



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

August 23, 2023

Maryanne Kellogg
Regulatory Consultant
Loveland Products, Inc.
c/o Pyxis Regulatory Consulting Inc.
4110 136th St. Ct. NW
Gig Harbor, WA 98332

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: Malathion Technical
EPA Registration Number: 34704-787
Application Dates: July 13, 2022, and March 8, 2023
Decision Numbers: 585984 and 591135

Dear Maryanne Kellogg:

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 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

MALATHION TECHNICAL

An Insecticide and Miticide for Formulating Use Only

ACTIVE INGREDIENTS:

Malathion: 0,0-dimethyl phosphorodithioate of diethyl mercaptosuccinate 96.5%

INERT INGREDIENTS: 3.5%

TOTAL:..... 100.0%

This product contains 9.9 pounds of Malathion per gallon

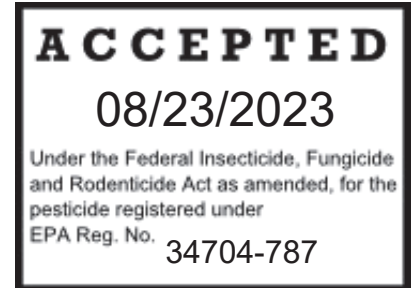
EPA Reg. No. 34704-787

EPA Est. No.

Net Weight (55 gallons)

Product of Denmark
Manufactured for Loveland Products, Inc.
P.O. Box 1286 Greeley, CO. 80632-1286

KEEP OUT OF REACH OF CHILDREN
CAUTION
PRECAUCION



AL USUARIO: Si usted no lee ingles, no use este producto hasta que la etiqueta le haya sido explicada ampliamente.

(TO THE USER: if you cannot read English, do not use this product until the label has been fully explained to you.)

FIRST AID Organophosphate

IF SWALLOWED	<ul style="list-style-type: none">- Call a poison control center or doctor immediately for treatment advice.- Have person sip a glass of water if able to swallow.- Do not induce vomiting unless told to by a poison control center or doctor.- 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 ambulance, then give artificial respiration, preferably mouth-to-mouth if possible.- Call a poison control center or doctor for further 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.
IF AN 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.
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-866-944-8565 for emergency medical treatment information.	
NOTE TO PHYSICIAN: This material is a cholinesterase inhibitor. Treat symptomatically. Atropine is an antidote.	

For Chemical Emergency: Spill, Leak, Fire, Exposure, or Accident, Call CHEMTREC Day or Night. Within USA and Canada: 1-800-424-9300 or +1 703-527-3887 (collect calls accepted).

EXP 07/2022

**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS**

CAUTION

Harmful if swallowed, absorbed through skin, or inhaled. Causes moderate eye irritation. Avoid breathing vapor. Avoid contact with skin, eyes, or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to aquatic organisms, including fish and invertebrates. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans, or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of the EPA.

DIRECTIONS FOR USE

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

This product may only be formulated into registered end-use products with EPA-approved labeling that contains the language and restrictions per "Appendix A, A-C. General Measures - Summary of Label Changes" in the U.S. Fish and Wildlife Service's malathion nationwide Final Biological Opinion, dated February 28, 2022, and the conservation measures listed in the "Description of the Action" in the National Marine Fisheries Service nationwide Final Revised Biological Opinion: Chlorpyrifos, Diazinon, Malathion, dated June 30, 2022.

This product may only be formulated into registered end-use products with EPA-approved labeling that contains the following language (to be placed at the beginning of the "Directions for Use" section of all end-use product labels):
"ENDANGERED SPECIES PROTECTION REQUIREMENTS:

It is a Federal offense to use any pesticide in a manner that results in an unauthorized "take" (e.g., kill or otherwise harm) of an endangered species, and certain threatened species, under the Endangered Species Act section 9.

When using this product, you must follow the measures contained in the Endangered Species Protection Bulletin for the area in which you are applying the product. You must obtain a Bulletin no earlier than six months before using this product. To obtain Bulletins, consult <http://www.epa.gov/espp/>, call 1-844-447-3813, or ESPP@epa.gov. You must use the Bulletin valid for the month in which you will apply the product."

This product may only be formulated into registered end-use products with EPA-approved labeling that contain the following language (to be placed at the beginning of the "Directions for Use" section, after the Endangered Species Protection Requirements section of all end-use product labels, and at the beginning of the "Environmental Hazards" section of all end-use product labels):

"Reporting Ecological Incidents: To report ecological incidents, including mortality, injury, or harm to plants and animals, call [registrant phone number]."

RESTRICTIONS

This product cannot be formulated into end-use products that are formulated as a pressurized (i.e., aerosol) can.

Any ULV aerial formulations other than those intended for use as a Wide Area Mosquito Adulticide, must be packaged in closed mixing and loading systems.

All wettable powders (WP) formulations must be packaged in water soluble packaging.

This product cannot be formulated into end-use products formulated as a dust with directions for use in residential settings.

Only for formulation into an insecticide for the following use(s):

(1) The following Uses:

TERRESTRIAL FOOD CROP:

Alfalfa, avocado, barley, beans* (dry and succulent), birds foot trefoil, blueberry, bulb onions, cherry (sweet and tart), clover, cotton, cucumber, eggplant, endive, field corn, garlic, grain sorghum*, grapefruit, grapes, grass, green onions, kumquat, lettuce (head and leaf), leek, lemon, lespedeza, lime, lupine, oats, orange, pasture land, pepper, popcorn, range land, rye, shallot, squash, strawberry, sweet corn, tangerine, tomato, vetch, wheat, and white potato.

