

72155-57 11-7-2008

1/7



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

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

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

NOV 7 2008

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 October 27, 2008 for:

**EPA Registration 72155-57**

**Merit 0.22G Rose, Flower & Shrub Care  
Insecticide**

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

2/7

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|---|--|--|--|
| <br><b>United States</b><br><b>Environmental Protection Agency</b><br>Washington, DC 20460  |  | <input type="checkbox"/> Registration<br><input type="checkbox"/> Amendment<br><input checked="" type="checkbox"/> Other   | OPP Identifier Number  |
| <b>Application for Pesticide - Section I</b>  |  |  |  |
| 1. Company/Product Number<br>72155-57   |  | 2. EPA Product Manager<br>Venus Eagle  |  |
| 4. Company/Product (Name)<br>Merit 0.22G Rose, Flower & Shrub Care Insecticide  |  | 3. Proposed Classification<br><input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted   |  |
| 5. Name and Address of Applicant (Include ZIP Code)<br>Bayer Advanced<br>2 T.W. Alexander Drive<br>Research Triangle Park, NC 27709<br><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:<br><b>NOTIFICATION</b><br>EPA Reg. No. _____<br>Product Name _____<br>NOV 7 2008    |  |
| <b>Section - II</b>   |  |  |  |
| <input type="checkbox"/> Amendment - Explain below.   |  | <input type="checkbox"/> Final printed labels in response to Agency letter dated _____   |  |
| <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.)<br>See Attached   |  |  |  |
| <b>Section - III</b>  |  |  |  |
| 1. Material This Product Will Be Packaged In:   |  |  |  |
| Child-Resistant Packaging<br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No   | Unit Packaging<br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | Water Soluble Packaging<br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No  | 2. Type of Container<br><input checked="" type="checkbox"/> Metal<br><input type="checkbox"/> Plastic<br><input type="checkbox"/> Glass<br><input type="checkbox"/> Paper<br>Other (Specify) _____ |
| * Certification must be submitted   |  |  |  |
| 3. Location of Net Contents Information<br><input checked="" type="checkbox"/> Label <input type="checkbox"/> Container   |  | 4. Size(s) Retail Container<br>2,4,5, and 10 pound   |  |
| 5. Location of Label Directions<br><input type="checkbox"/>   |  | 6. Manner in Which Label is Affixed to Product<br><input type="checkbox"/> Lithograph<br><input type="checkbox"/> Paper glued<br><input type="checkbox"/> Stenciled<br><input checked="" type="checkbox"/> Other Integ Label |  |
| <b>Section - IV</b>   |  |  |  |
| 1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)   |  |  |  |
| Name<br>Charles W. Boyd   |  | Title<br>Registrations Manager   |  |
|   |  | Telephone No. (Include Area Code)<br>(919) 549-2422  |  |
| Certification<br>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<br>(Stamped)  |
| 2. Signature<br>  |  | 3. Title<br>Registrations Manager  |  |
| 4. Typed Name<br>Charles W. Boyd  |  | 5. Date<br>October 27, 2008  |  |

**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. Sweeping any product that lands on a driveway, sidewalk, or street, back onto the treated area of the lawn or garden will help to prevent 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.

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**(ABN) Bayer Advanced 2 in 1 Systemic Rose & Flower Care Ready-to-Use Granules II**

- ## NOTIFICATION

NOV 7 2008



## Imidacloprid

**OTHER INGREDIENTS:**

**Net Wt:** 2 lbs. (907 g) or 5 lbs. (2.26 kg) or 10 lbs. (4.54 kg)

**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.

(BACK PANEL)

Merit 0.22G Rose, Flower & Shrub Care Insecticide's exclusive formula feeds your plants and protects against insects for up to eight weeks. Now you can grow beautiful roses, flowers and shrubs in one easy step.

**READ THE LABEL FIRST!**

| QUICK FACTS   |   |
|---|---|
| <ul style="list-style-type: none"> <li>Feeds and Protects in One Easy Step</li> <li>Easy-to-Use Granules</li> </ul> |   |
| <b>KILLS</b>  | Aphids, Holly Leafminers, Lacebugs, Leafhoppers, Pine Tip Moth Larvae, Thrips, Whiteflies and other listed pests. |
| <b>FEEDS</b>  | X-X-X fertilizer for strong roots and blooms  |
| <b>COVERAGE</b>   | 2 lbs. treats up to 16 medium-size roses or shrubs  |
| <b>WHERE TO USE</b>   | Roses, Flowers & Shrubs   |
| <b>WHEN TO USE</b>  | Every 8 weeks throughout the growing season   |
| <b>HOW MUCH TO USE</b>  | Use easy measuring cap to apply as directed   |
| For questions or comments, call toll-free 1-877-BayerAG.  |   |

**FOR OUTDOOR RESIDENTIAL USE ONLY**

**ACTIVE INGREDIENT:**

Imidacloprid ..... 0.22 %

**OTHER INGREDIENTS:\*** ..... 99.78 %

**TOTAL** ..... 100.00%

\* Other ingredients include: Fertilizer, sticker and surfactants.

Imidacloprid is the chemical name for Merit® insecticide

**EPA Reg. No. 72155-57**

EPA Est. No. \_\_\_\_-AA-\_\_

**FERTILIZER ANALYSIS X-X-X**

Total Nitrogen (N) ..... X %

Available Phosphate (P<sub>2</sub>O<sub>5</sub>) ..... X %

Soluble Potash (K<sub>2</sub>O) ..... X %

Derived from commercially available fertilizer

**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.


- Do not apply near fish pools, ponds, lakes or streams
- Do not use in vegetable gardens.

