



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 72155-56

Merit 2.94 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 Arrington".

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

 United States Environmental Protection Agency Washington, DC 20460		<div style="display: inline-block; border: 1px solid black; padding: 2px; margin: 2px;"><input type="checkbox"/> Registration</div> <div style="display: inline-block; border: 1px solid black; padding: 2px; margin: 2px;"><input type="checkbox"/> Amendment</div> <div style="display: inline-block; border: 1px solid black; padding: 2px; margin: 2px;"><input checked="" type="checkbox"/> Other</div>	OPP Identifier Number
Application for Pesticide - Section I			
1. Company/Product Number 72155-56		2. EPA Product Manager Venus Eagle	
4. Company/Product (Name) Merit 2.94 TLC Insecticide Concentrate		3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted	
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 _____ <div style="text-align: right; font-weight: bold; font-size: 1.2em;">NOTIFICATION</div> <div style="text-align: right; font-weight: bold; font-size: 1.2em;">JAN 12 2009</div>	
Section - II			
<div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> Amendment - Explain below.</div><div><input type="checkbox"/> Final printed labels in response to Agency letter dated _____</div></div> <div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> Resubmission in response to Agency letter dated _____</div><div><input type="checkbox"/> "Me Too" Application.</div></div> <div style="display: flex; justify-content: space-between;"><div><input checked="" type="checkbox"/> Notification - Explain below.</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 <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2. Type of Container <input type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper Other (Specify) _____
* Certification must be submitted			
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 1 Gal.	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 checked="" type="checkbox"/> Other Integ <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
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 14:12:03 -05'00'</small>			6. Date Application Received (Stamped)
4. Typed Name Charles W. Boyd		3. Title Registrations Manager	
		5. Date December 16, 2008	

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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.

(Front Panel)

Merit[®] 2.94 TLC

Insecticide Concentrate

- Prevents damage from listed [insects] pests
- Insects stop eating when they feed on the plant
- Protects trees and shrubs from damaging insects with one easy treatment
- Protects new growth from insect damage
- Controls insects that damage trees and shrubs
- Year-long insect protection for trees and shrubs with one application
- 12-month insect protection. Kills insects and prevents new infestations
- One application protects up to 12 months
- One gallon treats up to 20 medium size trees or 42 average size shrubs
- Insect protection that won't wash off
- Prevents insects from damaging trees and shrubs
- Will not harm [Safe to] trees and shrubs
- For use on all [landscape] ornamental trees, listed fruit & nut trees, and shrubs
- Landscape Formula – Treats twice as much†
- Kills insects including Emerald Ash Borer
- 100% Satisfaction Guaranteed* [or your money back]

ACTIVE INGREDIENT:

Imidacloprid 2.94 %

OTHER INGREDIENTS:

..... 97.06 %

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)

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, Suffolk, Kings, and Queens counties of New York.

[] Information is optional

NOTIFICATION

JAN 12 2009

(BACK PANEL)

Merit 2.94 TLC Insecticide Concentrate provides 12-month systemic protection against damaging insects including Adelgids, Aphids, Leafminers, Japanese Beetles and Emerald Ash Borers. Having beautiful pest-free trees and shrubs has never been easier.

READ THE LABEL FIRST!

QUICK FACTS	
<ul style="list-style-type: none"> • Provides Year Long (12-month) Insect Protection • Will Not Harm Trees and Shrubs • Easy to Use . . . Mix in Water and Pour Around Plant (Tree/Shrub) • Not Affected by Rain [Sprinklers] • [Convenient MEASURE-UP™ Cup] • No Spraying, Just mix...and pour, Protects entire tree for up to 12-months. 	
KILLS	Adelgids, Aphids, Bronze Birch Borers, Emerald Ash Borers, Leafminers, Scale and other listed pests
COVERAGE	Trees: 256" of distance around tree(s) Shrubs: 42 (2 ft 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: 0.5 ounce per inch of distance around trunk Shrubs: 1.5 ounces per foot of height [Roses: 1 oz per plant]
	For questions or comments, call toll-free 1-877 BayerAG

FOR OUTDOOR RESIDENTIAL USE ONLY**ACTIVE INGREDIENT:**

Imidacloprid..... 2.94 %

OTHER INGREDIENTS:..... 97.06 %

TOTAL..... 100.00%

EPA Reg. No. 72155-56

EPA Est. No. -AA-

Imidacloprid is the chemical name for Merit®

† This product contains twice the concentration of the Bayer Advanced 12-month Tree & Shrub Insect Control Concentrate.

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 a poison control center or doctor.
If in 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: 2.94% Imidacloprid (CAS # 138261-41-3).


