

72155-72

01/30/2007

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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

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

JAN 30 2007

Dear Ms. Boyd:

Subject: Twelve – Month Efficacy Claims
Merit 1.1% Insecticide Plus Fertilizer
EPA Registration No. 72155-72
Submission Date: October 17, 2006

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is acceptable with the following provisions:

1. Delete the following label claims: "Unique patented formula", "Cost effective alternative to professional treatments", and "Eliminates insects that damage Trees and Shrubs".
2. All references of Emerald Ash Borer must be deleted from the label.

A stamped copy is enclosed for your records. Please submit one (1) final printed copy for the referenced label, incorporating the above changes, before releasing the product for shipment. If you have any questions regarding this letter, please contact Kable Bo Davis at (703) 206-0415.

Sincerely,

A handwritten signature in black ink, appearing to read "Kable Bo Davis", written over a horizontal line.

Kable Bo Davis
Entomologist
Insecticide-Rodenticide Branch
Registration Division (7505P)

Enclosure

(Front Panel)

Merit[®] 1.1% Insecticide Plus Fertilizer

• New

FERTILIZER CLAIMS

- Improves plant growth
- Improves plant health
- Revitalize trees and shrubs
- Spurs tree and shrub recovery
- Stimulates Tree & Shrub recovery
- Advances plant health
- Increases plant health
- Increases plant growth
- Provides Annual Nutrition [Nutrient requirements]
- Provides slow release nitrogen
- Provides a full season's (season of) nutritional (feeding) requirements
- Fertilizer – Feeds & Renews
- Premium Fertilizer

ACCEPTED
with COMMENTS
In EPA Letter Dated:
JAN 30 2007

Under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for the pesticide registered under EPA Reg. No. 72155-72

PESTICIDE CLAIMS

- Insects stop eating when they feed on the plant
- Protects trees, shrubs, and containerized plants from damaging insects with one easy treatment
- Helps keep trees and shrubs strong. Protects new growth
- Kills insects that damage trees and shrubs
- Controls insects that damage trees and shrubs
- Season long protection
- The Insect Guard
- The Tree Guardian
- Year-long insect protection for trees and 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 and shrubs, listed fruit & nut trees, and containerized plants
- Kills insects & prevents new infestations
- One application feeds and protects up to 12 months

- Provides 12-Month Insect Protection
- Rainproof Protection
- Apply granules around plant and walk away
- Feeds and protects against insects in one easy step
- Feeds and protects against insects for up to 12 months
- Contains Merit[®] (a proprietary formula)
- Unique patented formula
- Protects trees and shrubs from insects and feeds roots
- Fast releasing (dissolving) granules
- Easy to use granules
- Ready to Spread Granules – no mixing
- No messy spraying
- A new way to protect (and feed) trees and shrubs
- Cost effective alternative to professional treatments
- Do it Yourself Tree Protection
- Protects against insects PLUS improves vitality of trees and shrubs
- Patented formula – Provides 12 month insect protection Plus season long feeding
- Patented formula protects your trees and shrubs from insects plus feeds
- Eliminates insects that damage Trees & Shrubs
- Delivers 12 month insect protection
- Delivers year long insect protection
- No Spray technology
- Protects against insects plus restores vitality of trees and shrubs
- Rainproof
- Easy Measuring Cup
- Protects for 12 months plus feeds
- Kills insects including Emerald Ash Borer
- Provides slow release feeding
- Insect protection
- 100% satisfaction guaranteed* (or your money back)

ACTIVE INGREDIENT:

Imidacloprid 1.1 %

OTHER INGREDIENTS:

..... 98.9 %

..... 100.0%

Net Contents: 3 lbs (1.36kg) or 12 lbs (5.45 kg)

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

CAUTION

See Back Panel [Booklet] for Additional Precautionary Statements

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

Text in () is optional.

(BACK PANEL)]


Merit® 1.1% Insecticide Plus Fertilizer provides 12-month systemic protection against damaging insects including Adelgids, Aphids, Leafminers, Beetles and Emerald Ash Borers plus feeds the roots (and improves the vitality of trees and shrubs). Having beautiful trees and shrubs has never been easier.

- No spraying or mixing
- Just measure and sprinkle and water-in
- Protects & feeds entire tree or shrub

READ THE LABEL FIRST!

