

70506-33

09-30-2009

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Ms. Rebecca A. Clemmer
Regulatory Manager
United Phosphorus, Inc.
630 Freedom Business Center, Suite 402
King of Prussia, PA 19406

SEP 30 2009

Subject: Notification(s) for Label Revisions under PRN 2001-5 and PRN 2007-4

Dear Ms. Clemmer:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notices (PRN) 2001-5 and 2007-4 dated, July 16, 2009 for:

EPA Registration 70506-33

Devrinol 2G Ornamental Herbicide

The Registration Division (RD) has conducted a review of the request(s) for applicability under PRN 2001-5 and PRN 2007-4 and finds that the label changes requested fall within the scope of PRN-2001-5 and PRN-2007-4. 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 Joyce Edwards of my staff at 703-308-5479.

Sincerely,

A handwritten signature in black ink, appearing to be "Linda Arrington".

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



United States
Environmental Protection Agency
Washington, DC 20460

<input type="checkbox"/>	Registration
<input type="checkbox"/>	Amendment
<input checked="" type="checkbox"/>	Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 70506-33	2. EPA Product Manager J. Tompkins	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) United Phosphorus, Inc/Devrinol 2G Ornamental herbicide	PM # 25	
5. Name and Address of Applicant (Include ZIP Code) United Phosphorus, Inc. 630 Freedom Business Center, Suite 402 King of Prussia, PA 19406	6. 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. _____ Product Name _____	
<input type="checkbox"/> Check if this is a new address		

Section - II

<input type="checkbox"/> Amendment - Explain below	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____	NOTIFICATION SEP 30 2009
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application	
<input checked="" type="checkbox"/> Notification - Explain below	<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 and 2001-5.
This notification is consistent with the guidance in PRN 2007-4 and 2001-5 and the requirements of EPA's regulations at 40CFR§§156.10, 156.140, 156.144, 156.146, 156.156. No other changes have been made to the labeling or the CSF 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 amended label is not consistent with the sections above, 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.

Section III

1. Material This Product Will be Packaged in:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Metal	<input checked="" type="checkbox"/> Plastic
*Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt.	No. per container
				<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
				<input type="checkbox"/> Other (Specify) _____	
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 50 lb.		5. Location of label directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Label accompanying product	
6. Manner in Which Label is Affixed to Product		<input checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled		<input type="checkbox"/> Other _____	

Section IV

1. Contact Person (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)					
Name Rebecca A. Clemmer		Title Regulatory Manager		Telephone No. (Include Area Code) 610-491-2828	
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 Regulatory Manager			
4. Typed Name Rebecca A. Clemmer		5. Date 7/16/09			



United Phosphorus, Inc.

630 Freedom Business Center
Suite 402
King of Prussia, PA 19406
(610) 491-2828 (phone)
(610) 491-2810 (fax)

Rebecca A. Clemmer
Regulatory Manager

July 16, 2009

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

Re: Napropamide Products - Notifications

To Whom It May Concern:

United Phosphorus, Inc. is submitting revised labels to accomplish the following changes, all of which qualify as Notifications: add herbicide resistance category per PRN 2001-5; update container disposal wording per PRN 2007-4. Please note that the labels here are based on those submitted in January 2009 with UPI's 8-month response to the Napropamide product specific data call-in.

Products:

Devrinol 2G Ornamental herbicide EPA Reg. No. 70506-33 ✓
Devrinol 50-DF Selective herbicide EPA Reg. No. 70506-36 ✓
Devrinol 50-DF Ornamental Selective herbicide EPA Reg. No. 70506-38

In support, for each label enclosed please find:

- EPA form 8570-1
- Label copy marked to show changes
- Label integrity form
- A CD containing clean pdf copies of each label

Please contact me if you have any questions.

Very truly yours,

A handwritten signature in cursive script that reads 'R. A. Clemmer'.

