

70506-156

07/16/2007

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U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs
Registration Division (H7505C)
401 "M" St., S.W.
Washington, D.C. 20460

EPA Reg.
Number:

70506-156

Date of Issuance:

JUL 16 2007

Term of Issuance: Conditional

Name of Pesticide Product:

Imidacloprid 70 DF Turf and
Ornamental Insecticide

NOTICE OF PESTICIDE:

Registration
 Reregistration

(under FIFRA, as amended)

Name and Address of Registrant (include ZIP Code):

Ms. Rebecca A. Clemmer
United Phosphorus, Inc.
423 Riverview Plaza
Trenton, NJ 08611

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide and Rodenticide Act.

Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is conditionally registered in accordance with FIFRA sec. 3(c)(7)(A). Once a pesticide is registered, however, it is not regarded as permanently acceptable. Registration does not eliminate the need for continual reassessment of pesticides. If the Agency determines that, at any time, additional data are required to maintain in effect an existing registration, the Agency will require submission of such data under FIFRA section (3)(c)(2)(B).

- 1. Revise the EPA Registration Number to read, EPA Reg. No. "70506-156".

Signature of Approving Official:

Dani Daniel
Insecticide-Rodenticide Branch
Registration Division (7505P)

Date:

JUL 16 2007

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2. Page 7 of the label, add the restriction "**Not for use in California for control of San Jose scale on pears.**"
3. Within eighteen months of the date of this registration, submit to the Agency the required one year storage stability study (830.6317) for the proposed product under warehouse conditions. The corrosion characteristics study (830.6320) may be carried out concurrently. It is recommended that observations be made at 0, 3, 6, 9, and 12 months.
4. Submit two copies of your final printed label before you release the product for shipment. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(a). Your release for shipment of the product constitute acceptance of these conditions.

A stamped copy of the label is enclosed for your records. If you have any questions regarding this notice, please contact me at (703) 305-5409.

Enclosure

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IMIDACLOPRID 70 DF Turf and Ornamental Insecticide

For insect control (both foliar and systemic) in turfgrass (including sod farms), landscape ornamentals, fruit and nut trees, and interior plantscapes

ACTIVE INGREDIENT

Imidacloprid – 1-[(6-Chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine.....70.0%

OTHER INGREDIENTS30.0%

Total 100.0%

KEEP OUT OF REACH OF CHILDREN CAUTION

FIRST AID	
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 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 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.
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. Contact the National Pesticide Information Center at 1-800-858-7378 for emergency medical treatment information.	
NOTE TO PHYSICIAN: No specific antidote is available. Treat symptomatically.	

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

United Phosphorus, Inc.
423 Riverview Plaza
Trenton, NJ 08611
1-800-247-1557 • www.upi-usa.com

Net Contents:
EPA Reg. No. 70506-
EPA Est. No.

**ACCEPTED
with COMMENTS
In EPA Letter Dated:
JUL 10 2001**

*Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
70506-156*

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**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS**

Caution. Harmful if swallowed or absorbed through skin. Causes eye irritation. Avoid contact with skin, eyes, or clothing. Avoid breathing dust or vapor. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse. Keep children or pets off treated area until spray is dry.

Personal Protective Equipment (PPE):

Applicators and other handlers must wear:

- Long-sleeved shirts and long pants
- Chemical-resistant gloves made of any waterproof material such as barrier laminate, butyl rubber, nitrile rubber, neoprene rubber, natural rubber, polyethylene, polyvinylchloride (PVC) or viton.
- Shoes plus socks.

Follow manufacturer's instructions for cleaning/maintaining personal protective equipment (PPE). If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

Engineering Controls Statements:

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

- 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. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

This product is highly toxic to aquatic invertebrates. Do not apply directly to water, areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwaters.

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

This chemical demonstrates the properties and characteristics associated with chemicals detected in ground water. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination.

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

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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. 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 treatment 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, butyl rubber, nitrile rubber, neoprene rubber, natural rubber, polyethylene, polyvinylchloride (PVC) or viton
- 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.

Keep children and pets off treated area until dry.

STORAGE AND DISPOSAL

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

Pesticide Storage: Store in a cool, dry place and in such a manner as to prevent cross contamination with other pesticides, fertilizers, food, and feed. Store in original container and out of the reach of children, preferably in a locked storage area.

To Confine Spills: Handle and open container in a manner as to prevent spillage. If the container is leaking or material is spilled for any reason or cause, carefully sweep material into a pile and dispose of as directed for pesticides below. Refer to Precautionary Statements on label for hazards associated with the handling of this material. In spill or leak incidents, keep unauthorized people away.