**KILLS**

|  |   |
|--|---|
| Adelgids                                       | Mealybugs   |
| Aphids   | Pine Tip Moth Larvae  |
| Black Vine Weevil Larvae                       | Psyllids  |
| Japanese Beetle Adults                         | Sawfly Larvae   |
| Lacebugs                                       | Scales (Including Armored Scale [Suppression] and Soft Scale) |
| Leaf Beetles [including Viburnum Leaf Beetles] | Thrips  |
| Leafhoppers                                    | Whiteflies  |
| Leafminers                                     |   |

Continued on next page

| <b>HOW TO USE</b>   |  |
|---|--|
| <b>WHEN TO USE</b>  | <p>Apply when planting.</p> <p>For established plants, use any time prior to pest problems or immediately when seen.</p> <p>Apply again every 8 weeks during the growing season.</p>   |
| <b>HOW MUCH TO APPLY</b>  | <ul style="list-style-type: none"> <li>Fill measuring cap to top of inner circle (2 oz.). Four rounded tablespoons equals 2 oz.</li> <li><b>Roses:</b> 1 capful per plant</li> <li><b>Shrubs:</b> 2 capfuls per foot of plant height</li> <li><b>Flower Beds:</b> 2 capfuls per 12 sq ft (3' x 4' bed area)</li> </ul> |
| <b>HOW TO APPLY</b>   | <ol style="list-style-type: none"> <li>1. Apply granules to soil around base of plant, sprinkling evenly in the area under branches.</li> <li>2. Work granules into top 1 to 2 inches of soil.</li> <li>3. Water thoroughly after applying. For flower beds, sprinkle granules evenly over the bed.</li> </ol>         |
| <b>FOR BEST RESULTS</b>   | Apply evenly, cultivate lightly and water thoroughly.  |
| <b>HOW MERIT 0.22G ROSE, FLOWER &amp; SHRUB INSECTICIDE WORKS</b> | <p>This product is absorbed by roots and moves through the entire plant. Even new growth is fed and protected against insects for up to 8 weeks.</p> <p>Rain or watering cannot wash off this internal protection!</p>   |

| <b>IMPORTANT: Directions for Storage and Disposal</b>   |  |
|---|--|
| <b>Storage Conditions:</b>  | Store in original container in a cool, dry place, out of the reach of children, preferably in a locked storage cabinet.                                      |
| <b>Disposal:</b><br>   | <ul style="list-style-type: none"> <li>Non-refillable container. Do not refill or reuse empty container.</li> <li>Place empty container in trash.</li> </ul> |
| <b>Important:</b> It is best to use all of the product in accordance with label directions. If it is necessary to dispose of unused product, please follow any applicable state and local guidelines. |  |

| <b>PRECAUTIONARY STATEMENTS</b>  |  |
|--|--|
| <b>HAZARDS TO HUMANS AND DOMESTIC ANIMALS</b>  |  |
| <b>CAUTION</b> <ul style="list-style-type: none"> <li>Harmful if swallowed or absorbed through skin.</li> <li>Causes eye irritation.</li> <li>Avoid contact with skin, eyes, or clothing.</li> <li>Washing hands thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco will reduce exposure.</li> </ul> |  |

| FIRST AID +  |   |
|--|---|
| IF SWALLOWED:  | <ul style="list-style-type: none"><li>• Call a poison control center or doctor immediately for treatment advice.</li><li>• Have person sip a glass of water if able to swallow.</li><li>• Do not induce vomiting unless told to do so by a poison control center or doctor.</li><li>• Do not give anything to an unconscious person by mouth.</li></ul> |
| IF ON SKIN:  | <ul style="list-style-type: none"><li>• Take off contaminated clothing.</li><li>• Rinse skin immediately with plenty of water for 15-20 minutes.</li><li>• Call a poison control center or doctor for treatment advice.</li></ul>   |
| IF IN EYES:  | <ul style="list-style-type: none"><li>• Hold eye open and rinse slowly and gently with water for 15 to 20 minutes.</li><li>• Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.</li><li>• Call a poison control center or doctor for treatment advice.</li></ul>  |
| <b>NOTE:</b> 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: 0.22% Imidacloprid (CAS # 138261-41-3). |   |

| ENVIRONMENTAL HAZARDS  |  |
|--|--|
| <ul style="list-style-type: none"><li>• This product is highly toxic to aquatic invertebrates.</li><li>• Do not apply directly to 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. Sweeping any product that lands on a driveway, sidewalk, or street, back onto the treated area of the lawn or garden will help to prevent run off to water bodies or drainage systems.</li><li>• Do not contaminate water when cleaning equipment or disposing of equipment washwater.</li></ul> | <div>cccccc c ccc</div> <div>c c c c c</div> <div>cccccc ccc</div> |

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| <b>NOTICE:</b> Research and testing has determined that the "Directions for Use" are appropriate for the proper use of Merit® PM Plus Fertilizer under expected conditions. The Buyer assumes responsibility for lack of performance or safety if the product is not used according to the directions on this label. |
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**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 0.22 G (MASTER) Approved 10/22/04; Notification 07/18/08, Notification 09/22/08