* * * Section 1 - Product and Company Identification * * *

Material Name: Flyash
Synonyms: Class F Flyash, Class C Flyash, Class N, Natural Pozzolan

Manufacturer Information
CALPORTLAND COMPANY
2025 E. Financial Way
Glendora, CA  91741
Phone: 626-852-6200
www.calportland.com

* * * Section 2 - Hazards Identification * * *

GHS Classification:
- Acute Toxicity Oral - Category 4
- Acute Toxicity Inhalation - Category 4
- Skin Corrosion/Irritation - Category 2
- Eye Damage - Category 2A
- Carcinogenicity - Category 1A
- Specific Target Organ Toxicity Repeat Exposure - Category 1
- Hazardous to the Aquatic Environment Chronic - Category 4

GHS LABEL ELEMENTS
Symbol(s)

Signal Word
Danger

Hazard Statements
- Harmful if swallowed or inhaled.
- Causes skin irritation.
- Causes serious eye irritation.
- May cause cancer.
- Causes damage to organs (respiratory system) through prolonged or repeated exposure.
- May cause long lasting harmful effects to aquatic life.

Precautionary Statements
Prevention
Material Name: Flyash

Wash thoroughly after handling.
Do not eat, drink or smoke when using this product.
Do not breathe dust.
Use only outdoors or in a well-ventilated area.
Wear protective gloves/protective clothing/eye protection/face protection.
Obtain special instructions before use.
Do not handle until all safety precautions have been read and understood.
Avoid release to the environment.

Response
If swallowed: Call a poison center/doctor if you feel unwell. Rinse mouth.
If inhaled: Remove person to fresh air and keep comfortable for breathing. Call a poison center/doctor if you feel unwell.
If on skin: Wash with plenty of water. If skin irritation occurs: Get medical advice/attention. Take off contaminated clothing and wash it before reuse.
If in eyes: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing. If eye irritation persists: Get medical advice/attention.

Storage
Store in an appropriate container or containment structure.

Disposal
Dispose of contents/container in accordance with local/regional/national/international regulations.

*** Section 3 - Composition / Information on Ingredients ***

<table>
<thead>
<tr>
<th>CAS #</th>
<th>Component</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>68131-74-8</td>
<td>Ashes, residues</td>
<td></td>
</tr>
<tr>
<td>7631-86-9</td>
<td>Silica, amorphous</td>
<td>55-65</td>
</tr>
<tr>
<td>1344-28-1</td>
<td>Aluminum oxide</td>
<td>20-25</td>
</tr>
<tr>
<td>1309-37-1</td>
<td>Iron oxide (Fe2O3)</td>
<td>4-7</td>
</tr>
<tr>
<td>1305-78-8</td>
<td>Calcium oxide</td>
<td>3-6</td>
</tr>
</tbody>
</table>

Component Information/Information on Non-Hazardous Components

General Product Information
Trace amounts of various elements including arsenic, antimony, carbon, lead, nickel, manganese, chromium, boron, mercury, selenium, beryllium, cadmium and uranium may be detected in flyash as a result of their presence in the source.

*** Section 4 - First Aid Measures ***

First Aid: Eyes
In case of contact, immediately flush eyes with plenty of water for at least 15 minutes, including under the lids. If easy to do, remove contact lenses, if worn. Get medical attention immediately.
First Aid: Skin
If irritation occurs, flush skin with plenty of water. In some cases - e.g., large amounts of flyash still present on the skin – before wetting the product / skin, it may be advisable or appropriate to gently brush - AVOID the generation of dust – the bulk of the flyash from the skin. Call physician if irritation persists.

First Aid: Ingestion
If swallowed, do not induce vomiting unless directed to do so by medical personnel. Never give anything by mouth to an unconscious person. If conscious and capable of swallowing, rinse mouth thoroughly with water and then drink plenty of water to dilute the material in the stomach. Get medical attention immediately.

First Aid: Inhalation
Remove to fresh air. Seek medical help if coughing and other symptoms do not subside.

