



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

Petition for Fenpropathrin

March 15, 2005

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Establishing New Exclusive Use
Protection Period for Data Submitted
to Support the Registration of
Danitol 2.4 EC Spray
on Minor Crops

DANITOL 2.4 EC Spray
EPA Reg. No. 59639-35

DANITOL Technical
EPA Reg. No. 59636-76

Ms. Lois A. Rossi
Director, Registration Division (H7505C)
Document Processing Desk
Office of Pesticide Programs
U.S. Environmental Protection Agency
Room 266A, Crystal Mall 2
1801 South Bell Street
Arlington, Virginia 22202

Dear Ms. Rossi:

Valent U.S.A. Corporation is pleased to submit a petition to establish exclusive use protection for all data submitted to support amendments that add new minor uses to the registration of fenpropathrin (Danitol 2.4 EC Spray), which currently does not retain any period of exclusive use.

The minor use ten-year exclusivity statute noted above is established under FIFRA Section 3(c)(1)(F)(vi). Valent U.S.A. Corporation hereby asserts that the initial exclusive use period for fenpropathrin expired on December 22, 1999, and that data listed below pertaining solely to the addition of the following minor uses is eligible for an additional ten years exclusive use data protection - currants, succulent peas, fruiting vegetables (crop group 8 except tomatoes), bushberries (crop group 13B), stone fruit (crop group 12) and tree nuts (crop group 14).

To the best of our knowledge, Danitol technical (39398-16) and Danitol 2.4 EC Spray (39398-17) were first registered on December 22, 1989 by Valent U.S.A. Corporation as the registration agent for Sumitomo Chemical and Chevron Chemical. On March 3, 1992, EPA approved the transfer of these registrations from Sumitomo Chemical to Valent U.S.A. Corporation (letter attached). Thus, the original exclusive use period expired for all uses submitted up until December 22, 1999.

The table below provides all data that was submitted to the Agency to support minor uses and includes the specific MRID numbers for which Valent U.S.A. Corporation is requesting data exclusivity. Please note that minor uses are defined as those with less than 300,000 acres, or those meeting the "economic incentive" definition established at FIFRA Section 2(11)(2).

Minor Use Registration History of Fenprothrin (post 12/22/99):

Submittal Date	New Minor Uses	Date Exclusivity Should Expire	Comments	MRID Numbers
June 2001	Currants, succulent peas, fruiting vegetables (except tomatoes)	June 2011	Pepper submitted to complete Crop Group 8	45668700 45317200 45454700 45454701 45439801
April 2003	Bushberries	April 2013	Bushberry subgroup (13B)	45919601
October 2004	Stone fruit and tree nuts	October 2014	Crop groups 12 (peaches, plums, and cherries) and 14 almonds and pecans)	46385301 46385302 46385303 46385304 46385305 46385306

Thank you for your consideration of our request to establish a new ten year exclusive use data protection period for all data submitted to support amendments that add new minor uses to the registration of fenprothrin (Danitol 2.4 EC Spray). Please provide a written response to verify this request at your earliest convenience.

If you have any questions, please contact me by phone at 202-872-4682 or e-mail at eric.maurer@valent.com.

Sincerely,

Eric J. Maurer
Federal Registration Manager
Valent U.S.A. Corporation

cc: Marion Johnson
George LaRocca