

71711-4

6/30/2009

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

JUN 30 2009

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Ms. Marie A. Maks
Nichino America, Inc.
4550 New linden Hill Road
Suite 501
Wilmington, DE 19808

Dear Ms. Maks:

Subject: Label
Akari® 5SC Miticide/Insecticide
EPA Registration Number: 71711-4
Application Dated: June 30, 2008
Decision: 394792

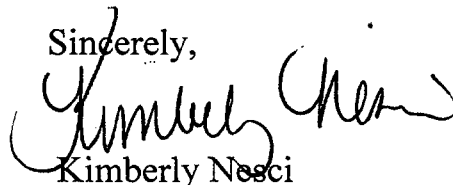
The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is acceptable subject to the comment listed below. Five copies of the finished labeling must be submitted prior to releasing this product for shipment.

- Revise the Directions for Use table on page 5 to include the following bullets under use restrictions
 - Do not apply in Ultra Low Volume Equipment.
 - Do not use adjuvants.

- Your label must be revised to prohibit the use of adjuvants and ultra low volume equipment on cucumbers as residue data were not provided to support their use. Therefore, you must amend the second paragraph under Application Directions as follows:
 - Except for use on greenhouse cucumbers, applications may be made with high or low volume spray equipment that provides thorough coverage of the plant. Apply with properly control calibrated spray equipment. Except for use on greenhouse cucumbers, a wetting agent or other spray adjuvant, approved for use on the crop, may be added to spray solutions according to the manufacturer's use instructions to achieve optimum mite control.

A stamped copy is enclosed for your records.

Sincerely,



Kimberly Nosci
Product Manager 11
Insecticide Branch
Registration Division 7507P

Enclosure: Stamped Approved Label "with Comments"

GROUP 21A INSECTICIDE

Akari® 5SC Miticide / Insecticide

FOR USE ON GREENHOUSE AND NURSERY ORNAMENTALS, GREENHOUSE CUCUMBERS, NONBEARING FRUIT TREES AND VINES, CHRISTMAS TREES, AND INTERIOR ORNAMENTAL PLANTINGS AND PLANTSCAPES

Active Ingredient:

Tert-butyl(E)- α -(1,3-dimethyl-5-phenoxy)pyrazol-4-ylmethylethylamineoxyl-p-toluate.....5.0%

Other Ingredients:.....95.0%

Total.....100.0%

(Contains 0.42 lb. active ingredient per U.S. gallon)

EPA Reg. No. 71711-4

EPA Est. No. 37429-GA-2

KEEP OUT OF REACH OF CHILDREN WARNING - AVISO

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.)

FIRST AID	
If inhaled	<ul style="list-style-type: none"> • Move person to fresh air. • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth to-mouth, if possible. • Call a poison control center or doctor for further treatment advice.
If on skin or clothing	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. • Call a poison control center or doctor for treatment advice.
If swallowed	<ul style="list-style-type: none"> • 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 the poison control center or doctor. • Do not give anything by mouth to an unconscious person.
HOT LINE NUMBER	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-348-5832 for emergency medical treatment information. In case of fire or spills, information may be obtained by calling 1-800-424-9300.	
NOTE TO PHYSICIAN: There is no specific antidote. All treatment should be based on observed signs and symptoms of distress in the patient. Overexposure to materials other than this product may have occurred.	

Net Contents: 1 Quart

CAUTION
with Contents
in EPA Label Manual

JUL 30 2009

NICHINO AMERICA, INC.
4550 New Linden Hill Rd., Suite 501
Wilmington, DE 19808

Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the products
registered under EPA Reg. No.

71711-4

PRECAUTIONARY STATEMENTS
Hazards to Humans and Domestic Animals
WARNING - AVISO

Causes substantial but temporary eye injury. Do not get in eyes or on clothing. Wear protective eyewear (goggles or face shield). Harmful if swallowed. Harmful if absorbed through skin. Avoid contact with skin, eyes, or clothing. Wash thoroughly with soap and water after handling. Harmful if inhaled. Avoid breathing spray mist. Remove contaminated clothing and wash clothing before reuse.

Personal Protective Equipment

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Protective eyewear
- Waterproof gloves
- Shoes plus socks

User Safety Recommendations

Do not eat, drink, smoke, or chew gum or tobacco while handling this product and until hands and face are thoroughly washed with soap and water. Do not use the toilet before thoroughly washing hands. If this product penetrated through your clothing or personal protective equipment, stop handling this product immediately, remove the clothing and equipment, wash your body thoroughly, and put on clean clothing and equipment before resuming the handling activity. After handling this product, remove personal protective equipment immediately. Wash the outside of gloves before taking them off. Shower or wash thoroughly and change into clean clothing as soon as possible. Discard clothing and personal protective equipment that cannot be reused, including clothing and other absorbent materials that have been drenched or thoroughly contaminated with this product's concentrate. Otherwise, wash clothing and personal protective equipment (including both the inside and outside of gloves) before each day of reuse according to manufacturer's directions or, if no such directions, in detergent and hot water. Keep and wash them separately from other laundry.

