

70506-38

09-27-2007

1/13



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

SEP 27 2007

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

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

Subject: Devrinol 50-DF Ornamental Selective Herbicide
EPA Registration Number 70506-38
Resubmission dated August 23, 2007
Response to EPA Letter dated July 12, 2007

Dear Ms. Clemmer:

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act as amended is acceptable, provided you make the following changes before you release the product for shipment.

- 1) Revise "Remove clothing immediately if pesticide gets inside" to "Remove clothing/PPE immediately if pesticide gets inside" in the section User Safety Recommendations.
- 2) On page 7, in the section FRUIT AND NUTS, remove the following uses as they have been cancelled per the Napropamide RED: Apple, Apricot, Cherry, Lemon, Nectarine, Orange, Peach, Pear, Pistachio, Plum, Prune, Tangerine and Walnut.
- 3) On page 8, in the section APPLICATION RATES FOR SITES LISTED ABOVE, add the following restrictions per the Napropamide RED: "Do not exceed 4 lbs active ingredient (8 lbs Devrinol 50DF Ornamental) per broadcast acre (3 oz. per 2 1/2 gallons water per 1,000 sq. ft.) on Almond, Pecan and Grape use sites. A maximum of one application per year is allowed on almond, pecan and grape use sites.
- 4) On page 8, revise the statement "Use the higher rate when weed populations are heavy or when broadleaves are the primary weeds" to "Use the higher rate when weed populations are heavy or when broadleaves are the primary weeds, but only when the use directions above allow it."

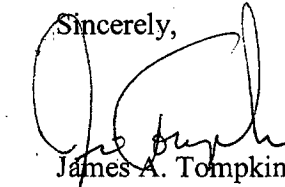
Submit one (1) copy of final printed labeling incorporating the above changes before you release the product for shipment. Amended labeling will supercede all previously accepted ones. A stamped copy of labeling is enclosed for your records.

2/13

Page 2
EPA Registration Number 70506-38

If you have any questions, please contact Hope Johnson at 703-305-5410.

Sincerely,



James A. Tompkins
Product Manager 25
Herbicide Branch
Registration Division (7505P)

3/13

DEVIRINOL® 50-DF ORNAMENTAL
Selective Herbicide

A Preemergence Herbicide for use on Container-grown Ornamentals, Field-grown Nursery Stock, Liner Stock, Ground Covers, and Turfgrass.

Active Ingredient:
Napropamide..... 50%
Other
Ingredients.....50%
Total:
100%

Contains 50 lbs. of Active Ingredient per 100 lbs.
EPA Reg. No. 70506-38

EPA Est. No. 5905-IA-01

KEEP OUT OF REACH OF CHILDREN
CAUTION

FIRST AID	
Immediately start the procedures given below and contact a Poison Control Center, a physician, or the nearest hospital. Report the type and extent of exposure, describe the victim's symptoms and follow the advice given.	
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.
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 by mouth-to-mouth, if possible • Call a poison control center or doctor for further treatment advice.
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. For emergency medical treatment, contact the Rocky Mountain Poison Center 1-866-767-5089.	

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

ACCEPTED
with COMMENTS
in EPA Letter Dated

SEP 27 2007

Sold By: United Phosphorus, Inc.
630 Freedom Business Center, Suite 402
King of Prussia, PA 19406

Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.

70506-38

4/13

1-800-438-6071 • www.upi-usa.com

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

CAUTION

Harmful if swallowed. Avoid contact with skin, clothing, or eyes. Causes moderate eye irritation. Avoid breathing spray mist.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Mixers, loaders, applicators and other handlers must wear:

- Long-sleeved shirt and long pants.
- Chemical resistant gloves .
- 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. Pilots must use an enclosed cockpit that meets the requirements in the Worker Protection Standard.

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.

DIRECTIONS FOR USE

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

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

General Use Precautions

Read all instructions before using.

5/13

Use only for listed purposes and at listed rates. Do not overdose.

