

279-3333

10/19/2010

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

OFFICE OF
CHEMICAL SAFETY AND
POLLUTION PREVENTION

NOTIFICATION

OCT 19 2010

Jill Holihan
Product Registration Manager
FMC Corporation
1735 Market Street
Philadelphia, PA 19103

Subject: Application for Pesticide Notification
EPA Registration Number: 279-3333
Date of Submission: September 23, 2010

Dear Registrant:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration (PRN) 98-10 dated September 23, 2010, for the abovementioned product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the actions requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions regarding this letter, please contact Clayton Myers at (703) 347-8874, or via email at myers.clayton@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to be "R. Gebken", written over a circular stamp or mark.

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

Enclosures: Copy of Label Stamped "Notification"

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United States
Environmental Protection Agency
Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 279-3333	2. EPA Product Manager Paul Mastradone	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) F6305 WDG Insecticide	PM# 10	
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 checked="" 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.)

FMC is interested in amending the label for the subject registration. FMC believes that the changes are in full compliance with PR Notice 98-10, section II Labeling Notifications; Part B Adding or Deleting Pests.

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
* Certification must be submitted	If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt.	<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
			No. per container	<input type="checkbox"/> Other (Specify) _____	
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"/>	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> 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 Holihan	Title Product Registration Manager	Telephone No. (Include Area Code) 215-299-6436
Certification 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 Product Registration Manager	
4. Typed Name Jill Holihan	5. Date September 23, 2010	

September 24, 2010

FEDERAL EXPRESS

Mr. Paul Mastradone
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. Mastradone:

Subject: Chemical Number/Name: 129064/zeta-cypermethrin
Chemical Number/Name: 128016/flonicamid
F6305 WDG Insecticide (EPA Reg. No. 279-3333)

Notification of Pest Labeling Change per PR Notice 98-10

FMC is interested in amending the label for the subject registration. FMC believes that the changes are in full compliance with PR Notice 98-10, section II Labeling Notifications; Part B Adding or Deleting Pests.

The proposed label has the following changes:

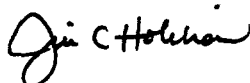
- 1 For cotton uses, Tarnished Plant Bug has been moved from the box for insects controlled at 4.3 to 5.9 ounces per acre to the box for insects controlled at 3.7 to 5.9 ounces per acre. Efficacy data indicates that the lower rate effectively controls Tarnished Plant Bug.
- 2 For cotton uses, Stinkbug species have been broken out into Brown, Green, Southern green, Red shoulder and Red banded stinkbug. The Red banded stinkbug is a new pest that is more difficult to control than other stinkbugs. Thus Red banded stinkbug is listed in the box for insects controlled at 4.8 to 5.9 ounces per acre, while all other stinkbug species remain in the box for insects controlled at 4.3 to 5.9 ounces per acre.

Enclosed, please find the following documents:

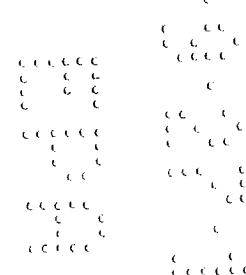
- EPA Form 8570-1
- Five copies of draft labeling (one copy with changes in red)
- Certification of Compliance with PR Notice 98-10

We trust that the enclosed information is acceptable for the Agency to process this request. If you have any questions, please call.

Sincerely,



Jill C. Holihan
Product Registration Manager
(215) 299-6436
jill.holihan@fmc.com



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RESTRICTED USE PESTICIDE

Toxic to fish and aquatic organisms
For retail sale to and use only by certified applicators, or persons under their direct supervision and only for those uses covered by the certified applicator's certification.

NOTIFICATION

OCT 19 2010

F6305 WDG Insecticide

EPA Reg. No. 279-3333

EPA Est. 279-NY-1

Active Ingredients:	By Wt.
Zeta-Cypermethrin*.....	6.7%
Flonicamid.....	23.3%
Other Ingredients.....	70.0%
	100.0%

F6305 WDG contains 0.3 pounds active ingredient per pound of formulated product.

* Cis/trans ratio: Max. 75% (±) cis and min. 25% (±) trans
U.S. Patent No. Pending

KEEP OUT OF REACH OF CHILDREN CAUTION

FIRST AID

IF SWALLOWED: 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 by a poison control center or doctor. Do not give anything by mouth to an unconscious person.

IF IN EYES: 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 eyes. Call a poison control center or doctor for treatment advice.

IF ON SKIN OR CLOTHING: 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 INHALED: Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible. Call a poison control center or doctor for further treatment advice.

