



**Office of Indiana
State Chemist**



Drift Data & Dicamba Planning

Indiana Pesticide Review Board Meeting

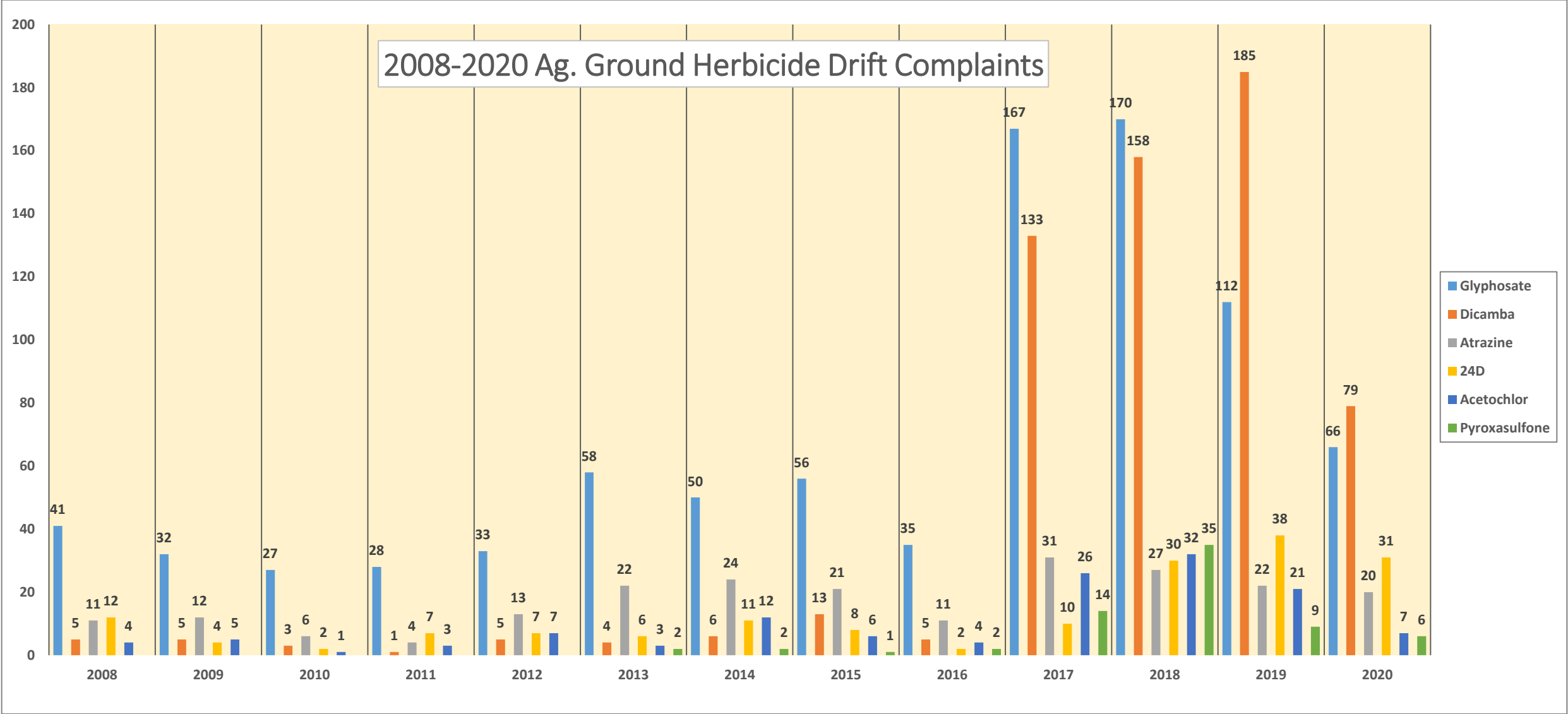
November 18, 2020

-Dave Scott-

OISC Off-Target Movement (Drift) Investigations -Ground Applications-

Year	Ag Ground	Dicamba	% Dicamba
2017	233	134	58%
2018	231	141	61%
2019	275	187	68%
2020	198	82	41%

2008-2020 Ag. Ground Herbicide Drift Complaints



Dicamba...Status During 2020

- **June 3, 2020**...Ninth Circuit Court of Appeals issued an order vacating EPA's pesticide registrations for:
 - Xtendimax with Vaporgrip Technology (EPA Reg. No. 524-617)
 - Engenia (EPA Reg. No. 7969-345)
 - FeXapan (EPA Reg. No. 352-913)
- **June 8, 2020**... EPA issued a cancellation order for these products
 - Prohibited further sale or distribution
 - Allowed use thru July 31, 2020, if already in applicator's possession
- **October 27, 2020**...EPA issued new or extended registrations for:
 - Xtendimax with Vaporgrip Technology (EPA Reg. No. **264-1210**)
 - Engenia (EPA Reg. No. **7969-472**)
 - Tavium Plus Vaporgrip Technology (EPA Reg. No. 100-1623)

2021 Dicamba Label Revisions

- Uses and crops limited to DT soybeans and cotton only.
 - Simplified label directions or just fewer use sites & label pages?
- Changed restrictions from just “applicators” to all “users”.
- NOT to be used by uncertified persons working under the supervision of a certified applicator, except that uncertified persons may transport containers.
- Changed 45-day post-planting application restriction to:
 - universal June 30th application cutoff date
 - R1 growth stage (Xtendimax only)...practical enforceability?

