

62719-31

4/22/2010

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460



OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

John Jachetta  
Regulatory Leader  
Regulatory Affairs  
Dow AgroSciences LLC  
9330 Zionsville Road  
Indianapolis, IN 46268-1054

APR 22 2010

Subject: Label Amendment: Removing Apron Requirement for Applicators  
Product Name: Tordon 101R  
EPA Registration Number: 62719-31  
Submission Date: April 8, 2010  
Decision Number: 431982

The label amendment referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended is acceptable provided that you address the following product labeling requirements:

- 1) Change the "General Information" header on page 9 to "Product Information".
- 2) Under the Warranty Disclaimer, Inherent Risk of Use, and Limitation of Remedies headers on pages 11 and 12, change "To the extent permitted by law" to "To the extent consistent with applicable law" as required by the May 27, 2008 Notice of Reregistration.

One copy of the label stamped "Accepted with Comments" is enclosed for your records. Submit one copy of the final printed label before the product is released for shipment. If you have any questions, please contact Michael Walsh by phone at (703) 308-2972 or via email at walsh.michael@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathryn V. Montague".

Kathryn V. Montague  
Product Manager (23)  
Herbicide Branch  
Registration Division (7505P)

Enclosure

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(Base label):

# Tordon<sup>®</sup> 101R Specialty Herbicide

**For controlling unwanted trees via cut surface treatments in forests and non-cropland areas such as fencerows, roadsides, and rights-of-way**

**Not for sale, distribution or use in Nassau and Suffolk Counties in New York State**

**Active Ingredient(s):**

picloram: 4-amino-3,5,6-trichloropicolinic acid, triisopropanolamine salt .....	5.4%
2,4-dichlorophenoxyacetic acid, triisopropanolamine salt .....	20.9%
Other Ingredients .....	<u>73.7%</u>
Total .....	100.0%

**Acid equivalents:**

picloram -	3.0%
2,4-dichlorophenoxyacetic acid -	11.2%

**ACCEPTED**  
with **COMMENTS**  
In EPA Letter Dated:  
**APR 22 2010**  
Under the Federal Insecticide,  
Fungicide, and Rodenticide Act  
as amended, for the pesticide  
registered under EPA Reg. No.

62719-31

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## Precautionary Statements

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### Hazards to Humans and Domestic Animals

**Keep Out of Reach of Children**

## CAUTION

**Causes moderate eye irritation • Harmful if Swallowed or Absorbed Through Skin**

**Avoid contact with skin, eyes or clothing.**

### Personal Protective Equipment (PPE)

Some materials that are chemical-resistant to this product are made of any waterproof material. If you want more options, follow the instructions for category A on an EPA chemical resistance category selections chart.

**All loaders, applicators, and other handlers must wear:**

- Long-sleeved shirt and long pants
- Shoes and socks
- Chemical-resistant gloves

See engineering controls for additional 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.

### Engineering Controls Statements

When handlers use closed systems 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.

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**User Safety Recommendations**

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing/PPE 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.

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

**If on skin or clothing:** Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment.

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

Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact 1-800-992-5994 for emergency medical treatment information.

**Note to Physician:** Contains ethylene glycol.

**Environmental Hazards**

This pesticide is toxic to some plants at very low concentrations. This pesticide may be toxic to fish and aquatic invertebrates. Non-target plants may be adversely affected if pesticide is allowed to drift from areas of application. Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas. Do not contaminate water when disposing of equipment washwaters or rinsate.

Picloram is known to leach through soil into ground water under certain conditions as a result of agricultural use. 2,4-D has properties and characteristics associated with chemicals detected in groundwater. Use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in ground water contamination. Application around a cistern or well may result in contamination of drinking water or groundwater.

This chemical can contaminate surface water through spray drift. Under some conditions, picloram may also have a high potential for runoff into surface water (primarily via dissolution in runoff water). These include poorly draining or wet soils with readily visible slopes toward adjacent surface waters, frequently flooded areas, areas over-laying extremely shallow ground water, areas with in-field canals or ditches that drain to surface water, areas not separated from adjacent surface waters with vegetated filter strips, and areas over-laying tile drainage systems that drain to surface water.

