71711-24 7/24/2012 1 of 11

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON D C 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Mr Kenneth Chisholm
Nichino America Inc
4550 New Linden Hill Rd , Suite 501
Willington, DE 19808

JUL 2 4 2012

Subject Product Name NAI-301 4 SE Fungicide
EPA Reg No 71711-24
Submission date 7/2/12
Amendment Revise Precautionary Statements, update rotational crop restrictions, add alternate brand name and update storage and disposal
Alternate Brand Name Trifecta
Decision Number 467225

Dear Registrant

The amendment referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act as amended is acceptable providing a final printed label I submitted within 30 days which makes the following correction

On page 8 in the "Use Precautions", change" within 5150 feet " "to" within 150 feet "

One copy of the label stamped "Accepted with comments" is enclosed for your records This label supersedes all labels previously accepted for this product Please submit one copy of the final printed label before the product is released for shipment

If you have questions concerning this letter, please call Banza Djapao at 703-305-7269, or via email at djapao banza@epa gov or you may call me at 703-308-9443

Sincerely,
Banza Djapao for

Tony Kish
Product Manager 22
Fungicide Branch
Registration Division (7504P)

Nichino America, Inc.

NAI-301 4SE Fungicide

For Use On Peanuts

ACTIVE INGREDIENT	
Flutolanil N [3 (1 methylethoxy) phenyl] 2 (trifluoromethyl) benzamide	17 20 %
Propiconazole 1H 1 2 4 Triazole 1 [[2 (2 4 dichlorophenyl) 4 propyl-1 3 dioxalan 2 yl]methyl]	1 80 %
Chlorothalonil tetrachloroisophthalonitrile	21 65%
OTHER INGREDIENTS	59 35 %
TOTAL	100 00 %

Contains 1 75 lb ai flutolanil 0 18 lb ai propiconazole and 2 07 chlorothalonil lb ai per gallon
Contains 4 0 lb total active ingredient per gallon

EPA REG NO 71711-24 **EPA Est No** _____

ALTERNATE BRAND **ARTISAN TRIFECTA**
TRIFECTA® fungicide

KEEP OUT OF REACH OF CHILDREN

CAUTION

FIRST AID	
If inhaled	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
If on skin or clothing	Take off contaminated clothing Rinse skin immediately with plenty of water for 15-20 minutes Call a poison control center or doctor for treatment advice
If in eyes	Hold eye open and rinse slowly and gently with water for 15-20 minutes Remove contact lenses if present after the first 5 minutes then continue rinsing eye Call a poison control center or doctor for treatment advice
If swallowed	Call 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

HOT LINE NUMBER

Have the product container or label with you when calling a poison control center or doctor or going for treatment You may also contact 1-800-348-5832 for emergency medical treatment information In case of fire or spills information may be obtained by calling 1-800-424-9300

Net Contents _____

ACCEPTED
with COMMENTS
In EPA Letter Dated
JUL 24 2012
Under the Federal Insecticide, Fungicide, and Rodenticide Act as amended, for the pesticide registered under EPA Reg. No 71711-24

Active Ingredient Made in Japan Formulated and Packaged in U S A
Nichino America, Inc
4550 New Linden Hill Road, Suite 501
Wilmington, DE 19808

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Harmful if inhaled Causes moderate eye irritation Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals Avoid breathing spray mist Remove and wash contaminated clothing before reuse Avoid contact with eyes or clothing

Personal Protective Equipment (PPE)

Applicators and other handlers must wear

Long-sleeved shirt and long pants
Chemical-resistant gloves such as nitrile or butyl
Protective eyewear (safety glasses goggles or face shield)
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

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

ENGINEERING CONTROLS STATEMENT

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

ENVIRONMENTAL HAZARDS

This product is toxic to fish For terrestrial uses 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 by cleaning of equipment or disposal of equipment washwaters

