



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

SEP 23 2003

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Ms. Emily Smathers Ratliff
Product Registration Supervisor
Helena Chemical Co.
225 Schilling Boulevard, Suite 300
Collierville, TN 38017

Subject: Label Amendment: First Aid per PR Notice 2001-1, disposal, etc.
Sevimol 4 Carbaryl Insecticide
EPA Reg. No. 5905-251
Submissions dated June 12, 2003.

Dear Ms. Ratliff:

The labeling referred above submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is acceptable with the following comment:

1) Revise the Precautionary Statements to include "Harmful if swallowed or inhaled. Avoid breathing spray mist. Avoid contact with eyes, skin or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse".

A stamped copy "accepted with comments" of the label is enclosed for your records.

Please submit two copies of the final printed label for our file. If you have any questions please call me at (703) 308-8328.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Akiva Abramovitch".

Akiva Abramovitch, Ph.D.

Chemist

Insecticide-Rodenticide Branch
Registration Division (7505C)

SEVIMOL 4 CARBARYL INSECTICIDE

N-METHYL CARBAMATE
For control of insect pests

ACTIVE INGREDIENT:

Carbaryl (1-naphthyl-N-methylcarbamate) 40.38%

INERT INGREDIENTS:

59.62%

TOTAL

100.00%

This product contains 4 pounds of carbaryl per gallon.

KEEP OUT OF REACH OF CHILDREN

CAUTION

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

CAUTION

MAY BE HARMFUL IF SWALLOWED OR INHALED.

OVEREXPOSURE MAY CAUSE: Salivation, watery eyes, pinpoint eye pupils, blurred vision, muscle tremors, difficult breathing, excessive sweating, abdominal cramps, nausea, vomiting, diarrhea, weakness, headache.

IN SEVERE CASES CONVULSION, UNCONCIOUSNESS AND RESPIRATORY FAILURE MAY OCCUR. SIGNS AND SYMPTOMS OF OVEREXPOSURE OCCUR VERY RAPIDLY FOLLOWING EXPOSURE TO THIS PRODUCT. Avoid breathing spray mist. Do not take internally. Avoid contact with eyes, skin or clothing. Keep out of reach of children and domestic animals.

FIRST AID

N-Methyl Carbamate

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 do so by the poison control center or doctor.
- Do not give anything by mouth to an unconscious or convulsing person.

**ACCEPTED
with COMMENTS
In EPA Letter Dated:**

IF INHALED:

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

SEP 23 2003
Under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for the pesticide registered under EPA Reg. No.

5905-251

IF IN EYES:

- Hold eye open and rinse slowly and gently with water for 15-20 minutes.
- Remove contact lenses, if present after the first 5 minutes, then continue rinsing eye.
- Call a poison control center or doctor for treatment advice.

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

HOT LINE NUMBER

Have the product container with you when calling a poison control center or doctor, or going for treatment. In case of emergency, call ChemTrec at 800-424-9400.

NOTE TO PHYSICIAN

ANTIDOTE STATEMENT: Atropine Sulfate is highly effective as an antidote.

Carbaryl is a carbamate insecticide, which is a cholinesterase inhibitor. Overexposure to this substance may cause toxic signs and symptoms due to stimulation of the cholinergic nervous system. These effects of overexposure are spontaneously and rapidly reversible. Gastric lavage may be used if this product has been swallowed. Carbaryl poisoning may occur rapidly after ingestion and prompt removal of stomach contents is indicated. Specific treatment consists of parenteral atropine sulfate. Caution should be maintained to prevent overatropinization. Mild cases may be given 1 to 2 mg intramuscularly every 10 minutes until full atropinization has been achieved and repeated thereafter whenever symptoms reappear. Severe cases should be given 2 to 4 mg intravenously every 10 minutes until fully atropinized, then intramuscularly every 30 to 60 minutes as needed to maintain the effect for at least 12 hours. Dosages for children should be appropriately reduced. Complete recovery from overexposure is to be expected within 24 hours. Narcotics and other sedatives should not be used. Further, drugs like 2-PAM (pyridine 2-aldoxime-methiodide) are NOT recommended. To aid in confirmation of a diagnosis, urine samples should be obtained within 24 hours of exposure and immediately frozen.

