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



OFFICE OF
CHEMICAL SAFETY AND
POLLUTION PREVENTION

SEP 8 2010

Carrie Tackema
Registration Manager
Cheminova, Inc.
One Park Drive, Suite 150
P.O. Box 110566
Research Triangle Park, NC 27709

Subject: Submission of amended labeling per Use Deletion Guidance 12/30/08 and revised
May 2009 Malathion RED Label Table
EPA Reg. No. 67760-34
Submissions dated September 3, 2009

Dear Ms. Tackema:

The proposed labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), is acceptable provided that you submit two copies of your final printed label before you release the product for shipment. Products shipped after 18 months from the date of this amendment or the next printing of the label which ever 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).

Additional label corrections may be needed pending submittal and review of your responses to the Malathion RED.

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 fluid and cursive, with a long horizontal flourish extending to the right.

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

Enclosure

Fyfanon[®] ULV Mosquito

ULTRA LOW VOLUME CONCENTRATE INSECTICIDE

FOR USE ONLY BY FEDERAL, STATE, TRIBAL, OR LOCAL GOVERNMENT OFFICIALS RESPONSIBLE FOR PUBLIC HEALTH OR VECTOR CONTROL, OR BY PERSONS CERTIFIED IN THE APPROPRIATE CATEGORY OR OTHERWISE AUTHORIZED BY THE STATE OR TRIBAL LEAD PESTICIDE REGULATORY AGENCY TO PERFORM ADULT MOSQUITO CONTROL APPLICATIONS, OR BY PERSONS UNDER THEIR DIRECT SUPERVISION.

ACTIVE INGREDIENT:

*Malathion..... 96.5 %

INERT INGREDIENTS:..... 3.5 %

TOTAL:..... 100.0%

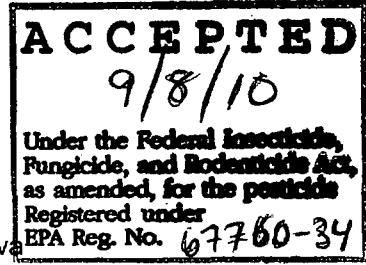
* O,O-dimethyl phosphorodithioate of diethyl mercaptosuccinate. Contains 9.9 lbs. malathion per gallon

KEEP OUT OF REACH OF CHILDREN CAUTION

SEE BOOKLET FOR ADDITIONAL PRECAUTIONARY STATEMENTS AND USE DIRECTIONS

EPA Reg. No. 67760-34

Cheminova, Inc.
One Park Drive, Suite 150
P.O. Box 110566
Research Triangle Park, NC 27709
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EPA Est. No. 4787-DN-1
NET CONTENTS:

IN CASE OF A MEDICAL EMERGENCY INVOLVING THIS PRODUCT, CALL TOLL FREE, DAY OR NIGHT, 1-866-303-6950

FIRST AID

This product is an organophosphate and is a cholinesterase inhibitor.

- IF SWALLOWED:** 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:** Move person to fresh air.
If person is not breathing, call 911 or ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible.
Call a poison control center or doctor for further treatment advice.
- IF ON SKIN OR CLOTHING:** 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 IN EYES:** 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 1-866-303-6950 for emergency medical treatment information.

NOTE TO PHYSICIAN- This product is a cholinesterase inhibitor. Treat symptomatically. Atropine is antidotal.

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

Harmful by swallowing, inhalation or skin contact. Avoid contact with skin. Avoid breathing spray mist.

PERSONAL PROTECTIVE EQUIPMENT

Some materials that are chemical-resistant to this product are barrier laminate, butyl rubber, nitrile rubber, and viton. If you want more options, follow the instructions for category F on an EPA chemical-resistance category selection chart.

For all formulations and use patterns – mixers, loaders, applicators, flaggers, and other handlers must wear:

- Long-sleeved shirt and long pants
- Chemical-resistant gloves
- Shoes plus socks

Follow manufacturer's instructions for cleaning and maintaining PPE. If no such instructions exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

ENGINEERING CONTROLS STATEMENTS

Pilots must use an enclosed cockpit in a manner that is consistent with the Worker Protection Standard (WPS) for agricultural pesticides (40 CFR 170.240 (d)(4-6). Pilots must wear the PPE required on this labeling for applicators.

USER SAFETY RECOMMENDATIONS

User should:

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to aquatic organisms, including fish and invertebrates. Use care when applying in or to an area which is adjacent to any body of water, and do not apply when weather conditions favor drift from target area. Poorly draining soils and soils with shallow water tables are more prone to produce runoff that contains this product.

When applying as a wide area mosquito adulticide, before making the first application in a season, it is advisable to consult with the state or tribal agency charged with primary responsibility for pesticide regulation to determine if other regulatory requirements exist.

