

71711-26

1/28/2009

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

OFFICE OF  
PREVENTION PESTICIDES AND  
TOXIC SUBSTANCES

JAN 28 2009

Ms. Shannon Yanocha  
Product Registration  
Nichino America Inc.  
4550 New Linden Hill Road, Suite 501  
Wilmington, DE 19808

SUBJECT: Application for Pesticide Notification (PRN 98-10)  
Request Warranty Statement, , First Aid Hotline Number and Establishment  
Number Changes  
EPA Reg. No. 71711-26  
Application Dated December 18, 2008

Dear Registrant:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 12/18/08 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 be "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  
 Amendment  
 Other

OPP Identifier Number

**Application for Pesticide - Section I**

|                                                                                                                                                                                                        |  |                                                                                                                                                                                                            |                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| 1. Company/Product Number<br>71711-26                                                                                                                                                                  |  | 2. EPA Product Manager<br>Richard Gebken                                                                                                                                                                   | 3. Proposed Classification<br><input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted |
| 4. Company/Product (Name)<br>Flubendiamide Technical                                                                                                                                                   |  | PM#: 10                                                                                                                                                                                                    |                                                                                                            |
| 5. Name and Address of Applicant (Include ZIP Code)<br>Nichino America, Inc.<br>4550 New Linden Hill Rd., Suite 501<br>Wilmington, DE 19808<br><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 in composition and labeling to:<br><b>NOTIFICATION</b><br>EPA Reg. No. _____<br>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:** Use additional page(s) if necessary. (For section I and Section II.)

Notification of revisions to the first aid hot-line number, warranty statement, and addition of the EPA Establishment Number of 67017-JPN-001.

**Section - III**

1. Material This Product Will Be Packaged In:

|                                                                                                      |                                                                                          |                                                                                                   |                                                                                                                                                                                                                                         |
|------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Child-Resistant Packaging<br><input type="checkbox"/> Yes*<br><input checked="" type="checkbox"/> No | Unit Packaging<br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | Water Soluble Packaging<br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | 2. Type of Container<br><input type="checkbox"/> Metal<br><input type="checkbox"/> Plastic<br><input type="checkbox"/> Glass<br><input type="checkbox"/> Paper<br><input checked="" type="checkbox"/> Other (Specify) <i>fiber drum</i> |
| * Certification must be submitted                                                                    |                                                                                          | If "Yes" Unit Packaging wgt. No. per container                                                    | If "Yes" Package wgt. No. per container                                                                                                                                                                                                 |

3. Location of Net Contents Information  
 Label  Container

4. Size(s) Retail Container  
50 kg

5. Location of Label Directions  
 On Label  On Labeling accompanying product

6. Manner in Which Label is Affixed to Product  
 Lithograph Paper glued  Stenciled  Other \_\_\_\_\_

**Section - IV**

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)

|                         |                                  |                                                   |
|-------------------------|----------------------------------|---------------------------------------------------|
| Name<br>Shannon Yanocha | Title<br>Registration Specialist | Telephone No. (Include Area Code)<br>302-636-9001 |
|-------------------------|----------------------------------|---------------------------------------------------|

**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.

2. Signature

3. Title  
Registration Specialist

4. Typed Name  
Shannon Yanocha

5. Date  
12/18/08

6. Date Application Received (Stamped)

**Nichino America, Inc.**  
**Linden Park, Suite 501**  
**4550 New Linden Hill Road**  
**Wilmington, DE 19808**  
**Tel: 302-636-9001 Fax: 302-636-9122**

Sent via FEDEX

December 18, 2008

Document Processing Desk (NOTIF)  
Office of Pesticide Programs (7504P)  
U.S. Environmental Protection Agency  
One Potomac Yard, Room S-4900  
2777 South Crystal Drive  
Arlington, VA 22202-4501

**Subject : NOTIFICATION : Nichino America, Inc. Flubendiamide Technical**  
**(EPA Reg. No. 71711-26)**

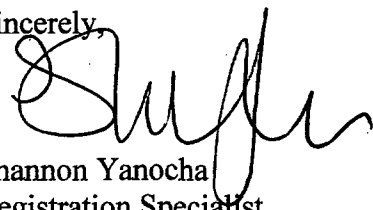
The Nichino America product, Flubendiamide Technical (EPA Reg. No. 71711-26) has been revised to update the warranty, first aid phone number and EPA establishment number. To support this notification action, enclosed please find :

- EPA Form 8570-1
- Revised labeling, label code 120208 (3 copies)

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 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.

