

72155-79

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
Insecticide NT&SS Pack
EPA Reg. No. 72155-79

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 Insecticide NT&SS Pack. 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 72155-79	2. EPA Product Manager Venus Eagle	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Insecticide NT&SS Pack	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: NOTIFICATION EPA Reg. No. _____ DEC 30 2013 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.)

Notification of minor label modification per PR Notice 98-10. See attached Section II explanation.
Oregon State use restriction on Linden Trees.
Contact information: annette.bloomberg@bayer.com

Section - III

1. Material This Product Will Be Packaged In:			
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	2. Type of Container <input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____
* Certification must be submitted		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
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) 549-2605
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	

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NOTIFICATION

DEC 3 0 2013

(Front Panel)

Insecticide NT&SS Pack

(ABN)Bayer Advanced 3-in-1 Tree & Shrub Plant Starter Ready-To-Use Throw Pack

Fertilizer/Water Retention Claims:

- Gets ornamental (plants,) trees and shrubs off to a Good Start
- Boosts newly planted trees & shrubs
- Increases (Improves) (Advances) (Promotes) plant growth (health)
- Improves (Advances) (Promotes) plant health
- Stimulates newly planted trees & shrubs
- Provides slow release nitrogen (feeding)
- Increases (Improves) (Promotes) plant survival
- Provides the nutrients new trees and shrubs need
- Feeds for up to (1) (2) 3 months
- Helps new plants get the right amount of water (for up to (1) (2) 3 months)
- Improves water holding power (strength)
- Reduces transplant shock
- Reduces watering
- Enhance/ Improves plant stress tolerance
- Reduces planting/ transplanting losses
- Minimize plant stress associated with transplanting (and poor soil conditions)
- Helps to reduce plant/root heat stress
- Increases plant water absorption
- Promotes rapid root growth/deeper roots
- Reduces watering
- Improves soil aeration
- Reduces effect of transplant shock and temporary drought
- Feeds: starts feeding instantly and lasts up to (1) (2) 3 months
- Moisture: roots get the right amount of water for up to (1) (2) 3 months
- Water-holding crystals (gel): decreases risk of drought for up to (1) (2) 3 months
- Fertilizer: provides the needed nutrients for up to (1) (2) 3 months
- Increases (Enhances) (Improves) vitality of new planted trees and shrubs
- Promotes plant and root growth

General Claims:

- Complete (All-in-One) (3-in-1) Tree and Shrub Planting Aid
- Tree & Shrub (Plant) Starter (Start)
- Tree & Shrub Protect & Feed (Throw Pack) Planting Aid

- Tree & Shrub Planting Insurance
- Tree & Shrub Planting Starter
- Gets Trees and Shrub off to the Right Start
- Start Healthy
- Just throw in planting hole, and water in for a Stronger Plant
- Helps Trees and Shrubs get a Healthy Start
- Planting Insurance
- Ensure your trees get off to the Right Start
- Feeds, Provides Needed Moisture, and Protects your newly planted trees and shrubs
- Complete (All-in-One) (3-in-1) New Tree and Shrub Starter
- Ensures New Tree and Shrub Survival
- Provides the moisture needed, gives the nutrients, and protects from insects for up to (1) (2) 3 months
- Treats 1 newly planted tree(s) or 2 newly planted shrubs
- One application feeds and protects up to (1) (2) 3 months
- Feeds, provides moisture control, and protects against insects in one easy step
- Fast releasing (dissolving) (bursting) pouch
- Ready-to-Use pouch (no mixing, no measuring)
- Rainproof Protection
- No messy spraying
- Do it Yourself Tree (and Shrub) Survival Pack
- Patented formula – Provides moisture (control), feeds, and protects from insects for up to (1) (2) (3) months
- Insurance for your plants survival
- Provides feeding, moisture control, and insect protection

Insecticidal Claims:

- Protects: kills plant damaging insects for up to (1) (2) 3 months
- Insect Protection: kills plant damaging insects for up to (1) (2) 3 months
- Protects from damaging insects for up to (1) (2) 3 months
- Kills (Controls) insects that damage 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 ornamental (plants,) trees and shrubs
- Kills insects & prevents new infestations
- Contains Merit® (a proprietary formula)
- Up to 3 month protection

ACTIVE INGREDIENT:

Imidacloprid 0.69%

OTHER INGREDIENTS:

..... 99.31%

Net Contents: 2.6 Ounces [2 – 1.3 ounce packets]

STOP - Read This Entire Label Before Use

KEEP OUT OF REACH OF CHILDREN

CAUTION

See Back Panel [and Insert] 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 is perfect whenever you are planting or transplanting ornamental (plants), trees, and shrubs. (It provides plants with the nutrients, moisture, and protection from damaging insects they need to get off to a good, healthy start). This exclusive, patented formula combines a slow release fertilizer, moisture control agent, and insect control all in an easy to use pouch. Simply place the entire (sealed) (fast dissolving) pouch in the planting hole to increase survival, plant growth, and vitality of the newly planted tree or shrub. Now getting plants off to a strong healthy start is easier than ever. (Beautiful, stronger plants are just a pack away).

