

66330-291

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

March 20, 2009

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Bill Washburn
Regulatory Manager
Arysta LifeScience North America LLC
15401 Weston Parkway, Suite 150
Cary, NC 27513

RE: Product Name: PGR-IV / BP FOLIAR
EPA Reg. No: 66330-291
Your Label Notification dated February 3, 2009, to Update Container Disposal,
Company's Information, Emergency Telephone Numbers and Warranty per
PR Notices 98-10 and 2007-4

Dear Mr. Washburn:

The Biopesticides and Pollution Prevention Division is in receipt of your application for Notification under Pesticides Registration Notice (PRN) 98-10 dated above. A preliminary screen of this request has been conducted for its applicability under PRN 98-10 and it has been determined that the action(s) requested falls within the scope of PRN 98-10. Our records have been duly noted, and the letter submitted with this application has been stamped "Notification, received and reviewed" and will be placed accordingly in our records.

Questions concerning this action should be directed to Ms. Diana Hudson at (703) 308-8713 or email at HUDSON.DIANA@EPA.GOV.

Sincerely,

Sheryl K. Reilly

Sheryl K. Reilly, Ph.D., Chief
Microbial Pesticides Branch
Biopesticides and Pollution Prevention
Division (7511P)

<b style="font-size: 24pt; margin-left: 10px;">EPA	United States Environmental Protection Agency Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other:	OPP Identifier Number
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Application for Pesticide - Section I

1. Company/Product Number 66330-291	2. EPA Product Manager PATRICIA MOE	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) PGR-IV®/BP01 FOLIAR	PM# <u>92</u>	
5. Name and Address of Applicant (Include ZIP Code) Arysta LifeScience North America, LLC 15401 Weston Parkway, Suite 150 Cary, NC 27513 <input type="checkbox"/> Check if this is a new address		6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(I), my product is similar or identical to _____ and labeling to: EPA Reg. No. _____ Date Reviewed: 3-20-09 Product Name _____ Reviewed By: D. Hudson

Section - II

<input type="checkbox"/> Amendment – Explain below. <input type="checkbox"/> Resubmission in response to Agency letter dated _____ <input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____ <input type="checkbox"/> "Me Too" Application <input type="checkbox"/> Other - Explain below
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Explanation: Use additional page(s) if necessary. (For Section I and Section II.)

Notification of label change per PR Notice 2007-4. This notification is consistent with guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for this product. I understand that it is a violation of 18 USC Sec 1001 to willfully make any false statement to EPA. I further understand that if the amendment is not consistent with the requirements of 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

Notification of label change per PR Notice 98-10. This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 USC Sec 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, this may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

Section - III

1. Material This Product Will Be Packaged In:			
Child-Resistant Packaging <input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes" Unit Packaging wgt. No. per container	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes" Package wgt. No. per container	2. Type of Container <input type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify)
*Certification must be submitted			
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container	4. Size(s) Retail Container <p style="text-align: center;">1.0 lb., 3.0 lb., 5 lb., and 10 lb.</p>	5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On labeling accompanying product	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Other _____ <input checked="" type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled			

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application)		
Name <p style="text-align: center;">Bill Washburn</p>	Title <p style="text-align: center;">Regulatory Manager</p>	Telephone No. (include Area Code) <p style="text-align: center;">991-432-5118</p>
I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.		6. Date Application Received <p style="text-align: center;">(Stamped)</p>
2. Signature <p style="text-align: center;"><i>Bill Washburn</i></p>	3. Title <p style="text-align: center;">Regulatory Manager</p>	
4. Typed Name <p style="text-align: center;">Bill Washburn</p>	5. Date <p style="text-align: center;">02/03/09</p>	



February 3, 2009

Ms. Patricia Moe
Document Processing Desk (NOTIF)
Office of Pesticide Programs – 7504P
U.S. Environmental Protection Agency
One Potomac Yard, Room S-4900
2777 South Crystal Drive
Arlington, VA 22202

**Subject: PGR-IV®/BP01 FOLIAR
EPA Reg. No. 66330-291**

***Notification of Label Change per PR Notice 2007-4
and PR Notice 98-10***

Dear Ms. Moe:

Please find the following enclosed:

- Application for Pesticide Registration (Other) dated 02/03/09.
- One highlighted copy of subject label, showing all changes.
- One clean copy of the subject label.

