

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Mr. Morris Gaskins Product Registration Albaugh, Inc. P.O. Box 2127 Valdosla, GA 31604-2127

APR 11 2007

SUBJECT:

Application for Pesticide Notification (PRN 98-10)

Request Alternate Brand Name "MILO-PRO"

EPA Reg. No. 42750-148

Application Dated March 8, 2007

Dear Mr. Gaskins:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 03/8/07 for the above product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action(s) requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-6249 or Owen F. Beeder of my staff at 703-308-8899.

Sincerely,

no

Linda Arrington

Notifications & Minor Formulations Team Leader Registration Division (7505P)

Registration Division (7505P)
Office of Pesticide Programs

Form Approved. OMB No. 2070-0060. Approval expires Please read instructions on reverse before completing form. **OPP Identifier Number** Registration **United States Environmental Protection Agency Amendment** Washington, DC 20460 Other Application for Pesticide - Section I 2. EPA Product Manager 1. Company/Product Number 3. Proposed Classification 42750-148 J. Tompkins None Restricted PM# 4. Company/Product (Name) Propazine 4L 25 5. Name and Address of Applicant (Include ZIP Code) 6. Expedited Reveiw. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling Albaugh Inc. P.O. Box 2127 EPA Reg. No. Valdosta, GA 31604-2127 Check if this is a new address **Product Name** Section - II Final printed labels in repsonse to Amendment - Explain below. Agency letter dated "Me Too" Application. Resubmission in response to Agency letter dated_ Other - Explain below. Notification - Explain below. Explanation: Use additional page(s) if necessary. (For section I and Section II.) Notification of alternate brand name: MILO-PRO 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: Child-Resistant Packaging Unit Packaging Water Soluble Packaging 2. Type of Container Metal Yes Yes Yes Plastic No No No Glass Paper If "Yes" No. per If "Yes" No. per Certification must Unit Packaging wgt. Other (Specify) container Package wat container be submitted 3. Location of Net Contents Information 4. Size(s) Retail Container 5. Location of Label Directions 2.5 gl Container 6. Manner in Which Label is Affixed to Product Lithograph Paper glued Stenciled Section - IV 1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.) Name Telephone No. (Include Area Code) Morris Gaskins 229-244-3288 Registrations Manager 6. Date Application Certification Ruceived I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowlingly false or misleading statement may be punishable by fine or imprisonment or (Stamped) both under applicable law. 2. Signature Registrations Manager 5. Date 4. Typed Name Morris Gaskins March 8, 2007

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

FEDERAL EXPRESS

March 8, 2007

Mr. Jim Tompkins (PM 25)
Document Processing Desk (DIST)
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
2777 South Crystal Dr.
Arlington, VA 22202

RE: Propazine 4L

EPA File Symbol 42750-148

Dear Mr. Tompkins,

The enclosed submission is a notification for the above referenced registration under PR Notice 98-10 of the alternate brand name:

MILO-PRO (42750-148)

Please call if you have any questions.

Regards,

Morris Gaskins

Registrations Manager

Albaugh, Inc.

229-244-3288



40412

RESTRICTED USE PESTICIDE

Due to ground and surface water concerns. For retail sale to and use only by certified applicators or persons under their direct supervision and only for those uses covered by the certified applicator's certification.

MILO-PRO

Propazine Flowable Herbicide

For Preemergence Weed Control in Grain Sorghum and Container Grown Ornamentals in Greenhouses

ACTIVE INGREDIENT:

 2-Chloro-4,6-bis (isopropylamino)-s-triazine
 43.0%

 INERT INGREDIENTS:
 57.0%

 TOTAL:
 100.0%

Contains 4.0 lbs of Propazine per gallon

KEEP OUT OF REACH OF CHILDREN CAUTION

CAUTION

FIRST AID

	FIRST AID
IF OWNER	Call a poison control center or doctor immediately for treatment advice.
SWALLOWED:	 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 INHALED:	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	Take off contaminated clothing.
CLOTHING:	Rinse skin immediately with plenty of water for 15-20 minutes.
	Call a poison control center or doctor for treatment advice.
IF IN EYES:	Hold eye open and rinse slowly and gently with water for 15-20 minutes.
	 Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.
	Call a poison control center or doctor for treatment advice.
	container or label with you when calling a poison control center or doctor, or going for nay also contact 1-800-424-9300 for emergency medical treatment information.

