

228-638

4/26/2011

1 of 2



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

APR 26 2011

OFFICE OF
CHEMICAL SAFETY AND
POLLUTION PREVENTION

Danielle A. Larochelle
Registration Manager
Nufarm Americas, Inc.
150 Harvester Drive, Suite 200
Burr Ridge, IL 60527

Product Name: Nufarm TM + CTN SPC 66.6 WDG Fungicide
EPA Reg. No.: 228-638
Subject: Label Notification dated March 30, 2011: Pesticide Registration
Notice 2007-4
EPA Decision Number: 447704

Dear Ms Larochelle:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 2007-4 and finds that the label changes requested fall within the scope of PRN 2007-4.

The label submitted with the application has been stamped "Notification" and will be placed in our records.

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, please contact Robert Westin by phone at (703) 305-5721 or via email at westin.robert@epa.gov.

Sincerely,

A handwritten signature in black ink that reads "Tony Kish".

Tony Kish
Product Manager (22)
Fungicide Branch
Registration Division (7504P)

S 893367 20/12/11

| | | |
|---|--|-----------------------|
| EPA United States Environmental Protection Agency Washington, DC 20460 | <input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other: | OPP Identifier Number |
|---|--|-----------------------|

Application for Pesticide - Section I

| | | |
|--|---|--|
| 1. Company/Product Number 228-638 | 2. EPA Product Manager Mary Waller | 3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted |
| 4. Company/Product (Name) Nufarm TM + CTN SPC 66.6 WDG Fungicide | PM# 21 28 | |
| 5. Name and Address of Applicant (Include ZIP Code) NUFARM AMERICAS, Inc. 150 Harvester Drive, Suite 200 Burr Ridge, IL 60527 <input type="checkbox"/> Check if this is a new address | 6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(I), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____ | |

Section - II

| | |
|--|--|
| <input type="checkbox"/> Amendment – Explain below. | <input type="checkbox"/> Final printed labels in response to Agency letter dated _____ |
| <input type="checkbox"/> Resubmission in response to Agency letter dated _____ | <input type="checkbox"/> "Me Too" Application |
| <input checked="" type="checkbox"/> Notification - Explain below. | <input type="checkbox"/> Other - Explain below |

Explanation: Use additional page(s) if necessary. (For Section I and Section II.)

Notification per PR Notice 2007-4 – Notification of label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if the amended label is not consistent with the requirements of 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

Contact: Danielle Larochelle, Nufarm Americas Inc, 501 Cascade Point Lane, Suite # 103, Cary, NC 27513. Tel: 919-655-0701

Section - III

| | | | | | |
|---|--|---|--|---|--|
| 1. Material This Product Will Be Packaged In: | | | | 2. Type of Container | |
| Child-Resistant Packaging <input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No | Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | <input type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) | |
| *Certification must be submitted | | If "Yes" Unit Packaging wgt. No. per container | If "Yes" Package wgt. No. per container | | |
| 3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container | | 4. Size(s) Retail Container 5 Lbs | | 5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On labeling accompanying product | |
| 6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Other <input checked="" type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled | | | | | |

Section - IV

| | | |
|--|---|--|
| 1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application) | | |
| Name Danielle A. Larochelle | Title Registration Manager | Telephone No. (Include Area Code) 919-655-0701 |
| I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law. | | 6. Date Application Received (Stamped) |
| 2. Signature | 3. Title Registration Manager | |
| 4. Typed Name Danielle A. Larochelle | 4. Date March 30, 2011 | |

30f12



NUFARM AMERICAS, INC.
150 Harvester Drive, Suite 200
Burr Ridge, IL 60527
Phone: 630-455-2000 ■ Fax: 630-455-2001

March 30 2011

Document Processing Desk (NOTIF)
Office of Pesticide Programs
US Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202-4501

Attention: Ms. Mary Waller, PM 21

Dear Ms. Waller:

**Subject: Nufarm TM + CTN SPC 66.6 WDG Fungicide – EPA Reg. No. 228-638
Notification of Label Change per PR Notice 2007-4**

In accordance with PR Notice 2007-4, the label for EPA Reg. No. 228-638 was amended to update the Container Handling statement. Exact wording from the PR Notice was used and no other changes were made.

