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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

February 1, 2012

Jill Holihan
FMC Corporation
1735 Market Street
Philadelphia, PA 19103

Subject: Amendment: Response to Agency August 6, 2010 Letter
Bistar® WT Insecticide
EPA Reg. No. 279-3281
Your Submission Dated October 17, 2011

Dear Ms. Holihan:

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, is acceptable. A stamped copy of the label is enclosed for your records.

If you have any questions regarding this action, please contact BeWanda Alexander at Alexander.bewanda@epa.gov or (703) 305-7460.

Sincerely,

BeWanda Alexander for

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

Enclosure

Bistar® WT
Insecticide

For use by individuals or firms licensed or registered by the State to apply wood preservation products. States may have more restrictive requirements regarding qualifications of persons using this product.

When used as a termiticide, individuals/firms must be licensed by the state to apply this product. States may have more restrictive requirements regarding qualifications of persons using this product. Consult the pest control regulatory agency of your state prior to initial use of this product.

For the control and prevention of subterranean termites & other wood-destroying insects in structures including residential, institutional, public, commercial, and industrial buildings.

EPA Reg. No. 279-3281 EPA Est. No. 279-FL-1

Active Ingredient	
Bifenthrin*	23.4%
Other Ingredients**	76.6%
	100.0%

* Cis isomers 97% minimum, trans isomers 3% maximum;
**Contains petroleum distillates
Bistar® WT insecticide contains 2 pounds active ingredient per gallon.
U.S. Patent No. 4, 238, 505
U.S. Patent No. 6, 251, 415

KEEP OUT OF REACH OF CHILDREN

WARNING

See other panels for additional precautionary information.

FMC®

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

Net Contents

ACCEPTED
JAN 12 2012
Under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for the pesticide Registered under EPA Reg. No. 279-3281

FIRST AID	
If swallowed	• Immediately call a poison control center or doctor. • Do not give any liquids to the person. • 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 inhaled	• Move person to fresh air. • If person is not breathing, call 911 or an ambulance, then give artificial respirations, preferably by mouth-to-mouth, if possible • Call a poison control center or doctor for further treatment advice
If on skin or clothing	• 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 in eyes	• 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

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
Pesticide hotline (800) 858-7378. This product is a pyrethroid. This product also contains aromatic hydrocarbons. Because of the risk of hydrocarbon pneumonitis if even tiny amounts are aspirated into the lung during emesis, consideration should be given to gastric lavage with endotracheal tube in place. Treatment is symptomatic and supportive. Animal and vegetable fats, milk, cream, and alcohol may increase absorption and should not be administered.
For Information Regarding the Use of this Product Call 1-800-321-1FMC (1362).

PRECAUTIONARY STATEMENTS

Hazards to Humans (and Domestic Animals)

Warning

May be fatal if swallowed. Causes skin irritation and moderate eye irritation. Do not get on skin or on clothing. Avoid breathing vapors or spray mist, and contact with eyes. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco, or using the toilet. Remove contaminated clothing and wash contaminated clothing before reuse.

Personal Protective Equipment

All pesticide handlers (mixers, loaders, and applicators) must wear long-sleeved coveralls worn over a minimum of short-sleeved shirt and short pants, socks, footwear impervious to aromatic solvents (neoprene or nitrile butadiene rubber), chemical-resistant gloves and protective eyewear (goggles, face shield, or safety glasses with front, brow, and temple protection). In addition, all pesticide handlers must wear a respiratory protection device[1] when handling the concentrate or when working in a non-ventilated space. All pesticide handlers must wear protective eyewear (goggles, face shield, or safety glasses with front, brow, and temple protection) when working in a non-ventilated space.

1. NIOSH approved respirator with any R, P or HE filter, or a NIOSH approved respirator with and organic vapor (OV) cartridge or canister with any R, P or HE prefilter.

After the product is diluted in accordance with label directions for use, and/or when mixing and loading using a closed spray tank transfer system (including U-Turn®), or an in-line injector system shirt, pants, socks, shoes and waterproof gloves are sufficient. Wood can be safely handled without the use of protective equipment once dry. In addition, all pesticide handlers must wear a respiratory protection device and protective eyeware when working in a non-ventilated space.

Individuals entering treatment vessels and related equipment that are contaminated with the wood treatment solution must wear protective clothing as indicated above. OSHA confined space entry procedures must be followed. Protective clothing must be changed when it shows of contamination.

