

42750-118

12/3/2013

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



OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

DEC 03 2013

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

Subject: Amended label adding pollinator protection language
Product: Imidacloprid 75 WP T&O
EPA Reg. No. 42750-118
Submission dated August 19, 2013

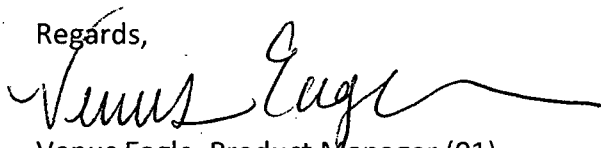
Dear Mr. Gaskins

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act is acceptable. A stamped copy of your labeling is enclosed for your records. This labeling supersedes all previously accepted labeling. You must submit one (1) copy of the final printed labeling before you release the product for shipment with the new labeling. See 40 CFR 156.10(a)(6).

Under 40 CFR 152.130(d), EPA may establish dates by which all product distributed or sold by the registrant must bear revised labeling. The following paragraphs set forth the schedule for ensuring that that your product bears revised labeling within a reasonable time period.

- Any product released for shipment after 2/28/14 must bear the new label.

If these conditions are not complied with, EPA will take appropriate action against this registration. If you have any questions please contact Autumn Metzger at 703-504-5314 or metzger.autumn@epa.gov.

Regards,

Venus Eagle, Product Manager (01)
Insecticide-Rodenticide Branch
Registration Division (7505P)

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EDITOR'S NOTE: 11/20/13 draft label amendment re-sbmtl in response to Agency's 8/15/13 Label Call-In for pollinator precautions

IMIDACLOPRID 75WP T&O

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

ACTIVE INGREDIENT:

Imidacloprid, 1-[(6-Chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimin 75.0%

OTHER INGREDIENTS: 25.0%

TOTAL: 100.0%

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. 42750-118

EPA Est. No. xxxxxx-xx-xxx

NET CONTENTS: _____ lbs.

Manufactured For:
ALBAUGH, INC.
1525 NE 36th St.
ANKENY, IA 50021

ACCEPTED

DEC 03 2013

**Under the Federal Insecticide, Fungicide,
and Rodenticide Act, as amended, for the
pesticide registered under:**

EPA. Reg. No: 42750-118

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION: Harmful if swallowed or absorbed through skin. Causes eye irritation. Avoid contact with skin, eyes, or clothing. Avoid breathing dust or vapor. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse. 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, polyvinylchloride (PVC) or viton.
- 3. Shoes plus socks

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

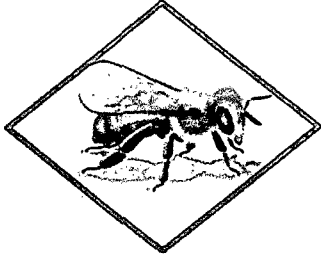
This product is highly toxic to aquatic invertebrates. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwaters.

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 foraging 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.

PROTECTION OF POLLINATORS



APPLICATION RESTRICTIONS EXIST FOR THIS PRODUCT BECAUSE OF RISK TO BEES AND OTHER INSECT POLLINATORS. FOLLOW APPLICATION RESTRICTIONS FOUND IN THE DIRECTIONS FOR USE TO PROTECT POLLINATORS.



Look for the bee hazard icon in the Directions for Use for each application site for specific use restrictions and instructions to protect bees and other insect pollinators.

This product can kill bees and other insect pollinators.

Bees and other insect pollinators will forage on plants when they flower, shed pollen, or produce nectar.

Bees and other insect pollinators can be exposed to this pesticide from:

- o Direct contact during foliar applications, or contact with residues on plant surfaces after foliar applications
- o Ingestion of residues in nectar and pollen when the pesticide is applied as a seed treatment, soil, tree injection, as well as foliar applications.

When Using This Product Take Steps To:

- o Minimize exposure of this product to bees and other insect pollinators when they are foraging on pollinator attractive plants around the application site.
- o Minimize drift of this product on to beehives or to off-site pollinator attractive habitat. Drift of this product onto beehives or off-site to pollinator attractive habitat can result in bee kills.

