

72155-7

9/16/2002

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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

287530

Application for Pesticide - Section I

1. Company/Product Number 72155-7	2. EPA Product Manager Dani Daniel	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product Name Merit + Tempo Ready-To-Spray Insecticide	PM#	
5. Name and Address of Applicant (Include ZIP Code) Bayer Advanced, LLC 1500 Urban Center Pkwy, Suite 350 Birmingham, AL 35242 <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 SEP 16 2002
<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.)

See Attached

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 <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			
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"/> On Label <input type="checkbox"/> On Labeling accompanying product	
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 Scott A. Kohne	Title Senior Registration Scientist	Telephone No. (Include Area Code) 919-549-2164
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 September 12, 2002	

Merit + Tempo Ready-To-Spray Insecticide
EPA Reg. No. 72155-7
September 12, 2002

Section II - Explanation

With this submission, Bayer Advanced LLC is submitting a Notification to correct the label of **Merit + Tempo Ready-To-Spray Insecticide, EPA Reg. No. 72155-7**. This product contains two active ingredients, imidacloprid at 0.36% and cyfluthrin at 0.36%.

We have put back original text in the "How Merit + Tempo Ready-To-Spray Insecticide Works" box on page 3 of the back panel on the enclosed label as it was inadvertently cut off of the label amendment date stamped September 5, 2002. The enclosed label has been modified to reflect only this text change in accordance with PR Notice 98-10, II, N "Other Revisions." One copy of the revised label, highlighted with the identified change, is enclosed for the Agency files. No other changes have been made to the enclosed label draft dated B-9712 09/05/02.

This notification is consistent with the provisions 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.

Enclosures: EPA Form 8570-1, Corrected label draft B-9712 09/05/02

NOTIFICATION

SEP 16 2002

3 7 6

(Front Panel)

Merit® + Tempo® Ready-to-Spray

Insecticide

- Kills on contact
- Protects up to 30 days
- Rainproof protection
- Treats over 500 rose bushes
- Makes up to 32 gallons of spray solution
- Ready-to-Spray
- New Convenient Pack
- No Mixing, No Measuring
- Covers 2,667 sq. ft. of lawn
- Contains Merit® and Tempo®
- Controls ants, fleas, ticks, grubs and other listed pests
- Controls surface and sub-surface insects
- Kills over 50 insect pests

ACTIVE INGREDIENTS:

Cyfluthrin	0.36%
Imidacloprid	0.36%
OTHER INGREDIENTS	99.28%

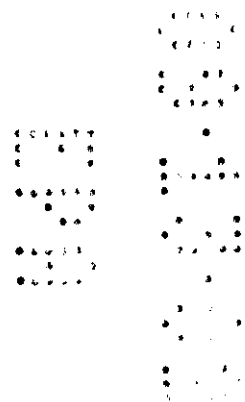
Net Contents: 32 fl. oz. (946 mL)

KEEP OUT OF REACH OF CHILDREN

CAUTION

See Back Panel Booklet for Additional Ingredients and Precautionary Statements



NOTIFICATION
SEP 16 2002



(BACK PANEL)

MERIT + TEMPO READY-TO-SPRAY INSECTICIDE provides up to 30 days rainproof insect protection in a single application. Just hook-up to your garden hose and spray. No mixing and measuring hassles. No messy clean-up. Controlling insects on your roses, flowers and lawn has never been easier.

READ THE LABEL FIRST!

QUICK FACTS	
<ul style="list-style-type: none"> • Kills on Contact • Kills ants, fleas, ticks, grubs, and other listed pests. • Keeps on protecting against insects for up to 30 days. • Ready-to-Spray . . . No Mixing, No Measuring 	
KILLS	Aphids, Japanese Beetles, Leafminers, Mole Crickets, Whiteflies, White Grubs, and many other listed pests
COVERAGE	<ul style="list-style-type: none"> • Makes up to 32 gallons of spray solution • Treats over 500 rose bushes • Covers 2,667 sq. ft. of lawn
WHERE TO USE	Flowers, Roses, Trees, Shrubs, Lawns and Building Foundations
WHEN TO USE	<ul style="list-style-type: none"> • When insects or damage first appear • Grubs: May through July
HOW MUCH TO USE	No measuring or mixing needed. Dilutes automatically as you spray.
 	For questions or comments, call toll-free 1-877 BayerAG (1-877-229-3724) or visit us on-line at www.BayerAdvanced.com

FOR OUTDOOR RESIDENTIAL USE ONLY

ACTIVE INGREDIENTS:

Cyfluthrin	0.36%
Imidacloprid	0.36%
OTHER INGREDIENTS*	99.28%
TOTAL	100.00%

* Other ingredients include: Water, glycerin (freeze/thaw recovery aid), organic solvent (less than 1% to dissolve the active ingredient for mixing), surfactants and stabilizer (to keep the active ingredient dispersed in water), preservative and antifoam.

Cyfluthrin is the chemical name for Tempo® Insecticide.

Imidacloprid is the chemical name for Merit® Insecticide.

