



554-147

4/20/2004

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Please read instructions on reverse before completing form.

Form Approved, OMB No. 2070-0060, Approval expires 2-28-95



United States
Environmental Protection Agency
Washington, DC 20460

<input type="checkbox"/>	Registration
<input type="checkbox"/>	Amendment
<input checked="" type="checkbox"/>	Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 554-147	2. EPA Product Manager Joanne Miller	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) AGSCO B-4 HERBICIDE	PM# 23	
5. Name and Address of Applicant (Include ZIP Code) AGSCO INC PO BOX 13458 GRAND FORKS, ND 58208-3458 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____	

Section - II

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

NOTIFICATION

APR 20 2004

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

NOTIFICATION TO MODIFY WARRANTY STATEMENT.

I hereby certify that this notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

Section - III

1. Material This Product Will Be Packaged In:					
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		2. Type of Container <input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____	
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt	No. per container
3. Location of Net Contents Information <input 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 ALICE WALKER, PhD		Title Regulatory Consultant		Telephone No. (Include Area Code) 662-562-5905	
Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and correct. 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 Regulatory Consultant			
4. Typed Name ALICE WALKER, PhD		5. Date 3.31.04			

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Alice Walker, Ph.D.

REGULATORY CONSULTING • 481 COUNTRY CLUB DRIVE • SENATOBIA, MS 38668

CERTIFIED MAIL

March 31, 2004

Document Processing Desk (Notif)
Office of Pesticide Programs (7504C)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

Re: AGSCO B-4 Herbicide
(EPA Reg. No. 554-147)

Attn: Joyce Edwards

This correspondence will constitute notification from AGSCO, INC. to modify the warranty language per the guidelines set forth in PR Notice 98-10.

To this end, please find enclosed one copy of new labeling along with the appropriate application form.

I believe this notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under section 12 and 14 of FIFRA.

Thank you for adding this notification to the registration record for this product. We would appreciate a stamped "Notification" copy for our files.

Sincerely,



Alice Walker, Ph.D.
Regulatory Agent for
AGSCO, INC.

Enclosures

cc: Mr. Orval Swenson

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NOTIFICATION

APR 20 2004

AGSCO

B-4

Herbicide

ACTIVE INGREDIENT:

Isooctyl (2-ethylhexyl) ester of 2,4-dichlorophenoxyacetic acid*	44.92%
Octanoic acid ester of bromoxynil (3,5-dibromo-4-hydroxybenzotrile)†	10.35%
Heptanoic acid ester of bromoxynil (3,5-dibromo-4-hydroxybenzotrile)†	9.98%
OTHER INGREDIENTS:	<u>34.75%</u>
Total	100.00%

Contains xylene range/petroleum distillates.

* 2,4-dichlorophenoxyacetic acid equivalent 29.38%. Contains 2.69 lbs. acid equivalent per gal.
 † Bromoxynil acid equivalent 14.21%. Contains 1.3 lbs. of bromoxynil per gal.

KEEP OUT OF REACH OF CHILDREN

CAUTION

FIRST AID	
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 to mouth-to-mouth, if possible. • Call a poison control center or doctor for further treatment advice.
If swallowed	<ul style="list-style-type: none"> • Immediately call a poison control center or doctor. • Do not give any liquid to the person. • Do not induce vomiting unless told to do so by the poison control center or doctor. • Do not give anything to by mouth to an unconscious person.
Have the product container or label with you when calling a poison control center or doctor, or going for treatment.	
NOTE TO PHYSICIAN	
Contains petroleum distillate. Vomiting may cause aspiration pneumonia; any product that produces physiological effects such as cholinesterase inhibitors require specific antidotal or medical treatment.	

See side panel for additional precautionary statements.

EPA Reg. No. 554-147

EPA Est. No. 554-ND-2

Manufactured By:
AGSCO, INC.
Grand Forks, ND 58208

Net Contents
 _____ **Gallons**

**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS
CAUTION**

Harmful if swallowed or inhaled. Avoid contact with eyes or clothing. Avoid breathing spray mist.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Some materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for category G on an EPA chemical resistance category selection chart.

