

228-531

08/24/2007

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U.S. ENVIRONMENTAL PROTECTION AGENCY

Office of Pesticide Programs
Registration Division (7505P)
Ariel Rios Building
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

EPA Reg. Number:
228-531

Date of Issuance:
AUG 24 2007

NOTICE OF PESTICIDE:

X Registration
Reregistration
(under FIFRA, as amended)

Term of Issuance: Conditional

Name of Pesticide Product:
NUP 12D02 Herbicide

Name and Address of Registrant (include ZIP Code):

NuFarm Americas, Inc.
150 Harvester Dr., Suite 200
Burr Ridge, IL 60527

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered under the Federal Insecticide, Fungicide and Rodenticide Act. Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is registered in accordance with FIFRA sec. 3(c)(7)(A), provided that you:

- 1. Signal Word: Based on the acute toxicity profile for this product, the signal word should be CAUTION.
2. Precautionary Statements- Hazards to Humans and Domestic Animals section: Based on the acute toxicity profile of this product and current labeling requirements per the Dicamba and 2,4-D and Salts Reregistration Eligibility Decisions (REDs), the hazards statement must read, "Caution. Harmful if swallowed. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Avoid contact with eyes or on clothing. Wear protective. Wear long-sleeved shirt and long pants, socks, shoes, and chemical-resistant gloves.

Comments continued on page 2 of this Notice of Registration

Signature of Approving Official:
Joanne I. Miller
Product Manager 23
Herbicide Branch
Registration Division (7505P)

Handwritten signature of Joanne I. Miller

Date:
AUG 24 2007

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3. Replace the current PPE description with a section entitled, "Personal Protective Equipment (PPE)," containing the following text:

"Some materials that are chemical-resistant to this product are (*insert correct chemical-resistant material*). If you want more options, follow the instructions for category (*insert A, B, C, D, E, F, G, or H*) on an EPA chemical-resistance category selection chart.

All mixers, loaders, applicators, and other handlers must wear:

 - Long-sleeved shirt and long pants
 - Shoes plus socks, and
 - Chemical-resistant gloves

See engineering controls for additional requirements and exceptions."
4. Add a User Safety Requirements box, containing the following text:
 - a. "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."
5. Under Environmental Hazards section:
 - a. Modify the first two statements to read, "This product is toxic to fish and aquatic invertebrates. Drift or runoff may be hazardous to aquatic organisms in water adjacent to treated areas. Drift or runoff may adversely affect nontarget plants."
 - b. Add the word, "or rinsate," after the word, "washwaters."
 - c. Add the following statement above the paragraph beginning, "Most cases of groundwater contamination...":
 - i. "The chemicals in this product have properties and characteristics associated with chemicals detected in groundwater. The use of these chemicals in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination. Application around a cistern or well may result in contamination of drinking water or groundwater."
6. In the Non-Agricultural Use Requirements box, modify the statement beginning, "Do not enter treatment areas," to read, "Do not enter or allow others to enter treatment areas until sprays have dried."
7. Under the Use Precautions section, add the following statements: "Make no more than 2 applications per year. For ornamental lawns and turf, apply no more than 1.5 lbs ae 2,4-D per acre per application and no more than 3.0 lbs ae 2,4-D per acre per year, excluding spot treatments. For turf grown for seed or sod, apply no more than 2.0 lbs ae 2,4-D per acre per application, with a minimum of 21 days between applications."
8. Modify the statement, "Some of these species may require repeat spot applications....," to read, "Some of these species may require repeat spot applications

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8. and/or use of the maximum recommended rate on this product label even under ideal conditions for application.”

9. Submit the following data required for the registration of this pesticide product within 1 year from the date of this Notice of Registration:

EPA Guideline Number:

830.6317

830.6320

Study Description:

Storage Stability

Corrosion Characteristics

10. Submit and/or cite all data required for the registration of this product when the Agency requires all registrants of similar product to submit data.

11. Add the statement, “EPA Reg. No. 228-531.”

12. Submit one copy of the final printed label before the product is released for shipment.

A stamped copy of the label is enclosed for your records.

