

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



OFFICE OF
CHEMICAL SAFETY AND
POLLUTION PREVENTION

SEP 13 2012

James L. Kunstman
Director of Regulatory Services
PBI/Gordon Corp.
1217 West 12th Street
P.O. Box 014090
Kansas City, MO 64101-0090

Subject: Submission of amended labeling per May 2009 Malathion RED Label Table
EPA Reg. No. 33955-394
Submissions dated August 7, 2009

Dear Mr. Kunstman:

The proposed labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), is acceptable under FIFRA § 3(c)(5) provided that you submit two copies of your final printed label before you release the product for shipment. Products shipped after 12 months from the date of this amendment or the next printing of the label whichever occurs first, must bear the new revised label. Your release for shipment of the product bearing the amended label constitutes acceptance of these conditions. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA sec. 6(e).

The Basic Confidential Statement of Formula (CSF), Alternate #1, and Alternate #2 all dated 10/27/10 are acceptable. All other CSF's including Alternates have been superseded by this new CSF. These have been added to your record.

Your product has met and complied with the risk mitigation provisions of the Malathion RED and therefore your product is reregistered pursuant to FIFRA § 4(g)(2)(C). But note, EPA is currently reassessing the cumulative impacts of organophosphates and that review may impact your product once complete. A stamped copy is enclosed for your records. If you have any questions, please contact Marianne Lewis at (703) 308-8043 or lewis.marianne@epa.gov.

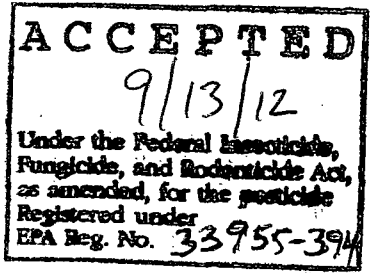
Regards,

A handwritten signature in black ink that reads "Venus Eagle". The signature is written in a cursive style and is followed by a horizontal line.

Venus Eagle, PM 01
Insecticide-Rodenticide Branch
Registration Division (7505P)

Enclosure

287



ACME MALATHION 50% SPRAY

EPA Reg. No. 33955-394

ACTIVE INGREDIENT:

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

INERT INGREDIENTS: 50%

TOTAL 100%

Contains xylene range aromatic petroleum solvent.
This product contains 4.35 pounds of Malathion per gallon

KEEP OUT OF REACH OF CHILDREN

WARNING

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

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

WARNING: Causes substantial but temporary eye injury. Harmful if swallowed. Harmful if absorbed through skin. Do not get in eyes or on clothing. Avoid contact with skin. Wear protective eyewear (goggles, face shield, safety glasses). Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove and wash contaminated clothing before reuse.

First Aid	
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 swallowed:	<ul style="list-style-type: none"> • Immediately call a poison control center or doctor. • Do not induce vomiting unless told to by a poison control center or doctor. • Do not give any liquid to the person. • Do not give anything by mouth to an unconscious person.
If on skin or on 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.

387

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. May cause aspiration pneumonia hazard. 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

To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area. Rinsing application equipment over the treated area will help avoid run off to water bodies or drainage systems.

This pesticide 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 while bees are actively visiting the treatment area.

Physical Or Chemical Hazards

Combustible. 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.

PRECAUTIONS AND RESTRICTIONS:

- **DO NOT APPLY THIS PRODUCT IN A WAY THAT WILL CONTACT ANY PERSON OR PET, EITHER DIRECTLY OR THROUGH DRIFT.** [must be in the color red and in all caps.]
- **KEEP PEOPLE AND PETS OUT OF THE AREA DURING APPLICATION.** [must be in the color red and in all caps.]
- For outdoor use only.
- Do not allow people or pets to enter the treated area until sprays have dried.
- When applied as a fogger, do not enter treated area until vapors, mists, and aerosols have dispersed, and the treated area has been thoroughly ventilated.
- Not for use on plants being grown for sale or other commercial use, or for commercial seed production, or for research purposes.
- Do not reuse measuring utensils for food use.
- **In New York State: Not for use in residential automatic misting systems**

TABLE 1. Uses, dosage rates, harvest intervals, and comments for the listed 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	The maximum number of applications per year is 4, and the minimum retreatment interval is 5 days.
Beans (Dry & Succulent)	Mexican Bean Beetles, Spider Mites, Leafhoppers	3 tsp	1	The maximum number of applications per year is 2, and the minimum retreatment interval is 7 days.
Peas	Pea Aphids	3 tsp	3	Make one or more foliar applications. Do not use pea vines for forage. The maximum number of applications per year is 2, and the minimum retreatment interval is 7 days.

