



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON D C 20460

APR 28 1997
OFFICE OF
PREVENTION PESTICIDES AND
TOXIC SUBSTANCES

Mr Raymond H Smith
Product Manager
Voluntary Purchasing Groups, Inc
P O Box 460
Bonham TX 75418

Dear Mr Smith

Subject Deletion of Unsupported Malathion Uses
Ferti-lome Borer Killer
EPA Reg No 7401-58
Labeling Submitted May 30, 1995
Federal Register Notice of July 19, 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 Qualify the broad claim for fruit trees appearing on the front panel by referencing the fruit trees identified in the directions for use, i e "the fruit trees listed on the label", or 'peach and cherry trees"

2 Revise the Environmental Hazards statements to read as stated below These revisions will bring the statements into compliance with the 1988 Malathion Registration Standard and PR Notice 93-3

'This product 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 "

If the product is intended and labeled for use by the homeowner only, the statement stated below would be sufficient in lieu of the statement, "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"

"Do not apply directly to water"

3 Correct the "If swallowed " statement of practical treatment to reflect the aspiration hazard associated with the product so that it reads as stated below

"If swallowed Drink promptly a large quantity of milk, egg whites, or gelatin solution, or, if these are not available, large quantities of water Avoid alcohol Do not induce vomiting as it may cause aspiration pneumonia "


4 The label claims for use on peaches and cherries appearing on the submitted label are ambiguous as to whether the label allows uses within the scope of PR Notice 93 7 Please refer to the enclosure regarding such labeling and revise your label accordingly

If it is your intention that the subject product be marketed for use in the home garden only, the addition of appropriate language to clarify this intended use i e 'For use on peach and cherry trees in the home garden ' would be sufficient to remove the product from the scope of PR Notice 93-7

Submit your updated Confidential Statement of Formula (CSF) for our files showing your current supplier of the active ingredient, malathion used in the formulation of the subject product The most recent CSF in our files dated September 6, 1989 lists a supplier product which has since been canceled You are reminded that the registered supplier product label must allow for the formulation of a product for the uses appearing on your proposed label

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 label constitutes acceptance of this condition

A stamped copy of the label is enclosed for your records

Sincerely


William W Jacobs, Ph D
Acting, Product Manager Team 14
Insecticide-Rodenticide Branch
Registration Division (7505C)

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Front Panel

ferti-lome

Borer Killer

2½ Tablespoons, Make 1 Gallon Of Spray

Kills Borers In Fruit Trees

Active Ingredients:

Malathion*..... 13.7%

Inert Ingredients**..... 86.3%

TOTAL 100.0%

- * 0,0-dimethyl phosphorodithioate of diethyl mercaptosuccinate.
- * Contains Aromatic Petroleum Solvents.

EPA REG. NO. 7401-58

EPA EST NO. 7401-TX-1

KEEP OUT OF REACH OF CHILDREN

CAUTION

SEE BACK PANEL FOR ADDITIONAL PRECAUTIONARY STATEMENTS

ACCEPTED
with COMMENTS
in EPA Letter Dated
APR 28 1997
Under the Federal Insecticide,
Fungicide, and Rodenticide Act
no person shall use any pesticide
registered under the EPA Reg. No.
7401-58

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DO NOT USE, POUR, SPILL OR STORE NEAR HEAT OR OPEN FLAME.

ALWAYS

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

HARMFUL IF SWALLOWED, INHALED OR ABSORBED THROUGH SKIN

Avoid breathing spray mist. Avoid contact with skin, eyes, or clothing. May be a skin sensitizer. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse.

ENVIRONMENTAL HAZARDS

This product is toxic to fish and aquatic invertebrates. Do not apply directly to water and 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 toxic to bees exposed to direct treatment on blooming crops or weeds. Do not apply this product or allow to drift to blooming crops or weeds if bees are visiting the treatment area.