ENVIRONMENTAL HAZARDS

This pesticide is very highly toxic to fish and aquatic invertebrates. Do not apply directly to water. Do not contaminate water when disposing of equipment washwater or rinsate.

PHYSICAL OR CHEMICAL HAZARDS

Do not use or store near heat or open flame.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

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 in your state responsible for pesticide regulation.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard 40 CFR Part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE) and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard. Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 12 hours.

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

- Coveralls
- Protective eyewear
- Waterproof gloves
- Shoes plus socks

NONAGRICULTURAL 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, or greenhouses. For other uses, including interiorscapes and other nonagricultural uses, do not enter treated areas without protective clothing until sprays have dried.

GENERAL INFORMATION

Akari® 5SC is a contact miticide/insecticide used for the control of spider mites and other mite pests in nursery and ornamental crops. This product should be used in a program with other products to provide season long protection. Miticides must be rotated with alternate products for resistance management. Do not use products with the same mode of action (METI-2 inhibitor/IRAC Group 21A) in consecutive applications. Apply as a spray as set forth in the APPLICATION DIRECTIONS section of this label, using sufficient water volume to obtain thorough coverage of plants. Under severe mite conditions, use the maximum rates and the shorter spray interval as specified on the label. Dense foliage or excessive growth will often prevent adequate coverage; adjust spray volumes accordingly.

Akari 5SC Miticide/Insecticide is a 5% Suspension Concentrate containing 0.42 lb. of fenpyroximate per gallon which, when mixed with water according to the DIRECTIONS FOR USE, will control mites on ornamentals.

Akari 5SC Miticide/Insecticide works primarily through contact action, **so good spray coverage is necessary**. Mix with sufficient water and apply as a foliar spray to obtain uniform coverage. Treat plants when pests are immature or at a susceptible stage and populations are building, before crop damage occurs.

Akari 5SC Miticide/Insecticide stops mite feeding immediately after application. **Akari 5SC Miticide/Insecticide** provides this stop-feeding action together with a cessation of egg laying, and mites die in 4 to 7 days.

When **Akari 5SC Miticide/Insecticide** is used to control mites, suppression of mealybugs on the treated crop may be achieved. This product must be used in a program with other products to provide protection against mealybugs.

COMPATIBILITY OF SPRAY MIXTURES

Akari 5SC Miticide/Insecticide is believed to be compatible with most commonly used fungicides, insecticides, micronutrients, growth regulators, and spray adjuvants. Consult specific product labels for additional information. It is always a good idea to conduct a tankmix compatibility test when you plan to mix **Akari 5SC Miticide/Insecticide** with other products.

To determine the physical compatibility of **Akari 5SC Miticide/Insecticide** with other products, use a jar test. Using a jar, add the proportionate amounts of the products to approximately one quart of water with agitation. Add dry formulations first, then flowables, then emulsifiable concentrates last. After thorough mixing, allow this mixture to stand for 5 minutes. If the combination remains mixed or can be remixed readily, it is physically compatible. Once compatibility has been proven, use the same procedure for adding required ingredients to the spray tank. It is suggested that combinations be used on a small number of plants before treating large areas to check for cultivar sensitivity.

MIXING DIRECTIONS

Shake well before using

Please read COMPATIBILITY OF SPRAY MIXTURES section prior to any tank mixing with **Akari 5SC Miticide/Insecticide**. Begin with clean equipment. Prepare only the amount of spray solution needed to treat the target area. Add sufficient clean water to the spray tank for one-half of the mix load. Where possible, start agitation and properly suspend the necessary amount of **Akari 5SC Miticide/Insecticide** in the tank. Agitate to ensure thorough mixing while adding the remaining required water volume and other products. **Akari 5SC Miticide/Insecticide** should be properly suspended and diluted prior to the addition of any adjuvant or before spraying. Consult the adjuvant label or manufacturer for crop tolerance and safety information when using **Akari 5SC Miticide/Insecticide**. Maintain agitation during mixing and application. If agitation is stopped for any reason, the spray solution must be thoroughly remixed prior to further use.

