

71711-21

1/30/2009

1 of 16



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

JAN 30 2009

SUBJECT: Application for Pesticide Notification (PRN 98-10)
Request Warranty Statement Changes
EPA Reg. No. 71711-21
Application Dated December 29, 2008

Dear Registrant:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 12/29/08 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

| | | | |
|---|-------------------------------------|---------------------|-----------------------|
| <p style="margin: 0;">United States Environmental Protection Agency Washington, DC 20460</p> | | Registration | OPP Identifier Number |
| | | Amendment | |
| | <input checked="" type="checkbox"/> | Other | |

Application for Pesticide - Section I

| | | |
|--|--|--|
| 1. Company/Product Number 71711-21 | 2. EPA Product Manager Kimberly Nesci | 3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted |
| 4. Company/Product (Name) Applaud 70 DF Insect Growth Regulator | PM# 11 | |
| 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)(1), my product is similar or identical in composition and labeling to: <div style="text-align: center; font-weight: bold; font-size: 1.2em;">NOTIFICATION</div> <div style="text-align: center; font-weight: bold; font-size: 1.2em;">JAN 30 2009</div> EPA Reg. No. _____ Product Name _____ | |

Section - II

| | |
|--|--|
| <input type="checkbox"/> Amendment - Explain below. | <input type="checkbox"/> Final printed labels in response to Agency letter |
| <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: Non-PRIA action.
 To submit a revised section 3 federal label per Notification 98-10
 Attachments: "Certification Statement", 2 copies of label, identified as 450513 120804; one copy of label highlighted; letter M.A. Maks to Notification, dated Dec. 29, 2008

Section - III

| | | | |
|---|--|---|---|
| 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 type="checkbox"/> Plastic <input type="checkbox"/> Glass <input checked="" type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) HDPE lined bags |
| * Certification must be submitted | | If "Yes" No. per Unit Packaging wgt. container | If "Yes" No. per Package wgt container |
| 3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container | | 4. Size(s) Retail Container 5 lb. | 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 type="checkbox"/> Other ___ adhesive backed label _____ <input checked="" type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled | | | |

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) 636-9001 Extension 203 |
| 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. | | 6. Date Application Received <div style="text-align: center; font-weight: bold;">(Stamped)</div> |
| 2. Signature | 3. Title Senior Manager, Regulatory Affairs | |
| 4. Typed Name Marie A. Maks | 5. Date <i>Dec. 29, 2008</i> | |

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Certification Statement

NOTIFICATION OF EDITED WARRANTY STATEMENT

PER PR NOTICE 98-10

**Nichino America, Inc. Applaud® 70 DF Insect Growth Regulator
(EPA Reg. No. 71711-21)**

“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

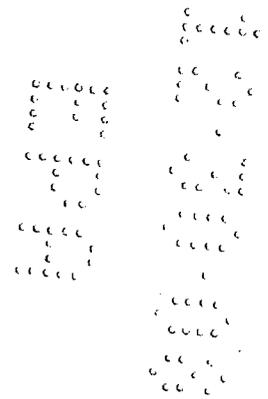
Marie A. Maks

Senior Mgr, Reg Aff

Title

Dec. 29, 2008

Date



40916

Nichino America, Inc.

www.nichino.net

Sent Via FEDEX

December 29, 2008

Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504-C)
Registration Division-H7505C
U.S. Environmental Agency
One Potomac Yard
2777 S. Crystal Drive
Arlington, VA 22202

RE: Submission of Amended Section 3 Federal Label with Revised Warranty Statement In Compliance With Notification Per PR Notice 98-10
Nichino America, Inc.
Applaud 70 DF Insect Growth Regulator (EPA Reg No. 71711-21)

To Whom It May Concern:

We have edited the "warranty statement" to read "must" be followed in the first paragraph of the "Conditions." This qualifies as a notification under II. LABELING NOTIFICATIONS part J. Changes in Warranty Statement

Attached are the following:

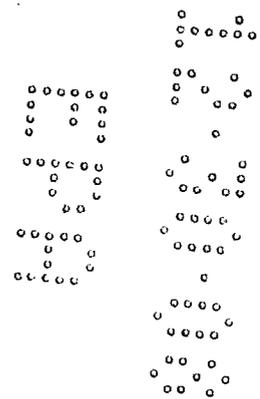
- EPA Application form, 8570-1
- "Certification Statement"
- Two copies of labeling, identified as 450513 120804
- One copy of labeling with change highlighted

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

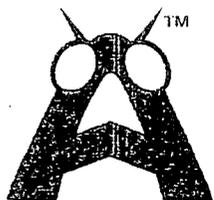
Sincerely,



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



Nichino America, Inc.



