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2935-87

File

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

JAN 10 1994

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Joanne Pratt
WILBUR ELLIS CO.
191 W. Shaw Avenue
Fresno, CA 93704

Subject: Label Amendment Submission of 08/30/93 in Response to PR Notice 93-7
EPA Reg. No. 2935-87
MALATHION 4 DUST

IMPORTANT NOTICE: This Letter Requires You to Submit a Notification to the Office of Compliance Monitoring within 20 Days.

Dear Registrant:

The labeling cited above and submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, is accepted subject to the comments listed on the enclosed sheet. A copy of your proposed labeling stamped "ACCEPTED WITH COMMENTS" is enclosed.

SERIOUS ERROR(S) ON SUBMITTED LABELING:

EPA has determined that one or more of the errors on the labeling you submitted to the Agency is categorized as "serious" as defined in PR Notice 93-11. In general, serious errors are those that may create a potential for harm to workers, handlers, other persons, or the environment; or those that prevent the achievement of the basic goals of the Worker Protection Standard (WPS) or FIFRA.

YOU MUST NOT SELL OR DISTRIBUTE (INCLUDING RELEASE FOR SHIPMENT) ANY PRODUCT BEARING THE SUBMITTED LABELING. Sale or distribution of any product with the incorrect labeling is a violation of FIFRA that could result in initiation of an action for civil penalties and/or cancellation of your product. This matter has been referred to the Office of Compliance Monitoring (OCM) for further action.

YOU MUST SUBMIT A NOTIFICATION TO THE OFFICE OF COMPLIANCE MONITORING WITHIN 20 DAYS OF THE DATE OF THIS LETTER.



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

Each notification must include the following information:

1. Registrant's name and address.
2. EPA Registration number of the product for which the labeling was submitted.
3. Whether any product already has been sold or distributed (this includes released for shipment) bearing the submitted labeling.

In addition, the notification must include the following information, IF you have already sold or distributed any product bearing the submitted labeling:

1. Quantity of the product that has been sold or distributed.
2. EPA Producing Establishment number.
3. Location of the product, if known.
4. Proposed plan for assuring that product with the incorrect labeling in your control, as well as that in the hands of dealers/distributors/users, will be corrected. The plan must include your proposal for assuring that the labeling is corrected as soon as possible.

Submit the notification to:

Michael Wood, Director
Compliance Division, (7203)
Worker Protection Notification
Office of Compliance Monitoring
U.S. Environmental Protection Agency
401 M Street SW
Washington, DC 20460

Failure to submit a notification also may result in initiation of an action under FIFRA for civil penalties, if you sold or distributed (this includes released for shipment) product bearing the incorrect labeling.

BEST AVAILABLE COPY

IN ADDITION, YOU SHOULD CONTACT IMMEDIATELY THE PERSONS TO WHOM YOU SOLD OR DISTRIBUTED YOUR PRODUCT AND INFORM THEM NOT TO SELL OR DISTRIBUTE ANY PRODUCT WITH THE INCORRECT LABELING.

WHAT THIS ACCEPTANCE MEANS:

Based on your certification, the Agency has accepted the labeling changes that are necessary to comply with the WPS labeling requirements of 40 CFR part 156, subpart K, described in PR Notices 93-7 and 93-11. Any other labeling changes submitted in connection with this amendment application but not directly related to compliance with the WPS have neither been reviewed nor accepted by the Agency. If you wish to make such changes, you must submit a separate amendment application proposing them. If your product is currently suspended, the acceptance of this labeling amendment does not affect the suspension in any way.

WHAT YOU NEED TO DO NEXT:

Submit the required notification. Then by the next label printing make all the specified changes to your labeling. Send to EPA one (1) copy of the final printed labeling:

- **BEFORE** selling or distributing any product bearing the final printed labeling as amended

AND

- **WITHIN** one year from date of this acceptance.

