

66330-338

02/17/2009

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

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

FEB 17 2009

Subject: Label Notification(s) for Pesticide Registration Notices 2007-4 and 98-10

1. **Update of company name**
2. **Added emergency telephone number(s)**
3. **Updated warranty statement**

Dear Mr. Washburn:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notices (PRN) 2007-4 and 98-10 dated January 16, 2009 for:

EPA Registration 66330-318

EPA Registration 66330-338

EPA Registration 66330-343

Bifenthrin 7.9% FL T&O

**Bifenthrin PRO 0.2% DG Granular
Insecticide**

**Bifenthrin DG Lite Lawn Granular
Insecticide**

The Registration Division (RD) has conducted a review of this request for applicability under PR Notices 2007-4 and 98-10 and finds that the label changes requested falls within the scope of PR Notices 2007-4 and 98-10. The label has been date-stamped "Notification" and will be placed in our records.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identifying the batch of the pesticide distributed and sold be placed on nonrefillable containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions, please contact me directly at 703-305-6249 or Nicole Williams of my staff at 703-308-5551.

Sincerely,



Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs

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**EPA**

United States

Environmental Protection Agency

Washington, DC 20460

☐ **Registration**☐ **Amendment**☒ **Other:**

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number

66330-338

2. EPA Product Manager

GEORGE LAROCCA

3. Proposed Classification

☐ None ☐ Restricted

4. Company/Product (Name)

BIFENTHRIN PRO 0.2% DG GRANULAR INSECTICIDEPM# **13**

5. Name and Address of Applicant (Include ZIP Code)

**Arysta LifeScience North America, LLC
15401 Weston Parkway, Suite 150
Cary, NC 27513**☐ Check if this is a new address6. **Expedited Review.** In accordance with FIFRA Section 3(c)(3) (b)(I), my product is similar or identical in composition and labeling to:EPA Reg. No. **NOTIFICATION**Product Name **FEB 17 2009****Section - II**☐ Amendment - Explain below.☐ Final printed labels in response to Agency letter dated _____☐ Resubmission in response to Agency letter dated _____☐ "Me Too" Application☒ Notification - Explain below.☐ Other - Explain below**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

☐ Yes*☒ No

Unit Packaging

☐ Yes☒ No

Water Soluble Packaging

☐ Yes☒ No

2. Type of Container

☐ Metal☒ Plastic☐ Glass☐ Paper☐ Other (Specify)***Certification must be submitted**If "Yes"
Unit Packaging wgt.No. per
containerIf "Yes"
Package wgt.No. per
container

3. Location of Net Contents Information

☒ Label☐ Container

4. Size(s) Retail Container

1.0 lb., 3.0 lb., 5 lb., and 10 lb.

5. Location of Label Directions

☒ On Label☐ On labeling accompanying product

6. Manner in Which Label is Affixed to Product

☐ Lithograph☒ Paper glued☐ Stenciled☐ Other _____**Section - IV**

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application)

Name

Bill Washburn

Title

Regulatory Manager

Telephone No. (Include Area Code)

901-432-5118**Certification**

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.

2. Signature

Bill Washburn

3. Title

Regulatory Manager

4. Typed Name

Bill Washburn

5. Date

01/19/09

6. Date Application Received (Stamped)



January 19, 2009

Mr. George Larocca
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: BIFENTHRIN PRO 0.2% DG GRANULAR INSECTICIDE
EPA Reg. No. 66330-338**

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

Dear Mr. Larocca:

Please find the following enclosed:

- Application for Pesticide Registration (Other) dated 01/19/09.
- One highlighted copy of subject label, showing all changes.
- One clean copy of the subject label.

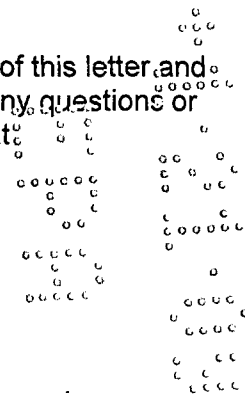
Notification of label change per PR Notice 2007-4. This notification is consistent with guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of 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.

Please acknowledge acceptance of this notification by stamping the extra copy of this letter and returning in the enclosed self-addressed stamped envelope. 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



RESTRICTED USE PESTICIDE

Toxic to Fish and Aquatic Organisms

For retail sale to and use only by certified applicators, or persons under their direct supervision and only for those uses covered by certified applicator's certification.

BIFENTHRIN PRO 0.2% DG GRANULAR INSECTICIDE

INSECTICIDE

For control of Insect Pests including imported fire ants and mole crickets on lawns and perimeters around buildings (residential, commercial, industrial, public and institutional) and parks. For Use on Sod Farms and Recreational Areas including Golf Courses and Athletic Fields.

