MITED STATED. I.	U.S. ENVIRONMENTAL PROTECTION AGENCY Office of Pesticide Programs Antimicrobials Division (7510P) 1200 Pennsylvania Ave., N.W. Washington, D.C. 20460	EPA Reg. Number: 80285-4	Date of Issuance: 3/29/21	
NOTICE OF PESTICIDE: <u>X</u> Registration <u>Reregistration</u> (under FIFRA, as amended)		Term of Issuance:		
		Conditional		
		Name of Pesticide Product:		
		PROMEX <sup>™</sup> BM K2525A		
Name and Address of Registrant (include ZIP Code): ConSeal International Inc. c/o Killoren Regulatory Consulting 326 Highland Ave.				
Hartford WI, 530				
<b>Note:</b> Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Antimicrobials 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 under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).				
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 section 3(c)(7)(A) You must comply with the following conditions:				
1. Submit and/or cite all data required for registration/reregistration/registration review of your product under FIFRA when the Agency requires all registrants of similar products to submit such data.				
Signature of Approving	Official:	Date:		
Jacqueline Hardy Jacqueline Hardy, Branch Chief Regulatory Management Branch 2 Antimicrobials Division (7510P) Office of Pesticide Programs		3/29/21		
EPA Form 8570-6	ie riogranis			

Registration Notice Conditional v.20150320

- 2. You are required to comply with the data requirements described in the DCI or EDSP Order identified below:
  - a. 1,2-Benziisothiazolin-3-one GDCI- 012401-1087 EPA-HQ-OPP- 2014-0158

You must comply with all of the data requirements within the established deadlines. If you have questions about the Generic DCI listed above, you may contact the Reevaluation Team Leader (Team 36): <u>http://www2.epa.gov/pesticide-contacts/contacts-office-pesticide-programs-antimicrobial-division</u>

- 3. Make the following label changes before you release the product for shipment:
  - Revise the EPA Registration Number to read, "EPA Reg. No. 80285-4."
- 4. Submit one copy of the final printed label for the record before you release the product for shipment.

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 FIFRA and is subject to review by the Agency. See FIFRA section 2(p)(2). 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) lists 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, FIFRA section 12(a)(1)(B). 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 Assurance.

If you fail to satisfy these data requirements, EPA will consider appropriate regulatory action including, among other things, cancellation under FIFRA section 6(e). Your release for shipment of the product constitutes acceptance of these conditions. A stamped copy of the label is enclosed for your records. Please also note that the record for this product currently contains the following CSFs:

• Basic CSF dated March 22, 2021

If you have any questions, please contact Zebora Johnson by phone at (703) 308-7080, or via email at <u>mailto:johnson.zebora@epa.gov</u>.

Enclosure Stamped Label



# PROMEX<sup>™</sup> BM K2525A

Industrial microbiocide for use in polymer latices, paints and coatings, building materials, adhesives and [\*]tackifiers, mineral slurries, [\*]additives for paper and paperboard, [\*]oilin-water emulsions, as an in-container preservative for aqueous products, for use in household consumer, industrial, janitorial products, pet litter, [\*]metal working fluids, and [\*]textiles/cordage products and [\*]textile-/textile fibers-making.

\*Not approved for this use in the state of California

ACTIVE INGREDIENTS:	
1,2-Benzisothiazolin-3-one	
2-Methyl-4-isothiazolin-3-one	2.5%
OTHER INGREDIENTS:	<u>95.0%</u>
TOTAL:	

# KEEP OUT OF REACH OF CHILDREN DANGER

3/29/2021 Under the Federal Insecticide, Fungicide and Rodenticide Act as amended, for the pesticide registered under EPA Reg. No. 80285-4

ACCEPTED

[Note to Reviewer: IN ACCORDANCE WITH 40 CFR 156.68(D), ALL FIRST AID STATEMENTS, AS PRESCRIBED, WILL APPEAR ON THE FRONT PANEL OF THE PRODUCT LABEL.] [SEE SIDE PANEL FOR ADDITIONAL PRECAUTIONARY STATEMENTS]

