

U.S. ENVIRONMENTAL PROTECTION AGENCY Office of Pesticide Programs Registration Division (H75050) 401 "M" St., S.W. Washington, D.C. 20460

EPA Req. Number: 53883-171

Term of Issuance:

Conditional

bate of issuance:

JUN 8 2005

NOTICE OF PESTICIDE:

X Registration

Reregistration

Name of Pestidide Product:

Prodiamine 0.58 Plus

(under FIFRA, as amended)

Name and Address of Registrant (include ZIF Code):

Control Solution 5903 Genoa-Red Bluff Pasadena, TX 77507

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide and Rodenticide Act.

Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is registered in accordance with FIFRA sec. 3(c)(7)(A) provided that you:

1. Add the phrase "EPA Registration No.53883-171" to the label before you release the product for shipment.

COMMENTS CONTINUED ON PAGE 2 OF THIS NOTICE OF REGISTRATION

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product under the enclosed stamped copy of the label constitutes acceptance of these conditions.

Enclosure

Joanne I. Miller Product Manager (23) Herbicide Branch Registration Division (7505C)

dignature of Approving official:

vanne J. Miller

JUN 8 2005

EPA Form #570 o

Page 2 EPA Reg. No. 53883-171 Comments Continued:

2. Submit the following data required for the registration of this pesticide product within 1 year from the date of this Notice of Registration:

EPA Guideline Data Number 830.6317 830.6320 <u>Guideline Descriptor</u> Storage Stability Study Corrosion Characteristics Study

- 3. On the front panel of the labeling and on page 3, delete the claim "selective" as a descriptor of this pesticide product.
- 4. On the front panel, delete the descriptor "UGLY"; "& MORE". and either revise the "Active Ingredient" chemical name for prodiamine to the Chemical Abstract name or show the name of the active ingredient as described in PR Notice 97-5(IV-D).
- 5. On page 3 add a map showing the approximate crabgrass germination dates in all areas where this product is to be marketed. In the "USE PRECAUTIONS" section, sixth line correct the statement that reads "Do not apply...." to read: "Do not apply to newly set sod until...".
- 6. On page 4, under "When To Overseed After Application" add a map which accompanies the chart "Months Before Overseeding". The map must clearly show the North, Transition and South Regions of the United States, where this product is to be marketed.
- 7. Submit one (1) copy of the final printed labeling before you release this product for shipment.
- 8. Submit and/or cite all data required for the registration of this product when the Agency requires all registrants of similar products to submit data; and submit acceptable responses required for reregistration of this product under FIFRA, section 4. A Stamped copy of the label is enclosed for your records.

Enclosure

PRODIAMINE 0.58 PLUS

FOR SELECTIVE PRE-EMERGENCE CONTROL OF GRASS AND BROADLEAF WEEDS IN LAWNS AND ORNAMENTAL TURF

(excluding golf course putting greens)

LANDSCAPE ORNAMENTALS, ESTABLISHED PERENNIALS AND WILDFLOWER PLANTINGS

STOPS MANY UGLY WEED GRASSES BEFORE THEY GROW PREVENTS CRABGRASS, ANNUAL BLUEGRASS, FOXTAIL & MORE

ACTIVE INGREDIENT:

KEEP OUT OF REACH OF CHILDREN CAUTION

See back panel for further precautions and First Aid information

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS CAUTION

Causes moderate eye injury (irritation). Harmful if inhaled or absorbed through the skin. Avoid contact with skin, eyes, or clothing. Avoid breathing dust. Wash thoroughly with soap and water after handling. Prolonged or repeated skin contact with product may cause allergic reactions in some individuals.

EPA REG NO. 53883-XXX EPA EST. NO.

Control Solutions, Inc. 5903 Genoa-Red Bluff Rd. Pasadena, TX 77507-1041 281-892-2500 ACCEPTED with COMMENTS In EPA Letter Dated:

JUN 8 2005 Under the Federal Insecticide. Fungicide, and Rodenticide Act as amended, for the pesticide registered under EPA Reg. No.

