



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

April 29, 2016

Morris Gaskins
Registrations Manager
Albaugh LLC
PO Box 2127
Valdosta, GA 31604

Subject: Label Amendment: Page 1: Adds FRAC code and Me-Too Use for Potato Seed Treatment; Page 2: Revises Physical or Chemical Hazards; Page 3: Revises Product Information; Pages 7-8 Adds Potato Seed Treatment Use Instructions, Restrictions, Application Directions, Plant Back Interval, and Treated Seed Storage
Product Name: Difenoconazole 3L ST
EPA Registration Number: 42750-256
Application Date: December 29, 2015
Decision Number: 512735

Dear Mr. Gaskins:

The amended label referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act, as amended, is acceptable. This approval does not affect any conditions that were previously imposed on this registration. You continue to be subject to existing conditions on your registration and any deadlines connected with them.

A stamped copy of your labeling is enclosed for your records. This labeling supersedes all previously accepted labeling. You must submit one copy of the final printed labeling before you release the product for shipment with the new labeling. In accordance with 40 CFR 152.130(c), you may distribute or sell this product under the previously approved labeling for 18 months from the date of this letter. After 18 months, you may only distribute or sell this product if it bears this new revised labeling or subsequently approved labeling. "To distribute or sell" is defined under FIFRA section 2(gg) and its implementing regulation at 40 CFR 152.3.

Should you wish to add/retain a reference to the company's website on your label, then please be aware that the website becomes labeling under the Federal Insecticide Fungicide and Rodenticide Act and is subject to review by the Agency. If the website is false or misleading, the product would be misbranded and unlawful to sell or distribute under FIFRA section 12(a)(1)(E). 40 CFR 156.10(a)(5) list examples of statements EPA may consider false or misleading. In addition, regardless of whether a website is referenced on your product's label, claims made on the website may not substantially differ from those claims approved through the registration process. Therefore, should the Agency find or if it is brought to our attention that a website contains false or misleading statements or claims substantially differing from the EPA approved registration, the website will be referred to the EPA's Office of Enforcement and Compliance.

Your release for shipment of the product constitutes acceptance of these conditions. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6.

If you have any questions, please contact Tony Kish by phone at 703 308-9443, or via email at kish.tony@epa.gov; or Craig Reeves by phone at 703 347-0486, or via email at reeves.craig@epa.gov

Sincerely,

A handwritten signature in black ink, appearing to read "Tony Kish". The signature is fluid and cursive, with the first name "Tony" and last name "Kish" clearly distinguishable.

Tony Kish, Product Manager 22
Fungicide Branch
Registration Division (7505P)
Office of Pesticide Programs

Enclosure: Stamped Accepted Label

GROUP	3	FUNGICIDE
-------	---	-----------

DIFENOCONAZOLE 3L ST

Fungicide

ACCEPTED

04/29/2016

Under the Federal Insecticide, Fungicide
and Rodenticide Act as amended, for the
pesticide registered under
EPA Reg. No.

42750-256

A seed treatment for control of diseases of barley, canola, cotton, oats, potato, rye, sweet corn, wheat and triticale

ACTIVE INGREDIENT:

*Difenoconazole: 32.8%

OTHER INGREDIENTS: 67.2%

TOTAL: 100.0%

*CAS No. 119446-68-3

Contains 3.1 lbs. active ingredient per gallon.

KEEP OUT OF REACH OF CHILDREN.

CAUTION

See additional precautionary statements and directions for use inside booklet.

FIRST AID	
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 eye. • Call a poison control center or doctor for treatment advice.
IF INHALED	<ul style="list-style-type: none"> • Move person to fresh air. • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible. • Call a poison control center or doctor for further treatment advice.
NOTE TO PHYSICIAN: If ingested, induce emesis or lavage stomach. Treat symptomatically.	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment.	

HOT LINE NUMBER For 24 Hour Medical or Chemical Emergency Assistance (Spill, Leak, Fire, or Accident), call CHEMTREC toll free at 1-800-424-9300.

EPA Reg. No. 42750-256

EPA Est. No. xxxxxx-xx-xxx

NET CONTENTS: _____

Manufactured By:
ALBAUGH, INC.
ANKENY, IA 50021

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Causes moderate eye irritation. Avoid contact with eyes or clothing. Harmful if inhaled or absorbed through skin. Avoid breathing vapor or spray mist.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Shoes plus socks

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

ENGINEERING CONTROL STATEMENTS

When handlers use closed systems or enclosed cabs in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

USER SAFETY RECOMMENDATIONS

Users should:

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.

