Taos herbicide source exhibits

Printable federal record extracts and original agency PDFs. Raw JSON and full original documents are included in the companion download bundle.

Exhibit guide

Exhibit	Source and scope
A / Federal records	Selected fields from four official IFPRS records. Blank completion dates are shown as such. These extracts are for reading. Unaltered records and geometry are in the bundle.
B / Official treatment map	BLM's original October 16, 2026 map. It shows announced treatment areas. An as-applied map was not recovered.
C / New Mexico rule	Original NMDA rule PDF, effective October 7, 2025. See printed page 4, section 21.17.50.10, for record contents, timing and retention.
D / EPA label	Original EPA-hosted 2006 Spike 20P specimen. The product and label actually used remain unverified.
Bundle / Additional originals	New Mexico Bureau of Geology & Mineral Resources Open-file Report 544 and BLM's monument-plan protest report. These provide site and process context. The protest report belongs to the separate monument plan.

Cones EA and decision access

BLM cites a July 2020 Cones Fire EA in its monument planning references. The exact legacy link returned an unavailable-document page. The signed April 2025 Cones decision and its signature status, draft or final decision versions, application records, and signed agreement could not be recovered. BLM's bibliographic reference · Legacy Cones EA link

Additional public reading

October 21 BLM announcement · 2020 public appeal · Local reporting on the petition and notice history · 2023 monument vegetation study

Federal tracking records

Selected attributes transcribed from the public federal service. Dates shown by calendar day. See the original JSON for geometry, fields and provenance.

BIL_ConesTEB_2929

Original federal record · Action 56647 / object 4376899

Class Estimated Treatment
Type Herbicide
Status Approved (Regional)
Unit State Trust Land
FundingSubUnit Taos FO
CalculatedArea 2929
InitiationDate 2026-10-02
CompletionDate (blank)
LastModifiedDate 2026-10-05

Notes from federal record
Funding put in agreement in FY25 with work to be completed in FY26.
Excess funds contribution from FY25 underbid contracts were:
$84K from treatment ID 19573
$27K from treatment ID 22426
Additional funds of $51,000 added from carry over funding 23X LF312B
Additional funds of $74,342.22 added from 26X 312C bringing the total available funds to $380,342.22
This treatment was copied over from Treatment ID 39035. It is an agreement to treat approximately 9,851 acres over the course of 3 years.

BIL312__ConesTEB_2929_Contract Prep

Original federal record · Action 56648 / object 4377309

Class Estimated Activity
Type Agreement
Status Completed
Unit TAOS FIELD OFFICE
FundingSubUnit Taos FO
CalculatedArea 2929
InitiationDate 2025-10-02
CompletionDate 2026-09-23
LastModifiedDate 2026-09-23

Notes from federal record
TEB treatment of the Cones EA
Funding put in agreement in FY25 with work to be completed in FY26. Total project cost to treat 9,851 acres is anticipated to be roughly $381K.
Excess funds contribution from FY25 underbid contracts were:
$84K from treatment ID 19573
$27K from treatment ID 22426
Additional funds of $51,000 added from carry over funding 23X LF312B
Additional funds of $74,342.22 added from 26X 312C bringing the total available funds to $380,342.22
All funds have been obligated.
This activity was copied over from Treatment ID 39035. It is an agreement to treat approximately 9,851 acres over the course of 3 years. Phase I will treat 2,929 acres and will be completed by 11/30/2026.

Federal tracking records

Selected attributes transcribed from the public federal service. Dates shown by calendar day. See the original JSON for geometry, fields and provenance.

BIL312__ConesTEB_2929_Contract Prep

Original federal record · Action 56975 / object 4399619

Class Actual Activity
Type Agreement
Status Completed
Unit State Trust Land
FundingSubUnit Taos FO
CalculatedArea 2929
InitiationDate 2025-10-02
CompletionDate 2026-09-23
LastModifiedDate 2026-09-23

Notes from federal record
TEB treatment of the Cones EA
Funding put in agreement in FY25 with work to be completed in FY26. Total project cost to treat 9,851 acres is anticipated to be roughly $381K.
Excess funds contribution from FY25 underbid contracts were:
$84K from treatment ID 19573
$27K from treatment ID 22426
Additional funds of $51,000 added from carry over funding 23X LF312B
Additional funds of $74,342.22 added from 26X 312C bringing the total available funds to $380,342.22
All funds have been obligated.
This activity was copied over from Treatment ID 39035. It is an agreement to treat approximately 9,851 acres over the course of 3 years. Phase I will treat 2,929 acres and will be completed by 11/30/2026.

CO_BIL312_Cones_TEB_9851_FY25

Original federal record · Action 39035 / object 1142975

Class Estimated Treatment
Type Herbicide
Status Cancelled
Unit N/A
FundingSubUnit Taos FO
CalculatedArea 9851
InitiationDate 2025-10-01
CompletionDate (blank)
LastModifiedDate 2026-09-23
StatusReason Funded in an agreement in FY26 with work to be completed in FY27. Substituted with activity ID# 56648

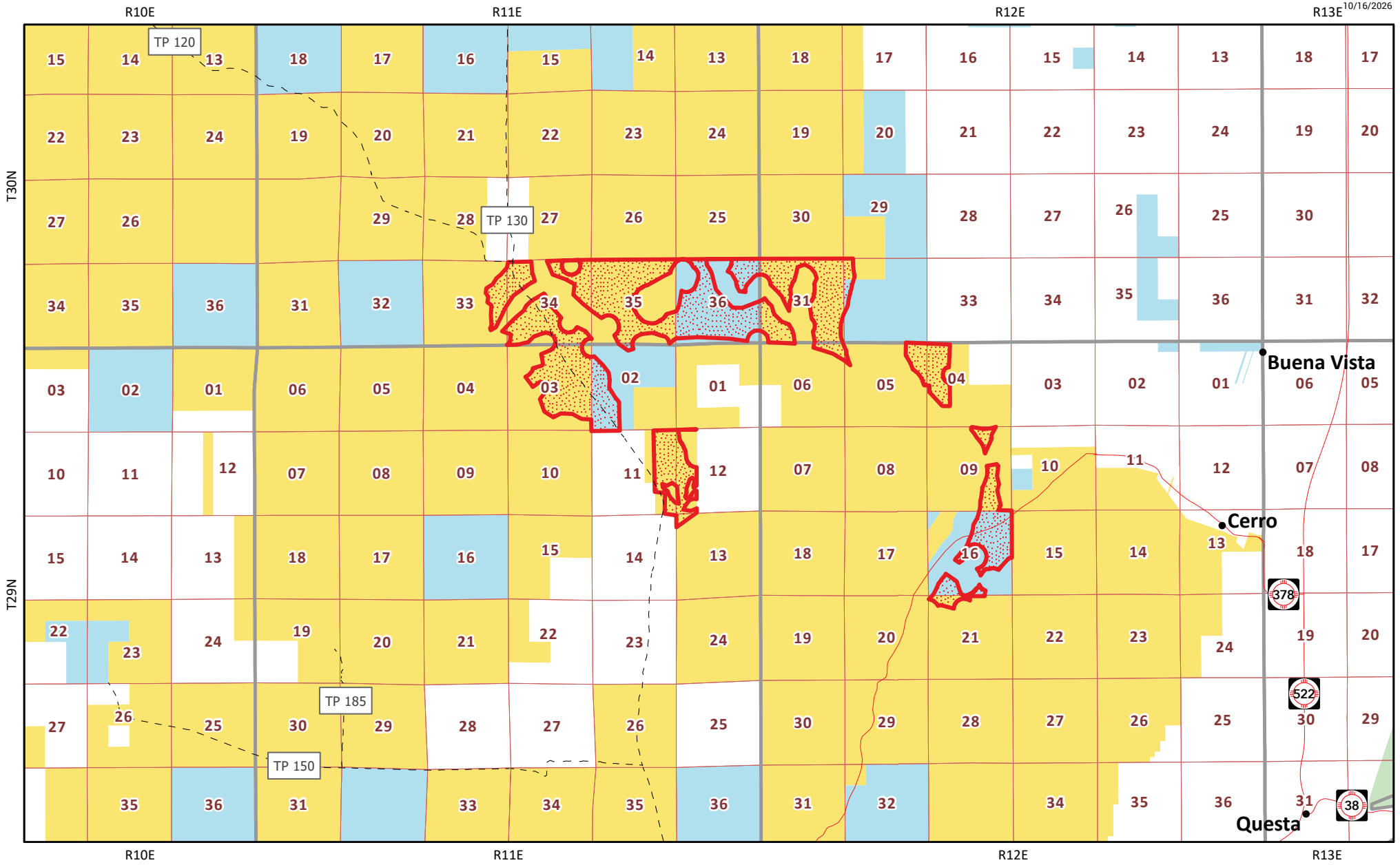
Notes from federal record
TEB treatment of the Cones EA
Funding put in agreement in FY25 with work to be completed in FY26. Total project cost to treat 9,851 acres is anticipated to be roughly $381K.
Excess funds contribution from FY25 underbid contracts were:
$84K from treatment ID 19573
$27K from treatment ID 22426
Additional funds of $51,000 added from carry over funding 23X LF312B
Additional funds of $74,342.22 added from 26X 312C bringing the total available funds to $380,342.22
This activity was copied to Treatment ID 56647 and Activity ID 56648 as a place holder and for continuity. It is an agreement to treat approximately 9,851 acres over the course of 3 years. Phase I will be completed by 11/30/2026.

