
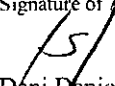


432-1472

05-07-2007

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 U.S. ENVIRONMENTAL PROTECTION AGENCY Office of Pesticide Programs Registration Division (H7505C) 401 "M" St., S.W. Washington, D.C. 20460 NOTICE OF PESTICIDE: <input checked="" type="checkbox"/> Registration <input type="checkbox"/> Reregistration (under FIFRA, as amended)	EPA Reg. Number: 432-1472	Date of Issuance: MAY 7 2007
	Term of Issuance: Conditional	
	Name of Pesticide Product: Merit 1.1% Insecticide	
Name and Address of Registrant (include ZIP Code): Ms. Robyn Kneen Bayer Environmental Science 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.		
<p>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.</p> <p>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.</p> <p>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).</p> <p>1. Revise the EPA Registration Number to read, EPA Reg. No. "432-1472"</p>		
Signature of Approving Official:  Dani Daniel Insecticide-Rodenticide Branch Registration Division (7505P)	Date: MAY 7 2007	

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2. Clarify the claim "Treats up to X average size trees or Y shrubs", by adding numbers in place of the X and Y.

3. Remove the pest "Emerald Ash Borers" from the pest list. Until the Agency is provided data showing that "granules formulations is effective on "Emerald Ash Borers" you can not listed it on the label.

4. Under the "Disclaimer" section of the warranty statement, at the beginning of the second sentence add "**To the extent consistent with applicable law**", manufacturer makes no other express or implied..."

Also at the beginning of the third sentence add "**To the extent of applicable law, the manufacturer shall not be**" liable for consequential...

5. Submit to the Agency the required one year storage stability (830.6317) and Corrosion characteristics study (830.6320) for the proposed product. It is recommended that the observations are made at 0, 3, 6, 9 and 12 months intervals.

6. Submit two copies of your final printed labeling 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.

Enclosure:



Bayer Environmental Science

FRONT PANEL

Merit® 1.1% Insecticide

- Insects stop eating when they feed on the plant
- Protects trees, shrubs, and containerized plants from damaging insects with one easy treatment
- Helps keep trees and shrubs strong. Protects new growth
- Kills insects that damage trees and shrubs
- Controls insects that damage trees and shrubs
- Season long protection
- [3,6,9,12] month insect protection for trees and shrubs
- Treats up to X average size trees or Y shrubs
- Systemic insecticide is absorbed through the roots, carried up into the plant and won't wash off
- Prevents insects from damaging trees and shrubs
- Will not harm trees and shrubs
- For use on all ornamental trees and shrubs, listed fruit & nut trees, and containerized plants
- Kills insects & prevents new infestations
- One application protects up to [3,6,9,12] months
- Provides [3,6,9,12] Month Insect Protection
- Rainproof Protection
- Apply granules around plant and walk away
- Protects against insects in one easy step
- Protects against insects for up to [3,6,9,12] months
- Contains Merit® (a proprietary formula)
- Protects trees and shrubs from insects.
- Easy to use granules
- Ready to Spread Granules – no mixing
- No messy spraying
- A new way to protect trees and shrubs
- Cost effective alternative to professional treatments
- Do it Yourself Tree Protection
- Protects against insects PLUS improves vitality of trees and shrubs
- Eliminates insects that damage Trees & Shrubs
- Delivers [3,6,9,12] month insect protection
- No Spray technology
- Protects against insects plus restores vitality of trees and shrubs
- Rainproof

ACTIVE INGREDIENT:

Imidacloprid 1.1 %

OTHER INGREDIENTS: 98.9 %

EPA Reg. No. 432-XXXX

EPA Est. No.

NET CONTENTS:

ACCEPTED
with COMMENTS
In EPA Letter Dated:
MAY 7 2007

STOP - Read This Entire Label Before Use
KEEP OUT OF REACH OF CHILDREN

CAUTION

See back panel [booklet] for additional
Precautionary statements and Directions for Use

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

432-1472

Not for sale, sale into, distribution and or use in Nassau, Suffolk, Kings, and Queens counties of New York.