Note to Physician

Treatment is controlled by removal of exposure followed by symptomatic and supportive care.

For Emergency Assistance Call (800) 331-3148.

See other panels for additional precautionary information.

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 medical treatment information.

PRECAUTIONARY STATEMENTS Hazards to Humans (and Domestic Animals)

Caution
Harmful if swallowed. Causes moderate eye irritation. Harmful if absorbed through skin. Harmful if inhaled. Do not breathe dust or spray mist. Do not get on skin, in eyes or on clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Remove and wash contaminated clothing before reuse.

Personal Protective Equipment:

When handlers use closed systems, enclosed cabs, or aircraft 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.

Applicators and other handlers must wear: long-sleeved shirt and long pants, shoes plus socks, protective eyewear and chemical-resistant gloves such as barrier laminate or viton.

Discard clothing and other absorbent materials that have been heavily contaminated with this product. Do not reuse them. Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

User Safety Recommendations

Users should:

Wash thoroughly with soap and water after handling. Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet. Remove clothing 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 extremely toxic to fish, aquatic invertebrates, oysters and shrimp. 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 wash waters.

This product is highly toxic to bees exposed to direct treatment or residues on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops if bees are visiting the treatment area.

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.



FMC Corporation
Agricultural Products Group
Philadelphia PA 19103

Resistance. Some insects are known to develop resistance to products used repeatedly for control. Because the development of resistance cannot be predicted, the use of this product should conform to resistance management strategies established for the use area. Consult your local or state agricultural authorities for details. If resistance to this product develops in your area, this product, or other products with a similar mode of action, may not provide adequate control. If poor performance cannot be attributed to improper application or extreme weather conditions, a resistant strain of insect may be present. Use this product in a rotation program with other classes of chemistry and modes of action to reduce the potential for pesticide resistance. Always apply this product at the recommended rates and in accordance with the use directions. Do not use less than recommended label rates alone or in tank mixtures. For optimum performance, scout fields carefully and begin applications when pests are smaller rather than larger. If you experience difficulty with control and resistance is a reasonable cause, immediately consult your local company representative or agricultural advisor for the best alternative method of control for your area.

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 12 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, and shoes plus socks.

STORAGE AND DISPOSAL

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

Pesticide Storage

Keep out of reach of children and animals. Store in original containers only. Store in a cool, dry, well-ventilated 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 FMC: (800) 331-3148.

To confine spill: 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

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 1/4 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 if available or reconditioning if appropriate, or puncture and dispose of in a sanitary landfill, or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

Chemigation Use Directions

Apply this product only through sprinkler including center pivot, lateral move, end tow, side (wheel) roll, traveler, big gun, solid set, or hand move irrigation systems. Do not apply this product through any other type of irrigation system. Do not connect any irrigation system (including greenhouse systems) used for pesticide application to a public water system.

Crop injury, lack of effectiveness, or illegal residues in the crop can result from non-uniform distribution of treated water. If you have questions about calibration, you should contact State Extension Service specialists, equipment manufacturers, or other experts. A person knowledgeable of the chemigation system and responsible for its operation, or under the supervision of the responsible person, shall shut the system down and make necessary adjustments should the need arise.

The system must contain a functional check valve, vacuum relief valve, and low pressure drain appropriately located on the irrigation pipeline to prevent water source contamination from backflow.

The pesticide injection pipeline must also contain a functional, automatic, quick-closing check valve to prevent the flow of fluid back toward the injection pump.

The pesticide injection pipeline must also contain a functional, normally closed, solenoid-operated valve located on the intake side of the injection pump and connected to the system interlock to prevent fluid from being withdrawn from the supply tank when the irrigation system is either automatically or manually shut down.

The system must contain functional interlocking controls to automatically shut off the pesticide injection pump when the water pump motor stops.

The irrigation line or water pump must include a functional pressure switch which will stop the water pump motor when the water pressure decreases to the point where pesticide distribution is adversely affected.

Systems must use a metering pump, such as a positive displacement injection pump (e.g., diaphragm pump) effectively designed and constructed of materials that are compatible with pesticides and capable of being fitted with a system interlock.

Do not apply when wind speed favors drift beyond the area intended for treatment

F6305 WDG Insecticide should be applied continuously for the duration of the water application. F6305 WDG Insecticide should be diluted in sufficient volume to insure accurate application over the area to be treated. Use the appropriate amount of water to carry the product to the target pest. Agitation is not required when a suitable diluent is used.

A diluents test should be conducted to ensure that phase separation would not occur during dilution and application. Failure to achieve a uniform dilution throughout the time of application may result in undesirable residues or less than desirable control.