2026 Cones TEB Treatment

Bureau of Land Management
Taos Field Office
1024 Paseo del Pueblo Sur
Taos, NM 87571
(575)758-8851



10/16/2026



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of this map or the data displayed for individual use or aggregate use with other data.

N

0 4 Miles

0 4 Kilometers

Cones TEB Treatment Areas
Bureau of Land Management
Forest Service
Private
State
4wd, Rough Bladed or Two-Track

TITLE 21 AGRICULTURE AND RANCHING
CHAPTER 17 PEST, DISEASE, AND WEED CONTROL
PART 50 PESTICIDES

21.17.50.1 ISSUING AGENCY: New Mexico State University, New Mexico Department of Agriculture. MSC 3189, Box 30005, Las Cruces, New Mexico 88003-8005, Telephone No. (575) 646-3007.
[21.17.50.1 NMAC – Rp, 21.17.50.1 NMAC, 10/07/2025]

21.17.50.2 SCOPE: Part 50 shall apply to all persons regulated under the Pesticide Control Act, including private applicators, commercial applicators, non-commercial applicators, public applicators, pest management consultants, pesticide dealers and pesticide manufacturers, and to all activities relating to the distribution and use of pesticides.
[21.17.50.2 NMAC – Rp, 21.17.50.2 NMAC, 10/07/2025]

21.17.50.3 STATUTORY AUTHORITY: Granted to the board of regents of New Mexico state university under the New Mexico Pesticide Control Act, Chapter 76, Article 4, Sections 1 through 39, NMSA 1978 Compilation.
[21.17.50.3 NMAC – Rp, 21.17.50.3 NMAC, 10/07/2025]

21.17.50.4 DURATION: Permanent.
[21.17.50.4 NMAC – Rp, 21.17.50.4 NMAC, 10/07/2025]

21.17.50.5 EFFECTIVE DATE: October 07, 2025, unless a later date is cited in the history note at the end of a section.
[21.17.50.5 NMAC – Rp, 21.17.50.5 NMAC, 10/07/2025]

21.17.50.6 OBJECTIVE: The objective of Part 50 of Chapter 17 is to set criteria for the use of pesticides in New Mexico, including the licensing and certification of pesticide applicators, record keeping, equipment inspection, fees, storage and disposal of pesticides.
[21.17.50.6 NMAC – Rp, 21.17.50.6 NMAC, 10/07/2025]

21.17.50.7 DEFINITIONS:

A. **"Active ingredient"** means any ingredient which will prevent, destroy, repel, control or mitigate a pest or which will act as a regulator, defoliant or desiccant.

B. **"Aircraft"** means any fixed-wing aerial equipment or helicopter used to apply pesticides.

C. **"Bait"** means an edible material containing a pesticide attractive to a pest.

D. **"Certified applicator"** means any person who has complied with the certification requirements established by the department to use or supervise the use of any pesticide covered by a valid license issued by the department.

E. **"Competent"** means properly qualified to perform functions associated with pesticide application and/or use, the degree of capability required being directly related to the nature of the activity and the associated responsibility.

F. **"Defoliant"** means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

G. **"Desiccant"** means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue.

H. **"Direct supervision"** means verifiable instruction to a competent person as follows:

(1) detailed guidance for applying and/or using the pesticide properly; and

(2) provisions for contacting the certified applicator in the event he is needed; or

(3) actual physical presence of a certified applicator when required by the label.

I. **"Disposal"** means to abandon, deposit, inter, or otherwise discard of waste as a final action after its use has been achieved or a use is no longer intended.

J. **"Fungus"** means any non-chlorophyll-bearing thallophyte (that is, any non-chlorophyll-bearing plant of a lower order than mosses and liverworts) as, for example, rust, smut, mildew, mold and yeast, except those on or in processed food, beverages, or pharmaceuticals.

K. **"Ground equipment"** means any equipment used to supply pesticides that is operated on the ground and is self-propelled, or is mounted, drawn, or transported by a tractor, truck or other vehicle, and that is:

(1) gravity fed;

(2) mechanically driven by chain, gears or belts; or

(3) obtains power or pressure from a power-take-off or engine.

L. **"Hazardous pesticide waste"** means any pesticide waste in a concentration or quantity, or a waste pesticide container which the board declares to be hazardous to the public health and safety, domestic livestock or wildlife or property.

M. **"Illegal residue"** means the amount of pesticide remaining in or on food or feed crops and crop by-products, or in meat, meat by-products, or in the fat or milk of animals in excess of tolerances established by the U.S. environmental protection agency (EPA).

N. **"Inert ingredient"** means any ingredient which has no active properties.

O. **"Manual equipment"** means any pressurized or electrically operated equipment (excluding hand-sized pressurized containers containing pesticides) used to apply pesticides that is carried or drawn as a complete unit by the person who applies the pesticide.

P. **"Open burning"** means the combustion of pesticide waste in any fashion other than by incineration in an incinerator approved and permitted by the New Mexico environment department and designed for that waste.

Q. **"Open dumping"** means the placing of pesticide waste in a land site other than a sanitary landfill as defined herein.

R. **"Operator technician"** means any person who uses any pesticide as an employee of a commercial applicator.

S. **"Permit"** means a written certificate of authority issued by the department to use or apply pesticides.

T. **"Pest"** means any living organism injurious to other living organisms (except man and viruses, bacteria, or other microorganisms in or on other living organisms other than plants) that is a vector of a disease, or is a parasite on another organism and includes, but is not limited to, organisms in the phyla, Platyhelminthes (flatworms, flukes, tapeworms), Nemathelminthes (roundworms), Mollusca (snails), Annelida (earthworms), Arthropoda (centipedes, millipedes, spiders, mites, ticks, insects) and Chordata (fish, amphibians, reptiles, birds, mammals, excluding man).

U. **"Pest control operator"** means a commercial applicator certified in one or more of the license classification(s) 7A, 7B, 7C, or 7D of Paragraphs (10) through (13) of Subsection B of 21.17.50.8 NMAC.

V. **"Pesticide waste"** means any active or inert ingredient, or any combination thereof, of a labeled pesticide in either its packaged concentration or diluted for use which is intended for disposal. The term "pesticide waste" does not include any pesticide packaged in a form suitable for use in the household, or for agricultural use by a farmer or rancher.

W. **"Protective equipment"** means clothing, respirators, goggles or other equipment or materials used to shield an applicator against unintended exposure to pesticides.

X. **"Public pest management consultant"** means any individual who is employed by a governmental agency or municipality and who offers or supplies technical advice or makes recommendations to a user of restricted-use pesticides.

Y. **"Sanitary landfill"** means a land site for the disposal of wastes as specified under the environmental improvement board's solid waste management regulations in such a manner so as to preclude hazards to public health and safety, domestic livestock or wildlife, and loss of property by utilizing the principles of engineering to confine the wastes to the smallest practical area and to cover with soil.

Z. **"Service container"** means any container utilized to hold, store or transport a pesticide concentrate or a pesticide use-dilution preparation other than 1) the original labeled container provided by the manufacturer or 2) the application equipment. Containers used for waste pesticides are not deemed to be service containers.

AA. **"Service vehicle"** means any vehicle used to transport pesticide application equipment, or use-dilution preparation to the application site.

BB. **"Use-dilution preparation"** means a pesticide preparation which is mixed with a diluent and at a rate specified on the label or labeling which produces the concentration of the pesticide provided on the registered label or labeling.

CC. **"Waste pesticide container"** means any container intended for disposal which formerly held pesticides.

DD. **"Water dumping"** means the disposal of pesticide waste in or on lakes, ponds, rivers, sewers, arroyos or any watercourse, except properly designed and constructed manmade facilities approved by the New Mexico environmental improvement division.

EE. **"Weed"** means any plant which grows where not wanted.

[21.17.50.7 NMAC – Rp, 21.17.50.7 NMAC, 10/07/2025]

21.17.50.8 LICENSE CATEGORIES:

A. This section delineates the license categories and the scope of operations which may be performed under each category. These license categories represent the certification examinations taken by commercial, public and non-commercial applicators, pest management consultants and public pest management consultants.

B. License category and code number:

(1) lA -- Agricultural pest control -- includes the control of insects, mites, plant, diseases, nematodes, and the use of soil fumigants, on agronomic crops.

(2) lB -- Agricultural weed control -- includes the control of undesirable plants that compete with agricultural crops for water and plant nutrients and includes the use of desiccants, fumigants and defoliants.

(3) lC -- Animal pest control -- includes spraying, dusting, dipping, or administering pesticides internally to control pests such as lice, mites, bots, fleas and flies on pets and livestock or treatment of places where animals are confined.

