

PM 14

5905-250

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

S 45-2462

NOV 27 1996

Ms. Beverley Neale
Helena Chemical Co.
6075 Poplar Avenue, Suite 500
Memphis, TN 38119

Dear Ms. Neale:

Subject: Deletion of Unsupported Malathion Uses
Cythion 8 LB. Emulsion
EPA Reg. No. 5905-250
Revised Labeling Submitted August 11, 1994
Federal Register Notice of September 30, 1994

The labeling amendment referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, As Amended (FIFRA), is acceptable, provided that you:

Submit two copies of your final printed label incorporating the following corrections before you release the product for shipment.

1. Delete the statements specified below. These statements imply indoor uses which are not being supported for malathion.

- a. "Do not use in the edible product areas of meat and food processing plants."
- b. "Remove calves under one month of age and lactating dairy animals from buildings before treating."

2. Under the heading, "Fly Control", clarify the claims for use " ___ around buildings which house domestic animals, around homes ___ " by revising these claims to read as follows: "For use around the outside of buildings which house domestic animals, around the outside of homes ___ "

3. Clarify the general use dilution directions so that use of the product as an ultra-low volume (ULV) application is clearly limited to those crops which are being supported. The crops for which malathion as a ULV application are being

supported can be found on Attachment I of the attached copy of the Agency's letter of June 15, 1992.

4. Under the ULV use directions for "Adult Mosquito and Fly Control", delete the claim for use on tomatoes and qualify the general claim for use on "grain crops" to specify those grain crops being supported. The use of malathion as a ULV application on tomatoes is not being supported.

5. Add a statement prohibiting the grazing or feeding of the treated crop foliage by livestock for the following crops: beans and peas (vines/forage and straw/hay). These livestock feed items are not being supported for malathion.

Accordingly, the following statement under the use on peas must be deleted: " _ _ _ 7 day if pea vine hay is fed to livestock."

6. The following use restriction is applicable to aquatic use sites and must be added to the directions for use on "Mosquito larvae in standing water" and to the directions for use around aquatic areas under the heading, "Adult Mosquito and Fly Control".

"Broadcast use only over intermittently flooded areas. Application may not be made around bodies of water where fish or shellfish are grown and/or harvested commercially."

7. Revise the human precautionary statements to read as follows:

"Harmful if swallowed, inhaled or absorbed through the skin. Causes eye irritation. Avoid breathing spray mist. Do not get in eyes, on skin or clothing."

8. Update the wetlands statement under the heading, "Environmental Hazards" to read as follows.

"For terrestrial uses, do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark."

9. Update the label to include the Worker Protection Standard (WPS) labeling that was accepted for the product on January 14, 1994.

It is noted that the statement, "Do not enter treated area until spray has dried." appears on the accepted WPS labeling for the non-agricultural uses. Such a restriction would not be practical for the wide area and general outdoor treatment of non-agricultural sites for the public pest control uses appearing on the subject product labeling. Accordingly, this label statement

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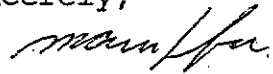
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must be revised to clarify that it is not applicable to this use of the product.

If this condition is not complied with, the registration will be subject to cancellation in accordance with FIFRA sec. 6(e). Your release for shipment of the product bearing the amended label constitutes acceptance of this condition.

A stamped copy of the label is enclosed for your records.

Sincerely,



William W. Jacobs, Ph. D.
Acting, Product Manager Team 14
Insecticide-Rodenticide Branch
Registration Division (7505C)

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CYTHON® 8 LB. EMULSION

THE PREMIUM GRADE MALATHION

ACTIVE INGREDIENT:

Malathion*: O,O-dimethyl phosphorodithioate of diethyl mercaptosuccinate..... 81.43%

INERT INGREDIENTS:..... 18.57%
TOTAL..... 100.00%

ACCEPTED
with COMMENTS
in EPA Letter Dated

NOV 27 1996

Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.
5905-250

ONE GALLON OF CYTHON CONTAINS 8 POUNDS OF MALATHION
Registered Trademark of Cheminova, Inc.

KEEP OUT OF REACH OF CHILDREN

CAUTION - PRECAUCION

PRECAUCION AL USARIO: Si usted no lee ingles, no use este producto hasta que la etiqueta haya sido explicado ampliamente.

