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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

W.A. Hawkins, Jr., PhD
Arysta LifeScience North America, LLC
15401 Weston Parkway, Suite 150
Cary, NC 27513

SEP 7 2010

Dear Dr. Hawkins:

Subject: Labeling Amendment; Submission of Fire Ant and Tick Data
Aloft GC SC Insecticide EPA Reg. No. 66330-365
Aloft LC SC Insecticide EPA Reg. No. 66330-366
Aloft GC G Insecticide EPA Reg. No. 66330-367
Aloft LC G Insecticide EPA Reg. No. 66330-368
Submission Date: July 30, 2010

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, are acceptable. Stamped copies are enclosed for your records. Please submit one (1) final printed copy for each of the above mentioned labels before releasing the products for shipment. If you have any questions regarding this letter, please contact Kable Bo Davis at (703) 306-0415 or davis.kable@epa.gov.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Venus Eagle", with a long horizontal flourish extending to the right.

Venus Eagle
Product Manager (01)
Insecticide-Rodenticide Branch
Registration Division (7505P)

Enclosure- Stamped Labeling; Agency Review (D380963, D380966, D380967, D3809668)

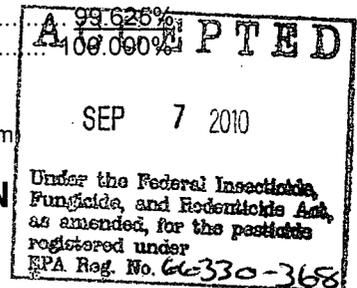
ALOFT™ LC G
INSECTICIDE

GROUP	4A	INSECTICIDE
GROUP	3	INSECTICIDE

For contact and systemic insect pest control in lawns and landscape ornamentals around residential, institutional, public, commercial and industrial buildings, parks, recreational areas, and athletic fields. Not for use on sod farms or golf courses.

INGREDIENTS	By wt.
Active Ingredients:	
Clothianidin*.....	0.250%
Bifenthrin**.....	0.125%
Other Ingredients:	
Total:	100.000%

* (E)-1-(2-chloro-1,3-thiazol-5-ylmethyl)-3-methyl-2-nitroguanidine
 ** 2-methylbiphenyl-3-ylmethyl (1RS,3RS)-3-[(Z)-2-chloro-3,3,3-trifluoroprop-1-enyl]-2,2-dimethylcyclopropanecarboxylate (cis isomers 97% minimum, trans isomers 3% maximum)



KEEP OUT OF REACH OF CHILDREN
CAUTION

See inside booklet for additional precautionary statements
 EPA Registration No. 66330-368 EPA Est. No. _____

FIRST AID	
If swallowed	<ul style="list-style-type: none"> • Call 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 inhaled	<ul style="list-style-type: none"> • Move person to fresh air. • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible. • Call a poison control center or doctor for further treatment advice.
If in eye	<ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water for 15-20 minutes. • Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. • Call a poison control center or doctor for treatment advice.
If on skin or clothing	<ul style="list-style-type: none"> • 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.
<p>NOTE TO PHYSICIAN: This pesticide contains 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.</p>	
<p>HOTLINE NUMBER 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 PROSAR at 1-866-303-6952.</p>	

Produced for:
 Arysta LifeScience North America, LLC
 15401 Weston Parkway, Suite 150
 Cary, NC 27513
 For Product Use Information, call 1-866-761-9397

Net Contents: _____

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION: Causes moderate eye irritation. Avoid contact with eyes or clothing. Wear protective eyewear. Wear: long-sleeved shirt and long pants, socks, shoes, and chemical-resistant gloves (such as Natural Rubber, Selection Category A).

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Some of the materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for category A on an EPA chemical-resistance category selection chart. Applicators and other handlers must wear:

- long-sleeved shirt and long pants
- shoes plus socks
- chemical-resistant gloves
- protective eyewear

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

USER SAFETY RECOMMENDATIONS

Users should:

- Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco.
- Remove clothing 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.

ENVIRONMENTAL HAZARDS

This product is extremely toxic to fish and aquatic invertebrates. To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area. Sweeping any product that lands on a driveway, sidewalk, or street, back onto the treated area of the lawn or garden will help to prevent run off to water bodies or drainage systems. Drift and runoff may be hazardous to aquatic organisms in neighboring areas. Do not apply where runoff is likely to occur.

