

33955-394

9-15-2004

NOTIFICATION

117

Please read instructions on reverse before completing form.

Form Approved. OMB No. 2070-0060. Approval Expires 2-28-95



United States
Environmental Protection Agency
Washington, DC 20460

- Registration
- Amendment
- Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number <p style="text-align: center;">33955-394</p>	2. EPA Product Manager <p style="text-align: center;">Ms. Meredith Laws, Chief</p>	3. Proposed Classification <p style="text-align: center;"><input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted</p>
4. Company/Product (Name) <p style="text-align: center;">Acme® Malathion Spray</p>	PM# <p style="text-align: center;">Insecticide-Rodenticide Branch</p>	
5. Name and Address of Applicant (Include ZIP Code) PBI/Gordon Corporation Post Office Box 014090 Kansas City, Missouri 64101 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____	

Section - II

<input type="checkbox"/> Amendment - Explain below. <input type="checkbox"/> Resubmission in response to Agency letter dated _____ <input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____ <input type="checkbox"/> "Me Too" Application. <input type="checkbox"/> Other - Explain below.
--	---

NOTIFICATION
SEP 15 2004

Explanation: Use additional page(s) if necessary. (For section I and Section II.)
NOTIFICATION per Pesticide Registration Notice (PRN) 98-10:
 We ask to add two advertising claims: "For Flies and Garden Insects" and "Even Gets Mosquitoes". Please refer to page 5 of the enclosed labeling.
 This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or Confidential Statement of Formula of this product. I understand that it is a violation of 18 U.S.C Sec. 1001 to willfully make any false statement to the EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under Section 12 and 14 of FIFRA.

Section - III

1. Material This Product Will Be Packaged In:			
Child-Resistant Packaging <input type="checkbox"/> Yes* <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	2. Type of Container <input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____
* Certification must be submitted If "Yes" Unit Packaging wgt. No. per container		If "Yes" Package wgt. No. per container	
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container	5. Location of Label Directions <input type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Other _____ <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled			

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name James L. Kunstman, Ph.D.	Title Director of Regulatory Services	Telephone No. (Include Area Code) 816-460-6292
2. Signature 		6. Date Application received <p style="text-align: center;">(Stamped)</p>
3. Title <p style="text-align: center;">Director of Regulatory Services</p>		
4. Typed Name <p style="text-align: center;">James L. Kunstman, Ph.D.</p>	5. Date <p style="text-align: center;">September 2, 2004</p>	

I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

GORDON'S
MALATHION
50% SPRAY
For Flies and Garden Insects



ACTIVE INGREDIENT:
 Malathion: 0,0-dimethyl phosphorodithioate
 of diethyl mercaptosuccinate 50%
INERT INGREDIENTS: 50%
TOTAL 100%

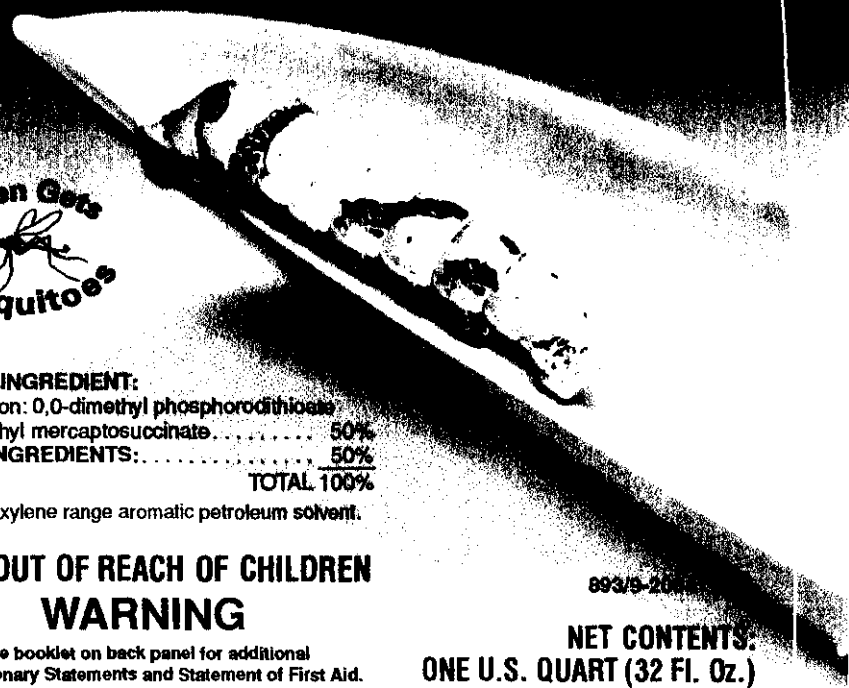
Contains xylene range aromatic petroleum solvent.

