

14774-2

9/11/2008

1/11



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Ms. Glenda Haage
Product Registrations
Winfield Solutions
P.O. Box 64589
St. Paul, MN 55164-0598

SEP 11 2008

SUBJECT: Application for Pesticide Notification (PRN 98-10)
Request Warranty Statement Change
EPA Reg. No.14774-2
Application Dated July 16, 2008

Dear Registrant:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 07/16/08 for the above product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action(s) requested fall 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, please call me directly at 703-305-6249 or Owen F. Beeder of my staff at 703-308-8899.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Arrington".

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs

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United States Environmental Protection Agency Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other	OPP Identifier Number
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Application for Pesticide -Section I

1. Company/Product Number 14774-2	2. EPA Product Manager Miller	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Strike 3	PM#	
5. Name and Address of Applicant (Include ZIP Code) Winfield Solutions LLC P.O. Box 64589 St. Paul, MN 55164-0589 <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: <div style="text-align: center; font-weight: bold; font-size: 1.2em;"> NOTIFICATION SEP 11 2008 </div> EPA Reg. No.: Product Name:	

Section II

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

Explanation: Use additional page(s) if necessary. (For Section I and Section II). Notification of revised warranty statement. This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

Section III

1. Material This Product Will Be Packaged In:			
Child-Resistant Packaging <input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No <small>*Certification must be submitted.</small>	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes," Unit Package Wt. No. Per Container	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes," Package Wt. No. Per Container	2. Type of Container <input type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____
3. Location of Net Contents Information <input type="checkbox"/> Label <input checked="" type="checkbox"/> Container		4. Size(s) of Retail Container 2 1/2 gal. and bulk	5. Location of Label Directions <input type="checkbox"/> On Label <input checked="" type="checkbox"/> On Labeling accompanying product
6. Manner In Which Label Is Affixed To Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Other (_____) <input checked="" type="checkbox"/> Paper Glued <input type="checkbox"/> Stenciled			

Section IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Glenda Haage	Title Registration Manager	Telephone No. (Include Area Code) 712-548-5213
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 Registration Manager	
4. Typed Name Glenda Haage	5. Date July 16, 2008	

July 16, 2008

Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202-4501
Attn: Joanne Miller

Subject: Strike 3 (14774-2)
Notification of Revised Warranty Statement

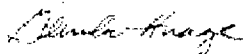
Dear Ms. Miller:

Winfield Solutions LLC is submitting notification of a revised warranty statement, which falls under PR-Notice 98-10.

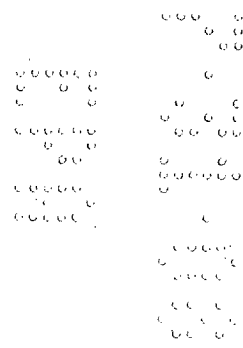
Also enclosed with the application please find two (2) copies of labeling with the new Warranty information.

Should you have any questions during your review, please contact me at ghbconsulting@frontiernet.net 712-548-5213.

Sincerely,



Glenda Haage
Registration Manager





Strike 3[®]

Selective Broadleaf Weed Control For Turfgrasses including for use on Sod Farms.
To Control Dandelion, Clover, Henbit, Plantains, Wild Onion, and Many Other Broadleaf Weeds.
Also for Highways, Rights-of-Way and Other Similar Non-Crop Areas

Contains 2, 4-D, Mecoprop-p and Dicamba

Get the Optical Advantage[®]

ACTIVE INGREDIENTS:

Dimethylamine Salt of 2, 4 Dichlorophenoxyacetic Acid*	30.56%
Dimethylamine Salt of (+)-R-2- (2-Methyl-4-Chlorophenoxy) propionic Acid** ‡	8.17%
Dimethylamine Salt of Dicamba (3, 6-Dichloro-o-anisic Acid)***	2.77%
OTHER INGREDIENTS:	58.50%
TOTAL	100.00%

Isomer Specific AOAC Method, Equivalent to:

*2, 4-Dichlorophenoxyacetic Acid	25.38%, 2.38 lbs./gal.
**(+)-R-2-(2-Methyl-4-Chlorophenoxy) propionic Acid	6.75%, 0.63 lbs./gal.
***3, 6-Dichloro-o-anisic Acid	2.30%, 0.22 lbs./gal.