**Physical or Chemical Hazards**

**Combustible.** Do not use or store near heat or open flame.

**Agricultural Use Requirements**

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. Refer to label booklet under "Agricultural Use Requirements" in the Directions for Use section for information about this standard.

**Nonrefillable containers 5 gallons or less:**

**Storage and Disposal**

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

**Pesticide Storage:** Keep container tightly closed when not in use.

**Pesticide Disposal:** Pesticide wastes are toxic. 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:** Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

Triple rinse or pressure 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 1/4 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. **Pressure rinse** as follows: Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 psi for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

**Refillable containers larger than 5 gallons:****Storage and Disposal**

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

**Pesticide Storage:** Keep container tightly closed when not in use.

**Pesticide Disposal:** Pesticide wastes are toxic. 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:** Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose. Offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

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% full with water and, if possible, spray all sides while adding water. If practical, agitate vigorously or recirculate water with the pump for two minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times.

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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. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times. **Pressure rinse** as follows: Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 psi for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

**Refer to label booklet for Directions for Use.**

**Notice:** Read the entire label. Use only according to label directions. **Before using this product, read Warranty Disclaimer, Inherent Risks of Use, and Limitation of Remedies at end of label booklet. If terms are unacceptable, return at once unopened.**

In case of emergency endangering health or the environment involving this product, call 1-800-992-5994.

Agricultural Chemical: Do not ship or store with food, feeds, drugs or clothing.

EPA Reg. No. 62719-31

EPA Est. \_\_\_\_\_

®Trademark of Dow AgroSciences LLC

**Produced for  
Dow AgroSciences LLC  
9330 Zionsville Road  
Indianapolis, IN 46268**

**Net Contents** \_\_\_\_\_

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(cover):

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Total .....	100.0%

Acid equivalents:

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2,4-dichlorophenoxyacetic acid -	11.2%

**Keep Out of Reach of Children**

## CAUTION

**Agricultural Use Requirements**  
Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. Refer to label booklet under "Agricultural Use Requirements" in the Directions for Use section for information about this standard.

**Refer to inside of label booklet for Directions for Use.**

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(Page 1 through end):

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**Precautionary Statements**

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**Hazards to Humans and Domestic Animals****CAUTION****Causes moderate eye irritation • Harmful if Swallowed or Absorbed Through Skin****Avoid contact with skin, eyes or clothing.****Personal Protective Equipment (PPE)**

Some materials that are chemical-resistant to this product are made of any waterproof material. If you want more options, follow the instructions for category A on an EPA chemical resistance category selections chart.

**All loaders, applicators, and other handlers must wear:**

- Long-sleeved shirt and long pants
- Shoes and socks
- Chemical-resistant gloves

See engineering controls for additional 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.

**Engineering Controls Statements**

When handlers use closed systems 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.

**User Safety Recommendations**

Users should:

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Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact 1-800-992-5994 for emergency medical treatment information.

**Note to Physician:** Contains ethylene glycol.

### Environmental Hazards

This pesticide is toxic to some plants at very low concentrations. This pesticide may be toxic to fish and aquatic invertebrates. Non-target plants may be adversely affected if pesticide is allowed to drift from areas of application. Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas. Do not contaminate water when disposing of equipment washwaters or rinsate.

Picloram is known to leach through soil into ground water under certain conditions as a result of agricultural use. 2,4-D has properties and characteristics associated with chemicals detected in groundwater. Use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in ground water contamination. Application around a cistern or well may result in contamination of drinking water or groundwater.

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### Physical or Chemical Hazards

**Combustible.** Do not use or store near heat or open flame.

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### Directions for Use

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It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Read all Directions for Use carefully before applying.

**Use undiluted only as indicated below.**

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 48 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is:

- Coveralls
- Chemical-resistant gloves made of any waterproof material
- Shoes plus socks
- Protective eyewear



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**Non-Agricultural Use Requirements**

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

**Entry Restrictions for Non-WPS Uses:** Do not enter or allow people (or pets) to enter the treated areas until sprays have dried.

**Storage and Disposal**

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

**Pesticide Storage:** Keep container tightly closed when not in use.

**Pesticide Disposal:** Pesticide wastes are toxic. 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.

**Nonrefillable containers 5 gallons or less:**

**Container Handling:** Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

Triple rinse or pressure 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 1/4 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. **Pressure rinse** as follows: Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 psi for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

**Refillable containers larger than 5 gallons:**

**Container Handling:** Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose. Offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

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% full with water and, if possible, spray all sides while adding water. If practical, agitate vigorously or recirculate water with the pump for two minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times.