Except where specifically noted, do not apply Devrinol® 50-DF Ornamental Herbicide to soil containing more than 10% organic matter.

Spraying on ground heavily covered with leaves or trash may adversely affect weed control.

Do not apply to frozen ground.

Do not contaminate irrigation water or water used for domestic purposes.

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. 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 24 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.
- Shoes plus socks.
- Chemical resistant gloves made of any waterproof material.
- Eye wear.

FAILURE TO FOLLOW DIRECTIONS AND PRECAUTIONS ON THIS LABEL MAY RESULT IN CROP INJURY, POOR WEED CONTROL, OR ILLEGAL RESIDUES.

GENERAL INFORMATION

Devrinol 50-DF Ornamental does not control established weeds. It must be applied to freshly weeded soil before weeds germinate, or during Fall and Winter months.

Devrinol 50-DF Ornamental can be applied to **newly planted** container stock after soil has settled from first watering, field grown nursery stock, dichondra, and to established plants.

Devrinol 50-DF Ornamental needs mechanical incorporation (such as a power tiller), adequate irrigation, or natural moisture (1-2 inches of rainfall or snow within 2-3 days) for optimum results.

Devrinol 50-DF Ornamental may be used on several different container potting soil mixtures. These mixtures include those containing 30 percent soil and/or sand, and mixtures containing no soil. (For example: perlite, peat, bark, sawdust, and sand.)

Do not apply this product through any type of irrigation system.

6/13

WEEDS CONTROLLED BY 8 TO 12 LBS OF Devrinol 50-DF Ornamental	
ANNUAL GRASSES:	
Barnyardgrass, Junglerice	<i>Echinochloa</i> spp.
Foxtail Barley	<i>Hordeum jubatum</i>
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>
Canarygrass	<i>Phalaris canariensis</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>
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. Maximum</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</i> spp.
Mexican Sprangletop	<i>Leptochloa uninervia</i>
Red Sprangletop	<i>Leptochloa filiformis</i>

7/13

WEEDS CONTROLLED BY 8 TO 12 LBS OF Devrinol 50-DF Ornamental	
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>
Cudweed, Purple	<i>Gnaphalium purpureum</i>
Redstem Filaree	<i>Erodium cicutarium</i>
Common Groundsel	<i>Senecio vulgaris</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 portulacastrum</i>
Common Ragweed**	<i>Ambrosia artemisiifolia</i>
Annual Sowthistle	<i>Sonchus oleraceus</i>

*From seed
 **Suppression

GENERAL SITES OF USE

Nursery Stock (Field Grown): Consult list of plant species on which Devrinol 50-DF Ornamental can be used.

Apply Devrinol 50-DF Ornamental as a broadcast treatment over young nursery stock or as a directed application to larger stock either as a band or broadcast application.

Application can be made any time of the year to weed free soil; however, since Devrinol 50-DF Ornamental requires 1 to 2 inches of rainfall or irrigation soon after application for adequate weed control, applications should be timed to take advantage of rainfall if irrigation is not available. Fall and Winter applications will provide excellent weed control the following Spring and Summer. A thorough incorporation of Devrinol 50-DF Ornamental into the soil to a depth of 1 to 2 inches will provide excellent weed control with less rainfall required.

One application of Devrinol 50-DF Ornamental should provide adequate weed control for a growing season in temperate areas.

8/13

Container Grown Ornamentals: Consult list of plant species on which Devrinol 50-DF Ornamental can be used.

Apply Devrinol 50-DF Ornamental as a broadcast treatment over the containers.

Normal irrigation or rainfall (if a Fall or Winter application is made in cold areas) should provide sufficient water for satisfactory weed control.

Home Grounds, Highway And Industrial Ornamental Plantings: Use an overall (broadcast) treatment over young ornamentals or as a directed application where larger plants are growing. Irrigate soon after application or apply just before expected rain. Fall through Spring applications are preferred if irrigation is not available or if application is to be made in lower Summer rainfall areas.

