



003125-00472-052499

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Systems Integration Group, Inc.



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

MAY 24 1999

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Julie Spagnoli
Bayer Corporation, Agriculture Division
8400 Hawthorne Road
P.O. Box 4913
Kansas City, MO 64120-0013

Subject: Merit 0.25 Plus Lawn and Garden Fertilizer
EPA Reg. No. 3125-472
Application for amended registration, dated March 5, 1999, to revise product label in accordance with Consumer Labeling Initiative recommendations.

Dear Ms. Spagnoli,

Your revised label for EPA Reg. No. 3125-472, dated March 5, 1999, has been reviewed. With respect to the changes made based on the recommendations of the Consumer Labeling Initiative (CLI) and the other non-CLI related changes, the proposed label is acceptable provided you modify the label as indicated below.

1. On the front panel of your proposed label, the word "NEW!" must be deleted since the product formulation has not changed. A product may only be referred to as "New" for a period of 6 months after initial registration or acceptance of a revised formulation. In this case, only the product labeling is being revised; the formulation has not changed.
2. Line 6 under the product name on the front panel must be changed to read:

"For Use On: Lawns, Ground Covers, Flower Beds, and around Trees and Shrubs."
3. The phrase "ADVANCED PROTECTION FORMULA" (line 7 on the front panel) must be deleted. This statement is a comparative advertising claim relative to effectiveness and may be false or misleading in comparison with other products that don't include such a statement on their labels. According to 40 CFR 156.10(a)(5), no advertising claims may be false or misleading in any way. In addition, claims that are exaggerated or unsubstantiated can not be made on the label. Please refer to 40 CFR 156.10(a)(5) for a more detailed explanation of what are considered false and misleading statements.



Recycled/Recyclable
Printed with Soy/Canola Ink on paper that
contains at least 50% recycled fiber

- 4. You have added numerous **marketing claims** to the front panel of your proposed label which were not included on previously accepted labels for EPA Reg. No. 3125-472. Although some similar marketing claims were included on the last accepted label for this product (stamped August 9, 1995), the additional proposed claims are not considered acceptable at this time and must be deleted from the label. Your application for amended registration indicated that the purpose of your application was to "propose revisions to the label in format and content in accordance with the most current recommendations of EPA's Consumer Labeling Initiative (CLI) Partners and Task Force." We note that the CLI was intended to provide an opportunity for revisions to the format and content of the labels of consumer-use products so that these labels would provide more usable information to consumers in a format that is easier to read and understand than the current format. The CLI should not be used as an opportunity to add marketing claims that have not been previously reviewed and accepted and may be considered false, misleading, or unsubstantiated according to 40 CFR 156.10(a)(5).

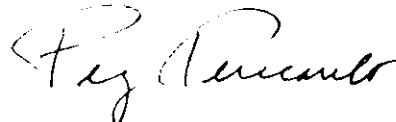
The current accepted label for this product, dated August 9, 1995, includes several marketing claims on the front panel that were previously reviewed and considered acceptable. At this time, only those claims that were previously accepted may appear on your revised CLI label. If you wish to add additional marketing claims to your label, please submit a separate application for amended registration with your proposed additional or revised claims clearly outlined on the revised label.

- 5. In the "Quick Facts" box on page 2 of your proposed label, the only new claim that is considered acceptable at this time is the claim "Easy-To-Use-Granules." The rest of the marketing claims are the same as the ones that appear on the front panel of your proposed label. As indicated in item 4. above, only those claims that appear on previously accepted labels for this product may be included on your revised CLI label at this time. Additional marketing claims not previously accepted must be deleted from the label.
- 6. The other CLI-related label revisions, including the general format of the proposed label, the primary hazard statement associated with the signal word on the front panel, the ingredients statement on the back panel, and the proposed "First Aid" and "Storage and Disposal" directions are acceptable.

Since this product label may be used as an example of CLI recommended revisions, please submit one copy of your revised final printed labeling before the product label is displayed to the public and before you release the product for shipment. If the above specified conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product bearing the amended labeling constitutes acceptance of these conditions.

