



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

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Marie A. Maks, Senior Manager  
Regulatory Affairs  
Nichino America, Inc.  
4550 new Linden Hill Road, Suite 501  
Wilmington, DE 19808

DEC 31 2008

Subject: Label Notification(s) for Pesticide Registration Notice 2007-4 and 98-10

Dear Ms. Maks:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 and 2007-4 dated December 2, 2008 for the product **ET-751 Technical, EPA #71711-6**. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action(s) requested does not clearly fall within the scope of PRN 98-10 and will require additional administrative review of the related files. A summary of our findings include:

1. Directions for Use: deleting and adding of uses are not reviewed under notification.

Therefore, the RD has determined that this action is denied and will be further processed as a **fast track amendment** and our records have been updated accordingly. The Confidential Statement of Formula (CSF) and/or label submitted with the application are (is) considered proposed drafts and has been forwarded to **Joanne Miller PM#23** for further processing.

If you have any questions, please call me directly at 703-305-6249 or Nicole Williams of my staff at 703-308-5551.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Arrington".

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

 United States <b>Environmental Protection Agency</b> Washington, DC 20460		<b>Registration</b>	OPP Identifier Number
		<b>Amendment</b>	
	<input checked="" type="checkbox"/>	<b>Other</b>	

**Application for Pesticide - Section I**

1. Company/Product Number 71711-6	2. EPA Product Manager Joanne Miller	3. Proposed Classification  <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) ET-751 Technical	PM# 23	
5. Name and Address of Applicant (Include Zip Code)  Nichino America Inc. 4550 New Linden Hill Road Suite 501 Wilmington, DE 19808  <input type="checkbox"/> Check if this is a new address	6. <b>Expedited Review.</b> In accordance with FIFRA Section 3(c)(3) (b)(I), my product is similar or identical in composition and labeling to: EPA Reg. No. <span style="float: right;"><b>NOTIFICATION</b></span>  Product Name <span style="float: right;"><b>DEC 31 2008</b></span>	

**Section - II**

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.

**Explanation Non-PRIA action**  
 To submit a revised section 3 federal label per Notification 98-10  
 Attachments: "Certification Statement", 2 copies of label, identified as 120208; one copy of label highlighted; letter M.A. Maks to Notification, dated Dec. 2, 2008

**Section - III**

**1. Material This Product Will Be Packaged In:**

Child-Resistant Packaging <input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If "Yes"      No. per Unit Packaging wgt.      container 50 kg	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If "Yes"      No. per Package wgt      container	2. Type of Container <input checked="" type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) HDPE lined bags
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**\* Certification must be submitted**

3. Location of Net Contents Information <input type="checkbox"/> Label <input checked="" type="checkbox"/> Container	4. Size(s) Retail Container	5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Other _____ adhesive backed label _____ <input checked="" type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled		

**Section - IV**

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

Name Marie A. Maks	Title Senior Manager, Regulatory Affairs	Telephone No. (Include Area Code) (302) 636-9001 Extension 203
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**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 knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

2. Signature 	3. Title Senior Manager, Regulatory Affairs	6. Date Application Received  (Stamped)
4. Typed Name Marie A. Maks	5. Date 12/2/08	

**Certification Statement**

**NOTIFICATION WITH NEW USES, UPDATED STORAGE AND  
DISPOSAL AND WARRANTY STATEMENTS  
PER PR NOTICE 98-10**

**Nichino America, Inc. ET-751 (Pyraflufen-Ethyl) Technical  
(EPA Reg. No. 71711-6)**

“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 the 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.”

*Marie A. Maks*

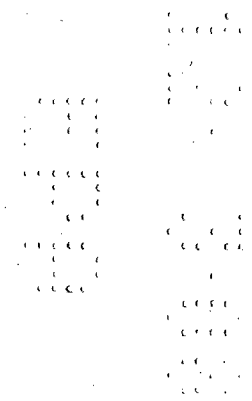
Marie A. Maks

*Senior Mgr Reg af*

Title

*Dec 2, 2008*

Date



Sent Via FEDEX

December 2, 2008

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

RE: Submission of a Notification Per PR Notice 98-10 Section II Labeling  
Notifications D. Removing Advisory, G. Storage and Disposal,  
J. Changes in Warranty Statements and N. Other Revisions  
Nichino America, Inc. ET-751 Technical  
(EPA Reg No. 71711-6)

To Whom It May Concern:

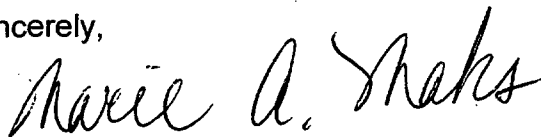
Nichino America, Inc. requests the EPA to review the application for a revised label with the following changes: new use pattern of root and tuber vegetables previously approved on the ET 40 MB label (EPA Reg No. 71711-27), updated storage and disposal (per PR Notice 2007-4), warranty statements, and removal of Nichino web page citation.