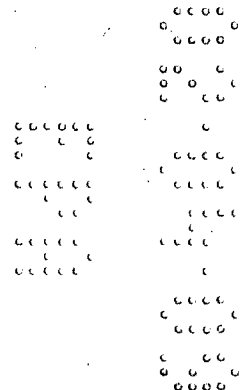
Notification of label change per PR Notice 2007-4. This notification is consistent with guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for this product. I understand that it is a violation of 18 USC Sec 1001 to willfully make any false statement to EPA. I further understand that if the amendment is not consistent with the requirements of 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

Also in this submission, we are using PR Notice 98-10 to update the name of the company, emergency telephone numbers and warranty. Arysta LifeScience North America Corporation was changed to Arysta LifeScience North America, LLC.

Should you have any questions or comments, please do not hesitate to contact me at 901-432-5118 or by e-mail at bill.washburn@arystalifescience.com

Sincerely,

Bill Washburn
Regulatory Manager



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NOTIFICATION

Date Reviewed: 3/20/09

Reviewed By: D. Hudson

PR Notice 2007-4

**PGR-IV®/BP01 Foliar
Plant Growth Regulator**

For Use On Row Crops (Cotton, Field Corn, Milo, Soybeans, Winter Wheat, Oats, Barley, Rye, Peanuts, Rice), Vegetable Crops (Peppers, Beans [green, lima, pinto, black-eyed, mung, etc.], Cabbage, Broccoli, Cauliflower, Brussels Sprouts, Cucumbers, Squash, Sweet Corn, Tomatoes, Cantaloupes, Watermelon, and Honeydew

ACTIVE INGREDIENTS:

**Bacillus cereus*, Strain BP01..... 0.100%

Gibberellic Acid (GA3) 0.225%

OTHER INGREDIENTS: 99.675%

TOTAL 100.000%

*Contains a minimum of 1.84×10^8 colony forming units per gram

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

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 SWALLOWED:

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 do so by the poison control center or doctor.
Do not give anything by mouth to an unconscious person.

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 INHALED:

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.

EMERGENCY TELEPHONE NUMBERS: Have the product container or label with you when calling a poison control center or doctor, or going for treatment.

FOR 24-HOUR EMERGENCY MEDICAL ASSISTANCE CALL: 1-866-303-6952

See Additional Precautionary Statements on rear panel

EPA Reg. No. 66330-291
EPA Est. No. 51036-GA-001
AD103006
NET CONTENTS: _____

Manufactured For:
Arysta LifeScience North America, LLC
15401 Weston Parkway, Suite 150
Cary, NC 27513

PRECAUTIONARY STATEMENTS
Hazards to Humans and Domestic Animals
CAUTION

Harmful if swallowed or absorbed through the skin. Causes eye irritation. Harmful if inhaled. Do not breathe dust. Avoid contact with eyes, skin or clothing. Wash thoroughly with soap and water after handling.

PERSONAL PROTECTIVE EQUIPMENT

Applicators and other handlers must wear:

1. Long-sleeved shirt and long pants
2. Waterproof gloves
3. Shoes plus socks
4. NIOSH approved facepiece respirator rated N-95 or higher

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:
Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.

Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean 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 cleaning equipment or disposing of equipment washwater or rinsate.

CHEMIGATION PROHIBITION

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

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. When exposed to potentially high concentrations of living microbial products such as this, all mixer/loaders and other handlers must wear a NIOSH accepted filtering face piece respirator N-95 or higher.

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 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. Long-sleeved shirt and pants.
- 2. Waterproof gloves
- 3. Shoes plus socks

STORAGE AND DISPOSAL

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

STORAGE: Store in locked area in original container only, with lid tightly closed. Store separately from other pesticides and fertilizers, food and feed to prevent contamination. Use care to avoid puncturing container during storage or transit.

