

3125-521

11/13/2001

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Please read instruction on reverse before completing form.

Form Approved. OMB No. 2070-0060. Approval expires 05-31-98



United States  
Environmental Protection Agency  
Washington, DC 20460

<input type="checkbox"/>	Registration
<input type="checkbox"/>	Amendment
<input checked="" type="checkbox"/>	Other

OPP Identifier Number  
**257879**

Application for Pesticide - Section I

1. Company/Product Number 3125-521	2. EPA Product Manager Dani Daniel	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product Name Merit + Tempo Concentrate Insecticide II	PM#	
5. Name and Address of Applicant (Include ZIP Code) Bayer Corporation, Agriculture Division 8400 Hawthorn Road, P.O. Box 4913 Kansas City, MO 64120-0013 <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.

**NOTIFICATION**  
NOV 13 2001

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

See Attached

Section - III

1. Material This Product Will Be Packaged In:

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	2. Type of 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		If "Yes" Unit Packaging wgt. No. Per Container	If "Yes" Package wgt. No. Per Container

3. Location of Net Contents Information  
 Label  Container

4. Size(s) Retail Container

5. Location of Label Directions  
 On Label  
 On Labeling accompanying product

6. Manner in Which Label is Affixed to Product  
 Lithograph  
 Paper Glued  
 Stenciled  
 Other \_\_\_\_\_

Section - IV

1. Contact Point {Complete items directly below for identification of individual to be contacted, if necessary, to process this application.}

Name Scott A. Kohne	Title Senior Registration Scientist	Telephone No. (Include Area Code) (816) 242-2164
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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 	3. Title Director, Federal Regulatory Affairs
4. Typed Name Julie M. Spagnoli	5. Date October 31, 2001

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**Merit +Tempo Concentrate Insecticide II**  
**EPA Reg. No. 3125-521**  
**October 31, 2001**

NOV 13 2001

## **Section II - Explanation**

With this application, Bayer Corporation is submitting a Notification to add pests to the label of **Merit + Tempo Concentrate Insecticide II, EPA Reg. No. 3125-521.**

The following list of pests have been added to the "Kills" box within the "Quick Facts" section and the appropriate "Pest" boxes within the "Directions For Use" sections. Additionally, "(including Glassy Winged Sharpshooter)" has been added as a subgroup to the currently listed pest "leafhoppers" within the same sections. The specific pests being added are:

Rose Midges, Rose Slugs, Psyllids, Fungus Gnats, Pine Tip Moths and Pine Shoot Moths

The addition of these pests does not increase exposure or change the dosage, concentration, frequency or method of application to the specified use pattern on this label. The addition of these pests to the enclosed label is being provided to the Agency in accordance with PR Notice 98-10, II, B, "Adding or Deleting Pests." One copy of the revised label (B-9426b 01/24/00), highlighted with changes, is enclosed for the Agency files.

We have also placed previously approved text into a boxed format in accordance with PR Notice 98-10, II, M, 2.

We are also providing notification to the Agency we have added the following claims:

- Contains Merit and Tempo
- Cyfluthrin is the chemical name for Tempo and Imidacloprid is the chemical name for Merit

This notification is consistent with the provision of PR Notice 98-10 and EPA regulations at 40 CFR 152.46. 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 the 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 Bayer Corporation may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

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[FRONT PANEL]

# Merit<sup>®</sup> + Tempo<sup>®</sup> Concentrate

## Insecticide II

For use on: Flowers, Roses, Shrubs, Trees

RAINPROOF WITHIN 1 HOUR OF APPLICATION

- Just One Application Quickly Kills Insects
- Protects Up to 30 days
- Fast acting . . . kills on contact
- Long lasting . . . keeps on killing for weeks

Contains Merit<sup>®</sup> and Tempo<sup>®</sup>

**ACTIVE INGREDIENTS:**

Cyfluthrin . . . . .	.072 %
Imidacloprid . . . . .	.072 %

<b>OTHER INGREDIENTS</b> . . . . .	98.56 %
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Net Contents: 16 fl oz or 32 fl oz or 4 x 0.5 fl oz