(4) 2-- Forest pest control -- includes the application of pesticides in forests, forest nurseries and forest seed producing areas.

(5) 3A -- Ornamental and turf pest control: insecticides and fungicides -- includes the control of insect and disease pests in the maintenance and production of ornamental trees, shrubs, flowers and turf.

(6) 3B -- Ornamental and turf pest control: herbicides -- includes the control of undesirable vegetation in the maintenance and production of ornamental trees, shrubs, flowers and turf.

(7) 4 -- Seed treatment -- includes the treatment of seeds to control insects, plant diseases and other pests.

(8) 5 -- Aquatic pest control -- includes the application of a pesticide to standing or running water to control algae, undesirable fish and other aquatic organisms, excluding public health pest control.

(9) 6 -- Right-of-way pest control -- includes the control of vegetation along public roads, electric powerlines, pipelines, railway rights-of-way, around oil well, storage areas, airports and similar areas.

(10) 7A -- Structural pest control -- includes the control of household pests, fabric pests and stored product pest.

(11) 7B -- Vertebrate animal control -- includes the control of rodents, birds, bats and predators of wildlife and domestic animals.

(12) 7C -- Fumigation -- includes the use of gases such as methyl bromide, hydrogen cyanide and phosphine to control pests in structures, railroad cars, stored grain and similar areas.

(13) 7D -- Wood destroying pest control -- includes the control of termites, carpenter ants, wood-boring or tunneling beetles, fungi and other organisms which attack lumber in structures or sawed lumber.

(14) 8 -- Public health pest control -- includes the control of mosquitoes, flies, fleas and other vectors that transmit human or animal diseases.

(15) 9 -- Regulatory pest control -- includes state, federal or other governmental employees who control regulated and/or quarantined pests.

(16) 10 -- Demonstration and research pest control -- includes:

(a) individuals who demonstrate to the public the proper use of restricted-use pesticides; or

(b) who conduct field research with pesticides.

(17) 11 -- Other -- to be assigned by the director.

[21.17.50.8 NMAC – Rp, 21.17.50.8 NMAC, 10/07/2025]

21.17.50.9 EXPIRATION DATE OF LICENSES: The annual registration of pesticides and any licenses or certifications provided for in the Pesticide Control Act shall expire on the dates indicated in this section unless it has been revoked or suspended prior thereto by the director.

A. The annual pesticide or device registration shall expire on January 31 following issuance.

B. The annual pesticide dealer license shall expire on January 31 following issuance.

C. The annual pest management consultant license shall expire on January 31 following issuance.

D. The annual commercial applicator license shall expire on January 31 following issuance.

E. The annual operator/technician license shall expire on January 31 following issuance.

F. The annual non-commercial applicator license shall expire on January 31 following issuance.

G. The annual public applicator license shall expire on Janaury 31 following issuance.

H. The annual public pest management consultant license shall expire on January 31 following issuance.

I. The private applicator certification shall expire on January 31 five years following the year of issuance.

[21.17.50.9 NMAC – Rp, 21.17.50.9 NMAC, 10/07/2025]

21.17.50.10 RECORDS:

A. Each commercial applicator, non-commercial applicator and public applicator shall keep records for pesticides applied by them or persons under their direct supervision which shall include the following:

(1) name of the person for whom the pesticide was applied;

(2) target pest(s) and crop or site;

(3) year, month, day, and time the pesticide was applied;

(4) brand name or common name of the pesticide and U.S. environmental protection agency registration number(s) of the pesticide(s);

(5) direction and estimated velocity of the wind and the temperature at the application site at the time the pesticide was applied; this requirement shall not apply to application of baits in bait stations or pesticide applications in or immediately adjacent to structures;

(6) concentration of the pesticide(s) applied; example: pounds, ounces or pints of pesticide formulation per gallon applied;

(7) volume of use-dilution preparation applied, if applied in categories lA, lB, 2, 3A, 3B, 5, 6, 7D and 8 as defined in Section 8;

(8) location of the land or city address to which pesticide was applied;

(9) if applicable, all aircraft identification numbers;

(10) name and address of the business or agency and the name of the individual making the application.

B. Pesticide application records shall be completed and available to the department within 24 hours after the pesticide is applied.

C. Pesticide application records shall be kept for a period of two years from the date of the application of any pesticide. Upon request, in writing, the department shall be furnished with a copy of these records.

D. Upon written request, the customer shall be provided with a record of each application of pesticide applied to his land which includes all information given under Subsection A of 21.17.50.10 NMAC.

E. Holders of private applicator licenses for M-44 sodium cyanide capsules shall submit to the director by September 15, their field records on the use of the M-44 capsules for the preceding period of September 1 through August 31.

[21.17.50.10 NMAC – Rp, 21.17.50.10 NMAC, 10/07/2025]

21.17.50.11 INSPECTION AND CARE OF EQUIPMENT:

A. Equipment used for applying pesticides by a commercial applicator shall be kept in good mechanical condition. Parts that show signs of wear or malfunction shall be replaced to prevent leakage and to assure uniform dispersal of the pesticide. Equipment, where applicable, shall be calibrated accurately to dispense the prescribed amount of pesticide. Hoses or parts not suitable or not intended for use on spray equipment shall not be used.

B. Equipment to be licensed shall be inspected for, but not limited to, the following:

(1) nozzle condition and function;

(2) suitable type of hose;

(3) tank condition;
(4) hose and pipe connections and condition;
(5) proper functioning of pressure regulators, if equipped;
(6) proper functioning of emergency dump valve;
(7) proper functioning of pump;
(8) decal or license plate affixed to the equipment.

C. When the same equipment is used to apply different types of pesticides, it shall be cleaned thoroughly if:

(1) an insecticide is used following the use of a herbicide or defoliant; or
(2) residue from material used previously is not compatible with other pesticides to be used; or
(3) a pesticide has been used that would cause an illegal residue on cultivated crops or processed food.

D. Equipment shall be cleaned in a manner that no residues remain that will cause injury to land, humans, desirable plants or animals when making subsequent application of pesticides.

E. A uniform mixture shall be maintained in the equipment at all times while applying pesticides.

F. Pesticides that remain in spray equipment after a job is completed, and for which no further legal use is intended, shall be disposed of in a manner and location that would not cause unreasonable adverse effects on the environment. Pesticides from any equipment shall not be dumped along public highways, into streams, or at any location that would cause unreasonable adverse effects on the environment.

G. Bait boxes and watering stations placed by commercial applicators, non-commercial applicators, and public applicators shall be legibly marked with the business name of the commercial applicator or name of the public agency; the brand name or common name or chemical name of the pesticide or the active ingredient(s); the EPA registration number; and current phone number of the New Mexico poison control center in Albuquerque, New Mexico.

H. In food handling establishments rodenticides shall be placed in bait boxes or watering stations marked with the information required in Subsection G of 21.17.50.11 NMAC.

I. Service containers shall have affixed to them a legible label with the common name of the active ingredient(s) or the brand name of pesticide contained therein.

J. Securing pesticides and equipment on service vehicles: any container or portable application equipment containing pesticides or pesticide residues shall not be left unattended on a service vehicle unless the container or equipment is in a locked compartment or secured in such a manner so as to render it inaccessible to an unauthorized person.

[21.17.50.11 NMAC – Rp, 21.17.50.11 NMAC, 10/07/2025]

21.17.50.12 PROTECTIVE EQUIPMENT: All licensed certified applicators shall be required to make available protective equipment properly decontaminated and in proper working order, and advise their employees of its use to meet the safety requirements of the pesticide labeling.

[21.17.50.12 NMAC – Rp, 21.17.50.12 NMAC, 10/07/2025]

21.17.50.13 APPLICATION OF PESTICIDES:

A. A licensed certified applicator shall apply only those pesticides registered for use in New Mexico under his license category(s). Any person applying pesticides shall follow directions, rates and precautions stated on the approved label and labeling. Application or use of a pesticide in a manner inconsistent with the directions on the approved label and labeling shall constitute an illegal use of the pesticide. Restricted-use pesticides shall be applied only by licensed certified applicators or persons under their direct supervision.

B. If a commercial pesticide applicator uses a liability insurance policy as proof of financial responsibility, the applicator shall not apply pesticides exempted in the policy.

[21.17.50.13 NMAC – Rp, 21.17.50.13 NMAC, 10/07/2025]

21.17.50.14 CHANGE OF BUSINESS STATUS:

A. Any person issued a license under the Pesticide Control Act shall within 10 days notify the director in writing of any change of:

(1) employment;
(2) ownership of the firm;
(3) the business firm name, address or any pertinent data on his application;

(4) licensed employees.

B. Licenses issued under the New Mexico Pesticide Control Act are nontransferable.

[21.17.50.14 NMAC – Rp, 21.17.50.14 NMAC, 10/07/2025]

21.17.50.15 DISPLAY AND STORAGE OF PESTICIDES:

A. Pesticides intended for distribution or sale shall be displayed or stored within an enclosed building or fenced area and shall not be displayed on sidewalks, parking lots or similar open areas.