EPA Reg. No. 5905-251

EPA Est. No. 5905-GA-01

MANUFACTURED BY
HELENA CHEMICAL COMPANY
225 SCHILLING BOULEVARD, SUITE 300
COLLIERSVILLE TENNESSEE 38017

PERSONAL PROTECTIVE EQUIPMENT

Applicators and other handlers must wear:

1. Long-sleeved shirt and long pants
2. Waterproof gloves
3. Shoes plus socks
4. Chemical-resistant headgear for overhead exposure

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 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.

ENVIRONMENTAL HAZARDS

This pesticide is extremely toxic to aquatic and estuarine 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, except under forest canopy and use on rice. Discharge from rice fields may kill aquatic and estuarine invertebrates. Do not apply when weather conditions favor drift from area treated. Do not contaminate water when disposing of equipment washwaters.

BEE CAUTION

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. Read directions carefully. 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 the 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 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.

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:

1. Coveralls
2. Waterproof gloves
3. Shoes plus socks
4. Chemical-resistant headgear for overhead exposure

NON-AGRICULTURAL USE REQUIREMENTS

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for agricultural pesticides (40CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries, or greenhouses.

Keep children, pets, and other unprotected persons out of treated areas until sprays have dried.

STORAGE AND DISPOSAL

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

STORAGE: Store in original container only, in cool, dry, locked area out of reach of children and animals. Do not store in areas where temperature frequently exceeds 100° F. Carbaryl may be used following exposure to several freeze thaw cycles. In case of minor spills, or leaks, clean up immediately. Soak up with sand, earth or other suitable materials.

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 incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

PREHARVEST AND GRAZING USE INFORMATION AND LIMITATIONS

Tolerances established under the Federal Food, Drug and Cosmetic Act permit the sale of crops bearing probable carbaryl residues when this product is used in accordance with the label directions. If used as directed, treated forage may be grazed or used as feed for dairy and meat animals without causing illegal residues in meat or milk. Do not apply at greater rates or at more frequent intervals than is stated on the label. To do so may result in illegal residues in crops, meat, and milk.

DO NOT PLANT ROTATIONAL FOOD AND FEED CROPS NOT LISTED ON THIS OR OTHER CARBARYL LABELS IN CARBARYL TREATED SOIL.

Do not use reclaimed irrigation water from crops treated with carbaryl on crops for which carbaryl tolerances are not established.

NOTE: PRE-HARVEST INTERVAL IS INDICATED BY NUMBER IN () FOLLOWING THE CROP.

PLANT RESPONSE PRECAUTIONS

To avoid possible injury to tender foliage, do not apply to wet foliage or during periods of high humidity. Do not use on Boston Ivy, Virginia creeper and maidenhair fern as injury may result. Carbaryl may also injure Virginia and sand pines. Combinations with certain herbicides on soybeans may be phytotoxic. Refer to specific directions for appropriate crop.

SPRAY PREPARATION TO ASSURE A UNIFORM SUSPENSION, AGITATE, STIR AND RECIRCULATE ALL CONTAINERS OF THIS PRODUCT PRIOR TO USE.

Remove oil, rust, scale, pesticide residues and other foreign matter from mix tanks and entire spray system. Flush with clean water. Fill spray or mix tank with 1/2 to 3/4 the desired amount of water. Start mechanical or hydraulic agitation. Slowly add the required amount of Carbaryl and then the remaining volume of water. Include rinse water from container. Prepare only as much spray mixture as can be applied on the day of mixing.

MAINTAIN CONTINUOUS AGITATION DURING MIXING AND APPLICATION TO ASSURE A UNIFORM SUSPENSION. DO NOT STORE SPRAY MIXTURE FOR PROLONGED PERIODS OR DEGRADATION OF SEVIMOL 4 FLOWABLE MAY OCCUR.

Local water conditions may also accelerate the degradation of spray mixtures containing carbaryl. See Compatibility Statement below.

WASHOFF RESISTANCE AND COVERAGE

Dilution of 1 volume **SEVIMOL 4** with 1 volume of water provides maximum resistance to washoff by rainfall or overhead irrigation. Dilutions higher than 1 part **SEVIMOL 4** to 39 parts water (1:39) are not recommended when washoff resistance is desired. To achieve washoff resistance, **SEVIMOL 4** must be diluted as stated above, and droplets must dry on the foliage. When atmospheric humidity is low, a drying time of at least two hours is generally adequate. Under high humidity a longer drying time is required. Washoff resistance cannot be expected if this product is applied to wet foliage and has not thoroughly dried prior to rainfall or overhead irrigation. On all crops, use sufficient spray volume to obtain thorough coverage. Optimum pest control under certain crops, pest or climatic conditions may require spray gallonages higher than the 1:39 dilution. For example in hot, arid weather (low humidity), higher spray gallonage per acre may be required to compensate for loss from evaporation and insure thorough coverage. The total spray volume required for effective pest control can best be determined by previous experience, pest and crop conditions and local recommendations.