Applicators and other handlers must wear coveralls over a long-sleeved shirt and long pants, chemical-resistant gloves such as barrier laminate or viton, and shoes plus socks. If this container contains over 1 gallon and less than 5 gallons, mixers and loaders who do not use a mechanical system (probe and pump) to transfer the contents of this container must wear coveralls or a chemical-resistant apron in addition to the other required PPE.

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. After each day of use, clothing or PPE must not be reused until it has been cleaned.

ENGINEERING CONTROL STATEMENTS

When handlers use 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.

If you will handle a total of 90 gallons or more of this product per day, you must use a mechanical transfer system for all mixing and loading operations. If this container contains 5 gallons or more in capacity, do not open pour product from this container. A mechanical system (such as a probe and pump or spigot) must be used for transferring the contents of this container. If this product is packaged in a 30 gallon drum, you must use a mechanical transfer system which terminates in a drip-free hard coupling which may be used only with a spray or mix tank which has been fitted with a compatible coupling. If you do not presently own or have access to a mechanical transfer system with this type of coupling, contact your dealer for information on how to obtain such a system or to modify your present system. When using a mechanical transfer system, do not remove or disconnect the pump or probe from the container until the container has been emptied and rinsed. The pump or probe system must be used to rinse the empty container and to transfer the rinsate directly to the mixing or spray tank. If the mechanical system is used in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(4)], the handler PPE requirements may be reduced or modified as specified in the WPS.

Application from a tractor or aerial application with a completely enclosed cab is required whenever this product is applied to 360 or more acres in a day. To avoid contamination, coveralls and gloves worn when handling the concentrate must be removed prior to entering an enclosed cab or cockpit. When applying from a tractor with an enclosed cab, clean coveralls and clean nitrile gloves must be kept inside the cab and must be worn when exiting the cab to perform in-field maintenance or repair.

To reduce exposure to residues, wash the spray rig, tractor, and all other equipment used to handle or apply this product with water daily or before using the equipment for any other purpose.

During aerial application, human flaggers are prohibited unless in enclosed vehicles. Aerial application is prohibited within 300 feet of residential areas (e.g., homes, schools, hospitals, shopping areas, etc.).

SPRAY DRIFT MANAGEMENT

Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment- and weather-related factors determine the potential for spray drift. The applicator and the grower are responsible for considering all these factors when making decisions.

The following drift management requirements must be followed to avoid off-target drift movement from aerial applications to agricultural field crops. These requirements do not apply to forestry applications, public health uses or to applications using dry formulations.

1. The distance of the outermost nozzles on the boom must not exceed 3/4 the length of the wingspan or rotor.
2. Nozzles must always point backward parallel with the air stream and never be pointed downward more than 45 degrees.

Where states have more stringent regulations, they should be observed.

AERIAL DRIFT REDUCTION ADVISORY INFORMATION

This section is advisory in nature and does not supersede the mandatory label requirements.

Information on Droplet Size

The most effective way to reduce drift potential is to apply large droplets. The best drift management strategy is to apply the largest droplets that provide sufficient coverage and control. Applying larger droplets reduces drift potential but will not prevent drift if applications are made improperly, or under unfavorable environmental conditions (see **Wind, Temperature and Humidity, and Temperature Inversions**).

Controlling Droplet Size

Volume - Use high flow rate nozzles to apply the highest practical spray volume. Nozzles with higher rated flows produce larger droplets.

Pressure - Do not exceed the nozzle manufacturer's recommended pressures. For many nozzle types lower pressure produces larger droplets. When higher flow rates are needed, use higher flow rate nozzles instead of increasing pressure.

Number of Nozzles - Use the minimum number of nozzles that provide uniform coverage.

Nozzle Orientation - Orienting nozzles so that the spray is released parallel to the airstream produces larger droplets than other orientations and is the recommended practice. Significant deflection from horizontal will reduce droplet size and increase drift potential.

