

432-1376

08-11-2009

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

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

AUG 11 2009

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 432-1376 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 9810. 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.

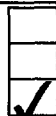
Sincerely,

A handwritten signature in cursive script, appearing to read "Rachel C. Halloran", is written over the typed name "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

Application for Pesticide - Section I

1. Company/Product Number 432-1376	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 Ornamental 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 _____
<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.

NOTIFICATION
AUG 11 2009

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 <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____	
* Certification must be submitted.		If "yes," Unit Package wgt.	No. per container	If "yes," Package wgt.	No. per container
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 type="checkbox"/> Lithograph <input checked="" 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 (Stamp)
2. Signature 	3. Title Manager, Registrations	
4. Typed Name Norma C. Pangilinan, Ph.D.	5. Date July 10, 2009	

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 Ornamental Insecticide (Reg. No. 432-1376)

Dear Ms. Arrington:

Pursuant to PR Notice 2007-04, we hereby notify the Agency of revision to the Merit 2.5 G Ornamental Insecticide label with adoption of EPA's 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 each revised product label plus one copy highlighting changes,

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,

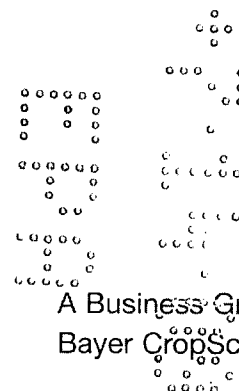
BAYER ENVIRONMENTAL SCIENCE
A Business Group of Bayer CropScience


NORMA C. PANGILINAN, Ph.D.,
Registrations Manager

July 10, 2009

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

Phone: 919 549-2000



Merit[®] 2.5 G Ornamental Insecticide

For systemic insect control in ornamental plants.

ACTIVE INGREDIENT:

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

OTHER INGREDIENTS: 97.5%

Total 100.0%

EPA Reg. No. 432-1376

EPA Est. No. ____

STOP – Read the label before Use.
Keep out of reach of children

NOTIFICATION

AUG 11 2009

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 1-800-334-9745

FIRST AID

If in eyes:	<ul style="list-style-type: none">• Hold eye open and rinse slowly and gently with water for 15 to 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 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 to 20 minutes.• Call a poison control center or doctor for treatment advice.
In case of emergency call toll free the Bayer Environmental Science Emergency Response Telephone No. 1-800-334-7577. Have a 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.

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.

PRO FACTS

- Easy To Use Granules
- Stops and Prevents Insect Damage
- No phytotoxicity on a wide range of ornamentals
- Low Odor

MERIT 2.5 G	• Granules containing 2.5% imidacloprid
CONTROLS	<ul style="list-style-type: none"> • Sucking insect pests. • Aids in ant management.
WHERE TO APPLY	• Shrubs and small trees (less than 8 ft. tall).
COVERAGE	• Treats up to 42 shrubs or trees.
MIXING INFORMATION	• Ready-To-Use granules – no mixing necessary.
HOW TO APPLY	<ul style="list-style-type: none"> • Spread directly beneath plant at base. • Use easy measuring cup to apply as directed.
RE-APPLY	• At 4 – 8 week intervals.
QUESTIONS	For questions or comments, call toll-free 1-800-331-2867 www.bayerprocentral.com

DIRECTIONS FOR USE

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

ORNAMENTAL PESTS

MERIT 2.5 G Ornamental Insecticide is for use on ornamental shrubs and small trees in outdoor landscapes and interior plantscapes. MERIT 2.5 G is a systemic product and will be taken up by the roots and translocated upward within the plant system. Therefore watering after application makes the product more available for uptake.

Systemic activity using this soil application treatment method can be delayed until the active ingredient is translocated throughout the plant. For this reason, applications work best when made prior to pest infestation or before pest populations become severe.

PESTS CONTROLLED

Allegids	Japanese beetle (adults)	Leaf beetles (including Elm leaf and Viburnum leaf beetles)	Psyllids
Aphids	Lace bugs	Leafhoppers	Whiteflies
Black vine weevil (larvae in soil)			

WHERE TO APPLY	• Shrubs and small trees in outdoor landscapes and interior plantscapes
USE RATE	<ul style="list-style-type: none"> • Select rate according to height of shrub or tree: Up to 4 ft.- use ¼ to ½ cup 4 to 8 ft.- use ½ to 1 cup • Use high rate for initial treatment and lower rates for re-applications, if needed. • Not recommended for shrubs or trees greater than 8 feet tall. Instead use soil applications of other MERIT products approved for use on shrubs and trees.
HOW TO APPLY	• Spread appropriate rate evenly around the base of plant under foliage.
WHEN TO APPLY	<ul style="list-style-type: none"> • When pests are seen or found. • Re-apply as needed based on pest re-infestation or at 4 – 8 week intervals.

Continued in next column

ORNAMENTAL PESTS (continued)	
FOR BEST RESULTS	<ul style="list-style-type: none"> • Apply early before pest populations become severe. • Irrigation or rainfall should occur shortly after application. • Pull back mulch and weed barrier before application. • Avoid application to frozen or water-logged areas, as this may decrease the product's effectiveness.
ANT MANAGEMENT	<ul style="list-style-type: none"> • Use MERIT 2.5 G Ornamental Insecticide to control aphids and other sucking pests on ornamentals to limit the honeydew available as a food source for ant populations. MERIT applications can then be supplemented with residual sprays, bait placements or other ant control tactics to further reduce pest populations.
RESTRICTIONS	<ul style="list-style-type: none"> • Do not apply near fish pools, ponds, streams or lakes. • Do not use in vegetable gardens. • Treated areas may be replanted with any crop for which a tolerance exists for the active ingredient. For other crops, a 12-month plant back interval should be observed. • Not for use in commercial greenhouses or nurseries, or on commercial fruit and nut trees. • 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.
Note: 1 level cup is approximately 6 ounces MERIT 2.5 G Ornamental Insecticide.	

STORAGE AND DISPOSAL	
Do not contaminate water, food, or feed by storage or disposal.	
Storage:	<ul style="list-style-type: none"> • Store in a cool, dry place and in such a manner as to prevent cross contamination with other pesticides, fertilizers, food, or feed. • Store in original containers and out of the reach of children, preferably in a locked storage area. • Handle and open container in a manner as to prevent spillage.
Pesticide Disposal:	<ul style="list-style-type: none"> • Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility. • Improper disposal of excess pesticide is a violation of Federal law.
Container Disposal:	<ul style="list-style-type: none"> • Do not use container in connection with food, feed, or drinking water. • Non-refillable container. Do not reuse or refill this container. Offer for recycling, if available. • Completely empty container into application equipment. Then dispose of empty container in a sanitary landfill, or by incineration, or if allowed by State and Local Authorities by burning. If burned, stay out of smoke.
Spills:	<p>If the container is leaking or material is spilled for any reason or cause, carefully sweep material into a pile. Refer to Precautionary Statements on label for hazards associated with the handling of this material.</p> <ul style="list-style-type: none"> • Do not walk through spilled material. • Dispose of as directed for pesticides above, or apply uncontaminated product according to Directions For Use. • Keep unauthorized people away. • You may contact the Bayer Environmental Science Emergency Response Team for decontamination procedures or any other assistance at 1-800-334-7577 or contact Chemtrec at 1-800-424-9300.

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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

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Merit 2.5 G (MASTER) 01/30/04, Notification 01/31/04, Notification 07/01/09