B. Pesticides shall be stored in a manner that will reasonably insure that human foods, pet foods, drugs, animal feeds, commercial fertilizers, seeds or clothing will not be contaminated.

C. Pesticides in leaking, broken, corroded or otherwise damaged containers or with damaged or obscured labels, shall not be displayed or offered for sale.

[21.17.50.15 NMAC – Rp, 21.17.50.15 NMAC, 10/07/2025]

21.17.50.16 IDENTIFICATION OF VEHICLES:

A. All service vehicles used by a commercial applicator for distributing pesticides or devices shall be marked with:

(1) name of the firm;

(2) commercial applicator's license number.

B. All letters and numerals shall be of bold lettering at least one and one-half (1-1/2) inches high with a contrasting color as background. Markings shall be visible on both the right and left side of the service vehicle.

[21.17.50.16 NMAC – Rp, 21.17.50.16 NMAC, 10/07/2025]

21.17.50.17 PESTICIDE DEALERS:

A. Each applicant for a pesticide dealer license for outlets within New Mexico shall provide adequate facilities for the storage and distribution of restricted-use pesticides.

B. Each pesticide dealer shall keep a record of the sale of all restricted-use pesticides. Information to be recorded shall include:

(1) name and license number of the certified applicator;

(2) date of sale;

(3) brand name of the pesticide product and its EPA registration number;

(4) quantity of restricted-use pesticide sold.

C. A pesticide dealer license shall be, in addition to any other license or permit, required by law for offering or supplying technical advice, supervision or aid or making a recommendation to the user of highly toxic pesticides, restricted use pesticides, or both, by a dealer or his employees.

D. It shall be unlawful for a pesticide dealer to knowingly sell any restricted-use pesticide to any person who is not a licensed certified applicator, provided individuals under the direct supervision of a certified applicator may receive and transport restricted-use pesticides for a certified applicator.

[21.17.50.17 NMAC – Rp, 21.17.50.17 NMAC, 10/07/2025]

21.17.50.18 LICENSE APPLICATION AND EXAMINATION: CERTIFICATION AND LICENSING:

A. The applicant may elect to be examined in one or more of the classifications of pest control shown on the application. The examination fee, if applicable, shall be paid prior to administering any examination. If the applicant fails to pass any required examination, he may request, to take such failed examination at another date provided an additional examination fee, if applicable, is paid. A grade of 70 shall be passing on all examinations.

B. If an applicant has not completed all license requirements within 60 days from the date of the original application, then said applicant will be subject to the fees and requirements of a new applicant.

C. The director shall not consider any license application by any individual during the effective period of the license suspension or revocation of any license issued under the Pesticide Control Act.

[21.17.50.18 NMAC – Rp, 21.17.50.18 NMAC, 10/07/2025]

21.17.50.19 REVIEW OF CERTIFICATION AND LICENSES: The director may review any certification, license, or permit to determine if there are grounds for denial, suspension, or revocation action. A review shall be warranted in the case of:

A. violation of some provision of the Pesticide Control Act or regulations promulgated thereunder;

B. criminal conviction under Section 14(b) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended;

C. a final order imposing civil penalty under Section 14(a) of amended FIFRA;

D. certification obtained by cheating on an examination or providing false information about attendance or completion of required training or continuing education;

E. a license is obtained or utilized for reasons other than the intended purpose of allowing purchase or use of pesticides as required under the New Mexico Pesticide Control Act or regulations promulgated thereunder.

[21.17.50.19 NMAC – Rp, 21.17.50.19 NMAC, 10/07/2025]

21.17.50.20 OPERATOR/TECHNICIAN TRAINING PERMITS: A new employee of a licensed commercial applicator may work up to 60 calendar days under a operator/technician training permit provided another commercial applicator or technician licensed in New Mexico at least 6 months is present on the application site. Prior to expiration of the operator/technician training permit, permittees shall take the required examination(s). The permit shall be issued on the request of a licensed commercial applicator. The operator/technician training permit can not be extended.

[21.17.50.20 NMAC – Rp, 21.17.50.20 NMAC, 10/07/2025]

21.17.50.21 PROOF OF FINANCIAL RESPONSIBILITY:

A. A commercial applicator license shall not be issued until the applicant has furnished proof of financial responsibility acceptable to the director. This requirement may be satisfied by:

(1) a certificate of liability insurance signed by an authorized insurance representative; or

(2) a certified copy of a liability insurance policy; or

(3) a surety bond.

B. Proof of financial responsibility by any means other than a certified copy of the policy shall be provided by the issuing company on forms provided by or approved by the director.

C. Proof of financial responsibility shall be clearly conditioned to cover liability resulting from the handling, storage, disposal, application, use or misuse of any pesticide.

D. The director shall be notified in writing by the issuing company 10 days prior to any reduction or cancellation of insurance coverage.

E. The insurer or surplus line broker shall be authorized to do business in New Mexico.

[21.17.50.21 NMAC – Rp, 21.17.50.21 NMAC, 10/07/2025]

21.17.50.22 MINIMUM COVERAGE REQUIREMENTS:

A. Surety bond -- $100,000.

B. Liability insurance:

(1) Aircraft.

(a) Bodily injury -- $25,000 each occurrence, $50,000 aggregate.

(b) Property damage -- $50,000 each occurrence.

(c) Single limit bodily injury and property damage -- $100,000.

(2) Ground or manual.

(a) Bodily injury -- $10,000 each occurrence -- $25,000 aggregate.

(b) Property damage -- $25,000 each occurrence.

(c) Single limit bodily injury and property damage -- $50,000.

(3) Maximum amount of deductible (if applicable) -- $1,000.

[21.17.50.22 NMAC – Rp, 21.17.50.22 NMAC, 10/07/2025]

21.17.50.23 STORAGE AND DISPOSAL OF PESTICIDES AND PESTICIDE WASTES:

A. Pesticide waste and pesticides intended for use by commercial pesticide applicators shall be stored in enclosed, secured areas and shall be posted with warning signs in English and Spanish.

B. Pesticide wastes, provided they are not also hazardous pesticide wastes, shall be disposed of in an approved sanitary landfill.

C. Hazardous pesticide waste shall be disposed of in a permitted hazardous waste disposal site or in a designated area of an approved sanitary landfill under the supervision of the operator; provided, the department shall have the power to disallow disposal in an approved sanitary landfill if the hazardous pesticide waste is determined to be of such a nature that disposal should only be in a permitted hazardous waste disposal site.

D. Waste pesticide containers shall be crushed or rendered non-serviceable and disposed of in an approved sanitary landfill.

E. Rinsings and waste waters from the cleaning of pesticide apparatuses which can reasonably be expected to contain pesticide contaminants shall be contained in the cleanup area and not allowed to contaminate water or neighboring land.

F. Waste pesticides from livestock dipping vats shall be placed in evaporation ponds so as to avoid contamination of any surface or ground waters.

G. Pesticide waste or waste pesticide containers shall not be disposed of by open dumping, open burning, or water dumping in the state of New Mexico.

H. No pesticide waste shall be disposed of in any sewer or storm drain.

I. No pesticide waste or waste pesticide containers shall be disposed of in a manner inconsistent with its label or labeling.

[21.17.50.23 NMAC – Rp, 21.17.50.23 NMAC, 10/07/2025]

21.17.50.24 VARIANCE:

A. The director may grant a variance from any provision of 21.17.50.23 NMAC under special circumstances, provided such variance does not violate other state or federal laws.

B. A request for a variance shall be made to the director in writing and shall contain such information as the department deems necessary.

[21.17.50.24 NMAC – Rp, 21.17.50.24 NMAC, 10/07/2025]

21.17.50.25 FEES:

A. The annual registration fee for each pesticide or device registered shall be one hundred and fifty dollars ($150.00).

B. The annual pesticide dealer license fee for each location or outlet within the state, or if there is no outlet within the state, for the principal out-of-state location or outlet, shall be one hundred dollars ($100.00).

C. The annual pest management consultant license fee shall be one hundred dollars ($100.00).

D. The annual commercial applicator license fee shall be one hundred dollars ($100.00).

E. The annual operator/agricultural pilot/serviceman license fee shall be seventy five dollars ($75.00).

F. The annual non-commercial applicator license fee shall be one hundred dollars ($100.00).

G. The private applicator certification fee, or renewal thereof, shall be twenty-five dollars ($25.00).

H. The fee for each additional inspection required to certify a unit of aircraft, ground or manual equipment that fails to pass inspection shall be twenty-five dollars ($25.00).

I. The examination fee for each examination needed to qualify the applicant as a pest management consultant, commercial applicator, non-commercial applicator or operator/agricultural pilot/serviceman shall be twenty dollars ($20.00) per examination.