This product is toxic to bees exposed to treatment and for more than 5 days following treatment. Do not apply this product to blooming, pollen-shedding or nectar-producing parts of plants if bees may forage on the plants during this time period, unless the application is made in response to a public health emergency declared by appropriate state or federal authorities.

DIRECTIONS FOR USE

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

Carefully read and understand the Directions for Use and restrictions before applying this product.

Do not apply this product in any 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.

RESTRICTIONS:

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

Keep children and pets out of treated areas until the dust from the application has settled.

Apply this product directly to the lawn or garden area. Water treated area as directed on this label. Do not water to the point of run-off.

Do not make applications during rain.

Application is prohibited directly into sewers or drains, or to any area like a gutter where drainage to sewers, storm drains, water bodies, or aquatic habitat can occur. Do not allow the product to enter any drain during or after application.

USE INFORMATION

ALOFT™ LC G is a broad spectrum, long lasting contact and systemic insecticide for control of insects infesting lawns and ornamentals in landscapes and surrounding areas. **ALOFT LC G** can be used around residences, business complexes, industrial complexes, airports, playgrounds, school yards, parks and recreation areas, athletic fields, cemeteries, and arboretums.

RESISTANCE MANAGEMENT

The active ingredients in **ALOFT LC G** are clothianidin, a Group 4A insecticide, and bifenthrin a Group 3 insecticide. Insect biotypes with acquired resistance to Group 4A or Group 3 insecticides may eventually dominate the insect population if Group 4A or Group 3 insecticides are used alone or repeatedly in the same site or in successive years as the primary method of control for targeted species. **ALOFT LC G** contains two active ingredients with different modes of action and provides a recognized built in insecticide resistance management strategy to minimize the development of insecticide resistance in insect pests.

To delay insecticide resistance in insects that are at risk of developing resistance to insecticides consider:

- Avoid the consecutive use of insecticides in the same group on the same insect species.
- Use tank-mixtures or pre-mixes of insecticides from a different target site of action.
- Base insecticide use on a comprehensive IPM program.
- Monitor treated insect populations for loss of field efficacy.
- Contact your State Agricultural Experiment Station, State Extension Specialists, other lawn experts and/or Arysta LifeScience North America, LLC for insecticide resistance management and/or IPM recommendations for the specific site and resistant pest problems.
- For further information or to report suspected resistance, you may contact Arysta LifeScience North America, LLC at 1-866-761-9397.

APPLICATION EQUIPMENT

Apply **ALOFT LC G** uniformly over the area being treated with standard granular application equipment. Use either drop-type or rotary-type spreaders to apply **ALOFT LC G**.

Do not use spreaders that apply the material in narrow, concentrated bands. Calibrate application equipment prior to use according to the manufacturer's directions. Check frequently to be sure equipment is working properly and distributing granules uniformly and accurately. In order to insure continuing delivery of the correct amount of **ALOFT LC G** further adjustments to the settings should be made periodically during application.

APPLICATION INSTRUCTIONS –

TURFGRASS AND PERIMETERS AROUND LAWNS AND LANDSCAPED AREAS

ALOFT LC G can be used for broad spectrum insect control in lawns and perimeters of lawns. **ALOFT LC G** can be used around residences, business complexes, industrial complexes, airports, playgrounds, school yards, parks and recreation areas, athletic fields, cemeteries, and arboretums.

ALOFT LC G has sufficient contact and residual activity to provide high levels of control. The need for an application can be based on historical monitoring of the presence of or anticipated occurrence of individual or multiple insect pest species, the site, previous records or experiences, current season adult trapping or other methods. Optimum control of white grubs will be achieved when applications are made just prior to egg laying or to early instar larvae of target pests, followed by sufficient irrigation or rainfall to move the active ingredient into the zone where the insect pests are active. Applications made in advance of egg laying or to areas being damaged by existing white grubs or scavenging animals will be controlled with applications of **ALOFT LC G** anytime white grubs are active. Multiple applications can be made each growing season but do not use more than 160 lb of product (0.4 lb of clothianidin active ingredient, 0.2 lb bifenthrin) per acre per year. You may also use additional products containing bifenthrin as long as the maximum amount of bifenthrin does not exceed 0.4 lb active ingredient per acre per season for use in lawns and perimeters.

