

72155-36

3/25/2009

5846433 1/8
332/1300



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

MAR 25 2009

Mr. Charles W. Boyd
Registrations Manager
Bayer Advanced
2 T.W. Alexander Drive
Research Triangle Park, NC 27709

Subject: Merit 0.25 Plus Lawn and Garden Fertilizer
EPA Reg. No. 72155-36
Notification Application Dated February 27, 2009

Dear Mr. Boyd:

The Agency has received your Application for Pesticide Notification under Pesticide Registration Notices (PRNs) 2007-4 and 2008-1 dated February 27, 2009, for the product Merit 0.25 Plus Lawn and Garden Fertilizer, EPA Reg. No. 72155-36. The Registration Division (RD) has reviewed this request for its applicability under PRNs 2007-4 and 2008-1 and finds that the actions requested fall within the scopes of those PRNs. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-6406.

Sincerely,

A handwritten signature in black ink, appearing to read "William W. Jacobs".

William W. Jacobs
Insecticide-Rodenticide Branch
Registration Division (7505P)
Office of Pesticide Programs



Please read instructions on reverse before completing form.

Form Approved. OMB No. 2070-0060

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

Application for Pesticide - Section I

1. Company/Product Number 72155-36	2. EPA Product Manager Venus Eagle	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Merit 0.25 Plus Lawn and Garden Fertilizer	PM# 1	
5. Name and Address of Applicant (Include ZIP Code) Bayer Advanced 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.

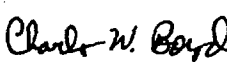
NOTIFICATION
MAR 25 2009

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	If "Yes" Package wgt. No. per container		
3. Location of Net Contents Information		4. Size(s) Retail Container		5. Location of Label Directions	
<input type="checkbox"/> Label <input type="checkbox"/> Container				<input type="checkbox"/>	
6. Manner in Which Label is Affixed to Product			<input type="checkbox"/> Other _____		
			<input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input 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 Charles W. Boyd	Title Registrations Manager	Telephone No. (Include Area Code) (919) 549-2422
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 	<small>Digitally signed by Charles Boyd DN: cn=Charles Boyd, c=US, o=Bayer CropScience, ou=Consumer, email=charles.boyd@bayercropscience.com Date: 2009.02.27 15:36:59 -05'00'</small>	3. Title Registrations Manager
4. Typed Name Charles W. Boyd	5. Date February 27, 2009	

Section II - Explanation

Bayer Advanced is submitting a **Notification** to add the text prescribed by PR Notice 2007-4 and 2008-1 to the label for the above-mentioned product:

In the disposal section, we have added the statement "Non-refillable container." Also we have added "refill or" to the statement Do not refill or reuse empty container.

We have also added the following statement "To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours, will help to ensure that wind or rain does not blow or wash pesticide off the treatment area. Sweeping any product that lands on a driveway, sidewalk, or street, back onto the treated area of the lawn or garden will help to prevent run off to water bodies or drainage systems."

Enclosed is one copy of the label with the changes highlighted.

Notification of label changes per PR Notice 2007-4, and PR Notice 2008-1. This notification is consistent with the guidance of PR Notice 2007-4, 2008-1 and EPA regulations at 40 CFR § 156.10, 156.80, 156.140, 156.144, 156.146, 156.156, and 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 EPA. I further understand that if this notification is not consistent with the terms of PR Notice 2007-4, 2008-1 and 40 CFR § 156.10, 156.80, 156.140, 156.144, 156.146, 156.156, and 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

4/8

[FRONT PANEL]

Merit[®] 0.25

Plus Lawn and Garden Fertilizer

READY TO USE

Kills White Grubs and Mole Crickets, and European Crane Fly larvae

For Use On: Lawns, Ground Covers, Flower Beds, and around Trees & Shrubs

- Just One Application Kills Grubs, Mole Crickets, and European Crane Fly larvae All Season Long
- Apply Once, Anytime...Spring Through Late Summer

CONTAINS ROOT BOOSTER™

- X-X-X Feeds Root Systems
- Promotes Vigorous Root Growth

(ART: treated lawn, untreated lawn)

