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7/30/2012

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D C 20460



JUL 30 2012

OFFICE OF
CHEMICAL SAFETY AND
POLLUTION PREVENTION

Carrie Tackema
Registration Manager
Cheminova, Inc
One Park Drive, Suite 150
P O Box 110566
Research Triangle Park, NC 27709

Subject Submission of amended labeling to add use for Beet Leafhopper on Non
Agricultural Use Sites
EPA Reg No 67760-35
Submissions dated April 24, 2012

Dear Ms Tackema

The proposed labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), is acceptable provided that you submit two copies of your final printed label before you release the product for shipment. Products shipped after 18 months from the date of this amendment or the next printing of the label which ever occurs first, must bear the new revised label. Your release for shipment of the product bearing the amended label constitutes acceptance of these conditions. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA sec 6(e)

Additional label corrections may be needed pending submittal and review of your responses to the Malathion RED

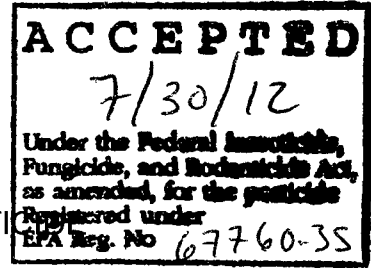
A stamped copy is enclosed for your records. If you have any questions, please contact me at (703) 308-8043 or lewis.marianne@epa.gov

Regards,

Venus Eagle, PM 01
Insecticide-Rodenticide Branch
Registration Division (7505P)

Enclosure

2/13



Fyfanon® ULV AG
ULTRA LOW VOLUME CONCENTRATE INSECTICIDE

ACTIVE INGREDIENT

*Malathion

96.5 %

INERT INGREDIENTS

3.5 %

TOTAL

100.0 %

* O O-dimethyl phosphorodithioate of diethyl mercaptosuccinate
Contains 9.9 lbs malathion per gallon

KEEP OUT OF REACH OF CHILDREN
CAUTION

SEE BOOKLET FOR ADDITIONAL PRECAUTIONARY STATEMENTS AND USE DIRECTIONS

EPA Reg No 67760-35

EPA Est No 4787-DN-1
NET CONTENTS

Cheminova Inc
One Park Drive Suite 150
P O Box 110566
Research Triangle Park NC 27709
Product of Denmark
® Fyfanon is a registered trademark of Cheminova

IN CASE OF A MEDICAL EMERGENCY INVOLVING THIS PRODUCT, CALL TOLL FREE, DAY OR NIGHT, 1-866-303-6950

FIRST AID

This product is an organophosphate and is a cholinesterase inhibitor

- 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 by a poison control center or doctor
Do not give anything by mouth to an unconscious person
- IF INHALED** Move person to fresh air
If person is not breathing call 911 or ambulance then give artificial respiration preferably by mouth-to-mouth if possible
Call a poison control center or doctor for further treatment advice
- 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 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

Have the product container or label with you when calling a poison control center or doctor or going for treatment You may also contact 1-866-303-6950 for emergency medical treatment information

NOTE TO PHYSICIAN- This product is a cholinesterase inhibitor Treat symptomatically Atropine is antidotal

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Harmful if swallowed Harmful if absorbed through skin Harmful if inhaled Avoid contact with eyes skin or clothing Avoid breathing spray mist Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals

PERSONAL PROTECTIVE EQUIPMENT

Some materials that are chemical-resistant to this product are barrier laminate butyl rubber nitrile rubber and viton If you want more options follow the instructions for category F on an EPA chemical-resistance category selection chart

All applicators, flaggers, and other handlers must wear

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

For ULV formulations other than those intended for use as a Wide Area Mosquito Adulticide, applications must be made with closed systems – mixer and loaders must wear

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

Follow manufacturer s instructions for cleaning/maintaining PPE If no such instructions for washables exist use detergent and hot water Keep and wash PPE separately from other laundry Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product s concentrate Do not reuse them

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

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 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 interval The requirements in this box only apply to uses of the 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) The REI for each crop is listed in the directions for use associated with each crop

