

66330-343

02/17/2009

1/11



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

3/11

Please read instructions on reverse before completing form.

Form Approved, OMB No. 2070-0060, Approval expires 05-31-98

	<b>EPA</b> United States <b>Environmental Protection Agency</b> Washington, DC 20460	<input type="checkbox"/> <b>Registration</b> <input type="checkbox"/> <b>Amendment</b> <input checked="" type="checkbox"/> <b>Other:</b>	OPP Identifier Number
---	---	--	-----------------------

**Application for Pesticide - Section I**

1. Company/Product Number <b>66330-343</b>	2. EPA Product Manager <b>GEORGE LARocca</b>	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) <b>BIFENTHRIN DG LITE LAWN GRANULAR INSECTICIDE</b>	PM# <b>13</b>	
5. Name and Address of Applicant (Include ZIP Code)  <b>Arysta LifeScience North America, LLC</b> <b>15401 Weston Parkway, Suite 150</b> <b>Cary, NC 27513</b>  <input type="checkbox"/> Check if this is a new address		6. <b>Expedited Review.</b> In accordance with FIFRA Section 3(c)(3) (b)(I), my product is similar or identical in composition and labeling to: <div style="text-align: center; font-weight: bold; font-size: 1.2em;">NOTIFICATION</div> EPA Reg. No. _____ Product Name <b>FEB 17 2009</b>

**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
--	---

**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"      No. per Unit Packaging wgt.      container	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes"      No. per Package wgt.      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)
* <b>Certification must be submitted</b>			
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container	4. Size(s) Retail Container  1.0 lb., 3.0 lb., 5 lb., and 10 lb.	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 <b>Bill Washburn</b>	Title <b>Regulatory Manager</b>	Telephone No. (Include Area Code) <b>901-432-5118</b>	
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 (Stamped)
2. Signature 	3. Title <b>Regulatory Manager</b>		
4. Typed Name <b>Bill Washburn</b>	5. Date <b>01/19/09</b>		



January 19, 2009

4/11

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 DG LITE LAWN GRANULAR INSECTICIDE  
EPA Reg. No. 66330-343**

***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](mailto:bill.washburn@arystalifescience.com)

Sincerely,

Bill Washburn  
Regulatory Manager

## BIFENTHRIN DG Lite Lawn Granular Insecticide

For control of Insects, including mole crickets and imported fire ants, on lawns and perimeters around buildings (commercial, industrial, institutional, public and residential), parks and recreational areas, including athletic fields. For use and storage by commercial applicators only.

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

**NOTIFICATION**

FEB 17 2009

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

**KEEP OUT OF REACH OF CHILDREN**

**CAUTION**

<b>FIRST AID</b>
<b>IF ON SKIN OR CLOTHING</b> 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.
<b>NOTE TO PHYSICIAN:</b> This product is a pyrethroid. If large amounts have been ingested, the stomach and intestine should be evacuated. Treatment is symptomatic and supportive. Digestible fats, oils, or alcohol may increase absorption and so should be avoided.
<b>HOTLINE NUMBER</b>
Have the product container or label with you when calling a poison control center or doctor or going for treatment.
<b>FOR 24-HOUR EMERGENCY MEDICAL ASSISTANCE CALL:</b> 1-866-303-6952
<b>FOR CHEMICAL EMERGENCY:</b> Spill, leak, fire, exposure, or accident call CHEMTREC 1-800-424-9300

See other panels for additional precautionary information.

EPA Reg. No. 66330-343  
AD 122005

EPA Est. No. 51036-GA-001  
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 absorbed through skin. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum or using tobacco. Remove and wash contaminated clothing before use.

### 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.

Not for use on plants being grown for sale or other commercial seed production or for research purpose. For use on plants intended for aesthetic purposes or for climatic alteration such as plants in ornamental gardens, parks and lawns.

This product may be used around residential structures such as apartments, condominiums, homes, outbuildings, and preschool and day care facilities. For each application at residential use sites, apply no more than 100 pounds of BIFENTHRIN DG LITE(0.2 lb. active ingredient (a.i.) per acre.

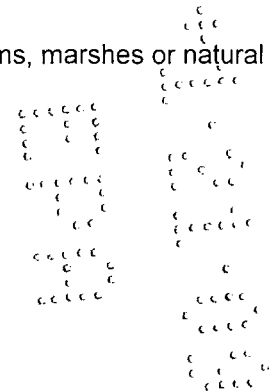
This product may be used at non-residential non-agricultural use sites, such as commercial, industrial, institutional or public buildings, parks and recreational areas, including athletic fields. For each application at non-residential use sites, apply no more than 200 pounds of BIFENTHRIN DG LITE(0.4 lb. a.i.) per acre.