53883-171

	CONTENT:	
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FIRST AID				
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.			
IF ON SKIN OR CLOTHING:	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 SWALLOWED:	Call a poison control center or physician 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 the poison control center or physician.			
	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 mouth-to-mouth, is possible. 			
	 Call a poison control center or doctor for further treatment advice. 			
	HOT LINE NUMBER			

HOT LINE NUMBER

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. For information on this pesticide product (including health concerns, medical emergencies, or pesticide incidents), call the National Pesticide Telecommunications Network at 1-800-858-7378.

ENVIRONMENTAL HAZARDS

This product has low solubility in water. At the limits of solubility, this product is not toxic to fish. However, at concentrations above the level of water solubility, it may be toxic to fish. Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Drift and runoff from treated areas may be hazardous to aquatic organisms in adjacent sites. Do not contaminate water when disposing of equipment washwaters.

DIRECTION FOR USE

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

Not for use on plants being grown for sale or other commercial use, for commercial seed production, or for research purposes. For use on plants intended for aesthetic purposes or climatic modification and being grown in ornamental gardens or parks, or on golf courses or lawns and grounds.

Not for use on turf being grown for sale or other commercial use as sod, or for commercial seed production, or for research purposes.

This product is a selective pre-emergence herbicide that provides residual control of many grass and broadleaf weeds in established lawns and ornamental turf (excluding golf course putting greens), landscape ornamentals and established perennials and wildflower plantings. It controls susceptible weeds by inhibiting weed seeds, germination and root development. When used according to directions, it will control; barnyardgrass; bluegrass; annual (*Poa annua*); carpetweed; chickweed, common; chickweed, mouseear (from seed); crabgrass (large, smooth); crowfootgrass; cupgrass, woolly; foxtails, annual; goosegrass¹; henbit; itchgrass; johnsongrass (from seed); junglerice; knotweed; kochia; lambsquarter, common; lovegrass; panicum (Texas, fall, browntop); pigweed; purslane, common; pusley, Florida; rescuegrass³, shepherd's purse², signalgrass, broadleaf; speedwell, Persian; sprangletop; spurge, prostrate; witchgrass; woodsorrel, yellow (from seed).

¹In many areas a single application of 2.5 to 6 pounds/1,000 square feet (112 to 259 pounds/acre) will control goosegrass. However, under heavy goosegrass pressure and/or an extended growing season, most effective weed control may be obtained with an initial application of 2.5 to 3.9 pounds/1,000 square feet (112 to 173 pounds/acre), followed after 60 to 90 days by a second application at doses that would not exceed the maximum annual rate (see "Minimum and Maximum Application Rate by Turfgrass Species" table in the Rates of Application section of this label).

²For this weed, apply in late summer, fall or winter prior to germination.

³Suppression only.

WHEN TO APPLY TO ESTABLISHED TURF: This product must be applied prior to germination of weed seeds, as it will not control established weeds.

[MAP OF USA]

THIS MAP SHOWS
APPROXIMATE CRABGRASS
GERMINATION DATES

APPLICATION DIRECTIONS: Apply this product uniformly, using a suitable spreader that has been properly calibrated. Most effective weed control will be obtained when this product is activated by at least 0.5 inch of rainfall or irrigation, or with shallow (1-2 inches) incorporation, prior to weed seed germination and within 14 days application.

USE PRECAUTIONS: The following precautions apply to the use of this product in turf grasses and lawns. Application of this product may thin emerged annual bluegrass and newly overseeded grasses. Do not apply to overseeded turf within 60 days after seeding or until after the second mowing, whichever is longer. Injury to desirable seedlings is likely if this product is applied before seedling secondary roots are in the second inch of soil (not thatch plus soil). Do not apply newly set sod until the following year. Application to turf stressed by drought, low fertility, or pest damage may result in turf injury. Disturbing the herbicide barrier with cultural practices (such as core aeration) may result in reduced weed control. Do not apply to putting greens, or areas where dichondra, colonial bentgrass, velvet bentgrass or annual bluegrass (*Poa annua*) are desirable species. Do not apply through any type of irrigation system. Do not apply aerially. Do not graze or feed livestock forage cut from treated areas.

