

DICAMBA

ISSUE SUMMARY:

Post-emergent (also known as over-the-top (OTT)) use of dicamba as an herbicide on crops genetically engineered for dicamba tolerance has been a valuable pest control tool for many American farmers. This active ingredient has been associated with a high number of non-target damage incidents on both agricultural and landscape plants. In February 2024, the U.S. District Court of Arizona vacated the registrations for the three previously registered OTT dicamba products based on a procedural deficiency. This is the second time that a court has vacated registrations for OTT dicamba products; in June 2020 the U.S. Court of Appeals for the Ninth Circuit vacated the 2018 registrations on the basis that “EPA substantially understated risks that it acknowledged and failed entirely to acknowledge other risks.” Subsequently, EPA issued an existing stocks order allowing for limited sale, distribution, and use of any remaining product in 2024.

UPCOMING MILESTONES:

Three registrants (Bayer, BASF, and Syngenta) have submitted new applications for OTT dicamba on cotton and soybeans. These new food use applications carry a 17-month statutory timeframe (September 2025) for completion. The exact timeline for the review of a new food use will vary based on the complexity of the review and other factors. Before registering these products, in addition to required risk assessment and risk management responsibilities, EPA has committed to providing a public comment period on a proposed decision. If the agency were to register these products, the agency would need to address its obligations under the Endangered Species Act.

In addition, registration review is ongoing for all existing dicamba uses. The target date for the proposed interim decision for existing uses of dicamba is mid-2025. At that time, EPA will take public comment on that document.

BACKGROUND:

- In 2016, EPA registered dicamba products for OTT use on dicamba-tolerant soybeans and cotton that are genetically engineered to tolerate dicamba. In total from 2017 through 2019, EPA received reports from dicamba registrants of 6,975 plant damage incident reports allegedly involving OTT dicamba from various regions of the country. Potential causes for off-field movement were: (1) poor adherence to the label; (2) physical drift; (3) tank contamination; (4) temperature inversions; and (5) volatility.
- In October 2018, EPA announced an extension of the registration until December 2020 of dicamba for OTT use to control weeds in fields for cotton and soybean plants that are genetically engineered to resist dicamba. On June 3, 2020, the Ninth Circuit Court of Appeals issued an order vacating the registrations for three OTT dicamba products.
- In October 2020, EPA registered dicamba OTT products with a 2025 expiration date and required new control measures to prevent off-site movement. The 2020 registration decision imposed new control measures, including the following: requiring an approved pH-buffering agent (also called a Volatility Reduction Agent or VRA) be tank mixed with OTT dicamba products prior to all applications to control volatility; requiring a downwind buffer of 240 feet, and 310 feet in areas where listed species are located; prohibiting OTT application

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of dicamba on soybeans after June 30 and cotton after July 30; and simplifying the label and use directions so that growers could more easily determine when and how to properly apply dicamba. Despite these changes, off-target incidents continued under the October 2020 label. In 2022 and 2023, amendments were submitted by the pesticide registrants in consultation with five states (Iowa, Minnesota, Illinois, Indiana, and South Dakota) who sought to further restrict the use to reduce the likelihood of volatility and offsite movement. On February 6, 2024, a ruling by the U.S. District Court of Arizona vacated the 2020 registrations for the OTT dicamba products. EPA issued an existing stocks order February 14, 2024, to allow use of these products that were in the channels of trade through the 2024 season.

KEY EXTERNAL STAKEHOLDERS:

☒ Congress ☒ Industry ☒ States ☐ Tribes ☒ Media ☒ Other Federal Agency
☒ NGO ☒ Local Government ☒ Other: Grower Groups

Dicamba actions have been informed by input from and extensive collaboration between EPA, state regulators, farmers, academic researchers, pesticide manufacturers, and other stakeholders.

MOVING FORWARD:

EPA is currently evaluating the pending OTT dicamba applications. This is a complex decision that will take time to evaluate, and the Agency does not yet have a firm date for when these actions will be completed.

LEAD OFFICE/REGION: OCSP OTHER KEY OFFICES/REGIONS:(OECA, OGC, R3, R4, R5, R6, R7, R8)