

71711-7

2/17/2009

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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

FEB 17 2009

SUBJECT: Application for Pesticide Notification (PRN 98-10)
Request General Label Change
EPA Reg. No. 71711-7
Application Dated January 15, 2009

Dear Registrant:


The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 01/15/09 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
		Amendment	
		<input checked="" type="checkbox"/> Other	

Application for Pesticide - Section I

1. Company/Product Number 71711-7	2. EPA Product Manager Joanne Miller	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> 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 to the product for which this notification and labeling to: EPA Reg. No. FEB 17 2009 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.


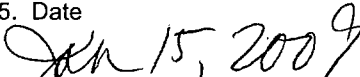
Explanation To submit a revised section 3 federal label per Notification 98-10

Attachments: "Certification Statement", 2 copies of label, identified as 011409; one copy of label highlighted; letter M.A. Maks to Notification, dated Jan. 15, 2009

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
	If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt.	No. per container	
* 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	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input checked="" type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled		Other ___ adhesive backed label _____			

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) 636-9004 extension 203
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.		Date Application Received (Stamped)
2. Signature 	3. Title Senior Manager, Regulatory Affairs	
4. Typed Name Marie A. Maks	5. Date 	

Sent Via FEDEX

January 15, 2009

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:

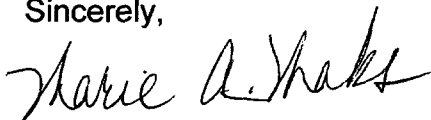
Nichino America, Inc. requests the EPA to review the application for a revised label with the following changes: removal of tank mix partner citation and treatment at growth stage to be consistent with EPA section 3 federal label approved Dec. 3, 2008.

Attached are the following:

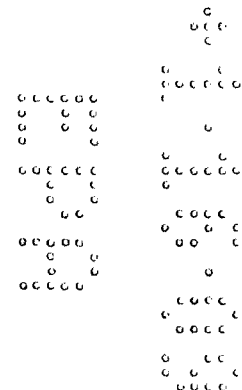
- Two (2) copies of labeling, identified as 011409; one copy has changes highlighted
- "Certification Statement"
- EPA Application Form

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.



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

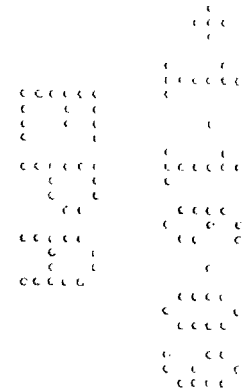
Marie A. Maks

Senior Mgr, Reg Aff

Title

January 15, 2009

Date



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SUPPLEMENTAL LABEL

NICHINO AMERICA, INC.

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

NOTIFICATION

FEB 17 2009

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 in tank mixtures with other labeled wheat herbicides for broad spectrum weed control.

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.

Addition of a spray tank adjuvant such as nonionic surfactants at a concentration of 0.5% is recommended for optimum weed 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	<ul style="list-style-type: none"> ET can be applied from wheat emergence to the appearance of the flag leaf. DO NOT apply ET if the flag leaf is visible. 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.
Winter Wheat	Broadleaf Weeds	0.5 to 1.0 fl oz/A	<ul style="list-style-type: none"> Treated areas may be replanted immediately with any crop listed on this label. Do not plant any other rotational food crops 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.

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NICHINO AMERICA, INC.
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