



U.S. ENVIRONMENTAL PROTECTION AGENCY

Office of Pesticide Programs  
Registration Division (7505P)  
1200 Pennsylvania Ave., N.W.  
Washington, D.C. 20460

EPA Reg. Number:

55146-168

Date of Issuance:

12/6/21

NOTICE OF PESTICIDE:

Registration  
 Reregistration  
(under FIFRA, as amended)

Term of Issuance:

Conditional

Name of Pesticide Product:

NUP-20011

Name and Address of Registrant (include ZIP Code):

Ms. Prachi Pandya  
Regulatory Manager  
Nufarm Americas Inc.  
4020 Aerial Center Parkway, Suite 201  
Morrisville, NC 27560

**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 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 conditionally registered in accordance with FIFRA section 3(c)(7)(A). You must comply with the following conditions:

1. Submit and/or cite all data required for registration/reregistration/registration review of your product under FIFRA when the Agency requires all registrants of similar products to submit such data.

Signature of Approving official:

Carmen J. Rodia, Jr., Acting Product Manager 22  
Fungicide Branch, Registration Division (7505P)

Date:

12/6/21

2. You are required to comply with the data requirements described in the GDCI identified below:

a. Difenoconazole: GDCI-128847-1602

You must comply with all of the data requirements within the established deadlines. If you have questions about the Generic DCI listed above, you may contact the Chemical Review Manager in the Pesticide Reevaluation Division: <http://iaspub.epa.gov/apex/pesticides/f?p=chemicalsearch:1>

3. The data requirements for storage stability and corrosion characteristics (Guidelines 830.6317 and 830.6320) are not satisfied. A one year study is required to satisfy these data requirements. You have 18 months from the date of registration to provide these data.

4. Make the following label changes before you release the product for shipment:

- Revise the EPA Registration Number to read, “EPA Reg. No. 55146-168.”

5. Submit one copy of the final printed label for the record before you release the product for shipment.

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.

If you fail to satisfy these data requirements, EPA will consider appropriate regulatory action including, among other things, cancellation under FIFRA section 6(e). Your release for shipment of the product constitutes acceptance of these conditions. A stamped copy of the label is enclosed for your records. Please also note that the record for this product currently contains the following CSFs:

- Basic CSF dated 1/14/2021
- Alternate CSF #1 dated 1/14/2021
- Alternate CSF #2 dated 1/14/2021
- Alternate CSF #3 dated 1/14/2021

If you have any questions, please contact Mr. Carmen J. Rodia, Jr. by phone at (703) 306-0327, or via email at [Rodia.Carmen@epa.gov](mailto:Rodia.Carmen@epa.gov); or Craig Reeves by phone at (703) 347-0486, or via email at [Reeves.Craig@epa.gov](mailto:Reeves.Craig@epa.gov).

Enclosure

**ACCEPTED**

12/6/2021

Under the Federal Insecticide, Fungicide and Rodenticide Act as amended, for the pesticide registered under EPA Reg. No. 55146-168

DIFENOCONAZOLE	GROUP	3	FUNGICIDE
TEBUCONAZOLE	GROUP	4	FUNGICIDE
METALAXYL	GROUP	4	FUNGICIDE

# NUP-20011

## Fungicide Seed Treatment

FOR USE ON BARLEY, OATS[\*], RYE[\*], TRITICALE, AND WHEAT FOR PROTECTION OF SEEDLINGS AGAINST LISTED SOILBORNE DISEASES

[\*Not approved for use in California]

**ACTIVE INGREDIENT:**

Difenoconazole:..... 3.48%

Metalaxyl: ..... 1.18%

Tebuconazole..... 0.43%

**OTHER INGREDIENTS:**

94.91%

**TOTAL: ..... 100.00%**

**Contains:**

0.31 pound Difenoconazole per gallon (36.7 grams per liter)

0.10 pound Metalaxyl per gallon (12.4 grams per liter)

0.04 pound Tebuconazole per gallon (4.5 gram per liter)

**KEEP OUT OF REACH OF CHILDREN**  
**CAUTION**

**SEE INSIDE BOOKLET FOR ADDITIONAL PRECAUTIONARY STATEMENTS, AND DIRECTIONS FOR USE**

**For Medical Emergencies, Call (877) 325-1840**

**For Chemical Spill, Leak, Fire, or Exposure, Call CHEMTREC (800) 424-9300**

EPA REG. NO. 55146-###  
EPA EST. NO. \_\_\_\_\_

Manufactured For  
**NUFARM AMERICAS INC.**  
AGT DIVISION  
11901 S. Austin Ave.  
Alsip, IL 60803



