

72155-51

11-23-2010

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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
P.O. Box 12014
2 T.W. Alexander Dr.
Research Triangle Park, NC 27709

NOV 23 2010

Subject: Notification of the addition of the company website and changing the words "plants" and "both the top and bottom leaf surfaces" to read "lawn"
Merit Concentrate Insecticide II
EPA Reg. #72155-51
Submission date: 11/12/10

Dear Mr. Mattern:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 11/16/2010 for the product Merit Concentrate Insecticide II (EPA Reg. #72155-51). The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action requested falls within the scope of PRN 98-10. 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 703-347-0156 or urbanski.jennifer@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Urbanski".

Jennifer Urbanski
Registration Division (7505P)
Office of Pesticide Programs



United States
Environmental Protection Agency
 Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 72155-51	2. EPA Product Manager Venus Eagle	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Merit Concentrate Insecticide II	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

Amendment - Explain below. Final printed labels in response to Agency letter dated _____

Resubmission in response to Agency letter dated _____ "Me Too" Application.

Notification - Explain below. Other - Explain below.

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

Label Notification in accordance with PR Notice 98-10. See attached Section II Explanation.

Contact info.: gregory.mattern@bayer.com

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

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 Gregory C. Mattern	Title Regulatory Product Manager	Telephone No. (Include Area Code) (919) 549-2600
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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 both under applicable law.

2. Signature <i>Gregory C. Mattern</i>	3. Title Regulatory Product Manager	6. Date Application Received (Stamped)
4. Typed Name Gregory C. Mattern	5. Date November 12, 2010	

Section II - Explanation

With this submission, Bayer Advanced is resubmitting a minor label Notification for **Merit Concentrate Insecticide II (EPA Reg. No. 72155-51)**.

The purpose of this Notification is to make the following minor modifications and corrections to the product labeling:

1. Added company website address and optional computer graphic to page 2.
2. In the Tips for Applying part of the How to Attach and Spray section on page 3, the 1st occurrence of the word "plants" was changed to "area", the 2nd occurrence of the word "plants" was changed to "lawn" since this for use on lawns and not ornamental plants (e.g. shrubs). Also corrected the phrase "both the top and bottom leaf surfaces" in bullet "2" to "lawn".

Enclosed are 3 copies of the product label (two clean copies and one copy with all changes highlighted in yellow).

This notification is consistent with the provision of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and 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 98-10 and 40 CFR 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.

NOTIFICATION

NOV 23 2010

[Front Panel]

Highlighted Copy

Merit[®] Concentrate

Insecticide II

(ABN: Bayer Advanced Season-Long Grub Control Ready-to-Spray)

Kills White Grubs, Mole Crickets and European Crane Fly Larvae

For Use On: Lawns

READY TO SPRAY

CONCENTRATE

- One application kills white grubs, mole crickets and European Crane Fly Larvae all season long
- Apply Anytime...Spring Through Late Summer
- Stops Grubs from Destroying Your Lawn
- Treats more than 5,000 sq ft (32 oz size)
- Long-Lasting, Effective Protection
- One Application Kills Grubs All Season Long
- Season-Long Grub Control
- Protects Against Grubs All Season Long
- Kills white grubs, mole crickets and European Crane Fly Larvae early, before they damage your lawn
- Kills mole crickets and European Crane Fly Larvae
- Contains Merit[®]
- Kills grubs season-long with 1 application
- Also kills mole crickets & European crane fly larvae

NOTIFICATION

NOV 23 2010

ACTIVE INGREDIENT:

Imidacloprid 1.47%

OTHER INGREDIENTS: 98.53%

Net Contents: 32 fl oz (946 mL)

KEEP OUT OF REACH OF CHILDREN

CAUTION

See Back Panel Booklet for Additional Ingredients and Precautionary Statements

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

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[BACK PANEL]

MERIT CONCENTRATE INSECTICIDE II kills grubs all season long with a single application. Keeping your lawn free of damaging grubs has never been easier.

READ THE LABEL FIRST!

