

432-1346

8.10.2010

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

AUG 10 2010

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Mr. Gregory C. Mattern
Bayer Environmental Science
P. O. Box 12014, 2 T.W. Alexander Drive
Research Triangle Park, NC 27709

Subject: Updated Container Disposal Label Statement

Dear Mr. Mattern:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (s) (PRN) 2007-4 dated July 14, 2010 for:

EPA Registration Number 432-1343, 432-1344, 432-1345, 432-1346, 432-1347

**Merit 0.35 G Lawn and Garden Insecticide
Merit 0.2 Plus Lawn and Garden Fertilizer
Merit 0.3 Plus Lawn and Garden Fertilizer
Merit 0.4 Plus Lawn and Garden Fertilizer
Merit 0.15 Plus Lawn and Garden Fertilizer**

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

If you have any questions, at 703 305-5409 or electronically at daniel.dani@epa.gov

Sincerely,

A handwritten signature in black ink, appearing to be "Dani Daniel".

Dani Daniel
Registration Division (7505P)
Insecticide/Rodenticide Branch

NOTIFICATION



United States **AUG 10 2010**
Environmental Protection Agency
Washington, DC 20460

<input type="checkbox"/>	Registration
<input type="checkbox"/>	Amendment
<input checked="" type="checkbox"/>	Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 432-1346	2. EPA Product Manager Venus Eagle	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) MERIT 0.4 Plus Lawn and Garden Fertilizer	PM# 1	
5. Name and Address of Applicant (Include ZIP Code) Bayer Environmental Science P.O. Box 12014, 2 T.W. Alexander Drive 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 _____
<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 container disposal label update. Please see attached Section II Explanation.

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 type="checkbox"/> Metal	or <input checked="" type="checkbox"/> Plastic <input checked="" type="checkbox"/> Glass <input type="checkbox"/> Paper Other (Specify) _____
* Certification must be submitted		If "Yes" Unit Packaging wgt. No. per container	If "Yes" Package wgt. No. per container		
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label or <input checked="" type="checkbox"/> Container		4. Size(s) Retail Container 1 lb to 50 lb		5. Location of Label Directions <input type="checkbox"/>	
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph <input checked="" type="checkbox"/> Paper glued <input checked="" type="checkbox"/> Stenciled			or <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 Gregory C. Mattern		Title Regulatory Product Manager		Telephone No. (Include Area Code) (919) 549-2630	
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 or misleading statement may be punishable by fine or imprisonment or both under applicable law.					6. Date Application Received (Stamped)
2. Signature <i>Gregory C. Mattern</i>		3. Title Regulatory Product Manager			
4. Typed Name Gregory C. Mattern		5. Date July 14, 2010			

Section II - Explanation

With this application Bayer Environmental Science is submitting a Notification of label updates for Merit 0.4 Plus Lawn and Garden Fertilizer, EPA Reg. No. 432-1346.

Specifically, the container disposal section of the label was updated in accordance with 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 §§ 156.10, 156.140, 156.144, 156.146, and 156.156. Except for those noted in this explanation, 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 §§ 156.10, 156.140, 156.144, 156.146, and 156.156, this product may be in violation of FIFRA and we may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

Additionally, the warranty statement was updated consistent with the provision of PR Notice 98-10. This notification is consistent with the guidance in 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.

Attached are 3 copies of the revised label (one with a changes highlighted in yellow).

Handwritten marks and symbols at the bottom right of the page, including several rows of small circles and dots.

Merit[®] 0.4 Plus

Lawn and Garden Fertilizer

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NOTIFICATION

AUG 10 2010

For residential use on lawns and landscaped areas.
Fertilizes lawn and controls white grubs and mole crickets.
Kills white grubs early, before they damage your lawn.
Apply before insects hatch to prevent turf damage.
One application controls grubs all season long.

ACTIVE INGREDIENT:

Imidacloprid* 0.40%

OTHER INGREDIENTS: 99.60%

100.00%

EPA Reg. No. 432-1346

EPA Est. No. ____

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

CAUTION

FIRST AID

If swallowed	<ul style="list-style-type: none"> • Call poison 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 the 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.
If inhaled	<ul style="list-style-type: none"> • Move person to fresh air. • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible. • Call a poison control center or doctor for further treatment advice.

NOTE: When calling poison control center, have this product label accessible. If seeking treatment at an emergency room or doctor's office, bring this product label to show medical personnel. You may call TollFree 1-877-229-3763 for medical emergency information.
Active Ingredient: Imadacloprid [*CAS # 138261-41-3].

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. Wash thoroughly with soap and water after handling.

Not for sale, sale into, distribution and or use in Nassau and Suffolk counties of New York.

(Optional alternate statement) Not for sale, sale into, distribution and or use in Nassau, Suffolk, Kings, and Queens counties of New York.

ENVIRONMENTAL HAZARDS

This product is highly toxic to aquatic invertebrates. Do not apply directly to water. Do not contaminate water when cleaning equipment or disposing of equipment washwater.