A stamped copy of the label is enclosed for your records. If you have any questions regarding this letter, please contact me by phone at (703) 305-5417 or via E-mail at Perreault.peg@epamail.epa.gov.

Sincerely yours,



Peg Perreault
Chemical Manager, Team 4
Insecticide-Rodenticide Branch
Registration Division (7505C)

Enclosure (1)

Reason to Issue: To revise use directions.

Date of Pre-Reg Draft: 02/26/99 (B)

[FRONT PANEL]

Merit® 0.25

Plus Lawn and Garden Fertilizer

NEW!
GUARANTEED SATISFACTION
READY TO USE

Kills White Grubs and Mole Crickets

For Use On: Lawns and Landscape Plantings
For Use On: Lawns, Ground Covers, Flower Beds, Trees, & Shrubs

ADVANCED PROTECTION FORMULA

- Just One Application Kills Grubs All Season Long
- Apply Anytime...Spring Through Late Summer
- Stops Grubs from Destroying Your Lawn
- Treats 5000 Sq ft (15 lb bag)
- Kills Mole Crickets Early, Before They Damage Your Lawn
- Protects Against Mole Cricket Damage
- Just One Application Kills Mole Crickets

CONTAINS ROOT BOOSTER™

- X-X-X Feeds Root Systems
- Promotes Vigorous Root Growth

(ART: treated lawn, untreated lawn)

- Convenient, Two-in-One Formula
- Feeds Roots and Protects Against Grubs
- Contains Root Booster™ Fertilizer
- Season-Long Grub Control
- Stops Damaging Grubs
- Protects Lawns from Damaging Grubs
- Protects Against Damaging Grubs
- Stops Grubs from Damaging Your Lawn
- Kills White Grubs Before They Damage Your Lawn
- Protects Lawns Against Damage From Grubs
- Stops Grubs that Damage Your Lawn
- Stops Grubs Early....Before They Damage Your Lawn
- Protects Against Damage from Grubs
- One Application Stops Grubs All Season Long
- Protects Against Grubs All Season Long
- Kills White Grubs Early, Before They Damage Your Lawn
- Protects Against Grub Damage All Season Long
- Season-Long Protection
- Encourages Root Growth
- Promotes Root Development
- Promotes Strong Roots
- Feeds Root Systems
- Helps Strengthen Root Systems by Promoting Growth

**ACCEPTED
with COMMENTS
In EPA Letter Dated:**

May 24, 1999

*Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
3125-472*

Net Contents: _____

STOP - Read The Label Before Use
KEEP OUT OF REACH OF CHILDREN
CAUTION

HARMFUL IF SWALLOWED
CAUSES EYE IRRITATION

See back Panel for Ingredients and Additional Precautionary Statements

[BACK PANEL]

Quick Facts
(Product Facts)

- ✓ Easy-To-Use Granules
- ✓ Unique Double Action Formula
 - Kills White Grubs Before They Damage Lawns
 - Feeds Root Systems
- ✓ Just One Application Stops Grubs
- ✓ Long-Lasting, Effective Protection
- ✓ Two-In-One Formula Kills Grubs While Feeding Your Lawn
- ✓ Kills White Grubs Before They Damage Lawns
- ✓ Just One Application Stops Grubs From Spring Through Late Summer
- ✓ Highly Effective, Lasting Protection
- ✓ Long-Lasting Protection Against White Grubs
- ✓ Season-Long Grub Control
- ✓ Two-in-One Formula Kills Mole Crickets While Feeding Your Lawn
- ✓ Kills Mole Crickets Early, Before They Damage The Lawn
- ✓ Just One Application Controls Mole Crickets
- ✓ Long-Lasting Protection Against Mole Crickets
- ✓ Season-Long Mole Cricket Control

KILLS	White Grubs (ART: WHITE GRUB) (including larvae of the Asiatic Garden Beetle, Black Turfgrass Ataenius, Chafers, Japanese Beetle, May Or June Beetle, and Oriental Beetle.)
	Mole Crickets (ART: MOLE CRICKET)
FEEDS	Helps root systems by promoting new growth.
COVERAGE	This bag covers 5,000 sq ft (15 lb bag)
WHERE TO USE	Lawns, ground covers, flower beds, shrubs, trees
WHEN TO USE	May through mid-August
HOW MUCH TO USE	See spreader settings
(ART: GRAPHIC OF PHONE)	Questions, comments, or medical information call 1-800-842-8020 www.bayer.com

If you use MERIT 0.25 Plus Lawn and Garden Fertilizer as directed and are not completely satisfied, we will promptly refund your money. For details, call us at 1-800-842-8020.

