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January 27, 1995

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Attention: 8(e) Coordinator
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency
401 M Street, SW
Washington, DC 20460

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COMPANY SANITIZED

Subject: Notice in accordance with Section 8(e) - Results of Daphnia and Algae
(Indicator Study) of SCR 317 742 H

Ladies and Gentlemen:

BASF Corporation is submitting the preliminary results of Daphnia and algae studies of SCR 317 742 H. The studies were conducted by BASF Aktiengesellschaft, Ludwigshafen, Germany. Although BASF Corporation does not feel that this information presents a substantial risk to health or environment, it is being submitted under Section 8(e) of TSCA.

The Daphnia EC₍₅₀₎ was determined to be ≥ 100 ppm. The algae EC₍₅₀₎ was determined to be 0.00013 ppm. The effects were observed in a 48 hour test with Daphnia and a 72 hour test with algae.

The chemical identity of this developmental herbicide is "substituted 2-Phenoxypropanoic acid methyl ester".

Small shipments totalling about 0.026 kg of product have been received by BASF Corporation for research and developmental purposes.

If you have any questions, please call me at (313) 246-6867.

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Very Truly Yours,

BASF Corporation

Teddi Konas

Teddi Konas
Product Stewardship and
Product Safety

/Attachment

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Substantiation Questions for SCR 317 742 H

1. *Is your company asserting this confidentiality business information (CBI) claim on its own behalf? If the answer is no, please provide company name, address and telephone number of entity asserting claim.*

BASF: BASF Corporation is asserting this claim on its own behalf.

2. *For what period do you assert your claim(s) of confidentiality? If the claim is to extend until a certain event or point in time, please indicate that event or time period. Explain why such information should remain confidential until such point.*

BASF: Confidentiality is asserted until BASF petitions the Agency for a registration under Sections 3 or 5 of FIFRA.

3. *Has the information that you are claiming as confidential been disclosed to any other governmental agency, or to this Agency at any other time. Identify the Agency to which the information was disclosed and provide the date and circumstances of the same. Was the disclosure accompanied by a claim of confidentiality? If yes, attach a copy of said document reflecting the confidentiality agreement.*

BASF: No, the information has not been disclosed.

4. *Briefly describe any physical or procedural restrictions within your company relating to the use and storage of the information you are claiming CBI.*

BASF: BASF goes to great lengths to protect proprietary information such as chemical structures of experimental compounds. These measures include internal distribution on a "need to know" basis, limited copies, employee secrecy agreements, secure buildings, locked offices, locked file cabinets and guard on duty after hours.

5. *If anyone outside your company has access to any of the information claimed CBI, are they restricted by confidentiality agreements? If so, explain the content of the agreement(s).*

BASF: The structure has not been disclosed to individuals outside BASF.

6. *Does the information claimed as confidential appear or is it referred to in any of the following:*
- Advertising or promotional material for the chemical substance or the resulting end product;*
 - Material safety data sheets or other similar materials (such as technical data sheets) for the substance or resulting end product (include copies of*

**TSCA CONFIDENTIAL
BUSINESS INFORMATION
— DOES NOT CONTAIN NATIONAL
SECURITY INFORMATION (E.O. 13526)**

this information as it appears when accompanying the substance and /or product at the time of transfer or sale);

- c. Professional or trade publications; or*
- d. Any other media or publications available to the public or to your competitors.*

BASF: No, to all points.

7. *Has EPA, any other federal agency, or court made any confidentiality determination regarding information associated with this substance? If so, provide copies of such determinations.*

BASF: No confidentiality determination has been made by the EPA, any other federal agency or court.

8. *Describe substantial harmful effects that would result to your competitive position if the CBI information is made available to the general public. In your answer, explain the causal relationship between disclosure and any resulting substantial harmful effects. Consider in your answer such constraints as capital and marketing cost, specialized technical expertise, or unusual processes and your competitors access to your customers. Address each piece of CBI separately.*

BASF: If the exact structure of a product were known during this stage of development, competitors could synthesize it and compare it to products they are developing. This knowledge would allow the competitor to determine the relative efficacy of their product and accelerate the development of their product in order to enter the market first. By entering the market first, the competitor would be able to establish the market share and reduce the potential for our product. In addition, the competitor could compare our product to their existing products. This would enable the competitor to effectively position their product in the market to mitigate the impact of our product in the market.

9. *Has the substance been patented in the U.S. or elsewhere? Is a patent for the substance currently pending?*

BASF: The substance has not been patented. A patent has been applied for this class of chemistry.

10. *Is this substance/product commercially available and if so, for how long has it been available on the commercial market?*

- a. If on the commercial market, are your competitors aware that the substance is commercially available in the U.S.?*

- b. *If not already commercially available, describe what stage of research & development (R&D) this substance is in, and estimate how soon a market will be established.*
- c. *What is the substance used for and what type of product(s) does it appear in?*

BASF:

- a. The substance is not on the commercial market.
- b. The substance is in the early stage of research. Unless the substance is selected for development, there will be no estimated date of market establishment.
- c. The substance is a herbicide. Herbicides are used to destroy or inhibit plant growth.

11. *Describe whether a competitor could employ reverse engineering to identically recreate the substance.*

BASF: Yes, a competitor could employ reverse engineering to identically recreate the substance.

12. *Do you assert the disclosure of this information you are claiming CBI would reveal:*

- a. confidential processes used in manufacturing the substance;
- b. if a mixture, the actual portions of the substance in the mixture; or
- c. information unrelated to the effects of the substance on human health or the environment?

If your answer to any of the above questions is yes, explain how such information would be revealed.

BASF:

- a. No, the disclosure of the structure would not reveal confidential process information.
- b. No, the material is not a mixture.
- c. Yes, knowledge of the structure itself is unrelated to the effects of the substance on human health or the environment. Knowledge of the structure would give our competitors an advantage, as described in Question 8.

13. *Provide the Chemical Abstracts Service Registry Number for the product, if known. Is your company applying for a CAS number now or in the near future? If you have applied for a CAS number, include a copy of the contract with CAS.*

BASF: This substance does not have a CAS Number. A CAS Number will be applied for if the substance is selected for development into a future product.

14. *Is the substance or any information claimed CBI the subject of FIFRA regulation or reporting? If so, explain.*

BASF: The substance is not subject to FIFRA regulation or reporting.