

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

OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES

DEC. 3 1 2008

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 November 24, 2008 for:

EPA Registration 72155-31	0.15% Imidacloprid + 0.05% beta-cyfluthrin
_	Granular Insecticide
EPA Registration 72155-68	Imidacloprid CTG Insecticide
EPA Registration 72155-72	Merit 1.1% Insecticide Plus Fertilizer
EPA Registration 72155-49	Flower, Rose & Shrub Care

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



Registration
Amendment Other
Other

OPP Identifier Number

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,	Washi	ngton, DC 20	0460			X	Other		
		Applicati	ion for Pe	sticio	le - Sect	ion	l		
1. Company/Product Numbe	r		l l		roduct Mana	ger		3. Pr	oposed Classification
72155-72				Venus I	agle			[x	None Restricted
4. Company/Product (Name) Merit 1.1% Insecticide Plu			i	?M# Í					
5. Name and Address of App		dej		S. Expe	dited Rev	niw.	In accorda	nce with	FIFRA Section 3(c)(3)
Bayer Advanced				•				ical in co	mposition and labeling
2 T.W. Alexander Dri		•		O: EDA D	eg. No			NOTI	FICATION
Research Triangle Pa	ark, NC 27709			EFA N	ey. 140		*	DEC	3 1 2008
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		·	Section	on - II					
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X Notification - Explain	below.				Other - Expl	ain be	low.		•
Explanation: Use addition	nal page(s) if necessar	y. (For secti	on I and Secti	on II.)					
See Attached									
000711100									
·	•			-					
,									
·	•		Section	n - iii					
1. Material This Product Will	Be Packaged In:						, 		
Child-Resistant Packaging	Unit Packaging		Water So	lubie Pa	ckeging	,	2. Type of		
Yes	Yes			es			X	Metal Plastic	
X No	X No		XN	<u> </u>				Glass	
* Certification must	If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package	wgt	No. per container			Paper Other (S	pecify)
be submitted					l				-
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Charles W. Boyd			1	tions	Manager			•	549:2422°
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I acknowledge that an both under applicable		misleading st	latement may	be puni	shable by fin	e or i	mprisonmen	cor or c	ု့ (Stamped)
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Charles W. Boyd			Novem	ber 24	4, 2008			•	

Page 1 of 1

Merit 1.1% Insecticide Plus Turf Fertilizer EPA Reg. No. 72155-72 November 24, 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.

NOTIFICATION

DEC 3 1 2008

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

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)
- Protects trees and shrubs from insects and feeds
- 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
- 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
- Provides slow release feeding
- Insect protection
- 100% satisfaction guaranteed* (or your money back)
- Now 33% more vs. 3 lb size [4 lb size]

ACTIVE INGREDIENT:

OTHER INGREDIENTS: 98.9 %

Net Contents: 3 lbs (1.36kg) or 12 lbs (5.45 kg), 4 lbs, 10 lbs

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, and Beetles 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, 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	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)				

FOR OUTDOOR RESIDENTIAL USE ONLY

ACTIVE INGREDIENT:

 Imidacloprid
 1.1 %

 OTHER INGREDIENTS:
 98.9 %

 100.00%
 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 restlis, réad and follow all label directions.

BEFORE YOU USERead 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	Loquat	Orienta	Pear Pecan				
•	Crabapple	Mayhav	v Pear	Quince .				
	Containerized plants not intended to be used as edible food.							
CONTROLS	Adelgids		Fungus Gnats	Psyllids				
•	Aphids		Japanese Beetles, Adult	Royal Palm Bugs				
	Armored Scales (suppression)		Lace bugs	Root Weevil Larvae (including				
	Borers.		Leaf Beetles (including El					
	Roundheaded (includi		and Viburnum Leaf Bee	•				
	Eucalyptus Longhorne Borers, Asian Longhor Beetle)		Leafhoppers (including Gl winged Sharpshooter)	scales)				
	Flatheaded (including Birch, and Alder)	Bronze	Leafminers (including Bird Boxwood Leafminers)	th and Thrips Whiteflies				
	Bark Beetles (suppres	ssion)	Mealybugs Pine Tip Moth Larvae	White Grub larvae (such as Japanese Beetles, Chafers, 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.						
		approxi trunk.	mately 2 ½ cups (ten – ¼ c	inches around, apply (4.6 grams ai) ups) product in a circle 2 feet from the tree				
	A flexible tape measure is the recommended method (tool) for measure 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 measuremen 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. $40 \times 0.75 = 30$ then multiply $30 \times (0.46 \text{ grams ai}) \%$ 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 3/4 cup product evenly around the shrub base.						
	Containerized Plants	Contai	ner Size	Amount Product Needed				
		1 ga	llon	(0.077 g ai) 2 teaspoons				
		2 ga	llon	(0.193 g ai) 1 2/3 teaspoons				
		3 ga		(0.23 g ai) 2 Tablespoons				
		5 ga		(0.345 g ai) 2 ½ Tablespoons				
		1	allon	(0.69 g ai) 1/3 cup				
		1 -	allon	(1.04 g ai) ½ cup				
	Do not make more than			· · · · · · · · · · · · · · · · · · ·				
	1	. ,						

DIRECTIONS FOR USE continued

HOW TO APPLY	Trees and Shrubs:					
	 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.					
	Containerized Plants:					
	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.					
FOR BEST RESULTS	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.					
	Pull back mulch and weed barrier before application.					
· ,	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.					
	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.					
HOW MERIT 1.1% Insecticide Plus Fertilizer 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 1.1% 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.					

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



Children and pets may re-enter the treated area after it has dried.

	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.					
Disposal	If empty: Non-refillable container. Do not refill or reuse container. Place empty container in trash or offer for recycling if available. If partly filled:					
·	 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. 					

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANSAND 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	 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	 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	 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.
- 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.
- 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.



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 01/30/07, Notification 04/18/08, Notification 11/18/08