Dear Ms. McElroy:

Re: Department Policy Regarding the Registration of the Active Ingredient Quinclorac (Active Ingredient Code 128974)

The New York State Department of Environmental Conservation (Department) has recently received several inquiries from registrants regarding the Department’s policy for products containing the active ingredient quinclorac. The Department believes it is necessary at this time to reiterate and clarify our policy regarding quinclorac.

The active ingredient quinclorac was first registered by the Department on October 30, 2006. The original registration letter for consumer use of quinclorac communicated the Department’s concern regarding the leaching potential of quinclorac and the resulting risk to the water resources of New York State. Therefore, several mitigative measures were established by mutual agreement between the Department and The Scotts Company in order to facilitate the registration of quinclorac in New York State. As a reminder, the commissioner may place any conditions on the registration of any product that are deemed necessary to prevent damage or injury to health, property, and wildlife as per 6 NYCRR 326.23(e).

The following list contains the mitigative measures described in the original registration letter in addition to a more in-depth explanation of the Department’s current policy regarding this active ingredient:

1) Product labeling must state “For Spot Treatment Only.” Due to the groundwater concerns surrounding the use of quinclorac in New York State, all end use labeling must state “For Spot Treatment Only” in the Directions for Use section of the product labeling. Hence, the Department will not register any product allowing broadcast application of quinclorac without the review and approval of a Major Change in Labeling application for this additional use pattern. Any such application would include additional studies and/or other documentation not available during the initial review of quinclorac in New York State. Such studies would need to demonstrate that the concerns identified in the Department’s
technical review of quinclorac were unfounded or erroneous. For more information on the submission of a Major Change in Labeling, please see Appendix 1.B. of “New York State Pesticide Product Registration Procedures” (April 2009) found at the web address listed in the letterhead of this letter.

2) **Products containing quinclorac must be packaged and sold in small ready-to-use homeowner units.** This condition was established in an effort to ensure that end users would not broadcast the product to large areas in violation of the Directions for Use. The original consumer use registration of quinclorac contained product in 24 fluid ounce containers. Subsequent to the original registration decision for quinclorac, the Department has received several requests for clarification of this issue. **In compliance with the registration decision, any quinclorac-containing product sold or offered for sale in a container greater than 1.33 gallons will be classified as a restricted use pesticide in New York State.** This determination applies to any products that are co-packed, wrapped, or otherwise bound together to result in a single retail price.

3) **Sales data will be provided on an annual basis.** The Scotts Company agreed to provide the Department with annual sales data (units sold and pounds of quinclorac sold as a result of direct shipment and point of sale information). This condition was established to aid the Department in evaluating growth of quinclorac use and to aid in investigating any detections of quinclorac in groundwater. All sales data is and will remain protected as Confidential Business Information.

Please use the conditions described above as a guide when submitting any new product or revised labeling applications in New York State for any product containing quinclorac. These conditions shall apply to all current and future registrants.

Do not hesitate to contact the Pesticide Product Registration Section, at (518) 402-8768, if you have any questions regarding this letter.

Sincerely,

Maureen P. Serafini

Maureen P. Serafini
Director
Bureau of Pesticides Management

Ecc:  Karen Cain, Bayer Advanced
      Jim Kunstman, PBI/Gordon Corporation
      Judy Fersch, BASF Corporation
      William Smith, Cornell University, PSUR