



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460**

**OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION**

January 24, 2023

Paula Bodey
Senior Registration Manager
FMC Corporation
2929 Walnut Street
Philadelphia, PA 19104

Subject: Label Amendment – Updated plant back intervals for several crops, added instructions to Storage and Disposal section, and other minor updates.
Product Name: F4278-3
EPA Registration Number: 279-9638
Application Date: March 3, 2022
Decision Number: 583434

Dear Paula Bodey:

The amended label referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, is acceptable. This approval does not affect any conditions that were previously imposed on this registration. You continue to be subject to existing conditions on your registration and any deadlines connected with them.

A stamped copy of your labeling is enclosed for your records. This labeling supersedes all previously accepted labeling. You must submit one copy of the final printed labeling before you release the product for shipment with the new labeling. In accordance with 40 CFR 152.130(c), you may distribute or sell this product under the previously approved labeling for 18 months from the date of this letter. After 18 months, you may only distribute or sell this product if it bears this new revised labeling or subsequently approved labeling. “To distribute or sell” is defined under FIFRA section 2(gg) and its implementing regulation at 40 CFR 152.3.

Should you wish to add/retain a reference to the company’s website on your label, then please be aware that the website becomes labeling under FIFRA and is subject to review by the Agency. If the website is false or misleading, the product would be misbranded and unlawful to sell or distribute under FIFRA section 12(a)(1)(E). 40 CFR 156.10(a)(5) lists examples of statements EPA may consider false or misleading. In addition, regardless of whether a website is referenced on your product’s label, claims made on the website may not substantially differ from those claims approved through the registration process. Therefore, should the Agency find or if it is brought to our attention that a website contains false or misleading statements or claims substantially differing from the EPA approved registration, the website will be referred to the EPA’s Office of Enforcement and Compliance.

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Your release for shipment of the product constitutes acceptance of these conditions. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6.

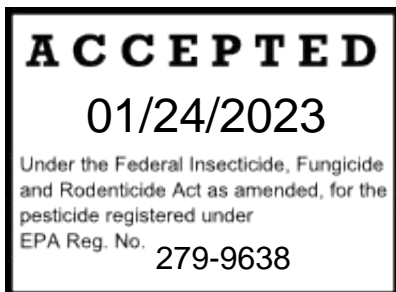
If you have any questions, please contact Stephanie Suarez at 202-566-2918 or at Suarez.Stephanie@epa.gov.

Sincerely,



Nathan Mellor, Product Manager 21
Fungicide Branch
Registration Division (7505T)
Office of Pesticide Programs

Enclosure



FLUTRIAFOL	Group	3	Fungicide
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F4278-3

[ABN: Xyway™ 3D Fungicide]

Liquid fungicide for use in a 3RIVE 3D™ application system only.

ACTIVE INGREDIENT:

Flutriafol	26.4%
OTHER INGREDIENTS:	<u>73.6%</u>
TOTAL:	100.0%

Contains: 2.5 pounds per gallon of the active ingredient flutriafol.
Suspension Concentrate.

Keep Out of Reach of Children
WARNING / AVISO

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.)

IN CASE OF A MEDICAL EMERGENCY INVOLVING THIS PRODUCT, CALL TOLL FREE, DAY OR NIGHT, 1-800- 331-3148

– OR –

For MEDICAL EMERGENCY 1-800-331-3148	For SPILLS CHEMTREC 1-800-424-9300
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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.

Note to PM, the following bracketed statements are individually optional depending on the packaging configuration and whether a booklet label design is used:

- a.[See First Aid statement on back [label] [panel] [of booklet]].
- b.[See additional precautionary statements and Directions for Use in booklet.]
- c.[Read the entire label before using this product.]
- d.[See First Aid, Precautionary Statements, and Directions for Use on individual packages.]