COMPATIBILITY

SEVIMOL 4 when diluted with at least an equal volume of water, is compatible with a wide range of pesticides. It is not compatible with diesel fuel, kerosene, fuel oil or aromatic solvents. If compatibility with another product and the resulting crop response is unknown, the mixture should be tested on a small scale. Curdling, precipitation, greasing, layer formulation or increased viscosity are symptoms of incompatibility. Incompatibility will reduce insect control and may cause application and handling difficulties or plant injury. Observe all cautions and limitations on labeling of all products used in mixtures.

WASHOFF PREPARING COMBINATION SPRAYS, FIRST ADD SEVIMOL 4 TO AT LEAST AN EQUAL VOLUME OF WATER, MIX THOROUGHLY, AND THEN ADD COMBINATION PRODUCTS TO THE MIXTURE. DO NOT APPLY TANK MIX COMBINATIONS UNLESS YOUR PREVIOUS EXPERIENCE INDICATES THE MIXTURE IS EFFECTIVE AND WILL NOT RESULT IN APPLICATIONS PROBLEMS OR PLANT INJURY.

SEVIMOL 4 is unstable under highly alkaline conditions and mixtures with strong bases, such as Bordeaux, lime-sulfur and casein-lime spreaders, will result in chemical degradation of the insecticide. Do not use this product in water with pH values above 8.0 unless a buffer is added. If necessary, water should be buffered to neutral (pH 7.0) before adding this product to the spray tank. Overhead irrigation with alkaline or muddy water after application will also accelerate chemical degradation and may result in reduced insect control.

APPLICATION

On all crop use sufficient gallonage to obtain thorough and uniform coverage. Observe crop label instructions for specific directions regarding spray volume where they occur. Calibrate spray equipment to deliver the required volume. The flow rate of this product diluted 1:1 with water is similar to water. Use 50 mesh slotted strainers in spray system and 25 mesh slotted strainers behind nozzles. To clean spray system after use, drain and flush with water and detergent mixture. Rinse thoroughly with clean water. Refer to the Storage and Disposal directions for disposal instructions.

NOTE: When applying this product aerially apply the specified dosage per acre in sufficient water to provide thorough coverage.

INSECT CONTROL

Begin application when insect populations reach recognized economic threshold levels. Consult Cooperative Extension Service, Professional Consultants or other qualified authorities to determine appropriate threshold levels for treatment in your area. Where a dosage range is indicated, use the lower rate on light to moderate infestations, young plants and early instars and the higher rate on heavy infestations, mature plants, advanced instars and adults. Thorough and uniform spray coverage is essential for effective control.

NOTE: All references to armyworm on the crops listed below refer to the species, *Pseudaletia unipuncta*, often called the "true armyworm". Except where indicated otherwise, this product is not registered for the control of other armyworm species. Regional differences have been noted in the susceptibility of certain strains of fall armyworm, Colorado potato beetle, spotted tentiform leafminer, and tobacco budworm (on cotton) to carbaryl. If local experience indicates inadequate control, use an alternative pesticide.

IMPORTANT: BEFORE USING SEVIMOL 4, READ AND FOLLOW CAREFULLY OBSERVE THE PRECAUTIONARY STATEMENTS AND ALL OTHER INFORMATION APPEARING ON THE PRODUCT LABEL.

FORAGE, FIELD AND VEGETABLE CROPS

REMINDER: Preharvest interval days are indicated in () for each use.

Recommended dosages refer to quarts of **SEVIMOL 4** per acre. Apply when insects or their damage appear and repeat 7 to 14 days later if necessary. Apply sufficient gallonage to obtain full coverage but not less than one gallon of finished spray per acre. See specific directions below for grasshopper control.

ALFALFA (7) AND SOYBEANS (21 – dried beans; 14 - grazing or harvest for forage): Recommended dosages refer to quarts of product per acre.

Use 1/2 to 1 quart for blister beetle and Mexican bean beetle.