*** Section 5 - Fire Fighting Measures ***

General Fire Hazards
See Section 9 for Flammability Properties.
Not flammable.

Hazardous Combustion Products
None.

Extinguishing Media
Use water.

Unsuitable Extinguishing Media
None

Fire Fighting Equipment/Instructions
Firefighters should wear full protective gear.

*** Section 6 - Accidental Release Measures ***

Recovery and Neutralization
None.

Materials and Methods for Clean-Up
Contain the spill or leak. Avoid generating dust. Do not touch the spilled material.

Emergency Measures
Isolate area. Keep unnecessary personnel away.

Personal Precautions and Protective Equipment
Wear appropriate protective equipment and clothing during clean-up.

Environmental Precautions
This material is a water pollutant: prevent material from entering drains, sewers, ditches or waterways.

Prevention of Secondary Hazards
None.

*** Section 7 - Handling and Storage ***

Handling Procedures
Avoid contact with skin and eyes. Wear the appropriate eye protection against dust. Minimize dust generation and accumulation. Avoid breathing dust. Wear the appropriate respiratory protection against dust in poorly ventilated areas and if TLV is exceeded. Use good safety and industrial hygiene practices.
Storage Procedures  
Store in dust-tight, dry, labeled containers. Keep containers closed when not in use. Store in ventilated area away from sources of heat, moisture and incompatible materials.

Incompatibilities  
Moisture (reaction may generate heat). Strong acids, Boric oxide, Boron Trifluoride, Phosphorus pentoxide, Chlorates, Chlorine Trifluoride, Chlorine, Ammonium salts and Fluorine.

** Section 8 - Exposure Controls / Personal Protection **

Component Exposure Limits

**Silica, amorphous (7631-86-9)***

- OSHA (Vacated): 6 mg/m³ TWA (<1% Crystalline silica)
- NIOSH: 6 mg/m³ TWA
- NW Territories: 2 mg/m³ TWA (respirable mass); 5 mg/m³ TWA (total mass); 0.05 mg/m³ TWA (regulated under Silica flour, respirable mass); 0.15 mg/m³ TWA (total mass, regulated under Silica flour)
- Nunavut: 2 mg/m³ TWA (respirable mass); 5 mg/m³ TWA (total mass); 0.05 mg/m³ TWA (regulated under Silica flour, respirable mass); 0.15 mg/m³ TWA (regulated under Silica flour, total mass)
- Yukon: 300 particle/mL TWA (as measured by Konimeter instrumentation, listed under Silica); 20 mppcf TWA (as measured by Impinger instrumentation, listed under Silica); 2 mg/m³ TWA (respirable mass, listed under Silica)

**Aluminum oxide (1344-28-1)***

- OSHA (Final): 15 mg/m³ TWA (total dust); 5 mg/m³ TWA (respirable fraction)
- OSHA (Vacated): 10 mg/m³ TWA (total dust); 5 mg/m³ TWA (respirable fraction)
- Alberta: 10 mg/m³ TWA
- New Brunswick: 10 mg/m³ TWA (particulate matter containing no Asbestos and <1% Crystalline silica)
- NW Territories: 10 mg/m³ TWA; 5 mg/m³ TWA (respirable mass); 10 mg/m³ TWA (total mass)
- Nunavut: 10 mg/m³ TWA; 5 mg/m³ TWA (respirable mass); 10 mg/m³ TWA (total mass)
- Quebec: 10 mg/m³ TWAEV (containing no Asbestos and <1% Crystalline silica, total dust, as Al)
- Saskatchewan: 10 mg/m³ TWA
- 20 mg/m³ STEL
- Yukon: 30 mppcf TWA (Al₂O₃); 10 mg/m³ TWA (Al₂O₃)
- 20 mg/m³ STEL (Al₂O₃)
Material Name: Flyash

Iron oxide (Fe2O3) (1309-37-1)

