



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 42750-115	2. EPA Product Manager D. Kenny	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Imidacloprid 2FL T&O	PM# 1	
5. Name and Address of Applicant (Include ZIP Code) Albaugh, Inc. P.O. Box 2127 Valdosta, GA 31604 <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 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 type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.

NOTIFICATION

JUL 17 2006

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

Notification to add Emerald Ash Borer as a pest.
This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no further 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 section 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 <input type="checkbox"/> Other (Specify) _____	
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	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 4X1 gl		5. Location of Label Directions <input checked="" type="checkbox"/> Attached to container	
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph <input checked="" 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 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 6/27/06	

CORPORATE OFFICE
1525 NE 36th Street
Ankeny, IA 50021
515.964.9444 (Phone)
800.247.8013 (Toll Free)
515.964.7813 (FAX)

ALBAUGH, INC.

20f14
ALBAUGH, INC. — VALDOSTA
304 Janet Street, Suite H
Valdosta, Georgia 31602
229.244.3288 (Direct Dial)
229.244.5841 (FAX)

FEDERAL EXPRESS

June 27, 2006

Document Processing Desk (NOTIFY)
Ms. Sherada Hobgood
Registration Division
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
2777 South Crystal Dr.
Arlington, VA 22202

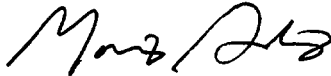
RE: Imidacloprid 2FL T&O
EPA Reg. No. 42750-115

Dear Ms. Hobgood,

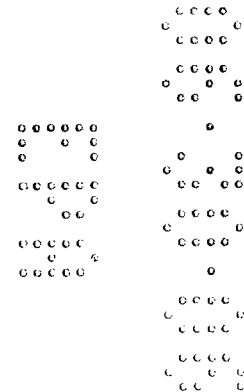
The enclosed submission for the above referenced registration is a PR 98-10 notification to add the pest Emerald Ash Borer.

Please call if you have any questions.

Regards,



Morris Gaskins
Registrations Manager
Albaugh, Inc.
229-244-3288



Agri Star™
By Albaugh, Inc.

PREMIER SUPPLIER OF OFF-PATENT CROP PROTECTION PRODUCTS
www.albaughinc.com

JUL 17 2006

IMIDACLOPRID 2FL T&O

Insecticide For Foliar and systemic insect control in turfgrass (including sod farms), landscape ornamentals, fruit and nut trees and interior plantscapes.

ACTIVE INGREDIENT:

Imidacloprid, 1-[(6-Chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine 21.4%

OTHER INGREDIENTS: 78.6%

TOTAL: 100.0%

Contains 2 pounds of imidacloprid per gallon.

SHAKE WELL BEFORE USING

KEEP OUT OF REACH OF CHILDREN.

CAUTION

PRECAUCION AL USUARIO: Si usted no puede leer o entender ingles, no use este producto hasta que la etiqueta le haya sido explicada ampliamente.

(TO THE USER: If you cannot read or understand English, do not use this product until the label has been fully explained to you.)

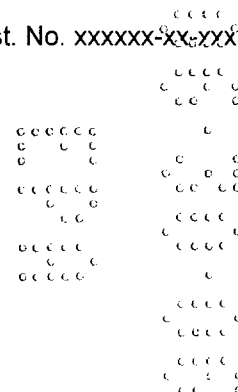
FIRST AID	
IF SWALLOWED	<ul style="list-style-type: none"> • Call a poison control center or doctor immediately for treatment advice. • Have person sip a glass of water if able to swallow. • Do not induce vomiting unless told to do so by a poison control center or doctor. • Do not give anything by mouth to an unconscious person.
IF ON SKIN OR CLOTHING	<ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15 to 20 minutes. • Call a poison control center or doctor for treatment advice.
IF IN EYES	<ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water for 15 to 20 minute. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. • Call a poison control center or doctor for treatment advice.
In case of emergency call CHEMTREC toll free at 1-800-424-9300. Have a product container or label with you when calling a poison control center or, doctor, or going for treatment.	
Note to Physician: No specific antidote is available. Treat the patient symptomatically.	