KEEP OUT OF REACH OF CHILDREN
WARNING

See booklet on back panel for additional
 Precautionary Statements and Statement of First Aid.

893/9-2004

NET CONTENTS:
ONE U.S. QUART (32 FL. Oz.)



3/7

ACME[®]

MALATHION SPRAY

ACTIVE INGREDIENT:	
Malathion: O,O-dimethyl phosphorodithioate of diethyl mercaptosuccinate.....	50.%
INERT INGREDIENTS:	<u>50.%</u>
TOTAL	100.%

Contains xylene range aromatic petroleum solvent.

KEEP OUT OF REACH OF CHILDREN

WARNING

See side panels for additional Precautionary Statements and First Aid.

NET CONTENTS: ONE PINT

893/ AP090204
 EPA Reg. No. 33955-394
 EPA Est. No. 2217-KS-1
 MANUFACTURED BY:



Telephone: 1-800-821-7925

.....

4/7



READ THE ENTIRE LABEL FIRST. OBSERVE ALL PRECAUTIONS AND FOLLOW DIRECTIONS CAREFULLY.

PRECAUTIONARY STATEMENTS

Hazards to Humans & Domestic Animals

WARNING: Harmful if swallowed. Avoid breathing spray mists or vapors. Avoid contact with skin. Thoroughly wash after handling and before eating or smoking. Avoid contamination of feed and food stuffs. Do not treat areas frequented by children and do not allow children in treated areas until the spray has dried. Do not apply this product in such a manner as to directly or through drift expose workers or other persons. The area being treated must be vacated by unprotected persons.

First Aid

If swallowed:	<ul style="list-style-type: none"> • Immediately call a poison control center or doctor. • Do not induce vomiting. • Do not give any liquid to the person. • Do not give anything by mouth to an unconscious person.
If inhaled:	<ul style="list-style-type: none"> • Move person to fresh air. • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible. • Call a poison control center or doctor for further treatment advice.
If in eyes:	<ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water for 15-20 minutes. • Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. • Call a poison control center or doctor for treatment advice.
If on skin or clothing:	<ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15 - 20 minutes. • Call a poison control center or doctor for treatment advice.

Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact 1-877-800-5556 for emergency medical treatment advice.

NOTE TO PHYSICIAN: Contains petroleum distillate—vomiting may cause aspiration pneumonia. This product may cause cholinesterase inhibition. Atropine is antidotal. 2-PAM may be effective as an adjunct to atropine. Malathion is an organophosphate insecticide/miticide.

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 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.

PHYSICAL OR CHEMICAL HAZARDS:

Do not use or store near heat or open flame.

DIRECTIONS FOR USE

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

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, ornamental gardens or parks, or lawns and grounds.

STORAGE AND DISPOSAL

STORAGE: Store in original container in a locked storage area inaccessible to children and domestic animals.

CONTAINER DISPOSAL:

If empty: Do not reuse this container. Place in trash or offer for recycling if available.

If partially filled: Call your local solid waste agency or toll number (1-800-CLEANUP) for disposal instructions. Never place unused product down any indoor or outdoor drain.

TABLE 1. Uses, dosage rates, harvest intervals, and comments for the foliar application of Acme® Malathion Spray.