SEE INSIDE BOOKLET FOR ADDITIONAL PRECAUTIONS AND DIRECTIONS FOR USE.

EPA REG. NO. 5905-250
EPA EST. NO.

NET CONTENTS:

Manufactured by
HELENA CHEMICAL COMPANY
MEMPHIS, TN. 38119

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

CAUTION

May be harmful if swallowed. Do not take internally. Avoid contact with eyes, skin and clothing. Avoid breathing vapors, dust, or spray mist. Wash thoroughly after handling. Wash contaminated clothing before reuse. Flush contaminated eyes with plenty of water and get medical attention if irritation persists. Keep children and pets off treated areas until this material is washed into the soil and grass is dry.

STATEMENT OF PRACTICAL TREATMENT

IF SWALLOWED: Call a physician or Poison Control Center. Drink one or two glasses of water and induce vomiting by touching the back of throat. Do not induce vomiting or give anything by mouth to an unconscious or convulsing person.

IF INHALED: Remove victim to fresh air. Apply artificial respiration if indicated.

IF IN EYES: Flush eyes for at least 15 minutes with water. Call physician immediately.

IF ON SKIN: Immediately wash with plenty of soap and water while removing contaminated clothing and shoes. Get medical attention.

Note to Physicians: This product is a cholinesterase inhibitor. Atropine is antidotal. 2-PAM may be effective as an adjunct to atropine.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish, aquatic invertebrates, and aquatic life stages of amphibians. Do not apply directly to water or wetlands (i.e., swamps, bogs, marshes, and potholes). Drift and runoff may be hazardous to aquatic organisms in areas near the application site. Do not contaminate water when disposing of equipment washwaters.

This product is highly toxic to bees exposed to direct treatment on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds 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.

CHEMIGATION PROHIBITION

Do not apply this product through any type of irrigation system.

RE-ENTRY STATEMENT

DOES NOT APPLY TO MOSQUITO CONTROL APPLICATION IN POPULATED AND RURAL AREAS.

Do not apply this product in such a manner as to directly or through drift expose workers or other persons. The areas being treated must be vacated by unprotected persons.

Do not enter treated areas without protective clothing until sprays have dried.

Protective clothing means, at least, a hat or other suitable head covering, a long-sleeved shirt and long-legged trousers or a coverall type garment (all of closely woven fabric covering the body, including the arms and legs), shoes and socks.

Because certain states may require more restrictive re-entry intervals for various crops treated with this product, consult your State Department of Agriculture for further information.

Written or oral warnings must be given to workers who are expected to be in a treated area or in an area about to be treated with this product. When oral warnings are given, warnings shall be given in a language customarily understood by workers. Oral warnings must be given if there is reason to believe that written warnings cannot be understood by workers. Written warnings must include the following information. **CAUTION!** Area treated with Malathion on (date of application). Do not enter without appropriate protective clothing until sprays have dried. See Statement of Practical Treatment and Precautionary Statements for actions to be taken in case of accidental exposure.

STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage or disposal. Open dumping is prohibited.

STORAGE: Store in a dry place.

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

CONTAINER DISPOSAL: Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

GENERAL INFORMATION

Pour specified amount of this product into nearly filled spray tank. Add balance of water to filled tank. Keep agitator running during filling and spraying operations. If mixture does not mix readily, but tends to separate as an oily layer, do not use as injury to plants may result. Do not combine with wettable powders unless previous use of this mixture has proven physically compatible and safe to plants. Always thoroughly emulsify this product with at least half of total water before adding wettable powder.

SUGGESTED WATER RATES FOR AIRCRAFT AND GROUND APPLICATION: (The actual rate required to provide thorough, uniform coverage varies with plant growth at time of application. Except as specified for certain uses, the following rates are therefore intended to cover a broad range of conditions.)

CROP	GAL. WATER/ACRE	
	AIRCRAFT	GROUND
Vegetable and Field Crops	1 - 20	5 - 125
Orchard, Grapes	5 - 25	
Orchard Crops (see exceptions below).....		300-800
Citrus		500-3000
Grapes		100-200

RECOMMENDATIONS

Unless otherwise indicated, dosages are given in pints of **CYTHION 8 LB.** per acre in sufficient water to provide thorough coverage of vegetable and field crops and pints of **CYTHION 8 LB.** per 100 gallons of water for thorough coverage sprays of fruit crops. Begin applications when insects first appear and repeat at 7-10 day intervals as needed to maintain control, but observe use limitation given for specific crops. Maximum permissible rate per acre, expressed as **CYTHION 8 LB.** given in parenthesis, (), after each crop claim.

