

8378-73

8/20/2014

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460



OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

August 20, 2014

Gary Libman
GNL Consultation Services LLC
13332 Lodestone Tr. SE
Albuquerque, NM 87123

Subject: Label Notification per PRN 98-10 – Rate Revisions
Product Name: Shaw's Turf Food with 0.067% Acelepryn Plus 0.222%
Dimension
EPA Registration Number: 8378-73
Application Date: 8-4-14
Decision Number: 494428

Dear Mr. Libman:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 for the above referenced product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action requested falls within the scope of PRN 98-10.

The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, you may contact Erik Kraft at 703-308-9358 or via email at kraft.erik@epa.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kathryn Montague".

Kathryn Montague, Product Manager 23
Herbicide Branch
Registration Division (7505P)
Office of Pesticide Programs



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 8378-73	2. EPA Product Manager Mindy Ondish	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Shaw's Turf food with 0.067% Acelepryn + 0.222% Dimension	PM# 23 Herbicide Branch	
5. Name and Address of Applicant (Include ZIP Code) Knox Fertilizer Company, Inc PO Box 248 Knox, IN 48534 <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. <u>NA</u> Product Name <u>NA</u>	

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.

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

Notification to reduce rates and to eliminate some pests. Please see accompanying label. This notification is consistent with the provisions of PR98-10 and EPA regs 40 CFR 152.46. See next page for full certification statement).

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If "Yes" Unit Packaging wgt. No. per container		<input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input checked="" type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____
* Certification must be submitted		If "Yes" Package wgt. No. per container			
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	
6. Manner in Which Label is Affixed to Product <input checked="" 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 Gary Libman	Title Regulatory Agent for Knox	Telephone No. (Include Area Code) 505.301.2822
Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. 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 Agent for Knox	
4. Typed Name Gary Libman	5. Date 4 August 2014	

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US EPA form 8570-1 PAGE TWO

NOTIFICATION OF NAME CHANGE FOR 8378-73

This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR152.46. 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 USC Section 1001 to willfully make any false statement to EPA. I further understand that if this document 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.

Gary Libman

Regulatory Agent for Knox Fertilizer Inc.

Signed on 4 August 2014

Libman@comcast.net 1.505.301.2822

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Specializing in Regulatory Affairs
and Quality Assurance

August 4, 2014 **NOTIFICATION**

Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
US Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington DC 20460
Attn.: Kathryn Montague PM 23 and/or Mindy Ondish PM 23

- Subject:
1. Shaw's Turf Food with 0.067% Acelepryn Plus 0.253% Dimension
EPA Reg. Number 8378-74
Notification per PR Notice 98-10
Reduction of use rates and elimination of some pests
 2. Shaw's Turf Food with 0.067% Acelepryn Plus 0.222% Dimension
EPA Reg. Number 8378-73
Notification per PR Notice 98-10
Reduction of use rates and elimination of some pests

I have enclosed labeling with requisite use rate reductions for both 8378-73 and 8378-74. The revised labeling is being submitted by notification on behalf of Knox Fertilizer Company, P.O. Box 248, Knox, IN 46534 by Gary Libman, Principal of GNL Consultation Services LLC an authorized agent for Knox Fertilizer Company.

The following documents are included in the subject submission:

1. This cover letter
2. Applications for pesticide, form 8570-1 with certification
3. One copy of the highlighted printed label copy in word document
4. One copy of the highlighted printed label copy in pdf format.

If you have any questions, please do not hesitate to contact me at 1.505.301.2822 or Libman@comcast.net

Respectfully submitted,

Gary Libman, Principal
GNL Consultation Services LLC
13332 Lodestone Tr. SE
Albuquerque, NM 87123
Libman@comcast.net
1.505.301.2822

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20110214.Final Label
Shaw's® Turf Food with 0.067% Acelepryn™ Plus 0.222% Dimension®

INTENDED FOR USE BY COMMERCIAL APPLICATORS ONLY.

For control of white grubs, other listed insect pests, and listed weeds in established lawns and ornamental turfgrass (including golf courses).

Not for Sale, Sale into, Distribution and/or Use in Nassau, Suffolk, Kings, Queens Counties of New York State.

Not for use on turf being grown for sale or other commercial use as sod, or for commercial seed production, or for research purposes.