EPA Reg. No. 279-9638

EPA Est. No. _____

Net

Contents:

Sold by:
FMC Corporation
2929 Walnut Street
Philadelphia, PA 19104

[*placeholder* is a registered trademark of FMC]

FIRST AID

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.
- Call a poison control center or doctor for treatment advice.

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 to an unconscious person.

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.

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.

Note to Physician: No specific antidote. Treat symptomatically.

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Warning. Causes substantial but temporary eye injury. **DO NOT** get in eyes or on clothing. Wear protective eyewear (goggles, face shield, or safety glasses). Harmful if swallowed. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco, or using the toilet. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Applicators and all other handlers must wear: long-sleeved shirt and long pants, chemical-resistant gloves, shoes plus socks, and protective eyewear.

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.

ENGINEERING CONTROLS STATEMENT

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.

USER SAFETY RECOMMENDATIONS

Users should: 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 formulated product is toxic to fish and aquatic invertebrates. **DO NOT** apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high-water mark. **DO NOT** contaminate water when disposing of equipment washwater or rinsate.

Ground Water Advisory: Flutriafol has properties and characteristics associated with chemicals detected in ground water. This chemical may leach into ground water if used in areas where soils are permeable, particularly where the water table is shallow.

Surface Water Advisory: This product may impact surface water quality due to runoff of rain-water. This is especially true for poorly draining soils and soils with shallow ground water. This product is classified as having a high potential for reaching surface water via runoff for several months or more after application.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in any 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.

F4278-3 is a 3RIVE 3D[®] formulation designed for use in the 3RIVE 3D[®] application system. The 3RIVE 3D application system is a system that expands mixtures of crop protection products and low volumes of water into a three-dimensional foam solution delivered to the furrow during planting. 3RIVE 3D[®] formulations contain agents intended to produce foam. Applying 3RIVE 3D[®] formulations in application systems not designed to produce foam will result in uneven application, excessive or insufficient foaming, and poor performance.

[Note to Reviewer: Below is optional state specific language.]

[Optional language for CA: In California, this product may only be applied to fields that are not irrigated or are irrigated using pressurized irrigation methods such as macro-sprinkler, micro-sprinkler or drip systems.]

[Optional language for NY: Not for sale, distribution, or use in Nassau or Suffolk Counties of New York State.

In New York State this product may not be applied within 100 feet (using ground equipment) of coastal marshes or streams that drain into coastal marshes.]

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Workers 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, including plants, soil or water, is: coveralls, chemical resistant gloves, and shoes plus socks.

STORAGE AND DISPOSAL

DO NOT contaminate water, food or feed by storage or disposal.

Pesticide Storage: Store unused product in original container in a cool, dry, secure area. Before using after storage, agitate the product well, including inverting the container or circulating the contents.

Pesticide Disposal: Pesticide wastes may be hazardous. 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:

Non-refillable Container [in sizes 5 gallons or less]: DO NOT reuse or refill this container. Clean container promptly after emptying. Triple rinse as follows: Empty the

remaining contents into application equipment or mix tank and drain for 10 seconds after flow begins to drip. Fill the container $\frac{1}{4}$ 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 flow begins to drip. Repeat this procedure two more times. Then offer for recycling if available 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.

Non-refillable Container [in sizes greater than 5 gallons]: DO NOT reuse or refill this container. Triple rinse or pressure rinse container promptly after emptying.

Triple rinse as follows: Empty remaining contents into application equipment or a mix tank. Fill the container $\frac{1}{4}$ 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 back and forth several times. Turn the container over onto its other end and tip 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 if available 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.

Pressure rinse as follows: Empty remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold the container upside down over application equipment or a mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container and rinse at about 40 PSI for at least 30 seconds. Drain for 10 seconds after the flow begins to drip. Then offer for recycling if available 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.

Returnable/Refillable Container: DO NOT rinse container. **DO NOT** empty remaining formulated product. **DO NOT** break seals. Return intact to point of purchase. Refill this container with pesticide only. **DO NOT** reuse this container for any other purpose. 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. To clean the container before final disposal, empty the remaining contents into application equipment or mix tank or rinsate collection system. Fill the container about 10% full with water. Agitate vigorously or recirculate water with the pump for 2 minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times. Then offer for recycling if available 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.