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

EPA Reg. No. 42750-148 AD030707

EPA Est. No. 42750-MO-001

NET CONTENTS:

Manufactured For: ALBAUGH, INC. ANKENY, IA

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS (AND DOMESTIC ANIMALS)

CAUTION

Harmful if swallowed, inhaled or absorbed through skin. Avoid contact with eyes, skin or clothing. Avoid breathing dust, vapors, or spray mist.

EVIRONMENTAL HAZARDS

Propazine can travel (seep or leach) through soil and can enter ground water which may be used as drinking water. Propazine has been found in groundwater. Users are advised not to apply propazine to sand and loamy sand soils where the water table (ground water) is close to the surface and where these soils are very permeable, i.e., well-drained. Your local agricultural agencies can provide further information on the type of soil in your area and the location of ground water.

This product must not be mixed or loaded within 50 ft. of intermittent streams and rivers, natural or impounded lakes and reservoirs. This product must not be applied aerially or by ground within 66 ft. of the points where surface water runoff enters perennial or intermittent streams and rivers or within 200 ft. around natural or impounded lakes and reservoirs. If this product is applied to highly erodible land, the 66 ft. buffer or setback from runoff entry points must be planted to crop, seeded with grass or other suitable crop.

This product must not be mixed/loaded, or used within 50 ft. of all wells including abandoned wells, drainage wells, and sink holes. Operations that involve mixing, loading, rinsing, or washing of this product into or from pesticide handling or application equipment or containers within 50 ft. of any well are prohibited unless conducted on an impervious pad constructed to withstand the weight of the heaviest load that may be positioned on or moved across the pad. Such a pad shall be designed and maintained to contain any product spill or equipment leaks, container or equipment rinse or wash-water, and rainwater that may fall on the pad. Surface water shall not be allowed to either flow over or from the pad, which means the pad must be self-contained. The pad shall be sloped to facilitate material removal. An unroofed pad shall be of sufficient capacity to contain at a minimum 110% of the capacity of the largest pesticide container or application equipment on the pad.

A pad that is covered by a roof of sufficient size to completely exclude precipitation from contact with the pad shall have a minimum containment of 100% of the capacity of the largest pesticide container or application equipment on the pad. Containment capacities as described above shall be maintained at all times. The above-specified minimum containment capacities do not apply to vehicles when delivering pesticide shipments to the mixing/loading sites.

Additional State imposed requirements regarding well-head setbacks and operational area containment must be observed.

One of the following restrictions must be used in applying propazine to tile-outletted fields containing standpipes:

- 1. Do not apply this product within 66 ft. of standpipes in tile-outletted fields.
- 2. Apply this product to the entire tile-outletted field and immediately incorporate it to a depth of 2-3 inches in the entire tile-outletted field.
- 3. Apply this product to the entire tile-outletted field under a no-till practice only when a high crop residue management practice is practiced. High crop residue management practice is described as a crop management practice where little or no crop residue is removed from the field during and after crop harvest.

This pesticide is toxic to aquatic invertebrates. Do not apply directly to water, to areas where surface water is present, or to intertidal areas below the mean high water mark. Do not apply when weather

conditions favor drift from treated areas. Runoff and drift from treated areas may be hazardous to aquatic organisms in neighboring areas. Do not contaminate water when disposing of equipment washwaters.

PERSONAL PROTECTIVE EQUIPMENT

Some materials that are chemical-resistant to this product are butyl rubber, natural rubber, neoprene, nitrile rubber or viton. 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, such as butyl rubber >14 mils, natural rubber >14 mils, neoprene >14 mils, nitrile rubber >14 mils, or viton >14 mils.
- Shoes plus socks
- Protective eyewear
- Chemical-resistant apron when mixing/loading, cleaning up spills, cleaning equipment, or otherwise exposed to the concentrate

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

ENGINEERING CONTROL STATEMENTS

Mixers and loaders supporting aerial applications must use a closed system that meets the requirements for dermal protection listed in the Workers Protection Standard (WPS) for Agricultural Pesticides [40 CFR 170.240(d)(4)] and must:

- wear the personal protective equipment required for mixers and loaders
- wear protective eyewear if the system operates under pressure, and
- be provided and immediately available for use in an emergency, such as a spill or equipment breakdown: chemical resistant footwear.