This product is highly toxic to bees exposed to direct treatment on blooming crops or weeds. Do not apply or allow to drift onto blooming crops or weeds while bees are actively visiting the treatment area, except when applications are made to prevent or control a threat to public and/or animal health determined by a state, tribal or local public health or vector control agency on the basis of documented evidence of disease causing agents in vector mosquitoes or the occurrence of mosquito-borne disease in animal or human populations, or if specifically approved by the state or tribe during a natural disaster recovery effort. When applying as a wide area mosquito adulticide, do not apply over bodies of water (lakes, rivers, permanent streams, natural ponds, commercial fish ponds, swamps, marshes or estuaries), except when necessary to target areas where adult mosquitoes are present, and weather conditions will facilitate movement of applied material away from the water in order to minimize incidental deposition into the water body.

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.

PHYSICAL OR CHEMICAL HAZARDS

Do not use or store near heat or open flame.

STORAGE AND DISPOSAL

PESTICIDE STORAGE: Fyfanon ULV Mosquito should be stored in the original unopened container in a secure, dry place. Do not contaminate with other pesticides or fertilizers. Fyfanon ULV Mosquito 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, use all material in this container by application according to label directions. If wastes cannot be avoided, offer remaining product to a waste disposal facility or pesticide disposal program (often such programs are run by state or local governments or by industry).

CONTAINER DISPOSAL:

Refillable containers: Refill this container with pesticide only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or mix tank. Fill the container about 10 percent full with water. Agitate vigorously or recirculate water with the pump for 2 minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times.

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 equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application 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 application 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 equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application 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 application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. For use by federal, state, tribal, or local government officials responsible for public health or vector control, or by persons certified in the appropriate category or otherwise authorized by the state or tribal lead pesticide regulatory agency to perform adult mosquito control applications, or by persons under their direct supervision.

MOSQUITO CONTROL IN POPULATED AND RURAL AREAS

PRECAUTIONS AND RESTRICTIONS

RESTRICTIONS

- Do not apply more than 0.23 lb/ai /A/day.
- Only treat when mosquitoes are swarming or biting. Do not re-treat a site more than 3 times in

any one week. However, more frequent treatments may be made to prevent or control a threat to public and/or animal health determined by a state, tribal or local health or vector control agency on the basis of documented evidence of disease causing agents in vector mosquitoes or the occurrence of mosquito-borne diseases in animal or human populations, or if specifically approved by the state or tribe during a natural disaster effort.

- Apply when wind speed is greater than or equal to 1 mph.
- Do not apply by fixed wing aircraft at height less than 100 feet, or by helicopter at a height less than 75 feet unless specifically approved by the state or tribe based on public health needs.

PRECAUTIONS

- **IMPORTANT:** IN AREAS WHERE AUTOMOBILES, TRAILERS, TRUCKS AND PLEASURE BOATS ARE PRESENT, undiluted spray droplets of Fyfanon ULV Mosquito will permanently damage vehicle paint finishes unless the aircraft used for the ultra low volume application meets all of the specifications listed under **AERIAL APPLICATION**.

AERIAL APPLICATION

Adult Mosquitoes on Rangeland, Pasture, and Other Uncultivated Non-Agricultural Areas (Wastelands, Roadsides)

Spray equipment must be adjusted so that the volume median diameter produced is less than 60 microns (Dv 0.5 < 60 um) and that 90% of the spray is contained in droplets smaller than 100 microns (Dv 0.9 < 100 um). The effects of flight speed and, for non-rotary nozzles, nozzle angle on the droplet size spectrum must be considered. Directions from the equipment manufacturer or vendor, pesticide registrant or a test facility using a wind tunnel and laser-based measurement instrument must be used to adjust equipment to produce acceptable droplet size spectra. Application equipment must be tested at least annually to confirm that pressure at the nozzle and nozzle flow rate(s) are properly calibrated. Adult mosquito control over cities, towns, and other areas where automobiles, trailers, trucks, and pleasure boats are present: Apply 2.6 to 3.0 fluid ounces of Fyfanon ULV Mosquito per acre. Apply only when weather conditions are favorable. Wind and rising air currents may cause undesirable spray drift and reduce insect control. See Precautions and Restrictions for additional instructions.

GROUND-BASED APPLICATION

Spray equipment must be adjusted so that the volume median diameter is less than 30 microns (Dv 0.3 < 30 um) and that 90% of the spray is contained in droplets smaller than 50 microns (Dv 0.9 < 50 um). Directions from the equipment manufacturer or vendor, pesticide registrant or test facility using laser-based measurement instrument must be used to adjust equipment to produce acceptable droplet size spectra. Application equipment must be tested at least annually to confirm that pressure at the nozzle and nozzle flow rate(s) are properly calibrated.