RATES OF APPLICATION: This product is recommended for use on the turf grass species listed in the following table. The maximum amount of this product that may be applied per year is given for each turf grass species. Do not exceed the maximum yearly rate listed:

MINIMUM AND MAXIMUM APPLICATION RATES (by Turf Grass Species)				
Turf Species	Minimum Rate	Maximum Annual Rate		
Bahiagrass, Bermudagrass ² Centipedegrass, Zoysiagrass, Seashore Paspalum, St. Augustinegrass Tall Fescue (including turf- Type)	4 lbs/1,000 sq. ft. (175 lbs/acre)	6 lbs/1,000 sq. ft. per year (259 lbs/acre per year)		
Buffalograss	2 lbs/1,000 sq. ft.	4 lbs/1,000 sq. ft. per year		
Kentucky Bluegrass Perennial Ryegrass	(87.5 lbs/acre)	(173 lbs/acre per year)		
Creeping Red Fescue	1.5 lbs/1,000 sq. ft. (65.3 lbs/acre)	2.9 lbs/1,000 sq. ft. per year (130 lbs/acre per year)		
Creeping Bentgrass	1.5 lbs/1,000 sq. ft. (65.3 lbs/acre)	2.5 lbs/1,000 sq. ft. per year (112 lbs/acre per year)		

¹These are the maximum rates per calendar year.

This product may be applied as a single application or in sequential applications to control weeds germinating throughout the year. Sequential applications may be made so long as the total amount of product applied does not exceed the maximum annual application rates recommended for each turf species. The length of time of residual weed control provided by this product is related to the rate applied. Use the higher rates listed for longer periods of weed control.

WHEN TO OVERSEED AFTER APPLICATION: This product will inhibit germination of turf seed if overseeded too soon after application. Follow rates and intervals in table for best overseedling/reseeding results.

USE RATE	MONTHS BEFORE OVERSEEDING			
	North	Transition	South	
1.9 pounds/1,000 sq. ft. (86 pounds/acre)	4	4	4	
2.5 pounds/1,000 sq. ft. (112 pounds/acre)	5	4	4	
2.9 pounds/1,000 sq. ft. (130 pounds/acre)	6	5	5	
3.16 pounds/1.000 sq. ft. (138 pounds/acre)	•	6	6	
4 pounds/1,000 sq. ft. (173 pounds/acre)	-	7	7	
4.5 pounds/1,000 sq. ft. (197pounds/acre)	-	-	9	
5.14 pounds/1,000 sq. ft. (224 pounds/acre)	-	*	10	
5.94 pounds/1,000 sq. ft. (259 pounds/acre)	-		12	

LANDSCAPE ORNAMENTALS: (including established perennials and wildflower plantings): This product may be applied for residual pre-emergence weed control in ornamentals. Apply at the rate of 2.5 to 5.94 pounds/1,000 square feet (112 to 259 pounds/acre) in fall and/or spring. Use higher rates of application for longer control periods. Sequential applications may be made so long as the total amount of product applied does not exceed the maximum annual application rate of 5.94 pounds/1,000 square feet (259 pounds/acre) per year.

²May be used on newly sprigged or plugged Bermudagrass at rates not to exceed 2 pounds/1,000 square feet (87.5 pounds/acre). Newly sprigged or plugged Bermudagrass stolon rooting may be temporarily retarded. Suppression only of foxtail, goosegrass and rescuegrass due to reduced rates used in sprigging situations.