EPA Reg. No. 42750-115

EPA Est. No. xxxxxx-xx-xxx

NET CONTENTS: _____Ounces

Manufactured For:
ALBAUGH, INC.
ANKENY, IA 50021



PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION: Harmful if swallowed or absorbed through skin. Avoid contact with skin, eyes, or clothing. Wash thoroughly with soap and water after handling. Keep children or pets off treated area until spray is dry.

Applicators and Other Handlers Must Wear:

1. Long-sleeved shirt and long pants
2. Chemical resistant gloves made of any waterproof material such as barrier laminate, butyl rubber, nitrile rubber, neoprene rubber, natural rubber, polyethylene, polyvinyl chloride (PVC) or viton. If you want more options, follow the instructions for category A on an EPA chemical-resistant category chart.
3. Shoes plus socks

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.

ENGINEERING CONTROLS STATEMENTS:

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

User should:

1. Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
2. Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
3. 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 product is highly toxic to aquatic invertebrates. 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.

This product is highly toxic to bees exposed to direct treatment or residues on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds if bees are visiting the treatment area.

This chemical demonstrates the 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.

Do not formulate this product into other end-use products.

STORAGE AND DISPOSAL

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

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: Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

PESTICIDE STORAGE: Store in a cool, dry place and in such a manner as to prevent cross contamination with other pesticides, fertilizers, food, and feed. Store in original container and out of the reach of children, preferably in a locked storage area.

Handle and open container in a manner as to prevent spillage. If the container is leaking or material spilled for any reason or cause, care-fully sweep material into a pile. Refer to Precautionary Statements on label for hazards associated with the handling of this material. Do not walk through spilled material. Dispose of pesticide as directed below. In spill or leak incidents, keep unauthorized people away. You may contact Chemtrec at 800-424-9300 for decontamination procedures or any other assistance that may be necessary.

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.

Exception: If the product is applied by drenching, the Worker Protection Standard, under certain circumstances, allows workers to enter the treated area if there will be no contact with anything that has been treated.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water is:

1. Coveralls
2. Chemical resistant gloves made of any waterproof material such as barrier laminate, butyl rubber, nitrile rubber, neoprene rubber, natural rubber, polyethylene, polyvinyl chloride (PVC) or viton.
3. Shoes plus socks

NON-AGRICULTURAL USE REQUIREMENTS

The requirements in this box apply to uses of this product that are NOT with-in 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.

Keep children and pets off treated area until dry.

APPLICATION TO TURFGRASS

IMIDACLOPRID 2L T&O will control the following soil inhabiting pests found in turfgrass

PEST	SCIENTIFIC NAME
Northern & Southern masked chafers	<i>Cyclocephala borealis</i> , <i>C. immaculata</i> , and/or <i>C. lurida</i>
Asiatic garden beetle	<i>Maladera castanea</i>
European chafer	<i>Rhizotroqus majalis</i>
Green June beetle	<i>Cotinis nitida</i>
May or June beetle	<i>Phyllophaga spp.</i>
Japanese beetle	<i>Popillia japonica</i>
Oriental beetle	<i>Anomala orientalis</i>
Billbugs	<i>Sphenophorus spp.</i>
Annual bluegrass weevil	<i>Hyperodes spp.</i>
Black turfgrass ataenius	<i>Ataenius spretulus</i> and <i>Aphodius spp</i>
European Crane Fly	<i>Tipula paludosa</i>
Mole crickets	<i>scapteriscus spp.</i>

IMIDACLOPRID 2L T&O will suppress cutworms and chinch bugs.

IMIDACLOPRID 2L T&O can be applied on turfgrass in the following sites:

Home lawns	Cemeteries
Business and office complexes	Parks
Shopping complexes	Playgrounds
Multi-family residential complexes	Athletic fields
Golf courses	Sod farms.
Airports	

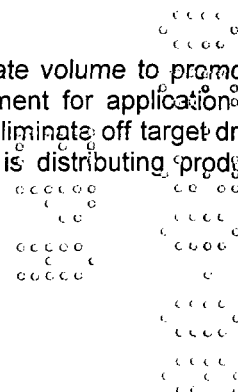
IMIDACLOPRID 2L T&O has adequate residual activity that applications can be made preceding the egg laying activity of the target pests. Best control is achieved when applications are made prior to egg hatch of the pests. Sufficient irrigation or rainfall is required to move the active ingredient through the thatch.

