

72155-10

8/23/2010

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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

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

AUG 23 2010

Subject: Notification; Per PR-Notice 2007-4
Merit 0.005% PM Plus Fertilizer
EPA Reg. No. 72155-10
Date Submitted: August 11, 2010

Dear Mr. Mattern:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated August 11, 2010 for the product referenced above. The Registration Division (RD) has conducted a review of this request for applicability under PRN 2007-4 and finds that the label changes requested fall within the scope of PRN-2007-4. The label has been date-stamped "Notification" and will be placed in our records.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identifying the batch of the pesticide distributed and sold be placed on nonrefillable containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions regarding this letter, please contact me at (703) 306-0415 or davis.kable@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Kable Bo Davis".

Kable Bo Davis
Entomologist
Insecticide-Rodenticide Branch
Registration Division (7505P)

 United States Environmental Protection Agency Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other	OPP Identifier Number
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Application for Pesticide - Section I

1. Company/Product Number 72155-10	2. EPA Product Manager Venus Eagle	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Merit 0.005% PM Plus Fertilizer	PM# 1	
5. Name and Address of Applicant (Include ZIP Code) Bayer Advanced 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"/> Resubmission in response to Agency letter dated _____ <input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____ <input type="checkbox"/> "Me Too" Application. <input type="checkbox"/> Other - Explain below.
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NOTIFICATION

AUG 23 2010

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

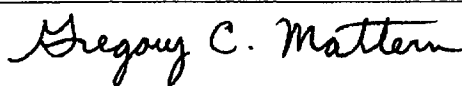
Notification of container disposal label update. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of 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.

Net Contents: 4 Dry Qts. (4.4 L), 8 Dry Qts (8.8 L), 10 Dry Qts. (11.0 L), 12 Dry Qts. (13.2 L), 16 Dry Qts. (17.6 L), or 32 Dry Qts. (35.2 L)

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	2. Type of Container <input checked="" type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic or <input checked="" 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 <input checked="" type="checkbox"/> Label or <input checked="" type="checkbox"/> Container		4. Size(s) Retail Container See Section II Explanation above		5. Location of Label Directions <input type="checkbox"/>	
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph or <input type="checkbox"/> Other _____ <input checked="" type="checkbox"/> Paper glued <input checked="" type="checkbox"/> Stenciled					

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Gregory C. Mattern	Title Regulatory Product Manager	Telephone No. (Include Area Code) (919) 549-2630
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) AUG 23 2010
2. Signature 	3. Title Regulatory Product Manager	
4. Typed Name Gregory C. Mattern	5. Date August 11, 2010	

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[Front Panel]

Merit[®] 0.005% PM Plus Fertilizer

- Ready to Use
- Insect control kills plant damaging insects for up to 4 months
- Potting mix with long-lasting 4 month insect protection
- Long lasting premium fertilizer
 - Starts feeding instantly
 - Lasts for months
- Moisture control formula
 - Helps plants get the right amount of water
 - Absorbs excess water
 - Aids in proper drainage
- More Blooms No Bugs
- Bigger Plants No Bugs
- -Insect protection - Kills damaging Insects for up to 4 months
- Three products in one

Highlighted Copy

NOTIFICATION

AUG 23 2010

X-X-X

For Use On:

- Indoor & Outdoor Container Plants

ACTIVE INGREDIENT (by weight):

Imidacloprid 0.005%

OTHER INGREDIENTS: 99.995%

Net Contents: 4 Dry Qts. (4.4 L), 8 Dry Qts. (8.8 L), 10 Dry Qts. (11.0 L), 12 Dry Qts. (13.2 L), 16 Dry Qts. (17.6 L), 32 Dry Qts. (35.2 L)


**KEEP OUT OF REACH OF CHILDREN
CAUTION**

See Back Panel for Additional Ingredients and Precautionary Statements

[BACK PANEL]

MERIT 0.005% PM Plus Fertilizer's exclusive formula combines advanced growing mix with three added benefits: a premium fertilizer, protection from plant damaging insects, and moisture control. Now growing beautiful, strong/vibrant plants/roses and flowers has never been easier.

READ THE LABEL FIRST!

QUICK FACTS	
<ul style="list-style-type: none"> • 3 Unique Benefits: <ul style="list-style-type: none"> - Timed release fertilizer that lasts up to X months - Unique insecticide that protects plants from damaging insects for up to 4 months - Moisture release feature that helps plants get the right amount of water • Ready-to-Use . . . No mixing, no measuring 	
KILLS	Adelgids, Aphids, Fungus Gnats, Japanese Beetles, Lacebugs, Leafhoppers, Leafminers, Mealybugs, Root Weevil Complex (such as Blackvine Weevil, Apopka Weevil), Scale Insects, Thrips (suppression), Whiteflies, and White Grubs.
FEEDS	X-X-X Two-way fertilizer for initial and extended feeding for up to 9 months
WHERE TO USE	For use with indoor and outdoor container plants
WHEN TO USE	For potting, transplanting or seed starting anytime of the year.
HOW TO USE	Use as ordinary potting soil right out of the bag
	For questions or comments, call toll-free 1-877-BayerAG, or visit our website at www.BayerAdvanced.com

FOR RESIDENTIAL USE ONLY

Potting Mix contains 0.23 oz. of 0.33% Imidacloprid granules per dry quart.

ACTIVE INGREDIENT (by weight):

Imidacloprid	0.005%
OTHER INGREDIENTS :*	<u>99.995%</u>
	100.000%

* Information on other ingredients is provided in the Directions For Use.