ALOFT LC G can be applied to turf at 80 - 160 lb per acre per year (1.8 – 3.6 lb/1,000 sq ft). The rate is dependent on the target pest(s), their stage of development and the desired level of control. Optimum control of white grubs (larvae) will be achieved when applications are made just prior to or just after peak egg laying. Use higher rates when long residual control is desired for control of multiple insect pests or late season curative (rescue) applications are made to lawns already showing grub damage or damage due to scavenging of animals. Multiple applications can be made but do not exceed the maximum amount per year (160 lb/acre or 3.6 lb/1,000 sq ft). Consult your local State Agricultural Experiment Station, State Extension Turf Specialists or other lawn experts for specific information concerning the timing of applications.

For early season control of insect pests (such as annual bluegrass weevil) and for full season control of white grubs, make the first application of **ALOFT LC G** at peak adult activity or when other insect pests reach a damaging population in the spring at a rate of 100 – 160 lb per acre (2.3 – 3.6 lb/1,000 sq ft). For control of white grubs at standard application timing, apply 80 – 160 lb per acre (1.8 – 3.6 lb/1,000 sq ft) just prior peak adult activity or to early instar larvae.

For surface insects, do not water in for at least 24 hours after the application. For control of the target insects in the thatch, lightly water in after application with enough water to wet the thatch zone. For control of armyworms, cutworms and other surface feeders, apply 80 – 160 lb per acre (1.8 – 3.6 lb/1,000 sq ft) at the first sign of insects or insect damage. Repeat the application as needed to control additional flushes of insects. Up to a total of 160 lb per acre per year (3.6 lb/1,000 sq ft) can be applied.

For control of existing grub populations, irrigate after application with enough water to move the insecticide into the zone where the grubs are feeding.

Do not mow until after irrigation or rainfall has occurred so that uniformity of application will not be affected.

TURFGRASS AND PERIMETERS AROUND LAWNS	
APPLICATION RATE	INSECT PEST
1.8 – 3.6 lb per 1,000 sq ft (80-160 lb/A)	Annual Bluegrass Weevil/Hyperodes (Adults) ¹ Annual Bluegrass Weevil/Hyperodes (Larvae) ¹ Ants ² , Nuisance (Excluding fire, harvester, pharaoh, and carpenter ants) Armyworms Billbugs ³ Black Turfgrass Ataenius ⁴ Chiggers Chinch Bugs Cutworms European Crane Fly Grasshoppers Leafhoppers Mole Crickets ⁵ Pillbugs Sod webworms Sowbugs Spittle bug Sugarcane grub White grubs ⁶ (Asiatic Garden Beetle, European Chafer, Green June Beetle, Japanese Beetle, Northern Masked Chafer, <i>Phyllophaga</i> spp. (May or June Beetle), Oriental Beetle, Southern Masked Chafer)
3.2 lb per 1,000 sq ft (137 lb/A)	Ticks ⁷
<p>¹ Annual Bluegrass Weevil: Application can be timed for adult weevils as they move from their over-wintering sites into turf. This movement usually begins before or when Forsythia is in full bloom and continues to full bloom of dogwoods. Larvae from adult weevils that escape the application will be controlled with the application directed at adult weevils. Applications made after adult weevil activity will control larvae. Consult your State Cooperative Extension Service for more specific information regarding timing of application. Full season control of white grubs will be obtained with an application of 100 – 160 lb/Acre targeted towards Annual Bluegrass Weevil/Hyperodes.</p> <p>² Applications of ALOFT LC G in the late fall or early spring will reduce populations of nuisance ants (excluding fire, harvester, pharaoh and carpenter ants.). Make an application in the fall before ants stop foraging or after they become active in the spring. For best results, make a broadcast application and lightly water in to wet the turf and thatch area where ants are foraging.</p> <p>³ Billbugs: Application can be made when adult Billbugs are first observed, usually in April and May in temperate regions. A spring application will also control Billbug larvae. Consult your State Cooperative Extension Service for more specific information regarding timing of application. White grubs will be controlled with an application targeted towards Billbugs.</p> <p>⁴ Black Turfgrass Ataenius: Application can be timed to coincide with the first generation of Black Turfgrass Ataenius that usually appears during May. White grubs will be controlled with an application targeted towards Black Turfgrass Ataenius.</p> <p>⁵ Mole Crickets: Apply during peak adult flight and egg lay. If the soil is dry, irrigate before application to stimulate insect activity and water after application to release the insecticide from the granule carrier.</p>	

TURFGRASS AND PERIMETERS AROUND LAWNS

⁶ **White Grubs:** Apply when white grubs are active from early spring to late fall. The residual activity of **ALOFT LC G** is long enough to provide season long control of white grubs when applied for control of early season insects such as Annual Bluegrass Weevil, Billbugs, and Nuisance Ants, overwintering White Grubs or other early season insects.