ACTIVE INGREDIENT:

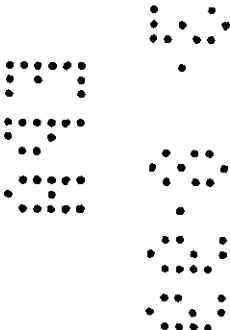
Imidacloprid	0.25%
OTHER INGREDIENTS*	<u>99.75%</u>
	100.00%

* Other ingredients include: Premium "Root Booster", Fertilizer, Sticker and Surfactants

EPA Reg. No. 3125-472

EPA Est. No. XXX

FERTILIZER ANALYSIS X-X-X



MERIT 0.25 Plus Lawn and Garden Fertilizer

PRECAUTIONARY STATEMENTS
Hazards to Humans and Domestic Animals

- Harmful if swallowed or absorbed through skin.
- Causes eye irritation.
- Avoid contact with skin, eyes, or clothing.
- Wash thoroughly with soap and water after handling.

First Aid

IN THE CASE OF ACCIDENTAL . . .	IMMEDIATELY . . .
Swallowing	• Call a doctor or Poison Control Center for treatment advise.
Contact with skin	• Wash thoroughly with soap and water. • Get medical attention if irritation occurs.
Contact with eyes	• Hold eye open and rinse eye slowly and gently with water. • Continue to rinse eye for 10 to 15 minutes. • Call a doctor if irritation persists.
<p>NOTE: When calling poison control center, have this product label accessible. If seeking treatment at an emergency room or doctor's office, bring this product label to show medical personnel. You may call 800-414-0244 for medical emergency information. Active ingredient: Imidacloprid [CAS # 138261-41-3].</p>	

Environmental Hazards

- This product is highly toxic to aquatic invertebrates.
- Do not apply directly to water.
- Do not contaminate water when cleaning equipment or disposing of equipment washwater.

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 these directions when using.

- Do not apply the product near fish pools, ponds, streams or lakes.
- Do not use in vegetable gardens.

TO CONTROL	WHEN TO APPLY
Grubs	Apply once anytime from May through mid-August.
Mole Crickets	Apply once anytime from mid-May through mid-June. Florida residents: Apply once anytime between early April through early May.

For best results, apply MERIT 0.25 Plus Lawn and Garden Fertilizer before grubs or mole crickets hatch. Contact your County Extension Agent for the ideal dates to apply in your area.

How to Use

LAWNS
How Much: See Spreader Settings

Adjust spreader to the proper setting (see Spreader Settings). (ART)	To be sure you cover the entire area uniformly , first treat the border of the lawn then fill in the center. Make parallel passes, walking at a steady pace to ensure even distribution of the granules. (ART)	Water thc/roughly after applying. (ART)
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FLOWER BEDS, GROUND COVERS, TREES & SHRUBS
How Much: 2 Tablespoons per 10 sq ft of planting bed. 1-1/4 cups per 100 sq ft of planting bed.

MERIT 0.25 Plus Lawn and Garden Fertilizer

Spread granules evenly to the soil over flower beds, ground cover plantings, shrub beds and under trees. Tip: A hand-held spreader makes this easy. (ART)	Rake granules into the soil around plants. (ART)	Water thoroughly after applying. (ART)
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Children and pets may re-enter after the treated area has been watered and allowed to dry.

FOR BEST RESULTS (grubs)

- Apply early, before grubs hatch. May through June is ideal.
- Water thoroughly within 24 hours after applying.
- Do not mow until the granules are watered into the soil.
- Avoid applying MERIT 0.25 Plus Lawn and Garden Fertilizer to waterlogged areas, as this may decrease the product's effectiveness.
- You may spread MERIT 0.25 Plus Lawn and Garden Fertilizer over soil or mulch. If present, remove weed barrier before applying.