**Nonrefillable containers larger than 5 gallons:**

**Container Handling:** Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

Triple rinse or pressure 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. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times. **Pressure rinse** as follows: Empty the remaining contents into application

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equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 psi for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

### **General Information**

Tordon® 101R herbicide is a **ready-to-use product** that is effective in cut surface applications for killing unwanted trees and preventing undesirable sprouting of cut trees in forest and other non-crop areas such as fence rows, roadsides and rights-of-way.

### **Use Precautions**

#### **Not for sale, distribution or use in Nassau and Suffolk Counties in New York State**

Use this product only as specified on this label.

Be sure that use of this product conforms to all applicable regulations.

Tordon 101R is highly active as a herbicide, is water-soluble, can move with surface runoff water, and can remain phytotoxic for a year or more if it gets into the soil.

**Tordon 101R should not be applied on residential or commercial lawns or near ornamental trees and shrubs.** Untreated trees can occasionally be affected by root uptake of herbicide through movement into the topsoil or by excretion of the product from the roots of nearby treated trees. Do not apply Tordon 101R within the root zone of desirable trees unless such injury can be tolerated.

Do not contaminate cropland, water, or irrigation ditches.

**Do not contaminate water intended for irrigation or domestic purposes.** To avoid injury to crops or other desirable plants, do not treat or allow spray drift or run-off to fall onto banks or bottoms of irrigation ditches, either dry or containing water, or other channels that carry water that may be used for irrigation or domestic purposes. Do not apply to snow or frozen ground.

Do not rotate food or feed crops on treated land if they are not registered for use with picloram until an adequately sensitive bioassay or chemical test shows that no detectable picloram is present in the soil.

Do not apply on or in the vicinity of sensitive crops of desirable broadleaf plants. Small amounts can cause injury to plants.

Do not allow careless application or spray drift. Do not permit any spray or spray drift to contact desirable plants. Use only gravity flow or very low spray pressure.

Do not remove product from original container except to apply as indicated under Use Directions.

#### **Forestry Restrictions**

No more than 4 gallons per acre may be applied on forest sites.

**Basal spray, Cut Surface - Stumps, and Frill:** Do not apply more than one application per year.

**Injection:** Do not apply more than one injection application per year.

#### **Non-Cropland Restrictions**

##### Annual and perennial weeds:

Do not apply more than 2 applications per year.

The maximum application rate is 2 gallons (2.0 lbs ae 2,4-D) per acre per application

The minimum retreatment interval is 30 days

**Woody plants:**

Do not apply more than one application per year

The maximum application rate is 4 gallons (4.0 lbs ae 2,4-D) per acre per year.

**Spray Drift Management**

A variety of factors including weather conditions (e.g., wind direction, wind speed, temperature, relative humidity) and method of application (e.g., ground) can influence pesticide drift. The applicator must evaluate all factors and make appropriate adjustments when applying this product.

**Droplet Size**

When applying sprays that contain 2,4-D as the sole active ingredient, or when applying sprays that contain 2,4-D mixed with active ingredients that require a Coarse or coarser spray, apply only as a Coarse or coarser spray (ASAE standard 572) or a volume mean diameter of 385 microns or greater for spinning atomizer nozzles.

When applying sprays that contain 2,4-D mixed with other active ingredients that require a Medium or more fine spray, apply only as a Medium or coarser spray (ASAE standard 572) or a volume mean diameter of 300 microns or greater for spinning atomizer nozzles.

**Wind Speed**

Do not apply at wind speeds greater than 15 mph. Only apply this product if the wind direction favors on-target deposition and there are not sensitive areas (including, but not limited to, residential areas, bodies of water, known habitat for nontarget species, nontarget crops) within 250 feet downwind. If applying a Medium spray, leave one swatch unsprayed at the downwind edge of the treated field.

**Temperature Inversions**

If applying at wind speeds less than 3 mph, the applicator must determine if: a) conditions of temperature inversion exist, or b) stable atmospheric conditions exist at or below nozzle height. Do not make applications into areas of temperature inversions or stable atmospheric conditions.