- ACGIH: 5 mg/m3 TWA (respirable fraction)
- OSHA (Final): 10 mg/m3 TWA (fume)
- OSHA (Vacated): 10 mg/m3 TWA (fume and total dust); 5 mg/m3 TWA (regulated under Rouge, respirable fraction)
- NIOSH: 5 mg/m3 TWA (dust and fume, as Fe)
- Alberta: 5 mg/m3 TWA (respirable)
- British Columbia: 10 mg/m3 TWA (total particulate matter containing no Asbestos and <1% Crystalline silica, total particulate, listed under Rouge); 3 mg/m3 TWA (particulate matter containing no Asbestos and <1% Crystalline silica, respirable particulate, listed under Rouge); 5 mg/m3 TWA (dust and fume, as Fe)
- 10 mg/m3 STEL (fume, as Fe)
- Manitoba: 5 mg/m3 TWA (respirable fraction)
- New Brunswick: 5 mg/m3 TWA (particulate matter containing no Asbestos and <1% Crystalline silica, dust and fume, as Fe); 10 mg/m3 TWA (regulated under Rouge, particulate matter containing no Asbestos and <1% Crystalline silica)
- NW Territories: 5 mg/m3 TWA (respirable mass); 10 mg/m3 TWA (total mass)
- Nova Scotia: 5 mg/m3 TWA (respirable fraction)
- Nunavut: 5 mg/m3 TWA (respirable mass); 10 mg/m3 TWA (total mass)
- Ontario: 5 mg/m3 TWA (respirable)
- Quebec: 5 mg/m3 TWAEV (dust and fume, as Fe); 10 mg/m3 TWAEV (containing no Asbestos and <1% Crystalline silica, regulated under Rouge, total dust)
- Saskatchewan: 5 mg/m3 TWA (dust and fume, as Fe); 10 mg/m3 TWA (regulated under Rouge)
- 10 mg/m3 STEL (dust and fume, as Fe); 20 mg/m3 STEL (regulated under Rouge)
- Yukon: 5 mg/m3 TWA (fume, as Fe2O3); 30 mppcf TWA (regulated under Rouge); 10 mg/m3 TWA (regulated under Rouge)
- 10 mg/m3 STEL (fume); 20 mg/m3 STEL (regulated under Rouge)
Calcium oxide (1305-78-8)

ACGIH: 2 mg/m³ TWA
OSHA (Final): 5 mg/m³ TWA
OSHA (Vacated): 5 mg/m³ TWA (not in effect as a result of reconsideration)

NIOSH: 2 mg/m³ TWA
Alberta: 2 mg/m³ TWA
British Columbia: 2 mg/m³ TWA
Manitoba: 2 mg/m³ TWA
New Brunswick: 2 mg/m³ TWA
Northwest Territories: 2 mg/m³ TWA
4 mg/m³ STEL
Nova Scotia: 2 mg/m³ TWA
Nunavut: 2 mg/m³ TWA
4 mg/m³ STEL
Ontario: 2 mg/m³ TWA
Quebec: 2 mg/m³ TWA
4 mg/m³ STEL
Saskatchewan: 2 mg/m³ TWA
4 mg/m³ STEL
Yukon: 2 mg/m³ TWA
4 mg/m³ STEL

Engineering Measures
Use local exhaust or general dilution ventilation to control exposure within applicable limits.

Personal Protective Equipment: Respiratory
Avoid actions that cause dust exposure to occur. Use local or general ventilation to control exposures below applicable exposure limits. NIOSH or MSHA approved particulate filter respirators should be used in the context of respiratory protection program meeting the requirements of the OSHA respiratory protection standard [29 CFR 1910.134] to control exposures when ventilation or other controls are inadequate or discomfort or irritation is experienced. Respirator and/or filter cartridge selection should be based on American National Standards Institute (ANSI) Standards Z88.2 Practices for Respiratory Protection.

Personal Protective Equipment: Hands
Where prolonged exposure to products might occur, wear impervious gloves to eliminate skin contact.

Personal Protective Equipment: Eyes
When engaged in activities where ingredients could contact the eye, wear safety glasses with side shields or goggles. In extremely dusty environments and unpredictable environments, wear unvented or indirectly vented goggles to avoid eye irritation or injury. Contact lenses should not be worn when working with ingredients.