Rebecca A. Clemmer
rebecca.clemmer@uniphos.com

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GROUP	15	HERBICIDE
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DEVIRINOL® 2-G ORNAMENTAL
Selective Herbicide

NOTIFICATION

SEP 30 2009

A Preemergence Herbicide for Weed Control in Home Flower Gardens and Landscape Plantings. Use in Deciduous and Evergreen Trees and Shrubs, Ground Covers, Perennial Flowers, Fruit and Nut Crops, Container Grown Plants, and Turfgrass

ACTIVE INGREDIENT:

Napropamide.....2.0%

OTHER INGREDIENTS:.....98.0%

TOTAL.....100.0%

Contains 2 Pounds of Active Ingredient per 100 Pounds

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

FIRST AID	
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.
If in eyes	<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 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 mouth-to-mouth, if possible. • Call a poison control center or doctor for further treatment advice.
If swallowed	<ul style="list-style-type: none"> • Call a poison control center or doctor immediately for treatment advice. • Have person sip a glass of water if able to swallow. • Do not induce vomiting unless told to do so by the poison control center or doctor. • Do not give anything by mouth to an unconscious person.
<p>Have the product container or label with you when calling a poison control center or doctor, or going for treatment. For Medical Emergency Assistance (Human or Animal) call the Rocky Mountain Poison Control Center at 1-866-673-6671. For chemical emergency: spill, leak, fire, exposure, or accident, call CHEMTREC at 1-800-424-9300.</p>	

United Phosphorus, Inc.
630 Freedom Business Center
King of Prussia, PA 19406
1-800-438-6071 • www.upi-usa.com

EPA Reg. No. 70506-33
EPA Est. No.

Net Weight:

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Avoid contact with skin, eyes and clothing. May be harmful if swallowed. Do not breathe dust. Avoid contamination of food and feed.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants.
- Chemical resistant gloves made of any waterproof material such as barrier laminate, nitrile rubber (\geq 14 mils), neoprene rubber (\geq 14 mils) or Viton (\geq 14 mils).
- Shoes plus socks.

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.

When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

User Safety Recommendations

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- 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

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 cleaning equipment or disposing of equipment wash waters.

GENERAL PRECAUTIONS

- Read all instructions before using.
- Use only for recommended purposes and at recommended rates.
- Do not overdose.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Apply this product as specified on this label.

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.

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 interval (REI). The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 12 hours.

Exception: If the product is soil-injected or soil-incorporated, the Worker Protection Standard, under certain circumstances, allows workers to enter the treated area if there will be no contact with anything that has been treated.

- 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 of any waterproof material such as Barrier Laminate, Nitrile Rubber (≥ 14 mils), Neoprene rubber (≥ 14 mils) or Viton (≥ 14 mils).
- 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 Standard for agricultural pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries, or greenhouses. Do not enter or allow others to enter the treated areas until dusts have settled.

WHAT THIS PRODUCT DOES

DEVIRINOL 2-G ORNAMENTAL controls certain annual grassy and broadleaf weeds as they germinate. It does not control established weeds. The weeds controlled are listed below:

WEEDS CONTROLLED BY DEVIRINOL 2-G ORNAMENTAL	
ANNUAL GRASSES:	
Barnyardgrass, Junglerice	<i>Echinochloa</i> spp.
Wild Barley	<i>Hordeum leporinum</i>
Annual Bluegrass	<i>Poa annua</i>
Bromes	<i>Bromus</i>
Cheatgrass	<i>B. secalinus</i>
Downy Brome	<i>B. tectorum</i>
Ripgut Brome	<i>B. rigidus</i>
Soft Chess	<i>B. mollis</i>
Large (Hairy) Crabgrass	<i>Digitaria sanguinalis</i>
Smooth Crabgrass	<i>Digitaria ischaemum</i>
Southwestern Cupgrass	<i>Eriochloa gracilis</i>
Foxtails	<i>Setaria</i>
Bristly Foxtail	<i>S. verticilla</i>
Giant Foxtail	<i>S. faberi</i>
Green Foxtail	<i>S. viridis</i>