Active Ingredients	By Weight
Chlorantraniliprole*	
3-Bromo-N-[4-chloro-2-methyl-6-[(methylamino)carbonyl] phenyl]-1-(3-chloro-2-pyridinyl)-1H-pyrazole-5-carboxamide	0.067%
Dithiopyr**	
3,5- pyridinedicarbothioic acid, 2-(difluoromethyl)- 4-(2-methylpropyl)-6-(trifluoromethyl)-S,S-dimethyl ester	0.222%
Other Ingredients	99.711%
TOTAL	100.000%

*Chlorantraniliprole belongs to the anthranilic diamide chemical class.
**CAS # 97886-45-8

EPA Reg. No. 8378-73 EPA Est. No. 8378-IN-1

Shaw's® is a registered trademark of Knox Fertilizer Company, Inc.
Acelepryn™ is a trademark of E.I. DuPont de Nemours and Company or its affiliates.
Acelepryn™ is a trademark or registered trademark of DuPont used under license by Knox Fertilizer Company, Inc.
Dimension® is a registered trademark of Dow AgroSciences LLC.

Fertilizer Guarantee Analysis	
Nitrogen-----XX%	cccc
Phosphate-----XX%	cccc
Potash-----XX%	cccc
Derived from Urea, Ammonium Phosphate, and Muriate of Potash.	

KEEP OUT OF REACH OF CHILDREN

CAUTION

Si usted no entiende la etiqueta, busque a alguien para que se la explique en detalle.
(If you do not understand the label, find someone to explain it to you in detail.)

NOTIFICATION

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FIRST AID

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

Have the container or label with you when calling a poison control center or going for treatment. For emergency information concerning this product, call the National Pesticides Information Center (NPIC) at 1-800-858-7378 seven days a week, 6:30 am to 4:30 pm Pacific Time.

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION! Causes moderate eye irritation. Avoid contact with eyes or clothing.

PERSONAL PROTECTIVE EQUIPMENT

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants.
- Shoes plus socks.

After the product has been loaded into properly calibrated application equipment, shirt, pants, socks, and shoes are sufficient Personal Protective Equipment. Follow manufacturer's instructions for cleaning/maintaining personal protective equipment (PPE). If no such instructions for washables are available, 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 product is toxic to fish, and highly toxic to other aquatic organisms including oysters and shrimp. Use with care when applying to turf areas adjacent to any body of water. Do not apply directly to water. Do not apply where/when conditions favor runoff. Runoff from treated turf may adversely affect aquatic organisms in water adjacent to use sites. Do not contaminate water when disposing of equipment washwaters or rinsate.

Surface Water Advisory:

This product may contaminate water through runoff. This product has a high potential for runoff for several months or more after application. Poorly draining soils and soils with shallow water table are more prone to produce runoff that contains this product. A level, well-maintained vegetative buffer strip between areas to which this product is applied and surface water features such as ponds, streams, and springs will reduce the potential for contamination of water from runoff. Runoff of this product will be reduced by avoiding applications when rainfall is forecasted to occur within 48 hours.

Ground Water Advisory:

This chemical has properties and characteristics associated with chemicals detected in ground water. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in ground-water contamination.

DIRECTIONS FOR USE

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

Read and understand the entire label before using this product.

Shaw's® Turf Food with 0.067% Acelepryn™ Plus 0.222% Dimension® must be used only in accordance with specifications on this label or in separate Knox Fertilizer Company supplemental labeling that may be made temporarily available through local distributors as a result of new EPA approvals. Knox Fertilizer Company is not responsible for losses or damages resulting from the use of this product in any manner

not specifically stated on this label or other labels or bulletins published by Knox Fertilizer Company. User assumes all risks associated with such non-specified use.

PRODUCT INFORMATION

Shaw's® Turf Food with 0.067% Acelepryn™ Plus 0.222% Dimension® is a combination product containing an insecticide (Acelepryn™) and a herbicide (Dimension®) and may be applied for the control of white grubs, other listed insect pests, and listed weeds infesting recreational turfgrass (including golf courses).

This product may be used on established turfgrasses that are being grown for aesthetic or recreational purposes or climatic modification in or around home lawns, commercial lawns, industrial facilities, residential dwellings, business and office complexes, shopping complexes, multi-family residential complexes, institutional buildings, airports, cemeteries, parks, playgrounds, schools, day-care facilities, golf courses (tee box areas, roughs, fairways, collars etc.), athletic fields, and other landscaped areas. This product must not be applied when the soil is saturated with water because adequate distribution of the active ingredients vertically in the soil profile cannot be achieved under this condition.