CROP USES
TREE FRUIT CROPS

APRICOTS: Aphids, Codling Moth, European Lecanium Scale, Orange Tortrix, Soft Brown Scale - 1 1/4 pints. Do not apply within 7 days of harvest. (10 pints)

CHERRIES: Black Cherry Aphid, Bud Moth, Cherry Fruit Fly, Fruit Tree Leaf Roller, Lesser Peach Tree Borer (apply to trunks and scaffold limbs at 21 day intervals beginning with emergence). Forbes and San Jose Scales (apply 3 weeks before and immediately after harvest) - 1 pint. Do not apply within 3 days of harvest. Caution: May cause injury on certain varieties of sweet cherries in the Northeast. (8 pints)

CITRUS (Oranges, Grapefruit, Kumquats, Lemons, Limes, & Tangerines): California Red Scale, Yellow Scale, Purple Scale, Black Scale, (Single and Off-Brooded) Soft Scale, Thrips, Citricola Scale, Aphids - 1 pint. Do not apply within 7 days of harvest. Make no application when trees are in bloom. California - Do not apply unless parasite activity in the scale is at a low level or absent. (25 pints)

GRAPES: European Fruit Lecanium, Grape Leafhopper, Mealybug, Spider Mites - 1 pint. Do not apply within 3 days of harvest. Injury may occur to Ribler, Cardinal and Almeria varieties when applications are made after the clusters appear. (2 3/4 pints)

PEACHES: Black Cherry Aphids, Black Peach Aphid, Green Peach Aphid, Japanese Beetle, Rusty Plum Aphid - 3/4 pint. Oriental Fruit Moth, Plum Curculio and Scales (European Fruit Lecanium, Terrapin, Cottony Peach - 1 1/4 pints. Do not apply within 7 days of harvest. (9 pints)

VEGETABLE AND FIELD CROPS

ALFALFA, CLOVER: Alfalfa Weevil Larvae, Aphids, Armyworms, Clover Leaf Weevil, Grasshoppers, Lygus Bugs, Pea Aphid, Potato Leafhoppers, Spider Mites, Spittlebugs, Vetch Bruchid - 1 1/4 - 1 1/2 pints. Use higher rate for Armyworm control. May be applied on day of harvest or grazing. Do not apply during full bloom. (1 1/2 pints).

BEANS: Aphids, Cucumber Beetle, Japanese Beetle, Mexican Bean Beetle, Nitidulid Beetle, Pea Leaf Weevil, Potato Leafhopper, Spider Mites - 1½ pints. Lygus Bugs (on dry beans in California) - 1 - 1½ pints. Do not apply within 1 day of harvest.

BEETS, GARDEN (Seed Crop): Lygus - 1¼ pints. Apply in seedball to hand seed stage. Repeat as needed. Do not apply within 7 days of harvest. (No limitation.)

BEETS, TABLE: Aphids, Beet Armyworm, Blister Beetles, Flea Beetle - 2½ pints. Do not apply within 7 days of harvest. (2½ pints.)

BERRIES (Blackberry, Blueberry, Boysenberry, Dewberry, Loganberry, Raspberry): Aphids, Japanese Beetle, Rose Leafhopper, Rose Scale, Two-Spotted Spider Mites, Sap Beetle - 2 pints. Do not apply within 1 day of harvest.

CELERY: Aphids, Leafhoppers, Spider Mites, Whiteflies - 1½ pints. Do not apply within 7 days of harvest. (1½ pints.)

COLE CROPS (Broccoli, Brussels Sprouts, Cabbage, Kale, Mustard, Turnips): Aphids, Cabbage Loopers, Imported Cabbage Worm - 1½ - 2 pints. Use higher rate for loopers and worms. Do not apply within 3 days of harvest on Broccoli and Turnips, 7 days on others.

