
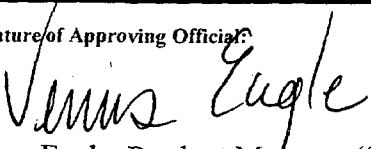


7969-288

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 U.S. ENVIRONMENTAL PROTECTION AGENCY Office of Pesticide Programs Registration Division (7505C) 1200 Pennsylvania Ave., N.W. Washington, D.C. 20460 NOTICE OF PESTICIDE: <input checked="" type="checkbox"/> Registration <input type="checkbox"/> Reregistration (under FIFRA, as amended)	EPA Reg. Number: 7969-288	Date of Issuance: DEC 04 2008
	Term of Issuance: Conditional	
	Name of Pesticide Product: Acess Insecticide Seed Treatment	
Name and Address of Registrant (include ZIP Code): BASF Corp. Arcana, LLC 26 Davis Drive Research Triangle Park, NC 27709		
Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.		
<p>On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide and Rodenticide Act.</p> <p>Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.</p> <p>This product is conditionally registered in accordance with FIFRA section 3(c)(7)(A) provided that you:</p> <ol style="list-style-type: none">1. Submit and/or cite all data required for registration/reregistration of your product when the Agency requires all registrants of similar products to submit such data.2. Make the following label changes before you release the product for shipment: Revise the EPA Registration Number to read, "EPA Reg. No. 7969-288."3. Storage stability (830.6317) and corrosion characteristics (830.6320) data must be submitted within 18 months from the date of this registration.		
Signature of Approving Official:  Venus Eagle, Product Manager (01) Insecticide-Rodenticide Branch, Registration Division (7505C)	Date: DEC 04 2008	

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4. Submit one copy of the revised final printed label for the record before you release the product for shipment.

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

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

Venus Eagle
Product Manager (01)
Insecticide-Rodenticide Branch
Registration Division (7505C)

Enclosure



The Chemical Company

3/10
ACCEPTED
With COMMENTS
In EPA Letter Dated:

DEC 04 2008
Under the Federal Insecticide, Fungicide
and Rodenticide Act, As amended, for the
pesticide Registered under EPA Reg. No:

7969-288

AXCESSTM

INSECTICIDE SEED TREATMENT

Active Ingredient:

imidacloprid: 1-[[6-Chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine 48.7%

Other Ingredients: 51.3%

Total: 100.0%

Contains 5 lbs. active per gallon (600 grams per liter) @ 20°C

EPA Reg. No. 7969-xxx

EPA Est. No.

KEEP OUT OF REACH OF CHILDREN

CAUTION

See inside booklet for complete **Precautionary Statements, First Aid, Directions For Use, and Conditions of Sale and Warranty**, and state-specific crop and/or use site restrictions.

In case of an emergency endangering life or property involving this product, call day or night 1-800-832-HELP (4357).

Net Contents: _____ gal.

BASF Corporation
26 Davis Drive, Research Triangle Park, NC 27709

FIRST AID	
If swallowed	<ul style="list-style-type: none"> • 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 a poison control center or doctor. • DO NOT give anything by mouth to an unconscious person.
If on skin or clothing	<ul style="list-style-type: none"> • 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.
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 mouth-to-mouth if possible. • Call a poison control center or doctor for further 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 BASF Corporation for emergency medical treatment information: 1-800-832-HELP (4357).	

PRECAUTIONARY STATEMENTS

CAUTION HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Harmful if swallowed, absorbed through skin or inhaled. Avoid breathing vapor or spray mist. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse.

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 C** on an EPA chemical-resistance category selection chart.

Applicators and other handlers must wear:

Long-sleeved shirt and long pants, socks and shoes and chemical-resistant gloves (such as nitrile, butyl, neoprene, barrier laminate, polyvinyl chloride or Viton). 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.
- Users should remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Users should remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change clothing.

Environmental Hazards

This pesticide is highly toxic to birds and aquatic invertebrates. 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. **DO NOT** contaminate water when disposing of equipment washwaters. Cover or incorporate spilled treated seeds.

DIRECTIONS FOR USE

It is a violation of federal law to use this product in a manner inconsistent with its labeling.

For use in commercial seed treaters only, with the exception of application to canola, cotton (delinted seed), field corn, sorghum, millet, wheat and barley, which may be made either by commercial seed treatment or as an end-use seed treatment on agricultural establishments at, or immediately before, planting. This product is to be used in liquid or slurry treaters.

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.