Information on protecting bees and other insect pollinators may be found at the Pesticide Environmental Stewardship website at:

<http://pesticidestewardship.org/PollinatorProtection/Pages/default.aspx>.

Pesticide incidents (for example, bee kills) should immediately be reported to the state/tribal lead agency. For contact information for your state, go to:

www.aapco.org/officials.html. Pesticide incidents should also be reported to the National Pesticide Information Center at: www.npic.orst.edu or directly to EPA at: beekill@epa.gov

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.

See individual sites for specific pollinator protection application restrictions. If none exist under the specific site, for outdoor foliar applications, follow these application directions.



- Do not apply IMIDACLOPRID 75WP T&O while bees are foraging.
- Do not apply IMIDACLOPRID 75WP T&O to plants that are flowering.
- Only apply after all flower petals have fallen off.

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 soil-injected or soil-incorporated, 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:

- Coveralls
- 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
- 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.

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

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage, disposal or cleaning of equipment. Open dumping is prohibited. Do not reuse empty container.

PESTICIDE STORAGE: Keep pesticide in original container. Keep container tightly closed when not in use. Protect from excessive heat. Store in a cool, dry place.

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 HANDLING: Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available, or dispose of empty container in a sanitary landfill or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

APPLICATION TO TURFGRASS

IMIDACLOPRID 75WP T&O will control the following soil inhabiting pests found in turfgrass

PEST	SCIENTIFIC NAME
Northern & Southern masked chafers	<i>Cyclocephala borealis, C. immaculata, and/or 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>Popilliajaponica</i>
Oriental beetle	<i>Anomala orientalis</i>
Billbugs	<i>Spherophorus spp.</i>
Annual bluegrass weevil	<i>Hyperodes spp.</i>
Black turfgrass ataenius	<i>Ataenius spretulus and Aphodius spp</i>
European Crane Fly	<i>Tipula paludosa</i>
Mole crickets	<i>scapteriscus spp.</i>

IMIDACLOPRID 75WP T&O will suppress cutworms and chinch bugs.

IMIDACLOPRID 75WP T&O can be applied on turfgrass in the following sites:

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

IMIDACLOPRID 75WP 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 and 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. In order to move the active ingredient through the thatch, irrigate if rainfall does not occur within 24 hours after application.

Apply 1.6 ounces per 8,250 to 11,000 sq ft. Make application prior to egg hatch of grubs, billbugs, annual bluegrass weevil, and European Crane Fly to maximize control.

For chinch bugs (suppression) and mole crickets apply 1.6 ounces per 8,250 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, combine applications of IMIDACLOPRID 75WP T&O with a remedial 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.

Application Equipment for Use on Turfgrass

Dilute IMIDACLOPRID 75WP T&O 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. Perform calibration on a regular basis to ensure that equipment is distributing product properly.

RESTRICTIONS FOR TURF GRASS:

- Do not exceed a total of 8.6 ounces application (0.4 lb of active ingredient) per acre per year.
- Do not allow this product to contact plants in bloom if bees are foraging in the treatment area.
- Do not mow turf or lawn area, until after adequate irrigation or rainfall has occurred.
- Keep people and pets off treated area until dry.
- Not for use on grasses grown for seed, or on commercial fruit and nut trees.
- Do not graze treated areas or use clippings from treated areas for feed or forage.
- Do not apply through any irrigation system
- Do not apply to areas which are water logged or saturated, which will not allow penetration into the root zone of the plant.
- *Use not permitted in Arizona unless otherwise directed by state 24(c) labeling.

APPLICATION TO ORNAMENTALS

IMIDACLOPRID 75WP T&O can be applied to ornamental plants in commercial and residential landscapes and interior plantscapes. IMIDACLOPRID 75WP T&O is a systemic insecticide that is transported within the plant system from the roots to upper foliage. IMIDACLOPRID 75WP 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 listed 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.

