

72155-7

10-24-2002

1/6

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

Registration Amendment Other (checked)

OPP Identifier Number 287542

Application for Pesticide - Section I

1. Company/Product Number: 72155-7
2. EPA Product Manager: Dani Daniel
3. Proposed Classification: None (checked)
4. Company/Product Name: Merit + Tempo Ready-To-Spray Insecticide
5. Name and Address of Applicant: Bayer Advanced, LLC
6. Expedited Review: EPA Reg. No., Product Name

Section - II

Amendment - Explain below. Resubmission in response to Agency letter dated. Notification - Explain below. Final printed labels in response to Agency letter dated OCT 24 2002. "Me Too" Application. Other - Explain below.

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

See attachment

Section - III

1. Material This Product Will Be Packaged In: Child-Resistant Packaging, Unit Packaging, Water Soluble Packaging, 2. Type of Container: Metal, Plastic, Glass, Paper, Other. 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. (816) 242-2164

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: Scott A. Kohne, 3. Title: Director, Federal Regulatory Affairs, 4. Typed Name: Julie M. Spagnoli, 5. Date: 10/18/2002

**Merit + Tempo Ready-To-Spray Insecticide**  
**EPA Reg. No. 72155-7**  
**October 18, 2002**

**Section II - Explanation**

With this application, Bayer Corporation is submitting a Notification to modify the list of target pests for **Merit + Tempo Ready-To-Spray Insecticide, EPA Reg. No. 72155-7**. The enclosed minor text change 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, highlighted with changes, is enclosed for the Agency files.

The target pests "Clover Mites and Cutworms" have been added to the "On Flowers, Roses, Shrubs and Trees, Evergreens, Ground Covers, and Foliage" kills box within the "Directions For Use" section of the enclosed label. Additionally, the targeted pest "Weevils" has been modified on the enclosed label to state "Weevils (including Root Weevils)".

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.

Merit + Tempo RTS notification 3 02.wpd

**NOTIFICATION**  
**OCT 24 2002**



# 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)

**NOTIFICATION**

OCT 24 2002

**KEEP OUT OF REACH OF CHILDREN**

### CAUTION

**See Back Panel Booklet for Additional Ingredients and Precautionary Statements**

(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!

Table with 2 columns: Feature and Description. Rows include: QUICK FACTS (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 (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 (When insects or damage first appear, Grubs: May through July), HOW MUCH TO USE (No measuring or mixing needed. Dilutes automatically as you spray.), and contact information (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:

Table listing active ingredients: Cyfluthrin (0.36%), Imidacloprid (0.36%), OTHER INGREDIENTS\* (99.28%), and 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-\_\_

4/6

DIRECTIONS FOR USE

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

BEFORE YOU USE

Read and follow directions when using.

- 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.

HOW TO USE

Shake Well Before Use

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.

HOW TO ATTACH AND SPRAY

[Alternate Step 2 used when the product is either for Ornamental or Lawn use but not both.]

- 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>
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.

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>


- 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>
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.
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.
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


5/6

DIRECTIONS FOR USE (Continued)																																
<b>KILLS</b>	<b>On Flowers, Roses, Shrubs and Trees, Evergreens, Ground Covers, and Foliage Plants</b>																															
	<table border="0"> <tr><td>Adelgids</td><td>Leafminers</td></tr> <tr><td>Ants</td><td>Mealybugs</td></tr> <tr><td>Aphids</td><td>Midges</td></tr> <tr><td>Bagworms</td><td>Pine Shoot Moths</td></tr> <tr><td>Boxelder bugs</td><td>Pine Tip Moths</td></tr> <tr><td>Clover mites</td><td>Plant bugs</td></tr> <tr><td>Cutworms</td><td>Psyllids</td></tr> <tr><td>Elm leaf beetles</td><td>Rose Midges</td></tr> <tr><td>Fungus Gnats</td><td>Rose Slugs</td></tr> <tr><td>Grasshoppers</td><td>Sawflies</td></tr> <tr><td>Gypsy moths</td><td>Scale insects</td></tr> <tr><td>Japanese beetles</td><td>(crawler stages)</td></tr> <tr><td>Lace bugs</td><td>Spittlebugs</td></tr> <tr><td>Leaf-feeding beetles</td><td>Thrips</td></tr> <tr><td>Leaf-feeding caterpillars</td><td>Weevils (including root weevils)</td></tr> <tr><td>Leafhoppers (including Glassy-Winged Sharpshooters)</td><td>Whiteflies</td></tr> </table>	Adelgids	Leafminers	Ants	Mealybugs	Aphids	Midges	Bagworms	Pine Shoot Moths	Boxelder bugs	Pine Tip Moths	Clover mites	Plant bugs	Cutworms	Psyllids	Elm leaf beetles	Rose Midges	Fungus Gnats	Rose Slugs	Grasshoppers	Sawflies	Gypsy moths	Scale insects	Japanese beetles	(crawler stages)	Lace bugs	Spittlebugs	Leaf-feeding beetles	Thrips	Leaf-feeding caterpillars	Weevils (including root weevils)	Leafhoppers (including Glassy-Winged Sharpshooters)
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<b>FOR BEST RESULTS</b>	<ul style="list-style-type: none"> <li>• Rain or watering one hour after application will not wash away effectiveness.</li> <li>• After spraying the lawn, wait 24 hours before mowing.</li> <li>• 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.</li> </ul>																															
<b>HOW MERIT + TEMPO READY-TO-SPRAY INSECTICIDE WORKS</b>	<ul style="list-style-type: none"> <li>• 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.</li> </ul>																															

	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"> <li>• Do not reuse empty container.</li> <li>• Place 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 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.	

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

FIRST AID 	
IN CASE OF ACCIDENTAL...	IMMEDIATELY...
<b>Swallowing</b>	<ul style="list-style-type: none"> <li>• Call a poison control center or doctor immediately for treatment advice.</li> <li>• Have person sip a glass of water if able to swallow.</li> <li>• Do not induce vomiting unless told to do so by a poison control center or doctor.</li> <li>• Do not give anything by mouth to an unconscious person.</li> </ul>
<b>Contact with eyes</b>	<ul style="list-style-type: none"> <li>• Hold eye open and rinse slowly and gently with water for 15 to 20 minutes.</li> <li>• Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<b>Inhalation</b>	<ul style="list-style-type: none"> <li>• Move person to fresh air.</li> <li>• If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible.</li> <li>• Call a poison control center or doctor for further treatment advice.</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. For medical emergency information, you may call toll-free 1-877-229-3763.  
 Active Ingredients: 0.36% Cyfluthrin [CAS # 68359-37-5], 0.36% Imidacloprid [CAS# 138261-41-3].

6/6

**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-9712a 09/05/02**

Bayer Advanced LLC  
1500 Urban Center Drive  
Birmingham, AL 35242