

42750-215

1/25/2011

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF
CHEMICAL SAFETY AND
POLLUTION PREVENTION

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

NOTIFICATION
JAN 25 2011

Subject: Application for Pesticide Notification
Request Alternate Brand Name "Mepstar 6X"
Product Name: Mepiquat 23.5% Concentrate
EPA Reg. No.: 42750-215
EPA Decision Number: 443889


Dear Mr. Gaskins

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated December 6, 2010. 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 contact Shaunta Hill (hill.shaunta@epa.gov, 703-347-8961) or myself at (joyner.shaja@epa.gov, 703-308-3194).

Sincerely,


Shaja Brothers Joyner
Product Manager 20
Fungicide Branch
Registration Division (7504P)

MEPSTAR 6X

ACTIVE INGREDIENT: Mepiquat Chloride: N,N-dimethylpiperidinium Chloride 23.5%
 OTHER INGREDIENTS: 76.5%
 TOTAL: 100.0%

Contains two (2) pounds active ingredient per gallon.

KEEP OUT OF REACH OF CHILDREN

CAUTION

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 by a poison control center or doctor. ▪ Do not give anything 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 15-20 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 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing. ▪ Call a poison control center or doctor for treatment advice.
Have the product container or label with you when calling a poison control center or doctor or going for treatment.	
FOR CHEMICAL EMERGENCY: Spill, leak, fire, exposure, or accident call CHEMTREC 1-800-424-9300	

EPA Reg. No. 42750-215
AD083010

EPA Est. No. xxxxxx-xx-xxx

NET CONTENTS: ____ Gal.

MANUFACTURED FOR:
Albaugh, Inc.
Ankeny, IA 50021

NOTIFICATION

JAN 25 2011

PRECAUTIONARY STATEMENTS
Hazards to Humans and Domestic Animals

CAUTION

Harmful if swallowed or if absorbed through the skin. Avoid contact with skin, eyes or clothing. Causes moderate eye irritation. In case of contact immediately flush eyes or skin with plenty of water. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove and wash contaminated clothing before reuse.

PERSONAL PROTECTIVE EQUIPMENT

Some of the materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for category A on an EPA chemical-resistance category selection chart. Applicators and other handlers must wear:

1. Long-sleeved shirt and long pants
2. Chemical-resistant gloves made of any waterproof material such as polyethelene or polyvinyl chloride
3. Shoes plus socks

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

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. Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clear, clothing.

ENVIRONMENTAL HAZARDS

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 contaminate water when disposing of equipment washwaters.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in original container only, in a cool, dry, locked area. Store separately from other pesticides, fertilizers, food or feed to prevent contamination. Do not store below 32°F or above 100°F.

PESTICIDE DISPOSAL: Pesticide wastes are toxic. 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. Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

CONTAINER HANDLING: 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 ¼ full with water and recap. Shake for 10 seconds. Pour rinsates into application equipment or a mix tank or store rinsates 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 ¼ 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 rinsates into application equipment or a mix tank or store rinsates for later use or disposal. Repeat this procedure two more times.

Pressure rinse as follows (all sizes): 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 to collect rinsates 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 pesticides 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 rinsates into application equipment or rinsates collection system. repeat this rinsing process two more times.

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 -raining, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment 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 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:

1. Coveralls.
2. Chemical-resistant made of any waterproof material
3. Shoes plus socks

PRODUCT INFORMATION

CHEMIGATION PROHIBITION

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

MEPSTAR 6X is an Albaugh product which is equivalent to PIX CONCENTRATE Plant Regulator produced by BASF Corporation. MEPSTAR 6X is a foliar applied plant regulator. It allows the grower to manage the cotton plant for short-season production leading to reduced risk of yield and quality loss due to delayed and prolonged harvest. Benefits derived from the use of MEPSTAR 6X include increase early boll retention and/or larger bolls, reduced plant height which provides a more open canopy/ less boll rot, improved defoliation, less trash and lower ginning costs, better harvest efficiency and a darker leaf color. These benefits can provide for earlier maturity and often result in improved yields.

Early Application of MEPSTAR 6X

Growers may use low-rate multiple applications, or higher, less frequent dosages which provide maximum flexibility under a wide range of growing conditions. Do not apply MEPSTAR 6X to plants under stress. If stress is alleviated, evaluate plants for vegetative growth before additional applications are made. MEPSTAR 6X may be tank mixed with insecticides/miticides when application timings coincide. (See Restrictions and Limitations.)

