



U.S. ENVIRONMENTAL PROTECTION AGENCY

Office of Pesticide Programs

Registration Division (H7505C)

401 "M" St., S.W.

Washington, D.C. 20460

EPA Reg.

Number:

432-1457

Date of Issuance:

SEP 14 2006

Term of Issuance: Conditional

Name of Pesticide Product:

Merit FXT Tablet Insecticide

NOTICE OF PESTICIDE:

☒ Registration
☐ Reregistration

(under FIFRA, as amended)

Name and Address of Registrant (include ZIP Code):

Ms. Norma C. Pangilinan
Bayer CropScience
P.O. Box 12014
2 T.W. Alexander Drive
Research Triangle Park, NC 27709

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide and Rodenticide Act.

Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is conditionally registered in accordance with FIFRA sec. 3(c)(7)(A). Once a pesticide is registered, however, it is not regarded as permanently acceptable. Registration does not eliminate the need for continual reassessment of pesticides. If the Agency determines that, at any time, additional data are required to maintain in effect an existing registration, the Agency will require submission of such data under FIFRA section (3)(c)(2)(B).

1. Revise the EPA Registration Number to read, EPA Reg. No. 432-1457".

Signature of Approving Official:

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

Date:

SEP 14 2006

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2. The "First Aid" statement should be in the following order:

on skin:

- Take off contaminate clothing
- Rinse skin immediately with plenty of water for 15-20 minutes
- Call a poison control center or doctor for treatment advice.

swallowed:

- 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 by a poison control center or doctor.
- Do not give anything to an unconscious person.

in eyes:

- 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.
- Call a poison control or doctor for treatment advice.

3. Submit a required one year storage stability (830.6317) study for the proposed product under warehouse conditions. It is recommended that observations be made at 0, 3, 6, 9 and 12 month intervals. The corrosion characteristics (830.6320) study may be carried out concurrently.
4. Under the "Agricultural Use Requirement" Use the standard Agency glove statement:
"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."
5. Delete the first sentence under the section "Application Directions". Efficacy data confirming this two claim must be provided before it can be placed on the label.
6. Make the following changes to the warranty statement:

Conditions: Change the word "should" in the first line to "must".

Disclaimer of Warranties: The first line should be: To the extent consistent with applicable law, Bayer Environmental Science...

Limitations of Liability: Rewrite the first line to read as follows: To the extent consistent with applicable law...

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7. Submit two copies of your final printed label before you release the product for shipment. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA sect. 6(e). Your release for shipment of the product constitute acceptance of these conditions.

A stamped copy of the label is enclosed for your records. If you have any questions regarding this notice, please contact me at (703) 305-5409.

Enclosure:

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Bayer Environmental Science

Merit[®] FXT Tablet Insecticide

For insect control in residential and commercial ornamental landscapes, nursery, and commercial forestry plantings.

ACTIVE INGREDIENT:

*Imidacloprid, 1-[(6-Chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine..... 20%

OTHER INGREDIENTS: 80%

Fertilizer Analysis: X-X-X 100%

May be protected under U.S. Patent Nos. 4,742,060, 5,783,203, and 6,264,968

EPA Reg. No. 432-xxxx

EPA Est. No. ____

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

CAUTION

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 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 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. Avoid contact with skin, eyes, or clothing.

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 nursery, must wear:

- Long-sleeved shirt and long pants
- Water-proof gloves
- Shoes plus socks

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
- 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.

ACCEPTED
with COMMENTS
In EPA Letter Dated:
SEP 14 2006

Under the Federal Insecticide,
 Fungicide, and Rodenticide Act,
 as amended, for the pesticide
 registered under EPA Reg. No.
 432-1457

User Safety Recommendations

User 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 product is highly toxic to bees exposed to direct treatment or residues on blooming crops or weeds.

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.

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

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.

Exception: The Worker Protection Standard, under certain circumstances, allows workers to enter the treated area if there will be no contact with anything that has been treated.

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

- Long-sleeved shirt and long pants
- Water proof gloves
- Shoes plus socks

NON-AGRICULTURAL USE REQUIREMENTS

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for agricultural pesticides (40 CFR part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries, or greenhouses.