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BACK PANEL

FOR RESIDENTIAL USE ONLY

ACTIVE INGREDIENT:

Imidacloprid 1.1 %

OTHER INGREDIENTS:

98.9 %

EPA Reg. No. 432-XX

EPA Est. No.

FIRST AID

IF SWALLOWED	<ul style="list-style-type: none"> • Call poison 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 the 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.

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 TollFree 1-877-229-3763 for medical emergency information. Active Ingredient: 1.1% Imidacloprid [*CAS # 138261-41-3].

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

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

ENVIRONMENTAL HAZARDS

- This pesticide is toxic to aquatic invertebrates. Do not apply directly to lakes, streams, rivers or ponds.
- Do not dump rinse water into sewers or other bodies of water.
- Apply this product only as specified on this label.

DIRECTIONS FOR USE

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.

BEFORE YOU USE

Read and follow directions when using.

- Do not apply near lakes, streams, rivers, or ponds.
- Do not apply to soils which are water-logged or saturated.
- Do not use in vegetable gardens
- Food utensils such as teaspoons or measuring cups should not be used for food purposes after use with insecticide.

KILLS: Adelgids, Aphids, Armored Scales (suppression), Borers, Roundheaded (including Eucalyptus Longhorned Borers, Asian Longhorned Beetle), Flatheaded (including Bronze Birch, Alder, and Emerald Ash Borers), Bark Beetles (suppression), Emerald Ash, Borer, Fungus Gnats, Japanese Beetles, Adult Lace bugs, Leaf Beetles (including Elm Leaf and Viburnum Leaf Beetles), Leafhoppers (including Glassy-winged Sharpshooter), Leafminers (including Birch and Boxwood Leafminers), Mealybugs, Pine Tip Moth Larvae, Psyllids, Royal Palm Bugs, Root Weevil Larvae (including black vine weevil), Sawfly Larvae, Soft Scales (including lobate lac scales)

Thrips, Whiteflies, White Grub larvae (such as Japanese Beetles, Chafers, European Chafer, Oriental Beetle, Asiatic Garden Beetle).

WHERE TO USE: Outdoor trees and shrubs, including listed fruit and nut trees: Apple, Crabapple, Loquat, Mayhaw, Oriental Pear, Pear, Pecan, and Quince. Containerized plants not intended to be used as edible food.

COVERAGE

- **Trees:** (4) trees that measure 8 inches around trunk (3 lb size)
- **Shrubs:** (5) shrubs that are 2 foot tall (3 lb size)
- **Containerized Plants:** (43) – five gallon containers (3 lb size)

How to use: Determine the amount to use by measuring the distance around the tree trunk or height of the shrub. Apply the required amount around the base of the tree or shrub. For containerized plants, determine container size and apply the required amount of product on top of the potting soil in the plant container.

HOW TO USE

TREES

Measure the distance in inches around the tree trunk at approximately 4.5 feet from ground level. For each inch of distance around the trunk, apply (0.46 grams ai) approximately 1/6 cup product around the tree trunk. (Example: For a tree measuring 10 inches around, apply (4.6 grams ai) approximately 1 2/3 cups (ten – 1/6 cups) product in a circle 2 feet from the tree trunk).

A flexible tape measure is the recommended method (tool) for measuring the distance around a tree.

For trees with distance around trunk less than 30 inches, apply the required amount of product evenly in a circle 2 feet from the tree trunk. Trees with distance around trunk greater than 30 inches, apply the product evenly in a circle 3-4 feet from the tree trunk.

Tree With 2 or More Trunks: Measure the distance in inches around each tree trunk at approximately 4.5 feet from ground level, add together, and multiply by 0.75. This measurement times (0.46 grams ai) 1/6 cups is the amount of product to apply around the tree trunk. (Example: A tree has 4 trunks. They measure 20, 10, 5, and 5 (inches) or a total of 40 inches. $40 \times 0.75 = 30$ then multiply $30 \times (0.46 \text{ grams ai}) 1/6 \text{ cups} = (13.8 \text{ grams ai}) 5 \text{ cups}$).

