

72155-61

1/28/2009

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

JAN 28 2009

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:

- |                                  |  |
|----------------------------------|--|
| <b>EPA Registration 72155-61</b> | <b>Tebuconazole 1.0% + Merit 0.2% Concentrate</b>                |
| <b>EPA Registration 72155-73</b> | <b>Imidacloprid + Tau-Fluvalinate + Tebuconazole Concentrate</b> |
| <b>EPA Registration 72155-21</b> | <b>Tebuconazole 0.8% + Merit 0.15% Concentrate</b>               |

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,

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



2/7

	United States <b>Environmental Protection Agency</b> Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other	OPP Identifier Number
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### Application for Pesticide - Section I

1. Company/Product Number <b>72155-61</b>	2. EPA Product Manager Mary Waller	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Tebuconazole 1.0% + Merit 0.2% Concentrate	PM# 21	
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 to <b>NOTIFICATION</b> in composition and labeling to: EPA Reg. No. <b>FEB 24 2009</b>  Product Name _____	

### Section - II

<input type="checkbox"/> Amendment - Explain below.  <input type="checkbox"/> Resubmission in response to Agency letter dated _____  <input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____ <input type="checkbox"/> "Me Too" Application.  <input type="checkbox"/> Other - Explain below.
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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 <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 checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container: 32 Fl. Oz.	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 checked="" type="checkbox"/> Other Integ _____	

### Section - IV

1. Contact Point: (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name <b>Charles W. Boyd</b>	Title Registrations Manager	Telephone No. (Include Area Code) (919) 549-2422
<b>Certification</b> 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 	3. Title Registrations Manager	
4. Typed Name Charles W. Boyd	5. Date December 16, 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. 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.

**NOTIFICATION**

**FEB 2 6 2009**

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# Tebuconazole 1.0% + Merit® 0.2% Concentrate Fungicide/Insecticide

A soil applied drench used to systemically protect roses, flowers and shrubs from insects and disease for up to 6 weeks. This product was especially designed without fertilizer for those consumers who wish to apply their own plant nutrient(s).

- 2 Products in One
- 2-in-One Rose Care
- Total/Complete Rose and Flower Care
- Contains Merit®
- Protects Against Insects & Diseases in One Easy Step
- Protects Against Insects & Diseases for 6 Weeks
- Rainproof Protection
- Even Protects New Growth
- Easy-to-Use . . . Mix in Water and Pour Around Rose/Flower/Shrub
- One Quart Makes Up To 32 Gallons of Solution
- One Quart Treats up to 16 Rose Bushes, Azaleas, Camellias, Rhododendrons, and Other Shrubs or up to 200 Square Feet of Flowerbed
- For Control of Specified Diseases on Roses, Flowers, and Shrubs
- Prevents, Stops and Cures Specified Common Diseases of Roses, Flowers, and Shrubs
- Controls All Specified Fungal Diseases That Harm Roses and Flowers
- Controls Specified Diseases That Harm Roses, Flowers, and Shrubs
- Rescues Roses, Flowers, and Shrubs from Insects & Diseases
- Cures Specified Diseases and Restores Beauty to Roses, Flowers and Shrubs
- A New Way to Protect Your Roses, Flowers and Shrubs from Insects & Diseases
- 100% Satisfaction Guaranteed
- Insect & Disease Protection-One Easy Step
- 6 Weeks Protection
- No Spraying! Mix & Pour At Tree Base
- It Provides 6 Week Protection With A Single Application.
- No Spraying! Just Mix In Water And Pour Around Flowers Or Shrubs
- Read Label First
- 2-In-1 Formula – Insect Control – Disease Control
- Systemically Protects Flowers And Shrubs
- One Application Protects For Up To 6 Weeks.

