



WASHINGTON, D.C. 20460

MAR 06 1996

(1) 547 8189 - 17
(3) 548 8168 - 38
(2) 547 8890 - 12

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Ms. Stacy A. Schmidt
Regulatory Affairs
SureCo, Inc.
10012 N. Dale Mabry, Suite 221
Tampa, FL 33618

Dear Ms. Schmidt:

Subject: SMCP Malathion 57% Premium Grade
EPA Registration No. 769-620

(1) Deletion of Unsupported Malathion Uses
Your Application Dated November 16, 1994
Federal Register Notice of March 18, 1991

(2) Addition of Several Uses
Your Application of November 29, 1994

(3) Addition of Dilution Rate
Your Application of May 25, 1995

This letter addresses the subject amendment requests as described below.

Deletion of Unsupported Malathion Uses

The amendment number 1 referred to above, submitted in connection with registration under FIFRA, is acceptable, provided that you:

Submit one copy of your final printed labeling incorporating the following correction(s) before you release the product for shipment.

1. Reinstate the aspiration hazard statements in the "Note to Physician" paragraph as they appear on the current approved label in our file dated March 9, 1989.

2. Revise the first sentence under the "Environmental Hazards" statements to read as follows:

"This pesticide is toxic to fish, aquatic invertebrates and aquatic life stages of amphibians."

3. Add a statement identifying the inert ingredient



Recycled/Recyclable
Printed with Soy/Canola Ink on paper that
contains at least 50% recycled fiber

page 2

responsible for the aspiration hazard, in close proximity to the ingredient statement; i.e. "Contains petroleum distillates."

4. The subject label does not bear the Worker Protection Standard (WPS) labeling as described in PR Notice 93-7 and 93-11.

The product labeling falls under the scope of the WPS and must bear the required WPS statements as outlined in PR Notices 93-7 and 93-1. The new protective language must be incorporated into this label for any shipments released after the deadlines that have been established. You may opt to do so immediately if you are electing the self-verification option.

If it is your intention that the product be marketed only for use by the homeowner, appropriate clarifying language must be added to the label to remove it from the scope of the WPS; i.e. for use on ornamental around the home. Refer to section IV.E. of PR Notice 93-7 and Supplement F of PR Notice 93-11 for guidance on the removal of homeowner products from the scope of WPS. A copy of each of these referenced sections is enclosed for your reference.

In addition, to qualify for removal of the product from under the scope of the WPS as a homeowner product, you must verify that the container size(s) are no more than 2.0 gallons by submitting your revised EPA Form 8570-1 showing the correct container size(s). Refer to item E.3. on the attached section of PR Notice 93-7.

If this condition is not complied with, the registration will be subject to cancellation in accordance with FIFRA sec. 6(e). Your release for shipment of the product bearing the amended labeling constitutes acceptance of this condition.

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

Addition of Several Uses

The labeling amendment number 2 referred to above, submitted in connection with registration under the Federal Insecticide, fungicide, and Rodenticide Act, as amended, is not acceptable, for the reasons given below.

1. The proposed labeling includes several uses which are not being supported for the chemical malathion and must be deleted from the label. These uses are: dates (which are being supported as a malathion dust formulation only); filberts; raisin trays; and forrest trees.

2. The claim for use in and around greenhouses and gardens must be further qualified by specifying the type(s) of greenhouses and gardens; i.e. ornamental, flower, vegetable. If the product is intended for use in areas where food or feed crops

are grown, the crop(s) must be identified and must be limited to those being supported.

3. It is not clear from your submitted EPA Form 8570-29 ("Certification with Respect to Citation of Data") whether you have chosen the cite-all or the selective method of support.

You certify that you have obtained the written permission of the named data submitter and have made a general reference to the data on file for the named submitter, yet have not provided your completed data matrix identifying the specific data. You have also completed the first paragraph under item 3.a., indicating the cite-all, yet have not signed the "General Offer Statement" located on the bottom of the form, nor have you provided the EPA Reg. No. of the registered product you consider substantially similar. You are reminded that under the cite-all, you are certifying that you have notified all companies listed on the data submitter list.

If you will be relying on specific data in our files to satisfy the product specific acute toxicity data requirements in support of the added use sites, you must identify these data by submitting your completed data matrix showing the EPA identifying MRID# for each of the referenced studies. Under the selective method, it is not sufficient to just reference a product.

Alternatively, you may choose to address these data requirements under the cite-all method of support by submitting a revised EPA Form 8570-29 and by citing the EPA Reg. No. of the substantially similar registered product.

4. The proposed labeling includes uses which are clearly under the scope of the WPS and bears the WPS labeling. Do you plan to incorporate the proposed label into the amended labeling accepted in this letter under the paragraph headed "Deletion of Unsupported Malathion Uses" or do you plan to "split" the product label into two labels; one for uses outside the scope and the other for uses within the scope? If it is the former, please note that you will need to apply for a new registration for one or the other. We cannot accept such "split" labels (where one label is under the scope and the other is not) under the same registration number.