Returnable/Non-refillable Container: DO NOT rinse container. **DO NOT** empty remaining formulated product. Return intact to point of purchase. **DO NOT** reuse this container for any other purpose. Cleaning the container before final disposal is the

responsibility of the person disposing of the container. To clean the container before final disposal, empty the remaining contents into application equipment or mix tank or rinsate collection system. Fill the container about 10% full with water. Agitate vigorously or recirculate water with the pump for 2 minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times. Then offer for recycling if available 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.

PRODUCT DIRECTIONS

READ ENTIRE LABEL. USE STRICTLY IN ACCORDANCE WITH PRECAUTIONARY STATEMENTS RESTRICTIONS, AND DIRECTIONS, AND WITH APPLICABLE STATE AND FEDERAL REGULATIONS.

Restrictions

DO NOT use this product as a foliar application. For at-planting application use only on labeled crops.

DO NOT apply this product through any type of irrigation system.

DO NOT apply this product by air.

DO NOT mix with any other product unless that product has been specifically designed to work with the F4278-3 formulation and the 3RIVE 3D[®] application system.

The maximum application rate per acre per year (pounds active ingredient/acre/year) as listed under the use directions for each crop must not be exceeded.

Crop Rotation Restrictions: Fields treated with F4278-3 may be planted to the following crops and plant back intervals:

Crop	Plant back Interval
Field corn; field corn grown for seed or silage; popcorn; sweet corn; cotton; ;	Immediately
Alfalfa, barley, cucurbits; fruiting vegetables; grapes; hops; Brassica leafy vegetables crop group 5; leafy vegetables, except Brassica, crop group 4; peanut; pome fruit; grain sorghum; rice; soybean; stone fruit; strawberry; sugar beet; tomato; tree nuts; triticale; or wheat	30 days
All other crops	Prohibited

Application and Mixing Instructions

F4278-3 contains 2.5 pounds of flutriafol per gallon. The rate of application is variable within the specified rate range according to pest pressure. Use lower specified rates under low pest pressure, or when part of a sequential fungicide program and higher specified rates under heavier pest pressure. F4278-3 must be applied at planting through a 3RIVE 3D[®] application system that is designed specifically for application of this type of formulation.

Before pumping or moving F4278-3 from the container to the 3RIVE 3D[®] applicator tank, circulate the product in the container to thoroughly mix the product and remove any settling of contents that may have occurred.

F4278-3 applied at planting results in foliar disease protection through systemic uptake and control or suppression of susceptible pathogens throughout the growing season. For protection of diseases not listed on this label or very high infestation environments, supplemental foliar fungicide applications of appropriate products registered for use on the same crops and diseases may be needed.

F4278-3 Row Spacing Conversion Table

Use rates for the individual crop sections are listed as fluid oz/1000 linear feet based on 30-inch row spacings. For conversion to rates applicable to different row spacings, see the table below.

F4278-3 Required Per Acre for Various Row Spacings (fl oz/A)							
Row Spacing	40"	38"	36"	30"	20"	15" and Twin Row 30" centers	7.5"
Lin row ft/A	13,069	13,756 ft	14,520 ft	17,424 ft	26,136 ft	34,848 ft	69,696
Conversion							
0.17 fl oz/1000 Lin ft =					4.4	5.8	11.8 fl oz/A
0.24 fl oz/1000 Lin ft =					6.3	8.4	
0.33 fl oz/1000 Lin ft =	4.3	4.5	4.8	5.8	8.6	11.5	
0.38 fl oz/1000 Lin ft =	5.0	5.2	5.5	6.7	9.9	13.3	
0.48 fl oz/1000 Lin ft =	6.3	6.7	7.0	8.4	12.5	16.7	
0.64 fl oz/1000 Lin ft =	8.4	8.8	9.3	11.2	16.7		
0.68 fl oz/1000 Lin ft =	8.9	9.4	9.9	11.8			
0.76 fl oz/1000 Lin ft =	9.9	10.5	11.0	13.3			

Resistance Management:

F4278-3 contains the active ingredient Flutriafol, a FRAC group 3 demethylation inhibitor (DMI).