Nozzle Type - Use a nozzle type that is designed for the intended application. With most nozzle types, narrower spray angles produce larger droplets. Consider using low-drift nozzles. Solid stream nozzles oriented straight back produce the largest droplets and the lowest drift.

Boom Length

For some use patterns, reducing the effective boom length to less than 3/4 of the wingspan or rotor length may further reduce drift without reducing swath width.

Application Height

Applications should not be made at a height greater than 10 feet above the top of the largest plants unless a greater height is required for aircraft safety. Making applications at the lowest height that is safe

reduces exposure of droplets to evaporation and wind.

Swath Adjustment

When applications are made with a crosswind, the swath will be displaced downward. Therefore, on the up and downwind edges of the field, the applicator must compensate for this displacement by adjusting the path of the aircraft upwind. Swath adjustment distance should increase, with increasing drift potential (higher wind, smaller drops, etc.).

Wind

Drift potential is lowest between wind speeds of 2-10 mph. However, many factors, including droplet size and equipment type, determine drift potential at any given speed. Application should be avoided below 2 mph due to variable wind direction and high inversion potential. NOTE: Local terrain can influence wind patterns. Every applicator should be familiar with local wind patterns and how they affect spray drift.

Temperature and Humidity

When making applications in low relative humidity, set up equipment to produce larger droplets to compensate for evaporation. Droplet evaporation is most severe when conditions are both hot and dry.

Temperature Inversions

Applications should not occur during a temperature inversion because drift potential is high. Temperature inversions restrict vertical air mixing, which causes small suspended droplets to remain in a concentrated cloud. This cloud can move in unpredictable directions due to the light variable winds common during inversions. Temperature inversions are characterized by increasing temperatures with altitude and are common on nights with limited cloud cover and light to no wind. They begin to form as the sun sets and often continue into the morning. Their presence can be indicated by ground fog; however, if fog is not present, inversions can also be identified by the movement of smoke from a ground source or an aircraft smoke generator. Smoke that layers and moves laterally in a concentrated cloud (under low wind conditions) indicates an inversion, while smoke that moves upward and rapidly dissipates indicates good vertical air mixing.

Sensitive Areas

The pesticide should only be applied when the potential for drift to adjacent sensitive areas e.g. residential areas, bodies of water, known habitats for threatened or endangered species, non-target crops) is minimal (e.g. when wind is blowing away from the sensitive areas).

USER SAFETY RECOMMENDATIONS

Users should:

- 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 product is toxic to wildlife, fish, and aquatic invertebrates. Use with care when applying to areas frequented by wildlife or adjacent to any body of water. Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high mark. Do not contaminate water when disposing of equipment washwaters. Do not apply when weather conditions favor drift from target area as this product may injure cotton, beans, other vegetables, certain legumes and ornamentals.

Most cases of groundwater contamination involving phenoxy herbicides such as 2,4-D have been associated with mixing/loading and disposal sites. Caution should be exercised when handling 2,4-D pesticides at such sites to prevent contamination of groundwater supplies. Use of closed system for mixing or transferring this pesticide will reduce the probability of spills. Placement of the mixing/loading equipment on an impervious pad to contain spills will help prevent groundwater contamination.

PHYSICAL OR CHEMICAL HAZARDS

Do not use, pour, spill 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. Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal 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, such as barrier laminate or viton, and shoes plus socks.

STORAGE AND DISPOSAL

DO NOT CONTAMINATE WATER, FOOD OR FEED BY STORAGE OR DISPOSAL.

STORAGE

Do not store near fertilizer, other pesticides or seeds. Store at a temperature above 3 degrees Fahrenheit. If allowed to freeze, remix before use.

DISPOSAL

PESTICIDE DISPOSAL: Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law and may contaminate groundwater. 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: Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or incineration or if allowed by state and local authorities, by burning. If burned, stay out of smoke. If this is an "OUT-N-BACK" returnable container, it must be returned to AGSCO, Inc.