APPLAUD[®] 70DF

INSECT GROWTH REGULATOR

NOTIFICATION

JAN 30 2009

ACTIVE INGREDIENT:

Buprofezin: (2-*tert*-butylimino-3-isopropyl-5-phenylperhydro-1,3,5-thiadiazin-4-one)

70.00%

OTHER INGREDIENTS:

30.00%

TOTAL

100.00%

Contains 0.70 lbs. buprofezin per pound of product.

EPA Reg. No. 71711-21

EPA Est. No. 67545-AZ-1

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

See back panel for First Aid and additional precautionary statements and inside for complete Directions for Use.

Net Contents: 12 lb.

450513
120804

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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.

10/11/10

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

Harmful if swallowed. Wash thoroughly with soap and water after handling. Harmful if absorbed through skin. Causes moderate eye irritation. Avoid contact with skin, eyes, or clothing. Harmful if inhaled. Avoid breathing spray mist. Remove contaminated clothing and wash before reuse.

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Waterproof gloves
- Shoes plus socks

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.

User Safety Recommendations

Users should: Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.

ENGINEERING CONTROLS STATEMENT

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 [40 CFR 170.240 (d) (4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

ENVIRONMENTAL HAZARDS

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. Do not contaminate water by cleaning of equipment or disposal of equipment washwaters.

IMPORTANT – Read the entire Directions for Use and Disclaimer of Warranties before using this product.

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 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 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 over long-sleeved shirt and long pants
- Waterproof gloves
- Socks and chemical-resistant footwear

GENERAL INFORMATION

APPLAUD® 70DF insect growth regulator contains the active ingredient, buprofezin. It is effective against the nymph stages of whitefly, scales, mealybugs, planthoppers, and leafhoppers by inhibiting chitin biosynthesis, suppressing oviposition of adults, and reducing viability of eggs. Treated susceptible pests may remain alive on the plant for 3-7 days, but feeding damage during this time is typically very low. APPLAUD 70DF is not disruptive to beneficial insects and mites.

Good coverage is essential. Apply by ground or air in sufficient water volume. Orient nozzles to assure good coverage. Use of higher volume of water will assure better coverage, especially under adverse conditions such as hot, dry weather, and/or a dense canopy. The entire field should be treated.

Apply when economic infestations occur based on local information.

APPLAUD 70DF is not for sale, sale into, distribution, and or use in Nassau and Suffolk counties of New York state.

INSECTS CONTROLLED

Whiteflies: Ash whitefly; Greenhouse whitefly; Silverleaf whitefly; Sweet potato whitefly

Mealybugs: Citrus mealybug; Comstock mealybug; Gill's mealybug; Grape mealybug; Longtailed mealybug; Mexican mealybug; Obscure mealybug; Striped mealybug; Vine mealybug

Leafhoppers and Planthoppers: Brown planthopper; Cherry leafhopper; Eastern grape leafhopper; Glassy-winged sharpshooter; Potato leafhopper; Variegated leafhopper; Western grape leafhopper

Scales:

Soft Scales: Barnacle scale; Black scale; Brown soft scale; Citricola scale; False oleander scale; Hemispherical scale; Indian wax scale and other wax scales; Tessellated scale; White peach scale

Armored Scales: Boisduval scale; Cactus scale; California red scale; Coconut scale; Fern scale; Florida red scale; Oystershell scale; San Jose scale

Margaridid Scale: Cottony cushion scale

MIXING, LOADING, AND HANDLING INSTRUCTIONS

SPECIFIC MIXING INSTRUCTIONS

APPLAUD 70DF ALONE: Fill spray tank with 3/4 of the amount of water needed for the intended application and then turn on agitation. Pour recommended amount of product on the surface of water in the spray tank. Add the balance of the water to the spray tank with agitation running. Keep agitation running during filling and spraying operations. If spraying must be stopped before emptying the sprayer, resume agitation before spraying the remainder of the load.

