



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 26 1997

Ms. Anne Montalone
Registration Specialist
Bonide Products Inc.
2 Wurz Avenue
Yorkville, NY 13495

OFFICE OF
PESTICIDES AND TOXIC
SUBSTANCES

Dear Ms. Montalone:

Subject: Deletion of Unsupported Malathion Uses
Bonide Malathion 50% EC
EPA Reg. No. 4-99
Labeling Submitted August 23, 1995
Federal Register Notices of March 16, 1991,
May 10, 1994 and September 13, 1995

The labeling amendment referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, As Amended (FIFRA), is acceptable, provided that you:

Submit one copy of your final printed label incorporating the following corrections before you release the product for shipment.

1. The label claims and directions for use appearing on the submitted label are ambiguous as to whether the label allows uses within the scope of PR Notice 93-7. The label must either be revised to incorporate the required WPS labeling statements or be revised to clarify that the product is for non-WPS uses only.

You have added the WPS exclusionary statement: "Not for use on plants being grown for sale or other commercial use, or for commercial seed production, or for research purposes. For use on plants intended for aesthetic purposes or climatic modifications and being grown in interior plantscapes, ornamental gardens or parks, or on golf courses or lawns and grounds."

As described in PR Notice 93-11, such a statement is adequate to remove products labeled for use on ornamentals and/or turf from the scope of WPS. However, it is not considered appropriate for products labeled for use on food crops. It is unlikely that the various fruit and vegetable crops on which the product is to be used are grown only for aesthetic purposes or climatic modifications.

In addition, since the submitted label does not bear directions for use in interior landscapes nor on lawns or golf

courses these use sites must be deleted from the added exclusionary statement.

Moreover, the submitted label bears directions for application of the product on the various crops on a per acre basis. Such use directions are consistent with agricultural or commercial use directions and do not meet the criteria for home garden use under the WPS.

For further guidance in revising your label to comply with the WPS labeling requirements, please refer to the enclosure regarding WPS ambiguous labeling.


2. The malathion emulsifiable concentrate formulations are being supported for use on apples and pears in the home garden only. Thus, if you wish to retain the use on apples and pears, your product must meet the homeowner use criteria.

Please bear this in mind when revising your labeling to comply with the WPS labeling requirements.

3. Under the Hazards to Humans and Domestic Animals precautionary statements section, qualify the indoor use precautionary statements by specifying that the use in greenhouses is the only indoor use of the product. Malathion is not being supported for general indoor use. The second set of the indoor use precautionary statements which appears in the directions for use is redundant and should be deleted.

A stamped copy of the label is enclosed for your records.

Sincerely,



Marilyn A. Mautz
Biologist
Insecticide-Rodenticide Branch
Registration Division (7504C)

Enclosure

3 9 10

BONIDE®

<p>CYTHON® PREMIUM GRADE MALATHION 50% EC</p>

ACCEPTED
with COMMENTS
in EPA Letter Dated

SEP 26 1997

Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended for the pesticide
registered under EPA Reg. No.

4-99

FOR FLOWERS, EVERGREENS, SHRUBS,
SHADE TREES, *And* THE
LISTED FRUITS AND VEGETABLES,
MOSQUITOES, SMALL FLYING INSECTS

EPA Est. No. 4-NY-1 EPA Reg. No. 4-99

ACTIVE INGREDIENT

Malathion: 0,0-dimethyl phosphorodithioate of diethyl mercaptosuccinate	50%
--	-----

INERT INGREDIENTS:	50%
--------------------------	-----

Contains Xylene.

Cythion® is a registered trademark of
the American Cyanamid Co., Inc., New York

<p>KEEP OUT OF REACH OF CHILDREN CAUTION See side panel for additional precautionary statements.</p>
--

NET CONTENTS:

BONIDE MALATHION 50% EC, EPA Reg. No. 4-99PRECAUTIONARY STATEMENTSHAZARDS TO HUMANS AND DOMESTIC ANIMALS - CAUTION

Harmful if swallowed or inhaled. Avoid breathing spray mist or contact with skin, eyes or clothing. May be absorbed through skin. Do not use on humans.

When used indoors use only with adequate ventilation. After using this product indoors, ventilate thoroughly before occupying enclosed spaces. Do not allow contact with treated surface until sprays have dried.