Pilots must use an enclosed cockpit in a manner that is consistent with the WPS for Agricultural Pesticides [40 CFR 170.240(d)(6)]. Pilots must wear the PPE required on this labeling for applicators, however, they need not wear chemical-resistant gloves when using an enclosed cockpit.

Flaggers supporting aerial applications must use an enclosed cab that meets the definition of the Worker Protection Standard for Agricultural Pesticides [40 CFR 170.240(d)(5)] for dermal protection.

When handlers use enclosed cabs in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides (40 CFR 107.240 (d) (5)), the handler PPE requirements may be reduced or modified as specified in the WPS.

USER SAFETY RECOMMENDATIONS

Users 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. Users should 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.

DIRECTIONS FOR USE

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

ANY USE OF THIS PRODUCT IN AN AREA WHERE USE IS PROHIBITED IS A VIOLATION OF FEDERAL LAW. Before using this product, you must consult the Atrazine Watershed Information Center (AWIC) to determine whether the use of this product is prohibited in your watershed. AWIC can be accessed through [www.atrazine-watershed.info], or [1-866-365-3014]. If use of this product is prohibited in your watershed, you may return this product to your point of purchase or contact Albaugh for a refund.

Do not apply this product in a way that will contact workers or other person 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.

Do not apply this product through any type of irrigation system.

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 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 intervals. 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 24 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, such as 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 or allow others to enter until sprays have dried.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store product in original container only, away from other pesticides, fertilizer, food for feed.

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 incinerate if allowed by state and local authorities, by burning. If burned, stay out of smoke.

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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 is responsible for considering all these factors when making decisions.

The following drift management requirements must be followed to avoid off-target movement from aerial applications to agricultural field crops. These requirements do not apply to forestry applications, public health uses or to applications using dry formulations.

- 1. The distance of the outer most nozzles on the boom must not exceed ¾ the length of the wingspan or rotor.
- 2. Nozzles must always point backward parallel with the air stream and never be pointed downwards more than 45 degrees.

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.

Aerial Drift Reduction Advisory

[This section is advisory in nature and does not supersede the mandatory label requirements.]

Information on Droplet Size

The most effective way to reduce drift potential is to apply large droplets. The best drift management strategy is to apply the largest droplets that provide sufficient coverage and control. Applying larger droplets reduces drift potential, but will not prevent drift if applications are made improperly, or under unfavorable environmental conditions (See Wind, Temperature and Humidity, and Temperature Inversions).

Controlling Droplet Size

- Volume Use high flow rate nozzles to apply the highest practical spray volume. Nozzles with higher rated flows produce larger droplets.
- Pressure Do not exceed the nozzle manufacturer's recommended pressures. For many nozzle
 types lower pressure produces larger droplets. When higher flow rates are needed, use higher flow
 rate nozzles instead of increasing pressure.
- Number of nozzles Use the minimum number of nozzles that provide uniform coverage.
- Nozzle Orientation Orienting nozzles so that the spray is released parallel to the airstream produces larger droplets than other orientations and is the recommended practice. Significant deflection from horizontal will reduce droplet size and increase drift potential.
- Nozzle Type Use a nozzle type that is designed for the intended application. With most nozzle
 types, narrower spray angles produce larger droplets. Consider using low-drift nozzles. Solid stream
 nozzles oriented straight back produce the largest droplets and the lowest drift.

Boom Length

For some use patterns, reducing the effective boom length to less than ¾ of the wingspan or rotor length may further reduce drift without reducing swath width.

Application Height

Applications should not be made at a height greater than 10 feet above the top of the target plants unless a greater height is required for aircraft safety. Making applications at the lowest height that is safe reduces exposure of droplets to evaporation and wind.