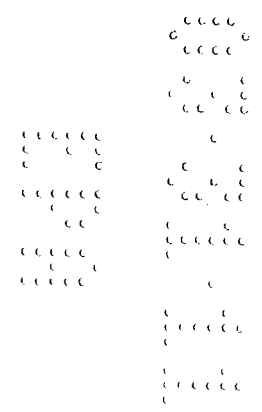
The following information is enclosed in support of this action:

- Completed Application for Pesticide Registration (Form 8570-1).
- Five (5) copies of the revised label are attached including one copy with all changes marked.

If you have any questions regarding this submission, please contact me by phone at (919) 655-0701 or by email at danielle.larochelle@us.nufarm.com.

Sincerely,

Danielle A. Larochelle
Registration Manager
Nufarm Americas, Inc.



Nufarm TM + CTN SPC 66.6 WDG Fungicide

ACTIVE INGREDIENTS:

Chlorothalonil:..... 50.00%

Thiophanate-methyl:..... 16.66%

OTHER INGREDIENTS:..... 33.34%

TOTAL:..... 100.00%

KEEP OUT OF REACH OF CHILDREN DANGER PELIGRO

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.)

| FIRST AID | |
|---|--|
| IF IN EYES: | <ul style="list-style-type: none"> • 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: | <ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15 to 20 minutes. • 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 a poison control center or doctor. • Do not give anything by mouth to an unconscious person. |
| IF INHALED: | <ul style="list-style-type: none"> • Move person to fresh air. • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible. • Call a poison control center or doctor for further treatment advice. |
| 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 1-800-424-9300 for emergency medical treatment information. | |

See inside label booklet for additional PRECAUTIONARY STATEMENTS.

EPA Reg. No. 228-638

EPA Est. No. 37429-GA-002

Manufactured for:
Nufarm Americas Inc.
150 Harvester Drive
Burr Ridge, IL 60527

NOTIFICATION

APR 26 2011

Nufarm TM + CTN SPC 66.6 WDG Fungicide contains thiophanate-methyl and chlorothalonil, the active ingredients used in ConSyst®.

Net Weight:

**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS
DANGER/PELIGRO**

Corrosive. Causes irreversible eye damage. Harmful if absorbed through skin. Do not get in eyes or on clothing. Avoid contact with skin. Wear goggles or face shield. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Remove and wash contaminated clothing before reuse. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Some materials that are chemical-resistant to this product are: barrier laminate, butyl rubber, nitrile rubber, neoprene rubber, natural rubber, polyethylene, polyvinyl chloride (PVC), and viton. If you want more options, follow the instructions for Category A on EPA chemical resistance category selection chart.

Mixers, loaders, applicators and all other handlers must wear:

- Protective eyewear (faceshield or goggles)
- Long-sleeved shirt and long pants
- Shoes plus socks

In addition, chemical-resistant gloves made out of any waterproof material must be worn by:

- 1) mixers/loaders,
- 2) other handlers exposed to the concentrate,
- 3) cleaners/repairers of equipment,
- 4) applicators using airblast equipment for golf course applications,
- 5) and applicators using handheld equipment

In addition, a NIOSH-approved respirator with any R, P, N or HE filter must be worn by applicators and other handlers in enclosed areas, such as a greenhouse.

USER SAFETY REQUIREMENTS

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 materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them.

ENGINEERING CONTROLS

When handlers use enclosed cabs in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides (40 CFR 170.240(d)(4-6)), the handler PPE requirements may be reduced or modified as specified in the WPS.

USER SAFETY RECOMMENDATIONS:

Users should:

- 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. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to aquatic invertebrates and wildlife. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Drift and runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. Do not contaminate water when disposing of equipment washwater or rinsate.

This chemical is known to leach through soil into groundwater under certain conditions as a result of label use. Use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination.

This chemical can contaminate surface water through spray drift. Under some conditions, it may also have a high potential for runoff into surface water for several days to weeks after application. These include poorly draining or wet soils with readily visible slopes toward adjacent surface waters, frequently flooded areas, areas overlaying extremely shallow ground water, areas with in-field canals or ditches that drain to surface water, areas not separated from adjacent surface waters with vegetated filter strips, and areas over-laying tile drainage systems that drain to surface water.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. 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 protection equipment (PPE), and restricted entry interval. The requirements in this box only apply to use of this product covered by the worker protection standard.

Notify workers of the application by warning them orally and by posting warning signs at entrances to treated areas.

Do not enter or allow worker entry into treated areas during the restricted entry level (REI) or 12 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard that involves contact with anything that has been treated such as plants, soil, or water, is:

- Coveralls over long-sleeved shirt and long pants
- Chemical-resistant gloves made of any waterproof material
- Chemical-resistant footwear plus socks
- Protective eyewear
- Chemical-resistant headgear for overhead exposures.

