

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

John J. Jachetta, Ph.D. Dow AgroSciences LLC 9330 Zionsville Rd. Indianapolis, IN 46268

SEP 3 0 2008

Subject:

Label Amendment

Pathfinder II

EPA Reg. No. 62719-176

Application Dated May 2, 2008

Dear Dr. Jachetta:

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, is acceptable, provided you make the following changes before you release the product for shipment.

- 1. Add the phrase "To the extent consistent with applicable law..." directly in front of the sentences "Dow AgroSciences MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY...", "The exclusive remedy for losses or damages...", and "Dow AgroSciences shall not be liable for losses or damages..."
- 2. Add the following statement to the labeling:

"Use of this product in certain portions of California, Oregon, and Washington is subject to the January 22, 2004 Order for injunctive relief in <u>Washington Toxics</u> <u>Coalition</u>, et. al. v. EPA, C01-0132C, (W.D. WA). For further information, please refer to EPA's Web Site: http://www.epa.gov/espp

Submit one (1) copy of final printed labeling incorporating the above changes before you release the product for shipment. Amended labeling will supercede all previously accepted ones. A stamped copy of labeling is enclosed for your records.

Sincerely,

James A. Tompkins Product Manager 25

Herbicide Branch

Registration Division (7505P)

Pathfinder® II

EPA Reg. No. 62719-176

Registration Notes:

Source label text based on EPA-accepted copy dated March 28, 2006 and notification coded "L1A / Pathfinder II / Notif / 09-11-07."

Changes by notification:

- 1. General Use Precautions and Restrictions: (1) Deleted erroneous statement "In Arizona... designated grazing areas."; (2) added "Pathfinder II is... such as grapes and tomatoes."
- 2. Woody Plant Species Controlled: Added chinaberry and Chinese tallow tree.
- 3. Application in Forests, in Rangeland and Permanent Pastures, and in Non-Crop Areas: Added "Individual plant treatments. . .per acre."

[®]Trademark of Dow AgroSciences LLC

(Base label for rigid containers 5 gal or less):

Pathfinder® II

Specialty Herbicide

For the control of woody plants in forests, in rangeland and permanent pastures, and in non-crop areas including industrial manufacturing and storage sites, rights-of-way such as electrical power lines, communication lines, pipelines, road sides and railroads, fence rows, non-irrigation ditch banks and around farm buildings. Use on these sites may include application to grazed areas as well as establishment and maintenance of wildlife openings.



Basal Bark

[make text same size as KORC statement]



Cut Stump

[make text same size as KORC statement]

ACCEPTED
with COMMENTS
in EPA Letter Dated

SEP 3 0 2008

Under the Federal Insections.

Pumplicide, and Rodenticide Acc.

as amended, for the posticide registered under EPA Reg. No.

62719-176

Active Ingredient:

Acid Equivalent: triclopyr - 9.81% - 0.75 lb/gal

Keep Out Of Reach Of Children

CAUTION PRECAUCION

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

Precautionary Statements

Hazard to Humans and Domestic Animals

Harmful If Swallowed • Prolonged Or Frequently Repeated Skin Contact May Cause Allergic Reactions In Some Individuals

Personal Protective Equipment (PPE)

Some materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for category E on an EPA chemical resistance category selections chart.

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Chemical-resistant gloves such as barrier laminate, nitrile rubber, neoprene rubber, cr viton
- Shoes plus socks

4 19

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.

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.

First Aid

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 do so by a poison control center or doctor. Do not give anything by mouth 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.

Environmental Hazards

This pesticide is toxic to fish. 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 cleaning equipment or disposing of equipment washwaters.

This chemical has 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.

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.

Storage and Disposal

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

Pesticide Storage: Store above 28°F or agitate before use.

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

Container Reuse: Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available.

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 drips as a follows:

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. If you wish to obtain additional product information, visit our web site at www.dowagro.com.

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

EPA Reg. No. 62719-176

EPA Est.