Swath Adjustment

When applications are made with a crosswind, the swath will be displaced downwind. Therefore, or the

up and downwind edges of the field, the applicator must compensate for this displacement by adjusting the path of the aircraft upwind. Swath adjustment distance should increase with increasing drift potential (higher wind, smaller drops, etc.)

Wind

Drift potential is lowest between wind speeds of 2-10 mph. However, many factors, including droplet size and equipment type determine drift potential at any given speed. Application should be avoided below 2 mph due to variable wind direction and high inversion potential. NOTE: Local terrain can influence wind patterns. Every applicator should be familiar with local wind patterns and how they affect spray drift.

Temperature and Humidity

When making applications in low relative humidity, set up equipment to produce larger droplets to compensate for evaporation. Droplet evaporation is most severe when conditions are both hot and dry.

Temperature Inversions

Applications should not occur during a temperature inversion because drift potential is high. Temperature inversions restrict vertical air mixing, which causes small suspended droplets to remain in a concentrated cloud. This cloud can move in unpredictable directions due to the light variable winds common during inversions. Temperature inversions are characterized by increasing temperatures with altitude and are common on nights with limited cloud cover and light to no wind. They begin to form as the sun sets and often continue into the morning. Their presence can be indicated by ground fog; however, if fog is not present, inversions can also be identified by the movement of smoke from a ground source or an aircraft smoke generator. Smoke that layers and moves laterally in a concentrated cloud (under low wind conditions) indicates an inversion, while smoke that moves upward and rapidly dissipates indicates good vertical air mixing.

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 habitat for threatened or endangered species, non-target crops) is minimal (e.g. when wind is blowing away from the sensitive areas).

GENERAL INFORMATION

MILO-PRO is a selective herbicide that controls many annual broadleaf weeds in sorghum and container grown ornamentals. This product may be applied prior to weed emerge.

MILO-PRO acts mainly through root absorption. Its effectiveness depends on moisture to move it into the root zone and incorporation, rainfall or irrigation is needed to move it into the weed root zone. If weeds develop, a shallow cultivation or rotary hoeing will generally result in better weed control.

This product is nonflammable.

Avoid using near adjacent desirable plants or injury may occur. To avoid spray drift, do not apply under windy conditions. Avoid spray overlap as crop injury may result.

Where the use directions give a range of rates, use the lower rate on coarse-textured soil and soil low in organic matter, use the higher rate on fine-textured soil and soil high in organic matter.

APPLICATION PROCEDURES

AERIAL APPLICATION

Apply in a minimum of 3 gallons of water per acre. Do not apply where uniform coverage cannot be obtained or where excessive spray drift may occur.

GROUND APPLICATION

For the most uniform distribution of broadcast applications use flat fan-type nozzles. For band applications, use flat fan even spray nozzles. Screens and strainers should be no finer than 50-mesh. Use a pump with capacity to (1) provide sufficient hydraulic agitation during mixing and application to keep the material in suspension and (2) maintain 30 to 40 psi operating pressure. Use a minimum of 10 gallons of water per acre. For band treatments, use a proportional volume.

For band applications, calculate amount to be applied per acre as follows:

band width in inches

broadcast rate per acre =

amount needed per acre

BROADLEAF WEEDS CONTROLLED

Annual morningglory Carpetweed Lambsquarter Pigweed Ragweed Smartweed Velvetleaf

MIXING

Mix this product with water, nitrogen solutions or complete liquid fertilizers and apply as a spray. Pour this product into the tank during or after filling the tank with required amount of water. Sufficient hydraulic jet or mechanical agitation should be provided during mixing and application to keep the material in suspension. All return lines to the tank must discharge below liquid level and agitation should not be so violent as to cause air bubbles to form in the liquid. Wash sprayer thoroughly after use.

Nitrogen solutions or complete liquid fertilizers may replace all or part of the water as a carrier with this product for preplant and preemergence applications only.

To determine compatibility with liquid fertilizers, pour the product into a small container of liquid fertilizer or nitrogen solution in approximate proportion to be mixed in spray tank. Stir or shake thoroughly. Let stand 5 minutes. If it remains mixed or can be remixed readily, the mixture is compatible and can be used.