WEEDS CONTROLLED BY DEVRINOL 2-G ORNAMENTAL	
Yellow Foxtail	<i>S. lutescens</i>
Goosegrass	<i>Eleusine indica</i>
Seedling Johnsongrass	<i>Sorghum halepense</i>
Wild Oats	<i>Avena fatua</i>
Panicums	<i>Panicum</i>
Guineagrass	<i>P. Paximum</i>
Fall Panicum	<i>P. dichotomiflorum</i>
Texas Panicum	<i>P. texanum</i>
Witchgrass	<i>P. capillare</i>
Italian Ryegrass	<i>Lolium multiflorum</i>
Sandbur	<i>Cenchrus spp.</i>
Red Sprangletop	<i>Leptochloa filiformis</i>
Stinkgrass	<i>Eragrostis cilianensis</i>
ANNUAL BROADLEAF WEEDS:	
Carpetweed	<i>Mollugo verticillata</i>
Common Chickweed	<i>Stellaria media</i>
Coast Fiddleneck	<i>Amsinckia intermedia</i>
Filaree	<i>Erodium spp.</i>
Groundsel	<i>Senecio spp.</i>
Prostrate Knotweed	<i>Polygonum aviculare</i>
Lambsquarters	<i>Chenopodium album</i>
Prickly Lettuce	<i>Lactuca serriola</i>
Little Mallow*	<i>Malva parviflora</i>
Redroot Pigweed	<i>Amaranthus retroflexus</i>
Pineappleweed	<i>Matricaria matricarioides</i>
Common Purslane	<i>Portulaca oleracea</i>
Horse Purslane	<i>Trianthema portullacastrum</i>
Common Ragweed**	<i>Ambrosia artemisiifolia</i>
Annual Sowthistle	<i>Sonchus oleraceus</i>

*From seed
**Suppression

WHERE TO USE THIS PRODUCT

DEVIRINOL 2-G ORNAMENTAL can be applied over small ornamental plants or around larger plants in rose gardens, container plantings, ornamental landscapes and ground covers including dichondra.

Use DEVIRINOL 2-G ORNAMENTAL for weed control in the following plants:

Deciduous and Evergreen Trees

Acer	Elm, Siberian	Picea
Alder, Black	Eucalyptus	Pine, White
Ash	Ficus	Pin Oak
Balsam Fir	Fir	Pinus
Birch	Gleditsia	Pittosporum
Birch, European White	Golden Rain Tree	Podocarpus
Black Walnut	Gum, Sweet	Populus
Cedar	Hemlock	Prunus
Citrus	Japanese Larch	Pears
Crataegus	Laburnum	Pistachios
Cypress	Little Leaf Linden	Spruce, Colorado Blue
Dogwood	Malus	Tulip Tree
Douglas Fir	Maple, Japanese	Wisteria, Chinese
	Maple, Red	
	Olive (Olea)	
	Palm (Washingtonia robusta)	

Deciduous and Evergreen Shrubs

Abelia	Euonymus	Oleander
Arizona Fuchsia	Forsythia	Osmanthus
Arrowwood	Gardenia	Photinia
Asparagus (Sprengeri)	Heather (Calluna)	Pittosporum
Aucuba	Hibiscus	Podocarpus
Azalea	Honeysuckle (Lonicera)	Pyracantha
Beach Plum	Hypericum	Raphiolepis
Bottlebrush	Ilex	Rhododendron
Bougainvillea	Juniperus	Rosa
Buxus	Leucothe	Serviceberry
Camellia	Ligustrum	Star Jasmine
Cotoneaster	Nandina	Taxus
Crepe Myrtle	Natal Plum	Viburnum
Dogwood		Xylosema

Ground Covers

Ajuga	Fern, Log	Lantana
Carpobrotus	Fern, Royal	Liriope
Delosperma	Fern, Shaggy Shield	Osteosperma
Dichondra	Ganzania	Pachysandra
Erysimum	Hedera	Ribbon Grass
Fern, Christmas	Hypericum	Russian Sage
Fern, Hay-scented	Iceplant	Sedum
Fern, Japanese Painted	Ivy	Silver Sage
Fern, Lady		Vinca

