71711-40 11/29/2012 1/19

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINCTON D C 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

NOV 29 2012

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

Subject Notification per PRN 98-10 – Alternate Brand Name

EPA Registration Number 71711-40
Nai-2399-2® 5 EC Miticide/Insecticide

Date of Submission October 26, 2012

Dear Ms Maks

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration (PRN) 98-10 for the abovementioned product The Registration Division (RD) has conducted a review of this request and finds that the actions 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 questions regarding this letter, please contact Olga Odiott at (703) 308-9369

Sincerely,

Mark Suarez
Product Manager 13
Insecticide Branch
Registration Division (7505P)

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*Please read instructions on reverse before completing form*

Form Approved OMB No 2070 0060 Approval expires 05 31 98

United States
**Environmental Protection Agency**
Washington DC 20460

| | | OPP Identifier Number |
|---|---|---|
| | **Registration** | |
| | **Amendment** | |
| X | **Other** | |

## Application for Pesticide - Section I

| 1 Company/Product Number | 2 EPA Product Manager | 3 Proposed Classification |
|---|---|---|
| 71711 40 | Mark Suarez | |
| **4 Company/Product (Name)** | **PM#** | X None Restricted |
| NAI 2399 2® 5 EC Miticide/Insecticide | 13 | |

5 Name and Address of Applicant *(Include Zip Code)*

Nichino America Inc
4550 New Linden Hill Road
Suite 501
Wilmington DE 19808

☐ *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
EPA Reg No

Product Name

## Section - II

- ☐ Amendment Explain below
- ☐ Resubmission in response to Agency letter dated _____
- ☒ Notification Explain below
- ☐ Final printed labels in response to Agency letter dated
- ☐ Me Too Application
- ☐ Other Explain below

**Explanation** Notification per PR Notice 98 10 Alternate Brand Name FujiMite XLO
Attachments two copies of label identified as D 134 102612
Certification Statement letter M A Maks to M Suarez dated October 26 2012

## Section - III

**1 Material This Product Will Be Packaged In**

| Child Resistant Packaging | Unit Packaging | | Water Soluble Packaging | | 2 Type of Container |
|---|---|---|---|---|---|
| ☐ Yes* | ☐ Yes | | ☐ Yes | | ☐ Metal |
| X No | X No | | X No | | X Plastic |
| | If Yes Unit Packaging wgt | No per container | If Yes Package wgt | No per container | ☐ Glass |
| ***Certification must be submitted** | | | | | ☐ Paper |
| | | | | | ☐ Other (Specify) HDPE lined bags |

| 3 Location of Net Contents Information | 4 Size(s) Retail Container | 5 Location of Label Directions |
|---|---|---|
| X Label ☐ Container | 2 5 gallon | ☐ On Label<br>x On Labeling accompanying product |

6 Manner in Which Label is Affixed to Product

- ☐ Lithograph
- X Paper glued
- ☐ Stenciled
- ☐ Other ___adhesive backed label_____

## Section - IV

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

| Name | Title | Telephone No (Include Area Code) |
|---|---|---|
| Marie A Maks | Senior Manager Regulatory Affairs | (302) 636 9001 Ext 203 |

**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 |
|---|---|
| Marie A. Maks | Senior Manager Regulatory Affairs |
| **4 Typed Name** | **5 Date** |
| Marie A Maks | Oct 26, 2012 |

This is a reproduction of EPA Form 8570 1 (Rev 8-94) Previous editions are obsolete

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**NICHINO**
AMERICA

SENT VIA FEDEX

October 26, 2012

Mr Mark Suarez (PM 13)
Registration Division-H7505P
Office of Pesticide Programs
U S Environmental Agency
2777 S Crystal Drive
Arlington, VA 22202

RE Submission of Alternate Brand Names per PR Notice 98-10 Notification
Nichino America, Inc NAI-2399-2® 5 EC Miticide/Insecticide
(EPA Reg No 71711-40)

Dear Mr Suarez

Attached herein is a request for the Agency review of the alternate brand name-FujiMite® XLO for NAI-2399-2 5EC per the notification process provided in PR Notice 98-10 Section II A Brand Names The label we have attached is the label approved by the EP August 9, 2012

Attached are the following

- ~~One~~ 8 copies of labeling, identified as D-134 102612
- EPA application form
- Certification Statement

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

Sincerely,

Marie A. Maks

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

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GROUP 21A INSECTICIDE

# NAI-2399-2® 5EC miticide/insecticide

NOTIFICATION

NOV 29 2012

**ACTIVE INGREDIENT**

| | |
|---|---|
| **Fenpyroximate** *tert*-butyl(E)-α-(1 3-dimethyl-5-phenoxypyrazol-4-ylmethyleneaminoxy)-p-toluate - | 5 0% |
| **OTHER INGREDIENTS*** | 95 0% |
| **TOTAL** | **100 0%** |