Environmental Hazards

This pesticide is extremely toxic to fish and aquatic invertebrates.

[For termiticidal use]
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. Rinsing application equipment over the treated area will help avoid run off to water bodies or drainage systems.

[For industrial wood treatment use] Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or other water unless in accordance with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority. For guidance, contact your State Water Board or Regional Office of the EPA.

Physical/Chemical Hazards

Do not use or store near heat or open flame. Do not apply water-based dilutions of Bistar WT termiticide to electrical conduits, motor housings, junction boxes, switch boxes or other **electrical equipment because of possible shock hazard.**
Do not use or store near heat or open flame.

DIRECTIONS FOR USE

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

This product is not intended for application to soil; it is not a soil termiticide. Do not use to directly treat soil. Prior to using this product, consult with your state regulatory agency to see if they require additional qualifications for the person applying this product.

In new construction application for the prevention of termite infestation, structural wood is defined as: only wood needed for the basic building structure as found in the dried-in stage of construction, including wood in direct contact with foundations, interior and exterior wall sill plates, wood or cellulosic sheathing, floor joists, and sub-flooring. Apply when access to wooden structural components is optimized and when no further framing modifications will be made, such as after final framing inspection. Do not use for new construction treatments if the total linear footage of the cellulosic base plates is less than 60% of the total linear footage of all base plates in structure to include exterior and interior walls. In new construction with 60% or more lineal footage of base plates, but without continuous wood on every exterior wall, the treatment must be installed to all other exterior structural construction materials, including brick or block, to a height of 2 feet and extended out onto the slab at a minimum of 2 to a maximum of 8 inches.

In structures where a soil treatment/barrier termiticide has been applied and/or termite bait system installed, this product may be applied as an additional treatment to protect wood from subterranean termites that may have penetrated the chemical gaps occurring within the termiticide-treated soil or have bypassed the bait/monitor systems.

STORAGE AND DISPOSAL

Pesticide Storage

Do not contaminate water, food or feed by storage or disposal.
If crystals are observed, warm material to above 60°F by placing container in warm location.

Shake or roll container periodically to redissolve solids. Do not use external source of heat for warming container.

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

In case of spill, avoid contact, isolate area and keep out animals and unprotected persons. Confine spills, Call FMC: (800) 331-3148.

To confine spill: if liquid, dike surrounding area or absorb with sand, cat litter, commercial clay, or gel absorbent. If dry material, cover to prevent dispersal. Place damaged package in a holding container. Identify contents.

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 Disposal

Plastic Container: Non-refillable container. Do not reuse or refill this container. Triple rinse as follows: Empty the contents into application equipment or a mix tank and drain for 10 seconds after flow begins to drip. Fill container ¼ full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or 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, if available, or reconditioning, if appropriate, or puncture and dispose of in a sanitary landfill, or incineration.
Returnable/Refillable Containers: Refill this container with pesticide only. Do not reuse this container for any other purpose. Do not rinse container. Do not empty remaining formulated product. Do not break seals. Return intact to point of purchase. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller.

General Instructions

[For termiticidal use]
The application of Bistar® WT to both timber and timber based products as specified in the application instructions will protect treated products from damage for up to two years from drywood and subterranean termites (including Formosan termites), carpenter ants, ambrosia beetles, powder-post beetles, false powder-post beetles, deathwatch beetles, old-house borers and others.

Complete coverage of wood is essential for optimal wood-destroying insect control. Cutting lumber may expose untreated wood for insect attack. Cut ends need to be treated with a brush or spray application. Where control of rotting or staining organisms is desired, an appropriate fungicide will need to be added to the treatment solution or applied separately.

Bistar® WT is intended to be applied only to bare wood, plywood, particle board or other cellulose building materials in the absence of paint, stains or sealers. Such materials will prevent Bistar® WT from properly adhering to cellulose surfaces.

Bistar® WT is intended for use in post construction applications including spraying, brushing, and foaming. Bistar® WT can be used to form an effective treated barrier to the structure as a structural pre-treatment.
When treating overhead vertical areas cover all surfaces below the spray area with plastic sheeting which, can be discarded if contaminated from dripping.
In areas where soil pretreatment is required by law, Bistar® WT may be applied as a supplemental treatment to protect wood from subterranean termites that may penetrate chemical gaps or where soil is disrupted by construction practices.