STATEMENT OF PRACTICAL TREATMENT

- If swallowed: Do not induce vomiting. Get medical attention.
If inhaled: Remove victim to fresh air and apply respiration if indicated.
If on skin: Wash promptly with soap and water. Rinse thoroughly. Remove contaminated clothing and shoes. Wash clothing before reuse.
If in eyes: Immediately flush eyes with plenty of water for at least 15 minutes. Call a physician.

Note to Physician: This product may cause cholinesterase inhibition. Atropine is antidotal. 2-PAM may be effective as an adjunct to atropine.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish, aquatic invertebrates, and aquatic life stages of amphibians. Do not apply directly to water or wetlands (i.e., swamps, bogs, marshes, and potholes). Drift and runoff may be hazardous to aquatic organisms in areas near the application site. Do not contaminate water when disposing of equipment washwaters.

This product is highly toxic to bees exposed to direct treatment on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds if bees are visiting the treatment area.

PHYSICAL HAZARDS

Do not use, pour, spill or store near heat or open flame.

DIRECTION FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

STORAGE AND DISPOSAL

Keep container tightly closed to prevent evaporation. Do not store near nor contaminate feed, or foodstuffs. Do not reuse container. Wrap container and put in trash collection.

BONIDE MALATHION 50% EC, EPA Reg. No. 4-99

BONIDE MALATHION 50% EC controls a great diversity of insects; including aphid, spider mites, scales, as well as a wide range of other sucking and chewing insects attacking listed fruits, vegetables, ornamentals, and controls mosquitoes and small flying insects.

When used indoors use only with adequate ventilation. After using this product indoors, ventilate thoroughly before occupying enclosed spaces. Do not allow contact with treated surface until sprays have dried.

Do not apply this product through any type of irrigation system.

DIRECTIONS

For proper mixing, the spray tank should be at least 1/4 filled with water before MALATHION 50% E is added. Shake sprayer occasionally or agitate to keep spray particles in suspension during application. Follow spray schedule given in SPRAY CHART below.