Site	Pests	Amount In 1 Gallon of Water	Days to Harvest ⁽¹⁾	Comments
Tomatoes	Spider Mites Aphids	3 tsp.	1	Make one or more foliar applications as needed.
Beans (Dry & Succulent)	Mexican Bean Beetles, Spider Mites, Leafhoppers	3 tsp.	1	Make one or more foliar applications as needed.
Peas	Pea Aphids	3 tsp.	3	Make one or more foliar applications. Do not use pea vines for forage.
White Potatoes	Aphids	3 tsp.	---	Make one or more foliar applications as needed.
Cabbage, Kale, and Mustard	Aphids, Imported Cabbageworm	3 tsp.	7	Make full cover applications. Repeat as necessary.
Broccoli and Turnip	Cabbageworm	3 tsp.	3	Make full cover applications. Repeat as necessary.
Flowers, Ornamentals, Shrubs	Oyster Shell Scale, Euonymus Scale	1 tsp.	---	Apply in summer when infestation occurs. Repeat in 10-12 days.
	Aphids, White Fly, Thrips, Mealy Bugs, Japanese Beetle(Adult), Four Lined Plant Bug, Rose Leafhopper, Potato Leafhopper	1½ tsp.	---	For scales, apply when crawlers have settled on foliage.
	Bagworms, Juniper Scale	2 tsp.		Injury may occur on Ferns, Hickory, Viburnum, Lantana, Crassula and Canareti Juniper. Slight injury has also been reported on Boston fern, Pteris fern, and Maidenhair fern, Petunia, Small leaf spirea, Spirea, White pine and Maples.
	Soft Brown Scale	2½ tsp.		
	Pine Needle Scale	4 tsp.		
⁽¹⁾ Days to harvest refers to the interval or the number of days before harvest for the last application of malathion.				

MOSQUITOES, FLIES & OTHER SMALL FLYING INSECTS OUTDOORS:

Use 11 tablespoons of product per gallon of water, fuel oil, or diesel oil and spray yard, lawn, patio or other outdoor area using a fine mist spray. Repeat as needed. Do not apply oil solutions to ornamentals, injury may occur. Do not contaminate foods, dishes, or utensils.

6/7

TABLE 2. Outdoor Domestic Uses - Mosquitoes, Flies and Other Flying Insects Outdoors for Yards, Lawns, and Recreational Areas.

Site	Pests	Amount Per Gallon ¹	Comments
Yards, Lawns, Recreational Areas (Outdoors Only)	Mosquitoes, Adult Flies, Flying Insects	11 Tablespoons	Apply as a fog or spray. Repeat as needed. Do not apply oil solutions to ornamental species as injury may occur. Apply around yards, homes, walls and fences
¹ Water, fuel oil, or diesel oil may be used as the carrier or diluent.			

LIMITED WARRANTY AND DISCLAIMER.

The manufacturer warrants only that the chemical composition of this product conforms to the ingredient statement given on the label, and that the product is reasonably suited for the labeled use when applied according to the Directions for Use.

THE MANUFACTURER NEITHER MAKES NOR INTENDS ANY OTHER EXPRESS OR IMPLIED WARRANTIES, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, WHICH ARE EXPRESSLY DISCLAIMED. This limited warranty does not extend to the use of the product inconsistent with label instructions, warnings or cautions, or to use of the product under abnormal conditions such as drought, excessive rainfall, tornadoes, hurricanes, etc. These factors are beyond the control of the manufacturer or the seller. Any damages arising from a breach of the manufacturer's warranty shall be limited to direct damages, and shall not include indirect or consequential damages such as loss of profits or values, except as otherwise provided by law.

The terms of this Limited Warranty and Disclaimer cannot be varied by any written or verbal statements or agreements. No employee or agent of the seller is authorized to vary or exceed the terms of this Limited Warranty and Disclaimer in any manner.

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

7/7

APPENDIX

I. Advertising claims, charts, and illustrations or graphics that may be presented on the container labeling:

- ◆ Kills/Controls Insects: aphids, mealybugs, whitefly, scale, bagworms, spider mites, leafhoppers, beetles, flies, mosquitoes, and other listed insects.
- ◆ Use On: Flowers, shrubs, vegetables on yards, lawns and recreational areas outdoors.
- ◆ **? Information:** 1-XXX-XXX-XXXX.
- ◆ **+** *[First Aid Cross]* 1-XXX-XXX-XXXX
- ◆ One quart (32 fluid ounces) of product makes up to 189 gallons of spray.
- ◆ One pint (16 fluid ounces) of product makes up to 94 gallons of spray.
- ◆ Protects flowers, shrubs and vegetables.
- ◆ Controls tough outdoor insects
- ◆ Broad-spectrum insect control
- ◆ *[Graphics]* of various listed insects.
- ◆ Kills/Controls mosquitoes outdoors.
- ◆ Use on vegetables up to one week or less before harvest.
- ◆ For flies and garden insects
- ◆ For Flies and Garden Insects
- ◆ Even Gets Mosquitoes