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: 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. Fill the container ¼ 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. Offer for recycling if available, or 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 CHEMICAL EMERGENCY: Spill, leak, fire, exposure, or accident call

CHEMTREC 1-800-424-9300

AERIAL SPRAY DRIFT MANAGEMENT

Avoid spray drift. Requirements below do not apply to forestry applications and mosquito control uses.

The distance of the outer most nozzles on the boom must not exceed 3/4 of the wingspan.

Nozzles must always discharge backward parallel with the air stream.

Never discharge spray downwards more than 45 degrees on fixed wing aircraft or forward of the prevailing air flow on rotary winged aircraft.

AERIAL SPRAY DRIFT PREVENTION MEASURES

LARGE DROPLETS

The best spray drift management strategy is to apply large droplets and limit or eliminate small droplets to reduce drift potential. However, this will not prevent drift if applications are made improperly or under unfavorable environmental conditions. (see prevention measures below).

CONTROLLING DROPLET SIZE

Number of Nozzles - Using the minimum number of nozzles that provide uniform coverage can reduce spray drift.

Nozzle Orientation - Nozzles that discharge parallel to the airstream produce large droplets. The greater the nozzle angle from the horizontal axis of the aircraft in flight, the smaller the droplet size which increases drift potential.

Nozzle Type - Using the correct nozzle type that is designed for the intended application reduces the potential of drift. With most nozzle types, narrower spray angles produce larger droplets. Properly designed solid stream nozzles generally produce the lowest drift potential. Selection of nozzles, which do not have a wide discharge profile, is best.

Pressure - Within any given nozzle type, using higher pressure will form smaller droplets, and using lower pressure will produce larger droplets reducing drift potential.

CALIBRATION

Calibrating equipment regularly according to the manufacturers specifications helps to identify equipment problems that contribute to drift.

APPLICATION HEIGHT AND BOOM CONTROL

An application height within 8 to 15 feet above the top of the target plants (taking into account aircraft safety) will limit drift potential. Operating the boom during transition from, or to, level flight increases drift potential.

SWATH ADJUSTMENT

Adjusting the swath path to compensate for swath displacement in a crosswind can reduce the drift potential. If swath adjustment distance is increased in proportion to the factors of higher drift potential (high winds, small droplet size, etc.), then the potential for drift is reduced.

WIND

High wind speeds contribute to drift.. Drift can be minimized through:

- Attention to local wind patterns
- Real time monitoring of wind speed and direction prior to and during application
- Rapid response to fluctuations in wind speed and direction
- If necessary, stopping the application

TEMPERATURE AND HUMIDITY

Low humidity and high temperature increase evaporation rate and therefore increase spray drift potential. Increasing the sizes in the released droplet spectrum can help compensate for expected evaporation effects.

TEMPERATURE INVERSIONS

Very low wind speeds indicate a potential for temperature inversion. Applications where droplets are released into or may reach a temperature inversion layer have a high drift potential. The release of simple smoke tracers or accurate local measurements of temperature gradients and wind speed can help determine if strongly stable or inversion conditions exist. Local sources of weather information may help identify the presence of temperature inversions.

SENSITIVE AREAS

Exercising reasonable care will minimize the potential for drift damage to sensitive areas. Sensitive areas include, but are not limited to places where people or nontarget plants and/or animals may be present. (i.e. housing areas, schools, parks, churches, business districts, zoos, etc.), bodies of water, known habitat for threatened or endangered species.

RAIN WASH-OFF PRECAUTION

Thorough coverage of foliage is required for **PGR-IV®/BP01** to be effective. The use of a high quality surfactant will enhance coverage and the uptake of **PGR-IV®/BP01** into the plant. It will allow applications to be made as little as 4 hours prior to rainfall to be effective. Without a surfactant, the product should be used at least 8 hours prior to expected rainfall.

COMPATIBILITY

PGR-IV®/BP01 is compatible with most insecticides, fungicides and miticides. If compatibility is in doubt, perform a standard jar test (mix all ingredients in a clear glass jar in approximate ratios intended for field application) to check for compatibility. **PGR-IV®/BP01 Foliar** can be used with foliar fertilizers if your prior experience shows the combination is compatible and will not injure cotton under your conditions. Care should be used when applying with foliar fertilizers under conditions of extreme heat or crop stress. NOTE: Tank mixes with 2,4-D-B or other hormone type herbicides may result in unwanted additional herbicidal activity.