CONTAINER STOCK

Abelia
 Agapanthus
 Ageratum
 Asparagus
 Azalea
 Bottlebrush
 Bougainvillea
 Buxus
 Camellia
 Cedar
 Cotoneaster
 Crepe Myrtle
 Cypress
 Dogwood
 Douglas Fir

Eucalyptus
 Euonymus
 Fir
 Forsythia
 Gardenia
 Geranium
 Heather
 Hedera
 Hibiscus
 Ilex
 Juniperus
 Leucothe
 Ligustrum
 Liriope
 Nandina

Pachysandra
 Palm (Washingtonia robusta)
 Photinia
 Pinus spp.
 Pittosporum
 Podocarpus
 Pyracantha
 Raphiolepis
 Rhododendron
 Rosa
 Sedum
 Star Jasmine
 Thuja
 Vinca
 Xylosema

Flowers

African Daisy
 Aster
 Beard-Tongue
 Bellflower, Tussock
 Bird of Paradise
 Blanket Flower
 Bleeding Heart
 Boltonia
 Cheddar Pink
 Chrysanthemum
 Cleyera
 Coneflower, Purple

Dahlia
 Daisy
 Daylily
 Gazania
 Geranium
 Gladiolus
 Leopards Bane
 Lily of the Incas
 Moss Pink
 Mums
 Narcissus
 Pasque Flower

Petunia
 Pincushion Flower
 Plantain Lily (Hosta)
 Redrocks Penastemon
 Speedwell
 Stonecrop
 Sun Daisy
 Sunset Hyssop
 Yarrow, Common
 Yellow Loostrife
 Zinnia

Fruit and Nuts

Almond
 Apple
 Apricot
 Cherry
 Filbert
 Grape

Lemon
 Nectarine
 Orange
 Peach
 Pear
 Pecan

Pistachio
 Plum
 Prune
 Tangerine
 Walnut

Strawberry: Applications should be delayed until the desired number of daughter plants have become established. Do not apply from bloom through harvest.

WHEN TO USE THIS PRODUCT

DEVIRINOL 2-G ORNAMENTAL should be used before weeds germinate. It will not control established weeds.

Application can be made anytime of the year to weed-free soil. Fall and winter applications will provide excellent weed control the following spring and summer.

In containers, apply after setting and watering the plants.

DEVIRINOL 2-G ORNAMENTAL should be spread evenly on the soil surface using a shaker can or granular herbicide applicator.

Do not apply when weather conditions favor drift from areas treated.

When weed infestation is heavy or when broadleaves are the primary weeds, use one pound on 145 square feet (6.9 lbs./1,000 sq. ft.). For annual grassy weeds or when weed infestation is light, use one pound on 218 square feet (4.6 lbs./1,000 sq.ft.).

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Do not apply more than 4.6 lb. DEVRINOL 2-G ORNAMENTAL per 1,000 sq. ft in California.

DEVRINOL 2-G ORNAMENTAL should be incorporated evenly into the soil using a hand cultivator to a depth of 1-2 inches or irrigation or natural moisture (rainfall or snow) (½ inch within 2-3 days) for optimum results.

For weed control in dichondra, apply at the time of seeding or to establish dichondra including dichondra sod. Irrigate with a minimum of one inch of water.

**RECOMMENDATIONS: TURF GRASS
(For Use on Warm Season Grasses Only)**

DEVRINOL 2-G ORNAMENTAL is recommended for annual bluegrass, crabgrass and goosegrass control in the following established turf grasses: bahia, bermudagrass, centipede, St. Augustine and fescue.

TIMING OF APPLICATION:

For control of crabgrass and goosegrass, apply DEVRINOL 2-G ORNAMENTAL at the recommended rate. Application should be made 2-3 weeks prior to weed emergence. DEVRINOL 2-G ORNAMENTAL should be applied with a gravity flow drop spreader or a cyclone type spreader. A more uniform application can be made by spreading half the required amount over the area to be treated, then applying the remainder at right angles.

DEVRINOL 2-G ORNAMENTAL requires a minimum of one half (½) inch of rainfall or irrigation 2-3 days after application for adequate control. If irrigation methods are not available, the timing of the application of DEVRINOL 2-G ORNAMENTAL should be moved back several weeks to allow for some rainfall between application and weed germination.