[21.17.50.25 NMAC – Rp, 21.17.50.25 NMAC, 10/07/2025]

HISTORY OF 21.17.50 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

NMDA Rule 67-2, Pesticide Regulations, Regulatory Order No. 1, filed 6/12/1967.
NMDA Rule 68-1, Pesticide Regulations, Regulatory Order No. 1, Amended, filed 6/12/1967.
NMDA Rule 70-1, Pesticide Regulations, Regulatory Order No. 1, Section 3, filed 3/4/1970.
NMDA Rule 70-2, Pesticide Regulations, Regulatory Order No. 2, filed 3/4/1970.
NMDA Rule 70-3, Pesticide Regulations, Regulatory Order No. 1, filed 12/24/1970.
NMDA Rule 71-4, Pesticide Regulations, Regulatory Order No. 2, filed 12/15/1971.
NMDA Rule 72-2, Pesticide Regulations, Regulatory Order No. 3, filed 3/6/1972.
NMDA Rule 73-8, Pesticide Regulations, Regulatory Order No. 1, filed 9/13/1973.
NMDA Rule 74-5, Pesticide Regulations, Regulatory Order No. 2, filed 7/10/1974.
NMDA Rule 75-5, Pesticide Regulations, Regulatory Order No. 3, filed 9/15/1975.
NMDA Rule 78-3, Regulatory Order No. 4, Storage/Disposal of Pesticides, filed 9/21/1978.
NMDA Rule 79-2, Regulatory Order No. 5, Definitions, Licensing, Equipment Inspections, Record Keeping of Pesticides by Regulated Applicators, filed 11/21/1979.
NMDA Rule 79-4, Regulatory Order No. 7, Establishes Financial Responsibility for Commercial Applicators, filed 11/21/1979.

NMDA Rule 79-5, Regulatory Order No. 8, Establishes Fee for Pesticide Registration and Licenses, filed 11/21/1979.
NMDA Rule 81-2, Regulatory Order No. 10, Establishes Fee for Pesticide Registration and Licenses, filed 5/21/1981.
NMDA Rule 85-4, Fees for Pesticide Registrations and Licenses, filed 8/7/1985.
NMDA Rule 88-2, Fees for Pesticide Registrations and Licenses, filed 3/23/1988.

History of Repealed Material:
21.17.50 NMAC – Pesticides, filed 7/1/1997, was repealed and replaced by 21.17.50 NMAC – Pesticides, effective 10/07/2025.

62719-121 12-14-2006 1/19

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

OFFICE OF
PESTICIDE PROGRAMS

December 14, 2006

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

SUBJECT: Applications for Pesticide Notification to Add NY Restrictions
Spike® 80DF EPA Reg. No. 62719-107
Spike® 20P EPA Reg. No. 62719-121
Applications Dated December 5, 2006

Dear Dr. Jachetta:

The Agency is in receipt of your Applications for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 for the above products. The Registration Division (RD) has conducted a preliminary screen of this request for its applicability under PRN 98-10 and finds that the actions requested fall within the scope of PRN 98-10. The labels submitted with the applications have been stamped "Notification" received but not reviewed and will be placed in our records.

If you have any questions, please me directly at 703-305-6249 or Terri Stowe of my staff at 703-305-6117.

Sincerely,

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs

2/19

Please read instructions on reverse before completing form. Form Approved. OMB No. 2070-0060. Approval expires 2-28-95

EPA

United States
Environmental Protection Agency
Washington, DC 20460

☐ Registration
☐ Amendment
☑ Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number	2. EPA Product Manager	3. Proposed Classification
Dow AgroSciences/62719-121	Joanne I. Miller	☑ None ☐ Restricted
4. Company/Product (Name)	**PM#**	
Dow AgroSciences/Spike®20P	23	

5. Name and Address of Applicant *(Include ZIP Code)*

Dow AgroSciences LLC
9330 Zionsville Road
Indianapolis, IN 46268

☐ *Check if this is a new address*

6. Expedited Reveiw. In accordance with FIFRA Section 3(c)(3)(b)(i), my product is similar or identical in composition and labeling to:

EPA Reg. No. _____

Product Name _____

Section - II

☐ Amendment - Explain below.
☐ Resubmission in response to Agency letter dated _____
☑ Notification - Explain below.
☐ Final printed labels in repsonse to Agency letter dated
☐ "Me Too" Application.
☐ Other - Explain below.

NOTIFICATION
DEC 14 2006

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Changes by Notification: 1. Added restriction for New York - Not for sale, distribution, or use in Nassau and Suffolk Counties in New York State

Section - III

1. Material This Product Will Be Packaged In:

Child-Resistant Packaging	Unit Packaging	Water Soluble Packaging	2. Type of Container
☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	☐ Metal ☐ Plastic ☐ Glass ☐ Paper ☐ Other (Specify) _____
***Certification must be submitted**	If "Yes" Unit Packaging wgt. / No. per container	If "Yes" Package wgt / No. per container	

3. Location of Net Contents Information	4. Size(s) Retail Container	5. Location of Label Directions
☐ Label ☐ Container		☐

6. Manner in Which Label is Affixed to Product ☐ Lithograph ☐ Paper glued ☐ Stenciled ☐ Other _____

Section - IV

1. Contact Point *(Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)*

Name	Title	Telephone No. (Include Area Code)
John J. Jachetta, Ph.D.	Regulatory Manager	(317) 337-4686

Certification

I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowlingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

6. Date Application Received (Stamped)

2. Signature	3. Title
Amy Henderson for	Regulatory Manager
4. Typed Name	**5. Date**
John J. Jachetta, Ph.D. ®Trademark of Dow AgroSciences LLC	December 5, 2006

3/19

308/2E
December 5, 2006

Dow AgroSciences

Document Processing Desk (**NOTIF**)
Office of Pesticide Programs (7504P)
U. S. Environmental Protection Agency
One Potomac Yard
2777 S. Crystal Drive
Arlington, VA 22202

NOTIFICATION
DEC 14 2006

SPIKE 20P (AI: TEBUTHIURON)
EPA REGISTRATION NUMBER: 62719-121
NOTIFICATION OF MINOR LABEL CHANGE PER PR NOTICE 98-10

Enclosed please find labeling for the notification action of Spike®20P specialty herbicide based on EPA accepted copy dated May 19, 2005 and Notifcation dated May 15, 2006. Following are the changes by Notification:

1. Added restriction for New York - Not for sale, distribution, or use in Nassau and Suffolk Counties in New York State

This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

Contents of Submission

- Transmittal document (this letter)
- Application for Pesticide, EPA Form 8570-1
- Label entitled Spike 20P (T1H / Spike 20P / Notif / 12-05-06) (15 Pages plus Registration Notes) (5 Copies)

If you require further information, please contact Amy Hudson, Regulatory Specialist at 317-337-3967 or Kim Williamson, Registration Assistant for this product, at 317-337-4657.

Sincerely,

Amy Hudson /for

John J. Jachetta, Ph. D.
Regulatory Leader
Regulatory Success – Americas
317-337-4686
317-337-4649 (FAX)

Enclosures
JJJ/akh

®Trademark of Dow AgroSciences LLC

T1H / Spike 20P / Notif / 12-05-06
File: Spike 20P-121 05Dec06N.doc

NOTIFICATION

DEC 14 2006

Spike® 20P

EPA Reg. No. 62719-121

Registration Notes:

Source label text based on EPA accepted copy dated March 25, 2003 and Notification dated May 15, 2006.

Following are changes by notification:

1. Added restriction for New York - Not for sale, distribution, or use in Nassau and Suffolk Counties in New York State

®Trademark of Dow AgroSciences LLC

5/19

(Base Label):

Spike® 20P

Specialty Herbicide

NOTIFICATION

DEC 14 2006

A surface applied herbicide for woody plant control in such areas as:

- **Along highways**
- **Fence rows**
- **Firebreaks**
- **Industrial sites**
- **Pastureland**
- **Pipelines**
- **Railroad rights-of-way**
- **Rangeland**
- **Clearings for wildlife habitat**
- **Other non-cropland areas for control of woody plant species**
- **Utility rights-of-way**

Carefully read the entire label, including all use precautions, before applying to avoid inappropriate use of this product.

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

[Editor's Note: Insert tree graphic]
Spike® 20P will kill trees and shrubs. Carefully read the precautions before using.

Active Ingredient:

tebuthiuron: *N*-[5-(1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl]-*N*,*N*'-dimethylurea	20%
Inert Ingredients	80%
Total	100%

Contains 0.2 pound active ingredient per pound of product.

Keep Out of Reach of Children

CAUTION PRECAUCION

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

Precautionary Statements

Hazards to Humans and Domestic Animals

Harmful If Swallowed, Inhaled, Or Absorbed Through Skin • Causes Moderate Eye Irritation.

Avoid contact with skin, eyes and/or clothing. Avoid breathing dust. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse.

First Aid

If swallowed: Call a poison control center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by a poison control center or doctor. Do not give anything by mouth to an unconscious person.
If inhaled: Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible. Call a poison control center or doctor for further treatment advice.
If on skin or clothing: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment advice.
If in eyes: Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. Call a poison control center or doctor for treatment advice.

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

Environmental Hazards

Do not apply Spike® 20P specialty herbicide near desirable trees or other woody species. Exposure of even a small part of a plant root system to Spike 20P may cause severe plant injury or death. 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.