Per year, apply a maximum of no more than 200 lbs. BIFENTHRIN DG LITE (0.4 lbs. a.i.) per acre.

Use of this product in commercial greenhouses or on golf courses, nurseries, sod farms or grass grown for seed is prohibited.

For ground application only. Do not apply by air.

Do not apply this product within 25 feet of lakes, reservoirs, rivers, permanent streams, marshes or natural ponds, estuaries and commercial fish ponds.



## 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: Nonrefillable container. Do not reuse 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 LAWNS AND PERIMETERS

**LAWN APPLICATION:** Use broadcast equipment designed to give consistent coverage of the area to be treated with BIFENTHRIN DG LITE.

The following table provides recommended application rates of this product for control of the respective pests under normal conditions. However, for maximum control, this product can be applied at up to 0.4 lbs a.i./A (200 pounds per acre) to control the pests listed in the following table. When used on residential sites such as lawns, apply no more than 0.2 lbs a.i./A (100 pounds per acre) per application.

PEST	ACTIVE INGREDIENT	APPLICATION RATE BIFENTHRIN DG LITE	
Armyworm <sup>1</sup>	0.1 lbs.	50 lbs. per	1.15 lbs. per 1000
Cutworm <sup>1</sup>	a.i./A	acre	sq.ft. "
Sod Webworm <sup>1</sup>			
Annual Bluegrass Weevil ( <i>Hyperodes</i> ) (Adult) <sup>2</sup>	0.1 - 0.2 lbs.	50 - 100 lbs.	1.15 - 2.3 lbs.
Billbugs (Adult) <sup>3</sup>	a.i./A	per acre	per 1000 sq.ft.
Black Turfgrass Ataenius (Adult) <sup>4</sup>			" " " "
Leafhopper			" " " "
Mealybug			" " " "

8/11

PEST	ACTIVE INGREDIENT	APPLICATION RATE	
		BIFENTHRIN DG LITE	
Ants Centipede Chinch Bug <sup>5</sup> Flea (Larvae) <sup>6</sup> Flea (Adults) Imported Fire Ant (Adult) <sup>7</sup> Imported Fire Ant (Mounds) <sup>7</sup> Millipede Mole Cricket (Adult) <sup>8</sup> Mole Cricket (Nymph) <sup>9</sup>	0.2 - 0.4 lbs. a.i./A	100 - 200 lbs. per acre	2.3 - 4.6 lbs. per 1000 sq.ft.
Pillbug Sowbug	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 DG LITE if there are signs of renewed insect activity, but not sooner than two weeks after the first application.

<sup>1</sup> **Armyworms, Cutworm, and Sod Webworm** – Immediately following application, irrigate with no more than 0.1 inches of water in order to activate the product.

<sup>2</sup> **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.

<sup>3</sup> **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.

<sup>4</sup> **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.

<sup>5</sup> **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.

<sup>6</sup> **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).

<sup>7</sup> **Imported Fire Ant**: For best results, combine broadcast applications (to control foraging workers and newly mated fly-in queens) with mound drenches (to control existing colonies). If the soil is dry, water before application or use a high volume application. For broadcast treatments, apply up to 0.4 lbs. a.i./A. Treat mounds by diluting 1 teaspoon of BIFENTHRIN 7.9% FL TC (EPA Reg. No. 51036-392) formulation per gallon of water and applying 1 to 2 gallons of finished spray per mound. 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.

<sup>8</sup> **Mole 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).

<sup>9</sup> **Mole Cricket Nymph**: Apply as late in the day as possible. If the soil is dry, irrigate before application to bring the



9/11

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.

### PERIMETER APPLICATIONS

When treating perimeters of structures, apply to the ground in a band of 5-10 feet width around the structure.

Boundary Applications: Apply to ornamental gardens as well as the following areas: soil areas, pavement crevices, fencelines, planter areas, vegetation areas and mulch areas.

Appl. Rate: Pounds Per 1,000 sq. ft.	Band Width In Feet	Pounds of BIFENTHRIN DG LITE for Perimeter Applications 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

PLEASE NOTE: In using the above chart, the listed amounts of BIFENTHRIN DG LITE correspond to the total treatment area. This area includes (1) the area of a circle whose radius is the bandwidth (this corresponds to the area treated at the four corners of the structure) plus (2) the bandwidth multiplied by the linear distance treated.

