



## OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION

WASHINGTON, D.C. 20460

April 21, 2024

Jeanette A. Covert  
Regional Regulatory Manager  
UPL NA Inc.  
630 Freedom Business Center, Ste. 402  
King of Prussia, PA 19406

Subject: Label Amendment - Registration Review Mitigation for Bifenazate  
Product Name: ACRAMITE-75WG  
EPA Registration Number: 70506-541 (previously 400-519)  
Application Date: March 13, 2018 & March 13, 2024  
Decision Number: 586982

Dear Jeanette A. Covert:

The Agency, in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, has completed reviewing all the information submitted with your application to support the Registration Review of the above referenced product in connection with the Bifenazate Interim Decision, and has concluded that your submission is acceptable. The label referred to above, submitted in connection with registration under FIFRA, as amended, is acceptable.

Should you wish to add/retain a reference to the company's website on your label, then please be aware that the website becomes labeling under the Federal Insecticide, Fungicide, and Rodenticide Act and is subject to review by the Agency. If the website is false or misleading, the product would be misbranded and unlawful to sell or distribute under FIFRA section 12(a)(1)(E). 40 CFR 156.10(a)(5) list examples of statements EPA may consider false or misleading. In addition, regardless of whether a website is referenced on your product's label, claims made on the website may not substantially differ from those claims approved through the registration process. Therefore, should the Agency find or if it is brought to our attention that a website contains false or misleading statements or claims substantially differing from the EPA approved registration, the website will be referred to the EPA's Office of Enforcement and Compliance Assurance.

A stamped copy of your labeling is enclosed for your records. This labeling supersedes all previously accepted labeling and must be used at your next label printing. You must

submit one copy of the final printed labeling before you release the product for shipment with the new labeling. In accordance with 40 CFR 152.130(c), you may distribute or sell this product under the previously approved labeling for 12 months from the date of this letter. After 12 months, you may only distribute or sell this product if it bears this new revised labeling or subsequently approved labeling. "To distribute or sell" is defined under FIFRA section 2(gg) and its implementing regulation at 40 CFR 152.3.

If you have any questions about this letter, please contact Caleb Carr by phone at (202) 566-0636, or via email at [carr.caleb@epa.gov](mailto:carr.caleb@epa.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Linda Arrington", with a stylized flourish at the end.

Linda Arrington, Branch Chief  
Risk Management and Implementation Branch 4  
Pesticide Re-Evaluation Division  
Office of Pesticide Programs

ENCLOSURE: Stamped label

[Text in brackets is optional]

BIFENAZATE	GROUP	20D	ACARICIDE
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# Acramite® -75WG

Miticide For Agricultural Use Only

ACTIVE INGREDIENT:	% BY WT.
bifenazate: hydrazine carboxylic acid, 2-(4-methoxy-[1,1'-biphenyl]-3-yl) 1-methylethyl ester.....	75%
OTHER INGREDIENTS:.....	25%
TOTAL .....	100%

## KEEP OUT OF REACH OF CHILDREN CAUTION / PRECAUCIÓN

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. (If you do not understand the label, find someone to explain it to you in detail.)

See [front][back][side] Panel for First Aid Instructions and [Leaflet][Booklet] for Complete Precautionary Statements and Directions for Use.

FIRST AID	
IF SWALLOWED:	<ul style="list-style-type: none"><li>• Call a poison control center or doctor immediately for treatment advice.</li><li>• Have person sip a glass of water if able to swallow.</li><li>• Do not induce vomiting unless told to by a poison control center or doctor.</li><li>• Do not give anything by mouth to an unconscious person.</li></ul>
IF IN EYES:	<ul style="list-style-type: none"><li>• Hold eye open and rinse slowly and gently with water for 15 to 20 minutes. Remove contact lens, if present, after the first 5 minutes, then continue rinsing.</li><li>• Call a poison control center or doctor for further treatment advice.</li></ul>
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. <b>For emergency medical treatment, contact Rocky Mountain Poison and Drug Safety</b> at 1-866-673-6671. <b>FOR 24-HOUR CHEMICAL EMERGENCY (Spill, leaks, fire, exposure or accident)</b> <b>CALL CHEMTREC:</b> 1-800-424-9300 or +1-703-527-3887.	

