

42750-23

2/7/2008

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

February 7, 2008

NOTIFICATION

Morris Gaskins
Registration Manager
Albaugh Inc.
P.O. Box 2127
Valdosta, GA 31604-2127

Subject: Label Notification(s) for Pesticide Registration Notice 2007-4

Dear Mr. Gaskins:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated January 23, 2008 for:

EPA Registration 42750-23

MCPA Ester 4

The Registration Division (RD) has conducted a review of this request for applicability under PRN 2007-4 and finds that the label change(s) requested falls within the scope of PRN-2007-4.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identify the batch of the pesticide distributed and sold be placed on nonrefillable containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions, please contact me directly at 703-305-6249 or Nicole Williams of my staff at 703-308-5551.

Sincerely,

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

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

CORPORATE OFFICE

1525 NE 36th Street
Ankeny, IA 50021
515.964.9444 - Office
800.247.8013 - Toll Free
515.964.7813 - Facsimile

ALBAUGH, INC.**Valdosta Office**

P.O. Box 2127
304 Janet Street, Suite H
Valdosta, GA 31604
229.244.3288 - Office
229.244.5841 - Facsimile

FED-X

January 23, 2008

Document Processing Disk (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

RE: Label notification for "Pesticide Management and Disposal; Standards for Pesticide Containers and Containment"

Dear Sirs,

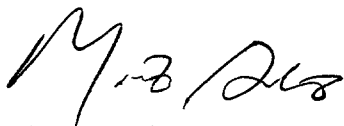
The enclosed submissions are draft labels submitted in response to Pesticide Regulation Notice 2007-4 for the following Albaugh registrations:

PRODUCT	EPA REG. NO.
MCPA Ester 4	42750-23

Changes are noted in strikeout for deleted text and underline/bold for added text.

Please call if you have any questions.

Regards,



Morris Gaskins
Registrations Manager
Albaugh, Inc.

Agri Star
By Albaugh, Inc.

PREMIER SUPPLIER OF OFF-PATENT CROP PROTECTION PRODUCTS

www.albaughinc.com

Please read instructions on reverse before completing form.

Form Approved. OMB No. 2070-0060. Approval expires 2-28-95



United States
Environmental Protection Agency
Washington, DC 20460

☐ Registration
☐ Amendment
☒ Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 42750-23	2. EPA Product Manager E. Kraft	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) MCPA Ester 4	PM# 23	
5. Name and Address of Applicant (Include ZIP Code) Albaugh Inc. P.O. Box 2127 Valdosta, GA 31604-2127 <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. _____ Product Name _____	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input checked="" 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 label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for 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 the amended label is not consistent with the requirements of 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156, 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:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Metal	<input checked="" type="checkbox"/> Plastic
				<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
* Certification must be submitted				Other (Specify) _____	
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 2.5, 30, 250 bulk		5. Location of Label Directions <input type="checkbox"/>	
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph Paper glued 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 Morris Gaskins		Title Registrations Manager		Telephone No. (Include Area Code) 229-244-3288	
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 Registrations Manager			
4. Typed Name Morris Gaskins		5. Date January 23, 2008			

ALBAUGH MCPA ESTER 4

HERBICIDE FOR SELECTIVE CONTROL OF CERTAIN WEEDS
IN WHEAT, OATS, BARLEY, RYE, GRASSLAND AND IN NON-CROP AREAS

ACTIVE INGREDIENT:

2-ethylhexyl ester of 2-methyl-4-chlorophenoxyacetic acid* 69.7%

OTHER INGREDIENTS†: 30.3%

TOTAL.....100.0%

*Equivalent to 44.7% of 2-methyl-4-chlorophenoxyacetic acid isomer specific of not less than 3.7 pounds of 2-methyl-4-chlorophenoxyacetic acid isomer specific per gallon at 68°F. Isomer specific by AOAC Method.

†Contains petroleum distillates.

KEEP OUT OF REACH OF CHILDREN

CAUTION

FIRST AID	
IF SWALLOWED:	<ul style="list-style-type: none">• Immediately call a poison control center or doctor.• Do not induce vomiting unless told to do so by a poison control center or doctor.• Do not give any liquid to the person.• Do not give anything by mouth to an unconscious person.
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 by mouth-to-mouth, if possible.• Call a poison control center or doctor for further treatment advice.
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.
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 1-800-424-9300 for emergency medical treatment information.	
NOTE TO PHYSICIAN	
Contains petroleum distillate - vomiting may cause aspiration pneumonia.	

See inside booklet for additional Precautionary Statements.

EPA Reg. No. 42750-23

EPA Est. No. 42750-MO-001

NET CONTENTS: 2.5 gallon

MANUFACTURED BY:
Albaugh, Inc.
Ankeny, Iowa 50021

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

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Harmful if swallowed, inhaled or absorbed through skin. Avoid contact with skin, eyes or clothing. Avoid breathing vapor or spray mist. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing 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 E 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 such as barrier laminate, nitrile rubber, neoprene rubber or viton.
- Shoes plus socks, and

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 particulate filtering respirator equipped with any N, R, or P class filter media with NIOSH approval prefix TC-84A. It is recommended that the respirator wearer be fit tested, and trained in the use, maintenance, and limitations of the respirator.

See engineering controls for additional requirements.

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, 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.

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

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.

PHYSICAL AND CHEMICAL HAZARDS

Do not use 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.

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.

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
- Shoes plus socks

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.

Do not enter or allow others to enter the treated area until sprays have dried.

