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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

AUG 26 1993

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Bethurum Research and Development, Inc.
P.O. Box 3436
Galveston, Texas 77552

Attention: Mr. George Bethurum

Subject: Bushwhacker
EPA Reg. No. 59977-1
Your revised labeling of August 26, 1993

The amendment referred to above, submitted in connection with registration under FIFRA sec. 3(c)(7)(A), is acceptable, subject to the following provisions:

- A. Submit and/or cite all data required for registration/reregistration of your product under FIFRA sec. 3(c)(5) when the Agency requires all registrants of similar products to submit such data.
- B. Make the labeling changes listed below before you release the product for shipment bearing the amended labeling:
 1. After "GUARANTEED TO WORK" add "OR MONEY REFUNDED".
 2. Place "See Back Panel for Additional Cautions and Directions" after "CAUTION".
 3. On your "NOTE", delete "1/4 oz.; 3 oz.; 6 oz."

[As indicated in more detail in our companion letter of the same date, use of sizes smaller than one (1) pound for this product (3/4 oz, 3 oz, and 6 oz) are inappropriate for Bushwhacker because, as currently designed, they are ready-to-use bait stations and, therefore, need their own separate registration. The other sizes of your product (1 lb, 5 lb, 25 lb, and 350 lb) are acceptable, provided they carry the appropriate Storage and Disposal instructions.]

CONCURRENCES							
SYMBOL							
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4. Your Storage and Disposal statements are acceptable for a one pound container. For the larger sizes, the text must include the following:
 - a. "Do not contaminate water, food, or feed by storage or disposal." below the heading.
 - b. The proper container disposal. See Item 11 of our July 28, 1993, letter and PR Notice 83-3 for further guidance.
 5. Reverse the position of the "ENVIRONMENTAL HAZARDS" and "STATEMENT OF PRACTICAL TREATMENT" sections.
 6. Move the following sites ("all electrical use, transmission and control areas including transformers, air conditioners, traffic control lights and all electrical machines or appliances") from the heading "INDOOR NONFOOD" to "TERRESTRIAL NONFOOD CROPS".
 7. ADD "APPLICATION DIRECTIONS" BEFORE "FOR SPOT TREATMENT".
- C. Submit one copy of your final printed labeling before you release the product for shipment.

This registration will be subject to cancellation in accordance with FIFRA sec. 6(e) if you do not comply with these conditions. Your release for shipment of the product bearing the amended labeling constitutes acceptance of these conditions.

A stamped copy of the labeling, an A-79 Enclosure, and a copy of the Final Rule for the exemption from tolerance (58 FR 44282-3) are enclosed for your records.

Sincerely yours,

RAF

Robert A. Forrest
Product Manager (14)
Insecticide-Rodenticide Branch
Registration Division (H7505C)

Enclosures: 1. Stamped Label
2. A-79 Enclosure
3. 58 FR 44282-3

Peacock WP#3:A:59977A.1:305-5407,-6600:8/26/93

BUSHWHACKER**Fire Ant Control**

For Control of Fire Ants

GUARANTEED TO WORK

Active Ingredient:	Boric acid	18%
Inert Ingredients:		82%
Total		100%

KEEP OUT OF REACH OF CHILDREN

CAUTION

NET CONTENTS: 1 pound (454 grams)*

See Back Panel for Additional Cautions and Directions

EPA REG. NO. 59977-1
EPA EST. NO. 59977-TX-1ACCEPTED
with COMMENTS
in EPA Letter Dated**AUG 26 1993**Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.59977-1**BEST AVAILABLE COPY**Bushwhacker Associates, Inc.
Division of Bethurum Research & Development, Inc.
Galveston, Texas 77552*Note: Additional sizes - 1/4 oz.; 3 oz.; 6 oz.; 5 Pounds (2.2 kg); 25 Pounds
(11 kg); 350 pounds (159 kg)

PRECAUTIONARY STATEMENTS

HAZARD TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Harmful if swallowed. May cause eye irritation. Avoid contact with skin, eyes, or clothing. Wash thoroughly with soap and water after handling.