Using Water from Public Water Systems: DO NOT APPLY F6305 WDG Insecticide THROUGH ANY IRRIGATION SYSTEM PHYSICALLY CONNECTED TO A PUBLIC WATER SYSTEM. Public water system means a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. F6305 WDG Insecticide may be applied through irrigation systems, which may be supplied by a public water system only if water from the water system is discharged into a reservoir tank prior to pesticide introduction. There shall be a complete physical break (air gap) between the outlet end of the fill pipe and to top or overflow rim of the reservoir tank of at least twice the inside diameter of the fill pipe. Before beginning chemigation, always make sure that the air gap exists and that there is no blockage of the overflow of the reservoir tank.

GENERAL INSTRUCTIONS

F6305 WDG Insecticide is a water dispersible granular formulation of the insecticides zeta-cypermethrin (a member of the pyrethroid class of chemistry) and flonicamid (a member of the pyridinecarboxamide class of chemistry).

The rate of application is dependent upon the insect species present, the level of insect pressure, and the amount of foliage present. Begin applications before populations begin to build or at economic thresholds according to local economic guidelines. Refer to local

Cooperative Extension Guidelines and/or the applications for scouting results. Thorough plant coverage is essential for good performance.

Rotational Crops

With the exception of the crop listed below, rotational crops should not be planted within 30 days of last application.

Use Restrictions

- Do not use this product in greenhouses.
- Do not use this product in home gardens.

Tank-Mixtures

F6305 WDG Insecticide can be mixed with products labeled for use on the crops/sites listed on this label in accordance with the more (most) restrictive of label limitations and precautions. No label dosage rates may be exceeded. This product cannot be mixed with any product containing a label prohibition against such mixing. Read and follow all manufacturer's label recommendations for the companion product. F6305 WDG Insecticide is generally compatible with other insecticides, fungicides, fertilizers and micronutrient products provided sufficient free water is available for dispersion of all the tank mix products. However, the physical compatibility of F6305 WDG Insecticide with tank mix partners should be evaluated using a jar test before use.

The crop safety of all potential tank mixtures on all crops may not have been tested. Before applying any tank mixture not specifically recommended on this label, the safety to the target crop must be confirmed.

In general, tank mix partners should be added in the following order: products in water-soluble packaging, wettable powders or wettable granules or dry flowables, liquid flowables, liquids, then emulsifiable concentrates. Allow each tank mix partner to become completely dispersed before adding the next product.

Spray Drift Precautions

Do not make more than 10 synthetic pyrethroid applications (of one product or combination of products) to a cotton crop in one growing season. Synthetic pyrethroid products include Ambush®, Ammo®, Asana® XL, Baythroid®, Capture®, Danitol®, Fury®, Karate®, Mustang®, and Scout® X-TRA.

All aerial and ground application equipment must be properly maintained and calibrated using appropriate carriers.

OBSERVE THE FOLLOWING PRECAUTIONS WHEN SPRAYING IN THE VICINITY OF AQUATIC AREAS SUCH AS LAKES; RESERVOIRS; RIVERS; PERMANENT STREAMS, MARSHES OR NATURAL PONDS; ESTUARIES AND COMMERCIAL FISH FARM PONDS.

Do not apply by ground equipment within 25 feet, or by air within 150 feet of lakes, reservoirs, rivers, permanent streams, marshes or natural ponds, estuaries, and commercial fish farm ponds. Increase the buffer zone to 450 feet when ultra low volume (ULV) application is made.

For aerial applications, the spray boom should be mounted on the aircraft so as to minimize drift caused by wingtip or rotor vortices. The minimum practical boom length should be used and must not exceed 75% of wing span or rotor diameter.

Use the largest droplet size consistent with good pest control. Formation of very small droplets may be minimized by appropriate nozzle selection, by orienting nozzles away from the air stream as much as possible, and by avoiding excessive spray boom pressure.

Spray should be released at the lowest height consistent with pest control and flight safety. Applications more than 10 feet above the crop canopy should be avoided.

Make aerial or ground applications when the wind velocity favors on target product deposition (approximately 5 to 10 mph). Do not apply when wind velocity exceeds 15 mph. Avoid applications when wind gusts approach 15 mph.

Risk of exposure to sensitive aquatic areas can be reduced by avoiding applications when wind direction is toward the aquatic area.

Do not cultivate within 10' of the aquatic area so as to allow growth of a vegetative filter strip.

Low humidity and high temperatures increase the evaporation rate of spray droplets and therefore the likelihood of increased spray drift to aquatic areas. Avoid spraying during conditions of low humidity and/or high temperature.

