



State of West Virginia
 Department of Administration
 Purchasing Division
 2019 Washington Street East
 Post Office Box 50130
 Charleston, WV 25305-0130

Request for Quotation

RFQ NUMBER
6611C023

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF:
**BUYER 33
 304-558-2402**

VENDOR

*709005844 717-666-6661
**ARBORCHEM PRODUCTS CO DIV ASPL
 943 NIXON DRIVE
 MECHANICSBURG PA 17055**

SHIP TO

**DIVISION OF HIGHWAYS
 VARIOUS LOCALES AS INDICATED
 BY ORDER**

DATE PRINTED 02/08/2011	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
BID OPENING DATE: 03/16/2011				

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	EA		675-85		
<p>CONTRACT TO FURNISH: HERBICIDES</p> <p style="text-align: center;">REQUEST FOR QUOTATION (RFQ) OPEN END CONTRACT</p> <p>THE WEST VIRGINIA STATE PURCHASING DIVISION FOR THE AGENCY, THE WEST VIRGINIA DIVISION OF HIGHWAYS, IS SOLICITING BIDS FOR AN OPEN END CONTRACT TO PROVIDE HERBICIDES AND ADJUVANTS FOR ALL TEN DISTRICTS PER THE ATTACHED SPECIFICATIONS.</p> <p>TECHNICAL QUESTIONS CONCERNING THIS SOLICITATION MUST BE SUBMITTED IN WRITING TO SHERI SLONE IN THE WEST VIRGINIA STATE PURCHASING DIVISION VIA MAIL AT THE ADDRESS SHOWN IN THE BODY OF THIS RFQ, VIA FAX AT 304-558-4115, OR VIA EMAIL AT SHERI.D.SLONE@WV.GOV. DEADLINE FOR ALL TECHNICAL QUESTIONS IS 02/25/2011 AT THE CLOSE OF BUSINESS. ANY TECHNICAL QUESTIONS RECEIVED WILL BE ANSWERED BY FORMAL ADDENDUM TO BE ISSUED BY THE PURCHASING DIVISION AFTER THE DEADLINE HAS LAPSED.</p> <p style="text-align: center;">MANDATORY PRE-BID</p> <p>A MANDATORY PRE-BID WILL BE HELD ON FRIDAY 02/18/2011 AT 10 AM IN CHARLESTON, WV, 2019 WASHINGTON ST E. ALL INTERESTED PARTIES ARE REQUIRED TO ATTEND THIS MEETING. FAILURE TO ATTEND THE MANDATORY PRE-BID SHALL RESULT I</p>						

RECEIVED
 2011 MAR 15 A 10:05
 PURCHASING DIVISION
 STATE OF WV

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>[Signature]</i>	TELEPHONE 717-766-6661	DATE 3-11-11
TITLE VP	FEIN 2312-77560	ADDRESS CHANGES TO BE NOTED ABOVE

WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16.

GENERAL TERMS & CONDITIONS
REQUEST FOR QUOTATION (RFQ) AND REQUEST FOR PROPOSAL (RFP)

1. Awards will be made in the best interest of the State of West Virginia.
 2. The State may accept or reject in part, or in whole, any bid.
 3. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125 fee.
 4. All services performed or goods delivered under State Purchase Order/Contracts are to be continued for the term of the Purchase Order/Contracts, contingent upon funds being appropriated by the Legislature or otherwise being made available. In the event funds are not appropriated or otherwise available for these services or goods this Purchase Order/Contract becomes void and of no effect after June 30.
 5. Payment may only be made after the delivery and acceptance of goods or services.
 6. Interest may be paid for late payment in accordance with the *West Virginia Code*.
 7. Vendor preference will be granted upon written request in accordance with the *West Virginia Code*.
 8. The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes.
 9. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
 10. The laws of the State of West Virginia and the *Legislative Rules* of the Purchasing Division shall govern the purchasing process.
 11. Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
 12. **BANKRUPTCY:** In the event the vendor/contractor files for bankruptcy protection, the State may deem this contract null and void, and terminate such contract without further order.
 13. **HIPAA BUSINESS ASSOCIATE ADDENDUM:** The West Virginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, is available online at www.state.wv.us/admin/purchase/vrc/hipaa.htm and is hereby made part of the agreement. Provided that the Agency meets the definition of a Cover Entity (45 CFR §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) to the vendor.
 14. **CONFIDENTIALITY:** The vendor agrees that he or she will not disclose to anyone, directly or indirectly, any such personally identifiable information or other confidential information gained from the agency, unless the individual who is the subject of the information consents to the disclosure in writing or the disclosure is made pursuant to the agency's policies, procedures, and rules. Vendor further agrees to comply with the Confidentiality Policies and Information Security Accountability Requirements, set forth in <http://www.state.wv.us/admin/purchase/privacy/noticeConfidentiality.pdf>.
 15. **LICENSING:** Vendors must be licensed and in good standing in accordance with any and all state and local laws and requirements by any state or local agency of West Virginia, including, but not limited to, the West Virginia Secretary of State's Office, the West Virginia Tax Department, and the West Virginia Insurance Commission. The vendor must provide all necessary releases to obtain information to enable the director or spending unit to verify that the vendor is licensed and in good standing with the above entities.
 16. **ANTITRUST:** In submitting a bid to any agency for the State of West Virginia, the bidder offers and agrees that if the bid is accepted the bidder will convey, sell, assign or transfer to the State of West Virginia all rights, title and interest in and to all causes of action it may now or hereafter acquire under the antitrust laws of the United States and the State of West Virginia for price fixing and/or unreasonable restraints of trade relating to the particular commodities or services purchased or acquired by the State of West Virginia. Such assignment shall be made and become effective at the time the purchasing agency tenders the initial payment to the bidder.
- I certify that this bid is made without prior understanding, agreement, or connection with any corporation, firm, limited liability company, partnership, or person or entity submitting a bid for the same material, supplies, equipment or services and is in all respects fair and without collusion or Fraud. I further certify that I am authorized to sign the certification on behalf of the bidder or this bid.
-

INSTRUCTIONS TO BIDDERS

1. Use the quotation forms provided by the Purchasing Division. Complete all sections of the quotation form.
2. Items offered must be in compliance with the specifications. Any deviation from the specifications must be clearly indicated by the bidder. Alternates offered by the bidder as **EQUAL** to the specifications must be clearly defined. A bidder offering an alternate should attach complete specifications and literature to the bid. The Purchasing Division may waive minor deviations to specifications.
3. Unit prices shall prevail in case of discrepancy. All quotations are considered F.O.B. destination unless alternate shipping terms are clearly identified in the quotation.
4. All quotations must be delivered by the bidder to the office listed below prior to the date and time of the bid opening. Failure of the bidder to deliver the quotations on time will result in bid disqualifications: Department of Administration, Purchasing Division, 2019 Washington Street East, P.O. Box 50130, Charleston, WV 25305-0130
5. Communication during the solicitation, bid, evaluation or award periods, except through the Purchasing Division, is strictly prohibited (W.Va. C.S.R. §148-1-6.6).



State of West Virginia
 Department of Administration
 Purchasing Division
 2019 Washington Street East
 Post Office Box 50130
 Charleston, WV 25305-0130

Request for Quotation

| |
|------------|
| RFQ NUMBER |
| 6611C023 |

| |
|------|
| PAGE |
| 2 |

| |
|--|
| ADDRESS CORRESPONDENCE TO ATTENTION OF |
| BUYER 33
304-558-2402 |

MANDATOR

*709005844 717-666-6661
 ARBORCHEM PRODUCTS CO DIV ASPL
 943 NIXON DRIVE
 MECHANICSBURG PA 17055

SHIP TO

DIVISION OF HIGHWAYS
 VARIOUS LOCALES AS INDICATED
 BY ORDER

| DATE PRINTED | TERMS OF SALE | SHIP VIA | F.O.B | FREIGHT TERMS |
|--------------|---------------|----------|-------|---------------|
| 02/08/2011 | | | | |

BJD OPENING DATE: 03/16/2011 BID OPENING TIME 01:30PM

| LINE | QUANTITY | UOP | CAT NO | ITEM NUMBER | UNIT PRICE | AMOUNT |
|--|----------|-----|--------|-------------|------------|--------|
| <p>DISQUALIFICATION OF THE BID. NO ONE PERSON MAY REPRESENT MORE THAN ONE BIDDER.</p> <p>AN ATTENDANCE SHEET WILL BE MADE AVAILABLE FOR ALL POTENTIAL BIDDERS TO COMPLETE. THIS WILL SERVE AS THE OFFICIAL DOCUMENT VERIFYING ATTENDANCE AT THE MANDATOR PRE-BID. FAILURE TO PROVIDE YOUR COMPANY AND</p> <p>EXHIBIT 10</p> <p style="text-align: right;">REQUISITION NO.: <i>6611C023</i></p> <p>ADDENDUM ACKNOWLEDGEMENT</p> <p>I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED ADDENDUM(S) AND HAVE MADE THE NECESSARY REVISIONS TO MY PROPOSAL, PLANS AND/OR SPECIFICATION, ETC.</p> <p>ADDENDUM NO.'S:</p> <p>NO. 1 <i>6611C023</i> <i>Joe Lentz</i></p> <p>NO. 2</p> <p>NO. 3</p> <p>NO. 4</p> <p>NO. 5</p> <p>I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF BIDS.</p> <p>VENDOR MUST CLEARLY UNDERSTAND THAT ANY VERBAL REPRESENTATION MADE OR ASSUMED TO BE MADE DURING ANY</p> | | | | | | |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

| | | |
|-------------------------------|---------------------------|-----------------------------------|
| SIGNATURE
<i>Joe Lentz</i> | TELEPHONE
717 766 6661 | DATE
3-11-11 |
| TITLE
<i>VP</i> | FEIN
2312-77650 | ADDRESS CHANGES TO BE NOTED ABOVE |

WHEN RESPONDING TO REQ. INSERT NAME AND ADDRESS IN SPACE ABOVE LABELLED "VENDOR"



State of West Virginia
 Department of Administration
 Purchasing Division
 2019 Washington Street East
 Post Office Box 50130
 Charleston, WV 25305-0130

Request for Quotation

| |
|------------|
| RFQ NUMBER |
| 6611C023 |

| |
|------|
| PAGE |
| 3 |

| |
|--|
| ADDRESS CORRESPONDENCE TO ATTENTION OF |
| BUYER 33
304-558-2402 |

VENDOR

*709005844 717-666-6661
 ARBORCHEM PRODUCTS CO DIV ASPL
 943 NIXON DRIVE

 MECHANICSBURG PA 17055

SHIP TO

DIVISION OF HIGHWAYS
 VARIOUS LOCALES AS INDICATED
 BY ORDER

| | | | | |
|--------------|---------------|----------|--------|---------------|
| DATE PRINTED | TERMS OF SALE | SHIP VIA | F.O.B. | FREIGHT TERMS |
| 02/08/2011 | | | | |

BID OPENING DATE: **03/16/2011** BID OPENING TIME **01:30PM**

| LINE | QUANTITY | UOP | CAT NO. | ITEM NUMBER | UNIT PRICE | AMOUNT |
|---|----------|-----|---------|-------------|------------|--------|
| <p>ORAL DISCUSSION HELD BETWEEN VENDOR'S REPRESENTATIVES AND ANY STATE PERSONNEL IS NOT BINDING. ONLY THE INFORMATION ISSUED IN WRITING AND ADDED TO THE SPECIFICATIONS BY AN OFFICIAL ADDENDUM IS BINDING.</p> <p style="text-align: center;">
 SIGNATURE

 COMPANY
 ..3-11-11.....
 DATE </p> <p>NOTE: THIS ADDENDUM ACKNOWLEDGEMENT SHOULD BE SUBMITTED WITH THE BID.</p> <p>REV. 09/21/2009
EXHIBIT 3</p> <p>LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE UPON AWARD AND EXTENDS FOR A PERIOD OF ONE (1) YEAR OR UNTIL SUCH "REASONABLE TIME" THEREAFTER AS IS NECESSARY TO OBTAIN A NEW CONTRACT OR RENEW THE ORIGINAL CONTRACT. THE "REASONABLE TIME" PERIOD SHALL NOT EXCEED TWELVE (12) MONTHS. DURING THIS "REASONABLE TIME" THE VENDOR MAY TERMINATE THIS CONTRACT FOR ANY REASON UPON GIVING THE DIRECTOR OF PURCHASING 30 DAYS WRITTEN NOTICE.</p> <p>UNLESS SPECIFIC PROVISIONS ARE STIPULATED ELSEWHERE IN THIS CONTRACT DOCUMENT, THE TERMS, CONDITIONS AND PRICING SET HEREIN ARE FIRM FOR THE LIFE OF THE CONTRACT.</p> | | | | | | |

| | | | |
|---|--------------|-----------------------------------|--|
| SEE REVERSE SIDE FOR TERMS AND CONDITIONS | | | |
| SIGNATURE | TELEPHONE | DATE | |
| | 717 766 6661 | 3-11-11 | |
| TITLE | FED# | ADDRESS CHANGES TO BE NOTED ABOVE | |
| | 2312-77530 | | |

WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'



State of West Virginia
 Department of Administration
 Purchasing Division
 2019 Washington Street East
 Post Office Box 50130
 Charleston, WV 25305-0130

Request for Quotation

RFQ NUMBER
6611C023

PAGE
4

ADDRESS CORRESPONDENCE TO ATTENTION OF
BUYER 33
304-558-2402

VENDOR

*709005844 717-666-6661
ARBORCHEM PRODUCTS CO DIV ASPL
943 NIXON DRIVE

MECHANICSBURG PA 17055

SHIP TO



DIVISION OF HIGHWAYS
VARIOUS LOCALES AS INDICATED
BY ORDER

| | | | | |
|-----------------------------------|---------------|----------|--------|---------------|
| DATE PRINTED
02/08/2011 | TERMS OF SALE | SHIP VIA | F.O.B. | FREIGHT TERMS |
|-----------------------------------|---------------|----------|--------|---------------|

BID OPENING DATE: **03/16/2011** BID OPENING TIME **01:30PM**

| LINE | QUANTITY | UOP | CAT NO. | ITEM NUMBER | UNIT PRICE | AMOUNT |
|---|----------|-----|---------|-------------|------------|--------|
| <p>RENEWAL: THIS CONTRACT MAY BE RENEWED UPON THE MUTUAL WRITTEN CONSENT OF THE SPENDING UNIT AND VENDOR, SUBMITTED TO THE DIRECTOR OF PURCHASING THIRTY (30) DAYS PRIOR TO THE EXPIRATION DATE. SUCH RENEWAL SHALL BE IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE ORIGINAL CONTRACT AND SHALL BE LIMITED TO TWO (2) ONE (1) YEAR PERIODS.</p> <p>CANCELLATION: THE DIRECTOR OF PURCHASING RESERVES THE RIGHT TO CANCEL THIS CONTRACT IMMEDIATELY UPON WRITTEN NOTICE TO THE VENDOR IF THE COMMODITIES AND/OR SERVICE SUPPLIED ARE OF AN INFERIOR QUALITY OR DO NOT CONFORM TO THE SPECIFICATIONS OF THE BID AND CONTRACT HEREIN.</p> <p>OPEN MARKET CLAUSE: THE DIRECTOR OF PURCHASING MAY AUTHORIZE A SPENDING UNIT TO PURCHASE ON THE OPEN MARKET, WITHOUT THE FILING OF A REQUISITION OR COST ESTIMATE, ITEMS SPECIFIED ON THIS CONTRACT FOR IMMEDIATE DELIVERY IN EMERGENCIES DUE TO UNFORESEEN CAUSES (INCLUDING BUT NOT LIMITED TO DELAYS IN TRANSPORTATION OR AN UNANTICIPATED INCREASE IN THE VOLUME OF WORK.)</p> <p>QUANTITIES: QUANTITIES LISTED IN THE REQUISITION ARE APPROXIMATIONS ONLY, BASED ON ESTIMATES SUPPLIED BY THE STATE SPENDING UNIT. IT IS UNDERSTOOD AND AGREED THAT THE CONTRACT SHALL COVER THE QUANTITIES ACTUALLY ORDERED FOR DELIVERY DURING THE TERM OF THE CONTRACT, WHETHER MORE OR LESS THAN THE QUANTITIES SHOWN.</p> <p>ORDERING PROCEDURE: SPENDING UNIT(S) SHALL ISSUE A WRITTEN STATE CONTRACT ORDER (FORM NUMBER WV-39) TO THE VENDOR FOR COMMODITIES COVERED BY THIS CONTRACT. THE ORIGINAL COPY OF THE WV-39 SHALL BE MAILED TO THE VENDOR AS AUTHORIZATION FOR SHIPMENT, A SECOND COPY</p> | | | | | | |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS.

| | | |
|---|----------------------------------|-----------------------------------|
| SIGNATURE
 | TELEPHONE
717-766-6661 | DATE
3-11-11 |
| TITLE
 | FEIN
2312 | ADDRESS CHANGES TO BE NOTED ABOVE |

WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABEL 'VENDOR'



State of West Virginia
 Department of Administration
 Purchasing Division
 2019 Washington Street East
 Post Office Box 50130
 Charleston, WV 25305-0130

Request for Quotation

RFQ NUMBER
 6611C023

PAGE
 6

ADDRESS CORRESPONDENCE TO ATTENTION OF
 BUYER 33
 304-558-2402

VENDOR
 *709005844 717-666-6661
 ARBORCHEM PRODUCTS CO DIV ASPL
 943 NIXON DRIVE
 MECHANICSBURG PA 17055

SHIP TO
 DIVISION OF HIGHWAYS
 VARIOUS LOCALES AS INDICATED
 BY ORDER

| DATE PRINTED | TERMS OF SALE | SHIP VIA | F.O.B. | FREIGHT TERMS |
|--------------|---------------|----------|--------|---------------|
| 02/08/2011 | | | | |

BID OPENING DATE: 03/16/2011 BID OPENING TIME 01:30PM

| LINE | QUANTITY | UOP | CAT NO | ITEM NUMBER | UNIT PRICE | AMOUNT |
|--|----------|-----|--------|-------------|------------|--------|
| <p>POLITICAL SUBDIVISIONS OF THE STATE, THE VENDOR MUST CLEARLY INDICATE SUCH REFUSAL IN HIS BID. SUCH REFUSAL SHALL NOT PREJUDICE THE AWARD OF THIS CONTRACT IN ANY MANNER.</p> <p>REV. 3/88</p> <p style="text-align: center;">NOTICE</p> <p>A SIGNED BID MUST BE SUBMITTED TO:</p> <p style="text-align: center;">DEPARTMENT OF ADMINISTRATION
 PURCHASING DIVISION
 BUILDING 15
 2019 WASHINGTON STREET, EAST
 CHARLESTON, WV 25305-0130</p> <p>THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED:</p> <p>SEALED BID</p> <p>BUYER: SHERI SLONE - FILE 33</p> <p>RFQ. NO.: 6611C023</p> <p>BID OPENING DATE: 03/16/2011</p> <p>BID OPENING TIME: 1:30 PM</p> | | | | | | |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE *[Signature]* TELEPHONE 717 766 6661 DATE 3-11-11

TITLE *[Signature]* FEIN 2312-77550 ADDRESS CHANGES TO BE NOTED ABOVE

WHEN RESPONDING TO REQ. INSERT NAME AND ADDRESS IN SPACE ABOVE LABELLED 'VENDOR'



State of West Virginia
 Department of Administration
 Purchasing Division
 2019 Washington Street East
 Post Office Box 50130
 Charleston, WV 25305-0130

Request for Quotation

RFQ NUMBER
6611C023

PAGE
7

ADDRESS CORRESPONDENCE TO ATTENTION OF
BUYER 33
304-558-2402

VENDOR

*709005844 717-666-6661
ARBORCHEM PRODUCTS CO DIV ASPL
943 NIXON DRIVE

MECHANICSBURG PA 17055

SHIP TO

DIVISION OF HIGHWAYS
VARIOUS LOCALES AS INDICATED
BY ORDER

| DATE PRINTED | TERMS OF SALE | SHIP VIA | F.O.B. | FREIGHT TERMS |
|--------------|---------------|----------|--------|---------------|
| 02/08/2011 | | | | |

BID OPENING DATE: **03/16/2011** BID OPENING TIME **01:30PM**

| LINE | QUANTITY | UOP | CAT. NO. | ITEM NUMBER | UNIT PRICE | AMOUNT |
|---|----------|-----|----------|-------------|------------|--------|
| PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:
----- 717 795-8234 -----

CONTACT PERSON (PLEASE PRINT CLEARLY):
----- Joe Lentz -----

***** THIS IS THE END OF RFQ 6611C023 ***** TOTAL: _____ | | | | | | |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

| | | |
|-------------------------------|----------------------------------|-----------------------------------|
| SIGNATURE
<i>Joe Lentz</i> | TELEPHONE
717 766-6661 | DATE
3-11-11 |
| TITLE
<i>VP</i> | FEIN
2312-77530 | ADDRESS CHANGES TO BE NOTED ABOVE |

WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'

1. SPECIFICATIONS

The following sections of the West Virginia Department of Transportation, Division of Highways Standard Specification Roads and Bridges, adopted 2010, as modified by the January 1, 2011 Supplemental Specifications shall apply to the administration of this Contract: 101, 102.4, 102.5, 105.1, 105.3, 105.4, 105.10, 105.11, 105.12, 105.13, 106.3, 106.4, 106.5, 106.6, 106.7, 106.9, 107.1, 107.2, 107.3, 107.14, 107.19, 107.20, 108.8, 109.1, 109.2, and 109.20

The terms "Contractor" and "Vendor" used in the above specifications or this contract are interchangeable. Contractor shall mean Vendor and Vendor shall mean Contractor.