**STOP - Read This Entire Label Before Use**  
**KEEP OUT OF REACH OF CHILDREN**  
**FOR OUTDOOR RESIDENTIAL USE ONLY**


**NOTIFICATION**

NOV 13 2001

### CAUTION

See back panel booklet for ingredients  
 and precautionary statements

[OUTSIDE BACK PANEL]

<b>QUICK FACTS</b>																																																							
<ul style="list-style-type: none"> <li>• Effective Against a Broad Range of Insects</li> <li>• Keeps on Killing for Up to 30 Days</li> <li>• Easy, Accurate Measuring &amp; Mixing</li> <li>• Apply with most common garden sprayers</li> </ul>																																																							
<b>KILLS</b>	<p>(ART: Aphid, Japanese Beetle, Leafminer, Lace bugs)</p> <table border="0"> <tr> <td>Adelgids</td> <td>Leafhoppers (including Glassy-Winged Sharpshooter)</td> </tr> <tr> <td>Aphids</td> <td>Leafminers</td> </tr> <tr> <td>Ants</td> <td>Mealybugs</td> </tr> <tr> <td>Armyworms</td> <td>Midges</td> </tr> <tr> <td>Bagworms</td> <td>Mole crickets</td> </tr> <tr> <td>Billbugs</td> <td>Mosquitoes</td> </tr> <tr> <td>Bluegrass billbug (adult)</td> <td>Pillbugs</td> </tr> <tr> <td>Boxelder bugs</td> <td>Pine Shoot moths</td> </tr> <tr> <td>Chiggers</td> <td>Pine Tip moths</td> </tr> <tr> <td>Chinch bugs</td> <td>Plant bugs</td> </tr> <tr> <td>Clover mites</td> <td>Psyllids</td> </tr> <tr> <td>Cockroaches</td> <td>Rose Midges</td> </tr> <tr> <td>Crickets</td> <td>Rose Slugs</td> </tr> <tr> <td>Cutworms</td> <td>Sawfly larvae</td> </tr> <tr> <td>Earwigs</td> <td>Scale insects (crawler stages)</td> </tr> <tr> <td>Elm leaf beetles</td> <td>Sod webworms</td> </tr> <tr> <td>Fire ants</td> <td>Sowbugs</td> </tr> <tr> <td>Fleas</td> <td>Spiders</td> </tr> <tr> <td>Flies</td> <td>Spittlebugs</td> </tr> <tr> <td>Fungus gnats</td> <td>Thrips</td> </tr> <tr> <td>Grasshoppers</td> <td>Whiteflies</td> </tr> <tr> <td>Gypsy moth larvae</td> <td>Ticks (including deer ticks)</td> </tr> <tr> <td>Hyperodes weevil (adult)</td> <td>Wasps</td> </tr> <tr> <td>Japanese beetles (adult)</td> <td>Weevil</td> </tr> <tr> <td>Lace bugs</td> <td>White grubs</td> </tr> <tr> <td>Leaf-feeding beetles</td> <td></td> </tr> <tr> <td>Leaf-feeding caterpillars</td> <td></td> </tr> </table>	Adelgids	Leafhoppers (including Glassy-Winged Sharpshooter)	Aphids	Leafminers	Ants	Mealybugs	Armyworms	Midges	Bagworms	Mole crickets	Billbugs	Mosquitoes	Bluegrass billbug (adult)	Pillbugs	Boxelder bugs	Pine Shoot moths	Chiggers	Pine Tip moths	Chinch bugs	Plant bugs	Clover mites	Psyllids	Cockroaches	Rose Midges	Crickets	Rose Slugs	Cutworms	Sawfly larvae	Earwigs	Scale insects (crawler stages)	Elm leaf beetles	Sod webworms	Fire ants	Sowbugs	Fleas	Spiders	Flies	Spittlebugs	Fungus gnats	Thrips	Grasshoppers	Whiteflies	Gypsy moth larvae	Ticks (including deer ticks)	Hyperodes weevil (adult)	Wasps	Japanese beetles (adult)	Weevil	Lace bugs	White grubs	Leaf-feeding beetles		Leaf-feeding caterpillars	
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<b>COVERAGE</b>	Makes up to 64 gallons of spray (32 oz)																																																						
<b>WHERE TO USE</b>	Flowers, Roses, Trees and Shrubs																																																						
<b>WHEN TO USE</b>	When insects or damage first appear																																																						
<b>HOW MUCH TO USE</b>	Dilute 1/2 oz (1 Tbs) concentrate in 1 gallon of water																																																						
	Questions or comments, call toll-free (877) 229-3724 www.BayerAdvanced.com																																																						