Spills: To prevent unintended damage to non-target vegetation or contamination of ground water, cover spills with waterproof covering if in outdoor area; then carefully collect and dispose of spilled pellets, whether in storage areas, vehicles, or on the soil surface. (See General Information section for remedial action after accidental application or spill). In outdoor areas, **do not** cover with soil or incorporate spilled material into the soil surface.

Ground Water Advisory: This product is known to leach through soil into ground water under certain conditions as a result of registered (rangeland and non-crop) uses. Use of this product in areas where soils have rapid to very rapid permeability, particularly where the water table is shallow, may result in ground water contamination.

Use Restrictions for Groundwater Protection
Vulnerable Sites: To minimize any movement of tebuthiuron to subsurface water, do not exceed the application rates specified below on treatment sites where soils have a sand or loamy sand texture throughout the soil profile and **all** of the following characteristics:

1. Rapid to very rapid permeability.
2. Absence of well-defined organic layers or a textural B-horizon (restricting layer of fine-textured soil).
3. The water table of an underlying aquifer† is shallow.

Maximum application rates for Spike 20P in such areas are:
- **Less than 20 inches annual precipitation:** Do not apply more than 5 lb/acre Spike 20P.
- **Greater than 20 inches annual precipitation:** Do not apply more than 10 lb/acre Spike 20P.

Refer to the "Woody Plants Controlled" section of this label for plant species controlled at these application rates.

†An aquifer is defined as "an underground saturated, permeable, geologic formation capable of producing significant quantities of water to a well or spring". It is the ability of the saturated zone or portion of that zone, to yield water which makes it an aquifer (American Chemical Society, 1983). Local agricultural agencies can provide further information on the type of soil in your area and the location of shallow ground water aquifers.

Do not apply Spike 20P in areas where the water table is predominately shallow (5 feet or less), such as marshy or sub irrigated areas, or areas immediately adjacent to streams or lakes which are periodically flooded, unless such use is allowed under a state-approved pesticide management program. **Note:** Also on such areas, woody plants rooted directly in a shallow water table are minimally affected by applications of tebuthiuron and poor woody plant control will result.

Do not apply Spike 20P where bedrock is continuously exposed or in areas of bedrock overlain by soils that are shallow or discontinuous.

Do not apply Spike 20P in areas adjacent to sinkholes or depressions lacking external drainage which occur within areas of karst topography.

Do not apply Spike 20P to high shrink/swell soils (vertisols) which develop deep cracks upon drying.

Do not apply Spike 20P within areas identified by state or local authorities as protected groundwater recharge zones.

Refer to label booklet for additional precautionary information and Directions for Use.

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

In case of emergency endangering health or the environment involving this product, call 1-800-992-5994. If you wish to obtain additional product information, visit our web site at www.dowagro.com.

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

Not For Residential Use

EPA Reg. No. 62719-121 EPA Est. _____

®Trademark of Dow AgroSciences LLC

Dow AgroSciences LLC • Indianapolis, IN 46268 USA

Net Weight __ lb

(cover):

Spike® 20P
Specialty Herbicide

A surface applied herbicide for woody plant control in such areas as:

- **Along highways**
- ***Fence rows***
- **Firebreaks**
- **Industrial sites**
- **Pastureland**
- ***Pipelines***
- **Railroad rights-of-way**
- **Rangeland**
- **Clearings for wildlife habitat**
- **Other non-cropland areas for control of woody plant species**
- **Utility rights-of-way**

Carefully read the entire label, including all use precautions, before applying to avoid inappropriate use of this product.

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

[Editor's Note: Insert tree graphic]
Spike® 20P will kill trees and shrubs. Carefully read the precautions before using.

Active Ingredient:	
tebuthiuron: *N*-[5-(1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl]-*N*,*N*'-dimethylurea	20%
Inert Ingredients	80%
Total	100%

Contains 0.2 pound active ingredient per pound of product.

Keep Out of Reach of Children

CAUTION PRECAUCION

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

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®Trademark of Dow AgroSciences LLC
Dow AgroSciences LLC • Indianapolis, IN 46268 USA

Net Weight __ lb

(Page 1 through end):

Precautionary Statements

Hazards to Humans and Domestic Animals

CAUTION

Harmful If Swallowed, Inhaled, Or Absorbed Through Skin • Causes Moderate Eye Irritation.

Avoid contact with skin, eyes and/or clothing. Avoid breathing dust. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse.

First Aid

If swallowed: Call a poison control center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by a poison control center or doctor. Do not give anything by mouth to an unconscious person.
If inhaled: Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible. Call a poison control center or doctor for further treatment advice.
If on skin or clothing: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment advice.
If in eyes: Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. Call a poison control center or doctor for treatment advice.

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

Environmental Hazards

Do not apply Spike® 20P herbicide near desirable trees or other woody species. Exposure of even a small part of a plant root system to Spike 20P may cause severe plant injury or death. 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.

Spills: To prevent unintended damage to non-target vegetation or contamination of ground water, cover spills with waterproof covering if in outdoor area; then carefully collect and dispose of spilled pellets, whether in storage areas, vehicles, or on the soil surface. (See General Information section for remedial action after accidental application or spill). In outdoor areas, **do not** cover with soil or incorporate spilled material into the soil surface.

Ground Water Advisory: This product is known to leach through soil into ground water under certain conditions as a result of registered (rangeland and non-crop) uses. Use of this product in areas where soils have rapid to very rapid permeability, particularly where the water table is shallow, may result in ground water contamination.

Use Restrictions for Groundwater Protection
Vulnerable Sites: To minimize any movement of tebuthiuron to subsurface water, do not exceed the application rates specified below on treatment sites where soils have a sand or loamy sand texture throughout the soil profile and **all** of the following characteristics:

1. Rapid to very rapid permeability.
2. Absence of well-defined organic layers or a textural B-horizon (restricting layer of fine-textured soil).
3. The water table of an underlying aquifer† is shallow.

Maximum application rates for Spike 20P in such areas are:
- **Less than 20 inches annual precipitation:** Do not apply more than 5 lb/acre Spike 20P.
- **Greater than 20 inches annual precipitation:** Do not apply more than 10 lb/acre Spike 20P.

Refer to the "Woody Plants Controlled" section of this label for plant species controlled at these application rates.

†An aquifer is defined as "an underground saturated, permeable, geologic formation capable of producing significant quantities of water to a well or spring". It is the ability of the saturated zone, or portion of that zone, to yield water which makes it an aquifer (American Chemical Society, 1983). Local agricultural agencies can provide further information on the type of soil in your area and the location of shallow ground water aquifers.

Do not apply Spike 20P in areas where the water table is predominately shallow (5 feet or less), such as marshy or sub irrigated areas, or areas immediately adjacent to streams or lakes which are periodically flooded, unless such use is allowed under a state-approved pesticide management program. **Note:** Also on such areas, woody plants rooted directly in a shallow water table are minimally affected by applications of tebuthiuron and poor woody plant control will result.

Do not apply Spike 20P where bedrock is continuously exposed or in areas of bedrock overlain by soils that are shallow or discontinuous.

Do not apply Spike 20P in areas adjacent to sinkholes or depressions lacking external drainage which occur within areas of karst topography.

Do not apply Spike 20P to high shrink/swell soils (vertisols) which develop deep cracks upon drying.

Do not apply Spike 20P within areas identified by state or local authorities as protected groundwater recharge zones.

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.

Storage and Disposal

Do not contaminate water, food, or feed by storage or disposal.
Pesticide Storage: The herbicidal properties of Spike 20P require caution in handling, storage, and transportation of this product. Store in original container only. In case of leak or spill, contain material and dispose as waste.
Pesticide Disposal: Open dumping is prohibited. Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.
Container Disposal: Completely empty bag into application equipment. Do not reuse. Then dispose of empty bag in a sanitary landfill or by incineration, or if allowed by state and local authorities, by burning. If burned, stay out of smoke.

General Information

Spike® 20P herbicide is a surface applied soil-active product for control of woody plants (trees, shrubs, and vines). Treatments become effective after sufficient rainfall has occurred to move the active ingredient in Spike 20P into the root zone. Herbicidal symptoms appear most rapidly when applied just before seasonal rainfall. Treated trees and shrubs (brush) exhibit leaf chlorosis and browning followed by defoliation. Woody plants may go through several defoliation cycles before death occurs. Time required to achieve control of woody vegetation may vary from one to several years. Increased application rates and additional time is required to achieve consistent woody plant control under the following conditions: (1) the treated area contains deep, medium-to-fine textured, or high organic matter soils; (2) the target species are deep-rooted; or (3) the vegetation consists of species tolerant to Spike 20P.

For best brush control results, do not disturb intact plants by such practices as wood cutting, chaining, or burning for two years after application of Spike 20P. Resprouting is more likely to occur if plants are disturbed before complete woody plant control occurs.

