June 15, 2004

Blake Kellum
San Jacinto River Authority
P.O. Box 329
Conroe, TX 77305

Subject: Aquatic Vegetation Treatment at Gibbons Creek Reservoir, Carlos, TX

Dear Mr. Kellum:

The enclosed documents pertain to Texas Municipal Power Agency's proposal for aquatic vegetation treatment at Gibbons Creek Reservoir for water hyacinths. This submittal is prepared in accordance with Texas Parks & Wildlife's guidance document and includes the treatment proposal, a notice letter, herbicide information and area map. This notice replaces the proposed herbicide use notification submitted on May 3, 2004.

Sincerely,

Daniel Meadows
Plant Environmental Engineer
Texas Municipal Power Agency

June 15, 2004

Dr. Earl Chilton
Texas Parks & Wildlife Department
4200 Smith School Road
Austin, TX 78744

Subject: Aquatic Vegetation Treatment at Gibbons Creek Lake, Carlos, TX

Dear Dr. Chilton:

The enclosed documents pertain to Texas Municipal Power Agency's proposal for aquatic vegetation treatment at Gibbons Creek Reservoir for water hyacinths. This submittal is prepared in accordance with Texas Parks & Wildlife's guidance document and includes the treatment proposal, a notice letter, herbicide information and area map. This notice replaces the proposed herbicide use notification submitted on May 3, 2004.

Sincerely,

Daniel Meadows
Plant Environmental Engineer
Texas Municipal Power Agency

June 15, 2004

Edward Parten, President
SMART
Texas Black Bass Unlimited
P.O. Box 11729
Houston, TX 77293

Subject: Aquatic Vegetation Treatment at Gibbons Creek Lake, Carlos, TX

Dear Mr. Parten:

The enclosed documents pertain to Texas Municipal Power Agency's proposal for aquatic vegetation treatment at Gibbons Creek Reservoir for water hyacinths. This submittal is prepared in accordance with Texas Parks & Wildlife's guidance document and includes the treatment proposal, a notice letter, herbicide information and area map. This notice replaces the proposed herbicide use notification submitted on May 3, 2004.

Sincerely,

Daniel Meadows
Plant Environmental Engineer
Texas Municipal Power Agency

June 15, 2004

Dr. Gary Van Gelder
10919 Britoak
Houston, TX 77079

Subject: Aquatic Vegetation Treatment at Gibbons Creek Lake, Carlos, TX

Dear Dr. Van Gelder:

The enclosed documents pertain to Texas Municipal Power Agency's proposal for aquatic vegetation treatment at Gibbons Creek Reservoir for water hyacinths. This submittal is prepared in accordance with Texas Parks & Wildlife's guidance document and includes the treatment proposal, a notice letter, herbicide information and area map. This notice replaces the proposed herbicide use notification submitted on May 3, 2004.

Sincerely,

Daniel Meadows
Plant Environmental Engineer
Texas Municipal Power Agency

June 15, 2004

Mark Webb
Texas Parks & Wildlife Department – District 3-E (Bryan)
1004 East 26th Street
Bryan, TX 77803

Subject: Aquatic Vegetation Treatment at Gibbons Creek Lake, Carlos, TX

Dear Mr. Webb:

The enclosed documents pertain to Texas Municipal Power Agency's proposal for aquatic vegetation treatment at Gibbons Creek Reservoir for water hyacinths. This submittal is prepared in accordance with Texas Parks & Wildlife's guidance document and includes the treatment proposal, a notice letter, herbicide information and area map. This notice replaces the proposed herbicide use notification submitted on May 3, 2004.

Sincerely,

Daniel Meadows
Plant Environmental Engineer
Texas Municipal Power Agency

June 15, 2004

Mike Biggs
2925 F. Meadow Glenn
Fort Worth, TX 76116

Subject: Aquatic Vegetation Treatment at Gibbons Creek Lake, Carlos, TX

Dear Mr. Biggs:

The enclosed documents pertain to Texas Municipal Power Agency's proposal for aquatic vegetation treatment at Gibbons Creek Reservoir for water hyacinths. This submittal is prepared in accordance with Texas Parks & Wildlife's guidance document and includes the treatment proposal, a notice letter, herbicide information and area map. This notice replaces the proposed herbicide use notification submitted on May 3, 2004.