DO NOT USE THIS PRODUCT ON GOLF COURSES AND SOD FARMS IN NASSAU COUNTY OR SUFFOLK COUNTY, NEW YORK.

ACTIVE INGREDIENT:	By Wt.
Bifenthrin*	0.2%
INERT INGREDIENTS:	99.8%
TOTAL:	100.0%

NOTIFICATION

FEB 17 2009

*Cis isomers 97% minimum, trans isomers 3% maximum.

KEEP OUT OF REACH OF CHILDREN

CAUTION

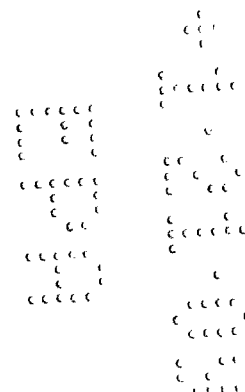
See other panels for additional precautionary information

EPA Reg. No. 66330-338
EPA Est. No. 51036-GA-001

AD 052206

NET CONTENTS:

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



FIRST AID

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.

NOTE TO PHYSICIAN: This pesticide is a pyrethroid. If significant quantities have been swallowed, promptly eliminate the ingested quantities from the stomach and intestines. Treatment is symptomatic and supportive. Alcohol, milk, cream, and other digestible fats and oils should NOT be administered as they may increase absorption.

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

FOR CHEMICAL EMERGENCY: Spill, leak, fire, exposure, or accident call CHEMTREC 1-800-424-9300

PRECAUTIONARY STATEMENTS**Hazards to Humans (and Domestic Animals)**

Caution: Harmful if absorbed through skin. Avoid contact with skin, eyes or clothing.

The following Personal Protective Equipment requirements apply to sod farm use only.

PERSONAL PROTECTIVE EQUIPMENT

Applicators and other handlers must wear:

1. Long sleeved shirt and long pants
2. Waterproof gloves
3. Shoes and socks

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

USER SAFETY RECOMMENDATIONS

Users Should:

1. Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
2. Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
3. Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

This pesticide is extremely toxic to fish and aquatic invertebrates. 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 apply when weather conditions favor drift from treated areas. Drift and run-off from treated areas may be hazardous to aquatic organisms in neighboring areas. Do not contaminate water when disposing of equipment washwaters or rinsate.

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.

Apply using ground equipment only; do not apply by air.

For Use around residential sites such as homes, apartments, condominiums, preschools, day care facilities, outbuildings that are not used for agricultural purposes, private (non-commercial) greenhouses etc. Apply no more than 100 pounds of BIFENTHRIN PRO 0.2% DG GRANULAR INSECTICIDE (0.2 lb. active ingredient (a.i.)) per acre per application on residential use sites. For applications near institutional, public, commercial or industrial buildings, parks, recreational areas or athletic fields, use up to 0.4 lb. a.i. per acre per application.

Per acre, apply no more than 200 lbs. BIFENTHRIN PRO 0.2% DG GRANULAR INSECTICIDE (0.4 lbs. a.i.) in a year.

Do not apply within a 25-foot radius of the following: lakes, reservoirs, rivers, permanent streams, marshes or natural ponds, estuaries, and commercial fish farm ponds.

Do not apply on the following: nurseries, commercial greenhouses, and grass grown for seed.

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 to treated areas during the restricted entry interval (REI) of 12 hours.

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

1. Coveralls
2. Waterproof gloves
3. Shoes plus socks

NON-AGRICULTURAL USE REQUIREMENTS

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standards for agricultural pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries and greenhouses.

If watering-in of the granules is necessary, do not allow people or pets on treated surfaces until the grass or soil is dry.

Do not touch treated surfaces until dry.

STORAGE AND DISPOSAL

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

Pesticide Storage: Open dumping is prohibited. Do not store this product near fertilizers, seeds, or other pesticides.

Keep this product out of reach of children and animals at all times. Store this product in a cool, dry place in its original container only. Do not expose the product to excessive heat. Open the product container carefully and, after use, seal tightly.

To Contain a Spill: Cover the spilled product to prevent the material from spreading. If the product container is damaged, place the entire container along with the product in a secure receptacle and clearly label the contents.

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: Paper and plastic bags: Non refillable container. Do not use or refill this container. Completely empty bag into application equipment. 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.

APPLICATION TO SOD (including Sod Farms, Lawns and Golf Courses) AND PERIMETERS

SOD APPLICATION: Use equipment designed to give uniform coverage of the area to be treated to Broadcast BIFENTHRIN PRO 0.2% DG GRANULAR INSECTICIDE.

The following table provides recommended application rates of this product for control of the respective pests under normal conditions. However, for each pest listed BIFENTHRIN PRO 0.2% DG GRANULAR INSECTICIDE can be applied at a rate up to 0.4 lbs ai/A (200 pounds per acre). When used on residential sites such as lawns, do not apply more than 0.2 lbs ai/A (100 pounds) per application.