**ACTIVE INGREDIENTS:**

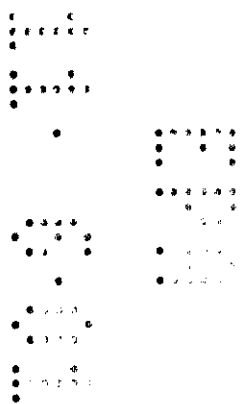
Cyfluthrin	.....	.72 %
Imidacloprid	.....	0.72 %
<b>OTHER INGREDIENTS*</b>	.....	<u>98.56 %</u>
		100.00 %

\* Other ingredients include: Water, glycerin (stabilizer), organic solvent (less than 3%, to dissolve the active ingredient for mixing) and surfactants (to keep the active ingredient dispersed in water).

Cyfluthrin is the chemical name for Tempo® and Imidacloprid is the chemical name for Merit®.

EPA Reg. No. 3125-521

EPA Est. No. XXXX-AA-1



**PRECAUTIONARY STATEMENTS**  
**Hazards to Humans and Domestic Animals**

**CAUTION**

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

**First Aid +**

IN THE CASE OF ACCIDENTAL...	IMMEDIATELY...
<b>Swallowing</b>	If the person is able to swallow: <ul style="list-style-type: none"> <li>• Have them sip 1 to 2 glasses of water</li> <li>• Call a doctor or poison control center for further treatment advice</li> </ul>
<b>Contact with eyes</b>	<ul style="list-style-type: none"> <li>• Hold eye open and rinse slowly and gently with water.</li> <li>• Continue to rinse eye for 10 to 15 minutes.</li> <li>• Call a doctor if irritation persists.</li> </ul>
<b>Inhalation</b>	<ul style="list-style-type: none"> <li>• If breathing is affected, move person to fresh air</li> <li>• Contact doctor or poison control center for further treatment advice</li> <li>• If not breathing, call an ambulance and give artificial respiration.</li> </ul>

**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 (877) 229-3763 for medical emergency information. Active Ingredients: Cyfluthrin [CAS # 68359-37-5], Imidacloprid [CAS# 138261-41-3].

**Environmental Hazards**

- This pesticide is highly toxic to aquatic invertebrates and fish. Do not apply directly to water.
- Do not contaminate water when cleaning equipment or disposing of equipment washwater or rinsate.
- This pesticide is highly toxic to bees. Do not apply MERIT + TEMPO Concentrate Insecticide when bees are active.
- 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 these directions when using:

- Apply the product to flowering plants during early morning or late evening, when bees are not present.
- Do not spray the product into fish pools, ponds, streams, or lakes.
- Remove animal feeding dishes prior to application. Keep children and pets away from treated areas until spray has dried.
- Do not apply to fruits or vegetables used for food.

**HOW TO USE**

Shake well before using.

[For 1/2 oz size only]

1. Remove one applicator tube from the package.
2. Hold the applicator tube in an upright position. Pull the cap off the tube.
3. Turn the cap around and place the other end of the cap back on the tube.
4. Twist the cap to break the seal, then remove the cap from the tube.
5. Mix with water to make 1 gallon of finished spray.
6. Discard the empty tube as described in Storage and Disposal.

**WHEN TO USE**

Spray when insects or damage first appear.

**MIXING & MEASURING**

SEE SPRAYER TYPES

**HOW TO SPRAY**

- Adjust nozzle on your sprayer to desired spray pattern.
- Hold sprayer about 12 inches from foliage.
- Spray leaves and tender new shoots.

(ART: of steps above)

To kill insects that may hide, spray the underside of the leaves. Apply until leaves are evenly coated with spray, but not dripping.

(ART: spraying undersides of leaves)


**HOW OFTEN**

Kills insects on contact and keep on killing for up to 30 days.  
 For severe infestations, repeat every 7 to 14 days as necessary

**FOR BEST RESULTS**

Do not wet the foliage within one hour after applying. To avoid serious damage to plants, eliminate pests early in the season before they multiply.

