

Message

From: Scott, David E [scottde@purdue.edu]
Sent: 10/11/2018 11:05:11 AM
To: Baris, Reuben [Baris.Reuben@epa.gov]
CC: Reed, Leo A [reedla@purdue.edu]; George Saxton [saxtong@purdue.edu]
Subject: Dicamba Registration

Reuben,

I hope all is going well. I know you are currently very busy, so I will get right to the point. Any idea as to when the Agency will make the registration decision on dicamba? Indiana needs to assemble a work group to determine how we will react to the decision and prepare for the 2019 use season. Starting those deliberations without a clear idea of where the Agency is headed is extremely difficult.

Because of the tight timeline, it appears unlikely that SLAs are going to have an opportunity to comment constructively and meaningfully on the decision or the label language that might result prior to public release. Therefore, in developing a 2019 label for these products, it is strongly recommended that the Agency:

1. assign a specific distance to the application restriction on downwind adjacent and neighboring sensitive crops/sites;
2. clarify specifically all of the adjacent and neighboring sites that require buffers;
3. clarify that wind speed restrictions greater than 10 mph include gusts;
4. specify required procedural and record keeping to provide evidence that an inversion condition did not exist in the field during the time period of application;
5. clarify specifically that off-target movement from volatility after the application either is or is not considered to be a non-compliant act that the applicator will be held responsible for.

Although SLAs have learned that it is very challenging to collect evidence to confirm most of the above, including environmental evidence to support drift, versus application into inversion, versus volatility, we should at least have a common and consistent set of well-understood drift management design standards on the label to guide our compliance investigations. That seems like the least that the Agency could do, in light of the fact that the registrants continue to insist that the product can be used as directed without unreasonable adverse effects and that all of the 2017 and 2018 incidents are the sole responsibility of non-compliant applicators. Currently with the scientific uncertainty surrounding the source or cause of off-target movement, the registrants can continue to place blame on the applicator with the knowledge that state responders probably cannot piece together what actually occurred during application.

Thanks for your consideration. We realize that this is a difficult decision.

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