ENVIRONMENTAL HAZARDS

This product is toxic to fish and other aquatic invertebrates. For terrestrial uses: 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 wash water or rinsate.

If treated seed is spilled outdoors or in areas accessible to birds, promptly clean up or bury to prevent ingestion.

PHYSICAL OR CHEMICAL HAZARDS

Do not mix or allow coming into contact with oxidizing agents. Hazardous Chemical reaction may occur

STORAGE AND DISPOSAL

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

STORAGE: Keep container tightly closed when not in use. Store out of the reach of children.

PESTICIDE DISPOSAL: 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 container. Do not reuse or refill this container. Offer for recycling if available. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the

remaining contents into application equipment or a mix tank. Drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use and disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Then offer for recycling if available 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.

For minor spills, leaks, etc., follow all precautions indicated on this label and clean up immediately. Take special care to avoid contamination of equipment and facilities during cleanup and disposal of wastes.

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.

Do not formulate into pesticides used for foliar applications to crops.

FAILURE TO FOLLOW THE DIRECTIONS FOR USE AND PRECAUTIONS ON THIS LABEL MAY RESULT IN CROP INJURY, POOR DISEASE CONTROL, AND/OR ILLEGAL RESIDUES.

PRODUCT INFORMATION

DIFENOCONAZOLE 3L ST is a systemic seed dressing which controls or suppresses certain seed-borne, soil-borne, and early season foliar diseases of wheat, barley, oats, rye, and triticale, and certain seed and seedling diseases of canola, sweet corn, and cotton. Difenoconazole is a triazole fungicide that can help eliminate or reduce development of fungicide resistance.

Use an EPA-approved dye or colorant that imparts an unnatural color to the seed. For commercial seed treatment only. Do not use for at-plant applications involving hopper boxes, seed boxes, etc.

Mixing Procedures

Apply DIFENOCONAZOLE 3L ST as a water-based slurry through standard slurry or mist-type seed treatment equipment that accurately meters and mixes a liquid flowable seed treatment. The mix tank should be equipped with a mechanical or paddle agitator to ensure uniform blending of the slurry. The equipment must provide uniform coverage of DIFENOCONAZOLE 3L ST on the seed. Uneven seed coverage may not give the desired level of disease control. Consult the manufacturer of the application equipment you plan to use for suitability for this application and for instructions on the operation and calibration of the equipment.

Fill the mix tank 1/4- 1/2 full with clean water (see maximum recommended slurry volume table below). Start agitation of the mix tank. Next, open the container and add the recommended amount of DIFENOCONAZOLE 3L ST into the mix tank, and maintain agitation. Thoroughly blend the mixture while adding the remainder of the required water.

After the mixture appears completely uniform, begin application to the seed. Mix the slurry thoroughly with the seed to provide uniform coverage.

The following table lists the maximum recommended total slurry volumes by crop.

Crop	Maximum fl. oz. slurry per 100 lbs. seed
Wheat, Oats, Rye and Barley	16
Canola	23
Sweet Corn	8 to 16
Cotton	30
Potato	30

Confirm physical compatibility, seed safety, seed safety in stored seed, and biological efficacy before tank mixing with other seed treatment products.

Follow the label directions for the most restrictive of label precautions and limitations. This product cannot be mixed with any product containing a label prohibition against such mixing.

For commercial seed treatment only. Do not use for at-plant applicators involving hopper boxes, seed boxes, etc.

SEED BAG LABEL REQUIREMENT

Federal law requires that bags containing treated seeds shall be labeled with the following information:

"This seed has been treated with difenoconazole fungicide. Do not use for feed, food, or oil purposes. Store away from feeds and foodstuffs. Use with an EPA-approved dye or colorant that imparts an unnatural color to the seed. Green wheat, oats, rye or triticale forage may not be grazed until 55 days after planting. Green barley forage may not be grazed until 30 days after planting. Do not plant any crop other than those on this label within 30 days to fields in which treated seeds were planted. Excess treated seed may be used for ethanol production only if (1) by-products are not used for livestock feed and (2) no measurable residues remain in ethanol by-products that are used in agronomic practice."