Enclosure

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FIRST AID	
IF IN EYES	<ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water for 15 to 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 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 the poison control center or doctor. • Do not give anything by mouth to an unconscious person.
HOT LINE NUMBER	
<p>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.</p>	

ENVIRONMENTAL HAZARDS

This product is toxic to aquatic invertebrates. Drift or runoff may adversely affect aquatic invertebrates and nontarget plants. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not apply when weather conditions favor drift from target area. Clean and rinse spray equipment using soap or detergent and water, and rinse thoroughly before reuse for other spraying. When cleaning equipment, do not pour washwater on the ground; spray or drain over a large area away from wells and other water sources. Do not contaminate water when disposing of equipment washwaters. Do not apply this product through any type of irrigation system. Do not contaminate water used for irrigation or domestic purposes.

Most cases of groundwater contamination involving phenoxy herbicides such as 2,4-D have been associated with mixing/loading and disposal sites. Caution should be exercised when handling these herbicides at such sites to prevent contamination of groundwater supplies. Use of closed systems for mixing or transferring this pesticide will reduce the probability of spills. Placement of the mixing/loading equipment on an impervious pad to contain spills will help prevent groundwater contamination.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. **READ ENTIRE LABEL BEFORE USING THIS PRODUCT. USE STRICTLY IN ACCORDANCE WITH LABEL PRECAUTIONARY STATEMENTS AND DIRECTIONS.**

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR Part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about Personal Protective Equipment (PPE) and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted-entry interval (REI) of 48 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is: coveralls; chemical-resistant gloves made of any waterproof material (such as nitrile, butyl, neoprene, and/or barrier laminate); chemical-resistant footwear plus socks; protective eyewear and chemical-resistant headgear for overhead exposure.

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NON-AGRICULTURAL USE REQUIREMENTS

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for agricultural pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries, or greenhouses.

For turf use, the maximum number of broadcast applications per treatment site is 2 per year.

Do not allow people (other than applicator) or pets on treatment area during application. Do not enter treatment areas until spray has dried.

This product is for use on Ornamental Turf Lawns (Residential, Industrial and Institutional), Parks, Cemeteries, Athletic Fields and Golf Courses (tolerant species only) and similar turf areas; also for use on Sod Farms.

USE PRECAUTIONS

Avoid drift of spray mist to vegetables, flowers, ornamental plants, shrubs, trees and other desirable plants. Do not pour spray solutions near desirable plants. Do not use on Centipede, St. Augustinegrass, Dichondra, Bahiagrass, Zoysiagrass, Bermudagrass and Bentgrass nor on lawns or turf where desirable clovers are present. Avoid fine mists. Use lawn type sprayer with coarse spray as wind drift is less likely. Avoid contact with exposed feeder roots of ornamentals and trees. Maximum control of weeds will be obtained from spring or early fall applications when weeds are actively growing. Use the higher rate for hard-to-control weeds. Do not exceed specified dosages for any area; be particularly careful within the dripline of tree and other ornamental species. Avoid broadcast applications when air temperature exceeds 90 degrees. When using small, spot treatment applications in temperature over 90 degrees, turf injury may occur.

Do not use clippings as mulch or compost around flowers, ornamentals, trees, or in vegetable gardens.

The suitable use of this product on non-recommended turf species may be determined by treating a small area at any rate/acre which does not exceed the maximum labeled rate for the turf type where the product is to be applied. The treated area should be observed for any sign of turf injury for a period of 30 days of normal growing conditions to determine the phytotoxicity and efficacy to the treated area.

Do not apply this product by air or through any type of irrigation equipment.

Adding oil, wetting agent, or other surfactant to the spray may be used to increase effectiveness on weeds but doing so may reduce selectivity to turf resulting in turf damage. Clean and rinse spray equipment using soap or detergent and water, and rinse thoroughly before reuse for other sprays.

This product can be mixed with some liquid fertilizers or liquid iron materials. Because liquid fertilizer and liquid iron differ in pH, free ammonia content, density, salt concentration and percentage of water, a compatibility test is recommended prior to mixing in application equipment. All regulations, either State or Federal, relating to the application of liquid fertilizers or liquid iron and this product must be strictly followed.