Avoid application when infested turfgrass areas are waterlogged or soil beneath turf is saturated with water. These conditions prevent thorough and consistent distribution. Best results are achieved when rainfall or irrigation after application will penetrate vertically in the soil column carrying the active ingredient into the zone where insects are normally located.

Do not exceed a total of 1.6 pints application (0.4 lb of active ingredient) per acre per year.

APPLICATION EQUIPMENT FOR USE ON TURFGRASS

IMIDACLOPRID 2L T&O should be diluted with enough water to provide adequate volume to promote thorough distribution into the pest zone. Use only accurately calibrated equipment for application to turfgrass. Apply a uniform, coarse droplet spray, using a low pressure setting to eliminate off target drift. Calibration should be performed on a regular basis to ensure that equipment is distributing product properly.



APPLICATION TO ORNAMENTALS

IMIDACLOPRID 2L T&O can be applied to ornamental plants in commercial and residential landscapes and interior plantscapes. IMIDACLOPRID 2L T&O is a systemic insecticide that is transported within the plant system from the roots to upper foliage. IMIDACLOPRID 2L T&O must be applied into a growing area of the plant that allows absorption of the active ingredient. Adding soluble nitrogen type fertilizers to the spray solution when appropriate can promote the uptake of the active ingredient.

Application can be made by foliar application or soil applications; including soil injection, drenches, and broadcast sprays. Foliar applications offer locally systemic activity against insect pests.

The systemic translocation of active ingredient will be slower when applied to woody plants with soil applications. This delay can take 60 days or longer depending on species and size of plant. To offset this, make applications before anticipated pest infestation.

For outdoor ornamentals, broadcast applications cannot exceed a total of 1.6 pints (0.4 lb of active ingredient) per acre per year.

ANT MANAGEMENT PROGRAMS

Use IMIDACLOPRID 2L T&O to control aphids, scale insects, mealybugs and other sucking pests on ornamentals with ant populations because it removes honeydew as a food source. To enhance control of ants, supplement with residual sprays, bait placements or other ant control tactics.

NOTE: Not for use in commercial greenhouses, nurseries, or on grasses grown for seed, or on commercial fruit and nut trees.

APPLICATION EQUIPMENT FOR FOLIAR APPLICATIONS

IMIDACLOPRID 2L T&O mixes readily with water and may be used in many types of application equipment. Add a commercial spreader/sticker to promote coverage on hard to wet foliage such as holly, pine, or ivy.

IMIDACLOPRID 2L T&O is compatible with many commonly used fungicides, miticides, liquid fertilizers, and other insecticides. If applicator has no prior experience with a particular tank mix, physical compatibility should be checked by making a small clear jar test using correct proportions of products to be tank mixed.

Do not apply through any irrigation system

RESTRICTIONS

- Do not graze treated areas or use clippings from treated areas for feed or forage.
- Avoid runoff or puddling of irrigation water following application.
- Keep children and pets off treated area until dry.
- Avoid application of IMIDACLOPRID 2L T&O to areas which are water logged or saturated, which will not allow penetration into the root zone of the plant.
- Do not apply more than 1.6 pt (0.4 lb of active ingredient) per acre per year.
- Treated areas may be replanted with any crop specified on an imidacloprid label, or with any crop for which a tolerance exists for the active ingredient.
- For crops not listed on an imidacloprid label, or for crops for which no tolerances for the active ingredient have been established, a 12-month plant-back interval should be observed.

Use Site: TURF GRASSES

To control Larvae of:

European Crane Fly
Annual bluegrass weevil
Green June beetle
Asiatic garden beetle
Japanese beetle
Billbug
Northern masked chafer

Black turfgrass ataenius
Oriental beetle
Cutworms (suppression)
Phyllophaga spp.
European chafer
Southern masked chafer

Apply 1.25 to 1.6 pints per acre (equivalent to 0.46 to 0.6 fl oz per 1000 sq ft). Make application prior to egg hatch of grubs, billbugs, annual bluegrass weevil, and European Crane Fry to maximize control.

