

81943-11

01/12/2007

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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:

81943-11

Date of Issuance:

JAN 12 2007

Term of Issuance: Conditional

Name of Pesticide Product:

Hawk-I 2L

## NOTICE OF PESTICIDE:

☒ Registration☐ Reregistration

(under FIFRA, as amended)

Name and Address of Registrant (include ZIP Code):

Ms. Sherry B. Hutcheson  
Phoenix Environmental Care, LLC  
P.O. Box 370  
Valdosta, GA 31603-0370

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. "81943-11".

Signature of Approving Official:

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

Date:

JAN 12 2007

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2. Submit two copies of your final printed labeling 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 sect. 6(e). Your release for shipment of the product constitute acceptance of these conditions.

3. Make the following changes to the "Conditions of Sale and Warranty" statement:

- On the 2<sup>nd</sup> sentence under the "Directions for Use" change the word "**should**" to "**must**". The sentence would then read "**must be followed carefully**".
- Add the statement "**To the extent consistent with applicable law,**" at the beginning of the sentence beginning "Neither Phoenix Environmental Care, LLC nor its supplemental distributors makes any other express or implied.."
- Add the statement "**To the extent consistent with applicable law**" at the beginning of the statement beginning "Buyer's exclusive remedy and the exclusive liability of Phoenix Environmental Care, LLC, its supplemental distributors and the seller for any and all claims, losses, damages, or injuries..."
- Add the statement "**To the extent consistent with applicable law**" before the statement beginning "In no case shall Phoenix Environmental Care, LLC, its Supplemental Distributors, or the seller be liable for consequential, special or indirect damages resulting..."

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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# HAWK-I 2L

Insecticide for foliar and systemic insect control 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 . . . . . 21.4%

OTHER INGREDIENTS: . . . . . 78.6%

TOTAL: . . . . . 100.0%

Contains 2 pounds of imidacloprid per gallon.

SHAKE WELL BEFORE USING

KEEP OUT OF REACH OF CHILDREN.

## CAUTION

PRECAUCION AL USUARIO: Si usted no puede leer o entender ingles, no use este producto hasta que la etiqueta le haya sido explicada ampliamente.

(TO THE USER: If you cannot read or understand English, do not use this product until the label has been fully explained to you.)

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 do so by a poison control center or doctor.</li> <li>• Do not give anything by mouth to an unconscious person.</li> </ul>
IF ON SKIN OR CLOTHING	<ul style="list-style-type: none"> <li>• Take off contaminated clothing.</li> <li>• Rinse skin immediately with plenty of water for 15 to 20 minutes.</li> <li>• Call a poison control center or doctor for treatment advice.</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 minute. 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>
In case of emergency call PROSAR toll free at 1-888-875-1724. Have a product container or label with you when calling a poison control center or, doctor, or going for treatment.	
Note to Physician: No specific antidote is available. Treat the patient symptomatically.	

EPA Reg. No. 81943-xx

EPA Est. No. \_\_\_\_\_

Net Contents: \_\_\_\_\_

Phoenix Environmental Care, LLC  
PO Box 370  
Valdosta, GA 31603-0370

**ACCEPTED**  
**with COMMENTS**  
**In EPA Letter Dated:**

**JAN 12 2007**

**Under the Federal Insecticide,  
Fungicide, and Rodenticide Act,  
as amended, for the pesticide  
registered under EPA Reg. No.  
81943-11**

## PRECAUTIONARY STATEMENTS

## HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION: Harmful if swallowed or absorbed through skin. Avoid contact with skin, eyes, or clothing. Wash thoroughly with soap and water after handling. Keep children or pets off treated area until spray is dry.

## PERSONAL PROTECTIVE EQUIPMENT (PPE)

Applicators and Other Handlers Must Wear:

1. Long-sleeved shirt and long pants
2. Chemical resistant gloves made of any waterproof material such as barrier laminate, butyl rubber, nitrile rubber, neoprene rubber, natural rubber, polyethylene, polyvinyl chloride (PVC) or viton. If you want more options, follow the instructions for category A on an EPA chemical-resistant category chart.
3. 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

User should:

1. Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
2. Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
3. Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

## ENVIRONMENTAL HAZARDS

This product is highly toxic to aquatic invertebrates. 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 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 groundwater. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination.

Do not formulate this product into other end-use products.