West Virginia Department of Transportation, Division of Highways Standard Specifications Roads and Bridges, adopted 2010 and the January 1, 2011 Supplemental Specifications may be obtained from:

West Virginia Division of Highways
Contract Administration
Building 5, Room 722
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305
Phone: 304-558-2885

<http://www.transportation.wv.gov/highways/contractadmin/specifications/2010StandSpec/Pages/default.aspx>

Herbicide furnished under this contract shall conform to the physical and chemical properties set out in the EPA Registration of the product provided by the Vendor.

2. BIDDING INSTRUCTIONS

Vendors may quote on any or all of the products listed herein. Vendors may quote Product Name requested or provide an equal product.

The vendor shall list the trade name and EPA Registration Number, where applicable, on the Bidding Schedule for each product bid. Failure to list this information will result in the disqualification of the vendor's bid on that product.

The successful vendor shall furnish two product labels, for each product awarded, to the WV Division of Highways. The labels shall provide pertinent information regarding product storage and handling or this information shall otherwise be provided with each shipment.

Equivalency, chemical name or equivalent, shall mean equal and not necessarily identical.

Prior to award of low bid the WV Division of Highways may require samples for evaluation to determine equivalency. Product specifications and technical information should be submitted with bid and may also be used to determine equivalency. The vendor shall provide the Label from the item being bid to eliminate any confusion in determining equivalency to Product item requested. The final determination of equivalency will be made by the WV Division of Highways.

3. **CONTRACT AWARD**

It is the intent to award a contract for each product listed herein. Qualified vendors who submit a valid low bid will be awarded a contract for those items for which their bid is low, provided that the vendor has listed the trade name and EPA Registration Number, where applicable, on the Bidding Schedule for each product bid, as indicated in Section 2. Failure to list this information will result in the disqualification of the vendor's bid on that product.

The award for each item will be based on the bid price per unit of measure as requested on the Bidding Schedule. Vendors are cautioned that the quantities on the Bidding Schedule are estimates only.

The State of West Virginia reserves the right to make multiple awards on this contract when it is in the best interest of the State to do so.

4. **ACCEPTANCE PLAN**

With each delivery of herbicide products to the Division, the vendor shall certify that the products so delivered do conform to the properties described in the EPA Registration.

Material failing to comply with the quality requirement will not be accepted.

5. **TESTING PROCEDURES**

Upon award of contract, the successful vendor shall supply the WV Division of Highways, Materials Control, Soil and Testing Division, 312 Michigan Avenue, Charleston, West Virginia 25311, the proper testing procedures to determine the presence and concentration of the Herbicide in flowing water.

6. **BID QUANTITIES**

Vendors are cautioned that the quantities listed on the Bidding Schedule are estimates only.

Actual requests will be placed to the awarded vendor from the WV Division of Highways by an Agency Release at the time of need.

7. DELIVERY

Materials under this contract are to be shipped prepaid F.O.B. delivery to WV Division of Highways District Storerooms as follows:

| | |
|----------------|-------------|
| District One | Charleston |
| District Two | Huntington |
| District Three | Parkersburg |
| District Four | Clarksburg |
| District Five | Burlington |
| District Six | Moundsville |
| District Seven | Weston |
| District Eight | Elkins |
| District Nine | Lewisburg |
| District Ten | Princeton |

Materials should be shipped to the location and in the quantity specified in the Agency Release within 20 days after the Agency Release is issued by the WV Division of Highways.

8. VENDOR'S INVOICES

Vendor's invoices must be submitted in original and four copies and contain the following:

- a. WV Division of Highways Agency Release Number and Contract Number.
- b. Total quantity and unit price with the total cost of each type of item furnished.

Note: Under no circumstance will the WV Division of Highways accept, or pay for, quantities of material in excess of the quantity stated on the Agency Release.

9. RESTRICTED AND NON-RESTRICTED HERBICIDES

Herbicide products which have been declared RESTRICTED in their use by the Environmental Protection Agency (EPA) must be applied under the supervision of a licensed herbicide applicator. The Department reserves the right to disallow the use of RESTRICTED herbicides when non-restricted herbicides are available to achieve the same objective.

10. TRAINING AND TECHNICAL ASSISTANCE

In order to bid on and be awarded items on this contract, the vendor must have a representative, holding a valid Category 7 certification in WV, available to provide training and technical assistance as required or upon request by WV Division of Highways personnel, including but not limited to, an annual WV Division of Highways Vegetation Management Seminar and this person is encouraged to attend the mandatory pre-bid meeting. Each bidder should submit name and telephone number of representative with bid. The company shall have a valid Category 12 certification in West Virginia. Copies of these certifications should be submitted with the bid.

Failure to comply will result in awarding that vendor's Items to the next lowest compliant bidder.

| <u>NAME OF REPRESENTATIVE</u> | <u>PHONE NUMBER</u> | <u>ADDRESS</u> |
|-------------------------------|---------------------|--------------------------|
| <u>Dave Krause</u> | <u>610 308-2007</u> | <u>94 Nixon Dr.</u> |
| | | <u>Mechanicsburg, PA</u> |

11. MANDATORY PRE-BID

There will be a mandatory pre-bid meeting on (requesting Friday, February 18, 2011 – this date coincides with the Vegetation Management Seminar being held on Thursday, February 17, 2011).

Location: Purchasing Division Conference Room
2019 Washington Street, East, Building 15
Charleston, WV 25305

The "Bid Schedule" is available for download on Purchasing's Web site at www.state.wv.us/admin/purchase

Herbicide Bidding Schedule

| Item # | Description | % Concentration/
Pounds per Gallon
of Active Ingredients | Estimated Quantity | | Cost Per Unit of Measure | | Extended Cost | |
|--------|--|--|--|-----------------|--------------------------|----------|---------------|--|
| | | | Quantity | Unit of Measure | Unit of Measure | Cost | | |
| 00H-1H | Water Soluble Emulsifiable Concentrate Containing:
Ammonium Salt of Fosamine with Surfactant

Product Trade Name: Krenite S or equal
EPA Registration Number: <u>352-395</u>
A) Supplied in 2.5 gallon containers in lots of 5 gallons
B) Supplied in 15 gallon returnable/refillable containers | 4 lbs/gallon | 3000 | gallon | 59.49 | 297.45 | | |
| | | | 3000 | gallon | 51.00 | 6895.00 | | |
| | | | Water Soluble Emulsifiable Concentrate Containing:
Isopropylamine Salt of Glyphosate
Phosphate Ester Surfactant

Product Trade Name: Roundup Pro Concentrate or equal Accord XBT 11
EPA Registration Number: <u>62719-556</u>
A) Supplied in 30 gallon plastic returnable drums.
B) Supplied in 2.5 gallon containers in lots of 5 gallons
C) Supplied in 15 gallon returnable/refillable containers
D) Supplied in 150 gallon returnable/refillable shuttle. | | | | | |
| | | | 6000 | gallon | 12.95 | 388.50 | | |
| 00H-2H | Water Soluble Emulsifiable Concentrate Containing:
Isopropylamine Salt of Glyphosate
Phosphate Ester Surfactant

Product Trade Name: Roundup Pro Concentrate or equal Accord XBT 11
EPA Registration Number: <u>62719-556</u>
A) Supplied in 30 gallon plastic returnable drums.
B) Supplied in 2.5 gallon containers in lots of 5 gallons
C) Supplied in 15 gallon returnable/refillable containers
D) Supplied in 150 gallon returnable/refillable shuttle. | 50.20% | 6000 | gallon | 12.95 | 32.38 | | |
| | | | 6000 | gallon | 12.95 | 194.25 | | |
| | | | 6000 | gallon | 12.95 | N/A | | |
| | | | 6000 | gallon | 12.95 | N/A | | |
| 00H-3H | Dispersible Granules Containing:
Sulfometuron Methyl

Product Trade Name: Oust XP or equal
EPA Registration Number: <u>352-601</u>
A) Supplied in 3 pound containers in lots of 24 pounds
B) Supplied in 3 pound jug | 75% | 100 | pound | 57.59 | 1,382.16 | | |
| | | | 100 | pound | 57.59 | 172.77 | | |
| | | | Water Soluble Aqueous Suspension Containing:
Oryzalin

Product Trade Name: Oryzalin 4 Pro or equal
EPA Registration Number: <u>72167-15-79477</u>
A) Supplied in 2.5 gallon containers in lots of 5 gallons | | | | | |
| | | | 250 | gallon | 44.95 | 224.75 | | |

| Item # | Description | % Concentration/
Pounds per Gallon
of Active Ingredients | Estimated | | Cost Per
Unit of
Measure | Extended
Cost |
|--------|--|--|-----------|--------------------|--------------------------------|------------------|
| | | | Quantity | Unit of
Measure | | |
| 00H-5H | Aqueous Solution Containing:
Imazapyr | 2 lbs/gallon | | | | |
| | Product Trade Name: Arsenal Powerline or equal | | | | | |
| | EPA Registration Number: <u>241-431</u> | | 600 | quart | N/A | N/A |
| | A) Supplied in 1 quart containers in lots of 4 quarts | | 150 | gallon | 90.00 | 450.00 |
| | B) Supplied in 2.5 gallon containers in lots of 5 gallons | | 150 | gallon | 90.00 | 1350.00 |
| | C) Supplied in 15 gallon drums | | | | | |
| 00H-6H | Aqueous Carrier Containing:
Pendimethalin | 3.8 lbs/gallon | | | | |
| | Product Trade Name: Pendulum AquaCap or equal | | | | | |
| | EPA Registration Number: <u>241-416</u> | | 600 | gallon | 54.75 | 273.75 |
| | A) Supplied in 2.5 gallon containers in lots of 5 gallons | | | | | |
| 00H-7H | Water Soluble Concentrate Containing:
Tricopyr | 3 lbs/gallon | | | | |
| | Product Trade Name: Carlon 3A or equal <u>Element 3A</u> | | | | | |
| | EPA Registration Number: <u>62719-37</u> | | 500 | gallon | 41.00 | 205.00 |
| | A) Supplied in 2.5 gallon containers in lots of 5 gallons | | 500 | gallon | 41.00 | 1,230.00 |
| | B) Supplied in 30 gallon containers | | | | | |
| | C) Supplied in 15 gallon continuum returnable/refillable containers
in pallets of 9 containers. | | 500 | gallon | 44.00 | 5,940.00 |
| 00H-8H | Water Soluble Concentrate Containing:
Tricopyr | 4 lbs/gallon | | | | |
| | Product Trade Name: Carlon 4 Ultra or equal | | | | | |
| | EPA Registration Number: <u>62719-527</u> | | 250 | gallon | 58.00 | 290.00 |
| | A) Supplied in 2.5 gallon containers in lots of 5 gallons | | 250 | gallon | 58.00 | 1,740.00 |
| | B) Supplied in 30 gallon containers | | | | | |
| | C) Supplied in 15 gallon continuum returnable/refillable containers
in pallets of 9 containers. | | 250 | gallon | 62.00 | 8,370.00 |

Herbicide Bidding Schedule

| Item # | Description | % Concentration/
Pounds per Gallon
of Active Ingredients | Estimated
Quantity | Unit of
Measure | Cost Per
Unit of
Measure | Extended
Cost |
|---------|---|--|-----------------------|--------------------|--------------------------------|------------------|
| | | | | | | |
| 00H-9H | <p>HERBICIDES</p> <p>A Water Soluble Dispersible Granule Containing:
Diuron</p> <p>Product Trade Name: Karmex XP or equal <u>Diuron DE</u></p> <p>EPA Registration Number: <u>66222-51-74477</u></p> <p>A) Supplied in 5 pound bags in lots of 10 bags</p> <p>B) Supplied in 25 pound bags</p> | 80.00% | 2000 | pound | 4.17 | 208.60 |
| | | | 2000 | pound | 4.17 | 104.35 |
| 00H-10H | <p>Water Soluble Liquid Containing:
Dimethylamine Salt of 2, 4-D acid</p> <p>Product Trade Name: DM A4 or equal</p> <p>EPA Registration Number: <u>62719-3</u></p> <p>A) Supplied in 2.5 gallon containers in lots of 5 gallons</p> <p>B) Supplied in 30 gallon containers</p> <p>C) Supplied in 15 gallon returnable/refillable containers
in pallets of 9 containers.</p> | 3.8 lbs/gallon | 100 | gallon | 11.95 | 59.75 |
| | | | 100 | gallon | 11.95 | 358.50 |
| | | | 100 | gallon | 16.20 | 3,187.00 |
| 00H-11H | <p>Water Soluble Liquid Containing:
Ammonium Salt of Imazapic</p> <p>Product Trade Name: Plateau or equal</p> <p>EPA Registration Number: <u>241-365</u></p> <p>A) Supplied in 1 gallon containers in lots of 2 gallons</p> <p>B) Supplied in 2.5 gallon containers in lots of 5 gallons</p> <p>C) Supplied in 1.44 ounce packets in lots of 14 packets</p> <p>D) Supplied in 1 quart containers in lots of 4 quarts</p> <p>E) Supplied in 15 gallon containers</p> | 23.60% | 50 | gallon | 151.25 | 302.50 |
| | | | 50 | gallon | N/A | N/A |
| | | | 4444 | packet | N/A | N/A |
| | | | 200 | quart | N/A | N/A |
| | | | 4 | containers | N/A | N/A |
| 00H-12H | <p>A Dispersible Liquid Containing:
Hexazinone</p> <p>Product Trade Name: Velpar L or equal</p> <p>EPA Registration Number: <u>352-392</u></p> <p>A) Supplied in 2.5 gallon containers in lots of 5 gallons</p> | 2 lbs/gallon | 50 | gallon | 64.45 | 322.25 |

| Item # | Description | % Concentration/
Pounds per Gallon
of Active Ingredients | Estimated | | Cost Per | | Extended
Cost |
|---|--|--|-----------|--------------------|--------------------|-------------|------------------|
| | | | Quantity | Unit of
Measure | Unit of
Measure | Measure | |
| OH-13H | Dry Flowable Containing:
Metsulfuron Methyl | 60% | | | | | |
| | Product Trade Name: Escort XP or equal | | | | | | |
| | EPA Registration Number: <u>352-439</u> | | | | | | |
| | A) Supplied in 16 ounce containers in lots of 8 pounds (8-16 oz ctrs) | | 2400 | ounce | 7.79 | 997.12 | |
| B) Supplied in 16 ounce jugs | | 2400 | ounce | 7.79 | 124.64 | | |
| C) Supplied in 64 ounce jug returnable/refillable | | 2400 | ounce | 7.79 | 498.56 | | |
| OH-14H | Water Soluble Granule Herbicide Containing:
Ammonium Salt of Glyphosate | 71.40% | | | | | |
| | Product Trade Name: Roundup Pro Dry or equal | | | | | | |
| | EPA Registration Number: | | | | | | |
| | A) Supplied in 23.25 pound box | | 25 | box | <u>None</u> | <u>None</u> | |
| OH-15H | Dry Flowable Containing:
Chlorsulfuron | 75% | | | | | |
| | Product Trade Name: Telar XP or equal <u>352-654</u> | | | | | | |
| | EPA Registration Number: <u>352-654</u> | | | | | | |
| | A) Supplied in 8 x 16 ounce container to a case | | 160 | ounce | 17.00 | 272.00 | |
| OH-16H | A Liquid Solution Containing:
Isooctyl ester of 2,4-Dichlorophenoxyacetic Acid
2-ethylhexyl ester of +R-2-(2,4-Dichlorophenoxy Propionic Acid
Dicamba (3, 6-Dichloro-o-anisic Acid) | 32.48%
15.90%
5.38% | | | | | |
| | Product Trade Name: BK-800 or equal | | | | | | |
| | EPA Registration Number: | | | | | | |
| | A) Supplied in 2.5 gallon containers in lots of 5 gallons | | 100 | gallon | | <u>None</u> | |
| B) Supplied in 30 gallon drums | | 100 | gallon | | <u>None</u> | | |

2 Herbicide Bidding Schedule

| Item # | Description | % Concentration/
Pounds per Gallon
of Active Ingredients | Estimated
Quantity | Unit of
Measure | Cost Per
Unit of
Measure | Extended
Cost |
|--------|--|--|-----------------------|--------------------|--------------------------------|------------------|
| | | | | | | |
| OH-17H | Dry Flowable Containing:
Tebuthiuron
Product Trade Name: Spike 80 DF or equal
EPA Registration Number: <u>62719-107</u>
A) Supplied in 4 pound bags in lots of 24 pounds
B) Supplied in 25 pound bags | 80% | 50 | pound | 22.00 | 528.00 |
| | | | 50 | pound | 20.00 | 500.00 |
| OH-18H | A Water Soluble Emulsifiable Concentrate Containing:
Clopyralid
Product Trade Name: Transline or equal
EPA Registration Number: <u>62719-259</u>
A) Supplied in 2.5 gallon containers in lots of 5 gallons
B) Supplied in .5 gallon containers in lots of 2 gallons | 3 lbs/gallon | 25 | gallon | 144.00 | 720.00 |
| | | | 25 | gallon | 150.00 | 300.00 |
| OH-19H | Aqueous Solution Containing:
Isopropylamine Salt of Imazapyr
Product Trade Name: Stalker or equal
EPA Registration Number: <u>241-398</u>
A) Supplied in 1 quart containers in lots of 4 quarts | 27.60% | 200 | quart | 69.00 | 276.00 |
| OH-20H | Aqueous Solution Containing:
Diglycolamine Salt of 3, 6-Dichloro-0-Anisic Acid
Product Trade Name: Vanquish or equal
EPA Registration Number: <u>100-884</u>
A) Supplied in 2.5 gallon containers in lots of 5 gallons
B) Supplied in 15 gallon returnable/refillable containers
in pallets of 9 containers. | 4 lbs/gallon | 300 | gallon | 61.64 | 308.70 |
| | | | 300 | gallon | 64.64 | 8726.40 |
| OH-21H | Aqueous Solution Containing:
Tricopyr
Product Trade Name: Pathfinder II or equal
EPA Registration Number: <u>62719-176</u>
A) Supplied in 2.5 gallon containers in lots of 5 gallons | .75 lbs/gallon | 300 | gallon | 34.95 | 174.75 |

| Item # | HERBICIDES | Description | % Concentration/
Pounds per Gallon
of Active Ingredients | Estimated | | Cost Per | |
|--------|--|----------------|--|-----------|-----------------|-----------------|---------------|
| | | | | Quantity | Unit of Measure | Unit of Measure | Extended Cost |
| OH-22H | A Water Soluble Emulsifiable Concentrate Containing:
Isopropylamine Salt of Glyphosate
Product Trade Name: Rodeo or equal
EPA Registration Number: <u>62719-324</u>
A) Supplied in 2.5 gallon containers in lots of 5 gallons
B) Supplied in 30 gallon plastic returnable drums | 53.80% | 100 | gallon | 15.95 | 79.75 | |
| | | | 100 | gallon | 15.95 | 478.50 | |
| OH-23H | A Liquid Containing:
Aminopyralid
Product Trade Name: Milestone VM or equal
EPA Registration Number: <u>62719-537</u>
A) Supplied in 1 quart containers, 12 containers per lot
B) Supplied in 2.5 gallon containers in lots of 5 gallons | 40.60% | 200 | quarts | 69.50 | 834.00 | |
| | | | 50 | gallon | 264.99 | 1,324.95 | |
| OH-24H | Water Dispersible Granular Material Containing:
Prodiamine
Product Trade Name: Endurance or equal
EPA Registration Number: <u>228-434</u>
A) Supplied in 10 pound containers, 50 pounds per lot | 65% | 100 | pound | 14.75 | 737.50 | |
| OH-25H | Emulsifiable Concentrate Containing
Quizalofop P-Ethyl
Product Trade Name: Assure II or equal
EPA Registration Number: <u>352-541</u>
A) Supplied in 1 gallon containers in lots of 4 gallons | .88 lbs/gallon | 16 | gallon | 152.00 | 608.00 | |
| OH-26H | Emulsifiable Concentrate Containing
Fluazifop-P-butyl
Product Trade Name: Ornamec or equal
EPA Registration Number:
A) Supplied in 1 gallon containers in lots of 4 gallons | 6.75% | 16 | gallon | | | 16.66 |

