

432-1399

7-20-2007

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

NOTIFICATION

JUL 20 2007

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Charles W. Boyd
Registration Manager
Bayer Environmental Science
2 T. W. Alexander Drive
Research Triangle Park, NC 27709

SUBJECT: Application for Pesticide Notification – Update Warranty, Marketing Statements,
and Correction of Typo
Merit® 2.5 PR
EPA Reg. No. 432-1399
Application Dated June 6, 2007

Dear Mr. Boyd:

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,

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



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United States
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 432-1399	2. EPA Product Manager Venus Eagle	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Merit 2.5 PR	PM# 1	
5. Name and Address of Applicant (Include ZIP Code) Bayer Environmental Science 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 type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.

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

See Attached

NOTIFICATION

JUL 20 2007

Section - III

1. Material This Product Will Be Packaged In:						2. Type of Container	
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	If "Yes" Unit Packaging wgt. No. per container		If "Yes" Package wgt. No. per 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		3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions <input type="checkbox"/>	
6. Manner in Which Label is Affixed to Product			<input checked="" type="checkbox"/> Lithograph Paper glued 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 Charles W. Boyd	Title Registrations Manager	Telephone No. (Include Area Code) (919) 549-2422
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>Charles W. Boyd</i>	3. Title Registrations Manager	
4. Typed Name Charles W. Boyd	5. Date June 6, 2007	

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Section II - Explanation

Bayer Environmental Science is submitting a **Notification** to add claims, revised packaging directions and the revised storage and disposal per PR Notice 2001-6.

The following claims have been added:

Protects and Feeds for up to 8 weeks.
For indoor & outdoor potted plants.
100% Satisfaction Guaranteed* (or your money back)
This product's Double Action formula feeds and protects against damaging insects.
Just push spikes into soil and your potted plant is protected (from insects) for up to 2 months.
Growing beautiful plants has never been easier.
Feeds plants and kills insects for up to 8 weeks.
Kills insects and feeds plants for up to 2 months.
X-X-X slow release fertilizer feeds plants for up to 2 months.
Imidacloprid is the chemical name for Merit®

These claims were all supported in the original submission.

A typo was corrected in the before you use section. The word "not" was missing from the restriction against using the product in water.

The following directions were added to give directions for using the new applicator:

- No Spraying!
- Place the spike in the applicator's tip.
- Just push applicator into soil.
- Press to release spike and water in.

This is expressly permitted in section II. M. 3. of PR Notice 98-10.

The storage and disposal statements have been updated per PR Notice 2001-6.

The standard Bayer Advanced Warranty has also been added.

Enclosed is one copy of the product label, draft 6/6/07.

This notification is consistent with the provision of PR Notice 2001-6 and 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.

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(Front Panel)

Merit[®] 2.5 PR

- NEW!
- GUARANTEED SATISFACTION
- READY TO USE
- Contains X-X-X Fertilizer
- For al Potted Plants...Indoors & Outdoors
- Stops Insects Now & Later
- Kills Existing Insects
- Protects Against Further Infestations
- Protects Against Damage From Insects
- Protects Against Insect Damage for up to 8 weeks
- Protects Against Insect Damage Now & Later
- No spraying... no mess... just push spikes into soil
- Contains BITREX®
- 2 in 1 action
- Feeds your plants and protects from insect damage
- Provides up to 8 weeks Rainproof Protection
- No unpleasant Odor
- Protects Against Insect Infestation
- Protects & Feeds for up to 8 weeks
- For indoor & outdoor potted plants
- 100% Satisfaction Guaranteed* (or your money back)

NOTIFICATION

JUL 20 2007

ACTIVE INGREDIENT:

Imidacloprid 2.5 %

OTHER INGREDIENTS: 97.5 %

Net Contents: 10-12 gram plant spikes Total : 0.8 oz. (20 grams)

**STOP – Read the label before use.
KEEP OUT OF REACH OF CHILDREN**

CAUTION

See Back Panel for Additional Ingredients and Precautionary Statements


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(BACK PANEL)

This product's Double Action formula feeds and protects against damaging insects. Just push spikes into soil and your potted plant is protected (from insects) for up to 2 months. Growing beautiful plants has never been easier.

QUICK FACTS (Product Facts)

- Easy-To-Use Plant Spikes
- Double Action Formula
- Long-lasting, effective protection
- Two-in-one formula kills insects while feeding your plants
- Highly effective, lasting protection
- Long-lasting protection against aphids, whiteflies and other insects
- Use in potted plants, indoors or outdoors
- Feeds plants and kills insects for up to 8 weeks
- Kills insects and feeds plants for up to 2 months

KILLS	Aphids, leafhoppers, mealybugs, plant bugs, scales, thrips and whiteflies
FEEDS	X-X-X slow release fertilizer feeds plants for up to 2 months
COVERAGE	This package will treat 4 to 5 eight-inch pots
WHERE TO USE	In all potted plants except edible plants, herbs, fruits or vegetables. Use in potted roses, palms, ficus, houseplants, hibiscus, flowers, vines, and containerized shrubs and trees.
WHEN TO USE	Every two months
HOW MUCH TO USE	Varies with post size; see use directions.
	Questions, comments, or medical information call 1-800-842-8020 or www.bayer.com .