‡CONTAINS THE SINGLE ISOMER FORM OF MECOPROP-p-

KEEP FROM FREEZING

FOR USE BY PROFESSIONAL TURF MAINTENANCE PERSONNEL, LANDSCAPING OR COMMERCIAL APPLICATORS ONLY. NOT FOR SALE TO OR USE BY HOMEOWNERS.

KEEP OUT OF REACH OF CHILDREN

DANGER - PELIGRO

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle.

(If you do not understand the label, find someone to explain it to you in detail.)

SEE INSIDE BOOKLET FOR ADDITIONAL PRECAUTIONARY STATEMENTS AND FIRST AID

Distributed By:
Winfield Solutions, LLC
P.O. Box 64589, St. Paul, MN 55164-0589

0/0129/8
EPA REG. NO. 14774-2
EPA EST. NO. 2284E-1
NET CONTENTS: 2.5 GALS.

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**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS
DANGER - PELIGRO**

Corrosive, causes irreversible eye damage. Do not get in eyes, or on skin or clothing. Avoid inhalation of spray mists. Harmful if swallowed or inhaled. Remove saturated clothing as soon as possible and shower. If this container is over one gallon and less than five gallons, then persons engaged in open pouring of this product must also wear coveralls or a chemical resistant apron. If this container is five gallons or more in capacity, do not open pour product from this container. A mechanical system (such as a probe and pump or spigot) must be used for transferring the contents of this container. If the contents of a non-refillable pesticide container are emptied, the probe must be rinsed before removal.

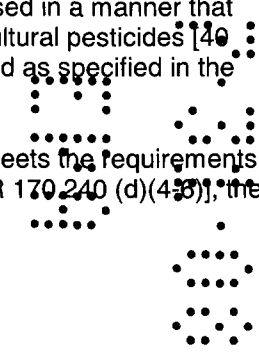
NON-WPS TURF USES: Applicators and other handlers who handle this pesticide for any use NOT covered by the Worker Protection Standard (40 CFR Part 170)--in general only agricultural plant uses are covered by the WPS--must wear face shield, goggles, or safety glasses and long pants, long-sleeved shirt, socks, shoes and rubber gloves when mixing, loading or applying this product. It is recommended that safety glasses include front, brow, and temple protection. In addition to the clothing and eye protection listed above, commercial mixer/loaders must wear chemical resistant in place of rubber gloves except when the product is to be applied to a golf course. After using this product, rinse gloves before removing, remove clothing and launder separately before reuse, and promptly and thoroughly wash hands and exposed skin with soap and water.

NON-WPS INDUSTRIAL USES: When mixing, loading or applying this product or repairing or cleaning equipment used with this product, wear face shield, goggles, or safety glasses and chemical resistant gloves, long-sleeved shirt, long pants, socks and shoes. It is recommended that safety glasses include front, brow, and temple protection. For aerial applicators in an enclosed cockpit and applicators applying this product from a tractor that has a completely enclosed cab, eye protection is not required. Wash hands, face and arms with soap and water as soon as possible after mixing, loading or applying this product. After work, remove all clothing and shower using soap and water. Do not reuse clothing worn during the previous day's mixing and loading or application of this product without cleaning first. Clothing must be kept and washed separately from other household laundry.