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	Children and pets may re-enter after spray has dried.
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**NUISANCE PESTS**  
(In Ornamental Areas and Areas Adjacent to Buildings)

PESTS	HOW MUCH TO USE
Ants Boxelder bugs Clover mites Cockroaches Crickets Earwigs Flies Midges Mosquitoes Pillbugs Sowbugs Spiders Wasps	1/2 fl oz (1 Tablespoon) per gallon of water

- APPLICATION GUIDELINES**
- Apply when pests first appear.
  - Spray thoroughly onto areas where pests appear, such as:
    - beneath shrubbery
    - around foundations and
    - in tall grass or weeds
  - Reapply at 7 to 14 days, if needed.

**ORNAMENTAL PLANT APPLICATIONS**  
(Trees, Shrubs, Ground Covers, Evergreens, Flowers and Foliage Plants)

PESTS	HOW MUCH TO USE
Adelgids Aphids Bagworms Boxelder bugs Clover mites Elm leaf beetles Fungus gnats Grasshoppers Gypsy moth larvae Japanese beetles (adult) Lace bugs Leaf-feeding caterpillars Leaf-feeding beetles Leafhoppers (Including Glassy-Winged Sharpshooter) Leafminers Mealybugs Pillbugs Pine Shoot moths Pine Tip moths Plant bugs Psyllids Rose Midges Rose Slugs Sawfly larvae Scale insects (crawler stages) Spittlebugs Thrips Whiteflies	1/2 fl oz (1 Tablespoon) per gallon of water

- APPLICATION GUIDELINES**
- Apply when pests or damage first appear.
  - Spray area thoroughly.
  - Reapply at 7 to 14 days, if needed.

**SPRAYER TYPES**

(ART: ICON OF PUMP NTYPE)

**For Pump Style Tank Sprayer:**

To make one gallon of spray:

1. Open flip-top lid.
2. Gently squeeze bottle until concentrate reaches 1/2 oz fill line.
3. Dilute in 1 gallon of water.
4. Close sprayer and shake well before applying.

(ART: ICON DIAL TYPE)

**For Dial-Style Hose-End Sprayers:**

Dilution rate: 1/2 oz per gallon (1 tablespoon = 1/2 oz)

1. Fill sprayer jar with enough concentrate to cover area to be treated.
2. Close sprayer and set dial.
3. Attach sprayer to hose and apply.
4. To avoid contact with the treated area, begin by spraying area farthest from faucet walking backwards as you spray.

OR

Fill sprayer jar with enough concentrate to cover area to be treated and follow sprayer label directions for applying.

(ART: ICON OF WATER TYPE)

**For Concentrate-Plus-Water Hose-End Sprayers:**


Dilution rate: 1/2 oz per gallon (1 tablespoon = 1/2 oz)

1. Pour concentrate into sprayer jar to the required fluid ounce level.
2. Add the appropriate amount of water to the gallons level.
3. Replace sprayer top and shake well before applying.
4. To avoid contact with the treated area, begin by spraying area farthest from faucet walking backwards as you spray.

OR

Pour concentrate into sprayer jar to the required fluid ounce level and follow sprayer label directions for applying.

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<b>IMPORTANT: Directions for Storage and Disposal</b>	
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.
Disposal:	 <ul style="list-style-type: none"> <li>• Do not reuse empty container.</li> <li>• Rinse the empty product container thoroughly.</li> <li>• Include rinse water in application.</li> <li>• Place container in trash.</li> </ul>
<b>Important:</b> It is best to use all of the product in accordance with label directions. If it is necessary to dispose of unused product, please follow any applicable state or local guidelines.	

**NOTICE**

Research and testing have determined that the "Directions for Use" are appropriate for the proper use of MERIT + TEMPO Concentrate Insecticide under expected conditions. The Buyer assumes responsibility for lack of performance or safety if not used according to the directions.

B - 9426b 01/24/00

Bayer Corporation  
 Garden & Professional Care  
 Box 4913  
 Kansas City, MO 64120-0013  
 (800) 842-8020