Mix thoroughly before use or use entire container at one time. All tank mixes should be pretested to determine physical compatibility between formulations. Follow all cautions and limitations on labeling of all products used in mixtures.

STORAGE AND DISPOSAL

PROHIBITIONS

DO NOT contaminate water, food or feed by storage, disposal, or by cleaning of equipment. **DO NOT** reuse empty container. Open dumping is prohibited.

PESTICIDE STORAGE

Store in a cool place. **DO NOT** store in direct sunlight. Protect from freezing temperatures.

PESTICIDE DISPOSAL

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

CONTAINER DISPOSAL

Contact BASF Corporation or your chemical supplier for container return instructions. If container is not returned in accordance with instructions, triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

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**. Exception: If the seed is treated with the product and the treated seed is soil-injected or soil-incorporated, the Worker Protection Standard, under certain circumstances, allows workers to enter the treated area if there will be no contact with anything that has been treated. 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, shoes plus socks, protective eyewear.

Rotational Crops

Treated areas may be replanted with any crop specified on an imidacloprid label, or any crop for which a tolerance exists for the active ingredient, as soon as practical following the last application. The following plant-back intervals must be observed for listed crops:

ROTATIONAL PLANT-BACK INTERVALS*

Immediate Plant-Back	
Artichoke	Oats
Barley	Okra
Brassica (cole) leafy veg.	Pepinos
Borage	Pepper
Canola	Popcorn
Cilantro	Potato
Corn, Field	Rapeseed
Corn, Sweet	Rye
Cotton	Safflower
Crambe	Sorghum
Cranberry	Soybean
Cucurbits	Strawberry
Eggplant	Sugarbeet
Flax	Sunflower
Ground cherry	Tomatillo
Leaf petiole veg.	Tomato
Leafy veg.	Triticale
Legume veg. (succulent or dried, including soybean)	Veg. Root and Tuber
Millet	Watercress
Mustard Seed	Wheat
30-Day Plant-Back	
Cereals, including: buckwheat rice	
*Cover crops for soil building or erosion control may be planted any time, but DO NOT graze or harvest for food or feed. *For all other crops not listed on an Imidacloprid label, or for crops for which no tolerance for the active ingredient has been established, a 12-month plant-back interval is required.	

NOTIFICATION of the crop rotational restriction must be conveyed to the grower by appropriate seed tag labeling or bag printing on all seed units.

The purchaser of this product is responsible for ensuring that all seed treated with this product are adequately dyed with a suitable color to prevent its accidental use as food for man or feed for animals. Refer to 21CFR, Part 2.25. Any dye or colorant added to treated seed must be cleared for use under 40CFR, Part 180.1001. Federal regulations have established official tolerances for certain pesticide residues. In order that residues on food and forage crops will not exceed established tolerances, use only at specified rates.

Seed Container Label Requirements

Seed commercially treated with **Axcess™ Insecticide Seed Treatment** must be labeled in compliance with the Federal Seed Act.

In addition, all bags containing treated seed must be labeled or tagged with the following information:

- This seed has been treated with **Axcess™ Insecticide Seed Treatment**, which contains imidacloprid.
- **DO NOT** use treated seed for feed, food, or oil processing.
- Rapeseed greens and seed grown or harvested from **Axcess™ Insecticide Seed Treatment**-treated seed must not be used for feed or human consumption.
- Rapeseed grown and harvested from **Axcess™ Insecticide Seed Treatment**-treated seed is only for industrial use and cannot be used for edible oil or any other human/feed consumption.
- Store away from feeds and other foodstuffs.
- Wear long-sleeved shirt, long pants and chemical-resistant gloves when handling treated seed.
- Dispose of seed packaging in accordance with local requirements.
- Exposed treated seed may be hazardous to birds. Dispose of all excess treated seed and seed packaging by burial away from bodies of water. Cover or incorporate spilled treated seeds.

Use Restrictions

- Rape greens grown and harvested from **Axcess**-treated seed must not be used for human and feed consumption. Rapeseed grown and harvested from **Axcess**-treated seed is only for industrial uses and cannot be used for edible oil or any other human/feed consumption.
- **Wheat, Barley, Oats, Rye, Triticale, Sorghum, Millet.** **DO NOT** graze or feed livestock on treated areas for 45 days after planting.
- **Cotton (delinted seed only).** Regardless of the type of application (seed treatment, soil or foliar) **DO NOT** apply more than a total of 0.5 lb. of imidacloprid per acre per cropping cycle.