IMPORTANT – READ THE ENTIRE DIRECTIONS FOR USE AND DISCLAIMER OF WARRANTIES BEFORE USING THIS PRODUCT

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

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 restricted entry interval (REI) of 12 hours
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 such as barrier laminate or viton
- Protective eyewear (safety glasses goggles or face shield)
  Socks and shoes

GENERAL INFORMATION
NAI-301 4SE is a peanut fungicide for use on soil-borne and foliar diseases NAI-301 4SE provides control of early and late leaf spot disease as well as control of white mold (Southern blight) caused by *Sclerotium rolfsii* and limb rot caused by *Rhizoctonia solani*

FAILURE TO FOLLOW DIRECTIONS AND PRECAUTIONS ON THIS LABEL MAY RESULT IN CROP INJURY, POOR DISEASE CONTROL, AND/OR ILLEGAL RESIDUES UNDER CERTAIN CONDITIONS CONDUCIVE TO EXTENDED INFECTION PERIODS, ADDITIONAL FUNGICIDE APPLICATIONS BEYOND THE NUMBER ALLOWED BY THIS LABEL MAY BE NEEDED UNDER THESE CONDITIONS USE ANOTHER FUNGICIDE REGISTERED FOR THE CROP/DISEASE APPEARING ON THIS LABEL

RESISTANCE MANAGEMENT
The propiconazole component of NAI-301 4SE belongs to the sterol inhibitor class Because resistance development cannot be predicted, the use of this product should conform to resistance management strategies established for the crop and use area Such strategies may include rotating and/or tank mixing with products having different modes of action or limiting the total number of applications per season Nichino America Inc encourages responsible product stewardship to ensure effective long-term control of the fungal diseases on this label

APPLICATION DIRECTIONS
Ground Application Apply NAI-301 4SE by ground equipment in a minimum of 10 gals of water per acre

Aerial Application Apply by fixed-wing aircraft equipment in a minimum of 5 gals of water per acre Avoid application under conditions where uniform coverage cannot be obtained or where excessive spray drift may occur Do not apply directly to humans or animals

Chemigation NAI-301 4SE may be applied alone or in combination with other products which are registered for application through irrigation systems Apply this product only through center pivot solid set, hand move, or moving wheel irrigation systems Do not apply this product through any other type of irrigation system Crop injury lack of performance or illegal pesticide residues in the crop can result from non-uniform distribution of treated water If you have questions about calibration you should contact State Extension Service specialists equipment manufacturers or other experts Do not connect an irrigation system used for pesticide application to a public water system unless the pesticide label-prescribed safety devices for public water systems are in place A person knowledgeable of the chemigation system and responsible for its operation or under the supervision of the responsible person shall shut the system down and make necessary adjustments should the need arise

Using Water from Public Water Systems DO NOT APPLY NAI-301 4SE THROUGH ANY IRRIGATION SYSTEM PHYSICALLY CONNECTED TO A PUBLIC WATER SYSTEM Public water system means a system for the provision to the public of piped water for human consumption if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year NAI-301 4SE may be applied through irrigation systems which may be **supplied** by a public water system **only if** the water from the public water system is discharged into a reservoir tank prior to pesticide introduction There shall be a complete physical break (air gap) between the outlet end of the fill pipe and to top or overflow rim of the reservoir tank of at least twice the inside diameter of the fill pipe Before beginning chemigation always make sure that the air gap exists and that there is no blockage of the overflow of the reservoir tank

Any irrigation system using water supplied from a public water system must also meet the following requirements