Fields must be carefully scouted. Do not apply MEPSTAR 6X if plants are under any form of stress. In the absence of stress, a maximum of five low' rate applications can be made each season. The first application can be applied at the matchhead square stage. The rate and timing of subsequent applications depend on growing conditions and desired benefits. Under good growing conditions additional treatments of 1/3 to 2/3 fl. oz./acre can be made at 7-14 day intervals. Apply higher rates of MEPSTAR 6X (2/3 to 2 fl. oz./acre) if vegetative growth becomes excessive or a greater degree of height control is desired. Do not use more than a total of 8.4 fl. oz./acre of MEPSTAR 6X in a growing season.

If significant loss of squares and/or young bolls has occurred earlier due to insect pressure or other stresses, but now these stresses have been alleviated, the need for MEPSTAR 6X is increased - excess vegetative growth is likely because of poor fruit load.

Late Season Application of MEPSTAR 6X

Late application of MEPSTAR 6X (approximately during the fourth to sixth week of blooming) can provide certain benefits to cotton. However, it will not and does not substitute for early season use, the time of the greatest benefit from the use of MEPSTAR 6X. Late season application can lead to one or more of the following: reduction in late season vegetative growth or regrowth after cutout or defoliation, more complete and manageable cutout, better defoliation, earlier maturity and reduction in trash and lower ginning costs. Some of these effects may favorably influence the yield potential and fiber quality. Apply a late season application of MEPSTAR 6X only if fields are not drought or nutrient stressed; that is, those fields likely to experience additional vegetative growth or regrowth. However, fields that are very rank and extremely vigorous due to a combination of poor boll load and excellent growing conditions may not respond as much as desired to late season applications at the specified rates.

Timing for Late Season Applications

A. On fields where cotton cuts out and then starts regrowth: apply when regrowth begins, as evidenced by new leaves in the terminal and stem elongation. This would often, but not always, be in the period of 5-6 weeks after the first bloom.

B. On fields where cotton never completely cuts out, apply MEPSTAR 6X when there are 4-6 nodes above the white flower (NAWF). Measure NAWF by counting the number of mainstem nodes from the first position white bloom (the one closest to the mainstem) to the terminal. Count the node with the first position white bloom as zero and the last node in the terminal, which is counted, should have a leaf at least the size of a quarter. Generally, the NAWF first reaches 4-6 during the fourth to sixth week of bloom. During this time period, the NAWF will be decreasing about one node every 5-6 days - if its rate of decrease is less, this means that the plant is not cutting out soon enough (the crop is too vigorous) . If the fifth week of bloom arrives and NAWF is still above 5-6, apply MEPSTAR 6X.

Use Rate for Late Season Application

Apply MEPSTAR 6X at a rate between 1 1/3 to 4.2 fl. oz. per acre. Use the lower rate range on cotton with only moderate additional growth potential, and the higher rate range on fields likely to continue vigorous growth. Total seasonal use per season (early plus late application) must not exceed 8.4 fl. oz. per acre.

Spray Volumes: Thorough coverage is required.

In Water:

Areas other than California

Ground Application - Use a minimum of 2 gallons of water per acre.
Aerial Application - Use a minimum of 2 gallons of water per acre.

California Only:

Ground application - Use a minimum of 5 gallons/acre
Aerial application - Use a minimum of 5 gallons/acre

IN OIL:

Use a minimum total oil volume of 2 pints/acre for Ultra low volume (ULV) aerial application. Application in oil is permitted only in AL, AR, FL, GA, LA, MO, MS, NC, OK, SC, TN and TX. Use a nonphytotoxic oil concentrate which contains either a petroleum or vegetable oil base, contains only EPA-exempt ingredients, provides good mixing quality in the jar test (see "Compatibility" section), and has been used successfully in your locality. The oil diluent must contain emulsifiers which provide good mixing quality. If the oil does not contain an emulsifier, one must be added during mixing at a volume equal to 3% of the final volume of the mixing tank. Do not apply MEPSTAR 6X as ULV without using emulsifiers. If using a vegetable oil based product, use only highly refined concentrates.

Mix under constant agitation. Pour one-half of the required volume of oil into the spray tank, followed by the emulsifier (if the oil does not already contain one) at approximately 3% of the final spray tank volume, and then pour in the MEPSTAR 6X while the remainder of the oil is added. Constant agitation is required during and after mixing and during application.

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.

The following drift management requirements must be followed to avoid off-target drift 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 3/4 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 must be observed.

AERIAL DRIFT REDUCTION ADVISORY INFORMATION

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 than 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 3/4 of the wingspan or rotor length may further reduce drift without reducing swath width.

Application Height

Applications must not be made at a height greater than 10 feet above the top of the largest 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 downward. Therefore, on 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 must 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 must be avoided below 2 mph due to variable wind direction and high inversion potential.

NOTE: Local terrain can influence wind patterns. Every applicator must 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 must 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 must 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).

