

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460

OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION

June 21, 2017

Claire Terry Regulatory Manager Dow AgroSciences LLC 9330 Zionsville Road 308/2E Indianapolis, IN 46268-1054

Subject: Label Amendment – Remove grazing restrictions Product Name: Pathfinder II EPA Registration Number: 62719-176 Application Date: January 24, 2017 Decision Number: 525629

Dear Ms. Terry:

The amended label referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, is acceptable. This approval does not affect any conditions that were previously imposed on this registration. You continue to be subject to existing conditions on your registration and any deadlines connected with them.

A stamped copy of your labeling is enclosed for your records. This labeling supersedes all previously accepted labeling. You must submit one copy of the final printed labeling before you release the product for shipment with the new labeling. In accordance with 40 CFR 152.130(c), you may distribute or sell this product under the previously approved labeling for 18 months from the date of this letter. After 18 months, you may only distribute or sell this product if it bears this new revised labeling or subsequently approved labeling. "To distribute or sell" is defined under FIFRA section 2(gg) and its implementing regulation at 40 CFR 152.3.

Should you wish to add/retain a reference to the company's website on your label, then please be aware that the website becomes labeling under FIFRA and is subject to review by the Agency. If the website is false or misleading, the product would be misbranded and unlawful to sell or distribute under FIFRA section 12(a)(1)(E). 40 CFR 156.10(a)(5) list examples of statements EPA may consider false or misleading. In addition, regardless of whether a website is referenced on your product's label, claims made on the website may not substantially differ from those claims approved through the registration process. Therefore, should the Agency find or if it is brought to our attention that a website contains false or misleading statements or claims substantially differing from the EPA approved registration, the website will be referred to the EPA's Office of Enforcement and Compliance.

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Your release for shipment of the product constitutes acceptance of these conditions. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6. If you have any questions, please contact Mindy Ondish by phone at 703-605-0723, or via email at ondish.mindy@epa.gov.

Sincerely,

Reuben Baris, Product Manager 25 Herbicide Branch Registration Division (7505P) Office of Pesticide Programs

Enclosure

ACCEPTED

06/21/2017 Under the Federal Insecticide, Fungicide

and Rodenticide Act as amended, for the

62719-176

pesticide registered under

EPA Reg. No.

(Base label):

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, and commercial and residential landscapes, fence rows, nonirrigation 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]

GROUP	4 HERBICIDE
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Active Ingredient:

triclopyr: 3,5,6-trichloro-2-pyridinyloxyacetic	
acid, butoxyethyl ester	13.6%
Other Ingredients	86.4%
Total	100.0%

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

Keep Out Of Reach Of ChildrenCAUTIONPRECAUCION

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)

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 exists, use detergent and hot water. Keep and wash PPE separately from other laundry.

User Safety Recommendations

Users should:

- Wash hands thoroughly with soap and water after handling and 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 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 for rigid containers 5 gal or less)

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 must be disposed of on site or at an approved waste disposal facility.

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.

(Storage and Disposal for refillable rigid containers larger than 5 gal)

Storage and Disposal

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

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

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Refillable containers 5 gallons or larger:

Container Handling: Refillable container. Refill this container with pesticide only. Do not reuse this container.

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. Then 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.

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Refer to the inside of label booklet for additional precautionary information including 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

[®]Trademark of The Dow Chemical Company ("Dow") or an affiliated company of Dow

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

NET CONTENTS ____

(cover/shipping container):

Pathfinder[®] II

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EPA Est.

(Page 1 through end):

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Personal Protective Equipment (PPE)

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 exists, use detergent and hot water. Keep and wash PPE separately from other laundry.

User Safety Recommendations

Users should:

- Wash hands thoroughly with soap and water after handling and 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.

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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.

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

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

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 must be disposed of on site or at an approved waste disposal facility.

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 5 gallons or larger:

Container Handling: Refillable container. Refill this container with pesticide only. Do not reuse this container.

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. Then 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.

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Product Information

Pathfinder[®] II specialty herbicide is a ready-to-use product which is recommended for the control of woody plants through the use of basal bark, cut stump, streamline basal 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, and commercial and residential landscapes,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.

Use Precautions

Apply this product only as specified on this label.

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.

Use Restrictions

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

Do not apply using aerial applications.

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.

Haying Restrictions

Haying (harvesting of dried forage)

• Do not harvest hay for 14 days after application.

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

Maximum Use Rates:

- Apply no more than 2.7 gallons (2 lb ae of triclopyr) per acre per year on rangeland and permanent pastures except for Individual Plant Treatments like low volume basal or cut stump applications.
- Individual Plant Treatments 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.
- Apply no more than 8 gallons (6 lb ae of triclopyr) per acre per year on forestry sites.
- Apply no more than 10.7 gallons (8 lb ae of triclopyr) per acre per year on non-crop areas.