APPLICATION DIRECTIONS

Akari 5SC Miticide/Insecticide is recommended for use on greenhouse cucumbers and all ornamental crops including flowering and foliage crops, nursery crops, nonbearing fruit trees and vines, and Christmas trees. These include those crops grown in greenhouses, shade and lathe houses, outdoor nurseries and fields, and in interiorscapes. The use directions of this product are based on the results of product testing programs on a wide variety of ornamental plants. However, it is impossible to test this product on all species and cultivars. The phytotoxicity of **Akari 5SC Miticide/Insecticide** has been assessed on a wide variety of common ornamental plants with no phytotoxicity. However, not all plant species and their varieties and cultivars have been tested with possible tankmix combinations, sequential pesticide treatments, and adjuvants and surfactants. Local conditions also can influence crop tolerance and may not match those under which testing has been conducted. Therefore, before using **Akari 5SC Miticide/Insecticide**, test the product on a sample of the crop to be treated to ensure that a phytotoxic response will not occur as a result of applications. Applications should be made immediately after the spray solution is prepared. Thorough spray coverage is essential for mite control.

Applications may be made with high or low volume spray equipment that provides thorough coverage of the plant. Apply with properly calibrated spray equipment. A wetting agent or other spray adjuvant, approved for use on the crop, may be added to spray solutions according to the manufacturer's use instructions to achieve optimum mite control.

TABLE 1
Recommended Application Rates for Akari 5SC Miticide/Insecticide on
Cucumbers Grown in Greenhouses

Apply **Akari 5SC Miticide/Insecticide** using backpack sprayer equipment in a minimum of 100 gallons of water per acre to ensure uniform, adequate coverage. Be sure to apply in sufficient water to obtain complete coverage of all plant parts. Applications may also be made with high volume, low volume, or ultra low volume (thermal and non-thermal foggers, misters, etc.) ground equipment. Follow the spray equipment manufacturer's directions to determine the amount of spray solution required to obtain thorough coverage. Consult the spray equipment manufacturer's operator's manual, spray nozzle catalogs and/or your crop advisor for more information.

For best results, apply when pest populations are beginning to build, before reaching economic thresholds. Consult your local agricultural advisor, state cooperative extension service, or regional Nichino America representative for further information.

Crop	Pests	Rate per Acre	Spray Volume	Directions for Use
Greenhouse Cucumbers	Spider mites Whitefly (suppression)	2.0 pints	100 gallons	USE RESTRICTIONS <ul style="list-style-type: none"> • Do not use Akari 5SC Miticide/Insecticide in successive miticide applications per resistance management statements on label. • Do not apply more than 2 pints (0.1 lb ai/A) per acre per growing season. • Do not make more than 1 application per growing season. • Do not apply within 7 days of harvest. • Do not apply through any type of irrigation system.

TABLE 2
Recommended Application Rates for Akari 5SC Miticide/Insecticide on
Ornamental Trees, Vines, Shrubs, Foliage, and Flowering Plants

Pest	Application Rate Fl. Oz./100 Gallons	Directions for Use
Spider mites	16.0 to 24.0 fl oz	USE RESTRICTIONS <ul style="list-style-type: none"> Do not apply more than 10 gallons of spray per 1,000 sq. ft. per application. Make sequential application of a miticide, with a different mode of action, up to 21 days after initial Akari 5SC Miticide/Insecticide application.
Tarsonemid mites - Broad mite (<i>Polyphagotarsonemus latus</i>) - Cyclamen mite (<i>Phytonemus pallidus</i>)	24.0 fl oz	
Eriophyid mites (rust, gall, and bud mites) including but not limited to: - Hemlock rust mite (<i>Nalepella tsugifoliae</i>) - Hackberry rust mite	24.0 fl oz	RECOMMENDATIONS <ul style="list-style-type: none"> Use the lower rate for low to moderate mite populations. Use in sufficient volume to obtain uniform plant coverage. 100 gallons of spray will typically cover 20,000 sq. ft. of greenhouse.
Mealybugs, including but not limited to: - Citrus mealybug (<i>Planococcus citri</i>) - Long-tailed mealybug (<i>Pseudococcus longispinus</i>)	24.0 fl oz	USE RESTRICTIONS <ul style="list-style-type: none"> Do not apply more than 10 gallons of spray per 1,000 sq. ft. per application. RECOMMENDATIONS <ul style="list-style-type: none"> For suppression of certain mealybug pests, use in sufficient volume to obtain uniform plant coverage. 100 gallons of spray will typically cover 20,000 sq. ft. of greenhouse.

Akari 5SC Miticide/Insecticide is recommended for use on all ornamental plantings including those listed in Table 3.