Herbicide Bidding Schedule

HERBICIDES

| Item # | Description | % Concentration/
Pounds per Gallon
of Active Ingredients | Estimated Quantity | | Cost Per | |
|---------|--|--|--------------------|----------|-----------------|---------------|
| | | | Unit of Measure | Quantity | Unit of Measure | Extended Cost |
| 00H-27H | A Dispersible Granule Containing:
Imazapyr
Diuron

Product Trade Name: Sahara DG or equal
EPA Registration Number: <u>241-372</u>
A) Supplied in 10 pound bags in lots of 40 pounds | 7.78%
62.22% | pound | 50 | 11.75 | 470.00 |
| 00H-28H | A Water Soluble Dry Granule Containing:
Sulfosulfuron

Product Trade Name: Outrider or equal
EPA Registration Number: <u>524-500</u>
A) Supplied in 20 ounce bottles in lots of 200 ounce. | 75% | ounce | 400 | 13.95 | 2,790.00 |
| 00H-29H | A Liquid Containing
Diuron

Product Trade Name: Diuron 4L or equal
EPA Registration Number:
A) Supplied in 2.5 gallon containers in lots of 5 gallons | 40% | gallon | 50 | | No Bid |
| 00H-30H | A Liquid Containing
Fluroxypyr

Product Trade Name: Vista or equal
EPA Registration Number: <u>62719-596</u>
A) Supplied in 2.5 gallon containers in lots of 5 gallons | 26.20% | gallon | 100 | 162.60 | 812.50 |
| 00H-31H | Wettable Granule Formulation Containing:
Sodium Salt of Diflufenzopy: 2-[1-(3,5-Difluorophenylamino) Carbonyl]
Hydrazono} Ethyl)-3-Pyridinecarboxylic Acid, Sodium
Sodium Salt of 3,6-Dichloro-o-anisic Acid

Product Trade Name: Overdrive or equal
EPA Registration Number: <u>7969-150</u>
A) Supplied in 7.5 pound jugs, 30 pounds per case | 21.40%
55.00% | pound | 100 | 34.25 | 256.88 |

| Item # | HERBICIDES
Description | % Concentration/
Pounds per Gallon
of Active Ingredients | Estimated
Quantity | Unit of
Measure | Cost Per
Unit of
Measure | Extended
Cost |
|---------|--|--|-----------------------|-------------------------|---|--|
| | | | | | | |
| 00H-32H | Dispersible Granules Containing
Sulfometuron Methyl
Chlorsulfuron | 56.25%
18.75% | | | | |
| | Product Trade Name: Landmark XP or equal | | | | | |
| | EPA Registration Number: <u>352-645</u> | | | | | |
| | A) Supplied in 4 pound jugs in lots of 32 pounds
B) Supplied in 64 ounce jug, returnable/refillable | | 100
1600 | pound
ounce | <u>105.49</u>
<u>6.59</u> | <u>3,375.68</u>
<u>421.76</u> |
| 00H-33H | Dispersible Granules Containing:
Sulfometuron Methyl
Metsulfuron Methyl | 56.25%
15.00% | | | | |
| | Product Trade Name: Oust Extra or equal | | | | | |
| | EPA Registration Number: <u>352-622</u> | | | | | |
| | A) Supplied in 4 pound jugs in lots of 32 pounds
B) Supplied in 64 ounce jug, returnable/refillable
C) Supplied in 12 pound jugs | | 400
6400
400 | pound
ounce
pound | <u>51.48</u>
<u>3.22</u>
<u>51.48</u> | <u>1647.36</u>
<u>206.08</u>
<u>617.76</u> |
| 00H-34H | A Dry Flowable Granule Containing:
Bromacil
Diuron | 40%
40% | | | | |
| | Product Trade Name: Krovar I DF or equal <u>352-505</u> | | | | | |
| | EPA Registration Number: <u>352-505</u> | | | | | |
| | A) Supplied in 6 pound containers in lots of 8 containers | | 50 | pound | <u>12.09</u> | <u>580.32</u> |
| 00H-35H | A Liquid Containing:
Imazapic
Glyphosate | 8.13%
21.94% | | | | |
| | Product Trade Name: Journey or equal | | | | | |
| | EPA Registration Number: <u>241-417</u> | | | | | |
| | A) Supplied in 2.5 gallon containers in lots of 5 gallons | | 100 | gallon | <u>98.40</u> | <u>492.00</u> |

| HERBICIDES | | Estimated Quantity | Unit of Measure | Cost Per Unit of Measure | Extended Cost |
|------------|---|--------------------|-----------------|--------------------------|---------------|
| Item # | Description | | | | |
| OH-36H | A Liquid Containing:
Dimethylamine Salt of 2,4-Dichlorophenoxyacetic Acid
Dimethylamine Salt of Dicamba (3,6-Dichloro-o-Anisic Acid)
Product Trade Name: Veteran 720 or equal
EPA Registration Number: <u>228-295</u> | 100 | gallon | 25.75 | 129.75 |
| | A) Supplied in 2.5 gallon containers in lots of 5 gallons | | | | |
| | B) Supplied in 30 gallon drums | 100 | gallon | | No Bid |
| OH-37H | Dispersible Granules Containing:
Chlorosulfuron
Sulfometuron Methyl
Sulfentrazone
Product Trade Name: Throttle XP or equal
EPA Registration Number: <u>352-725</u> | 100 | pound | 96.50 | 376.35 |
| | A) Supplied in 3.9 pound containers, 8 containers per case | | | | |

| ADJUVANTS | | Estimated Quantity | Unit of Measure | Cost Per Unit of Measure | Extended Cost |
|-----------|--|--------------------|------------------|--------------------------|---------------|
| Item # | Description | | | | |
| OH-1A | A Water Soluble Blue Liquid Spray Pattern Indicator
Product Trade Name: Bullseye
A) Supplied in 2.5 gallon containers in lots of 5 gallons. | 100 | gallon | | No Bid |
| OH-2A | A Miscible-Dispersible Liquid Defoamer (30% Active Ingredient)
Product Trade Name: <u>Arborchem Liquid Defoamer</u>
A) Supplied in <u>qts</u> containers in lots of <u>12</u> | 100 | quarts
gallon | 7.90 | 94.80 |
| OH-3A | A Diluent with Emulsifiers
Product Trade Name: Hygrade EC or Arborchem Basal Oil or Bark Oil EC or Alenza Basal Oil or Penevator or equal
A) Supplied in <u>2 1/2 gal.</u> containers in lots of <u>5 gal.</u> | 100 | gallon | 10.00 | 50.00 |

| ADJUVANTS | | Description | Estimated Quantity | Unit of Measure | Cost Per Unit of Measure | Extended Cost |
|-----------|--|--|--------------------|----------------------------|------------------------------|--------------------------------|
| Item # | | | | | | |
| DOH-4A | | Non-Ionic Surfactant (90% Active Ingredient)
Product Trade Name: <u>Chem surf 90</u>
A) Supplied in <u>2 1/2</u> containers in lots of <u>5 Gal</u> | 100 | gallon | <u>10.29</u> | <u>57.45</u> |
| DOH-5A | | A Granular/Flake Drift Control Agent
Product Trade Name: <u>41-A</u>
A) Supplied in <u>3202</u> containers in lots of <u>12 cont. (384oz)</u> | 100 | <u>3202 cont</u>
gallon | <u>14.18</u> | <u>5445.12</u> |
| DOH-6A | | A Liquid Drift Control Agent
Product Trade Name: _____
A) Supplied in _____ containers in lots of _____ | 100 | gallon | <u>No Bid</u> | <u>No Bid</u> |
| DOH-7A | | Aquatic Surfactant
Product Trade Name: <u>Chem surf 90</u>
A) Supplied in <u>2 1/2</u> containers in lots of <u>5 Gal</u> | 100 | gallon | <u>10.29</u> | <u>57.45</u> |
| DOH-8A | | A Water Soluble Liquid Spray Pattern Indicator
Product Trade Name: <u>Blueprint Plus or equal Hi-Light</u>
A) Supplied in 2.5 gallon containers in lots of 5 gallons. | 100 | gallon | <u>35.94</u> | <u>179.70</u> |
| DOH-9A | | A Non-Ionic Sticker Spreader
Product Trade Name: <u>Nu-Film-IR or equal</u>
A) Supplied in 2.5 gallon containers in lots of <u>5 gal</u> | 100 | gallon | | <u>No Bid</u> |
| DOH-10A | | A Ready-to-Use Formula Containing Paraffinic Oil Emulsifiers
Product Trade Name: <u>Thinvert RTU or equal</u>
A) Supplied in 2.5 gallon containers in lots of 5 gallons per case.
B) Supplied in 15 gallon drum. | 100
100 | gallon
gallon | <u>13.00</u>
<u>13.00</u> | <u>65.00</u>
<u>195.00</u> |
| DOH-11A | | A Concentrate Formula Containing Paraffinic Oil Emulsifiers and Surfactants
Product Trade Name: <u>Thinvert RTU or equal</u>
A) Supplied in 2.5 gallon containers in lots of 5 gallons per case.
B) Supplied in 15 gallon drum. | 100
100 | gallon
gallon | <u>26.00</u>
<u>26.00</u> | <u>130.00</u>
<u>390.00</u> |

12 Herbicide Bidding Schedule

SAFETY EQUIPMENT

| Item # | Description | Estimated Quantity | Unit of Measure | Cost Per | |
|--------|--|--------------------|-----------------|-----------------|---------------|
| | | | | Unit of Measure | Extended Cost |
| DOH-1S | Emergency Spill Kit Containing:
15 Universal Plus Sorbent Pads
3 Cobra Coils
1 Pair Safety Goggles
1 Pair Latex Gloves
1 Large Refuse Bag
1 List of Environmental Compliance Telephone Numbers
Size: 18"x18"x4" Vacuum
Packed in Puncture Resistant Foil
Product Trade Name: <u>Attack Pac ATK-153</u>
A) Supplied by the kit. | 1 | each | 60.00 | 60.00 |
| DOH-2S | A Granular/Flake Spill Absorbent
Product Trade Name: <u>SPILL Guard</u>
A) Supplied in _____ containers in lots of _____. | 1 | pound | 12.00 | 120.00 |
| DOH-3S | 3 Layer Fabric Coveralls (All Sizes)
Product Trade Name: <u>Kleen Guard</u> or equal
A) Supplied in 12/each per case. | 1 | each | | <u>No Bid</u> |
| DOH-4S | Disposable Coveralls
Product Trade Name: <u>Tyvek</u> or equal
A) Supplied in 25/each per case. | 1 | each | | <u>No Bid</u> |
| DOH-5S | 32 ounce Eye Wash Bottle
Product Trade Name: <u>EYE WASH Bottle</u>
A) Supplied per each. | 1 | each | 19.00 | 19.00 |

| Item # | | Description | | Estimated Quantity | Unit of Measure | Cost Per Unit of Measure | Extended Cost |
|----------------------|--|-------------|-----------|--------------------|-----------------|--------------------------|---------------|
| MISCELLANEOUS | | | | | | | |
| DOH-1M | Pressure Rinser | | | | | | |
| | Product Trade Name: Easy Rinse or equal | | | | | | |
| | A) Supplied per each. | 1 | each | 90.00 | | 90.00 | |
| DOH-2M | Hand Soap with Citrus Oil | | | | | | |
| | Product Trade Name: Zep or equal | | | | | | |
| | A) Supplied in 32 ounce containers in lots of 20 containers per case | 1 | container | 4.55 | | 4.55 | 91.00 |
| DOH-3M | A Biostimulant Containing | | | | | | |
| | Soluble Potash | 1.00% | | | | | |
| | Iron | 0.36% | | | | | |
| | Manure Extract | 79.30% | | | | | |
| | Humic and Fulvic Acid Extract | 9.00% | | | | | |
| | Kelp Extract | 1.20% | | | | | |
| | Organo-Modified Silaxane Surfactant | 0.36% | | | | | |
| | Product Trade Name: Launch or equal | | | | | | |
| | A) Supplied in 2.5 gallon containers in lots of 5 gallons | 2.5 | gallon | | | | No Bid |
| DOH-4M | Rubber Boot/Shoe Covers | | | | | | |
| | Compliance EPA 40 CFR 170 | | | | | | |
| | A) Supplied in M, size 8 - 9 per pair. | 1 | pair | | | | No Bid |
| | B) Supplied in L, size 10 - 11 per pair | 1 | pair | | | | No Bid |
| | C) Supplied in size XL, size 12 - 13 per pair | 1 | pair | | | | No Bid |
| DOH-5M | Safety Goggles - indirect vent | | | | | | |
| | Meets ANS1 287.1-1989 | | | | | | |
| | A) Supplied per each. | 1 | each | | | | No Bid |
| DOH-6M | Face Shield - positive lock headgear | | | | | | |
| | Meets ANS1 287.1-1989 and CAN 1CSA-294 3-92 Specifications | | | | | | |
| | A) Supplied per each. | 1 | each | | | | No Bid |

| MISCELLANEOUS | | | | | |
|---------------|---|--------------------|-----------------|--------------------------|---------------|
| Item # | Description | Estimated Quantity | Unit of Measure | Cost Per Unit of Measure | Extended Cost |
| DOH-8M | A 5-gallon Backpack Sprayer
Product Trade Name: Birchmeier or equal | | | | |
| | A) Supplied per sprayer | 1 | each | 233.80 | 233.88 |
| | B) Gasket Set for Sprayer Pump | 1 | set | 18.90 | 18.90 |
| | C) Hose Valve and Wand Repair Kit | 1 | kit | 20.16 | 20.16 |
| DOH-9M | Nitri-Solve 100% Nitrile Gloves
15 mil 13" Nitrile Gloves
Compliance EPA 40 CFR 170 | | | | |
| | A) Supplied size Small. | 1 | pair | 4.50 | 4.50 |
| | B) Supplied size Medium. | 1 | pair | 4.50 | 4.50 |
| | C) Supplied size Large. | 1 | pair | 4.50 | 4.50 |
| | D) Supplied size X-Large. | 1 | pair | 4.50 | 4.50 |
| | E) Supplied size XX-Large. | 1 | pair | 4.50 | 4.50 |
| DOH-10M | 2-Quart Handheld Pressure Sprayer
Product Trade Name: Tolco or equal | | | | |
| | A) Supplied per sprayer | 1 | each | 17.75 | 17.75 |
| DOH-11M | Closed System Backpack Sprayer
Product Trade Name: Birchmeier BCS or equal | | | | |
| | A) Supplied per sprayer | 1 | each | 287.00 | 287.00 |
| | B) Gasket Set for Sprayer Pump | 1 | set | 18.95 | 18.95 |
| | C) Hose Valve and Wand Repair Kit | 1 | kit | 20.16 | 20.16 |



State of West Virginia
 Department of Administration
 Purchasing Division
 2019 Washington Street East
 Post Office Box 50130
 Charleston, WV 25305-0130

Request for Quotation

| |
|------------|
| RFQ NUMBER |
| 6611C023 |

| |
|------|
| PAGE |
| 1 |

| |
|--|
| ADDRESS CORRESPONDENCE TO ATTENTION OF |
| BUYER 33
304-558-2402 |

| | |
|--------------------------------|--------------|
| *709005844 | 717-666-6661 |
| ARBORCHEM PRODUCTS CO DIV ASPL | |
| 943 NIXON DRIVE | |
| MECHANICSBURG PA 17055 | |

| |
|------------------------------|
| DIVISION OF HIGHWAYS |
| VARIOUS LOCALES AS INDICATED |
| BY ORDER |

| DATE PRINTED | TERMS OF SALE | SHIP VIA | F.O.B. | FREIGHT TERMS |
|--------------|---------------|----------|--------|---------------|
| 02/23/2011 | | | | |

BID OPENING DATE: 03/16/2011 BID OPENING TIME 01:30PM

| LINE | QUANTITY | UOP | CAT NO. | ITEM NUMBER | UNIT PRICE | AMOUNT |
|------|----------|-----|---------|---|------------|--------|
| | | | | ADDENDUM NO. 1 | | |
| | | | | THIS ADDENDUM IS ISSUED TO: | | |
| | | | | 1.) ADD THREE ADDITIONAL HERBICIDES TO THE BIDDING SCHEDULE TO BE USED IN ALL TEN DISTRICTS PER THE ATTACHED. | | |
| | | | | 2.) PROVIDE A COPY OF THE MANDATORY PRE-BID SIGN IN SHEET. | | |
| | | | | *****END ADDUNDUM NO 1***** | | |
| 0001 | 1 | EA | | 675-85 | | |
| | | | | CONTRACT TO FURNISH: HERBICIDES | | |
| | | | | ***** THIS IS THE END OF RFQ 6611C023 ***** TOTAL: | | |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

| | | |
|-------------------------------|---------------------------|-----------------------------------|
| SIGNATURE
<i>Joe Smith</i> | TELEPHONE
717-766-6661 | DATE
3-11-11 |
| TITLE
VP | FEIN
2312-77550 | ADDRESS CHANGES TO BE NOTED ABOVE |

WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'

GENERAL TERMS & CONDITIONS REQUEST FOR QUOTATION (RFQ) AND REQUEST FOR PROPOSAL (RFP)

1. Awards will be made in the best interest of the State of West Virginia.
2. The State may accept or reject in part, or in whole, any bid.
3. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125 fee.
4. All services performed or goods delivered under State Purchase Order/Contracts are to be continued for the term of the Purchase Order/Contracts, contingent upon funds being appropriated by the Legislature or otherwise being made available. In the event funds are not appropriated or otherwise available for these services or goods this Purchase Order/Contract becomes void and of no effect after June 30.
5. Payment may only be made after the delivery and acceptance of goods or services.
6. Interest may be paid for late payment in accordance with the *West Virginia Code*.
7. Vendor preference will be granted upon written request in accordance with the *West Virginia Code*.
8. The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes.
9. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
10. The laws of the State of West Virginia and the *Legislative Rules* of the Purchasing Division shall govern the purchasing process.
11. Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
12. **BANKRUPTCY:** In the event the vendor/contractor files for bankruptcy protection, the State may deem this contract null and void, and terminate such contract without further order.
13. **HIPAA BUSINESS ASSOCIATE ADDENDUM:** The West Virginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, is available online at www.state.wv.us/admin/purchase/vrc/hipaa.htm and is hereby made part of the agreement. Provided that the Agency meets the definition of a Cover Entity (45 CFR §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) to the vendor.
14. **CONFIDENTIALITY:** The vendor agrees that he or she will not disclose to anyone, directly or indirectly, any such personally identifiable information or other confidential information gained from the agency, unless the individual who is the subject of the information consents to the disclosure in writing or the disclosure is made pursuant to the agency's policies, procedures, and rules. Vendor further agrees to comply with the Confidentiality Policies and Information Security Accountability Requirements, set forth in <http://www.state.wv.us/admin/purchase/privacy/noticeConfidentiality.pdf>.
15. **LICENSING:** Vendors must be licensed and in good standing in accordance with any and all state and local laws and requirements by any state or local agency of West Virginia, including, but not limited to, the West Virginia Secretary of State's Office, the West Virginia Tax Department, and the West Virginia Insurance Commission. The vendor must provide all necessary releases to obtain information to enable the director or spending unit to verify that the vendor is licensed and in good standing with the above entities.
16. **ANTITRUST:** In submitting a bid to any agency for the State of West Virginia, the bidder offers and agrees that if the bid is accepted the bidder will convey, sell, assign or transfer to the State of West Virginia all rights, title and interest in and to all causes of action it may now or hereafter acquire under the antitrust laws of the United States and the State of West Virginia for price fixing and/or unreasonable restraints of trade relating to the particular commodities or services purchased or acquired by the State of West Virginia. Such assignment shall be made and become effective at the time the purchasing agency tenders the initial payment to the bidder.

I certify that this bid is made without prior understanding, agreement, or connection with any corporation, firm, limited liability company, partnership, or person or entity submitting a bid for the same material, supplies, equipment or services and is in all respects fair and without collusion or Fraud. I further certify that I am authorized to sign the certification on behalf of the bidder or this bid.