Personal Protective Equipment: Skin and Body
Normal work clothing (long sleeved shirts and long pants) is recommended.
**Section 9 - Physical & Chemical Properties**

<table>
<thead>
<tr>
<th>Property</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appearance</td>
<td>Opaque fine powder</td>
</tr>
<tr>
<td>Physical State</td>
<td>Solid/Fine Powder</td>
</tr>
<tr>
<td>Vapor Pressure</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Boiling Point</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Solubility (H2O)</td>
<td>Mostly insoluble</td>
</tr>
<tr>
<td>Evaporation Rate</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Octanol/H2O Coeff.</td>
<td>Not Determined</td>
</tr>
<tr>
<td>Flash Point Method</td>
<td>Not Determined</td>
</tr>
<tr>
<td>pH</td>
<td>&gt;11.5 (in water)</td>
</tr>
<tr>
<td>Vapor Density</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Melting Point</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Specific Gravity</td>
<td>2.8-3.4</td>
</tr>
<tr>
<td>VOC</td>
<td>Not Determined</td>
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<tr>
<td>Flash Point</td>
<td>Not Determined</td>
</tr>
<tr>
<td>Upper Flammability Limit</td>
<td>Not Determined</td>
</tr>
<tr>
<td>Burning Rate</td>
<td>Not Determined</td>
</tr>
<tr>
<td>Auto Ignition</td>
<td>Not Determined</td>
</tr>
</tbody>
</table>

**Section 10 - Chemical Stability & Reactivity Information**

**Chemical Stability**
This is a stable material.

**Hazardous Reaction Potential**
Will not occur.

**Conditions to Avoid**
The flyash, itself - particularly if moist or wet - or solutions that are or have been in contact with flyash may be corrosive to metals.

**Incompatible Products**
Moisture (reaction may generate heat). Strong acids, Boric oxide, Boron Trifluoride, Phosphorus pentoxide, Chlorates, Chlorine Trifluoride, Chlorine, Ammonium salts and Fluorine.

**Hazardous Decomposition Products**
Reactes with water to form calcium hydroxide. Calcium hydroxide and water solution can be irritating and corrosive to skin.

**Section 11 - Toxicological Information**

**Acute Toxicity**

**Component Analysis - LD50/LC50**
- Silica, amorphous (7631-86-9)
  Oral LD50 Rat >5000 mg/kg; Inhalation LC50 Rat >2.2 mg/L 1 h; Dermal LD50 Rabbit >2000 mg/kg

- Aluminum oxide (1344-28-1)
  Oral LD50 Rat >5000 mg/kg

- Iron oxide (Fe2O3) (1309-37-1)
  Oral LD50 Rat >10000 mg/kg

- Calcium oxide (1305-78-8)
  Oral LD50 Rat 500 mg/kg
Material Name: Flyash

Ashes, residues (68131-74-8)
Oral LD50 Rat >2000 mg/kg

Potential Health Effects: Skin Corrosion Property/Stimulativeness
May cause skin irritation. May cause burns in the presence of moisture.

Potential Health Effects: Eye Critical Damage/ Stimulativeness
May cause chemical burns. Causes irritation (possibly severe).

Potential Health Effects: Ingestion
May be harmful if swallowed. May cause stomach distress, nausea or vomiting. May cause burning of mouth, throat and esophagus.

Potential Health Effects: Inhalation
Exposure to dust generated during the handling or use of the product may irritate eyes, skin, nose, throat and upper respiratory tract.

Respiratory Organs Sensitization/Skin Sensitization
This product is not reported to have any sensitization effects.

Generative Cell Mutagenicity
This product is not reported to have any mutagenic effects.

Carcinogenicity
A: General Product Information
May cause cancer. Prolonged or repeated exposure to airborne free crystalline silica can result in lung disease and/or lung cancer.