[For industrial wood treatment use]
Bistar® WT is a dual emulsifiable concentrate that may be diluted with either water or diluents commonly used in wood preservation including white spirits. Bistar® WT can be used to treat wood to be used in areas where protection from weather exists, including lumber and engineered woods, including for use in framing lumber, sillplates, millwork, pallets, wooden containers, and processed wood products. The application of Bistar® WT to both timber and timber based products as specified in the directions for use table will protect treated products from damage for up to two years from termites, carpenter ants, ambrosia beetles, powder-post beetles, false powder-post beetles, deathwatch beetles, old-house borers and others. Bistar® WT is intended for use in commercial manufacturing or industrial wood processing or assembly plants only, and may be used in dipping, brushing, spraying, glueline or pressure treatments. For longer control, apply by pressure treatment.

Complete coverage of wood is essential for optimal insect control. In applications by surface treatment including dipping, spraying, or brushing, milling or cutting may expose untreated wood for insect attack. Cut ends need to be treated with brush application. Where control of rotting or staining organisms is desired, an appropriate fungicide will need to be added to the treatment solution or applied separately.

Handling Procedures
Wear protective clothing including eye protection, chemically resistant gloves, and footwear impervious to aromatic solvents (including neoprene or nitrile butadiene rubber) during preparation of solution, treatment, and when handling freshly treated wood.

To avoid breathing spray mist during application in confined areas wear a NIOSH approved respirator with any R, P or HE filter, or a NIOSH approved respirator with and organic vapor (OV) cartridge or canister with any R, P or HE prefilter.

Wood can be safely handled without the use of protective clothing when dry.

Mixing

[For termiticidal use]
Dilute Bistar® WT in the following manner: Fill spray tank 1/4 to 1/3 full with water. Shake and agitate small volume sprayers once filled. For larger spray units start pump to begin by pass agitation and place end of treating tool in tank to allow circulation through hose. Add appropriate

amount of Bistar® WT. Add remaining amount of water. Let pump run and allow recirculation through the hose for 2 to 3 minutes. Bistar WT may also be mixed into full tanks of water, but requires agitation to insure uniformity of the emulsion.

[For industrial wood treatment use]
Add the required quantity of Bistar® WT to a diluent in the holding tank, or glue mixer and mix thoroughly. Maintain agitation during both mixing and application.

Tank Mixing
Unless prohibited by a product's label, users can tank mix pesticides currently labeled for similar use patterns. It is always recommended that a small jar compatibility test using proper proportions of chemicals be run to check for chemical compatibility before tank mixing.

Dilution Chart

[For termiticidal use]
Amount of Bistar WT to premix with water

For small volume mixtures using a handheld compressed or backpack sprayer.

	Final Tank Volume			
Solution Concentration (w/w%)	1 gal Water	2.5 gal Water	5 gal Water	10 gal Water
0.6%	3.2 floz	8.0 floz	16 floz	32 floz

For large volume mixtures including when using a power sprayer.

Dilution Chart

Emulsion Concentrate	**Amount of Bistar® WT**		
Desired Gallons of Finished Spray		**0.06%**	**0.12%**
25		8 oz.	0.5 qt
50		0.5 qt.	1.0 qt.
75		0.75 qt.	1.5 qt.
100		1.0 qt.	2.0 qt.
150		1.5 qt.	3.0 qt.
200		2.0 qt.	4.0 qt.

Where indication of proper application is needed or desired, include a dye such as Turf Marker® or Blazon® in the tank mix when preparing solution.

Emulsion Concentrate	**Amount of Bistar® WT**		
Desired Gallons of Finished Spray	**0.01%**	**0.06%**	**0.12%**
25	1.3 oz.	8 oz.	0.5 qt
50	2.6 oz.	0.5 qt.	1.0 qt.
75	3.9 oz.	0.75 qt.	1.5 qt.
100	5.2 oz	4.0 qt.	5.0 qt.
150	7.8 oz	1.5 qt.	6.0 qt.
200	10.4 oz.	2.0 qt.	4.0 qt.

Application Directions

Apply one coat of diluted Bistar WT solution up to the point of run-off to all wood and timber based products by brush, spray or foam application to protect them from wood-destroying insect damage for up to two years. If using a surface application method for Bistar WT, apply to the point of surface saturation that meets or exceeds the minimum final wood residue requirements outlined in the specific application directions below. Bistar WT must be applied at a minimum rate of 8.0 oz per 25 gallons of water (0.6% wt solution).