CORN: Aphids, Corn Rootworm Adults, Sap Beetles, Thrips, Young Grasshoppers - 1¼ pints. Do not apply within 5 days of harvest for forage use. Caution: Injury may occur in the whorl and silk stages with emulsifiable liquids (1¼ pints)

COTTON: Brown Cotton Leafworm, Cotton Aphid, Cotton Leafworm, Cotton Leafperforator, Spider Mite, Leafhoppers, Lygus Bugs, Thrips, Whiteflies - ¾-1 pt. Fall armyworms, Boll Weevil, Grasshoppers, Garden Webworms, Lygus - 1¼-2 pts. Cotton Fleahoppers - ¾-1 pt. May be applied on the day of harvest. Consult local agricultural authorities for exact time of application.

CUCURBITS: Cucumbers, Squash: Spider Mites, Squash Vine Borer, Thrips - 1¾ pints. Do not apply on Cucumbers and Squash unless plants are dry or within 1 day of harvest. (1¾ pints)

EGGPLANT: Aphids, Lace Bug, Spider Mites - 1¼ - 2 pints, use higher rate for Lace Bugs. Do not apply within 3 days of harvest.

GRASS AND CEREAL CROPS (Barley, Corn, Wheat, Barn Grass, Canary Grass, Fescue, Oats, Orchard Grass, Red Top, Timothy and Yellow Foxtail): Cereal Leaf Beetle - ¾-1¼ pints. Do not apply within 7 days of harvest or forage use on Barley and Wheat; 5 days on Corn. Grass, Grass Hay Pastures and Range Land: Aphids, Leafhoppers - 1 - 1¼ pints, repeat application as necessary. (Grasses 1¼ pints, Corn 1 pint, other cereals 1¼ pints.)

HOPS: Aphids, Mites - 1¼ pints. Do not apply within 7 days of harvest. (1¼ pints)

HORSERADISH: Aphids, Diamond Back Moth, Flea Beetle, and Leafhoppers. Do not apply within 7 days of harvest. (2½ pints.)

LETTUCE, ENDIVE: Aphids, Alfalfa Looper, Cabbage Looper, Leafhoppers, Mites - 2 pints. Do not apply within 14 days of harvest on leaf lettuce; 7 days on endive and head lettuce. (2 pints.)

MINT: Aphids, Flea Beetle Adults, Spider Mites - 1 pint. Do not apply within 7 days of cutting. (1 pint.)

ONIONS: Onion Maggots, Thrips - 2 pints. For Onion Maggots apply when flies first appear and repeat every 4 days. Do not apply within 3 days of harvest on Green Onions. (2 pints)

PARSNIPS - Aphids, Diamond Back Moth, Flea Beetle, Leafhoppers - 2 pints. Do not apply within 7 days of harvest.

PEAS: Aphids, Pea Weevils - 1¼ pints. Do not apply within 3 days of harvest; 7 day if Pea Vine Hay to be fed to livestock.

PEPPERS: Aphids, Pepper Maggots - 1½ pints. Do not apply within 3 days of harvest. (1½ pints)

POTATOES: False Chinch Bugs, Leafhoppers, Mealy Bugs - 1 pint. Aphids, Blister Beetles - 2½ pints.

RADISHES: Aphids and Diamond Back Moth. Do not apply within 7 days of harvest. 2 pints.

RICE: Leafminers - 1½ pts. Make first application when first rice blades appear on the surface of the water and repeat if necessary. Stink Bugs - 1 pint in a minimum of 2 gallons of water applied by aircraft during the early milk and dough stages of growing rice. Do not apply within 7 days of harvest. (1½ pints.)

SALSIFY: Aphids, Diamond Back Moth, Flea Beetle, and Leafhoppers. Do not apply within 7 days of harvest. 2 pints.

SMALL GRAINS (Barley, Oats, Rye, Wheat): Armyworms, English Grain Aphids, Grasshoppers, Greenbugs - 1 - 1¼ pints. Do not apply within 7 days of harvest. (1¼ pints.)

SPINACH: Aphids - 1½ pints. Do not apply within 7 days of harvest.

STRAWBERRIES: Aphids (use at rate of 2 pints), Field Crickets, Lygus Bugs, Potato Leafhopper, Spider Mites, Spittlebugs, Strawberry Leafroller, Strawberry Root Weevil, Thrips, Whiteflies - 1½-2 pints. Do not apply within 3 days of harvest. (2 pints.)

SWISS CHARD: Aphids, Blister Beetle - 2 pints. Do not apply within 7 days of harvest. (2 pints.)