Sincerely,

Daniel Meadows
Plant Environmental Engineer
Texas Municipal Power Agency

June 15, 2004

Mike Schneider
8646 McDade Street
Houston, TX 77293

Subject: Aquatic Vegetation Treatment at Gibbons Creek Lake, Carlos, TX

Dear Mr. Schneider:

The enclosed documents pertain to Texas Municipal Power Agency's proposal for aquatic vegetation treatment at Gibbons Creek Reservoir for water hyacinths. This submittal is prepared in accordance with Texas Parks & Wildlife's guidance document and includes the treatment proposal, a notice letter, herbicide information and area map. This notice replaces the proposed herbicide use notification submitted on May 3, 2004.

Sincerely,

Daniel Meadows
Plant Environmental Engineer
Texas Municipal Power Agency

June 15, 2004

Phil Hazen
Texas Municipal Power Agency
P.O. Box 7000
Bryan, TX 77805

Subject: Aquatic Vegetation Treatment at Gibbons Creek Lake, Carlos, TX

Dear Mr. Hazen:

The enclosed documents pertain to Texas Municipal Power Agency's proposal for aquatic vegetation treatment at Gibbons Creek Reservoir for water hyacinths. This submittal is prepared in accordance with Texas Parks & Wildlife's guidance document and includes the treatment proposal, a notice letter, herbicide information and area map. This notice replaces the proposed herbicide use notification submitted on May 3, 2004.

Sincerely,

Daniel Meadows
Plant Environmental Engineer
Texas Municipal Power Agency

June 15, 2004

Randi Myers Wayland, President
Texas Association of Bass Clubs
103 Hunters Branch
San Antonio, TX 78231

Subject: Aquatic Vegetation Treatment at Gibbons Creek Lake, Carlos, TX

Dear Ms. Wayland:

The enclosed documents pertain to Texas Municipal Power Agency's proposal for aquatic vegetation treatment at Gibbons Creek Reservoir for water hyacinths. This submittal is prepared in accordance with Texas Parks & Wildlife's guidance document and includes the treatment proposal, a notice letter, herbicide information and area map. This notice replaces the proposed herbicide use notification submitted on May 3, 2004.

Sincerely,

Daniel Meadows
Plant Environmental Engineer
Texas Municipal Power Agency

June 15, 2004

Ron Werner
P.O. Box 907
Montgomery, TX 77356

Subject: Aquatic Vegetation Treatment at Gibbons Creek Lake, Carlos, TX

Dear Mr. Werner:

The enclosed documents pertain to Texas Municipal Power Agency's proposal for aquatic vegetation treatment at Gibbons Creek Reservoir for water hyacinths. This submittal is prepared in accordance with Texas Parks & Wildlife's guidance document and includes the treatment proposal, a notice letter, herbicide information and area map. This notice replaces the proposed herbicide use notification submitted on May 3, 2004.

Sincerely,

Daniel Meadows
Plant Environmental Engineer
Texas Municipal Power Agency

June 15, 2004

Sparky Anderson
Clean Water Action
715 W. 23rd Street, Suite R
Austin, TX 78705

Subject: Aquatic Vegetation Treatment at Gibbons Creek Lake, Carlos, TX

Dear Mr. Anderson:

The enclosed documents pertain to Texas Municipal Power Agency's proposal for aquatic vegetation treatment at Gibbons Creek Reservoir for water hyacinths. This submittal is prepared in accordance with Texas Parks & Wildlife's guidance document and includes the treatment proposal, a notice letter, herbicide information and area map. This notice replaces the proposed herbicide use notification submitted on May 3, 2004.