FIRST AID		
IF IN EYES	<ul> <li>Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li> <li>Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.</li> <li>Call a poison control center or doctor for treatment advice.</li> </ul>	
IF ON SKIN OR CLOTHING	<ul> <li>Take off contaminated clothing.</li> <li>Rinse skin immediately with plenty of water for 15-20 minutes.</li> <li>Call a poison control center or doctor for treatment advice.</li> </ul>	
IF INHALED	<ul> <li>Move person to fresh air.</li> <li>If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible.</li> <li>Call a poison control center or doctor for further treatment advice.</li> </ul>	
IF SWALLOWED	<ul> <li>Call a poison control center or doctor immediately for treatment advice.</li> <li>Have a person sip a glass of water if able to swallow.</li> <li>Do not induce vomiting unless told to do so by a poison control center or doctor.</li> <li>Do not give anything by mouth to an unconscious person.</li> </ul>	
POISON CONTROL CENTER: CALL 1-800-222-1222 Have the Product container or label with you when calling a poison control center or doctor or going for treatment.		
NOTE TO PHYSICIA	N: Possible mucosal damage may contraindicate the use of gastric lavage. This Product may pose an a hazard. Measures against circulatory shock and respiratory depression and convulsion may be needed.	
In emergency situations, such as spills, fire, or exposure, call Chemtrec at 1-800-424-9300.		

Manufactured for: PromChemie AG Austrasse 79, P.O. Box 26 FL-9490 Vaduz, Liechtenstein Telephone (Int'I): +(011) 423-236-1818 (US): (508) 543-1330

EPA Reg. No. 80285-EPA Est. No.

NET WEIGHT	
AVG GROSS WT	
AVG. TARE WT	
LOT / BATCH	

PROMEX™ is a registered trademark of Prom Chem Ltd, licensed to PromChemie AG

# PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

**DANGER.** Corrosive. Causes irreversible eye damage. Do not get in eyes, or on clothing. Harmful if swallowed. Harmful if absorbed through the skin. Avoid contact with skin. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. Wear protective eye wear, goggles or face shield, long-sleeved shirt, long pants, socks, footwear, and chemical-resistant gloves made of any waterproof material. Do not breathe vapor or mist spray. Wear a respirator with an organic vapor removing cartridge with a prefilter approved for pesticides MSHA/NIOSH approval number TC-23C or a canister approved for pesticides MSHA/NIOSH approval number TC-23C or a canister approved for pesticides or canister with an organic vapour (OV) cartridge or canister with any R, P or HE prefilter. Remove PPE immediately after handling this product.

When mixing and loading wear a chemical-resistant apron. When cleaning equipment wear a chemical resistant apron. Wear coveralls worn over long sleeved shirt and long pants, chemical resistant footwear, socks, and chemical resistant gloves (barrier laminate butyl rubber, nitrile rubber, neoprene rubber, polyvinyl chloride or viton).

# **User Safety Requirements**

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. Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them.

# **User Safety Recommendations**

User should wash hands before, eating, drinking, chewing gum, using tobacco, or using the toilet. User should remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. Users should remove PPE immediately after handling this product. As soon as possible, wash thoroughly and change into clean clothing.

# ENVIRONMENTAL HAZARDS

This product is toxic to fish. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of the EPA. Do not contaminate water by cleaning of equipment or disposal of wastes. Apply this pesticide only as specified on this label.

## DIRECTIONS FOR USE

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

**POLYMERS**, including polymer emulsions, latexes, dispersions, suspensions, solutions, resins, and semisolid compositions (including process wash solutions). This encompasses polymers based on synthetic monomers as well as natural monomers derived from biomass or biological synthesis. Add 1.0 – 5.0 lbs. (0.45 – 2.27 kg) to 1000 lbs. (454 kg) of emulsion to provide 50 – 250 ppm active ingredient. PROMEX<sup>™</sup> BM K2525A is recommended for the prevention of bacterial and fungal spoilage of liquid (aqueous) and semi-solid polymers during manufacture, transport, and storage. *CONCENTRATES:* PROMEX<sup>™</sup> BM K2525A may be added to those products formulated as concentrates, which in turn are diluted for use at a level to ensure that the final use-dilution product will not exceed the maximum concentration of PROMEX<sup>™</sup> BM K2525A indicated. *SUPPLEMENTAL DOSING:* Depending on the nature/severity of the contamination, if analysis indicates a loss of active ingredient(s) and further microbial control is necessary, product may be dosed with additional PROMEX<sup>™</sup> BM K2525A at a level to ensure that the final use-dilution product will not exceed the maximum concentration indicated (250 ppm active ingredient).