## STORAGE AND DISPOSAL

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

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

**CONTAINER DISPOSAL:** Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

**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.

Handle and open container in a manner as to prevent spillage. If the container is leaking or material spilled for any reason or cause, care-fully sweep material into a pile. Refer to Precautionary Statements on label for hazards associated with the handling of this material. Do not walk through spilled material. Dispose of pesticide as directed below. In spill or leak incidents, keep unauthorized people away. You may contact Prosar at 888-875-1724 for decontamination procedures or any other assistance that may be necessary.

## 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 the restricted-entry interval (REI) of 12 hours.*

Exception: If the product is applied by drenching, 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:

1. Coveralls
2. Chemical resistant gloves made of any waterproof material such as barrier laminate, butyl rubber, nitrile rubber, neoprene rubber, natural rubber, polyethylene, polyvinyl chloride (PVC) or viton.
3. Shoes plus socks

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## NON-AGRICULTURAL USE REQUIREMENTS

The requirements in this box apply to uses of this product that are NOT with-in 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.

## APPLICATION TO TURFGRASS

HAWK-I 2L will control the following soil inhabiting pests found in turfgrass

PEST	SCIENTIFIC NAME
Northern & Southern masked chafers	<i>Cyclocephala borealis</i> , <i>C. immaculata</i> , and/or <i>C. lurida</i>
Asiatic garden beetle	<i>Maladera castanea</i>
European chafer	<i>Rhizotroqus majalis</i>
Green June beetle	<i>Cotinis nitida</i>
May or June beetle	<i>Phyllophaga</i> spp.
Japanese beetle	<i>Popillia japonica</i>
Oriental beetle	<i>Anomala orientalis</i>
Billbugs	<i>Spherophorus</i> spp.
Annual bluegrass weevil	<i>Hyperodes</i> spp.
Black turfgrass ataenius	<i>Ataenius spretulus</i> and <i>Aphodius</i> spp
European Crane Fly	<i>Tipula paludosa</i>
Mole crickets	<i>scapteriscus</i> spp.

HAWK-I 2L will suppress cutworms and chinch bugs.

HAWK-I 2L can be applied on turfgrass in the following sites:

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

HAWK-I 2L has adequate residual activity that applications can be made preceding the egg laying activity of the target pests. Best control is achieved when applications are made prior to egg hatch of the pests. Sufficient irrigation or rainfall is required to move the active ingredient through the thatch.

Avoid application when infested turfgrass areas are waterlogged or soil beneath turf is saturated with water. These conditions prevent thorough and consistent distribution. Best results are achieved when rainfall or irrigation after application will penetrate vertically in the soil column carrying the active ingredient into the zone where insects are normally located.

Do not exceed a total of 1.6 pints application (0.4 lb of active ingredient) per acre per year.

## APPLICATION EQUIPMENT FOR USE ON TURFGRASS

HAWK-I 2L should be diluted with enough water to provide adequate volume to promote thorough distribution into the pest zone. Use only accurately calibrated equipment for application to turfgrass. Apply a uniform, coarse droplet spray, using a low pressure setting to eliminate off target drift. Calibration should be performed on a regular basis to ensure that equipment is distributing product properly.

## APPLICATION TO ORNAMENTALS

HAWK-I 2L can be applied to ornamental plants in commercial and residential landscapes and interior plantscapes. HAWK-I 2L is a systemic insecticide that is transported within the plant system from the roots to upper foliage. HAWK-I 2L must be applied into a growing area of the plant that allows absorption of the active ingredient. Adding soluble nitrogen type fertilizers to the spray solution when appropriate can promote the uptake of the active ingredient.

Application can be made by foliar application or soil applications; including soil injection, drenches, and broadcast sprays. Foliar applications offer locally systemic activity against insect pests.

The systemic translocation of active ingredient will be slower when applied to woody plants with soil applications. This delay can take 60 days or longer depending on species and size of plant. To offset this, make applications before anticipated pest infestation.

For outdoor ornamentals, broadcast applications cannot exceed a total of 1.6 pints (0.4 lb of active ingredient) per acre per year.

## ANT MANAGEMENT PROGRAMS

Use HAWK-I 2L to control aphids, scale insects, mealybugs and other sucking pests on ornamentals with ant populations because it removes honeydew as a food source. To enhance control of ants, supplement with residual sprays, bait placements or other ant control tactics.

