



**US Environmental Protection Agency
Office of Pesticide Programs**

Petition for Acetamiprid

August 11, 2008



NISSO AMERICA INC.

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Venus Eagle
PM Team 1
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Meredith Laws
Branch Chief
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Robert Perlis
EPA- Office of General Council [2333A]
1200 Pennsylvania Avenue, NW
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ATTENTION: Minor Use – Exclusive Use Request

Re: Request for Extension of Exclusive Use Data Protection for Acetamiprid

Dear Ms. Cimino, Ms. Eagle, Ms. Laws, and Mr. Perlis,

Nippon Soda Co., Ltd. (Nisso), the sole registrant of the proprietary insecticide, acetamiprid, is hereby petitioning the Environmental Protection Agency for an extension of the exclusive use data protection under FIFRA § 3(c)(1)(F)(ii) for agricultural products containing acetamiprid.

Based on both the residue data generated by Nisso on 28 minor use food crops (twelve of which were categorized as "reduced-risk" uses) as well as the use on non-food greenhouse/nursery ornamentals that are currently on the acetamiprid product labels and registered on or after March 15, 2002, Nisso is formally petitioning to extend the data exclusivity period for acetamiprid for an additional three (3) years.

The current registrations held by Nisso for acetamiprid products used in the agriculture sector that are subject to extended exclusive use data protection are as follows:

<u>Product Name</u>	<u>EPA Reg. No.</u>
Acetamiprid Technical	8033-20
Acetamiprid RTU Insecticide	8033-21
TriStar 70 WSP Insecticide	8033-22
Assail 70 WP Insecticide	8033-23
Assail 30 SG Insecticide	8033-36
TriStar 30 SG Insecticide	8033-94
Acetamiprid 50 FS Insecticide Seed Treatment	8033-95

As mentioned previously, the active ingredient acetamiprid was originally approved by US EPA on March 15, 2002. It was registered as a reduced-risk, organophosphate replacement product under the Agency's "Safer Pesticide Policy" that was in place at the time. The original registration included use on the following crop groups containing minor use crops: citrus, fruiting vegetables (except cucurbits), leafy vegetables, pome fruit (excluding apples), and cole crops. Additionally the compound was initially approved for insect control on greenhouse and outdoor ornamentals that are considered another minor use area.

Since the original registration, Nisso has expanded the label to include uses in the stone fruit, cucurbit, tree nut, bulb vegetable, berries, and succulent legume crop groups, all of which contain crops fitting the definition of minor use. Minor crop growers find the acetamiprid labels very useful due to the flexibility offered by the range of approved crop groupings.

Because the current acetamiprid labels allows use on nine (9) crop groups containing minor use crops and is based on residue data generated by Nisso on 28 individual representative minor use food crops, Nisso petitions the Agency to extend the exclusive use data protection for the acetamiprid registrations listed above for an additional three (3) years beyond the standard 10 year exclusive use period.

Attached Table 1 provides a summary list of the following: 1) the currently registered food crop or crop group on the acetamiprid labels, 2) the representative commodity on which residue data were generated, 3) the minor use determination (i.e., < 300,000 acres), 4) the registration date, 5) the "reduced-risk" status, and 6) the MRID number of the study that contains the residue data on the minor use crops. This concise tabular format allows for an expeditious review of this petition as it summarizes all pertinent information for the Agency.

*very good table
thanks*

Alternative products used on the minor use crops approved on the acetamiprid labels include various compounds in the organophosphate, carbamate, and pyrethroid classes of chemistry. In general, these chemistry classes are considered to pose greater risk to man and the environment than acetamiprid. Also acetamiprid is considered to be an "azinphos-methyl replacement product" and exhibits broad spectrum of activity against various insect pests.

Likewise, being a neonicotinoid, acetamiprid products are used in spray rotation programs with other mode of action chemistry and thereby reduce the possibility of insect resistance development.

Lastly, aside from providing an alternative mode of action, acetamiprid is known to be "soft" on beneficial insects and therefore plays an important role in integrated pest management programs.

For reasons addressed above, Nisso believes that acetamiprid has fully met and exceeded the statutory minimum number of required minor use registrations. We look forward to receiving the additional three years of exclusive use data protection under FIFRA § 3(c)(1)(F)(ii) for acetamiprid products.

Please contact me directly at 212-490-0351 should you have any questions or wish further detail regarding our request. Thank you in advance for your review of this petition.

Sincerely,



John J. Wrubel
Regulatory Affairs Director

Table 1.

Acetamiprid Crop Registrations and Minor Use Determination For Extension of the Exclusive Use Data Protection Period

Crop or Crop Group	Commodity	<300K Acres ¹	Registration Date ²	Reduced Risk	MRID
Brassicas	Broccoli	✓	3/15/02	✓	44988607
	Cabbage	✓	"	✓	44988608
	Mustard greens	✓	"	✓	44988609
Citrus	Grapefruit	✓	3/15/02	✓	44988611
	Lemon	✓	"	✓	44988611
	Orange		"	✓	44988611
Pome Fruit	Apples		3/15/02	✓	44988612
	Pears	✓	"	✓	44988613
Fruiting Vegetables	Eggplant	✓	3/15/02	✓	44988615
	Peppers	✓	"	✓	44988616
	Tomatoes			✓	44988614
Leafy Vegetables	Celery	✓	3/15/02	✓	44988606
	Head lettuce	✓		✓	44988605
	Leaf lettuce	✓		✓	44988603
	Spinach	✓		✓	44988604
Grapes	Grapes		3/15/02	✓	44988620
Canola	Canola	✓	9/29/03		44988624
Tuberous vegetables	Potato		5/25/05	✓	45900508
Cucurbits ⁴	Cantaloupe	✓	11/15/07		46265701
	Cucumber	✓	"		46265701
	Squash	✓	"		46265701
Legumes ⁴	Green beans	✓	11/15/07		46785504
	Green peas		"		46785504
	Lima beans	✓	"		46785504
	Peas in pod	✓	"		46785504
Stone fruit ⁴	Peach	✓	11/15/07		46265702
	Plum	✓	"		46265702
	Sweet cherry	✓	"		46265702
	Tart cherry	✓	"		46265702
Tree nuts ⁴	Almond		11/15/07		46265703
	Pecan		"		46265703
Berries ⁴	Blackberry	✓	1/21/08		46785502
	Blueberry	✓	"		46785502
	Raspberry	✓	"		46785502
	Strawberry ⁵	✓	"		47013601
Bulb vegetables ⁴	Bulb onion	✓	1/21/08		46785503
	Green onion	✓	"		46785503

- 1) Based on Residue Chemistry Test Guideline OPPTS 860.1500 Crop Field Trials.
- 2) Initial registration date March 15, 2002 for the new active ingredient, acetamiprid.
- 3) ✓ = yes
- 4) Nisso opted to not apply for reduced risk status for this use.
- 5) Strawberry residue data generated by IR-4