APPLAUD 70DF TANK MIXTURES: Follow all use directions as listed above under **APPLAUD 70DF ALONE** with the following exception: after the APPLAUD 70DF is thoroughly mixed and the tank is 3/4 full, add the recommended amount of wettable powder, soluble powder, flowable, emulsifiable concentrate, or soluble liquid product, **while maintaining agitation**. If a spray additive is needed, add a liquid fertilizer, surfactant, or crop oil concentrate to the spray tank at this time. Then continue adding water to the tank to achieve the desired level, while maintaining agitation.

APPLAUD 70DF TANK MIXTURES WITH PRODUCTS IN WATER-SOLUBLE PACKAGING: Follow all use directions as listed above under **APPLAUD 70DF ALONE** with the following exception: add the desired number of water-soluble bags to the tank (if allowed by their label instructions) at the same time the APPLAUD 70DF is added. **Note:** If using products in water soluble packaging, do not tank mix with products that contain boron, chromium, or other micronutrients.

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RESISTANCE MANAGEMENT

APPLAUD 70DF belongs to a class of chemicals not previously used as pesticides and not known to be cross-resistant to other classes of insecticides. However, insect pests are known to develop resistance to products used repeatedly. Because resistance development cannot be predicted, the use of this product should conform to resistance management strategies established for the crop and use area. Such strategies may include rotating with insecticides with different modes of action. Consult your local pest control advisor or extension office for details. If resistance to this product develops in your area, it may not provide adequate control. If you experience difficulty with control, and resistance is a likely cause, consult your local state university horticultural specialist or local agricultural authorities for the best alternative method of control. To preserve the usefulness of APPLAUD 70DF, do not make more than two consecutive applications. Prior to subsequent applications, use an alternative chemistry with a different mode of action. Always consult your local crop advisor for the most appropriate control decision for your area. Resistance management strategies advise against applying rates lower than those recommended on the label.

USE PRECAUTIONS

- Apply in a minimum finished spray volume of 5 gallons per acre by air. For gallonage per acre by ground, refer to Application Rate Chart.
- Crop Rotational Restrictions: All crops listed on this label may be planted at any time. Leafy vegetables may be planted 30 days following application. Root and tuber vegetables may be planted 60 days following application. All other crops may be planted 365 days following application.
- Do not apply this product through any type of irrigation system.

APPLICATION RATE CHART FOR APPLAUD 70DF INSECT GROWTH REGULATOR

| Crop | Pest | Dosage Rate Formulated Product/A | Application Directions And Restrictions |
|--|--|----------------------------------|--|
| Acerola Atemoya Avocado Biriba Cherimoya Custard apple Feijoa Guava Ilima Jaboticaba Passion fruit Soursop Starfruit Sugar apple Wax jambu | Scales | 34.5 oz | Limited to Florida, Hawaii, and Puerto Rico <ul style="list-style-type: none"> • Treatment should be made when peak crawler emergence occurs. Consult local and State agricultural authorities for details. • Good coverage is essential. Apply by ground application using at least 20 gallons of water per acre. • Apply no more than two applications per season. • Allow at least 14 days between applications. • Do not apply more than 69 oz per acre per season. • Do not apply within 21 days of harvest. |
| Starfruit Sugar apple Wax jambu | Leafhoppers Mealybugs Whiteflies | 9 to 12 oz | |
| Black sapote Canistel Mamey sapote Mango Papaya Sapodilla Star apple | Leafhoppers Mealybugs Scales Whiteflies | 9 to 12 oz | Limited to Florida, Hawaii, and Puerto Rico <ul style="list-style-type: none"> • Treatment should be made when peak crawler emergence occurs. Consult local and State agricultural authorities for details. • Good coverage is essential. Apply by ground application using at least 20 gallons of water per acre. • Apply no more than five applications per season. • Allow at least 14 days between applications. • Do not apply more than 45 oz per acre per season. • Do not apply within 3 days of harvest. |

