

432-1349

3.30.2007

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

NOTIFICATION

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

MAR 30 2007

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

MAR 30 2007

SUBJECT: Application for Pesticide Notification – Revised Patent Statements
Merit® 0.2 Plus Turf Fertilizer Insecticide
EPA Reg. No. 432-1349
Application Dated February 9, 2007

Dear Dr. Pangilinan:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 for the product above. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the actions requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please me directly at 703-305-6249 or Terri Stowe of my staff at 703-305-6117.

Sincerely,

A handwritten signature in black ink, appearing to be "Linda Arrington".

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

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Application for Pesticide - Section I

Company/Product Number 432-1349	2. EPA Product Manager Thomas Harris	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
Company/Product (Name) Merit 0.2 Plus Turf Fertilizer Insecticide	PM# 1	
Name and Address of Applicant (Include ZIP Code) Lay Environmental Science 1 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 _____	NOTIFICATION MAR 30 2007
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.	
<input type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.	

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

- revise patent statement

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.

Section - III

1. Material This Product Will Be Packaged In:

Child-Resistant Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	2. Type of Container <input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> 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
 Label Container

4. Size(s) Retail Container

5. Location of Label Directions

6. Manner in Which Label is Affixed to Product
 Lithograph Paper glued Stenciled 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 Registrations Manager	Telephone No. (Include Area Code) 310-549-2428
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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.

2. Signature

3. Title
Registrations Manager

4. Typed Name
Norma C. Pangilinan, Ph.D.

5. Date
February 9, 2007

6. Date Application Received (Stamped)

Bayer Environmental Science



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Document Processing Desk (NOTIF)
EPA - Office of Pesticide Programs (7504P)
One Potomac Yard, Room S-4900
2777 S. Crystal Drive
Arlington, VA 22202

Attn: Ms. Linda Arrington

Subject: Label Notification - Revise Patent Statement
Merit 0.2 Plus Turf Fertilizer Insecticide; EPA Reg. No.: 432-1349

NOTIFICATION

MAR 30 2007

Dear Ms. Arrington:

Pursuant to PR Notice 98-10, we wish to notify the Agency of a change to the Patent Statement on the Merit 0.2 Plus Turf Fertilizer label.

February 9, 2007

The following documents are enclosed in support of this notification:

1. Completed EPA Form 8570-1
2. Five copies of the revised product label plus one highlighted copy tracking revision to label.

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

Phone: 919 549-2000

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 Section 12 and 14 of FIFRA.

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

Thank you for your assistance in this matter.

Sincerely,

BAYER ENVIRONMENTAL SCIENCE
A Business Group of Bayer CropScience

NORMA C. PANGILINAN, Ph.D,
Registrations Manager

A Business Group of
Bayer CropScience

NOTIFICATION



Bayer Environmental Science ^{4/8}

MAR 30 2007

Merit® 0.2 Plus Turf Fertilizer

For fertilization and insect control in turfgrass and landscape ornamentals and sod farms.

Fertilizer with MERIT® Insecticide.

Contains Merit® Insecticide

[FERTILIZER CLAIMS]

Contains Poly-S controlled release urea nitrogen

Contains proprietary DG Pro Dispersible Carrier

(Fertilizer Claims Specific For Lesco®)

Contains Lesco® Poly Plus® Sulfur Coated Urea to provide uniform growth with extended nitrogen feeding.

Slowly Available Urea nitrogen from Polymer Coated sulfur Coated Urea.

Poly Plus is comprised of Polymer Coated sulfur Coated Urea.

50 lbs. treats 14,200 sq. ft. (0.33 acre) at the 150 lbs. product/acre - LOW RATE (3.5 lbs/1,000 sq. ft.)

50 lbs. treats 11,100 sq. ft. (0.25 acre) at the 200 lbs. product/acre - HIGH RATE (4.5 lbs/1,000 sq. ft.)

Net Wt. 50 Lbs. (22.68 Kg.)

Treats Up To 14,200 Sq. Ft.

30 lb treats 8525 sq ft (0.2 A) at the 150 lb / acre - - LOW RATE (3.5 lbs/1,000 sq. ft.)

30 lb treats 6660 sq ft (0.15 A) at the 200 lb /acre - HIGH RATE (4.5 lbs/1,000 sq. ft.)

