

72155-76

12/30/2013

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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

DEC 30 2013

Ms. Annette Bloomberg
Bayer Advanced
P.O. Box 12014
2 T.W. Alexander Dr.
Research Triangle Park, NC 27709

Subject: Notification to add Oregon state restriction on Linden trees
Merit[®] 1.47% Insecticide Plus Fertilizer
EPA Reg. No. 72155-76

Dear Ms. Bloomberg:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated December 11, 2013 for the product Merit[®] 1.47% Insecticide Plus Fertilizer. 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 703-305-5967 or e-mail me at gaines.jennifer@epa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Gaines".

Jennifer Gaines
Wildlife Biologist
Insecticide-Rodenticide Branch
Registration Division (7505P)
Office of Pesticide Programs



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 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 P.O. Box 12014, 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

| | |
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| <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.)
 Notification in accordance with PR Notice 98-10. See attached Section II Explanation.
 Oregon State use restriction on Linden Trees
 Contact Information: annette.bloomberg@bayer.com (919-549-2608 work; 919-627-0498 cell)

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 | | <input type="checkbox"/> Metal | <input type="checkbox"/> Plastic |
| | | | | <input type="checkbox"/> Glass | <input type="checkbox"/> Paper |
| * Certification must be submitted | | | | <input type="checkbox"/> Other (Specify) _____ | |
| | If "Yes" Unit Packaging wgt. | No. per container | If "Yes" Package wgt | No. per container | |
| 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 Paper glued 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 Annette M. Bloomberg | Title Regulatory Product Manager | Telephone No. (Include Area Code) (919) 549-2608 |
| 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 <i>Annette M. Bloomberg</i> | 3. Title Regulatory Product Manager | |
| 4. Typed Name Annette M. Bloomberg | 5. Date December 11, 2013 | |

DEC 3 0 2013

(Front Panel)

Merit® 1.47% Insecticide Plus Fertilizer

[ABN] Bayer Advanced 12 Month Tree & Shrub Protect & Feed Concentrate

- Stimulates Tree & Shrub recovery
- Green color liquid fertilizer formula
- Dual Action - Protect & Feeds
- Protects and Feeds
- Protects for up to a year (with a single application) and Feeds
- Listed insects stop eating when they feed on the plant
- Protects trees, shrubs, and containerized plants from damaging listed insects with one easy treatment
- Helps keep trees and shrubs strong. Protects new growth
- Kills listed insects that damage trees and shrubs
- Controls listed 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 listed insects from damaging trees and shrubs
- For use on ornamental trees and shrubs, listed fruit & nut trees, and containerized plants
- Kills listed 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 listed insects in one easy step
- Feeds, and protects against listed 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 listed insects PLUS improves vitality of trees and shrubs
- Provides 12 month insect protection Plus Feeds
- Protects your trees and shrubs from listed insects plus feeds
- Delivers 12 month insect protection
- Delivers year long insect protection
- No Spray technology
- Protects against listed 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 listed pests like: Adelgids, Borers, Emerald Ash Borers, Leafminers, Japanese Beetles, 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 listed 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]
- Insect Protection and Slow Release Fertilizer

[The word "listed" can appear as a footnote on the same page as the claim with the appropriate phrase, such as *listed insects]

ACTIVE INGREDIENT:

Imidacloprid 1.47 %

OTHER INGREDIENTS: 98.53 %

Net Contents: 32 fl. oz., or 40 fl. oz., 64 fl. oz., or 1 Gal., or 1.25 Gal.

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)

This product provides 12-month systemic protection against damaging listed 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 | |
| <ul style="list-style-type: none"> • 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 listed insects and feeds your tree • Two Products in one, an insect killer and a fertilizer • Two-in-One formula kills listed insects while feeding your tree • Double Action Formula (2-in-1): kills listed 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 38 - five gallon containers (32 fl oz size)</p> |
|  | For questions or comments, call toll-free 1-877 BayerAG (1-877-229-3724) or visit our website at www.bayeradvanced.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. Before use, read and follow all directions. | |
| BEFORE YOU USE Read and follow directions when using. | RESTRICTIONS <ul style="list-style-type: none"> • 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. • Children and pets may re-enter the treated area after it has dried. • Do not apply this product, by any application method, to linden, basswood, or other <i>Tilia</i> species. |

| | | | |
|--------------------------|--|--|---|
| 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 Crabapple | Loquat Mayhaw | Oriental Pear Pear Pecan Quince |
| CONTROLS | Containerized plants not intended to be used as edible food. | | |
| | Adelgids Aphids Armored Scales (suppression) Borers Roundheaded (including Eucalyptus Longhorned Borers and Asian Longhorned Beetle) Flatheaded (including Bronze Birch, Alder, and Emerald Ash Borers) Pine Bark Beetles (including Ips beetles) (suppression) | Fungus Gnat Larvae Japanese Beetles, Adult Lace bugs Leaf Beetles (including Elm Leaf, Viburnum Leaf, and Lily 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 weevils) Sawfly Larvae Soft Scales (including lobate lac scales) Thrips Whiteflies White Grub larvae (such as Japanese Beetles, Chafers, European Chafer, Oriental Beetle, Asiatic Garden Beetle) |
| 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 each tree trunk at approximately 4.5 feet from ground level, add together, and multiply by 0.75. This measurement is the number of ounces of product to add to one gallon of water.</p> <p>Example: A tree has 4 trunks. They measure 20, 10, 5, and 5 (inches) or a total of 40 inches. $40 \times 0.75 = 30$ ounces, pour 30 ounces of product into one gallon of water. If 50 or more ounces of product are required, pour into 2 gallons of water.</p> | |
| | Shrubs | 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. | |
| | 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> |
| | Restriction: Do not make more than one application per year. | | |

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 dump rinse water into sewers or other bodies of water.
- Apply this product only as specified on this label.
- 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 this product under expected conditions. To the extent consistent with applicable law, 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.

PRODUCED FOR



A Division of Bayer CropScience, L.P.
 2 T.W. Alexander Drive
 Research Triangle Park, NC 27709

Merit 1.47 Insecticide Plus Fertilizer (Pending) 12/04/2013

