

72155-76

5/21/2008

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

8053

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

MAY 21 2008

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

SUBJECT: Application for Pesticide Notification (PRN 98-10)
Request General Label Change (Container Size)
EPA Reg. No. 72155-76
Application Dated April 28, 2008

Dear Registrant:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 04/28/08 for the above product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action(s) requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-6249 or Owen F. Beeder of my staff at 703-308-8899.

Sincerely,

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

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Please read instructions on reverse before completing form.

Form Approved. OMB No. 2070-0060

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

1. Company/Product Number 72155-76	2. EPA Product Manager Venus Eagle	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Merit 1.47% Insecticide Plus Fertilizer	PM# 1	
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 or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____	

Section - II

<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.)

See Attached

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No			
* Certification must be submitted		If "Yes" Unit Packaging wgt. No. per container	If "Yes" Package wgt No. per container	<input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____	
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		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 type="checkbox"/> Other _____		

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Charles W. Boyd	Title Registrations Manager	Telephone No. (Include Area Code) (919) 549-2422
Certification 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 <small>Digitally signed by Charles Boyd DN: cn=Charles Boyd, c=US, o=Bayer CropScience, ou=Consumer, email=charles.boyd@bayercropscience.com Date: 2008.04.28 15:46:25 -0400</small>	3. Title Registrations Manager	
4. Typed Name Charles W. Boyd	5. Date April 28, 2008	

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Merit® 1.47% Insecticide Plus Fertilizer
EPA Reg. No. 72155-76
April 28, 2008

Page 1 of 1

Section II - Explanation

Bayer Advanced is submitting a Notification to add the following claims to the above product.

Now 25% more vs. 32 oz. size [40 ounce size]

Now 25% more vs. 1 gallon size [1.25 gallon size]

Enclosed is one copy of the product label with the changes highlighted.

This notification is consistent with the provision of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and 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 98-10 and 40 CFR 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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(Front Panel)

Merit[®] 1.47% Insecticide Plus Fertilizer

- New
- Stimulates Tree & Shrub recovery
- Exclusive green color liquid fertilizer formula
- Dual Action - Protect & Feeds
- Protects and Feeds
- Protects for up to a year (with a single application) and Feeds
- 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
- 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
- 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 around plant and walk away
- Feeds and protects against insects in one easy step
- Feeds, and protects against insects for up to 12 months
- No spraying, just mix and pour around tree base (trunk)
- 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
- Provides 12 month insect protection Plus Feeds
- Protects your trees and shrubs from insects plus feeds
- Delivers 12 month insect protection
- Delivers year long insect protection
- No Spray technology
- Protects against insects plus restores vitality of trees and shrubs
- A breakthrough in Do-It-Yourself tree care
- 12-MONTH PROTECTION with one application
- Protects the entire tree or shrub – especially new growth
- Rainproof protection won't wash off
- Kills devastating pests like: Adelgids, Borers, Emerald Ash Borers, Leafminers, Japanese Beetles (adult) and many others
- No spraying! Just mix and pour at base of tree or shrub
- Significantly easier way to protect trees
- Contains MERIT[®] Insecticide
- 100% Satisfaction Guaranteed *(or your money back)
- Easy Measure-up[®] Cup
- Protects for 12 months Plus feeds
- Kills insects including Japanese Beetles & Emerald Ash borers
- Now Feeds and Protects
- Now 25% more vs. 32 oz size [40 oz size]
- Now 25% more vs. 1 gallon size [1.25 gallon size]

ACTIVE INGREDIENT:

Imidacloprid 1.47 %

OTHER INGREDIENTS: 98.53 %

Net Contents: X

**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.

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(BACK PANEL)


This product provides 12-month systemic protection against damaging insects including Adelgids, Aphids, Borers (including emerald ash borer), Japanese Beetles, Leafminers, Scale, and Whiteflies plus feeds in a single application. Having beautiful trees and shrubs has never been easier.

No spraying, just mix and pour. Protects and feeds entire tree and shrub.

READ THE LABEL FIRST!

QUICK FACTS

- Provides Year Long (12 month) Insect Protection
- Easy to Use in three steps: Measure, Mix and Apply Around Plant
- Rain or Moisture can not wash off this internal protection
- Rainproof Protection
- 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
- Provides slow-releasing feeding
- Easy-to-use measuring cup

KILLS	Adelgids, aphids, borers (including emerald ash borer), Japanese beetles, leafminers, scale, whiteflies and other listed pests
WHERE TO USE	Outdoor trees and shrubs, including listed fruit and nut trees, and containerized plants
HOW TO USE	<ol style="list-style-type: none"> 1. Measure distance around tree trunk or height of shrub or determine container size 2. Measure and pour required amount of product into bucket of water 3. Pour solution around tree or shrub base or in container
HOW MUCH TO USE	<p>Trees: 1 oz for every inch of distance around trunk; treats 4 trees that measure 8 inches around trunk (32 fl oz size)</p> <p>Shrubs: 3 oz for every foot of height; treats 5 shrubs that are 2 foot tall (32 fl oz size)</p> <p>Containerized Plants: 1 2/3 tablespoons for each five gallon container; treats up to 42 - five gallon containers (32 fl oz size)</p>
	For questions or comments, call toll-free 1-877 BayerAG (1-877-229-3724) or visit us on-line at www.Bayer Advanced.com