For Product Use Information Call 1-866-761-9397

EPA Reg. No. 70506-541

xxxxxxV008

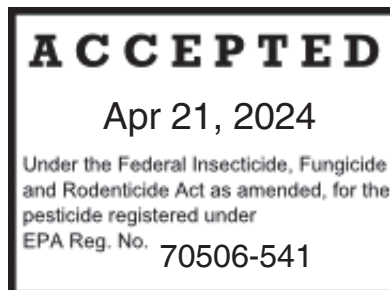
[Batch Code will be placed on the container.]

Produced For:

UPL NA INC.  
630 Freedom Business Center, Suite 402  
King of Prussia, PA 19406 U.S.A

EPA Est. No.:

NET CONTENTS:



## PRECAUTIONARY STATEMENTS

### HAZARDS TO HUMANS AND DOMESTIC ANIMALS

**CAUTION:** Harmful if swallowed. Causes moderate eye irritation. Avoid contact with eyes or clothing.

### PERSONAL PROTECTIVE EQUIPMENT (PPE)

**Applicators and Other Handlers Must Wear:**

- Protective eyewear;
- Long-sleeved shirt and long pants; and
- Shoes plus socks.

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

### USER SAFETY RECOMMENDATIONS

Users should:

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

### ENVIRONMENTAL HAZARDS

This pesticide is toxic to birds, estuarine/marine invertebrates and fish. 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 wash waters or rinsate.

This product is moderately toxic to bees and other pollinating insects exposed to direct treatment or to residues in/on blooming crops or weeds. Protect pollinating insects by following label directions intended to minimize drift and to reduce pesticide risk to these organisms. Do not apply this product while bees are foraging the treatment area.

### PHYSICAL OR CHEMICAL HAZARDS

Do not use or store near heat or open flame.

## 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 through any type of irrigation system.

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), notification to workers, 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 12 hours**. The REI and exceptions are listed under the **DOSAGE INSTRUCTIONS** associated with each crop. Notify workers of the exception (including when entry is permitted for each of the tasks named in the exception). 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 laminate, butyl rubber (>14 mils), nitrile rubber (>14 mils), neoprene rubber (>14 mils), polyvinyl chloride (>14 mils), or Viton (>14 mils).

### USE INFORMATION

**ACRAMITE®-75WG** is a water-dispersible granule. **ACRAMITE-75WG** is a selective miticide for the control

of a variety of mite pests on the crops listed on this label. When used as directed and applied to the foliage, it provides knockdown through contact activity, and long residual control. Due to its unique chemistry, mode of action and selective nature, **ACRAMITE-75WG** is relatively inactive against beneficial/predaceous mites and insects and therefore is compatible with IPM and resistance management programs.

**ACRAMITE-75WG is not systemic in action; therefore, complete coverage of both upper and lower leaf surfaces and of fruit is necessary for effective control.**

#### **MIXING INSTRUCTIONS**

Fill spray-tank with 1/2 the desired amount of water. Then add the required amount of **ACRAMITE-75WG** with agitation running to fully disperse the product. Then fill the tank with the remaining amount of required water.

When tank-mixing, thoroughly mix the **ACRAMITE-75WG** before adding other products in the following order: water-soluble bags, wettable powders, dry flowables, liquid flowables, liquids and emulsifiable concentrates. Always allow each tank-mix partner to disperse fully before adding the next product.

**ACRAMITE-75WG** has been shown to degrade rapidly when mixed and stored with alkaline water of high temperature (122°F). Water hardness should be reduced with any ammonium sulfate containing water treatment before adding any adjuvant or **ACRAMITE-75WG**. Then adjust the pH to acidic range if needed.