ANT MANAGEMENT PROGRAMS

Using IMIDACLOPRID 75WP T&O to control aphids, scale insects, mealybugs and other sucking pests on ornamentals will reduce 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.

APPLICATION EQUIPMENT FOR FOLIAR APPLICATIONS

IMIDACLOPRID 75WP T&O mixes readily with water and may be used in many types of application equipment. Add a commercial spreader/sticker promote coverage on hard to wet foliage such as holly, pine, or ivy.

IMIDACLOPRID 75WP 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; check physical compatibility by making a small clear jar test using correct proportions of products to be tank mixed.

RESTRICTIONS FOR ALL ORNAMENTALS:

- Keep people and pets off treated area until dry.
- Do not apply more than 8.6 ounces (0.4 lb of active ingredient) per acre per year.
- Not for use in commercial greenhouses, nurseries, or on grasses grown for seed, or on commercial fruit and nut trees.
- Do not apply through any irrigation system
- Do not apply to areas which are water logged or saturated, which will not allow penetration into the root zone of the plant.
- Do not apply this product, by any application method, to linden, basswood or other *Tilia* species

FOR FOLIAR APPLICATION TO ORNAMENTAL AND NON-BEARING FRUIT & NUT TREES, SHRUBS, EVERGREENS, FLOWERS, FOLIAGE PLANTS, GROUNDCOVERS AND INTERIOR PLANTSCAPES

(Only for Industrial, Commercial Buildings, Residential and Landscaped Areas)

TO CONTROL:

- | | |
|--|--|
| Adelgids | Mealybugs |
| Aphids | Planthoppers |
| Honeylocust Plant Bug | Psyllids |
| Diptera (Including Rhododendron gall midge,
Honeylocust pod gall midge) | Sawfly larvae |
| Froghoppers | Scales (Including Lecanium, Azalea bark,
Calico, Cottony Camellia, Cottony maple,
Cottony taxus) |
| Galls (Including Hickory stem gall) | Spittlebugs |
| Japanese beetles | Thrips (suppression) (Including Flower, Pear
and
Pine thrips) |
| Lace bugs | Treehoppers |
| Leaf beetles
(Including elm and viburnum leaf beetles) | Weevils (Including white Pine and Black vine) |
| Leafhoppers
(Including glassy-winged sharpshooter) | Whiteflies |
| Leafminers (Including Boxwood leafminer) | |

Apply 1.6 ounces of Imidacloprid 75WP T&O per 300 gallons 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 1.6 ounces per 8,250 to 11,000 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 75WP T&O into the upper soil profile.

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

RESTRICTIONS:

- Do not apply more than 8.6 ounces (0.4 lb of active ingredient) per acre per year.
- Do not apply this product, by any application method, to linden, basswood or other *Tilia* species

FOR SOIL APPLICATION TO ORNAMENTAL AND NON-BEARING FRUIT & NUT TREES,
 SHRUBS, FLOWERS AND GROUNDCOVERS
 (Only For Industrial, Commercial Buildings, Residential, and Landscaped Planting Areas)
 (Including State, National, and Private Wooded and Forested Areas)

TO CONTROL:

- | | |
|--|--------------------------------------|
| Adelgids | Leafminers |
| Aphids | Mealybugs |
| Armored scales (suppression) | Pine tip moth larvae |
| Black vine weevil larvae | Plant bug |
| Eucalyptus longhorned borer | Psyllids |
| Flatheaded borers | Roundheaded borers |
| (including bronze, alder and emerald ash borers) | (including Asian longhorned beetles) |
| Japanese beetles | Royal Palm Bugs |
| Lace bugs | Sawfly larvae |
| Leaf beetles | Soft scales |
| (including elm and viburnum leaf beetles) | Thrips (suppression) |
| Leafhoppers | White grub larvae |
| (including glassywinged sharpshooter) | Whiteflies |

For TREES –

Use the following rates as a function of tree diameter at breast height (DBH):

Apply 1.6 ounces of Imidacloprid 75WP T&O per 12 to 48 inches of cumulative trunk diameter for tree(s) intended to be treated.

