
CORRESPONDENCE/MEMORANDUM STATE OF WISCONSIN
Department of Agriculture, Trade and Consumer Protection

DATE: November 8, 2002

TO: Les F. Lamb, Deputy Secretary

FROM: Nicholas J. Neher, Administrator
 Division of Agricultural Resource Management

SUBJECT: Finding of Special Local Need for Registration of Balance Pro Herbicide
 (Isoxaflutole), under s. ATCP 29.72, Wis. Adm. Code

Bayer CropScience, 2 T. W. Alexander Drive, Research Triangle Park, NC 27709, licensed as a pesticide manufacturer (**LICENSE NO. 35-010248-000000**) has applied for a special local needs registration for Balance® Pro herbicide under ATCP 29.72, and signed a stipulation on March 19, 2002 for issuance of a special order, docket no. 02-C-38, stating the conditions under which DATCP would consider the special local needs registration request.

Since the Department considered this request a major action, an environmental impact statement was prepared and public hearings were held. The registrant submitted environmental, human toxicological, and product efficacy data, as well as a proposed product label which included use restrictions, product stewardship, applicator education, and proposed environmental monitoring.

Based on the environmental impact statement, public hearing comments, and Balance Technical Advisory Committee comments, the Department determined the following which meet the requirements of a special local needs registration application:

- The product is effective for controlling weeds in corn
- Some evidence indicates that the product may have a unique weed control spectrum and mode of action which may reduce herbicide resistance
- The product is highly toxic to terrestrial plants including some vegetable crops but these risks may be mitigated through use restrictions
- The product may leach to groundwater and has been shown to runoff in surface water but groundwater monitoring will prompt restrictions or cancellation if contamination reaches critical levels

Again, based on the environmental impact statement, public hearing comments, and comments from the Balance Technical Advisory Committee the following restrictions to mitigate environmental effects will be required under a revised Special Order and will include the following:

- Isoxaflutole may not be used in Langlade, Portage, Marathon, Adams, Juneau, Waushara, Wood, and Waupaca counties or in the Lower Wisconsin River Valley
- Isoxaflutole may not be used on coarse soils with low organic matter, less than 25 feet to groundwater
- Isoxaflutole use under irrigation requires an irrigation management plan
- Isoxaflutole may not be applied before April 15th or after July 31st of any crop year
- Groundwater monitoring is required with a Departmental suspension of use based on a single confirmed groundwater detection of isoxaflutole above a threshold level
- A surface water monitoring system must be established
- All uses of isoxaflutole must be reported to the department
- No use of isoxaflutole will be allowed on tile-drained fields