The insecticide component of this product (Acelepryn™) is in GROUP 28 of the EPA's Insecticide and acaricide Groups Based on Target Site of Action (EPA PR Notice 2001-5) and this product may be used in rotational resistance management programs. Consult your local Knox Fertilizer Company representative, Cooperative Extension Service specialist or pest control advisor for regionally specific information regarding application timing.

TOLERANT TURFGRASS SPECIES

This product may be applied to established lawns and ornamental turfgrasses composed of the following turfgrass species:

Cool-Season Turfgrass	Warm-Season Turfgrass
Creeping Bentgrass	Bahiagrass
Fine Fescues	Bermudagrass
Kentucky Bluegrass	Buffalograss
Perennial Ryegrass	Carpetgrass
Tall Fescues	Centipedegrass
	St. Augustinegrass
	Zoysiagrass

APPLICATION EQUIPMENT

Apply Shaw's® Turf Food with 0.067% Acelepryn™ Plus 0.222% Dimension® with ~~drop type or~~ rotary-type equipment. The application equipment must be properly calibrated according to the manufacturer's directions to ensure uniform coverage over the treated area. During application, check the equipment periodically to confirm that it is working properly and that the granules are being uniformly distributed. A more uniform application can be made by spreading one-half of the recommended amount of this product over the turfgrass area and then spreading the remaining one-half of this product at a right angle to the previous application direction.

APPLICATION TIMING – INSECT CONTROL

White Grubs: Apply this product from early April to early September for preventative and early control of all of the major white grub species infesting turfgrass. Irrigate turf immediately after application.

~~**Annual Bluegrass Weevil:** Apply this product when overwintered adult weevils are observed in late April or early May to prevent damage from first generation larvae in late May and June. An application of this product at this time will also provide white grub control. The higher rates listed in Table 1 may be required for application made after mid-May.~~

Billbugs: Apply this product when overwintered adult billbugs are first observed. This will usually occur in late April or early May in regions with cool-season turfgrasses. An application of this product at this time will also provide white grub control. The higher rates listed in Table 1 may be required for applications made after early May or when billbug species other than bluegrass billbug are present.

European Crane Fly: Apply this product between September and November to control European crane fly larvae in turfgrass. The higher rate listed in Table 1 may be required to achieve control when applications are made in November.

~~Spittlebug: This product will provide control of two-lined spittlebug when applications are made in spring or summer.~~

Turf Caterpillars: This product will provide curative caterpillar control in turfgrass. If the area being treated is maintained at a mowing height of greater than one inch, the higher rate listed in Table 1 may be required during periods of high pest pressure.

~~Chinch Bug: For suppression of chinch bugs, apply this product before eggs hatch.~~

APPLICATION TIMING – WEED CONTROL

This product may be applied in the spring or fall prior to weed seed germination in established lawns and ornamental turfgrasses. This product provides preemergence control of crabgrass and other weeds when applied prior to their germination, and it may also provide postemergence control of seedling crabgrass.

Postemergence Crabgrass Control: The postemergence control provided by this product is limited to crabgrass, and it will only provide control up to 4 weeks after crabgrass germination, with best control expected when crabgrass is small (3-4 leaf stage). This product will not control large, tillered crabgrass. For control of other grasses and broadleaf weeds, this product must be applied as a preventative treatment before their emergence.

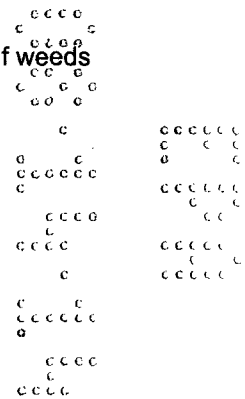
Reseeding, Overseeding or Sprigging: Reseeding, overseeding, or sprigging of turfgrasses listed on this label into areas that have been previously treated with this product must be delayed until 8 weeks after the previous application. Reseeding, overseeding, or sprigging before 8 weeks after application may injure or prevent the establishment of the newly reseeded, overseeded, or sprigged turfgrass.

Use on New Lawns of Kentucky Bluegrass, Perennial Ryegrass and/or Tall Fescue: To establish a new lawn of Kentucky Bluegrass, Perennial Ryegrass and/or Tall Fescue, this product may be applied 2 weeks after the first sign of germination. For other tolerant turfgrasses listed on this label, wait until the grass is well established (2 mowings) before applying this product.

Fall Application: When this product is applied in the fall, a sequential or second application may be made the following spring to provide up to 4 months control of weeds. If the product is applied in the fall, do not reseed, overseed or sprig turfgrasses before 12 weeks after application due to potential injury to newly reseeded, overseeded or sprigged turfgrasses.