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 and other agricultural chemicals. Keep container closed when not using. Do not allow water into container as this may cause deterioration of product. Handle in accordance with information given under "Precautionary Statements." Keep storage area locked when not in use.

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 "Pesticide Disposal." Repackage and relabel usable product in a sound container. In case of fire or other emergency, report at once by toll-free telephone to 800-424-9300.

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

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.

Non-refillable containers (1, 2.5, 30 & 55 gallon): Do not reuse or refill this container. Offer for recycling, if available. Triple rinse or pressure rinse container (or equivalent) promptly after emptying.

(non-refillable <5 gallons): Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times.

(non-refillable >5 gallons): Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times.

Pressure rinse as follows: Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank or collect rinsate for later use for disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 PSI for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

Refillable container (250 gallon & bulk): Refill this container with pesticide only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller.

To clean the container before final disposal, empty the remaining contents from the container into application equipment or mix tank. Fill the container about 10 percent full with water. Agitate vigorously or recirculate water with the pump for 2 minutes. Pour or pump rinsate

into application equipment or rinsate collection system. Repeat this rinsing process two more times.

GENERAL INFORMATION

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. Follow directions carefully. Timing and method of application, weather and crop conditions, mixtures with other chemicals not specifically directed and other influencing factors in the use of this product are beyond the control of the seller. To the extent consistent with applicable law buyer assumes all risks of use, storage or handling of this material not in strict accordance with directions given herewith. Do not apply this product through any type of irrigation system.

CONTROLS THESE AND OTHER WEEDS

SUSCEPTIBLE (MOST AREAS):

Annual sowthistle
Beggarticks
Cocklebur
Dragonhead mint
Field peppergrass
Goatsbeard
Hempnettle

Lambsquarters
(goosefoot)
Marshelder
Mustards (annual)
Poison hemlock
Puncturevine
Ragweed

Shepherdspurse
Stinkweed
(pennycress,
fanweed)
Wild radish
Yellow rocket
or wintercress

LESS SUSCEPTIBLE:

Buttercups
Canada thistle
Chervil
Dandelions
Kochia
Miner's lettuce

Perennial sow
Plantains
Purslane
Russian pigweed
Stinging nettle

Sunflower
Vetch
White top or
hoary cress

PREPARATION OF THE SPRAY

Fill the spray tank with half the required amount of water, then add the recommended amount of MCPA Ester 4 and continue filling the spray tank with the balance of water. Keep agitator running when filling spray tank and during spray operations. For crop uses, do not mix with oil, surfactant or other adjuvants as this may reduce selectivity to crops resulting in crop damage or kill. When cleaning equipment, do not pour washwater on the ground; spray or drain over a large area away from wells and other water sources.

Do not apply MCPA Ester 4 by aerial application in the vicinity of sugar beets. Do not apply MCPA Ester 4 around houses, recreation sites, or similar areas.

AMOUNT OF SPRAY TO APPLY

Apply 5 to 15 gallons of total spray per acre when making applications with ground equipment and 2 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.

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 downwind. 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.

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 $1\frac{2}{3}$ pints per acre for the less susceptible weeds after crop has tillered and up to early boot stage.

Do not spray from boot to dough stage.

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 1 $\frac{2}{3}$ pints (0.75 lb acid equivalent) per acre per year

FLAX:

Use 1/4 to 1/2 pint per acre. Apply by ground sprayer or by airplane. 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 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 forage or graze dairy animals on treated areas within 7 days after treatment.
Do not apply more than 1/2 pints (0.25 lb acid equivalent) per acre per year

GRASSES

ESTABLISHED PASTURE/RANGELAND:

Use 1 to 3 pints per acre. Apply by ground sprayer in not less than 5 gallons or by airplane in not less than two gallons total spray volume. Use higher rate for White Top, Canada thistle and other less susceptible weeds. Spray perennials in early bud to full bloom stage and regrowth in fall; other weeds in spring or fall, when actively growing.

- 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 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.

GRASSES GROWN FOR SEED: (aerial and surface applications):

Use 1 to 2 pints per acre, the 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: For weed control in grasses, repeated treatment may be needed for less susceptible weeds. In some areas bent, buffalo, carpet and St. Augustine grasses may also be injured by treatment.

- 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.

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. Spray to wet weeds thoroughly when in bud to early bloom and again on fall regrowth.

- Do not apply more than 6 1/2 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 2 applications per year with a minimum retreatment interval of 21 days.
- Do not apply more than 3 1/4 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.

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 3-1/2 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.

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., its Supplemental Distributors, or the Seller. To the extent consistent with applicable law, all such risks shall be assumed by the Buyer.

ALBAUGH, INC., its Supplemental Distributors and the Seller warrant 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, NEITHER ALBAUGH, INC. NOR ITS SUPPLEMENTAL DISTRIBUTORS MAKE ANY 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.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BUYER'S EXCLUSIVE REMEDY AND THE EXCLUSIVE LIABILITY OF ALBAUGH, INC., ITS SUPPLEMENTAL DISTRIBUTORS AND THE SELLER FOR ANY AND ALL CLAIMS, LOSSES, DAMAGES, OR INJURIES RESULTING FROM THE USE OR 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 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.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, IN NO CASE SHALL ALBAUGH, INC., ITS SUPPLEMENTAL DISTRIBUTORS, OR THE SELLER BE LIABLE FOR CONSEQUENTIAL, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT. ALBAUGH, INC., its Supplemental Distributors, 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., its Supplemental Distributor, or the Seller is authorized to vary or exceed the terms of this Warranty in any other manner.