FIRE ANT MOUND TREATMENT: To each mound apply ½ cup of BIFENTHRIN DG LITE. Following the application, drench with 1-2 gallons of water with sufficient force to break the mound apex and allow the insecticide solution to flow into the ant tunnels. For optimal control, treat in cool weather (65 - 80°F) or in early morning or late evening hours. Never use food utensils for food purposes after use with insecticide.

### APPLICATION TO INDUSTRIAL NON-AGRICULTURAL SITES

This product may be applied to industrial non-agricultural sites, such as Ball Fields, Cemeteries, Industrial Sites, and Parks.

BROADCAST SPOT APPLICATIONS: Use a consistent broadcast application of 0.2 to 0.4 lbs. per Acre (2.3 to 4.6 lbs. per 1000 sq. ft.) of this product for effective control of foraging ants, such as Imported Fire Ants. Additional recommendations for application rates can be found in the footnotes to the Lawn Application Section.

ELECTRICAL SITES (Pad Mounted): Apply 1.0-1.5 Tbsp. BIFENTHRIN DG LITE per 4 sq. ft. of pad for best control of ant mounds. Care must be taken to ensure that the product is evenly dispersed. If the electrical site is filled with soil previously excavated by ants, this soil must be removed prior to application. Once the soil has been removed, and prior to application, relevel the soil. For optimum control, make applications in the early Spring or Fall.

Equipment should always be calibrated for use prior to application. In order to insure continuous delivery of the correct amount of BIFENTHRIN DG LITE further adjustments to the initial settings should be made from time to time during application. Consult the Owner's Manual of the equipment being used for calibration instructions.

NOTE: Electrical transformers seem to attract ants during the cooler months. Treat in the Fall or early Spring for best results.

**BIFENTHRIN DG LITE LAWN GRANULAR INSECTICIDE**  
**Recommended Spreader Settings for Broadcast Applications**

Spreader Setting					
Equipment	Ground Speed (MPH)	100 Pounds per Acre		200 Pounds per Acre	
		Once Over	Twice Over	Once Over	Twice Over
Hand Pushed					
LESCO Rotary	3	B + ¼	A + ½	C + ½	B + ¼
Scotts R-8A-1 Rotary	3	G	E	Not rec.	G
Gandy Models (42, 36, 30, 24)	3	12	10.5	16	12
Spyker (all models)	3	2.6	2	3.1	2.6
Equipment Drawn (PTO=540 RPM)					
Gandy Models (42, 36, 30, 24)	4.5	14	11.5	19	14
Gandy 6500 Series	4.5	15	11	20	15
Gandy 10T Series	5.0	16.5	12	24	16.5
Herd GT-77	4.0	-	-	8-H	-
Herd GT-77	8.0	8-H	-	-	8-H
Lely 2,3202.000.1	4.5	2	1	3.5	2
Lely Model L-400	4.5	Not rec.	Not rec.	2	Not rec.
Vicon PS402	4.5	10	7	16	10
Vicon PS1002T	4.5	13	9	21	13

NOTE: When calibrating a spreader to achieve the desired application rate of BIFENTHRIN DG LITE use these recommended settings as starting points. Technicians should regularly observe the amount of BIFENTHRIN DG LITE applied to a specific area after calibration, and make adjustments, as necessary, to appropriately maintain the proper application rate settings. Periodically calibrate the flow rate of the spreaders to ensure that equipment wear or other factors have not been altered. The Owner's Manual provided by the equipment manufacturer at the time of purchase includes the calibration instructions.

**Resistance:** Repeated use of certain insecticides may create resistance in some insects. BIFENTHRIN DG LITE should be used in accordance with treatment area-appropriate strategies for resistance management. For further information regarding resistance management strategies for your treatment area, consult local or state pest management authorities.

Adequate control may not be attained if resistance to this or similar products arises in the treatment area. If you are unable to attain adequate control and this result cannot be explained by misapplication or weather extremes, it is possible that a resistant type of insect has developed. Discuss alternative control techniques with your pest management advisor or company representative if it appears that a resistant insect type is present.

Dealers Should Sell in Original Packages Only.

11/11

**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.**

**NOTIFICATION**

FEB 17 2009