**Susceptible Plants**

Do not apply under circumstances where spray drift may occur to food, forage, or other plantings that might be damaged or crops thereof rendered unfit for sale, use or consumption. Susceptible crops include, but are not limited to, cotton, okra, flowers, fruit trees, grapes (in growing stage), fruit trees (foliage), soybeans (vegetative stage), ornamentals, sunflowers, tomatoes, beans, and other vegetables, or tobacco. Small amounts of spray drift that may not be visible may injure susceptible broadleaf plants.

**Other State and Local Requirements**

Applicators must follow all state and local pesticide drift requirements regarding application of 2,4-D herbicides. Where states have more stringent regulations, they must be observed.

**Equipment**

All ground application equipment must be properly maintained and calibrated using appropriate carriers or surrogates.

**Woody Plants Controlled by Tordon 101R**

ailanthus	elm	maples
alder	firs	oaks
aspen	green ash	pecan
birch	gum	persimmon
cedar	hawthorn	serviceberry
cherry	hickory	sourwood
dogwood	hornbeam	sweetbay

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## **Application Methods**

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### **Tree Injection Treatment**

Use 1 milliliter of undiluted Tordon 101R solution through the bark completely around the tree trunk at intervals of 2 to 3 inches between edges of the injector wounds. Make injections near ground level when using the tree injector or 2 to 4 feet above the ground when using a Hypohatchet Injector or similar device. Treatments can be made in any season. Maples should not be treated during the spring sap flow. With some difficult to control species such as dogwood, hickory, sugar maple, bigleaf maple, tanoak, and some firs, application to a continuous cut rather than to spaced cuts may be more uniformly effective. **Note: No Worker Protection Standard worker entry restrictions or worker notification requirements apply when this product is directly injected into agricultural plants.**

### **Frill or Girdle Treatment**

Make a single hack girdle or "frill" of overlapping ax cuts through the bark completely around the tree as close to the ground as feasible. Spray or paint the injured surface with undiluted Tordon 101R, using enough volume to wet treated areas.

### **Stump Treatment**

Spray or paint the cut surfaces of freshly cut stumps and stubs with undiluted Tordon 101R. The cambium area next to the bark is the most vital area to wet.

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## **Terms and Conditions of Use**

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If terms of the following Warranty Disclaimer, Inherent Risks of Use and Limitation of Remedies are not acceptable, return unopened package at once to the seller for a full refund of purchase price paid. To the extent permitted by law, otherwise, use by the buyer or any other user constitutes acceptance of the terms under Warranty Disclaimer, Inherent Risks of Use and Limitation of Remedies.

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### **Warranty Disclaimer**

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Dow AgroSciences warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the label when used in strict accordance with the directions, subject to the inherent risks set forth below. To the extent permitted by law, Dow AgroSciences MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

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### **Inherent Risks of Use**

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It is impossible to eliminate all risks associated with use of this product. Crop injury, lack of performance, or other unintended consequences may result because of such factors as use of the product contrary to label instructions (including conditions noted on the label, such as unfavorable temperatures, soil conditions, etc.), abnormal conditions (such as excessive rainfall, drought, tornadoes, hurricanes), presence of other materials, the manner of application, or other factors, all of which are beyond the control of Dow AgroSciences or the seller. To the extent permitted by law, all such risks shall be assumed by buyer.

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### **Limitation of Remedies**

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To the extent permitted by law, the exclusive remedy for losses or damages resulting from this product (including claims based on contract, negligence, strict liability, or other legal theories), shall be limited to, at Dow AgroSciences' election, one of the following:

1. Refund of purchase price paid by buyer or user for product bought, or
2. Replacement of amount of product used.

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To the extent permitted by law, Dow AgroSciences shall not be liable for losses or damages resulting from handling or use of this product unless Dow AgroSciences is promptly notified of such loss or damage in writing. To the extent permitted by law, in no case shall Dow AgroSciences be liable for consequential or incidental damages or losses.

The terms of the Warranty Disclaimer, Inherent Risks of Use and this Limitation of Remedies cannot be varied by any written or verbal statements or agreements. No employee or sales agent of Dow AgroSciences or the seller is authorized to vary or exceed the terms of the Warranty Disclaimer or this Limitation of Remedies in any manner.

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