NOTE: Not for use in commercial greenhouses, nurseries, or on grasses grown for seed, or on commercial fruit and nut trees.

## APPLICATION EQUIPMENT FOR FOLIAR APPLICATIONS

HAWK-I 2L mixes readily with water and may be used in many types of application equipment. Add a commercial spreader/sticker to promote coverage on hard to wet foliage such as holly, pine, or ivy.

HAWK-I 2L is compatible with many commonly used fungicides, miticides, liquid fertilizers, and other insecticides. If applicator has no prior experience with a particular tank mix, physical compatibility should be checked by making a small clear jar test using correct proportions of products to be tank mixed.

Do not apply through any irrigation system.

## 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 HAWK-I 2L to areas which are water logged or saturated, which will not allow penetration into the root zone of the plant.
- Do not apply more than 1.6 pt (0.4 lb of active ingredient) 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 plant-back interval should be observed.

Use Site: TURF GRASSES

To control Larvae of:

European Crane Fly  
Annual bluegrass weevil  
Green June beetle  
Asiatic garden beetle  
Japanese beetle  
Billbug  
Northern masked chafer

Black turfgrass ataenius  
Oriental beetle  
Cutworms (suppression)  
*Phyllophaga* spp.  
European chafer  
Southern masked chafer

Apply 1.25 to 1.6 pints per acre (equivalent to 0.46 to 0.6 fl oz per 1000 sq ft). Make application prior to egg hatch of grubs, billbugs, annual bluegrass weevil, and European Crane Fly to maximize control.

For chinch bugs (suppression) and mole crickets apply 1.6 pints per acre (equivalent to 0.6 fl oz per 1000 sq ft). For suppression of chinchbugs, make application before the hatching of the first instar nymphs.

For control of mole crickets make application before or during the peak egg hatch period. If adults or large nymphs are actively tunneling, HAWK-I 2L application should be combined with a curative insecticide. Follow label instructions for other insecticides when tank-mixing.

Consult your local turf, state Agricultural Experiment Station, or State Extension Service Specialists for more specific information regarding timing of application.

Notes and Restrictions for Turf Grass:

- Irrigation or rainfall should occur within 24 hours after application to move the active ingredient through the thatch.
- Do not apply more than 1.6 pt (0.4 lb of active ingredient) per acre per year.
- Avoid mowing turf or lawn area, until after adequate irrigation or rainfall has occurred.



Use Site: TREES, SHRUBS, EVERGREENS, FLOWERS, FOLIAGE PLANTS, GROUNDCOVERS AND INTERIOR PLANTSCAPES

(Only in and around Industrial and Commercial Buildings and Residential Areas)

To control:

Adelgids	Leafhoppers
Aphids	(Including glassy-winged sharpshooter)
Japanese beetles	Mealybugs
Lace bugs	Psyllids
Leaf beetles	Sawfly larvae
(Including elm and viburnum leaf beetles)	Thrips (suppression)
	Whiteflies

Apply 1.5 fluid ounces (45mL) per 100 gal of water. Make foliar applications before high pest populations become established. Reapply on an as needed basis.

To control White grub larvae, (such as Japanese beetle larvae, Chafers, *Phyllophaga* spp. Asiatic garden beetle, Oriental beetle) apply 0.46 to 0.6 fluid ounces (14 to 17 mL) per 1000 sq ft.

Make broadcast applications by mixing specified rate in enough water to uniformly cover the treated area. Do not use less than 2 gallons of water per 1000 sq ft. If necessary, irrigate thoroughly to incorporate HAWK-I 2L into the upper soil profile.

Refer to use directions specific for FLOWERS and GROUND COVERS concerning additional use directions.

**Use Site: TREES, SHRUBS, FLOWERS AND GROWDCOVERS**

(Only in and around industrial and commercial buildings and residential areas, and state, national, and private wooded and forested areas)

**To control:**

Adelgids	Thrips (suppression)
Japanese beetles	Black vine weevil larvae
Leafminers	Psyllids
Sawfly larvae	White grub larvae
Aphids	Eucalyptus longhorned borer
Lace bugs	Leafhoppers
Mealybugs	(Including glassywinged sharpshooter)
Soft scales	Royal Palm Bugs
Armored scales (suppression)	Whiteflies
Leaf beetles	Flatheaded borers
(Including elm and viburnum leaf beetles)	(Including bronze birch and alder borer)
Pine tip moth larvae	

For TREES, apply 0.1 to 0.2 fl oz (3 to 6 mL) per inch of trunk diameter (D.B.H.).