Thermal Aerosols or Fogs

For control of adult mosquitoes with thermal aerosols or fogs. Apply Fyfanon ULV Mosquito at the rate of 3.9 - 5.2 gallons Fyfanon ULV Mosquito in 100 gallons of finished solution by ground equipment delivering 40 gallons per hour at a vehicle speed of 5 miles per hour to treat a swath width of 300 feet (equivalent to 180 acres per hour). At 3.9 gallons Fyfanon per 100 gallons of finished solution this is equivalent to 0.08 lbs active/acre. At 5.2 gallons per 100 gallons of finished solution, this is equivalent to 0.11 lbs active/acre.

*There is a great variation in the chemical composition of fuel oils which may be used as thermal fog solvents. These differences may cause sludge and/or affect the solubility of the Fyfanon ULV Mosquito.

Nonthermal Aerosols

Adult Mosquito Control - Control of adult mosquitoes over a 300-foot swath can be obtained with nonthermal aerosols of Fyfanon ULV Mosquito using the following rates at the indicated vehicle speeds:

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Rates for Fyfanon ULV Mosquito					
Undiluted					
Apply as follows:					
Lbs.A.I./Acre/Day	Application Rates Fluid Ounces per Minute at Vehicle Speeds				Fluid Ounces of Fyfanon ULV Mosquito per acre
	5 mph	10 mph	15 mph	20 mph	
0.03 – 0.06*	1.0 - 2.1	2.0 - 4.3	3.0 - 6.3	4.0 - 8.6	0.38 - 0.75

*Use higher rate of application when vegetation is dense and/or mosquito populations are heavy.

OPERATING EQUIPMENT

Each nonthermal aerosol generator used for dispersal of Fyfanon ULV Mosquito to control adult mosquitoes must have minimum capability of producing the droplet spectrum described under **GROUND-BASED APPLICATION**. The initial determination of droplet size is made after the unit is installed in a vehicle and prior to its use in mosquito control operations. Recheck the unit frequently to insure that proper droplet size is maintained for each operation. Determination of droplet size every two months is usually sufficient if the unit has been maintained in good operating condition. Equipment manufacturer's instructions setting forth cleaning and maintenance of the unit must be followed. The unit must be inspected before each operation to correct any leaks or obstructions in the spray system; to detect whether the nozzle, hoses, or other parts are worn and need replacement; to insure that the flow meter is properly calibrated and to determine that the pressure recommended by the manufacturer is being maintained.

- Flow Rate**
 - Must be regulated by accurate flow meter
 - Not greater than 1 gallon per hour at 5 mph; 2 gallons per hour at 10 mph; 3 gallons per hour at 15 mph, or 4 gallons per hour at 20 mph
- Nozzle Direction**
 - Rear of the vehicle
 - Upward at an angle of 45° or more
- Vehicle Speed**
 - Not greater than 20 mph
 - Shut off spray equipment when vehicle is stopped

IMPORTANT: Spray droplets of undiluted Fyfanon ULV Mosquito will permanently damage automobile paint unless all the conditions described and recommended in this label are met. If accidental exposure does occur, the vehicle should be washed at once.

WARRANTY DISCLAIMER

Cheminova warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the label when used in strict accordance with the directions, subject to the inherent risks set forth below. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, CHEMINOVA MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

INHERENT RISKS OF USE

It is impossible to eliminate all risks associated with use of this product. Crop injury, lack of performance, or other unintended consequences may result because of such factors as use of the product contrary to label instructions (including conditions noted on the label, such as unfavorable temperatures, soil conditions, etc.), abnormal conditions (such as excessive rainfall, drought, tornadoes, hurricanes), presence of other materials, the manner of application, or other factors, all of which are beyond the control of Cheminova or the Seller. All such risks shall be assumed by Buyer and User. Buyer and User agree to hold Cheminova and the Seller harmless for any claims related to such factors.

LIMITATION OF REMEDIES

To the extent consistent with applicable law, the exclusive remedy for losses or damages resulting from this product (including claims based on contract, negligence, strict liability, or other legal theories), shall be limited to one of the following, at Cheminova's election:

- (1) Refund of purchase price paid by buyer or user for product bought, or
- (2) Replacement of amount of product used.

To the extent consistent with applicable law, Cheminova shall not be liable for consequential, incidental, or special damages or losses in any matter.

The terms of the Warranty Disclaimer above and this Limitation of Remedies cannot be varied by any written or verbal statements or agreements. No employee or sales agent of Cheminova or the Seller is authorized to vary or exceed the terms of the Warranty Disclaimer or this Limitation of Remedies in any manner.

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