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

water is

- Coveralls
- Chemical resistant gloves made out of any water proof material
- Shoes plus socks

USER SAFETY RECOMMENDATIONS

User should

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

ENGINEERING CONTROLS STATEMENTS

Pilots must use an enclosed cockpit in a manner that is consistent with the WPS for Agricultural Pesticides [40 CFR 170 240(d)(6)] Pilots must wear the PPE required on this labeling for applicators

ENVIRONMENTAL HAZARDS

This pesticide is toxic to aquatic organisms including fish and invertebrates

This pesticide is highly toxic to bees exposed to direct treatment on blooming crops or weeds Do not apply this product or allow it to drift to blooming crops or weeds while bees are actively visiting the treatment area

This product may contaminate water through drift of spray in wind This product has a high potential for runoff after application Use care when applying in or to an area which is adjacent to any body of water and do not apply when weather conditions favor drift from target area Poorly draining soils and soils with shallow water tables are more prone to produce runoff that contains this product A level well maintained vegetative buffer strip between areas to which this product is applied and surface water features such as ponds streams and springs will reduce the potential for contamination of water from rainfall-runoff Runoff of this product will be reduced by avoiding applications when rainfall is forecasted to occur within 48 hours Do not apply directly to water or to areas where surface water is present or to intertidal areas below the mean high water mark Do not contaminate water when disposing of equipment washwater or rinsate

Do not discharge effluent containing this product into lakes streams, ponds estuaries oceans or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge Do not discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority For guidance contact your State Water Board or Regional Office of the EPA

PHYSICAL OR CHEMICAL HAZARDS

Do not use or store near heat or open flame

STORAGE AND DISPOSAL

Do not contaminate water food or feed by storage and disposal

PESTICIDE STORAGE Fyfanon ULV AG should be stored in the original unopened container in a secure dry place Do not contaminate with other pesticides or fertilizers Fyfanon ULV AG should never be heated above 55° C (131° F) and should not be stored for long periods of time at a temperature in excess of 25°C (77°F)

PESTICIDE DISPOSAL To avoid wastes use all material in this container by application according to label directions If wastes cannot be avoided offer remaining product to a waste disposal facility or pesticide disposal program (often such programs are run by state or local government or by industry)

CONTAINER DISPOSAL

Refillable containers Refill this container with pesticide only Do not reuse this container for any other purpose Cleaning the container before final disposal is the responsibility of the person disposing of the container Cleaning before refilling is the responsibility of the refiller To clean the container before final disposal empty the remaining contents from this container into application equipment or mix tank Fill the container about 10 percent full with water Agitate vigorously or recirculate water with the pump for 2 minutes Pour or pump rinsate into application equipment or rinsate collection system Repeat this rinsing procedure two more times

Nonrefillable containers (equal to or less than 5 gallons) Nonrefillable container Do not reuse or refill this container Offer for recycling if available Triple rinse container (or equivalent) promptly after emptying Triple rinse as follows Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip Fill the container 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

Nonrefillable containers (greater than 5 gallons) Nonrefillable container Do not reuse or refill this container Offer for recycling if available Triple rinse (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 Replace and tighten closures Tip container on its side and roll it back and forth ensuring at least one complete revolution for 30 seconds Stand the container on its end and tip it back and forth several times Turn the container over onto its other end and tip it back and forth several times Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal Repeat this procedure two more times

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling For any requirements specific to your State or tribe consult the agency responsible for pesticide regulation

PRECAUTIONS AND RESTRICTIONS

- All ULV aerial formulations other than those intended for use as a Wide Area Mosquito Adulticide must be packaged in closed mixing and loading systems
- Do not use this product for any uses other than those specified on this label
- Undiluted spray droplets of Fyfanon ULV AG will permanently damage automobile paint Cars should not be sprayed If accidental exposure does occur the car should be washed immediately

Buffer Zones for Ground-based Application When making a ULV application with ground-based application equipment a minimum buffer zone of 25 feet must be maintained along any water body

Buffer Zones for Aerial Application When making a ULV application with aerial application equipment a minimum buffer zone of 50 feet must be maintained along any water body