Ground Covers: Apply Devrinol 50-DF Ornamental as a broadcast treatment over the ground covers.

Irrigate immediately with a minimum of 1 inch water or apply when rainfall is expected.

Dichondra: Apply Devrinol 50-DF Ornamental at the time of seeding, or to established dichondra including dichondra sod.

Irrigate with a minimum of 1 inch of water.

SPECIFIC ORNAMENTALS, NURSERY STOCK, AND CONTAINER STOCK FOR DEVIRINOL USE

Deciduous and Evergreen Trees

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

9/13

Deciduous and Evergreen Shrubs

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

Fruit and Nuts

Almond	Lemon	Pistachio
Apple	Nectarine	Plum
Apricot	Orange	Prune
Cherry	Peach	Tangerine
Filbert	Pear	Walnut
Grape	Pecan	

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

Container Stock

Abelia	Eucalyptus	Pachysandra
Agapanthus	Euonymus	Palm (Washingtonia robusta)
Ageratum	Fir	Photinia
Asparagus	Forsythia	Pinus spp.
Azalea	Gardenia	Pittosporum
Bottlebrush	Geranium	Podocarpus
Bougainvillea	Heather	Pyracantha
Buxus	Hedera	Rhododendron
Camellia	Hibiscus	Raphiolepis
Cedar	Ilex	Rosa
Cotoneaster	Juniperus	Sedum
Crepe Myrtle	Leucothe	Star Jasmine
Cypress	Ligustrum	Thuja
Dogwood	Lirioppe	Vinca
Douglas Fir	Nandina	Xylosema

10/13

Ground Covers

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

Flowers

African Daisy	Daisy	Petunia
Aster	Daylily	Pincushion Flower
Beard-Tongue	Gazania	Plantain Lily (Hosta)
Bellflower, Tussack	Geranium	Redrocks Penastemon
Bird of Paradise	Gladiolus	Speedwell
Blanket Flower	Leopards Bane	Stonecrop
Bleeding Heart	Lilly of the Incas	Sun Daisy
Boltonia	Moss Pink	Sunset Hyssop
Cheddar Pink	Mums	Yarrow, Common
Cleyera	Narcissus	Yellow Loosestrife
Coneflower Purple	Pasque Flower	Zinnia
Dahlia		

APPLICATION RATES FOR SITES LISTED ABOVE

Annual Weeds: For annual grasses and broadleaf weeds, apply 8-12 lbs of Devrinol 50-DF Ornamental per broadcast acre (3-4.4 oz. per 2½ gallons water per 1,000 sq. ft.). Do not apply more than 8 lbs of Devrinol 50-DF Ornamental per acre in California. Use the higher rate when weed populations are heavy or when broadleaves are the primary weeds.

BULBS – FIELD GROWN

Iris	Narcissus
Daffodil	Tulip
Lilies	

Annual Weeds: For annual grasses and broadleaf weeds, apply 8 lbs of Devrinol 50-DF Ornamental per broadcast acre (3 oz. per 2½ gallons water per 1,000 sq. ft.) as a surface spray over newly planted bulbs after October 15, but before germination of any annual weed seeds. Apply in 20 to 100 gallons of water per acre using ground spray equipment. Do not apply more than once per season.

OR

Apply 8 lbs of Devrinol 50-DF Ornamental per broadcast acre as a surface spray in the spring before germination of summer annual weeds. Do not apply to tulips showing more than 2 inches of top growth.

TURF GRASS (WARM SEASON GRASSES ONLY) Devrinol 50-DF Ornamental may be used 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 50-DF Ornamental at the listed rate. Application should be made 2-3 weeks prior to weed emergence. Devrinol 50-DF

11/13

Ornamental should be mixed with enough water to give adequate coverage of the area to be treated (but no less than 80 gallons per acre). Use a lawn type spray gun.