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

Site	Pests	Amount In 1 Gallon of Water	Days to Harvest ¹	Comments
White Potatoes	Aphids	3 tsp	0	The maximum number of applications per year is 2, and the minimum retreatment interval is 7 days.
Cabbage	Aphids, Imported Cabbageworm	3 tsp	7	Make full cover applications. The maximum number of applications per year is 6, and the minimum retreatment interval is 7 days.
Kale and Mustard	Aphids, Imported Cabbageworm	3 tsp	7	Make full cover applications. The maximum number of applications per year is 3, and the minimum retreatment interval is 5 days.
Broccoli	Cabbageworm	3 tsp	2	Make full cover applications. The maximum number of applications per year is 2, and the minimum retreatment interval is 7 days.
Turnip	Cabbageworm	3 tsp	1	Make full cover applications. For turnip greens, the maximum number of applications per year is 5, and the minimum retreatment interval is 7 days.
			1	For turnip root, the maximum number of applications per year is 7, and the minimum retreatment interval is 7 days.
Ornamental and/or shade trees, ornamental herbaceous plants, ornamental non-flowering plants, ornamental woody shrubs and vines	Oyster Shell Scale, Euonymus Scale	1 tsp	---	Apply in summer when infestation occurs. Repeat in 10 to 12 days.
	Aphids, White Fly, Thrips, Mealy Bugs, Japanese Beetle(Adult), Four Lined Plant Bug, Rose Leafhopper, Potato Leafhopper	1.5 tsp	---	For scales, apply when crawlers have settled on foliage. 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.
	Bagworms, Juniper Scale	2 tsp	---	The maximum number of applications per year is 2, and the minimum retreatment interval is 10 days.
	Soft Brown Scale	2.5 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.

FOR LISTED VEGETABLES USING HOSE-END SPRAYERS

Three Steps To Mix And Apply:

1. FILL

- Determine (Measure) the total area of the garden to be sprayed. For rectangular areas, multiply the length by the width to obtain total square feet.
- The application rate for this product is 1.0 fl.oz. of product per 1,000 sq.ft. Add an adequate amount of insecticide to the spray bottle to treat the total area, or add 1 fl.oz. of product for every 1,000 sq.ft. of area.
- Do not add water to the sprayer jar.

2. SET THE DIAL

Set the dial to the rate per gallon and keep the dial set to this setting while spraying. **The dial setting or rate per gallon for this product is 1 Tbs or 3 Tsp oz. of product per gallon of water.**

Types of hose-end sprayers	Dial setting
Ortho® Dial'N Spray® Hose-End Sprayer	3 tsp (teaspoons) or 1 Tbs (tablespoons)
Hudson® Hose End Liquid Concentrate Sprayer	3 tsp (teaspoons) or 1 Tbs (tablespoons)
Gilmour® Dial-A-Mix® Lawn and Garden Sprayer	3 tsp (teaspoons) or 1 Tbs (tablespoons)
Equal measures: 1 tablespoon = 3 teaspoons and 1 fluid ounce = 6 teaspoons or 2 tablespoons	

3. SPRAY

Apply evenly over the area. Thorough coverage is important. Rinse sprayer with clean water after each use. Dispose the rinsate over the treated area.

FOR LISTED VEGETABLES WITH BACKPACK, HAND-OPERATED, OR HAND-HELD SPRAYERS

Mix 1 fl.oz. of this product per 2.5 gallons of water for treatment of approximately 1,000 sq.ft.

Gallons of spray	Amount of product, fl.oz.	Amount of product, Teaspoons	Treated area, sq.ft.
1 gallon	0.4 fl.oz.	2.5 teaspoons	400 sq.ft.
2 gallons	0.8 fl.oz.	5 teaspoons	800 sq.ft.
2.5 gallons	1.0 fl.oz.	6 teaspoons	1,000 sq.ft.

Cleaning backpack, hand-operated, or hand-held sprayers: Rinse sprayer with water and or with a cleansing solution of water plus a liquid dishwater detergent (soap). Add 1 to 2 tablespoons of dishwater detergent (soap) with one gallon of water to the sprayer tank. Pump the cleaning solution through the spray nozzle onto the treated area. Dispose the remaining cleansing solution over the treated area.

FOR ORNAMENTAL AND/OR SHADE TREES, ORNAMENTAL HERBACEOUS PLANTS, ORNAMENTAL NON-FLOWERING PLANTS, ORNAMENTAL WOODY SHRUBS AND VINES USING HOSE-END SPRAYERS

Three Steps To Mix And Apply:

1. FILL

- Pour product into sprayer jar or add 8 to 12 fl.oz. of product to the sprayer jar.
- Do not add water to the sprayer jar.

