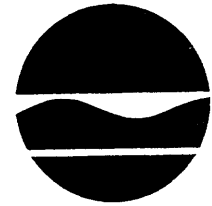


Product file

# New York State Department of Environmental Conservation

Division of Solid & Hazardous Materials  
Bureau of Pesticides Management  
Pesticide Product Registration Section  
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Erin M. Crotty  
Commissioner

April 26, 2002

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Laura L. Whatley, Ph.D.  
Senior Registration Scientist  
BASF Corporation  
PO Box 13528  
Research Triangle Park, North Carolina 27709-3528

Dear Dr. Whatley:

**Re: Application for Registration of One New Pesticide Product, Basagran T/O Herbicide (homeowner) (EPA Reg. No. 7969-45), and Registration of a Revised Label for Basagran Herbicide (EPA Reg. No. 7969-45), Which Represent a Major Change in Labeling for the Active Ingredient Sodium Salt of Bentazon**

The Department has reviewed your applications, received September 18, 2001, and additional information, received March 1, 2002, to register one new pesticide product, **Basagran T/O Herbicide** (homeowner) (EPA Reg. No. 7969-45), and a revised label for **Basagran Herbicide** (EPA Reg. No. 7969-45) in New York State. The products represent major changes in labeling for the active ingredient **sodium salt of bentazon**.

Basagran Herbicide (EPA Reg. No. 7969-45) is currently registered in New York State for postemergent control of certain broadleaf weeds and sedges in soybeans, corn (field, sweet, popcorn, and corn grown for seed or silage), sorghum, rice, peanuts, beans (dry or succulent), peas (dry or succulent), peppermint and spearmint. The new label adds use on the following nonbearing food crops: almonds, apples, apricots, avocados, blackberries, blueberries, cherries, crabapples, dates, figs, grapes, grapefruit, lemons, limes, macadamias, nectarines, olives, oranges, peaches, pears, pecans, pistachios, plums, pomegranates, prunes, raspberries, tangelos, tangerines, and walnuts.

Basagran T/O Herbicide (homeowner) (EPA Reg. No. 7969-45) is a new product which is labeled for homeowner use in established turf and ornamentals for the control of broadleaf weeds and sedges.

The Department has determined that the above referenced application is **incomplete** for purposes of review. Additional information is necessary in order to assess potential adverse health, ground and surface water, and fish and wildlife impacts.

In response to our request for United States Environmental Protection Agency (USEPA) Data Evaluation Record reports (DERs) on the active ingredient sodium salt of bentazon for a number of toxicity studies, supplemental DERs consisting only of introductions and executive summaries that update the original DERs were submitted. The original DERs which would include the methodology, results and reviewer's conclusions and comments were not provided. In order for us to adequately evaluate these studies, we request the submission of these missing sections. In addition, instead of submitting the complete USEPA DER on the active ingredient for the subchronic (21-day) dermal toxicity study (rabbit or rat), only a partial DER for a single application dermal penetration study was submitted. We request that the complete DER for the 21-day dermal toxicity study be submitted.

The USEPA Notice of Registration, which details outstanding data requirements for each product, was not received and is required.

Bentazon does not degrade under aerobic or anaerobic aquatic conditions and appears likely to reach surface waters. Page 18 of the 1994 EPA Reregistration Eligibility Decision document (RED) stated that Aquatic Field Dissipation studies were required. The RED further stated that the studies could then be used to determine if chronic aquatic animal testing is warranted. The requirement is repeated later in the document, pages 51-52, under Actions Required By Registrants: Additional Generic Data Requirements.

The last paragraph of the above-mentioned "Additional Requirements" section "suggests" that although all ecological effects data requirements necessary to complete a risk assessment are fulfilled, "fish toxicity, mollusk toxicity, and avian reproduction studies would provide added value in increasing the certainty of the risk assessment." (Both avian reproduction studies reported were classified as supplemental and chronic toxicity may be an issue of concern.) The Department would like a discussion of how this ambiguous language eventually did or did not translate into data requirements.

Please submit any USEPA DERs for any of the above-mentioned required or "suggested" studies that were conducted or USEPA documentation showing that the requirement was dropped.

The Department's groundwater staff conducted a review based on the limited amount of information provided in the RED. **Staff objects to the registration of both of these products for use in New York State due to the potential negative impact on groundwater.** This conclusion is based on the very low  $K_{oc}$ , the short aerobic and field half-life, the fairly high application rate, the lack of information on the degradates, and the modeling projections.

There are approximately eight other bentazon containing products registered in New York State for agricultural or turf use with a maximum application rate of 2 pounds of active ingredient per acre per year. If large amounts of this active ingredient are sold onto Long Island,

Laura L. Whatley, Ph.D.

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the Department's groundwater staff may recommend that the existing products be prohibited from use on Long Island given the potential of this product to contaminate groundwater. Please submit sales data for all bentazon containing products which are sold and/or distributed on Long Island.

The above information will be necessary to continue the review of the above referenced application package. BASF Corporation must submit the required information to this office within **forty-five** (45) calendar days of receipt of this letter.

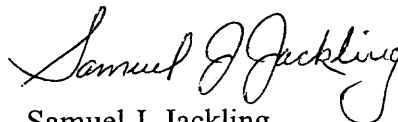
Failure to submit the requested information within the designated time frame will result in the termination of the review process.

Please note that if you wish to reapply for registration after the specified 45 day deadline, you must submit the requested information along with new application forms and fees.

Please be aware that any unregistered product may not be sold, offered for sale, distributed, or used in New York State.

Please contact Ms. Jeanine Broughel, of my staff, at (518) 402-8768, if you have any questions.

Sincerely,



Samuel J. Jackling

Chief

Pesticide Product Registration Section

cc: N. Kim/D. Luttinger - NYS Dept. of Health