Sincerely,

Daniel Meadows
Plant Environmental Engineer
Texas Municipal Power Agency

June 15, 2004

Tim Cook
Texas Bass Federation
State Conservation Director
mrbass@sanmarcos.net

Subject: Aquatic Vegetation Treatment at Gibbons Creek Lake, Carlos, TX

Dear Mr. Cook:

The enclosed documents pertain to Texas Municipal Power Agency's proposal for aquatic vegetation treatment at Gibbons Creek Reservoir for water hyacinths. This submittal is prepared in accordance with Texas Parks & Wildlife's guidance document and includes the treatment proposal, a notice letter, herbicide information and area map. This notice replaces the proposed herbicide use notification submitted on May 5, 2004.

Sincerely,

Daniel Meadows
Plant Environmental Engineer
Texas Municipal Power Agency

PROPOSED HERBICIDE USE NOTICE

TO: Texas Parks & Wildlife Department – Dr. Earl Chilton (Austin)
Texas Parks & Wildlife Department - District 3-E (Bryan)
Public Drinking Water Providers With An Intake Within Two River Miles of the Proposed Herbicide Application (TMPA GCSES, PWSID #0930040)
All Persons Who Have Requested Notice (May 2004 Notification List - TPWD)

This is a notice of proposed herbicide use on Gibbons Creek Lake, Carlos, TX, as described in the enclosed treatment proposal. The label information for the herbicide is enclosed with this notice. The applicant reserves the right to select another manufacturer for the proposed herbicide. Daniel Meadows, Plant Environmental Engineer for Texas Municipal Power Agency, has reviewed Texas Parks and Wildlife Department's (TPWD) guidance document and determined that the proposed herbicide application is consistent with the principles of integrated pest management, §57.932(a)(2) of TPWD rules, and the guidance document.

The information demonstrating that the proposed application will not result in exceeding the maximum contaminant level (MCL) of herbicide in finished drinking water as set by TCEQ and EPA, or if there is no MCL, the maximum label rate, is based upon the herbicide manufacturer's Direction For Use (attached).

The TDA license number for the herbicide applicator (Lanny McIlvain) is: **253431**.

Aquatic Vegetation Treatment Proposal

A **map of the water body** with proposed treatment sites indicated should be **attached.**
A **separate form** should be filled out for **each plant species treated.**

Water Body Name: **Gibbons Creek Reservoir** ***Submission Date:** 6/15/04

Date Surveyed: 4/1/04; 6/11/04 Proposed Treatment Date: 6/29/04

Target Plant Species: Water Hyacinth Estimated Acres: 100

Recommended Treatment: Mechanical ( ), Biological ( ), Chemical (X).

Tier 2

Method of Treatment: Herbicide; Boat & Spray Rig

Applicator Name: Lanny McIlvain

TDA Applicator License Number: (If applicable) 253431

Floating or Emergent Vegetation:

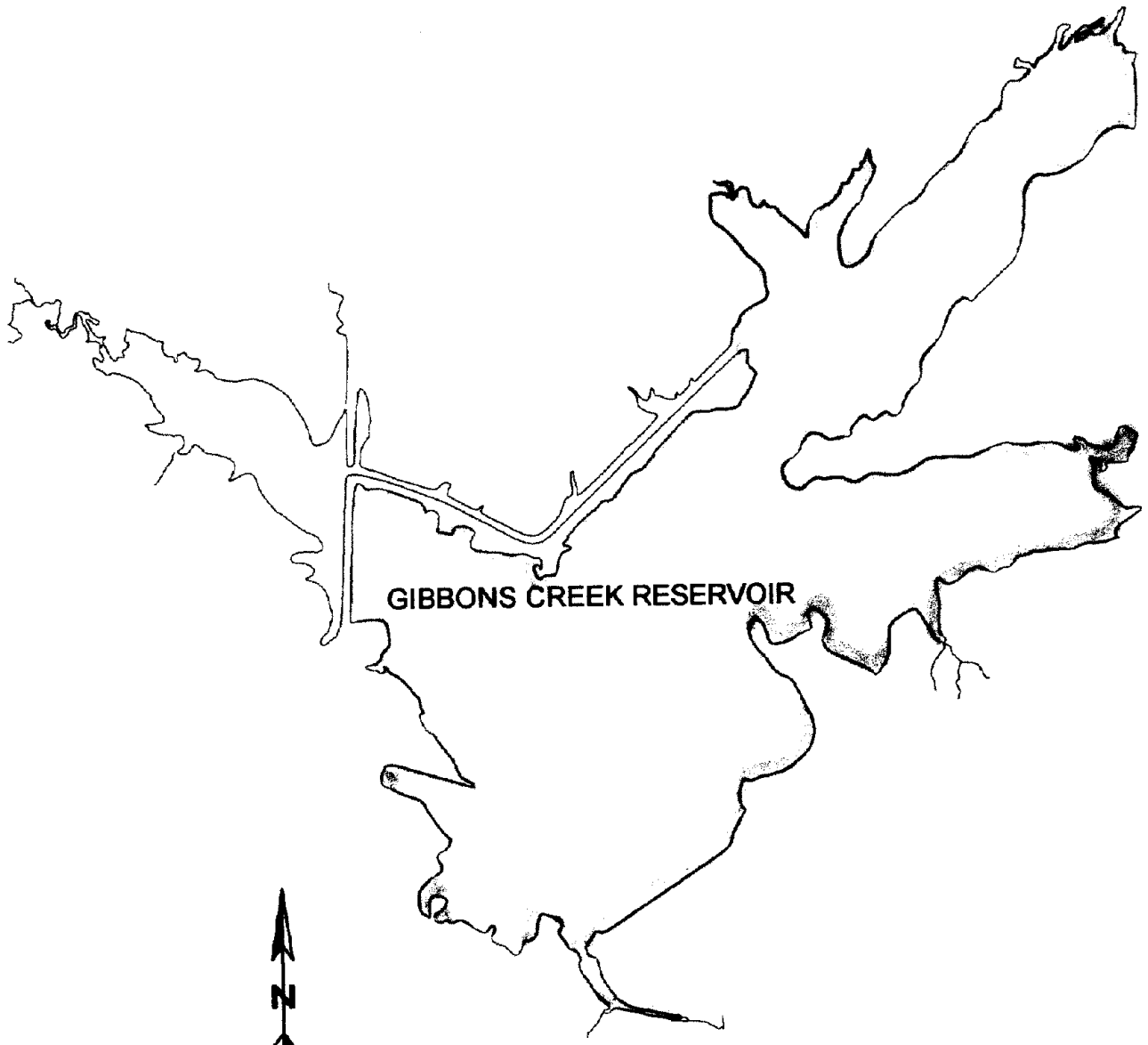
Treatment Location	Relative Surface Coverage	Treatment Area (acres)	Treatment Rate/type (organisms, gals, lbs./acre, harvested or shredded)	Total (organisms, gals., lbs, acres harvested or shredded)	Mean water depth
All Shorelines	Intermittent & heavy	100 acres	1.0 gal./ acre	100 gals.	6'
Total		100 acres	1.0 gal./ acre	100 gals.	

Submerged Vegetation:

Treatment Location	Relative Surface Coverage	Treatment Area (acres)	Treatment Rate/type (organisms, gals, lbs./acre, harvested or shredded)	Total (organisms, gals., lbs, acres harvested or shredded)	Mean water depth
N/A					
Total					

Comments:

***Proposals are good for six months from the date of submission, unless application plans change.**



GRAPHIC SCALE

3000 1500 0 3000 6000

1 INCH = 3000 FT.

TEXAS MUNICIPAL POWER AGENCY

SERVING THE CITIES OF

BRYAN • DENTON • GARLAND • GREENVILLE

GIBBONS CREEK RESERVOIR

DRAWN BY:	CLC	04.30.04
CHECKED BY:		
DESIGN BY:		
SCALE: 1"=3000'		
DWG NO.: GCRESERVOIR		
REV NO.: 0		
ABN NO.:		
PROPERTY OF TMPA		

