transmit Lyme Disease)<br>Weevils (including Hyperodes) |
| Armyworms<br>Billbugs<br>Centipedes<br>Chinch Bugs  |  |   |

**HOW TO USE**

**Insects (listed above):** Uniformly apply 1 to 2 pounds over a 1,000 sq. ft. area of lawn using a spreader designed for the application of granular materials. A 10-pound bag will treat a 5,000 sq. ft. to 10,000 sq. ft. area of lawn. [A 20-pound bag will treat a 10,000 sq. ft. to 20,000 sq. ft. area of lawn.] Best results are obtained if the treated area is thoroughly water immediately after application.

**For Centipedes, Millipedes, Pavement Ants:** Uniformly apply 4 pounds over a 1,000 sq. ft. area of lawn. Best results are obtained if the treated area is thoroughly water immediately after application.

**For Mole Crickets:** Uniformly apply 2 to 4 pounds over a 1,000 sq. ft. area of lawn. For best results, treat in late spring and water thoroughly immediately after application.

**For Fire Ant Mounds:** Uniformly apply 1 tablespoon or 3 teaspoons\*\* of granules to the surface of each mound. For best results: 1) Apply in cool weather, 65 to 80° F, in early morning or late evening hours. 2) Avoid disturbing ants. 3) Treat new mounds as they appear. 4) Thoroughly water the treated area after application.

**\*\*Food utensils such as tablespoons/teaspoons must not be used for food purposes after use in measuring pesticides.**

<b>SPREADER TIPS</b>				
For best results, use a Scotts® spreader.				
<b>SPREADER</b>	<b>SPREADER SETTINGS</b>			<b>DIRECTIONS</b>
	Pounds of Product / 1,000 sq. ft.			
	1 lb*	2 lbs	4 lbs	
<b>Scotts Drop Spreader</b>	XX	XX	XX	Mow lawn first if grass is tall enough to touch the bottom of the spreader. First apply two header strips. Operate spreader the longest way of the lawn. Overlap wheel marks to ensure uniform coverage. Shut off spreader when you have reach the header strips or stopped.
<b>Scotts EasyGreen® Rotary</b>	XX	XX	XX	Slide shut-off lever to the right; application automatically starts and stops when you do. For complete coverage make each pass about 30 inches from the previous one, so some overlapping occurs.
<b>Scotts SpeedyGreen® or Edgeguard® Rotary</b>	XX	XX	XX	Shut off spreader anytime you stop. For complete coverage make each pass about five feet from the previous one, so some overlapping occurs. Avoid applying this product on flower, vegetable and shrub plantings.

When using other spreaders, calibrate the spreader settings based on the manufacturer's instructions.

**OPTIONAL MARKETING TEXT FOR BIFENTHRIN 0.115% GRANULAR**

**OPTION IA. Directions for Use for the ORTHO Group of The Scotts Company (Lawn Use Only)**

- Insect Protection
- Lawn Insect Protection
- Treats 5,000 Square Feet for insect control
- Kills Insects, Fleas & Ticks
- Ortho's patented technology
- Treats up to 5,000 Square Feet for insect control
- Specially formulated for lawns
- Protects against listed damaging insects
- Low odor formula
- Fast Acting against insects, spiders and ticks
- Easy-to-use granules
- Ready-to-spread granules
- Easy to apply
- Fire Ant Killer
- Kills fire ants fast
- Kills mole crickets
- Kills most outdoor pests in lawns and around homes
- Broad-spectrum
- Multi-Purpose Insect Killer
- Kills pests on contact
- Not harmful to lawn grasses
- Kills insects that cause your lawn to thin and turn brown
- Kills lawn-damaging insects that cause your lawn to thin and turn brown
- Kills fleas and ticks
- Kills ticks that may transmit Lyme Disease
- Corrects most lawn insect problems (for grub control, use Scotts GrubEx)
- Controls many lawn insect problems
- Apply at first signs of insect damage or activity
- Corrects many lawn insect problems
- Controls chinch bugs, sod webworms (lawn moth), fleas, ticks (including ticks that transmit Lyme Disease), and other lawn pests listed on the back
- A 10-lb bag treats up to 10,000 sq. ft.
- Treats up to 10,000 sq. ft. – 100%/twice more than 5,000 sq. ft. bags (for 10# bag)
- 2 X More Coverage\* – \*vs. Standard 5,000 sq. ft. Bags
- Treats up to 20,000 sq. ft. – 100%/twice more than 10,000 sq. ft. bags (for 20# bag)
- Kills [insects/pests] above and/& below the [lawn] surface
- Kills insects in/& under the lawn
- Guaranteed kill or your money back