Imidacloprid is the chemical name for Merit®.

EPA Reg. No. 72155-10

EPA Est. No. xxx

GUARANTEED ANALYSIS X-X-X

Total Nitrogen (N)	X %
Available Phosphate (P ₂ O ₅)	X %
Soluble Potash (K ₂ O)	X %

Net Weight: X

Information regarding the contents and levels of metals in this product is available on the internet at <http://www.regulatory-info-states.com>.

DIRECTIONS FOR USE

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

For best results, be sure to read and follow all label directions.

Before You Use Read and follow directions when using	• Do not apply near fish pools, ponds, streams, or lakes.
	• Do not use this mix for potting edible food plants, fruits, vegetables, or herbs.
	• Use clean containers and tools when planting or transplanting. Rinse containers and tools thoroughly.
	• Food utensils such as teaspoons or measuring cups should not be used for food purposes after use with insecticides.
	• Wear rubber gloves when handling.

HOW TO USE	
When to Use: For potting, transplanting, or seed starting anytime of the year.	
Container Gardening and Repotting	
Step 1	Select a New Container: Choose a container that is at least two sizes larger than the old one and has drainage holes.
Step 2	Remove Plant from Current Container: Tap the container on its side 2-3 times to loosen the plant. Turn container upside down in your hand (or on its side if the container is large). Gently slide the plant out. If the root ball is tightly wound, slice it in 2-3 places. This will allow the roots to grow out into the new potting mix.
Step 3	Place Plant in New Container: Add a layer of potting mix to the bottom of the container. (No gravel or chips are needed on the bottom.) Put the plant in the container. Fill the rest of the container with potting mix. Press the soil down slightly. Make sure the base of the plant stem remains at its original soil level; do not place the plant deeper in the mix than it originally was. Leave 1/2 - 3/4 " of space between the top of the potting mix and the lip of the container.
Step 4	Water the Plant: Water the potting mix thoroughly. Assure that the container drains well. Keep the mix moist, but not wet. To help assure that the roots can absorb the insecticide, do not water too heavily for the first 10 days.
Seed Starting: Fill container with potting mix. Plant seeds according to package instructions. Water thoroughly. For best results, keep the seeds in a moist environment at temperatures of 70-80° F. Keep potting mix moist to the touch. A plastic bag or cover may be placed over the container to preserve moisture. Once new seedlings have developed two sets of leaves, they may be transplanted into larger containers or outdoors.	
For Best Results	<ul style="list-style-type: none"> • Avoid overwatering as it may reduce the product's effectiveness. • Based on your plants' needs, supplemental fertilization may be necessary. • Keep container plants away from drafty areas and out of direct sunlight. Check your specific plant's needs for light, water, and spacing.
How Merit® 0.005% PM Plus Fertilizer works (ART)	The plant will absorb the moisture, nutrients and insect protection up through the roots. Allow several days for the benefits to take full effect. Even new growth is fed and protected against insects for up to 4 months. Rain or watering cannot wash off this internal protection.

This mixture is a combination of ingredients preferred by professionals. These ingredients are scientifically blended together to provide an advanced growing medium available for your plants - Guaranteed! Here's what is in this special mix:

Ingredients	Benefit for the Plant
Sphagnum Peat Moss (45 - 55%)	For aeration, high water retention and root anchorage. Helps hold moisture at root level.
Composted Pine Bark	For aeration, water retention and root anchorage.
Perlite	Increases air pockets in the mix to help roots "breathe" and work more efficiently.
Merit® Insect Control	Protects plants for up to 4 months from many common pests such as Aphids, Thrips and Whiteflies.
Two-Way Fertilizer Blend	Quick release nutrients give plants initial boost to promote early growth and timed-release nutrients continue feeding for up to 9 months.
Dolomitic Limestone	For proper pH balance.
Wetting Agent	Helps distribute water evenly to the roots.
Water Holding Polymer (Copolymer of Polyacrylamide)	Allows the potting mix to soak up water then release it to the plant as the mix dries.

When applied as directed, this product meets the guidelines for metals adopted by the Association of American Plant Food Control Officials.

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

CAUTION

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

FIRST AID +


IN CASE OF ACCIDENTAL . . .	IMMEDIATELY . . .
Swallowing	<ul style="list-style-type: none"> • Call a doctor or poison control center for treatment advice.
Contact with skin	<ul style="list-style-type: none"> • Wash thoroughly with soap and water. • Get medical attention if irritation occurs.
Contact with eyes	<ul style="list-style-type: none"> • Hold eye open and rinse eye slowly and gently with water. • Continue to rinse eye for 10 to 15 minutes. • Call a doctor if irritation persists.

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 ingredient: 0.005% Imidacloprid [CAS # 138261-41-3].

ENVIRONMENTAL HAZARDS

- Do not dispose of potting mix in water.
- Do not contaminate water when disposing of equipment washwaters or rinsate.
- This product is toxic to aquatic invertebrates.

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.
Disposal: 	<ul style="list-style-type: none"> • Non-refillable container. Do not refill or reuse this container. • Place empty container in trash or offer for recycling if available

Important: It is best to use all of this 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.

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NOTICE: Research and testing has determined that the "Directions for Use" are appropriate for the proper use of Merit® 0.005% PM Plus Fertilizer under expected conditions. The Buyer assumes responsibility for lack of performance or safety if the product is not used according to the directions on this label.

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



A Business Unit of Bayer CropScience, L.P.
2 T.W. Alexander Drive
Research Triangle Park, NC 27709

Merit 0.005 (MASTER) Approved 03/26/02, Notification 08/11/10