SPREADER SETTINGS to apply at the listed pounds per 1,000 square feet						
	1.9 lbs.	2.5 lbs.	3.16 lbs.	4 lbs.	5 lbs.	6 lbs.
Spreader A	Х	X	Х	Х	Х	Х
43.4			·			1

(May contain additional spreader brands/models, spreader settings and spreader use instructions as appropriate for the product)

APPLICATION TIMING AND INFORMATION: This product may be applied to newly transplanted and established ornamentals a broadcast, over the top or directed application. Around new transplants, delay application to allow soil to settle and water thoroughly before applying. Apply after cuttings form roots and become established. Apply before budding/grafting or after buds/grafts have taken to avoid any inhibition of the tissue union. This product is a preemergence herbicide and will not control emerged weeds. Most effective weed control in ornamentals will be obtained when this product is activated by at least 0.5 inch of rainfall or irrigation, or with shallow (1 to 2 inch) mechanical incorporation, prior to weed seed germination and within 14 days following application. Best weed control is obtained when applied to soil free of clods, weeds and debris such as leaves. Prior to application, control existing vegetation by hand weeding, cultivation or the use of an appropriate post-emergence herbicide.

TOLERANT ORNAMENTAL SPECIES: This product will not harm most trees, shrubs, vines and flowers. The species listed below are tolerant to this product. Best results will be obtained when product is uniformly applied to the soil surface; avoid applying to ornamental shoots which may defeat the effort to get uniform distribution on the soil surface. This product may be applied over the top of these species. When plants are under stress (such as heat, drought or frost damage) some cultivars of listed plants may be sensitive to this product.

SCIENTIFIC NAME

Abies spp.

Abelia grandflora

Acer palmatum

A. Platanoides

Achillea spp.

Actindia chinensis

Agapanthus africanus

Agapanthus orientalis

Akebiaq quintata

Allium cemuum

Anemone hybrida

Aquillegia spp.

Arctostaphylos densiflora

Arctotheca calendula

Artemesia spp.

Aster spp.

Aster X Frikartii

Athrium Filiz-femina

Aucuba japonica

Begonia spp.

Berberis gladwynensis

B. Julianae

B. mentorensis

B. Thunbergil

B. Verruculosa

Bergenia cordifolia

Boltonia asteroides

Buddleia davidii

Buxus microphylla

COMMON NAME

Fir species** (Balsam, Frasier, Noble, etc.)

Abelia: Sherwood Japanese Maple

Norway Maple

Yarrow: King Edward

Kiwi*

Lily-of-the-Nile (African Lily)

Five-leaf or Chocolate Vine

Lady's Leek, Nodding Onion

Japanese Anenome

Aquilegia: Red and Gold

Vine Hill Manzanita

Cape Weed

Wormwood; Silver Mound, Castle

Aster: Bonnie Blue, Purple Dome

Lady Fern; Fern Lady

Japanese Aucuba

Fibrous Begonia: Hardy Grandis

Barberry

Wintergreen Barberry

Mentor Barberry

Japanese Barberry

Warty Barberry

Snowbank

Butterfly-Bush (Dwarf Blue); Royal Red

Japanese Boxwood

Callistemon viminalis Calluna vulgaris Campanula carpatica Campis X Tagliabuana Carpobrotus edulis Cassia artemisoides Ceanothus rigidus

Ceratostigma plumbagonoides Chamaecyparis pisifera

Cleyera japonica Citrus spp. Coreopsis spp. Cornus florida C. Stolonifera Cortaderia selloana Cotoneaster apiculatus

C. buxifolius C. dammeri C. Microphyllus Cretaegus spp. Crocosmia spp.

Cupressus sempervirens

Delosperma alba Delosperma spp. Delphinium spp. Dianthus deltoides D. gratianopolitanus Dodonea viscosa Echinacea purpurea Elaeagnus pungens Euonymus fortunei

E. japonica E. kiautschovica Fatsia japonica Forsythia intermedia Forsythia suspensa F. viridissima Gaillardia spp.

Gardenia jasminoides

Gaura spp.

Gentiana dahurica Geranium cinereum Gladiolus spp. Gypsophilia repens

Hedera helix Hellanthemum spp. Hemerocallis spp.

Hibiscus Hibiscus spp.