Any cuts made to treated wood will expose untreated wood and should be carefully treated. Wood absorbency of Bistar® WT solution will vary on the wood species, relative moisture and degree of sapwood in the wood being treated. For best results, apply Bistar® WT solution to dry wood.

Treating wood that has been painted or sealed will significantly reduce its ability to absorb treatment solution. It will be necessary to remove existing finish by sanding, stripping, scoring or pre-drilling access holes to properly treat that wood.

Structural Pretreatment Application Instructions

Structural pretreatment by treating framing lumber may be performed either by treating lumber prior to use or once installed. Treatments must be performed prior to installation of insulation, heating and cooling systems and electrical wiring. Post-construction treatment is best performed when susceptible wood is still exposed for treatment, but after all cuts and notches (including access holes for plumbing, ventilation and electrical) have been made prior to installation of insulation. It is essential that all surfaces of lumber that are susceptible to insect attack be treated. Any cuts made to treated wood will expose untreated wood and should be treated on site.

Apply one coat of diluted Bistar® WT solution to all wood within two feet of any potential access point by termites. If using a surface application method for Bistar WT, apply to the point of surface saturation that meets or exceeds the minimum final wood residue requirements outlined in the specific application directions below. Concentrate treatments in areas susceptible to termite attack including sill plates, floor joists, piers, beams and subfloors. For buildings constructed on slabs, treat all wood in contact with the slab and all interior and exterior wall studs and sheathing materials. Pay close attention to each joint.

{**Optional**: Sketch clarifying application}

Apply Bistar® WT solution to all base sill plates, as well as the bottom 24 inches of all vertical studs and cellulose siding on each exterior and interior walls as well as exposed cellulose floor boards along edge of foundation or support piers. Treat all wood in plumbing walls and apply to any wood in bath traps as well as wood adjacent to pipes, electrical conduits and duct penetrations in order to provide a minimum 24 inch wide barrier of treatment between the soil and the balance of the structure. Treat an uninterrupted band of at least 24 inches wide from any concrete, block or brick walls and floor exposed to soil including wood exposed to vertical access from the soil, to include sills, plates, floor joists, piers, girders, subfloors, exterior wall plywood or OSB, wooden shingles, decking and garage framing.

All building materials containing cellulose and wood materials as well as the floor upon which it is attached must be treated in the two foot band. Structures must have a roof already installed prior to treatment to reduce exposure to the elements.

These use directions are applicable to both new construction as well as additions to existing structures.

[For industrial wood treatment]

Directions for Application (Limited to use of Bistar WT in Manufacturing, Industrial, and Rights-of-Way Settings only)

To control wood infesting insects treat wood with appropriate dilution of bifenthrin in treatment solution, up to 0.12%. Monitoring of the treating solution may be necessary to ensure that the desired level of bifenthrin is maintained, particularly where the treating solution may be used for an extended period of time.

Dip Treatment
Wood infesting insects can be controlled in wood products (including freshly cut timber), wooden containers, millwork, pallets, and processed wood products by dipping. Using solution concentration rates of up to 0.06% dilution of bifenthrin, final residue levels must be greater than or equal to 50 mg bifenthrin/square meter. The wood should be totally submerged in the dilution until thoroughly wet (minimum 3 minutes) and then allowed to dry in a suitable location. Dipping solutions should be agitated if left unused for a period of time (i.e. overnight). For optimal performance and economy avoid heavy buildup of wood debris in dip tanks as bifenthrin may bind to the debris and thus reduce the strength of the dilution.

Spray Treatment and Brush Treatment
Wood infesting insects can be controlled in wood products (including freshly cut timber), wooden containers, millwork, pallets, and processed wood products by spraying or brushing. Using solution concentration rates of up to 0.06% dilution of bifenthrin, final wood residue levels must be greater than or equal to 50 mg bifenthrin/square meter. The wood should be sprayed or brushed thoroughly, including backs and ends, with the treatment mixture. Apply to surfaces, voids, and channels where insects may be located. When spraying, use a sprayer capable of delivering a coarse, low-pressure (about 20 psi) spray. On logs, ensure thorough bark coverage as untreated areas are subject to insect attack. When treating processed wood products, Bistar® WT may be sprayed onto wood chips or mixed with a compatible adhesive (including spraying, rolling, or blending). Test compatibility and application on a small scale before full-scale production.

