

United States
Environmental Protection Agency
Washington, DC 20460

Registration

OPP Identifier Number

Amendment

Other
X

Application for Pesticide - Section I

1. Company/Product Number 71711-7	2. EPA Product Manager Joanne Miller	3. Proposed Classification X None Restricted
4. Company/Product (Name) ET Herbicide/Defoliant	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. Expedited Review. 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

- | | |
|--|--|
| <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. |

NOTIFICATION

MAY 31 2005

Explanation:

Notification: PR Notice 98-10 II. N. Other Revisions

To submit final printed label with inclusion of petroleum distillate statement in ingredient section of label

Attachments: 2 copies of labeling, identified as NY060402, "Certification Statement", letter M.A. Maks to J. Miller dated May 13, 2005

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	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes" No. per Package wgt. container	2. Type of Container <input type="checkbox"/> Metal <input checked="" 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 1 gallon; 1 quart	5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product
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6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input checked="" type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled	<input type="checkbox"/> Other adhesive backed label
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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 Manager, Regulatory Affairs	Telephone No. (Include Area Code) (302) 636-9001
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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.

6. Date Application Received

(Stamped)

2. Signature Marie A. Maks	3. Title Manager, Regulatory Affairs
4. Typed Name Marie A. Maks	5. Date May 13, 2005

NOTIFICATION

MAY 3 1 2005

Certification Statement

**NOTIFICATION RE: OTHER REVISIONS
PER PR NOTICE 98-10**

**Nichino America, Inc. ET® Herbicide/Defoliant
(EPA Reg. No. 71711-7)**

"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

Nichino America, Inc.

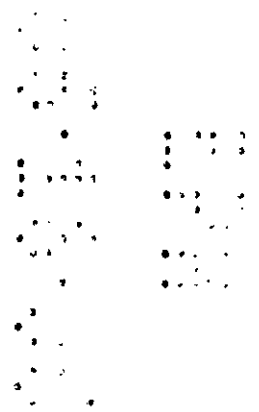
Company

Manager, Reg Affairs

Title

May 13, 2005

Date



3/6
NOTIFICATION
MAY 3 1 2005



For Use on Cotton, Potatoes, Field Corn,
Soybeans, Wheat, and
Uncultivated Agricultural Areas
(NOT FOR HOMEOWNER USE)

Active Ingredient:

Pyraflufen ethyl (ethyl 2-chloro-5-(4-chloro-
5-difluoromethoxy-1-methyl-1H-pyrazol-
3-yl)-4-fluorophenoxyacetate) 2.5%
Other Ingredients: 97.5%
Total: 100.0%

Contains 0.208 lb. pyraflufen ethyl per gallon
(25 grams per liter)

*Contains petroleum distillates

EPA Reg. No. 71711-7

**KEEP OUT OF REACH OF CHILDREN
DANGER – PELIGRO**

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 swallowed	<ul style="list-style-type: none">• Call a doctor or poison control center 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. Avoid alcohol.
If in eyes	<ul style="list-style-type: none">• Immediately hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first five minutes, then continue rinsing eye.• Call a poison control center or doctor for 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 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 mouth-to-mouth, if possible.• Call a poison control center or doctor for further treatment advice.
HOTLINE 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	
Contains petroleum distillate -- vomiting may cause aspiration pneumonia. Probable mucosal damage may contraindicate the use of gastric lavage.	

**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS
DANGER – PELIGRO**

Corrosive. Causes irreversible eye damage. Do not get in eye, on skin, or on clothing. Wear goggles or face shield when handling. Harmful if swallowed. Harmful if absorbed through skin. Wash thoroughly with soap and water after handling.

Personal Protective Equipment (PPE)

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

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Chemical resistant (such as nitrile or butyl) gloves
- Shoes plus socks
- Protective eyewear
- For overhead exposure, wear chemical resistant headgear

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry. When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides (40 CFR 170.240 (d) (4-8)), the handler PPE requirements may be reduced or modified as specified in the WPS.

User Safety Recommendations

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.

ENGINEERING CONTROLS STATEMENTS

When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides (40 CFR 170.240(d)(4-8)), the handler PPE requirements may be reduced or modified as specified in the WPS.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish and aquatic invertebrates. This product may contaminate water through drift of spray in wind or via runoff events. Use care when applying in areas adjacent to any body of water. 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 disposing of equipment washwater or rinsate. Do not apply when weather conditions favor drift from treated areas.

