



U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs
Registration Division (H7505C)
401 M St., S.W.
Washington, D.C. 20460

EPA Reg. Number:
71711-19

Date of Issuance:
JUN 8 2004

**NOTICE OF PESTICIDE
Registration**

Term of Issuance:
Conditional Registration

Name of Pesticide Product:
FujiMite® 5EC Miticide/Insecticide

(under FIFRA, as amended)

Name and Address of Registrant (include ZIP Code):

**Nichino America, Inc.
Linden Park, Suite 501
4550 New Linden Hill Road
Wilmington, DE 19806**

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide and Rodenticide Act. Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is conditionally registered in accordance with FIFRA sec. 3(c)(7)(A) provided that you:

1. Submit and/or cite all data required for registration of your product under FIFRA sec. 3(c)(5) when the Agency requires all registrants of similar products to submit such data; and submit acceptable responses required for reregistration of your product under FIFRA section 4.
2. Make the following label changes:
 - a. Revise the EPA Registration Number to read, EPA Reg. No. 71711-19.
3. Submit two copies of the revised final printed label for the record.

This conditional registration shall be affective until December 31, 2009 as agreed upon by Nichino America, Inc. on February 8, 2004. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA sec. 6(e). Your release for shipment of the product constitutes acceptance of these conditions.

A stamped copy of the label is enclosed for your records.

Sincerely,

Richard Gebken
Acting Product Manager 10
Insecticide Branch
Registration Division (7505C)

enclosure

Signature of Approving Official:

Date:

JUN 8 2004

Nichino America, Inc.

ACCEPTED
with COMMENTS
In EPA Letter Dated:

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FujiMite EC
Fujxx-060204
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FujiMite[®] 5EC
MITICIDE/INSECTICIDE

JUN 8 2004
Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
71711-19

FOR USE ON COTTON, POME FRUIT, GRAPES, AND ORNAMENTALS

ACTIVE INGREDIENT:

Tert-butyl(E)- α -(1,3-dimethyl-5-phenoxy-pyrazol-4-ylmethyleneaminoxyl)-p-toluate5.0%

OTHER INGREDIENTS:95.0%

TOTAL100.0%

Contains 0.4 lb. active ingredient per U.S. gallon

EPA Reg. No. 71711-RO

EPA Est. No. _____

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: Contains petroleum distillate - vomiting may cause aspiration pneumonia. Probable mucosal damage may contraindicate the use of gastric lavage.

For product information, use internet website: www.nichino.net

NET CONTENTS: _____

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

PRECAUTIONARY STATEMENTS
Hazards to Humans and Domestic Animals**WARNING - AVISO**

Causes substantial but temporary eye injury. Causes skin irritation. Do not get in eyes, on skin, or on clothing. Wear long-sleeved shirt and long pants and chemical resistant gloves (such as nitrile or butyl). Wear protective eyewear (safety glasses, goggles, or face shield). Harmful if swallowed. Harmful if absorbed through skin. Avoid contact with skin, eyes, or clothing. Wash thoroughly with soap and water after handling. Harmful if inhaled. Although breathing spray mist. Remove contaminated clothing and wash before reuse.

Personal Protective Equipment

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Chemical resistant gloves (such as nitrile or butyl)
- Protective eyewear (such as safety glasses, goggles, or face shield)
- Shoes plus socks
- 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 [40CFR 170.240(d)(4-6)], 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.

ENVIRONMENTAL HAZARDS

This pesticide is very highly toxic to fish and aquatic invertebrates. For terrestrial uses, do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas. Do not contaminate water when cleaning equipment or disposing of equipment washwaters.

This chemical can contaminate surface water through spray applications. Under some conditions, it may also have a high potential for runoff into surface water after application. These include poorly drained or wet soils with readily visible slopes toward adjacent surface waters, frequently flooded areas, areas overlaying extremely shallow ground water, areas with in-field canals or ditches that drain to surface water, areas not separated from adjacent surface waters with vegetated filter strips, and areas over-laying tile drainage systems that drain to surface water.

ENDANGERED SPECIES RESTRICTIONS

This product may pose a hazard to endangered aquatic species. Leave a 75 feet untreated buffer between treatment area and fish-bearing waters. Follow all use directions.

PHYSICAL OR CHEMICAL HAZARDS

Do not use or store near heat or open flame.

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 in your State 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 worn over short-sleeved shirt and short pants.
- Socks.
- Chemical-resistant footwear
- Protective eyewear (such as safety glasses, goggles, or face shield)
- Chemical-resistant gloves (such as nitrile or butyl)

When mixing and loading, wear a chemical-resistant apron. For overhead exposure, wear chemical-resistant headgear. When cleaning equipment, wear a chemical-resistant apron.

GENERAL INFORMATION

FujiMite® 5EC is a contact miticide used for the control of leafhoppers, mealybugs, mites, or psylla in agricultural and orchard crops, and ornamental nurseries. This product should be used in a program with other products to provide season long protection. Apply as a spray as directed in the "Application Directions" section of this label. **FujiMite 5EC** is a 5% Emulsifiable Concentrate which contains 0.40 lb fenpyroximate per gallon.

