


42750-14

12-27-2007

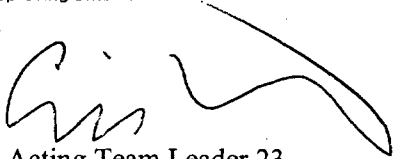
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 <p>U.S. ENVIRONMENTAL PROTECTION AGENCY Office of Pesticide Programs Registration Division (7505P) 1200 Pennsylvania Ave., N.W. Washington, D.C. 20460</p> <p>NOTICE OF PESTICIDE: <u>    </u> Registration <u>  X  </u> Reregistration</p> <p>(under FIFRA, as amended)</p>	EPA Reg. Number: 42750-14	Date of Issuance: 12-27-07
	Term of Issuance:	
Name of Pesticide Product: MCPA Amine 4		
Name and Address of Registrant (include ZIP Code): Albaugh, Inc. P.O. Box 2127 304 Janet Street, Suite H Valdosta, GA 31604		
<p><b>Note:</b> 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>		
<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><b>This product is reregistered in accordance with FIFRA section 4(g)(2)(C) provided you agree in writing to:</b></p> <ol style="list-style-type: none"> <li>To the Hazards to Humans and Domestic Animals statements add "Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals."</li> <li>To the PPE section delete "when mixing, loading, or using any handheld equipment." Add "(goggles or face shield)" after "Protective Eyewear". Add "(PPE)" directly after "Personal Protective Equipment".</li> <li>Add "exist" after "washables".</li> <li>To the Non Crop section add "Do not apply more than 2 applications per year with a minimum retreatment interval of 21 days."</li> </ol>		

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5. To the Sod Farm section change "3 ¼" to "3".
6. To the Warranty section add "To the extent consistent with applicable law" in front of "Albaugh, Inc. makes no", "Buyer's Exclusive", and "In no case".

Signature of Approving Official:



Erik Kraft Acting Team Leader 23  
Herbicide Branch, Registration Division (7505P)

Date:

12-27-57

EPA Form 8570-6

You will submit one copy of your final printed labeling 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). A stamped copy of labeling is enclosed for your records.

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EDITOR'S NOTE: Amendment for MCPA RED. Text to delete noted with ~~strikeout~~ and text to add is underlined.

MCPA AMINE 4

HERBICIDE FOR SELECTIVE CONTROL OF CERTAIN WEEDS IN WHEAT, OATS, BARLEY, RYE, FLAX, ESTABLISHED GRASSLANDS, GOLF COURSES, SOD FARMS AND NON-CROP AREAS

ACTIVE INGREDIENT:	
Dimethylamine salt of 2-methyl-4-chlorophenoxyacetic acid* .....	48.83%
OTHER INGREDIENTS: .....	51.11%
TOTAL .....	100.00%

\*This product contains 3.7 pounds 2-methyl-4-chlorophenoxyacetic acid per gallon or 39.9%. Isomer specific by AOAC Method No. 6.A-18-22 (13th Ed.).

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).

FIRST AID	
IF IN EYES	<ul style="list-style-type: none"> <li>• Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li> <li>• Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
IF SWALLOWED	<ul style="list-style-type: none"> <li>• Call a poison control center or doctor immediately for treatment advice.</li> <li>• Have person sip a glass of water if able to swallow.</li> <li>• Do not induce vomiting unless told to do so by the poison control center or doctor.</li> <li>• Do not give anything by mouth to an unconscious person.</li> </ul>
IF INHALED	<ul style="list-style-type: none"> <li>• Move person to fresh air.</li> <li>• If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth, if possible.</li> <li>• Call a poison control center or doctor for further treatment advice.</li> </ul>
IF ON SKIN OR CLOTHING	<ul style="list-style-type: none"> <li>• Take off contaminated clothing.</li> <li>• Rinse skin immediately with plenty of water for 15-20 minutes.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
HOT LINE NUMBER - You may contact CHEMTREC at 1-800-424-9300 for emergency medical treatment information. Have the product container or label with you when calling a poison control center or doctor, or going for treatment.	
NOTE TO PHYSICIAN - Probable mucosal damage may contraindicate the use of gastric lavage.	