RESTRICTIONS AND LIMITATIONS

Do not exceed a total of 1 ¾ oz. of **PGR-IV®/BP01 Foliar** per acre per season.
Do not apply **PGR-IV®/BP01 Foliar** within 30 days of harvest.

SPRAY MIX VOLUMES

Refer to COMPATIBILITY section for tank mixing with other products.

Use the enclosed **PGR-IV®/BP01** measuring cone to measure out the appropriate amount of **PGR-IV®/BP01** to be added to each tank.

The following table gives the minimum and maximum amounts of diluent to be used to apply the amount of **PGR-IV®/BP01 Foliar** per acre specified in the use rate tables. Applicators should use a dilution rate that achieves thorough coverage of available plant foliage up to the point of runoff.

DILUENT	MINIMUM PER ACRE	MAXIMUM PER ACRE	COMMENTS
WATER	2 gallons (aerial)	10 gallons (aerial)	Use minimum of 5 gallons in California for aerial.
	5 gallons (ground)	60 gallons (ground)	
OIL, vegetable Cotton Only, Aerial Application	2 pints	4 pints	Application in oil is permitted only in AL, AR, FL, GA, LA, MO, MS, NC, OK, SC, TN and TX. If using an oil carrier, PGR-IV/BP 01 Foliar MUST BE PRE-DISSOLVED in water prior to adding to the mix tank or applicator. Only highly refined vegetable oils may be used with this product and must contain sufficient amounts of emulsifier to insure adequate mixing. Mix under constant agitation. Pour 1/2 of the required volume of vegetable oil into the spray tank, and then pour PGR-IV®/BP01 Foliar pre-dissolved in water into the tank before the remainder of

			the oil is added. Constant agitation is required during mixing and application.
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ROW CROPS

University trials and on farm results have shown the use of **PGR-IV®/BP01 Foliar** can result in increased root mass, earlier fruit initiation, increased fruit retention, increased nutrient utilization, and higher yields.

COTTON:

PGR-IV®/BP01 applications are designed to promote root growth, square retention, fruit retention and boll fill.

HIGH RATE SINGLE OR SPLIT APPLICATIONS

Use these instructions as the preferred method for application.

APPLICATION	RATE PER ACRE	COMMENTS
FIRST	¾ - 1 oz.	Apply lower rate between match-head square and early bloom when planning a sequential application in 18-24 days. Apply 1 oz. rate when only a single application is planned.
SECOND	½ - 1 oz.	Use lower rate if the early bloom application was made. Apply 1 oz. rate when making a single application.

FIELD CORN:

Band (16") 1 oz. **PGR-IV®/BP01 Foliar** /acre (set nozzles to assure even distribution) at 5 to 8 leaf stage (or 1 oz. **PGR-IV®/BP01 Foliar** broadcast through 2nd whorl stage). May be mixed with fungicides and insecticides.

MILO:

Band (16") 1 oz. **PGR-IV®/BP01 Foliar** /acre (set nozzles to assure even coverage) at 5 to 7 leaf stage (or 1 oz. **PGR-IV®/BP01 Foliar** broadcast through the 1st whorl stage). May be mixed with fungicides and insecticides.

SOYBEANS:

Apply 1 oz. **PGR-IV®/BP01 Foliar** /acre at early bloom (R1 – R3). May be mixed with fungicides and insecticides.

WINTER WHEAT, OATS, BARLEY, RYE:

Apply 1 oz. **PGR-IV®/BP01 Foliar** /acre at early tillering. May be mixed with fungicides and insecticides.

PEANUTS:

Apply 1 oz. **PGR-IV®/BP01 Foliar** /acre at initial pegging and follow with ¾ oz. **PGR-**

IV®/BP01 Foliar /acre during early nut fill. May be mixed with fungicides and insecticides.

RICE:

Apply 1 oz. **PGR-IV®/BP01 Foliar** /acre between tillering and panicle initiation. May be mixed with fungicides and insecticides.

VEGETABLE and FRUIT CROPS

PEPPERS: BELL, JALAPENO, SERRANO, etc.