SPRAY DRIFT

Avoid spray drift to all other crops and nontarget areas. Do not apply when weather conditions may cause drift. Do not allow this product to drift onto nontarget areas. Drift may result in illegal residues or injury to adjacent crops and vegetation, in the form of leaf yellowing and defoliation. To avoid spray drift, DO NOT apply aerially when wind speed is greater than 10 mph or during periods of temperature inversions. Use of larger droplet size will also reduce spray drift.

AVOIDING SPRAY DRIFT AT THE APPLICATION SITE IS THE RESPONSIBILITY OF THE APPLICATOR.

The interaction of equipment and weather-related factors determines the potential for spray drift. The applicator is responsible for considering all these factors when making decisions. Droplet size, boom height, and wind speed are the primary factors determining drift. The specific application conditions required for the use of this product are described below.

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Information on Droplet Size

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

Controlling Droplet Size

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

Pressure – Do not exceed the nozzle manufacturer's recommended pressures. For many nozzle types, lower pressure produces larger droplets. When higher flow rates are needed, use higher flow rate nozzles instead of increasing pressure.

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

Nozzle Orientation – Orienting nozzles so that the spray is released parallel to the airstream produces larger droplets than other orientations and is the recommended practice. Significant deflection from horizontal will reduce droplet size and increase drift potential.

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

Maintenance of Nozzles – Periodic inspection and subsequent replacement of nozzles to ensure proper chemical application is recommended.

Boom Length

For some use patterns, reducing the effective boom length to less than $\frac{1}{2}$ of the wingspan or rotor length may further reduce drift without reducing swath width.

Application Height

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

Swath Adjustment

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

Wind

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

Temperature and Humidity

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

Temperature Inversions

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

Sensitive Areas

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

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 responsible for pesticide regulation.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR Part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE) and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

DO NOT enter or allow worker entry into treated areas during the restricted entry interval (REI) of 12 hours.

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

- Coveralls
- Chemical resistant (such as nitrile or butyl) gloves
- Shoes plus socks
- Protective eyewear

GENERAL INFORMATION

ET® is designed for use as a harvest aid in cotton and potatoes; as a preplant or preemergence burndown in field corn, cotton, soybeans, and wheat; postemergence use in cotton; postemergence layby in cotton; and for uncultivated agricultural areas (nonfood producing). The contents should be mixed in water, using sufficient volume to permit thorough coverage of crop foliage and stems and applied using broadcast spray techniques.

USE RESTRICTIONS

- Do not apply more than 8.5 fl oz/acre per growing season to cotton; or 1.1 fl oz/acre per growing season to potatoes.
- Do not apply more than 2 fl oz/acre to field corn, soybeans, or wheat prior to planting, or emergence of crop only.
- Do not apply within 7 days of harvesting cotton or potatoes.
- Do not apply this product through any type of irrigation system.

WEEDS CONTROLLED

The following broadleaf weed species can be controlled by applications of ET in the manner described below at 3 to 8 inches tall. Tankmixes of ET with other herbicides may be needed for control of larger weeds:

Annual sowthistle	Lambsquarters
Bedsraw	Morningglory/entireleaf
Blacknightshade	Morningglory/lytleaf
Chickweed	Morningglory/round
Cocksburn	Pennsylvania smartweed
Common fourleaf	Prostrate knotweed
Common ragweed	Redroot pigweed
Common sunflower	Russian thistle
Curtis dock	Shpherdspurse
Cutleaf evening primrose	Tall water hemp
Hairy beggar tick	Velvetleaf
Hemp sesbania	Wild buckwheat
Henbit	Wild mustard
Kochia	Wild radish
Ladysthumb	

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Field Corn, Soybeans, Wheat, Cotton, (Limited to Preplant Burndown)

For best results, use ET herbicide for control of annual or perennial herbaceous broadleaf weeds less than 4' in height, or rosettes less than 3' in diameter. Thorough, uniform spray coverage is essential for good control. ET herbicide may be applied preplant burndown to control broadleaf weeds or in tank mixtures with glyphosate or other herbicides for broad spectrum weed control (see below).

