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**HAND DELIVERED**

August 15, 2008

Ms. Arthur-Jean Williams  
Environmental Protection Agency  
Environmental Fate & Effects Division  
Office of Pesticide Programs  
2777 S. Chrystal Drive  
South Building – 12<sup>th</sup> Floor #724  
Arlington, VA 22203

Ms. Angela Somma  
National Marine Fisheries Service Office  
1315 East-West Highway Office of Protected Resources  
13<sup>th</sup> Floor  
Silver Spring, MD 20910

**Re: Comments on the National Marine Fisheries Service's draft Biological Opinion on Malathion, Chlorpyrifos, and Diazinon, EPA Docket No. EPA-OPP-2008-0654**

Dear Ms Williams:

Attached hereto are four copies of the comments of Cheminova A/S and Cheminova, Inc. (herein referred to as "Cheminova") on the malathion component of the draft biological opinion described above. As you are aware, Cheminova A/S (EPA Company No. 4787) is the sole technical registrant for malathion, and Cheminova, Inc. (EPA Company No. 67760), holds registrations for malathion end-use products.

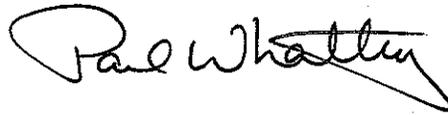
One of these copies is intended for NMFS; we are submitting the NMFS copy through EPA, since EPA is the "action agency" that has requested the Endangered Species Act consultation which resulted in the creation of the draft biological opinion in question.

The comments include a number of citations to scientific studies, compilations of monitoring data, and other pertinent documents. However, we have only included as attachments to the comments copies of journal articles cited in our comments that were not cited in the draft biological opinion. A number of EPA guideline studies are also cited; these are cited by MRID number, and it is our understanding that NMFS can obtain copies of these studies, if desired, by requesting them from EPA directly. Also, we have not included copies of documents that are publicly available on the internet; we have cited these documents (e.g., compilations of monitoring data by governmental agencies), by providing the appropriate web link.

As you are aware, there are ongoing discussions concerning NMFS's desire to obtain information maintained by EPA as Confidential Business Information ("CBI") (e.g., Confidential Statements of Formula). Please be advised that Cheminova has no objection to providing CBI-protected documents to NMFS, so long as these documents are provided pursuant to arrangements between NMFS and EPA that provide for full and adequate protection of these documents from public disclosure. It is our understanding that arrangements to provide such protections are in the final stages of development.

Please feel free to contact me at (703) 373-8883 (ext 1), if you have any questions, or need any additional information.

Sincerely,



Paul Whatling  
Senior Manager of Regulatory Science  
Cheminova, Inc.  
EPA Agent for Cheminova A/S

#### Attachments

cc (w/o attachments):

Diane Allemang (Cheminova, Inc.)  
Inge Margrethe Jensen (Cheminova A/S)  
Warren Lehrenbaum (Pillsbury Winthrop Shaw Pittman LLP)  
Eric Maurer (Cheminova, Inc.)  
Eric Miederhoff (EPA's Special Review and Reregistration Division)  
David Menotti (Pillsbury Winthrop Shaw Pittman LLP)