Trademark of Dow AgroSciences LLC
Produced for
Dow AgroSciences LLC
9330 Zionsvílle Road
Indianapolis, IN 46268

Net Contents ___



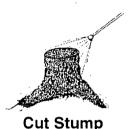
(Base label for refillable rigid containers larger than 5 gal):

Pathfinder® II

Specialty Herbicide

For the control of woody plants in forests, in rangeland and permanent pastures, and in non-crop areas including industrial manufacturing and storage sites, rights-of-way such as electrical power lines, communication lines, pipelines, road sides and railroads, fence rows, non-irrigation ditch banks and around farm buildings. Use on these sites may include application to grazed areas as well as establishment and maintenance of wildlife openings.





[make text same size as KORC statement]

Active Ingredient:

triclopyr: 3,5,6-trichloro-2-pyridinyloxyacetic	
acid, butoxyethyl ester	13.6%
Other Ingredients	
Total	100.0%

Acid Equivalent: triclopyr - 9.81% - 0.75 lb/gal

Keep Out Of Reach Of Children

CAUTION PRECAUCION

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Precautionary Statements

Hazard to Humans and Domestic Animals

Harmful If Swallowed • Prolonged Or Frequently Repeated Skin Contact May Cause Allergic Reactions In Some Individuals

Personal Protective Equipment (PPE)

Some materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for category E on an EPA chemical resistance category selections chart.

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Chemical-resistant gloves such as barrier laminate, nitrile rubber, neoprene rubber, or viton
- · Shoes plus socks

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.

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.

First Aid

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Environmental Hazards

This pesticide is toxic to fish. 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 cleaning equipment or disposing of equipment washwaters.

This chemical has 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.

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.

Storage and Disposal

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

Pesticide Storage: Store above 28°F or agitate before use.

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

Container Reuse: Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose.

Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or a mix tank. Fill the container about 10% 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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Agricultural Chemical: Do not ship or store with food, feeds, drugs or clothing.

EPA Reg. No. 62719-176

EPA Est.

*Trademark of Dow AgroSciences LLC

Produced for

Dow AgroSciences LLC

Indianapolis, IN 46268

(Base label for nonrefillable rigid containers larger than 5 gal):

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Specialty Herbicide

For the control of woody plants in forests, in rangeland and permanent pastures, and in non-crop areas including industrial manufacturing and storage sites, rights-of-way such as electrical power lines, communication lines, pipelines, road sides and railroads, fence rows, non-irrigation ditch banks and around farm buildings. Use on these sites may include application to grazed areas as well as establishment and maintenance of wildlife openings.





Cut Stump [make text same size as KORC statement]

Active Ingredient:

Acid Equivalent: triclopyr - 9.81% - 0.75 lb/gal

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User Safety Recommendations

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Basal Bark [make text same size as KORC statement]



[make text same size as KORC statement]

Active Ingredient:

Acid Equivalent: triclopyr - 9.81% - 0.75 lb/gal

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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 additional precautionary information including Directions for Use.

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Agricultural	Chemical: Do	not chin	or store	with food	faade	drugs o	r clothing
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(Page 1 through end):

Precautionary Statements

Hazard to Humans and Domestic Animals

CAUTION

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Applicators and other handlers must wear:

- · Long-sleeved shirt and long pants
- Chemical-resistant gloves such as barrier laminate, nitrile rubber, neoprene rubber, or viton
- · Shoes plus socks

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.

User Safety Recommendations

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
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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.

Environmental Hazards

This pesticide is toxic to fish. 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 cleaning equipment or disposing of equipment washwaters.

This chemical has 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.

Directions for Use

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.

Ready-to-Use, No Mixing Required.

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 (For Ground Application Only)

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.

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 such as barrier laminate, nitrile rubber, neoprene rubber, or viton
- Shoes plus socks

Non-Agricultural Use Requirements (For Ground Application Only)

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 others to enter the treated area until sprays have dried.