Crop	Pest	Rate/Acre	Use Restrictions and Comments
Field Corn Cotton Soybeans Wheat	Broadleaves	0.5 to 2.0 fl oz/A plus Weedmaster®, 2,4-D, or dicamba in a minimum of 5 gpa by air or 10 gallons water per acre by ground*	Use the higher rate and spray volumes for control of larger weeds (4-6" tall). Weeds larger than 6" tall may not be controlled. Allow a minimum of 30 days between applications. Treated areas may be replanted immediately with any crop listed on this label.
	Grasses and Broadleaves	0.5 to 1.0 fl oz/A plus registered glyphosate product in a minimum of 5 gpa by air or 10 gallons water per acre by ground	Do not plant any other rotational food crops for 30 days after the last application of ET. For tank mixtures, refer to each product label for crop rotation restrictions, mixing directions, and precautionary statements. Follow the crop rotation statements on the tankmix product if they are more restrictive. Do not allow livestock to graze in treated areas. Do not apply more than 2 fl oz/A for this use.

*use higher rates for hard to control weeds such as Canada thistle, field bindweed, and kochia

Uncultivated Agricultural Areas (nonfood producing)

ET herbicide may be used in tankmixes with other herbicides to control broadleaf and grassy weeds. For best results, use ET herbicide for control of annual or perennial herbaceous broadleaf weeds less than 4' in height, or rosettes less than 3' in diameter. Thorough, uniform spray coverage is essential for good control.

Crop	Pest	Rate/Acre	Use Restrictions and Comments
Uncultivated agricultural areas	Broadleaved weeds	0.5 to 2.0 fl oz/A plus Weedmaster®, 2,4-D, or dicamba in a minimum of 5 gpa by air or 10 gallons water per acre by ground*	Use the higher rate and spray volumes for control of larger weeds (4-6" tall). Weeds larger than 6" tall may not be controlled. Do not make more than 3 applications or exceed 5.5 fl oz/A per year for this use. Allow a minimum of 30 days between applications.
	Grasses and Broadleaved weeds	0.5 to 1.0 fl oz/A plus registered glyphosate product in a minimum of 5 gpa by air or 10 gallons water per acre by ground*	For crops not listed on this label, applications must be made at least 30 days prior to planting. For tank mixtures, refer to each product label for crop rotation restrictions, mixing directions, and precautionary statements. Follow the crop rotation statements on the tankmix product if they are more restrictive. Do not allow livestock to graze in treated areas.

*use higher rates for hard to control weeds such as Canada thistle, field bindweed, and kochia

ROTATIONAL CROP RESTRICTIONS

Do not plant rotational crops other than cotton, potato, corn, soybeans, or wheat for 30 days following the last application of this product.

STORAGE AND DISPOSAL

DO NOT contaminate water, food, or feed by storage or disposal. Open dumping is prohibited.

Storage: Store in a cool place.

Pesticide Disposal: Pesticide wastes are toxic. Improper disposal of excess pesticide, pesticide spray or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

Container Disposal: DO NOT reuse empty container. Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in sanitary landfill, or incineration, or if allowed by state and local authorities, by burning. If burned, stay out of smoke.

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. All such risks are assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: 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. 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: 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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ET® is a trademark of Nichino America, Inc. Cottonquik® is a trademark of Entek Corporation. Cyclone®, Gramoxone®, and Starfire® are trademarks of Syngenta Crop Protection. DEF® 6, Dropp® 50WP, Finish®, Ginstar®, and Prep™ are trademarks of Bayer Crop Science. Roundup® is a trademark of Monsanto Company. Folex® 6EC is a trademark of Amvac. Weedmaster® is a trademark of BASF.

Active Ingredient Made in Japan; Formulated and Packaged in U.S.A.

Nichino America, Inc.

4550 New Linden Hill Rd., Suite 501

Wilmington, DE 19808

www.nichino.net

NY080402

May 13, 2005

Ms. Joanne Miller, Product Manager 23
Office of Pesticide Programs (7504-C)
Registration Division-H7505C
U.S. Environmental Agency
Room 266 A, Crystal Mall 2
1921 Jefferson Davis Highway
Arlington, VA 22202

RE: Submission of Amended Section 3 Federal Label Per Notification
PR Notice 98-10
Nichino America, Inc.
ET® Herbicide/Defoliant
(EPA Reg No. 71711-7)

Dear Ms. Miller:

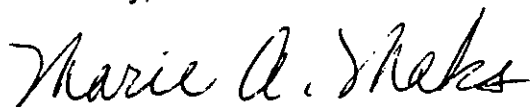
Nichino America, Inc. requests the Agency's review of the addition of the statement, "contains petroleum distillate" in the ingredient statement on the section 3 federal label. This statement already appears in the "First Aid" box. We believe this addition complies with PR Notice 98-10 Section II. N. Other Revisions.

Attached are the following:

- EPA application form, 8570-1
- "Certification Statement"
- Two copies of labeling, identified as NY060402

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

Sincerely,



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