BROADLEAF WEEDS CONTROLLED

Alder	Common chickweed	Horsetail	Prostrate spurge	Thistle
Annual yellow sweet clover	Common mullein	Indiana mallow	Prostrate vervain	Tick trefoil
Artichoke	Common sowthistle	Lionweed	Puncture vine	Toadflax
Aster	Corn chamomile	Jewelweed	Purslane	Trailing crownvetch
Austrian fieldcress	Creeping Jenny	Jimsonweed	Ragweed	Tumble mustard
Bedstraw	Crimson clover	Kochia	Red clover	Tumble pigweed
Beggartick	Croton	Knawel	Redroot pigweed	Tumbleweed
Biden	Cudweed	Knotweed	Red sorrel	Velvet leaf
Bindweed	Curly dock	Lambsquarter	Redstem filaree	Venice mallow
Bird vetch	Curly indigo	Lespedeza	Rough cinquefoil	Veronica
Bitterweed	Dandelion	Locoweed	Rough fleabane	Vervain
Bitter wintercress	Dead nettle	Lupine	Roundleaved marigold	Vetch
Black-eyed Susan	Dock	Mallow	Rush	Virginia butterweed
Black medic	Dogbane	Marshelder	Russian pigweed	Virginia creeper
Black mustard	Dogfennel	Matchweed	Russian thistle	Virginia pepperweed
Black-seed plantain	Elderberry	Mexicanweed	St. Johnswort	Wavyleaf bullthistle
Blessed thistle	English daisy	Milk vetch	Scarlet pimpernel	Western clematis
Blue lettuce	Fall dandelion	Milkweed bloodflower	Scotch thistle	Western salisfly
Blue vervain	False dandelion	Mugwort	Sheep sorrel	White clover
Box elder	False flax	Morningglory	Shepherdspurse	White mustard
Bracted plantain	False sunflower	Mouseear chickweed	Slender plantain	Wild mustard
Brassbuttons	Fiddleneck	Musk thistle	Smallflower galinsoga	Wild aster
Bristly oxtongue	Field bindweed	Mustard	Smartweed	Wild buckwheat
	Field pansy	Narrowleaf plantain	Smooth dock	Wild carrot

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Broadleaf dock	Flea bane (daisy)	Narrowleaf vetch	Smooth pigweed	Wild four-o'clock
Broadleaf plantain	Flixweed	Nettle	Sneezeweed	Wild garlic
Broomweed	Florida betony	Orange hawkweed	Southern wild rose	Wild geranium
Buckhorn	Florida pusley	Oxalis	Sowthistle	Wild lettuce
Buckhorn plantain	Frenchweed	Oxeye daisy	Spanishneedle	Wild marigold
Bulbous buttercup	Galinsoga	Parsley-piert	Spatterdock	Wild onion
Bull nettle	Garlic mustard	Parsnip	Speedwell	Wild parsnip
Bull thistle	Goathead	Pearlwort	Spiny amaranth	Wild radish
Burdock	Goatsbeard	Pennycress	Spiny cocklebur	Wild rape
Burning nettle	Goldenrod	Pennywort	Spotted catsear	Wild strawberry
Bur ragweed	Ground ivy	Peppergrass	Spotted knapweed	Wild sweet potato
Burweed	Gumweed	Pepperweed	Spotted spurge	Wild vetch
Buttercup	Hairy bittercress	Pigweed	Spurge	Willow
Canada thistle	Hairy fleabane	Pineywoods bedstraw	Spurweed	Witchweed
Carolina geranium	Hawkweed	Plains coreopsis	Stinging nettle	Woodsorrel
Carpetweed	Healall	Plantain	Stinkweed	Woolly croton
Catchweed bedstraw	Heartleaf drymary	Poison hemlock	Stitchwort	Woolly morning-glory
Catsear	Hedge bindweed	Poison ivy	Strawberry clover	Woolly plantain
Catnip	Hedge mustard	Poison oak	Sumac	Wormseed
Chickweed	Hemp	Pokeweed	Sunflower	Yarrow
Chicory	Henbit	Poorjoe	Sweet clover	Yellow rocket
Cinquefoil	Hoary cress	Povertyweed	Tall nettle	Yellowflower
Clover	Hoary plantain	Prickly lettuce	Tall vervain	pepperweed
Cockle	Hoary vervain	Prickly sida	Tansy mustard	and other broadleaf
Cocklebur	Honeysuckle	Primrose	Tansy ragwort	weeds.
Coffeebean	Hop clover	Prostrate knotweed	Tanweed	
Coffeeweed	Horsenettle	Prostrate pigweed	Tarweed	

Some of these species may require repeat spot applications and/or use of higher rate recommended on this product label even under ideal conditions for application.