FOR INDOOR / OUTDOOR RESIDENTIAL USE ONLY

ACTIVE INGREDIENT:

Imidacloprid 2.5 %

OTHER INGREDIENTS: 97.5 %

TOTAL: 100.00%

EPA Reg. No. 432-1399

EPA Est. No. -AA-

Imidacloprid is the chemical name for Merit®

FERTILIZER ANALYSIS X-X-X

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

- Harmful if swallowed or absorbed through skin.
- Causes eye irritation.
- Avoid contact with eyes, skin, or clothing.
- Wash hands thoroughly with soap and water after handling.

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FIRST AID +	
IN CASE OF ACCIDENTAL . . .	IMMEDIATELY . . .
Swallowing	<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.
Contact with skin	<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.
Contact with eyes	<ul style="list-style-type: none"> • Hold eye open and rinse eye 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.
<p>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 toll-free 1-800-414-0244 for medical emergency information. Active ingredient: Imidacloprid [CAS # 138261-41-3].</p>	

ENVIRONMENTAL HAZARDS
<ul style="list-style-type: none"> • This pesticide is highly toxic to aquatic invertebrates. Do not apply directly to lakes, streams, rivers or ponds.

DIRECTIONS FOR USE																			
<p>It is a violation of Federal Law to use this product in a manner inconsistent with its labeling. For best results, read and follow all label directions.</p>																			
<p>BEFORE YOU USE Read and follow directions when using.</p>	<ul style="list-style-type: none"> • Do not use this product in fish pools, ponds, streams or lakes. • Do not use for potted vegetables, fruits or herbs. 																		
<p>HOW TO USE</p>	<p>(ART DIAGRAM SHOWING SPIKES BEING PUSHED INTO THE SOIL WITH UNIFORM SPACING)</p> <ul style="list-style-type: none"> • No Spraying! • Place the spike in the applicator's tip • Just push applicator into soil • Press to release spike and water in • With watering, spikes will slowly dissolve to release fertilizer and the insecticide into the soil. (ART: WATERING ICON) 																		
<p>FOR BEST RESULTS</p>	<p>For the first 10 days, avoid flushing water through the pot to the point where it flows out the bottom. This is to avoid washing the insecticide from the soil. After a few days, the insecticide will bind to the soil where it can be taken up by the root.</p>																		
<p>HOW MUCH TO USE</p>	<p>The number of spikes needed depends on the amount of soil the pot contains. For shallow pots, the lower number of spikes may be needed, for deep pots, you may want to use the higher number.</p> <table border="1"> <thead> <tr> <th>Pot Diameter</th> <th>Number of spikes</th> </tr> </thead> <tbody> <tr> <td>4 inch</td> <td>½ spike</td> </tr> <tr> <td>5 inch</td> <td>1 spike</td> </tr> <tr> <td>8 inch</td> <td>2 to 3 spikes</td> </tr> <tr> <td>10 inch</td> <td>3 spikes</td> </tr> <tr> <td>12 inch</td> <td>4 spikes</td> </tr> <tr> <td>14 inch</td> <td>4 to 5 spikes</td> </tr> <tr> <td>16 inch</td> <td>5 to 6 spikes</td> </tr> <tr> <td>Window boxes, irregular shapes</td> <td>Use 1 spike per 4" of length and width (16 sq. in surface)</td> </tr> </tbody> </table>	Pot Diameter	Number of spikes	4 inch	½ spike	5 inch	1 spike	8 inch	2 to 3 spikes	10 inch	3 spikes	12 inch	4 spikes	14 inch	4 to 5 spikes	16 inch	5 to 6 spikes	Window boxes, irregular shapes	Use 1 spike per 4" of length and width (16 sq. in surface)
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IMPORTANT: Directions for Storage and Disposal

Storage Conditions	Store in original container in a cool, dry place, out of the reach of children, preferably a locked storage cabinet.
Disposal	If Empty: <ul style="list-style-type: none">• Do not reuse container.• Place empty container in trash or offer for recycling if available. If Partly Filled: <ul style="list-style-type: none">• 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.

NOTICE: Research and testing have determined that the "Directions for Use" are appropriate for the proper use of this product under expected conditions. The Buyer assumes, to the extent consistent with applicable law, responsibility for lack of performance or safety if not used according to the directions.

***Money Back Guarantee:** If you are not satisfied with this product, we will gladly refund your original purchase price.



Bayer Environmental Science

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

Merit 2.5 PR (MASTER) Approved 03/14/2000, Notification 06/06/07