*When formulating MALATHION TECHNICAL for use on beans and sorghum, the resultant crop foliage of beans (forage and straw/hay) and sorghum (fodder/stover and forage) cannot be used as livestock feed. In addition, livestock grazing is not permitted of the foliage of beans and sorghum treated with any formulation of MALATHION TECHNICAL.

TERRESTRIAL NON-FOOD CROP:

Christmas tree plantations, ornamental herbaceous/nonflowering plants and ornamental and/or shade trees, ornamental wood shrubs and vines, pine seed orchards, and uncultivated non-agricultural areas/soil.

DOMESTIC AND NON-DOMESTIC OUTDOOR:

Garbage dumps, outdoor perimeter of residential dwellings, wide area and general outdoor treatment (for flying insects).

NON-DOMESTIC INDOOR STORED (SILOS, GRAIN ELEVATORS) COMMODITY TREATMENT:

Stored commodities (corn, barley, oats, rye, and wheat).

AQUATIC FOOD CROP¹:

Rice and wild rice.

¹ RESTRICTION: When formulating MALATHION TECHNICAL for use on these crops, the following statement applies: "Broadcast use only over intermittently flooded area. Application may not be made around bodies of water where fish or shellfish are grown and/or commercially harvested."

(2) Uses for which USEPA has accepted the required data and/or citations of data that the formulator has submitted in support of registration (which are not prohibited); and

(3) Uses for experimental purposes that are in compliance with USEPA requirements.

Before using for experimental purposes, manufacturers should contact Loveland Products for manufacturing and safe handling instructions.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: MALATHION TECHNICAL 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: To avoid wastes, empty all materials into a mix tank or manufacturing equipment according to label directions. Wastes resulting from the use of this product must be disposed of on site or at an approved waste disposal facility.

Nonrefillable containers equal to or less than 5 gallons:

Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available. Triple rinse container (or the equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into manufacturing equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container ¼ full with water and recap. Shake for 10 seconds. Pour rinsate into manufacturing equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times.

Nonrefillable containers greater than 5 gallons:

Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available. Triple rinse container (or the equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into manufacturing equipment or a mix tank. Fill the container ¼ full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into manufacturing equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times.

CONDITIONS OF SALE AND LIMITATION OF WARRANTY AND LIABILITY

BEFORE BUYING OR USING THIS PRODUCT, read the entire Directions for Use and the following Conditions of Sale and Limitation of Warranty and Liability. By buying or using this product, the buyer or user accepts the following Conditions of Sale and Limitation of Warranty and Liability, which no employee or agent of LOVELAND PRODUCTS, INC. or the seller is authorized to vary in any way.

Follow the Directions for Use of this product carefully. It is impossible to eliminate all risks inherently associated with the use of this product. Crop or other plant injury, ineffectiveness, or other unintended consequences may result from such risks as weather or crop conditions, mixture with other chemicals not specifically identified in this product's label, or use of this product contrary to the label instructions, all of which are beyond the control of LOVELAND PRODUCTS, INC. and the seller. The buyer or user of this product assumes all such inherent risks.

Subject to the foregoing inherent risks, LOVELAND PRODUCTS, INC. warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated in the Directions for Use when the product is used in strict accordance with such Directions for Use under normal conditions of use. EXCEPT AS WARRANTED IN THIS LABEL AND TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THIS PRODUCT IS SOLD "AS IS," AND LOVELAND PRODUCTS, INC. MAKES NO OTHER WARRANTY, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR ELIGIBILITY OF THIS PRODUCT FOR ANY PARTICULAR TRADE USAGE.

IN THE UNLIKELY EVENT THAT BUYER OR USER BELIEVES THAT LOVELAND PRODUCTS, INC. HAS BREACHED A WARRANTY CONTAINED IN THIS LABEL AND TO THE EXTENT REQUIRED BY APPLICABLE LAW, BUYER OR USER MUST SEND WRITTEN NOTICE OF ITS CLAIM TO THE FOLLOWING ADDRESS: LOVELAND PRODUCTS, INC., ATTENTION: LAW DEPARTMENT, P.O. BOX 1286, GREELEY, CO 80632-1286.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE BUYER'S OR USER'S EXCLUSIVE REMEDY FOR ANY INJURY, LOSS, OR DAMAGE RESULTING FROM THE HANDLING OR USE OF THIS PRODUCT, INCLUDING BUT NOT

LIMITED TO CLAIMS OF BREACH OF WARRANTY OR CONTRACT, NEGLIGENCE, STRICT LIABILITY, OR OTHER TORTS, SHALL BE LIMITED TO ONE OF THE FOLLOWING, AT THE ELECTION OF LOVELAND PRODUCTS, INC. OR THE SELLER: DIRECT DAMAGES NOT EXCEEDING THE PURCHASE PRICE OF THE PRODUCT OR REPLACEMENT OF THE PRODUCT. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, LOVELAND PRODUCTS, INC. AND THE SELLER SHALL NOT BE LIABLE TO THE BUYER OR USER OF THIS PRODUCT FOR ANY CONSEQUENTIAL, SPECIAL, OR INDIRECT DAMAGES, OR DAMAGES IN THE NATURE OF A PENALTY.

Label PROPOSED July 12, 2023