Submit the final printed labeling via the U.S. Postal Service to:

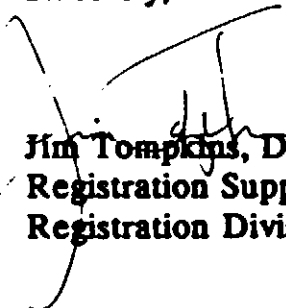
**Document Processing Desk (FIN-LABEL)
Office of Pesticide Programs (7505C)
U.S. Environmental Protection Agency
401 M Street, SW
Washington, D.C. 20460-0001**

427

Hand or courier deliveries of final labeling may be made to:

**Document Processing Desk (FIN-LABEL)
Office of Pesticide Programs
Room 266A, Crystal Mall 2
1921 Jefferson Davis Highway
Arlington, VA 22202**

Sincerely,



**Jim Tompkins, Deputy Chief
Registration Support Branch
Registration Division (7505W)**

Attachment

cc: Office of Compliance Monitoring

597

Copy A Add DIRECTIONS FOR USE
Federal law to use this product in a manner inconsistent with the labeling.

Copy D Add RE-ENTRY STATEMENT
Under the Federal Insecticide, Fungicide, and Rodenticide Act, it is unlawful to enter or re-enter treated areas without protective clothing until dust has been removed.

Written and printed directions must be given to workers who are expected to be in treated areas... Do not enter treated areas without protective clothing until dust has been removed.

STORAGE AND DISPOSAL
1. Prohibit Disposal: Do not contaminate water, food or feed by storage or disposal.
2. Pesticide Disposal: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

RECOMMENDATIONS FOR USE
This material is recommended for application by ground and air.
ALFALFA and CLOVER: Use 30 to 50 lbs. per acre to control APHIDS, LEAFHOPPERS, ALFALFA WEEVIL, LARVAE, SPITTLEBUG, YETCH BEAUCHID, ARMYWORMS and SPIDER MITES. Do not apply during full bloom. Do not apply within 7 days of harvest.

BEST AVAILABLE COPY

ACCEPTED with COMMENTS in EPA Letter Dated JAN 10 1994
W. L. BUR-ELLIS
MALATHION 4 DUST ORGANOPHOSPHATE
ACTIVE INGREDIENT: Malathion 4%
INERT INGREDIENTS 96%
TOTAL 100%
EPA Reg. No. 2935-87-ZA EPA Est. No. 2935-CA-1

KEEP OUT OF REACH OF CHILDREN
CAUTION:
ONLY FOR SALE TO, USE AND STORAGE BY AGRICULTURAL AND SERVICE PERSONS.

PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS
CAUTION: Harmful if Swallowed. Avoid contact with skin. Wash thoroughly after using. Avoid breathing of dust. Avoid contamination of feed and feedstuff. Keep out of reach of children.

STATEMENT OF PRACTICAL TREATMENT
If Swallowed: Induce vomiting by sucking (ing or down) throat. Never give anything by mouth to an unconscious person. Get medical attention.
If In Eyes: Wash eyes with plenty of clear water for at least 15 minutes. Get medical attention.
Harmful if Swallowed: Avoid breathing dust. May cause irritation of nose, throat or skin. Avoid contact with eyes, skin and clothing.

ENVIRONMENTAL HAZARDS
This pesticide is toxic to fish, aquatic invertebrates, and aquatic life stages of amphibians. For terrestrial uses, do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. 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.

SEE LEFT PANEL FOR ADDITIONAL PRECAUTIONARY STATEMENTS

RECOMMENDATIONS FOR USE (cont.)
COTTON: Use 50 lbs. per acre to control APHIDS, LEAFHOPPERS, WHITE-FLIES, BROWN COTTON LEAFWORMS, COTTON LEAF PERFORATORS, THRIPS, LYGIUS BUGS and SPIDER MITES. No time limitation.
DATES (Not for use in California): Apply 20 to 25 lbs. per acre by air or ground application to control mealybugs. Do not apply within 7 days of harvest.
EGGPLANTS, PEAS, PEPPERS, POTATOES and TOMATOES: Use 30 lbs. per acre to control APHIDS, PEA WEEVILS, LEAFHOPPERS, FALSE CHINCH BUGS and SPIDER MITES. Do not apply within 1 day of harvest on Tomatoes and within 3 days on Peas, Peppers or Eggplants. No limitation on Potatoes. Do not feed pea forage to livestock.
FIGS: Use 40 to 50 lbs. per acre by aircraft to control DRIED FRUIT BEETLES and VINEGAR FLIES. Do not apply within 3 days of harvest. Do not apply more than 50 lbs. per acre.
GRAIN and SEED COATING (Not for use in California). A powdered insecticide for use on stored grain. Wheat, corn, oats, rye, barley, grain sorghum, field and garden seeds. Protects against damage from Confused Flour Beetle, Rice Weevil, Granary Weevil, Sawtoothed Grain Beetle, Flat Grain Beetle, Red Flour Beetle, Rusty Grain Beetle, Lesser Grain Borer, Indian Meal Moth. Apply Malathion 4 Dust to the grain at the rate of 15 lbs. per 1000 bushels as the grain is being loaded or turned into final storage. Field and garden seeds can be protected against grain pests with a dosage of 15 lbs. Malathion 4 Dust per 1000 bushels of seed. To protect stored grains from attack by Indian Meal Moth, apply Malathion 4 Dust to the surface of clean or treated grain at the rate of 7.5 lbs. per 1000 sq. ft. of grain surface area. Apply the dust evenly over the surface of the grain. Apply immediately after grain is loaded into storage and repeat if necessary.