AMINE 4
2,4-D HERBICIDE

TENKŌZ®
SERVING AGRICULTURE

ACTIVE INGREDIENT:

Dimethylamine salt of 2,4-dichlorophenoxyacetic acid*	46.8%
OTHER INGREDIENTS:	53.2%
TOTAL	100.0%

* Equivalent to 38.9% of 2,4-Dichlorophenoxyacetic acid or 3.8 lb./gal. Isomer specific by AOAC Method.

KEEP OUT OF REACH OF CHILDREN
DANGER – PELIGRO

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

FIRST AID

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. Call a poison control center or doctor for treatment advice.

IF SWALLOWED: Call a poison control center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to by a poison control center or doctor. Do not give anything by mouth to an unconscious person.

IF ON SKIN: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment advice.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment.

NOTE TO PHYSICIAN: Probable mucosal damage may contraindicate the use of gastric lavage.

See page two for additional precautionary statements.

EPA Reg. No. 42750-19-55467

EPA Est. No. 42750-MO-1

Net Contents:

Manufactured for:

TENKŌZ® Inc.
100 North Point Center E. • Suite 330
Alpharetta, GA 30202
4001TK

2 1/2 GAL.

FOR CHEMICAL SPILL, LEAK, FIRE, OR EXPOSURE CALL CHEMTREC (800) 424-9300

PRECAUTIONARY STATEMENTS
DANGER
HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Corrosive. Causes irreversible eye damage. May be fatal if absorbed through skin. Harmful if swallowed or inhaled. Do not get in eyes, on skin, or on clothing. Avoid breathing vapor or spray mist.

PERSONAL PROTECTIVE EQUIPMENT

Applicators and other handlers must wear coveralls over short-sleeved shirt and short pants, waterproof gloves, chemical-resistant footwear plus socks, protective eyewear, chemical-resistant headgear for overhead exposure, and chemical-resistant apron when cleaning equipment, mixing, or loading.

Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them. Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry. After each day of use, clothing or PPE must not be reused until it has been cleaned.

ENGINEERING CONTROLS STATEMENTS

If this container contains 5 gallons or more in capacity, do not open pour product from this container. A mechanical system (such as a probe and pump or spigot) must be used for transferring the contents of this container. If the contents of a non-refillable pesticide container are emptied, the probe must be rinsed before removal. If the mechanical system is used in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(4)], the handler PPE requirements may be reduced or modified as specified in the WPS.

When handlers use 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

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.
- 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 toxic to aquatic invertebrates. Drift or runoff may adversely affect aquatic invertebrates and nontarget plants. 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 when disposing of equipment washwaters.

Most cases of groundwater contamination involving phenoxy herbicides such as 2,4-D have been associated with mixing/loading and disposal sites. Caution should be exercised when handling 2,4-D pesticides at such sites to prevent contamination of groundwater supplies. Use of closed systems for mixing or transferring this pesticide will reduce the probability of spills. Placement of the mixing/loading equipment on an impervious pad to contain spills will help prevent groundwater contamination.

STORAGE AND DISPOSAL

STORAGE: Do not contaminate water, food or feed by storage or disposal. Open dumping is prohibited. Do not store this product near fertilizers, seeds, insecticides, or fungicides. Reclose all partially used containers by thoroughly tightening screw cap. Absorb any spill with a suitable clay absorbent and dispose of as indicated under "Pesticide Disposal."

Protect from freezing. If stored below freezing, the product must be warmed to at least 70°F and agitated before using. This does not affect the efficiency of the product.

For safety and prevention of unauthorized use, all pesticides should be stored in locked facilities. To prevent accidental misuse, different pesticides should be stored in separate areas with enough distance between to provide clear identification.

Opened, partially used pesticides should be stored in original labeled containers when possible. When transfer to another container is necessary because of leakage or damage, carefully mark and identify contents of the new container.