Any fungal population may contain individuals naturally resistant to F4278-3 and other Group 3 fungicides. A gradual or total loss of pest control may occur over time if these fungicides are used repeatedly in the same fields. Follow appropriate resistance-management strategies.

To delay fungicide resistance, take one or more of the following steps:

- Rotate the use of F4278-3 or other FRAC Group 3 fungicides within a growing season with non-FRAC Group 3 fungicides or fungicide premixes that control the same target pathogens.
- Use tank mixtures with fungicides from a different FRAC group that are equally effective on the target pest when such use is permitted. Use at least the minimum application rate as labeled by the manufacturer.
- Adopt an integrated disease management program for fungicide use that includes scouting, uses historical information related to pesticide use, and crop rotation, and which considers host plant resistance, impact of environmental conditions on disease development, disease thresholds, as well as cultural, biological and other chemical control practices.
- Where possible, make use of predictive disease models to effectively time fungicide applications. Note that using predictive models alone is not sufficient to manage resistance.

- Monitor treated fungal populations for resistance development.
- Contact your local extension specialist or certified crop advisor for any additional pesticide resistance-management and/or IPM guidelines for specific crops and pathogens.
- For further information or to report suspected resistance contact your pesticide distributor or university extension specialist.

CROP USE DIRECTIONS

Product Information

F4278-3 is a soil applied fungicide that is absorbed through the roots and is translocated through the xylem upward within the plant and is distributed through the roots, stem and leaves for foliar disease protection during the growing season. The systemic movement of F4278-3 can also aid in reduction of soil disease infection by feeding of insect pests including corn rootworm in corn leading to healthier plants.

F4278-3 soil applications provide disease control/suppression through the growing season. For control of late-season infestations and/or heavy disease pressure disease situations, a supplemental foliar application of an appropriate fungicide may be needed.

All varieties and cultivars have not been tested with F4278-3. Local conditions can influence crop tolerance and may not match those under which FMC has conducted testing. FMC has not tested all possible combinations of other products. Physical incompatibility, reduced disease control, or crop response/injury may result from applications of F4278-3 mixed with other products at the same time. Always follow the most restrictive label.

Use Directions for Corn (Field, Corn Grown for Grain, Seed, or Silage, Popcorn, Sweet Corn)

Diseases	USE RATES		
	Fluid oz/acre	Fluid oz/1000 Linear ft.*	lb ai/A
Gray Leaf Spot <i>(Cercospora zeae-maydis)</i> Southern Corn Leaf Blight <i>(Bipolaris maydis)</i> Northern Corn Leaf Blight <i>(Exserohilum turcicum)</i> Common Rust <i>(Puccinia sorghi)</i> SUPPRESSION: Head Smut <i>(Sporisorium reilianum)</i> <u>Anthracnose Stalk Rot</u> <i>(Colletotrichum graminicola)</i> <u>Fusarium Stalk and Crown Rot</u> <i>(Fusarium graminearum,</i> <i>Fusarium spp.)</i> <u>Physoderma Brown Spot</u> <i>(Physoderma maydis)</i>	5.8 – 11.8	0.33 – 0.68	0.114 – 0.228

*Please refer to row spacing conversion table in application instructions for application rates based on various row spacings. .

