

STATEMENT OF POLICY ON RESTRICTING THE USE OF SURFACTANTS AS  
PART OF THE EVALUATION PROCESS FOR HERBICIDES PROPOSED FOR USE  
IN SENSITIVE AREAS OF RIGHT-OF-WAYS.

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The purpose of this statement is to record the Office of Research and Standards' policy and justification for determining restrictions on the application of herbicides in sensitive areas of right-of-ways. This statement is intended to specifically address the use of surfactants in the herbicide application process.

The Massachusetts Department of Food and Agriculture's (DFA) Right-of-Way Management Plan includes provision for the evaluation of the acceptability of herbicides to be used in sensitive areas (333 CMR 11.00). This authority is implemented through a memorandum of understanding (MOU) developed between DFA and the Massachusetts Department of Environmental Quality Engineering (333 CMR 11.05(1)(d)).

Many of the herbicides that have been submitted for review must be mixed with surfactants prior to use. The choice of surfactant may be left up to the applicator's discretion if so specified on the product label. Review staff have determined in the course of review of toxicity data for herbicides that some surfactants may be more toxic than the active herbicide ingredient. The principal type of toxicity associated with these surfactants is acute lethal aquatic toxicity.

In keeping with the mandate of the Right-of-Way Management Plan to minimize the risks of undesirable adverse effects in sensitive areas (333 CMR 11.02) resulting from the herbicide application process, restrictions on herbicide use may include specification of acceptable surfactants for mixing with the herbicides.

The authority to control surfactant use as part of the herbicide control process in sensitive areas of right-of-ways is derived from the General Provision of the Right-of-Way Management Legislation (333 CMR 11.03). DFA and DEQE are instructed to distribute a list of herbicides recommended for use in sensitive areas and guidelines for their use. The department (DFA) may impose such additional restrictions or conditions on the use of herbicides within or adjacent to sensitive areas as it determines necessary to protect human health or the environment (333 CMR 11.04: (1)(e)).

The language of the MOU is interpreted to provide for consideration of surfactants. During Stage 3 of the review process, any product-specific characteristics that significantly alter the mobility or toxicity of the product will be identified and evaluated. Product-specific characteristics are interpreted to include surfactants. In Stage 3, toxicity and environmental fate data for the product are compared to the parent

compound when data are available. If differences are identified, products with guidelines for use will be or will not be recommended.

Surfactant use will accordingly be restricted on the basis of the acute lethal aquatic toxicity of the surfactants.