WPS USES: Applicators and other handlers who handle this pesticide for any use covered by the Worker Protection Standard (40 CFR Part 170)--in general, agricultural plant uses are covered--must wear: coveralls over short-sleeved shirt and short pants, waterproof gloves, chemical-resistant footwear plus socks, protective eyewear, chemical resistant headgear for overhead exposure and chemical-resistant apron when cleaning equipment, mixing or loading. Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them. Follow manufacturer's instructions for cleaning/maintaining Personal Protective Equipment (PPE). If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry. After each day of use, clothing of PPE must not be reused until it has been cleaned. If this container is over one gallon and less than five gallons, mixers and loaders who do not use a mechanical system (such as a probe and pump or spigot) to transfer contents of this container must wear coveralls or a chemical resistant apron in addition to the other required PPE.

Engineering Controls Statements: If this container is five gallons or more in capacity, do not open pour product from this container. A mechanical system (such as a probe and pump or spigot) must be used for transferring the contents of this container. If the contents of a non-refillable pesticide container are emptied, the probe must be rinsed before removal. If the mechanical system is used in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240 (d) (4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240 (d)(4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.



USER SAFETY RECOMMENDATIONS

USERS SHOULD: Wash hands, face, and arms with soap and water before eating, smoking, drinking, or using the toilet. Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

FIRST AID	
IF IN EYES:	<ul style="list-style-type: none"> • 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 SWALLOWED:	<ul style="list-style-type: none"> • Call poison control center or doctor 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 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:	<p>Remove 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.</p>

HOT LINE NUMBER

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-877-424-7452 for emergency medical treatment information.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish and aquatic invertebrates. Do not apply directly to water, to areas where surface water is present, or to intertidal areas below the mean high water mark except as noted on appropriate labels. Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas. Do not contaminate water when disposing of equipment wash waters or rinsates.

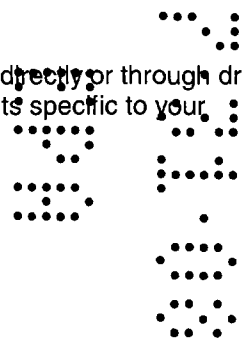
This chemical has properties and characteristics associated with chemicals detected in groundwater. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination. Application around a cistern or well may result in contamination of drinking water or groundwater.

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

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. **READ ENTIRE LABEL BEFORE USING THIS PRODUCT. USE STRICTLY IN ACCORDANCE WITH LABEL PRECAUTIONARY STATEMENTS AND DIRECTIONS.**

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



AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about Personal Protective Equipment (PPE) and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 48 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is: Coveralls over short-sleeved shirt and short pants, waterproof gloves, chemical-resistant footwear plus socks, protective eyewear and 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 (40 CFR part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries, or greenhouses. For Turf uses, do not allow people (other than applicator) or pets on treatment area during application. Do not enter treatment areas until spray has dried.

STRIKE 3 is for use on Ornamental Turf Lawns (Residential, Industrial and Institutional), Parks, Cemeteries, Athletic Fields and Golf Courses (Fairways, Aprons, Tees and Roughs) and similar turf areas. Also for use on Sod Farms. For turf use, the maximum number of broadcast applications per treatment site is 2 per year. Product should not be use in or near greenhouses.

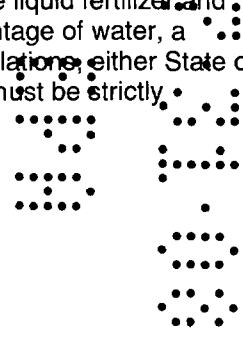
USE PRECAUTIONS

Avoid mist to vegetables, flowers, ornamentals, shrubs, trees and other desirable plants. Do not pour spray solutions near these plants. Do not spray on carpetgrass, dichondra nor on lawns or turf where desirable clovers are present. Avoid fine mists. Except as noted, use only lawn-type sprayers. Coarse sprays are less likely to "wind-drift". Use coarse spray droplets. Do not spray roots of ornamentals and trees. Do not exceed specified dosages for any area; be particularly careful within the dripline of trees and other species. Do not apply to newly seeded grasses until well established. Avoid broadcast applications when air temperature exceeds 90° F. When using small, spot treatment applications in temperature over 90 degrees, turf injury may occur.