Net Contents: \_\_\_\_\_ Gal. ( \_\_\_\_\_ L)  
[Designation as "NONREFILLABLE" or "REFILLABLE" for containers > 5 GAL]

**FIRST AID**

<b>IF SWALLOWED</b>	<ul style="list-style-type: none"> <li>• Call a poison control center or doctor immediately for treatment advice.</li> <li>• Have person sip a glass of water if able to swallow.</li> <li>• <b>DO NOT</b> induce vomiting unless told to do so by the poison control center or doctor.</li> <li>• <b>DO NOT</b> give anything by mouth to an unconscious person.</li> </ul>
<b>IF IN EYES</b>	<ul style="list-style-type: none"> <li>• Hold eye open and rinse slowly and gently with water for 15 to 20 minutes.</li> <li>• Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<b>IF ON SKIN OR CLOTHING</b>	<ul style="list-style-type: none"> <li>• Take off contaminated clothing.</li> <li>• Rinse skin immediately with plenty of water for 15 to 20 minutes.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<b>IF INHALED</b>	<ul style="list-style-type: none"> <li>• Move person to fresh air.</li> <li>• If the person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible.</li> <li>• Call a poison control center or doctor for further treatment advice.</li> </ul>
<b>HOT LINE NUMBER</b>	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-877-325-1840 for emergency medical treatment information.	

**PRECAUTIONARY STATEMENTS****HAZARDS TO HUMANS AND DOMESTIC ANIMALS****CAUTION**

Harmful if swallowed. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet.

**PERSONAL PROTECTIVE EQUIPMENT (PPE)****Applicators and other handlers must wear:**

- Long-sleeved shirt and long pants,
- Shoes plus socks,
- Chemical-resistant gloves made of barrier laminate, butyl rubber  $\geq$  14 mils, nitrile rubber  $\geq$  14 mils, neoprene rubber  $\geq$  14 mils, polyvinyl chloride (PVC)  $\geq$  14 mils, Viton®  $\geq$  14 mils).

**Note:** Persons involved in bagging treated seed, sewing, or moving bags of treated seed, or cleaning up bagging areas or seed treatment equipment are pesticide handlers and must wear the PPE required on this label for pesticide handlers.

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 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:**

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- 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.

## PHYSICAL AND CHEMICAL HAZARDS

**DO NOT** place product near or allow product to come into contact with strong oxidizing substances (such as potassium permanganate). Do not mix or allow coming into contact with Oxidizing agents. Hazardous chemical reaction may occur.

## ENVIRONMENTAL HAZARDS

This pesticide is highly toxic to mammals, fish, and aquatic invertebrates. Runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. Do not apply when weather conditions favor drift from treated areas. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwaters. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans, or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of the EPA. Cover or incorporate spilled treated seeds.

**Groundwater Advisory Statement:** Metalaxyl and Tebuconazole are known to leach through soil into groundwater under certain conditions as a result of agricultural use. Use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination.

**Surface Water Advisory:** This product may contaminate water through drift of spray in wind. This product has a high potential for runoff for several months or more after application. Poorly draining soils and soils with shallow water tables are more prone to runoff that contains this product. A level, well maintained vegetative buffer strip between areas to which this product is applied and surface water features such as ponds, streams, and springs will reduce the potential for contamination of water from rainfall-runoff. Runoff of this product will be reduced by avoiding applications when rainfall is forecasted within 48 hours.

## DIRECTIONS FOR USE

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

Use is permitted and in commercial seed treatment facilities only. Do not use for at-plant applications in hopper-box, planter-box, or slurry-box seed treatment applications. This product must be applied as a water-based slurry through standard slurry- or mist-type commercial seed treatment equipment.

**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.

Maximum usage when applying both metalaxyl- and mefenoxam-containing products to the same crop within the same season: Do not apply more than the maximum yearly total application rate for the active ingredient as stated on the label of the product containing the lowest yearly total on that crop.

### AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR Part 170. This standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE) and restricted-entry 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**.