Storage and Disposal

Do not contaminate water, food or feed by storage and disposal. Open dumping is prohibited.

Pesticide Storage: Store above 28°F or agitate before use.

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

Nonrefillable containers 5 gallons or less:

Container Reuse: Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available.

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 5 gallons or larger:

Container Reuse: Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose.



Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or a mix tank. Fill the container about 10% 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 5 gallons or larger:

Container Reuse: Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available.

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 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

Pathfinder[®] If specialty herbicide is a ready-to-use product which is recommended for the control of woody plants through the use of basal bark application techniques in forests, in rangeland and permanent pastures, and in non-crop areas including industrial manufacturing and storage sites, rights-of-way such as electrical power lines, communication lines, pipelines, road sides and railroads, fence rows, non-irrigation ditch banks and around farm buildings. Use on these sites may include application to grazed areas as well as establishment and maintenance of wildlife openings.

General Use Precautions and Restrictions

Apply this product only as specified on this label.

Chemigation: Do not apply this product through any type of irrigation system.

It is permissible to treat non-irrigation ditch banks, seasonally dry wetlands, flood plains, deltas, marshes, swamps, bogs, and transitional areas between upland and lowland sites. Do not apply to open water (such as lakes, reservoirs, rivers, streams, creeks, salt water bays or estuaries) nor to water present in fresh water wetlands, deltas, marshes, swamps, bogs or potholes, or to salt water marshes below the mean high water mark.

Do not apply Pathfinder II directly to, or otherwise permit it to come into direct contact with, grapes, tobacco, cotton, vegetable crops, flowers or other desirable broadleaf plants, and do not permit spray mists containing it to drift onto them.

Pathfinder II is formulated as a low volatile ester. However, the combination of spray contact with impervious surfaces, such as roads and rocks, and increasing ambient air temperatures, may result in an increase in the volatility potential for this herbicide, increasing a risk for off-target injury to sensitive crops such as grapes and tomatoes.

Grazing and Having Restrictions

Except for lactating dairy animals, there are no grazing restrictions following application of this product.

 Grazing Lactating Dairy Animals: Do not allow lactating dairy animals to graze treated areas until the next growing season following application of this product.

- Do not harvest hay for 14 days after application.
- Grazed areas of non-cropland and forestry sites may be spot treated if they comprise no more than 10% of the total grazable area.

Slaughter Restrictions: During the season of application, withdraw livestock from grazing treated grass at least 3 days before slaughter.

Avoiding Injurious Spray Drift

Applications should be made only when there is little or no hazard from spray drift. Very small quantities of spray, which may not be visible, may seriously injure susceptible plants. Do not spray when wind is blowing toward susceptible crops or ornamental plants near enough to be injured.

Spray drift can be reduced by using spray pressures no greater than are required to obtain adequate coverage; by using large droplet producing nozzle tips; and by spraying when wind velocity is low. Do not apply with nozzles that produce a fine droplet spray. Do not apply with an orchard type mist blower.

Do not apply on snow or frozen ground.

Untreated trees occasionally can be affected by movement of the herbicide through root grafting with the treated trees.

Since this herbicide moves within the treated plant, do not use Pathfinder II on parts of a multiple stem. plant if injury to the untreated portions (cut or standing stems) cannot be tolerated.

Do not apply on ditches used to transport irrigation water. Do not apply where runoff or irrigation water may flow onto agricultural land as injury to crops may result.