BARLEY

Apply DIFENOCONAZOLE 3L ST to barley seed at the rates given in the following table:

Rate/100 lbs. seed	Diseases Controlled	Diseases Partially Controlled ¹
0.5 fl. oz.	Barley Stripe General Seed Rots ² Covered Smut Pythium Damping Off	Common Root Rot (<i>Cochliobolus</i> spp.) Fusarium Seed Scab Rhizoctonia Root Rot
1.0 fl. oz.	Barley Stripe General Seed Rots ² Fusarium Seed Scab Covered Smut Pythium Damping Off	Take-all Common Root Rot (<i>Cochliobolus</i> spp.) Fusarium Root Rot Fusarium Crown Rot Rhizoctonia Root Rot

¹ Partial control can either mean erratic control from good to poor, or consistent control at a level below that is generally considered acceptable for commercial disease control.

² General seed rots controlled include those caused by saprophytic organisms such as *Penicillium* spp. and *Aspergillus* spp.

CANOLA

Apply DIFENOCONAZOLE 3L ST at a rate of 1.0 fl. oz. of product per 100 lbs. of seed for protection against seed-borne blackleg caused by *Leptosphaeria maculans*. Tank mix DIFENOCONAZOLE 3L ST with seed treatment fungicide Maxim® 4FS for broad spectrum protection against other diseases such as Fusarium and Rhizoctonia.

COTTON

Apply DIFENOCONAZOLE 3L ST at a rate of 0.5 to 1.45 fl. oz. of product per 100 lbs. of seed for protection against preemergent and postemergent damping off seedling diseases caused by *Rhizoctonia* spp. and *Fusarium* spp. Use the higher rate where disease is expected to be severe. Always apply in combination with metalaxyl for activity against seed and seedling diseases caused by *Pythium* spp. Follow application and other instructions found on the metalaxyl product label.

SWEET CORN

Apply DIFENOCONAZOLE 3L ST at a rate of 0.5 to 1.24 fl. oz. of product per 100 lbs. of seed for control of die-back in sweet corn caused by *Penicillium* spp., *Fusarium* spp. and *Aspergillus* spp. Confirm physical compatibility, seed safety, seed safety in stored seed, and biological efficacy before tank mixing with other seed treatment products.

WHEAT, OATS, RYE AND TRITICALE

Apply DIFENOCONAZOLE 3L ST to wheat or triticale seed at the rates given in the following table.

For control of damping-off of wheat caused by *Pythium* spp., the recommended rate of DIFENOCONAZOLE 3L ST must be tank mixed with metalaxyl in accordance with the most restrictive label limitations and precautions. Labeled dosage rates must not be exceeded.

Use metalaxyl at labeled rates with the specified rate of DIFENOCONAZOLE 3L ST. Use the higher listed rates of metalaxyl in combination with DIFENOCONAZOLE 3L ST if disease pressure is expected to be severe. Follow application and other instructions found on the metalaxyl label.

Rate/100 lbs. seed	Diseases Controlled	Fall Season Foliar Diseases Controlled ¹	Early Season Control
0.5 fl. oz.	Common Bunt ¹ , Dwarf Bunt, Flag Smut, Seed-borne Septoria, Loose Smut, General Seed Rots ³ , Fusarium Seed Scab		Common Root Rot (<i>Cochliobolus</i> spp.), Rhizoctonia Root Rot
1 fl. oz.	Common Bunt ² , Dwarf Bunt, Loose Smut, Flag Smut, Seed-borne Septoria, General Seed Rots ³ , Fusarium Seed Scab	Fall Season Powdery Mildew, Fall Season Leaf Rust, Fall Season Septoria Leaf Blotch	Common Root Rot (<i>Cochliobolus</i> spp.), Fusarium Root Rot, Fusarium Crown Rot, Take-All, Rhizoctonia Root Rot

¹ DIFENOCONAZOLE 3L ST provides control of fall season powdery mildew, fall season leaf rust, and fall season Septoria leaf blotch in winter wheat for the first 6 weeks after planting. For full season control of these foliar diseases, use Tilt® fungicide according to label instructions.

² DIFENOCONAZOLE 3L ST controls both seed-borne and soil-borne common bunt.

³ General seed rots controlled include those caused by saprophytic organisms such as *Penicillium* spp. and *Aspergillus* spp.

SPRING WHEAT AND TRITICALE

Rate/100 lbs. seed	Diseases Controlled	Early Season Control
0.5 fl. oz.	Common Bunt ¹ Seed-borne Septoria Loose Smut Flag Smut General Seed Rots ² Fusarium Seed Scab	Common Root Rot (<i>Cochliobolus</i> spp.) Rhizoctonia Root Rot
1 fl. oz.	Common Bunt ¹ Loose Smut Flag Smut Seed-borne Septoria General Seed Rots ² Fusarium Seed Scab	Common Root Rot (<i>Cochliobolus</i> spp.) Fusarium Root Rot Fusarium Crown Rot Take-All Rhizoctonia Root Rot

¹ DIFENOCONAZOLE 3L ST controls both seed-borne and soil-borne common bunt.

