



Sent via e-portal

January 09, 2017

Mr. Steven Schaible (PRIA Ombudsman)
Registration Division-7505P
Office of Pesticide Programs
U.S. Environmental Protection Agency
2777 S. Crystal Drive
Arlington, VA 22202

Re: Submission of Petition for the Extension of Exclusive Use Data Protection for Tolfenpyrad Technical -
PRIA M007
Nichino America, Inc. – Tolfenpyrad Technical (EPA Reg. No. 71711-30)

Dear Mr. Schaible,

Nichino America Inc., the sole registrant of the proprietary insecticide, tolfenpyrad, submits herein an application for extension of exclusive use data protection as provided under FIFRA Section 3(c)(1)(F)(ii). Nichino is offering 16 minor crops for consideration of an additional three years for data protection for tolfenpyrad.

To qualify for consideration under FIFRA Section 3(c)(1)(F)(ii) for an extension of the exclusive use period, the minor uses must be registered within the first seven years from the start of the exclusive use period and meet one of the four criteria listed in FIFRA Section 3(c)(1)(F)(ii). Tolfenpyrad technical and Tolfenpyrad 15EC Insecticide were first registered on July 28, 2010; Tolfenpyrad 15SC was first registered on December 23, 2013. All minor crops contained within the petition were added to the tolfenpyrad labels within the first seven years of registration.

Evidence that tolfenpyrad meets one or more of the four criteria outlined in FIFRA Section 3(c)(1)(F)(ii) are contained within the petition.

Upon inquiry if the submission could be placed through the e-portal, Mr. Robert Schultz of the EPA (IT and Resource Management Division) confirmed via e-mail (Jan. 3, 2017 from R. Schultz to O. Ogongi) it could be submitted:

“Our internal tracking system treats these as product amendments. As such, please submit as a Section 3 Amendment and it should process fine. We are identifying submission types that are not obvious and will continue to work on making the needed improvements to the Pesticide Submission Portal so that it is a seamless and simple way to submit to the EPA.”

Included with this cover letter are the following documents:

- EPA Application Form 8570-1 for Tolfen Technical (2017-01-09 Tolfenpyrad Tech 8570-1 (final) - Exclusive Use Petition.pdf)

NICHINO AMERICA

- Transmittal Document (2017-01-09 Transmittal Document (final).pdf)
- Petition for a Three-Year Extension of Exclusive Use Data Protection for Tolfenpyrad as Provided For Under FIFRA Section 3(c)(1)(F)(ii) –TOL-GEN-25 (MRID 50147901) (TOL-GEN-25_3 yr extension_09Jan2017 final.pdf)
- Pay.gov receipt acknowledgment (25VQF1UH) dated 12/30/16 for M007, PRIA fee \$5513 (2016-12-29 pay.gov M007 tolfenpyrad exclusive use petition.pdf)

If you have any questions, please contact me at (302)636-9001 extension 205, or via e-mail at lcox@nichino.net. Thank you.

Sincerely,



Lydia Cox. Ph. D., DABT
Director, Regulatory Affairs

cc: Michael Walsh, PM 11