



71711-27 7.2.2010 1/7
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

JUL 2 2010

Marie A. Maks, Senior Manager
Regulatory Affairs
Nichino America, Inc.
4550 New Linden Hill Road, Suite 501
Wilmington, DE 19808

Subject: Label Notification(s) for Pesticide Registration Notice 2007-4

Dear Ms. Maks:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notices (PRN) 2007-4 dated April 29, 2010 for:

EPA Registration 71711-27 ET-751 40 MB

The Registration Division (RD) has conducted a review of this request for applicability under PR Notices 2007-4 and finds that the label changes requested falls within the scope of PR Notices 2007-4. The label has been date-stamped "Notification" and will be placed in our records.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identifying the batch of the pesticide distributed and sold be placed on nonrefillable containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions, please contact me directly at 703-305-6249 or Nicole Williams of my staff at 703-308-5551.

Sincerely,

Linda Arrington
for
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs



United States
Environmental Protection Agency
 Washington, DC 20460

<input type="checkbox"/>	Registration
<input type="checkbox"/>	Amendment
<input checked="" type="checkbox"/>	Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 71711-27	2. EPA Product Manager Joanne Miller	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) ET-751 40MB	PM# 23	
5. Name and Address of Applicant (Include ZIP Code) Nichino America, Inc. 4550 New Linden Hill Rd., 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)(i), my product is similar or identical in composition and labeling to: <input checked="" type="checkbox"/> EPA Reg. No. _____ Product Name _____	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input checked="" type="checkbox"/> Final printed labels in response to Agency letter dated <u>4/15/10</u>
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.
<input type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.

NOTIFICATION

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Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Update storage and disposal and incorporate EPA comments from stamped label dated April 15, 2010.

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
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	Metal <input checked="" type="checkbox"/> Plastic Glass Paper Other (Specify) _____		
* 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 <input type="checkbox"/> Label <input checked="" type="checkbox"/> Container		4. Size(s) Retail Container 20 kg		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 checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled			<input type="checkbox"/> Other _____		

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Shannon Yanocha	Title Registration Specialist	Telephone No. (Include Area Code) 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.		6. Date Application Received (Stamped)
2. Signature 	3. Title Registration Specialist	
4. Typed Name Shannon Yanocha	5. Date <u>6/25/10</u>	

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NICHINO AMERICA

April 29, 2010

Ms. Kathryn Montague, PM (23)
Herbicide Branch-Registration Division (7505P)
Document Processing Desk – H7505C
US Environmental Protection Agency
2777 S. Crystal Drive
Arlington, VA 22202

RE: Submission of Revised Labeling with Storage and Disposal per
Notification and PR Notice 2007-4
Nichino America, Inc. ET-751 40 MB
(EPA Reg No. 71711-27)

Dear Ms. Montague:

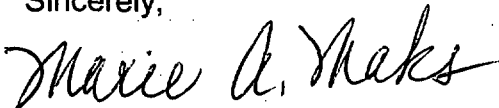
Nichino America, Inc. requests the EPA review of the attached labeling per the notification process with revised storage and disposal directions, per PR Notice 2007-4.

Attached are the following:

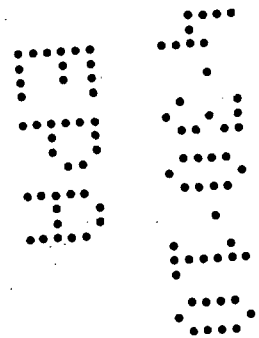
- Application for Registration (EPA Form 8570-4)
- two (2) copy of final printed labeling, identified as 042910
- "Certification Statement"

If you have any questions, you are welcome to call me at (302) 636-9001, extension 203 or email me at mmaks@nichino.net. Thank you.

Sincerely,



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



Certification Statement

**NOTIFICATION OF LABEL CHANGE PER
PR NOTICE 2007-4**

**Nichino America, Inc. ET-751 40 MB
(EPA Reg. No. 71711-27)**

“This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA’s regulations at 40 CFR §§156.10, 156.140, 156.144, 156.146, and 156.156. 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 the amended label is not consistent with the requirements of 40 CFR §§156.10, 156.140, 156.144, 156.146, and 156.156, 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

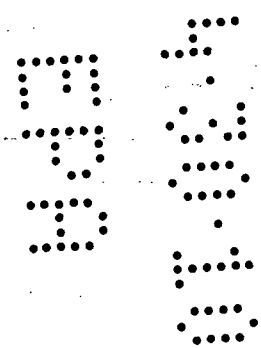
Marie A. Maks

Senior Mgr, Reg Affairs

Title

April 29, 2010

Date



Nichino America, Inc.

ET40MB 042910
Page 1 of 3

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

NOTIFICATION

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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

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

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; Christmas trees; established ornamental turf lawns (residential, industrial, and institutional); parks; cemeteries; athletic fields; golf courses (fairways, aprons, tees, and roughs); sod farms; and similar turf areas
- 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 must be disposed of on site or at an approved waste disposal facility.

Container Disposal: Nonrefillable container. Do not reuse or refill this container. Triple rinse (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container ¼ full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Then, offer for recycling, if available, or reconditioning, if appropriate, or puncture and 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.

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