

279-3259

3/14/2011

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

OFFICE OF
CHEMICAL SAFETY AND
POLLUTION PREVENTION

Jill C. Holihan
Product Registration Manager
FMC Agricultural Products
1735 Market Street
Philadelphia, PA 19103

MAR 14 2011

D.446357

Subject: Notification to update Environmental Hazard and General Labeling for Pyrethroid Non-Agricultural Outdoor Products

Dear Ms. Hodge:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated November 23, 2010 for the product 279-3259. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action(s) requested fall within the scope of PRN 98-10. The Confidential Statement of Formula (CSF) and/or label submitted with the application has (have) been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-6701 or Samantha Hulkower of my staff at 703-603-0683.

Sincerely,

A handwritten signature in cursive script that reads "Richard Gebken".

Richard Gebken
Product Manager 10
Registration Division (7505P)
Office of Pesticide Programs



United States
Environmental Protection Agency
 Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 279-3259	2. EPA Product Manager Gebken	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Cynoff Insecticide	PM# 13	
5. Name and Address of Applicant (Include ZIP Code) FMC Corporation 1735 Market Street Philadelphia, PA 19103 <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"/> Resubmission in response to Agency letter dated _____ <input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____ <input type="checkbox"/> "Me Too" Application. <input type="checkbox"/> Other - Explain below.
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Explanation: Use additional page(s) if necessary. (For section I and Section II.)

This notification amendment is being made to include the following label changes:
 1) Revising the Environmental Hazards and Directions for Use statements per letter from Richard Gebken dated June 4, 2009.
 jill.holihan@fmc.com

Section - III

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

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application)		
Name Jill C. Holihan	Title Product Registration Manager	Telephone No. (Include Area Code) 215-239-6430
Certification		6. Date Application Received
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 both under applicable law.		(Stamped)
1. Signature 	3. Title Product Registration Manager	
1. Typed Name Jill C. Holihan	5. Date November 23, 2010	

FMC Agricultural Products

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FMC Corporation
1735 Market Street
Philadelphia, PA 19103

215.299.6000 Phone
215.299.6468 Fax

www.fmc.com

November 23, 2010

Mr. Richard Gebken, PM-13
United States Environmental Protection Agency
Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202

Dear Mr. Gebken:

Subject: Cynoff Insecticide
EPA Reg. No. 279-3259

Notification Label Amendment

FMC is interested in amending the label for the subject registration by notification. FMC believes that these changes are in full compliance with the requirements outlined in the June 4, 2009 letter from Richard Gebkin, "Re: Environmental Hazard and General Labeling for Pyrethroid Non-Agricultural Outdoor Products Notification." **No other changes have been made to this label.** We are making the following changes:

- a) Revised the Environmental Hazards statement to add: 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.
- b) Revised the Outdoor Use statement to add: All outdoor applications must be limited to spot or crack-and-crevice treatments only, except for the following permitted uses:
 - (1) Treatment to soil or vegetation around structures;
 - (2) Applications to lawns, turf, and other vegetation;
 - (3) Applications to building foundations, up to a maximum height of 3 feet.Other than applications to building foundations, all outdoor applications to impervious surfaces such as sidewalks, driveways, patios, porches and structural surfaces (such as windows, doors, and eaves) are limited to spot and crack-and-crevice applications, only.

To process this request, enclosed please find the following:

- Application for Pesticide (EPA Form 8570-1).
- Copy of EPA Stamped label, dated 9/29/09
- Final Print Labeling (3 copies), including one highlighted version for ease of review.
- Completed Certification with Respect to Label Integrity form
- A compact disc containing the label as amended

FMC

5097

CYNOFF[®] Insecticide

NOTIFICATION

MAR 14 2011

For Use by Licensed Pest Control Operators.

For use indoors and outdoors for residential, institutional, public commercial, and industrial buildings, greenhouses (non-commercial), non-food/feed areas of food/feed handling establishments, granaries, and lawns, ornamentals, parks, recreational areas and athletic fields.