**Restrictions:** Tank-mixtures are only permitted in States where all of the pesticide products used as tank-mix partners are registered. It is the pesticide user's responsibility to ensure that all pesticide products used in the tank-mix are registered for the intended use. When tank-mixing, follow the most restrictive of all of the labeled use directions, use restrictions, and use limitations for the tank-mix partners.

**Compatibility:** To obtain broad-spectrum insect control, **ACRAMITE-75WG** can be tank-mixed with other insecticide products. However, due to variations in water quality, e.g., hardness and pH, it is required that users conduct small-scale trials under local conditions to ensure compatibility prior to any large-scale use.

#### **MANDATORY SPRAY DRIFT MANAGEMENT**

##### **Aerial Applications:**

- Do not release spray at a height greater than 10 ft above the vegetative canopy, unless a greater application height is necessary for pilot safety.
- Applicators are required to use Fine or coarser droplet size (ASABE S572.1).
- The boom length must not exceed 65% of the wingspan for airplane or 75% of the rotor blade diameter for helicopters.
- Applicators must use 1/2 swath displacement upwind at the downwind edge of the field.
- Nozzles must be oriented so the spray is directed toward the back of the aircraft.
- Do not apply when wind speeds exceed 10 miles per hour at the application site.
- Do not apply during temperature inversions.

##### **Ground Boom Applications:**

- Apply with the nozzle height recommended by the manufacturer, but no more than 4 feet above the ground or crop canopy.
- Applicators are required to use Fine or coarser droplet size (ASABE S572.1).
- Do not apply when wind speeds exceed 10 miles per hour at the application site.
- Do not apply during temperature inversions.

#### **SPRAY DRIFT ADVISORIES**

THE APPLICATOR IS RESPONSIBLE FOR AVOIDING OFF-SITE SPRAY DRIFT.

BE AWARE OF NEARBY NON-TARGET SITES AND ENVIRONMENTAL CONDITIONS.

#### **IMPORTANCE OF DROPLET SIZE**

An effective way to reduce spray drift is to apply large droplets. Use the largest droplets that provide target pest control. While applying larger droplets will reduce spray drift, the potential for drift will be greater if applications are made improperly or under unfavorable environmental conditions.

#### **Controlling Droplet Size – Ground Boom**

- **Volume** - Increasing the spray volume so that larger droplets are produced will reduce spray drift. Use the highest practical spray volume for the application. If a greater spray volume is needed, consider using a nozzle with a higher flow rate.

- **Pressure** - Use the lowest spray pressure recommended for the nozzle to produce the target spray volume and droplet size.
- **Spray Nozzle** - Use a spray nozzle that is designed for the intended application. Consider using nozzles designed to reduce drift.

#### **Controlling Droplet Size – Aircraft**

- **Adjust Nozzles** - Follow nozzle manufacturers recommendations for setting up nozzles. Generally, to reduce fine droplets, nozzles should be oriented parallel with the airflow in flight.

#### **BOOM HEIGHT – Ground Boom**

Use the lowest boom height that is compatible with the spray nozzles that will provide uniform coverage. For ground equipment, the boom should remain level with the crop and have minimal bounce.

#### **RELEASE HEIGHT - Aircraft**

Higher release heights increase the potential for spray drift. When applying aerially to crops, do not release spray at a height greater than 10 ft above the crop canopy, unless a greater application height is necessary for pilot safety.

#### **SHIELDED SPRAYERS**

Shielding the boom or individual nozzles can reduce spray drift. Consider using shielded sprayers. Verify that the shields are not interfering with the uniform deposition of the spray on the target area.

#### **TEMPERATURE AND HUMIDITY**

When making applications in hot and dry conditions, use larger droplets to reduce effects of evaporation.