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INSECT	POUNDS PER ACRE OF ACTIVE INGREDIENT	POUNDS PER ACRE OF BIFENTHRIN PRO 0.2% DG GRANULAR	POUNDS PER 1000 SQ.FT. OF BIFENTHRIN PRO 0.2% DG GRANULAR
Armyworms ¹ Cutworms ¹ Sod Webworm ¹	0.1 lbs. a.i./A	50 lbs. per acre	1.15 lbs. per 1000 sq.ft.
Annual Bluegrass Weevil (<i>Hyperodes</i>)(Adult) ² Billbugs (Adult) ³ Black Turfgrass Ataenius (Adult) ⁴ Leafhoppers Mealybugs	0.1 - 0.2 lbs. a.i./A	50 - 100 lbs. per acre	1.15 - 2.3 lbs. per 1000 sq.ft.
Ants Centipedes Chinch Bugs ⁵ Fleas (Adults) Fleas (Larvae) ⁶ Imported Fire Ants (Adult) ⁷ Imported Fire Ants (Mounds) ⁷ Millipedes Mole Cricket (Adult) ⁸ Mole Cricket (Nymph) ⁹	0.2 - 0.4 lbs. a.i./A	100 - 200 lbs. per acre	2.3 - 4.6 lbs. per 1000 sq.ft.
Pillbugs Sowbugs	0.4 lbs. a.i./A	200 lbs. per acre	4.6 lbs. per 1000 sq.ft.

In New York State, this product may NOT be applied to any grass or turf area within 100 feet of a water body (lake, pond, river, stream, wetland, or drainage ditch).

In New York State, do make a single repeat application of BIFENTHRIN PRO 0.2% DG GRANULAR INSECTICIDE if there are signs of renewed insect activity, but not sooner than two weeks after the first application.

¹ **Armyworms, Cutworm, and Sod Webworm** – Immediately after application irrigate with up to 0.1 inches of water in order to release the insecticide from the granule.

² **Annual Bluegrass Weevil (*Hyperodes*) (adult)**: Time applications to control adult insects as they move from over-wintering sites and to grass areas. Movement generally starts when *Forsythia* is in full bloom and ends when flowering dogwood is in full bloom. Consult your State Cooperative Extension Service for more information.

³ **Billbug (adult)**: Apply when adult insects are first observed (April and May). Degree-day models are available to determine best application timing. Spring applications will also control over-wintered chinch bugs in temperate regions. Consult your State Cooperative Extension Service for information.

⁴ **Black Turfgrass Ataenius (adult)**: Apply during May and July for control of the first and second generation of insects. Apply in May when Vanhoutte spiraea and horse chestnut are blooming. Apply in July when Rose of Sharon is blooming.

⁵ **Chinch Bug**: Immediately after application irrigate with up to 0.25 inches water in order to release the insecticide from the granule. To optimize treatment of the base of grass plants and the thatch area, where the insects are often located, irrigate the grass area before treatment. Chinch bugs are difficult pests to control in grasses; thus, higher application rates may be required during the summer when both nymphs and adults are present.

⁶ **Flea larvae**: Immediately after application irrigate with up to 0.5 inches water in order to release the insecticide

from the granule. Flea larvae are known to develop in the soil in shaded areas that are accessible to animals (including pets).

⁷Imported Fire Ant: To obtain the best result, combine broadcast applications (this will provide control of foraging workers and newly mated fly-in queens) with mound drenches (this will control existing colonies). When the soil is dry, irrigate before application or use a high volume application. For broadcast treatments, apply up to 0.4 lb ai/A. Mounds should be treated either by diluting 1 teaspoon of **Bifenthrin Pro Multi Insecticide** (EPA Reg. No. 51036-392) formulation per gallon of water and applying 1 to 2 gallons of finished spray per mound or by applying 1/2 cup of **BIFENTHRIN PRO 0.2% DG GRANULAR**. **BIFENTHRIN PRO 0.2% DG GRANULAR** is used, drench the mound with 1 to 2 gallons of water. Spray with sufficient force to break the mound apex and allow the insecticide solution to flow into the ant tunnels. In addition, treat the four foot diameter circle surrounding each mound. For optimal control, treat in cool weather (65 - 80°F) or in early morning or late evening hours.

⁸Mole Cricket (adult): Apply as late in the day as possible. If the soil is dry, irrigate before application to bring the insects closer to the soil surface (maximizing contact with the product). Immediately after application, water in with up to 0.5 inches of water. Treat grassy areas that receive pressure from adult mole crickets at peak egg hatch for best control of subsequent nymph populations (see below).