**PRESERVATIVE FOR PAINTS AND COATINGS:** PROMEX<sup>™</sup> BM K2525A microbiocide is recommended as an in-container preservative for the control of bacteria and fungi in water based coatings such as paper and wood coatings and paints (including process wash solutions) used for architectural product finishes and [\*]special purpose coatings. Add 1.0 - 5.0 lbs. (0.45 - 2.27 kg) to 1000 lbs. (454 kg) of paint, coating fluid formulation, or polymer latex to provide 50 - 250 ppm active ingredient. [\*]**Special purpose coating** 

**uses**: Include use as a preservative for: electrodeposition paints or solutions, photoplating solutions or coatings, fount (or fountain) solutions used in the printing process as a maintenance fluid/coating and as a special coating for printing plates, and spin finish coatings for fibers. The application/addition directions for these special purpose coating uses are: **[\*]Electrodeposition**: PROMEX<sup>™</sup> BM K2525A microbiocide is recommended as a tankside additive for the control of bacteria, fungi, and algae in re-circulating electrodeposition systems and associated rinse systems. Alternately, PROMEX<sup>™</sup> BM K2525A microbiocide is microbiocide may be added through the components of the electrodeposition paint prior to their addition to the electrodeposition system.

**[\*]Tankside Addition to Electrodeposition Systems:** PROMEX<sup>™</sup> BM K2525A microbiocide should be dispensed into the recirculating rinse system, ultrafilter permeate, or final distilled rinse system at a point to insure uniform mixing. When the system is noticeably fouled, add up to 0.6% PROMEX<sup>™</sup> BM K2525A microbiocide (based on the total gallons of fluid in the system). Repeat until control is achieved. When microbial control is evident, add up to 0.6% PROMEX<sup>™</sup> BM K2525A (based on the total gallons of fluid in the system) weekly or as needed to maintain the system. A change of frequency of treatment may be required depending on the rate of dilution of the preservative with the makeup fluid, the nature and severity of contamination, level of control required, filtration effectiveness, system design, etc.

**[\*]Treatment of Electrodeposition Paint Components:** Initial Dose of Paint Components: PROMEX<sup>™</sup> BM K2525A microbiocide should be added to the resin, pigment, or other component of the electrodeposition paint at a level to ensure that the final use-dilution fluid will contain no more than 250 ppm isothiazolones.

[\*]Photoplate Processing, [\*]Photo Processing, [\*]Fountain Solutions, and Ink/Ink Components: PROMEX<sup>™</sup> BM K2525A microbiocide is recommended for the control of bacteria and fungi in photoplate processing such as stabilizer solutions and in fountain solutions. PROMEX<sup>™</sup> BM K2525A microbiocide is recommended for water-based printing inks such as flexographic, gravure, screen and ink jet types. PROMEX<sup>™</sup> BM K2525A microbiocide is recommended for the control of bacteria and fungi in printing ink components such as resins, plasticizers, water soluble dyes, pigments, gelling agents, waves, surfactants, and thickeners. PROMEX<sup>™</sup> BM K2525A microbiocide should be added to achieve the recommended dosage range for ink, ink components, fountain solutions and photoplate processing chemicals of 0.1% to 0.5% on a total weight basis. A level adjustment may be necessary to accommodate the slight change in solution formulations. Up to 500 lb. PROMEX<sup>™</sup> BM K2525A per 1,000 lbs. of concentrate may be added to concentrates so long as the final use-dilution product contains not more than 250 ppm active ingredients (a dilution of 100x). **NOTE**: To ensure uniform mixing, add PROMEX<sup>™</sup> BM K2525A microbiocide to latex or solution slowly with agitation. The actual concentrations required will depend upon such factors as the specific substance to be treated, frequency of repeated microbial contamination expected, and level of protection required.

**PRESERVATIVE FOR BUILDING MATERIALS**: PROMEX<sup>™</sup> BM K2525A microbiocide is recommended as an in-container preservative for the control of bacteria and fungi in building materials such as mastics, caulks, joint cements, spackles and grouts, and concrete admixtures. Add 1.0 - 5.0 lbs. (0.45 - 2.27 kg) to 1000 lbs. (454 kg) of fluid to provide 50 - 250 ppm active ingredient.