⁷ **Ticks (including ticks that may transmit Lyme Disease and Rocky Mountain Spotted Fever):** Treat the entire area where exposure to ticks may occur. Ticks may be reintroduced from surrounding areas on host animals.

Deer Ticks (Ixodes sp.): Apply late fall and/or early spring to control adult ticks that are usually located on brush or grass above the soil surface and in mid- to late spring to control larvae and nymphs that reside in the soil and leaf litter.

American Dog Ticks (Dermacentor sp.): These ticks commonly congregate along paths or roadways where humans are likely to be encountered. Apply as necessary from mid-spring to early fall to control American dog tick larvae, nymphs and adults.

RESTRICTIONS

- Do not apply more than a total of 160 lb of **ALOFT LC G** (0.4 lb of clothianidin active ingredient, 0.2 lb bifenthrin) per acre per season.
- If the maximum season limit of **ALOFT LC G** has been applied and pest populations require additional treatments, use another pesticide labeled for control of the targeted insects that does not contain clothianidin. You may use additional products containing bifenthrin as long as the maximum amount of bifenthrin does not exceed 0.4 lb active ingredient per acre per season for use in lawns and perimeters.

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

FOR PERIMETER APPLICATIONS									
Appl. Rate: Lb/1,000 sq ft	Band Width in Feet	Lb of ALOFT LC G/ Linear Distance (Feet) Around Structure							
		100	150	200	250	300	400	500	1,000
1.8	5	1	1.5	2	2.5	3	4	5	10
1.8	10	2	3	4	5	6	8	10	20
2.8	5	1.4	2	2.8	3.5	4.2	5.6	7	14
2.8	10	3	4.5	6	7.5	9	12	15	30
3.6	5	2	3	4	5	6	8	10	20
3.6	10	3.6	5.4	7.2	9	10.8	14.4	18	36

NOTE: This table provides 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.

Spreader	Granular Spreader Settings		
	2 lb/1,000 sq ft	3 lb/1,000 sq ft	4 lb/1,000 sq ft
Cyclone	3	4	4 1/4
Lely	3 II	4 II	5 II
Lesco	10	15	16
Scotts R8A/SR-1	I	K	L
Spyker	3	3 1/2	4 1/4
Vicon	20	22	23

Note: Spreader settings are approximate starting points for calibrating equipment.

APPLICATION INSTRUCTIONS – LANDSCAPE ORNAMENTALS

ALOFT LC G is a broad spectrum, contact and long lasting systemic insect control product for a wide spectrum of insects infesting landscape ornamentals adjacent to turf areas. **ALOFT LC G** can be used around residences, business complexes, industrial complexes, airports, playgrounds, school yards, parks and recreation areas, athletic fields, cemeteries, and arboretums.

For control of listed surface insects and insects that crawl along the surface of the soil or mulch under ornamentals, water in lightly after application to move the insecticide into the areas where insects are active. Following application, water in with enough irrigation or rainfall to move the active ingredient into the zone where the target insects are active. Soil surface applications will provide control of foliage feeding insects; however, optimum control will not be achieved until the active ingredient is taken up by the plant roots and translocated to the area where insects are feeding.

LANDSCAPE ORNAMENTALS		
SOIL SURFACE or MULCH APPLICATION	SOIL INSECT PEST	APPLICATION INSTRUCTIONS
1.8 – 3.6 lb per 1,000 sq ft (80 – 160 lb/A)	Ants, Nuisance (Excluding fire, harvester, pharaoh, and carpenter ants) Beet Armyworm Beetles Black Vine Weevils (Adults) Centipedes Crickets Cutworms Diaprepes (Adults) Earwigs Fall Armyworms Grasshoppers Millipedes	Pillbugs White grubs (Asiatic Garden Beetle, European Chafer, Green June Beetle, Japanese Beetle, Northern Masked Chafer, <i>Phyllophaga</i> spp. (May or June Beetle), Oriental Beetle, Southern Masked Chafer)

ALOFT LC G must be watered in or receive rainfall after application to be activated. Control of leaf feeding insects will be delayed until the insecticide is taken up by the roots and moved into the areas where insects are feeding, usually 2-4 weeks. For trees and woody shrubs see below.