**NOTIFICATION**

**FEB 24 2009**

**ACTIVE INGREDIENTS:**

Tebuconazole .....	1.00%
Imidacloprid .....	0.20%

**OTHER INGREDIENTS:**

.....	98.80%
.....	100.00%

Net Contents: 32 fl. oz. (946 mL)

**KEEP OUT OF REACH OF CHILDREN**

**CAUTION**

See Back Panel Booklet for Additional Precautionary Statements

5/17

**[BACK PANEL]**

Tebuconazole 1.0% + Merit 0.2% Concentrate Fungicide/Insecticide's exclusive 2-in-1 formula protects against insects & diseases in one easy step. It provides 6 week protection against the major problems of roses, hibiscus, iris and other flowers and shrubs. Growing beautiful roses, flowers and shrubs has never been easier!

**READ THE LABEL FIRST!**

<b>QUICK FACTS</b>									
<b>(Marketing Claims Positioned Here)</b>									
<b>INSECTS CONTROLLED</b>	<b>Insects</b> Adelgids Aphids Black Vine Weevil Larvae Borers, Flatheaded (including Bronze Birch and Alder Borers) Roundheaded (including Eucalyptus Longhorned Borers) Japanese Beetles, Adult Lace Bugs Leaf Beetles (including Elm Leaf Beetles and Viburnum Leaf Beetles) Leafhoppers (including Glassy-winged Sharpshooters) Leafminers (including Birch Leafminers and Holly Leafminers) Mealybugs Pine Tip Moth Larvae Psyllids Royal Palm Bugs Sawfly Larvae Scales (including Armored Scale [suppression] and Soft Scale) Thrips Whiteflies								
<b>DISEASES CONTROLLED</b>	<table border="1"> <thead> <tr> <th><b>Diseases</b></th> <th><b>Plants</b></th> </tr> </thead> <tbody> <tr> <td>Black Spot Powdery Mildew Rust</td> <td>Roses</td> </tr> <tr> <td>Powdery Mildew Rust Southern Blight</td> <td>Flowers</td> </tr> <tr> <td>Black Spot Powdery Mildew Rust Southern Blight</td> <td>Azaleas Camellias Rhododendrons And Other Landscape [Ornamental] Shrubs</td> </tr> </tbody> </table>	<b>Diseases</b>	<b>Plants</b>	Black Spot Powdery Mildew Rust	Roses	Powdery Mildew Rust Southern Blight	Flowers	Black Spot Powdery Mildew Rust Southern Blight	Azaleas Camellias Rhododendrons And Other Landscape [Ornamental] Shrubs
	<b>Diseases</b>	<b>Plants</b>							
	Black Spot Powdery Mildew Rust	Roses							
	Powdery Mildew Rust Southern Blight	Flowers							
Black Spot Powdery Mildew Rust Southern Blight	Azaleas Camellias Rhododendrons And Other Landscape [Ornamental] Shrubs								
<b>WHERE TO USE</b>	Roses, flowers, iris, hibiscus, azaleas, camellias, rhododendrons and other shrubs								
<b>WHEN TO USE</b>	Every 6 weeks throughout the growing season (See seasonal limitations in Directions For Use.)								
<b>COVERAGE</b>	Treats up to 16 roses & other shrubs or 200 square feet of flowerbed (32 fl. oz.)								
	Questions or comments, call toll-free 1-877 BayerAG								

**FOR OUTDOOR RESIDENTIAL USE ONLY**


Imidacloprid is the chemical name for Merit<sup>®</sup> insecticide.


EPA Reg. No. 72155-61. 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.