Spray Drift Requirements

Observe the following requirements when spraying in the vicinity of aquatic areas such as but not limited to lakes reservoirs rivers permanent streams marshes or natural ponds estuaries and commercial fish ponds

Droplet Size

Use the largest droplet size consistent with acceptable efficacy Formation of very small droplets may be minimized by appropriate nozzle selection by orienting nozzles away from the air stream as much as possible and by avoiding excessive spray boom pressure

For Groundboom and Aerial Applications

Use only medium or coarse spray nozzles according to ASAE (S572) definition for standard nozzles or a volume mean diameter (VMD) of 300 microns or greater for spinning atomizer nozzles In conditions of low humidity and high temperatures applicators should use a coarser droplet size

Wind Direction and Speed

Make aerial or ground applications when the wind velocity favors on target product deposition (approximately 3 to 10 mph) Do not apply when wind velocity exceeds 15 mph Avoid applications when wind gusts approach 15 mph For all non-aerial applications wind speed must be measured adjacent to the application site on the upwind side immediately prior to application

Temperature Inversion

Do not make aerial or ground applications into areas of temperature inversions Inversions are characterized by stable air and increasing temperatures with increasing distance above the ground Mist or fog may indicate the presence of an inversion in humid areas Where permissible by local regulations the applicator may detect the presence of an inversion by producing smoke and observing a smoke layer near the ground surface In conditions of low humidity and high temperatures applicators should use a coarser droplet size

Additional Requirements for Ground Applications

Spray should be released at the lowest height consistent with pest control and flight safety Applications more than 10 feet above the crop canopy should be avoided For groundboom applications apply with nozzle height no more than 4 feet above the ground or crop canopy For airblast applications turn off outward pointing nozzles at row ends and when spraying the outer two rows To minimize spray loss over the top in orchard applications spray must be directed into the canopy

Additional Requirements for Aerial Applications

For aerial applications the spray boom should be mounted on the aircraft as to minimize drift caused by wingtip or rotor vortices The minimum practical boom length should be used and must not exceed 75% of wing span or 90% rotor diameter Aerial applicators must consider flight speed and nozzle orientation in determining droplet size When applications are made with a cross-wind, the swath will be displaced downwind The applicator must compensate for this displacement at the downwind edge of the application area by adjusting the path of the aircraft upwind Before beginning treatment, notify all registered apiarists in or near the treatment area of the date and approximate time of treatment

Do not use this product for any uses other than those specified on this label

Agricultural Uses

Fyfanon ULV AG is used undiluted in any specially designed aircraft or ground equipment that has been adapted and calibrated for ultra low volume spraying. Apply only when weather conditions are favorable. Wind and rising air currents may cause undesirable spray drift and reduce insect control.

Mist blowers and boom sprayers utilizing a controlled air flow to facilitate particle size and spray deposition are to be used at a vehicle speeds of 4 to 10 mph.

Use mist blowers with a pump capable of producing 40 psi and blower speeds of 2600 rpm. Use flat fan nozzles 8001 to 8002 placed 30° into air blast or rotary atomizers placed into the air blast that produce an efficient spray particle with a mass median diameter of 100 microns (Dv 0.5 = 100 um) or greater. Other similar application equipment which has demonstrated the capability to deliver even distribution of the labeled rate over the desired area may be used. Apply only when weather conditions are favorable. Wind and rising air currents may cause undesirable spray drift and reduce insect control.

Use boom sprayers with a filtered rotary air compressor either PTO or gas engine driven or an air pump capable of producing at least 12 psi. Use air pressure on chemical tanks and an accurate metering valve to assure a calibrated flow of the pesticide. Air should be regulated with a relief valve and gauge for proper air and liquid mixture. Pneumatic-type spray nozzles, as suggested by equipment manufacturer should be used for spray particles with mass median diameter 100 microns (Dv 0.5 = 100 um). Apply only when weather conditions are favorable. Wind and rising air currents may cause undesirable spray drift and reduce insect control.