INSTRUCTIONS TO BIDDERS

1. Use the quotation forms provided by the Purchasing Division. Complete all sections of the quotation form.
2. Items offered must be in compliance with the specifications. Any deviation from the specifications must be clearly indicated by the bidder. Alternates offered by the bidder as **EQUAL** to the specifications must be clearly defined. A bidder offering an alternate should attach complete specifications and literature to the bid. The Purchasing Division may waive minor deviations to specifications.
3. Unit prices shall prevail in case of discrepancy. All quotations are considered F.O.B. destination unless alternate shipping terms are clearly identified in the quotation.
4. All quotations must be delivered by the bidder to the office listed below prior to the date and time of the bid opening. Failure of the bidder to deliver the quotations on time will result in bid disqualifications: Department of Administration, Purchasing Division, 2019 Washington Street East, P.O. Box 50130, Charleston, WV 25305-0130
5. Communication during the solicitation, bid, evaluation or award periods, except through the Purchasing Division, is strictly prohibited (W.Va. C.S.R. §148-1-6.6).

| HERBICIDES | | % Concentration/
Pounds per Gallon
of Active Ingredients | Estimated
Quantity | Unit of
Measure | Cost Per
Unit of
Measure | Extended
Cost |
|------------|--|--|-----------------------|--------------------|--------------------------------|------------------|
| Item # | Description | | | | | |
| DOH-38H | Water Soluble Dispersible Extruded Paste Granule Containing:
Aminocyclopyrachlor
Chlorsulfuron
Product Trade Name: Perspective™ or equal <u>352-864</u>
EPA Registration Number: _____ | 39.50%
15.80% | 240 | ounces | 4.38 | 1,051.20 |
| | A) Supplied in 20 ounce containers in lots of 240 ounces | | 40 | ounces | 4.38 | |
| | B) Supplied in 20 ounce jug | | 80 | pounds | 70.08 | 2,803.20 |
| | C) Supplied in 5 pound containers in lots of 40 pounds | | 20 | pounds | 70.08 | 350.40 |
| | D) Supplied in 5 pound jug | | | | | |
| DOH-39H | Water Soluble Dispersible Extruded Paste Granule Containing:
Aminocyclopyrachlor
Metsulfuron methyl
Product Trade Name: Streamline™ or equal <u>352-848</u>
EPA Registration Number: <u>352-848</u> | 39.50%
12.60% | 96 | pounds | 82.40 | 1,977.60 |
| | A) Supplied in 3 pound containers in lots of 24 pounds | | 96 | pounds | 82.40 | 2,477.20 |
| | B) Supplied in 3 pound jug | | | | | |
| DOH-40H | Water Soluble Dispersible Extruded Paste Granule Containing:
Imazapy
Aminocyclopyrachlor
Metsulfuron methyl
Product Trade Name: Viewpoint™ or equal _____
EPA Registration Number: <u>352-847</u> | 31.60%
22.80%
7.30% | 100 | pounds | 58.17 | 2,326.80 |
| | A) Supplied in 5 pound containers in lots of 40 pounds | | 100 | pounds | 58.17 | 2,40.85 |
| | B) Supplied in 5 pound jug | | | | | |

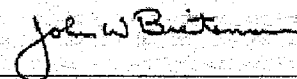
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF AGRICULTURE

Pesticide Dealer License

HARRISBURG, PA 17110-9408

Arborchem Products
943 Nixon Dr
Mechanicsburg PA 17055

PaPlants ID: **0000RM**
Issue Date: **11/17/2010**
Expire Date: **12/31/2011**



SIGNATURE

NOT
TRANSFERABLE

West Virginia Dept. of Agriculture
Pesticide Regulatory Programs
1900 Kanawha Blvd., East
Charleston, WV 25305-0190

APPLY PESTICIDES CORRECTLY

* LICENSES EXPIRE DECEMBER 31ST EACH YEAR
* IF YOU HAVE ANY QUESTIONS, CALL (304) 538-2209

Here is your new applicator/technical card. Keep this stub for your records.
Please remove the punch out license and retain this sheet for your category information.

The category (ies) you are certified or registered in and the year it expires are listed below. * 20 credits are required each 3 year period for applicators and 4 credits every year for registered technicians.

Check your applicator information at www.kellysolutions.com/wv.

YOUR PESTICIDE LICENSE IS ATTACHED BELOW.

← PUNCH OUT LICENSE CARD HERE →

7

FOR USE ONLY IN CATEGORIES ABOVE
WEST VIRGINIA CERTIFICATION

Expires: 12/31/11 C04461

Commercial Applicator
David L. Krause
Asplundh
943 Nixon Drive
Mechanicsburg, PA 17095



NOT TRANSFERABLE

AUTHORIZED REPRESENTATIVE

C04461

David L. Krause

- | | | |
|---------|----------|----------|
| CAT1 = | CAT8E = | CAT13B = |
| CAT2 = | CAT9 = | CAT13C = |
| CAT3 = | CAT10 = | CAT13D = |
| CAT4A = | CAT11 = | CAT13E = |
| CAT4B = | CAT12 = | CAT14 = |
| CAT5 = | CAT13A = | |

04447

Specimen Label



Accord[®] XRT II

Herbicide

®Trademark of Dow AgroSciences LLC

A non-selective broad-spectrum systemic herbicide for control of annual and perennial weeds and woody plants in noncrop areas and industrial sites, such as utility, railroad and roadside rights-of-way, airports, natural and production (plantations) forests for site preparation, mid-rotation release treatments, and timber stand improvement activities, wildlife and habitat management areas, wildlife openings, natural areas, such as wildlands, campgrounds, parks and recreational areas, wildlife refuges, rangeland and in and around seasonally dry wetlands including ditchbanks, dry ditches and dry canals and grazed areas on listed noncrop sites

Avoid contact of herbicide with foliage, green stems, exposed non-woody roots or fruit of crops, desirable plants and trees, because severe injury or destruction may result.

| | |
|--|--------|
| Active Ingredient: | |
| glyphosate: N-(phosphonomethyl)glycine, dimethylamine salt | 50.2% |
| Other Ingredients | 49.8% |
| Total Ingredients | 100.0% |

Contains 5.4 pounds per gallon glyphosate, dimethylamine salt (4 pounds per gallon glyphosate acid).

EPA Reg. No. 62719-556

Keep Out of Reach of Children

CAUTION

Precautionary Statements

Hazards to Humans and Domestic Animals

Causes Moderate Eye Irritation • Prolonged or Frequently Repeated Skin Contact May Cause Allergic Reactions in Some Individuals

Avoid contact with skin, eyes or clothing.

Personal Protective Equipment (PPE)

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

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Chemical-resistant gloves made of any waterproof material such as natural rubber
- Shoes plus socks

Follow manufacturer's instructions for cleaning/maintaining PPE (Personal Protective Equipment). If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

Engineering Controls

When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240 (d) (4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

User Safety Recommendations

Users should wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.

First Aid

If in eyes: Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing. Call a poison control center or doctor for treatment advice.

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

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

Domestic Animals: This product is considered to be relatively nontoxic to dogs and other domestic animals; however, ingestion of this product or large amounts of freshly sprayed vegetation may result in temporary gastrointestinal irritation (vomiting, diarrhea, colic, etc.). If such symptoms are observed, provide the animal with plenty of fluids to prevent dehydration. Call a veterinarian if symptoms persist for more than 24 hours.

Environmental Hazards

Do not apply directly to water, 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.

Physical or Chemical Hazards

Spray solutions of this product should be mixed, stored and applied using only stainless steel, aluminum, fiberglass, plastic or plastic-lined steel containers.

Do not mix, store or apply this product or spray solutions of this product in galvanized steel or unlined steel (except stainless steel) containers or spray tanks. This product, or spray solutions of this product react with such containers and tanks to produce hydrogen gas that may form a highly combustible gas mixture. This gas mixture could flash or explode, causing serious personal injury, if ignited by open flame, spark, welder's torch, lighted cigarette or other ignition source.

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 elsewhere on this label. 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.

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.

This is an end-use product. Dow AgroSciences does not intend and has not registered it for reformulation.

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 4 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 such as natural rubber
- 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.

Keep people and pets off treated areas until spray solution has dried.

Storage and Disposal

Pesticide Storage: Do not contaminate water, food, feed or seed by storage or disposal.

Pesticide Disposal: Wastes of this pesticide may cause eye and skin irritation and may be dangerous. Improper disposal of excess pesticide, spray mixtures, or rinsate is a violation of Federal law. If these wastes cannot be disposed of according to label use 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 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 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 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.

Storage and Disposal (Cont.)

Nonrefillable containers larger than 5 gallons:

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 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 (How this product works)

Accord® XRT II herbicide is a broad-spectrum systemic herbicide with no soil residual activity and is intended for control of annual and perennial weeds and woody plants in noncrop areas and industrial sites, such as utility, railroad and roadside rights-of-way, airports, natural and production (plantations) forests for site preparation, mid-rotation release treatments, and timber stand improvement activities, wildlife and habitat management areas, wildlife openings, natural areas, such as wildlands, campgrounds, parks and recreational areas, wildlife refuges, rangeland and in and around seasonally dry wetlands including ditchbanks, dry ditches and dry canals and grazed areas on listed noncrop sites.

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.

This product is generally non-selective and gives broad-spectrum control of many annual weeds, perennial weeds, woody brush and trees. It is formulated as a water-soluble liquid. It may be applied through most standard industrial or field-type sprayers after dilution and thorough mixing with water or other carriers according to label instructions.

Although not generally required, surfactant may be added to highly dilute spray solutions or when the application rate being used is at the low end of the effective rate range.

Nonionic surfactants that are labeled for use with herbicides may be used. Do not reduce rates of this product when adding surfactant. When using additional surfactant, a surfactant concentration of 0.125 to 0.25 percent (1 to 2 pints per 100 gallons of spray solution) is specified for surfactants containing 70 percent or more active ingredient. Read and follow the precautionary statements and applicable use directions on the label of the surfactant product.

Time to Symptoms: The active ingredient in this product moves through the plant from the point of foliage contact to and into the root system. Visible effects on most annual weeds occur within 2 to 4 days, but on most perennial weeds may not occur for 7 days or more. Extremely cool or cloudy weather following treatment may slow activity of this product and delay development of visual symptoms. Visible effects are a gradual wilting and yellowing of the plant that advances to complete browning of above ground growth and deterioration of underground plant parts.

Stage of Weeds: Annual weeds are easiest to control when they are small. Best control of most perennial weeds is obtained when treatment is made at late growth stages approaching maturity. Refer to the annual, perennial, woody brush and trees rate tables for directions for specific weeds.

Always use the higher rate of this product per acre within the specified range when weed growth is heavy or dense or weeds are growing in an undisturbed (noncultivated) area.

Do not treat weeds under poor growing conditions such as drought stress, disease or insect damage, as reduced weed control may result. Reduced herbicidal activity may also occur when treating weeds heavily covered with dust.

Cultural Considerations: Reduced control may result when applications are made to annual or perennial weeds that have been mowed, grazed, or cut, and have not been allowed to regrow to the specified stage for treatment.

Rainfastness: Heavy rainfall soon after application may wash this product off of the foliage and a repeat application may be required for adequate control.

Spray Coverage: For best results, spray coverage should be uniform and complete. Do not spray weed foliage to the point of runoff.

Mode of Action: The active ingredient in this product inhibits an enzyme found only in plants that is essential to formation of specific amino acids.

No Soil Activity: Weeds must be emerged at the time of application to be controlled by this product. Weeds germinating from seed after application will not be controlled. Unemerged plants arising from unattached underground rhizomes or rootstocks of perennials will not be affected by the herbicide and will continue to grow.

Biological Degradation: Degradation of this product is primarily a biological process carried out by soil microbes.

Tank Mixing: This product does not provide residual weed control. For subsequent residual weed control, follow a label-approved herbicide program. Read and carefully observe the cautionary statements and all other information appearing on the labels of all herbicides used. Use according to the most restrictive label directions for each product in the mixture.

Buyer and all users are responsible for all loss or damage in connection with the use or handling of mixtures of this product with herbicides or other materials that are not expressly directed in this labeling. Mixing this product with herbicides or other materials not specified on this label may result in reduced performance.

Annual Maximum Use Rate: For noncrop uses, the combined total of all treatments must not exceed 8 quarts of this product per acre per year. The maximum use rates stated throughout this product's labeling apply to this product combined with the use of all other herbicides containing glyphosate or sulfosate as the active ingredient, whether applied as mixtures or separately. Calculate the application rates and ensure that the total use of this and other glyphosate or sulfosate containing products does not exceed stated use rate.

Attention

Avoid contact of herbicide with foliage, green stems, exposed non-woody roots or fruit of crops, desirable plants and trees, because severe injury or destruction may result.

AVOID DRIFT. Extreme care must be used when applying this product to prevent injury to desirable plants and crops.

Do not allow the herbicide solution to mist, drip, drift or splash onto desirable vegetation since minute quantities of this product can cause severe damage or destruction to the crop, plants or other areas on which treatment was not intended. The likelihood of injury occurring from the use of this product increases when winds are gusty, as wind velocity increases, when wind direction is constantly changing or when there are other meteorological conditions that favor spray drift. When spraying, avoid combinations of pressure and nozzle type that will result in splatter or fine particles (mist) which are likely to drift. **Avoid applying at excessive speed or pressure.**

NOTE: Use of this product in any manner not consistent with this label may result in injury to persons, animals or crops, or other unintended consequences. Keep container closed to prevent spills and contamination.

Mixing

Clean sprayer parts immediately after using this product by thoroughly flushing with water.

NOTE: reduced results may occur if water containing soil is used, such as visibly muddy water or water from ponds and ditches that is not clear.

Mixing with Water

This product mixes readily with water. Mix spray solutions of this product as follows: Fill the mixing or spray tank with the required amount of water. Add the specified amount of this product near the end of the filling process and mix well. Use caution to avoid siphoning back into the carrier source. Use approved anti-back-siphoning devices where required by state or local regulations. During mixing and application, foaming of the spray solution may occur. To prevent or minimize foam, avoid the use of mechanical agitators, terminate by-pass and return lines at the bottom of the tank and, if needed, use an approved anti-foam or defoaming agent.

Tank Mixing Procedure

Mix labeled tank mixtures of this product with water as follows:

1. Place a 20 to 35 mesh screen or wetting basket over filling port.
2. Through the screen, fill the spray tank one-half full with water and start agitation.
3. If a wettable powder is used, make a slurry with the water carrier, and add it **slowly** through the screen into the tank. Continue agitation.
4. If a flowable formulation is used, premix one part flowable with one part water. Add diluted mixture **slowly** through the screen into the tank. Continue agitation.
5. If an emulsifiable concentrate formulation is used, premix one part emulsifiable concentrate with two parts water. Add diluted mixture slowly through the screen into the tank. Continue agitation.
6. Continue filling the spray tank with water and add the required amount of this product near the end of the filling process.
7. Add individual formulations to the spray tank as follows: wettable powder, flowable, drift control additive, water-soluble liquid and emulsifiable concentrate.

Maintain good agitation at all times until the contents of the tank are sprayed. If the spray mixture is allowed to settle, thorough agitation is required to resuspend the mixture before spraying is resumed.

Keep by-pass line on or near the bottom of the tank to minimize foaming. Screen size in nozzle or line strainers should be no finer than 50 mesh.

Always predetermine the compatibility of labeled tank mixtures of this product with water carrier by mixing small proportional quantities in advance.

Refer to the "Tank Mixing" section under "General Information" for additional precautions.

Ammonium Sulfate

The addition of 1 to 2 percent dry ammonium sulfate by weight or 8.5 to 17 pounds per 100 gallons of water may increase the performance of this product, particularly when tank mixed with certain residual herbicides on annual and perennial weeds. The equivalent rate of ammonium sulfate in a liquid formulation may also be used. Ensure that ammonium sulfate is completely dissolved in the spray tank before adding herbicides. Thoroughly rinse the spray system with clean water after use to reduce corrosion.

Note: When using ammonium sulfate, apply this product at rates listed in this label. Lower rates will result in reduced performance.

Colorants or Dyes

Agriculturally-approved colorants or marking dyes may be added to this product. Colorants or dyes used in spray solutions of this product may reduce performance, especially at lower rates or dilutions. Use colorants or dyes according to the manufacturer's directions.

Drift Control Additives

Drift control additives may be used with all equipment types, except wiper applicators, sponge bars and CDA equipment. When a drift control additive is used, read and carefully observe the cautionary statements and all other information appearing on the additive label.

Application Equipment and Techniques

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

this product may be applied with the following application equipment:

Aerial: Fixed Wing and Helicopter

Ground Broadcast Spray: Boom or boomless systems, pull-type sprayer, floaters, pick-up sprayers, spray coupes and other ground broadcast equipment.

Hand-Held and High-Volume Spray Equipment: Knapsack and backpack sprayers, pump-up pressure sprayers, handguns, hand wands, lances and other hand-held and motorized spray equipment used to direct the spray onto weed foliage.

Selective Equipment: Recirculating sprayers, shielded and hooded sprayers, wiper applicators and sponge bars.

Injection Systems: Aerial or ground injection sprayers.

Controlled Droplet Applicator (CDA): Hand-held or boom-mounted applicators, which produce a spray, consisting of a narrow range of droplet sizes.

Apply these spray solutions in properly maintained and calibrated equipment capable of delivering desired volumes.

Injection and Frill Application (Woody Brush and Trees): Use suitable equipment that will deliver this product into the living tissue of trees and brush.

Cut Stump Application: Apply using suitable equipment to ensure coverage of the entire cambium of cut stems.

Aerial Equipment

Do not apply this product using aerial spray equipment except under conditions as specified within this label.

For aerial application in California, refer to the federal supplemental label entitled "For Aerial Application in California Only" for aerial applications in that state for specific instructions, restrictions and requirements. In California, aerial application may be made for forestry site preparation and in noncrop areas. In California, this product is allowed for aerial application by helicopter only.

Tank mixtures of this product plus Oust, dicamba or 2,4-D herbicide may not be applied by air in California.

Use the specified rates of this herbicide in 3 to 15 gallons of water per acre unless otherwise specified on this label. Unless otherwise specified, do not exceed 24 fluid ounces per acre. Refer to the individual use area sections of this label for volumes and application rates.

Avoid direct application to any body of water.

AVOID DRIFT: do not apply during low-level inversion conditions, when winds are gusty or under any other condition which favors drift. Drift may cause damage to any vegetation contacted to which treatment is not intended. To prevent injury to adjacent desirable vegetation, appropriate buffer zones must be maintained.

Coarse sprays are less likely to drift; therefore, do not use nozzles or nozzle configurations that dispense spray as fine spray droplets. Do not angle nozzles forward into the airstream and do not increase spray volume by increasing nozzle pressure.

Ensure uniform application: To avoid streaked, uneven or overlapped application, use appropriate marking devices.

Thoroughly wash aircraft, especially landing gear, after each day of spraying to remove residues of this product accumulated during spraying or from spills. **Prolonged exposure of this product to uncoated steel surfaces may result in corrosion and possible failure of the part. Landing gear are most susceptible.** The maintenance of an organic coating (paint), which meets aerospace specification MIL-C-38413, may prevent corrosion.

Spray Drift Management

Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment-and-weather-related factors determine the potential for spray drift. The applicator and the grower are responsible for considering all these factors when making decisions. The following drift management requirements must be followed to avoid off-target drift movement from aerial applications to agricultural field crops. These requirements do not apply to forestry applications, public health uses or to applications using dry formulations.

1. The distance of the outer most nozzles on the boom must not exceed 3/4 the length of the wingspan or rotor.
2. Nozzles must always point backward parallel with the air stream and never be pointed downwards more than 45 degrees.

Where states have more stringent regulations, they should be observed.

The applicator should be familiar with and take into account the information covered in the following **Aerial Drift Reduction Advisory Information:**

Importance of Droplet Size: The most effective way to reduce drift potential is to apply large droplets. The best drift management strategy is to apply the largest droplets that provide sufficient coverage and control. Applying larger droplets reduces drift potential, but will not prevent drift if applications are made improperly, or under unfavorable environmental conditions (see Wind, Temperature and Humidity, and Temperature Inversion section of this label).

Controlling Droplet Size:

Volume - Use high flow rate nozzles to apply the highest practical spray volume. Nozzles with higher rated flows produce larger droplets.

Pressure - Use the lower spray pressures for the nozzle. Higher pressure reduces droplet size and does not improve canopy penetration. When higher flow rates are needed, use higher flow rate nozzles instead of increasing pressure.

Number of nozzles - Use the minimum number of nozzles that provide uniform coverage.

Nozzle Orientation - Orienting nozzles so that the spray is released backwards, parallel to the airstream will produce larger droplets than other orientations. Significant deflection from the horizontal will reduce droplet size and increase drift potential.

Nozzle Type - Use a nozzle type that is designed for the intended application. With most nozzle types, narrower spray angles produce larger droplets. Consider using low-drift nozzles. Solid stream nozzles oriented straight back produce larger droplets than other nozzle types.

Boom Length - For some use patterns, reducing the effective boom length to less than 3/4 of the wingspan or rotor length may further reduce drift without reducing swath width.

