

432-1311

08/11/2009

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

AUG 11 2009

Ms Norma C. Pangilinan Ph.D
Bayer Environmental Science
2 T. W. Alexander Drive,
Research Triangle, NC 27709

Subject: Label-Notification(s) for Pesticide Registration Notice 2007-4 and 98-10
Storage & Disposal and Other Changes (Warranty statement)

Dear Registrant:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 and 98-10 dated July 10, 2009 for:

EPA Registration 432-1311 Merit 2.5 G Ornamental Insecticide

The Registration Division (RD) has conducted a review of this request for applicability under PRN 2007-4 and 98-10 and finds that the label change(s) requested falls within the scope of PRN-2007-4 and 98-10. The label has been date-stamped "Notification" and will be placed in our records.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identifying the batch of the pesticide distributed and sold be placed on nonrefillable containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions, please contact me directly at 703-305-6249 or Banza Djapao of my staff at 703-305-7269.

Sincerely,

A handwritten signature in cursive script that reads "Rachel C. Holloman".

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs



United States
Environmental Protection Agency
Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 432-1311	2. EPA Product Manager: Venus Eagle	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Merit 2.5 G Greenhouse and Nursery Insecticide	PM# 1	
5. Name and Address of Applicant (Include ZIP Code) Bayer Environmental Science 2 T. W. Alexander Dr. Research Triangle Park, NC 27709 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____	

Section II

<input type="checkbox"/> Amendment - Explain Below	<input type="checkbox"/> Final printed labels in response to Agency Letter dated _____	NOTIFICATION AUG 1 1 2009
<input type="checkbox"/> Resubmission in response to Agency Letter dated _____	<input type="checkbox"/> "Me Too" Application.	
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - explain below.	

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Notification of label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the confidential statement of formula for this product. I understand that it is a violation of 18 U.S.C. Sec.1001 to willfully make any false statement to EPA. I further understand that if the amended label is not consistent with the requirements of 40 CFR CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under Section 12 and 14 of FIFRA.

Section III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input checked="" type="checkbox"/> Metal	<input type="checkbox"/> Plastic
	If "yes," Unit Package wgt.	No. per container	If "Yes," Package wgt.	<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
				<input type="checkbox"/> Other (Specify) _____	
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) of Retail Container 4 lb		5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled				<input type="checkbox"/> Other (_____)	

Section IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Norma C. Pangilinan, Ph.D.	Title Manager, Registrations	Telephone No. (Include Area Code) 919-549-2428
Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false for misleading statement may be punishable by fine or imprisonment or both under applicable law.		6. Date Application Received (Stamped)
2. Signature 	3. Title Manager, Registrations	
4. Typed Name Norma C. Pangilinan, Ph.D.	5. Date July 10, 2009	

This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under Sections 12 and 14 of FIFRA.

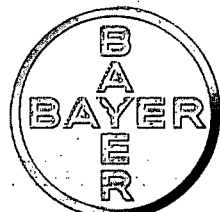
Sincerely,

BAYER ENVIRONMENTAL SCIENCE
A Business Group of Bayer CropScience



NORMA C. PANGILINAN, Ph.D,
Registrations Manager

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Bayer Environmental Science

Courier Service Document Processing Desk (NOTIF)
Office of Pesticide Programs (7505P)
U.S. Environmental Protection Agency
One Potomac Yard, Room S-4900
Arlington, VA 22202

Attn: Ms. Linda Arrington
Notifications and Minor Formulations Team Leader

Subject: Label Notification per PR Notice 2007-04; Container Disposal Statement
- Merit 2.5 G Greenhouse and Nursery Insecticide (Reg. No. 432-1311)

Dear Ms. Arrington:

Pursuant to PR Notice 2007-04, we hereby notify the Agency of revision to the Merit 2.5 G Greenhouse and Nursery Insecticide label with adoption of EPA prescribed container disposal statement. In support of this notification, the following documents are being submitted:

1. Completed Application for Registration (EPA Form 8570-1),
2. Three copies of revised product label plus one copy highlighting changes,

July 10, 2009

Bayer Environmental Science SA
2 T.W. Alexander Drive
Research Triangle Park, NC 27709

Phone: 919 549-2000

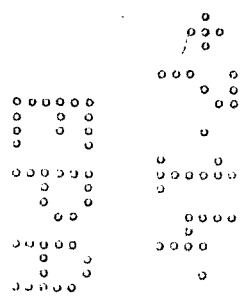
Notification of label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the confidential statement of formula for this product. I understand that it is a violation of 18 U.S.C. Sec.1001 to willfully make any false statement to EPA. I further understand that if the amended label is not consistent with the requirements of 40 CFR CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under Section 12 and 14 of FIFRA.

Please do not hesitate to call (919-549-2428), fax (919-549-3937) or e-mail me (norma.pangilinan@bayercropscience.com), if you have any questions.