B: Component Carcinogenicity
Silica, amorphous (7631-86-9)
IARC: Monograph 68 [1997]; Supplement 7 [1987] (Group 3 (not classifiable))

Iron oxide (Fe2O3) (1309-37-1)
ACGIH: A4 - Not Classifiable as a Human Carcinogen
IARC: Supplement 7 [1987]; Monograph 1 [1972] (Group 3 (not classifiable))

Reproductive Toxicity
This product is not reported to have any reproductive toxicity effects.

Specified Target Organ General Toxicity: Single Exposure
This product is not reported to have any single exposure specific target organ toxicity effects.

Specified Target Organ General Toxicity: Repeated Exposure
Causes damage to organs (respiratory system) through prolonged or repeated exposure.

Aspiration Respiratory Organs Hazard
This product is not reported to have any aspiration hazard effects.

Other Toxicological Information
Repeated exposure to calcium oxide has shown to cause ulceration of the nasal septum, bronchitis and pneumonia. Chronic inhalation of silica quartz may cause autoimmune disease. Chronic exposure to an ingredient in this mixture has been reported to cause renal injury and adverse effects on visual acuity.
*** Section 12 - Ecological Information ***

Ecotoxicity

A: General Product Information

This product may cause long-term adverse effects in the aquatic environment.

B: Component Analysis - Ecotoxicity - Aquatic Toxicity

Silica, amorphous (7631-86-9)

<table>
<thead>
<tr>
<th>Test &amp; Species</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>96 Hr LC50 Brachydanio rerio</td>
<td>5000 mg/L [static]</td>
</tr>
<tr>
<td>72 Hr EC50 Pseudokirchneriella subcapitata</td>
<td>440 mg/L</td>
</tr>
<tr>
<td>48 Hr EC50 Ceriodaphnia dubia</td>
<td>7600 mg/L</td>
</tr>
</tbody>
</table>

Calcium oxide (1305-78-8)

<table>
<thead>
<tr>
<th>Test &amp; Species</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>96 Hr LC50 Cyprinus carpio</td>
<td>1070 mg/L [static]</td>
</tr>
</tbody>
</table>

Ashes, residues (68131-74-8)

<table>
<thead>
<tr>
<th>Test &amp; Species</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>24 Hr EC50 Daphnia magna</td>
<td>140 - 2000 mg/L</td>
</tr>
</tbody>
</table>

Persistence/Degradability

No information available for the product.

Bioaccumulation

No information available for the product.

Mobility in Soil

No information available for the product.

*** Section 13 - Disposal Considerations ***

Waste Disposal Instructions

See Section 7 for Handling Procedures. See Section 8 for Personal Protective Equipment recommendations.

Disposal of Contaminated Containers or Packaging

Dispose of contents/container in accordance with local/regional/national/international regulations.

*** Section 14 - Transportation Information ***

DOT/TDG Information

Shipping Name: Not Regulated
Safety Data Sheet

Material Name: Flyash

** * Section 15 - Regulatory Information * **

Regulatory Information

US Federal Regulations

Component Analysis

This material contains one or more of the following chemicals required to be identified under SARA Section 302 (40 CFR 355 Appendix A), SARA Section 313 (40 CFR 372.65) and/or CERCLA (40 CFR 302.4).

**Aluminum oxide (1344-28-1)**

SARA 313: 1.0 % de minimis concentration (fibrous forms)

State Regulations

Component Analysis - State

The following components appear on one or more of the following state hazardous substances lists:

<table>
<thead>
<tr>
<th>Component</th>
<th>CAS</th>
<th>CA</th>
<th>MA</th>
<th>MN</th>
<th>NJ</th>
<th>PA</th>
<th>RI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Silica, amorphous</td>
<td>7631-86-9</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Aluminum oxide</td>
<td>1344-28-1</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Iron oxide (Fe2O3)</td>
<td>1309-37-1</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Calcium oxide</td>
<td>1305-78-8</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

The following statement(s) are provided under the California Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65):

WARNING! This product contains chemicals known to the state of California to cause cancer, birth defects, or other reproductive harm.

