



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

August 23, 2023

Eric D. Smith
Director, Regulatory Affairs
PBI/Gordon Corporation
P.O. Box 860350
Shawnee, KS 66286

Subject: Registration Review Label Amendments Incorporating Mitigation from the Fish and Wildlife Services (FWS) and the National Marine Fisheries Services (NMFS) Biological Opinions on the Effects of Malathion on Endangered and Threatened Species and Designated Critical Habitat
Product Name: ACME MALATHION 50% SPRAY
EPA Registration Number: 33955-394
Application Dates: 6/24/2022 and 9/2/2022
Decision Numbers: 585453 and 589930

Dear Eric D. Smith:

The Agency, in accordance with the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, has completed reviewing all the information submitted with your application to support the Registration Review of the above referenced product in connection with the FWS and NMFS' Biological Opinions on the effects of malathion on federally listed endangered and threatened species and designated critical habitat in accordance with section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 et seq.). The Agency has concluded that your submission is acceptable. The label referred to above, submitted in connection with registration under FIFRA, as amended, is acceptable.

Should you wish to add/retain a reference to the company's website on your label, then please be aware that the website becomes labeling under the Federal Insecticide Fungicide and Rodenticide Act and is subject to review by the Agency. If the website is false or misleading, the product would be misbranded and unlawful to sell or distribute under FIFRA section 12(a)(1)(E). 40 CFR 156.10(a)(5) list examples of statements EPA may consider false or misleading. In addition, regardless of whether a website is referenced on your product's label, claims made on the website may not substantially differ from those claims approved through the registration process. Therefore, should the Agency find or if it is brought to our attention that a website contains false or misleading statements or claims substantially differing from the EPA approved registration, the website will be referred to the EPA's Office of Enforcement and Compliance.

A stamped copy of your labeling is enclosed for your records. This labeling supersedes all previously accepted labeling. You must submit one copy of the final printed labeling before you release the product for shipment with the new labeling. In accordance with 40

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CFR 152.130(c), you may distribute or sell this product under the previously approved labeling for 12 months from the date of this letter. After 12 months, you may only distribute or sell this product if it bears this new revised labeling or subsequently approved labeling. "To distribute or sell" is defined under FIFRA section 2(gg) and its implementing regulation at 40 CFR 152.3.

If you have any questions, please contact Carolyn Smith by phone at (202) 566-2273 or via email at smith.carolyn@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelly Sherman", with a stylized flourish at the end.

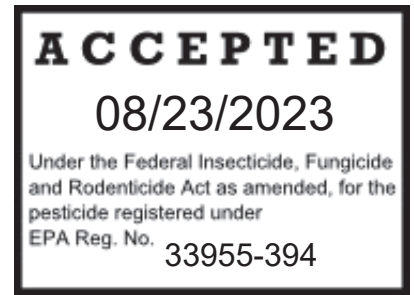
Kelly Sherman
Chief, Risk Management Implementation Branch 3
Pesticide Re-evaluation Division
Office of Pesticide Programs

Enclosure

ACME MALATHION 50% SPRAY

EPA Reg. No. 33955-394

Alternate Brand Names: Malathion 50% Spray



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.

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

This pesticide is toxic to fish and aquatic invertebrates. Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas. To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. 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.

Reporting Ecological Incidents: To report ecological incidents, including mortality, injury, or harm to plants and animals, call 1-877-800-5556.

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.
- Application equipment limited to hand-pump sprayers, hose-end sprayers, and sprinkler cans.
- Do not allow people or pets to enter the treated area until sprays have dried.
- 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**
- Do not apply by ground within 25 feet of aquatic habitats (such as, but not limited to, lakes, reservoirs, rivers, permanent streams, wetlands or natural ponds, estuaries, and commercial fish farm ponds).
- Do not apply within 25 feet of aquatic habitats (such as, but not limited to, lakes, reservoirs, rivers, permanent streams, wetlands or natural ponds, estuaries and commercial fish farm ponds).
- Do not apply directly to sewers or storm drains, or to any area like a drain or gutter where drainage to sewers, storm drains, water bodies, or aquatic habitats can occur.
- Do not allow the product to enter any drain during or after application.
- Do not apply directly to impervious horizontal surfaces such as sidewalks, driveways, and patios except as a spot or crack-and-crevice treatment.
- Do not apply to vertical surfaces directly above pervious or impervious surfaces that drain into ditches, storm drains, gutters, or surface waters.
- Do not apply or irrigate to the point of runoff.
- Do not apply this product when a storm event likely to produce runoff from the treated area is

forecasted (by NOAA/National Weather Service, or other similar forecasting service) to occur within 24 hours following application.

Following best management practices can help reduce risk to terrestrial pollinators. Examples of best management practices include applying pesticides in the evening and at night when pollinators are not foraging and avoiding applications to flowering plants. For additional resources on pollinator best management practices, visit <https://www.epa.gov/pollinator-protection/find-best-management-practices-protect-pollinators>.

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	Do not apply more than two applications per year, with a minimum of 10 days between applications.
Beans (Dry & Succulent)	Mexican Bean Beetles, Spider Mites, Leafhoppers	3 tsp	1	Do not apply more than two applications per year, with a minimum of 10 days between applications.
Peas	Pea Aphids	3 tsp	3	Do not use pea vines for forage. Do not apply more than two applications per year, with a minimum of 10 days between applications.
White Potatoes	Aphids	3 tsp	0	Do not apply more than two applications per year, with a minimum of 10 days between applications.
Cabbage	Aphids, Imported Cabbageworm	3 tsp	7	Make full cover applications. Do not apply more than two applications per year, with a minimum of 10 days between applications.
Kale and Mustard	Aphids, Imported Cabbageworm	3 tsp	7	Make full cover applications. Do not apply more than two applications per year, with a minimum of 10 days between applications.
Broccoli	Cabbageworm	3 tsp	2	Make full cover applications. Do not apply more than two applications per year, with a minimum of 10 days between applications.
Turnip	Cabbageworm	3 tsp	1	Make full cover applications. Do not apply more than two applications per year, with a minimum of 10 days between applications.
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 spot treatment only. 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. Do not apply more than two applications per year, with a minimum of 10 days between applications.
	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 dishwasher detergent (soap). Add 1 to 2 tablespoons of dishwasher 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,	2 tsp	2 tsp (teaspoons) or

Juniper Scale		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 mosquitos rest. Repeat as needed. Do not apply oil solutions to ornamentals, injury may occur.

TABLE 2. Outdoor Uses - Mosquitoes and Other Listed Flying Insects Outdoors for Yards (Spot treatment only)

Site	Pests	Amount Per Gallon ¹	Comments
Yards-(Spot treatment only),	Mosquitoes , Flying Insects (as previously listed):	11 Tablespoons	Apply as a coarse spray. Repeat as needed. Do not apply oil solutions to ornamental species as injury may occur. Apply only as spot treatment for yards.
Lower foundations of homes			Apply a coarse spray in a two-foot wide or less band from the base of a man-made structure and up to two feet on wall surfaces. Do not apply more than 4 applications per year, with a minimum of 7 days between applications.

¹Water, 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:

-  [ATTENTION:][NOTICE:] This product can expose you to malathion, which is known to the State of California to cause cancer. For more information go to www.P65Warnings.ca.gov/product.
- 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: 33955-00394.20230207.amend-proposed-clean.doc

2. Reason for Issue: Malathion FWS & NMFS BioOp + Comments