Dicamba

Issue

Over the last two decades, the percentage of corn, cotton, and soybean acreage planted to herbicide-resistant crops has grown from less than 40% of planted acreage to more than 90%. These herbicide- and insect-resistant varieties help improve farm productivity and conserve natural resources such as water and soil nutrients by controlling weeds and invasive species.

On June 3, 2020, after farmers already planted most of their cotton and soybean acres, the Ninth Circuit Court of Appeals vacated the registrations of three dicamba herbicides — Bayer's Xtendimax, BASF's Engenia, and Corteva's FeXapan. The Environmental Protection Agency (EPA) issued an existing stocks order on June 9 so farmers and commercial applicators could apply dicamba already in their possession until July 31. As of July 31, cotton and soybean farmers could no longer spray dicamba herbicides on these crops. Farmers with these dicamba-resistant crops are now faced with the difficult task of finding other herbicides to protect their crops effectively.

Background

Each year millions of acres of corn, soybeans, and cotton are planted across the United States. USDA's Prospective Planting report for 2020 indicated farmers intended to plant 97 million acres of corn, 84 million acres of soybeans, and nearly 14 million acres of cotton. Most of these crop acres are planted to herbicide-tolerant varieties designed to effectively control weeds, which compete with crops for water, sunlight, and nutrients in the soil. Without effective weed control, farmers would have much smaller yields.

Two of the most prominent herbicide-tolerant varieties are dicamba-resistant cotton and soybeans. However, a recent Ninth Circuit Court of Appeals decision vacating the registrations of three dicamba herbicides, Bayer's Xtendimax, BASF's Engenia and Corteva's FeXapan, means cotton and soybean farmers can no longer spray dicamba herbicides on these crops. The three-judge panel concluded the EPA had "failed entirely" to acknowledge some risks dicamba poses—such as off-target dicamba damage—and the agency violated federal regulations when it extended its approval of registration for the herbicide for another two years in October 2018. The timing of this vacatur was especially problematic because according to USDA's Crop Progress report, as of May 31, 75% of soybean acres and 66% of cotton acres had been planted.

The EPA issued a cancellation order for three dicamba herbicides, and then issued an order governing existing stocks of which allowed farmers to use stocks in their possession as of June 3. Farmers had to use these existing stocks according to their former labels and apply no later than July 31.
Bayer and BASF are seeking registration of their dicamba products for the 2021 season, while Corteva has not publicly announced its intentions of registration.

A major concern with this vacatur is the inevitable emergence of the pigweed family of weeds, specifically Palmer Amaranth. Each plant can produce up to 300,000 seeds making it extremely viable. If pigweed is consumed in large concentrations in pastures or silage it can poison livestock. The weed can also be hosts for pests in crop fields, such as cucumber mosaic virus, European corn borer, flea beetle, strains of Fusarium, tarnished plant bug, and the green peach aphid. Until recently, dicamba products were the most effective postemergence treatment for this weed.

Volatility of dicamba has always been a challenge for producers and their neighbors because it is extremely mobile through spray drift or vaporization. Off-target damage to crops sensitive to dicamba usually show signs

within ten days, making it difficult to know whether drift or vaporization occurred. When dicamba is applied according to the label, volatility is much less likely to occur.

Recently, Palmer Amaranth populations in Tennessee are showing resistance to dicamba, and weed scientists are worried about the efficacy of 2,4-D and glufosinate. University of Tennessee Extension weed scientist Dr. Larry Steckel indicates there is resistance to dicamba and some preliminary results suggest tolerance to 2,4-D. Because of this resistance, many farmers have sprayed pigweed up to four times, which can be extremely costly.

Questions

1. Is dicamba a long-term necessity to provide weed control and address weed resistance?
2. With studies showing pigweed resistance to dicamba, 2,4-D, glufosinate, and glyphosphate, what concerns do you have about the future of crop protection?
3. What efforts should be underway pertaining to the future of crop protection?

TFBF Policy

Ag Chemicals (Partial)

We support legislation limiting authority for pesticide regulation solely to federal and state governments.

State and federal agencies using pest control chemicals should adhere to the same restrictions and public scrutiny as farmers.

We oppose any regulations requiring a permit before application of a chemical for crop protection.

We oppose curtailment of the proper use of agricultural chemicals, unless further research and scientific data detects injury to health and well-being would result.

We support the continued use of agricultural chemicals that currently have no viable alternatives, such as methyl bromide. We encourage research to find alternatives for methyl bromide that are economically viable, of equal performance and sensitive to the exposure needs of individual crops.

336 / Agricultural Chemicals (Partial)

1. Agricultural chemicals are important in continuing to supply consumers with an abundant, safe, nutritious, high quality and reasonably priced food supply. We are committed to continuing the use of agricultural chemicals in a safe and judicious manner so as to protect the health and safety of producers, our employees, our families, our communities and the environment.

3. We support access to critical pesticides used for crop and livestock production, along with increased funding for research on alternative crop and livestock protection tools. We request the Environmental Protection Agency (EPA), the Food and Drug Administration (FDA) and USDA increase cooperation and expedite registration of additional new crop protection tools and traits.

6. Regulation

6.1. We believe implementation of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) should be based on credible scientific information in order to benefit farmers, the environment and the public and should be the sole federal regulatory authority over pesticides.

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