Exception: If the seed is treated with the product and the treated seed is soil-injected or soil-incorporated, the Worker Protection Standard, under certain circumstances, allows workers to enter the treated area if there will be no contact with anything that has been treated.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil or water is:

- Coveralls
- Chemical-resistant gloves made of barrier laminate, butyl rubber  $\geq 14$  mils, neoprene rubber  $\geq 14$  mils, nitrile rubber  $\geq 14$  mils, polyvinyl chloride (PVC)  $\geq 14$  mils, or Viton®  $\geq 14$  mils
- Shoes plus socks.
- Protective eyewear.

### USE RESTRICTIONS

- **DO NOT** use on agricultural establishments in hopper-box, planter-box, slurry-box or other seed treatment applications at or immediately before planting.
- The maximum application rate for metalaxyl- and mefenoxam-containing products (including seed treatments, foliar applications, soil application) is 12.3 lb per acre per calendar year. **DO NOT** apply more than 12.3 lb of active ingredient, metalaxyl per acre per calendar year.
- **DO NOT** use treated seed for feed, food, or oil purposes.
- Store treated seed away from feeds and foodstuffs. Treated seed must not be used for or mixed with food or animal feed or processed for oil. Seed commercially treated with this product must be labeled in accordance with all applicable requirements of the Federal Seed Act.
- **DO NOT** allow children, pets, or livestock to have access to treated seed.
- Treated seed must be planted into the soil at a depth greater than 1 inch.
- **DO NOT** graze or feed livestock on green barley forage until 31 days after planting.
- **DO NOT** graze or feed livestock on green wheat, oats, or triticale for 55 days after planting.
- **DO NOT** use the same auger for treating seed that will handle commercial or feed grains.
- If excess treated seed remains after planting, dispose of it by burying away from bodies of water.
- Treated seeds exposed on soil surface may be hazardous to wildlife. Cover or collect treated seeds spilled during loading and planting.
- 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.

**ROTATIONAL CROPS**

**DO NOT** plant any crop other than those on this label within 30 days to fields in which treated seeds were planted.

**RESISTANCE MANAGEMENT RECOMMENDATIONS**

NUP-20011 Fungicide Seed Treatment contains difenoconazole and tebuconazole, Group 3 fungicides and; metalaxyl, a Group 4 fungicide. Difenconazole and tebuconazole belong to the DMI class of chemistry. Metalaxyl belongs to the phenylamide class of chemistry.

Fungal populations may contain individuals naturally resistant to active ingredients in NUP-20011 Fungicide Seed Treatment and if used repeatedly in the same fields, then resistant members may eventually dominate the population. Because resistance development cannot be predicted, the use of this product should conform to sound resistance management strategies such as an alternation with fungicides of a different mode of action and/or tank mixes established for the crop and use area.

Use should be based on an IPM program that includes field sanitation, scouting, historical information related to pesticide use, and crop rotation. The IPM program should also consider cultural, biological, and other chemical control practices.

Nufarm encourages responsible product stewardship to ensure effective long term control of the fungal diseases on this label.

For additional information on Fungicide Resistance Management:

- Contact Nufarm Americas Inc representatives at 1-800-345-3330
- Contact your local extension specialist or certified crop advisor.
- Visit the Fungicide Resistance Action Committee (FRAC) at <http://www.frac.info>

**PRODUCT INFORMATION**

Apply as a seed treatment using standard slurry or mist-type seed treatment equipment. Uniform application to seed is necessary to ensure seed safety and best disease protection. Seed must be sound and well cured prior to treatment. Product must be diluted with sufficient water to ensure complete seed coverage. Consult a seed treatment specialist regarding slurry rates for the crop to be treated with this product

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

<b>Crop</b>	<b>Maximum Fl. Oz. Slurry / 100 lbs. of Seed</b>
Wheat, Oats[*], Rye[*], Triticale, and Barley	16

[\* Not approved for use in California]

## SEED TREATMENT

This product is a mixture of the fungicides Difenoconazole, Tebuconazole, and Metalaxyl. When used on listed crops, this product aids in the control or suppression<sup>1</sup> of the following seed, seedling and soilborne diseases on seed and young seedlings of Barley, Oats, Triticale, and Wheat.