STATEMENT OF PRACTICAL TREATMENT

IF SWALLOWED: Call a physician or poison control center. Drink 1 or 2 glasses of water and induce vomiting by touching back of throat with finger. Do not induce vomiting or give anything by mouth to an unconscious person.

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

IF ON SKIN: Wash with plenty of soap and water.

IF IN EYES: Flush with plenty of water. Get medical attention if irritation persists.

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

Voluntary Purchasing Groups warrants that this material conforms to the chemical description on the label and is reasonably fit for the purposes referred to in the Directions For Use. VPG Inc. makes no

other expressed or implied warranty, including any other expressed or implied warranty, of FITNESS or of MERCHANTABILITY. In no event shall VPG Inc. be liable for indirect or consequential damages.

This warranty shall not be changed by oral or written agreement unless signed by a duly officer of Voluntary Purchasing Groups, Inc.

Voluntary Purchasing Groups, Inc.

Bonham, Texas 75418

NET CONTENTS

FL.OZS.

IT IS A VIOLATION OF FEDERAL LAW TO USE THIS PRODUCT IN A MANNER INCONSISTENT WITH ITS LABEL DIRECTIONS.

1. WHAT IS THIS PACKAGE FOR?

This product kills borers in the trunks of fruit trees wherever borer larvae are working underneath the bark.

2. HOW DO YOU USE IT?

To kill lesser Peach Tree Borers in Peach, Cherry Trees mix 2 1/2 tablespoons in 1 gallon of water. Spray trunk and lower branches. Repeat at three week intervals. Do not treat trees within 7 days of harvest.

3. HERE ARE THE RESULTS YOU MAY EXPECT!

This product, when used according to directions, will greatly aid you in controlling borer problems thus permitting healthy, more vigorous growth of your fruit trees.

*Copy of enclosure for file
6 of 9*

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.

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DATES: Unless a request is withdrawn, the Agency will approve these use deletions and the deletions will become effective on October 17, 1995.

FOR FURTHER INFORMATION CONTACT: By mail: James A. Hollins, Office of Pesticide Programs (7502C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location for commercial courier delivery and telephone number: Room 216, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305-5761; e-mail: hollins.james@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 6(f)(1) of FIFRA, provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be amended to delete one or more uses. The Act further provides that, before acting on the

request, EPA must publish a notice of receipt of any such request in the Federal Register. Thereafter, the Administrator may approve such a request.

II. Intent to Delete Uses

This notice announces receipt by the Agency of applications from registrants to delete uses in the 18 pesticide registrations listed in the following Table 1. These registrations are listed by registration number, product names and the specific uses deleted. Users of these products who desire continued use on crops or sites being deleted should contact the applicable registrant before October 17, 1995, to discuss withdrawal of the applications for amendment. This 90-day period will also permit interested members of the public to intercede with registrants prior to the Agency approval of the deletion.

[OPP-34079; FRL 4964-2]

Notice of Receipt of Requests for Amendments To Delete Uses in Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of request for amendment by registrants to delete uses in certain pesticide registrations.

TABLE 1. — REGISTRATIONS WITH REQUESTS FOR AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS

EPA Reg No.	Product Name	Delete From Label
000264-00456	Ethoprop Technical (Ethoprop)	Use on soybeans & domestic turf
002393-00280	Hopkins Malathion 57% Emulsifiable Liquid Insecticide-B (Malathion)	Almonds, anise, apples, asparagus, carrots, cowpea hay, filberts, melons, peanuts, pears, pineapples, plums, prunes, pumpkins, quinces, raisins, safflower, soybeans, sugar beets, tobacco, watermelons, forestry, stored commodity treatment for almonds, peanuts, barley, corn, grain sorghum, oats, rice, rye, raisins, wheat, field & garden seeds, bagged citrus pulp, pet & domestic animal uses for dogs, cats, beef cattle, horses, sheep goats, hogs, chickens, ducks, geese, turkeys, animal premises for livestock barns, pet quarters, poultry houses, human mattresses, commercial & industrial uses for bagged flour & packaged cereals, wineries & dry milk processing plants
✓ 002935-00083	Malathion 8 Spray (Malathion)	Almonds, apples, pears, plums, prunes, quinces, asparagus, carrots, cranberries, strawberries, melons, dates, ULV on tomatoes, safflower, stored grains, sugar beets
007401-00010	Ferti-Lome Malathion Garden Spray (Malathion)	Dogs, cats, kennels, pens
007401-00058	Ferti-Lime Borer Killer (Malathion)	Plums, prunes, almonds
008329-00018	Mosquito mist two ULV (Chlorpyrifos)	Mosquito larvicide use
010370-00058	Ford's Malathion 57% EC (Malathion)	Indoor uses, animal uses, stored peanuts
010370-00291	50% Malathion Insect Spray (Malathion)	Indoor household use, dogs, cats
011746-00015	Davis Kill-A-Bug XI (Chlorpyrifos)	Mosquito adulticide & larvicide use
✓ 034704-00018	Clean Crop Malathion ULV Concentrate Insecticide (Malathion)	Safflower, soybeans, sugar beets, beef cattle feed lots & holding pens, forestry & tomatoes
034704-00065	Chlorpyrifos 2E (Chlorpyrifos)	Mosquito use
034704-00066	Chlorpyrifos 4E (Chlorpyrifos)	Mosquito control
034704-00423	Dursban 2 Coated Granules (Chlorpyrifos)	Mosquito use
034704-00203	Clean Crop Malathion ULV-91 (Malathion)	Flax, peas, safflower, soybeans, sugar beets, beef cattle feed lots & holding pens, tomatoes, forestry
034704-00305	Hopkins Lincoln Granules (Chlorpyrifos)	Mosquito use
034704-00413	Dursban 1 Coated Granules (Chlorpyrifos)	Mosquito use
034911-00002	Hi-Yield Malathion Insect Spray (Malathion)	Household, domestic dwellings
034911-00016	Hi-Yield Malathion Farm & Grain Spray (Malathion)	Peanuts, soybeans, tobacco, stored grain, stored peanuts, cattle, horses, sheep goats, hogs, poultry, grain & peanut storage bins

The following Table 2 includes the names and addresses of record for all registrants of the products in Table 1, in sequence by EPA company number.

✓ = done

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TABLE 2. — REGISTRANTS REQUESTING AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS

Company No.	Company Name and Address
000264	Rhone-Poulenc AG Co., 2 Alexander Drive, P.O. Box 12014, Research Triangle Park, NC 27709.
002393	Haco, Inc., P.O. Box 667, Greeley, CO 80632.
002935	Wilbur-Ellis Co., 191 W. Shaw Ave., Suite 107, Fresno, CA 93704.
007401	Voluntary Purchasing Groups, Inc., P.O. Box 460, Bonham, TX 75418.
008329	Clarke Mosquito Control Products, Inc., 159 N. Garden Ave., Roselle, IL 60172.
010370	Roussel Uclaf Corp., 95 Chestnut Ridge Road, Montvale, NJ 07645.
011746	Louisiana Chemical USA, Inc., c/o Reg West Company, P.O. Box 2220, Greeley CO 80632.
037404	Platte Chemical Co., P.O. Box 667, Greeley, CO 80632.
034911	Hi-Yield Chemical Co., P.O. Box 460, Bonham, TX 75418.

III. Existing Stocks Provisions

The Agency has authorized registrants to sell or distribute product under the previously approved labeling for a period of 18 months after approval of the revision, unless other restrictions have been imposed, as in special review actions.

List of Subjects

Environmental protection, Pesticides and pests, Product registrations.

Dated: June 20, 1995.

Frank Sanders,

Director, Program Management and Support Division.

[FR Doc. 95-17318 Filed 7-18-95; 8:45 am]

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