IMPORTANT Undiluted spray droplets of Fyfanon ULV AG will permanently damage automobile paint. Cars should not be sprayed. If accidental exposure does occur the car should be washed immediately.

Consult your State Experiment Station or State Extension Service for proper timing of sprays.

CROP TABLE

Use higher rate when foliage is heavy or infestation is severe.

Crop	Pests Controlled	FL OZ /Acre	Max Single App Rate (lb ai/A)	Max # of App per year	Min App Interval (days)	Min Pre Harvest Interval (days)	Restricted Entry Interval (days)
Alfalfa	Alfalfa caterpillars* Western yellow striped armyworm Alfalfa weevil larvae** Beet armyworms* Grasshoppers	8	0.61	2 per cutting	14	0	12 hrs
	Alfalfa Blotch Leafminer (ABL) Alfalfa Seed Chalcid	6.8	0.61	2 per cutting	14	0	12 hrs

<ul style="list-style-type: none"> Do not apply to alfalfa in bloom Do not apply to seed alfalfa <p>*Apply when larvae are small **Apply when day temperature is expected to be above 65 F and when 50-70% of leaves show damage</p>							
Barley	Cereal leaf beetles	4-8	0.61	2	7	7	12 hrs
	Grasshoppers	8					
	Grass Sawfly Barley Midge or Hessian Fly	6-8	0.61	2	7	7	12 hrs
Beans (dry snap Lima)	Mexican bean beetles aphids thrips spider mites asparagus beetles pea weevils leafhoppers green clover worms Japanese beetles lygus bugs	8	0.61	2	7	1	12 hrs
	Bean Seed Fly (seed corn maggot adults) Whitefly ¹	6-8	0.61	2	7	1	12 hrs
<ul style="list-style-type: none"> Do not graze or feed foliage vines/forage straw/hay <p>¹Some insects are known to develop resistance to products used repeatedly for control. Because the development of resistance cannot be predicted, the use of this product should conform to resistance management strategies established for the use area. Consult your local or State agricultural authorities for details.</p>							
Blueberry (high bush and low bush)	Blueberry Fruit Fly or Blueberry maggot Blueberry Gall Midge	10	0.77	3	10	1	12 hrs
Cherries (sweet)	Apple maggot (adult) Cherry fruit flies Pear sawfly or Cherry slug	12-16	1.22	4	7	1	12 hrs
Cherries (tart)	Spotted Winged Drosophila			6	7	1	12 hrs
<ul style="list-style-type: none"> Apply by aircraft only Use higher rate when foliage is heavy or infestation is severe Make first application as soon as flies appear 							
Clover	Grasshoppers	8	0.61	2 per cutting	14	0	12 hrs
	Clover seed chalcid adults Clover seed midge adults Landino clover seed midge	6-8	0.61	2 per cutting	14	0	12 hrs
<ul style="list-style-type: none"> Do not apply to clover in bloom 							
Corn (field)	Cereal leaf beetles	4-8	0.61	2	7	7	3 days for detassling 12 hrs for all other activities
	adult corn rootworms grasshoppers	4 8					
Corn (sweet and pop)				2	5	5	3 days for detassling 12 hrs for all other activities
	Seed Corn Maggot adults Corn Silk Fly	6-8	0.61	2	5	5	12 hrs