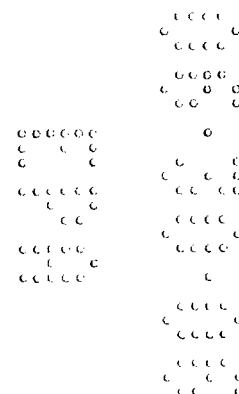
For chinch bugs (suppression) and mole crickets apply 1.6 pints per acre (equivalent to 0.6 fl oz per 1000 sq ft). For suppression of chinchbugs, make application before the hatching of the first instar nymphs.

For control of mole crickets make application before or during the peak egg hatch period. If adults or large nymphs are actively tunneling, IMIDACLOPRID 2L T&O application should be combined with a curative insecticide. Follow label instructions for other insecticides when tank-mixing.

Consult your local turf, state Agricultural Experiment Station, or State Extension Service Specialists for more specific Information regarding timing of application.

Notes and Restrictions for Turf Grass:

- Irrigation or rainfall should occur within 24 hours after application to move the active ingredient through the thatch.
- Do not apply more than 1.6 pt (0.4 lb of active ingredient) per acre per year.
- Avoid mowing turf or lawn area, until after adequate irrigation or rainfall has occurred.



90A14

Use Site: TREES, SHRUBS, EVERGREENS, FLOWERS, FOLIAGE PLANTS, GROWDCOVERS AND INTERIOR PLANTSCAPES

(Only in and around Industrial and Commercial Buildings and Residential Areas)

To control:

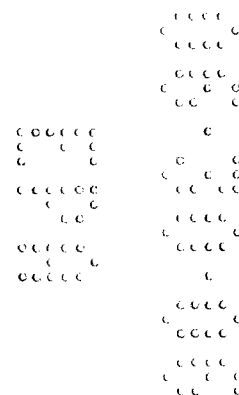
Adelgids	Leafhoppers
Aphids	(Including glassy-winged sharpshooter)
Japanese beetles	Mealybugs
Lace bugs	Psyllids
Leaf beetles	Sawfly larvae
(Including elm and viburnum leaf beetles)	Thrips (suppression)
	Whiteflies

Apply 1.5 fluid ounces (45mL) per 100 gal of water. Make foliar applications before high pest populations become established. Reapply on an as needed basis.

To control White grub larvae, (such as Japanese beetle larvae, Chafers, Phyllophaga spp. Asiatic garden beetle, Oriental beetle) apply 0.46 to 0.6 fluid ounces (14 to 17 mL) per 1000 sq ft.

Make broadcast applications by mixing specified rate in enough water to uniformly cover the treated area. Do not use less than 2 gallons of water per 1000 sq ft. If necessary, irrigate thoroughly to incorporate IMIDACLOPRID 2L T&O into the upper soil profile.

Refer to use directions specific for FLOWERS and GROUND COVERS concerning additional use directions.



Use Site: TREES, SHRUBS, FLOWERS AND GROWDCOVERS

(Only in and around industrial and commercial buildings and residential areas, and state, national, and private wooded and forested areas)

To control:

Adelgids	Leafhoppers
Aphids	(including glassywinged sharpshooter)
Armored scales (suppression)	Leafminers
Black vine weevil larvae	Mealybugs
Emerald Ash Borer	Pine tip moth larvae
Eucalyptus longhorned borer	Psyllids
Flatheaded borers	Royal Palm Bugs
(including bronze birch and alder borer)	Sawfly larvae
Japanese beetles	Soft scales
Lace bugs	Thrips (suppression)
Leaf beetles	White grub larvae
(including elm and viburnum leaf beetles)	Whiteflies

For TREES, apply 0.1 to 0.2 fl oz (3 to 6 mL) per inch of trunk diameter (D.B.H.).

Application Technique:

Soil Injection

GRID SYSTEM: Make applications in a grid pattern on 2.5 foot centers within the drip line of the tree.

CIRCLE SYSTEM: Make applications in holes evenly spaced approximately 2 – 3 feet apart in a circle within the drip line of the tree. Larger trees may require additional application circles.