Special Eye Irritation Provisions: This product is a severe eye irritant. Although the restricted entry interval (REI) expires after 12 hours, for the next 6 ½ days entry is permitted only when the following safety measures are provided:

1. At least one container designed specifically for flushing eyes must be available in operating condition at the WPS required decontamination site intended for workers entering the treated area.
2. Workers must be informed, in a manner they can understand;
 - a) Residues in the treated area are be highly irritating to their eyes.
 - b) That they should take precautions, such as refraining from rubbing their eyes, to keep the residues out of their eyes.
 - c) That if they do get residues in their eyes, they should immediately flush their eyes using the eye flush container that is located at the decontamination site or using other readily available clean water.
 - d) How to operate the eyeflush container.

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.

Do not enter or allow others to enter the treated area until sprays have dried.

General Information

This product is a formulation of two chemicals that provides broad spectrum contact and systemic disease control on golf courses and ornamental turfgrass as well as on ornamental plants, shrubs and trees when used according to the directions on this label.

Use Precautions

- Do not use on home lawns and turf sites associated with apartment buildings, daycare centers, playgrounds, playfields, recreational park athletic fields, athletic fields located on or next to schools (i.e., elementary, middle and high schools), campgrounds, churches, and theme parks.
- Do NOT graze treated areas.
- Do NOT feed clippings to livestock or poultry.
- Do NOT apply this product through any type of irrigation system.
- Do NOT apply within 150 ft. (for air-blast) or 25 ft (for ground applications) of marine / estuarine water bodies unless there is an untreated buffer area of that width between the area to be treated and the body of water.

General Mixing and Application Instructions

1. Add the specified amount of this product to the spray tank while filling with water.
2. Maintain continuous agitation when filling the spray tank and during spray operations.
3. For best disease control results, thorough and uniform coverage of the plant surfaces is essential.

NOTE: Do not tank mix this product with surfactants, fertilizers, and / or other pesticides unless prior use has shown the combination to be physically compatible, effective and non-injurious under your conditions of use.

Lawns and Ornamental Turf

Note: Not for homeowner use. For use only by certified applicators or those under their immediate supervision. Not for use on turf being grown for sale or commercial use as sod. Do not apply with fixed wing or rotary aircraft.

Do not use on home lawns and turf sites associated with apartment buildings, daycare centers, playgrounds, playfields, recreational park athletic fields, athletic fields located on or next to schools (i.e., elementary, middle and high schools), campgrounds, churches, and theme parks.

This product will control many turf diseases when used at proper rates and timing as indicated in the table below. Begin applications when conditions favor disease development and repeat applications for as long as these conditions persist. Under severe disease conditions, use the highest rate and shortest interval corresponding with the application schedule below.

| Disease | Application Interval | Application Rate (per Acre)* |
|---|----------------------|------------------------------|
| Sclerotinia dollar spot | 14 to 21 days | 8.25 to 10 lbs. product |
| Helminthosporium leaf spot | | |
| Rhizoctonia brown patch | 14 days | |
| *Do not exceed the maximum seasonal application rate of 52 lbs. of this product per acre. This equates to 26 lbs. chlorothalonil a.i. and 8.66 lbs. thiophanate-methyl a.i. per acre. | | |

Golf Courses (Tees, Greens, and Ornamental Turf)

This product is fungistatic to many diseases including *Pythium* spp. and for best results, applications should be made using the preventive rates listed below prior to disease development. This product should always be used in conjunction with good turf management practices and programs.

Use Precautions

- After application, do NOT mow or water until spray deposit on turfgrass is thoroughly dry.
- Do not graze animals on treated turf.
- Do not feed clippings to livestock or poultry.
- Do not apply with fixed wing or rotary aircraft.

Refer to the following table for maximum application rates for this product.

| Use Site | Max. Seasonal Application Rate | | Max. Individual Application Rate | |
|--|--------------------------------|----------------------------|----------------------------------|----------------------------|
| | Lbs. Product / Acre | Oz. Product / 1000 sq. ft. | Lbs. Product / Acre | Oz. Product / 1000 sq. ft. |
| Greens | 130.9 | 48.08 | 22.6 | 8.3 |
| Tees | 104 | 38.2 | | |
| Fairways (Except Florida) ¹ | 32.7 | 12.0 | | |
| Fairways (Florida) | 16.3 | 6.0 | 16.3 | 6.0 |
| Public Turf Areas ² | 52 | 19.1 | | |

¹ Make only one application at the maximum application rate.
² Maximum of four applications per season.