**[\*\*SATISFACTION GUARANTEED OR YOUR MONEY BACK]**

**LAWN INSECT CONTROL** is a high-performance product and is:

- o Virtually Odor-free
- o Fast Acting
- o Easy-To-Use
- o Not harmful to grasses

**NOTICE:** Buyer assumes all responsibility for safety and use not in accordance with directions.

**Questions, Comments or Medical Information**  
call 1-800-225-2883  
[www.ortho.com](http://www.ortho.com)

**\*\* THE ORTHO GUARANTEE**

If you are not satisfied with the results after using this product, return the original proof-of-purchase and original receipt to your ORTHO Dealer or send to: The ORTHO Group, Consumer Affairs Dept., P.O. Box 1749, Columbus, OH 43216.

**OPTION IB. Directions for Use for the ORTHO Group of The Scotts Company (Use on Lawns, Home Foundations/Perimeter Treatment, Ornamental and Flower Gardens, Vegetable Gardens)**

- Kills in 24 hours



- Kills overnight
- Kills over 50 insects
- Kills [insects] on contact
- Use on residential lawns, home perimeters, ornamental & flower gardens, and vegetables
- Use on lawns, [ornamentals, vegetables] [&] as a barrier treatment around home foundations
- Kills [nuisance] pests/insects around home foundations
- Use around outside of homes, porches and/& patios
- One application kills/controls for up to 3 months
- Long-lasting! [Up to] 3-month control
- Up to 3-month control [Guaranteed]
- Kills insects on contact [and keeps on killing] for [up to] 3 months
- Kills above and below the surface for [up to] 3 months
- Kills and/& prevents/protects for [up to] 3 months
- Keeps [on] killing for [up to] 3 months
- One application controls insects/bugs/pests for the entire season
- One application provides season-long control
- One application... season-long control
- Apply once for season-long control
- Season-Long Control
- Fast Acting
- Easy-To-Use
- For use on lawns, ornamentals, home perimeter/foundation, vegetables, and flower beds/gardens
- Kills chinch bugs, mole crickets, cutworms, billbugs, European crane fly, [and other listed lawn damaging/destroying] insects/pests [on contact]

**OPTION II: Directions for Use for the Consumer Lawns Business Group of The Scotts Company**

**[BOTTOM FRONT]**

Treats XXXX Square Feet

[Above will be inverted on back of bag]

Scotts Lawn Insect Control (XXXX - stock number)

**[LEFT GUSSET]**

[UPC Code]

Treats XX,XXX Square Feet

Scotts Lawn Insect Control (XXXX - stock number)

**[RIGHT GUSSET]**

[UPC Code]

Treats XX,XXX Square Feet

Scotts Lawn Insect Control (XXXX - stock number)

**[BACK PANEL]**

**[DIAGONAL LINE - SCISSORS ART]**

-----CUT HERE TO OPEN -----

**Optional Back Panel Claims**

Kills lawn-damaging insects, spiders, fleas and ticks. For grub control, apply Scotts GrubEx season-long grub control anytime from late-April to mid-August.

OR

Insect Control – controls chinch bugs, sod webworms (lawn moths) and other lawn insects. For grub control, apply Scotts GrubEx anytime from late-April to mid-August.

OR

LAWN INSECT CONTROL is a high-performance product and is:

- o Virtually Odor-free
- o Fast acting
- o Easy-To-Use

100911

- o Broad Spectrum
- o Effective in killing Insects, Spiders, Fleas, and Ticks

**WHAT TO EXPECT**

**LAWN INSECT CONTROL** kills these lawn pests:

- Ants (including carpenter, red harvester, pavement, odorous, pyramid, argentine, and pharaoh)
- Armyworms
- Billbugs Centipedes
- Chinch Bugs
- Crickets
- Cutworms
- Earwigs
- European Crane Fly Fire Ants
- Fleas
- Foraging Fire Ants Grasshoppers Leafhoppers
- Mealybugs
- Millipedes
- Mole Crickets
- Sod Webworms (Lawn Moth)
- Spiders
- Ticks (including ticks that transmit Lyme Disease)
- Weevils (including Hyperodes)

**KEY PRODUCT FACTS**

**HOW AND WHEN TO APPLY**

**Directions for Use**

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

- Apply product to the entire lawn when insect activity or damage is first observed.
- Spread uniformly over your lawn using the suggested spreader settings. For best results, use a Scotts spreader.
- Water-in product after application.
- **DO NOT** use any other weed, disease, or insect control products for at least one week after application.
- For grub control, apply Scotts GrubEx between late-April and mid-August.