When treating Carpetgrass, avoid broadcast applications when air temperature exceeds 80 degrees. When air temperatures exceed 80 degrees, limit application to spot treatment only.

Apply only to dormant St. Augustine (Common, Raleigh and Seville varieties grown in Texas, Louisiana, Mississippi only) and dormant Centipede grasses (Texas, Louisiana, Mississippi only). Avoid applying during excessively dry or hot periods unless irrigation is used. For optimum results: (1) turf should not be mowed for 1 to 2 days before and after application; (2) do not apply if rainfall is expected within 4 hours after the application, delay irrigation cycle for 24 hours. Reseed no sooner than three to four weeks after application of this product. Failure to observe all precautions may result in injury to turf and/or susceptible plants.

STRIKE 3 can be mixed with some liquid fertilizers or liquid iron materials. Because liquid fertilizer and liquid iron differ in pH, free ammonia content, density, salt concentration and percentage of water, a compatibility test is recommended prior to mixing in application equipment. All regulations, either State or Federal, relating to the application of liquid fertilizers or liquid iron and this product must be strictly followed.



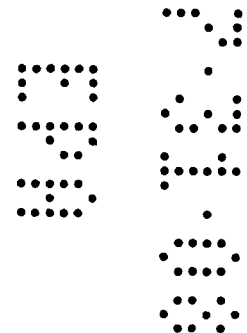
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WEEDS CONTROLLED

Bedstraw
 Black medic
 Buckhorn
 Burdock
 Chicory
 Chickweed
 Clover
 Dandelion
 Dock
 Ground ivy
 Healall

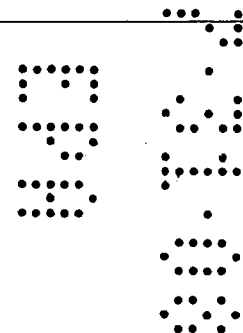
Henbit
 Knotweed
 Lambsquarter
 Lespedeza
 Mallow
 Morningglory
 Peppergrass
 Pigweed
 Plantain
 Poison ivy
 Poison oak
 and other broadleaf weeds.

Purslane
 Ragweed
 Sheep sorrel
 Shepherdspurse
 Speedwell
 Spurge
 Wild carrot
 Wild garlic
 Wild lettuce
 Wild onion
 Yarrow



ORNAMENTAL LAWNS & TURFS

Site	Application Rates				Use Directions
	Use Rate (Fl.Oz.)	Spray Volume (Gals.)	Use Rate (Pints)	Spray Volume (Gals.)	
Bahiagrass, Bluegrass, Common Bermudagrass, Fescue, Ryegrass, Zoysiagrass	1.1 to 1.5	0.5 to 5	3 to 4	5 to 220	<p><u>Normal Applications</u></p> <p>For Professional Lawn Maintenance: Higher water volumes may be used when tank-mixed with a turf fertilizer. Follow fertilizer labels for proper amounts to add.</p> <p>Use reduced rates if grass is stressed from heat or drought. Exercise care when applying during growth stages from dormancy to green-up and from green-up to dormancy. Some temporary discoloration may occur on warm season grasses</p> <p>If Bermudagrass is dormant, up to 4 pints per acre may be used. However, some hybrid Bermudagrasses may be sensitive to this product. Contact your local extension service weed control specialist.</p>
<p>Dormant St. Augustine (Common, Raleigh and Seville varieties grown in Texas, Louisiana, Mississippi only),</p> <p>Dormant Centipede grasses (Texas, Louisiana, Mississippi only)</p>	0.75 to 0.90 Maximum	1 to 5	2 to 2.5 Maximum	40 to 200	<p>Use reduced rates if grass is stressed from heat or drought. Exercise care when applying during growth stages from dormancy to green-up and from green-up to dormancy. Some temporary discoloration may occur on warm season grasses.</p>
Bentgrass (Putting and Bowling Greens)	0.67 Maximum	3.3	1.8 Maximum	145	<p>Apply on closely mowed Bentgrass, preferably in May or mid-August through September. Slight turf yellowing will disappear after about one week.</p> <p>On closely mowed golf course fairways and tees or bowling greens, apply when weeds are actively growing and temperatures are low. Exercise care to avoid over application to prevent injury. Temporary discoloration may occur.</p>
<p>NOTE: Care should be taken to avoid overdosing Bentgrass or injury may result. Large volumes of spray water (i.e., one fluid ounce in 5 gallons of water per 1500 square feet) will aid in obtaining uniform coverage. If hand-type sprayers are used, it is preferable to use a single nozzle sprayer rather than a multiple nozzle boom, as sideways application with a boom where the spray from more than one nozzle is allowed to fall on the same area will result in heavy local over-application and subsequent turf discoloration or injury.</p>					