General Use Precautions and Restrictions

Spike 20P is intended for control of unwanted woody vegetation such as trees, shrubs, and vines. Spike 20P will also control herbaceous broadleaf plants such as clover or lespedeza. Grasses in the area immediately adjacent to pellets may be temporarily damaged. Dormant season application is recommended to minimize herbicidal effects on grasses and other herbaceous plants. The herbicidal activity of Spike 20P in soil may prevent the growth of trees, shrubs, and other broadleaf vegetation for several years after treatment.

Do not apply Spike 20P to interior ditch banks (areas which slope toward the drainage). Do not apply to ditches used to transport irrigation water or potable water.

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

Use Restrictions in the State of Florida
In Broward, Collier, Dade, Hendry, Lee, Monroe, and Palm Beach Counties of Florida, Spike 20P may be applied only in accordance with supplemental labeling.

Maximum Application Rate for Grazing or Haying: If treated area is to be used for haying, do not apply more than 20 pounds per acre of Spike 20P. If treated area is to be used for haying, do not apply more than 10 pounds per acre of Spike 20P in areas receiving 20 inches or less average annual rainfall, or more than 20 pounds per acre of Spike 20P in areas receiving more than 20 inches average annual rainfall. There are no grazing restrictions following application of Spike 20P at labeled rates.

Haying Restriction: Do not cut hay for livestock feed for one year after a Spike 20P treatment.

Effects on Herbaceous Vegetation: Spike 20P may injure or suppress certain herbaceous vegetation in the treated area. Therefore, do not apply where such injury cannot be tolerated. Injury to most herbaceous perennial plants is reduced if Spike 20P is applied when vegetation is dormant.

Do not apply Spike 20P more than once per year.

Safe use of Spike 20P requires the following guidelines to be carefully followed:

Treatment Setback: Do not apply Spike 20P in the vicinity of desirable plants. Exposure of even a small part of a plant root system to Spike 20P may cause severe plant injury or death.

Note: Plant roots usually occupy an area much larger than the aerial portion of the plant. Treatment setback distance should be 1 to 2 times the height or width of adjacent non-target vegetation, whichever is

greater. For example, if adjacent non-target vegetation is 25 feet tall, the treatment setback should be 25 to 50 feet.

If there is a question about appropriate setback distance, contact an Arborculturist (tree expert) to determine if the proposed treatment area is free of roots of desirable vegetation.

Potential Product Movement: Spike 20P or soil containing Spike 20P may be moved from treated areas by flowing water, wind, or mechanical means. Do not apply Spike in areas where overland flow of water might move Spike 20P or soil containing Spike 20P from the treated area. Do not apply where wind erosion may cause movement of soil containing Spike 20P from the treated area unless the surface has been stabilized with a gravel mulch or some other means. Do not apply in areas where soil may be redistributed by mechanical means to non-treated areas.

Cleaning of Equipment: Thoroughly clean all traces of Spike 20P from application equipment after use. Do not empty residues cleaned from application equipment on areas where contact with roots of desirable vegetation may occur.

Remedial Action After Accidental Application or Spill: Take action to minimize the effects of an accidental application or spill immediately. **Once rainfall has moved Spike 20P into the plant root zone, the effect on woody plants is irreversible**. Damage from accidental application or spill may be prevented only if soil containing Spike 20P is carefully removed before rainfall has moved Spike 20P into the root zone. Apply a waterproof covering to the affected area until cleanup is accomplished. Carefully collect Spike 20P pellets and/or soil containing Spike 20P with appropriate equipment and dispose at an approved landfill site. If rainfall has occurred, remove surface soil in the affected area to the depth of Spike 20P penetration.

Frequency of Application and Maximum Use Rates:
Broadcast Applications (Aerial or Ground Equipment):

- The maximum use rate and frequency of application is 1 to 2 lb a.i./acre once every three years for vulnerable sites where soils are sandy and depth to water table is shallow. (Refer to Environmental Hazards section under "Use Restrictions for Ground Water Protection".)
- For all other areas, the maximum use rate and frequency of application is up to 4 lb a.i./acre once every three years and no more than two treatments totaling of 6 lb a.i./acre in any 6 year period.

Spot Treatments (Hand Application or Hand-held Equipment): May be applied at rates up to 6 lb a.i./acre when needed.

Factors in Herbicidal Response

Soil Texture, Soil Depth, and Organic Matter
Poor control or erratic results are likely to occur when Spike 20P is applied to soils containing more than 5% organic matter or more than 30% clay. Do not apply to "blackland" or other heavy clay soils which crack extensively upon drying. Other deep, medium, and fine-textured soils supporting deep-rooted woody plant species require increased application rates for consistent control. The susceptibility of woody plants occurring on shallow, coarse, or rocky soils with low organic matter is normally increased due to increased soil availability of Spike 20P and shallow rooting depth. Therefore, use application rates at the low end of the rate range in these situations.

Woody Plant Size and Density
The height and density of woody vegetation is a reliable indicator of soil conditions. Woody vegetation is generally taller and more dense where soils are deeper and/or of medium to fine texture and where soil moisture conditions are more favorable. Higher rates in the rate range are required on such sites. On sites with coarse, shallow, or rocky conditions with less favorable soil moisture conditions, woody vegetation will be smaller and less dense. Lower rates in the rate range are required for control on such sites. Where a high level of woody plant control is required and application rates cannot be adjusted for

changes in soils, plant size, or density, apply Spike 20P at a rate sufficient to control the tallest and most dense woody vegetation in the treatment area.

Application Timing
Spike 20P may be applied anytime except when the soil is frozen or is saturated with moisture. For optimum results, applications should be made prior to the resumption of active seasonal growth in the spring or before expected seasonal rainfall. In areas receiving greater than 25 inches of annual rainfall, late summer and fall applications may require a higher application rate in the indicated rate range to achieve consistent control.

Spike 20P is recommended for control of brush regrowth after dozing or shredding, provided the regrowth has reached an average height of five feet or more prior to application. Spike 20P works best when there is an abundance of active leaf area to stimulate water and herbicide uptake during the season following application. Taller regrowth will tend to provide faster and more consistent brush control.

Spike 20P may cause temporary herbicidal symptoms to appear on perennial grasses. Dormant season application is recommended to minimize herbicidal effects on desirable forage grasses.

Effect of Shallow Groundwater on Woody Plant Control: Do not apply Spike 20P to areas where the water table is predominately shallow (5 feet or less), such as marshy or sub irrigated areas, or areas immediately adjacent to streams or lakes which are periodically flooded. On such sites, where roots extend directly to a shallow water table, woody plants are minimally affected by applications of tebuthiuron and poor control will result.

Rangeland and Pasture Management Information

There are no label restrictions which require livestock grazing to be delayed following an application of Spike 20P. Spike 20P is a pelleted formulation and does not adhere to plants. Therefore, significant plant residues do not occur as a result of application. However, at the time of application forage species may be sparsely distributed and in a low state of vigor due to competition from woody plants. Under such circumstances, the density and vigor of forage species may be enhanced by deferment of grazing following application of Spike 20P.

Grazing Management
For optimum perennial forage grass response, desirable species should be present in the area to be treated at a minimum of 10% of normal plant density (density = plants per unit area) compared to similar rangeland or pasture sites not dominated by woody plants. To encourage forage grass response, grazing should be deferred during the entire active growing season following application. Poor vegetative vigor or inadequate rainfall, may necessitate additional grazing deferment during periods of active forage growth. Light grazing of mature forage after seed maturity will not harm grass recovery and can aid in seed dispersal. Forage grass production usually increases as woody plant competition for water and nutrients is reduced. However, increased forage production is also dependent on adequate rainfall and a sound grazing management program.

Precaution: The density of cool season grass stands such as fescue and crested wheatgrass may be reduced after application of Spike 20P. Factors which may contribute to the possibility of stand reduction include excessive application rates, areas of shallow or rocky soil, and low brush density.

Rangeland and Pasture Overseeding: Apply Spike 20P at recommended rates. Overseeding involving burning or chaining of treated brush should not be attempted for at least two growing seasons after application. Apply seed and fertilizer at recommended rates into ash as soon as possible after burning or just prior to chaining. Cool season grasses are normally seeded in early fall and warm season grasses in the spring after the expected frost-free date. Aerial seeding without burning or chaining may be attempted in the fall or spring following an application of Spike 20P, but natural seedbed conditions must be relied upon for seedling establishment. Consult local range management specialists for recommendations on locally adapted species, seeding time, and grazing management.

Application of Spike 20P

Individual Plant Treatments

Individual plants, multistem clumps, or small stands of woody vegetation may be hand treated. For individual plant treatments apply Spike 20P evenly over the area occupied by the target plant(s).

Pasture and Rangeland

- In areas receiving 20 inches or less average annual rainfall: Apply Spike 20P at a rate of 3/8 oz per 100 sq ft (equivalent broadcast rate = 10 lb/acre).
- In areas receiving more than 20 inches average annual rainfall: Apply Spike 20P at a rate of 3/4 oz per 100 sq ft (equivalent broadcast rate = 20 lb/acre).

Non-Cropland

- Apply Spike 20P at a rate of 3/8 oz to 1 1/8 oz per 100 sq ft (equivalent broadcast rate = 10 to 30 lb/acre).

