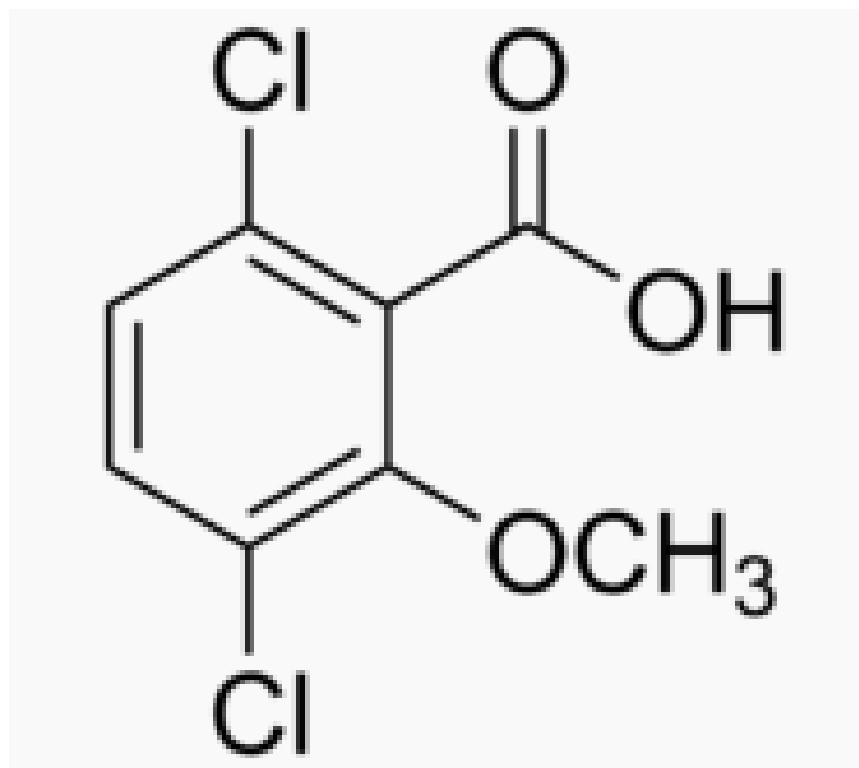




INDIANA PESTICIDE REVIEW BOARD

DICAMBA HERBICIDE DISCUSSION

11/30/2016





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General Information

- Broadleaf Herbicide
- Benzoic Acid Derivative
- Growth Regulator Mode of Action
- Original registration... 60's/70's [Velsicol]



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General Information

- Liquid, Dust & Granule Formulations
- Often Formulated w. Other Herbicides
- Concentrates & RTU Formulations
- INDIANA ==> 364 Products 2016/17
- INDIANA ==> 81 Companies 2016/17



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2015 & 2016

- dicamba tolerant crop seeds available for planting
- no EPA registered dicamba for over-the-top uses
- only pre-plant & pre-harvest burn down uses
- it appears growers made unlawful applications of “legacy” dicamba herbicides resulting in crop damage and illegal residues on harvested crops



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EPA Advisory – 08/2016

- many complaints dicamba misuse.
- **Missouri** – 117 complaints alleging dicamba misuse & 42,000 acres crops adversely impacted.
- **Alabama, Arkansas, Illinois, Kentucky, Minnesota, Mississippi, North Carolina, Tennessee and Texas**



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EPA criteria for **RUP** classification?

General criteria. An end-use product will be restricted to use by certified applicators if the Agency determines that:

- (1) Its toxicity exceeds one or more of the specific hazards or use poses a serious hazard that may be mitigated by restricting its use;
- (2) Its labeling is not adequate to mitigate these hazard(s);
- (3) Restriction of the product would decrease the risk of adverse effects; and
- (4) The decrease in risks of the pesticide as a result of restriction would exceed the decrease in benefits.



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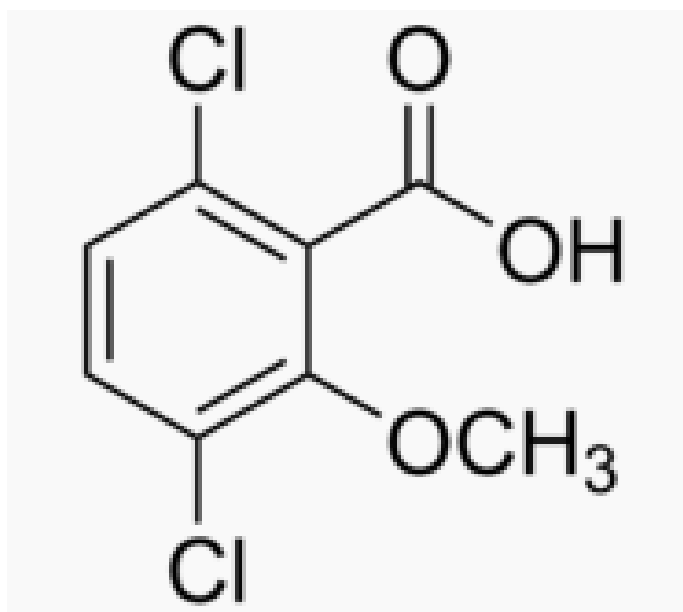
IPRB legal authority...IC 15-16-4-50-4(b)

The board may adopt by reference the restricted use classification maintained by US EPA.



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EPA criteria for **RUP** classification?



However, EPA has determined that dicamba herbicides do not meet federal criteria for RUP.



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IPRB legal authority...IC 15-16-4-50(a)

The board may adopt rules to establish a list of RUPs if the board finds that the characteristics of a pesticide require that rules restricting sale, distribution, or use by any person are necessary to prevent undue hazards to persons, animals, wildlife, lands, or waters, other than the pests that they are intended to prevent, destroy, control, or mitigate.



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IPRB legal authority...IC 15-16-4-50(c)

The board may adopt rules to:

1. Determine the time and condition of sale, distribution, use.
2. Require that any pesticides be purchased, possessed, or used only under permit, certificate, license, or registration of OISC or under conditions or in certain quantities or concentrations.
3. Require all persons issued credentials under this subsection to maintain records of use.



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IPRB work group to explore regulatory options for Dicamba herbicides

- Met 10-28-16
- No EPA registration at that time (11-9-16)
- Need for safeguards?
 - Unintended consequences (adverse effects) of new expanded uses
 - Off-target damage & conflicts from willful off-label uses



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Work Group Discussions

- Valuable tool for controlling yield impacting weeds
- Perception or reality of government overreach
- Advocate for safe & legal use education & outreach
- Incentives to misuse dicamba products may be too great
 - Relatively small penalties
 - MO & AR experience
- Promised stewardship training may have been inadequate and/or ineffective
- University researchers may be under informed/out of loop
- Additional safeguards may be needed, but regulatory response should be measured & science based
- Unintended negative consequences from any regulatory action



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Work Group Recommendations:

1. Make dicamba containing products state RUP
2. Limit RUP classification to products labeled for or could reasonably used/misused for agriculture (WPS labeled?)
3. Monitor use during 2017 to evaluate need for additional regulation (wind speeds, buffers, use date restrictions, geographic restrictions...).
4. Notify regulated stakeholders of proposal ASAP
5. Request OISC to conduct distribution chain inspections in 2017...



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Which Products to Classify RUP?

1. Contains \geq 6.5% dicamba ingredients
 2. Include agricultural use products (WPS?)
 3. Exclude products with 2,4-D ingredients
 4. Exclude “weed & feed” products
 5. Exclude solely “turf use products”
- * Estimated impact: 49 currently registered products

Questions?

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