Application - Applications should not be made at a height greater than 10 feet above the top of the largest plants unless a greater height is required for aircraft safety. Making applications at the lowest height that is safe reduces exposure of droplets to evaporation and wind.

Swath Adjustment: When applications are made with a crosswind, the swath will be displaced downwind. Therefore, on the up and downwind edges of the field, the applicator must compensate for this displacement by adjusting the path of the aircraft upwind. Swath adjustment distance should increase, with increasing drift potential (higher wind, smaller drops, etc.).

Wind: Drift potential is lowest between wind speeds of 2-10 mph. However, many factors, including droplet size and equipment type determine drift potential at any given speed. Application should be avoided below 2 mph due to variable wind direction and high inversion potential. Note: Local terrain can influence wind patterns. Every applicator should be familiar with local wind patterns and how they affect drift.

Temperature and Humidity: When making applications in low relative humidity, set up equipment to produce larger droplets to compensate for evaporation. Droplet evaporation is most severe when conditions are both hot and dry.

Temperature Inversions: Applications should not occur during a temperature inversion, because drift potential is high. Temperature inversions restrict vertical air mixing, which causes small suspended droplets to remain in a concentrated cloud. This cloud can move in unpredictable directions due to the light variable winds common during inversions. Temperature inversions are characterized by increasing temperatures with altitude and are common on nights with limited cloud cover and light to no wind. They begin to form as the sun sets and often continue into the morning. Their presence can be indicated by ground fog; however, if fog is not present, inversions can also be identified by the movement of smoke from a ground source or an aircraft smoke generator. Smoke that layers and moves laterally in a connected cloud (under low wind conditions) indicates an inversion, while smoke that moves upwards and rapidly dissipates indicates good vertical air mixing.

Sensitive Areas: The pesticide should only be applied when the potential for drift to adjacent sensitive areas (e.g., residential areas, bodies of water, known habitat for threatened or endangered species, non-target crops) is minimal (e.g., when wind is blowing away from the sensitive areas).

Ground Broadcast Equipment

Use the specified rates of this product in sufficient spray volume per acre as a broadcast spray to provide complete and uniform coverage. As density of weeds increases, spray volume should be increased to ensure complete coverage. Use proper nozzles to avoid spraying a fine mist. For best results with ground application equipment, use flat fan nozzles. Check for even distribution of spray droplets.

Hand-Held and High-Volume Equipment

For applications made on a spray-to-wet basis, apply directly to foliage of vegetation to be controlled. Spray coverage should be uniform and complete. Do not spray to the point of runoff. Coarse sprays are required to reduce potential drift.

For control of weeds listed in the annual weeds rate tables, apply a 0.5 percent solution of this product to weeds less than 6 inches in height or runner length. Apply prior to seedhead formation in grass or bud formation in broadleaf weeds. For annual weeds over 6 inches tall, or unless otherwise specified, use a 1 percent solution.

Use a 1.5 percent solution on harder-to-control perennials, woody brush species and vines.

For low volume directed spray applications, use a 3.75 to 7.5 percent solution of this product for control or suppression of annual weeds, perennial weeds, or woody brush and trees. Spray coverage should be uniform with at least 50% of the foliage contacted. Coverage of the top one-half of the plant, including growing tip, is important for best results (over-the-top and top down coverage). To ensure adequate spray coverage, spray all sides of large or tall woody brush and trees, when foliage is thick and dense, or where there are dense or tall sprouts.

Mixing for Hand-held Sprayers

Prepare the desired volume of spray solution by mixing the amount of this product in water as shown in the following table:

Spray Solution

| Spray Concentration
(percent) | Amount of This Product for Desired Volume: | | |
|----------------------------------|--|----------|-----------|
| | 1 gal | 25 gal | 100 gal |
| 0.5% | 2/3 fl oz | 1 pt | 2 qt |
| 0.75% | 1 fl oz | 24 fl oz | 3 qt |
| 1.0% | 1 1/3 fl oz | 1 qt | 1 gal |
| 1.5% | 2 fl oz | 1 1/2 qt | 1 1/2 gal |
| 2.0% | 2 2/3 fl oz | 2 qt | 2 gal |
| 3.75% | 5 fl oz | 3 3/4 qt | 3 3/4 gal |
| 5.0% | 6 1/2 fl oz | 5 qt | 5 gal |
| 10.0% | 13 fl oz | 10 qt | 10 gal |

2 tablespoons = 1 fluid ounce

For use in knapsack sprayers, it is suggested that the specified amount of this product be mixed with water in a larger container. Fill sprayer with the mixed solution.

Selective Equipment

This product may be mixed as directed and applied through recirculating spray systems, shielded sprayers, hooded sprayers, wiper applicators or sponge bars to listed weeds growing in any noncrop site specified on this label.

A recirculating spray system directs the spray solution onto weeds growing above desirable vegetation, while spray solution not intercepted by weeds is collected and returned to the spray tank for reuse.

A shielded or hooded applicator directs the herbicide solution onto weeds, while shielding desirable vegetation from the herbicide.

A wiper or sponge applicator applies the herbicide solution onto weeds by rubbing the weed with an absorbent material containing the herbicide solution.

Avoid contact of herbicide with desirable vegetation.

Contact of the herbicide solution with desirable vegetation may result in damage or destruction. Applicators used above desirable vegetation should be adjusted so that the lowest spray stream or wiper contact point is at least 2 inches above the desirable vegetation. Droplets, mist, foam or splatter of the herbicide solution settling on desirable vegetation may result in discoloration, stunting or destruction.

Applications made above desirable plants should be made when the weeds are a minimum of 6 inches above the desirable vegetation. Better results may be obtained when more of the weed is exposed to the herbicide solution. Weeds not contacted by the herbicide solution will not be affected. This may occur in dense clumps, severe infestations or when the height of the weeds varies so that not all weeds are contacted. In these instances, repeat treatment may be necessary.

Shielded and hooded applicators

Use nozzles that provide uniform coverage within the treated area. Keep shields on these sprayers adjusted to protect desirable vegetation. **Extreme care must be exercised to avoid contact of herbicide with desirable vegetation.**

Wiper applicators and sponge bars

Wiper applicators are devices that physically wipe appropriate amounts of this product directly onto the weed.

Equipment must be designed, maintained and operated to prevent the herbicide solution from contacting desirable vegetation. Operate this equipment at ground speeds no greater than 5 mph. Performance may be improved by reducing speed in areas of heavy weed infestations to ensure adequate wiper saturation. Better results may be obtained if 2 applications are made in opposite directions.

Avoid leakage or dripping onto desirable vegetation. Adjust height of applicator to ensure adequate contact with weeds. Keep wiping surfaces clean. Be aware that, on sloping ground, the herbicide solution may migrate, causing dripping on the lower end and drying of the wicks on the upper end of a wiper applicator.

Do not use wiper equipment when weeds are wet.

Mix only the amount of solution to be used during a 1-day period, as reduced activity may result from use of leftover solutions. Clean wiper parts immediately after using this product by thoroughly flushing with water.

For Rope or Sponge Wick Applicators: Mix 3 quarts of this product in 2 gallons of water to prepare a 25 percent solution. Apply this solution to weeds listed in this section.

For Porous-Plastic Applicators: Solutions ranging from 25 to 100 percent of this product in water may be used in porous-plastic wiper applicators.

Injection Systems

This product may be used in aerial or ground injection spray systems. It may be used as a liquid concentrate or diluted prior to injecting into the spray stream. Do not mix this product with the concentrate of other products when using injection systems.

CDA Equipment

The rate of this product applied per acre by vehicle-mounted controlled droplet application (CDA) equipment should not be less than the amount specified in this label for conventional broadcast applications. For vehicle-mounted and hand-held CDA equipment, use spray volumes and application techniques specified by the manufacturer.

Note: Controlled droplet application equipment produces a spray pattern that is not easily visible. Extreme care must be exercised to avoid spray or drift contacting the foliage or any other green tissue of desirable vegetation, as damage or destruction may result.

Injection and Frill Application (Woody Brush and Trees)

Types of Application: Injection and frill application may be used in any noncrop site listed on this label

This product may be used to control woody brush and trees by injection or frill applications. Apply this product using suitable equipment that must penetrate into the living tissue. Apply the equivalent of 1 ml of this product per each 2 to 3 inches of trunk diameter at breast height (DBH). This is best achieved by applying a 40 to 100 percent concentration of this product either to a continuous frill around the tree or as cuts evenly spaced around the tree below all branches. As tree diameter increases in size, better results are achieved by applying diluted material to a continuous frill or more closely spaced cuttings. Avoid application techniques that allow runoff to occur from frilled or cut areas in species that exude sap freely. In species such as this, make the frill or cuts at an oblique angle to produce a cupping effect and use a 100 percent concentration of this product. For best results, applications should be made during periods of active growth and after full leaf expansion.

Cut Stump Application

Woody vegetation may be controlled by treating freshly cut stumps of trees and resprouts with this product.

Types of Application: Treating cut stumps in any noncrop site listed on this label

Specific Use: This product will control regrowth of cut stumps and resprouts of many types of woody brush and tree species, some of which are listed below. Apply this product using suitable equipment to ensure coverage of the entire cambium. Cut trees or resprouts close to the soil surface. Apply a 40 to 100 percent solution of this product to the freshly cut surface **immediately** after cutting. Delays in application may result in reduced performance. For best results, applications should be made during periods of active growth and full leaf expansion.

Precautions and Restrictions: Do not make cut stump applications when the roots of desirable woody brush or trees may be grafted to the roots of the cut stump. Injury resulting from root grafting can occur in adjacent woody brush or trees of the same or closely related species. Different woody species growing in close proximity do not typically form root grafts.

Forestry Site Preparation

This product herbicide is specified for the control or partial control of woody brush, trees and herbaceous weeds in forestry. This product is also specified for use in preparing or establishing wildlife openings within these sites and maintaining logging roads.

In forestry sites, this product is specified for use in site preparation prior to planting any tree species, including Christmas trees, eucalyptus, hybrid tree cultivars and silvicultural nursery sites. Unless otherwise specified, applications of this product may be made for control or partial control of herbaceous weeds, woody brush and trees listed in the "Weeds Controlled" section of the product label for this product.

Application Rates:

| Method of Application | Application Rate | Spray Volume (gal/acre) |
|---|-------------------------|-------------------------|
| Broadcast | | |
| Aerial | 1.5 to 8.0 qt/acre | 5 to 30 |
| Ground | 1.5 to 8.0 qt/acre | 10 to 60 |
| Spray-to-Wet | | |
| Handgun | 0.75 to 1.5% by volume | spray-to-wet |
| Backpack | | |
| Low Volume Directed Spray^{††} | | |
| Handgun | 3.75% to 7.5% by volume | partial coverage |
| Backpack | | |

^{††} For low volume directed spray applications, coverage should be uniform with at least 50 percent of the foliage contacted. For best results, coverage of the top one-half of the plant including the growing tip is important (over-the-top and down coverage). To ensure adequate spray coverage, spray all sides of large or tall woody brush and trees, when foliage is thick and dense, or where there are multiple sense or tall sprouts.

Use higher rates of this product within the specified rate ranges for control or partial control of woody brush, trees and hard-to-control perennial herbaceous weeds. For best results, apply to actively growing woody brush and trees after full leaf expansion and before fall color and leaf drop. Use increased rates within the specified rate range to control perennial herbaceous weeds from emergence up to the appearance of seedheads, flowers or berries. Use lower rates within the rate range to control annual herbaceous weeds and actively growing perennial herbaceous weeds after seedheads, flowers or berries appear. Apply to foliage of actively growing annual herbaceous weeds anytime after emergence.

This product has no herbicidal or residual activity in the soil. Where repeat applications are necessary, do not exceed 8 quarts per acre per year.

Tank Mixtures

This product may be used in tank mix combination with other herbicide products to broaden the spectrum of vegetation controlled. When tank mixing, read and observe applicable use directions, precautions and limitations on the respective product labels. Use according to the most restrictive precautionary statements for each product in the mixture. Any specified rate of this product may be used in a tank mix.

Note: For forestry site preparation, make sure the tank mix product is approved for use prior to planting the desired species. Observe planting interval restrictions.

Any specified rate of this product may be used in a tank mix with the following products for forestry site preparation:

| Product | Method of Application and Use Rates (Broadcast) ^{††} |
|-----------------------------------|---|
| Garlon® 3A [†] herbicide | 1 to 4 qt/acre |
| Garlon 4 herbicide | 1 to 4 qt/acre |
| Arsenal Applicators Concentrate | 2 to 16 fl oz/acre |
| Escort herbicide | 1/2 to 1 1/2 oz/acre |
| Chopper herbicide | 4 to 32 fl oz/acre |
| Oust herbicide | 1 to 4 oz/acre |
| | Spray-to-Wet Rates |
| Arsenal Applicators Concentrate | 1/32% to 1/2% by volume |
| | Low Volume Directed Spray Rates |
| Arsenal Applicators Concentrate | 1/8% to 1/2% by volume |

[†] Ensure that Garlon 3A is thoroughly mixed with water before adding this product. Agitation is required while mixing this product with Garlon 3A to avoid compatibility problems.

^{††} For a tank mix partner, up to the maximum labeled rate for a treatment site may be applied in combination with this product.

For control of herbaceous weeds, use the lower specified tank mixture rates. For control of dense stands or difficult-to-control woody brush and trees, use the higher specified rates.

Aerial Equipment

For aerial application, apply this product in forestry sites by helicopter only. For details on aerial application, refer to "Aerial Equipment" in the "Application Equipment and Techniques" section of this label.

Ground Broadcast Equipment

This product is specified for broadcast applications using suitable ground equipment in forestry sites. For details on ground broadcast application, refer to "Ground Broadcast Equipment" in the "Application Equipment and Techniques" section of this label. Apply the specified rates of this product as a broadcast spray in sufficient spray volume to provide complete and uniform coverage of plant foliage, unless otherwise specified. Check for even distribution throughout the spray pattern.

Backpack and Handgun Equipment

This product is for application through backpack and handgun equipment. For details, refer to "Hand-Held and High Volume Equipment" in the "Application Equipment and Techniques" section of this label.

For spray-to-wet applications, coverage should be uniform and complete, but not to the point of runoff.

This product may be used for low volume directed sprays for spot treatment of trees and brush. It is most effective in areas where there is a low density of undesirable trees or brush. For flat fan and cone nozzles, spray the foliage of the targeted vegetation. Small, open branched trees need only be treated from one side. If the foliage is thick or there are multiple root sprouts, application must be made from several sides to ensure adequate spray coverage.

Mid-Rotation Conifer Release and Spot Treatments for Crop Tree Release and Timber Stand Improvement

This product is applied as a ground broadcast or directed spray application for mid-rotation release applications under the canopy of pines (and other conifers) and hardwoods. Applications must be made using application techniques that prevent or minimize direct contact to the foliage of crop trees (such as in stands of pine, other conifers or hardwood). This may be accomplished using directed sprays and ground equipment with nozzles oriented to target only undesirable understory vegetation below the crop tree canopy. This product is applied as a spot, individual plant treatment (see Hand-Held and High-Volume Equipment section of this label) for woody and herbaceous weeds. When making spot applications, do not allow spray to contact the foliage of desirable crop trees.

Wildlife Habitat Management and Restoration

Types of Uses: Habitat restoration and maintenance, wildlife food plots

Habitat restoration and maintenance

Specific Use: This product may be used to control exotic and other undesirable vegetation in habitat management and natural areas, including rangeland and wildlife refuges. Applications can be made to allow recovery of native plant species, prior to planting desirable native species, and for similar broad-spectrum vegetation control requirements. Spot treatments can be made to selectively remove unwanted plants for habitat maintenance and enhancement.

Wildlife food plots

Specific Use: This product may be used as a site preparation treatment to control annual and perennial weeds prior to planting wildlife food plots. Any wildlife food species may be planted after applying this product, or native species may be allowed to repopulate the area. If tillage is needed to prepare a seedbed, wait 7 days after application before tillage.

Parks, Recreational and Residential Areas

This product may be used in parks, recreational and residential areas. It may be applied with any application equipment described in this label. This product may be used to trim-and-edge around trees, fences, paths, around buildings, sidewalks, and other objects in these areas. This product may be used for spot treatment of unwanted vegetation. This product may be used to eliminate unwanted weeds growing in established shrub beds or ornamental plantings. This product may be used prior to planting an area to ornamentals, flowers, turfgrass (sod or seed), or prior to laying asphalt or beginning construction projects.

All of the instructions in the "General Noncrop Areas and Industrial Sites" section apply to park and recreational areas.

General Noncrop Areas and Industrial Sites

Labeled Use Sites: This product may be used in areas such as airports, apartment complexes, Christmas tree farms, ditch banks, dry ditches, dry canals, fencerows, golf courses, industrial sites, lumberyards, manufacturing sites, office complexes, ornamental nurseries, parks, parking areas, petroleum tank farms and pumping installations, railroads, recreational areas, residential areas, roadsides, sod or turf seed farms, schools, storage areas, utility substations, warehouse areas, other public areas, and similar industrial and noncrop sites and wildlife habitat management areas.

Types of Applications: General nonselective weed control, trim-and-edge, chemical mowing, cut stumps, injection and frill, habitat management.

This product may be used in general noncrop areas. It may be applied with any application equipment described in this label. This product may be used to trim-and-edge around objects in noncrop sites, for spot treatment of unwanted vegetation and to eliminate unwanted weeds growing in established shrub beds or ornamental plantings. This product may be used prior to planting an area to ornamentals, flowers, turfgrass (sod or seed), or prior to laying asphalt or beginning construction projects.

Utility Sites

Labeled Use Sites: This product may be used in areas such as electrical power, pipeline, and telephone rights-of-way, and in other sites associated with these rights-of-way such as substations, roadsides, railroads or similar rights-of-way that run in conjunction with utilities and in general noncrop areas.

Types of Applications: General nonselective weed control, trim-and-edge, chemical mowing, cut stumps, injection and frill, habitat management.

This product may be applied with any application equipment described in this label. This product may be used to trim-and-edge around objects in these sites, for spot treatment of unwanted vegetation and to eliminate unwanted weeds, brush, vines and other vegetation growing in established shrub beds or ornamental plantings. This product may be used prior to planting an area or prior to laying asphalt or beginning construction projects.

Railroads

All of the instructions in the "General Noncrop Areas and Industrial Sites" section apply to railroads.

Bare ground, Ballast and Shoulders, Crossings, and Spot treatment

This product may be used to maintain bare ground on railroad ballast and shoulders. Repeat applications of this product may be used, as weeds emerge, to maintain bare ground. This product may be used to control tall-growing weeds to improve line-of-sight at railroad crossings and reduce the need for mowing along rights-of-way. Apply the specified rate in sufficient spray volume to provide complete and uniform coverage of target vegetation, unless otherwise specified.

This product may be used in tank mix combination with other herbicide products labeled for use on non-cropland areas and industrial sites to broaden the spectrum of vegetation controlled. Follow applicable use directions, precautions and limitations on the respective product labels. Use according to the most restrictive precautionary statements for each product in the mixture.

Brush control

This product may be used to control woody brush and trees on railroad rights-of-way. Apply 3 to 8 quarts of this product per acre as a broadcast spray, using boom-type or boomless nozzles. Apply the specified rate in sufficient spray volume to provide complete and uniform coverage of target vegetation, unless otherwise specified. Apply a ¼ to 2 percent solution of this product when using high-volume spray-to-wet applications. Apply a 5 to 10 percent solution of this product when using low volume directed sprays for spot treatment. This product may be mixed with the following herbicide products for enhanced control of woody brush and trees:

| | |
|-----------|-----------|
| Arsenal | Garlon 4 |
| Escort | Tordon* K |
| Garlon 3A | |

Bermudagrass release

This product may be used to control or partially control many annual and perennial weeds for effective release of actively growing bermudagrass. Apply 0.75 to 2.25 pints of this product in up to 80 gallons of spray solution per acre. Use the lower rate when treating annual weeds below 6 inches in height (or runner length). Use the higher rate as weeds increase in size or as they approach flower or seedhead formation. These rates will also provide partial control of the following perennial species:

| | |
|------------------|-----------------|
| Bahiagrass | Johnsongrass |
| Bluestem, silver | Trumpet creeper |
| Fescue, tall | Vaseygrass |

This product may be tank-mixed with Oust. If tank-mixed, use no more than 0.75 to 2.25 pints of this product with 1 to 2 ounces of Oust per acre. Use the lower rates of each product to control annual weeds less than 6 inches in height (or runner length) that are listed in this label and the Oust label. Use the higher rates as annual weeds increase in size and approach the flower or seedhead stages. These rates will also provide partial control of the following perennial weeds:

| | |
|------------------|-----------------|
| Bahiagrass | Fescue, tall |
| Blackberry | Johnsongrass |
| Bluestem, silver | Poorjoe |
| Broomsedge | Raspberry |
| Dallisgrass | Trumpet creeper |
| Dewberry | Vaseygrass |
| Dock, curly | Vervain, blue |
| Dogfennel | |

Use only on well-established bermudagrass. Bermudagrass injury may result from the treatment, but regrowth will occur under moist conditions. Repeat applications in the same season are not specified, since severe injury may occur.