**OPTION II: The Consumer Lawns Group**

[Phone Art]

**Questions/Information**

**Consumer Helpline:  
1-800-543-TURF (8873)**

[Computer Art]

**Visit our website:  
[www.scottslawn.com](http://www.scottslawn.com)**

**Scotts No-Quibble Guarantee®:** (XXXX - stock number)  
If for any reason you are not satisfied with results after using this product, you are entitled to get your money back. Simply send us evidence of purchase, and we will mail you a refund check promptly.

Product of U.S.A.

©2001, The Scotts Company  
World rights reserved.

[UPC Code]

**[BOTTOM BACK]**  
**Treats XX,XXX Square Feet**  
**[Above copy will be inverted]**

110811

## STORAGE AND DISPOSAL

DO NOT contaminate water, food or feed by storage or disposal.

**PESTICIDE STORAGE:** Keep out of reach of children and animals. Store in original containers only. Store in a cool, dry place and avoid excess heat. Carefully open containers. For rigid containers after partial use, replace lids and close tightly. For bags after partial use, reseal opened bag by folding top down and securing.

**PESTICIDE DISPOSAL AND CONTAINER HANDLING:**

Nonrefillable container. **DO NOT** reuse or refill this container. If empty: Place in trash or offer for recycling if available. If partly filled: Call your local solid waste agency for disposal instructions. Never place unused product down any indoor (including toilet) or outdoor (including sewer) drain.

### WARRANTY DISCLAIMER

The directions for use of this product must be followed carefully. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, (1) THE GOODS DELIVERED TO YOU ARE FURNISHED "AS IS" BY MANUFACTURER OR SELLER AND (2) MANUFACTURER AND SELLER MAKE NO WARRANTIES, GUARANTEES, OR REPRESENTATIONS OF ANY KIND TO BUYER OR USER, EITHER EXPRESS OR IMPLIED, OR BY USAGE OF TRADE, STATUTORY OR OTHERWISE, WITH REGARD TO THE PRODUCT SOLD, INCLUDING, BUT NOT LIMITED TO MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, USE, OR ELIGIBILITY OF THE PRODUCT FOR ANY PARTICULAR TRADE USAGE. UNINTENDED CONSEQUENCES, INCLUDING BUT NOT LIMITED TO INEFFECTIVENESS, MAY RESULT BECAUSE OF SUCH FACTORS AS THE PRESENCE OR ABSENCE OF OTHER MATERIALS USED IN COMBINATION WITH THE GOODS, OR THE MANNER OF USE OR APPLICATION, INCLUDING WEATHER, ALL OF WHICH ARE BEYOND THE CONTROL OF MANUFACTURER OR SELLER AND ASSUMED BY BUYER OR USER. THIS WRITING CONTAINS ALL OF THE REPRESENTATIONS AND AGREEMENTS BETWEEN BUYER, MANUFACTURER AND SELLER, AND NO PERSON OR AGENT OF MANUFACTURER OR SELLER HAS ANY AUTHORITY TO MAKE ANY REPRESENTATION OR WARRANTY OR AGREEMENT RELATING IN ANY WAY TO THESE GOODS.

### LIMITATION OF LIABILITY

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, MANUFACTURER OR SELLER SHALL NOT BE LIABLE FOR SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES, OR FOR DAMAGES IN THEIR NATURE OF PENALTIES RELATING TO THE GOODS SOLD, INCLUDING USE, APPLICATION, HANDLING, AND DISPOSAL. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, MANUFACTURER OR SELLER SHALL NOT BE LIABLE TO BUYER OR USER BY WAY OF INDEMNIFICATION TO BUYER OR TO CUSTOMERS OF BUYER, IF ANY, OR FOR ANY DAMAGES OR SUMS OF MONEY, CLAIMS OR DEMANDS WHATSOEVER, RESULTING FROM OR BY REASON OF, OR ARISING OUT OF THE MISUSE, OR FAILURE TO FOLLOW LABEL WARNINGS OR INSTRUCTIONS FOR USE, OF THE GOODS SOLD BY MANUFACTURER OR SELLER TO BUYER. ALL SUCH RISKS SHALL BE ASSUMED BY THE BUYER, USER, OR ITS CUSTOMERS. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BUYER'S OR USER'S EXCLUSIVE REMEDY, AND MANUFACTURER'S OR SELLER'S TOTAL LIABILITY SHALL BE FOR DAMAGES NOT EXCEEDING THE COST OF THE PRODUCT.

If you do not agree with or do not accept any of the directions for use, the warranty disclaimers, or limitations on liability, do not use the product, and return it unopened to the Seller, and the purchase price will be refunded.

\_\_\_\_\_ is a registered trademark of Nufarm Americas Inc.

All other trademarks are the property of their respective owners.

(RV090310)