Pesticide Disposal: Pesticides wastes are toxic. Improper disposal of excess pesticide, or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA regional Office for guidance.

Container Disposal: Do not use container in connection with food, feed, or drinking water. Completely empty container into the processing equipment. Then dispose of empty container in a sanitary landfill or by incineration, or if allowed by State and local authorities, by burning. If burned, stay out of smoke.

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TURFGRASS APPLICATIONS

Do not apply more than a total of 9.2 oz (0.4 lb ai) per acre per year.

Apply Imidacloprid 70 DF T&O to the following sites, to control/suppress the pests listed in the chart below.

- | | |
|------------------------------------|-----------------|
| Home lawns | Cemeteries |
| Business and office complexes | Parks |
| Shopping complexes | Playgrounds |
| Multi-family residential complexes | Athletic fields |
| Golf courses | Sod farms |
| Airports | |

PESTS CONTROLLED	SCIENTIFIC NAME
Northern and Southern masked chafers	<i>Cyclocephala borealis, C. immaculata, and/or D. lurida</i>
Asiatic garden beetle	<i>Maladera castanea</i>
European chafer	<i>Rhizotroquis majalis</i>
Green June beetle	<i>Cotinis nilida</i>
May or June beetle	<i>Phyllophaga spp.</i>
Japanese beetle	<i>Popilla japonica</i>
Oriental beetle	<i>Anomala orientalis</i>
Billbugs	<i>Spherophorus spp.</i>
Annual bluegrass weevil	<i>Hyperodes spp.</i>
Annual bluegrass ataenius	<i>Ataenius spretulus and Aphodius spp.</i>
European crane fly	<i>Tibula paludosa</i>
Mole crickets	<i>Scapteriscus spp.</i>
PESTS SUPPRESSED	
Cutworms	
Chinchbugs	

Due to the residual activity of the active ingredient, applications of Imidacloprid 70 DF T&O may be made before target pests lay their eggs. For best control, apply before the eggs hatch. All applications should be followed by rainfall or irrigation to move the active ingredient through the thatch.

When infested turfgrass areas are waterlogged, or soil beneath turf is saturated with water, avoid making applications because it is difficult to obtain thorough and consistent distribution of the product. For best results, ensure that rainfall or irrigation after application will vertically penetrate the soil, allowing the active ingredient to be carried into the zone where the pests are found.

Application

Dilute Imidacloprid 70 DF T&O with enough water so that there is sufficient volume to promote complete distribution into the zone where pests are found. Always use accurately calibrated equipment. Use a low pressure setting, and apply a uniform coarse droplet spray, which will eliminate off-target drift. Calibrate equipment regularly to ensure that the product is being distributed properly.

PESTS	RATE IMIDACLOPRID DF T&O	INSTRUCTIONS
Larvae of: Annual bluegrass weevil Asiatic garden beetle Billbug Black turfgrass atenioides Chinch bug (suppression) Cutworms (suppression) European crane fly European chafer Green June beetle Japanese beetle Mole crickets Northern masked chafer Oriental beetle <i>Phyllophaga</i> spp Southern masked chafer	5.8 to 9.2 fl oz or 2.7 to 4.3 tsp (0.45 to 0.7 fl oz) per 1000 square ft	For best control, apply before egg hatch. Chinch bugs (suppression) apply the maximum rate before the first instar nymphs hatch. For mole crickets, apply before or during the peak egg hatch period. For adults or large nymphs that are actively tunneling, combine Imidacloprid 70 DF T&O with a curative insecticide. To ensure that the active ingredient moves into the turf, irrigation or rainfall should occur within 24 hours of application. Avoid mowing until after sufficient irrigation or rainfall has occurred. Do not apply more than 9.2 oz (0.4 lb ai) per acre per year.

ORNAMENTAL APPLICATIONS

For use on ornamental plants in commercial and residential landscapes and interior plantscapes.

For outdoor ornamentals, do not apply more than a total of 9.2 oz (0.4 lb ai) per acre per year.

Because Imidacloprid 70 DF T&O is a systemic insecticide that is transported within the plant system from the roots to the upper foliage, it must be applied into a growing area of the plant so that the active ingredient can be absorbed. To promote the uptake of active ingredient, soluble nitrogen type fertilizers can be added to the spray solution.

Applications can be made by foliar or soil applications, including soil injection, drenches, and broadcast sprays. Foliar applications provide locally systemic activity against insect pests.

When the product is applied to woody plants using soil application, the systemic translocation of the active ingredient will be slower, and can take as much as 60 days and sometimes longer, depending on the species and size of the plant.