Use 1 quart for alfalfa caterpillar, bean leaf beetle, cucumber beetle, leafhoppers, three-cornered alfalfa hopper, thrips, velvet bean caterpillar, green cloverworm and Japanese beetle.

Use 1 to 1-1/2 quarts for armyworms, corn earworm (bollworm), stick bugs and webworms.

Use 1-1/2 quarts for control of alfalfa weevil larvae in the spring. If pretreatment damage is extensive, cut the alfalfa and apply to stubble.

Use 1-1/2 quarts for cutworm control of alfalfa.

To avoid possible injury to tender foliage, do not apply when foliage is wet or when rain or excessive humidity is expected during the next two days.

NOTE: do not apply a combination of **SEVIMOL 4** and 2,4-DB herbicide (such as Butyrac 175 or Butoxone SB) to soybeans.

SORGHUMS (INCLUDING MILO AND GRAIN SORGHUM) GRAIN (21), FORAGE (14): Use 1 to 2 quarts for armyworms, corn earworm, stink bugs and webworms. Use 1-1/2 quarts for sorghum midge and southwestern corn borers. Use 2 quarts for cutworm control. For optimum insect control to grain sorghum, direct spray into the forming heads. Treat for sorghum midge 3 to 4 days after heads have emerged from soil.

SUGAR BEETS (28): Use 1 to 2 quarts for armyworms, leafhoppers and webworms.

GRASSHOPPERS: Apply 1/2 to 1-1/2 quarts as often as necessary to control grasshoppers on the above forage crops. Follow pre-harvest and grazing use limitations listed for each of the above crops. A rate of 1/2 to 1 quart is suggested for nymphs on small plants or sparse vegetation in wasteland, rangeland, ditchbanks, and borders.

A 1 to 1-1/2 quart dosage should be used when grasshoppers are mature or material is applied to crops requiring greater coverage.

TOBACCO INSECT CONTROL: Recommended dosages refer to quarts of **SEVIMOL 4** per acre.

Special Instructions: When using conventional ground equipment, dilute with water and use 24-40 gallons of finished spray per acre. Apply for full coverage.

Use 1 to 2 quarts for budworm, flea beetle, Japanese beetle, June beetle and hornworm. Use lower rate on young plants up to knee high; higher rate for mature plants. Begin treatment when worms are small. Avoid excessive application in plant bud as injury may result.

Treated fields may be entered immediately after foliage has dried.

If late applications are necessary, allow 3 days before priming or cutting.

SMALL FRUIT INSECT CONTROL

Recommended dosages refer to quarts of **SEVIMOL 4** per acre. Use sufficient spray gallonage to obtain full coverage. Keep spray mixtures well agitated. Apply when insects or their damage appear. Repeat 7 to 10 day intervals or as necessary.

CRANBERRIES (7): Use 2 quarts for cutworms, fireworms, fruitworms, Japanese beetle and leafhopper. Apply in late bloom and as needed at 7 to 10 day intervals. A dilute spray of 300 gallons per acre is suggested.

STRAWBERRIES (7): Use 1 to 2 quarts for strawberry leaf roller. A dilute spray of 100 to 200 gallons per acre is suggested.

VEGETABLE INSECT CONTROL

Suggested dosages refer to quarts of **SEVIMOL 4** per acre. Where a dosage range is indicated, use lower rate on young plants; higher on mature plants.

Keep spray mixtures well agitated. Apply when insects or their damage appear. Repeat at 7 to 10 day intervals or as necessary unless shorter interval is specified below. Apply sufficient gallonage to obtain full coverage but not less than one gallon of finished spray per acre. See specific directions below for grasshopper control.

CORN

SWEET CORN: Fresh ears(2); Harvest or grazing of forage(14); Harvest for Fodder (48)

FIELD CORN AND POPCORN: Harvest or grazing of forage or silage (14); Harvest for Grain or Fodder (48)

Use 1-1/2 quarts for corn earworm, corn rootworm adults, grasshoppers, European corn borer, southwestern corn borer, fall armyworm, flea beetles, Japanese beetle, sp beetle and leafhopper. Use 2 quarts for Western bean cutworm. For larvae in whorl (budworm damage) and foliage feeders, apply to entire plant. Repeat as necessary. For insects attacking silks and ears, apply at least every 2 or 3 days starting when first silks appear and continuing until silks begin to dry. Three or more applications may be required depending on severity of infestation; timing and good coverage are absolutely essential for effective control.