RAIN WASH-OFF PRECAUTION

The use of a high quality, EPA exempt surfactant will enhance the uptake of MEPSTAR 6X into the plant. Therefore, the use of a surfactant allows applications made as little as four hours prior to rainfall to be effective. Without a surfactant, the product should be used at least 8 hours prior to expected rainfall.

COMPATIBILITY

MEPSTAR 6X is water based, and is compatible with most insecticides and miticides. If compatibility is in doubt, perform a jar test to check for compatibility. MEPSTAR 6X can be used with foliar fertilizers if your experience shows the combination is compatible and will not injure cotton under your conditions. Caution must be used when applying with foliar fertilizers under conditions of extreme heat.

RESTRICTIONS AND LIMITATIONS

- Insect or mite damage to MEPSTAR 6X treated crops can lead to yield decreases or other undesirable effects.
- Do not apply MEPSTAR 6X to cotton that is under stress. If using the low rate multiple applications, discontinue use until your crop has overcome any stress.
- Do not apply more than 8.4 fl. oz. of MEPSTAR 6X per acre per season. The sum of all products and formulations containing mepiquat chloride must not exceed 0.132 pounds (60 grams) of mepiquat chloride per acre per season.
- Do not apply this product within 30 days of harvest.
- Do not graze or feed cotton forage to livestock.
- MEPSTAR 6X contains a dye and effectiveness is not related to the color of the spray solution.
- Do not tank mix with other products other than those mentioned under "Compatibility".
- Do not plant another crop within 75 days after last treatment.

TIME AND RATE OF APPLICATION:

SHORT-STAPLE AND LONG STAPLE (PIMA) COTTON

Directions for use must be observed as specified below:

I. HIGH RATE SINGLE OR MULTIPLE APPLICATIONS:

Use these instructions when you are not able to start growth regulation treatments early, or when you want to make the fewest number of applications.

AREA	TIME OF APPLICATION	RATE PER ACRE
FIRST APPLICATION:		
AL, AR AZ, CA, FL, GA, LA, MO, MS, NM, NC, SC, TN, VA	Apply when cotton is actively growing and is between 20" and 30" tall, but not more than 7 days beyond early bloom (5-6 blooms per 25 row feet) . Also apply if cotton is 24" tall and has no blooms.	1 1/3 to 2 2/3 fl. oz.
	Use the 1 1/3 fl. oz. rate on cotton where excessive vegetative growth is not expected and use 2 2/3 fl. oz. where excessive vegetative growth has historically occurred.	
	See Restrictions and Limitations.	

SECOND APPLICATION:

Make a subsequent application in 2 to 3 weeks if additional growth is desired.

1 1/3 to 2 2/3 fl. oz

THIRD APPLICATION FOR CONTROL OF EXCESSIVE VEGETATIVE GROWTH:

If the cotton field has a history of vigorous growth or if conditions continue to favor vigorous growth, apply a third application 1 to 2 weeks after the second application.

1 1/3 to 2 2/3 fl. oz.

LATE SEASON APPLICATION:

See section titled "Late Season Application of MEPIQUAT 23.5% CONCENTRATE".

1 1/3 to 4.2 fl. oz.

Areas without a history of excessive vegetative growth:

OK, TX
(except
Rio
Grande
Valley)

FIRST APPLICATION:

Apply when cotton is in the early bloom stage (5-6 blooms per 25 row feet) and actively growing. Also apply if no blooms are present and the cotton is 20" tall and actively growing.

1 1/3 fl. oz.

See Restrictions and limitations.

SECOND APPLICATION:

Make a second application in 2 to 3 3 to 4 weeks if additional growth control is desired.

1 1/3 fl. oz.

THIRD APPLICATION:

If conditions after the second application of MEPIQUAT 23.5% CONCENTRATE continue to favor vigorous growth, apply a third application 1 to 2 weeks after the second application.

1 1/3 fl. oz.

LATE SEASON APPLICATION:

See section titled "Late Season Application of MEPIQUAT 23.5% CONCENTRATE".

1 1/3 to 4.2 fl. oz.

Areas with a history of excessive vegetative growth:

OK, TX

FIRST APPLICATION:

For best results, apply when plants are in early bloom stage (5-6 blooms per 25 row feet) and an average of 24" tall. Treatments can also be made when cotton height averages a minimum of 20" and a maximum of 30" provided cotton is not more than 7 days beyond early bloom. If cotton is 24" tall and has no blooms, apply MEPSTAR 6X.
See Restrictions and Limitations.

2 2/3 fl. oz.

SECOND APPLICATION:

For fields with a history of excessive growth, or if conditions after the first application favor excessive growth, make a second application in 2 to 3 weeks.