Sincerely,

BAYER ENVIRONMENTAL SCIENCE
A Business Group of Bayer CropScience

NORMA C. PANGILINAN, Ph.D.
Registrations Manager



A Business Group of
Bayer CropScience

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Merit[®] 2.5 G

NOTIFICATION

AUG 11 2003

Greenhouse and Nursery Insecticide

For systemic insect control in ornamental crops.

ACTIVE INGREDIENT:

Imidacloprid, 1-[(6-Chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine 2.5%

OTHER INGREDIENTS: 97.5%

100.0%

EPA Reg. No. 432-1311

EPA Est. No. _____

**STOP - Read the label before use.
Keep out of reach of children.**

CAUTION AVISO

PRECAUCION AL USUARIO: Si usted no puede leer o entender inglés, no use este producto hasta que la etiqueta le haya sido explicada ampliamente.

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

For **MEDICAL** and **TRANSPORTATION** Emergencies **ONLY** Call 24 Hours A Day 1-800-334-7577

For **PRODUCT USE** Information Call 1-800-331-2867

FIRST AID

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 do so by a poison control center or doctor. • Do not give anything by mouth to an unconscious person.
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 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.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-334-7577 for emergency medical treatment.

Note To Physician: No specific antidote is available. Treat the patient symptomatically

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION: Harmful if swallowed or absorbed through skin. Causes eye irritation. Avoid contact with skin, eyes, or clothing.

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- chemical resistant gloves made of any water proof material such as barrier laminate, butyl rubber, nitrile rubber, neoprene rubber, natural rubber, polyethylene, polyvinylchloride or viton
- Shoes plus socks

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

Engineering controls statements:

- When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

User Safety Recommendations

User should:

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing 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 product is highly toxic to aquatic invertebrates. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark.

Do not contaminate water when disposing of equipment washwaters.

This chemical demonstrates the properties and characteristics associated with chemicals detected in groundwater. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination.

DIRECTIONS FOR USE

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

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE), and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 12 hours.

Exception: If the product is soil-injected or soil-incorporated, the Worker Protection Standard, under certain circumstances, allows workers to enter the treated area if there will be no contact with anything that has been treated.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is:

- Coveralls
- chemical resistant gloves made of any water proof material such as barrier laminate, butyl rubber, nitrile rubber, neoprene rubber, natural rubber, polyethylene, polyvinylchloride or viton.
- Shoes plus socks

STORAGE AND DISPOSAL

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

Pesticide Storage: Store in a cool, dry place and in such a manner as to prevent cross contamination with other pesticides, fertilizers, food, and feed. Store in original container and out of the reach of children, preferably in a locked storage area.

Handle and open container in a manner as to prevent spillage. If material is spilled for any reason or cause, carefully contain any spilled material to prevent non-target contamination. Do not walk through spilled material and dispose of as directed for pesticides above. Refer to Precautionary Statements on label for hazards associated with the handling of this material. In spill or leak incidents, keep unauthorized people away. You may contact the Bayer Environmental Science Emergency Response Team for decontamination procedures or any other assistance that may be necessary. The Bayer Environmental Science Emergency Response Telephone No. is 1-800-334-7577 or contact Chemtrec at 1-800-424-9300.

Pesticide Disposal: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

Container Disposal: Non-refillable container. Do not reuse or refill this container. Offer for recycling, if available. Completely empty container into application equipment. Dispose of empty containers by incineration in a sanitary landfill or if allowed by the state and local authorities, by burning. If burned, stay out of smoke.

GENERAL INFORMATION

ORNAMENTAL PESTS

MERIT 2.5 G Greenhouse and Nursery Insecticide is for use on ornamental plants in nurseries and greenhouses. Ornamental plants which may be treated include trees, shrubs, flowers and foliage plants. Foliage plants include those plants produced for the ornamental qualities of their foliage and not as a floral or blooming crop. MERIT 2.5 G Greenhouse and Nursery is a systemic product and will be translocated upward within the plant system. To assure optimum effectiveness, the product must be placed by incorporation where the roots of the plant can absorb the active ingredient.

Incorporation of MERIT 2.5 G Greenhouse and Nursery Insecticide can be achieved by cultivation, irrigation, rainfall, mechanical placement or by using mechanical soil or media mixing.

In trees or plants with woody stems, systemic activity using soil application treatment methods can be delayed until the active ingredient is translocated throughout the plant. For this reason, applications should be made prior to an infestation by the anticipated pest to achieve optimum levels of control.

