September 20, 2011

Dinitroaniline Pesticides as a Class
Proposition 65 Prioritization:
Inappropriate to Group these Different Compounds for Prioritization

Ms. Cynthia Oshita
Proposition 65 Implementation
Office of Environmental Health Hazard Assessment
1001 I Street
Sacramento, CA  95814

Dear Ms. Oshita,

On behalf of BASF Corporation, Dow AgroSciences, LLC, and Syngenta Crop Protection, LLC, we are providing comments to the Cancer Identification Committee (CIC) for their consideration in the prioritization of “Dinitroaniline Pesticides” as a single group under California’s Proposition 65. This group of active ingredients has different toxicological profiles, an assertion is supported by the conclusions and actions of the US Environmental Protection Agency (US EPA), an authoritative body under Proposition 65. Therefore, we request that the CIC consider and prioritize these active ingredients not as a group but as separate compounds.

The “Dinitroaniline Pesticides” group includes the active ingredients prodiamine, trifluralin, pendimethalin, ethalfluralin, benfluralin, and oryzalin. With the exception of oryzalin, which is classified by the US EPA as “Likely to be Carcinogenic to Humans” and is listed as a carcinogen under Proposition 65 via the Authoritative Bodies mechanism, none of the active ingredients has been classified by the US EPA (or any other regulatory authority) as either a “known”, “likely” or “probable” carcinogen. Accordingly, none of these active ingredients has been considered previously under Proposition 65.

As required under federal law, in the last decade, the US EPA has evaluated whether to consider the carcinogenic potential of structurally similar compounds as cumulative (related). Accordingly, in recent decisions by the US EPA where these potential cumulative impacts have
been considered, the US EPA has concluded that dinitroaniline compounds should be considered separately, not cumulatively, regarding their carcinogenic potential. For example, the most recent “RED” evaluation, for benfluralin (2004\(^1\)), concluded that:

“Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, EPA has not made a common mechanism of toxicity finding for benfluralin and any other substances.”

[Benfluralin RED, page 24, emphasis added]

Similarly, in the recent document from the US EPA on one of these compounds, US EPA (2009\(^2\)), the authoritative body concludes that:

“Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, EPA has not made a common mechanism of toxicity finding as to pendimethalin and any other substances and pendimethalin does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that pendimethalin has a common mechanism of toxicity with other substances.” [US EPA, 2009, emphasis added]

We therefore request that the CIC consider the priority for each of the “Dinitroaniline Pesticides” separately. These structurally similar compounds do not have common toxicological profiles.

Comments on each of the “Dinitroaniline Pesticides” are being submitted separately to the CIC by BASF, Dow AgroSciences, and Syngenta.

We appreciate your consideration of our request.

Sincerely,

---

2 Pendimethalin: Human Health Risk and Exposure Assessment. for Proposed Section 3 Registration for use on Grasses for Seed Production and Dormant Bermudagrass Pasture and Hay Fields” October, 2009.