EPA Reg. No. 279-3259

EPA Est. 279-

Active Ingredient:	By Wt.
Zeta-Cypermethrin*	0.075%
Piperonyl Butoxide	0.150%
Other Ingredients:	<u>99.775%</u>
	100.0%

**Cis/trans ratio: Max. 55% (±) cis and min. 45% (±) trans
U.S. Patent No. Pending

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

FMC
FMC Corporation
Agricultural Products Group
1735 Market Street
Philadelphia PA 19103

11/23/2010

FIRST AID	
If swallowed	<ul style="list-style-type: none"> Call 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.
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 the 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 15-20 minutes. Call a poison control center or doctor for treatment advice.
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.
HOTLINE 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)-331-3148 for Emergency Assistance.	
NOTE TO PHYSICIAN	
This product contains a pyrethroid. Skin contact may be followed by transient tingling or numbness, usually of the face, but this subsides without treatment.	
For Information Regarding the Use of this Product Call 1-800-321-1FMC (1362).	

PRECAUTIONARY STATEMENTS Hazards to Humans (and Domestic Animals)

Caution
Harmful if absorbed through skin. Avoid contact with eyes, skin or clothing. Wash thoroughly with soap and water after handling.

Environmental Hazards

This product is extremely toxic to fish and aquatic invertebrates. Do not apply directly to water, 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 treated areas. Drift and runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. Do not contaminate water when disposing of equipment washwaters. 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.

DIRECTIONS FOR USE

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

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STORAGE AND DISPOSAL

Do not contaminate water, food, or feed, or other pesticides or fertilizers by storage and disposal.

Pesticide Storage

Do not freeze. 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. After partial use, replace lids and close tightly. Do not put concentrate or dilute material into food or drink containers.

In case of spill, avoid contact, isolate area and keep out animals and unprotected persons. Confine spills. Call CHEMTREC (Transportation and Spills): (800) 424-9300.

To confine spill: Dike surrounding area or absorb with sand, cat litter, or commercial clay. Place damaged package in a holding container. Identify contents.

Pesticide Disposal

Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

Container Handling

Completely empty container into application equipment. Then dispose of empty container in a sanitary landfill or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

Not for use on plants being grown for sale or other commercial use, or for commercial seed production, or for research purposes. For use on plants intended for aesthetic purposes or climate modification and being grown in interior plantscapes, ornamental gardens or parks, or lawns or grounds.

This product is a ready to use insecticide for use against the listed pests when used in accordance with the label directions.

For pest control in and on buildings and structures and their immediate surroundings and on modes of transport. Permitted areas of use include (but are not limited to): industrial buildings and installations; houses; apartment buildings; laboratories; buses; greenhouses (non-commercial); mausoleums; sewers and underground tunnels; telecommunication conduits; utility vaults and conduits; and the nonfood/feed areas of stores, warehouses, vessels, railcars, trucks, trailers, aircraft (do not use in aircraft cabins), theaters, schools, nursing homes, hospitals, restaurants, hotels, and food manufacturing, processing, and servicing establishments.

This product is intended for applications with hand or power duster (Actisol® DPA or similar equipment), with a paintbrush or by other suitable means, to hiding and runway areas and other places where insects are found.

Apply this product directly into cracks and crevices, use a bulbous duster or other suitable equipment. Apply lightly and uniformly to infested area. Pay particular attention to cracks and crevices; service ducts; false floors and ceilings; wall voids; around electrical and telephone fittings and equipment; around water and sewer pipes; under and behind cabinets; refrigerators and sinks; around windows and doorframes; along baseboards; in attics and crawlspaces. The amount to be applied will vary with the site but should usually be in the range of 0.05 to 0.07 ounces per square yard (1.58 to 2.4 grams per square meter or 0.32 to 0.5 pounds per 1,000 square feet).

For indoor/outdoor uses: Repeat application only if there are signs of renewed insect activity. Repeat application should be limited to no more than once per 7 days.

INDOOR USE

Use this product to kill ants (including Imported Fire Ants), bedbugs, boxelder bugs, carpet beetles, centipedes, cockroaches, crickets, earwigs, firebrats, fleas, ground beetles, millipedes, silverfish, slugs, sow bugs, spiders (except black widow and brown recluse spiders), springtails, termites and wasps (except paper wasps), and webbing clothes moths.

Food Handling Establishments: Places other than private residences in which food is held, processed, prepared or served. Applications are permitted as a spot or crack and crevice treatment.

