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09/15/2004

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United States
Environmental Protection Agency
Washington, DC 20460
☐ Registration
☐ Amendment
☒ Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 72155-55	2. EPA Product Manager Dan Kenny	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Merit 1.47 TLC Insecticide Concentrate	PM# 4A	
5. Name and Address of Applicant (Include ZIP Code) Bayer Advanced 95 Chestnut Ridge Rd. Montvale, NJ 07645 <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 15 2004
<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:

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 <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container	
5. Location of Label Directions <input type="checkbox"/>		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 Charles W. Boyd		Title Registrations Manager		
		Telephone No. (Include Area Code) (201) 307-3140		
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 <i>Charles W. Boyd</i>		3. Title Registrations Manager		
4. Typed Name Charles W. Boyd		5. Date 8/31/04		

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Section II - Explanation

Bayer Advanced is submitting a **Notification** to add the following claims to the label for the above-mentioned product. The following claim has been added to the label:

- Easy to Use -
- 100% Satisfaction Guaranteed

These claims are simply rewording of existing claims. We have also updated the disposal section of the label in accordance with PR Notice 2001-6.

We have also added an alternate brand name "Bayer Advanced 12-Month Tree & Shrub Insect Control Concentrate."

This notification is consistent with the provision of PR Notice 98-10, 2001-6 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.

12 MONTH PROTECTION
100% SATISFACTION GUARANTEED

(Front Panel)

Bayer Advanced 12-Month Tree & Shrub Insect Control Concentrate

- Prevents damage from listed pests
- Insects stop eating when they feed on the plant
- Protects trees and shrubs from damaging insects with one easy treatment
- Helps keep trees and shrubs strong. Protects new growth
- Controls insects that damage trees and shrubs
- Year-long insect protection for trees and shrubs
- Treats up to X average size trees or Y shrubs
- Systemic insecticide is absorbed through the roots, carried up into the plant and won't wash off
- Prevents insects from damaging trees and shrubs
- Will not harm trees and shrubs
- For use on all ornamental trees, listed fruit & nut trees, and shrubs
- Kills insects & prevents new infestations
- One application protects up to 12 months
- Provides 12-Month Insect Protection
- Rainproof Protection
- Easy to use - Mix in water and pour around Tree/Shrub
- 100% Satisfaction Guaranteed

ACTIVE INGREDIENT:	
Imidacloprid.....	1.47 %
OTHER INGREDIENTS:	
	98.53 %

Net Contents: 8 fl. oz. (237 mL) or 16 fl. oz. (473 mL) or 30 fl. oz. (887 mL) or 32 fl. oz. (946 mL) or 64 fl. oz. (1.89 L) or 120 fl. oz. (3.55 L) or 1 Gal (3.78 L)

STOP - Read This Entire Label Before Use
KEEP OUT OF REACH OF CHILDREN
CAUTION

See Back Panel [Booklet] for Additional Ingredients and Precautionary Statements

Text in [] is optional.

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(BACK PANEL)

Merit 1.47 TLC Insecticide Concentrate provides 12-month systemic protection against damaging insects including Leafminers, Beetles and Borers. Having beautiful trees and shrubs has never been easier.

READ THE LABEL FIRST!

QUICK FACTS

- Provides Year Long Insect Protection
- Will Not Harm Trees and Shrubs
- Easy to Use . . . Pour in Water and Pour Around Plant
- Not Affected by Rain or Moisture
- Convenient Measure-Up™ Cup]

KILLS	Adelgids, aphids, bronze birch borers, leafminers, scale and other listed pests
COVERAGE	Trees: X inches of distance around tree(s) Shrubs: Y (2ft tall)
WHERE TO USE	Outdoor trees and shrubs, including listed fruit and nut trees
WHEN TO USE	Once a year or when insects are present
HOW MUCH TO USE	Trees: 1 ounce per inch of distance around trunk Shrubs: 3 ounces per foot of height
	For questions or comments, call toll-free 1-877 BayerAG or visit us on-line at www.AdvancedGarden.com

FOR OUTDOOR RESIDENTIAL USE ONLY

ACTIVE INGREDIENT:

Imidacloprid..... 1.47 %

OTHER INGREDIENTS:*..... 98.53 %

TOTAL 100.00%

* Other ingredients include: Water, glycerin (freeze/thaw recovery aid), surfactants & stabilizers (keep the active ingredient uniformly dispersed), preservative and antifoam.

EPA Reg. No. 72155-55

EPA Est. No. XXXX-AA-XX

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 directions when using.	<ul style="list-style-type: none"> • Do not apply near lakes, streams, rivers, or ponds. • Do not apply to soils which are water-logged or saturated. • Bucket or measuring utensils should not be used for any food or drinking water purposes after use with this product. 			
HOW TO USE	Determine the amount to use by measuring the distance around the tree trunk or height of the shrub. Pour the required amount into a bucket of water and empty the bucket around the base of the tree/shrub.			
FOR USE ON	Outdoor trees and shrubs including listed fruit and nut trees:			
	Apple Crabapple	Loquat Mayhaw	Oriental Pear Pear	Pecan Quince
CONTROLS	Adelgids Aphids Vine Weevil Larvae (Including Black Vine Weevil) Borers Roundheaded Borers (Including Asian Longhorned Beetle and Eucalyptus Longhorned Borer) Flatheaded (Including Bronze Birch Alder, and Emerald Ash Borers) Japanese Beetles, Adult Lacebugs	Leaf Beetles [including Elm Leaf Beetles and Viburnum Leaf Beetles] Leafhoppers (including Glassy-winged Sharpshooter) Leafminers (Including Birch Leafminers) Mealybugs Pine Tip Moth Larvae Psyllids	Royal Palm Bugs Sawfly Larvae Scales (Including Armored Scale [Suppression] and Soft Scale) Thrips Whiteflies	