GENERAL INFORMATION: B-4 is formulated as an emulsifiable concentrate of octanoic acid and heptanoic acid esters of bromoxynil containing the equivalent of 1.33 pounds of bromoxynil and isooctyl ester of 2,4-dichlorophenylxyacetic acid containing the equivalent of 2.69 pounds of acid equivalent per gallon.

B-4 is a selective postemergence herbicide for control of important broadleaf weeds infesting small grains (wheat, barley, rye). Optimum weed control is obtained when B-4 is applied to actively growing weed seedlings. Thorough coverage of weed seedlings is essential for optimum control. B-4 has little residual activity. Therefore, flushes of weeds will not be controlled by the initial treatment.

Occasional transitory leaf burn may occur. The temporary leaf burn is similar to that seen with liquid fertilizer. Recovery of the crop is generally rapid with no lasting effect. Frequency and amount of leaf burn may be greater when crops are stressed by abrasive winds, cool to cold evening temperatures or mechanical injury, such as that caused by hail, sleet, or insect feeding. To reduce the potential for temporary leaf burn, applications should be made to dry foliage in the recommended spray volumes per acre when weather conditions are not extreme,

USE PRECAUTIONS

Avoid use of small diameter spray nozzles. Avoid spray drifts onto susceptible plants such as vegetables, flowers, tomatoes, beans, sugarbeets, sunflowers and other legumes. Coarse sprays are less likely to drift. Do not spray at all in the vicinity near susceptible plants to prevent any vapor drift. Local conditions may affect the use of herbicides. State agricultural authorities in many states issue recommendations to fit local conditions. Be sure that the use of this product conforms to all applicable conditions.

If tank mixing, a compatibility test is recommended to ensure satisfactory spray preparation. To test for compatibility, use a small container and mix a small amount (0.5 to 1 quart) of spray, combining all ingredients in the same ratio as the anticipated use. If any indications of physical incompatibility develop, do not use this mixture for spraying. Indications of incompatibility usually will appear within 5 to 15 minutes after mixing. To ensure maximum crop safety and weed control, follow all cautions and limitations on this label and the labels of products used in the tank mixture.

GROUND APPLICATION

Use a standard herbicide boom sprayer that provides uniform and accurate application. Sprayer should be equipped with screens no finer than 50 mesh in the nozzle tips and in-line strainers.

Select a spray volume and delivery system that will ensure thorough and uniform spray coverage. For optimum spray distribution and thorough coverage, use of flat-fan nozzles (maximum tip size 8008) with a minimum spray pressure of 30 psi at the nozzle tips are recommended. Other nozzle types that produce coarse spray droplets may not provide adequate coverage of the weeds to ensure optimum control. Raindrop® nozzles are not recommended as weed control may be reduced. In general a minimum spray volume of 10 gallons per acre (GPA) is recommended for optimum spray coverage. When using higher speed equipment, a maximum ground speed of 10 mph is suggested if field conditions cause excessive boom movement during application and subsequent poor spray coverage. Ground applications made when dry, dusty field conditions exist may provide reduced weed control in wheel track areas.

When weed infestations are heavy, use of higher spray volumes and spray pressure will be helpful in obtaining uniform weed coverage. If you are unsure of the infestation level or size of crop, consult your local extension service.

Do not apply when winds are gusty or when other conditions favor poor spray coverage and/or off target spray movement.

AERIAL APPLICATION

Use orifice discs, cores and nozzle types and arrangements that will provide for optimum spray distribution and maximum coverage. In general a minimum spray volume of 5 GPA and a maximum pressure of 40 psi are recommended. A minimum spray volume of 3 GPA may be used if crop canopy and weed density allow adequate spray coverage at that gallonage. Aerial application using less than 5 gallons of spray volume per acre may result in reduced weed control.

Do not apply during inversion conditions, when winds are gusty or when other conditions favor poor spray coverage and/or off target spray movement. Off target spray movement can be minimized by increasing the spray volume per acre and not applying when winds exceed 10 mph.