Operating Instructions For All Recommended Types Of Irrigation Systems

1 The system must be calibrated to uniformly apply the rates specified If you have questions about calibration you should contact State Extension Service specialists equipment manufacturers or other experts
2 The system must contain a functional check valve vacuum relief valve and low pressure drain appropriately located on the irrigation pipeline to prevent water source contamination from backflow
3 The pesticide injection pipeline must contain a functional, automatic quick-closing check valve to prevent the flow of fluid back toward the injection pump
4 The pesticide injection pipeline must also contain a functional normally closed solenoid-operated valve located on the intake side of the injection pump and connected to the system interlock to prevent fluid from being withdrawn from the supply tank when the irrigation system is either automatically or manually shut down
5 The system must contain functional interlocking controls to automatically shut off the pesticide injection pump when the water pump motor stops
6 The irrigation line or water pump must include a functional pressure switch which will stop the water pump motor when the water pressure decreases to the point where pesticide distribution is adversely affected
7 Systems must use a metering pump such as a positive displacement injection pump (e g diaphragm pump) effectively designed and constructed of materials that are compatible with pesticides and capable of being fitted with a system interlock
8 Do not apply when wind speed favors drift beyond the area intended

Chemigation Calibration and Application Instructions

NAI-301 4SE should be applied under the schedule specified in the specific crop use recommendations, not according to the irrigation schedule unless the events coincide

In general set the equipment to apply the minimum amount of water per acre Run the system at 85 - 90% of the manufacturer's maximum rated travel speed

The following calibration and application techniques are provided for user reference but do not constitute a warranty of fitness for application through sprinkler irrigation equipment Users should check with state and local regulatory agencies for potential use restrictions before applying any agricultural chemical through sprinkler irrigation equipment

Center Pivot Irrigation Equipment

Notes (1) Use only drive systems which provide uniform water distribution (2) Do not use end guns when chemigating NAI-301 4SE through center pivot systems because of non-uniform application (3) Plug the first nozzle closest to the well head to protect the water source

1 Determine the size of the area to be treated
2 Determine the time required to apply ¼ - ½ inch water over the area to be treated when the system and injection equipment are operated at normal pressures as recommended by the equipment manufacturer Run the system at 80 - 95% of the manufacturer s rated maximum travel speed
3 Using water determine the injection pump output when operated at normal line pressure
4 Determine the amount of NAI-301 4SE and any tankmix partners required to treat the area covered by the irrigation system
5 Add the required amount of NAI-301 4SE any tankmix partners and sufficient water to meet the injection time requirements to the solution tank (See **Mixing Procedures** section of this label)
6 Make sure the system is fully charged with water before starting injection of the NAI-301 4SE solution Time the injection to last at least as long as it takes to bring the system to full pressure
7 Maintain constant agitation in the solution tank during the injection period
8 Inject the specified amount of NAI-301 4SE per acre continuously for one complete revolution of the system
9 Stop the injection equipment after treatment is completed Continue to operate the system until the NAI-301 4SE solution has cleared all of the sprinkler heads
10 Allow time for all lines to flush the pesticide through all nozzles before turning off irrigation water

Solid Set, Hand Move, and Moving Wheel Irrigation Equipment

1 Determine the acreage covered by the sprinklers
2 Fill injector solution tank with plain water and calibrate the flow rate of the system to deliver the contents of the tank over a 20 - 40 minute time interval
3 Determine the amount of NAI-301 4SE required to treat the area covered by the irrigation system
4 Add the required amount of NAI-301 4SE and any other tank mix partners into the same quantity of water used to calibrate the injection period (See **Mixing Procedures** section of this label)
5 Operate the system at the same pressure and time interval established during the calibration
6 Inject specified amount of NAI-301 4SE per acre for (1) a 20 - 40 minute period at the end of a regular irrigation set or (2) as a 20 - 40 minute injection as a separate application not associated with a regular irrigation to maximize retention of the fungicide by the foliage
7 Stop injection equipment after treatment is completed Continue to operate the system until the NAI-301 4SE solution has cleared the last sprinkler head To ensure lines are flushed and free from remaining pesticides, a dye indicator may be injected into the lines to mark the end of the application period

SPRAY DRIFT

Avoiding spray drift at the application site is the responsibility of the applicator The interaction of many equipment-and-weather-related factors determine the potential for spray drift The applicator and the grower are responsible for considering all these factors when making decisions