POST EMERGENT GRASSY WEED CONTROL IN ORNAMENTAL LAWNS AND TURF

This product can provide control and suppression of certain grassy weeds. For best results, apply this product when weeds are actively growing and in early stages of growth. More mature grasses will be more difficult to control and may require a second application. Mature, drought stressed grassy weeds will be more difficult to control so adequate soil moisture is preferred. Adverse or extreme environmental conditions such as poor soil conditions, high temperatures, drought and cultural conditions may effect the performance of this product. Do not broadcast apply this product above 90 degrees. Spot treatments above 90 degrees may result in some turf injury.

GRASSY WEEDS CONTROLLED IN ORNAMENTAL LAWNS AND TURF

COMMON NAME	COMMENTS
Barnyardgrass Crabgrass, Large 1,2	1) Under certain conditions annual grasses at the 2 to 4 tiller stage may not be completely controlled and a sequential application may be needed.
Crabgrass, Smooth 1,2	2) Large and Smooth Crabgrass in California have shown varied response to this herbicide. If control failure occurs, do not reapply this product. Change to a product with a different mode of action.
Foxtail, Giant 1	
Foxtail, Yellow 1	
Signalgrass, Broadleaf 1	

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During conditions which promote turf stress additional yellowing may occur. To minimize grass injury, a second application should not be made for at least 4 weeks. Avoid swath overlaps. Do not use on golf course greens or tees.

Controlled Droplet Applicators (CDA), Atomizers, and Spinning Disk Applicators: Use this product at the rate of 7 to 8 pints per acre on the listed tolerant turf species in sufficient water to assure coverage (1 to 4 gallons of water per acre is normal for this type of equipment).

Lower Volume Equipment: Use as little as 5 gallons of water per acre. Use only application equipment that is capable of spreading a uniform droplet, wetting each weed surface.

NOTE: For all grasses (1) do not overlap spray patterns; (2) use reduced rates if grass is stressed from heat, drought, etc.; and (3) follow CDA equipment spray instructions.

**SOD FARMS
FOR CONTROL OF BROADLEAF AND GRASSY WEEDS**

This product is intended for use on sod farms. This herbicide provides selective broadleaf control in listed warm season and cool season turf grass established for commercial sod production.

Timing

Apply this herbicide to broadleaf weeds that are actively growing. Follow-up applications may be required for dense infestations of broadleaf and grassy weeds. Do not apply this product to St. Augustinegrass, Bahiagrass, Centipedegrass, Dichondra, Zoyziagrass, Bermudagrass or Bentgrass.

The application of this herbicide to grass seedlings is not recommended until after the third mowing. Do not mow for two days before or two days after application. Clippings for the first three mowings should left in the application area.

The application of this product to newly sodded, sprigged, or plugged grasses should be delayed until 3 to 4 weeks after the sodding, sprigging, or plugging operations. Delay applications for 4 weeks after seeding and emergence of Kentucky bluegrass, perennial ryegrass and fine fescues.

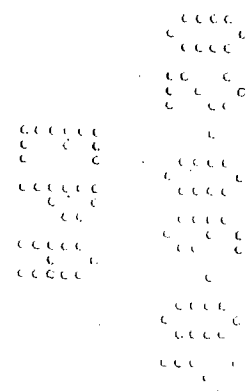
Recommended Rates for Sod Farms

For Bluegrass, Ryegrass and Fescue, apply 7 to 8 pints per acre. Spray volume for Sod Farm application is 20 to 175 gallons per acre.

Generally, the lower application rates will provide satisfactory control of sensitive weeds. The higher application rates will be required for dense infestations of perennial weeds, for adverse/extreme environmental conditions, or for weeds beyond the appropriate growth stages.

Spray Volumes: Higher water volumes are generally required to control grassy weeds. Use 20 to 220 gallons per acre (.5 to 5 gallons per 1,000 per square feet) and a spray pressure of 20 to 40 psi. Higher water volumes should be used for control of dense weed populations to ensure weed foliage is completely covered.

Dual Applications: A single application should control less mature, light weed populations; however, a second application may be required to control heavy, mature broadleaf weed infestations. Under certain conditions, annual grasses in the 2 to 4 tiller stages may require a sequential application.



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Highly Tolerant Species	Moderately Tolerant Species
Bluegrass, Kentucky Bluegrass, Annual Fescue, Tall Ryegrass, Annual Ryegrass, Perennial	Fescue, Fine ¹ Fescue, Red Fescue, Hard Fescue, Chewing's Bluegrass, Rough (Poa Trivialis)
1) Only apply this herbicide on fine fescue when it is part of a blend. Yellowing that may occur can be reduced by the addition of chelated iron or sprayable nitrogen fertilizer.	

