

72155-72 12.31.2008

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

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

DEC 31 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:

- |                                  |  |
|----------------------------------|--|
| <b>EPA Registration 72155-31</b> | <b>0.15% Imidacloprid + 0.05% beta-cyfluthrin<br/>Granular Insecticide</b> |
| <b>EPA Registration 72155-68</b> | <b>Imidacloprid CTG Insecticide</b>  |
| <b>EPA Registration 72155-72</b> | <b>Merit 1.1% Insecticide Plus Fertilizer</b>                              |
| <b>EPA Registration 72155-49</b> | <b>Flower, Rose &amp; Shrub Care</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





**DEC 8 1 2008**

(Front Panel)

# Merit<sup>®</sup> 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<sup>®</sup> (a proprietary 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
- 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:**

Imidacloprid ..... 1.1 %

**OTHER INGREDIENTS:**

..... 98.9 %

..... 100.0%

**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

<b>KILLS</b>	Adelgids, aphids, Japanese beetle, leafminers, scale and other listed pests
<b>COVERAGE</b>	<b>Trees:</b> 4 trees that measure 8 inches around trunk (3 lb size) <b>Shrubs:</b> 5 shrubs that are 2 foot tall (3 lb size) <b>Containerized Plants:</b> 43 – five gallon containers (3 lb size)
<b>WHERE TO USE</b>	Outdoor trees and shrubs, including listed fruit and nut trees, and containerized plants
<b>HOW TO USE</b>	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
<b>HOW MUCH TO USE</b>	<b>Trees:</b> (0.46 grams ai) approximately 1/4 cup for every inch of distance around trunk <b>Shrubs:</b> (1.38 grams ai) approximately 3/4 cup for every foot of height <b>Containerized Plants:</b> (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%

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.




**DIRECTIONS FOR USE continued**

<p><b>HOW TO APPLY</b></p>	<p><b>Trees and Shrubs:</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>Brush or wash off any granules from plant foliage to prevent injury.</li> </ul> <p><b>Containerized Plants:</b></p> <ul style="list-style-type: none"> <li>Apply the required amount of granules evenly on top of potting soil and water thoroughly.</li> <li>For the first 10 days, avoid flushing through the container to the point where it flows out the bottom.</li> <li>For indoor containerized plants, bring outdoors, make treatment, and return indoors when no excess water is present.</li> </ul>
<p><b>FOR BEST RESULTS</b></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><b>HOW MERIT 1.1% Insecticide Plus Fertilizer WORKS</b></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><b>Important – Directions for Storage and Disposal</b></p>	
<p><b>Storage Conditions</b></p>	<p>Store in original container in a cool, dry place, out of the reach of children, preferably a locked storage cabinet.</p>
<p><b>Disposal</b></p> 	<p><b>If empty:</b></p> <ul style="list-style-type: none"> <li>Non-refillable container. Do not refill or reuse container.</li> <li>Place empty container in trash or offer for recycling if available.</li> </ul> <p><b>If partly filled:</b></p> <ul style="list-style-type: none"> <li>Call your local solid waste agency or toll free 1-877-229-3724 for disposal instructions.</li> <li>Never place unused product down any indoor or outdoor drain.</li> </ul>