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.

Weed Resistance Management:

Triclopyr, the active ingredient in this product, is a Group 4 herbicide based on the mode of action classification system of the Weed Science Society of America. Any weed population may contain or develop plants resistant to Group 4 herbicides. Resistant weeds may dominate the weed population if these herbicides are used repeatedly in the same field. Such resistant weed plants may not be effectively managed using Group 4 herbicides but may be effectively managed utilizing other herbicides alone or in mixtures from a different herbicide Groups that are labeled for control of these weeds and/or by using cultural or mechanical practices. However, a herbicide mode of action classification by itself may not adequately address specific weeds that are resistant to specific herbicides. Consult your local company representative, state cooperative extension service, professional consultants or other qualified authorities to determine appropriate actions for treating specific resistant weeds.

Best Management Practices:

Proactively implementing diversified weed control strategies to minimize selection for weed populations resistant to one or more herbicides is recommended. A diversified weed management program may

include the use of multiple herbicides with different modes of action and overlapping weed spectrum with or without tillage operations and/or other cultural practices. Research has demonstrated that using the labeled rate and directions for use is important to delay the selection for resistant weeds. Scouting after a herbicide application is important because it can facilitate the early identification of weed shifts and/or weed resistance and thus provide direction on future weed management practices. One of the best ways to contain resistant weed populations is to implement measures to avoid allowing weeds to reproduce by seed or to proliferate vegetatively. Cleaning equipment between sites and avoiding movement of plant material between sites will greatly aid in reducing the spread of resistant weed seed.

Woody Plant Species Controlled

ailanthus	hackberry	olive, Russian
alder, red	hawthorne	osage orange
alder, speckled	hazel	pecan
ash, green	hedge	persimmon, common
ash, white	hercules club	pine, jack
aspen ¹	hickory, mockernut	pine, loblolly
Australian pine	hickory, pignut	pine, ponderosa
basswood	honeylocust	pine, red
beech, American	hornbeam (blue beach)	pine, white
birch, black	huisache	plum (<i>Prunus</i> spp.)
birch, gray	locust, black ¹	plum, sand
birch, paper	lotebush	plum, wild
blackberry	madrone, Pacific	poison ivy
blackgum	manzanita, greenleaf	poison oak
boxelder	maple, bigleaf ¹	poplar, balsam
bois d'arc	maple, mountain	privet ¹
briar, green	maple, red	redcedar, eastern
Brazilian pepper	maple, silver	rose, multiflora
cherry, black1	maple, striped	salt cedar ¹
cherry, choke	maple, sugar	sassafras ¹
cherry, pin	maple, vine	sumac, smooth ¹
chinaberry	mesquite ^{1,'3}	sumac, staghorn ¹
Chinese tallow tree	mountain-laurel	sweetgum
cottonwood	oak, black ²	sycamore
dogwood, flowering	oak, blackjack ²	tamarack
dogwood, red-osier	oak, chestnut	tanoak
elbow bush	oak, post ²	walnut
elm, American	oak, red	waxmyrtle
elm, winged ¹	oak, scarlet	willow
gallberry	oak, water	yaupon
greenbriar ¹	oak, white	yellow poplar
guava	olive, autumn	yucca
1 Sama reaprovising may	1.000Ur	

¹Some resprouting may occur.

²Not recommended for streamline basal treatment.

³Suppression only with streamline basal bark treatment.

Application Methods

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 straightstream 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.

Weed Control in Commercial and Residential Landscapes

Pathfinder II may be used as an individual plant treatment for the control of small brush, trees and woody plants in mixed commercial and residential landscapes. This treatment is intended for use on smooth-barked stems less than 4 inches in diameter.

For control of small trees and woody plants growing in and around landscaped or turfgrass areas, apply Pathfinder II as a cut stump or low volume basal bark treatment only. Spray to wet but not to runoff. Always keep spray pressure low and directed at close range toward the target plant.

Specific Use Restrictions:

- Do not mix Pathfinder II in water.
- Do not use on or around edible food or food crops.
- Do not apply Pathfinder II to foliage or stems of desirable plants.
- Do not allow spray drift to contact desirable plants.
- Do not spray when wind is blowing toward desirable herbaceous ornamentals, flowers and gardens near enough to be injured.
- Do not apply this product in a way that will contact any person or pet, either directly or through drift. Keep people and pets out of the area during application.

Terms and Conditions of Use

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. Otherwise, use by the buyer or any other user constitutes acceptance of the terms under Warranty Disclaimer, Inherent Risks of Use and Limitations of Remedies.

Warranty Disclaimer

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.

Inherent Risks of Use

It is impossible to eliminate all risks associated with use of this product. Plant 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 temperature, 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. All such risks shall be assumed by buyer.

Limitation of Remedies

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.

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. 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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