Addition of Dilution Rate

You had requested acceptance of the added statement, "All above rates per 100 gallons of water." under the directions for use on ornamental. According to our files, however, this statement is present on your current approved label dated March 9, 1989. A copy of this label is attached for your reference.

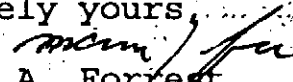
This statement also appears on the labeling amendment

4 7 7

page 4

accepted in this letter above under Deletion of Unsupported Malathion Uses.

Sincerely yours,



Robert A. Forrest
Product Manager (14)
Insecticide-Rodenticide Branch
Registration Division (7504C)

BEST AVAILABLE COPY

ACCEPTED
with COMMENTS
in EPA Letter Dated

MAR 06 1996

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

769-620

SMCP MALATHION 57%
Premium Grade

An Emulsifiable Concentrate Containing 5 lbs. of Actual Malathion
per Gallon

Active Ingredient:	
Malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate).....	57.0%
Inert Ingredients:.....	43.0%
TOTAL	100.0%

KEEP OUT OF REACH OF CHILDREN
CAUTION

EPA Reg. No. 769-620

EPA Est. No. 769-GA-1

STATEMENT OF PRACTICAL TREATMENT

IF SWALLOWED: - Call a physician or Poison Control Center immediately. If possible, vomiting should be induced under medical supervision. Drink one or two glasses of water and induce vomiting by touching back of throat with a finger. Do not induce vomiting or give anything by mouth to an unconscious or convulsing person.

IF INHALED: Remove victim to fresh air. Apply artificial respiration if indicated.

IF ON SKIN: Remove contaminated clothing and wash affected areas with soap and water.

IF IN EYES: Flush eyes with plenty of water. Call a physician immediately.

NOTE TO PHYSICIAN: This product is an organophosphate and is a cholinesterase inhibitor. Atropine is antidotal.

Manufactured By:
SureCo, Inc.
Fort Valley, GA 31030

Net Content :

.....
.....
.....
.....
.....
.....

PRECAUTIONARY STATEMENTS
Hazards to Humans and Domestic Animals

Harmful if swallowed. Do not breathe spray mist. Avoid contact with skin, eyes and clothing. Wash thoroughly with soap and water after handling.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish. Do not apply directly to water. Drift and runoff may be hazardous to aquatic organisms in areas near the application site. Do not contaminate water when disposing of equipment washwater. 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. Do not allow contact with treated surfaces until sprays have dried.

STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage or disposal.

STORAGE: Do not store at temperatures above 120 F. Store in original container only and separate pesticide to avoid cross-contamination of other pesticides, fertilizer, food and feed. Keep pesticides in a locked storage area. Store in well ventilated area. If spilled, absorb in clay or soda ash, sweep up and place in a waste disposal container. Treat spill area with full strength, liquid household chlorine bleach. Let stand 15 minutes, then retreat. Further treat area with slurry solution of water and activated charcoal.

PESTICIDE DISPOSAL: Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

CONTAINER DISPOSAL: Triple rinse or equivalent. Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by incineration or if allowed by state and local authorities by burning. If burned, stay out of smoke.

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 through any type of irrigation system.

FLEA CONTROL: For control of fleas in yards and lawns. Remove manure or debris. Use spray of 5 oz. of Malathion 57% per 1 gallon of water at rate of 1 gallon per 100 sq. ft. Use garden sprayer.

ORNAMENTALS: The following rates are per 100 gallons of water.
Oyster shell Scale and Lace Bugs - Use 1 pint
Spider Mites, Aphids, White Flies, Mealybugs, Thrips, Japanese Beetle, European Pine Shoot Moth, Four-Lines Plant Bug, Tarnished Plant Bug, Rose Leafhopper, Potato Leafhopper, Scurfy Scale and Euonymus Scale - Use 1 1/2 pints.
Bagworm, Tent Caterpillar, Boxwood Leaf Miner, Birch Leaf Miner, Oak Kermes, Florida Red Scale, Fletcher Scale, Juniper, Azalea Bark and Magnolia Scales - Use 2 pints.
Black Scale Crawler, Soft Brown and Monterey Scales - Use 2 1/2 pints.
Apply thorough full coverage sprays as needed.

IMPORTANT: Read these entire Directions and Conditions of Sale before using this product. **DISCLAIMER:** SureCo warrants that this product conforms to the chemical description on the label and is reasonably fit for the specific purposes referred to in the Directions For Use, subject to the inherent risks referred to above. SureCo makes no other express or implied warranty of fitness or merchantability nor any other express or implied warranty. In no case shall SureCo be liable for consequential, special, or indirect damages resulting from the use, handling or application of this product.