

May 31, 2002

Christine Todd Whitman, Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
Room 3000, #1101-A  
1200 Pennsylvania Ave., N.W.  
Washington, DC 20460

Subject: Comments on the BASF Corporation's HPV Test Plan for Dicamba and Acifluorfen Intermediates Category

Dear Administrator Whitman:

The following comments on BASF's test plan for the Dicamba and Acifluorfen Intermediate Category are submitted on behalf of People for the Ethical Treatment of Animals, the Physicians Committee for Responsible Medicine, the Humane Society of the United States, the Doris Day Animal League, and Earth Island Institute. These health, animal protection, and environmental organizations have a combined membership of more than ten million Americans.

This BASF test plan presents an innovative approach to developing a category for a complex set of similar substances. As registered pesticides, there are extensive bodies of knowledge on the toxicity and epidemiology of Dicamba and Acifluorfen. By dividing the category into three subgroups, and incorporating toxicity data from non-HPV substances, BASF has shown thoughtfulness and insight into understanding this group of chemicals. This sort of innovation in category development is the type of effort we have consistently called for in our analysis of previous test plans.

At the same time, however, we have some concerns about this plan. For example, the plan fails to gather additional information from the existing literature on chlorophenols, which could reduce the testing proposed for acute fish toxicity and reproductive/developmental toxicity. Also, existing non-animal methods should be applied to evaluating acute toxicity to fish.

The proposed acute fish toxicity testing is inappropriate because non-animal methods are available. ECOSAR, an established QSAR program that estimates toxicity to fish, invertebrates, and algae, may be appropriate for characterizing this endpoint and should be considered. The EPA encourages the use of ECOSAR in its draft guidance document *The Use of Structure-Activity Relationships (SAR) in the High Production Volume Chemicals Challenge Program* (viewable at <http://www.epa.gov/chemrtk/sarfin11.htm>).



**PETA**

PEOPLE FOR THE ETHICAL  
TREATMENT OF ANIMALS

501 FRONT STREET  
NORFOLK, VA 23510  
TEL 757-622-PETA  
FAX 757-622-0457

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ORGANIZATION DEDICATED  
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*In vitro* tests, such as the TETRATOX assay, with the protozoan *Tetrahymena* are frequently used as a measure of aquatic toxicity in ecological risk assessments.<sup>1</sup> The biochemistry and physiology of *Tetrahymena* have been thoroughly investigated since the 1950's, and *Tetrahymena*, especially *T. pyriformis*, have been used for aquatic toxicity testing since the 1970's. Moreover, the genomics of the organism are currently being elucidated. The *T. pyriformis* population growth test is quick, easy, and cheap, and has considerable breadth.<sup>2</sup> Both the *in vitro* TETRATOX assay as well as QSARs provide more humane, efficient methods to predict aquatic toxicity at the screening level.

BASF is also calling for reproductive/developmental testing of 2,5 dichloroanisole. This test will cause the suffering and deaths of 400 animals who are not protected by even the minimal animal welfare provisions of the Animal Welfare Act. Yet the essential reproductive/developmental hazard has already been characterized for several other chlorophenol compounds<sup>3</sup>. Existing reproductive and developmental testing data already exist for 2,4 dichlorophenol, 2,4,6 trichlorophenol, and 2,4,5 trichlorophenol. In general, these compounds show very few reproductive/developmental effects, and it would be appropriate to use this existing data to evaluate the hazard of this additional substance.

In summary, BASF should consider a comparison with a broader range of compounds that would provide greater insight into the overall hazard of these chemicals and would reduce the number of animals it will kill in the HPV program.

Thank you for the opportunity to comment. If you have any questions, please contact me at 757-622-7382, ext.1304 or via e-mail at [jessicas@peta.org](mailto:jessicas@peta.org).

Sincerely,

Jessica Sandler, MHS  
Federal Agency Liaison

1. Larsen J, Schultz TW, Rasmussen L, Hooftman R, Pauli W. Progress in an ecotoxicological standard protocol with protozoa: results from a pilot ring test with *Tetrahymena pyriformis*. *Chemosphere* 1997;35:1023-41.
2. Schultz TW. TETRATOX: *Tetrahymena pyriformis* population growth impairment endpoint —a surrogate for fish lethality. *Toxicological Methods* 1997;7:289-309.
3. Agency for Toxic Substances and Disease Registry. *Toxicological profiles for chlorophenols*. Prepared by SAIC for U.S. Department Of Health And Human Services Public Health Service, 1999.