See additional Precautionary Statements on side panel.

EPA Reg. No. 42750-14  
NET CONTENTS:

EPA Est. No. 42750-MO-1

MANUFACTURED BY:  
Albaugh, Inc.  
Ankeny, Iowa 50021

ACCEPTED  
w/ comment 5  
12-27-07  
Under the Federal Insecticide,  
Fungicide, and Rodenticide Act  
as amended, for the pesticide  
registered under EPA Reg. No.  
42750-14

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FOR CHEMICAL SPILL, LEAK, FIRE, OR EXPOSURE CALL CHEMTREC (800) 424-9300

PRECAUTIONARY STATEMENTS

DANGER

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Corrosive. Causes irreversible eye damage. Harmful if swallowed, absorbed through skin or inhaled. Do not get in eyes, on skin, or on clothing. Avoid breathing spray mist.

PERSONAL PROTECTIVE EQUIPMENT

Some materials that are chemical resistant to this product are: butyl rubber, or natural rubber, or neoprene rubber or nitrile rubber. If you want more options, follow the instructions for category A on an EPA chemical-resistance category selection chart.

Mixers, loaders, applicators, flaggers and other handlers must wear:

Long-sleeved shirt and long pants,  
Chemical resistant gloves Category A, when mixing, loading, or using any hand-held equipment.  
Shoes plus socks,  
Protective eyewear, and  
Chemical-resistant headgear for overhead exposure.

Additional PPE requirements for mixers and loaders supporting aerial application to rangelands, pasture lands, or noncropland. These mixers/loaders also must wear:

A chemical resistant apron, and  
A NIOSH-approved respirator with a dist/mist filter with MSHA/NIOSH approval number prefix TC-21C or any N<sup>2</sup>, R, P, or HE filter.

See engineering controls for additional requirements.

~~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 and maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.~~

ENGINEERING CONTROLS

Pilots must use an enclosed cockpit that meets the requirements listed in the WPS for agricultural pesticides [40 CFR 170.240(d)(6)]

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.

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### USER SAFETY RECOMMENDATIONS

Users should:

Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.

Remove clothing/PPE 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.

### ENVIRONMENTAL HAZARDS

This pesticide may be toxic to fish, aquatic invertebrates and aquatic plants. 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 or rinsate. Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas. Runoff of this product will be reduced by avoiding applications when rainfall is forecasted to occur within 48 hours.

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.

~~Drift or run-off may adversely affect nontarget plants. 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. Avoid use of small diameter spray nozzles. Do not apply when weather conditions favor drift from target area, as this product may injure cotton, beans, other vegetables, certain legumes and ornamentals.~~

~~Most cases of groundwater contamination involving phenoxy herbicides such as MCPA have been associated with mixing/loading and disposal sites. Caution should be exercised when handling MCPA pesticides at such sites to prevent contamination of groundwater supplies. Use of closed systems for mixing and 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.~~

Do not use, pour, spill or store near heat or open flame.

### DIRECTIONS FOR USE

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

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.

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### 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,  
Chemical resistant gloves made of any waterproof material Category A,  
Shoes plus socks, and  
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. Do not enter treated areas without protective clothing until sprays have dried.

### SPRAY DRIFT MANAGEMENT

Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment-and-weather related factors determine the potential for spray drift. The applicator and the grower are responsible for considering all these factors when making decisions.

Apply only as a medium or coarser spray (ASAE standard 572) or a volume mean diameter of 300 microns or greater for spinning atomizer nozzles.

Apply only when wind speed is 2-10 mph at the application site.

#### FOR AERIAL APPLICATION:

- The distance of the outer most nozzles on the boom must not exceed 75% of the wingspan or 90% rotor blade diameter.
- Release spray at the lowest height consistent with efficacy and flight safety. Do not release spray at a height greater than 10 feet above the crop canopy.

#### FOR GROUND BOOM APPLICATION:

- Do not apply with a nozzle height greater than 4 feet above the crop canopy.

SWATH ADJUSTMENT: When applications are made with a crosswind, the swath will be displaced

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downward. The applicator must compensate for this displacement at the downwind edge of application area by adjusting the path of the aircraft upwind.