Nonfood Areas: Includes garbage rooms, lavatories, floor drains, (to sewers) entries and vestibules, offices, locker rooms, machine rooms, boiler rooms, garages, mop closets, and storage (after canning or bottling). *Cynoff insecticide* may be used as a general spot, crack and crevice treatment in nonfood areas. All areas where insects inhabit or through which insects may enter should be treated.

Food Areas: Do not use in food/feed areas of food handling establishments, restaurants or other areas where food is commercially

prepared or processed. Do not use in serving areas while food/feed is exposed or facility is in operation. Serving areas are areas where prepared foods are served such as dining rooms, but excluding areas where foods may be prepared or held. In the home, all food processing surfaces and utensils should be covered during treatment or thoroughly washed before use. Exposed food/feed should be covered or removed. Not for use in Federally Inspected meat and poultry plants.

Examples of food areas are areas for receiving, storage, packing (canning, bottling, wrapping, boxing), preparing, edible waste storage, and enclosed processing systems (mills, dairies, edible oils, syrups). Serving areas (when food is exposed and facility is in operation) also would be considered a food area.

Crack and Crevice Treatments

Apply dust in small amounts, using a Centrobulb hand duster or other suitable equipment, directly into cracks and crevices. Pay particular attention to areas where pests hide or inhabit, such as: around baseboards and in closets; around sewer and water pipes, doors and windows; behind and under refrigerators, cabinets, sinks, stoves and other equipment; in electrical outlets; around electrical and telephone fittings and equipment; and under drawers and similar areas. Make applications in a manner to avoid deposits on exposed surfaces on introducing the excess material into the air.

Void Treatments

This product may also be applied as a void treatment using suitable equipment, including Actisol® DPA equipment. Be sure to thoroughly treat service ducts, false floors and ceilings, wall voids, attics and crawl spaces. The amount of dust to be applied will vary with the site but should usually be in the range of 0.05 to 0.07 ounces per square yard (1.58 to 2.4 grams per square meter or 0.32 to 0.5 pounds per 1,000 square feet).

Ants, boxelder bugs, cockroaches, crickets, fleas, firebrats, and silverfish: Apply *Cynoff insecticide* thoroughly to all areas where these pests crawl and hide, especially in those areas described above. For ants, apply to ant trails, around doors and windows and other places where ants enter the premises.

Termites, carpenter ants and carpenter bees:

Apply to voids or channels in damaged wooden members of a structure; to cracks, spaces or bearing joints between wooden members of a structure; or between such members and the foundation; and in locations vulnerable to termite attack. Drilling may be necessary prior to applying *Cynoff Insecticide* in these locations, but it must be recognized that such drilling and treating of timber in a particular location may not result in complete coverage of infested and vulnerable voids or galleries. Drilling directly overhead with subsequent application of *Cynoff Insecticide* should be avoided. This product is intended to kill workers and/or winged reproductive forms of termites present at the time of application only. Application of this product will not provide structural protection nor substitute for mechanical alteration, soil or foundation treatment with termiticide. This product is not to be used as sole protection against termites, as it is not intended for use for elimination of termite infestations nor for protection against future infestations. A professional inspection is recommended.

Centipedes, ground beetles, millipedes, spiders (except black widow and brown recluse spiders) and sow bugs: Apply *Cynoff Insecticide* along and behind baseboards, to window and door frames, corners, pipes, storage locations, attics, crawl spaces, and other areas into which these pests may enter or crawl.

Bees and Wasps (except paper wasps): It is generally advisable to treat bee and wasp nests in the evening when insects are less active and have returned to the nest. Wear protective clothing if deemed necessary to avoid stings. Using hand or power duster (Actisol® or similar equipment) or other suitable means, with extension tubes if necessary, thoroughly dust nest, entrance and surrounding areas where insects alight. For ground wasps, dust entrance and surrounding areas.

Webbing clothes moths: Use *Cynoff Insecticide* as a crack and crevice treatment in closets and other storage areas where these pests are found. This is an adjunct treatment and will not control moth larvae already on the clothes. **DO NOT** apply this product directly to clothing.