#### **TEMPERATURE INVERSIONS**

Drift potential is high during a temperature inversion. Temperature inversions are characterized by increasing temperature with altitude and are common on nights with limited cloud cover and light to no wind. The presence of an inversion can be indicated by ground fog or by the movement of smoke from a ground source or an aircraft smoke generator. Smoke that layers and moves laterally in a concentrated cloud (under low wind conditions) indicates an inversion, while smoke that moves upward and rapidly dissipates indicates good vertical air mixing. Avoid applications during temperature inversions.

#### **WIND**

Drift potential generally increases with wind speed. **AVOID APPLICATIONS DURING GUSTY WIND CONDITIONS.** Applicators need to be familiar with local wind patterns and terrain that could affect spray drift.

#### **USE RATES AND DIRECTIONS**

**For ground application,** refer to the **DOSAGE INSTRUCTIONS** tables for the minimum numbers of gallons of spray solution to apply per acre using the following types of equipment: compressed air, hydraulic ground boom or air-blast sprayers.

**For aerial applications on cotton,** apply a minimum of 5 gallons of spray mix per acre (or the minimum number of gallons/acre allowed by your State, which may not be less than the 5 gallons/acre shown on this label) using either a fixed-wing aircraft or a helicopter.

**Human flagging is prohibited.** Flagging to support aerial application is limited to use of the Global Positioning System (GPS) or mechanical flaggers.

To provide maximum residual control, application should be made as soon as mites appear. Use the lowest specified rate where mite infestations are light. The highest specified rate may be required for heavy infestations or for extended residual control.

When used as directed, **ACRAMITE-75WG** is effective for the control of a variety of mite species, especially spider mites, red mites and grass mites. NOTE: It is not effective against rust mites, broad mites and flat mites.

**ACRAMITE-75WG** is primarily active on the motile stage of mites, but also has ovicidal activity against spider mites (*Tetranychus* species).

**Restrictions:** Do not plant another crop within 30 days after last **ACRAMITE-75WG** application due to chances of bifenazate residues showing up in rotational crops.

## MITES CONTROLLED

Banks grass  
Brown almond  
Clover  
European red (use maximum rate specified for crop or crop group)

McDaniel  
Pacific spider  
Pecan leaf scorch  
Strawberry spider

Two-spotted spider  
Willamette

BEARING CROPS DOSAGE INSTRUCTIONS						
CROP*	AMOUNT ACRAMITE- 75WG PER ACRE(A)	MINIMUM GALLONS PER ACRE		TOTAL NUMBER OF SPRAYS PER YEAR	HARVEST DAYS AFTER APPLICATION (PHI DAYS)	RESTRICTED ENTRY INTERVAL (REI)
		GROUND	AIR			
COTTON	0.5 - 0.67 lb (1/2 – 2/3 lb)	20	5**	1	60	12 hours
CUCURBIT VEGETABLES (See footnote B for crops in addition to those listed below) CUCUMBERS EDIBLE GOURDS(C) MUSKMELON(D) PUMPKIN SQUASH (summer (E) & winter(F)) WATERMELON	0.5 - 0.67 lb (1/2 – 2/3 lb)	50		1	3	12 hours
FRUITING VEGETABLES (See footnote G for crops in addition to those listed below) EGGPLANT PEPPERS (all varieties of Capsicum spp.)(H) TOMATOES (field grown)(I)	0.5 - 0.67 lb (1/2 – 2/3 lb)	50		1	3	12 hours
GRAPES(J)	0.5 - 0.67 lb (1/2 – 2/3 lb)	50		1	14	12 hours except 5 days for cane turning, tying and girdling of table grapes.
HOPS	0.5 - 1.0 lb (1/2 – 1 lb)	50		1	14	12 hours
MINT	0.5 - 1.0 lb (1/2 – 1 lb)	50		1	7	12 hours
OKRA	0.5 - 0.67 lb (1/2 – 2/3 lb)	50		1	3	12 hours
POME FRUITS: (See footnote K for crops in addition to those listed below) APPLES CRABAPPLES PEARS QUINCE	0.5 - 0.67 lb (1/2 – 2/3 lb)	50		1	7	12 hours
STRAWBERRIES(L)	0.5 - 0.67 lb (1/2 – 2/3 lb)	100		2, up to 2 crops per year	1	12 hours
STONE FRUIT:	0.5 - 0.67 lb	50		1	3	12 hours