LANDSCAPE ORNAMENTALS			
SOIL SURFACE or MULCH APPLICATION	ABOVE GROUND INSECT PEST		APPLICATION INSTRUCTIONS
3 – 3.6 lb per 1,000 sq ft (132 – 160 lb/A)	Aphids Azalea lace bug Caterpillars Flea Beetles Florida wax scale Glassy winged sharpshooter Gypsy Moth Caterpillars Japanese Beetles (Adults)	Leafhoppers Leafminers Leafrollers Mealybugs Plant Bugs (incl. <i>Lygus</i> spp) Root Weevils (incl. Black Vine Weevils) Scales, Soft Whiteflies	ALOFT LC G must be watered in or receive rainfall after application to be activated. Control of leaf feeding insects will be delayed until the insecticide is taken up by the roots and moved into the areas where insects are feeding, usually 2-4 weeks. For trees and woody shrubs see below.
RESTRICTION			
<ul style="list-style-type: none"> Do not apply more than a total of 160 lb of ALOFT LC G as a broadcast application (0.4 lb of clothianidin active ingredient, 0.2 lb bifenthrin) per acre per season. If the maximum season limit of ALOFT LC G has been applied and pest populations require additional treatments, use another pesticide labeled for control of the targeted insects that does not contain clothianidin. You may use additional products containing bifenthrin as long as the maximum amount of bifenthrin does not exceed 0.4 lb active ingredient per acre per season for use in lawns and perimeters. 			

**APPLICATION INSTRUCTIONS –
 ORNAMENTAL NON-BEARING FRUIT AND NUT TREES AND WOODY SHRUBS**

ALOFT LC G can be used for systemic control of insects with an application on trees in landscapes adjacent to turf areas. **ALOFT LC G** contains clothianidin which is systemic and will be translocated throughout the tree or shrub. Treat the area over the root zone of the trees/shrubs or apply the insecticide around the “root well” of the plant.

ALOFT LC G is a systemic product and will be translocated upward into the plant system from root uptake. It must be placed in an area where the roots can absorb the active ingredient. It may take 2 – 4 weeks for the active ingredient to move from root zone to the areas of the trees affected. If insect pests are already present and causing damage, consider making a foliar application and then follow up with granule application. Following application, water in after application with enough water to move the insecticide into the root zone of the trees.

For trees and shrubs adjacent to turf areas use 0.4 – 0.8 lb **ALOFT LC G** per inch of cumulative trunk diameter (DBH) of the plant(s). For hedges six feet or less in height use 4.0 lb **ALOFT LC G** per 100 linear feet of hedge. For hedges greater than six feet in height, use an additional 1.0 lb per 100 linear feet of hedge for each foot of hedge height over six feet. Before application remove any plastic or other barriers that may prevent the insecticide from reaching the root zone of the plants.

For Bronze Birch Borers, Flatheaded Borers and other borers (excluding Emerald Ash Borers and Asian Longhorned Beetles): Use a drench treatment around the trunk of the trees when the trees are actively growing.: Make an application around the trunk of the trees when the trees are actively

growing. Use 0.2 – 0.4 lb **ALOFT LC G** per inch DBH in a 1 – 2 ft. area around the trunk of the trees.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in a cool, dry place away from excessive heat. Do not store near food, feed, fertilizers, seeds, or other pesticides. Keep this product out of reach of children and animals at all times. Store in original container only. 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:

Non-refillable container: Do not reuse or refill this container.

Paper and plastic bags: Completely empty bag into application equipment. Offer for recycling, if available, or dispose of in a sanitary landfill, or (if allowed by State and local authorities) by burning. If burned, stay out of smoke. **FOR 24-HOUR CHEMICAL EMERGENCY (Spill, Leak, Fire or Accident) ASSISTANCE:** Call CHEMTREC at 1-800-424-9300.

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.