EPA Reg. No. 72155-7

EPA Est. No. ____-AA-__

DIRECTIONS FOR USE


It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

<p>BEFORE YOU USE Read and follow directions when using.</p>	<ul style="list-style-type: none"> • When spraying the product on plants with flowers, apply 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.
<p>HOW TO USE Shake Well Before Use</p>	<p>This product is ready to spray. Just attach this bottle to your hose according to directions. Water automatically mixes with the concentrate as you spray. For grubs, water product in soon after application.</p>
<p>HOW TO ATTACH AND SPRAY</p> <p>[Alternate Step 2 used when the product is either for Ornamental or Lawn use but not both.]</p>	<ol style="list-style-type: none"> 1. Connect your garden hose to the bottle. Be sure the blue water control valve on top of the spray nozzle is in the OFF position. Turn on water at faucet. <Icon – Water Control Valve in "OFF" Position> 2. To maximize the effectiveness of this product against your specific insect problems, two application settings have been developed. Be certain to choose the setting below which describes your use area. <ul style="list-style-type: none"> For Lawn Use and along Building Foundations: Pull out and twist the small, star-shaped, blue product-control button until the 'L' is on top. Push the button in to open. Proceed to step #3. <Icon – Product Control Button in Open "L" Position> For General Use: Pull out and twist the small, star-shaped, blue product-control button until the 'G' is on top. Push the button in to open. NOTE: The button will only go half way in at the 'G' setting. Proceed to step #3. <Icon – Product Control Button in Open "G" Position> [2. Twist the small, star-shaped, blue product control button to align the flat portion with the lock tab. Push the button in to open. <Icon – Product Control Button in Open Position>] 3. To begin spraying, point nozzle toward the area to be treated and turn the blue water control valve counterclockwise to the ON position. Tab will be horizontal. <Icon – Water Control Valve in "ON" Position> Spray leaves and tender new shoots. To kill insects that hide, spray the underside of the leaves. Apply until leaves are evenly coated with spray, but not dripping. 4. To stop spraying, turn the blue water control valve on top of the spray nozzle to OFF. To close, push in the small round button opposite the star-shaped product-control button. Turn off faucet. 5. Relieve water pressure by turning blue water control valve to the ON position until water slows to a drip. Turn blue water control valve back to OFF. Disconnect garden hose from bottle.


Continued on next page

DIRECTIONS FOR USE (Continued)

KILLS	On Flowers, Roses, Shrubs and Trees, Evergreens, Ground Covers, and Foliage Plants	
	Adelgids Ants Aphids Bagworms Boxelder bugs Elm leaf beetles Fungus Gnats Grasshoppers Gypsy moths Japanese beetles Lace bugs Leaf-feeding beetles Leaf-feeding caterpillars Leafhoppers (including Glassy-Winged Sharpshooters)	Leafminers Mealybugs Midges Pine Shoot Moths Pine Tip Moths Plant bugs Psyllids Rose Midges Rose Slugs Sawflies Scale insects (crawler stages) Spittlebugs Thrips Weevils Whiteflies
	On Lawns & along Building Foundations	
	Ants (including Carpenter Ants) Armyworms Billbugs Bluegrass billbugs Boxelder bugs Chiggers Chinch bugs Clover mites Cockroaches Crickets Cutworms Earwigs Fire ants Fleas Flies	Grasshoppers Hyperodes weevils Japanese beetles Mole crickets Mosquitoes Pillbugs Sod webworms Sowbugs Spiders Ticks (including deer ticks) Wasps White grubs
FOR BEST RESULTS	<ul style="list-style-type: none"> • Rain or watering one hour after application will not wash away effectiveness. • After spraying the lawn, wait 24 hours before mowing. • To avoid serious damage to plants, eliminate pests early in the season before they multiply. For severe infestations, repeat every 7 to 14 days as needed. 	
HOW MERIT + TEMPO READY-TO-SPRAY INSECTICIDE WORKS	<ul style="list-style-type: none"> • MERIT + TEMPO READY-TO-SPRAY INSECTICIDE is a totally different way to control the insects that want to destroy your prized roses, flowers, other ornamental plants, and lawn. The unique two-way blend of insecticides controls current insect pest problems and prevents reinfestations for up to 30 days. The residual component is actually taken into the plant. Rain or water cannot wash off this internal protection! Insects are killed when they come into contact with the product or when they attempt to eat the plant. 	

	Children and pets may re-enter the treated area after spray has dried.
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IMPORTANT: Directions for 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.
Disposal:	 <ul style="list-style-type: none"> • Do not reuse empty container. • Place in trash.
<p>Important: 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 1-877-229-3724 for disposal instructions. Never place unused product down any indoor or outdoor drain.</p>	

**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS**

CAUTION
<ul style="list-style-type: none"> • Harmful if swallowed or inhaled. • Causes moderate eye irritation. • Avoid contact with skin, eyes or clothing. • Avoid breathing spray mist. • Removing and washing contaminated clothing before reuse may reduce exposure. • Wash hands thoroughly with soap and water after handling and before eating, drinking, chewing gum or using tobacco.

FIRST AID 

IN CASE OF ACCIDENTAL...	IMMEDIATELY...
Swallowing	<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.
Contact with 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.
Inhalation	<ul style="list-style-type: none"> • Move person to fresh air. • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible. • Call a poison control center or doctor for further 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. For medical emergency information, you may call toll-free 1-877-229-3763.
Active Ingredients: 0.36% Cyfluthrin [CAS# 68359-37-3], 0.36% Imidacloprid [CAS# 138261-41-3].

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ENVIRONMENTAL HAZARDS

- Do not apply directly to water.
- This product is highly toxic to aquatic invertebrates and fish.
- Do not contaminate water when cleaning equipment or disposing of equipment washwaters or rinsate.
- This pesticide is highly toxic to bees. Do not apply MERIT + TEMPO READY-TO-SPRAY INSECTICIDE when bees are present.

NOTICE: Research and testing have determined that the "Directions For Use" are appropriate for the proper use of MERIT + TEMPO READY-TO-SPRAY INSECTICIDE under expected conditions. The Buyer assumes responsibility for lack of performance or safety if not used according to the directions.

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

B-9712 09/05/02

Bayer Advanced LLC
1500 Urban Center Drive
Birmingham, AL 35242