Continued in next column

DIRECTIONS FOR USE continued							
HOW MUCH TO APPLY	<ul style="list-style-type: none">Trees: 1 oz per inch of distance around trunkShrubs: 3 oz per foot of height.						
	<table><tr><td>Tree With One Trunk</td><td>Measure distance (in inches) around tree trunk at chest height. A flexible tape measure is the recommended method [tool]. This is the number of ounces of MERIT 1.47 TLC to apply.</td></tr><tr><td>Tree With 2 or More Trunks</td><td>Measure the distance (in inches) around each tree trunk and add together. Multiply this total by 0.75 to get the required number of ounces of MERIT 1.47 TLC to apply. Example: A tree has 4 trunks. They measure 20, 10, 5 and 5 [inches] or a total of 40 [inches]. 40 X 0.75 = 30 ounces.</td></tr><tr><td>Shrubs</td><td>Measure the height of the shrub to the nearest foot. Round any inches down to the nearest foot if less than 6" and up to the nearest foot if greater than 6". Multiply the number of feet by 3 – this is the number of ounces of MERIT 1.47 TLC to apply.</td></tr></table>	Tree With One Trunk	Measure distance (in inches) around tree trunk at chest height. A flexible tape measure is the recommended method [tool]. This is the number of ounces of MERIT 1.47 TLC to apply.	Tree With 2 or More Trunks	Measure the distance (in inches) around each tree trunk and add together. Multiply this total by 0.75 to get the required number of ounces of MERIT 1.47 TLC to apply. Example: A tree has 4 trunks. They measure 20, 10, 5 and 5 [inches] or a total of 40 [inches]. 40 X 0.75 = 30 ounces.	Shrubs	Measure the height of the shrub to the nearest foot. Round any inches down to the nearest foot if less than 6" and up to the nearest foot if greater than 6". Multiply the number of feet by 3 – this is the number of ounces of MERIT 1.47 TLC to apply.
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	Shrubs	Measure the height of the shrub to the nearest foot. Round any inches down to the nearest foot if less than 6" and up to the nearest foot if greater than 6". Multiply the number of feet by 3 – this is the number of ounces of MERIT 1.47 TLC to apply.					
Do not make more than one application per year.							
HOW TO APPLY	<ul style="list-style-type: none">Fill a bucket or watering can with 1 gallon of water. [For trees with circumference greater than 50", use 2 gallons of water.]Shake the bottle of MERIT 1.47 TLC well.[• Remove the Measure-Up™ Cup. Each marking inside is one ounce.]Carefully measure required amount of product into bucket.Slowly pour the solution evenly around the tree. For best results, pour as close to the TRUNK/main stem of the tree/shrub as possible.Fill the bucket with clean water and pour it around the trunk as well.						
FOR BEST RESULTS	<p>Use this product as part of an overall tree and shrub health care program before problems start [preferably in the fall]. [However,] MERIT 1.47 TLC can be applied anytime except when the ground is waterlogged or frozen. These conditions inhibit the movement of the product down into the root zone. During prolonged dry periods [spells], water the tree/shrub well the night before making an application.</p> <p>For severe infestations, treat with a foliar insecticide such as MERIT + TEMPO Concentrate Insecticide II, then use MERIT 1.47 TLC as part of a routine care program.</p> <p>[Refer to [Consult] the [our] "MERIT 1.47 TLC Booklet/Kit" for additional [other] tree and shrub care [maintenance] tips [for more information].]</p>						
HOW MERIT 1.47 TLC WORKS	<p>The insecticide dissolved in water moves down through the soil, where it is absorbed by the roots. Once absorbed, it moves up through the tree or shrub providing year-long insect protection. MERIT 1.47 TLC even moves into new growth after application, thus protecting it, too! To get complete protection, the insecticide must distribute completely through the tree/shrub. Depending on the size and health of the plant, this may take one week to three months (for very large trees). Rain or water cannot wash off this internal protection.</p>						

[NOTE: Application to trees heavily infested may not prevent their eventual loss due to existing pest damage and tree stress.]

	Children and pets may re-enter the treated area after it 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.
Disposal 	If empty: <ul style="list-style-type: none"> Do not 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

- Causes moderate eye irritation.
- Avoid 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 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.
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.

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 toll-free 877-229-3763 for medical emergency information. Active Ingredient: 1.47% Imidacloprid (CAS # 138261-41-3).

ENVIRONMENTAL HAZARDS

- This pesticide is toxic to aquatic invertebrates. Do not apply directly to lakes, streams, rivers or ponds.
- Do not dump rinse water into sewers or other bodies of water.
- Apply this product only as specified on this label.

NOTICE: Research and testing have determined that the "Directions for Use" are appropriate for the proper use of MERIT 1.47 TLC 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.

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Bayer Advanced
A Business Unit of Bayer CropScience LP
95 Chestnut Ridge Road
Montvale, NJ 07645