STEP 1- Broadcast 1 oz. **PGR-IV®/BP01 Foliar** /acre at early bloom.

STEP 2 - Broadcast ¾ oz. **PGR-IV®/BP01 Foliar** /acre at 21 day intervals.

BEANS: GREEN, LIMA, PINTO, BLACK EYE, MUNG, ETC.

Broadcast 1 oz. **PGR-IV®/BP01 Foliar** /acre at first bloom.

CABBAGE/BROCCOLI/CAULIFLOWER/BRUSSEL SPROUTS

STEP 1 - Band (14") 1 oz. **PGR-IV®/BP01 Foliar** /acre 2 weeks post transplant.

STEP 2 - Reapply (14" band) ¾ oz. **PGR-IV®/BP01 Foliar** /acre at 21 days later.

CUCUMBERS/SQUASH

STEP 1 - Spray with 1 oz. **PGR-IV®/BP01 Foliar** /acre at early bloom - broadcast.

STEP 2 - Reapply with ¾ oz. **PGR-IV®/BP01 Foliar** /acre at 21 days later.

SWEET CORN, POPCORN

Band (16") 1 oz. **PGR-IV®/BP01 Foliar** /acre (set nozzles to assure even distribution) at 5 to 8 leaf stage (or 1 oz. **PGR-IV®/BP01 Foliar** broadcast through 2nd whorl stage).

TOMATOES: Machine Harvested or Hand Picked

STEP 1 - Spray ¾ oz. **PGR-IV®/BP01 Foliar** /acre (14" band) 3 weeks post transplant.

STEP 2 - Spray 1 oz. **PGR-IV®/BP01 Foliar** /acre (broadcast) at early bloom.

CANTALOUPE/WATERMELON/HONEYDEW

STEP 1 - Spray ¾ oz. **PGR-IV®/BP01 Foliar** /acre broadcast when plants show first signs of running.

STEP 2 - Reapply 1 oz. **PGR-IV®/BP01 Foliar** /acre broadcast 2 weeks later.

NOTICE: PGR-IV IS NOT A FERTILIZER. USE IN COMBINATION WITH A GOOD FERTILIZER PROGRAM WHERE INDICATED.

Warranty and Disclaimer Statement

The directions for use of this product are believed to be adequate and must be followed carefully. However, it is impossible to eliminate all risks associated with the use of this product. Such risks may arise from weather conditions, soil factors, off-target movement, unconventional farming techniques, the presence of other materials, the manner of use or application, or other unknown factors, all of which are beyond the control of Arysta LifeScience North America, LLC ("Arysta"), and can cause crop injury, injury to non-target crops or plants, ineffectiveness of the product, or other unintended consequences. All such risks shall be assumed by the user or buyer. Arysta 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 described above, when used in accordance with the Directions for Use under normal conditions. This warranty does not extend to the use of this product contrary to label instructions or under conditions not reasonably foreseeable to Arysta, and is subject to the inherent risks described above.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, ARYSTA DISCLAIMS ALL OTHER WARRANTIES, EXPRESSED OR IMPLIED, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, ARYSTA, MANUFACTURER, AND SELLER DISCLAIM AND SHALL NOT BE LIABLE FOR ANY SPECIAL, INCIDENTAL, INDIRECT, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE, HANDLING, APPLICATION, STORAGE, OR DISPOSAL OF THIS PRODUCT OR FOR DAMAGES IN THE NATURE OF PENALTIES, AND THE USER AND BUYER WAIVE ANY RIGHT THAT THEY MAY HAVE TO SUCH DAMAGES. NO AGENT, REPRESENTATIVE OR EMPLOYEE OF ARYSTA IS AUTHORIZED TO MAKE ANY WARRANTY, GUARANTEE OR REPRESENTATION BEYOND THOSE CONTAINED HEREIN OR TO MODIFY THE WARRANTIES CONTAINED HEREIN.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE TOTAL LIABILITY OF ARYSTA, MANUFACTURER, AND SELLER, SHALL BE LIMITED TO THE PURCHASE PRICE PAID, OR AT ARYSTA'S ELECTION, THE REPLACEMENT OF THE PRODUCT.