Net Wt. 30 lbs (13.61 Kg)

Treats up to 8525 sq ft

ACTIVE INGREDIENT:

Imidacloprid, 1-[(6-Chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine 0.2%

OTHER INGREDIENTS: 99.8%

U.S. Patent No. 5,783,203 100.0%

EPA Reg. No. 432-1349

EPA Est. No. _____

Merit® is a registered trademark of Bayer.

**STOP - READ THE LABEL BEFORE USE.
KEEP OUT OF REACH OF CHILDREN.**

CAUTION

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.

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. Wash thoroughly with soap and water after handling.

Personal Protective Equipment (PPE):

WPS USES: Applicators and Other Handlers who handle this product for any use covered by the Worker Protection Standard (40 CFR part 170) – in general, agricultural plant uses e.g., use in sod farms, must wear:

- Long-sleeved shirt and long pants
- Chemical resistant gloves made of any waterproof material such as barrier laminate, butyl rubber, nitrile rubber, neoprene rubber, natural rubber, polyethylene, polyvinylchloride (PVC) or viton. If you want more options, follow the instructions for category A on an EPA chemical-resistance category selection chart.
- Shoes plus socks

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

Non-WPS USES: Applicators and other handlers who handle this product for any use NOT covered by the Worker Protection Standard (40 CFR part 170) – in general, only agricultural plant uses are covered by the WPS, must wear:

- Shirt and pants
- Gloves
- Shoes plus socks

USER SAFETY RECOMMENDATION

Users 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 requirement 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.

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 waterproof material
- Shoes plus socks

Do not formulate this product into other end-use products.

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STORAGE AND DISPOSAL

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

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: Completely empty bag into application equipment. Dispose of empty bag in a sanitary landfill or by incineration or if allowed by the state and local authorities, by burning. If burned, stay out of smoke.

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.

APPLICATION TO TURFGRASS

The use of this product will provide plant nutrients as well as providing control of selected insect pests. MERIT 0.2 Plus Turf Fertilizer can be used for the control of soil inhabiting pests of turfgrass, such as Northern & Southern masked chafers, *Cyclocephala borealis*, *C. immaculata*, and/or *C. lurida*; Asiatic garden beetle, *Maladera castanea*; European chafer, *Rhizotrogus majalis*; May or June beetles, *Phyllophaga* spp.; Japanese beetle, *Popillia japonica*; Oriental beetle, *Anomala orientalis*; Billbugs, *Sphenophorus* spp.; Annual bluegrass weevil, *Hyperodes* spp.; Black turfgrass ateniens, *Ataenius spretulius*; *Aphodius* spp.; European Crane Fly, *Tipula paludosa*, and mole crickets, *Scapteriscus* spp. MERIT 0.2 Plus Turf Fertilizer can be used as directed on turfgrass in sites such as home lawns, business and office complexes, shopping complexes, multi-family residential complexes, golf courses, airports, cemeteries, parks, playgrounds, athletic fields and sod farms.

The active ingredient in MERIT 0.2 Plus Turf Fertilizer has sufficient residual activity so that applications can be made preceding the egg laying activity of the target pests. High levels of control can be achieved when applications are made preceding or during the egg laying period. The need for an application can be based on historical monitoring of the site, previous records or experiences, current season adult trapping or other methods. Optimum control will be achieved when applications are made prior to egg hatch of the target pest, followed by sufficient irrigation or rainfall to move the active ingredient through the thatch.

Applications should not be made when turfgrass areas are waterlogged or the soil is saturated with water. Adequate distribution of the active ingredient cannot be achieved when these conditions exist. The treated turf must be in such a condition that the rainfall or irrigation will penetrate vertically into the soil profile. Applications cannot exceed a total of 200 lb (0.4 lb of active ingredient) per acre per year.

APPLICATION TO ORNAMENTALS

MERIT 0.2 Plus Turf Fertilizer can be used as a broadcast application on ornamentals in commercial and residential landscapes, as well as on landscaped areas of golf courses and other recreational areas. This is a systemic product, with the active ingredient being absorbed by the roots and translocated upward within the plant. Optimum control will be achieved when applications are followed by sufficient mechanical incorporation, irrigation or rainfall to place the active ingredient into the soil. Application should be made prior to anticipated pest infestation to achieve optimum levels of control.

Applications of MERIT 0.2 Plus Turf Fertilizer cannot exceed a total of 200 lb (0.4 lb of active ingredient) per acre per year.

NOTE: Not for use in commercial greenhouses, or nurseries.