Do not make aerial or ground applications during temperature inversions. Inversions are characterized by stable air and increasing temperatures with height above the ground. Mist or fog may indicate the presence of an inversion in humid areas. The applicator may detect the presence of an inversion by producing smoke and observing a smoke layer near the ground surface.

Maximum Usage When Applying Both Zeta-Cypermethrin and Cypermethrin Products to the Same Crop Within the Same Season.

F6305 WDG Insecticide contains the pyrethroid zeta-cypermethrin.

Do not apply more than the maximum seasonal total for either product when used alone, and do not apply more than the combined maximum seasonal total for both products as outlined in the table below.

Maximum Seasonal Total (lbs ai/acre) For Use on Cotton				Maximum Seasonal Total (lbs ai/acre) When Applying Cypermethrin and Zeta- Cypermethrin Products to the Same Crop	Maximum Seasonal Total (lbs ai/acre) When Applying Zeta-cypermethrin Products to the Same Crop
Zeta-cypermethrin *				Cypermethrin**	Zeta-cypermethrin* plus Cypermethrin **
Mustang	Mustang Max	HERO	F6305 WDG		Zeta-cypermethrin*
0.3	0.15	0.1125	0.072	0.6	0.6
* Mustang or Fury (1.5 EW or 1.5 EC); Mustang Max (EC or EW); HERO; F6305 WDG; or any zeta-cypermethrin product approved for crop use. ** Any cypermethrin product approved for crop use, including Ammo™.					

Cotton (30 day phi)

Insects Controlled	Rate of Application	Method of Application
Cotton Aphid Cotton Fleahopper Tarnished Plant Bug	3.7 to 5.9 ounces per acre (0.07 to 0.11 pound active per acre)	Begin applications before populations begin to build or at economic thresholds according to local economic guidelines. The low rate can be used early season for low pest densities or when tank mixing with other products registered for target insect control. Use the high rate for large pest populations, dense foliage, and longer residual. Rapidly growing cotton may need retreatment. Scout fields often and retreat as necessary to maintain pest populations below damaging levels.
Armyworm, Fall Armyworm, Yellow Striped Cabbage Looper Corn Borer, European Cotton Bollworm Cotton Leaf Perforator Pink Bollworm Saltmarsh Caterpillar Stinkbug, Brown Stinkbug, Green Stinkbug, Southern Stinkbug, Red shoulder Tobacco Budworm ¹	4.3 to 5.9 ounces per acre (0.08 to 0.11 pound active per acre)	Thorough spray coverage of plant foliage is essential for optimum control. Use a minimum of 5 gallons per acre by ground and 3 gallons per acre by air. Finished spray volumes should be increased under extreme pest populations or dense plant foliage.
Armyworm, Beet ² Grasshoppers Stinkbug, Red banded Western Plant Bug Whiteflies ³	4.8 to 5.9 ounces per acre (0.09 to 0.11 pound active per acre)	<p>F6305 WDG Insecticide may be applied in water or refined vegetable oil. When water is used, apply a minimum of three gallons of finished spray per acre by air or five gallons of finished spray with ground equipment. When applying in water by air, one quart of emulsified oil may be substituted for one quart of water in the finished spray. When using oil, use a minimum of one quart per acre in the finished spray.</p> <p>For control of grasshoppers, applications should be made based on careful field scouting. Treatment decisions should be made based on evidence of feeding damage and presence of grasshoppers in cotton. Applications should be made on a broadcast basis since grasshoppers are highly mobile. Adjust rates based on populations of grasshopper found in fields. Increase application rates as grasshopper size and population density increases.</p> <p>Follow appropriate spray drift precautions on this label.</p>

Do not apply more than 17.7 oz/acre (0.33 pound ai per acre) per season. Do not apply more than 5.9 oz/acre (0.11 pound ai/a) per application. Do not apply more than 3 applications at the 5.9 oz/acre (0.11 pound ai/a) rate per season.

Allow a minimum of 7 days between applications.

Do not graze or feed cotton for forage.

¹ See resistance statement under "Directions for Use" section.
² For control of beet armyworms only in the high plains of Texas, Arizona, and California.
³ Aids in control.

Dealers 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. EXCEPT AS WARRANTED BY THIS LABEL, 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.

FMC, Ammo, Capture, Fury, Mustang--trademarks of FMC Corporation
 Asana--trademark of E. I. duPont de Nemours & Company
 Ambush, Karate--trademarks of Zeneca, LTD.
 Baythroid--Trademark of Bayer Aktiengesellschaft
 Danitol--trademark of Sumitomo Chemical Company, LTD
 Scout--trademark of Hoechst Schering Agrevo S.A.

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