QUICK FACTS

- Provides Year Long Insect Protection
- Will Not Harm Trees, Shrubs, and Containerized Plants
- Easy to Use . . . Apply Around Plant, Water in and Walk Away
- Not Affected by Rain or Moisture
- Rainproof
- Dual action, kills insects and feeds your tree
- Two Products in one, an insect killer and a fertilizer
- Two-in-One formula kills insects while feeding your tree
- Unique Double Action Formula (2-in-1): kills insects before they damage tree and feeds root system
- Easy to Use measuring (devise name, i.e. cup, cap, etc.).
- Provides 12-month insect protection
- Provides slow release feeding

KILLS	Adelgids, aphids, Emerald Ash borers, Japanese beetle, leafminers, scale and other listed pests
COVERAGE	Trees: 4 trees that measure 8 inches around trunk (3 lb size) Shrubs: 5 shrubs that are 2 foot tall (3 lb size) Containerized Plants: 43 – five gallon containers (3 lb size)
WHERE TO USE	Outdoor trees and shrubs, including listed fruit and nut trees, and containerized plants
HOW TO USE	1. Measure distance around tree trunk or height of shrub or determine container size 2. Apply required amount of product around plant base and water in
HOW MUCH TO USE	Trees: (0.46 grams ai) approximately 1/4 cup for every inch of distance around trunk Shrubs: (1.38 grams ai) approximately 3/4 cup for every foot of height Containerized Plants: (0.345 grams ai) approximately 2 ½ Tablespoons for each five gallon container (Note: Number of cups and tablespoons, or teaspoons will depend on bulk density of the formulation)
	For questions or comments, call toll-free 1-877 BayerAG (1-877-229-3724) or visit us on-line at www.BayerAdvanced.com

FOR OUTDOOR RESIDENTIAL USE ONLY

ACTIVE INGREDIENT:

Imidacloprid 1.1 %

OTHER INGREDIENTS: 98.9 %

100.00%

EPA Reg. No. 72155-72

EPA Est. No. XXXX-AA-XX

FERTILIZER ANALYSIS X-X-X

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 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. Apply the required amount around the base of the tree or shrub. For containerized plants, determine container size and apply the required amount of product on top of the potting soil in the plant container.		
FOR USE ON	Outdoor trees and shrubs, including listed fruit and nut trees:		
	Apple Crabapple	Loquat Mayhaw	Oriental Pear Pear
	Pecan Quince		
	Containerized plants not intended to be used as edible food.		
CONTROLS	Adelgids Aphids Armored Scales (suppression) Borers Roundheaded (including Eucalyptus Longhorned Borers, Asian Longhorned Beetle) Flatheaded (including Bronze Birch, Alder, and Emerald Ash Borers) Bark Beetles (suppression)	Emerald Ash Borer Fungus Gnats Japanese Beetles, Adult Lace bugs Leaf Beetles (including Elm Leaf and Viburnum Leaf Beetles) Leafhoppers (including Glassy-winged Sharpshooter) Leafminers (including Birch and Boxwood Leafminers) Mealybugs Pine Tip Moth Larvae	Psyllids Royal Palm Bugs Root Weevil Larvae (including black vine weevil) Sawfly Larvae Soft Scales (including lobate lac scales) Thrips Whiteflies White Grub larvae (such as Japanese Beetles, Chafer, European Chafer, Oriental Beetle, Asiatic Garden Beetle)
HOW MUCH TO APPLY	Trees	Measure the distance in inches around the tree trunk at approximately 4.5 feet from ground level. For each inch of distance around the trunk, apply (0.46 grams ai) approximately ¼ cup product around the tree trunk. Example: For a tree measuring 10 inches around, apply (4.6 grams ai) approximately 2 ½ cups (ten – ¼ cups) product in a circle 2 feet from the tree trunk. A flexible tape measure is the recommended method (tool) for measuring the distance around a tree.	
	Tree With 2 or More Trunks	Measure the distance in inches around each tree trunk at approximately 4.5 feet from ground level, add together, and multiply by 0.75. This measurement times (0.46 grams ai) ¼ cups is the amount of product to apply around the tree trunk. 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 then multiply 30 x (0.46 grams ai) ¼ cups = (13.8 grams ai) 7 ½ cups.	
	Shrubs	Measure the height of the shrub to the nearest foot. For each foot of height apply (1.38 grams ai) approximately ¾ cup product evenly around the shrub base.	
	Containerized Plants	Container Size 1 gallon 2 gallon 3 gallon 5 gallon 10 gallon 15 gallon	Amount Product Needed (0.077 g ai) 2 teaspoons (0.193 g ai) 1 2/3 teaspoons (0.23 g ai) 2 Tablespoons (0.345 g ai) 2 ½ Tablespoons (0.69 g ai) 1/3 cup (1.04 g ai) ½ cup
Do not make more than one application per year.			