Attached are the following:

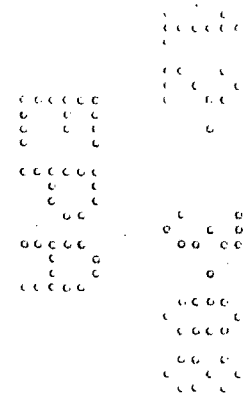
- Two (2) copies of labeling, identified as 120208; one copy has changes highlighted
- "Certification Statement"
- EPA Application Form

If you have any questions, you are welcome to call me at (302) 636-9001, extension 203 or email me at [mmaks@nichino.net](mailto:mmaks@nichino.net). Thank you.

Sincerely,



Marie A. Maks  
Senior Manager, Regulatory Affairs  
Nichino America, Inc.



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# ET-751 Technical

For Manufacturing or Formulating Use Only

<b>Active Ingredients:</b>	
Pyraflufen ethyl (Ethyl 2-chloro-5-(4-chloro-5-difluoromethoxy-1-methylpyrazol-3-yl)-4-fluorophenoxyacetate .....	97.9%
<b>Other Ingredients:</b> .....	2.1%
<b>Total:</b> .....	100.0%

EPA Reg. No. 71711-6

EPA Est. No. 067017-JPN-004

Alternate Brand Name: Pyraflufen-Ethyl Technical

NOTIFICATION

DEC 31 2008

## KEEP OUT OF THE REACH OF CHILDREN CAUTION

FIRST AID	
<b>If inhaled</b>	<ul style="list-style-type: none"> <li>• Move person to fresh air.</li> <li>• If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth to-mouth, if possible.</li> <li>• Call a poison control center or doctor for further treatment advice.</li> </ul>
<b>If on skin or clothing</b>	<ul style="list-style-type: none"> <li>• Take off contaminated clothing.</li> <li>• Rinse skin immediately with plenty of water for 15-20 minutes.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<b>If in eyes</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<b>If swallowed</b>	<ul style="list-style-type: none"> <li>• Call poison control center or doctor immediately for treatment advice.</li> <li>• Have person sip a glass of water if able to swallow.</li> <li>• Do not induce vomiting unless told to do so by the poison control center or doctor.</li> <li>• Do not give anything by mouth to an unconscious person.</li> </ul>
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.	

Net Contents: 40kg

Active Ingredient Made in Japan for  
**Nichino America, Inc.**  
4550 New Linden Hill Road, Suite 501  
Wilmington, DE 19808

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**PRECAUTIONARY STATEMENTS  
HAZARDS TO HUMANS AND DOMESTIC ANIMALS  
CAUTION**

Harmful if absorbed through skin. Causes moderate eye irritation. Avoid contact with skin, eyes, or clothing. Wash thoroughly with soap and water after handling.

**ENVIRONMENTAL HAZARDS**

Do not discharge effluent containing this product directly into lakes, streams, ponds, estuaries, oceans, or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority. For guidance, contact your State Water Board or Regional Office of the EPA. Do not contaminate water when disposing of equipment washwaters.

**DIRECTIONS FOR USE**

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

**Only for formulation into a herbicide for:**

~~(1) the following uses: conservation reserve programs (CRP) and federal set aside acreage; cotton, deciduous fruit and nut trees and vines (excluding citrus); fallow beds and crop stubble; field corn, nonbearing deciduous fruit and nut trees and vines (excluding citrus); noncrop weed control; pasture and rangeland; potatoes, noncrop land and uncultivated agricultural areas (nonfood producing), soybeans, and wheat~~

(1) The following uses:

- Cotton, potatoes, field corn, soybeans, wheat
- Deciduous fruit and nut trees and vines, excluding citrus (dormant, prebloom, postharvest applications)
- Nonbearing deciduous fruit and nut trees and vines, excluding citrus
- Root and tuber vegetables, leafy vegetables, cole crops, legumes, fruiting vegetables, cucurbits, small grains (limited to preplant burndown)
- Noncrop land and uncultivated agricultural areas (nonfood producing)
- Noncrop weed control
- Nurseries and ornamental plantings; sodfarms; Christmas trees; established ornamental turf
- Pasturegrass and rangeland
- Preplant fallow beds and crop stubble

(2) This product may be used to formulate products for specific use(s) not listed on this label if the formulator, user group, or grower has complied with U.S. EPA data submission requirements regarding the support of such use(s).

**STORAGE AND DISPOSAL**

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

**Pesticide Storage:** Store in original container and keep closed. Store in a cool, dry place.

**Pesticide Disposal:** Do not contaminate water, food or feed by storage or disposal. 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 liner by shaking and tapping sides to loosen clinging particles. Empty residue into formulation equipment. Then dispose of liner in a sanitary landfill or by incineration, if allowed by state and local authorities. If drum is contaminated and cannot be reused, dispose of in the manner required for its liner.

**IMPORTANT: READ BEFORE USE**

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 should 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. ~~To the extent consistent with applicable law,~~ 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.