PESTICIDE DISPOSAL: Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of federal law and may contaminate groundwater. 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.

tion may be added to improve herbicide performance. Accord® may be mixed with 2,4-D Amine 4 to increase weed control.

Tree Injection: For the control of unwanted hardwoods such as Elm, Oak, Hickory, and Sweet Gum in forest and non-crop areas, apply undiluted product by injecting 1 ml through the bark, using one injection per inch of trunk diameter measured at breast height (4-1/2 feet). For harder to control species (Ash, Maple, Dogwood), use 2 ml of undiluted product per injection. All injections should be as near the root collar as possible and should be evenly spaced around the trunk. Injections may be made at any time of the year but are most effective during the growing season. Maples should not be treated during the spring sap rise.

No Worker Protection Standard worker entry restrictions or worker notification requirements apply when this product is directly injected into agricultural plants.

For Dilute Injection: Mix 1 gallon of product in 19 gallons of water for dilute injections.

AQUATIC APPLICATIONS

Weeds and Brush on Irrigation Canal Ditchbanks: Seventeen Western States: Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, New Mexico, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming.

For control of annual and perennial broadleaf weeds, apply 1 to 2 quarts of product per acre in approximately 20 to 100 gallons of total spray. Treat when weeds are young and actively growing before the bud or early bloom stage. For harder to control weeds, a repeat spray may be needed after 3 to 4 weeks for maximum results, using the same rates.

Apply no more than 2 treatments per season. For woody brush and patches of perennial broadleaf weeds, mix one gallon of product in 150 gallons of water. Wet foliage thoroughly, using approximately 1 gallon of spray solution per square rod.

Spraying Instructions: Low pressure (10 to 40 psi) power spray equipment should be used and mounted on a truck, tractor, or boat. Apply while traveling upstream to avoid accidental concentration of chemical into water. Spray when the air is calm, 5 mph or less. Do not use on small canals (less than 10 CFS) where water will be used for drinking purposes.

Boom spraying onto water surface must be held to a minimum and no cross-stream spraying to opposite banks should be permitted. When spraying shoreline weeds, allow no more than 2-foot overspray onto water with an average of less than 1-foot overspray to prevent introduction of greater than negligible amounts of chemical into the water.

Do not allow dairy animals to graze on treated areas for at least 7 days after spraying. Water within treated banks should not be fished.

For Aquatic Weeds in Lakes, Ponds, Reservoirs, Bayous, Canals, Streams, Drainage Ditches, and Marshes: Use 2-1/2 to 4-1/2 pints of product in 50 to 100 gallons of water per acre. Spray to wet foliage thoroughly. Application should be made when leaves are fully developed, above the water line, and plants are actively growing. Your State Conservation Department or Game and Fish Commission will assist you in determining the best time and rate for application under local conditions.

Do not apply to more than 1/3 to 1/2 of a lake or pond in any one month because excessive decaying vegetation may deplete oxygen content of water and kill fish.

Do not contaminate water intended for irrigation purposes except as indicated in directions for use on irrigation ditchbanks.

Perennial and other hard-to-control weeds may require a repeat application to give adequate control.

Potable Water: Delay the use of treated water for domestic purposes for a period of three weeks or until such time as an approved assay shows that the water contains no more than 0.1 ppm 2,4-D Amine 4.

Water Hyacinth *(Eichornia crassipe):* 2,4-D Amine 4 will control water hyacinth with surface and air applications. Use 2 to 4 quarts (4 lb. acid equivalent per gallon) per acre. Spray the weed mass only. Use 4 quarts when plants are matured or when the weed mass is dense. Apply when water hyacinth plants are actively growing. Repeat as necessary to kill regrowth and hyacinth plants missed in the previous operation.