Pressure Treatment
For maximum, long-term control of wood infesting insects in products (including framing lumber and sillplates), wooden containers, millwork, pallets, processed wood products,- apply Bistar WT by pressure treatment. Treat to attain a final wood residue of greater than or equal to 64 g bifenthrin/cubic meter. Bistar WT can be used in combination with other treatment solutions including disodium octoborate tetrahydrate (DOT) where compatibility is the responsibility of the formulator.

Glueline Treatment
Engineered products including composite paneling, OSB, plywood, and glue-laminated beams (glulam) can be treated by mixing in the appropriate amount of Bistar WT when preparing the glue resin mix to obtain a final wood residue level of greater than or equal to 20 g bifenthrin/square meter. Mode of treatment and determination of compatibility with resin and composite manufacturing method is the responsibility of the formulator.

Treatment for Unexposed or interior applications
Bistar WT can be used for-applications where the treated wood is either unexposed to weather, including in millwork, sillplates, framing lumber, composite paneling and engineered floor joists, glue-laminated (glulam) beams Mode of treatment and determination of compatibility with resin, and composite manufacturing method is the responsibility of the formulator.

Note: Wood treated with this product is only for above ground uses and is not to be used in water immersion applications. Do not treat wood that will come in contact with raw agricultural commodities, food, feed or water.

Directions for use

Target Use	Pest	Rate (% a.i.)	Comments
Sawn and round timbers for treatment by vacuum or vacuum pressure impregnation for use in Hazard Class H1	Powderpost Beetles	0.5 oz/100 lb timber	1. Calculate the uptake of suitable diluent (e.g. organic solvents, water, or water repellent) per 100 lb of timber. 2. Add the appropriate amount of Bistar® WT to the diluent to achieve recommended loadings. 3. Apply to timber through vacuum or vacuum-pressure treatment to ensure compliance with AWPA standards 4. The minimum individual retention is 0.0018% mass/mass
Sawn and round timbers for treatment by vacuum or vacuum pressure impregnation for use in Hazard Class H2	All termites (including *Coptotermes formosanus*)	1.7 oz/100 lb timber	1. Calculate the uptake of suitable diluent (e.g. organic solvents, water, or water repellent) per 100 lb of timber. 2. Add the appropriate amount of Bistar® WT to the diluent to achieve recommended loadings. 3. Apply to timber through vacuum or vacuum-pressure treatment to ensure compliance with AWPA standards 4. The minimum individual retention is 0.0024% mass/mass

Target Use	Pest	Rate (% a.i.)	Comments
Framing timbers for surface spray application or dipping in Hazard Class H2 with no exposure to sunlight	All termites (including *Coptotermes formosanus*)	0.2 oz/100 ft^2 of surface area	1. Calculate the uptake of suitable diluent (e.g organic solvents, water, or water repellent) per ft^3 of timber. 2. Calculate the surface area of 1 ft^3 of product to treat 3. Add the appropriate amount of Bistar® WT to the diluent to achieve recommended loadings. 4. Apply to timber through spray system or by dipping to ensure recommended rates 5. The minimum individual piece retention is 1.7 g/100 ft^3
Processing & manufacture of softwood plywood in Hazard Class H2	All termites (including *Coptotermes formosanus*)	10 oz/100 ft^3 dry veneer	1. Calculate the uptake of solution by veneers. 2. Dilute Bistar® WT as required to ensure minimum loadings of 0.024% mass/mass of veneers. 3. Following the manufacture of the plywood panel the loading of bifenthrin in the panel should be a minimum of 0.024% mass/mass.
Glueline treatment of softwood plywood for use in Hazard Class H2	All termites (including *Coptotermes formosanus*)	0.1 oz/ ft^3 of the glueline	1. Calculate the usage of the glue per cubic foot of panel. 2. Add Bistar® WT to the glue during preparation of the mix. 3. Following the manufacture of the plywood panel the loading of bifenthrin in the panel should be a minimum of 0.024% mass/mass.

Target Use	Pest	Rate (% a.i.)	Comments
Softwood particle & strand based boards in Hazard Class H2	All termites (including *Coptotermes formosanus*)	0.3 oz/ 100 lb fiber	1. Add sufficient Bistar® WT into the glue to achieve a retention of 0.024% mass/mass in the finished board. Alternatively particles or strands can be treated before manufacture. Where Bistar® WT is to be added to the glue mix the pH of the finished mix must not exceed 9.5.

Distributors should sell in original packages only

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 or FMC or Seller. All such risks shall be assumed by Buyer and User, and 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 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.