**Application Technique:****Soil Injection**

**GRID SYSTEM:** Make applications in a grid pattern on 2.5 foot centers within the drip line of the tree.

**CIRCLE SYSTEM:** Make applications in holes evenly spaced approximately 2 – 3 feet apart in a circle within the drip line of the tree. Larger trees may require additional application circles.

**BASAL SYSTEM:** Make applications into holes evenly spaced around the base of the tree trunk no more than 6 to 12 inches out from the base.

**Soil Drench**

Apply in no less than 10 gallons of water per 1000 square feet as a drench around the base of the tree, directed to the root zone. Any plastic or other barrier that may prevent drench solution from reaching the root zone must be removed.

**Notes and Restrictions for Trees:**

- Use sufficient water to be able to inject an equal amount of solution in each hole.
- Use low pressure and sufficient solution for thorough distribution into the treatment zone.
- Maintain soil moisture for 7 to 10 days.
- Do not use less than 4 holes per tree.
- No Soil Injection Applications Allowed In Nassau or Suffolk Counties of New York.
- Application to trees already heavily infested with borers listed may not prevent the eventual loss of the trees.

For SHRUBS apply 0.1 to 0.2 fl oz (3 to 6 mL) per foot of shrub height.

**Application Techniques****Soil Injection:**

Apply to individual plants using dosage indicated.

**Soil Drench:**

Uniformly apply the dosage in no less than 10 gallons of water per 1000 square feet as a drench around the base of the tree, directed to the root zone. Remove plastic or any other barrier that will stop solution from reaching the root zone.

## Notes and Restrictions for Shrubs:

- Mix required dosage in sufficient water to inject an equal amount of solution in each hole.
- Maintain a low pressure and use sufficient solution for distribution of the liquid into the treatment zone. Maintain soil moisture for 7 to 10 days.
- Do not use less than 4 holes per shrub.
- No Soil Injection Applications Allowed In Nassau or Suffolk Counties of New York.

For FLOWERS and GROWDCOVERS apply 0.46 to 0.6 fluid ounces (14 to 17 mL) per 1000 sq ft.

Apply as a broadcast treatment and incorporate into the soil before piling or apply after plants are established. If application is made to established plants, best control is achieved by irrigating after application.

Use site: POME FRUITS: (only in and around residential area)

Includes: Apple, Crabapple, Loquat, Mayhaw, Pear, Pear (oriental), Quince

To control:

Aphids (except Woolly apple aphid)	Leafminer
Leafhoppers (including glassy-winged sharpshooter)	Mealybugs*
	San Jose Scale*

Apply 1.5 fluid ounces (45 mL) per 100 gal or 6.0 fluid ounces per acre.

## Notes and Restrictions for residential Pome Fruits:

- Apply specified dosage as foliar spray as needed after petal-fall is complete.
- For control of rosy apple aphid, apply prior to leafrolling caused by the pest.
- For first-generation leafminer control, make first application as soon as petal fall is complete. Greatest leafminer control will result from the earliest possible application. For second and succeeding generations of leafminer, optimal control is obtained from applications made early in the adult flight against egg and early instar larvae. A second application may be required 10 days later if severe pressure continues or if generations are overlapping. A single application may result in suppression only. HAWK-I 2L will not control late stage larvae.
- For San Jose Scale, time applications to the crawler stage. Treat each generation.
- For late season (preharvest) control of leafhopper species, apply HAWK-I 2L while most leafhoppers are in the nymphal stage.
- For optimal control of mealybug, insure good spray coverage of the trunk and scaffolding limbs or other resting sites of the mealybug.
- Do not apply more than 6.0 fluid ounces per acre in a single application. Do not make more than 5 applications.
- Allow 10 or more days between applications. Allow at least 7 days between last application and harvest.
- Not for use in California for control on pears.