Carpet beetles (black, furniture, common and varied):

Dust where these insects are found, for example: on and under edges of floor coverings, around baseboards, under rugs and furniture, and in closets.

Bedbugs: Apply 0.05 to 0.07 ounces of *Cynoff* per square yard (1.58 to 2.4 grams per square meter) to cracks and crevices where evidence of bed bugs occurs. This includes bed frames, box springs, inside empty dressers and clothes closets and carpet edges, high and low wall moldings and wallpaper edges. Do not use this product on mattresses, pillows, bed linens, or clothes. Remove all clothes and other articles from dressers or clothes closets before application. Allow all treated areas to dry thoroughly before use. Not recommended for use as sole

protection against bedbugs. If evidence of bedbugs is found in/on mattresses, use products approved for this use.

Stored product pests:

To aid in the control of the exposed stages of:

cadelles	merchant grain beetles
cheese mites	red flour beetles
cigarette beetles	rice weevils
confused flour beetles	rusty grain beetles
dark meal worms	saw-toothed grain beetles
drugstore beetles	spider beetles
grain mites	tobacco moths
granary weevils	yellow mealworms
lesser grain borers	

Clean up waste materials, dust, dirt and other debris. Thoroughly treat floors, walls and other surfaces in storage and handling areas. Apply *Cynoff Insecticide* in cracks and crevices, behind and under cupboards, and other difficult to reach areas where insects may hide. **DO NOT** apply directly on food/feed, utensils or on areas where food/feed is stored.

OUTDOOR USE

Use this product to kill ants (including Imported Fire Ants), centipedes, cockroaches, crickets, earwigs, firebrats, ground beetles, millipedes, silverfish, slugs, sow bugs, spiders (except black widow and brown recluse spiders), and springtails, termites, bees and wasps (except paper wasps). Apply with hand or power duster (Actisol® DPA or similar equipment), with a paintbrush or by other suitable means, around windows and doors, porches, screens, eaves, patios, garages, under stairways, in crawl spaces and other areas where pests hide.

All outdoor applications must be limited to spot or crack-and-crevice treatments only, except for the following permitted uses:

- (1) Treatment to soil or vegetation around structures;
- (2) Application to lawns, turf, and other vegetation;
- (3) Application to building foundations, up to a maximum height of 3 feet.

Other than applications to building foundations, all outdoor applications to impervious surfaces such as sidewalks, driveways, patios, porches and structural surfaces (such as windows, doors, and eaves) are limited to spot or crack-and-crevice applications only.

Telecommunication Treatment: Apply this product into telecommunication conduits, cracks and crevices, junction boxes, etc. using suitable application equipment (such as Actisol® DPA Duster, or other types of application equipment capable of applying the proper amount). The amount of this product to be applied will vary, but should usually be approximately 0.67 grams of dust per cubic foot of conduit.

This product can be used in areas showing signs of active infestations, such as underground telecommunication cable conduits, electrical cable conduits, junction boxes and manholes. Apply dust through suitable application equipment (such as the Actisol® DPA Duster, that is capable of delivering particles suspended in a low pressure air system). Applications should be made from both ends of a run of open conduit in cases where breakdown in the conduit is suspected. This product can also be applied directly to the interior of the conduits after cables have been installed. Apply at the rate of 0.67 grams of dust per cubic foot of conduit using equipment (i.e., Actisol® DPA Duster) that is capable of delivering particles suspended in a low-pressure air system.

Ants, Bees, Carpenter Ants, Carpenter Bees, Termites and Wasps (except paper wasps): Apply to voids or channels in damaged wooden members of a structure; to cracks, spaces or bearing joints between wooden members of a structure; or between such members and the foundation; expanded foam and insulation of a structure; or between such members; and in locations vulnerable to termite attack. Drilling may be necessary prior to applying this product in these locations, but it must be recognized that such drilling and treating of timber in a particular location may not result in complete coverage of infested and vulnerable voids or galleries. This product can be applied in attics and crawl spaces at a rate of 0.32 to 0.5 pounds per 1,000 square feet of floor area. In these treatments, all vents and blowers should be closed. Repeat application only if there are signs of renewed insect activity. This product is intended to kill workers and/or winged reproductive forms of termites present at the time of application only. Application of this product will not provide structural protection nor substitute for mechanical alteration, soil or foundation treatment with termiticide. This product is not to be used as sole protection against termites, as it is not intended for use for elimination of termite infestations nor for protection against future infestations. A professional inspection is recommended.