BASAL SYSTEM: Make applications into holes evenly spaced around the base of the tree trunk no more than 6 to 12 Inches out from the base.

Soil Drench

Apply in no less than 10 gallons of water per 1000 square feet as a drench around the base of the tree, directed to the root zone. Any plastic or other barrier that may prevent drench solution from reaching the root zone must be removed.

Notes and Restrictions for Trees:

- Use sufficient water to be able to inject an equal amount of solution in each hole.
- Use low pressure and sufficient solution for thorough distribution into the treatment zone.
- Maintain soil moisture for 7 to 10 days.
- Do not use less than 4 holes per tree.
- No Soil Injection Applications Allowed In Nassau or Suffolk Counties of New York.
- Application to trees already heavily infested with borers listed may not prevent the eventual loss of the trees.

For SHRUBS apply 0.1 to 0.2 fl oz (3 to 6 mL) per foot of shrub height.

Application Techniques:

Soil Injection:

Apply to individual plants using dosage indicated.

Soil Drench:

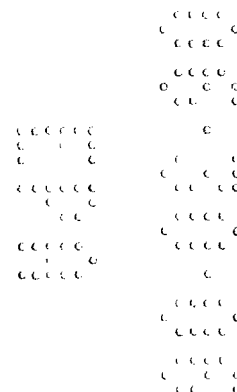
Uniformly apply the dosage in no less than 10 gallons of water per 1000 square feet as a drench around the base of the tree, directed to the root zone. Remove plastic or any other barrier that will stop solution from reaching the root zone.

Notes and Restrictions for Shrubs:

- Mix required dosage in sufficient water to inject an equal amount of solution in each hole.
- Maintain a low pressure and use sufficient solution for distribution of the liquid into the treatment zone. Maintain soil moisture for 7 to 10 days.
- Do not use less than 4 holes per shrub.
- No Soil Injection Applications Allowed In Nassau or Suffolk Counties of New York.

For FLOWERS and GROWDCOVERS apply 0.46 to 0.6 fluid ounces (14 to 17 mL) per 1000 sq ft.

Apply as a broadcast treatment and incorporate into the soil before piling or apply after plants are established. If application is made to established plants, best control is achieved by irrigating after application.



130614

PECAN (Only in and around residential area)

(Use on pecans not permitted in California unless directed by specific supplemental labeling)

To control:

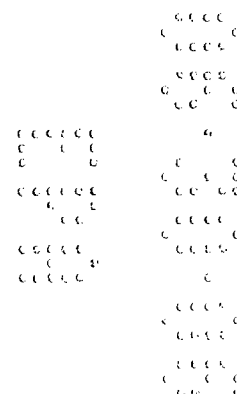
Yellow pecan aphid
Pecan spittlebug
Black margined aphid

Pecan stem phylloxera
Pecan leaf phylloxera

Apply 1.5 fl oz (45 ml) per 100 gal or 6.0 fl oz/A. Make foliar applications as pest pressure begins to increase. Make a second application 10 to 14 days after first if field scouting reveals continued pest pressure. Use of an organosilicone based spray adjuvant at recommended rate can insure thorough coverage of foliage.

Notes and Restrictions for residential Pecan Trees:

- Do not apply more than a total of 18.0 fluid ounces of IMIDACLOPRID 2L T&O per a era per year.
- Do not make more than 3 applications.
- Allow 10 or more days between applications.
- Application rate per acre will depend on tree size and volume of foliage present. The rate per acre is based on a standard of 400 gallons of dilute spray solution per acre for large trees.



GRAPES (For use only in and around industrial and commercial buildings and residential areas)

To control Leafhoppers (including glassy-winged sharpshooter) and Mealybugs apply 1.5 fl oz (45 mL) per 100 gal or 3.0 fl oz/A (90 mL/A). Apply label rate as a foliar spray using 200 gallons of water per acre.

Notes and Restrictions for residential Grapes:

- Do not apply more than a total of 6.0 ounces of IMIDACLOPRID 2L T&O per acre per year.
- Allow at least 14 days between applications.
- Applications may be applied up to and including day of harvest.

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. 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. 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. 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. 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.

er is authorized to vary