APPLICATION EQUIPMENT

Apply MERIT 0.2 Plus Turf Fertilizer uniformly over the area being treated with typical granular application equipment. Both drop-type and rotary-type spreaders may be used to apply MERIT 0.2 Plus Turf Fertilizer. Avoid the use of spreaders which would apply the material in narrow, concentrated bands. Calibrate application equipment prior to use according to the manufacturer's directions. Check frequently to be sure equipment is working properly and distributing granules uniformly and accurately.

SPREADER SETTINGS FOR MERIT 0.2 PLUS TURF FERTILIZER

The following chart can be used as a guide in establishing an accurate rate of MERIT 0.2 Plus Turf Fertilizer. The suggested settings should provide an application rate of 3.5 lb per 1000 sq ft, or 150 lb per acre. Application rates will vary dependent upon speed, equipment wear and condition of spreader. Carefully calibrate all equipment used prior to commercial use of this product.

RECOMMENDED APPLICATION RATES

CROP	PEST	DOSAGE
		MERIT + TURF FERTILIZER
Turf Grasses	Larvae of: Annual bluegrass weevil Asiatic garden beetle Billbugs Black turfgrass ataenius European chafer	European Crane Fly Japanese Beetle Northern masked chafer Oriental beetle <i>Phyllophaga</i> spp. Southern masked chafer
	Larvae of: Asiatic garden beetle Black turfgrass ataenius European chafer Japanese beetle	Northern masked chafer Oriental beetle <i>Phyllophaga</i> spp. Southern masked chafer European Crane Fly
	Larvae of: Annual bluegrass weevil Billbugs	
	For optimum control, make application prior to egg hatch of the target pest. Be sure to read "APPLICATION EQUIPMENT" Section of this label.	
	Mole crickets	

125 to 200 lb per acre
or
3 to 4.5 lb per 1000 sq ft

150 lb per acre
or
3.5 lb per 1000 sq ft

150 to 200 lb per acre
or
3.5 to 4.5 lb per 1000 sq ft

200 lb per acre
or
4.5 lb per 1000 sq ft

For control of mole crickets make application prior to or during the peak egg hatch period. When adults or large nymphs are present and actively tunnelling, MERIT application should be accompanied by a curative insecticide.

Consult your local State Agricultural Experiment Station or State Extension Turf Specialists for more specific information regarding timing of application.

NOTE: For optimum control, irrigation or rainfall should occur within 24 hours after application to move the active ingredient through the thatch. On golf courses, irrigate treated areas following application. Do not apply more than 200 lb (0.4 lb of active ingredient) per acre per year. Avoid mowing turf or lawn area until after irrigation or rainfall has occurred so that uniformity of application will not be affected.

RECOMMENDED APPLICATION RATES FOR USE ON ORNAMENTALS

CROP	PEST	DOSAGE
		MERIT + TURF FERTILIZER
Landscape Plantings Including: Trees, Shrubs, Evergreens, Flowers, Foliage, Plants, Ground Covers	White grub larvae Such as: Japanese beetle larvae, Chafers, <i>Phyllophaga</i> spp. Asiatic garden beetle, Oriental beetle	

3.5 to 4.5 lb per 1000 sq ft

Apply as a broadcast treatment. Prior to application, remove black plastic or other weed barrier material that will not permit water permeability.

NOTE: For optimum control, mechanical incorporation, irrigation or rainfall should occur within 24 hours after application to move the active ingredient into soil.

Refer to label sections on application equipment and spreader settings.

RESTRICTIONS

Avoid runoff or puddling of irrigation water following application. Avoid application of MERIT 0.2 Plus Turf Fertilizer to areas which are water-logged or saturated, which will not allow penetration into the root zone of the plant. Do not apply more than 200 lb (0.4 lb of active ingredient) per acre per year. Do not apply to vegetable gardens.

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 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.

This Product is specially formulated and sold under license from Bayer only for the uses set forth on this label. The active ingredient of this product, formulations containing this active ingredient, and/or methods of making or using this active ingredient or its formulations may be the subject of one or more Bayer patents, including but not limited to U.S. Patent No. 5,783,203. The purchase and/or use of this product constitutes acceptance of a limited license to use this product only in strict accordance with the instructions set forth on this label. Any use of this product other than as expressly set forth on this label is prohibited and is not licensed through the purchase and/or use of this product and may result in the infringement of one or more Bayer patents and/or other intellectual property rights.

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NET WEIGHT: 30lbs, 50lbs, 1,000 lbs

PRODUCED FOR



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 0.2 Plus Turf Fertilizer (MASTER) Approved 01/25/07, Notification 02/09/07