FujiMite 5EC works primarily through contact action, so good spray coverage is necessary. Mix with sufficient water and apply as a foliar spray to obtain uniform coverage. Dense foliage or excessive growth will often prevent adequate coverage; adjust spray volumes accordingly. Treat plants when pests are immature or at a susceptible stage and populations are building, before crop damage occurs.

FujiMite 5EC stops mite damage immediately after application. **FujiMite 5EC** provides this stop-feeding action together with a cessation of egg laying, and mites die in 3 to 7 days.

Target Species	
Apple rust mite	Pacific spider mite
Broad mite	Pear psylla
European red mite	Strawberry spider mite
Glassy-winged sharpshooter (suppression only)	Two-spotted spider mite
Grape leafhopper	White apple leafhopper
Grape mealybug	Willamette spider mite
McDaniel mite	Variegated leafhopper

APPLICATION DIRECTIONS

Applications should be made immediately after the spray solution is prepared. Thorough spray coverage is essential for mite control. Applications may be made with high or low volume spray equipment that provides thorough coverage of the plant. Apply with properly calibrated spray equipment. Addition of a spray adjuvant at a rate not to exceed the adjuvant manufacturer's recommended use rate may improve coverage.

APPLICATION RESTRICTIONS

- Do not apply by air or chemigation.
- Do not apply within 75 feet of all aquatic areas by ground boom and airblast applications.
- Do not apply **FujiMite 5EC** on cotton east of the Mississippi River.
- Do not plant rotational crops other than those listed on this label for 30 days following the last application of this product.

MIXING DIRECTIONS

Shake well before using. Read and follow all label directions for each tankmix product prior to any tank mixing with **FujiMite 5EC**. Begin with clean equipment. Prepare only the amount of spray solution needed to treat the target area. Add sufficient clean water to the spray tank for one-half of the mix load. Where possible, start agitation and properly suspend the necessary amount of **FujiMite 5EC** in the tank. Agitate to ensure thorough mixing while adding the remaining required water volume and other products. **FujiMite 5EC** should be properly suspended and diluted prior to the addition of any adjuvant or before spraying. Consult the adjuvant label or manufacturer for crop tolerance and safety information when using **FujiMite 5EC**. Maintain agitation during mixing and application. If agitation is stopped for any reason, the spray solution must be thoroughly remixed prior to further use.

RESISTANCE MANAGEMENT

Repeated use of the same chemistry has been shown to result in the buildup of resistant strains or mites or other insects. **DO NOT** use **FujiMite 5EC** in successive miticide applications. Rotate the use of **FujiMite 5EC** with alternate mode of action insecticides:

- miticides must be rotated with alternate products **every spray**
- avoid using products with same mode of action; for example, **FujiMite 5EC** and Pyramite™ are both METI-2 inhibitors and should not be rotated with each other

Consult your local horticultural advisor for the most appropriate alternative products. Resistance management strategies recommend that you **DO NOT** apply rates lower than recommended on the label. For best results, do not make more than one application of **FujiMite 5EC** in a single growing season.

SPRAY DRIFT MANAGEMENT

Do not allow this product to drift onto nontarget areas. Do not apply when weather conditions may cause drift. Use of larger droplet size will also reduce spray drift.

The interaction of many equipment and weather related factors determines the potential for spray drift. The applicator is responsible for considering all of these factors when making application decisions. **Avoiding spray drift is the responsibility of the applicator.**

Controlling Droplet Size – General Techniques:**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. Use the lower spray pressures recommended for the nozzle. Higher pressure reduces droplet size and does not improve canopy penetration. **WHEN HIGHER FLOW RATES ARE NEEDED, USE A HIGHER-CAPACITY NOZZLE INSTEAD OF INCREASING PRESSURE.**

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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.

Boom Height

Setting the boom at the lowest labeled height (if specified) which provides uniform coverage reduces the exposure of droplets to evaporation and wind. For ground equipment, the boom should remain level with the crop and have minimal bounce.

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. **AVOID GUSTY OR WINDLESS CONDITIONS.** **Note:** Local terrain can influence wind patterns. Every applicator should be familiar with local wind patterns and how they may affect 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 close to the ground and move laterally 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 temperature 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, non-target crops) is minimal (e.g. when wind is blowing away from the sensitive areas).

Shielded Sprayers

Shielding the boom or individual nozzles can reduce the effects of wind. However, it is the responsibility of the applicator to verify that the shields are preventing drift and not interfering with the uniform deposition of the product.

Air Assisted (Air Blast) Field Crop Sprayers

Air assisted field crop sprayers carry droplets to the target via a downward directed air stream. Some may reduce the potential for drift, but if a sprayer is unsuitable for the application and/or set up improperly, high drift potential can result. It is the responsibility of the applicator to determine that a sprayer is suitable for the intended application, is configured properly, and that drift is not occurring. **Note:** Air assisted field sprayers can affect product performance by affecting spray coverage and canopy penetration. Consult the application equipment section of this label to determine if use of an air assisted sprayer is recommended.