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

Woody Plant Species Controlled

ailanthus

hackberry olive, Russian hawthorne alder, red osage orange alder, speckled hazel pecan persimmon, common ash, green hedge pine, jack ash, white hercules club aspen1 pine, loblolly hickory, mockernut Australian pine hickory, pignut pine, ponderosa basswood honeylocust pine, red beech, American hornbeam (blue beach) pine, white birch, black plum (Prunus spp.) huisache birch, gray locust, black1 plum, sand lotebush plum, wild birch, paper poison ivy blackberry madrone, Pacific blackgum manzanita, greenleaf poison oak maple, bigleaf¹ poplar, balsam boxelder privet1 bois d'arc maple, mountain briar, green maple, red redcedar, eastern Brazilian pepper maple, silver rose, multiflora cherry, black maple, striped salt cedar1 cherry, choke maple, sugar sassafras1 cherry, pin maple, vine sumac, smooth¹ mesquite1,13 chinaberry sumac, staghorn¹ Chinese tallow tree mountain-laurel sweetgum cottonwood oak, black² sycamore dogwood, flowering oak, blackjack2 tamarack



dogwood, red-osier oak, chestnut tanoak oak, post2 elbow bush walnut elm, American oak, red waxmyrtle elm, winged1 oak, scarlet willow gallberry oak, water vaupon greenbriar1 yellow poplar oak, white guava olive, autumn yucca

Some resprouting may occur.

Application Methods

Maximum Use Rates:

- Apply no more than 2.7 gallons (2 lb ae) per acre per year on rangeland and permanent pastures.
- Apply no more than 8 gallons (6 lb ae) per acre per year on forestry sites.
- Apply no more than 10.7 gallons (8 lb ae) per acre per year on non-crop areas.

Application in Forests, in Rangeland and Permanent Pastures, and in Non-Crop Areas

Individual plant treatments such as basal bark and cut surface applications may be used on any use site listed on this label at a maximum use rate of 10.7 gallons of Pathfinder II (8 lb ae of triclopyr) per acre. These types of applications are made directly to ungrazed parts of plants and, therefore, are not restricted by the grazing maximum rate of 2.7 gallons of Pathfinder II (2 lb ae of triclopyr) per acre.

Low Volume Basal Bark Treatment

To control susceptible woody plants with stems less than 6 inches in basal diameter, apply Pathfinder II with a backpack or knapsack sprayer using low pressure and a solid cone or flat fan nozzle. Spray the basal parts of brush and tree trunks in a manner which thoroughly wets the lower 12 to 15 inches of stems, including the root collar area, but not to the point of runoff. Herbicide concentration should vary with size and susceptibility of species treated. Apply at any time, including the winter months, except when snow or water prevent spraying to the ground line.

Cut Stumps Treatment

To control resprouting, apply undiluted Pathfinder II to wet the area adjacent to the cambium and bark around the entire circumference and the sides of cut stumps. Sides of stumps should be thoroughly wetted down to the root collar area, but not to the point of runoff. Treatments may be applied throughout the year, except when snow or water prevent spraying to the ground line. Control may be reduced with treatment during periods of moisture stress as in late summer.

Streamline Basal Bark Treatment (Southern States)

To control or suppress susceptible woody plants for conifer release or in rangeland and pasture, apply Pathfinder II with a backpack or knapsack sprayer using equipment which provides a directed straight-stream spray. Apply sufficient spray to one side of stems less than 3 inches in basal diameter to form a treated zone that is 6 inches in height. When the optimum amount of spray mixture is applied, the treated zone should widen to encircle the stem within approximately 30 minutes. Treat both sides of stems which are 3 to 4 inches in basal diameter. Direct the spray at bark that is approximately 12 to 24 inches above ground. Pines (loblolly, slash, shortleaf, and Virginia) up to 2 inches in diameter breast height (dbh) can be controlled by directing the spray at the point approximately 4 feet above ground. Best results are achieved when applications are made to young vigorously growing stems that have not developed the thicker bark characteristic of slower growing, understory trees in older stands. This technique is not recommended for scrub and live oak species, including blackjack, turkey, post, live, bluejack and laurel oaks. Apply from approximately 6 weeks prior to hardwood leaf expansion in the spring until approximately 2 months after leaf expansion is completed. Do not apply when snow or water prevent spraying at the desired height above ground level.

²Not recommended for streamline basal treatment.

³Suppression only with streamline basal bark treatment.

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