Use for Ant Management

Use Imidacloprid 70 DF T&O to control ants by removing honeydew as their food source. Imidacloprid 70 DF T&O will control the aphids, scale insects, mealybugs and other sucking pests on ornamentals. For greater ant control, supplement foliar application with residual sprays, baits, or other ant control tactics.

Application

Imidacloprid 70 DF T&O may be used in many types of application equipment. It mixes well with water. For better coverage on hard to wet foliage on plants such as holly, ivy, or pine, add a commercial spreader/sticker.

Imidacloprid 70 DF T&O is compatible with many fungicides, miticides, liquid fertilizers, and insecticides. If the applicator does not have experience with a particular tank mix, use a clear jar to test compatibility using the proportions of the proposed tank mixture.

Do not apply through any irrigation system.

Only for this use in and around industrial and commercial buildings and residential areas

ORNAMENTAL PLANT	PESTS	RATE		INSTRUCTIONS
Trees	Adelgids	Imidacloprid 70		<p>Use the dilution information to determine the rate for the amount of water needed to uniformly cover the area to be treated. Do not use less than 2 gallons of water per 1000 sq ft.</p> <p>It may be necessary to irrigate thoroughly to incorporate Imidacloprid 70 DF T&O into the upper soil zone.</p> <p>Before pest populations become established, make foliar applications. Apply as needed. To control white grub larvae, apply 3.2-4.3 level tsp per 1000 sq ft.</p>
Shrubs	Aphids	DF T&O		
Evergreens	Japanese beetles	(level measure)	Water	
Flowers	Lace bugs	0.25 tsp	2.5 gal	
Foliage plants	Leaf beetles (in-	0.5 tsp	5 gal	
Groundcovers	cluding elm &	1 tsp	10 gal	
Interior	viburnum leaf	2 2/3 tsp	25 gal	
Plantscapes	beetles)	5 1/3 tsp	50 gal	
	Leafhoppers (in-	3 tbsp + 1 2/3 tsp	100 gal	
	cluding glassy-	(1.8 fl oz)		
	winged			
	sharpshooter)			
	Mealybugs			
	Psyllids			
	Sawfly larvae			
	Thrips (suppr.)			
	Whiteflies			

Only for this use in and around industrial and commercial buildings and residential areas, and state, national, and private wooded and forested areas

ORNAMENTAL PLANT	PESTS	RATE	INSTRUCTIONS
Trees	Adelgids	TREES*	<p>TREES, SOIL INJECTION: for a grid system, apply in a grid pattern on 2.5 centers within the tree's drip line. For a circle system, apply in evenly spaced holes approximately 1-3 ft apart in a circle within the tree's drip line. More circles may be needed for larger trees. For a basal system, apply in evenly spaced holes no more than 6 to 12 inches out from the tree's base.</p> <p>TREES, SOIL DRENCH: Apply in at least 10 gallons water per 1000 sq ft as a drench around the base of the tree, directed to the</p>
Shrubs	Aphids	0.75 to 1.5 level tsp	
Flowers	Armored scales	per inch trunk	
Groundcovers	(suppression)	diameter (D.B.H.)	
	Black vine weevil	or	
	Elm and	1.1 to 2.1oz per 30	
	viburnum)	cumulative inches	
	Eucalyptus	trunk diameter	
	longhorned borer	(D.B.H.)	
	Flatheaded borers	SHRUBS**	
	(incl. bronze birch	0.75 to 1.5 level tsp	
	and alder borer)	per foot of shrub	
	Japanese beetles	height	
Lace bugs	or		
Leafminers	1.1 to 2.1 oz per 30		
Leaf beetles (incl.	cumulative feet of		

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	Pine tip moth larvae) Leafhoppers (incl. glassywinged sharpshooter) Mealybugs Psyllids Royal palm bugs Sawfly larvae Soft scales Thrips (suppression) larvae White grub larvae Whiteflies	shrub height FLOWERS & GROWDCOVERS 3.2 to 4.3 level tsp per 1000 sq ft	root zone. Remove any barrier that may prevent the solution from reaching the root zone. <u>SHRUBS, SOIL INJECTION:</u> Apply as a uniform drench around the base of the shrub, in at least 10 gallons water per 1000 sq ft. Remove any barrier that may prevent the solution from reaching the root zone. <u>FLOWERS AND GROWDCOVERS:</u> Apply as a broadcast treatment, incorporating into the soil before planting. Application can also be made after the plants are established; in this case best control is achieved if plants are irrigated after application.
* Notes and restrictions for TREES: Use enough water so that an equal amount of solution may be injected in each hole. Use low pressure and enough solution to ensure thorough distribution. Keep soil moist for 7-10 days. Use at least 4 holes per tree. No soil injection applications are allowed in Nassau or Suffolk Counties of New York. If trees are already heavily infested with borers, application may not save the tree.			
** Notes and restrictions for SHRUBS: Use enough water so that an equal amount of solution may be injected in each hole. Use low pressure and enough solution to ensure thorough distribution. Use at least 4 holes per shrub. No soil injection applications are allowed in Nassau or Suffolk Counties of New York.			