FOR OUTDOOR RESIDENTIAL USE ONLY

ACTIVE INGREDIENT:

Imidacloprid 1.47 %

OTHER INGREDIENTS:

..... 98.53 %

Imidacloprid is the chemical name for Merit® Insecticide. 100.00%

EPA Reg. No. 72155-76

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 waterlogged or saturated.
- Bucket or measuring utensils should not be used for any food or drinking water purposes after use with this product.


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HOW TO USE	Determine the amount to use by measuring the distance around the tree trunk or height of the shrub. Pour the required amount into a bucket of water and empty the bucket around the base of the tree/shrub. For containerized plants, determine container size and pour required amount into enough water to wet the potting soil thoroughly but not causing loss of water from bottom of container.		
FOR USE ON	Outdoor trees and shrubs, including listed fruit and nut trees:		
	Apple	Loquat	Oriental Pear
	Crabapple	Mayhaw	Pear
	Pecan Quince		
CONTROLS	Containerized plants not intended to be used as edible food.		
HOW MUCH TO APPLY	Trees	<p>Measure the distance in inches around the tree trunk at approximately 4.5 feet from ground level. This measurement is the amount of ounces of product to add to 1 gallon of water.</p> <p>Example: A tree measuring 8 inches around, pour 8 ounces of product into one gallon of water.</p> <p>If the tree measures greater than 50 inches around, pour the required product into 2 gallons of water.</p> <p>A flexible tape measure is the recommended method [tool] for measuring the distance around a tree.</p>	
	Trees With 2 or More Trunks	<p>Measure the distance in inches around the largest and smallest tree trunks at approximately 4.5 feet from ground level and add together. This measurement is the number of ounces of product to add to 1 gallon of water.</p> <p>Example: A tree has 4 trunks. They measure 20, 10, 5 and 5 [inches]. A total of [20 + 5 =] 25 ounces of product should be poured into 1 gallon of water.</p>	
	Shrubs	<p>Measure the height of the shrub to the nearest foot. Multiply the number of feet by 3 – this is the number of ounces of product to add to 1 gallon of water.</p>	
	Containerized Plants	<p>Container Size</p> <p>1 gallon</p> <p>2 gallon</p> <p>3 gallon</p> <p>5 gallon</p> <p>10 gallon</p> <p>15 gallon</p> <p>20 gallon</p>	<p>Amount Product Needed</p> <p>1 teaspoon</p> <p>2 teaspoons</p> <p>1 Tablespoon</p> <p>1 2/3 Tablespoons</p> <p>3 1/3 Tablespoons</p> <p>5 Tablespoons</p> <p>6 2/3 Tablespoons</p> <p>Pour the required product into sufficient water to wet the potting soil thoroughly. To help assure that roots absorb the insecticide, do not water too heavily for the first 10 days.</p>
	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 solution evenly in a circle 2 feet from the tree trunk. Trees with distance around trunk greater than 30 inches, apply the solution evenly in a circle 3-4 feet from the tree trunk. • For shrubs less than 3 feet tall, apply the solution evenly in a circle 1 foot from the base of the shrub. Shrubs greater than 3 feet tall, evenly apply the solution in a circle 2 feet from the base of the shrub. <p>Containerized Plants:</p> <ul style="list-style-type: none"> • Apply the solution 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>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 1.47% 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 (Bayer contact Insecticide), then use this product as part of a routine care program.</p>
<p>HOW THIS PRODUCT WORKS</p> <p>(SHOW IMAGE OF HOW THE PRODUCT WORKS SYSTEMICALLY)</p>	<p>The insecticide and fertilizer 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 and feeds. This product even moves into new growth after application, thus protecting and feeding it, too! To get complete results, the insecticide and fertilizer 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 and feeding.</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. Protect from freezing</p>
<p>Disposal</p> 	<p>If empty:</p> <ul style="list-style-type: none"> • Do not reuse container. • Rinse the empty product container thoroughly and disperse the rinse water around tree or shrub as part of application. • 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.
<p>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: 1.47% Imidacloprid [CAS # 138261-41-3]</p>	

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 this product under expected conditions. The Buyer assumes to the extent consistent with applicable law, 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, L.P.
 2 T.W. Alexander Drive
 Research Triangle Park, NC 27709

Merit 1.47 Insecticide Plus Fertilizer (MASTER) Approved 04/03/07, Notification 04/13/07, Notification 07/21/07, Notification 04/18/08