Use 2 quarts in at least 15 gallons of water for cutworm control. Spray in 12" band over corn row.

BEANS (GREEN BEANS (Fresh -3) (Dried -21), LIMA BEANS (Fresh -3) (Dried -21), SNAP BEANS (Fresh -3) (Dried -21), COWPEAS (21) AND BLACKEYED PEAS (3): Use 1/2 quart for Mexican bean beetle.

Use 1 quart for bean leaf beetle, cucumber beetles, flea beetles, Japanese beetle, leafhoppers, velvet bean caterpillar and Western bean cutworm.

Use 1 to 1-1/2 quarts for armyworms, cutworms, corn earworm, stink bugs, and tarnished plant bug.

In California, use 2 quarts for corn earworm, lima bean pod borer, Lygus and stink bugs.

POTATO (7), TOMATO (7), AND PEPPER (7): Use 1/2 to 1 quart for Colorado potato beetle, flea beetle, and leafhoppers. Use 1 to 2 quarts for European corn borer, fall armyworms, lace bugs, tomato fruitworm, tomato hornworm, tarnished plant bugs and stink bug. Use 2 quarts for cutworm control.

GRASSHOPPERS: Apply 1/2 to 1-1/2 quarts as often as necessary to control grasshoppers on the above vegetable crops.

SHADE TREE AND ORNAMENTAL INSECT CONTROL

Use 1 quart per 100 gallons of water (1 tablespoon per gallon) when insects or their damage appears. Repeat weekly or as needed.

Use 1 to 2 quarts per 100 gallons for control of eriophyid mites. In dilute applications the addition of an emulsifiable horticultural oil may enhance the control of eriophyid mites. Carbaryl injures Boston ivy and Virginia creeper.

Use on herbaceous and annual plants (carnation, chrysanthemum, gladioli, iris, peony, zinnia, etc.) to control:

blister beetle	lace bug	plant bug
boxelder bug	leafhopper	psyllid
flea beetle	leafroller	rose aphid
Japanese beetle	mealy bug	thrips (exposed)
June beetle		

Use on shrubs, trees, and woody plants (ash, arborvitae, azalea, barberry, beech, birch, boxwood, catalpa, cedar, cypress, dogwood, elm, euonymus, ginkgo, hackberry, hawthorn, holly, honeysuckle, hydrangea, juniper, lilac, magnolia, maple, oak, pine, redbud, rose, tuliptree, etc.) to control:

apple aphid	gypsy moth	puss caterpillar
bagworm	Japanese beetle	plant bug
birch leaf miner	June beetle	rose aphid
boxelder bug	Lace bug	rose-slug
boxwood leafminer	leafhopper	scale insects
cankerworms	leafroller	spruce needle miner
catalpa sphinx	mealy bug	tent caterpillar
Cooley spruce gall aphid	oak leafminer	thorn bug
Eastern spruce gall aphid	orange striped oakworm	thrips (exposed)
elm leaf aphid	orange toxtrix	webworms
elm leaf beetle	periodical cicada	willow leaf beetle
elm spanworm	pine sawfly	yellow poplar weevil
triothyrid mites		

IMPORTANT: Use clean equipment. Flush tank and lines with clear water before and after spraying. Screens should be 50 mesh or coarser. Provide moderate agitation while adding **SEVIMOL 4** to water in spray or mix tank. Recirculate at intervals to maintain a uniform form suspension.

**GRASSHOPPERS
ALL FORAGE, FIELD AND VEGETABLE CROPS**

1/2 to 1 1/2 quarts **SEVIMOL 4** per acre. For preharvest interval days, see specific forage, field or vegetable crops. Use the lower rate for nymphs on small plants or sparse vegetation in wasteland, rangeland, ditchbanks and borders. Use the higher rate for mature grasshoppers or applications to dense vegetation or if extended residual control is desired. Be certain spray volumes are appropriate to assure adequate coverage.

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

Read the Conditions of Sale - Warranty and Limitations of Liability and Remedies before using this product. If the terms are not acceptable, return the product, unopened, and the full purchase price will be refunded.

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 or 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 shall be limited to, at Helena Chemical Company's election, one of the following:

1. Refund of the purchase price paid by buyer or user for product bought, or
2. Replacement of the product used

To the extent allowed by law, 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.