RECOMMENDED APPLICATIONS																					
CROP	PEST	DOSAGE MERIT 2.5 G GREENHOUSE AND NURSERY	REMARKS																		
Ornamentals grown in flats, benches or beds	Adelgids	3.7 to 5.9 ounces per 1000 square feet	ORNAMENTAL CROPS GROWN IN FLATS, BENCHES, OR BEDS Apply as a broadcast treatment and incorporate into the soil before planting or apply after plants are established. If applied to established plants, irrigate after application to move the active ingredient into the root zone.																		
	Aphids																				
Containerized Ornamental Plants	Black Vine Weevil larvae.	<p>Suggested Amount Per Container</p> <table border="1"> <thead> <tr> <th>Container Size</th> <th>Grams</th> <th>TBSP or tsp</th> </tr> </thead> <tbody> <tr> <td>up to 4 inches</td> <td>0.8</td> <td>1/6 tsp</td> </tr> <tr> <td>4 to 6</td> <td>1.2</td> <td>1/3 tsp</td> </tr> <tr> <td>6 to 8</td> <td>1.6</td> <td>1/2 tsp</td> </tr> <tr> <td>8 to 12</td> <td>2.4</td> <td>2/3 tsp</td> </tr> <tr> <td>12 to 24</td> <td>4.8</td> <td>1-1/4 tsp</td> </tr> </tbody> </table> <p>NOTE: 1 tsp of MERIT 2.5 G Greenhouse and Nursery = 4.0 grams</p>	Container Size	Grams	TBSP or tsp	up to 4 inches	0.8	1/6 tsp	4 to 6	1.2	1/3 tsp	6 to 8	1.6	1/2 tsp	8 to 12	2.4	2/3 tsp	12 to 24	4.8	1-1/4 tsp	TREATMENT OF CONTAINERIZED PLANTS Application can be made at transplanting; re-potting, or on existing containerized plants. Irrigate after application to move the active ingredient into the root zone. Do not apply more irrigation water than is required to saturate potting media. SEE GENERAL INFORMATION
	Container Size		Grams	TBSP or tsp																	
	up to 4 inches		0.8	1/6 tsp																	
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	8 to 12		2.4	2/3 tsp																	
	12 to 24		4.8	1-1/4 tsp																	
	Elm Leaf Beetle																				
	Japanese beetle																				
	Lacebugs																				
Leafhoppers																					
Leafminers																					
Mealybugs																					
Pine tip moth larvae																					
Scale insects																					
Thrips																					
White grub larvae																					
Growing Media	(such as Japanese beetle, Chafers, <i>Phyllophaga</i> spp., Asiatic garden beetle) Whiteflies	2.5 pounds per cubic yard of growing media	Growing Media: Mix the required amount of MERIT 2.5 G Greenhouse and Nursery per cubic yard of media during the mixing operation. Thoroughly mix the media to ensure a uniform distribution of the MERIT 2.5 G Greenhouse and Nursery in the potting media before filling pots and planting. No more potting media should be treated than can be used during a filling operation. SEE GENERAL INFORMATION																		

RESTRICTIONS

Do not apply to soils which are water-logged, or saturated which will not allow the penetration of water into the root zone of the plants.

Do not over-irrigate or allow excessive runoff to occur following an application of MERIT 2.5 G Greenhouse and Nursery. Do not apply to bedding plants intended to be used as food crops.

For outdoor ornamentals grown in beds, applications of MERIT 2.5 G Greenhouse and Nursery cannot exceed a total of 16 lb (0.4 lb of active ingredient) per acre per year. Soil applications to containerized plants and greenhouse crops are limited to a single application per crop cycle, or once per year on crops having a production cycle of longer than one year.

IMPORTANT: READ BEFORE USE

Read the entire Directions for Use, Conditions, Disclaimer of Warranties and Limitations of Liability before using this product.

If terms are not acceptable, return the unopened product container at once. By using this product, user or buyer accepts the following Conditions, Disclaimer of Warranties and Limitations of Liability.

CONDITIONS: The directions for use of this product are believed to be adequate and must be followed carefully. However, it is impossible to eliminate all risks associated with the use of this product. Crop injury, ineffectiveness or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or the manner of use or application, all of which are beyond the control of Bayer CropScience LP. All such risks shall be assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BAYER CROPSCIENCE LP MAKES NO OTHER WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE OR OTHERWISE, THAT EXTEND BEYOND THE STATEMENTS MADE ON THIS LABEL. No agent of Bayer CropScience LP is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BAYER CROPSCIENCE LP DISCLAIMS ANY liability whatsoever for special, incidental or consequential damages, resulting from the use or handling of this product.

LIMITATIONS OF LIABILITY: TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER IN CONTRACT, WARRANTY, TORT, NEGLIGENCE, STRICT LIABILITY OR OTHERWISE, SHALL NOT EXCEED THE PURCHASE PRICE PAID, OR AT BAYER CROPSCIENCE LP'S ELECTION, THE REPLACEMENT OF PRODUCT.



Bayer Environmental Science

**A Business Group of Bayer CropScience LP
2 T. W. Alexander Drive
P.O. Box 12014
Research Triangle Park, NC 27709**

Merit 2.5 G Greenhouse & Nursery (MASTER) Approved 09/12/03, Notification 07/01/09