The following drift management requirements must be followed to avoid off-target drift movement from aerial applications to agricultural field crops These requirements do not apply to forestry applications, public health uses or to applications using dry formulations

1 The distance of the outer most nozzles on the boom must not exceed ¾ the length of the wingspan or rotor

2 Nozzles must always point backward parallel with the air stream and never be pointed downwards more than 45 degrees

Where states have more stringent regulations they should be observed

The applicator should be familiar with and take into account the information covered in the **Aerial Drift Reduction Advisory Information**

Aerial Drift Reduction Advisory Information
[This section is advisory in nature and does not supersede the mandatory label requirements]

Information on Droplet Size
The most effective way to reduce drift potential is to apply large droplets The best drift management strategy is to apply the largest droplets that provide sufficient coverage and control Applying larger droplets reduces drift potential but will not prevent drift if applications are made improperly or under unfavorable environmental conditions (see Wind Temperature and Humidity and Temperature Inversions)

Controlling Droplet Size
Volume – Use high flow rate nozzles to apply the highest practical spray volume Nozzles with higher rated flows produce larger droplets
Pressure – Do not exceed the nozzle manufacturer s recommended pressures For many nozzle types, lower pressure produces larger droplets When higher flow rates are needed use higher flow rate nozzles instead of increasing pressure
Number of Nozzles – Use the minimum number of nozzles that provide uniform coverage
Nozzle Orientation – Orienting nozzles so that the spray is released parallel to the airstream produces larger droplets than other orientations and is the recommended practice Significant deflection from horizontal will reduce droplet size and increase drift potential
Nozzle Type – Use a nozzle type that is designed for the intended application With most nozzle types narrower spray angles produce larger droplets Consider using low-drift nozzles Solid stream nozzles oriented straight back produce the largest droplets and the lowest drift
Maintenance of Nozzles – Periodic inspection and subsequent replacement of nozzles to ensure proper chemical application is recommended

Boom Length
For some use patterns reducing the effective boom length to less than ¾ of the wingspan or rotor length may further reduce drift without reducing swath width

Application Height
Applications should not be made at a height greater than 10 feet above the top of the largest plants unless a greater height is required for aircraft safety Making applications at the lowest height that is safe reduces exposure of droplets to evaporation and wind

Swath Adjustment
When applications are made with a crosswind the swath will be displaced downward Therefore on the up and downwind edges of the field the applicator must compensate for this displacement by adjusting the path of the aircraft upwind Swath adjustment distance should increase with increasing drift potential (higher wind smaller drops etc)

Wind
Drift potential is lowest between wind speeds of 2-10 mph However, many factors including droplet size and equipment type determine drift potential at any given wind speed Application should be avoided below 2 mph due to variable wind direction and high inversion potential **Note** Local terrain can influence wind patterns Every applicator should be familiar with local wind patterns and how they affect spray drift

Temperature and Humidity
When making applications in low relative humidity, set up equipment to produce larger droplets to compensate for evaporation Droplet evaporation is most severe when conditions are both hot and dry

Temperature Inversions
Applications should not occur during a temperature inversion because drift potential is high Temperature inversions restrict vertical air mixing which causes small suspended droplets to remain in a concentrated cloud This cloud can move in unpredictable directions due to the light and variable winds common during inversions Temperature inversions are characterized by increasing temperatures with altitude and are common on nights with limited cloud cover and light to no wind They begin to form as the sun sets and

often continue into the morning Their presence can be indicated by ground fog, however if fog is not present inversions can also be identified 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

Sensitive Areas
The pesticide should only be applied when the potential for drift to adjacent sensitive areas (e g residential areas bodies of water known habitat for threatened or endangered species nontarget crops) is minimal (e g when wind is blowing away from the sensitive areas)