Contains 0 4 lb active ingredient per U S gallon
*Contains petroleum distillates

**EPA Reg No 71711-40** **EPA Est No**

**Marketing Brands FujiMite® II, Portal® XLO, FujiMite® XLO**

## 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 in eyes** | • 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<br>• Call a poison control center or doctor for treatment advice |
| **If swallowed** | • Immediately call a poison control center or doctor<br>• Do not induce vomiting unless told to do so by a poison control center or doctor<br>• Do not give any liquid to the person<br>• Do not give anything by mouth to an unconscious person |
| **If on skin or clothing** | • Take off contaminated clothing<br>• Rinse skin immediately with plenty of water for 15-20 minutes<br>• Call a poison control center or doctor for treatment advice |
| **If inhaled** | • Move person to fresh air<br>• If person is not breathing call 911 or an ambulance then give artificial respiration preferably mouth-to mouth if possible<br>• Call a poison control center or doctor for further 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 | |
| **NOTE TO PHYSICIAN** Contains petroleum distillates Vomiting may cause aspiration pneumonia | |

**NET CONTENTS**

Formulated and Packaged in U S A for
**NICHINO AMERICA, INC**
4550 New Linden Hill Road
Wilmington DE 19808
1 888 740 7700

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

May be fatal if inhaled Causes substantial but temporary eye injury Harmful if swallowed or absorbed through the skin Do not get in eyes or on clothing Do not breathe spray mist Avoid contact with skin eyes or clothing Wash thoroughly with soap and water after handling and before eating drinking chewing gum using tobacco or using the toilet

**PERSONAL PROTECTIVE EQUIPMENT (PPE)**
Some materials that are chemical-resistant to this product are listed below If you want more options follow the instructions for Category B F or G on an EPA chemical-resistance category selection chart

***Applicators and other handlers must wear***

- Long-sleeved shirt and long pants
- Chemical resistant gloves (such as barrier laminate butyl rubber nitrile rubber, or viton)
- Protective eyewear (such as safety glasses goggles or face shield)
- Shoes plus socks

A respirator with an organic-vapor removing cartridge with a prefilter approved for pesticides (MSHA/NIOSH approval number prefix TC-23C) or a canister approved for pesticides (MSHA/NIOSH approval number prefix TC-14G) or a NIOSH approved respirator with an organic vapor (OV) cartridge or canister with any N R P or HE prefilter

Follow the 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 *or* enclosed cabs 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 thoroughly with soap and water after handling and before eating drinking chewing gum using tobacco or using the toilet
- Remove clothing/PPE immediately if pesticide gets inside Then wash thoroughly and put on clean clothing
- Remove PPE immediately after handling this product Wash the outside of gloves before removing As soon as possible wash thoroughly and change into clean clothing
- Discard clothing and personal protective equipment that cannot be reused including clothing and other absorbent materials that have been drenched or thoroughly contaminated with this product s concentrate
- Wash clothing and personal protective equipment (including both the inside and outside of gloves) before each day of reuse according to manufacturer s directions or if no such directions in detergent and hot water Keep and wash PPE separately from other laundry

**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

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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 foot untreated buffer between treatment area and fish-bearing waters For citrus in Florida with aerial applications do not apply within 150 feet of any aquatic area Follow all use directions

**PHYSICAL OR CHEMICAL HAZARDS**
Do not use or store near heat or open flame

**Minimum Honey Bee Toxicity**
**Applications to all crops may be made at any time Fenpyroximate is practically nontoxic to bees and wasps when used according to this label**

## 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 barrier laminate butyl rubber nitrile rubber or viton)

**GENERAL INFORMATION**
**NAI-2399-2 5EC** miticide/insecticide is used for the control of leafhoppers mealybugs mites psylla psyllids and whiteflies **NAI-2399-2 5EC miticide/insecticide** stops mite feeding immediately after application **NAI-2399-2 5EC miticide/insecticide** controls all motile stages of mites by inhibiting cellular respiration in the mitochondrion of cells which results in rapid cessation of all biological activities including feeding and reproduction Mortality of mites can be observed within 3-7 days after intoxication

**NAI-2399 2 5EC miticide/insecticide** works primarily through contact action **so thorough 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

| Target Species | |
|---|---|
| Apple rust mite (suppression only) | Pacific spider mite |
| Asian citrus psyllid | Pear psylla |
| Avocado Brown mite | Pear rust mite |
| Banks grass mite | Pecan leaf scorch mite |
| Broad mite | Persea mite |
| Carmine mite | Potato leafhopper |
| Citrus bud mite | Powdery Mildew (suppression only) |
| Citrus leafminer (suppression only) | Six spotted mite |
| Citrus red mite | Strawberry spider mite |
| Citrus rust mite | Texas citrus mite |
| Citrus thrips (suppression only) | Tomato (Potato) psyllid |
| Cyclamen mite | Tomato russet mite |
| European red mite | Two-spotted spider mite |
| Glassy-winged sharpshooter (suppression only) | Variegated leafhopper |
| Grape leafhopper | White apple leafhopper |
| McDaniel mite | Whiteflies |
| Mealybug species | Willamette spider mite |
| Mint bud mite | |