2021 Dicamba Label Revisions *(cont.)*

- Every tank mix must now include an approved:
 - pH Buffering Adjuvant *or* Volatility Reduction Adjuvant (VRA)
 - Drift Reduction Adjuvant (DRA), unless web site indicates otherwise...*Xtendimax*
- Replaced application rate ranges with one specific required rate.

2021 Dicamba Label Revisions *(cont.)*

- Changed “neighboring” to “adjacent ” references.
 - “Adjacent” still not defined by EPA or registrant.
 - Will be interpreted by OISC as anything located wholly or in part within 240’ of target field.
- Do not apply if sensitive areas, crops and residential areas, as defined in this label, are adjacent downwind to the application site...*Engenia*
- Do not apply if sensitive crops and/or certain plants, as defined below in this label, are planted on an adjacent downwind field or area ...*Xtendimax*

2021 Dicamba Label Revisions *(cont.)*

- Always maintain a 240' downwind spray buffer from the last treated row to the nearest downwind sensitive field, crop, or area.
- Downwind buffers can be reduced to 110' if using a hooded sprayer.
- To protect federally listed threatened and endangered species, both a 310-foot in-field wind-directional spray drift buffer and a 57-foot omnidirectional in-field buffer are required.
- <https://www.epa.gov/endangered-species/bulletins-live-two-view-bulletins> ...Lake, Porter, Lagrange, Greene, Posey, Harrison Counties

2017-2020 Dicamba Incident Data by Application Date

Application Date	2017		2018		2019		2020			Average		Cutoff Date Reduction
	#	%	#	%	#	%	#	%		#	%	%
May 31	12	9%	11	8%	14	7%	8	10%		11	8 %	92%
June 5	20	15%	18	13%	14	7 %	19	23%		18	13 %	87%
June 10	38	28%	38	27%	20	11%	22	27%		30	22 %	78%
June 15	40	30%	42	30%	26	14%	30	37%		35	26 %	74%
June 20	44	33%	63	45%	29	16%	46	56%		46	34 %	66%
June 25	62	46%	70	50%	29	16%	46	56%		52	38 %	62%
June 30	76	57%	86	61%	46	25%	51	62%		65	48 %	52%

Can we add state-specific restriction(s) thru FIFRA Sec. 24(c)?

- FIFRA Sec. 24(c) special local need (SLN) state label
 - 2017...no state restrictions or requirements
 - 2018...mandatory state directed applicator training
 - 2019...no state restrictions or requirements
 - 2020...June 20, 2020 application cutoff date
- Nov. 16, 2020...OISC meeting with U.S.EPA
 - 24(c) no longer an option for additional state restrictions
- FIFRA Sec. 24(a)...a State may regulate the sale or use of any federally registered pesticide or device in the State, but only if and to the extent the regulation does not permit any sale or use prohibited by this Act.

State-specific restriction(s) thru state use rule?

- IC 15-16-4-48...The board may collect, analyze, and interpret; information on matters to the registration and use of pesticides.
- IC 15-16-4-50(c)...The board may adopt rules to determine the time and conditions of the sale, distribution, or use of pesticide products.
- Rule making can take 1 to 2 years/seasons, if generally supported.
- Once a rule is established, it remains a requirement until amended or deleted (1-2 years); or expired without formal re-adoption (7 years).

State-specific restriction thru product designation?

- IC 15-16-4-17...As used in this chapter, “highly volatile herbicide” means a herbicide that the board has determined to be capable of emitting vapors that may cause serious injury to desired plants by reason of movement of vapors from the area of application of the herbicide to areas inhabited by the desired plants.
- IC 15-16-4-59(5)...A person may not use a highly volatile herbicide except on written permission by the state chemist.

Mechanism to implement “written permission” by OISC ?

- Written permission:
 - numerous different certified applicators
 - application of numerous RUP dicamba herbicide products
 - application to multiple different sites
- Use Indiana NPDES Pesticide General Permit as a model
- Qualification for legal use under statewide general permit:
 - Certified applicator only
 - Comply with all label requirements and restrictions
 - Apply only up to and including June 20, 2021.

Comments, Questions, Discussion ?

Thank you !

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