- Convenient, Two-in-One Formula
- Feeds Roots and Protects Against Grubs
- Season-Long Grub Control
- Kills White Grubs Before They Damage Your Lawn
- Kills White Grubs Early, Before They Damage Your Lawn
- Promotes Strong Roots
- Helps Strengthen Root Systems by Promoting Growth
- Helps Lawn Recover
- Helps Strengthen Root Systems
- Rejuvenates the Lawn
- Patented Formula Helps Lawn Recover
- Unique Patented Formula
- Contains Merit®
- Suppresses chinch bugs and cutworms
- Also Kills Mole Crickets, Billbugs, Annual Bluegrass Weevils, and European Crane Fly larvae
- 100% satisfaction guaranteed
- Kills grubs all season-long plus revitalizes (turf) the lawn
- Defends against grubs plus helps turf recover
- One application of this product kills grubs all season-long and revitalizes your lawn. This patented 2-in-1 formula creates a protective zone in the soil to kill grubs before they can cause damage plus promotes new growth in stressed lawns. Keeping your lawn beautiful and free of damaging grubs has never been easier.

NOTIFICATION
MAR 25 2009

ACTIVE INGREDIENT:

Imidacloprid..... 0.25%

OTHER INGREDIENTS:

..... 99.75%

EPA Reg. No. 72155-36

Net Contents: 12, 24 Pounds

STOP - Read the label before use
Keep out of reach of children
FOR OUTDOOR RESIDENTIAL USE

CAUTION

See back panel for Ingredients and Additional Precautionary Statements.

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

[BACK PANEL]

READ THE LABEL FIRST!

QUICK FACTS	
<ul style="list-style-type: none"> • Easy-To-Use Granules • Unique Double Action Formula <ul style="list-style-type: none"> - Kills White Grubs Before They Damage Lawns - Feeds Root Systems • Two-In-One Formula Kills Grubs While Feeding Your Lawn • Kills White Grubs Before They Damage Lawns • Just One Application Stops Grubs From Spring Through Late Summer • Season-Long Grub Control • Kills White Grubs and Mole Crickets Early, Before They Damage The Lawn 	
KILLS	White Grubs (ART: WHITE GRUB) (including larvae of the Asiatic Garden Beetle, Black Turfgrass Ataenius, Chafers, Japanese Beetle, May Or June Beetle, and Oriental Beetle.) Mole Crickets (ART: MOLE CRICKET)
FEEDS	Helps root systems by promoting new growth.
COVERAGE	This bag covers 5,000 sq ft (15lb bag)
WHERE TO USE	Lawns, ground covers, flower beds, shrubs, trees
WHEN TO USE	May through mid-August
HOW MUCH TO USE	See spreader settings
	Questions or comments, call toll-free (877) 229-3725

ACTIVE INGREDIENT:

Imidacloprid 0.25 %

OTHER INGREDIENTS: 99.75 %

100.00 %

Imidacloprid is the chemical name for Merit® insecticide.

EPA Reg. No. 72155-36

EPA Est. No. XXX

FERTILIZER ANALYSIS x-x-x

PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

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

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.
If Inhaled	<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 by mouth-to-mouth, if possible. • Call a poison control center or doctor for further treatment advice.
<p>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: Imadacloprid [*CAS # 138261-41-3].</p>	

To Physician: No specific antidote is available. Treat the patient symptomatically.

ENVIRONMENTAL HAZARDS

<ul style="list-style-type: none"> • This product is highly toxic to aquatic invertebrates. • To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area. Sweeping any product that lands on a driveway, sidewalk, or street, back onto the treated area of the lawn or garden will help to prevent run off to water bodies or drainage systems.
--

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.	<ul style="list-style-type: none"> • Do not apply the product near fish pools, ponds, streams or lakes. • Do not use in vegetable gardens.
TO CONTROL	WHEN TO APPLY
GRUBS	Apply once anytime from May through mid-August.
BILLBUGS AND ANNUAL BLUEGRASS WEEVILS	Apply once, when adults are present in large numbers (early to late spring)
EUROPEAN CRANE FLY LARVAE	Apply once, when these insects are present in large numbers (late summer to mid-fall)
MOLE CRICKETS	Apply once anytime from mid-May through mid-June. Florida residents: Apply once anytime between early April through early May.

For best results, apply this product before grubs, billbugs, annual bluegrass weevils, European crane flies, or mole crickets hatch. Contact your County Extension Agent for the ideal dates to apply in your area.

