

Appendix A

A-B. Commitment Letters

- General Label Changes E-mails
- Species Specific Measures E-mails

From: [Perry, Tracy](#)
To: [Myers, Karen](#); [Golden, Nancy](#)
Cc: [mstyles](#); space@drexchem.com; [Sherman, Kelly](#); [Jakob, Avivah](#); [Smith, Carolyn](#)
Subject: [EXTERNAL] Drexel: Malathion Changes to the Action for ESA Review
Date: Tuesday, December 21, 2021 11:52:18 AM
Attachments: [Final label changes summary Dec 20 2021.docx](#)

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Dear FWS colleagues,

I am forwarding Drexel Chemical Company's commitment (below and attached) to amend their malathion product labels to reflect the final label changes in the attached table.

FWS should rely on the attached set of final label changes as the official description of the action for all malathion products in the ongoing ESA malathion consultation.

Please let me know if you have any questions for EPA or Drexel Chemical Company (copied on this transmission).

Regards,

Tracy L. Perry
Senior Advisor on Endangered Species
Pesticide Re-evaluation Division
Office of Pesticide Programs
U.S. Environmental Protection Agency
202-566-2262

From: Mandy Styles <mstyles@drexchem.com>
Sent: Tuesday, December 21, 2021 11:39 AM
To: Perry, Tracy <Perry.Tracy@epa.gov>; Sherman, Kelly <Sherman.Kelly@epa.gov>; Smith, Carolyn <smith.carolyn@epa.gov>; Jakob, Avivah <Jakob.Avivah@epa.gov>
Cc: space@drexchem.com
Subject: Malathion Changes to the Action for ESA Review

Ms. Perry,

This communication provides Drexel Chemical Company's commitment to voluntarily amend the terms of its malathion technical product registration, Malathion Technical (EPA Reg. No. 19713-402), and all relevant Drexel Chemical Company malathion-containing end use product registrations to provide for the reference label amendments (see attached document), and to allow revision of the Description of the Action being considered in the ongoing endangered species consultations with the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS).

Should agreement on additional label changes and/or Bulletin language result from ongoing discussions between EPA and the malathion technical registrants, Drexel Chemical Company agrees to provide a formal letter of commitment within 5 business days following the conclusion of those discussions capturing those additional changes.

Drexel Chemical Company also commits to submitting amended technical and relevant end use product labels to EPA within 60 days of the issuance of a final Biological Opinion, or by such later deadline as may be communicated by EPA.

Drexel Chemical Company looks forward to continued discussions with the EPA, FWS, NMFS, and USDA in completing and implementing the Biological Opinions, which are expected to further assure protection of listed species and critical habitat while ensuring adequate tools are available to produce safe and affordable food and help protect our communities from numerous public health threats.

Thank you,
Mandy K. Styles
Drexel Chemical Company
(901) 774-4370

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From: [Perry, Tracy](#)
To: [Golden, Nancy](#); [Myers, Karen](#)
Cc: ["Paul Whatling"](#); [Anderson, Brian](#); [Sherman, Kelly](#); [Jakob, Avivah](#); [Smith, Carolyn](#)
Subject: [EXTERNAL] FMC commitment: Malathion - Changes to the Action for ESA review.....
Date: Monday, December 20, 2021 6:24:35 PM
Attachments: [Final label changes summary Dec 20 2021.docx](#)

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear FWS colleagues,

I am forwarding FMC's commitment (below and attached) to amend their product labels to reflect the final label changes in the attached table. I expect to receive commitments with an identical set of final label changes from the other 2 technical registrants (Loveland Products and Drexel) shortly, and will forward those communications upon receipt.

FWS should rely on the attached set of final label changes as the official description of the action for all malathion products in the ongoing ESA malathion consultation.

Please let me know if you have any questions for EPA or FMC (copied on this transmission).

Regards,

Tracy L. Perry
Senior Advisor on Endangered Species
Pesticide Re-evaluation Division
Office of Pesticide Programs
U.S. Environmental Protection Agency
202-566-2262

From: Paul Whatling <Paul.Whatling@fmc.com>
Sent: Monday, December 20, 2021 1:05 PM
To: Perry, Tracy <Perry.Tracy@epa.gov>
Cc: Sherman, Kelly <Sherman.Kelly@epa.gov>; Smith, Carolyn <smith.carolyn@epa.gov>; Jakob, Avivah <Jakob.Avivah@epa.gov>
Subject: FW: Malathion - Changes to the Action for ESA review.....

December 20, 2021

Ms. Perry,

This communication provides FMC's commitment to voluntarily amend the terms of its malathion technical product registration, Fyfanon Technical (EPA Reg. No. 4787-5), and all relevant FMC malathion-containing end use product registrations to provide for the reference label amendments (see attached document), and to allow revision of the Description of the Action being considered in the ongoing endangered species consultations with the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS).

Should agreement on additional label changes and/or Bulletin language result from ongoing discussions between EPA and the malathion technical registrants, FMC agrees to provide a formal letter of commitment within 5 business days following the conclusion of those discussions capturing those additional changes.

