

71711-18

11/28/2008

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

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

NOV 28 2008

Dear Ms. Maks:

The Agency is in receipt of the following Applications for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10:

<u>Product</u>	<u>CSF</u>	<u>Label</u>
EPA Reg No 71711-18 <i>Fenpyroximate Technical</i> (USA Location)	Alternate, August 6, 2008	Proposed
EPA Reg No 71711-18 <i>Fenpyroximate Technical</i> (Japan Location)	Alternate, August 7, 2008	Proposed

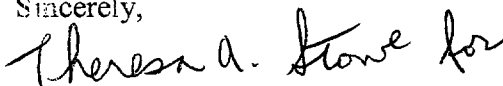
The Registration Division (RD) has conducted a review of these requests for their applicability under PRN 98-10 and finds that the actions requested fall within the scope of PRN 98-10.

The Confidential Statements of Formula (CSFs) submitted with the applications are considered "acceptable" and have been placed in our records.

The labels submitted with the application have been stamped "Notification" and placed in our records. Please note that a "Final Printed Label" reflecting all your proposed changes as appropriate, must be submitted to the Product Management (PM) Team.

If you have any questions, please call me directly at 703-305-6249 or María I. Rodríguez of my staff at 703-305-6710.

Sincerely,



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

CSF(ALT)
+ label.
(US location)

Sent Via FEDEX

August 6, 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 Product Chemistry
Section III. A. With Change in Establishment for Technical
Nichino America, Inc. Fenpyroximate Technical
(EPA Reg No. 71711-18)

To Whom It May Concern:

Nichino America, Inc. requests the EPA to review the application for a new establishment number for the manufacture of Fenpyroximate Technical as a notification. The alternate source is registered for the same uses for which the formulated product is registered ~~and it is similar~~ to the current source. The new establishment number reflects a U.S. company that will repack the technical. The process for the technical is the same as on file with the EPA. The only change to the "CSF" was the change in the producer.

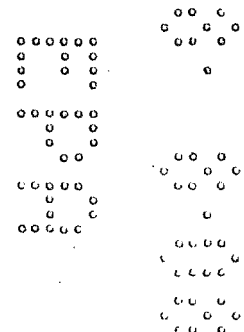
Attached are the following:

- Two (2) copies of labeling, identified as Fen 18b 071708; one copy has change in establishment highlighted
- Two (2) copies of "Confidential Statement of Formula" with new producer
- "Certification Statement"
- "Formulator's Exemption Statement"

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.



Fenproximate Technical

For Formulating Use Only

ACTIVE INGREDIENTS:

Tert-butyl(E)- α -(1,3-dimethyl-5-phenoxy-pyrazol-4-ylmethyleneaminoxy)-p-toluate 99.50%

OTHER INGREDIENTS..... 0.50%

TOTAL 100.0%

EPA Reg. No. 71711-18

EPA Est. No. 067017-JPN-005

67545-AZ-001 (repack only) ✓

NOTIFICATION

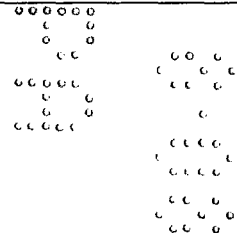
NOV 28 2008

KEEP OUT OF REACH OF CHILDREN WARNING

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 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.	

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



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

May be fatal if inhaled. May be fatal if swallowed. Harmful if absorbed through skin. Do not breathe dust. Remove and wash contaminated clothing before reuse. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Avoid contact with skin, eyes, or clothing. Wear long-sleeved shirt and long pants, socks, shoes, and gloves.

Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

Environmental Hazards

Do not discharge effluent containing this product directly into lakes, streams, ponds, estuaries, oceans or public waters unless this product is specifically identified and addressed in a NPDES permit. Do not discharge effluent containing this product to sewer systems without previously notifying the sewage treatment plant authority. For guidance, contact your State Water Board or Regional Office of the Environmental Protection Agency.

Physical and Chemical Hazards

Do not expose contents to sunlight. Do not store contents in metal containers. Do not store contents at high temperatures (>120°F).

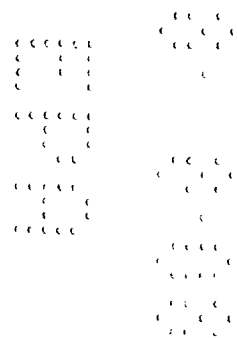
DIRECTIONS FOR USE

Only for formulation into an insecticide, for:

- (1) The following uses: citrus, cotton, hops, mint, pome fruit, grapes, tree nuts; ornamentals
- (2) Uses for which USEPA has accepted the required data and/or citations of data that the formulator has submitted in support of registration;
- (3) Uses for experimental purposes that are in compliance with USEPA requirements.

Formulation Information

Each formulator is responsible for obtaining EPA registration for his/her own end-use products. Technical information on formulations of this product as well as its physical and chemical characteristics may be obtained from Nichino America, Inc. It is a violation of Federal Law to use this product in a manner which is inconsistent with its labeling.



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STORAGE AND DISPOSAL

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 bag 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, or if allowed by state and local authorities by burning. If burned stay out of smoke. If drum is contaminated and cannot be reused, dispose of in the same manner.

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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