SPRAY EQUIPMENT
Thorough coverage is necessary to provide good disease control Applications using sufficient water volume to provide thorough and uniform coverage generally provide the most effective disease control For ground application equipment, a minimum of 10 gals /A is recommended For aerial application equipment a minimum of 5 gals /A is recommended Equip sprayers with nozzles that provide accurate and uniform application Be certain that nozzles are the same size and uniformly spaced across the boom Calibrate sprayer before use Use a pump with the capacity to (1) maintain a minimum of 35 psi at nozzles and (2) provide sufficient agitation in the tank to keep the mixture in suspension - this requires recirculation of 10% of the tank volume per minute Use a jet agitator or liquid sparge tube for agitation Use screen to protect the pump and to prevent nozzles from clogging Screens placed on the suction side of the pump should be **16-mesh or coarser** Do not place a screen in the recirculation line Use 50-mesh or coarser screens between the pump and boom, and where required at nozzles Check nozzle manufacturers recommendations For information on spray equipment and calibration consult sprayer manufacturers and state recommendations For specific local directions and spray schedules consult the current state agricultural experiment station recommendations

MIXING PROCEDURES
Prepare no more spray mixture than is needed for the immediate operation Thoroughly clean spray equipment before using this product Vigorous agitation is necessary for proper dispersal of the product Maintain maximum agitation throughout the spraying operation Do not let the spray mixture stand overnight in the spray tank Flush the spray equipment thoroughly following each use and apply the rinsate to a previously treated area

NAI-301 4SE Alone Add ½ of the required amount of water to the mix tank With the agitator running, add the entire contents in the NAI-301 4SE container to the tank Continue agitation while adding the remainder of the water Begin application of the solution after the NAI-301 4SE has completely dispersed into the mix water Maintain agitation until all of the mixture has been applied

NAI-301 4SE Tank Mixtures Add ½ of the required amount of water to the mix tank Start the agitator running before adding any tankmix partners In general, tankmix partners should be added in this order products packaged in water-soluble packaging wettable powders wettable granules (dry flowables) liquid flowables (such as NAI-301 4SE) liquids and emulsifiable concentrates Always allow each tank mix partner to become fully dispersed before adding the next product Provide sufficient agitation while adding the remainder of the water Maintain agitation until all the mixture has been applied

Note When using NAI-301 4SE in tank mixtures all products in water-soluble packaging should be added to the tank before any other tankmix partner including NAI-301 4SE Allow the water-soluble packaging to completely dissolve and the product(s) to completely disperse before adding any other tankmix partner to the tank If using in a tank mixture observe all directions for use crop/sites use rates dilution ratios precautions and limitations appearing on the tankmix product label No label dosage rate should be exceeded and the most restrictive label precautions and limitations should be followed This product should not be mixed with any product which prohibits such mixing Tank mixtures or other applications of products referenced on this label are permitted only in those states in which the referenced products are labeled NAI-301 4SE is compatible with most insecticide fungicide and foliar nutrient products However the physical compatibility with tankmix partners should be tested before use To determine the physical compatibility with other products use a jar test as follows

Using a quart jar add the proportionate amounts of the products to 1 qt of water Add wettable powders and water-dispersible granular products first then liquid flowables and emulsifiable concentrates last After thoroughly mixing let stand for at least 5 minutes If the combination remains mixed or can be remixed readily it is physically compatible Once compatibility has been proven use the same procedure for adding required ingredients to the spray tank

THE CROP SAFETY OF ALL POTENTIAL TANK MIXES INCLUDING ADDITIVES AND OTHER PESTICIDES ON ALL CROPS HAS NOT BEEN TESTED BEFORE APPLYING ANY TANK MIXTURE NOT SPECIFICALLY RECOMMENDED ON THIS LABEL, THE SAFETY TO THE TARGET CROP SHOULD BE CONFIRMED

USE PRECAUTIONS

- This product must not be applied within 5150 feet (for aerial and air blast applications) to 25 feet (for ground applications) of marine/estuarine water bodies unless there is an untreated buffer area of that width between the area to be treated and the water body
  Do not apply more than 135 fl oz NAI-301 4SE per acre per season Do not apply within 40 days of harvest
- Do not graze livestock in treated area Do not feed hay or threshings from treated fields to livestock Do not allow cattle to graze soybean or cotton forage in peanut fields previously treated