## PECAN (Only in and around residential area)

(Use on pecans not permitted in California unless directed by specific supplemental labeling)

## To control:

Yellow pecan aphid  
Pecan spittlebug  
Black margined aphid

Pecan stem phylloxera  
Pecan leaf phylloxera

Apply 1.5 fl oz (45 ml) per 100 gal or 6.0 fl oz/A. Make foliar applications as pest pressure begins to increase. Make a second application 10 to 14 days after first if field scouting reveals continued pest pressure. Use of an organosilicone based spray adjuvant at recommended rate can insure thorough coverage of foliage.

## Notes and Restrictions for residential Pecan Trees:

- Do not apply more than a total of 18.0 fluid ounces of HAWK-I 2L per acre per year.
- Do not make more than 3 applications.
- Allow 10 or more days between applications.
- Application rate per acre will depend on tree size and volume of foliage present. The rate per acre is based on a standard of 400 gallons of dilute spray solution per acre for large trees.

GRAPES (For use only in and around industrial and commercial buildings and residential areas)

To control Leafhoppers (including glassy-winged sharpshooter) and Mealybugs apply 1.5 fl oz (45 mL) per 100 gal or 3.0 fl oz/A (90 mL/A). Apply label rate as a foliar spray using 200 gallons of water per acre.

Notes and Restrictions for residential Grapes:

- Do not apply more than a total of 6.0 ounces of HAWK-I 2L per acre per year.
- Allow at least 14 days between applications.
- Applications may be applied up to and including day of harvest.

#### CONDITIONS OF SALE AND WARRANTY

The DIRECTIONS FOR USE of this product reflect the opinion of experts based on field use and tests. The directions are believed to be reliable and should be followed carefully. However, it is impossible to eliminate all risks inherently associated with use of this product. Crop injury, ineffectiveness, or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or the manner of use or application, all of which are beyond the control of PHOENIX ENVIRONMENTAL CARE, LLC, its Supplemental Distributors, or the Seller. All such risks shall be assumed by the Buyer.

PHOENIX ENVIRONMENTAL CARE, LLC, its Supplemental Distributors and the Seller warrant that this product conforms to the chemical description on the label and is reasonably fit for the purposes referred to in the Directions for Use subject to the inherent risks referred to above. NEITHER PHOENIX ENVIRONMENTAL CARE, LLC NOR ITS SUPPLEMENTAL DISTRIBUTORS MAKE ANY OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS FOR ANY PARTICULAR PURPOSE OR OF MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY. THIS WARRANTY DOES NOT EXTEND TO, AND THE BUYER SHALL BE SOLELY RESPONSIBLE FOR, ANY AND ALL LOSS OR DAMAGE WHICH RESULTS FROM THE USE OF THIS PRODUCT IN ANY MANNER WHICH IS INCONSISTENT WITH THE LABEL DIRECTIONS.

BUYER'S EXCLUSIVE REMEDY AND THE EXCLUSIVE LIABILITY OF PHOENIX ENVIRONMENTAL CARE, LLC, ITS SUPPLEMENTAL DISTRIBUTORS AND THE SELLER FOR ANY AND ALL CLAIMS, LOSSES, DAMAGES, OR INJURIES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER OR NOT BASED IN CONTRACT, NEGLIGENCE, STRICT LIABILITY IN TORT OR OTHERWISE, SHALL BE LIMITED, AT THE MANUFACTURER'S OPTION, TO REPLACEMENT OF OR THE REPAYMENT OF THE PURCHASE PRICE FOR THE QUANTITY OF PRODUCT WITH RESPECT TO WHICH DAMAGES ARE CLAIMED. When Buyer suffers losses or damages resulting from the use or handling of this product (including claims based on contract, negligence, strict liability, or other legal theories), Buyer must promptly notify Seller in writing of any claims to be eligible to receive either remedy stated above. IN NO CASE SHALL PHOENIX ENVIRONMENTAL CARE, LLC, ITS SUPPLEMENTAL DISTRIBUTORS, OR THE SELLER BE LIABLE FOR CONSEQUENTIAL, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT. PHOENIX ENVIRONMENTAL CARE, LLC, its Supplemental Distributors, and the Seller offer this product, and the Buyer accepts it, subject to the foregoing Conditions of Sale and Warranty, which may be varied only by agreement in writing signed by a duly authorized representative of PHOENIX ENVIRONMENTAL CARE, LLC

No employee or agent of PHOENIX ENVIRONMENTAL CARE, LLC, its Supplemental Distributor, or the Seller is authorized to vary or exceed the terms of this Warranty in any other manner.