1 1/3 to 2 2/3 fl. oz.

THIRD APPLICATION:

If conditions after the second application of MEPIQUAT 23.5% CONCENTRATE continue to favor vigorous growth, apply a third application 1 to 2 weeks after the second application.

1 1/3 to 2 2/3 fl. oz.

LATE SEASON APPLICATION:

See section titled "Late Season Application of MEPIQUAT 23.5% CONCENTRATE".

1 1/3 to 4.2 fl. oz.

II. LOW RATE MULTIPLE APPLICATIONS:

Use these instructions when you want to maintain maximum flexibility in plant regulation treatments.

AREA	TIME OF APPLICATION	EXCESSIVE Growth Not Expected or Lower Rates Have Worked in the Past.	EXCESSIVE Growth Expected or Higher Rates Have Been Necessary in the Past.
AL, AR, AZ, CA, FL, GA, LA, MO,	FIRST APPLICATION: Apply at the matchhead square ¹ stage of growth.	1/3 FL OZ	2/3 FL OZ

MS, NC, NM, OK, SC, TN, TX, VA	SECOND APPLICATION: 7 - 14 days later, or when regrowth occurs.	1/3 FL OZ	2/3 FL OZ
	THIRD APPLICATION: 7-14 days later, or when regrowth occurs.	1/3 TO 2/3 FL OZ*	2/3 TO 1 1/3 FL OZ
	FOURTH APPLICATION: 7-14 days later, or when regrowth occurs.	1/3 TO 1 1/3 FL OZ*	2/3 TO 2 FL OZ*
	FIFTH APPLICATION: (If needed): 7-14 days later, or when regrowth occurs.	2/3 TO 1 1/3 FL OZ*	2/3 TO 2 FL OZ*
	LATE SEASON APPLICATION: See section titled "Late Season Application of MEPIQUAT 23.5% CONCENTRATE".	1 1/3 TO 2 2/3 FL OZ*	2 TO 4.2 FL OZ*

* Use the higher rate if previous application was not made or if growing conditions favor excessive growth.

¹ Matchhead square is when the first square of a typical cotton plant is about the size of a matchhead (about 1/8 - 1/4" in diameter) . Make the first application when 50% of the plants have on<- or more matchhead squares.

CONVERSION CHART

RATE OF MEPSTAR 6X	ACRES TREATED PER			EQUIVALENT RATE OF MEPIQUAT CHLORIDE 4.2 OR PIX
	PINT	QUART	GALLON	
1/3 fl. oz.	48	96	384	1/8 pint/acre
2/3 fl. oz.	24	48	192	1/4 pint/acre
1 1/3 fl. oz.	12	24	96	1/2 pint/acre
2 fl. oz.	8	16	64	3/4 pint/acre
2 2/3 fl. oz.	6	12	48	1 pint/acre
4.2 fl. oz.	3.8	7.6	30.4	1 1/2 pints/acre

PIX is a trademark of BASF

CONDITIONS OF SALE AND WARRANTY

The DIRECTIONS FOR USE of this product 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 use of the product in a manner inconsistent with its labeling. All of which are beyond the control of ALBAUGH COMPANY ("ALBAUGH") or the seller. All such risks shall be assumed by the buyer.

ALBAUGH warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes set forth in the DIRECTIONS FOR USE when it is used in accordance with such directions, subject to the inherent risks mentioned above. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, ALBAUGH NEITHER MAKES NOR INTENDS, NOR DOES IT AUTHORIZE ANY AGENT OR REPRESENTATIVE TO MAKE ANY OTHER WARRANTIES, EXPRESSED OR IMPLIED, AND IT EXPRESSLY EXCLUDES AND DISCLAIMS ALL IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

THIS WARRANTY DOES NOT EXTEND TO, AND THE BUYER SHALL BE SOLELY RESPONSIBLE FOR ANY AND ALL LOSS' OR DAMAGE WHICH RESULTS FROM THE USE OF THIS PRODUCT IN ANY MANNER WHICH IS INCONSISTENT WITH THE LABEL DIRECTIONS, WARNINGS, OR CAUTIONS. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BUYER'S EXCLUSIVE REMEDY AND MANUFACTURER'S OR SELLER'S EXCLUSIVE LIABILITY FOR ANY AND ALL CLAIMS, LOSSES, DAMAGES OR INJURIES RESULTING FROM THE USE 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. IN NO EVENT SHALL MANUFACTURER OR SELLER BE LIABLE FOR SPECIAL, INDIRECT OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT. ALBAUGH and the seller offer this product, and the Buyer and User accept it, subject to the foregoing CONDITIONS OF SALE AND WARRANTY.