

71711-18

7/30/2009

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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

JUL 30 2009

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

Dear Ms. Maks:

Subject: Label
Fenpyroximate Technical
EPA Registration Number: 71711-18
Application Dated: May 23, 2008
Decision: 394792

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is acceptable subject to the comments listed below. Five copies of the finished labeling must be submitted prior to releasing this product for shipment.

- As a result of the 2007 revisions to 40 CFR §158, the following guideline toxicology studies are required as a conditions of registration. The following toxicology studies must be submitted to the Agency within one year of the date of this letter.
 - a. Immunotoxicity study, (OPPTS Guideline No. 870.7800)
 - b. Acute and subchronic neurotoxicity studies in rats (OPPTS Guideline No. 870.6200)

2005

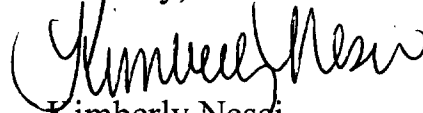
Page No. 2

EPA Reg. No. 71711-18

If you have any questions/comments, please contact Melody Banks on
703/305-5413

A stamped copy is enclosed for your records.

Sincerely,



Kimberly Nesi

Product Manager 11

Insecticide Branch

Registration Division 7507P

Enclosure: Stamped Approved Label "with" Comments

3045

Nichino America, Inc.

Fenproximate Technical
FEN18c-072909
Page 1 of 3

Fenproximate Technical

For Formulating Use Only

ACTIVE INGREDIENTS:

Tert-butyl(E)- α -(1,3-dimethyl-5-phenoxy-pyrazol-4-ylmethyleneaminoxy)-p-toluate99.5%

OTHER INGREDIENTS.....0.5%

TOTAL 100.0%

EPA Reg. No. 71711-18
EPA Est. No. 067017-JPN-005
67545-AZ-001 (repack only)

KEEP OUT OF REACH OF CHILDREN WARNING - AVISO

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.	

ACCEPTED
with COMMENTS
in EPA Letter dated

JUL 30 2009

Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.

71711-18

Net Contents: _____

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

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

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, fruiting vegetable crop group 8, greenhouse cucumbers, hops, melon crop subgroup 9A, mint, okra, pome fruit, grapes, ornamentals, tree nuts,
- (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.

STORAGE AND DISPOSAL

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

STORAGE: Store in original container and keep closed. Store in a cool, dry place.

PESTICIDE DISPOSAL: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

CONTAINER DISPOSAL: Nonrefillable container. Do not reuse or refill this container. Completely empty liner by shaking and tapping sides to loosen clinging particles. Empty residue into formulation equipment. Then offer for recycling, if available, or 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 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 must 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.