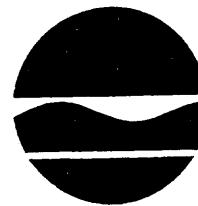


New York State Department of Environmental Conservation

Division of Solid & Hazardous Materials
Bureau of Pesticides Management
Pesticide Product Registration Section
525 Broadway, Albany, New York 12233-7257
Phone 518-402-8768 FAX 518-402-9024
Website: <http://www.dec.state.ny.us/website/dshhm>
E-Mail: ppr@gw.dec.state.ny.us



Erin M. Crotty
Commissioner

July 12, 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: Withdrawal of 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 New York State Department of Environmental Conservation (the Department) acknowledges your formal request for withdrawal, dated June 11, 2002, for registration of 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 determined that the above referenced applications were **incomplete** for purposes of review on November 16, 2001 and April 26, 2002 (copies enclosed). Additional information was requested 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.

BASF Corporation has requested the above-mentioned DERs from the USEPA. However, since sodium salt of bentazon is an old active ingredient, it may take some time in order for the DERs to be obtained. Also, the existence of some of the DERs is questionable.

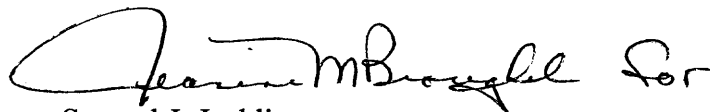
Therefore, BASF Corporation has requested the withdrawal of their applications from consideration of registration without prejudice to future filing.

BASF Corporation understands that the \$300 per product application fee is forfeited, and that any subsequent application for expansion of the Basagran labeling, or any other sodium salt of bentazon product, will require a complete application and applicable application fee. A complete application would include all of the information outlined in the enclosed April 26, 2002 incompleteness letter.

Please be aware that any unregistered product (or non-accepted revised labeling) 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

Enclosures

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