We appreciate your review of this submission. If you have any questions please contact me at (302) 636-9001 x227 or by email at [shanocha@nichino.net](mailto:shanocha@nichino.net).

Sincerely,



Shannon Yanocha  
Registration Specialist

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# FLUBENDIAMIDE TECHNICAL

## For Manufacturing or Formulating Use Only

**Active Ingredient:**

Flubendiamide: *N*<sup>2</sup>-[1,1-dimethyl-2-(methylsulfonyl)ethyl]-3-iodo-*N*<sup>1</sup>-[2-methyl-4-[1,2,2,2-tetrafluoro-1-(trifluoromethyl)ethyl]phenyl]-1,2-benzenedicarboxamide (CAS Number 272451-65-7)..... **97.76%**

**Other Ingredients:**..... **2.24%**

**TOTAL**..... **100.0%**

EPA Reg. No. 71711-26

**NOTIFICATION**

EPA Est. No. 67017- JPN- 001

JAN 28 2009

**KEEP OUT OF REACH OF CHILDREN  
CAUTION**

**FIRST AID**

|                               |                                                                                                                                                                                                                                                                                                                                                              |
|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>If inhaled</b>             | <ul style="list-style-type: none"> <li>• Move person to fresh air</li> <li>• If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth to-mouth, if possible</li> <li>• Call a poison control center or doctor for further treatment advice.</li> </ul>                                                    |
| <b>If on skin or clothing</b> | <ul style="list-style-type: none"> <li>• Take off contaminated clothing</li> <li>• Rinse skin immediately with plenty of water for 15-20 minutes.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>                                                                                                                         |
| <b>If swallowed</b>           | <ul style="list-style-type: none"> <li>• Call poison control center or doctor immediately for treatment advice.</li> <li>• Have person sip a glass of water if able to swallow.</li> <li>• Do not induce vomiting unless told to do so by the poison control center or doctor.</li> <li>• Do not give anything by mouth to an unconscious person.</li> </ul> |

**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.

**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**  
**CAUTION**

Harmful if inhaled, swallowed, or absorbed through skin. Avoid contact with skin, eyes, or clothing. Avoid breathing dust. Wash hands thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco, or using the toilet. Wear long-sleeved shirt and long pants, socks, shoes, and chemical-resistant gloves. Remove and wash contaminated clothing before reuse.

**ENVIRONMENTAL HAZARDS**

This pesticide is toxic to aquatic invertebrates. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans, or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. 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.

**DIRECTIONS FOR USE**

**It is a violation of Federal law to use this product in a manner inconsistent with its labeling.**

**This product may be used only for formulation into an insecticide for:**

- (1) The following uses:  
Terrestrial food and feed crops: brassica (cole) leafy vegetables; corn (field corn, popcorn, sweet corn, silage, corn grown for seed); cotton; cucurbit vegetables; fruiting vegetables; grapes; leafy vegetables (except brassica); okra; pome fruit; stone fruit; tobacco; tree nuts
- (2) Uses for which the U.S. EPA 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 U.S. EPA requirements

**STORAGE AND DISPOSAL**

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

**PESTICIDE STORAGE:** Do not store for more than 30 consecutive days at an average daily temperature exceeding 100°F. Keep container tightly closed when not in use. Avoid cross contamination with other pesticides.

**PESTICIDE DISPOSAL:** Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your state pesticide or environmental control agency, or the hazardous waste representative at the nearest EPA regional office for guidance.

**CONTAINER DISPOSAL:** Completely empty bag by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into the processing equipment. Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available, or dispose of in a sanitary landfill, or by incineration, or, if allowed by state or 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.

120208

**NOTIFICATION**

JAN 28 2009