Devrinol 50-DF Ornamental requires a minimum of one-half ($\frac{1}{2}$) inch of rainfall or irrigation 2-3 days after application for adequate control. If irrigation methods are not available, the timing of application of Devrinol 50-DF Ornamental should be moved back several weeks to allow for some rainfall between application and weed germination.

For Crabgrass Control: Apply 4-6 lbs. of Devrinol 50-DF Ornamental per acre in 80-120 gallons of water (1.5-2.25 oz. per $2\frac{1}{2}$ gallons of water per 1,000 sq. ft.). Goosegrass usually starts to germinate 6-7 weeks after the start of crabgrass germination.

Split Application for Crabgrass and Goosegrass Control: When both of these weeds are to be controlled, apply 4 lbs. of Devrinol 50-DF Ornamental spread uniformly per acre (1.5 oz. per 1,000 sq. ft.) for crabgrass and another 4 lbs. of Devrinol 50-DF 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 50-DF Ornamental should be made in the Fall before the annual bluegrass germinates. Apply 4-6 lbs. of Devrinol 50-DF Ornamental per acre in 80-120 gals. of water (1.5-2.25 oz. per $2\frac{1}{2}$ gals. of water per 1,000 sq. ft.).

TANK MIXTURE (WARM SEASON TURF GRASSES ONLY)

Observe all cautions and limitations on labeling of all products used in combination.

Make only one application per season.

Do not contaminate water by cleaning of equipment or disposal of wastes. Apply these combinations only as specified on this label.

For tank mixture application, apply the listed dosage (See Directions for Use) in 80 gals. of water per acre.

General Tank Mix Directions

Proper care must be used in preparing combination tank mixtures to avoid incompatibility problems. Fill the spray tank at least $\frac{2}{3}$ full of water. Start agitation and continue moderate agitation throughout mixing and application. Add, mix and disperse wettable powders first and flowable products next. Make sure each product is thoroughly wetted and dispersed prior to addition of the next product. Complete filling the tank with water, mix thoroughly, and maintain moderate agitation to provide a uniform mix during application. The tank mix combination should not be left in the spray tank for prolonged periods; batches should be mixed and applied the same day. All return lines to the tank must discharge below liquid level.

12/13

Betasan® 4E Combination

Devrinol 50-DF Ornamental may be used as a tank mix combination with Betasan 4-E Herbicide for crabgrass control in the following established turf grass: Bahia, Bermudagrass, Centipede, St. Augustine and Fescue.

Add the listed amount of Devrinol 50-DF Ornamental to the spray tank while filling with water. After the Devrinol 50-DF Ornamental is thoroughly wetted out and dispersed in all of the water, then add the listed amount of Betasan 4E and mix to provide a uniform dispersion. Apply in at least 80 gals. of water per acre.

Apply 4 lbs. of Devrinol 50-DF Ornamental and 5 qts. of Betasan 4E per acre using a minimum of 80 gals. of water. Application should be made at least 2-3 weeks before the earliest germination date for crabgrass in your area.

The Devrinol 50-DF Ornamental/Betasan 4E combination requires a minimum of one-half (1/2) inch of rainfall or irrigation 2-3 days after application for adequate control. If irrigation is not available, the application should be delayed several weeks to allow for some rainfall between application and weed germination.

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

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: Do not reuse. Completely empty bag into application equipment. Then 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

13/13

Phosphorus, Inc. and Seller harmless for any claims relating to such factors.

To the extent consistent with applicable law, United Phosphorus, Inc. 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 referred to above, when used in accordance with directions under normal use conditions. This warranty does not extend to the use of this product contrary to label instructions, or under abnormal conditions or under conditions not reasonably foreseeable to or beyond the control of Seller or United Phosphorus, Inc., and Buyer and User assume the risk of any such use. To the extent consistent with applicable law, UNITED PHOSPHORUS, INC. MAKES NO WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY EXCEPT AS STATED ABOVE.

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.

Devrinol® is a trademark of United Phosphorus, Inc.
Betasan® is a trademark of Gowan Company.

Rev. 8/23/07