

72155-55

2/18/2014

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



OFFICE OF
CHEMICAL SAFETY AND
POLLUTION PREVENTION

FEB 18 2014

Annette M. Bloomberg
Bayer Advanced
P.O. Box 12014
2 T.W. Alexander Drive
Research Triangle Park, NC 27709

Subject: Amended labeling to add restriction on linden, basswood, and *Tilia* species, update the environmental hazards, clarify maximum yearly application rate, and other minor changes
Product Name: Merit 1.47 TLC Insecticide Concentrate
EPA Registration Number: 72155-55
Submission dated January 18, 2014; resubmission dated February 18, 2014

Dear Ms. Bloomberg:

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, is acceptable. A stamped copy of the label is enclosed for your records. Please submit one copy of your final printed labeling before you release the product for shipment. Your release for shipment of the product constitutes acceptance of these conditions. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). If you have any questions, please contact Julie Chao by phone at 703-308-8735, or by email at chao.julie@epa.gov.

Regards,

A handwritten signature in black ink that reads "Venus Eagle".

Venus Eagle, Product Manager 01
Insecticide-Rodenticide Branch
Registration Division (7505P)

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(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 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

ACTIVE INGREDIENT:

Imidacloprid 1.47 %

OTHER INGREDIENTS: 98.53 %

TOTAL: 100.00%

**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.

ACCEPTED

FEB 18 2014

Under the Federal Insecticide, Fungicide,
and Rodenticide Act, as amended, for the
pesticide registered under:

EPA. Reg. No: 72155-55

(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	
<ul style="list-style-type: none"> • 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

FIRST AID +	
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. Active Ingredient: 1.47% Imidacloprid (CAS # 138261-41-3).</p>	

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.

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.
- This product is highly toxic to bees exposed to direct treatment or residues on blooming plants or weeds. Do not apply product to blooming plants or weeds if bees are foraging in the treatment area.

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.	Restrictions: <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. • Do not apply this product, by any application method, to linden, basswood, or other Tilia species. 		
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
	Pre-harvest Interval: Do not harvest fruit until at least 21 days after application.		
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 trunk Shrubs: 3 oz per foot of height. 						
	<table border="1"> <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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Do not apply more than 0.4 lbs of imidacloprid (the active ingredient in this product) per acre per year. This bottle contains [X] lbs of imidacloprid.							
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	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.						

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

	Do not allow people and pets to re-enter the treated area until after it has dried.
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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.
Container Handling and Disposal 	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.

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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.

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

PRODUCED FOR



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

Merit 1.47 TLC (PENDING) 01/17/2014, 02/06/14, 02/18/2014