Crop	Insects	When to Apply	Amount
Asparagus	asparagus beetle, asparagus aphid, thrips	Make 2 or more applications as needed up to 1 day of harvest.	2-1/2 tsp./gal. water or 2-1/2 pts. in 25/50 gals. water per acre. 2 tsp./gal. water, or 2 pts./25/50 gals. water per acre.
Beans (Lima, Green, Snap, Navy, Red, Kidney, Wax, Cowpeas, Black-eyed Peas)	Mexican bean beetle, spider mites, Japanese beetle, aphids, cucumber beetle	Make 2 or more applications as needed up to 3 days of harvest. *Make full coverage applications weekly to stems and vines at base of plants. Consult Cooperative Agricultural Extension Service for proper timing.	1 1/2 tsp. gal. water or 1 1/2 pts. in 25/50 gals. water per acre
Tomatoes	spider mites, aphids		3 tsp./gal. water, or 3 pts. in 25/50 gals. water per acre.
Pumpkins	aphids, mites, squash vine borers*		4 tsp./gal. water, or 4 pts. in 25/50 gals. water per acre.
Eggplant	aphids, spider mites, lace bugs		2-1/2 tsp. gal. water or 2-1/2 pts. in 25/50 gals. water per acre.
Onions	thrips, onion maggots		3 tsp./gal. water, or 3 pts. in 25/50 gals. water per acre
Peppers	aphids, pepper maggots		1-1/2 tsp. gal. water or 1-1/2 pts. in 25/50 gals. water per acre.
Rutabagas	aphids		4 tsp./gal. water, or 4 pts. in 25/50 gals. water per acre.
Sweet Potato	leafhoppers, morning glory leafminer		2-1/2 tsp. gal. water or 2-1/2 pts. in 25/50 gals. water per acre.
Potatoes (White or Irish)	lace chinch bugs, aphids, leafhoppers, mealybugs		1-1/2 tsp. gal. water or 1-1/2 pts. in 25/50 gals. water per acre
Lettuce	leafhoppers, aphids, cabbage looper		4 tsp./gal. water, or 4 pts. in 25/50 gals. water per acre.
Corn (Field, Sweet and Pop)	aphids, sap beetle, thrips, grasshoppers, corn rootworm adults (for protection of silks)	Make 2 or more applications as needed up to 5 days of harvest. Do not apply in the whorl or silk stage as injury may occur. Make full coverage application to foliage when nymphs are young. Make full coverage application when adult beetles become abundant.	2 tsp./gal. water, or 2 pts. in 25/50 gals. water per acre.
Melons (Cantaloupe, Casabas, Crenshaw, Honeydew, Honey Balls, Muskmelons, Persians, Watermelons (and hybrids of these))	aphids, spider mites, cucumber beetles	Make 2 or more applications as needed up to 1 day of harvest. Do not apply unless plants are dry.	3 tsp./gal. water, or 3 pts. in 25/50 gals. water per acre
Squash	aphids, spider mites, pickleworm, squash vine borers*, cucumber beetles	*Make full coverage applications weekly to stems and vines at base of plants. Consult Agricultural Cooperative Extension Service for proper timing.	2-1/2 tsp. gal. water or 2-1/2 pts. in 25/50 gals. water per acre 1-1/2 tsp. gal. water or 1-1/2 pts. in 25/50 gals. water per acre Apply at the rate of 2 tsp./gal. water, or 2 pts./100 gals. water
Cucumber	aphids, spider mites, cucumber beetles	Make 2 or more applications as needed up to 7 days of harvest. Turnips (including tops) & Broccoli — 3 days, parsley — 21 days.)	
Cole Crops and Leafy Vegetables	aphids, flea beetles (on mustard greens only) diamond back moth caterpillars (on cauliflower, collards, brussels sprouts and broccoli only), harlequin cabbage bug (on collards only)		
Broccoli	Brussels sprouts, Cabbage, Collards, Dandelions, Kale, Kohlrabi, Mustard Greens, Parsley, Swiss Chard, Turnips, Watercress, Cauliflower		
Celery	spider mites, aphids		
Spinach	aphids		
Carrots	aphids, leafhoppers		
Beets	aphids, leafhoppers		
Endive	aphids, mites		
Apples	wooly apple aphid, bud moth, Forbes scale, green apple aphid, rosy apple aphid, mealybug, codling moth, plum curculio, red banded leaf roller, tent caterpillar		
Apricots	codling moth, orange tortrix, terrapin scale, soft brown scale, aphids		Start to spray early in season. Repeat at 10 day intervals until bloom. Do not spray during blossom period. Repeat at 14 day intervals after bloom, up to 7 days of harvest.
Cherries	black cherry aphid, fruit tree roller, cherry fruit fly, bud moth, mealy plum aphid.	Spray as for apricots, up to 3 days of harvest.	
Peaches	oriental fruit moth, plum curculio, green peach, black cherry, black peach, rusty plum aphids and Japanese beetle, terrapin, cottony peach scales	Spray as for apricots, up to 7 days of harvest.	
Citrus — grapefruit, lemons, limes, oranges, tangerines, tangels, kumquats	California red, yellow, purple, black (single and off brooded), soft, citrus scales, Florida red and purple scales (light & medium infestations), thrips	Spray as for apricots, up to 1 day of harvest.	
Pears	mealybugs, mites, pear psylla, codling moth, plum curculio, fruit tree & red banded leaf rollers	Spray as for apricots, up to 1 day of harvest.	
Blackberries, Boysenberries, Dewberries, Loganberries, Raspberries	mites, thrips, leafhoppers, Japanese beetles, aphids, rose scale, sap beetle	Make 2 or more applications up to day of harvest.	
Blueberries	Japanese beetle	3 tsp./gal. water or 3 pts. 100 gals. water per acre.	
Ornamentals	aphids, mealybugs, spider mites, whitefly, four-lined plant bug, Japanese beetle, potato leafhopper, tarnished plant bug, thrips, rose leafhoppers, European pine shoot moth, birch leaf miner, boxwood leaf miner, bagworms, tent caterpillar, oak kermes, azalea, pine leaf, magnolia, Fletcher, Florida red, juniper black, scurfy, Euonymus, oyster shell, monterey pine, soft, pine needle scales	Spray thoroughly both top and undersides of leaves until slightly dripping as soon as insects appear. Repeat as needed. Injury may occur on ferns, hickory, viburnum, lantana, crassula and canaertii palmer.	2 tsp./gal. water, or 2 pts./100 gals. water per acre. 4 tsp./gal. water, or 4 pts./100 gals. water per acre.
Ornamental Greenhouse (in and around greenhouses and flower gardens)	malipedes, springtails, sowbugs	Apply when insects appear. Repeat at 7-10 day intervals as needed.	1 tsp./gal. water, and apply to 150 sq. ft. of soil surface.
Roses, Chrysanthemums, Carnations	aphids, whiteflies, mealybugs, thrips, two-spotted mite	Spray thoroughly both top and undersides of leaves until slightly dripping as soon as insects appear. Repeat as needed.	2 tsp./gal. water