READ THE LABEL FIRST!

QUICK FACTS	
<ul style="list-style-type: none"> • Three-in-One tree & shrub planting formula feeds, helps plantings, get the right amount of moisture, and provides insect protection. • Provides nutrients, moisture control, and insect protection for up to (1) (2) 3 months • Easy to Use . . . Place Pouch in Planting Hole, Water In, and Walk Away • Unique Triple Action Planting/Transplanting Formula (3-in-1): provides nutrients, moisture control, and insect protection • Ready-to-Use – no mixing, no measuring 	
FEEDS	Provides initial and extended feeding for up to (1) (2) 3 months
MOISTURE CONTROL	Helps to retain vital soil moisture (for up to (1) (2) 3 months)
KILLS	<p>Adelgids, aphids, lace bugs, leafminers, scale, whiteflies and other listed pests for up to (1) (2) 3 months.</p> <p>Adelgids Aphids Armored Scales (suppression) 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 Root Weevil Larvae (including black vine weevil) Royal Palm Bugs 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)</p>
COVERAGE	Treats 1 newly planted tree or 2 newly planted shrubs
WHERE TO USE	Outdoor trees and shrubs, plus non-bearing fruit and nut trees
HOW TO USE	<ol style="list-style-type: none"> 1. Dig planting hole bigger than root ball 2. Place plant in hole 3. Place pouch(es) 4-6 inches deep on side of root ball 4. Fill soil around root ball 5. Water in and walk away
HOW MUCH TO USE	Use 2 pouches per newly planted tree or 1 pouch per newly planted shrub
	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	0.69 %
OTHER INGREDIENTS:		93.31 %
		100.00 %

EPA Reg. No. 72155-79
FERTILIZER ANALYSIS X-X-X

EPA Est. No. XXXX-AA-XX
Merit Insecticide is the brand name for Imidacloprid

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.	RESTRICTIONS <ul style="list-style-type: none"> • Do not apply near lakes, streams, rivers, or ponds. • Do not apply to soils which are water-logged or saturated. • Do not allow pouches to become wet prior to placing in the planting hole. Do not handle the pouches with wet hands or gloves. Rough handling may cause breakage. • Do not apply this product, by any application method, to linden, basswood, or other Tilia species.
HOW TO USE	Place plant in planting hole. Place pouch 4-6 inches deep on the side of the root ball, fill hole with soil or media, and water the plant thoroughly.
FOR USE ON	Outdoor ornamental (plants), trees, and shrubs, plus non-bearing fruit and nut trees
HOW MUCH TO APPLY	Newly Planted Trees: use 2 pouches (Each pouch contains 1.3 oz of product). Newly Planted Shrubs: use 1 pouch (Each pouch contains 1.3 oz of product).
FOR BEST RESULTS	Place pouch on the side of the planting hole 4-6 inches deep so that it can be available to the roots of the newly planted tree or shrub. Water the plant thoroughly after planting. For established Trees & Shrubs: to protect trees and shrubs for up to 12 months from insects, use Bayer Advanced's 12-month Tree and Shrub Insect Control Concentrate or Bayer Advanced 12-month Tree and Shrub Protect and Feed Ready-to-Use- Granules.
HOW IT WORKS	With watering, the contents (ingredients) of the pouch quickly release. The nutrients and insecticide move up throughout the plant, even to new growth. Essential nutrients and insect protection are provided to the newly developing plant. Moisture control helps retain water so that it is available when the plant needs it. This triple action formula helps increase plant survival, plant health, and overall vitality of the plant.



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

Important – Directions for Storage and Disposal

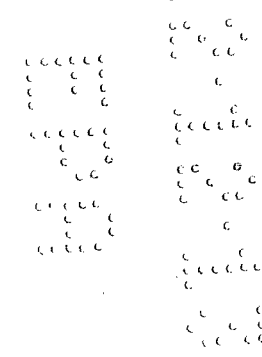
Storage Conditions	Store in original container in a cool, dry place, out of the reach of children, preferably a locked storage cabinet.
Disposal 	<p>If empty:</p> <ul style="list-style-type: none"> • Non-refillable container. Do not refill or reuse container. • Place empty container in trash or offer 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.

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: 0.69% 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.
- 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 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 Division of Bayer CropScience LP
 P.O. Box 12014, 2 T.W. Alexander Drive
 Research Triangle Park, North Carolina 27709

Insecticide NT & SS Pack (Pending) 11/15/2013, 12/04/2013