How to apply to shelled corn and small grains: Apply Malathion 4 Dust when grain is in the truck or wagon prior to binning. To determine the amount in the truck or wagon, multiply the length by width by depth (all in feet) and multiply the total by 0.8 to get the number of bushels. Measure out the correct amount of Malathion 4 Dust (15 lbs. per 1000 bu.) and spread evenly over the surface of the grain in the truck or wagon. Cut over the grain with a shovel. Casting will become mixed with grain as it is dumped from the truck or wagon into the hopper. Further mixing will occur when the grain is dumped or blown into the bin. Mixing is completed as the casting and grain roll down the cone shaped pile in the bin.
GRAPES: Use 40 to 50 lbs. per acre to control LEAFHOPPERS, MEALY-BUGS and SPIDER MITES. Do not apply within 3 days of harvest.
LETTUCE: Use 50 lbs. per acre to control APHIDS, CABBAGE LOOPERS, LEAFHOPPERS and SPIDER MITES. Do not apply within 7 days of harvest on Head Lettuce and within 14 days on Leaf Lettuce.
MUSHROOMS: Use 2 lbs. per 60 ft. single house to control SCIARID and PHORID FLIES. Distribute evenly. Do not apply directly to bed areas. Apply every 3 to 4 days after flies appear. For best results, close all ventilators, have house temperature 80°F or more, and avoid moist conditions. Dust after harvest, preferably in late afternoon and keep house closed overnight. Use of outside mask is recommended in enclosed areas. Do not apply within 1 day of harvest.
ORNAMENTALS: Use 25 to 30 lbs. per acre to control APHIDS, RED SPIDER MITES, WHITEFLY, THRIPS, JAPANESE BEETLE ADULT, FOUR-LINED LEAF BUGS, BAGWORMS, TARNISHED PLANT BUGS, ROSE LEAFHOPPERS and POTATO LEAFHOPPERS. Repeat as necessary. Do not use on Boston, Mandarin and Pines ferns and some species of Crassula.
PLUMS: Use 40 lbs. per acre by ground or air application to control APHIDS, MEALYBUGS, PLUM CURCULIO, SCALE CRAWLERS and LEAFROLLERS. Do not use more than 40 lbs. per acre. Do not apply within 3 days of harvest.
STRAWBERRIES: Use 50 lbs. per acre to control APHIDS, LYGIUS BUGS, LEAFHOPPERS, WHITEFLIES, SPITTLEBUGS, STRAWBERRY ROOT WEEVILS, STRAWBERRY LEAFROLLERS and SPIDER MITES. Do not apply within 3 days of harvest. For Strawberry Root Weevils treat the soil surface before planting and incorporate into the top 6 to 8 inches of soil.

In Case of Emergency, Call CHEMTREC (800) 424-9300

Logo of W. L. BUR-ELLIS Company
DEAG TO GROW WITH is a registered trademark of W. L. BUR-ELLIS Company

COPY B

Personal Protective Equipment
Applicators and other handlers must wear:

- A) Long sleeved shirt
- B) Long pants
- C) Waterproof gloves
- D) Shoes plus socks

Follow manufacturer's instructions
for cleaning/maintaining PPE. If no
such instructions for washables, use
detergent and hot water. Keep and
wash PPE separately from other laundry.

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COPY D

DIRECTION FOR USE

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

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protective Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontaminations, notification, and emergency assistance. It also contains specific instructions, and exceptions pertaining/protective equipment (PPE). The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

missing language

Do not enter or allow ~~workers~~ entry into treated areas during the restricted entry interval (REI) of 12 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is:

- A) Coveralls
- B) Waterproof gloves
- C) Shoes plus socks