LOW VOLUME SPRAY APPLICATION EQUIPMENT

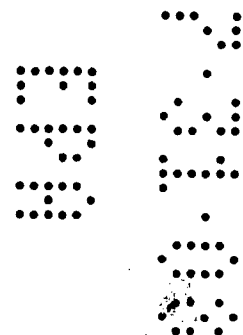
EQUIPMENT	APPLICATION	USE RATE		USE DIRECTIONS
		Fluid Ounces Per 1,000 Sq. Ft.	Pints per Acre	
Controlled Droplet Applicators (CDA), Atomizers and Spinning Disk Applicators	Cool Season grasses	1.1 to 1.5	3 to 4	Use in sufficient water to assure coverage (1 to 4 gallons of water per acre is normal for this type of equipment). Do not overlap spray patterns.
	Listed warm season grasses	0.75 to 0.9	2 to 2.5	Use in sufficient water to assure coverage (1 to 4 gallons of water per acre is normal for this type of equipment), and follow CDA spray instructions for cool season grasses. Use reduced rates if grass is stressed from heat drought, etc.
Lower Volume Equipment	Cool season and listed warm season grasses	1.1 to 1.5	3 to 4	Use as little as 5 gallons of water per acre. Use only application equipment that is capable of spreading a uniform droplet, wetting each weed surface.

NON-TURF AREAS

Roadsides (including aprons and guardrails) rights-of-way, and other similar non-crop areas: For control of broadleaf weeds, mix at a rate of 1.5 to 3.5 quarts of this product per acre in enough water to wet all parts of the foliage. This may require 50 to 300 gallons of water per acre. This mixture will cover 43,560 square feet. Thoroughly saturate all weeds with spray mixture. Apply any time between the time when plants come into full leaf (Spring) to when the plants begin to go dormant. Best results are obtained when weeds are young and actively growing. Do not cut weeds until herbicide has translocated throughout the plant causing root death. For small broadleaf weeds, use the lower rate. Heavy, dense stands require the higher rate with high water volume. For small (spot) applications with small tank sprayers, apply at the rate of 4 ounces of STRIKE 3 per gallon of water and spray to thoroughly wet all foliage.

For control of woody plants, apply to both stems and foliage any time from the time foliage is completely matured until the time plants start to go dormant. All leaves, stems and suckers must be completely wet to the ground line for effective control. Regrowth may be anticipated on the more resistant species.

Woody Brush: Add 1 to 1-1/2 gallons of STRIKE 3 per acre to wet all parts of the brush foliage, stem and bark. This may require up to 200 to 600 gallons of water per 43,560 square feet depending upon the height and thickness of the brush. Mix thoroughly before spraying.



STORAGE AND DISPOSAL

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

STORAGE: Always use original container to store pesticides in a secured warehouse or storage building. Store at temperatures above 32° F. If allowed to freeze, remix before using. This does not alter this product. Containers should be opened in well ventilated areas. Keep container tightly sealed when not in use. Do not stack cardboard cases more than two pallets high. Do not store near open containers of fertilizer, seed or other pesticides.