Application Instructions

Stored Seed Protection

Applied at labeled rates equal to or above 0.8 fl. oz. per hundredweight, **Axcess** will provide protection to seed against injury from the following insects: Indian Meal Moth (*Plodia interpunctella*), Rice Weevil (*Sitophilus oryzae*), Red Flour Beetle (*Tribolium castaneum*), and Lesser Grain Borer (*Rhizopertha dominica*). It is recommended that seed with existing populations of stored grain pests be fumigated prior to treating and bagging seed.

For Early Season Protection Against Certain Sucking Insects

Axcess will aid in the protection of seeds and seedlings against injury by certain early season insects.

Oil Seed Crop Group

Canola, Rapeseed, Mustard seed:

To provide early season protection of seedlings against injury by aphids, flea beetles and wireworms apply as a commercial seed treatment at 10.24 to 25.6 fl. oz. per hundredweight of seed. In areas where flea beetles and foliar insects are in high numbers, the higher application rate is recommended. Please consult your local agricultural office for pest patterns, history, and forecasts to assist in determining the appropriate rate for your region.

For suppression of Lygus bugs, including *Lygus* spp., in their second generation and cabbage Seedpod Weevil larvae, including *Ceutorhynchus assimilis*, apply 15.36 to 25.6 fl. oz. per hundredweight of seed.

Safflower:

To provide early season protection of seedlings against wireworms, apply as a commercial seed treatment at 0.25 to 0.50 mg a.i./seed. (One fl. oz. of **Axcess** contains 17.7g imidacloprid.)

Flax, Crambe, and Borage:

To provide early season protection of seedlings against wireworms, seed corn maggots and flea beetles apply as a commercial seed treatment at 25.6 fl. oz. per hundredweight of seed.

Oil Seed Crop Group

For End-Use Application At Agricultural Establishments:

Canola, Rapeseed:

Apply using an HCBT or a Batch Treater. Shake **Axcess** thoroughly before use. Apply 5.1 to 12.8 fl. oz. of **Axcess** per 50 pound bag. **Axcess** may be diluted with an approved fungicide mixture for extended disease protection. Treat one-half of seed with one-half of slurry mix. Add the balance of the seed and apply balance of slurry. Allow mixing until seed is thoroughly covered.

Safflower:

To provide early season protection of seedlings against wireworms, apply using HCBT or a batch treater at 12.8 fl. oz. per hundredweight of seed.

Flax, Sunflower, Crambe, and Borage:

To provide early season protection of seedlings against wireworms, seed corn maggots and flea beetles, apply using an HCBT or a batch treater at 12.8 fl. oz. per hundredweight of seed.

Field Corn

For the protection of corn plants from the corn insect pests listed below. Apply as a seed treatment at the specified rates listed.

Pest	Axxess™ Insecticide Seed Treatment	
	mg. ai/kernel	fl.oz./80,000 seed unit
Corn root worm (including Northern, Western, Southern and Mexican) ¹ Flea beetle Chinch bug Southern green stinkbug White grub Seed corn maggot Thrips Wireworm Corn leaf aphid Imported fire ant Southern corn leaf beetle Billbug ² Grape colaspis ² Black cutworm ³	1.34	6.0
Flea beetle Chinch bug Seed corn maggot Thrips Wireworm Corn leaf aphid Imported fire ant Grape colaspis ² White grub	0.60	2.70
Seed corn maggot (seed protection only) Wireworm (seed protection only) Flea beetle (through 1 leaf stage) Imported fire ant White grub ⁴	0.16	0.72

¹ In areas of heavy to severe corn rootworm populations, protection will not be adequate. Use only in areas of light to moderate corn rootworm populations. Consult your State Agricultural Extension Service on levels of corn rootworm populations.

² Reduces early season feeding damage.

³ Will reduce feeding damage caused by leaf feeding black cutworms that are 1/2 inch or less in length.

⁴ Reduces feeding damage during emergence and seedling stages.

Field Corn

For End-Use Application At Agricultural Establishments:

Apply using an HCBT or an Eight-Bag Batch Treater. Shake **Axxess** thoroughly before use. Dilute **Axxess** with water and/or an approved fungicide mixture. Adjust the final slurry rate to apply at a rate of 8 to 10 fl. oz. of diluted slurry per 50-pound bag of seed. Treat one-half of seed

with one-half of slurry mix. Add balance of the seed and apply balance of slurry. Allow mixing until seed is thoroughly covered. Apply 0.75 oz. of dry TALC per 50-pound bag of seed following the **Axxess** application and allow it to distribute evenly on the seed.