Arboreal Ants: Ants inhabiting trees or tree stumps may be treated by injecting dust directly into the opening in the tree used by foraging ants or by drilling holes in the tree for the injection of dust into voids within the tree.

Ornamental Plant Pests: aphids, beet armyworms, blister beetles, boxelder bugs, elm leaf beetle, flea beetles, Japanese beetles, leafhoppers, leafminers (Boxwood, Holly, Oak,

Spruce Needle), leafrollers, orange tortrix, periodical cicada, plant bugs, rose chafer, rose midges, tent caterpillars, thrips, and weevils.

Shrubs and Ornamentals: Apply when insects or their damage

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first appear and repeat at weekly intervals or as necessary. Apply 0.32 to 0.5 pounds per 1000 square feet; or thoroughly apply a thin layer of dust on both upper and lower sides of leaves, stems and flowers.

Roses, petunias, chrysanthemums, geraniums, carnations and other related flowers: Apply as soon as the insect appears and repeat at 7 day intervals or as long as insects continue to appear. Apply a thin layer of dust on both upper and lower sides of leaves, stems and flowers.

Sewer Treatment: Cockroach infestations in sanitary sewers may be treated with *Cynoff Insecticide* to provide quick knockdown and short-term population suppression. When treating sewers, one manhole per 200 linear feet should be treated. Treatments are made by removing the manhole cover and replacing with a disc of plywood bored to receive the typical flexible hose from portable or truck-mounted ventilating equipment. Apply 1-2 ounces of dust into the ventilating air to be dispersed quickly and thoroughly through the system.

ATTENTION

Do not apply this product to edible crops.

Protect aquariums from dust.

Do not treat pets with this product.

During any application to overhead interior areas of structure, cover surface below with plastic shielding or similar material.

Do not apply in patient rooms while occupied or in any rooms while occupied by the elderly or infirm.

Do not apply to classrooms when in use.

Do not apply to institutions (including libraries, sports facilities, etc.) in the immediate area when occupants are present.

Do not use in warehouses where raw or cured tobacco is stored.

Do not use in warehouses while raw agricultural commodities for food or feed are being stored.

Do not use in greenhouses (non-commercial) where crops for food or feed are grown.

Conditions of Sale and Limitation of Warranty and Liability:

NOTICE: Read the entire Directions for Use and Conditions of Sale and Limitation of Warranty and Liability before buying or using this product. If the terms are not acceptable, return the product at once, unopened, and the purchase price will be refunded.

The Directions for Use of this product must be followed carefully. It is impossible to eliminate all risks inherently associated with the use of this product. Crop injury, ineffectiveness, or other unintended consequences may result because of such factors as manner of use or application, weather or crop conditions beyond the control of FMC or Seller. All such risks shall be assumed by Buyer and User, and to the extent consistent with applicable law, Buyer and User agree to hold FMC and Seller harmless for any claims relating to such factors.

Seller warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the Directions for Use when used in accordance with the directions under normal conditions of use. **TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, FMC MAKES NO WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE, NOR ANY OTHER EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE SELECTION, PURCHASE, OR USE OF THIS PRODUCT.** Any warranties, express or implied, having been made are inapplicable if this product has been used contrary to label instructions, or under abnormal conditions, or under conditions not reasonably foreseeable to (or beyond the control of) seller or FMC, and to the extent consistent with applicable law, buyer assumes the risk of any such use.

To the extent consistent with applicable law, FMC or seller shall not be liable for any incidental, consequential or special damages resulting from the use or handling of this product. **TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE EXCLUSIVE LIABILITY OF FMC AND SELLER FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY, CONTRACT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHERWISE) RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, SHALL BE THE RETURN OF THE PURCHASE PRICE OF THE PRODUCT OR, AT THE ELECTION OF FMC OR SELLER, THE REPLACEMENT OF THE PRODUCT.**

This Conditions of Sale and Limitation of Warranty and Liability may not be amended by any oral or written agreement.

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