



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Ms. Marie A. Marks
Product Registration
Nichino America Inc.
4550 New Linden Hill Road, Suite 501
Wilmington, DE 19808

DEC 30 2008

SUBJECT: Application for Pesticide Notification (PRN 98-10)
Request General Label Changes
EPA Reg. No. 71711-7
Application Dated December 3, 2008

Dear Registrant:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 12/03/08 for the above product. 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 fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-6249 or Owen F. Beeder of my staff at 703-308-8899.

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
Environmental Protection Agency
 Washington, DC 20460

Registration

OPP Identifier Number

2/5

Amendment

X

Other

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. NOTIFICATION Product Name DEC 30 2008	

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 To submit a revised section 3 federal label per Notification 98-10
 Attachments: "Certification Statement", 2 copies of label, identified as 120308; one copy of label highlighted; letter M.A. Maks to Notification, dated Dec. 3, 2008

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	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	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
* 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 <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 Senior Manager, Regulatory Affairs	Telephone No. (Include Area Code) (302) 633-0001 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 <i>Marie A. Maks</i>	3. Title Senior Manager, Regulatory Affairs
4. Typed Name Marie A. Maks	5. Date <i>Dec 3, 2008</i>

6. Date Application Received

(Stamped)

Certification Statement

**NOTIFICATION WITH MORE LIMITED RECOMMENDATIONS
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

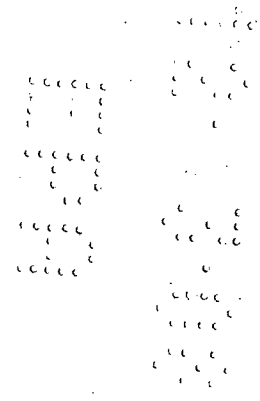
Marie A. Maks

Senior Mgr, Reg af

Title

Dec. 3, 2008

Date



Sent Via Hand Delivery

December 3, 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 N. Other Revisions
Nichino America, Inc. ET® Herbicide/Defoliant
(EPA Reg No. 71711-7)

To Whom It May Concern:

Nichino America, Inc. requests the EPA to review the application for a revised label with the following changes: removal of tank mix partner, certain surfactants, and other editing changes.

Attached are the following:

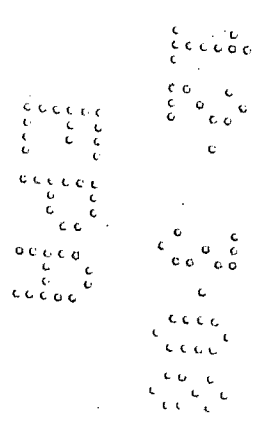
- Two (2) copies of labeling, identified as 120308; one copy has changes highlighted
- "Certification Statement"
- EPA Application Form

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

Sincerely,



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



SUPPLEMENTAL LABEL

NICHINO AMERICA, INC.

ET[®] Herbicide/Defoliant
(EPA Reg. No. 71711-7)

Use: Postemergence Use in Wheat for Control of Broadleaf Weeds

DIRECTIONS FOR USE

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

This labeling and the EPA approved container label must be in the possession of the user at the time of application. All applicable directions, restrictions, and precautions on the EPA registered label are to be followed.

New crops appear on this supplemental labeling that do not appear on the Section 3 container label.

Postemergence Use - Wheat

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. Use a minimum of 5 gallons water per acre by air or 10 gallons water per acre by ground. ET herbicide may be applied in-crop as an early postemergence treatment for control of broadleaf weeds, or in tank mixtures with other labeled herbicides such as phenoxy-based products for broad spectrum weed control (see below). See dosage table below for proper application timing.

Some temporary herbicidal symptoms such as leaf speckling or small discolored or necrotic spotting may appear on the crop, depending on environmental conditions, or if the crop is under stress. Use of spray tank adjuvants in the application may increase this crop response. The use of approved surfactants is recommended for enhanced weed control.

Addition of a spray tank adjuvant such as nonionic surfactants, at a concentration of 0.5%, is recommended for optimum control.

Use of ET with products containing bromoxynil may cause significant foliar injury.

Read and follow all label directions for each tankmix product. Always use in accordance with the most restrictive of label precautions and limitations.

Crop	Pest	Rate/Acre	Use Restrictions and Comments
Spring Wheat	Broadleaf Weeds	0.4 to 0.75 fl oz/A when wheat is 6-8 inches tall to stem elongation (jointing), prior to boot stage	<ul style="list-style-type: none"> • Use the higher rate and spray volumes for control of larger weeds (4" tall). Control may be reduced with weeds larger than 4 inches tall. • Allow a minimum of 30 days between applications. • Do not apply more than 1 fl oz/A for this use. • Do not apply more than 2 applications per season. • Treated areas may be replanted immediately with any crop listed on this label. Do not plant any other rotational (or) crop for 30 days after the last application of ET. • Do not graze wheat within 7 days of last ET application. Do not harvest wheat for hay within 21 days of last ET application. • Do not harvest wheat for grain within 60 days of last ET application.
Winter Wheat	Broadleaf Weeds	0.5 to 1.0 fl oz/A when wheat is 6-8 inches tall to stem elongation (jointing), prior to boot stage	

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ET[®] is a trademark of Nichino America, Inc.

NICHINO AMERICA, INC.
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Wilmington, DE 19808
(302) 636-9001

NOTIFICATION

DEC 30 2008

120308