DIRECTIONS FOR USE (Continued)


LAWNS	How Much: See Spreader Settings	
	Adjust spreader to the proper setting (see Spreader Settings).	(ART)
	To be sure you cover the entire area uniformly, first treat the border of the lawn then fill in the center. Make parallel passes, walking at a steady pace to ensure even distribution of the granules.	(ART)
	Water thoroughly after applying.	(ART)

FLOWER BEDS, GROUND COVERS, TREES & SHRUBS	How Much: 2 Tablespoons per 10 sq ft of planting bed. 1-1/4 cups per 100 sq ft of planting bed.	
	Spread granules evenly to the soil over flower beds, ground cover plantings, shrub beds and under trees. Tip: A hand-held spreader makes this easy.	(ART)
	Rake granules into the soil around plants.	(ART)
	Water thoroughly after applying.	(ART)

FOR BEST RESULTS	<ul style="list-style-type: none"> • Apply early, before grubs and mole crickets hatch. • Water thoroughly within 24 hours after applying. • Do not mow until the granules are watered into the soil. • Avoid applying MERIT 0.25 Plus Lawn and Garden Fertilizer to waterlogged areas, as this may decrease the product's effectiveness. • You may spread MERIT 0.25 Plus Lawn and Garden Fertilizer over soil or mulch. If present, remove weed barrier before applying.
-------------------------	---

SIGNS OF DAMAGE TO LAWNS

GRUBS	White grubs cause extensive damage to lawns by feeding on grass roots. Grass turns yellow, then brown, and dies. Grubs chew off roots so that the grass is easily pulled up in pieces with your hands. You can roll it back like a carpet to reveal the grubs. If patches of dead grass appeared in your lawn late last summer, check for grubs.
BILLBUGS AND ANNUAL BLUEGRASS WEEVILS	Grass turns yellow, then brown, and dies. Stems of damaged grass breaks off easily.
EUROPEAN CRANE FLY LARVAE	European crane fly larvae often cause damage by feeding on grass roots and disrupting the soil surface.
MOLE CRICKETS	Mole crickets often cause extensive damage by tunneling through lawns. Some species also feed on roots. Tunneling uproots the grass so it easily dries out. Lawns turn yellow, become thin, weedy, and can eventually die.
HOW IT WORKS	After MERIT 0.25 Plus Lawn and Garden Fertilizer granules are watered in, a protective zone is formed in the soil. If applied early, MERIT 0.25 Plus Lawn and Garden Fertilizer kills grubs and mole crickets when they hatch...before they can cause damage.

	Children and pets may re-enter after the treated area has been watered and allowed to dry.
---	--


Spreader Settings

If your spreader is not listed, please call our Consumer Service Hotline toll-free (877) 229-3725 for help.
 Rate for grubs: 2.4 to 3 lbs per 1,000 sq ft
 Rate for mole crickets: 3 lbs per 1,000 sq ft

SPREADER	SETTING* To deliver 3 lbs per 1,000 sq ft	SPREADER	SETTING* To deliver 3 lbs per 1,000 sq ft
Vigoro Drop Vigoro Rotary Sta-Green Drop Sta-Green Rotary Bandini Ev-N-Spread Rotary Ortho Drop Ortho Rotary Precision Drop Precision Rotary Quaker Rotary	Spreader settings to be determined.	Republic EZ Drop Republic EZ Grow Republic EZ Rotary Scotts Drop Scotts Accugreen Scotts Easygreen Scotts Evengreen Scotts Speedy Green True Temper Rotary ADD: TWO-IN-ONE SPREADERS	Spreader settings to be determined.

• Settings are approximate. The condition of your spreader, the speed at which you walk and uneven terrain may affect the rate of application. Calibrate your spreader according to manufacturer's directions.
 Tip: 1000 sq ft = 20 ft x 50 ft
 Do not use a spreader that applies granules in narrow, concentrated or uneven bands. Be sure the spreader works properly and spreads granules evenly.

STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage or disposal	
Storage Conditions:	Store in original container in a cool, dry place, out of the reach of children, preferably a locked storage cabinet.
Disposal: 	<p>If empty: Non-refillable container. Do not refill or reuse this container. Place in trash or offer for recycling if available.</p> <p>If partly filled: Call your local solid waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain.</p>

NOTICE

Research and testing has determined that the "Directions for Use" are appropriate for the proper use of MERIT 0.25 Plus Lawn and Garden Fertilizer 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, we will gladly refund your original purchase price.



A Business Unit of Bayer CropScience LP
 P.O. Box 12014, 2 T.W. Alexander Drive
 Research Triangle Park, North Carolina 27709

Merit 0.25 Plus (MASTER) Approved 11/13/03, Notification 06/14/04, Notification 09/01/05, Notification 03/04/08, Notification 11/18/08