Roadsides

All of the instructions in the "General Noncrop Areas and Industrial Sites" section apply to roadsides.

Roadside Shoulder and Median treatments

This product may be used on road shoulders. It may be applied with boom sprayers, manifold nozzle systems, shielded boom sprayers, off-center nozzles and OC nozzle clusters, under-deck mowing + herbicide systems, hand-held equipment, and similar equipment.

Guardrails and other obstacles to mowing

This product may be used to control weeds growing under guardrails and around signposts and other objects along the roadside.

Spot treatment

This product may be used as a spot treatment to control unwanted vegetation growing along roadsides.

Tank mixtures

This product may be used in tank mix combination with other herbicide products labeled for use on non-cropland areas and industrial sites to broaden the spectrum of vegetation controlled. Follow applicable use directions, precautions and limitations on the respective product labels. Use according to the most restrictive precautionary statements for each product in the mixture.

Release of Bermudagrass or Bahiagrass Dormant applications

This product may be used to partially control many winter annual weeds and tall fescue for effective release of dormant bermudagrass or bahiagrass. Treat only when turf is dormant and prior to spring greenup. This product may also be tank-mixed with Oust for residual control. Tank mixtures of this product with Oust may delay greenup of bermudagrass. To avoid delay in greenup or severe damage to bahiagrass, use no more than 0.5 oz of Oust in tank mix combination with this product.

For best results on winter annuals, treat when plants are in an early growth stage (below 6 inches in height) after most have germinated. For best results on tall fescue, treat when fescue is at or beyond the 4- to 6-leaf stage.

Apply 6 to 48 fluid ounces of this product per acre alone or in a tank mixture with ¼ to 1 ounce per acre of Oust. Use sufficient spray volume for uniform coverage of target vegetation. Use only in areas where bermudagrass or bahiagrass are desirable ground covers and where some temporary injury or discoloration can be tolerated. To avoid delays in greenup and minimize injury, add no more than 1 ounce of Oust per acre on bermudagrass and no more than 0.5 ounce of Oust per acre on bahiagrass and avoid treatments when these grasses are in a semi-dormant condition.

Actively growing bermudagrass

This product may be used to control or partially control many annual and perennial weeds for effective release of actively growing bermudagrass. Apply up to 2.25 pints of this product in 10 to 40 gallons of spray solution per acre. Use the lower rate when treating annual weeds below 6 inches in height (or runner length). Use the higher rate as weeds increase in size or as they approach flower or seedhead formation. These rates will also provide partial control of the following perennial species:

| | |
|------------------|----------------|
| Bahiagrass | Johnsongrass |
| Bluestem, silver | Trumpetcreeper |
| Fescue, tall | Vaseygrass |

This product may be tank-mixed with Oust. If tank-mixed, use up to 1.5 pints of this product with 1 to 2 ounces of Oust per acre. Use the lower rates of each product to control annual weeds less than 6 inches in height (or runner length) that are listed in this label and the Oust label. Use the higher rates as annual weeds increase in size and approach the flower or seedhead stages. These rates will also provide partial control of the following perennial weeds:

| | |
|------------------|----------------|
| Bahiagrass | Fescue, tall |
| Bluestem, silver | Johnsongrass |
| Broomsedge | Poorjoe |
| Dallisgrass | Trumpetcreeper |
| Dock, curly | Vaseygrass |
| Dogfennel | Vervain, blue |

Use only on well-established bermudagrass. Bermudagrass injury may result from the treatment, but regrowth will occur under moist conditions. Repeat applications of the tank mix in the same season are not specified, since severe injury may occur.

Actively growing bahiagrass

For suppression of vegetable growth and seedhead inhibition of bahiagrass for approximately 45 days, apply 4.5 fluid ounces of this product in 10 to 40 gallons of water per acre. Apply 1 to 2 weeks after full greenup or after mowing to a uniform height of 3 to 4 inches. This application must be made prior to seedhead emergence.

For suppression up to 120 days, apply 3 fluid ounces of this product per acre, followed by an application of 1.5 to 3 fluid ounces per acre about 45 days later. Make no more than 2 applications per year.

A tank mixture of this product plus Oust may be used. Apply 6 fluid ounces of this product plus 0.25 ounces of Oust per acre 1 to 2 weeks following an initial spring mowing. Make only one application per year.

**General nonselective weed control,
Trim-and-edge and Bare Ground**

This product may be tank mixed with the following herbicide products. Refer to these product labels for labeled application sites and application rates. This product may be tank mixed with the products listed provided the product tank mixed is registered for use on this site. For annual weeds, use 1.5 pints per acre of this product when weeds are less than 6 inches tall and 2.25 pints per acre when weeds are greater than 6 inches tall. If weed growth is heavy or dense and/or growing in an undisturbed (non-cultivated) area and/or growing under stress, up to 3 quarts per acre may be applied. For perennial weeds, apply 1.5 to 3.75 quarts per acre in these tank mixes. For tank mixtures of this product with these products through backpack sprayers, handguns or other high-volume spray-to-wet applications, see the "Hand-Held and High Volume Equipment" section of this label for specified rates.

| | |
|--------------------|----------------|
| Arsenal | Plateau |
| Banvel (dicamba) † | Princep DF |
| Barricade 65WG | Princep Liquid |
| diuron † | Ronstar 50WP |
| Endurance | Sahara |
| Escort | simazine |
| Karmex DF | Surflan |
| Krovar I DF | Telar |
| Oust | Vanquish |
| Pendulum 3.3 EC | 2,4-D † |
| Pendulum WDG | |

† This product may be tank mixed with this product provided the label includes use on non-cropland and industrial sites.

Tank mixtures of this product with Oust, Banvel and 2,4-D may not be applied by air in California.

When applied as a tank mixture for bare ground, this product provides control of the emerged annual weeds and control or suppression of emerged perennial weeds, woody brush and trees.

For control or suppression of the following perennial weeds, apply 1.5 to 3 pints of this product plus 2 to 4 ounces of Oust per acre.

| | |
|--------------|---------------|
| Bahiagrass | Fescue, tall |
| Bermudagrass | Johnsongrass |
| Broomsedge | Poorjoe |
| Dallisgrass | Quackgrass |
| Dock, curly | Vaseygrass |
| Dogfennel | Vervain, blue |

Chemical mowing

Perennials: This product will suppress perennial grasses listed in this section to serve as a substitute for mowing. Apply this product at a rate of 4.5 to 6 fluid ounces per acre. Use 6 fluid ounces of this product per acre when treating tall fescue, fine fescue, orchardgrass or quackgrass covers. Use 4.6 fluid ounces of this product per acre when treating Kentucky bluegrass. Apply treatments in 10 to 40 gallons of spray solution per acre.

Precautions and Restrictions: Use only in areas where some temporary injury or discoloration of perennial grasses can be tolerated.

Annuals: For growth suppression of some annual grasses, such as annual ryegrass, wild barley and wild oats growing in coarse turf on roadsides or other industrial areas, apply 3 to 3.75 fluid ounces of this product in 10 to 40 gallons of spray solution per acre. Applications should be made when annual grasses are actively growing and before the seedheads are in the boot stage of development. Treatments may cause injury to the desired grasses.

Dormant turfgrass

This product may be used to control or suppress many winter annual weeds and tall fescue for effective release of dormant bermudagrass and bahiagrass turf. Treat only when turf is dormant and prior to spring greenup.

Apply 6 to 48 fluid ounces of this product per acre. Apply the specified rates in 10 to 40 gallons of water per acre. Use only in areas where bermudagrass or bahiagrass are desirable ground covers and where some temporary injury or discoloration can be tolerated.

Treatments in excess of 12 fluid ounces per acre may result in injury or delayed greenup in highly maintained areas, such as golf courses and lawns. **Do not** apply tank mixtures of this product plus Oust in highly maintained turfgrass areas. For further uses, refer to the "Roadsides" section of this label, which gives rates for dormant bermudagrass and bahiagrass treatments.

Actively growing bermudagrass

This product may be used to control or partially control many annual and perennial weeds for effective release of actively growing bermudagrass. **Do not** apply more than 12 fluid ounces of this product per acre in highly maintained turfgrass areas. **Do not** apply tank mixtures of this product plus Oust in highly maintained turfgrass areas. For further uses, refer to the "Roadsides" section of this label, which gives rates for bermudagrass treatments. Use only in areas where some temporary injury or discoloration can be tolerated.

Turfgrass Renovation, Seed, or Sod Production

This product controls most existing vegetation prior to renovating turfgrass areas or establishing turfgrass grown for seed or sod. For maximum control of existing vegetation, delay planting or sodding to determine if any regrowth from escaped underground plant parts occurs. When repeat treatments are necessary, sufficient regrowth must be attained prior to application. For warm-season grasses such as bermudagrass, summer or fall applications provide the best control. Where existing vegetation is growing under mowed turfgrass management, apply this product after omitting at least one regular mowing to allow sufficient growth for good interception of the spray.

Do not disturb soil or underground plant parts before treatment. Tillage or renovation techniques such as vertical mowing, coring or slicing should be delayed for 7 days after application to allow translocation into underground plant parts.

Desirable turfgrasses may be planted following the above procedures.

Hand-held equipment may be used for spot treatment of unwanted vegetation growing in existing turfgrass. Broadcast or hand-held equipment may be used to control sod remnants or other unwanted vegetation after sod is harvested.

Do not feed or graze turfgrass grown for seed or sod production for 8 weeks following application.

Ornamentals, Plant Nurseries and Christmas Trees

Post-direct, Trim-and-edge: This product may be used as a post-directed spray around established woody ornamental species such as arborvitae, azalea, boxwood, crabapple, eunonymus, fir, douglas fir, jojoba, hollies, lilac, magnolia, maple, oak, privet, pine, spruce and yew. This product may also be used to trim and edge around trees, buildings, sidewalks and roads, potted plants and other objects in a nursery setting.

Desirable plants may be protected from the spray solution by using shields or coverings made of cardboard or other impermeable material. **This product is NOT specified for use as any over-the-top broadcast spray in ornamentals and Christmas trees.** Care must be exercised to avoid contact of spray, drift or mist with foliage or green bark of established ornamental species.

Site preparation: this product may be used prior to planting any ornamental, nursery or Christmas tree species.

Greenhouse/Shadehouse: this product may be used to control weeds growing in and around greenhouses and shadehouses. Desirable vegetation must not be present during application and air circulation fans must be turned off.

Annual Weeds Rate Tables (Alphabetically By Species)

Use the specified rate for this product in sufficient broadcast spray volume per acre to ensure complete and uniform coverage of target vegetations. See "Application Equipment and Techniques" section for specified spray volume and coverage recommendations.

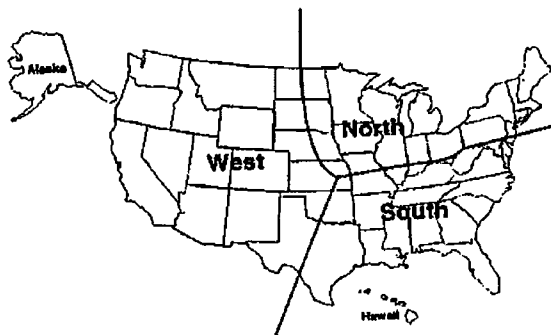
Apply to actively growing annual weeds.

Do not tank mix with soil residual herbicides when using these rates unless otherwise specified.

For weeds that have been mowed, grazed or cut, allow regrowth to occur prior to treatment.

For those rates less than 36 fluid ounces per acre, this product may be used up to 36 fluid ounces per acre where heavy weed densities exist. See following table for rate information for specific weeds.

Refer to this map for location of the regions listed in the annual weed tables below.



Annual Weeds Rate Table, North and South Regions

| Weed Species | Region | Rate of this product †
(Fluid Ounces Per Acre) | | | | | |
|--------------------------|--------|---|-----|------|-----|-----|-----|
| | | 9 | 12 | 18 | 24 | 30 | 36 |
| | | Maximum Height/Length | | | | | |
| annoda, spurred | | - | 1" | 2" | 3" | 5" | 8" |
| barley | | - | 18" | 18"+ | - | - | - |
| barnyardgrass | South | - | 3" | 5" | 7" | 9" | 12" |
| | North | - | - | 6" | 12" | - | - |
| bittercress | | - | 12" | 20" | - | - | - |
| bluegrass, annual | | - | 10" | - | - | - | - |
| bassia, fivehook | | - | - | - | 6" | - | - |
| brome, downy | | 6" | - | - | - | - | - |
| brome, Japanese | | - | 6" | - | 24" | - | - |
| browntop panicum | | - | 6" | 8" | 12" | - | 24" |
| burcucumber | | - | 6" | 12" | - | - | - |
| buttercup | | - | 12" | 20" | - | - | - |
| Carolina foxtail | | - | 20" | - | - | - | - |
| Carolina geranium | | - | - | - | 4" | - | 9" |
| carpetweed | | - | - | 6" | 12" | - | - |
| cheat | | - | 6" | 20" | - | - | - |
| chervil | | - | 20" | - | - | - | - |
| chickweed | | - | 12" | 18" | - | - | - |
| cocklebur | | - | 12" | 18" | 24" | - | - |
| copperleaf, hophornbeam | | - | 1" | 2" | 3" | 4" | 6" |
| copperleaf, Virginia | | - | 1" | 2" | 3" | 4" | 6" |
| corn | | - | 12" | 20" | - | - | - |
| corn speedwell | | - | 12" | - | - | - | - |
| crabgrass | | - | 12" | 18" | - | - | - |
| cutleaf evening primrose | | - | - | - | 3" | 3" | 6" |
| dwarf dandelion | | - | 20" | - | - | - | - |
| eastern manna grass | | - | 8" | 12" | - | - | - |
| eclipta | | - | 4" | 8" | 12" | - | - |
| fall panicum | South | - | 4" | 6" | 8" | 12" | 24" |
| | north | - | 6" | 12" | 18" | - | - |
| falsedandelion | | - | 20" | - | - | - | - |

Annual Weeds Rate Table, North and South Regions (Cont.)

| Weed Species | Region | Rate of this product †
(Fluid Ounces Per Acre) | | | | | |
|---|--------|---|-------|------|-----|-----|-----|
| | | 9 | 12 | 18 | 24 | 30 | 36 |
| | | Maximum Height/Length | | | | | |
| falseflax, smallseed | | - | 12" | - | - | - | - |
| fiddleneck | | - | - | - | 6" | 6" | 12" |
| field pennycress | | - | 6" | 12" | - | - | - |
| filaree | | - | - | - | - | - | 12" |
| fleabane, annual | | - | 6" | 20" | - | - | - |
| fleabane, hairy (<i>conyza bonariensis</i>) | | - | 6" | - | - | - | - |
| fleabane, rough | | - | 3" | 6" | 12" | - | - |
| Florida pusley | | - | - | - | 4" | 4" | 6" |
| foxtail | South | - | 8" | 12" | 20" | - | - |
| | North | 18" | 18"+ | - | - | - | - |
| goatgrass, jointed | | - | 6" | - | - | - | - |
| goosegrass | | - | 3" | 5" | 8" | - | 18" |
| grain sorghum (milo) | | - | 6" | 12" | 20" | - | - |
| groundsel, common | | - | 6" | - | - | - | - |
| hemp sesbania | | - | - | 2" | 4" | 6" | 8" |
| henbit | | - | - | - | 6" | - | 20" |
| horseweed/marestail
(<i>conyza canadensis</i>) | South | - | - | 12" | 30" | - | - |
| | North | - | 6" | 12" | 18" | - | - |
| itchgrass | | - | 6" | 12" | 18" | - | - |
| jimsonweed | | - | - | - | 6" | 6" | 12" |
| johnsongrass (seedling) | South | - | - | - | 18" | - | - |
| | North | - | 12" | 18" | - | - | - |
| junglerice | | - | 3" | 5" | 7" | 9" | 12" |
| knotweed | | - | 3" | 8" | 12" | - | 20" |
| kochia † | | - | 3"-6" | 12" | - | - | - |
| lambsquarters | | - | 6" | 8" | 12" | - | 20" |
| little barley | | - | 20" | - | - | - | - |
| London rocket | | - | 6" | - | - | - | - |
| mayweed | | - | - | 2" | 6" | 12" | 18" |
| morningglory (<i>ipomoea spp.</i>) | | - | - | 2" | 4" | - | 6" |
| mustard, blue | | 6" | - | - | - | - | - |
| mustard, tansy | | 6" | 12" | 20" | - | - | - |
| mustard, tumble | | 6" | - | - | - | - | - |
| mustard, wild | | 6" | 12" | 18" | - | - | - |
| nightshade, black | | 6" | 12" | - | - | - | - |
| nightshade, hairy | | - | 6" | 12" | - | - | - |
| oats | | - | - | 6" | 20" | - | - |
| pigweed | | - | 12" | 18" | 24" | - | - |
| prickly lettuce | | - | 6" | 12" | 20" | - | - |
| purslane | | - | - | - | 6" | 6" | 12" |
| ragweed, common | South | - | 4" | 6" | 8" | - | 11" |
| | North | - | 6" | 12" | 18" | - | - |
| ragweed, giant | | - | - | 4" | 6" | - | 11" |
| red rice | | - | - | - | 4" | - | - |
| Russian thistle | | - | 6" | - | - | - | - |
| rye | South | - | 6" | 20" | 60" | - | - |
| | North | - | 18" | 18"+ | - | - | - |

Annual Weeds Rate Table, North and South Regions (Cont.)

| Weed Species | Region | Rate of this product †
(Fluid Ounces Per Acre) | | | | | |
|-------------------------|--------|---|-----|------|-----|-----|-----|
| | | 9 | 12 | 18 | 24 | 30 | 36 |
| | | Maximum Height/Length | | | | | |
| ryegrass | | - | - | - | 6" | - | 7+" |
| sandbur, field | | 12" | - | - | - | - | - |
| shattercane | | - | 12" | 18" | - | - | - |
| shepherd's-purse | | - | 6" | 12" | - | - | - |
| sicklepod | | - | - | 2" | 4" | - | 8" |
| signalgrass, broadleaf | | - | 3" | 5" | 7" | 9" | 12" |
| smartweed, ladysthumb | | - | 4" | 6" | 8" | - | 12" |
| smartweed, pennsylvania | | - | 4" | 6" | 8" | - | 12" |
| sowthistle, annual | | - | - | - | 6" | - | 12" |
| spanishneedles | | - | - | - | 8" | - | 18" |
| speedwell, purslane | | - | 12" | - | - | - | - |
| sprangletop | | - | 6" | 12" | 20" | - | - |
| spurge, prostrate | | - | 6" | 12" | 20" | - | - |
| spurge, spotted | | - | 6" | 12" | 20" | - | - |
| spurry, umbrella | | 6" | - | - | - | - | - |
| stinkgrass | | 12" | - | - | - | - | - |
| sunflower | | - | 12" | 18" | - | - | - |
| teaweed/ prickly sida | | 1" | 2" | 3" | 4" | 6" | |
| Texas panicum | | 6" | 8" | 12" | - | 24" | |
| velvetleaf | South | - | 2" | 3" | 4" | 5" | 8" |
| | North | - | 3" | 6" | 12" | - | - |
| Virginia pepperweed | | - | 18" | - | - | - | - |
| waterhemp | | - | - | 6" | 12" | - | - |
| wheat | South | - | 6" | 30" | - | - | - |
| | North | - | 18" | 18"+ | - | - | - |
| wheat (over-wintered) | | - | 6" | 18" | - | - | - |
| wild oats | | - | 12" | - | - | - | - |
| wild proso millet | | - | - | 6" | 12" | 12" | 18" |
| witchgrass | | - | 12" | - | - | - | - |
| woolly cupgrass | | - | 6" | 12" | - | - | - |
| yellow rocket | | - | - | 12" | 20" | - | - |

† Do not treat kochia in the button stage.

† If weed growth is heavy or dense and/or growing in an undisturbed (non-cultivated) area and/or growing under stress, up to 3 quarts per acre may be applied.