CROP	DISEASE CONTROL	RATE
<b>Barley</b> <b>Oats[*]</b> <b>Rye [*]</b> <b>Triticale</b> <b>Wheat</b>	<p>Control of seed rots such as <i>Penicillium</i> and <i>Aspergillus</i> and seed-borne <i>Fusarium</i> Scab and <i>Septoria</i>.</p> <p>Control of Dwarf bunt, Karnal bunt*, Stinking smut (Common bunt), Flag smut, Loose smut, Covered smut of barley.</p> <p>Control of early season Barley stripe, <i>Pythium</i> damping-off, <i>Septoria</i> disease complex, <i>Rhizoctonia</i> root rot, Common root rot (<i>Cochliobolus</i> spp.), <i>Fusarium</i> foot rot.</p> <p>Early season suppression of powdery mildew, wheat leaf rust, and <i>Septoria</i> leaf blotch.</p> <p>Suppression of Take-all<sup>1</sup></p>	<p>5.0 – 7.5 fluid ounces per 100 pounds of seed</p>

**APPLICATION DIRECTIONS:** Apply prior to planting as a slurry treatment in sufficient fluid for adequate coverage. This product is to be used in liquid or slurry treaters only. Mix thoroughly before use or use entire container at one time. Ensure thorough coverage.

**TANK MIXES:** All tank mixes should be pre-tested to determine physical compatibility between formulations. Follow the most restrictive precautions and limitations on the labeling of all products used in mixtures. It is the pesticide user's responsibility to ensure that all products are registered for the intended use. Read and follow the applicable restrictions and limitations and directions for use on all product labels involved in tank mixing. Users must follow the most restrictive directions for use and precautionary statements of each product in the tank mixture.

<sup>1</sup> Suppression: provides protection at a suboptimal but commercially beneficial level.

**[\*Not approved for use in California]**



## SEED BAG LABELING REQUIREMENTS

Seed commercially treated with this product must be labeled in accordance with all applicable requirements of the Federal Seed Act. The user of this product is responsible for ensuring that the seed bag meets all requirements under the Federal Seed Act.

THE FEDERAL SEED ACT REQUIRES THAT BAGS CONTAINING TREATED SEEDS BE LABELED WITH THE FOLLOWING STATEMENTS:

- This seed has been treated with NUP-20011 Fungicide Seed Treatment (difenoconazole, metalaxyl, and tebuconazole).
- **DO NOT** use for feed, food, or oil purpose.

THE US ENVIRONMENTAL PROTECTION AGENCY REQUIRES THE FOLLOWING STATEMENTS ON BAGS CONTAINING SEEDS TREATED WITH NUP-20011 Fungicide Seed Treatment (difenoconazole, metalaxyl, and tebuconazole):

- **Groundwater Advisory:** Metalaxyl and Tebuconazole are known to leach through soil into groundwater under certain conditions as a result of agricultural use. Use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination.
- Store treated seed away from feeds and foodstuffs.
- Wear long-sleeved shirt, long pants, shoes plus socks, and chemical resistant gloves when opening this bag or handling (e.g. loading, pouring) treated seed.
- Treated seed must be planted into the soil at a depth greater than 1 inch.
- Dispose of seed packaging in accordance with local requirements.
- **DO NOT** graze or feed livestock on green barley forage until 31 days after planting.
- **DO NOT** graze or feed livestock on green wheat, oats, rye, or triticale for 55 days after planting.
- **DO NOT** contaminate water bodies when disposing of planting equipment wash water.
- **DO NOT** allow children, pets, or livestock to have access to treated seed.
- **DO NOT** plant any crop other than those on this label within 30 days to fields in which treated seeds were planted.
- Treated seeds exposed on soil surface may be hazardous to wildlife. Cover or collect treated seeds spilled during loading and planting.
- Dispose of all excess treated seed by burying seed away from bodies of water.
- Store treated seed in a cool, dry location.
- **DO NOT** store leftover treated seed where there is a chance of it becoming mixed with untreated seed.
- 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 of pesticides remain in the ethanol by-products that are used in agronomic practice.

## STORAGE AND DISPOSAL

**DO NOT** contaminate water, food or feed by storage or disposal.

**PESTICIDE STORAGE:** Store in a cool place, **DO NOT** store in direct sunlight. Protect from freezing temperatures.

**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:

**{Note to Reviewer:** The following statement will be included on all Final Printed Labels bearing multiple Container Handling statements} **NOTE:** This product is available in multiple containers. Refer to the Net Contents section of this products labeling for the applicable "Nonrefillable" or "Refillable" designation. Follow the container handling instructions below that apply to your container type / size."