Hibiscus rosa-sinensis Hosta plantaginea H. Sieboldiana

Houttuynia cordata var. variegata

Hydrangea macrophylla

Ilex Bernyi llex cornuta Weeping Bottlebrush Scotch Heather

Tussock Bellflower, (White Clips) Trumpet Flower, Madame Galen

Hottentot Fig (Ice Plant)

Feathery Cassia

Wild Lilac

False Cypress Clevera Citrus species*

Coreopsis (Calliopsis) Early Sunrise, Moonbeam

Flowering Dogwood American Dogwood Pampas Grass

Cranberry Cotoneaster

Cotoneaster

Bearberry Cotoneaster Rockspray Cotoneaster

Hawthorne Lucifer

Italian Cypress

White Trailing Ice Plant

Cooperi Pink Larkspur: Blue Elf

Dianthus: Maiden Pinks "Zing"

Cheddar Pink Hop Bush

Coneflower, Purple; Magnus

Silverberry Wintercreeper Evergreen Euonymus Spreading Euonymus Japanese Aralia

Border Forsythia Weeping Forsythia Greenstem Forsythia

Gaillardia, Blanket Flower: "Goblin"

Gardenia, Cape-Jasmine

Gentian Cranesbill

Gladiolus species** Baby's Breath English Ivy

Daylily: Aztec Gold, Stella de Oro, Tender Love

Rose of Sharon**

Mallow: Disco Belle White

Chinese Hibiscus

Hosta, Plantain Lily (Fragrant)

Hosta, "Seersucker"

Bigleaf Hydrangea

Holly

Chinese Holly

I. crenata
I. opaca
I. vomitoria
Inula ensifolia
Iris ensata
Iris siberica
Iris spp.

Jasminium nudiflorum Juniperus chinensis

J. conferta
J. davurica
J. horizontalis
Juglans spp.

Justicia brandegeana Lagerstromia indica

Lagerstromia indica X Fauriei

Lantana montevidensis

Lavender spp.

Leonopodium alpinum Ligustrum amurense Ligustrum sinense L. japonicum L. lucidum Lilium spp. Liriope muscari

Liriope muscari var. variegata

Liriope spicata Lobelia Cardinalis Lonicera japonica

L. tatarica

Lorapetalum chinense

Lythrum spp. Magnolia spp. Maleophora luteola

Malus spp.

Miscanthus sinensis Nandina domestica Narcissus spp. Nerium oleander Olea europaea

Ophiopogon japonicus
Omanthus heterphyllus
Osteospermum fruticosum
Oxydendrum arboreum
Paeonia suffruticosa
Pennisetum setaceumi
Perovskia atriplicifolia

Persea americana Photinia Fraseri Physotegia Virginiana

Picea spp.
Pieris japonica
Pinus brutia
P. canariensis
P. Elliottii
P. halepensis

Japanese Holly American Holly

Yaupon Holly, Schillings

Sword-Leaved Iris; Jodlesong

Siberian Iris; Cabernet

Iris species**
Winter Jasmine

Chinese Juniper; Nick's Compact, Parsonnii

Shore Juniper; Blue Pacific

Parsoni

Creeping Juniper

Walnut* Shrimp Plant Crape Myrtle

Crape Myrtle; Tuscarora Weeping Lantana Lavender; Munstead

Edelweiss Amur Privet

Chinese Privet; Variegata

Japanese Privet

Glossy Privet (Waxleaf)

Llly; Jazz

Big Blue Lily, Silver Mound, Evergreen Giant

Liriope, Variegated Liriope, Creeping

Cardinal Flower, Indian Pink Japanese Honeysuckle Tatarian Honeysuckle

Burgundy

Loosestrife; Modern Pink Magnolia species**

Ice Plant Crabapple*

Yaku Jima, Silberfeder Heavenly Bamboo Narcissus species**

Oleander Olive* Mondo Grass

Osmanthus (False Holly); Gulf Tide

Trailing African Daisy

Sourwood Tree Peony

Fountain Grass (Dwarf)

Avocado*

Frasier's Photinia (Redtip) Dragonhead, False; Vivid

Spruce species** (Colorado Blue, Norway, etc.)