Wheat, Barley, Oats, Rye, Triticale

To provide early season protection of seedlings against injury by aphids (including Bird cherry-oat, English grain, Greenbug, and Russian wheat aphid), and Hessian fly, apply 0.8 to 2.4 fluid ounces per hundredweight of seed prior to planting as a slurry treatment. Low use rate for "wireworm-only" protection: **Axxess** applied at the 0.13 to 0.26 fl. oz. per hundredweight of seed offers suppression of wireworm activity on seed and young seedlings. To provide early season protection from grasshopper damage, apply **Axxess** to seed at 1.2 to 2.4 fluid ounces per hundredweight. To reduce early season damage caused by grasshopper, **Axxess** treated seed may be planted as a 50- to 60-foot border around the edges of the field. Consult your local university extension entomologist for details regarding grasshopper control in your area. For maximum effectiveness, seed must be treated uniformly. Use the higher rate to provide increased length of protection and from heavy insect pressure and from wireworms, and to reduce potential spread of Barley yellow dwarf virus due to aphid vectors. **DO NOT** graze or feed livestock on treated areas for 45 days after planting.

Wheat, Barley, Oats, Rye, Triticale

For End-Use Application At Agricultural Establishments:

Apply using a Total Slurry Treater (TST), Farmer Applied Seed Treater (F.A.S.T.), Air Pressure System or other on-farm seed treating equipment to deliver accurate rates of **Axxess** to achieve optimum product performance. Apply 0.8 to 2.4 fl. oz. per hundredweight of seed. **Axxess** should be combined with a BASF Corporation fungicide product for seed and seedling protection against fungal pathogens, as well as insect pests. Dilution with water may be necessary depending on fungicide formulation used. **Axxess** may also be applied on-farm as an over-treatment to seed pretreated with a fungicide. In this case, dilution is necessary. **DO NOT** graze or feed livestock on treated areas for 45 days after planting.

Sorghum, Millet

To provide early season protection of seedlings against injury by Aphids (including Corn leaf, English grain, Greenbug, and Yellow sugar cane aphid), Chinch bugs, Fire ants and Wireworms, apply 6.4 fluid ounces per hundredweight of seed prior to planting as a slurry treatment. Ensure thorough coverage. **DO NOT** graze or feed livestock on treated areas for 45 days after planting.

Sorghum, Millet

For End-Use Application At Agricultural Establishments:

Apply using an HCBT or an Eight-Bag Batch Treater. Shake **Axxess** thoroughly before use. Dilute 3.2 fluid ounces of **Axxess** with water. The final slurry rate must be adjusted to apply a rate of 8 to 10 fluid ounces of diluted

slurry per 50-pound bag of seed. Treat one-half of seed with one-half of slurry mix. Add the balance of the seed and apply balance of slurry. Allow mixing until seed is thoroughly covered. Apply 0.75 oz. of dry TALC per 50-pound bag of seed following the **Axcess™ Insecticide Seed Treatment** application and allow it to distribute evenly on the seed. **DO NOT** graze or feed livestock on treated areas for 45 days after planting.

Cotton (Delinted Seed Only)

To provide protection of seedlings against injury by early season thrips and aphids, and where the specific application rate is desired on an individual seed basis apply at 0.375 mg. ai. per seed (**DO NOT** apply more than 12.8 fluid ounces per hundredweight of seed) prior to planting as a slurry treatment so as to ensure thorough coverage. Otherwise, apply at 12.8 fluid ounces per hundredweight of seed. Regardless of the type of application (seed treatment, soil or foliar) **DO NOT** apply more than a total of 0.5 lb. of imidacloprid per acre per cropping cycle.

Cotton (Delinted Seed Only)

For End-Use Application At Agricultural Establishments:

Apply using an HCBT or an Eight-Bag Batch Treater. Shake **Axcess** thoroughly before use. Dilute 6.4 fluid ounces of **Axcess** with water or a ready-to-use fungicide mixture for each 50-pound bag of cottonseed to be treated. The final slurry rate must be adjusted to apply a rate of 8 to 10 fluid ounces of diluted slurry per 50-pound bag of seed. Treat one-half of seed with one-half of slurry mix. Add the balance of the seed and apply balance of slurry. Allow mixing until seed is thoroughly covered.

Sugar Beets

To provide early season protection of seedlings against injury by Whitefly, Aphids, Leafhoppers (including to reduce potential for spread of Curly top and Yellow mosaic virus due to aphid and leafhopper vectors), Root aphid, Thrips and Wireworms, apply as a commercial seed treatment at 2.4 to 5.0 fluid ounces of **Axcess** in or on a unit of pelleted sugar beet seed with a weight ratio of 2:1 pelleting mixture to raw seed (seed count 100,000 seed - approximately 1 kilogram by weight). Apply in a film coat directly to raw seed (100,000 seed or approximately 1 kilogram by weight) at a rate of 2.4 fluid ounces per unit of seed. If rates exceed 2.4 fluid ounces per unit, seed must be pelleted.

