



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

AUG 11 2010

Mr. Gregory C. Mattern
Bayer Environmental Science
P.O. Box 12014, 2 T W. Alexander Drive
Research Triangle Park, NC 27709

Subject: Notification of Container Disposal Label Update

Dear Mr. Mattern:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated July 14, 2010 for:

EPA Registration 432-1456
EPA Registration 432-1472

Merit 0.22G Plant Treatment
Merit 1.1% Insecticide

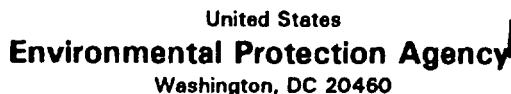
The Registration Division (RD) has conducted a review of this request for applicability under PRN 2007-4 and finds that the label change(s) requested falls within the scope of PRN-2007-4. The label has been date-stamped "Notification" and will be placed in our records.

If you have any questions, call me at 703 305-5409 or electronically at daniel.dani@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to be "Dani Daniel".

Dani Daniel
Registration Division (7504P)
Insecticide/Rodenticide Branch



NOTIFICATION

Registration ☐
Amendment ☐
Other ☒

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 432-1472	2. EPA Product Manager Venus Eagle	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Merit 1.1% Insecticide	PM# 1	
5. Name and Address of Applicant (Include ZIP Code) Bayer Environmental Science P.O. Box 12014, 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 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 container disposal label update. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 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 §§ 156.10, 156.140, 156.144, 156.146, and 156.156, this product may be in violation of FIFRA and we may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

Section - III

1. Material This Product Will Be Packaged In:					
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	
* Certification must be submitted		If "Yes" Unit Packaging wgt. No. per container		If "Yes" Package wgt. No. per container	
2. Type of Container <input type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic or <input type="checkbox"/> Glass <input checked="" type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____					
3. Location of Net Contents Information		4. Size(s) Retail Container		5. Location of Label Directions	
<input checked="" type="checkbox"/> Label or <input checked="" type="checkbox"/> Container		2 fl-oz to 5 gal.		<input type="checkbox"/> Label or container	
6. Manner in Which Label is Affixed to Product		<input checked="" type="checkbox"/> Lithograph or <input checked="" type="checkbox"/> Paper glued or <input checked="" type="checkbox"/> Stenciled or <input type="checkbox"/> Other _____			

Section - IV

[illegible]

FRONT PANEL

3/6
NOTIFICATION

AUG 11 2010

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 4 average size trees or 5 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. 432-1472

EPA Est. No.

NET CONTENTS:

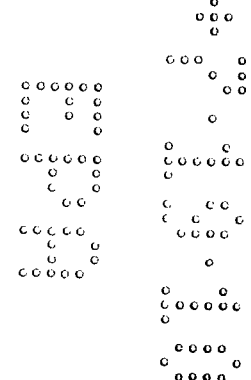
STOP - Read This Entire Label Before Use

KEEP OUT OF REACH OF CHILDREN

CAUTION

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

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



BACK PANEL

FOR RESIDENTIAL USE ONLY

ACTIVE INGREDIENT:

Imidacloprid 1.1 %

OTHER INGREDIENTS: 98.9 %

EPA Reg. No. 432-1472

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

- 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), Bark Beetles (suppression), 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, Chafer, 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 x 0.75 = 30 then multiply 30 x (0.46 grams ai) 1/6 cups = (13.8 grams ai) 5 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	1/4 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 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:** Non-refillable container. Do not refill or reuse empty container, Place in trash or offer for recycling if available. **If Partly Filled:** 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.

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:** To the extent consistent with applicable law, 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. To the extent consistent with applicable law, 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.



MERIT is a registered trademark of Bayer.

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

A Business Group of Bayer CropScience LP
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Research Triangle Park, North Carolina 27709

Merit 1.1% Insecticide (MASTER) Approved 05/07/07, Notification 07/14/10