[\*]**PRESERVATIVE FOR LUBRICANTS**, as an in-container preservative or for the control of bacteria and fungi in lubricants based on mineral oils, petrochemicals, natural compounds or combinations thereof, servicing all market sectors including: automotive, construction, metal processing, agriculture, mining, oil and gas, transportation, water, energy, rubber, plastic, steel, paper, and food and beverage industries. Add 1.0 - 5.0 lbs. (0.45 - 2.27 kg) to 1000 lbs. (454 kg) of fluid to provide 50 - 250 ppm active ingredient.

**PRESERVATIVE FOR ADHESIVES AND [\*]TACKIFIERS**: PROMEX<sup>™</sup> BM K2525A microbiocide is recommended as a preservative for the control of bacteria and fungi in water soluble and water dispersed adhesives such as animal glues, vegetable glues, natural rubber latices, polyvinyl acetate, styrenebutadiene and acrylic latices. PROMEX<sup>™</sup> BM K2525A microbiocide is recommended as a preservative for \*tackifiers derived from rosin and hydrocarbon resins. Add 1.0 - 5.0 lbs. (0.45 - 2.27 kg) to 1000 lbs. (454 kg) of fluid to provide 50 - 250 ppm active ingredient.

**PRESERVATIVE FOR DISPERSED PIGMENTS (MINERAL SLURRIES):** PROMEX<sup>™</sup> BM K2525A microbiocide is recommended for the control of bacteria and fungi in the manufacture and storage of dispersed pigments such as refractory coatings, ceramic glazes, kaolin clay, montmorillonite clay, titanium dioxide, calcium carbonate, calcium sulfate, barium sulfate, magnesium silicate and kieselguhr used in paint

and paper products. Add 0.3 - 3.0 lbs. (0.14 - 1.4 kg) to 1000 lbs. (454 kg) of dispersion to provide 15 - 150 ppm active ingredient.

**[\*]PRESERVATIVE FOR OIL-IN-WATER EMULSIONS**: PROMEX<sup>™</sup> BM K2525A is recommended for use in spin-finish solutions used in the textile industry and photographic emulsions. Add 1.0 - 5.0 lbs. (0.45 - 2.27 kg) to 1000 lbs. (454 kg) of emulsion to provide 50 - 250 ppm active ingredient.

**IN-CONTAINER PRESERVATIVE:** PROMEX<sup>™</sup> BM K2525A is recommended as an in-container preservative for the control of bacteria and fungi in aqueous products such as aqueous emulsions and dispersions including stabilized oil/water emulsions, surface preparation compounds, foam control products, nutrient solutions and aqueous pesticides which includes, but is not limited to, insecticides, termiticides, fungicides, bactericides, algaecides, herbicides, and rodenticides. *CONCENTRATES*: PROMEX<sup>™</sup> BM K2525A microbiocide may be added to those products formulated as concentrates which are in turn diluted for use at a level to ensure that the final use-dilution product will contain between 0.05% and 0.5% PROMEX<sup>™</sup> BM K2525A microbiocide. Add 0.5 - 5.0 lbs. (0.23 - 2.27 kg) to 1000 lbs. (454 kg) of treated product to provide 25 - 250 ppm active ingredient.

**HOUSEHOLD CONSUMER, INDUSTRIAL, JANITORIAL PRODUCTS**: For the control of bacteria and fungi in liquid and solid soaps, liquid and solid cleaners, liquid and solid detergents, liquid and solid laundry products, liquid and solid dishwashing detergents, waxes, polishes, liquid and solid fabric treatment/refresher products, liquid and solid air fresheners/deodorizers, car care products, and other similar cleaners. PROMEX<sup>™</sup> BM K2525A may also be used for the control of bacteria and fungi in package utility products such as pre-moistened sponges and mops. PROMEX<sup>™</sup> BM K2525A may also be used for the control of bacteria and fungi in solutions that are then put into/onto wet wipes for use in industrial, commercial, residential, and household uses cited above. Wet wipes containing a solution preserved with this product may not be used for personal care, as baby wipes, or for food contact. *CONCENTRATES*: PROMEX<sup>™</sup> BM K2525A microbiocide may be added to those products formulated as concentrates which are in turn diluted for use at a level to ensure that the final use-dilution product will contain between 0.012% and 0.40% PROMEX<sup>™</sup> BM K2525A microbiocide. Add 0.12 - 4.0 lbs. to 1000 lbs. of product to be protected to provide 6 - 200 ppm active isothiazolones.

**PRESERVATIVE FOR PET LITTER:** PROMEX<sup>™</sup> BM K2525A microbiocide is recommended for the control of odor causing bacteria in pet litter. Add 2.0 - 5.0 lbs. to 1000 lbs. of litter.