QUICK FACTS

- Ready-To-Spray...No Mixing, No Measuring
- Kills mole crickets, European crane fly larvae and white grubs early, before they damage the lawn
- Just one application stops mole crickets, European crane fly larvae and white grubs


KILLS	(ART: white grub, European crane fly larvae)	Leafhoppers
	Adelgids	Leafminers
	Annual bluegrass weevil	Mealybugs
	Aphids	Mole crickets
	Billbugs	Sawfly larvae
	Bluegrass Weevils	Thrips
	Elm leaf beetle	White Grubs (including larvae of Asiatic Garden Beetle, Black Turfgrass Ataenius, Chafers, Japanese Beetle, May or June Beetle, and Oriental Beetle)
	European crane fly larvae	
	Lacebugs	Whiteflies

COVERAGE	This bottle covers 5,000 sq ft
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WHERE TO USE	Lawns
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WHEN TO USE	May through mid-August
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HOW MUCH TO USE	No measuring needed. Dilutes automatically.
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	For questions or comments, call toll-free (1-877-229-3724) 1-877-BayerAG or visit our website at www.bayeradvanced.com
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RESTRICTION: FOR OUTDOOR RESIDENTIAL USE ONLY

ACTIVE INGREDIENT:

Imidacloprid 1.47%


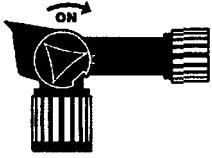
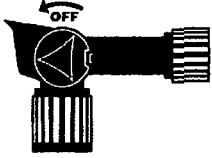
OTHER INGREDIENTS 98.53%


100.0%

Imidacloprid is the chemical name for Merit® insecticide.

EPA Reg. No. 72155-51

EPA Est. No. XXXX-AA-XX

DIRECTIONS FOR USE	
<p>It is a violation of Federal Law to use this product in a manner inconsistent with its labeling. Read and follow all label directions.</p>	
Restrictions:	<ul style="list-style-type: none"> • Do not spray the product into fish pools, ponds, streams, or lakes. • Remove animal feeding dishes prior to application. • Do not apply to fruits or vegetables used for food. • Do not apply more than once per year.
	<p>Do not allow children and pets to re-enter the treated area until sprays have dried.</p>
How to Use (Shake Well before using)	<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. Do not apply this product to waterlogged areas, as this may decrease the product's effectiveness.</p>
HOW TO ATTACH AND SPRAY  	<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. 2. To begin spraying, turn on water at faucet. Point nozzle towards the area to be treated and Press lock tab while using other hand to turn sprayer valve to on position. 3. To stop spraying, turn the water control valve on top of the spray nozzle to OFF. Turn off faucet. 4. Relieve water pressure by turning water control valve to the ON position until water slows to a drip. Turn water control valve back to OFF. Disconnect garden hose from bottle. 5. The unused portion can be saved and used at a later date. <p>Tips for Applying</p> <ol style="list-style-type: none"> 1. Extend hose to the farthest area to be treated and work back toward the faucet to avoid contacting wet, treated lawn. 2. Use an even sweeping motion, ensuring thorough coverage of lawn.
Signs of Damage to Lawns	<p>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.</p> <p>European crane fly larvae often cause damage by feeding on grass roots and disrupting the soil surface.</p> <p>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.</p>
How MERIT Concentrate Insecticide II Works	<p>After MERIT Concentrate Insecticide II is applied, a protective zone is formed in the soil. If applied early, MERIT Concentrate Insecticide II kills grubs when they hatch...before they can cause damage.</p>
For Best Results	<p>To avoid serious damage to lawns, eliminate pests early in the season before they multiply.</p> <p>Apply early before grubs, mole crickets and European crane fly larvae hatch. Contact your County Extension Agent for the ideal dates to apply in your area. You may spray this product over soil or mulch. Remove weed barrier before applying.</p>

Storage and Disposal	
Pesticide Storage	Store in original container in a cool, dry place, out of the reach of children, preferably a locked storage cabinet.
Pesticide Disposal and Container Handling 	If empty: <ul style="list-style-type: none"> • Non-refillable container. Do not refill or reuse container. • Place empty container in trash or offer for recycling if available. If partly filled: <ul style="list-style-type: none"> • Call your local solid waste agency or 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
CAUTION <ul style="list-style-type: none"> • Harmful if swallowed • 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 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 the poison control center or doctor. • Do not give anything by mouth to an unconscious person.
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.
<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. For medical emergency information, you may call toll-free 1-877-229-3763. Active Ingredient: 1.47% Imidacloprid [CAS # 138261-41-3]</p>	

ENVIRONMENTAL HAZARDS
<ul style="list-style-type: none"> • This pesticide is highly toxic to aquatic invertebrates. Do not apply directly to lakes, streams or ponds. • 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. • This pesticide is highly toxic to bees. Do not apply MERIT Concentrate Insecticide II when bees are active.

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NOTICE: Research and testing have determined that the "Directions for Use" are appropriate for the proper use of Merit® Concentrate Insecticide II under expected conditions. To the extent consistent with applicable law, 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 Concentrate II (MASTER) Approved 06/17/10, Notification 10/19/10