Lily-of-the-Valley Bush

Calabrian Pine Canary Island Pine

Slash Pine Aleppo Pine

P. nigra P. palustrus P. radiata P. strobus P. sylvestris P. taeda

P. Thunbergiana P. Virginiana Pistachio spp.

Pittosporum rhombifolium

P. tobira

Podocarpus macrophyllus Prunus laurocerasus

Prunus spp.

Pseudotsuga menziesii Pyracantha coccinea

P. fortuneana P. koidzumii Pyrus spp.

Quercus Shumardii Quercus spp. Raphiolepsis indica Raphiolepsis umbellata

Rhododendron (including Azalea)

Rosa banksiae Rosmarinus officinalis

Rudbeckia spp. Santolina virens Saxifraga spp. Scabiosa spp. Sedum album Sedum cauticola Sedum dasyphyllum Sedum spurium Spiraea bumalda Syzygium paniculatum Taxus cuspidata

T. media Teucrium spp.

Thalictrum diptercarpum

Thuja occidentalis

Trachelospermum asiatum

Tsuga canadensis

Tulipa spp. Veronica spp. Viburnum japonicum V. odoratissimum

V. plicatum V. rigidum V. suspensum V. tinus

V. trilobium

Austrian Pine Longleaf Pine Monterey Pine Eastern White Pine

Scotch Pine Loblolly Pine

Japanese Black Pine

Virginia Pine Pistachio*

Queensland Pittosporum Japanese Pittosporum

Japanese Yew English Laurel

Almond, Apricot, Nectarine, Peach, Plum and

Prune* Douglas Fir** Firethorn (Scarlet)

Firethorn **Firethorn**

Bradford Pear spp. Oak, Shumard's Red

Oak species Indian Hawthorne Yedda Hawthorne

'Coral Bells,' 'Formosa,' 'Hino-crimson,' 'PJM' 'Delaware Valley White', 'Roseum Elegans,' 'Flame Creeper', 'Girard Crimson', 'Wakeiebisu 'White Gumbo', 'George L. Tabor'

Lady Bank's Rose

Rosemary*

Black-Eyed Susan; Goldsturm

Santolina

Saxifrage; Purple Dome Pincushion Flower

Stonecrop

Stonecrop; Lidakense

Stonecrop

Stonecrop: Dragon's Blood Spirea; Anthony Waterer Australian Brushcherry

Japanese Yew

Yew Germander Meadow Rue

American Arborvitae

Star Jasmine Canada Hemlock Tulip species

Veronica, Speedwell; Sunny Border

Japanese Viburnum Sweet Viburnum Japanese Snowball Canary Island Viburnum Arrowood Viburnum

Laurustinus Cranberry Bush V. wrightii Vinca major Vinca Minor Vitis spp. Weigela florida Yucca aloifolia Y. filametosa Leatherleaf Viburnum Greater Periwinkle, Vinca Common Periwinkle, Vinca Grape* Old Fashioned Weigela Spanish Bayonet, Yucca Adam's Needle, Yucca

*Do not use on food producing trees, vines or plants.

**Not for use on container grown plants.

STORAGE AND DISPOSAL

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

STORAGE: Store in original container in a locked storage area out of reach of children and domestic animals.

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: Completely empty bag into application equipment. Then dispose of empty bag in a sanitary landfill, or by incineration, of, if allowed by State and local authorities, by burning. If burned, say out of smoke

CONDITIONS OF SALE AND WARANTY

The DIRECTIONS FOR USE of this product are believed to be reliable and should be followed carefully. However, it is impossible to eliminate all risks inherently associated with use of this product. Crop, injury, ineffectiveness or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or use of the product in a manner inconsistent with its labeling, all of which are beyond the control of Control Solutions, Inc. or the Seller. All such risks shall be assumed by the Buyer.

Control Solutions, Inc. 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.

CONTROL SOLUTIONS, INC. 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 EXTENDS 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, WARNING, OR CAUTIONS. 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. CONTROL SOLUTIONS, INC, and the seller offer this product, and the Buyer and User accept it, subject to the foregoing CONDITIONS OF SALE AND WARRANTY.