SORGHUM APPLICATION INSTRUCTIONS

PREPLANT AND PREEMERGENCE

SOIL TEXTURE	BROADCAST RATE (QUARTS PER ACRE)
Sand, loamy sand	Do Not Apply
Sandy loam, loam	0.75 – 1.20
Silt loam, clay loam	0.75 – 1.20

PREPLANT: Apply this product in the spring after plowing at the rates listed in the above table. If sorghum is planted on a flat soil surface, apply during or after seedbed preparation. If sorghum is planted on beds, apply only after bed formation. Best weed control results are obtained when this product is applied within 4 weeks before planting. Shallow incorporation, not more than 2 inches deep, following application will generally result in better weed control, particularly under dry or minimum moisture conditions. Do not incorporate preplant applications on sandy loam soils.

PREEMERGENCE: Apply the amount shown in the above table at planting time or immediately after planting before weeds and sorghum emerge.

PRECAUTION (Both Preplant and Preemergence): Crop or sensitive rotational crop damage may result from applications on highly alkaline soil, eroded areas or areas with limited amount of rainfall.

ROTATIONAL CROPS -

- Do not rotate to leafy vegetables.
- Do not rotate to root crops or cereals (small grains) at less than a 120-day plantback interval.
- Do not rotate to any crop other than sorghum except:
 - 1. Texas Gulf Coast and Texas Blacklands, cotton, soybeans or corn may be planted 12 months after treatment. Do not plant other crops for 18 months after treatment.
 - In West Texas, cotton or corn may be planted 12 months after a broadcast application of 1.2 quarts.
 - 3. In all other sorghum growing regions, corn may be planted 12 months after treatment. Do not plant other crops for 18 months after treatment.
 - 4. If replanting is necessary, sorghum may be replanted in soil treated with this product, however, an additional application is prohibited.

SORGHUM USE RESTRICTIONS

- Do not apply more than one application per crop growing season.
- · Not registered for use in the states of California or Florida
- Do not apply propazine if atrazine has been or will be applied to the same acreage in the same growing season.
- Do not apply within 70 days of harvest for sorghum forage.
- Do not apply within 90 days of harvest for grain sorghum or sorghum stover.
- Do not exceed 1.2 quarts product (equivalent to 1.2 lbs active ingredient) per acre per growing season.
- Not registered for use on sweet sorghum.

GREENHOUSE APPLICATION INSTRUCTIONS

MIXING

Be sure sprayer or applicator is clean and not contaminated with any other material as crop injury or sprayer clogging may occur. Fill spray tank 2/3 to 3/4 full with clean water and start agitation. Pour the product into the partially filled spray tank and fill tank with water. Provide agitation during mixing and application to maintain a uniform suspension. Apply through flood or drench nozzles only.

To determine compatibility with liquid fertilizers, pour the product into a small container of liquid fertilizer or nitrogen solution in approximate proportion to be mixed in spray tank. Stir or shake thoroughly. Let stand 5 minutes. If it remains mixed or can be remixed readily, the mixture is compatible and can be used.

Apply MILO-PRO at the following rates on container grown greenhouse ornamentals. Due to variability in crop sensitivity between cultivars, test a few plants for crop sensitivity prior to large scale application.

SOIL TEXTURE	RATES Tbs/1000 Square Feet
Sand, loamy sand, sandy loam	3/4
Loam, silt, silt loam, silty clay loam, sandy clay loam	1 ½
Sandy clay, clay loam, silty clay loam, peat-lite mixes	2 1/4

Precautions: Do not apply more than one time during the planting cycle.

WARRANTY STATEMENT

ALBAUGH warrants that this product conforms to the chemical description on the label thereof and is reasonably fit for purposes stated on such label only when used in accordance with directions, under normal use conditions. 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. To the extent consistent with applicable law, in no case shall ALBAUGH be liable for consequential, special or indirect damages resulting from the use or handling of this product.

To the extent consistent with applicable law, all such risks shall be assumed by the Buyer.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, ALBAUGH MAKES NO WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY EXCEPT AS STATED ABOVE.