<p><b>BEFORE YOU USE</b></p> <p>Read and follow these directions when using.</p>	<ul style="list-style-type: none"> <li>Do not apply near lakes, streams, rivers or ponds.</li> <li>Do not apply to plants grown for food.</li> <li>Do not apply to soils which are water logged or frozen.</li> <li>Measuring utensils such as measuring cups and measuring spoons should not be used for any food or drinking water purposes after use with this product.</li> </ul>
<p><b>HOW TO USE</b></p> <p>Shake well before use.</p>	<ul style="list-style-type: none"> <li>Fill a bucket or watering can with the appropriate amounts of concentrate (add first) and water (add last).             <ul style="list-style-type: none"> <li><u>Single Plants</u> Slowly pour as close to the base of the plant as possible, being careful not to get on leaves.</li> <li><u>Flowerbeds</u> Sprinkle over the tops of the plants and cover the entire area.</li> </ul> </li> <li>NOTE: The Flowerbed solution is diluted with more water than the Single Plant solution to ensure safety to plant leaves when sprinkling over the top.</li> <li>When finished, rinse the bucket/watering can with clean water and pour onto treated area.</li> </ul>
<p><b>HOW MUCH TO USE</b></p>	<p><u>Roses</u> 2 fl. oz. (4 TBSP) in 1 quart of water treats 1 plant</p> <p><u>Flowerbeds</u> 2 fl. oz. (4 TBSP) in 2 gallons of water treats 12 sq. ft.</p> <p><u>Azaleas, Camellias, Rhododendrons, and Other Shrubs</u> 1 fl. oz. (2 TBSP) in 1 quart of water per foot of plant height</p>
<p><b>FOR BEST RESULTS</b></p>	<ul style="list-style-type: none"> <li>Begin using this product in the spring when plants are actively growing.</li> <li>Reapply every 6 weeks for a total of 3 applications per year. In areas where disease occurs frequently and the soil is sandy, the application interval can be shortened to 4 – 5 weeks for a total of 4 applications per year.</li> <li>Ensure the product gets down into the rootzone by,             <ul style="list-style-type: none"> <li>pulling mulch away from plants to be treated.</li> <li>building a well around individual plants.</li> <li>pouring the drench solution slowly to allow the soil to absorb it.</li> </ul> </li> <li>Keep rose, flower and shrub beds clean. This minimizes harborage sights for diseases and insects (for additional cultural practices, consult your local County Extension Service).</li> </ul>
<p><b>HOW TEBUCONAZOLE 1.0% + MERIT 0.2% CONCENTRATE FUNGICIDE/ INSECTICIDE WORKS</b></p>	<p>Water moves the product down into the root zone where it is taken up &amp; moved into the plant. The entire plant, even new growth, is protected against insects and disease. Rain or watering cannot wash off this long-lasting systemic protection.</p>

	<p>Do not allow entry of children, pets or others into treated areas until drench solution has dried.</p>
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<p><b>IMPORTANT: Directions for Storage and Disposal</b></p>	
<p>Storage Conditions:</p>	<p>Store in original container in a cool, dry place, out of the reach of children, preferably a locked storage cabinet. Protect from freezing.</p>
<p>Disposal:</p> 	<p><b>If Empty:</b></p> <ul style="list-style-type: none"> <li>Non-refillable container. Do not refill or reuse empty container.</li> <li>Place in trash.</li> </ul> <p><b>If Partly Filled:</b></p> <ul style="list-style-type: none"> <li>It is best to use all of the product in accordance with label directions.</li> <li>If it is necessary to dispose of unused product, please call your local solid waste agency or you may call toll-free 1-877-229-3724 for disposal instructions.</li> <li>Never place unused product down any indoor or outdoor drain.</li> </ul>

2/7

### PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

#### CAUTION

- Causes moderate eye irritation.
- Avoid contact with eyes or clothing.
- Wear long-sleeved shirt, long pants, shoes, socks, and gloves made of any waterproof material.
- Washing hands thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco will reduce exposure.

#### First Aid +

##### IN CASE OF ACCIDENTAL...

##### IMMEDIATELY...

##### Contact with Eyes

- Hold eye open and rinse slowly and gently with water for 15 - 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 1-877-229-3763 for medical emergency information.

Active ingredients: 1.00% Tebuconazole (CAS # 107534-96-3) and 0.20% Imidacloprid (CAS # 138261-41-3)

#### Environmental Hazards

- This product is highly toxic to aquatic invertebrates.
- 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 **TEBUCONAZOLE 1.0% + MERIT 0.2% CONCENTRATE FUNGICIDE/INSECTICIDE** 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 Unit of Bayer CropScience LP  
P.O. Box 12014, 2 T.W. Alexander Drive  
Research Triangle Park, North Carolina 27709

**NOTIFICATION**

FEB 24 2009

Tebuconazole 1.0 & Merit 0.2 (MASTER) Approved 05-06-04, Notification 10/13/05, Notification 12/12/08