TABLE 3
List of Plant Species Tested for Tolerance to Akari 5SC Miticide/Insecticide¹

Common Name	Scientific Name
African violet	<i>Saintpaulia ionantha</i>
Azalea	<i>Rhododendron</i> spp.
Chrysanthemum	<i>Chrysanthemum morifolium</i>
Citrus, nonbearing	<i>Citrus</i> spp.
Coleus	<i>Coleus X hybridus</i>
Cotoneaster	<i>Cotoneaster</i> spp.
Dieffenbachia	<i>Dieffenbachia</i> spp.
English ivy	<i>Hedera helix</i>
Fern	<i>Davallia</i> spp.
Ficus	<i>Ficus</i> spp.
Geranium	<i>Geranium</i> spp.
Gerbera	<i>Gerbera</i> spp.
Grape, nonbearing	<i>Vitis</i> spp.
Hackberry	<i>Celtis occidentalis</i>
Hemlock	<i>Tsuga</i> spp.
Holly (e.g. blue, Burford, Japanese)	<i>Ilex</i> spp.
Hypoestes	<i>Hypoestes</i> spp.
Juniper (e.g. creeping, Parsons, upright)	<i>Juniperus</i> spp.
Marigold	<i>Tagetes erecta</i>
New Guinea impatiens	<i>Impatiens linearifolia</i>
Pittosporum	<i>Pittosporum</i> spp.
Poinsettia	<i>Euphorbia pulcherrima</i>
Pyracantha (firethorn, red firethorn)	<i>Pyracantha angustifolia</i> , <i>P. coccinea</i>
Rose, cut and miniature	<i>Rosa</i> spp.
Schefflera	<i>Schefflera</i> spp.
Sweetpotato vine, ornamental	<i>Ipomoea batatas</i>
Zinnia	<i>Zinnia elegans</i>

¹ Local conditions can influence crop tolerance and may not match those under which these species were tested. Before using **Akari 5SC Miticide/Insecticide**, test the product on a small sample of the crop to be treated.

GENERAL USE RESTRICTIONS

- In Florida, do not use on bearing or nonbearing commercial fruit trees and vines.
- Do not apply more than 48 fl. oz. per crop cycle or per growing season, whichever is longer.
- Do not apply this product through any type of irrigation system.
- Do not apply this product as a smoke or aerosol.
- Do not apply this product to plants used for food or animal feed.
- Do not apply to fruit trees and vines that will bear harvestable fruit within 12 months.
- Do not enter the entire enclosed area (treated area) without protective equipment for 12 hours unless one of the following items is completed:
 1. Ten air exchanges.
 2. Two hours of system ventilation.
 3. Four hours of ventilation using vents, windows, or other passive ventilation.
 4. Eleven hours with no ventilation followed by 1 hour of mechanical ventilation.
 5. Eleven hours with no ventilation followed by 2 hours of passive ventilation.
 6. All required PPE is worn.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in a cool, dry place.

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

CONTAINER DISPOSAL: Nonrefillable container. DO NOT reuse or refill this container. Triple rinse (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 ¼ 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. Then offer for recycling if available, or reconditioning, or puncture and dispose of in a sanitary landfill, or by incineration, or, if allowed by state or local authorities, by burning. If burned, stay out of smoke.

**IMPORTANT: READ BEFORE USE
WARRANTY STATEMENT**

By using this product, user or buyer accepts the following conditions, warranty, disclaimer of warranties and limitations of liability.

CONDITIONS: The directions for use of this product are believed to be accurate and must be followed carefully. However, because of extreme weather and soil conditions, use methods and other factors beyond the control of Nichino America, Inc. (NAI), it is impossible for NAI to eliminate all risks associated with the use of this product. As a result, crop injury or ineffectiveness is always possible. All such risks are assumed by the user or buyer. **DISCLAIMER OF WARRANTIES:** TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THERE ARE NO WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE OR OTHERWISE, WHICH EXTEND BEYOND THE STATEMENTS MADE ON THIS LABEL. No agent of NAI is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. To the extent consistent with applicable law, NAI disclaims any liability whatsoever for incidental or consequential damages, including, but not limited to, liability arising out of breach of contract, express or implied warranty (including warranties of merchantability and fitness for a particular purpose), tort, negligence, strict liability or otherwise.

LIMITATIONS OF LIABILITY: TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER IN CONTRACT, WARRANTY, TORT, NEGLIGENCE, STRICT LIABILITY OR OTHERWISE, SHALL NOT EXCEED THE PURCHASE PRICE PAID, OR AT THE ELECTION OF NICHINO AMERICA, THE REPLACEMENT OF PRODUCT.

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