WHEAT, BARLEY, RYE

Use 1.1 to 1.5 pints of this herbicide per acre in enough spray volume to provide uniform coverage of weeds, usually 10 to 20 gallons per acre by ground equipment and 5 gallons by aircraft. Make application only between stooling and joint stages. Best results will be obtained when soil moisture is sufficient to cause succulent weed growth. Do not permit dairy animals or meat animals being finished for slaughter to forage treated grain fields within 45 days after treatment. Do not feed treated straw to livestock.

Use of this product controls the following weeds: mustard, frenchweed, arrowhead, dandelion, gumweed, marshelder, hedge bindweed, pigweed, ragweed, wild buckwheat, plantain, nightshade (black, cutleaf, and eastern black) annual smartweed, lanceleaf sage, sunflower, canola, cow cockle, Russian thistle, kochia (less than 2" in height), cocklebur, lambsquarter and other broadleaf weeds.

RESTRICTIONS AND PRECAUTIONS

- Do not graze treated fields within 45 days following treatment.
- Do not apply when crops are under moisture stress.
- Do not apply when crop canopy covers the weeds as poor weed control will result.
- Reduced weed control may occur when weeds are stressed from lack of moisture or cold temperatures.
- Do not plant rotational crops within 30 days following B-4 application.
- The total cumulative rate should not exceed 3 pints/A per season.

LIMITATION OF WARRANTY AND LIABILITY

NOTE: Read the entire Directions for use and this Limitation of Warranty and Liability before buying or using this product. If the terms are not acceptable, return the unopened product container at once. By buying or using this product, user or buyer accepts the following conditions of this Limitation of Warranty and Liability.

It is impossible to eliminate all risks associated with the use of this product. Those risks include, but are not limited to, weather conditions, soil conditions, moisture, seed and plant variations, herbicide and insecticide stress, farming techniques and practices, manner of use or application, application to or contact with unintended or improper vegetation, the presence of materials or products other than those set forth in the Directions in or on the soil, crop or treated vegetation, and conditions beyond the control of this Company. These risks can affect the effectiveness of the product and could cause injuries from the product's use. **BY USING THIS PRODUCT YOU AGREE TO ASSUME RESPONSIBILITY FOR THESE RISKS AND ANY LOSS CAUSED AS A RESULT.**

This Company warrants that this product conforms to the chemical description on the label and is reasonably fit for the purpose set forth in the directions and instructions for use label booklet ("Directions"), subject to the inherent risks described above, when used in strict accordance with the Directions. **NO WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE IS MADE AND THERE ARE NO WARRANTIES, EXPRESS OR IMPLIED, WHICH EXTEND BEYOND THE FACE HEREOF.** This warranty is

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also subject to the conditions and limitations stated herein.

THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE LIMIT OF LIABILITY OF THIS COMPANY OR ANY OTHER SELLER FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT (INCLUDING CLAIMS BASED IN CONTRACT, NEGLIGENCE, STRICT LIABILITY, OTHER TORT OR OTHERWISE) SHALL BE RECOVERY OF THE PURCHASE PRICE PAID BY THE USER OR BUYER FOR THE QUANTITY OF THE PRODUCT INVOLVED, OR, AT THE ELECTION OF THIS COMPANY OR, ANY OTHER SELLER, THE REPLACEMENT OF SUCH QUANTITY, OR, IF NOT ACQUIRED BY PURCHASE, REPLACEMENT OF SUCH QUANTITY. IN NO EVENT SHALL THIS COMPANY OR ANY OTHER SELLER BE LIABLE FOR ANY INCIDENTAL, CONSEQUENTIAL OR SPECIAL DAMAGES.

Buyer and all users must promptly notify this Company of any claims whether based in contract, negligence, strict liability, other tort or otherwise from the use of the product or be barred from any remedy. NOTICE MUST BE GIVEN WITHIN THIRTY (30) DAYS AFTER FIRST PLANTING OR APPLICATION OF PRODUCT TO THE TREATED AREA, WHICHEVER OCCURS LATER.

This LIMITATION OF WARRANTY AND LIABILITY may not be varied or amended by any verbal or written agreement. No employee or sales agent of the seller or this Company is authorized to vary or exceed the terms of the limitations stated herein.