Component Analysis - WHMIS IDL

The following components are identified under the Canadian Hazardous Products Act Ingredient Disclosure List:

<table>
<thead>
<tr>
<th>Component</th>
<th>CAS #</th>
<th>Minimum Concentration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Silica, amorphous</td>
<td>7631-86-9</td>
<td>1 %</td>
</tr>
<tr>
<td>Aluminum oxide</td>
<td>1344-28-1</td>
<td>1 %</td>
</tr>
<tr>
<td>Iron oxide (Fe2O3)</td>
<td>1309-37-1</td>
<td>1 %</td>
</tr>
<tr>
<td>Calcium oxide</td>
<td>1305-78-8</td>
<td>1 %</td>
</tr>
</tbody>
</table>

Status under Workplace Hazardous Materials Information System (WHMIS), Canada

This product is considered to be a hazardous material under the Hazardous Products Act as defined by the Controlled Products Regulations and is therefore subject to the labeling and MSDS requirements of the Workplace Hazardous Materials Information System (WHMIS).
Material Name: Flyash

Additional Regulatory Information

Component Analysis - Inventory

<table>
<thead>
<tr>
<th>Component</th>
<th>CAS #</th>
<th>TSCA</th>
<th>CAN</th>
<th>EEC</th>
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<tbody>
<tr>
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<td>7631-86-9</td>
<td>Yes</td>
<td>DSL</td>
<td>EINECS</td>
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<td>Aluminum oxide</td>
<td>1344-28-1</td>
<td>Yes</td>
<td>DSL</td>
<td>EINECS</td>
</tr>
<tr>
<td>Iron oxide (Fe2O3)</td>
<td>1309-37-1</td>
<td>Yes</td>
<td>DSL</td>
<td>EINECS</td>
</tr>
<tr>
<td>Calcium oxide</td>
<td>1305-78-8</td>
<td>Yes</td>
<td>DSL</td>
<td>EINECS</td>
</tr>
<tr>
<td>Ashes, residues</td>
<td>68131-74-8</td>
<td>Yes</td>
<td>DSL</td>
<td>EINECS</td>
</tr>
</tbody>
</table>

*** Section 16 - Other Information ***

Hazardous Material Information System (HMIS):

Health 1
Flammability 0
Physical Hazard 0
Personal Protection B

NFPA/HMIS Definitions: 0-Least, 1-Slight, 2-Moderate, 3-High, 4-Extreme
Protective Equipment: Safety glasses, gloves
NFPA Ratings: Health: 1 Flammability: 0 Reactivity: 1

Key/Legend

EPA = Environmental Protection Agency; TSCA = Toxic Substance Control Act; ACGIH = American Conference of Governmental Industrial Hygienists; IARC = International Agency for Research on Cancer; NIOSH = National Institute for Occupational Safety and Health; NTP = National Toxicology Program; OSHA = Occupational Safety and Health Administration., NJTSR = New Jersey Trade Secret Registry.

Literature References
None

Other Information

SELLER MAKES NO WARRANTY, EXPRESS OR IMPLIED, CONCERNING THE PRODUCT OR THE MERCHANTABILITY OR FITNESS THEREOF FOR ANY PURPOSE OR CONCERNING THE ACCURACY OF ANY INFORMATION PROVIDED BY CALPORTLAND, except that the product shall conform to contracted specifications. The information provided herein was believed by CalPortland Company to be accurate at the time of preparation or prepared from sources believed to be reliable, but it is the responsibility of the user to investigate and understand other pertinent sources of information to comply with all laws and procedures applicable to the safe handling and use of the product and to determine the suitability of the product for its intended use. Buyer's exclusive remedy shall be for damages and no claim of any kind, whether as to product delivered or for nondelivery of product, and whether based on contract, breach of warranty, negligence, or otherwise shall be greater in amount than the purchase price of the quantity of product in respect of which damages are claimed. In no event shall Seller be liable for incidental or consequential damages, whether Buyer's claim is based on contract, breach of warranty, negligence or otherwise.