DIRECTIONS FOR USE continued

<p>HOW TO APPLY</p>	<p>Trees and Shrubs:</p> <ul style="list-style-type: none"> • For trees with distance around trunk less than 30 inches, apply the required amount of product evenly in a circle 2 feet from the tree trunk. Trees with distance around trunk greater than 30 inches, apply the product evenly in a circle 3-4 feet from the tree trunk. • For shrubs less than 3 feet tall, apply the required amount of product evenly in a circle 1 foot from the base of the shrub. Shrubs greater than 3 feet tall, evenly apply granules in a circle 2 feet from the base of the shrub. • Brush or wash off any granules from plant foliage to prevent injury. <p>Containerized Plants:</p> <ul style="list-style-type: none"> • Apply the required amount of granules evenly on top of potting soil and water thoroughly. • For the first 10 days, avoid flushing through the container to the point where it flows out the bottom. • For indoor containerized plants, bring outdoors, make treatment, and return indoors when no excess water is present.
<p>FOR BEST RESULTS</p>	<p>Water in granules immediately after application with enough water to dissolve the granules and cause the soil to be wet to a depth of 3-4 inches. With watering, granules will slowly dissolve to release the insecticide and fertilizer into the soil.</p> <p>Pull back mulch and weed barrier before application.</p> <p>Use this product as part of an overall tree and shrub health care program before problems start (preferably in the fall). (However,) MERIT 1.1% Insecticide Plus Fertilizer can be applied anytime except when the soil is waterlogged or frozen. These conditions inhibit the movement of the product down into the root zone. During prolonged dry periods, saturate the soil around the tree or shrub well with water the night before making an application.</p> <p>For severe infestations, treat with a foliar insecticide such as MERIT + TEMPO Ultra Concentrate Insecticide, then use MERIT 1.1% Insecticide Plus Fertilizer as part of a routine care program.</p>
<p>HOW MERIT 1.1% Insecticide Plus Fertilizer WORKS</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. MERIT 1.1% Insecticide Plus Fertilizer even moves into new growth after application, thus protecting it, too! To get complete protection, the insecticide must distribute completely through the tree or 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. In addition to insect protection, a slow release nitrogen fertilizer is supplied for the tree or shrub.</p>

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

	<p>Children and pets may re-enter the treated area after it has dried.</p>
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<p>Important – Directions for Storage and Disposal</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.</p>
<p>Disposal</p> 	<p>If empty:</p> <ul style="list-style-type: none"> • Do not 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.

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PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

- Harmful if swallowed or absorbed through skin.
- Causes moderate eye irritation.
- Avoid contact with skin, eyes, or clothing.
- Wash thoroughly with soap and water after handling.

First Aid +

neonicotinyl Insecticide

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 the poison control center or doctor. • Do not give anything by mouth to an unconscious person.
If on skin or clothing	<ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15 to 20 minutes. • Call a poison control center or doctor for treatment advice.
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: Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may contact 877-229-3763 for emergency medical treatment information. Active Ingredient: 1.1% Imidacloprid [CAS # 138261-41-3]

ENVIRONMENTAL HAZARDS

- This pesticide is toxic to aquatic invertebrates. Do not apply directly to lakes, streams, rivers or ponds.
- Do not dump rinse water into sewers or other bodies of water.
- Apply this product only as specified on this label.

NOTICE: Research and testing have determined that the "Directions for Use" are appropriate for the proper use of MERIT 1.1% Insecticide Plus Fertilizer 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.



www.bayeradvanced.com

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

Merit 1.1% Insecticide Plus Fertilizer (MASTER) Approved 12/12/05, Notification 05/10/06, Notification 07/15/06