Annual Weeds Rate Table, West Region

| Weed Species | Rate of this product †
(Fluid Ounces Per Acre) | | | | |
|-----------------------|---|-----|----|----|----|
| | 9 | 12 | 18 | 24 | 36 |
| Maximum Height/Length | | | | | |
| barley | 12" | - | - | - | - |
| barnyardgrass | 6" | - | - | - | - |
| bluegrass, annual | 6" | - | - | - | - |
| bluegrass, bulbous | - | 6" | - | - | - |
| brome, downy † | 6" | - | - | - | - |
| buttercup | - | 12" | - | - | - |
| cheat | - | 6" | - | - | - |
| chickweed | - | 6" | - | - | - |

Annual Weeds Rate Table, West Region (Cont.)

| | Rate of this product ¹
(Fluid Ounces Per Acre) | | | | |
|---|--|-----|----|-----|----|
| | 9 | 12 | 18 | 24 | 36 |
| Weed Species | Maximum Height/Length | | | | |
| cocklebur | - | 12" | - | - | - |
| corn | - | 6" | - | - | - |
| crabgrass | - | 12" | - | - | - |
| dwarf dandelion | - | 12" | - | - | - |
| fall panicum | - | 12" | - | - | - |
| false flax, smallseed | - | 12" | - | - | - |
| field pennycress | - | 6" | - | - | - |
| filaree | - | - | - | - | 12 |
| fleabane, hairy
(<i>conyza bonariensis</i>) | - | 6" | - | - | - |
| Florida pusley | - | - | - | 12" | - |
| foxtail | (8 fl. oz. for up to 12") | | | | |
| goatgrass, jointed | - | 6" | - | - | - |
| groundsel, common | - | 6" | - | - | - |
| henbit | - | 6" | - | - | - |
| horseweed/marestail
(<i>conyza canadensis</i>) | - | 6" | - | - | - |
| johnsongrass, seedling | - | 12" | - | - | - |
| lambsquarters | - | 6" | - | - | - |
| London rocket | - | 6" | - | - | - |
| morningglory (<i>ipomoea spp.</i>) | - | 2" | - | - | - |
| mustard, blue | 6" | - | - | - | - |
| mustard, tansy | 6" | - | - | - | - |
| mustard, tumble | 6" | - | - | - | - |
| mustard, wild | 6" | - | - | - | - |
| pigweed | - | 12" | - | - | - |
| rye | 12" | - | - | - | - |
| ryegrass, Italian | - | 6" | - | - | - |
| sandbur, field | 12" | - | - | - | - |
| shattercane | 12" | - | - | - | - |
| shepherd's-purse | - | 6" | - | - | - |
| sowthistle, annual | - | 6" | - | - | - |
| spurge, annual | - | 6" | - | - | - |
| stinkgrass | 12" | - | - | - | - |
| Texas panicum | - | 12" | - | - | - |
| wheat | 18" | - | - | - | - |
| wild oats | - | 12" | - | - | - |
| witchgrass | - | 12" | - | - | - |

¹ For control of downy brome in no-till systems, use 16 fluid ounces per acre.

[†] If weed growth is heavy or dense and/or growing in an undisturbed (non-cultivated) area and/or growing under stress, up to 3 quarts per acre may be applied.

**Perennial Weeds Rate Table
(Alphabetically By Species)**

Apply to actively growing perennial weeds.

NOTE: If weeds have been mowed or tilled, do not treat until plants have resumed active growth and have reached the specified stages.

Repeat treatments may be necessary to control weeds regenerating from underground parts or seed. Repeat treatments must be made prior to crop emergence.

Unless otherwise stated, allow 7 or more days after application before tillage.

Best results are obtained when soil moisture is adequate for active weed growth.

For difficult to control perennial weeds and woody brush and trees, where plants are growing under stressed conditions, or where infestations are dense, this product may be used at 3.75 to 7.5 quarts per acre for enhanced results. The annual maximum use rate for this product is 8 qt per acre per year.

| Weed Species | Rate (pt/acre) | Water Volume (gpa) | Hand-Held (% Solution) |
|---|----------------|--------------------|------------------------|
| Alfalfa | 1.5 - 3 | 3 - 10 | 1.5% |
| Make applications after the last hay cutting in the fall. Allow alfalfa to regrow to a height of 6 to 8 inches or more prior to treatment. Applications should be followed with deep tillage at least 7 days after treatment, but before soil freeze-up. | | | |
| Alligatorweed | 6 | 3 - 20 | 1.25% |
| Suppression. Apply when most of the plants are in bloom. Repeat applications will be required to maintain control. | | | |
| Anise (fennel) | -- | -- | 0.75 - 1.5% |
| Apply as a spray-to-wet treatment. Optimum results are obtained when plants are treated at the bud to full-bloom stage of growth. | | | |
| Bahlagrass | 4.5 - 7.5 | 3 - 20 | 1.5% |
| Apply when most plants have reached the early head stage. | | | |
| Bentgrass | 2.25 | 10 - 20 | 1.5% |
| For suppression in grass seed production areas. For ground applications only. Ensure entire crown area has resumed growth prior to a fall application. Bentgrass should have at least 3 inches of growth. Tillage prior to treatment should be avoided. Tillage 7 to 10 days after application provides best results. | | | |
| Bermudagrass | 4.5 - 7.5 | 3 - 20 | 1.5% |
| For control, apply 7.5 pints of this product per acre. For suppression, apply 4.5 pints per acre. Treat when bermudagrass is actively growing and seedheads are present. Retreatment may be necessary to maintain control. | | | |
| Bermudagrass, water (knotgrass) | 1.5 - 2.25 | 5 - 10 | 1.5% |
| Apply 2.25 pints of this product in 5 to 10 gallons of water per acre. Apply when water bermudagrass is 12 to 18 inches in length. Allow 7 or more days before tilling, flushing or flooding the field. | | | |
| Fall applications only: Apply 1.5 pints of this product in 5 to 10 gallons of water per acre. Fallow fields should be tilled prior to application. Apply prior to frost on water bermudagrass that is 12 to 18 inches in length. | | | |
| This product is not registered in California for use on water bermudagrass. | | | |
| Bindweed, field | 0.75 - 7.5 | 3 - 20 | 1.5% |
| Do not treat when weeds are under drought stress as good soil moisture is necessary for active growth. | | | |
| For control, apply 6 to 7.5 pints of this product per acre west of the Mississippi River and 4.5 to 6 pints east of the Mississippi River. Apply when the weeds are at or beyond full bloom. For best results, apply in late summer or fall. Fall treatments must be applied before a killing frost. | | | |
| Also for control, apply 3 pints of this product plus 0.5 pound a.i. of dicamba in 10 to 20 gallons of water per acre. Do not apply by air. | | | |
| For suppression on irrigated agricultural land, apply 1.5 to 3 pints of this product plus 1 pound a.i. of 2,4-D in 10 to 20 gallons of water per acre with ground equipment only. Applications should be made following harvest or in fall fallow ground when the bindweed is actively growing and the majority of runners are 12 inches or more in length. The use of at least one irrigation will promote active bindweed growth. | | | |
| For suppression, apply 12 fluid ounces of this product plus 0.5 pound a.i. of 2,4-D or 0.25 pound a.i. of dicamba in 3 to 10 gallons of water per acre for ground applications and 3 to 5 gallons of water per acre for aerial applications. Apply by air in fallow and reduced tillage systems only. Applications should be delayed until maximum emergence has occurred and when vines are between 6 to 18 inches in length. | | | |
| In California only, apply 1.5 to 7.5 pints of this product per acre. The actual rate needed for suppression or control will vary within this range depending on local conditions. For suppression on irrigated land where annual tillage is performed, apply 1.5 pints of this product in 3 to 10 gallons of water per acre. Apply to bindweed that has reached a length of 12 inches or greater. Allow maximum weed emergence and runner growth. Allow 3 or more days after application before tillage. | | | |

| Weed Species | Rate
(pt/acre) | Water Volume
(gpa) | Hand-Held
(% Solution) |
|---|---------------------------|-------------------------------|-----------------------------------|
| Bluegrass, Kentucky | 1.5 - 3 | 3 - 40 | 1.5% |
| Apply 3 pints of this product in 10 to 40 gallons of water per acre when most plants have reached boot-to-early seedhead stage of development. For suppression. in pasture or hay crop renovation, apply 1.5 to 2.25 pints of this product in 3 to 10 gallons of water per acre. Apply to actively growing plants when most have reached 4 to 12 inches in height. | | | |
| Bluweed, Texas | 4.5 - 7.5 | 3 - 40 | 1.5% |
| Apply 6 to 7.5 pints of this product per acre west of the Mississippi River and 4.5 to 6 pints per acre east of the Mississippi River. Apply when plants are at or beyond full bloom. New leaf development indicates active growth. For best results, apply in late summer or fall. Fall treatments must be applied before a killing frost. | | | |
| Brackenfern | 4.5 - 6 | 3 - 40 | 0.75 - 1.5% |
| Apply to fully expanded fronds, which are at least 18 inches long. | | | |
| Bromegrass, smooth | 1.5 - 3 | 3 - 40 | 1.5% |
| Apply 3 pints of this product in 10 to 40 gallons of water per acre when most plants have reached boot-to-early seedhead stage of development. For suppression. in pasture or hay crop renovation, apply 1.5 to 2.25 pints of this product in 3 to 10 gallons of water per acre. Apply to actively growing plants when most have reached 4 to 12 inches in height. | | | |
| Bursage, woolly-leaf | -- | 3 - 20 | 1.5% |
| For control, apply 3 pints of this product plus 0.5 lb a.i. of dicamba per acre. For suppression, apply 1.5 pints of this product plus 0.5 lb a.i. of dicamba per acre. Apply when plants are producing new active growth, which has been initiated by moisture for at least 2 weeks and when plants are at or beyond flowering. | | | |
| Canarygrass, reed | 3 - 4.5 | 3 - 40 | 1.5% |
| For best results, apply when most plants have reached the boot-to-head stage of growth. | | | |
| Cattail | 4.5 - 7.5 | 3 - 40 | 1.5% |
| Apply when most plants have reached the early head stage. | | | |
| Clover; red, white | 4.5 - 7.5 | 3 - 20 | 1.5% |
| Apply when most plants have reached the early bud stage. | | | |
| Cogongrass | 4.5 - 7.5 | 10 - 40 | 1.5% |
| Apply when cogongrass is at least 18 inches tall in late summer or fall. Due to uneven stages of growth and the dense nature of vegetation preventing good spray coverage, repeat treatments may be necessary to maintain control. | | | |
| Dallisgrass | 4.5 - 7.5 | 2 - 20 | 1.5% |
| Apply when most plants have reached the early head stage. | | | |
| Dandelion | 4.5 - 7.5 | 3 - 40 | 1.5% |
| Apply when most plants have reached the early bud stage of growth.

Also for control, apply 12 fluid ounces of this product plus 0.5 pound a.i. 2,4-D in 3 to 10 gallons of water per acre. | | | |
| Dock, curly | 4.5 - 7.5 | 3 - 40 | 1.5% |
| Apply when most plants have reached the early bud stage of growth.

Also for control, apply 12 fluid ounces of this product plus 0.5 pound a.i. 2,4-D in 3 to 10 gallons of water per acre. | | | |
| Dogbane, hemp | 6 | 3 - 40 | 1.5% |
| Apply when most plants have reached the late bud to flower stage of growth. Following crop harvest or mowing, allow weeds to regrow to a mature stage prior to treatment. For best results, apply in late summer or fall.

For suppression, apply 12 fluid ounces of this product plus 0.5 pound a.i. of 2,4-D in 3 to 10 gallons of water per acre for ground applications and 3 to 5 gallons of water per acre for aerial applications. Delay applications until maximum emergence of dogbane has occurred. | | | |
| Fescue (Except tall) | 4.5 - 7.5 | 3 - 20 | 1.5% |
| Apply when most plants have reached the early head stage. | | | |

| Weed Species | Rate
(pt/acre) | Water Volume
(gpa) | Hand-Held
(% Solution) |
|--|---------------------------|-------------------------------|-----------------------------------|
| Fescue, tall | 1.5 - 4.5 | 3 - 40 | 1.5% |
| Apply 4.5 pints of this product per acre when most plants have reached boot-to-early seedhead stage of development.

Fall applications only: Apply 1.5 pints of this product in 3 to 10 gallons of water per acre. Apply to fescue in the fall when plants have 6 to 12 inches of new growth. A sequential application of 12 fluid ounces per acre of this product will improve long-term control and control seedlings germinating after fall treatments or the following spring. | | | |
| Guineagrass | 4.5 | 3 - 40 | 0.75% |
| Apply when most plants have reached at least the 7-leaf stage of growth. Ensure thorough coverage when using hand-held equipment. | | | |
| Horsenettle | 4.5 - 7.5 | 3 - 20 | 1.5% |
| Apply when most plants have reached the early bud stage. | | | |
| Horseradish | 6 | 3 - 40 | 1.5% |
| Apply when most plants have reached the late bud to flower stage of growth. For best results, apply in late summer or fall. | | | |
| Icelandic plant | -- | -- | 1.5% |
| Icelandic plant should be at or beyond the early bud stage of growth. Thorough coverage is necessary for best control. | | | |
| Jerusalem artichoke | 4.5 - 7.5 | 3 - 20 | 1.5% |
| Apply when most plants are in the early bud stage. | | | |
| Johnsongrass | 0.75 - 4.5 | 3 - 40 | 0.75% |
| In annual cropping systems apply 1.5 to 3 pints of this product per acre. Apply 1.5 pints of this product in 3 to 10 gallons of water per acre. Use 3 pints of this product when applying 10 to 40 gallons of water per acre. In noncrop or areas where annual tillage (no-till) is not practiced, apply 3 to 4.5 pints of this product in 10 to 40 gallons of water per acre.

For best results, apply when most plants have reached the boot-to-head stage of growth or in the fall prior to frost. Allow 7 or more days after application before tillage. Do not tank mix with residual herbicides when using the 1.5 pint per acre rate.

For burndown of Johnsongrass, apply 12 fluid ounces of this product in 3 to 10 gallons of water per acre before the plants reach a height of 12 inches. For this use, allow at least 3 days after treatment before tillage.

Spot treatment (suppression): Apply a 0.75% solution of this product when Johnsongrass is 12 to 18 inches in height. Coverage should be uniform and complete. | | | |
| Kikuyugrass | 3 - 4.5 | 3-40 | 1.5% |
| Spray when most kikuyugrass is at least 8 inches in height (3 or 4-leaf stage of growth). Allow 3 or more days after application before tillage. | | | |
| Knapweed | 6 | 3-40 | 1.5% |
| Apply when most plants have reached the late bud to flower stage of growth. For best results, apply in late summer or fall. | | | |
| Lantana | - | - | 0.75 - 1% |
| Apply at or beyond the bloom stage of growth. Use the higher application rate for plants that have reached the woody stage of growth. | | | |
| Lespedeza | 4.5 - 7.5 | 3 - 20 | 1.5% |
| Apply when most plants have reached the early bud stage. | | | |
| Milkweed, common | 4.5 | 3 - 40 | 1.5% |
| Apply when most plants have reached the late bud to flower stage of growth. | | | |
| Muhly, wirestem | 1.5 - 3 | 3 - 40 | 1.5% |
| Use 1.5 pints of this product in 3 to 10 gallons of water per acre. Use 3 pints of this product when applying 10 to 40 gallons of water per acre or in pasture, sod, or noncrop areas. Spray when the wirestem muhly is 8 inches or more in height. Do not till between harvest and fall applications or in the fall or spring prior to spring applications. Allow 3 or more days after application before tillage. | | | |
| Mullein, common | 4.5 - 7.5 | 3 - 20 | 1.5% |
| Apply when most plants are in the early bud stage. | | | |
| Napiergrass | 4.5 - 7.5 | 3 - 20 | 1.5% |
| Apply when most plants are in the early head stage. | | | |

| Weed Species | Rate
(pt/acre) | Water Volume
(gpa) | Hand-Held
(% Solution) |
|---|-------------------|-----------------------|---------------------------|
| Nightshade, silverleaf | 3 | 3 - 10 | 1.5% |
| Applications should be made when at least 60 percent of the plants have berries. Fall treatments must be applied before a killing frost. | | | |
| Nutsedge; purple, yellow | 0.75 - 4.5 | 3 - 40 | 0.75 - 1.5% |
| Apply 4.5 pints of this product per acre or apply a 0.75 to 1.5% solution for control of nutsedge plants and immature nutlets attached to treated plants. Treat when plants are in flower or when new nutlets can be found at rhizome tips. Nutlets, which have not germinated, will not be controlled and may germinate following treatment. Repeat treatments will be required for long-term control of ungerminated tubers. | | | |
| Sequential applications: 1.5 to 3 pints of this product in 3 to 10 gallons of water per acre will also provide control. Make applications when a majority of the plants are in the 3 to 5-leaf stage (less than 6 inches tall). Repeat this application, as necessary, when newly emerging plants reach the 3 to 5-leaf stage. Subsequent applications will be necessary for long-term control. | | | |
| For suppression of existing plants, apply 12 fluid ounces to 3 pints of this product in 3 to 40 gallons of water per acre. Treat when plants have 3 to 5 leaves and most are less than 6 inches tall. Repeat treatments will be required to control subsequent emerging plants or regrowth of existing plants. | | | |
| Orchardgrass | 1.5 - 3 | 3 - 40 | 1.5% |
| Apply 3 pints of this product in 10 to 40 gallons of water per acre when most plants have reached boot-to-early seedhead stage of development. For suppression in pasture or hay crop renovation, apply 1.5 to 2.25 pints of this product in 3 to 10 gallons of water per acre. Apply to actively growing plants when most have reached 4 to 12 inches in height. | | | |
| Orchardgrass sods going to no-till corn: Apply 1.5 to 2.25 pints of this product in 3 to 10 gallons of water per acre. Apply to orchardgrass that is a minimum of 12 inches tall for spring applications and 6 inches tall for fall applications. Allow at least 3 days following application before planting. A sequential application of atrazine will be necessary for optimum results. | | | |
| Pampasgrass | -- | -- | 1.5% |
| Pampasgrass should be at or beyond the boot stage of growth. Thorough coverage is necessary for best control. | | | |
| Paragrass | 4.5 - 7.5 | 3 - 20 | 1.5% |
| Apply when most plants are in the early head stage. | | | |
| Phragmites | 4.5 - 7.5 | 10 - 40 | 0.75 - 1.5% |
| For suppression. For best results, treat during late summer or fall months or when plants are actively growing and in full bloom. Treatment before or after this stage may lead to reduced control. Due to the dense nature of the vegetation, which may prevent good spray coverage or uneven stages of growth, repeat treatments may be necessary to maintain control. Visual control symptoms will be slow to develop. | | | |
| Poison hemlock | -- | -- | 0.75 - 1.5% |
| Apply as a spray-to-wet treatment. Optimum results are obtained when plants are treated at the bud to full-bloom stage of growth. | | | |
| Pokeweed, common | 1.5 | 3 - 40 | 1.5% |
| Apply to actively growing plants up to 24 inches tall. | | | |
| Quackgrass | 1.5 - 4.5 | 3 - 40 | 1.5% |
| In annual cropping systems or in pastures and sods followed by deep tillage: Apply 1.5 pints of this product in 3 to 10 gallons of water per acre. For 10 to 40 gallons of water per acre, apply 3 pints of this product. Do not tank mix with residual herbicides when using the 1.5 pint rate. Spray when quackgrass is 6 to 8 inches in height. Do not till between harvest and fall applications or in fall or spring prior to spring application. Allow 3 or more days after application before tillage. In pastures or sods, use a moldboard plow for best results. | | | |
| In pastures, sods or noncrop areas where deep tillage does not follow application: Apply 3 to 4.5 pints of this product in 10 to 40 gallons of water per acre when the quackgrass is greater than 8 inches tall. | | | |
| Redvine | 1.25 - 3 | 5 - 10 | 1.5% |
| For suppression, apply 18 fluid ounces of this product per acre at each of two applications 7 to 14 days apart or a single application of 3 pints per acre. Apply specified rates in 5 to 10 gallons of water per acre. Apply in late September or early October to plants that are at least 18 inches tall and have been growing 45 to 60 days since the last tillage operation. Make applications at least 1 week before a killing frost. | | | |
| Reed, giant | -- | -- | 1.5% |
| Best results are obtained when applications are made in late summer to fall. | | | |