**APPLICATION DIRECTIONS**

- Applications should be made immediately after the spray solution is prepared
- Apply with properly calibrated spray equipment
- Apply by ground or air using the recommended water spray volume found in the Directions for Use section of this label
- For aerial equipment use larger droplet size (greater than 200 microns)
- Thorough spray coverage is essential for mite and insect control
- For best results apply when pest populations are beginning to build before reaching economic thresholds Consult your local agricultural advisor or state cooperative extension service for further information

**USE OF ADJUVANTS**

When thorough coverage is a concern it is recommended that a spray adjuvant be used to maximize uniformity of coverage and performance of NAI-2399-2 5EC Use a non-ionic activator type wetting spreading or penetrating adjuvant or horticultural spray oil adjuvant Do not use a dormant oil or binder or sticker-type adjuvant Non-ionic adjuvants (NIS) should contain at least 75% surfactant Crop oil concentrates (COC) methylated seed or vegetable oils (MSO) organosilicone products (OS) or blends of these adjuvants should contain at least 15% emulsifier/surfactant Check compatibility of any adjuvant used with NAI-2399-2 5EC before using Follow the Directions for Use on each adjuvant product label for rates of use and use restrictions

**APPLICATION RESTRICTIONS**

- Use by air is limited to cotton and citrus in Florida and Texas
- Do not apply within 75 feet of fish-bearing waters
- For aerial applications to citrus in the state of Florida do not apply within 150 feet of all aquatic areas
- Do not plant rotational crops other than those listed on this label for 30 days following the last application of this product
- Do not apply through any type of irrigation system
- Do not apply by Alternate Row Middle (ARM) spray method

**RESISTANCE MANAGEMENT**
Repeated use of the same chemistry has been shown to result in the buildup of resistant strains of mites or other insects Do not use **NAI-2399-2 5EC miticide/insecticide** in successive miticide applications Rotate the use of **NAI-2399-2 5EC miticide/insecticide** with alternate mode of action insecticides

- Miticides must be rotated with alternate products **for resistance management Do not use products with the same mode of action [METI-2 inhibitor/IRAC Group 21A] in consecutive applications**

Consult your local crop advisor for the most appropriate alternative products Resistance management strategies recommend that you DO NOT apply rates lower than recommended on the label

**MIXING DIRECTIONS**

**NAI-2399-2 5EC miticide/insecticide Alone** Shake well before using Begin with clean equipment Fill spray tank with ¾ 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

**NAI-2399-2 5EC miticide/insecticide Tank Mixtures** Shake well before using Read and follow all label directions for each tank mix product prior to any tank mixing with **NAI-2399-2 5EC miticide/insecticide** This product can be mixed with other registered pesticides for use on labeled crops or sites in accordance with the most restrictive use directions and precautions Follow all use directions as listed above under **NAI-2399-2 5EC miticide/insecticide Alone** with the following exception after the **NAI-2399-2 5EC miticide/insecticide** is thoroughly mixed and the tank is ¾ full add the recommended amount of wettable powder soluble powder flowable emulsifiable concentrate or soluble liquid product **while maintaining agitation** Then continue adding water to the tank to achieve the desired level while maintaining agitation

If you have no experience with the combination you are considering you should conduct a test to determine physical compatibility To determine physical compatibility add the recommended proportions of each chemical with the same proportion of water as will be present in the chemical supply tank into a suitable container mix thoroughly and allow to stand for five minutes If the combination remains mixed or can be readily re-mixed the mixture is considered physically compatible

**SPRAY DRIFT MANAGEMENT**
Avoid spray drift to all other crops and nontarget areas Do not apply when weather conditions may cause drift Do not allow this product to drift onto nontarget areas Drift may result in illegal residues or injury to adjacent crops and vegetation To avoid spray drift DO NOT apply aerially when wind speed is greater than 10 mph or during periods of temperature inversions Use of larger droplet size will also reduce spray drift

**AVOIDING SPRAY DRIFT IS THE RESPONSIBILITY OF THE APPLICATOR**
The interaction of equipment and weather-related factors determines the potential for spray drift The applicator is responsible for considering all these factors when making decisions

Droplet size boom height and wind speed are the primary factors determining drift The specific application conditions required for the use of this product are described below

**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

**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

**Controlling Droplet Size – Aircraft**
**Number of Nozzles**
Use the minimum number of nozzles with the highest flow rate that provide uniform coverage

**Nozzle Orientation**
Orienting nozzles so that the spray is released parallel to the airstream produces larger droplets than other orientations and is the recommended practice Significant deflection from horizontal will reduce droplet size and increase drift potential

**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 and Length – Ground and Aircraft**
**Boom Height (ground)** 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

**Boom Height (aircraft)** Application more than 10 feet above the canopy increases the potential for spray drift

**Boom Length (aircraft)** The minimum boom length should not exceed ¾ of the wing length using shorter booms decreases drift potential For helicopters the minimum boom length should not exceed 9/10 of the rotary blade to prevent droplets from entering the rotor vortices

**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 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 temperatures 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 nontarget 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

- 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