TEMPERATURE INVERSIONS: Do not make applications during a temperature inversion because drift potential is high.

SENSITIVE AREAS: The pesticide should only be applied when the potential for drift to adjacent sensitive areas (e.g. residential areas, bodies of water, known habitats for threatened or endangered species, non-target crops) is minimal (e.g., when wind is blowing away from the sensitive areas).

Where states have more stringent regulations, they should be observed. The applicator should be familiar with and take into account the information covered in the Aerial Drift Reduction Advisory Information.

### STORAGE AND DISPOSAL

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

#### PESTICIDE STORAGE

Store in a dry location away from children, animals, foods, feeds, seeds, or other agricultural chemicals. Do not store below 40°F or expose to subfreezing temperatures. Handle in accordance with information given under "Precautionary Statements." In the event of spillage or leakage, soak up material with absorbent clay, sand, sawdust or other absorbent material. Scrape up and dispose of in accordance with information given under "Disposal." Repackage and relabel useable product in a sound container. In case of fire or other emergency, report at once by toll-free telephone to 800-424-9300.

#### DISPOSAL

PESTICIDE DISPOSAL: Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture or rinsate is a violation of federal law. 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

METAL CONTAINERS - 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 - 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.

### USE PRECAUTIONS

Under no circumstances should MCPA Amine Herbicide be used in the vicinity of vegetables, flowers, grapes, tomatoes, cotton, beans and other legumes, etc., or other susceptible crops as severe damage may result. Extreme care must be exercised to prevent drifting of this material. Do not apply on windy days. Coarse sprays are less likely to drift. Do not apply this product through any type of irrigation system. Do not use around the home, recreation areas or similar sites. Equipment used to apply MCPA Amine should not be used to apply other agricultural chemicals to susceptible crops. When cleaning equipment, do not pour washwater on the ground; spray or drain over a large area away from wells and other water sources.

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### AMOUNT OF SPRAY TO APPLY

Apply 5 to 15 gallons of total spray per acre when making applications with ground equipment and 3 to 5 gallons of total spray per acre when making applications by aircraft, unless directed otherwise under specific directions. Carefully read the Environmental Hazards section of the Precautionary Statements for further information on spray volume.

### CONTROLS THESE WEEDS

#### SUSCEPTIBLE (MOST AREAS):

Cocklebur  
Dragonhead mint  
Field peppergrass  
Fanweed  
Goatsbeard  
Lambsquarters (goosefoot)

Marshelder  
Mustards (annual)  
Pennycress  
Puncturevine  
Ragweed  
Shepherdspurse

Stinkweed  
Wild radish  
Yellow rocket  
or wintercress  
and many others

#### LESS SUSCEPTIBLE:

Buttercups  
Canada thistle  
Dandelions  
Hempnettle  
Kochia  
Pigweed

Plantains  
Purslane  
Russian pigweed  
Sow thistle  
Stinging nettle  
Sunflower

Vetch  
White top  
and hoary cress  
and many others

### DIRECTIONS FOR USE

#### SELECTIVE SPRAYING:

SMALL GRAINS: Wheat, Oats, Barley and Rye –

Apply as a water mix spray by ground sprayer or airplane. Use 1/2 to 1 pint per acre for the more susceptible weeds after crop has reached the 3 to 4 leaf stage up to boot stage. Use up to 3 1 2/3 pints per acre for less susceptible weeds after crop has tillered and up to early boot stage. Do not spray from boot to dough stage. For small grains underseeded with legumes, see the following paragraph.

Underseeded with Alfalfa, Lespedeza, Red and White Clover: For emergency control of serious infestations of Mustard, Yellow Rocket and other susceptible broadleaf weeds, apply 1/4 to 1/2 pint in not more than 5 to 10 gallons of water per acre. Make application after cereal is well tillered (4 to 8 inches tall) and before reaching boot stage. The nurse crop and weeds should provide a protecting canopy which, together with the use of low gallonage applied at low pressure, will reduce the risk of damage to the legumes. Do not apply to small grains underseeded with Vetch or Sweet Clover, which are very susceptible. There is also some risk to other legumes if only thinly protected by a canopy.