Keep children and pets off treated area until dry.

APPLICATION DIRECTIONS

Merit FXT has been shown to control or significantly reduce populations of insects that attack transplanted or seedling trees for up to two years. The tablet also has been shown to improve rates of growth and establishment of transplants in forest plantations, nurseries, and landscapes.

RECOMMENDED APPLICATIONS			
Crop	Pest	Rate	Application
Plantation Forestry, Hybrid poplar	Cottonwood leaf beetle Aphids	1 tablet per tree	Place tablet in each planting hole at transplant, or next to each plant (ca. within 3" of the seedling).
Plantation Forestry, Pine trees	Nantucket pine tip moth Aphids Soft and armored scales	1-2 tablets per tree	Place tablet(s) in each planting hole at transplant, or next to each plant (ca. within 3" of the seedling).
In-ground and Containerized Nursery Trees and Shrubs	Adelgids Aphids Japanese beetles Lace bugs Leaf beetles (including elm and viburnum leaf beetles) Leafhoppers (including glassy-winged sharpshooter) Mealybugs Psyllids Soft scales Thrips (suppression) White grub larvae Whiteflies	1-2 tablets per plant	For in-ground ornamentals, place tablet in each planting hole at transplant, or next to each plant (ca. within 3" of the seedling). For containerized ornamentals, place tablet into the soil (ca. within 3" of the seedling).
In-ground and Containerized Nursery Trees and Shrubs	Armored scales (suppression) Black vine weevil larvae Eucalyptus longhorned borer Flatheaded borers (incl. emerald ash, bronze birch and alder borer) Leafminers Pine tip moth larvae Royal palm bugs Sawfly larvae	2 tablets per plant	For in-ground ornamentals, place tablet in each planting hole at transplant, or next to each plant (ca. within 3" of the seedling). For containerized ornamentals, place tablet into the soil (ca. within 3" of the seedling).
Trees and Shrubs transplanted into landscape environments	Adelgids Aphids Japanese beetles Lace bugs Leaf beetles (including elm and viburnum leaf beetles) Leafhoppers (including glassy-winged sharpshooter) Mealybugs Psyllids Soft scales Thrips (suppression) White grub larvae Whiteflies Armored scales (suppression) Black vine weevil larvae Eucalyptus longhorned borer Flatheaded borers (incl. emerald ash, bronze birch and alder borer) Leafminers Pine tip moth larvae Royal palm bugs Sawfly larvae	2 tablets per plant	For in-ground ornamentals, place tablets in planting hole at transplant, or next to plant (ca. within 3" of the seedling).

Do not apply more than 450 tablets per acre (0.5 lb imidacloprid) per year.

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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: If empty: Do not reuse this container. Offer for recycling if available or dispose of in a sanitary landfill or by incineration, or if allowed by State and local authorities, by burning. If burned, stay out of smoke.

Pesticide Storage: 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 the container is leaking, invert to prevent leakage. Refer to Precautionary Statements on label for hazards associated with the handling of this material. Do not walk through spilled material. Absorb spilled material with absorbing type compounds and dispose of as directed for pesticides above. In spill or leak incidents, keep unauthorized people away. You may contact the Bayer Environmental Science Emergency Response Team for decontamination procedures or any other assistance that may be necessary. The Bayer Environmental Science Emergency Response Telephone No. is 1-800-334-7577 or contact Chemtrec at 800-424-9300.

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 should be followed carefully. However, it is impossible to eliminate all risks associated with the use of this product. Crop injury or 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 Environmental Science. All such risks shall be assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: BAYER ENVIRONMENTAL SCIENCE 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 Environmental Science is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. BAYER ENVIRONMENTAL SCIENCE 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 ALLOWED BY 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 ENVIRONMENTAL SCIENCE'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 Nos. 4,742,060, 5,783,203, and 6,264,968. 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.

PRODUCED FOR
Bayer Environmental Science

A Business Group of Bayer CropScience LP
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Merit FXT Tablet Insecticide (PENDING) Submitted 03/24/06