ENVIRONMENTAL HAZARDS

For terrestrial uses, do not apply directly to water or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwaters or rinsate.

STATEMENT OF PRACTICAL TREATMENT

IF ON SKIN: Wash with plenty of soap and water.
IF IN EYES: Wash with plenty of water. Get medical attention if irritation persists.
IF SWALLOWED: Call a physician or Poison Control Center.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

Use Bushwhacker Fire Ant Control in the following sites where fire ants may be found:

TERRESTRIAL FOOD CROPS

Root and Tuber Vegetables: Carrot, potato, radish, sugar beet, turnip, yam

Bulb Vegetables: Garlic, leek, onion, shallot

Leafy Vegetables: Celery, endive, lettuce, parsley, spinach

Cole Leafy Vegetables: Broccoli, cabbage, cauliflower, collards, kale

Legume Vegetables: Beans, peas, soybeans, coffee

Fruiting Vegetables: Eggplant, pepper, tomato

Cucurbit Vegetables: Cucumber, cantaloupe, honeydew melon, pumpkin, squash, watermelon

Citrus Fruits: Grapefruit, lemon, lime, orange

Pome Fruits: Apple, crabapple, pear

Stone Fruits: Apricot, cherry, peach, plum

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Small Fruits and Berries: Blackberry, blueberry, boysenberry, grape,
raspberry, strawberry

Tree Nuts: Almond, chestnut, pecan, walnut

Cereal Grains: Barley, corn, millet, oats, rice, sorghum, wheat

TERRESTRIAL FOOD/FEED CROPS

Rangeland, pasture, pineapple plantations, coconut plantations, sugar cane
plantations, citrus orchards

Forage Grasses: Bermuda grass, bluegrass, fescue, alfalfa, clover

Non-grass Animal Feeds: Forage, fodder, straw, hay

TERRESTRIAL NONFOOD CROPS

Nursery Products: Flowering and non-flowering plants, ornamental
shrubs, trees

Lawns, Golf Courses, Camp Grounds, Rights-of-way, Nurseries, Sod farms, Tree
Farms, Turf farms, Parks Animal and Poultry cages, pens and shelters

Forestry

Forest lands and levies

RESIDENTIAL INDOOR/OUTDOOR

Single and multiple human dwellings including hotels, motels, apartments,
daycare centers, hospitals, nursing homes

INDOOR FOOD

BEST AVAILABLE COPY

All human, animal, poultry and aqua culture food preparation, food storage and
handling and consumption areas, poultry and egg farm

INDOOR NONFOOD

School and educational institutions including dormitories and libraries,
animal and competition areas, refineries including tank farms, switching
equipment, pump and relay stations, business establishments such as stores,
offices and warehouses, all electrical use, transmission and control areas
including transformers, air conditioners, traffic control lights and all
electrical machines or appliances.

APPLICATION DIRECTIONS FOR BROADCAST TREATMENT

Bushwhacker is very easy and convenient to apply. Following application, BUSHWHACKER is collected by the worker ants, converted to liquid protein (no fire ant can eat solid food) and distributed throughout the colony to feed the queens and brood. Within six to eight weeks there is considerable ant mortality and a continual decline of the fire ant colony. This product will kill the queens as well as worker ants. When used as directed, all signs of fire ant infestation should be gone within three to four months. Fire ants should not be present again for at least one year.

BUSHWHACKER may be broadcast with fertilizer, plant seeds or clean sand. Adjust mix to retain application of BUSHWHACKER at 3 pounds per acre broadcast. MIX THOROUGHLY. BROADCAST IMMEDIATELY!

Restrictions: Apply BUSHWHACKER when the ground is dry to slightly damp and no rain is anticipated for 6 to 8 hours. Do not apply when strong wind or when air temperatures are below 50 degrees F. Do not use any other pesticide for Fire Ant Control in combination with or within six (6) months after application of Bushwhacker.

Broadcast Treatment: Hand broadcast or use a rotary type spreader with an auger feed. Broadcast BUSHWHACKER evenly over the area at the rate of three (3) pounds per acre.