Sweet Corn

For the protection of sweet corn plants from the insect pests listed below. Apply as a seed treatment at the specified rates listed.

Pest	Axcess fl.oz./cwt. of seed
Flea beetle Early season corn leaf aphid Seed corn maggot Wireworm	6.4
Imported fire ant Early season corn leaf aphid Seed corn maggot Wireworm	3.2 – 6.4
Imported fire ant Seed corn maggot (seed protection) Wireworm (seed protection)	1.6 – 3.2
Wireworm (seed protection)	0.8 – 1.6

The final slurry rate must be adjusted to apply a rate of 16 to 20 fl. oz. of dilute solution per hundredweight of seed with commercial application equipment.

Popcorn

To provide early season protection of seedlings against injury by flea beetles, apply as a commercial seed treatment at 6.4 fl. oz. per hundredweight of seed.

Soybean

For protection of planted seeds from damage caused by seed corn maggot, to reduce feeding damage caused by soybean aphids and over-wintering bean leaf beetles, and to help suppress the spread of certain viruses, apply 1.6 to 3.2 fl. oz. per hundredweight of seed. Use higher rates to provide increased length of protection and for heavy insect pressure. **Axcess** can be used as an over-treatment. **DO NOT** graze or feed livestock on soybean forage or hay.

Adzuki Bean, Asparagus Bean, Broad Bean (Succulent Or Dry), Catjang Bean, Chinese Longbean, Field Bean, Guar Bean, Jackbean, Kidney Bean, Lablab Bean, Lima Bean (Succulent Or Dry), Moth Bean (Succulent Or Dry), Mung Bean, Navy Bean, Pinto Bean, Rice Bean, Runner Bean, Snap Bean, Sword Bean, Tepary Bean, Urd Bean, Wax Bean, Yardlong Bean, Blackeyed Pea (Succulent Or Dry), Chickpea, Cowpea (Succulent Or Dry), Crowder Pea, Dwarf Pea, Edible-Pod Pea, English Pea, Field Pea, Garden Pea, Green Pea, Pigeon Pea (Succulent Or Dry), Snow Pea, Southern Pea (Succulent Or Dry), Sugar Snap Pea, Grain Lupin, Sweet Lupin, White Lupin, White Sweet Lupin, Lentil*

To provide early season protection of seedlings against injury by wireworm, bean leaf beetle, imported fire ant, and aphid, apply as a commercial seed treatment at 1.6 to 3.2 fl. oz. per hundredweight of seed prior to planting.

***Seed-and-pod vegetable seed treated in California must be destined for planting in states other than California and is not to be planted in California.**

Carrot

To provide early season protection of seedlings against injury by seed corn maggot and wireworm, apply as a commercial seed treatment at 6.4 fl. oz. per hundredweight of seed.

Conditions of Sale and Warranty

The **Directions For Use** of this product reflect the opinion of experts based on field use and tests. The directions are believed to be reliable and must be followed carefully. However, 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 the presence of other or untested or unapproved materials, seed of low quality or low vigor or low germination, use of the product in a manner inconsistent with its labeling, misapplication of the product, or weather conditions at planting or environmental conditions during seed storage, all of which are beyond the control of BASF CORPORATION ("BASF") or the Seller. To the extent consistent with applicable law, all such risks shall be assumed by the Buyer.

BASF warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes referred to in the **Directions For Use**, subject to the inherent risks, referred to above.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BASF MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS OR MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BUYER'S EXCLUSIVE REMEDY AND BASF'S EXCLUSIVE LIABILITY, WHETHER IN CONTRACT, TORT, NEGLIGENCE, STRICT LIABILITY, OR OTHERWISE, SHALL BE LIMITED TO REPAYMENT OF THE PURCHASE PRICE OF THE PRODUCT.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BASF AND THE SELLER DISCLAIM ANY LIABILITY FOR CONSEQUENTIAL, EXEMPLARY, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.

BASF and the Seller offer this product, and the Buyer and User accept it, subject to the foregoing **Conditions of Sale and Warranty** which may be varied only by agreement in writing signed by a duly authorized representative of BASF.

ST1108

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Based on: NVA 2008-04-317-0232

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The Chemical Company