You may use the higher rate only for trees greater than 15 DBH to control the following pests:

- Asian longhorned beetle
- Emerald Ash Borer
- Eucalyptus longhorned borer
- Bronze birch borer
- Alder borer

To calculate the higher rates divide the cumulative trunk diameter by 12-23 inches.

EXAMPLES OF HOW TO CALCULATE:

To calculate the lower rate:

- If you have three trees having DBH of 8, 10 & 14 inches, the total cumulative inches of trunk diameter will be 34 inches (8 + 10 + 16 = 34)

$$34/48 = .708 \times 1.6 \text{ fl. oz} = 1.13 \text{ oz per tree}$$

OR

$$34/24 = 1.417 \times 1.6 \text{ fl. oz.} = 2.27 \text{ oz per tree}$$

- If you have a single tree with a DBH of 12 inches, the lower rate range will be:

$$12/48 = 0.25 \times 1.6 \text{ oz} = 0.4 \text{ oz per tree}$$

OR

$$12/24 = 0.5 \times 1.6 \text{ oz} = 0.8 \text{ oz per tree}$$

To calculate the higher rate:

- If you have three trees having DBH of 15, 20 & 25 inches, the total cumulative inches of trunk diameter will be 60 inches (15 + 20 + 25 = 60)

$$60/23 = 2.6 \times 1.6 \text{ fl. oz} = 4.17 \text{ oz per tree}$$

OR

$$60/12 = 5 \times 1.6 \text{ fl. oz.} = 8 \text{ oz per tree}$$

- If you have a single tree with a DBH of 30 inches, the higher rate range will be:

$$30/23 = 1.3 \times 1.6 \text{ oz} = 2.08 \text{ oz per tree}$$

OR

$$30/12 = 2.5 \times 1.6 \text{ oz} = 4.0 \text{ oz per tree}$$

RESTRICTION: Do not apply more than 8.6 oz (.4 lb of active ingredient) per acre per year.

Diameter at Breast Height (D.B.H.) = is measured at 4.5 feet from the ground.

APPLICATION TECHNIQUE:

SOIL INJECTION:

Mix required dosage in sufficient water to inject an equal amount of solution in each hole. For concentrate injectors mix required dose with up to 1 gallon of water per DBH inch. Maintain a low pressure and use sufficient solution for distribution of the liquid into treatment zone. Dilution rate may vary depending on equipment used, tree size and application rate. Refer to the instructions for injector equipment being used for guidance.

- 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.

FOR ALL APPLICATION TECHNIQUES:

- Inject an equal amount of water and 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.
- Application to trees already heavily infested with borers listed may not prevent the eventual loss of the trees.

RESTRICTIONS FOR TREES:

- Do not use less than 4 holes per tree.
- No Soil Injection Applications Allowed In Nassau or Suffolk Counties of New York.
- Do not apply more than 8.6 oz (.4 lb of active ingredient) per acre per year.
- Do not apply this product, by any application method, to linden, basswood or other *Tilia* species

For SHRUBS –

Apply 1.6 ounces of Imidacloprid 75WP T&O per 24 to 48 foot of cumulative 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.

- Mix required dosage in sufficient water to inject an equal amount of solution in each hole.
- Use low pressure and sufficient solution for distribution of the liquid into the treatment zone.
- Maintain soil moisture for 7 to 10 days.

RESTRICTIONS FOR SHRUBS:

- Do not use less than 4 holes per shrub.
- No Soil Injection Applications Allowed In Nassau or Suffolk Counties of New York.
- Do not apply more than 8.6 oz (.4 lb of active ingredient) per acre per year.

For FLOWERS and GROWDCOVERS -

Apply 1.6 ounces of Imidacloprid 75WP T&O per 8,250 to 11,000 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.

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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 must 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. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, 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. To the extent consistent with applicable law, 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.