FMC also commits to submitting amended technical and relevant end use product labels to EPA within 60 days of the issuance of a final Biological Opinion, or by such later deadline as may be communicated by EPA.

FMC looks forward to continued discussions with the EPA, FWS, NMFS, and USDA in completing and implementing the Biological Opinions, which are expected to further assure protection of listed species and critical habitat while ensuring adequate tools are available to produce safe and affordable food and help protect our communities from numerous public health threats.

Paul Whatling

Senior Global Regulatory Technical Manager
FMC / An Agricultural Sciences Company
660 North Capitol Street, NW
Suite 860
Washington, DC 20001
Work: 202 956 5207 | cell: 202 271 0074

From: [Perry, Tracy](#)
To: [Golden, Nancy](#); [Myers, Karen](#)
Cc: ["Robert Avalos III"](#); [Amanda Byers](#); [Smith, Carolyn](#); [Jakob, Avivah](#); [Sherman, Kelly](#)
Subject: [EXTERNAL] Loveland Products: Malathion Letter of Commitment
Date: Monday, December 20, 2021 6:28:47 PM
Attachments: [2021_12_20 LPI Malathion BOp Label Action.pdf](#)
[Final label changes summary Dec 20 2021.docx](#)

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Dear FWS colleagues,

I am forwarding Loveland Product's commitment (attached) to amend their product labels to reflect the final label changes in the attached table.

FWS should rely on the attached set of final label changes as the official description of the action for all malathion products in the ongoing ESA malathion consultation.

Please let me know if you have any questions for EPA or Loveland Products (copied on this transmission).

Regards,

Tracy L. Perry
Senior Advisor on Endangered Species
Pesticide Re-evaluation Division
Office of Pesticide Programs
U.S. Environmental Protection Agency
202-566-2262

From: Robert Avalos III <Robert.Avalos@nutrien.com>
Sent: Monday, December 20, 2021 5:16 PM
To: Perry, Tracy <Perry.Tracy@epa.gov>
Cc: Jakob, Avivah <Jakob.Avivah@epa.gov>; Smith, Carolyn <smith.carolyn@epa.gov>; Sherman, Kelly <Sherman.Kelly@epa.gov>; Amanda Byers <amanda.byers@nutrien.com>
Subject: RE: Malathion Letter of Commitment - Loveland Products, Inc. (34704)

Hi Ms. Perry,

I am attaching the letter of commitment regarding the attached final malathion label changes.
Please let me know if additional information/documentation is required from our side.

Regards, Robert

From: [Perry, Tracy](#)
To: [Myers, Karen](#); [Golden, Nancy](#)
Cc: [mstyles](#); space@drexchem.com; [Smith, Carolyn](#); [Jakob, Avivah](#); [Sherman, Kelly](#)
Subject: [EXTERNAL] FW: Drexel Commitment to Malathion Changes
Date: Wednesday, February 16, 2022 4:47:23 PM
Attachments: [Species specific measure ESA malathion final 021622.xlsx](#)

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Dear FWS colleagues,

I am forwarding Drexel Chemical Company's commitment (below and attached) to amend the terms of its malathion product registrations to provide for the attached species-specific measures and to allow for revision of the malathion Description of the Action for the ongoing consultation.

Please let me know if you have any questions for EPA or Drexel (copied on this email).

Regards,

Tracy

Tracy L. Perry
Senior Regulatory Advisor
Pesticide Re-evaluation Division
Office of Pesticide Programs
U.S. Environmental Protection Agency
202-566-2262

From: Mandy Styles <mstyles@drexchem.com>
Sent: Wednesday, February 16, 2022 4:26 PM
To: Perry, Tracy <Perry.Tracy@epa.gov>
Cc: space@drexchem.com
Subject: Drexel Commitment to Malathion Changes

Ms. Perry,

This communication provides a commitment from Drexel Chemical Company to voluntarily amend the terms of its malathion technical product registration, Drexel Malathion Technical EPA REG. #19713-402 and all relevant Drexel Chemical Company's malathion-containing end use product registrations to provide for the

species-specific measures referenced in the attached document, and to allow revision of the Description of the Action being considered in the ongoing endangered species consultations with the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS).

We look forward to continued discussions with the EPA, FWS, NMFS, and USDA in completing and implementing the Biological Opinions, which are expected to further assure protection of listed species and critical habitat while ensuring adequate tools are available to produce safe and affordable food and help protect our communities from numerous public health threats.

Should you have any questions, please feel free to contact me.

Thank you,
Mandy K. Styles
Drexel Chemical Company
(901) 774-4370

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From: [Perry, Tracy](#)
To: [Myers, Karen](#); [Golden, Nancy](#)
Cc: [Paul Whatling](#); [Anderson, Brian](#); [Smith, Carolyn](#); [Jakob, Avivah](#); [Sherman, Kelly](#)
Subject: [EXTERNAL] FW: Malathion ESA Consultation with FWS - Final Species-Specific Measures and Revised Description of the Action
Date: Wednesday, February 16, 2022 2:57:21 PM
Attachments: [image001.png](#)
[Species specific measure ESA malathion final 021622.xlsx](#)

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Dear FWS colleagues,

I am forwarding FMC's commitment (below and attached) to amend the terms of its malathion product registrations to provide for the attached species-specific measures and to allow for revision of the malathion Description of the Action for the ongoing consultation. I expect to receive a similar commitment from the other 2 technical registrants (Loveland Products and Drexel) and will forward those communications upon receipt.