² General seed rots controlled include those caused by saprophytic organisms such as *Penicillium* spp. and *Aspergillus* spp.

OATS

Rate/100 lbs. seed	Diseases Controlled
0.5 fl. oz.-1 fl. oz.	General Seed Rots ¹ Seedling Blight caused by seed- and soil-borne <i>Fusarium</i> and soil-borne <i>Pythium</i> Seedling Root Rot caused by seed- and soil-borne <i>Fusarium</i> and soil-borne <i>Pythium</i> <i>Pythium</i> and <i>Fusarium</i> Damping-Off Covered Smut Loose Smut Also suppression of Common Root Rot (<i>Cochliobolus</i> spp.)

¹ General seed rots controlled include those caused by saprophytic organisms such as *Penicillium* and *Aspergillus*.

RYE

Rate/100 lbs. seed	Diseases Controlled	Diseases Suppressed ²
0.5 fl. oz.-1 fl. oz.	General Seed Rots ¹ Seedling Blight caused by seed- and soil-borne <i>Fusarium</i> and soil-borne <i>Pythium</i> Seedling Root Rot caused by seed- and soil-borne <i>Fusarium</i> and soil-borne <i>Pythium</i> Seed-borne <i>Septoria</i> <i>Pythium</i> and <i>Fusarium</i> Damping-Off Common Bunt Dwarf Bunt	Common Root Rot (<i>Cochliobolus</i> spp.) <i>Fusarium</i> Crown and Foot Rot Take-All

¹ General seed rots controlled include those caused by saprophytic organisms such as *Penicillium* and *Aspergillus*.

² Suppression means consistent control at a level which is not optimal but is still of commercial benefit

POTATO

For resistance management, Difenoconazole 3L ST must be applied in combination with a fludioxonil product labeled according to its potato piece directions. Together these two products will provide enhanced control of *Helminthosporium solani* (silver scurf) and *Fusarium* Seed Rot (dry rot).

DIFENOCONAZOLE 3LST alone does not control bacterial disease present within the seed or protect against bacteria that may infect and decay the seed after planting.

Use DIFENOCONAZOLE 3LST as an integral part of a potato pest management strategy. This strategy includes the use of high quality certified seed, good sanitation, proper crop rotation, insect population thresholds, appropriate control measures, optimal harvest time for tubers and proper handling of tubers without bruising. Consult your local agricultural extension agent for more detailed information on insect management practices.

The expected length of protection against the labeled pests depends on the accuracy of application of the products to ensure the seed tubers receive the target rate of the active ingredients and also the prevailing weather and other extraneous factors that can impact pest pressure. Consult your local University Extensions Centers or Albaugh representative or dealer for information relative to your area.

RESTRICTIONS

- Store away from feeds and foodstuffs.
- Do not store DIFENOCONAZOLE 3LST treated seed in burlap bags or impervious bags/containers or in areas that are poorly ventilated.
- Wear long-sleeved shirt, long pants and chemical resistant gloves when handling treated seed.
- Treated seeds exposed on soil surface may be hazardous to wildlife. Cover or collect treated seeds spilled during loading.
- Do not contaminate water bodies when disposing of planting equipment wash waters.
- Do not allow children, pets, or livestock to have access to treated seed.
- Dispose of all excess treated seed. Leftover treated seed may be double sown around the headland or buried away from water sources in accordance with local requirements. Do not contaminate water bodies when disposing of planting equipment washwaters.
- Regardless of type of application (seed treatment, soil or foliar), do not apply more than 0.46 lb difenoconazole per acre (208.7 grams ai/A) per year.
- Treated seed must be planted into the soil at a depth greater than 2 inches.
- DO NOT BAG POTATO SEED THAT IS TREATED WITH ANY LIQUID SEED TREATMENTS.

APPLICATION DIRECTIONS

Apply DIFENOCONAZOLE 3LST at the rate of 0.1 fluid ounces per 100 pounds of potato seed. utilizing seed treating systems designed to apply liquid seed treatments of potatoes.

Uneven or incomplete seed coverage may not give the desired level of fungal control.