⁹Mole Cricket Nymph: Apply as late in the day as possible. If the soil is dry, irrigate before application to bring the insects closer to the soil surface (maximizing contact with the product). Immediately after application, water in with up to 0.5 inches of water. Treat grassy areas that received intense adult mole cricket pressure in the spring immediately prior to peak egg hatch. Higher application rates and more frequent applications may be required to control larger nymphs later in the year.

When treating perimeters of structures, make the application to the ground from 5-10 feet adjacent to the structure.

For Perimeter Applications:

Application Rate: Lbs./ 1,000 sq.ft.	Band Width In Feet	Lbs. of BIFENTHRIN PRO 0.2% DG GRANULAR INSECTICIDE/ Linear Distance (Feet) Around Structure							
		100	150	200	250	300	400	500	1,000
2.3	5	1.3	1.9	2.5	3.0	3.6	4.8	5.9	11.7
2.3	10	3.0	4.2	5.3	6.5	7.6	9.9	12.2	23.7
3.0	5	1.7	2.5	3.3	3.9	4.7	6.3	7.7	15.2
3.0	10	3.9	5.4	6.9	8.5	9.9	12.9	15.9	30.9
3.5	5	2.0	2.9	3.8	4.5	5.4	7.2	8.9	17.5
3.5	10	4.5	6.3	8.0	9.8	11.4	14.9	18.3	35.5
4.6	5	2.6	3.8	5.0	6.0	7.2	9.6	11.8	23.4
4.6	10	6.0	8.4	10.6	13.0	15.2	19.8	24.4	47.4

NOTE: This table provides BIFENTHRIN 0.2%G GC amounts which include the total area to be treated. This area includes the area of a circle whose radius is the bandwidth (this accounts for the area treated at the four corners of the structure) plus the linear distance treated times the bandwidth.

APPLICATION TO INDUSTRIAL NON-AGRICULTURAL SITES (Such as Industrial Sites, Ball Fields, Parks and Cemeteries)

BROADCAST SPOT APPLICATIONS: To control actively foraging ants (including Imported Fire Ants) uniformly broadcast 2.3 to 4.6 lbs. BIFENTHRIN PRO 0.2% DG GRANULAR INSECTICIDE per 1,000 sq. ft. (this rate is equivalent to 0.2 to 0.4 lbs. a.i./Acre). Additional rate recommendations can be found in the footnotes in the Sod Application Section.

ELECTRICAL SITES (Pad Mounted): Apply 1 to one and one-half Tablespoons of BIFENTHRIN PRO 0.2% DG GRANULAR INSECTICIDE per 4 sq. ft of pad in order to reduce or prevent mound building activity by ants. Care must be taken to ensure that the product is evenly distributed. If the existing

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transformer is filled or partially filled with soil already excavated by ants the fill must be removed prior to application. Once the excess is removed, and prior to application, relevel the soil.

Best results are obtained by treatment in the early Spring or Fall as ants appear to be attracted to transformers in cooler months.

For Broadcast Applications:

Recommended Spreader Settings					
	Application Rate lbs / 1,000 sq. ft.			Pattern Setting	Width
Equipment	1.15	2.30	4.60		
LESCO Broadcast	F	G	I	—	10
Prizelawn PBR-III	E ½	F ½	H ½	—	10
Scotts RBA	G ½	H ½	J ½	3	10
Scotts SR 2000	H ½	I ½	L ½	8	12
Scotts Handy Green	2	3	4	—	10
Scotts Accupro	4 ½	4 ¾	5	8	12
Spyker	3 ½	3 ¾	4 ¼	—	10
Vicon 402*	25	28 ½	38	—	40
Lely W*	3 ¾	4 ¼	5	III-B	52
Cycloneway	1.5	3	5 ¾	—	4
Earthway 2400	8 ½	10 ½	12 ½	—	10

Speed Applied: Vicon 5.6 mph, Lely 4.5 mph.

Equipment should always be calibrated for use prior to application. The settings recommended above represent starting points for final calibration. In order to insure continuing delivery of the correct amount of

BIFENTHRIN PRO 0.2% DG GRANULAR INSECTICIDE further adjustments to the settings should be made periodically during application. Consult the Owner's Manual of the equipment being used for calibration instructions.

Resistance: Repeated use of products for control has been shown to cause resistance in some insects. BIFENTHRIN PRO 0.2% DG GRANULAR INSECTICIDE should be used in accordance with resistance management strategies appropriate for the local use area. For more information, contact local or state pest management authorities.

Adequate control may not be attained if resistance to this product or similar products (those with the same or similar modes of action) develops in your area. If poor performance is noted and cannot be explained by misapplication or weather extremes it is possible that a resistant strain of insect has developed. Consult with your pest management advisor or company representative for alternative control methods if you believe that a resistant strain may be present.

Dealers Should Sell in Original Packages Only.

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. To the extent consistent with applicable law, 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, EXPRESS 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.