Not for use on plants being grown for sale or other commercial use, or for commercial seed production, or for research purposes. For use on plants intended for aesthetic purposes or climatic modification and being grown in interior plantscapes, ornamental gardens or parks, or on golf courses or laws and grounds.

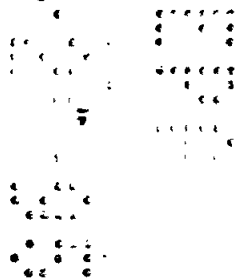
MOSQUITOES AND SMALL FLYING INSECTS

NOTE: MALATHION 50% EC MAY CAUSE SPOTTING ON AUTOMOBILE PAINT FINISH. CARS SHOULD NOT BE SPRAYED DIRECTLY. IF ACCIDENTIAL EXPOSURE OCCURS, THE CAR SHOULD BE WASHED IMMEDIATELY.

Outdoors: Use a Bonide Malathion 2% to 5% area spray, fog or aerosol. As a 2% area or patio spray, dilute 50% emulsifiable liquid 1 part to 25 parts water or 5 oz. to 1 gallon water. When using kerosene type solvents, such as fuel oil or diesel oil, as carriers, dilute 1 part 50% emulsifiable liquid in 25 parts of a mixture consisting of 4 parts kerosene type solvent and 1 part aromatic hydrocarbon type solvent. For 5%, dilute 1-11 using similar solvents. Repeat applications as necessary. Avoid applying oil-based formulations to plants as injury may occur.

Buyer's Guarantee Limited to Label Claims.

Mfg. by BONIDE PRODUCTS, INC., YORKVILLE, NY 13495



WPS Ambiguous Labeling

The label claims and directions for use appearing on the submitted label are ambiguous as to whether the label allows uses within the scope of PR Notice 93-7. The label must either be revised to incorporate the required WPS labeling statements or be revised to clarify that the product is for non-WPS uses only. Attached for your reference is a listing of uses covered by the WPS and uses not covered by the WPS.

Please refer to PR Notice 93-7 and the supplement to this Notice, PR Notice 93-11, which were mailed to registrants of pesticide products in 1993. These Notices describe the labeling revisions required by the Worker Protection Standard (WPS) regulations (40 CFR Part 152 Subpart K) published in the Federal Register of August 21, 1992 (57 FR 38146).

WPS USE

If the product is intended for uses under the scope of WPS, the label must be revised to incorporate the new WPS protective language. Since the release for shipment deadline has passed for WPS-scope products not bearing WPS statements, you cannot release the product for shipment unless the label has been revised to comply with the WPS labeling requirements.

HOMEOWNER USE

If it is your intention that the product be marketed only for use by the homeowner, add the appropriate language to clarify this intended use; i.e. "For outdoor use around the home only."

To qualify as a homeowner use product under the WPS, the product must be packaged in a container holding no more than 40 pounds if the product is a solid, or 2 gallons if it is a liquid, or 2 pounds if it is an aerosol. In addition, the product label must not bear any non-homeowner use directions or phrases such as those listed on the enclosed copy of page 6 taken from the PR Notice 93-7.

NON-WPS, NON-HOMEOWNER USE

If it is your intention that the product be marketed for application by a professional applicator or for use in areas other than around the home, but not for uses under the scope of WPS, you must add a special statement to remove the product from the scope; i.e. "Not for use on plants being grown for sale or other commercial use, or for commercial seed production, or for research purposes."