Cotton	Early season insects thrips fleahoppers leafhoppers	4 8	1 22	3	7	7	2 days
	grasshoppers	8					
	lygus bugs*	8 16					
	Boll Weevils ¹	8 16	1 22	3	7	7	2 days
	Whitefly ²	8 16	1 22	3	7	7	2 days
<p>*Use highest rate for very heavy migrating population ¹ For use on cotton Fyfanon ULV can be used alone as a Fyfanon ULV concentrate spray or diluted in once refined cottonseed or vegetable oil sufficient to make at least one quart of finished spray per acre ² Some insects are known to develop resistance to products used repeatedly for control. Because the development of resistance cannot be predicted the use of this product should conform to resistance management strategies established for the use area. Consult your local or State agricultural authorities for details.</p>							
Grasses	Grasshoppers	12	0 92	1 per cutting	N/A	0	12 hrs
Bermuda	Crane Fly adult Frit Fly	6 8	0 61	1 per cutting	N/A	0	12 hrs
Oats	Cereal leaf beetles	4 8	0 61	2	7	7	12 hrs
	Grasshoppers	8					
	Frit Fly	6 8	0 61	2	7	7	12 hrs
Pasture and Rangeland	Grasshoppers	8 12	0 92	1 per cutting	7	0	12 hrs
	Biting gnats/midges	6 8	0 61	1 per cutting	N/A	0	12 hrs
	Black fly Black blow fly Blue blow fly						
	Bluestem midge						
	Crane Fly adult Deer fly Face fly Green bottle fly Heel fly						
	Horn fly Horse fly						
	Screwworm Secondary screwworm Stable fly						
Rice Rice (wild)	Rice stink bugs	8	0 61	2	7	14	12 hrs
	Rice seed midge	6 8	0 61	2	7	14	12 hrs
	Rice Leafminer						
	South American Leafminer						
NOTE FOR AQUATIC USES (rice) Broadcast use only over intermittently flooded areas. Application may not be made around bodies of water where fish or shellfish are grown and/or harvested.							
Rye	Grasshoppers	8	0 61	1	N/A	7	12 hrs
	Hessian Fly	6 8	0 61	1	N/A	7	12 hrs
Sorghum	Grasshoppers	8	0 61	2	7	7	12 hrs
	Sorghum midge	6 8	0 61	2	7	7	12 hrs
• Do not graze or feed grain sorghum forage fodder/stover or hay							
Wheat (Spring and Winter)	Cereal leaf beetles	4 8	0 61	2	7	7	12 hrs
	Grasshoppers	8					
	Grass Sawfly	6 8	0 61	2	7	7	12 hrs
	Hessian Fly Wheat Midge or Orange Wheat Blossom Midge						

On Rangeland, Pasture, and Other Uncultivated Non-Agricultural Areas (wastelands and roadsides) to control Biting gnats/midges, Black fly, Black blow fly, Blue blow fly, Bluestem midge, Crane Fly adult, Deer fly, Face fly, Green bottle fly, Heel fly, Horn fly, Horse fly, Screwworm, Secondary Screwworm, Stable Fly

Precaution Remove domestic livestock before application

Apply Fyfanon ULV AG at the rate of 2 to 4 fluid ounces per acre for control of adult flies. Application may be made via ground or aerial equipment and may be repeated as necessary.

Fyfanon ULV AG can be mixed with a synergized pyrethrin emulsifiable concentrate (6% pyrethrin + 60% PBO) in accordance with the most restrictive of label limitations and precautions indicated on both this and the tank-mixed product. Label rates must not be exceeded. This product may not be mixed with any product bearing a label which specifically prohibits such mixing. Prior to tank mixing large quantities, mix a small amount in a glass jar to verify that the products are physically compatible.

A tank mix of these may be prepared as follows

Component	Low to moderate density insect populations, low to moderate vegetation	Higher density insect populations, higher density vegetation
Fyfanon ULV AG	107 fl oz	117 fl oz
Synergized pyrethrin (6%/60%)	21 fl oz	11 fl oz

Depending upon your operational needs for knock-down, the amount of synergized pyrethrin can be reduced or adjusted. Application rates of Fyfanon ULV AG and droplet distribution requirements remain the same as for Fyfanon ULV AG used alone.