1/2/10

APPLICATION RATE CHART FOR APPLAUD 70DF INSECT GROWTH REGULATOR

| Crop | Pest | Dosage Rate Formulated Product/A | Application Directions And Restrictions |
|----------------------|---|----------------------------------|--|
| Bananas | Leafhoppers Mealybugs Scales Whiteflies | 7 oz | <ul style="list-style-type: none"> • Treatment should be applied when population level reaches economic threshold. Consult local or State agricultural authorities for details. • Good coverage is essential. Apply by ground in a minimum of 15 gallons of water per acre. Use of a higher volume of water will assure better coverage, especially under adverse conditions, such as hot, dry weather and/or a dense canopy. • Apply no more than four applications per season. • Allow at least 14 days between applications. • Do not apply within one day of harvest. |
| Citrus Crop Group | California red scale Citricola scale Cottony cushion scale Glassy-winged sharpshooter Mealybugs | 34.5 to 46 oz | <ul style="list-style-type: none"> • Treatment should be made when peak crawler emergence occurs. Consult local and State agricultural authorities for details. • Good coverage is essential. Apply by ground application using 750 to 2000 gallons of water per acre. • Apply no more than two applications per season. • Allow at least 60 days between applications. • Do not apply within 3 days of harvest. |

12/28/14

APPLICATION RATE CHART FOR APPLAUD 70DF INSECT GROWTH REGULATOR

| Crop | Pest | Dosage Rate Formulated Product /A | Application Directions And Restrictions |
|--|--------------------------|-----------------------------------|--|
| Grapes | Leafhoppers Mealybugs | 9 to 12 oz | <ul style="list-style-type: none"> • Treatment should be applied when population level reaches economic threshold. Consult local and State agricultural authorities for details. • Good coverage is essential. Apply by ground application using 50 to 200 gallons of water per acre, depending on the size of the grapes. Orient nozzles to assure good coverage. Use of a higher volume of water will assure better coverage, especially under adverse conditions, such as hot, dry weather and/or a dense canopy. • Apply no more than two applications per crop cycle. • Allow at least 14 days between applications. • Do not exceed 24 oz/A per crop cycle. • Do not apply within 7 days of harvest. |
| Longan Lychee Pulasan Rambutan Spanish Lime | Scales | 34.5 oz | <ul style="list-style-type: none"> • Apply by ground in a minimum of 75 gallons per acre spray volume. • Do not make more than 2 applications per year. • Allow at least 14 days between applications. • Do not exceed 72 oz/A (3.16 lb ai/A) per year. • Do not apply within 21 days of harvest. |

APPLICATION RATE CHART FOR APPLAUD 70DF INSECT GROWTH REGULATOR

| Crop | Pest | Dosage Rate Formulated Product /A | Application Directions And Restrictions |
|--------|--------|-----------------------------------|---|
| Olives | Scales | 34.5 to 46 oz | <ul style="list-style-type: none"> • Treatment should be applied when population level reaches economic threshold. Consult local and State agricultural authorities for details. • Good coverage is essential. Apply by ground application using 111 to 150 gallons of water per acre, depending on the size of the olives. Orient nozzles to assure good coverage. Use of a higher volume of water will assure better coverage, especially under adverse conditions, such as hot, dry weather and/or a dense canopy. • Do not apply more than 92 oz per acre per year. • Allow at least 50 days between applications. • Do not apply within 21 days of harvest. |

STORAGE AND DISPOSAL

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

STORAGE: Store in original container, unopened, 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 container into application equipment. Then, offer for recycling or reconditioning, or dispose of empty packaging in a sanitary landfill, or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

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.

NOTIFICATION

JAN 30 2009

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0123456789

©2008. Nichino America, Inc.
APPLAUD® is a trademark of Nichino America, Inc.

Active Ingredient Made in China; Formulated and Packaged in U.S.A. for

Nichino America, Inc.

4550 New Linden Hill Road, Suite 501
Wilmington, DE 19808

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Nichino