TOMATOES: Aphids, Spider Mites - 1½ pints. Drosophila Flies - 2 pints in full coverage application to fruit and foliage. Do not apply within 1 day of harvest. At rates over 2 pints up to 3½

pints, do not apply within 5 days of harvest. **California only:** These higher rates may be applied up to 3 days of harvest. (3½ pints)

PASTURE AND RANGE LAND: Aphids, Grasshoppers, Leafhopper - 1¼ pints. Or use 1¼ pints in 1 gallon diesel fuel oil by means of airplane or a turbine blower type sprayer. May be applied on day of harvest or grazing. (1¼ pints.)

NON-AGRICULTURAL LANDS (Wasteland Roadside, Soil Bank, Land not to be grazed): Grasshoppers - 1 - 2 pts. in 1 gallon fuel oil by means of an airplane or a turbine-blower type sprayer.

STORAGE PEST PROTECTION

For protection against: **Cereal Leaf Beetles, Confused Flour Beetle, Indian Meal Moth, Flat Grain Beetle, Granary Weevil, Lesser Grain Borer, Red Flour Beetle, Rice Weevil, Rusty Grain Beetle, Sawtoothed Grain Beetle.**

GRAINS: Barley, Corn, Oats, Rye, Wheat:

GRAINS - RESIDUAL SPRAY - BEFORE STORING: (For walls, floors, and machinery in grain elevators, in treating truck beds, boxcars, and ships holds before loading grain): Use 5 pints per 25 gallons of water. Make thorough application. Before applying spray, clean elevators, boxcars, truck beds, etc. thoroughly. Remove and burn all sweepings and debris.

ORNAMENTALS

Dosages given are for use in 100 gallons of dilute spray -

Aphids, European Pine Shoot Moth, Four-Lined Leaf Bug, Japanese Beetle Adult, Mealybugs, Millipedes, Potato Leafhopper, Rosa Leafhopper, Scurfy Scale, Spider Mites, Springtails, Sowbugs, Tarnished Plant Bug, Thrips, Whitefly, Eunoymus Scale, Lace Bugs, Oyster Shell Scale1 Pint

Azalea Scale, Bagworms, Birch Leafminer, Boxwood Leafminer, Fletcher Scale, Florida-Red Scale, Juniper Scale, Magnolia Scale, Oak Kermes, Pine Leaf Scale, Tent Caterpillar1-1/4 pints

Black Scale Crawlers, Monterey Pine Scale1-3/5 pints

Pine Needle Scale, Wax Scale2 pints

For Oyster Shell, Fletcher, Juniper, Oak Kermes and Pine Needle Scales, apply when scale crawlers have settled on foliage.

CAUTION: Avoid use on certain ferns including Boston, Maidenhair and Pteris, as well as some species of Crassula and Canaetri Juniper.

FLY CONTROL

For use around buildings which house domestic animals, around homes, around yards, and the outside of meat and food processing plants. Do not use in the edible product areas of meat and food processing plants.

STRAIGHT CYTHION SPRAYS

<u>Amount of Spray</u>	<u>Amount CYTHION 8-E</u>
2 1/2 gal.	3/4 cup
12 gal.	1 1/4 pint
100 gal.	1 1/4 gal.

CYTHION BAIT SPRAYS

<u>Amount of Bait Spray</u>	<u>Amount CYTHION 8-E</u>	<u>Sugar (or)</u>	<u>Unsulfurized Molasses or Corn Syrup</u>
2 1/2 gal.	3/4 cup	1 cup	1 cup
12 gal.	1 1/4 pt.	2 1/2 lbs.	1 qt.
100 gal.	1 1/4 gal.	20 lbs.	2 gals.

Apply spray at rate of 1 gallon per 1,000 square feet on painted surfaces and 2 gallons per 1,000 square feet on unpainted surfaces where flies alight or congregate. In most cases, adding molasses or sugar to the spray prolongs the insecticidal activity and serves as a fly attractant.

CAUTION: Avoid contamination of milk, milk equipment and water. Avoid contamination of feed and food products; also drinking fountain and feed troughs. Remove calves under one month of age and lactating dairy animals from buildings before treating.

DROSOPHILA FLIES and DRIED FRUIT BEETLES: On or around cull fruit and vegetable dumps. Mix 7 1/2 pints in 100 gallons of water and apply as a drench, using 8-10 gallons of spray per 100 square feet (for best results dumps should not be over 18 inches deep). Do not feed treated fruit and vegetables.