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	
<ul style="list-style-type: none"> This pesticide is toxic to aquatic invertebrates. Do not dump rinse water into sewers or other bodies of water. 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. 	

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: <table><tr><td>Apple</td><td>Loquat</td><td>Oriental Pear</td><td>Pecan</td></tr><tr><td>Crabapple</td><td>Mayhaw</td><td>Pear</td><td>Quince</td></tr></table>	Apple	Loquat	Oriental Pear	Pecan	Crabapple	Mayhaw	Pear	Quince
Apple	Loquat	Oriental Pear	Pecan						
Crabapple	Mayhaw	Pear	Quince						
CONTROLS [KILLS]	<table><tr><td>Adelgids Aphids Black Vine Weevil Larvae Borers<ul style="list-style-type: none">Roundheaded (Including Asian Longhorned Beetle and Eucalyptus Longhorned Borers)Flatheaded (Including Bronze Birch, Alder Borers) and Emerald Ash BorerJapanese Beetles, Adult, Lacebugs Leaf Beetles (including Elm Leaf Beetles, Viburnum Leaf Beetles, and Willow Leaf Beetles) Leafhoppers (including Glassy-Winged Sharpshooter) Leafminers (Including Birch Leafminers)</td><td>Mealybugs Pine Tip Moth Larvae Psyllids Root Weevil Larvae (including black vine weevil) Royal Palm Bugs Sawfly Larvae Scales (including Armored Scale (Suppression) and Soft Scale) Thrips Whiteflies</td></tr></table>	Adelgids Aphids Black Vine Weevil Larvae Borers <ul style="list-style-type: none">Roundheaded (Including Asian Longhorned Beetle and Eucalyptus Longhorned Borers)Flatheaded (Including Bronze Birch, Alder Borers) and Emerald Ash Borer Japanese Beetles, Adult, Lacebugs Leaf Beetles (including Elm Leaf Beetles, Viburnum Leaf Beetles, and Willow Leaf Beetles) Leafhoppers (including Glassy-Winged Sharpshooter) Leafminers (Including Birch Leafminers)	Mealybugs Pine Tip Moth Larvae Psyllids Root Weevil Larvae (including black vine weevil) Royal Palm Bugs Sawfly Larvae Scales (including Armored Scale (Suppression) and Soft Scale) Thrips Whiteflies						
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HOW MUCH TO APPLY	<ul style="list-style-type: none">Trees: 0.5 oz per inch of distance around trunkShrubs: 1.5 oz per foot of height[• Roses: 1 oz per plant]								

HOW MUCH TO APPLY continued	Tree With One Trunk	Measure distance (in inches) around tree trunk at chest height. A flexible tape measure is the recommended method [tool]. Multiply the number of inches by 0.5 – this is the number of ounces of MERIT 2.94 TLC to apply.
	Tree With 2 or More Trunks	Measure the distance (in inches) around each tree trunk at chest height and add together. Multiply this total by 0.375 to get the required number of ounces of MERIT 2.94 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 0.375 = 15 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 1.5 – this is the number of ounces of MERIT 2.94 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 trunks greater than 50" around, use 2 gallons of water.] Shake the bottle of MERIT 2.94 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 plant (tree/shrub). For best results, pour as close to the TRUNK/main stem of the tree or 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 [and rose] health care program before problems start [preferably in the fall]. [However,] MERIT 2.94 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>[NOTE: Application to trees heavily infested may not prevent their eventual loss due to existing pest damage and tree stress.]</p> <p>For severe infestations, treat with a foliar insecticide such as MERIT + TEMPO Concentrate Insecticide II, then use MERIT 2.94 TLC as part of a routine care program.</p> <p>[Refer to [Consult] the [our] "MERIT 2.94 TLC Booklet/Kit" for additional [other] tree and shrub care [maintenance] tips [for more information].]</p>	
HOW MERIT 2.94 TLC WORKS	<p>The insecticide is absorbed by the roots and moves up through the tree or shrub, providing year-long insect protection. MERIT 2.94 TLC even moves into new growth after application, thus protecting it, too! To get complete protection, the insecticide must distribute completely up through the plant. For very large trees this may take up to three months. Rain or water cannot wash off this internal protection.</p>	
	<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. This product even moves into new growth after application, thus protecting it, too! To get complete protection, the insecticide must distribute completely through the tree/shrub.</p> <p>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>	

	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. Protect from freezing.
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.

NOTICE: Research and testing have determined that the "Directions for Use" are appropriate for the proper use of MERIT 2.94 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 2.94 TLC (MASTER) Approved 01/30/07, Notification 12/12/08

NOTIFICATION

JAN 12 2009