Precautions:

- F4278-3 has not been tested on all hybrids (Field corn, Popcorn, Silage corn and Sweet corn). High application use rates combined with sandy soils and/or heavy rainfall or irrigation within 3 days of planting may delay emergence.
- In-furrow placement of F4278-3 with direct contact with the seed can result in slow or temporarily delay corn emergence. Normal growth and development typically occur with favorable growing conditions and heat unit accumulation.
- Conditions that can increase the degree of this response include cold soils, additional high-salt content fertilizer applications, compaction and other seedling stresses. Early planting into cold, high residue covered soils leading to a long emergence period can increase emergence delay. To minimize this response, plant corn when soil temperatures are minimum of 50-55° F, with favorable growing conditions in the forecast.

Restrictions:

- **DO NOT** apply more than 0.228 lb active ingredient per acre (11.8 fl oz of product/A) per year including at-plant plus foliar applications of other flutriafol products.
- **DO NOT** apply more than one application per year.

Use Directions for Cotton

	USE RATES		
Diseases	Fluid oz/acre	Fluid oz/1000 Linear ft.*	lb ai/A
Cotton Root Rot (<i>Phymatotrichopsis omnivora</i>)	6.7 – 13.3	0.38 – 0.76	0.13 – 0.26
<p>*Please refer to row spacing conversion table in application instructions for application rates based on various row spacings..</p> <p>NOTICE Heavy rainfall or irrigation within 3 days after planting may delay emergence. Sufficient irrigation must be applied to thoroughly wet the F4278-3 treated zone after cotton has emerged.</p> <p>Restrictions:</p> <ul style="list-style-type: none"> • DO NOT apply more than 0.26 lb active ingredient (13.3 fl oz of product)/A as an at-plant application. • DO NOT apply more than 0.488 lb active ingredient per acre per year including at-plant plus foliar applications of other flutriafol products. • DO NOT apply more than one application per year. 			

Use Directions for Grain Sorghum

Diseases	USE RATES		
	Fluid oz/acre	Fluid oz/1000 Linear ft. *	Pound ai/acre
Gray Leaf Spot <i>(Cercospora sorghi)</i> Leaf Blight <i>(Exserohilum turcicum</i> or <i>Setosphaeria turcica)</i> Rust <i>(Puccinia purpurea)</i>	5.8 – 11.8	0.33 – 0.68	0.114 – 0.228
*Please refer to row space conversion chart in application instructions for application rates based on various row spacings. other than 30".			
Restrictions: <ul style="list-style-type: none"> • DO NOT apply more than 0.228 lb active ingredient per acre (11.8 fl oz product/A) per year including at-plant plus foliar applications of other flutriafol products. • DO NOT apply more than one application per year. 			

Use Directions for Sugar Beet

Diseases	USE RATES		
	Fluid oz/acre	Fluid oz/1000 Linear ft. *	Pound ai/acre
Cercospora Leaf Spot (<i>Cercospora beticola</i>)	5.8 – 11.8	0.33 – 0.68	0.114 – 0.228
Powdery Mildew (<i>Erysiphae polygoni</i>)			
*Please refer to row space conversion chart in application instructions for application rates based on various row spacings. other than 30”.			
Restrictions: <ul style="list-style-type: none"> • DO NOT apply more than 0.228 lb active ingredient per acre (11.8 fl oz product/A) per year including at-plant plus foliar applications of other flutriafol products. • DO NOT apply more than one application per year. 			

Use Directions for Wheat (Spring and Winter) and Triticale

Diseases	USE RATES		
	Fluid oz/acre	Fluid oz/1000 Linear ft. *	Pound ai/acre
Rust (<i>Puccinia</i> spp.)	5.8 – 11.8	033 – 0.68	0.114 – 0.228
Powdery Mildew (<i>Blumeria graminis</i>)			

*Please refer to row spacing conversion table in application instructions for application rates based on various row spacings.

Restrictions:

- **DO NOT** apply more than 0.228 lb active ingredient per acre (11.8 fl oz product/A) per year including at-plant plus foliar applications of other flutriafol products.
- **DO NOT** apply more than one application per year.

CONDITIONS OF SALE AND LIMITATION OF WARRANTY AND LIABILITY

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 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.

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Label code: D- 4675 012423