ROTATIONAL CROP RESTRICTIONS	
Crop/Crop Group	**Plantback Timing**
Cotton Peanuts Potatoes Rice Soybeans	0 days following application
Wheat	30 days following application
Leafy vegetables (such as lettuce spinach or celery)	150 days following application
Small grains other than wheat (such as barley rye or oats)	
Corn (such as field sweet or popcorn)	240 days following application
Sorghum	
All Other Crops	365 days following application

USE DIRECTIONS

Peanuts – NAI-301 4SE Alone

NAI-301 4SE, when used as a foliar application in a preventive disease control program will provide effective control of white mold (Southern stem rot *Sclerotium rolfsii*) the limb/pod rot complex (*Rhizoctonia solani*) early leaf spot (*Cercospora arachidicola*) and late leaf spot (*Cercosporidium personatum*)

Dosage Rate	Comments
45 fl oz/acre (maximum of 3 applications per season)	Make first application at approximately 45 to 60 days after planting depending on disease development Initial application may be prior to or at first sign of disease Make sequential applications as needed at 14-30 day intervals depending on severity of disease NAI-301 4SE is part of a complete disease control program Where more than 3 sprays are required additional leaf spot fungicides should be applied

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE Store in the original container Store in a cool dry place Using label instructions apply the entire contents of this container to the target crop once the container is opened Protect from excessive heat

PESTICIDE DISPOSAL Pesticide wastes may be toxic Improper disposal of unused pesticide spray mixture or rinse water is a violation of federal law If these wastes cannot be used according to label instruction contact your State Pesticide or Environmental Control Agency or the Hazardous Waste representative at the nearest EPA Regional Office for guidance in proper disposal methods

CONTAINER HANDLING Nonrefillable container DO NOT reuse or refill this container Triple rinse (or equivalent) promptly after emptying Triple rinse as follows Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip Fill the container ¼ full with water and recap Shake for 10 seconds Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal Drain for 10 seconds after the flow begins to drip Repeat this procedure two more times Then offer for recycling, if available or reconditioning if appropriate or puncture and dispose of in a sanitary landfill or by incineration or if allowed by State or local authorities by burning If burned stay out of smoke

IMPORTANT READ BEFORE USE

By using this product user or buyer accepts the following conditions warranty disclaimer of warranties and limitations of liability

CONDITIONS The directions for use of this product are believed to be accurate and must be followed carefully However, because of extreme weather and soil conditions use methods and other factors beyond the control of Nichino America, Inc (NAI) it is impossible for NAI to eliminate all risks associated with the use of this product As a result crop injury or ineffectiveness is always possible All such risks are assumed by the user or buyer To the extent consistent with applicable law all such risks are assumed by the user or buyer

DISCLAIMER OF WARRANTIES TO THE EXTENT CONSISTENT WITH APPLICABLE LAW THERE ARE NO WARRANTIES EXPRESS OR IMPLIED OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE OR OTHERWISE WHICH EXTEND BEYOND THE STATEMENTS MADE ON THIS LABEL No agent of NAI is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein To the extent consistent with applicable law NAI disclaims any liability whatsoever for incidental or consequential damages including but not limited to liability arising out of breach of contract express or implied warranty (including warranties of merchantability and fitness for a particular purpose) tort negligence strict liability or otherwise

LIMITATIONS OF LIABILITY TO THE EXTENT CONSISTENT WITH APPLICABLE LAW THE EXCLUSIVE REMEDY OF THE USER OR BUYER FOR ANY AND ALL LOSSES INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT WHETHER IN CONTRACT WARRANTY TORT NEGLIGENCE STRICT LIABILITY OR OTHERWISE SHALL NOT EXCEED THE PURCHASE PRICE PAID OR AT THE ELECTION OF NICHINO AMERICA THE REPLACEMENT OF PRODUCT

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