

72155-55

1/12/2009

1 of 7



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

JAN 12 2009

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

Subject: Label Notification(s) for Pesticide Registration Notices 2007-4 and 2008-1

Dear Mr. Boyd:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 and 2008-1 dated December 16, 2008 for:

EPA Registration 72155-55

Merit 1.47 TLC Insecticide Concentrate

The Registration Division (RD) has conducted a review of this request for applicability under PR Notice 2007-4 and 2008-1 and finds that the label changes requested falls within the scope of PR Notice 2007-4 and 2008-1. 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, please contact me directly at 703-305-6249 or Nicole Williams of my staff at 703-308-5551.

Sincerely,

A handwritten signature in black ink, appearing to be "Linda", is located below the word "Sincerely,".

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs



Please read instructions on reverse before completing form.

Form Approved: OMB No. 2070-0060

207 OK

 United States Environmental Protection Agency Washington, DC 20460		<div style="display: inline-block; border: 1px solid black; padding: 2px;"><input type="checkbox"/> Registration</div> <div style="display: inline-block; border: 1px solid black; padding: 2px;"><input type="checkbox"/> Amendment</div> <div style="display: inline-block; border: 1px solid black; padding: 2px;"><input checked="" type="checkbox"/> Other</div>	OPP Identifier Number
Application for Pesticide - Section I			
1. Company/Product Number 72155-55		2. EPA Product Manager Venus Eagle	
4. Company/Product (Name) Merit 1.47 TLC Insecticide Concentrate		3. Proposed Classification <div style="display: flex; justify-content: space-around;"><div><input checked="" type="checkbox"/> None</div><div><input type="checkbox"/> Restricted</div></div>	
5. Name and Address of Applicant (Include ZIP Code) Bayer Advanced 2 T.W. Alexander Drive Research Triangle Park, NC 27709 <div style="margin-top: 5px;"><input type="checkbox"/> Check if this is a new address</div>		6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar to NOTIFICATION on and labeling to: EPA Reg. No. <u>JAN 12 2009</u> Product Name _____	
Section - II			
<div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> Amendment - Explain below.</div><div><input type="checkbox"/> Resubmission in response to Agency letter dated _____</div><div><input checked="" type="checkbox"/> Notification - Explain below.</div></div>		<div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> Final printed labels in response to Agency letter dated _____</div><div><input type="checkbox"/> "Me Too" Application.</div><div><input type="checkbox"/> Other - Explain below.</div></div>	
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 <div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> Yes</div><div><input checked="" type="checkbox"/> No</div></div>	Unit Packaging <div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> Yes</div><div><input checked="" type="checkbox"/> No</div></div>	Water Soluble Packaging <div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> Yes</div><div><input checked="" type="checkbox"/> No</div></div>	2. Type of Container <div style="display: flex; justify-content: space-between;"><div><input checked="" type="checkbox"/> Metal</div><div><input type="checkbox"/> Plastic</div><div><input type="checkbox"/> Glass</div><div><input type="checkbox"/> Paper</div><div><input type="checkbox"/> Other (Specify) _____</div></div>
* Certification must be submitted			
3. Location of Net Contents Information <div style="display: flex; justify-content: space-between;"><div><input checked="" type="checkbox"/> Label</div><div><input type="checkbox"/> Container</div></div>		4. Size(s) Retail Container 32 or 40 Fl. oz., or 1/2, 1, 1.25 Gal.	
5. Location of Label Directions <div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/></div><div><input type="checkbox"/></div></div>			
6. Manner in Which Label is Affixed to Product <div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> Lithograph Paper glued Stenciled</div><div><input checked="" type="checkbox"/> Other Integ _____</div></div>			
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: 2008.12.16 14:10:00 -05'00'</small>		3. Title Registrations Manager	
4. Typed Name Charles W. Boyd		5. Date December 16, 2008	

3 of 7

Merit® 1.47 TLC Insecticide Concentrate
EPA Reg. No. 72155-55
December 16, 2008

Page 1 of 1

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. Rinsing application equipment over the treatment area will help avoid 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.

4087

(Front Panel)

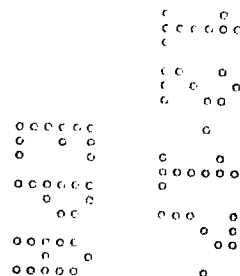
Merit[®] 1.47 TLC

Insecticide 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

NOTIFICATION

JAN 12 2009



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), 40 fl. oz. or 64 fl. oz. (1.89 L) or 120 fl. oz. (3.55 L) or 1 Gal (3.78 L) or 1.25 Gal

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

CAUTION

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

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

(Optional alternate statement) Not for sale, sale into, distribution and or use in Nassau, Suffolk, Kings, and Queens counties of New York.

Text in [] is optional.

50 of 7

(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

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	Leaf Beetles [including Elm Leaf Beetles and Viburnum Leaf Beetles]	Royal Palm Bugs
	Aphids	Leafhoppers (including Glassy-winged Sharpshooter)	Sawfly Larvae
	Vine Weevil Larvae (Including Black Vine Weevil)	Leafminers (Including Birch Leafminers)	Scales (Including Armored Scale [Suppression] and Soft Scale)
	Borers	Mealybugs	Thrips
	Roundheaded Borers (Including Asian Longhorned Beetle and Eucalyptus Longhorned Borer)	Pine Tip Moth Larvae	Whiteflies
	Flatheaded (Including Bronze Birch Alder, and Emerald Ash Borers)	Psyllids	
	Japanese Beetles, Adult		
	Lacebugs		

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.
	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.					
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.
---	---

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 	<p>If empty:</p> <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. <p>If partly filled:</p> <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.
<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 toll-free 877-229-3763 for medical emergency information.</p> <p>Active Ingredient: 1.47% Imidacloprid (CAS # 138261-41-3).</p>	

ENVIRONMENTAL HAZARDS

- This pesticide is toxic to aquatic invertebrates.
- Do not dump rinse water into sewers or other bodies of water.
- Apply this product only as specified on this label.
- 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. Rinsing application equipment over the treated area will help avoid run off to water bodies or drainage systems.

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.



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

Merit 1.47 TLC (MASTER) Approved 10/22/04, Notification 12/12/08

NOTIFICATION

JAN 12 2009