Surface Application: Use power sprayers operated with a boom or spray gun mounted on a boat, tractor or truck. Thorough wetting of foliage is essential for maximum control. Use 100 to 400 gallons per acre of spray mixture. Special precautions such as the use of low pressure, large nozzles and thickening agents should be taken to avoid spray drift in areas of sensitive crops. For DIRECTA-SPRA™ operation use 2,4-D Amine 4 with 1 pint of drift control agent in 50 to 100 gallons of water. For other applications, follow the drift control agent label for mixing directions.

Air Application: Use drift control spray equipment or thickening agents mixed into the spray solution. Apply 1 gallon per acre of 2,4-D Amine 4 through standard boom systems with a minimum of 5 gallons of spray mix per acre. For MICROFOIL® drift control systems, apply 2,4-D Amine 4 in 12 to 15 gallons spray mix per acre.

2,4-D Acid Equivalent	**1/2 lb.**	**1 lb.**	**2 lbs.**	**3 lbs.**	**4 lbs.**
2,4-D Amine 4	**1 pt.**	**2 pts.**	**2 qts.**	**3 qts.**	**4 qts.**

Water Milfoil *(Myriophyllum spicatum):* For Eurasian Water Milfoil in programs conducted by the Tennessee Valley Authority in dams and reservoirs of the TVA system. 2,4-D Amine 4 will control water milfoil with surface, subsurface and air applications.

How to Use: To control water milfoil when less than 5 gallons of concentrate per acre is recommended, dilute the concentrate with water to apply a minimum of 5 gallons of spray mix per acre. Do not treat within 1/2 mile of potable water intakes. Shoreline areas should be treated by sub-surface injection applied by boat to avoid aerial drift. Do not apply when weather conditions favor drift from target area. Do not contaminate water by cleaning of equipment washwaters.

Open Water Areas: To reduce contamination and prevent undue exposure of fish and other aquatic organisms, do not treat water areas that are not infested with aquatic weeds.

Amounts to Use: Apply 2-1/2 to 10 gallons of 2,4-D Amine 4 per acre. The higher rate is used in areas of greater water exchange. These areas may require a repeat application.

When to Apply: For best results, apply in spring or early summer when milfoil starts to grow. This timing can be checked by sampling the lake bottom in areas heavily infested with weeds the year before.

Subsurface Application: Apply 2-1/2 to 10 gallons of 2,4-D Amine 4 per acre as a concentrate directly into the water through boat mounted distribution systems.

Surface Application: Apply 2-1/2 to 10 gallons of 2,4-D Amine 4 per acre in a minimum spray volume of 5 gallons mix per acre.

Air Application: Use drift control spray equipment or thickening agents mixed into the spray solution. Apply 2-1/2 to 10 gallons per acre of 2,4-D Amine 4 through standard boom systems with a minimum of 5 gallons of spray mix per acre. For MICRO-FOIL® drift control spray systems apply 2,4-D Amine 4 in 12 to 15 gallons spray mix per acre.

Before buying or using this product, read "Conditions of Sale and Warranty" below on this label. If terms are not acceptable, return **unopened** package at once to seller for full refund of purchase price paid. Otherwise, use by the buyer or any other user constitutes acceptable of the terms under the Conditions of Sale and Warranty.

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 ALBAUGH, INC. or the Seller. All such risks shall be assumed by the Buyer.

ALBAUGH, INC. warrants 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. **ALBAUGH, INC. MAKES NO 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, WARNINGS OR CAUTIONS.**

BUYER'S EXCLUSIVE REMEDY AND MANUFACTURER'S OR SELLER'S EXCLUSIVE LIABILITY FOR ANY AND ALL CLAIMS, LOSSES, DAMAGE, OR INJURIES RESULTING FROM THE USE OF 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 ALBAUGH, INC. OR THE SELLER BE LIABLE FOR CONSEQUENTIAL, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.** ALBAUGH, INC. and the Seller offer this product, and the Buyer accpets 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 ALBAUGH, INC. No employee or agent of ALBAUGH, INC. or the Seller is authorized to vary or exceed the terms of this Warranty in any other manner.

REV. 4/2002