Broadcast Treatments

Spike 20P must be applied with ground or aerial application equipment capable of accurate calibration and able to provide a uniform distribution of pellets on the soil surface. Use of equipment not capable of confining the spread of pellets to the target area may result in injury or death of vegetation outside the intended treatment area. Contact a Dow AgroSciences sales representative for recommendations on application equipment for different use situations.

Spike 20P may be applied by ground or air broadcast by/or under the supervision of U.S. Government Agencies.

Broadcast Application Rates

Pasture and Rangeland: Do not apply more than 10 pounds per acre Spike 20P in areas receiving 20 inches or less average annual rainfall. Do not apply more than 20 pounds per acre in areas receiving 20 inches or more average annual rainfall.

Non-Cropland: Do not apply more than 20 pounds per acre of Spike 20P on non-cropland.

Note: Refer to General Information section for limitations on maximum use rates, frequency of application, and total application rates allowed during a given period of time. Refer to Environmental Hazards section under "Use Restrictions for Ground Water Protection" for other rate limitations on "vulnerable" sites.

Woody Plants Controlled by Spike 20P

Rangeland, Pastureland, and Non-Cropland:

Apply Spike 20P at 3.75 to 5 lb per acre on the following woody plant species:

Note: On rangeland and pastureland, apply 3.75 to 5 lb/acre of Spike 20P where a higher degree of control is required (See "Factors in Herbicidal Response" in "General Information" section of this label). Spike 20P may be applied at rates as low as 2.5 lb per acre on sites with shallow, rocky and coarse textured soils having low organic matter content, or where partial control is desired.

Common Name	Scientific Name
burroweed (Density less than 1/sq ft)	*Haplopappus tenuisectus*
ceniza	*Leucophyllum frutescens*
creosotebush	*Larrea tridentata*
mimosa, catclaw (wait-a-minute-bush)	*Mimosa pigra*
Paloverde	*Cercidium spp.*
sagebrush, big	*Artemisia tridentata*
sagebrush, sand	*Artemisia filifolia*
snakeweed, broom (Density less than 1/sq ft)	*Gutierrezia sarothrae*
tarbush	*Flourensia cernua*
whitethorn	*Acacia constricta*

Rangeland, Pastureland, and Non-Cropland:

Apply Spike 20P at 2.5 to 10.0 lb per acre on the following woody plant species:

Common Name	Scientific Name
oak, sand shinnery†	*Quercus havardii*

†**Note:** A wide rate range is provided to accommodate the broad range of soil and climatic variation which occurs in areas occupied by sand shinnery. Use the lowest application rate only on shallow sands in southern part of species range or where partial control is desired. Use a higher dose in indicated rate range for deeper sands and dunes, and on shinnery varieties with tall and dense growth habit which become more prevalent in the mid-to-northern part of the species range (See "Factors in Herbicidal Response" in "General Information" section of this label).

Rangeland, Pastureland, and Non-Cropland:

Apply Spike 20P at 5 to 10 lb per acre on the following woody plant species:

Common Name	Scientific Name
oak, bigelow† (Partial control)	*Quercus durandi*
oak, mohr† (Partial control)	*Quercus mohriana*
oak, running live† (Partial control)	*Quercus virginiana*
whitebrush	*Aloysia lycoides*
wolfberry, Berlandier	*Lycium berlanderi*

†**Note:** Use a higher dosage in indicated rate range on tall and dense stands.

Rangeland, Pastureland, and Non-Cropland:

Apply Spike 20P at 10 to 20 lb per acre on the following woody plant species:

Common Name	Scientific Name
acacia, blackbrush	*Acacia rigidula*
acacia, catclaw	*Acacia greggii*
acacia, twisted	*Acacia tortuosa*
apple-of-sodom	*Solanum sodomeum*
birch, gray	*Betula populifolia*
blueberry	*Vaccinium* spp.
bluewood (Brazil)	*Condalia obovata*
buckbrush	*Symphoricarpos orbiculatus*

17/19

cherry, bitter	*Prunus emarginata*
dogwood, roughleaf	*Cornus drummondii*
elm, American	*Ulmus americana*
elm, winged	*Ulmus alata*
guajillo	*Acacia berlanderi*
guava	*Psidium guajava*
hackberry, spiny (granjeno)	*Celtis pallida*
hackberry, western	*Celtis occidentalis*
hawthorn	*Crataegus* spp.
huckleberry	*Gaylussacia* spp.
koa haole	*Leucaena leucocephalla*
locust, black	*Robinia pseudoacacia*
manzanita	*Arctostaphylos* spp.
mulberry, red	*Morus rubra*
oak, black	*Quercus velutina*
oak, blackjack	*Quercus marilandica*
oak, blue	*Quercus douglasii*
oak, bur	*Quercus macrocarpa*
oak, post	*Quercus stellata*
oak, shrub live	*Quercus turbinella*
oak, southern red	*Quercus falcata*
oak, white	*Quercus alba*
rose, multiflora	*Rosa multiflora*
sage, black	*Salvia melifera*
sumac, dwarf	*Rhus copallina*
sumac, littleleaf	*Rhus microphylla*
sumac, skunkbush	*Rhus trilobata*
sumac, smooth	*Rhus glabra*
sumac, staghorn	*Rhus typhina*
thornapple, desert	*Datura discolor*
yaupon	*Ilex vomitoria*
yaupon, desert	*Schaefferia cuneifolia*

†**Note:** Use a higher dosage in indicated rate range on all sites.

Rangeland, Pastureland, and Non-Cropland:

Apply Spike 20P at 20 lb per acre on the following woody plant species:

Common Name	**Scientific Name**
alder, red	*Alnus rubra*
alder, speckled†	*Alnus rugosa*
aspen, bigtooth	*Populus grandidentata*
beech, American	*Fagus grandifolia*
blackberry	*Rubus* spp.
boxelder	*Acer negundo*
chamise	*Adenostoma fasciculatum*
cherry, black	*Prunus serotina*
chokecherry, common	*Prunus virginiana*
colubrina, Texas	*Colubrina texensis*
cottonwood, eastern†	*Populus deltoides*
creeper, Virginia	*Parthenocissus quinquefolia*
dogwood, flowering	*Cornus florida*
douglasfir	*Pseudotsuga menziesii*
fir, balsam†	*Abies balsamea*
guayacan	*Porlieria angustifolia*
hardhack†	*Spiraea tomentosa*

hickory, bitternut	*Caraya cordiformis*
hickory, black	*Caraya texana*
hickory, pignut	*Caraya glabra*
hickory, shagbark	*Caraya ovata*
huisache†	*Acacia farnesiana*
kidneywood, Texas	*Eysenhardtia texana*
kudzu	*Pueraria lobata*
leatherstem	*Jatropha dioica*
lotebush (condalia)	*Ziziphus obtusifolia*
maple, bigleaf	*Acer macrophyllum*
maple, sugar†	*Acer saccharum*
melaleuca†	*Melaleuca quinquenervia*
mountain mahogany, birchleaf	*Cercocarpus betuloides*
oak, California scrub	*Quercus dumosa*
oak, live	*Quercus virginiana*
oak, pin	*Quercus palustrus*
oak, red	*Quercus rubra*
oak, white	*Quercus alba*
pine, Australian	*Casuarina* spp.
pine	*Pinus* spp.
poplar, balsam†	*Populus balsamifera*
raspberry, black	*Rubus occidentalis*
rose, Mccartney†	*Rosa bracteata*
spruce, white†	*Picea glauca*
sweetgum	*Liquidambar styraciflua*
tamarack†	*Larix laricina*
trumpetcreeper	*Campsis radicans*
willow	*Salix* spp.

†**Note:** Use a higher dosage in indicated rate range on all sites.

Rangeland, Pastureland, and Non-Cropland (Individual Plant Treatment Only):

Common Name	**Scientific Name**
ash, green	*Fraxinus pennsylvanica*
ash, white	*Fraxinus americana*
blackberry, cutleaf	*Rubus laciniatus*
ceanothus, wedgeleaf	*Ceanothus cuneatus*
chaparral, whitethorn	*Ceanothus leucodermis*
coyotebush	*Baccharis pilularis*
elm, Chinese	*Ulmus parvifolia*
elm, slippery	*Ulmus rubra*
greenbriar, roundleaf	*Smilax rotundifolia*
hawthorn, cockspur	*Crataegus crus-calli*
lantana	*Lantana camara*
manzanita, greenleaf	*Arctostaphylos patula*
maple, Norway	*Acer platanoides*
maple, silver	*Acer saccharinum*
maple, vine	*Acer circinatum*
peppertree, Brazilian	*Schinus terebinthifolius*
privet	*Ligustrum* spp.
redcedar, eastern	*Juniperus virginiana*
Russianolive	*Eleagnus angustifolia*
salal	*Gaultheria shallon*
sumac, laurel	*Rhus laurina*
sycamore, American	*Platanus occidentalis*

tallowtree, Chinese	*Sapium sebiferum*
tuliptree	*Liriodendron tulipifera*

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