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03/31/2009

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

MAR 31 2009

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

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

Dear Ms. Maks:

Subject: Revised Labeling and New Formulation Uses for Pre-plant Burndown
ET-751 40MB
EPA File Symbol 71711-27
Your Submission Dated March 16, 2009

The amendment referred to above, submitted in connection with registration under section 3(c)(7)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), is acceptable provided that you:

1. Submit/cite all data required for registration/reregistration of your product under FIFRA section 3(c)(5) or 4(a) when the Agency requires all registrants of similar products to submit such data.
2. Submit one (1) copy of your final printed labeling before you release the product for shipment. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product bearing the amended labeling constitutes acceptance of these conditions.

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

If you have any questions concerning this letter, please contact me at 703-305-6224.

Sincerely yours,
Joanne I. Miller
Joanne I. Miller
Product Manager (23)
Herbicide Branch
Registration Division (7505P)

Enclosure

ET-751 40MB

For Manufacturing or Formulating Use Only

Active Ingredients:

Pyraflufen ethyl (Ethyl 2-chloro-5-(4-chloro-5-difluoromethoxy-1-methylpyrazol-3-yl)-4-fluorophenoxyacetate 40.0%

Other Ingredients: 60.0%

Total: 100.0%

EPA Reg. No. 71711-27

EPA Est. No. 67017-JPN-004

Alternate Brand Name: Pyraflufen-Ethyl 40MB

KEEP OUT OF THE REACH OF CHILDREN CAUTION

FIRST AID	
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.
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.	

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS CAUTION

Harmful if absorbed through skin. Avoid contact with skin, eyes, or clothing. Wash thoroughly with soap and water after handling. Remove and wash contaminated clothing before reuse.

ENVIRONMENTAL HAZARDS

Do not discharge effluent containing this product directly 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 local sewage treatment plant authority. For guidance, contact your State Water Board or Regional Office of the EPA. Do not contaminate water when disposing of equipment washwaters.

Net Contents: 20kg

ACCEPTED

MAR 31 2009

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

Active Ingredient Made in Japan

Nichino America, Inc.

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Wilmington, DE 19808

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DIRECTIONS FOR USE

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

Only for formulation into a herbicide for:

- (1) The following uses:
 - Cotton, potatoes, field corn, soybeans, wheat
 - Deciduous fruit and nut trees and vines, excluding citrus (dormant, prebloom, postharvest applications)
 - Nonbearing deciduous fruit and nut trees and vines, excluding citrus
 - Bulb vegetables, oil seed crops, sugarcane, root and tuber vegetables, leafy vegetables, cole crops, legumes, fruiting vegetables, cucurbits, cereal grains (limited to preplant burndown)

 - Noncrop land and uncultivated agricultural areas and conservation reserve programs (CRP) and federal set aside acreage (nonfood producing)
 - Noncrop weed control
 - Nurseries and ornamental plantings; sodfarms; Christmas trees; established ornamental turf
 - Pasturegrass and rangeland
 - Preplant fallow beds and crop stubble

- (2) This product may be used to formulate products for specific use(s) not listed on this label if the formulator, user group, or grower has complied with U.S. EPA data submission requirements regarding the support of such use(s).

STORAGE AND DISPOSAL

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

Pesticide 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

Nichino America, Inc.

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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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