(See footnote M for crops in addition to those listed below) <b>APRICOTS</b> <b>CHERRIES</b> (sweet & tart) <b>NECTARINES</b> <b>PEACHES</b> <b>PLUMS/PRUNES</b>	(1/2 – 2/3 lb)					
<b>TREE NUTS</b> (See footnote N for crops in addition to those listed below) <b>ALMOND</b>	0.5 - 0.67 lb (1/2 – 2/3 lb)	50		1	7	12 hours

\*Use the highest specified rate under heavy mite pressure.

\*\*Use a minimum of 5 gallons per acre or the minimum permitted by your State, if greater than 5 gallons.

- (A) **ACRAMITE-75WG** is in a 1 lb resealable pouch.
- (B) **CUCURBIT VEGETABLES**: Other crops which may be treated with **ACRAMITE-75WG** with the same use instructions are: chayote (fruit) (*Sechium edule*), Chinese waxgourd (Chinese preserving melon) (*Benincasa hispida*), citrus melon (*Citrullus lanatus* var. *citroides*), gherkin (*Cucumis anguria*), and *Momordica* spp. (includes balsam apple, balsam pear, bitter melon, Chinese cucumber).
- (C) **EDIBLE GOURD** (*Lagenaria* spp.) (includes *hyotan* and *cucuzza*). Also (*Luffa acutangula* and *L. cylindrical*) which includes *hechima* and Chinese okra.
- (D) **MUSKMELON** (hybrids and/or cultivars of *Cucumis melo*) includes true cantaloupe, cantaloupe, casaba, crenshaw melon, golden pershaw melon, honeydew melon, honey balls, mango melon, Persian melon, pineapple melon, Santa Claus melon, and snake melon.
- (E) **SQUASH, SUMMER** (*Cucurbita pepo* var. *melo*pepo) includes crookneck squash, scallop squash, straightneck squash, vegetable marrow, zucchini.
- (F) **SQUASH, WINTER** (*Cucurbita maxima*: *C. moschata*) includes butternut squash, calabaza, hubbard squash; (*C. mixta*; *C. pepo*) includes acorn squash, spaghetti squash.
- (G) **FRUITING VEGETABLES**: Other crops which may be treated with **ACRAMITE-75WG** with the same instructions are: groundcherry (*Physalis* spp.), pepino (*Solanum muricatum*), and tomatillo (*Physalis ixocarpa*, *P. philadelphica*).
- (H) **PEPPER** (*Capsicum* spp.) includes bell peppers, chili peppers, cooking peppers, pimento, and sweet peppers.
- (I) **TOMATOES**: Use only on plants that will produce tomatoes greater than 1 inch in diameter when mature.
- (J) **GRAPES** — Exception: In addition to the early entry exceptions allowed by WPS, you may enter or allow workers to enter treated areas to perform all tasks other than tying, turning and girdling after 12 hours following applications, as long as at least long pants, long-sleeved shirts, shoes and socks are worn. Notify workers of the exception (including when entry is permitted for each of the tasks named in the exception).
- (K) **POME FRUIT**: Other crops which may be treated with **ACRAMITE-75WG** with the same instructions are: loquat (*Eriobotrya japonica*), mayhaw (*Crataegus aestivalis*, *C. opaca*, and *C. rufula*), and oriental pear (*Pyrus pyrifolia*).
- (L) **STRAWBERRIES**: Minimum period between applications is 21 days.
- (M) **STONE FRUIT**: Other crops which may be treated with **ACRAMITE-75WG** with the same instructions are: Plum (*Prunus domestica*, *Prunus* spp.), Chickasaw Plum (*Prunus angustifolia*), Damson Plum (*Prunus domestica* spp.) (*Institia*), Japanese Plum (*Prunus salcina*) and Plumcot (*Prunus armeniaca* X *P. domestica*).
- (N) **TREE NUTS**: Other crops which may be treated with **ACRAMITE-75WG** with the same use instructions (14-day PHI) are: Beechnut, Brazil nut, Butternut, Cashew, Chestnut, Chinquapin, Hickory nut, and Macadamia nut (bush nut).



