



Office of
INDIANA STATE CHEMIST AND SEED COMMISSIONER

Protecting Indiana's Agriculture and Environment - Feed, Fertilizer, Hemp, Pesticide and Seed

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**Dicamba Highly Volatile Herbicide
Frequently Asked Questions**

On March 2, 2021, the Indiana Pesticide Review Board (IPRB) voted unanimously to classify all Restricted Use Pesticides (RUP) containing more than 6.5% dicamba as Highly Volatile Herbicides (HVH). This HVH determination was made to allow for the establishment of a June 20th application cutoff date in Indiana. The following frequently asked questions (FAQs) are intended to address the action being taken and several resulting implementation issues.

1. What is a Highly Volatile Herbicide (HVH)?

A HVH is defined in state law as any herbicide capable of emitting vapors that may cause serious injury to desired plants by reason of movement of the vapors from the area of application of the herbicide to areas inhabited by the desired plants. The IPRB has determined that dicamba herbicides used in agriculture during periods when many non-target plants and crops are actively growing and particularly sensitive to low levels of dicamba exposure meet that definition.

2. Which herbicides have been classified as HVHs in Indiana?

The list of HVHs includes all herbicides containing more than 6.5% dicamba active ingredient and classified as a Restricted Use Pesticide (RUP) in Indiana. A list of currently registered dicamba RUPs is available at https://www.oisc.purdue.edu/pesticide/pdf/dicamba_rups_022621.pdf. The list of HVHs does not include low level dicamba herbicides that are routinely labeled for use on turf and in lawn and landscape settings.

3. What legal requirements are created by the HVH determination?

Indiana pesticide law prohibits sale, distribution, or use of HVHs without written permission from the Office of Indiana State Chemist (OISC). OISC has implemented the written permission requirement through a general permitting process. OISC will not be issuing individual written notices of permission or individual permits. Instead, a General Permit has been issued by OISC to cover all HVH sale and distribution and HVH use. As explained below, all persons eligible for sale, distribution, or use of the HVHs will automatically be covered by the General Permit.

4. Who is covered by the “Dicamba HVH General Permit for Sale or Distribution”?

All Restricted Use Pesticide (RUP) dealers registered and permitted by OISC are automatically covered by the General Permit and are eligible to sell or distribute the HVHs. No additional actions or filings are required. As with all RUPs, registered dealers may sell or distribute only to other registered RUP dealers or to certified and licensed Category 1 (agricultural) commercial applicators or certified and licensed private applicators (farmers). And again, as with all RUPs, records of the sale or distribution must be maintained by the registered dealer.

5. Are there any restrictions under the General Permit on when HVHs can be sold or distributed?

No, HVHs can be sold or distributed at any time, if the product is registered with OISC annually by the registrant or manufacturer.

6. Who is covered by the “Dicamba HVH General Permit for Application”?

All certified and licensed Category 1 (agricultural) commercial applicators and all certified and licensed private applicators (farmers) are automatically covered by the General Permit and are eligible to apply the HVHs according to label directions, within the time periods allowed by the general permit. No additional actions or filings are required. As with all RUPs, certified and licensed applicators must comply with all label directions for use and must keep records for each application.

7. Are there any restrictions under the General Permit on when HVHs can be applied?

Yes. First, the use of HVHs must comply with any application timing restrictions listed on the label of the product being used. In addition, HVHs may not be applied during the period **June 21st through August 31st**. Application of an HVH during that no-spray period is not covered by the terms of the General Permit and will constitute a violation of IC 15-16-4-59(5).

8. Does the no-spray application period of June 21st through August 31st apply to all HVHs and all target crops, or just to application of Engenia, Tavium, and Xtendimax on soybeans?

The no-spray application restriction applies to all dicamba HVHs, regardless of the target crop or site to which it is being applied. The IPRB determined that all currently registered agricultural dicamba herbicides are capable of emitting vapors from the area of application of the herbicide to areas inhabited by desired plants. Therefore, the permit requirements, including the restricted application dates, apply to all dicamba HVHs and all target application sites.

9. The General Permit states that all certified and licensed agricultural applicators are covered by the permit to apply HVHs. Does that allow for use under the supervision of a certified and licensed applicator in accordance with state supervision rules?

The labels for Engenia, Tavium, and Xtendimax require all users to be fully certified and licensed. So, direct supervision of non-certified applicators is not allowed for use of those products. However, for all other state RUP dicamba HVHs, the law and the general permit still allow legal use of those products by non-certified applicators being supervised by certified and licensed applicators.

10. Will the HVH determination by the IPRB and the restrictions in the General Permit for Indiana remain effective and in place, regardless of any revisions by EPA to federal registrations or product labels for dicamba products?

Applicators must always comply EPA label requirements and restrictions. In addition to the federal labels, applicators must also comply with any state-specific requirements such as those established for HVHs in the General Permit. So, unless EPA at some point further restricts the current June 21st through August 31st no-spray period for some or all of the dicamba herbicides, the HVH designation and the General Permit requirements shall remain effective until formally revised by the IPRB and OISC.