Do not forage or graze meat animals on treated areas within 7 days of slaughter.

Do not apply more than 1 2/3 pints (0.75 lb acid equivalent) per acre per year

#### RED CLOVER AND ALFALFA (for use in the Pacific Northwest only):

For control of Yellow Rocket and other susceptible annual weeds such as Pennycress or Fanweed, use 1 pint per acre of MCPA Amine. Only use 1/2 pint per acre on new stands after Clover has two or more



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true leaves. Old stands of Red Clover may be retarded by application of MCPA. Apply in late fall following frosts when the legumes are dormant before active growth starts. The temperature at the time of spraying should be above 40° F.

Do not apply more than 1 pint (0.50 lb acid equivalent) per acre per year.

CANNING PEAS (for use in the Pacific Northwest only):

Use MCPA Amine at 1/4 to 3/4 pint in sufficient water to cover 1 acre. Apply to peas after the 3 node stage and before the first pea flowering. Do not apply during bloom period of crop. To control Canada Thistle, use 1/2 to 3/4 pint of MCPA Amine per acre. Peas may be injured somewhat at the higher rate of application, but if thistle growth is heavy, control will more than compensate for injury to peas.

Do not apply more than 3/4 pint (0.375 lb acid equivalent) per acre per year.

FLAX:

Use 1/4 to 1/2 pint. Apply by ground sprayer or by airplane. Use sufficient water to give uniform and adequate coverage. Apply only when weeds are up and when flax is 4 to 8 inches high and before it comes into bud. Treatment after early bud stage may result in severe damage. If Canada Thistle is present, it may be necessary to go as high as 3/4 1/2 pint per acre to prevent seed head production. Some injury to the flax may result.

Do not forage or graze meat animals on treated areas within 7 days of slaughter.

Do not apply more than 1/2 pints (0.25 lb acid equivalent) per acre per year

ESTABLISHED GRASSLAND AND PASTURES:

Use 1 to 3 pints per acre in sufficient water (10 to 100 gallons) in airplane or ground sprayer application and give thorough coverage. Use higher rate for White Top, Canada Thistle and other less easy-to-kill weeds; spray perennials in early bud to full bloom stage and also regrowth in fall. Spray other weeds in spring or fall.

Do not forage or graze meat animals on treated areas within 7 days of slaughter.  
Do not forage or graze dairy animals on treated areas within 7 days after treatment.

Do not apply more than 3 pints (1.5 lb acid equivalent) per acre per year

Do not apply more than 2 applications per year with a minimum retreatment interval of 21 days.

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GRASSES GROWN FOR SEED:

Use 1 to 2 pints per acre in sufficient water to give adequate coverage. Use higher rate where weed stands are heavy. In established grasses, apply in spring before head comes into boot and on seedling grass after grass has tillered.

NOTE: In weed control in grasses, repeat treatment may be needed for less susceptible weeds. White Clover and other legumes may be temporarily injured or killed. In some areas, Bent, Buffalo, Carpet and St. Augustine grasses may also be injured by the treatment.

Do not apply more than 3 pints (1.5 lb acid equivalent) per acre per year

Do not apply more than 2 applications per year with a minimum retreatment interval of 21 days.

RANGELAND:

For control of Whitebrush - Use ~~1 1/4 quarts~~ 2 1/2 pints in a mixture of 1 gallon of diesel oil and sufficient water to make 8 gallons of solution per acre. Apply in spring or fall under good moisture conditions, full leaf, before blossoms begin to fall.

Do not apply more than 3 pints (1.5 lb acid equivalent) per acre per year

Do not apply more than 2 applications per year with a minimum retreatment interval of 21 days.

NON-CROP SPRAYING - (In non-crop areas such as Roadsides, Fence Rows, Rights-of-Way and similar places to control Canada Thistle, White Top And Meadow Buttercup)

For spot treatment, use 1/4 pint in 3 to 4 gallons of water. ~~or 3/4 gallon per acre in sufficient water to give coverage for most extensive areas.~~ Spray to wet weeds thoroughly when in bud to early bloom and again on fall regrowth.

Do not apply more than 6 pints (3.0 lb acid equivalent) per acre per year.