2. SET THE DIAL

Set the dial to the rate per gallon and keep the dial set to this setting while spraying. **The dial settings or rate per gallon for this product is for the listed pests in Table 1 is presented below:**

Listed Pests	Rate Per Gallon	Dial Settings
Oyster Shell Scale, Euonymus Scale	1 tsp	1 tsp (teaspoon)
Aphids, White Fly, Thrips, Mealy Bugs, Japanese Beetle(Adult), Four Lined Plant Bug, Rose Leafhopper, Potato Leafhopper	1.5 tsp	1.5 tsp (teaspoons)
Bagworms, Juniper Scale	2 tsp	2 tsp (teaspoons) or 1 Tbs (tablespoons)
Soft Brown Scale	2.5 tsp	3 tsp (teaspoons) or 1 Tablespoon
Pine Needle Scale	4 tsp	4 tsp (teaspoons)

3. SPRAY

Connect to garden hose to sprayer and begin spraying. Thorough coverage is important. After spraying, unused product in the sprayer jar can be returned (poured) to the original container. Rinse sprayer jar with clean water after each use. Dispose the rinsate over the treated area.

MOSQUITOES AND OTHER SMALL FLYING LISTED INSECTS OUTDOORS:

Amount to Use: Mix 11 tablespoons of product per gallon of water, fuel oil, or diesel oil. Treat lower outside foundation of house, fences, and/or spot treat shrubbery and vegetation where mosquitoes rest. Repeat as needed. Do not apply oil solutions to ornamentals, injury may occur.

Site	Pests	Amount Per Gallon ¹	Comments
Yards-(Spot treatment only), Lower foundations of homes	Mosquitoes , Flying Insects (as previously listed):	11 Tablespoons	Apply as a spray. Repeat as needed. Do not apply oil solutions to ornamental species as injury may occur. Apply as spot treatment for yards and along lower outside foundation of home.

¹ Water, fuel oil, or diesel oil may be used as the carrier or diluent.

Gallons of spray	Amount of product, fl.oz.	Amount of product, Tbs
1 gallon	5.5 fl.oz.	11 Tbs
2 gallons	11.0 fl.oz.	22 Tbs
3 gallons	16.0 fl.oz.	32 Tbs

Child Resistant Packaging for 1 quart and 1 gallon

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: This product should be stored in the original unopened container in a secure, dry place. Do not contaminate with other pesticides or fertilizers. The product should never be heated above 55°C (131°F), and should not be stored for long periods of time at a temperature in excess of 25°C (77°F).

PESTICIDE DISPOSAL AND CONTAINER HANDLING: Nonrefillable container. Do not reuse or refill this container. **If empty:** Place in trash or offer for recycling if available. **If partly filled:** Call your local solid waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain.

LIMITED WARRANTY AND DISCLAIMER

FOR USE ONLY AS DIRECTED. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE MANUFACTURER NEITHER MAKES NOR INTENDS ANY EXPRESS OR IMPLIED WARRANTIES, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, WHICH ARE HEREBY EXPRESSLY DISCLAIMED. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, IN NO CASE SHALL THE MANUFACTURER BE LIABLE FOR INCIDENTAL, CONSEQUENTIAL, OR SPECIAL DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT. If these terms are not acceptable, return this product unopened immediately to the point of purchase, and the purchase price will be refunded in full. The terms of this LIMITED WARRANTY AND DISCLAIMER cannot be varied by any written or verbal statements or agreements at the point of sale or elsewhere.

APPENDIX**1. Statements which may appear on different label components depending on packaging configuration.**

- See next panel for additional Precautionary Statements and First Aid

- Net Contents: _____
- EPA Est. No. _____

2. Advertising claims that may be presented on container labeling, advertisements, brochures, and other marketing/sales promotional materials:

- Kills/Controls Insects: aphids, mealybugs, whitefly, scale, bagworms, spider mites, leafhoppers, beetles, mosquitoes, and other listed insects.
- Use On: Listed flowers, shrubs, vegetables, and on yards (spot treatment only).
- ? 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 listed on the label
- Broad-spectrum insect control
- [Graphics] of various listed insects.
- Kills/Controls mosquitoes outdoors.
- Use on vegetables listed on the label up to one week or less before harvest.
- For [listed] listed garden insects [listed]
- Even Gets Mosquitoes
- For outdoor use only
- Effective control for mosquitoes
- Apply as spot treatment in yards, and along lower foundation of home for mosquitos.

DOCUMENT CONTROL INFORMATION

1. **Unique Label Identifier:** 33955-00394 20120912 rereg3-highlighted.doc
2. **Reason for Issue:** Incorporate 5th EPA comments