| Weed Species | Rate
(pt/acre) | Water Volume
(gpa) | Hand-Held
(% Solution) |
|--|---------------------------|-------------------------------|-----------------------------------|
| Ryegrass, perennial | 1.5 - 4.5 | 3 - 40 | 0.75% |
| <p>In annual cropping systems apply 1.5 to 3 pints of this product per acre. Apply 1.5 pints of this product in 3 to 10 gallons of water per acre. Use 3 pints of this product when applying 10 to 40 gallons of water per acre. In noncrop or areas where annual tillage (no-till) is not practiced, apply 3 to 4.5 pints of this product in 10 to 40 gallons of water per acre.</p> <p>For best results, apply when most plants have reached the boot-to-head stage of growth or in the fall prior to frost. Do not tank-mix with residual herbicides when using the 1.5 pint per acre rate.</p> | | | |
| Smartweed, swamp | 4.5 - 7.5 | 3 - 40 | 1.5% |
| <p>Apply when most plants have reached the early bud stage of growth.</p> <p>Also for control, apply 12 fluid ounces of this product plus 0.5 pound a.i. of 2,4-D in 3 to 10 gallons of water per acre in the late summer or fall.</p> | | | |
| Sowthistle, perennial | 3 - 4.5 | 3 - 40 | 1.5% |
| <p>Apply when most plants are at or beyond the bud stage of growth. After harvest, mowing or tillage in the late summer or fall, allow at least 4 weeks for initiation of active growth and rosette development prior to the application of this product. Fall treatments must be applied before a killing frost. Allow 3 or more days after application before tillage.</p> | | | |
| Spurge, leafy | -- | 3 - 10 | 1.5% |
| <p>For suppression, apply 12 fluid ounces of this product plus 0.5 pound a.i. 2,4-D in 3 to 10 gallons of water per acre in the late summer or fall. If mowing has occurred prior to treatment, apply when most of the plants are 12 inches tall.</p> | | | |
| Starthistle, yellow | 3 | 10 - 40 | 1.5% |
| <p>Best results are obtained when applications are made during the rosette, bolting and early flower stages.</p> | | | |
| Sweet potato, wild | -- | -- | 1.5% |
| <p>Suppression. Apply to plants that are at or beyond the bloom stage of growth. Repeat applications may be required.</p> | | | |
| Thistle, artichoke | -- | -- | 1.5% |
| <p>Suppression. Apply to plants that are at or beyond the bloom stage of growth. Repeat applications may be required.</p> | | | |
| Thistle, Canada | 3 - 4.5 | 3 - 40 | 1.5% |
| <p>Apply when most plants are at or beyond the bud stage of growth. After harvest, mowing or tillage in the late summer or fall, allow at least 4 weeks for initiation of active growth and rosette development prior to the application of this product. Fall treatments must be applied before a killing frost. Allow 3 or more days after application before tillage.</p> <p>For suppression, apply 1.5 pints of this product, or 12 fluid ounces of this product plus 0.5 pound a.i. 2,4-D, in 3 to 10 gallons of water per acre in the late summer or fall after harvest, mowing or tillage. Allow rosette regrowth to a minimum of 6 inches in diameter before treating. Applications can be made as long as leaves are still green and plants are actively growing at the time of application. Allow 3 or more days after application before tillage.</p> | | | |
| Timothy | 3 - 4.5 | 3 - 40 | 1.5% |
| <p>For best results, apply when most plants have reached the boot-to-head stage of growth.</p> | | | |
| Torpedograss | 6 - 7.5 | 3 - 40 | 1.5% |
| <p>For suppression. Apply when most plants are at or beyond the seedhead stage of growth. Repeat applications will be required to maintain control. Fall treatments must be applied before frost.</p> | | | |
| Trumpetcreeper | 3 | 5 - 10 | 1.5% |
| <p>Suppression. Apply in late September or October, to plants that are at least 18 inches tall and have been growing 45 to 60 days since the last tillage operation. Make applications at least 1 week before a killing frost.</p> | | | |
| Vaseygrass | 4.5 - 7.5 | 3 - 20 | 1.5% |
| <p>Apply when most plants are in the early head stage.</p> | | | |
| Velvetgrass | 4.5 - 7.5 | 3 - 20 | 1.5% |
| <p>Apply when most plants are in the early head stage.</p> | | | |
| Wheatgrass, western | 3 - 4.5 | 3 - 40 | 1.5% |
| <p>For best results, apply when most plants have reached the boot-to-head stage of growth.</p> | | | |

**Woody Brush And Trees Rate Table
(Alphabetically By Species)**

Apply this product after full leaf expansion, unless otherwise directed. Use the higher rate for larger plants and/or dense areas of growth. On vines, use the higher rate for plants that have reached the woody stage of growth. Best results are obtained when application is made in late summer or fall after fruit formation.

In arid areas, best results are obtained when applications are made in the spring to early summer when brush species are at high moisture content and are flowering.

Ensure thorough coverage when using hand-held equipment. Symptoms may not appear prior to frost or senescence with fall treatments.

Allow 7 or more days after application before tillage, mowing or removal. Repeat treatments may be necessary to control plants regenerating from underground parts or seed. Some autumn colors on undesirable deciduous species are acceptable provided no major leaf drop has occurred. Reduced performance may result if fall treatments are made following a frost.

For difficult to control perennial weeds and woody brush and trees, where plants are growing under stressed conditions, or where infestations are dense, this product may be used at 5 to 10 quarts per acre for enhanced results. The annual maximum use rate for this product is 10.6 qt per acre per year.

| Weed Species | Rate
(pt/acre) | Water Volume
(gpa) | Hand-Held
(% Solution) |
|--|-------------------|-----------------------|---------------------------|
| Alder | 4.5 - 6 | 3 - 40 | 0.75 - 1.5% |
| For control | | | |
| Ash | 3 - 7.5 | 3 - 40 | 0.75 - 1.5% |
| For suppression | | | |
| Aspen, quaking | 3 - 4.5 | 3 - 40 | 0.75 - 1.5% |
| For control | | | |
| Bearmat (Bearclover) | 3 - 7.5 | 3 - 40 | 0.75 - 1.5% |
| For suppression | | | |
| Beech | 3 - 7.5 | 3 - 40 | 0.75 - 1.5% |
| For suppression | | | |
| Birch | 3 | 3 - 40 | 0.75% |
| For control | | | |
| Blackberry | 4.5 - 6 | 10 - 40 | 0.75 - 1.5% |
| For control. Make applications after plants have reached full leaf maturity. Best results are obtained when applications are made in late summer or fall. Applications may also be made after leaf drop and until a killing frost or as long as stems are green. After berries have set or dropped in late fall, blackberry can be controlled by applying a 0.75% solution of this product. For control of blackberries after leaf drop and until killing frost or as long as stems are green, apply 4.5 to 6 pints of this product in 10 to 40 gallons of water per acre. | | | |
| Blackgum | 3 - 7.5 | 3 - 40 | 0.75 - 1.5% |
| For control | | | |
| Bracken | 3 - 7.5 | 3 - 40 | 0.75 - 1.5% |
| For control | | | |
| Broom; French, Scotch | - | - | 1.5% |
| For control | | | |
| Buckwheat, California | - | - | 0.75 - 1.5% |
| For suppression. Thorough coverage of foliage is necessary for best results. | | | |
| Cascara | 3 - 7.5 | 3 - 40 | 0.75 - 1.5% |
| Suppression | | | |

| Weed Species | Rate
(pt/acre) | Water Volume
(gpa) | Hand-Held
(% Solution) |
|--|---------------------------|-------------------------------|-----------------------------------|
| Catsclaw | - | - | 0.75 - 1.5% |
| Suppression | | | |
| Ceanothus | 3 - 7.5 | 3 - 40 | 0.75 - 1.5% |
| Suppression | | | |
| Chamise | - | - | 0.75% |
| For control. Thorough coverage of foliage is necessary for best results. | | | |
| Cherry; bitter, black, pin | 3 - 4.5 | 3 - 40 | 0.75 - 1.5% |
| For control | | | |
| Coyote brush | - | - | 1.5% |
| For control. Apply when at least 50 percent of the new leaves are fully developed. | | | |
| Dogwood | 3 - 7.5 | 3 - 40 | 0.75 - 1.5% |
| Suppression | | | |
| Elderberry | 3 | 3 - 40 | 0.75% |
| For control | | | |
| Elm | 3 - 7.5 | 3 - 40 | 0.75 - 1.5% |
| Suppression | | | |
| Eucalyptus | - | - | 1.5% |
| For control of eucalyptus resprouts, apply when resprouts are 6 to 12 feet tall. Ensure complete coverage. Avoid application to drought-stressed plants. | | | |
| Florida holly (Brazilian Peppertree) | 3 - 7.5 | 3 - 40 | 0.75 - 1.5% |
| Suppression | | | |
| Gorse | 3 - 7.5 | 3 - 40 | 0.75 - 1.5% |
| Suppression | | | |
| Hasardia | - | - | 0.75 - 1.5% |
| Suppression. Thorough coverage of foliage is necessary for best results. | | | |
| Hawthorn | 3 - 4.5 | 3 - 40 | 0.75 - 1.5% |
| For control | | | |
| Hazel | 3 | 3 - 40 | 0.75% |
| For control | | | |
| Hickory | 3 - 7.5 | 3 - 40 | 0.75 - 1.5% |
| Suppression | | | |
| Honeysuckle | 3 - 6 | 3 - 40 | 0.75 - 1.5% |
| For control | | | |
| Hornbeam, American | 3 - 7.5 | 3 - 40 | 0.75 - 1.5% |
| Suppression | | | |
| Kudzu | 6 | 3 - 40 | 1.5% |
| For control. Repeat applications may be required to maintain control. | | | |
| Locust, black | 3 - 6 | 3 - 40 | 0.75 - 1.5% |
| Suppression | | | |

| Weed Species | Rate
(pt/acre) | Water Volume
(gpa) | Hand-Held
(% Solution) |
|---|---------------------------|-------------------------------|-----------------------------------|
| Madrone resprouts | - | - | 1.5% |
| Suppression. Apply to resprouts that are 3 to 6 feet tall. Best results are obtained with spring/early summer treatments. | | | |
| Manzanita | 3 - 7.5 | 3 - 40 | 0.75 - 1.5% |
| Suppression | | | |
| Maple, red | 3 - 6 | 3 - 40 | 0.75 - 1.5% |
| For control, apply a 0.75 to 1.5 percent solution when at least 50 percent of the new leaves are fully developed. For suppression, apply 3 to 6 pints of this product per acre. | | | |
| Maple, sugar | - | - | 0.75 - 1.5% |
| For control. Apply when at least 50 percent of the new leaves are fully developed. | | | |
| Monkey flower | - | - | 0.75 - 1.5% |
| Suppression. Thorough coverage of foliage is necessary for best results. | | | |
| Oak; black, white | 3 - 6 | 3 - 40 | 0.75 - 1.5% |
| Suppression | | | |
| Oak, post | 4.5 - 6 | 3 - 40 | 0.75 - 1.5% |
| For control | | | |
| Oak; northern, pin | - | - | 0.75 - 1.5% |
| For control. Apply when at least 50 percent of the new leaves are fully developed. | | | |
| Oak; southern red | 3 - 4.5 | 3 - 40 | 0.75 - 1.5% |
| For control | | | |
| Persimmon | 3 - 7.5 | 3 - 40 | 0.75 - 1.5% |
| Suppression | | | |
| Pine | 3 - 7.5 | 3 - 40 | 0.75 - 1.5% |
| For control | | | |
| Poison Ivy/ Poison oak | 6 - 7.5 | 3 - 40 | 1.5% |
| For control. Repeat applications may be required to maintain control. Fall treatments must be applied before leaves lose green color. | | | |
| Poplar, yellow | 3 - 7.5 | 3 - 40 | 0.75 - 1.5% |
| Suppression | | | |
| Redbud, eastern | 3 - 7.5 | 3 - 40 | 0.75 - 1.5% |
| For control | | | |
| Rose, multiflora | 3 | 3 - 40 | 0.75% |
| For control. Treatments should be made prior to leaf deterioration by leaf-eating insects. | | | |
| Russian olive | 3 - 7.5 | 3 - 40 | 0.75 - 1.5% |
| Suppression | | | |
| Sage, black | - | - | 0.75% |
| For control. Thorough coverage of foliage is necessary for best results. | | | |
| Sage, white | 3 - 7.5 | 3 - 40 | 0.75 - 1.5% |
| Suppression | | | |
| Sage brush, California | - | - | 0.75% |
| For control. Thorough coverage of foliage is necessary for best results. | | | |
| Salmonberry | 3 | 3 - 40 | 0.75% |
| For control | | | |

| Weed Species | Rate
(pt/acre) | Water Volume
(gpa) | Hand-Held
(% Solution) |
|--|---------------------------|-------------------------------|-----------------------------------|
| Salt-cedar | 3 - 7.5 | 3 - 40 | 0.75 - 1.5% |
| For control | | | |
| Sassafras | 3 - 7.5 | 3 - 40 | 0.75 - 1.5% |
| Suppression | | | |
| Sourwood | 3 - 7.5 | 3 - 40 | 0.75 - 1.5% |
| Suppression | | | |
| Sumac; poison, smooth, winged | 3 - 6 | 3 - 40 | 0.75 - 1.5% |
| Suppression | | | |
| Sweetgum | 3 - 4.5 | 3 - 40 | 0.75 - 1.5% |
| For control | | | |
| Swordfern | 3 - 7.5 | 3 - 40 | 0.75 - 1.5% |
| Suppression | | | |
| Tallowtree, Chinese | - | - | 0.75% |
| For control. Thorough coverage of foliage is necessary for best results. | | | |
| Tan oak resprouts | - | - | 1.5% |
| For suppression. Apply to resprouts that are less than 3 to 6 feet tall. Best results are obtained with fall applications. | | | |
| Thimbleberry | 3 | 3 - 40 | 0.75% |
| For control | | | |
| Tobacco, tree | - | - | 0.75 - 1.5% |
| Suppression | | | |
| Trumpet creeper | 3 - 4.5 | 3 - 40 | 0.75 - 1.5% |
| For control | | | |
| Vine maple | 3 - 7.5 | 3 - 40 | 0.75 - 1.5% |
| Suppression | | | |
| Virginia creeper | 3 - 7.5 | 3 - 40 | 0.75 - 1.5% |
| For control | | | |
| Waxmyrtle, southern | 3 - 7.5 | 3 - 40 | 0.75 - 1.5% |
| Suppression | | | |
| Willow | 3 | 3 - 40 | 0.75% |
| For control | | | |

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. 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.

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. 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.

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. 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.

®Trademark of Dow AgroSciences LLC

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

Label Code: D02-351-002

Replaces Label: D02-351-001

LOES Number: 010-02164

EPA-accepted 05/12/08

Revisions:

1. Updated Storage and Disposal
2. Removed Spanish signal word
3. Revised primary skin irritation from Category IV to Category III.
4. Revised precautionary statements and First Aid to category III.
5. Removed statement to prohibit addition of buffering agents when this product is the only herbicide being applied

Rev. 09/08

State of West Virginia

VENDOR PREFERENCE CERTIFICATE

Certification and application* is hereby made for Preference in accordance with *West Virginia Code*, §5A-3-37. (Does not apply to construction contracts). *West Virginia Code*, §5A-3-37, provides an opportunity for qualifying vendors to request (at the time of bid) preference for their residency status. Such preference is an evaluation method only and will be applied only to the cost bid in accordance with the *West Virginia Code*. This certificate for application is to be used to request such preference. The Purchasing Division will make the determination of the Resident Vendor Preference, if applicable.

1. Application is made for 2.5% resident vendor preference for the reason checked:

Bidder is an individual resident vendor and has resided continuously in West Virginia for four (4) years immediately preceding the date of this certification; or,

Bidder is a partnership, association or corporation resident vendor and has maintained its headquarters or principal place of business continuously in West Virginia for four (4) years immediately preceding the date of this certification; or 80% of the ownership interest of Bidder is held by another individual, partnership, association or corporation resident vendor who has maintained its headquarters or principal place of business continuously in West Virginia for four (4) years immediately preceding the date of this certification; or,

Bidder is a nonresident vendor which has an affiliate or subsidiary which employs a minimum of one hundred state residents and which has maintained its headquarters or principal place of business within West Virginia continuously for the four (4) years immediately preceding the date of this certification; or,

2. Application is made for 2.5% resident vendor preference for the reason checked:

Bidder is a resident vendor who certifies that, during the life of the contract, on average at least 75% of the employees working on the project being bid are residents of West Virginia who have resided in the state continuously for the two years immediately preceding submission of this bid; or,

3. Application is made for 2.5% resident vendor preference for the reason checked:

Bidder is a nonresident vendor employing a minimum of one hundred state residents or is a nonresident vendor with an affiliate or subsidiary which maintains its headquarters or principal place of business within West Virginia employing a minimum of one hundred state residents who certifies that, during the life of the contract, on average at least 75% of the employees or Bidder's affiliate's or subsidiary's employees are residents of West Virginia who have resided in the state continuously for the two years immediately preceding submission of this bid; or,

4. Application is made for 5% resident vendor preference for the reason checked:

Bidder meets either the requirement of both subdivisions (1) and (2) or subdivision (1) and (3) as stated above; or,

5. Application is made for 3.5% resident vendor preference who is a veteran for the reason checked:

Bidder is an individual resident vendor who is a veteran of the United States armed forces, the reserves or the National Guard and has resided in West Virginia continuously for the four years immediately preceding the date on which the bid is submitted; or,

6. Application is made for 3.5% resident vendor preference who is a veteran for the reason checked:

Bidder is a resident vendor who is a veteran of the United States armed forces, the reserves or the National Guard, if, for purposes of producing or distributing the commodities or completing the project which is the subject of the vendor's bid and continuously over the entire term of the project, on average at least seventy-five percent of the vendor's employees are residents of West Virginia who have resided in the state continuously for the two immediately preceding years.

Bidder understands if the Secretary of Revenue determines that a Bidder receiving preference has failed to continue to meet the requirements for such preference, the Secretary may order the Director of Purchasing to: (a) reject the bid; or (b) assess a penalty against such Bidder in an amount not to exceed 5% of the bid amount and that such penalty will be paid to the contracting agency or deducted from any unpaid balance on the contract or purchase order.

By submission of this certificate, Bidder agrees to disclose any reasonably requested information to the Purchasing Division and authorizes the Department of Revenue to disclose to the Director of Purchasing appropriate information verifying that Bidder has paid the required business taxes, provided that such information does not contain the amounts of taxes paid nor any other information deemed by the Tax Commissioner to be confidential.

Under penalty of law for false swearing (*West Virginia Code*, §61-5-3), Bidder hereby certifies that this certificate is true and accurate in all respects; and that if a contract is issued to Bidder and if anything contained within this certificate changes during the term of the contract, Bidder will notify the Purchasing Division in writing immediately.

Bidder: Amberchem Div. of Asplundh

Signed: Joe Zantz

Date: 3-11-2011

Title: Vice President

*Check any combination of preference consideration(s) indicated above, which you are entitled to receive.

RFQ No. 6611 C023

STATE OF WEST VIRGINIA
Purchasing Division

PURCHASING AFFIDAVIT

West Virginia Code §5A-3-10a states: No contract or renewal of any contract may be awarded by the state or any of its political subdivisions to any vendor or prospective vendor when the vendor or prospective vendor or a related party to the vendor or prospective vendor is a debtor and the debt owned is an amount greater than one thousand dollars in the aggregate

DEFINITIONS:

"Debt" means any assessment, premium, penalty, fine, tax or other amount of money owed to the state or any of its political subdivisions because of a judgment, fine, permit violation, license assessment, defaulted workers' compensation premium, penalty or other assessment presently delinquent or due and required to be paid to the state or any of its political subdivisions, including any interest or additional penalties accrued thereon.

"Debtor" means any individual, corporation, partnership, association, Limited Liability Company or any other form or business association owing a debt to the state or any of its political subdivisions. "Political subdivision" means any county commission; municipality; county board of education; any instrumentality established by a county or municipality; any separate corporation or instrumentality established by one or more counties or municipalities, as permitted by law; or any public body charged by law with the performance of a government function or whose jurisdiction is coextensive with one or more counties or municipalities. "Related party" means a party, whether an individual, corporation, partnership, association, limited liability company or any other form or business association or other entity whatsoever, related to any vendor by blood, marriage, ownership or contract through which the party has a relationship of ownership or other interest with the vendor so that the party will actually or by effect receive or control a portion of the benefit, profit or other consideration from performance of a vendor contract with the party receiving an amount that meets or exceeds five percent of the total contract amount.

EXCEPTION: The prohibition of this section does not apply where a vendor has contested any tax administered pursuant to chapter eleven of this code, workers' compensation premium, permit fee or environmental fee or assessment and the matter has not become final or where the vendor has entered into a payment plan or agreement and the vendor is not in default of any of the provisions of such plan or agreement.

Under penalty of law for false swearing (*West Virginia Code §61-5-3*), it is hereby certified that the vendor affirms and acknowledges the information in this affidavit and is in compliance with the requirements as stated.

WITNESS THE FOLLOWING SIGNATURE

Vendor's Name: Arborechem Products (Division of Asplundh Tree Expert Co)

Authorized Signature: [Signature] Date: 3-7-2011

State of Pennsylvania

County of Cumberland, to-wit: 7th March

Taken, subscribed, and sworn to before me this 7th day of December, 2011.

My Commission expires 12/12, 2013

AFFIX SEAL HERE

NOTARY PUBLIC [Signature]