For broadcast treatment apply 2 to 3 pints per acre in sufficient water to give coverage for most extensive areas. Spray to wet weeds thoroughly when in bud to early bloom and again on fall regrowth.

Do not apply more than 3 pints (1.5 lb acid equivalent) per acre per year.

Do not forage or graze livestock or dairy animals on treated areas within 7 days of treatment.

Local conditions may affect the use of this chemical. Consult State Agricultural Extension or Experiment Station Weed Specialists for specific recommendations for local weed problems and for information on possible lower dosages.

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GOLF COURSES:

For controlling whitetop, dandelions and similar weeds, apply 1 to 2 pints per acre in sufficient water to provide thorough coverage. Treatment may reduce stands of clover which may be present. Do not apply to newly seeded turf until grass has become well established. MCPA may injure bent or other creeping grass types. For best result treat thistles when in the early bud stage.

Do not apply more than 3 pints (1.5 lb acid equivalent) per acre per year.

Do not apply more than 2 applications per year with a minimum retreatment interval of 21 days.

SOD FARMS:

For broadcast application, apply 1 to 3 pints per acre in a spray volume of 10 to 100 gallons of water. Use the higher rate for heavy infestations or less susceptible weed species. For best results, apply in spring or fall when weeds are rapidly growing and do not mow for 2 days before or after application. For spot treatment in small areas, use 1 fluid ounce per 1000 square feet in 1 to 3 gallons of spray and apply uniformly.

NOTE: Repeat applications may be required for less susceptible weeds. In some areas, bent, buffalo, carpet and St. Augustine grasses may also be injured.

Do not apply more than 3 1/4 pints (1.5 lb acid equivalent) per acre per year.

Do not apply more than 2 applications per year with a minimum retreatment interval of 21 days.

Before buying or using this product, read "Conditions of Sale and Warranty" below on this label. If terms are not acceptable, return unopened package at once to seller for full refund of purchase price paid. Otherwise, use by the buyer or any other user constitutes acceptance of the terms under the Conditions of Sale and Warranty.

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 should be followed carefully. However, it is impossible to eliminate all risks inherently associated with use of this product. Crop injury, ineffectiveness, or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or the manner of use or application, all of which are beyond the control of ALBAUGH, INC. or the Seller. All such risks shall be assumed by the Buyer.

ALBAUGH, INC. 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. ALBAUGH, INC. MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS FOR ANY PARTICULAR PURPOSE OR OF MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY. THIS WARRANTY DOES NOT EXTEND TO, AND THE BUYER SHALL BE SOLELY RESPONSIBLE FOR, ANY AND ALL LOSS OR DAMAGE WHICH RESULTS FROM THE USE OF THIS PRODUCT IN ANY MANNER WHICH IS INCONSISTENT WITH THE LABEL DIRECTIONS, WARNINGS OR CAUTIONS.

BUYER'S EXCLUSIVE REMEDY AND MANUFACTURER'S OR SELLER'S EXCLUSIVE LIABILITY FOR ANY AND ALL CLAIMS, LOSSES, DAMAGES, OR INJURIES RESULTING FROM THE USE OF HANDLING OF THIS PRODUCT, WHETHER OR NOT BASED IN CONTRACT, NEGLIGENCE, STRICT LIABILITY IN TORT OR OTHERWISE, SHALL BE LIMITED, AT THE MANUFACTURER'S OPTION, TO REPLACEMENT OF OR THE

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REPAYMENT OF THE PURCHASE PRICE FOR THE QUANTITY OF PRODUCT WITH RESPECT TO WHICH DAMAGES ARE CLAIMED. When Buyer suffers losses or damages resulting from the use or handling of this product (including claims based on contract, negligence, strict liability, or other legal theories), Buyer must promptly notify Seller in writing of any claims to be eligible to receive either remedy stated above. IN NO CASE SHALL ALBAUGH, INC. OR THE SELLER BE LIABLE FOR CONSEQUENTIAL, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT. ALBAUGH, INC. and the Seller offer this product, and the Buyer accepts 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 ALBAUGH, INC. No employee or agent of ALBAUGH, INC. or the Seller is authorized to vary or exceed the terms of this Warranty in any other manner.