FOR USE ON POME FRUITS IN AND AROUND RESIDENTIAL AREAS ONLY
 (Apple, Crabapple, Loquat, Mayhaw, Pear, Pear (oriental), Quince)

PESTS	RATE IMIDACLOPRID 70 DF T&O	INSTRUCTIONS
Aphids (except Wooly apple aphid) Leafoppers (incl. glassy-winged sharpshooter) Leafminer Mealybugs (not for use on this pest in pears in California) San Jose Scale	1.8 fl oz (3 tbs + 1 2/3 tsp) per 100 gallons or 2.1 oz/Acre Note: the amount of product per acre will vary according to tree size and volume of foliage. This rate is based on a standard 400 gallons dilute solution per acre for large trees.	Apply at the specified rate as needed once petal fall is complete. Do not apply more than 2.1 ounces per acre in one single application. Do not make more than 5 applications. Do not apply more often than every 10 days. Preharvest interval: 7 days. <u>Rosy apple aphid:</u> apply before the pest begins leafrolling. <u>First generation leafminers:</u> apply as soon as petal fall is complete. For best control, apply as early as possible. <u>Second and later generation leafminers:</u> apply early in the adult flight to control eggs and early instar larvae. If necessary under conditions of severe pressure or overlapping generations, make a second application 10 days later. Applying only once may result only in suppression. This product will not control late stage larvae. <u>San Jose Scale:</u> make application at the crawler stage. Treat each generation.

		<p><u>Leafhoppers, late season control</u>: apply when most leafhoppers are nymphs.</p> <p><u>Mealybug</u>: for best control, good coverage of trunk, scaffolding limbs, or other resting sites is essential.</p>
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FOR USE ON PECANS IN AND AROUND RESIDENTIAL AREAS ONLY

Note: use on pecans is not allowed in California unless specific supplemental labeling exists

PESTS	RATE IMIDACLOPRID 70 DF T&O	INSTRUCTIONS
Yellow pecan aphid Black margined aphid Pecan leaf phyloxera Pecan spittlebug Pecan stem phylloxera	1.8 fl oz (3 tbsp + 1 2/3 tsp) per 100 gallons or 2.1 oz/Acre Note: the amount of product per acre will vary according to tree size and volume of foliage. This rate is based on a standard 400 gallons dilute solution per acre for large trees.	Make foliar applications before pest population becomes severe. For optimum control, 2 applications at 10- to 14-day intervals may be needed. Scout and retreat if necessary. Treat foliage to ensure thorough, uniform coverage. An organosilicone-based spray adjuvant may be added at a rate not exceeding the manufacturer's recommendation, to improve coverage. Do not apply more than 6.3 oz Imidacloprid 70 DF T&O per acre per year. Do not apply more than 3 times. Do not apply more often than every 10 days.

FOR USE ON GRAPES IN AN AROUND INDUSTRIAL AND COMMERCIAL BUILDINGS AND RESIDENTIAL AREAS

PESTS	RATE IMIDACLOPRID 70 DF T&O	INSTRUCTIONS
Leafhoppers, incl. glassy-winged sharpshooter Mealybugs	1.8 fl oz (3 tbsp + 1 2/3 tsp) per 100 gallons or 1 oz/Acre	Apply as a foliar spray using 200 gallons water per acre. Do not apply more than 2.1 oz Imidacloprid 70 DF T&O per acre per year. Do not apply more often than every 14 days. Imidacloprid 70 DF T&O may be applied up to and including the day of harvest.

RESTRICTIONS

Do not graze treated areas or use clippings from treated areas for feed or forage.

Avoid runoff or puddling of irrigation water following application.

Keep children and pets off treated area until dry.

Avoid application of Imidacloprid 70 DF T&O to areas which are waterlogged or saturated, which will not allow penetration into the root zone of the plant.

Do not apply more than 9.2 oz (0.4 lb ai) per acre per year.

Treated areas may be replanted with any crop specified on an imidacloprid label, or with any crop for which a tolerance exists for the active ingredient.

For crops not listed on an imidacloprid label, or for crops for which no tolerances for the active ingredient have been established, a 12-month plantback interval should be observed.

**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. 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.