Please let me know if you have any questions for EPA or FMC (copied on this email).

Regards,

Tracy

Tracy L. Perry
Senior Regulatory Advisor
Pesticide Re-evaluation Division
Office of Pesticide Programs
U.S. Environmental Protection Agency
202-566-2262

From: Paul Whatling <Paul.Whatling@fmc.com>
Sent: Wednesday, February 16, 2022 1:59 PM
To: Perry, Tracy <Perry.Tracy@epa.gov>
Cc: John Cummings <John.Cummings@fmc.com>; E Bockrath <EDWARD.BOCKRATH@fmc.com>; Karl Sherman <Karl.Sherman@fmc.com>; Smith, Carolyn <smith.carolyn@epa.gov>; Jakob, Avivah <Jakob.Avivah@epa.gov>; Sherman, Kelly <Sherman.Kelly@epa.gov>; Anderson, Brian <Anderson.Brian@epa.gov>
Subject: Malathion ESA Consultation with FWS - Final Species-Specific Measures and Revised Description of the Action

February 16, 2022

Ms. Perry:

This communication provides a commitment from FMC Corporation (FMC) to voluntarily amend the terms of its malathion technical product registration, [Fyfanon Technical (EPA Reg. No. 4787-5), and all relevant FMC malathion-containing end use product registrations to provide for the species-specific measures referenced in the attached document, and to allow revision of the Description of the Action being considered in the ongoing endangered species consultations with the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS).

We look forward to continued discussions with the EPA, FWS, NMFS, and USDA in completing and implementing the Biological Opinions, which are expected to further assure protection of listed species and critical habitat while ensuring adequate tools are available to produce safe and affordable food and help protect our communities from numerous public health threats.

Should you have any questions, please feel free to contact me.

Sincerely,

Paul Whatling

Senior Global Regulatory Technical Manager
FMC / An Agricultural Sciences Company

www.fmc.com | www.cheminova.com



From: [Perry, Tracy](#)
To: [Myers, Karen](#); [Golden, Nancy](#)
Cc: [Robert Avalos III](#); [Smith, Carolyn](#); [Jakob, Avivah](#); [Sherman, Kelly](#)
Subject: [EXTERNAL] FW: Malathion ESA Consultation with FWS - Final Species-Specific Measures and Revised Description of the Action
Date: Wednesday, February 16, 2022 10:25:48 PM
Attachments: [Species specific measure ESA malathion final 021622.xlsx](#)

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Dear FWS colleagues,

I am forwarding Loveland Products, Inc.'s commitment (below and attached) to amend the terms of its malathion product registrations to provide for the attached species-specific measures and to allow for revision of the malathion Description of the Action for the ongoing consultation.

Please let me know if you have any questions for EPA or Loveland (copied on this email).

Regards,

Tracy

Tracy L. Perry
Senior Regulatory Advisor
Pesticide Re-evaluation Division
Office of Pesticide Programs
U.S. Environmental Protection Agency
202-566-2262

From: Robert Avalos III <Robert.Avalos@nutrien.com>
Sent: Wednesday, February 16, 2022 9:35 PM
To: Perry, Tracy <Perry.Tracy@epa.gov>
Cc: John Cummings <John.Cummings@fmc.com>; E Bockrath <EDWARD.BOCKRATH@fmc.com>; Karl Sherman <Karl.Sherman@fmc.com>; Smith, Carolyn <smith.carolyn@epa.gov>; Jakob, Avivah <Jakob.Avivah@epa.gov>; Sherman, Kelly <Sherman.Kelly@epa.gov>; Anderson, Brian <Anderson.Brian@epa.gov>
Subject: Malathion ESA Consultation with FWS - Final Species-Specific Measures and Revised Description of the Action

February 16, 2022

Ms. Perry:

This communication provides a commitment from Loveland Products, Inc. (LPI) to voluntarily amend the terms of its malathion technical product registration, [Malathion Technical (EPA Reg. No. 34704-787)], and all relevant LPI malathion-containing end use product registrations to provide for the species-specific measures referenced in the attached document, and to allow revision of the Description of the Action being considered in the ongoing endangered species consultations with the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS).

We look forward to continued discussions with the EPA, FWS, NMFS, and USDA in completing and implementing the Biological Opinions, which are expected to further assure protection of listed species and critical habitat while ensuring adequate tools are available to produce safe and affordable food and help protect our communities from numerous public health threats.

Should you have any questions, please feel free to contact me.

Sincerely,

Robert Avalos

Manager, Chemistry Registrations
3005 Rocky Mountain Ave. Loveland, CO. 80538
c 970-302-7485
robert.avalos@nutrien.com

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