**[\*]PRESERVATIVE FOR PET CARE PRODUCTS:** PROMEX<sup>™</sup> BM K2525A microbiocide is recommended as an in-container preservative for the control of bacteria and fungi in pet care products, such as pet shampoos, detangling conditioners, bedding cleaners and deodorizers, and cage cleaners. Add 0.12 - 4.0 lbs. to 1000 lbs. of product to be protected to provide 6 - 200 ppm active isothiazolones.

[\*]PRESERVATIVE FOR METAL WORKING FLUIDS: PROMEX<sup>™</sup> BM K2525A microbiocide is recommended for the control of bacteria and fungi in aqueous metal working fluid solutions and emulsions. The preservative should be dispensed into the use dilution of the metal working fluid using a metering pump and uniformly dispersed throughout the system. CONCENTRATES: PROMEX<sup>™</sup> BM K2525A microbiocide may be added to those products formulated as concentrates which are in turn diluted for use at a level to ensure that the final use-dilution product will contain between 0.15% and 0.45% PROMEX<sup>™</sup> BM K2525A microbiocide. Add 1.5 gallons (12.5 lb.) per 1000 gallons of emulsion every 4 weeks for maintenance of a non-fouled system. For a noticeably fouled system use an initial dose of up to 4.5 gallons (39 lb.) per 1000 gallons emulsion followed by subsequent maintenance dosage above. A higher dosage rate and/or increased frequency of treatment may be required depending upon the nature and severity of contamination, level of control required, filtration effectiveness, system design, etc.

[\*]PRESERVATIVE FOR TEXTILES/CORDAGE PRODUCTS AND [\*]TEXTILE-/TEXTILE-FIBERS MAKING: PROMEX<sup>™</sup> BM K2525A is recommended as a preservative for the control of bacteria and fungi in textiles and non-woven products (such as canvas, carpet, cordage, drapes, and shower curtains), in chemicals commonly used in the production of natural and synthetic fibers and fabrics (such as fiber lubricants, spin finishes, sizes, dyestuffs, textile printing inks, dispersants, thickeners, dye fixatives, hand builders and weighters), and in textile coatings. Add 1.0 - 5.0 lbs. to 1000 lbs. of fluid to provide 50 - 250 ppm active ingredients.

\*Not approved for this use in the state of California

# STORAGE AND DISPOSAL

# Do not contaminate water, food, or feed by storage, disposal or cleaning of equipment.

**PESTICIDE STORAGE:** This product is corrosive to mild steel. Do not store in unlined metal containers. Protect from frost. If frozen, allow to thaw and stir well before use

**PESTICIDE DISPOSAL:** Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture, 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 HANDLING:**

# [Use the following for product sold in nonrefillable containers, >5 gallons:]

Nonrefillable container. Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying. Triple Rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Turn the container or a mix tank or store rinsate for later use or disposal. 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.

## [Use the following for product sold in nonrefillable containers, <5 gallons:]

Nonrefillable container. Do not reuse or refill this container. Triple rinse container (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.

## [Use the following for product sold in refillable containers:]

Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or a mix tank. Fill the container about 10 percent full with water. Agitate vigorously or recirculate water with the pump for 2 minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times. Then offer container for recycling if available, or reconditioning if appropriate, or puncture and dispose of in sanitary landfill, or by incineration, or by other procedures approved by state and local authorities.

# WARRANTIES AND WARRANTY DISCLAIMERS

PromChemie AG ("PROM") warrants that this product conforms to the chemical description on the label and that it is reasonably fit for the purposes stated on the label when used in accordance with PROM's directions under normal conditions of use. This warranty does not extend to the use of this product contrary to label instructions, or under abnormal use conditions, or under conditions not reasonably foreseeable to PROM, and the buyer assumes the risk of any such use. PROM DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY WARRANTY OF MERCHANTABILITY. IN NO EVENT SHALL PROM BE LIABLE FOR ANY SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES, INCLUDING LOST PROFITS, ON ANY THEORY WHATSOEVER, INCLUDING NEGLIGENCE, and PROM's sole liability and Buyer's and User's exclusive remedy shall be limited to the refund of the purchase price. Statements concerning the use of products or the formulations described therein are not to be construed as recommending the infringement of any patent and no liability for infringement arising out of any such use is assumed by PROM.

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