

432-1399

12/23/2013

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



OFFICE OF
CHEMICAL SAFETY AND
POLLUTION PREVENTION

December 23, 2013

Ms. Annette M. Bloomberg
Bayer Environmental Science
2 T.W. Alexander Drive
Research Triangle Park, NC 27709

Subject: Label notification to add restrictions for the state of Oregon, per PRN 98-10

Dear Ms. Bloomberg:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10, dated December 10, 2013 for "Merit 2.5 PR" EPA Registration No. 432-1399.

The Registration Division (RD) has conducted a review of the request for applicability under PRN 98-10 and finds that the changes 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 contact me directly at 703-308-8735 or email me at chao.julie@epa.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie A. Chao".

Julie A. Chao
Insecticide-Rodenticide Branch
Registration Division (7505P)
Office of Pesticide Programs



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 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 Advanced 2 TW 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 DEC 23 2013
<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 minor label modification per PR Notice 98-10. See attached Section II explanation. Oregon State use restriction on Linden Trees. Contact Information: annette.bloomberg@bayer.com (919-627-0498 cell; 919-549-2608 work)

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		<input type="checkbox"/> Metal	<input type="checkbox"/> Plastic
* Certification must be submitted				<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
	If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt.	Other (Specify) _____	
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"/> package	
6. Manner in Which Label is Affixed to Product			<input 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 Annette M. Bloomberg	Title Regulatory Product Manager	Telephone No. (include Area Code) 919-549-2608
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>Annette M. Bloomberg</i>	3. Title Regulatory Product Manager	
4. Typed Name Annette M. Bloomberg	5. Date December 11, 2013	

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Merit 2.5 PR
EPA Reg. No. 432-1399-72155
December 11, 2013

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Section II - Explanation

Bayer Advanced is submitting a label **Notification** for **Merit 2.5 PR**, EPA Reg. No. 432-1399-72155 (ABN: Bayer Advanced 2-in-1 Insect Control Plus Fertilizer Plant Spikes), in accordance with PR Notice 98-10. The purpose of this Notification is to add the Oregon State use restriction for imidacloprid on Linden, Basswood and other Tilia species issued on November 12, 2013 (clarification letter dated November 20, 2013). The following changes have been made to the label:

1. The use restriction statement for linden, basswood and other Tilia species is located in the **Directions for Use** section in the **Before You Use** row.
2. Due to this use restriction, the word "all" was removed from the claim which now reads "For Potted Plant, Indoors and Outdoors."
3. The word "all" was removed in the Quick Facts, Where to Use Section and now reads "In potted plants except edible plants, herbs, fruits, or vegetables."

Enclosed are ^{one}2 copies of the product label (~~two~~ clean copies and one copy with all changes highlighted in yellow).

✓ This notification is consistent with the provision 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.

NOTIFICATION

DEC 23 2013

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(Front Panel)

Merit[®] 2.5 PR

(ABN) Bayer Advanced 2-in-1 Insect Control Plus Fertilizer Plant Spikes

- GUARANTEED SATISFACTION*
- READY TO USE
- Contains X-X-X Fertilizer
- For Potted Plants, Indoors & Outdoors
- Stops Insects Now & Later
- Kills Existing Listed Insects
- Protects Against Further Infestations
- Protects Against Damage From Listed 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 kills listed insects while feeding your plants
- 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
DEC 23 2013

ACTIVE INGREDIENT:

Imidacloprid 2.5 %

OTHER INGREDIENTS: 97.5 %

TOTAL : 100.0%

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



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

(BACK PANEL)

This product's Double Action formula feeds and protects against listed 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 kills listed insects while feeding your plants
- Long-lasting, effective protection for up to 8 weeks
- Two-in-one formula kills listed insects while feeding your plants
- Highly effective, lasting protection for up to 8 weeks
- Long-lasting protection against aphids, whiteflies and other listed insects for up to 8 weeks
- 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 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 pot 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: 100.0%

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 . . .
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.
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

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling. Read and follow all label directions.

BEFORE YOU USE	RESTRICTIONS <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. • Do not apply this product, by any application method, to linden, basswood, or other Tilia species. 	
HOW TO USE	<p><i>[ART DIAGRAM SHOWING SPIKES BEING PUSHED INTO THE SOIL WITH UNIFORM SPACING]</i></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. <i>[ART: WATERING ICON]</i> • 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. 	
HOW MUCH TO USE	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.	
	Pot Diameter	Number of spikes
	4 inch	1/2 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 square inches or surrace)	

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STORAGE AND DISPOSAL

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

PESTICIDE STORAGE:	Store in original container in a cool, dry place, out of the reach of children, preferably a locked storage cabinet.
PESTICIDE DISPOSAL AND CONTAINER HANDLING:	<p>If Empty:</p> <ul style="list-style-type: none"> • Non-refillable container. Do not refill or reuse container. • Place empty container in trash or offer for recycling if available <p>If Partly Filled:</p> <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: The directions for use of this product must be followed carefully. The Buyer assumes, to the extent consistent with applicable law, responsibility for lack of performance or safety if not used according to the directions. 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 Advanced. All such risks shall be assumed by the user or buyer.

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

PRODUCED FOR



Bayer Environmental Science

**A DIVISION OF BAYER CROPSCIENCE LP
P.O. BOX 12014, 2 T.W. ALEXANDER DRIVE
RESEARCH TRIANGLE PARK, NORTH CAROLINA 27709**

Merit® 2.5 PR (Pending) 12-04-2013