PESTICIDE DISPOSAL: Pesticide wastes are toxic. If container is damaged or if pesticide has leaked, contain all spillage. Absorb and clean up all spilled material with granules or sand. Place in a closed, labeled container for proper disposal. Improper disposal of excess pesticide, spray mixtures, or rinsate is a violation of Federal law and may contaminate groundwater. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

CONTAINER DISPOSAL: Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedures approved by State and local authorities. Plastic containers are also disposable by incineration, or if allowed by State and local authorities, by burning. If burned, stay out of smoke.

WARRANTY DISCLAIMER

The directions for use of this product must be followed carefully. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, (1) THE GOODS DELIVERED TO YOU ARE FURNISHED "AS IS" BY MANUFACTURER OR SELLER AND (2) MANUFACTURER AND SELLER MAKE NO WARRANTIES, GUARANTEES, OR REPRESENTATIONS OF ANY KIND TO BUYER OR USER, EITHER EXPRESS OR IMPLIED, OR BY USAGE OF TRADE, STATUTORY OR OTHERWISE, WITH REGARD TO THE PRODUCT SOLD, INCLUDING, BUT NOT LIMITED TO MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, USE, OR ELIGIBILITY OF THE PRODUCT FOR ANY PARTICULAR TRADE USAGE. UNINTENDED CONSEQUENCES, INCLUDING BUT NOT LIMITED TO INEFFECTIVENESS, MAY RESULT BECAUSE OF SUCH FACTORS AS THE PRESENCE OR ABSENCE OF OTHER MATERIALS USED IN COMBINATION WITH THE GOODS, OR THE MANNER OF USE OR APPLICATION, INCLUDING WEATHER, ALL OF WHICH ARE BEYOND THE CONTROL OF MANUFACTURER OR SELLER AND ASSUMED BY BUYER OR USER. THIS WRITING CONTAINS ALL OF THE REPRESENTATIONS AND AGREEMENTS BETWEEN BUYER, MANUFACTURER AND SELLER, AND NO PERSON OR AGENT OF MANUFACTURER OR SELLER HAS ANY AUTHORITY TO MAKE ANY REPRESENTATION OR WARRANTY OR AGREEMENT RELATING IN ANY WAY TO THESE GOODS.

LIMITATION OF LIABILITY

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, IN NO EVENT SHALL MANUFACTURER OR SELLER BE LIABLE FOR SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES, OR FOR DAMAGES IN THEIR NATURE OF PENALTIES RELATING TO THE GOODS SOLD, INCLUDING USE, APPLICATION, HANDLING, AND DISPOSAL. MANUFACTURER OR SELLER SHALL NOT BE LIABLE TO BUYER OR USER BY WAY OF INDEMNIFICATION TO BUYER OR TO CUSTOMERS OF BUYER, IF ANY, OR FOR ANY DAMAGES OR SUMS OF MONEY, CLAIMS OR DEMANDS WHATSOEVER, RESULTING FROM OR BY REASON OF, OR ARISING OUT OF THE MISUSE, OR FAILURE TO FOLLOW LABEL WARNINGS OR INSTRUCTIONS FOR USE, OF THE GOODS SOLD BY MANUFACTURER OR SELLER TO BUYER. ALL SUCH RISKS SHALL BE ASSUMED BY THE BUYER, USER, OR ITS CUSTOMERS. BUYER'S OR USER'S EXCLUSIVE REMEDY, AND MANUFACTURER'S OR SELLER'S TOTAL LIABILITY SHALL BE FOR DAMAGES NOT EXCEEDING THE COST OF THE PRODUCT.

If you do not agree with or do not accept any of directions for use, the warranty disclaimers, or limitations on liability, do not use the product, and return it unopened to the Seller, and the purchase price will be refunded.