SHRUBS

Measure the height of the shrub to the nearest foot. For each foot of height apply (1.38 grams ai) approximately 1/2 cup product evenly around the shrub base.

For shrubs less than 3 feet tall, apply the required amount of product evenly in a circle 1 foot from the base of the shrub. Shrubs greater than 3 feet tall, evenly apply granules in a circle 2 feet from the base of the shrub.

CONTAINERIZED PLANTS

(0.345 g/AI) approximately 2 1/4 tablespoons for each 5 gallon container.

Apply the required amount of granules evenly on top of potting soil and water thoroughly.

For the first 10 days, avoid flushing through the container to the point where it flows out the bottom.

For indoor containerized plants, bring outdoors, make treatment, and return indoors when no excess water is present.

Containerized Plants/Size	Amount of Product Needed Rate	(Amount of Product Needed g/AI)
1 gallon	1 3/4 teaspoons	(0.077)
2 gallon	1 1/2 Tablespoons	(0.193)
3 gallon	1 3/4 Tablespoons	(0.23)
5 gallon	2 1/4 Tablespoons	(0.345)
10 gallon	1/2 cup	(0.69)
15 gallon	1/3 cup	(1.04)

(Note: volumetric measurements depends on bulk density – DH-46 used)

(Do not make more than one application per year).

FOR BEST RESULTS

Water in granules immediately after application with enough water to dissolve the granules and cause the soil to be wet to a depth of 3-4 inches. With watering, granules will slowly release the insecticide into the soil.

Brush or wash off any granules from plant foliage to prevent injury.

Pull back mulch and weed barrier before application.

Use this product as part of an overall tree and shrub health care program before problems start (preferably in the fall). However, MERIT 1.1% Insecticide can be applied anytime except when the soil is waterlogged or frozen. These conditions inhibit the movement of the

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product down into the root zone. During prolonged dry periods, saturate the soil around the tree or shrub well with water the night before making an application.

For severe infestations, treat with a foliar insecticide, then use MERIT 1.1% Insecticide as part of a routine care program.

How Merit 1.1% Insecticide Works

The insecticide dissolved in water moves down through the soil, where it is absorbed by the roots. Once absorbed, it moves up through the tree or shrub providing insect protection. MERIT 1.1% Insecticide even moves into new growth after application, thus protecting it, too! To get complete protection, the insecticide must distribute completely through the tree or shrub. Depending on the size and health of the plant, this may take one week to three months (for very large trees). Rain or water cannot wash off this internal protection.

(NOTE: Application to trees heavily infested may not prevent their eventual loss due to existing pest damage and tree stress.)



Children and pets may re-enter the treated area after it has dried.

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. Protect from freezing.

Pesticide Disposal: If Empty: Do not reuse empty container. Rinse the empty product container thoroughly and disperse the rinse water around tree or shrub as part of application. Place in trash. **If Partly Filled:** It is best to use all of the product in accordance with label directions. If it is necessary to dispose of unused product, please call your local solid waste agency or you may call toll-free 1-800-CLEANUP for disposal instructions. Never place unused product down any indoor or outdoor drain.

IMPORTANT: READ BEFORE USE

IMPORTANT: Read the entire Directions For Use before using this product. If terms are not acceptable, return the unopened product container at once. **Disclaimer:** Manufacturer warrants that this product conforms to the chemical description on the label and is reasonably fit for the specific purposes referred to in the Directions for Use, subject to the inherent risks referred to above. MANUFACTURER MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS OR MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY. In no case shall Manufacturer be liable for consequential, special or indirect damages resulting from the use, handling or application of this product. In any case, Manufacturer at its discretion shall only be liable for the replacement of the product or refund of the purchase price.



For PRODUCT USE Questions or Comments Call toll-free (1-800-xxx-xxxx) or visit us on-line at www.XXX.com.



Bayer Environmental Science

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Research Triangle Park, North Carolina 27709

Merit 1.1% Insecticide (PENDING) Submitted 03/27/06