SPLITTING OF LABEL

If it is your intention that one or more of the uses be limited to use by the homeowner for purposes of removing the product from scope of WPS while other uses remain under the scope of WPS, you may not split the label into a homeowner use only product and a WPS use product under the same registration. You must apply for a new registration for one or the other.

The PR Notices 93-7 and 93-11 referenced above were send to registrants in 1993. Additional copies may be ordered from the National Technical Information Service at the following address.

National Technical Information Service
U.S. Department of Commerce
5285 Port Royal Road
Springfield, VA 22161
Telephone: 703-487-4650
Fax: 703-321-8547
Rush: 800-553-NTIS
For Assistance: 703-487-4679

NTIS charges a fee for documents. When ordering the documents referenced above, include the NTIS Numbers PB94-104189 and PB94-104221 for the 93-7 and 93-11 Notices, respectively.

- ▶ Use on the portions of agricultural plants that have been harvested, including harvested timber; or
- ▶ Application using a point-source pheromone dispenser of a size easily retrieved from the field, such as a "twist-tie"?

If you answered "YES" to this question, this product is NOT within the scope of this notice. Begin again with question A for your next product.

If you answered "NO" to this question, this product may be within the scope of this notice. Go on to question E.

E. Is the product labeled PRIMARILY for use in production of plants in homes, home flower or vegetable gardens, home lawns, or home greenhouses? Answer "yes" to this question only if the current labeling meets ALL the following tests:

1. The labeling indicates that the product is intended for use in or around the home, home flower or vegetable garden, home lawn, or home greenhouse; AND
2. The labeling does NOT include any of the following directions or phrases:
 - ▶ Skull and crossbones symbol and word "Poison";
 - ▶ A requirement for users to wear a respirator;
 - ▶ A requirement for users to wear chemical-resistant, waterproof, or liquid-proof suits or coveralls or "rainsuits";
 - ▶ The phrase "for professional use";
 - ▶ The phrase "for commercial use";
 - ▶ Directions for use on farms, sod farms, forests, nurseries, or greenhouses except home greenhouses;
 - ▶ Directions for use including the word "crops" or the phrases "for crop production" or "for sod production";
 - ▶ Application rates expressed per acre;
 - ▶ Dilution rates expressed per hundred gallons;
 - ▶ Directions for application by aerial, ground-boom, airblast, or other motor-driven vehicles or equipment;
 - ▶ Directions for use of a surfactant, buffer, or adjuvant;
 - ▶ Directions for tankmixing with fertilizer or with other pesticides;
 - ▶ Any reference to chemigation;

- ▶ Directions for mechanical agitation;
- ▶ Instructions or restrictions concerning livestock grazing; AND

3. The product is packaged in a container holding no more than 40 pounds if the product is a solid, or 2 gallons if it is a liquid, or 2 pounds if it is an aerosol.

If all three tests (E. 1, 2, & 3) above are **fully satisfied**, this product is **NOT** within the scope of this notice. Begin again with question A for your next product.

If any of these three tests is **not** fully satisfied, **THIS PRODUCT IS WITHIN THE SCOPE OF THIS NOTICE**. (If your product does not satisfy all these three tests but you believe it is nonetheless intended primarily for home use or is otherwise limited to use on plants grown for other than commercial or research purposes, call the WPS Label Information Line at 1-800-777-2185 for assistance.) Go on to question F.

F. Does the product contain ethyl parathion, or is it a fumigant?

If you answered "YES" to this question, **THIS PRODUCT IS WITHIN THE SCOPE OF THIS NOTICE**, but the required label changes are not addressed in Supplement 3: Main Labeling Guidance. Special labeling guidance for ethyl parathion products and fumigants is being distributed to affected registrants separately. **DO NOT** revise the labels of ethyl parathion products or fumigants until you have received the appropriate special guidance. If you hold a registration for an ethyl parathion product or a fumigant which is not flagged on the enclosed "Supplement 1: Listing of Potential WPS Registrations", you can obtain a copy of the special guidance by calling the WPS Label Information Line at 1-800-777-2185. Go back to question A for your next product.

If you answered "NO" to this question, start again with question A for your next product. When all your products have been assessed against the scope criteria, proceed to the next section.

V. NEXT STEPS

When you have applied the scope criteria in section IV to all your registrations, you are ready to proceed.

- ▶ No further action is required for products which are not within the scope of this Notice.