Air Assisted (Air Blast) Tree And Vine Sprayers

Air assisted tree and vine sprayers carry droplets into the canopy of trees and vines via a radially or laterally directed air stream. These sprayers are not suitable for applying herbicides. In addition to the general drift management practices already described, the following specific practices will further reduce the potential for drift:

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- Adjust the deflectors and aiming devices so that spray is only directed into the canopy.
- Block off upward pointed nozzles when there is no overhanging canopy.
- Use only enough air volume to penetrate the canopy and provide good coverage.
- Do not allow spray to go beyond the edge of the cultivated area. Spray the outside row only from outside the planting.

Pome Fruit (apple, pear, crabapple, loquat, mayhaw, medlar, quince)

Apply **FujiMite 5EC** in 100 to 200 gallons of water per acre using ground sprayer or airblast (air assist) spray equipment. Use the higher spray volume to provide adequate coverage in larger trees with dense foliage. Applications may be made from petal fall up to 14 days before harvest to control motile and mature stages of mites, leafhoppers, or psylla. **FujiMite 5EC** may be used during bloom due to safety to bees and wasps. For best results, apply when pest populations are beginning to build, before reaching economic thresholds. Consult your local agricultural advisor, state cooperative extension service, or regional Nichino America representative for recommendations. For severe mite infestations, mixtures of **FujiMite 5EC** with ovicides such as Apollo® or Savey® may enhance control.

Pests	Rate per acre	Use Restrictions
Apple rust mite European red mite Grape mealybug McDaniel mite Pacific spider mite Pear psylla Two-spotted spider mite White apple leafhopper Willamette mite	Concentrate sprays ¹ 2 pints Dilute sprays ² 1 pint	<ul style="list-style-type: none"> • Do not apply within 14 days of harvest. • Do not apply more than 2 pints per acre per season. • Do not apply through any type of irrigation system. • Do not make more than 2 applications per season.

¹ Use rates per 100 gallons are based on a maximum spray volume of 200 gallons/acre.

² To determine the amount of product per acre for concentrate sprays, determine the dosage rate for a full cover dilute spray and apply the same amount of product per acre in the reduced spray volume. This may result in use of less than 2 pints/acre.

Cotton (Use Limited to West of the Mississippi River)

Apply **FujiMite 5EC** using ground spray equipment in 10 to 40 gallons of water per acre to ensure uniform, adequate coverage. For early season use, when cotton is under 10 inches in height, apply in a band using ground spray equipment. For best results, apply when pest populations are beginning to build, before reaching economic thresholds. Consult your local agricultural advisor, state cooperative extension service, or regional Nichino America representative for recommendations.

Pest	Rate per acre	Use Restrictions
Two spotted spider mite Pacific spider mite Strawberry spider mite	Early season (banded) 1 pint Mid-season /Lay-by 2 pints	<ul style="list-style-type: none"> • Do not apply within 14 days of harvest. • Do not apply more than 2 pints per acre per season. • Do not use less than 1 pint per treated acre. • Do not apply through any type of irrigation system. • Do not make more than 2 applications per season.

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Grapes

Apply **FujiMite 5EC** in 50 to 200 gallons of water per acre using ground spray equipment. Use the higher spray volume in mature vineyards with dense foliage to ensure adequate coverage. For best results, apply when pest populations are beginning to build, before reaching economic thresholds. Consult your local agricultural advisor, state cooperative extension service, or regional Nichino America representative for recommendations.

Pest	Rate per acre	Use Restrictions
Two spotted spider mite Pacific spider mite Willamette spider mite Grape mealybug	2 pints	<ul style="list-style-type: none"> Do not apply within 14 days of harvest. Do not apply more than 2 pints per acre per season. Do not apply through any type of irrigation system. Do not make more than 2 applications per season.
Eastern grape leafhopper Variegated leafhopper Western grape leafhopper	1 – 2 pints ¹	

¹ use higher rate for dense foliage requiring high spray volume

Ornamentals

Apply **FujiMite 5EC** in 50 to 200 gallons of water per acre using ground spray equipment to ensure uniform, adequate coverage. Use the higher spray volumes in nurseries or on plants with dense foliage to ensure adequate coverage. For best results, apply when pest populations are beginning to build, before reaching economic thresholds. Consult your local agricultural advisor, state cooperative extension service, or regional Nichino America representative for recommendations.

Pest	Rate per acre	Use Restrictions
Broad mite European red mite Leafhoppers Mealybugs Pacific spider mite Strawberry spider mite Two spotted spider mite Willamette spider mite	2 pints	<ul style="list-style-type: none"> Do not apply more than 2 pints per acre per season. Do not apply through any type of irrigation system. Do not apply more than 2 applications per season.

STORAGE AND DISPOSAL

STORAGE: 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: Triple rinse, or equivalent. Then offer for recycling or reconditioning, or puncture and dispose if in a sanitary landfill, or incineration, or if allowed by state and local authorities, by burning. If burned, stay out of smoke.

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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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