#### [Nonrefillable Containers 5 Gallons or Less]

**Nonrefillable container. DO NOT** reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying. **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 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 or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Then offer for recycling if available or reconditioning if appropriate, or puncture and dispose of in a sanitary landfill or by incineration, or by other procedures approved by State and local authorities, or, if allowed by State and local authorities, by burning. If burned stay out of smoke.

#### [Nonrefillable containers larger than 5 gallons]

**Nonrefillable container. DO NOT** reuse or refill this container. Triple rinse or pressure rinse container (or equivalent) promptly after emptying. **Triple rinse as follows:** Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 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. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times. **Pressure rinse as follows:** 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 and continue to drain for 10 seconds after the flow begins to drip. 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. Then offer for recycling if available or reconditioning if appropriate, or puncture and dispose of in a sanitary landfill or by incineration, or by other procedures approved by State and local authorities, or, if allowed by State and local authorities, by burning. If burned stay out of smoke.

#### [Refillable containers larger than 5 gallons]

**Refillable container.** Refill this container with pesticide 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 this container into application equipment or a mix tank. Fill the container about 10% full with water. Agitate vigorously or recirculate water with the pump for two minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times. For final disposal, offer for recycling if available. If recycling or reconditioning is not available, puncture and dispose of in a sanitary landfill, or by other procedures approved by State and local authorities.

## **WARRANTY DISCLAIMER**

The directions for use of this product must be followed carefully. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, (1)THE GOODS DELIVERED TO YOU ARE FURNISHED "AS IS" BY MANUFACTURER OR SELLER AND (2) MANUFACTURER AND SELLER MAKE NO WARRANTIES, GUARANTEES, OR REPRESENTATIONS OF ANY KIND TO BUYER OR USER, EITHER EXPRESS OR IMPLIED, OR BY USAGE OF TRADE, STATUTORY OR OTHERWISE, WITH REGARD TO THE PRODUCT SOLD, INCLUDING, BUT NOT LIMITED TO MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, USE, OR ELIGIBILITY OF THE PRODUCT FOR ANY PARTICULAR TRADE USAGE. UNINTENDED CONSEQUENCES, INCLUDING BUT NOT LIMITED TO INEFFECTIVENESS, MAY RESULT BECAUSE OF SUCH FACTORS AS THE PRESENCE OR ABSENCE OF OTHER MATERIALS USED IN COMBINATION WITH THE GOODS, OR THE MANNER OF USE OR APPLICATION, INCLUDING WEATHER, ALL OF WHICH ARE BEYOND THE CONTROL OF MANUFACTURER OR SELLER AND ASSUMED BY BUYER OR USER. THIS WRITING CONTAINS ALL OF THE REPRESENTATIONS AND AGREEMENTS BETWEEN BUYER, MANUFACTURER AND SELLER, AND NO PERSON OR AGENT OF MANUFACTURER OR SELLER HAS ANY AUTHORITY TO MAKE ANY REPRESENTATION OR WARRANTY OR AGREEMENT RELATING IN ANY WAY TO THESE GOODS.

## **LIMITATION OF LIABILITY**

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, IN NO EVENT SHALL MANUFACTURER OR SELLER BE LIABLE FOR SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES, OR FOR DAMAGES IN THEIR NATURE OF PENALTIES RELATING TO THE GOODS SOLD, INCLUDING USE, APPLICATION, HANDLING, AND DISPOSAL. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, MANUFACTURER OR SELLER SHALL NOT BE LIABLE TO BUYER OR USER BYWAY OF INDEMNIFICATION TO BUYER OR TO CUSTOMERS OF BUYER, IF ANY, OR FOR ANY DAMAGES OR SUMS OF MONEY, CLAIMS OR DEMANDS WHATSOEVER, RESULTING FROM OR BY REASON OF, OR RISING OUT OF THE MISUSE, OR FAILURE TO FOLLOW LABEL WARNINGS OR INSTRUCTIONS FOR USE, OF THE GOODS SOLD BY MANUFACTURER OR SELLER TO BUYER. ALL SUCH RISKS SHALL BE ASSUMED BYTHE BUYER, USER, OR ITS CUSTOMERS.TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BUYER'S OR USER'S EXCLUSIVE REMEDY, AND MANUFACTURER'S OR SELLER'S TOTAL LIABILITY SHALL BE FOR DAMAGES NOT EXCEEDING THE COST OF THE PRODUCT.

**If you do not agree with or do not accept any of directions for use, the warranty disclaimers, or limitations on liability, do not use the product, and return it unopened to the Seller, and the purchase price will be refunded.**

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