## NON-BEARING CROPS

### DOSAGE INSTRUCTIONS

**ACRAMITE-75WG** use on non-bearing crops, i.e. those crops which will not bear fruit within one year of application, including all the crops listed in the bearing crops dosage instructions plus crops listed below. These include fruit trees and berries in both commercial plantings and nurseries, including transplant uses but excluding residential areas. The listed non-bearing crops all have a 12-hour restricted entry interval (REI). Application is by ground equipment only. Additional non-bearing crops that may be so treated are:

CROP	MITES CONTROLLED	AMOUNT ACRAMITE-75WG PER ACRE	MINIMUM GALLONS SPRAY SOLUTION PER ACRE	TOTAL NUMBER OF SPRAYS PER YEAR
Berries (boysenberries, raspberries, etc.) Citrus (grapefruit, lemons, limes, oranges, tangerines, etc.) Currants Dates, Figs Persimmons	European red Two-spotted spider Pacific spider McDaniel Strawberry spider Citrus red Southern red	0.5 - 0.67 lb (1/2 – 2/3 lb)	50	1

### STRATEGIES FOR RESISTANCE MANAGEMENT

When used as directed, **ACRAMITE-75WG** combines high activity on mites with safety to beneficial/predaceous mites and insects. In addition, the unique chemistry of **ACRAMITE-75WG** provides a means of controlling mites which have developed resistance to commonly used products. These properties can result in fewer miticide/insecticide applications as well as general reduction in the problems caused by resistance.

The following mite control strategies are recommended:

- Incorporate IPM techniques into your insect control program.
- Ensure thorough spray coverage to all foliage.
- Scout regularly and apply **ACRAMITE-75WG** as soon as infestations are observed. Do not wait until large populations have established.
- Always apply **ACRAMITE-75WG** at the specified label rates and according to label specifications.
- Because of its selectivity, **ACRAMITE-75WG** can be used in conjunction with most biological control organisms available for mite control. **ACRAMITE-75WG**, when used as directed, does not adversely affect populations of beneficial/predaceous mites and insects including:

Common Name	Scientific Name
Predatory mite	<i>Amblyseius fallacis</i>
Predatory mite	<i>Phytoseiulus persimilis</i>
Western predatory mite	<i>Typhlodromus occidentalis</i>
Predatory mite	<i>Typhlodromus pyri</i>
Predatory mite	<i>Zetzellia mali</i>
Seven-spotted lady beetle	<i>Coccinella septempunctata</i>
Spider mite destroyer	<i>Stethorus punctum</i>
Common lacewing	<i>Chrysopa carnea</i>
Insidious flower bug	<i>Orius insidiosus</i>
Six-spotted thrips	<i>Scolothrips sexmaculatus</i>
Western flower thrips	<i>Frankliniella occidentalis</i>

The use of these organisms in conjunction with **ACRAMITE-75WG** is encouraged as a means of reducing the number of chemical applications.

## STORAGE AND DISPOSAL

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

**PESTICIDE STORAGE:** Store in a secure place that is temperate and dry.

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

**CONTAINER HANDLING: Nonrefillable container.** Do not reuse or refill this container. Offer for recycling, if available. 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 NOTICE—**Seller warrants that this product conforms to its chemical description and is reasonably fit for the purposes stated on the label when used in accordance with the directions and instructions specified on the label under normal conditions of use, but neither this warranty nor any other warranty of merchantability or fitness for a particular purpose, express or implied, extends to the use of this product, contrary to label instructions, or under conditions not reasonably foreseeable to seller, and to the extent consistent with applicable law, the buyer assumes the risk of any such use.

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