MOSQUITO CONTROL

MOSQUITOES, FLIES AND SMALL FLYING INSECTS: (Broadcast use only over intermittently flooded areas. Application may not be made around bodies of water where fish or shellfish are grown and/or harvested commercially.) For use by trained personnel as a 2-5% fog, aerosol or space spray. To make a 2% solution dilute 1 part in 45 parts of water, fuel oil or diesel oil. When using kerosene-type solvent as carrier, dilute 1 part in 45 parts of a mixture consisting of 4 parts kerosene-type solvent and 1 part aromatic hydrocarbon-type solvent. For a 5% solution, dilute 1 part in 18 parts of mixture using similar solvents.

MOSQUITO LARVAE IN STANDING WATER: Apply at the rate of 8 fluid ounces (approximately 1/2 pint) per acre. Mix in sufficient water or oil to obtain even coverage when applied by air or ground. Repeat applications as necessary. Avoid applying oil-based formulations to valuable ornamental plants as injury may occur. Keep out of any fish bearing waters.

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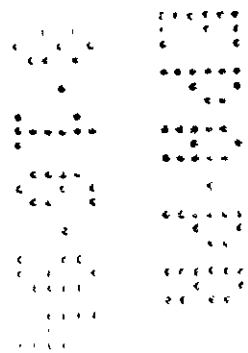
ADULT MOSQUITO AND FLY CONTROL

Apply 2.4 to 4.8 fluid ozs. per acre for control of Adult Mosquitoes and 7.2 to 9.6 fluid ozs. per acre for control of Adult Flies and Mosquitoes. Repeat as necessary. Can be applied to alfalfa, clover, pasture and range grass, grass, and grass hay, grain crops, beans, rice, tomatoes and nonagricultural lands. Do not apply within 7 days of harvest on grain crops and rice; 5 days of harvest on corn; 1 day of harvest on beans and tomatoes. No time limitation on alfalfa, clover, pasture and range grass, grass and grass hay. Do not apply to alfalfa and clover in bloom. Do not use on seed alfalfa. Treat shrubbery and vegetation where mosquitoes may rest. Shrubby and vegetation around stagnant pools, marshy areas, ponds, and shorelines may be treated.

Mist blowers and boom sprayer utilizing a controlled air flow to facilitate particle size and spray deposition may be used at a vehicle speed of 4 to 10 m.p.h.

Mist blowers with a pump capable of producing up to 40 psi and blower speeds of 2600 r.p.m. are satisfactory. Use flat fan nozzles, 8001 to 8002, placed 30° into air blast or rotary atomizers into the air blast that produce an efficient spray particle with a mass medium diameter of 40 to 100 microns. Swath widths should not exceed 30 feet, and applications should not be made when winds exceed 5 m.p.h.

Repeat applications should be made as necessary unless otherwise specified.



**CONDITIONS OF SALE - LIMITED WARRANTY
AND LIMITATIONS OF LIABILITY AND REMEDIES**

The directions on this label are believed to be reliable and should be followed carefully. Insufficient control of pests and/or injury to the crop to which the product is applied may result from the occurrence of extraordinary or unusual weather conditions, the failure to follow the label directions, or good application practices, all of which are beyond the control of Helena Chemical Company (the "Company") or seller. In addition, failure to follow label directions may cause injury to crops, animals, man or the environment. The Company warrants that this product conforms to the chemical description on the label and is reasonably fit for the purpose referred to in the directions for use subject to the factors noted above which are beyond the control of the Company. The Company makes no other warranties or representations of any kind, express or implied, concerning the product, including no implied warranty of merchantability or fitness for any particular purpose, and no such warranty shall be implied by law.

The exclusive remedy against the Company for any cause of action relating to the handling or use of this product is a claim for damage and in no event shall damages or any other recovery of any kind against the Company exceed the price of the product which causes the alleged loss, damage, injury, or other claim. The Company shall not be liable and any and all claims against the Company are waived for special, indirect, incidental, or consequential damages or expense of any nature, including, but not limited to, loss of profits or income.

The Company and the seller offer this product and the buyer and user accept it, subject to the foregoing conditions of sale and limitation of warranty, liability and remedies.

BEST AVAILABLE COPY