WHAT MERIT 0.4 PLUS LAWN AND GARDEN FERTILIZER DOES

White grubs can cause extensive damage to turf by feeding on grass roots. Affected turf turns yellow, then brown, and is easily pulled up in pieces with your hands. Mole crickets can seriously damage lawns by their tunneling activity. Some species also feed on the grass roots, as well. MERIT 0.4 Plus Lawn and Garden Fertilizer prevents turf damage by killing grubs and mole crickets when they are newly hatched and before they can cause turf damage. It also contains fertilizer to provide beneficial nutrients.

MERIT 0.4 Plus works best when applied before grubs and mole crickets hatch. The active ingredient will remain in the root zone of the turf until the eggs of grubs or mole crickets hatch. These newly hatched insects are highly susceptible to MERIT, and are killed before they become large enough to cause turf damage. MERIT 0.4 Plus also kills grubs and fertilizes landscaped ornamental areas containing flowers, ground covers, shrubs and trees.

If you have questions regarding the best time to make applications in your area, you can consult your local County University Extension Office. Be sure that you describe the product you are using when seeking such advice.

HOW TO APPLY MERIT 0.4 PLUS LAWN AND GARDEN FERTILIZER

DIRECTIONS FOR USE

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

APPLICATION TO LAWNS:

Pests Controlled: White grubs (including the larvae of Japanese beetle, Oriental beetle, Chafers, Asiatic garden beetle, May or June beetles, and black turfgrass atenius) and mole crickets.

How to Apply: Using either a drop-type or rotary-type spreader, apply MERIT 0.4 Plus uniformly over the area being treated. Avoid the use of spreaders which may apply the product in narrow, concentrated or uneven bands. Calibrate your spreader according to the spreader manufacturer's directions to ensure the proper amount of MERIT 0.4 Plus is applied. Check frequently to be sure spreader is working properly and spreading granules evenly.

After Applying: MERIT 0.4 Plus will work best if the lawn is watered thoroughly or if rainfall occurs within 24 hours after application to move the active ingredient through the thatch and down into the soil. Avoid mowing lawn until watering or rainfall has occurred so that the uniformity of the granules is not disturbed.

When to Apply: MERIT 0.4 Plus works best when applied before grubs and mole crickets hatch.

For best results, apply as follows:

White grubs	Apply once, anytime from April through mid-August.
Mole crickets	In Florida, apply once from early April through early May. Elsewhere, apply once from mid-May through mid-June.

DO NOT apply MERIT 0.4 Plus when turf areas are waterlogged. The product may not work effectively under these conditions.

How Much to Apply: For control of white grubs, MERIT 0.4 Plus should be applied at the rate of 1.5 to 1.9 pounds per 1,000 square feet. For mole cricket control apply 1.9 pounds per 1,000 square feet. The table below can be used as a guide for applying the proper rate of MERIT 0.4 Plus. However, the application rate can vary depending on the speed of application and the condition of the spreader. For best results, use a normal, steady pace when applying in order to obtain an accurate, even application.

SPREADER SETTING TABLE TO BE INSERTED HERE.

APPLICATION TO LANDSCAPE PLANTINGS

(Trees, Shrubs, Evergreens, Flowers, Ground covers)

Pests Controlled: White grubs (including larvae of Japanese beetle, Oriental beetle, chafers, Asiatic garden beetle, May and June beetle, and black turfgrass atenius).

How to Apply: Apply as a broadcast treatment to soil, mulch or other substrate. Prior to application, remove black plastic from area to be treated to allow water to penetrate into the soil. Permeable weed barriers need not be removed prior to application.

After Applying: MERIT 0.4 Plus will work best if material is worked into the soil around plants or if a thorough watering or rainfall occurs within 24 hours after application to move the product down through mulch and into the soil.

When to Apply: The best control of grubs will be obtained if MERIT 0.4 Plus is applied before grubs begin to hatch. For best results, application should occur from April through mid-August.

DO NOT apply to waterlogged areas. MERIT may not work effectively under these conditions.

How Much to Apply: MERIT 0.4 Plus should be applied at the rate of 1.5 to 1.7 pounds per 1,000 square foot. The table above can be used as a guide for applying the proper rate of MERIT 0.4 Plus. However, the application rate can vary depending on the speed of application and the condition of the spreader.

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NOTE: DO NOT apply MERIT 0.4 Plus to vegetable gardens.

STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage or disposal	
Storage Conditions:	Store in original container in a cool, dry place, out of the reach of children, preferably a locked storage cabinet.
Disposal: 	<p>If empty: Non-refillable container. Do not refill or reuse this container. Place in trash or offer for recycling if available.</p> <p>If partly filled: Call your local solid waste agency or toll-free 1-877-229-3724 for disposal instructions. Never place unused product down any indoor or outdoor drain.</p>

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, because of manner of use and other factors beyond Bayer CropScience LP's control it is impossible for Bayer CropScience LP to eliminate all risks associated with the use of this product. As a result, crop injury or ineffectiveness is always possible. 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 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.

PRODUCED FOR



Bayer Environmental Science

A Division of Bayer CropScience LP
2 T. W. Alexander Drive
Research Triangle Park, NC 27709

Merit 0.4 Plus (MASTER) Approved 10/21/04, Notification 07/14/10