RATES OF APPLICATION:

For Crabgrass Control: Apply 100 to 150 lbs. of DEVRINOL 2-G ORNAMENTAL uniformly per acre (2.25-3.38* lbs per 1,000 sq. ft.). Use the higher rate when applying before January 1 (not applicable north of South Carolina or when weed infestation is expected to be heavy).

*Where a rate range is given, use the higher rate when weed infestation is expected to be heavy.

For Goosegrass Control: Apply 100 to 150 lbs. of DEVRINOL 2-G ORNAMENTAL per acre (2.25-3.38 lbs. per 1,000 sq. ft.). Goosegrass usually starts to germinate 6 to 7 weeks after the start of crabgrass germination.

Split Application for Crabgrass and Goosegrass Control: When both of these weeds are to be controlled, apply 100 lbs. of DEVRINOL 2-G ORNAMENTAL spread uniformly per acre (2.25 lbs. per 1,000 sq. ft.) for crabgrass and another 100 lbs. of DEVRINOL 2-G ORNAMENTAL per acre for goosegrass. Apply 8-10 weeks apart. Timing should be adjusted to the germination of weeds in your area. Split applications give longer and better weed control than one application.

For Annual Bluegrass (Poa Annua) Control: Annual bluegrass is a winter annual in most of the warm season turf regions; therefore, application of DEVRINOL 2-G ORNAMENTAL should be made in the fall before the annual bluegrass germinates. Apply 100-150 lbs. of DEVRINOL 2-G ORNAMENTAL per acre (2.25-3.38 lbs. per 1,000 sq. ft.).

Reseeding: Do not reseed or overseed within six months after application.

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STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Keep container closed when not in use. Store in a cool dry place. Do not store near seeds, fertilizer or food stuffs.

PESTICIDE DISPOSAL: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

CONTAINER DISPOSAL: Nonrefillable container. Do not reuse or refill this container. Completely empty bag into application equipment. Then offer for recycling if available, or dispose of empty bag in a sanitary landfill or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

IMPORTANT INFORMATION READ BEFORE USING PRODUCT

CONDITIONS OF SALE AND LIMITATION OF WARRANTY AND LIABILITY

NOTICE: Read the entire Directions for Use and Conditions of Sale and Limitation of Warranty and Liability before buying or using this product. If the terms are not acceptable, return the product at once, unopened, and the purchase price will be refunded.

The Directions for Use of this product reflect the opinion of experts based on field use and tests, and must be followed carefully. It is impossible to eliminate all risks associated with the use of this product. Crop injury, ineffectiveness or other unintended consequences may result because of such factors as manner of use or application, weather or crop conditions, presence of other materials or other influencing factors in the use of the product, which are beyond the control of United Phosphorus, Inc. or Seller. Handling, storage, and use of the product by Buyer or User are beyond the control of United Phosphorus, Inc. and Seller. All such risks shall be assumed by Buyer and User, and Buyer and User agree to hold United Phosphorus, Inc. and Seller harmless for any claims relating to such factors.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, UNITED PHOSPHORUS, INC. AND SELLER MAKE NO WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY EXCEPT AS STATED ON THIS LABEL.

To the extent consistent with applicable law, United Phosphorus, Inc. or Seller shall not be liable for any incidental, consequential or special damages resulting from the use or handling of this product and **THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE EXCLUSIVE LIABILITY OF UNITED PHOSPHORUS, INC. AND SELLER FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY, CONTRACT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHERWISE) RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, SHALL BE THE RETURN OF THE PURCHASE PRICE OF THE PRODUCT OR, AT THE ELECTION OF UNITED PHOSPHORUS, INC. OR SELLER, THE REPLACEMENT OF THE PRODUCT.**

United Phosphorus, Inc. and Seller offer this product, and Buyer and User accept it, subject to the foregoing conditions of sale and limitations of warranty and of liability, which may not be modified except by written agreement signed by the duly authorized representative of United Phosphorus, Inc.