APPLICATION GUIDELINES			
APPLICATION	RATE	SPRAY VOLUME	MAXIMUM APPLICATIONS
Single	7 to 8 pints/A or 112 to 128 ounces/A	20 to 220 gal/A or .45 to 45 gal/1,000 sq. ft.	2 per year
Spot Treatment	2.5 to 2.9 fluid ounces/1,000 sq. ft.	1 gal/1,000 sq. ft.	
Application Guidelines: <ul style="list-style-type: none"> • Ensure that spray volumes are adequate to completely cover weeds, especially when dense weed infestations make it difficult to completely cover the foliage of target weeds. • Early applications of this product will not control weeds germinating later in the season so a second application may be necessary. • If turf injury is observed after the first application, delay the second application until turf has recovered. 			

NON-TURF AREAS

Roadsides (including aprons and guardrails), rights-of-way, and other similar non-crop areas: For control of broadleaf weeds, mix at a rate of 7 to 8 pints of this product per 50 to 300 gallons of water. This mixture will cover 1 acre. Thoroughly saturate all weeds with spray mixture. Apply any time between the time when plants come into full leaf (spring) to when the plants begin to go dormant. Best results are obtained when weeds are young and actively growing. Do not cut weeds until herbicide has translocated throughout the plant causing root death. For small broadleaf weeds, use the lower rate. Heavy, dense stands require the higher rate with high water volume. For small (spot) applications with small tank sprayers, apply at the rate of 2.9 ounces of this product per gallon of water and spray to thoroughly wet all foliage.

For control of woody plants, apply to both stems and foliage any time from the time foliage is completely matured until the time plants start to go dormant. All leaves, stems and suckers must be completely wet to the ground line for effective control. Regrowth may be anticipated on the more resistant species. Add 7 to 8 pints of this product to 100 gallons of water, applying 200 to 600 gallons of spray mixture per acre depending upon the height and thickness of the brush. Mix thoroughly before spraying.

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COMPATIBILITY

This product can be mixed with some liquid fertilizers or liquid iron materials. Because liquid fertilizers and liquid iron differ in pH, free ammonia content, density, salt concentration and percentage of water, a compatibility test (given below) is recommended prior to mixing in the application equipment. All regulations, either State or Federal, relating to the application of liquid fertilizers or liquid iron and this product must be strictly followed. The following compatibility test should always be performed prior to full-scale mixing.

1. Pour 18 ounces of water into a quart jar.
2. Add 1 ounce of either the liquid fertilizer or liquid iron to be used.
3. Add 1 ounce of this product.
4. Close jar and shake well.
5. Watch the mixture for several seconds after shaking and check again after 30 minutes.
6. If the mixture does not show signs of separating, the combination may be used. If the mixture foams excessively, gels, separates or gets very thick, do not combine for field application.
7. Compatibility may be improved by the use of a compatibility agent. Follow the previously outlined test procedures and add 1/6 ounce of the compatibility agent between steps (the compatibility agent must be added to the fertilizer or iron before adding this product).
8. If the mixture does not separate, gel, foam or get very thick, it may be used for field application. Mix only the amount to be sprayed. Do not allow to stand overnight.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Always use original container to store pesticides in a secured warehouse or storage building. Store at temperatures above 32°F. If allowed to freeze, remix before using. This does not alter the product. Containers should be opened in well-ventilated areas. Keep container tightly sealed when not in use. Do not stack cardboard cases more than two pallets high. Do not store near open containers of fertilizer, seed or other pesticides.

PESTICIDE DISPOSAL: Pesticide wastes are toxic. If container is damaged or if pesticide has leaked, contain all spillage. Absorb and clean up all spilled material with granules or sand. Place in a closed, labeled container for proper disposal. Improper disposal of excess pesticide, spray mixtures, or rinsate is a violation of Federal law and may contaminate groundwater. 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.

CONTAINER DISPOSAL: Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedures approved by State and local authorities. Plastic containers are also disposable by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

WARRANTY DISCLAIMER

The directions for use of this product must be followed carefully. **THE GOODS DELIVERED TO YOU ARE FURNISHED "AS IS" BY MANUFACTURER OR SELLER. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, 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.**