1. Methods of Application

Bushwhacker may be applied as a broadcast in the following ways:

- A. By Hand: Wear gloves to avoid contact with skin
- B. A walk-behind or carried rotary spreader with an auger feed.
- C. Commercial power-take-off-driven or battery powered spreaders.
- D. Aerial Application

2. Rates

Broadcast BUSHWHACKER evenly over the area at the rate of three (3) pounds per acre.

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3. Retreatment Interval

A second application at the above rates may be made after 5 days in severely infested areas. Allow 6 to 8 weeks for signs of mound activity to begin to disappear.

FOR SPOT TREATMENT

Electrical boxes: For best results use a registered fire ant product that can provide a quick knock-down inside the junction boxes or transformers to allow service personnel to perform immediate maintenance, then apply one (1) tablespoon BUSHWHACKER™ to maintain a long term fire ant free environment. Fresh BUSHWHACKER™ should be added or re-applied any time that transformers, junction boxes, etc. are re-opened for inspection.

Indoors: Apply only in areas inaccessible to children and pets. Place approximately one (1) tablespoon of BUSHWHACKER™ in areas where foraging ants are seen inside. Areas include behind the refrigerator, stove, around waterpipes, cracks and crevices around window frames, baseboards and shelves. If used in storage or display areas, sprinkle lightly under display counters, gondolas, storage bins, or racks if product is not accessible to children and pets. Remove and discard after 24 hours. For continuous control, replace with fresh BUSHWHACKER™ every 3 or months.

STORAGE AND DISPOSAL

(On all labels over 1 lb. the statement "Do not contaminate water, food, or feed by storage or disposal" will be added)

STORAGE: Store in a dry place. Do not store where children or animals may gain access. Keep lid tightly closed when not in use.

Pesticide Disposal: Wastes resulting from the use of this product may be disposed of onsite or at an approved waste disposal facility.

Container Disposal: Do not reuse empty container. Puncture and dispose of in a sanitary landfill, or incineration, or if allowed by state and local authorities, by burning. If burned, stay out of smoke.

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WARRANTY LIMITATIONS AND DISCLAIMER

Bethurum Research and Development, Inc. warrants that this product conforms to the chemical description on the label when used in strict accordance with the directions therein under normal conditions of use. THIS IS THE ONLY WARRANTY MADE ON THIS PRODUCT. NO OTHER EXPRESS AND IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE IS MADE OUTSIDE OF THIS LABEL. Therefore, neither this warranty nor any other warranty of merchantability or fitness for a particular purpose, express or implied, extends to the use of this product contrary to label instructions (including conditions noted on the label, such as unfavorable temperatures, soil conditions, etc.), under abnormal conditions (such as excessive rainfall, drought, tornadoes, hurricanes, etc.) or under conditions not reasonably foreseeable to or beyond the control of seller. (

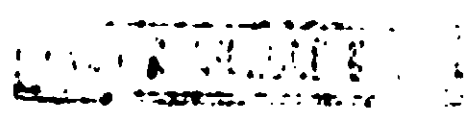
When buyer or user suffers losses or damages resulting from the use or handling of the product (including claims based on contract, negligence, strict liability, or other legal theories), buyer or user must promptly notify in writing Bethurum Research and Development, Inc. of any claims to be eligible to receive either remedy given below. The EXCLUSIVE REMEDY OF THE BUYER OR USER and the LIMIT OF LIABILITY of Bethurum Research and Development, Inc. or any other seller will be one of the following, at the election of Bethurum Research and Development, Inc. (

- (1) Refund of purchase price paid by buyer or user for product bought,
or
- (2) Replacement of amount of product used.

The seller will not be liable for consequential or incidental damages or losses.

The terms of this Warranty Limitations and Disclaimer cannot be varied by any written or oral statements or agreements. Any employee or sales agent of the seller is not authorized to vary or exceed the terms of this Warranty Limitations and Disclaimer in any manner.

U.S. Patent Pending



BRD 1290