Weeds Controlled: This product will provide control of crabgrass and other grass and broadleaf weeds listed below when applied prior to germination in established lawns and ornamental grasses.

Grass Weeds	Broadleaf Weeds
Annual Bluegrass	Bittercress
Annual Ryegrass	Buttercup Oxalis
Barnyardgrass	Carolina Geranium
Crabgrass	Chickweed
Crowfootgrass	Common Lespedeza
Goosegrass	Common Purslane
Green Foxtail	Corn Speedwell
Kikuyugrass (seedling)	Creeping Oxalis
Perennial Ryegrass	Henbit
Sandbur	Mustard
Smutgrass (seedling)	Parsley-piert
Yellow Foxtail	Pineappleweed
	Prostrate Spurge
	Shepardspurge
	Spotted Spurge
	Yellow Woodsorrel



APPLICATION RATES FOR LAWNS, GOLF COURSES AND OTHER RECREATIONAL TURFGRASS AREAS

Table 1 provides the application rates that will control the listed insect pests and will also control the listed grass and broadleaf weeds. **Restrictions:** Do not apply more than 225 pounds of this product/acre per application and no more than 338 pounds (equivalent to 0.23 lb of chlorantraniliprole active ingredient and 0.75 lb of dithiopyr) of product/acre per year in broadcast applications to turfgrass.

TABLE 1: TURFGRASS APPLICATION RATES

Target Pest (Including Listed Weeds)	Product per Acre	Product per 1,000 Sq. Ft.	Lb AI/A Acelepryn	Lb AI/A Dimension
White Grubs (including <i>Aphodius</i> spp., Asiatic garden beetle, black turfgrass ataenius, European chafer, green June beetle, Japanese beetle, May/June beetles (<i>Phyllophaga</i> spp.), northern masked chafer, oriental beetle and southern masked chafer)	150 to 300 pounds 150 to 225 pounds	3.44 to 6.88 pounds 3.44 to 5.16 pounds	0.1 to 0.2 0.1 to 0.15	0.33 to 0.66 0.33 to 0.50
Billbugs				
European Crane Fly				
Turf caterpillars (including armyworms, cutworms and sod webworms)				
Annual Bluegrass Weevil	225 to 300 pounds	5.17 to 6.88 pounds	0.15 to 0.2	0.50 to 0.66
Spittlebug				
Chinch Bugs (suppression only)	150 to 300 pounds	3.44 to 6.88 pounds	0.1 to 0.2	0.33 to 0.66

NOTE: For 3-4 months weed control use 150 pounds/acre of this product.
 For early postemergence control of crabgrass, use 150 to 225 pounds of this product/acre. Use the higher rate in areas of high weed pressure.
 In the State of New York: Do not exceed 0.5 pounds of dithiopyr/A (225 pounds product/A) per year.

SPECIFIED SPREADER SETTINGS

Spreader	Application Rate (Pounds per 1,000 Square Feet)		
	3.44	5.16	6.88
Scott's R8A	XX	XX	XX
Lesco High Wheel	XX	XX	XX
Spyker 24-22	XX	XX	XX
Prizelawn	XX	XX	XX
Earthway	XX	XX	XX
Vicon	XX	XX	XX
Lely	XX	XX	XX

CLEANING APPLICATION EQUIPMENT

Thoroughly clean all application equipment after use to reduce the risk of forming hardened deposits that might become difficult to remove. Thoroughly rinse application equipment with clean water. Clean all other associated application equipment. Take all necessary safety precautions when cleaning equipment. Do not clean equipment near wells, or other water sources. Dispose of waste rinse water in accordance with local regulations.

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INTEGRATED PEST MANAGEMENT (IPM) PROGRAMS

Shaw's® Turf Food with 0.067% Acelepryn™ Plus 0.222% Dimension is recommended for IPM programs on turf because it does not directly impact natural arthropod predator and parasitoid populations including ladybird beetles, lacewings, minute pirate bugs and predatory mites. The feeding behavior of beneficial arthropods will aid in extending natural control of other insect and mite pests and will reduce the possibility of secondary pest outbreaks. This product will reduce the target pest species that may serve as a food source for beneficial arthropods.

RESISTANCE MANAGEMENT

Some insects are known to develop resistance to products used repeatedly for control. When this occurs, the labeled application rates fail to suppress the pest population below threshold levels. Because the development of resistance cannot be predicted, the use of this product should conform to resistance management strategies established for the use area. These strategies may include incorporation of cultural and biological control practices, alternation of active classes of insecticides on succeeding generations and targeting the most susceptible life stage. Consult your local Knox Fertilizer Company representative, Cooperative Extension Service specialist or pest control advisor for the latest information on resistance management in your area.