Mix the specified amount of this product in an adequate amount of water to provide complete coverage (from 2 to 10 gallons per 1000 sq. ft.). Applications should be made using 14-21 day intervals as indicated in the table below. For severe disease pressure, use the highest specified rate and the shortest application interval listed. Note: Do NOT apply at less than a 14-day interval.

NOTE: The rates and timings will vary with disease conditions and grass vigor / growth.

| Disease(s) Controlled | Application Interval (days) | Application Rate (oz. product / 1000 sq. ft.) | |
|--|-----------------------------|---|----------|
| | | Preventive | Curative |
| Anthracnose | 14 | 2 to 4 | 4 to 8 |
| Copper spot | 14 | 3 to 5 | 4 to 8 |
| Dollar spot | 14 to 21 | 2 to 4 | 4 to 8 |
| Gray leaf spot | 14 | 2 to 4 | 4 to 8 |
| Helminthosporium melting out and Leaf spot | 14 | 2 to 4 | 4 to 8 |
| Large brown patch | 14 to 21 | 2 to 4 | 4 to 8 |
| Red thread | 14 | 3 to 5 | 4 to 8 |
| Stem rust of Bluegrass | 14 | 3 to 5 | 4 to 8 |
| Mildew, powdery | 14 | 2 to 4 | 4 to 8 |
| Mildew, downy | 14 | 2 to 4 | 4 to 8 |
| Gray snow mold (<i>Typhula</i> spp.) | * | 6 to 8 | 6 to 8 |
| Pink snow mold (<i>Fusarium</i> spp.) | | | |

*Apply in Fall, prior to snow cover. One application has given excellent control throughout the winter.

Ornamentals

Use this product in greenhouses. Apply this product a rate of 0.75 - 1.5 pounds per 100 gallons of water unless otherwise indicated in the table below. Do not apply with fixed wing or rotary aircraft. Do not use fruit or nuts from treated trees as food or feed.

| Disease | Application Rate (lbs. product / 100 gallons) | Instructions |
|---|---|--|
| Cedar apple rust - Crabapple | 1.5 | Make first application at spring bud break. Repeat every 10 to 14 days as needed. |
| Ovulinia blight - Azalea & Rhododendron | 1 to 1.5 | Make first application as flowers open. Repeat every 4 to 6 days as needed. |
| Anthracnose - Shade trees & Woody ornamentals | 1 | Make first application at bud break. Repeat every 7 to 10 days as needed. Do NOT exceed 4 applications per year. |
| Ascochyta blight of Chrysanthemum and Iris (<i>Ascochyta</i> spp.) Black spot of Rose (<i>Diplocarpon Roshe</i>) Botrytis flower flight of Geranium, Rose, & Petunia (<i>Botrytis</i> spp.) Scab of Pyracantha and Flowering crab (<i>Fusicladium</i> spp. and <i>Venturia</i> spp.) Leaf blight of Gladiolus (<i>Curvularia</i> spp.) Corynespora leafspot of Ligustrum (<i>Corynespora</i> spp.) Iris leafspot (<i>Didymellina</i> spp.) Mildew, powdery Mildew, downey | 0.75 to 1 | Repeat applications every 7 to 10 days as needed while conditions for the disease are favorable. |

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in a dry secured area unavailable to unauthorized persons.

PESTICIDE DISPOSAL: Pesticide wastes are toxic. 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.

CONTAINER HANDLING:

[Nonrefillable Bags]

Nonrefillable container. Do not reuse or refill this container. Completely empty bag into application equipment. Then offer for recycling, if available, or dispose of empty bag in a sanitary landfill or by incineration or, if allowed by State and local authorities by burning. If burned, stay out of smoke.

[Nonrefillable Containers 50 lbs or Less]

Nonrefillable container. 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 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. 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, if allowed by State and local authorities, by burning. If burned stay out of smoke.

[Nonrefillable Containers Larger than 50 lbs]

Nonrefillable container. 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 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. 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.

[Fiber Drums with Liners]

Nonrefillable container. Do not reuse or refill this container. Completely empty liner by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into application equipment. Then offer for recycling, if available, or dispose of liner in a sanitary landfill or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke. If drum is contaminated and cannot be reused, dispose of it in the manner required for its liner.

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, IN NO EVENT SHALL MANUFACTURER OR SELLER 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 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.

(RV033011)