FOR BEST RESULTS (mole crickets)

- Apply early, before mole crickets hatch.
- Water thoroughly within 24 hours after applying.
- Do not mow until the granules are watered into the soil.
- Avoid applying MERIT 0.25 Plus Lawn and Garden Fertilizer to waterlogged areas, as this may decrease the product's effectiveness.
- You may spread MERIT 0.25 Plus Lawn and Garden Fertilizer over soil or mulch. If present, remove weed barrier before applying.

SIGNS OF DAMAGE TO LAWNS (grubs)

White grubs cause extensive damage to lawns by feeding on grass roots. Grass turns yellow, then brown, and dies. Grubs chew off roots so that the grass is easily pulled up in pieces with your hands. You can roll it back like a carpet to reveal the grubs. If patches of dead grass appeared in your lawn late last summer, check for grubs.

SIGNS OF DAMAGE TO LAWNS (mole crickets)

Mole crickets often cause extensive damage by tunneling through lawns. Some species also feed on roots. Tunneling uproots the grass so it easily dries out. Lawns turn yellow, become thin, weedy, and can eventually die.

HOW IT WORKS (grubs)

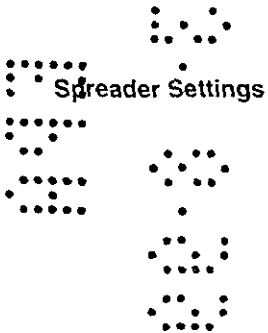
After MERIT 0.25 Plus Lawn and Garden Fertilizer granules are watered in, a protective zone is formed in the soil. If applied early, MERIT 0.25 Plus Lawn and Garden Fertilizer kills grubs when they hatch...before they can cause damage.

HOW IT WORKS (mole crickets)

After MERIT 0.25 Plus Lawn and Garden Fertilizer granules are watered in, a protective zone is formed in the soil. If applied early, MERIT 0.25 Plus Lawn and Garden Fertilizer kills mole crickets when they hatch...before they can cause damage.

If your spreader is not listed, please call our Consumer Service Hotline (xxx) for help.

Rate for grubs: 2.4 to 3 lbs per 1,000 sq ft
Rate for mole crickets: 3 lbs per 1,000 sq ft



MERIT 0.25 Plus Lawn and Garden Fertilizer

SPREADER	SETTING* To deliver 3 lbs per 1,000 sq ft
Vigoro Drop Vigoro Rotary Sta-Green Drop Sta-Green Rotary Bandini Ev-N-Spread Rotary Ortho Drop Ortho Rotary Precision Drop Precision Rotary Quaker Rotary Republic EZ Drop Republic EZ Grow Republic EZ Rotary Scotts Drop Scotts Accugreen Scotts Easygreen Scotts Evengreen Scotts Speedy Green True Temper Rotary ADD: TWO-IN-ONE SPREADERS	Spreader settings to be determined.
<ul style="list-style-type: none"> • Settings are approximate. The condition of your spreader, the speed at which you walk and uneven terrain may affect the rate of application. Calibrate your spreader according to manufacturer's directions. Tip: 1000 sq ft = 20 ft x 50 ft Do not use a spreader that applies granules in narrow, concentrated or uneven bands. Be sure the spreader works properly and spreads granules evenly.	

STORAGE AND DISPOSAL
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.

Container Disposal

- Do not contaminate water, food, or feed by storage or disposal.
- Do not re-use empty product bags.
- Securely wrap the empty product bag in several layers of newspaper.
- Place in trash.

Important: It is best to use all of the product in accordance with label directions. If it is necessary to dispose of unused product, please follow any applicable state or local guidelines.

NOTICE

Research and testing has determined that the "Directions for Use" are appropriate for the proper use of MERIT 0.25 Plus Lawn and Garden Fertilizer under expected conditions. The Buyer assumes responsibility for lack of performance or safety if not used according to the directions.