USE PRECAUTIONS & RESTRICTIONS

- Not for use on plants being grown for sale or other commercial use, or for commercial seed production.
- Do not formulate this product into other end-use products.
- Do not apply this product in commercial nurseries or greenhouses.
- Do not apply this product on golf course putting greens.
- Apply only to lawns and turfgrasses that are well established. Do not apply to lawns or turfgrasses that are under stress.
- Do not apply more than 225 pounds of product/A (equivalent to 0.15 lb of chlorantraniliprole/A and 0.5 lb of dithiopyr/A) per application and no more than 338 pounds of product/A (equivalent to 0.23 lb of chlorantraniliprole/A and 0.75 lb of dithiopyr/A) per year in broadcast applications to turfgrass.
- Wait a minimum of 7 days to retreat.
- Do not use clippings from treated turf for mulching around trees or fruit trees.
- Do not apply by air.
- Keep people and pets off treated areas until dust has settled.
- The following restrictions are required to permit use of Shaw's Turf Food with 0.067% Acelepryn Plus 0.222% Dimension in the State of New York:

Golf Courses:

Tee Boxes: Do not apply this product within 25 feet of a water body (lake, pond, river, stream, wetland, or drainage ditch).

Fairways: Do not apply this product within 50 feet of a water body (lake, pond, river, stream, wetland, or drainage ditch).

All other use sites: Do not apply this product within 100 feet of a water body (lake, pond, river, stream, wetland, or drainage ditch).

All use sites: Do not exceed 225 lbs of product/A per year (equivalent of 0.5 lb of dithiopyr/A per year).

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STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage or disposal.

PESTICIDE STORAGE: Store product in original container only in a location inaccessible to children and pets. Do not contaminate water, other pesticides, fertilizer, food or feed in storage. Not for use or storage in or around the home.

PESTICIDE DISPOSAL: Do not contaminate water, food or feed by storage or disposal. Wastes resulting from the use of this product must be disposed of on site or at an approved waste disposal facility.

CONTAINER DISPOSAL: Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available. Completely empty bag into application equipment. Then dispose of empty bag in a sanitary landfill or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

NOTICE TO BUYER – Purchase of this material does not confer any rights under patents of countries outside of the United States.

LIMITATION OF WARRANTY AND LIABILITY

NOTICE: Read This Limitation of Warranty and Liability Before Buying or Using This Product. If the Terms Are Not Acceptable, Return the Product at Once, Unopened, and the Purchase Price Will Be Refunded.

It is impossible to eliminate all risks associated with the use of this product. Such risks may arise from factors such as weather conditions, soil factors, off target movement, unconventional technique, presence of other materials, the manner of use or application, or other unknown factors, all of which are beyond the control of Knox Fertilizer Company or Seller. These risks can cause: ineffectiveness of the product or other unintended consequences. **WHEN YOU BUY OR USE THIS PRODUCT, YOU AGREE TO ACCEPT THESE RISKS.**

Knox Fertilizer Company warrants that this product conforms to the chemical description on the label thereof and is reasonably fit for the purpose stated in the Directions for Use, subject to inherent risks described above, when used in accordance with the Directions for Use under normal conditions.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, KNOX FERTILIZER COMPANY 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, IN NO EVENT SHALL KNOX FERTILIZER COMPANY OR SELLER BE LIABLE FOR ANY INCIDENTAL, CONSEQUENTIAL OR SPECIAL DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER AND THE EXCLUSIVE LIABILITY OF KNOX FERTILIZER COMPANY OR SELLER, FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY OR CONTRACT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHER LEGAL THEORY) RESULTING FROM THE STORAGE, USE OR HANDLING OF THIS PRODUCT, SHALL BE THE RETURN OF THE PURCHASE PRICE OF THE PRODUCT, OR AT THE ELECTION OF KNOX FERTILIZER COMPANY OR SELLER, THE REPLACEMENT OF THE PRODUCT.

To the extent consistent with applicable law that allows such requirement, Knox Fertilizer Company or its distributor must have prompt notice of any claim so that an immediate investigation of buyer's or user's claim can be made. Buyer and all users shall promptly notify Knox Fertilizer Company or a Knox Fertilizer Company distributor of any claims, whether based on contract, negligence, strict liability, other tort or otherwise or be barred from any remedy.

This Limitation of Warranty and Liability may not be amended by any oral or written agreement.