For slurry treatment, thoroughly mix the labeled rate of DIFENOCONAZOLE 3LST into the required amount of water for the slurry treater and dilution rate to be used. Maintain constant agitation of the slurry during the seed treatment process. Follow the manufacturer's application instructions for the seed treatment equipment being used with appropriate set-up and calibration. To achieve best results the equipment must be calibrated so that every potato seed tuber is uniformly coated with a fine layer of the slurry mix without any excess dripping out of the treated seed.

If an inert dust (fir, bark or talc, etc.) or a dust-based fungicide is applied, apply DIFENOCONAZOLE 3L ST prior to applying the dust treatments.

PLANT BACK INTERVAL

In the event of a crop failure or harvest of a crop grown from DIFENOCONAZOLE 3LST treated seed, the field may be replanted immediately to Brassica (cole) leafy vegetables, cotton, cucurbit vegetables, dry bulb onions, fruiting vegetables, chickpeas, soybeans, carrots, sugarbeets, strawberry, and tuberous and corm vegetables subgroup 1C.

The minimum plant-back interval for the following crops is 30 days from the date DIFENOCONAZOLE 3LST treated seed was planted: cereal grains (including barley, buckwheat, corn, pearl millet, proso millet, oats, popcorn, rice (dry-seeded), rye, sorghum, teosinte, triticale, wheat and wild rice), and root and tuber vegetables, crop group 1 (except carrots, sugarbeets, and tuberous and corm vegetable subgroup 1C).

For any other crop, the minimum plant-back interval is 8 months from the date DIFENOCONAZOLE 3LST treated seed was planted.

TREATED SEED STORAGE

If the treated seed needs to be stored or held for few days then make sure that the seed is stored in well ventilated areas that would allow air to move through and out the treated seed. An ideal air temperature is 60 degrees Fahrenheit at a relative humidity of 85 to 90 percent. Avoid free moisture to form within or around the treated seed during the storage time.

Note: Best results are obtained if treated potatoes are allowed to dry during transit and planted the same day of treatment.

Treatment of highly damaged or bruised potato seed, or seed known to be of low vigor and poor quality, or potato seed that is deemed "physiologically old" may result in reduced germination and/or reduction of seed and seedling vigor and multiple stems from germination of the seed. When in doubt, or if the status/condition of the potato seed tubers is unknown, then treat a small sample batch of the same potato seed load with DIFENOCONAZOLE 3LST using specified rates, equipment and application procedures; before treating the total seed lot. Conduct this test on a small batch of the potato seed and observe the germination, emergence, stem count from the germinating seed. Consult the data with local experts in the region or conduct the test with University or area experts. Only if the data confirms that the seed treated with DIFENOCONAZOLE 3L ST is acceptable then proceed treating the rest of the seed load from which the sample was taken.

CONDITIONS OF SALE AND LIMITATION OF WARRANTY AND LIABILITY

The Directions for Use of this product must be followed carefully. It is impossible to eliminate all risks inherently associated with the use of this product. Crop injury, ineffectiveness or other unintended consequences may result because of such factors as manner of use or application, weather or crop conditions, presence of other materials or other influencing factors in the use of the product, which are beyond the control of ALBAUGH CROP PROTECTION, Inc. or Seller. To the extent consistent with applicable law. Buyer and User agree to hold ALBAUGH and Seller harmless for any claims relating to such factors.

ALBAUGH warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated in the Directions for Use, subject to the inherent risks referred to above, when used in accordance with directions under normal use conditions. To the extent consistent with applicable law: (1) this warranty does not extend to the use of the product contrary to label instructions or under conditions not reasonably foreseeable to or beyond the control of Seller or ALBAUGH, and, (2) Buyer and User assume the risk of any such use. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, ALBAUGH MAKES NO WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY EXCEPT AS WARRANTED BY THIS LABEL.

To the extent consistent with applicable law, in no event shall ALBAUGH be liable for any incidental, consequential or special damages resulting from the use or handling of this product. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE EXCLUSIVE LIABILITY OF ALBAUGH AND SELLER FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY, CONTRACT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHERWISE) RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, SHALL BE THE RETURN OF THE PURCHASE PRICE OF THE PRODUCT OR, AT THE ELECTION OF ALBAUGH OR SELLER, THE REPLACEMENT OF THE PRODUCT.

ALBAUGH and Seller offer this product, and Buyer and User accept it, subject to the foregoing Conditions of Sale and Limitation of Warranty and Liability, which may not be modified except by written agreement signed by a duly authorized representative of ALBAUGH.