On Non Agricultural Use Sites to Control Beet Leafhopper

Not for use in residential areas

Non Agricultural Use Sites	Pests Controlled	FL OZ /Acre	Max Single App Rate (lb ai/A)
Non agricultural rights of ways/fencerows and Non agricultural uncultivated areas/soil	Beet leafhopper	8.12	0.610928

**USDA Rate Specification on Cotton for BWE Program
For Use Only Under the US Boll Weevil Eradication Program**

Use Directions

Crop	Pest	Fl oz /A	Maximum number of Applications per year	Minimum Application Interval (days)	Minimum Pre-Harvest Interval (days)	Restricted Entry Interval (hours)	Comments
Cotton	Boll Weevils	8 – 16	25	3	0	24	Early to midseason
		16					Late season

PRECAUTIONS AND RESTRICTIONS FOR APPLICATION TO COTTON TO CONTROL BOLL WEEVIL

Treatment supervisors and applicators must be aware of all sensitive areas near cotton fields including schools hospitals nursing homes churches occupied dwellings, parks recreation areas bodies of water and potential habitat for threatened and endangered species

For aerial applications, spray equipment must be adjusted so that the volume median diameter is 100 microns (Dv 0.5 = 100um) or greater. The effects of flight speed, nozzle angle and type and pump pressure on the droplet size spectrum must be considered.

For aerial applications, the spray boom should be mounted on the aircraft as to minimize drift caused by wingtip or rotor vortices. The minimum practical boom length should be used and outermost nozzles must not be placed beyond 75% of the wingspan or rotor diameter.

Spray should be released at the lowest height consistent with pest control and flight safety. Applications more than 10 feet above the crop canopy should be avoided.

Global positioning systems (GPS) should be used to guide pilots and to monitor each application.

Ground equipment should utilize a controlled air flow to facilitate particle size and spray deposition and should be used at a vehicle speed of 4 to 10 mph. Spray equipment must be adjusted so that the volume median diameter is 100 microns (Dv 0.5 = 100um) or greater.

Ground equipment should be used to treat field edges when possible, covering areas that can not be treated effectively with aircraft because of obstructions which may affect applicator safety or where there is boll weevil over-wintering habitat adjacent to the treatment area, or if there are adjacent sensitive areas.

Do not apply when wind velocity exceeds 10 mph. Treatments should be applied when winds are calm or moving away from adjacent sensitive areas.

When applications are made with a cross-wind the swath will be displaced downwind. The applicator must compensate for this displacement at the downwind edge of the application area by adjusting the path of the aircraft upwind.

Do not make aerial or ground applications into temperature inversions. Inversions are characterized by stable air and increasing temperatures with height above the ground. Mist or fog may indicate the presence of an inversion in humid areas. The applicator may detect the presence of an inversion by producing smoke and observing a smoke layer near the ground surface.

Applications will not be made when people are in or near infested cotton fields or to the degree possible when people are present in or near adjacent sensitive areas.

Application will not be made when rainfall is imminent.

Cheminova does not recommend that application be made to wet foliage.

Before beginning treatment program personnel shall notify all registered apiarists in or near the treatment area of the date and approximate time of treatment.

WARRANTY DISCLAIMER

Cheminova warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the label when used in strict accordance with the directions, subject to the inherent risks set forth below. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, CHEMINOVA MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

INHERENT RISKS OF USE

It is impossible to eliminate all risks associated with use of this product. Crop injury, lack of performance, or other unintended consequences may result because of such factors as use of the product contrary to label instructions (including conditions noted on the label such as unfavorable temperatures, soil conditions, etc.), abnormal conditions (such as excessive rainfall, drought, tornadoes, hurricanes), presence of other materials, the manner of application, or other factors, all of which are beyond the control of Cheminova or the Seller. All such risks shall be assumed by Buyer and User. Buyer and User agree to hold Cheminova and the Seller harmless for any claims related to such factors.

LIMITATION OF REMEDIES

To the extent consistent with applicable law, the exclusive remedy for losses or damages resulting from this product (including claims based on contract, negligence, strict liability, or other legal theories) shall be limited to one of the following, at Cheminova's election:

- (1) Refund of purchase price paid by buyer or user for product bought, or
- (2) Replacement of amount of product used.

To the extent consistent with applicable law, Cheminova shall not be liable for consequential, incidental, or special damages or losses in any matter.

The terms of the Warranty Disclaimer above and this Limitation of Remedies cannot be varied by any written or verbal statements or agreements. No employee or sales agent of Cheminova or the Seller is authorized to vary or exceed the terms of the Warranty Disclaimer or this Limitation of Remedies in any manner.

7-30-12

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