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**Illinois Fertilizer & Chemical Association**

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August 16, 2018

Mr. Reuben Baris  
Office of Pesticide Programs, Herbicide Branch  
United States Environmental Protection Agency  
Washington, DC

**RE: Comments from the Illinois Fertilizer & Chemical Association (IFCA) on Re-Registration of Dicamba for Use in Soybean – sent electronically on August 16, 2018**

Dear Mr. Baris:

On behalf of the IFCA, we respectfully provide the following recommendations for consideration on the re-registration of dicamba herbicides for use in soybean.

IFCA represents the crop input supply and service industry in Illinois, including the manufacturers, distributors, equipment suppliers and ag retailers who provide products, agronomic recommendations and custom application services to Illinois farmers. The development and support of stewardship programs, policies, and sensible regulation of ag inputs (including crop protection products) is inherent in our mission statement: *“To assist and represent the crop production supply and service industry in Illinois and support the sound stewardship and utilization of agricultural inputs.”*

Illinois consistently ranks #1 or #2 in US soybean production. Commercial applicators in Illinois apply pesticides to nearly 22 million acres of crops. On average, commercial applicators apply crop protection products to 70% of the total acres. Illinois commercial applicators have an admirable record of judicious and effective use of crop protection products, and historically, complaints registered by concerned citizens regarding agricultural pesticide misuse have totaled only 70-100 complaints each year, on average, since the Illinois Department of Agriculture (IDA) began tracking misuse complaints in the 1980s. Taking into consideration that over a crop season, millions of acres of soybean, corn, wheat and specialty crops may be treated 2-3 times, this record is something our organization believes illustrates a remarkable level of attention given to the proper application pesticides, and the desire to keep these products on target.

Regarding the use of dicamba in soybean in 2017 and 2018, pesticide misuse complaints to the IDA have risen dramatically, to over 350 complaints in 2017 and exceeding 450 complaints so far in 2018. The vast majority of these complaints in 2017 (246) and 2018 (309 to date) are attributed to symptoms indicative of dicamba exposure in sensitive soybean. The vast majority of these complaints have also been reported by farmers, whereas in all prior years, farmers made up a very small percent of persons contacting IDA to report suspected pesticide misuse.

IFCA maintains weekly contact with the IDA to assess developments on this issue and to support the efforts of the IDA to manage the tremendous workload on their staff—especially given the budget constraints in Illinois government and the level of emotion that exists, on both sides, regarding the use of dicamba.

IDA inspectors have a difficult task and the burden of managing this significant increase in pesticide misuse complaints takes valuable resources away from other vital regulatory programs including agrichemical facility inspections, the pesticide licensing program, pesticide container recycling, etc.— programs that IFCA supports and which are fundamental to the success of our industry.

The IFCA is extremely concerned with the impact on IDA as well as the impact on our commercial applicator members, who face extremely difficult circumstances as they try to find appropriate days in which to apply these products in an environment that is frequently windy, humid, wet, etc. Crops grow quickly in Illinois' fertile soils and so do the weeds. Farmers place pressure on commercial applicators to get their fields treated regardless of the weather conditions. Applicators who refuse to apply based on conditions are often threatened with loss of future business.

In addition to these pressures, commercial applicators face an uncertain future with regard to violations assessed to their licenses that are associated with the difficulty in managing the intricacies of these labels. They also face higher insurance premiums and deductibles, emotional stress on their applicators and financial stress on the retail business. And ultimately, many retailers are called upon to be the referees between customers who support dicamba use in soybean and customers who choose to grow soybeans that are not tolerant to dicamba. While soybean acres planted with the dicamba tolerant traits will certainly grow, there will always be growers who desire to produce non-GMO, organic or other identify-preserved soybeans, thus the need for successful co-existence is paramount.

The significant increase in pesticide misuse complaints is a serious concern for IFCA. In both 2017 and 2018, we surveyed our ag retail members (commercial applicators) to assess their observations on dicamba use in soybean. We have shared those results with our members, with ag industry stakeholders, and with state and federal regulatory agencies. Our organization recognizes the need for options, including the judicious use of dicamba, to manage weeds in soybean. Of equal need and importance is a system that helps applicators make successful applications, supports co-existence with other crops and assures public trust in the on-target use of all herbicides, including dicamba.

On August 14, 2018, IFCA hosted a meeting that included IFCA Board Members (all of whom are retailers who custom apply dicamba to soybean), the Illinois Department of Ag (Bureau of Environmental Programs), the registrants, representatives from the state's largest farm organization and the University of Illinois Weed Science Extension representative. We discussed the current situation in Illinois, the desire to maintain use of dicamba in soybean at some level, the need for improved clarity on several label provisions, the importance of co-existence with sensitive soybean growers, and the responsibility we have to the citizens of Illinois to sustain their rightful expectation that pesticides applied in the ag industry remain on-target.

**For these reasons, we provide four suggestions for label changes regarding use of dicamba on soybean.**

We explain the reasons for these changes below and do not offer these suggestions lightly given the divisive nature of this issue. However, we believe that these changes will enable a path forward for applicators to more clearly determine when a soybean crop can be treated post-emergence with dicamba, and when it cannot be, depending on the vicinity of a sensitive soybean crop.

For simplicity, we have used the Engenia label as the example for the proposed changes, as follows:

1. Add an additional recordkeeping requirement to the label to follow the “Sensitive Crop Awareness” recordkeeping requirement:

**Prior to application, the applicator shall obtain from the grower a document signed by the grower identifying the trait of any soybean crop planted adjacent to the field (next to, but not necessarily touching) on any side of the field intended for postemergence application.**

**Explanation:** Applicators apply products to soybean, they do not plant soybean; therefore it has been very difficult for applicators to determine the location of sensitive soybeans in the very hectic application season—we need the grower’s assistance in this effort. This requirement will engage growers in the stewardship of this product by requiring the applicator to obtain a document from the grower to identify the soybean traits planted adjacent to the field they wish to be treated with dicamba. We believe that growers who support this technology will understand the need for this documentation. This does place an additional requirement on the applicator to obtain the document from the grower, but the applicator can also take a firm stand well ahead of the season that they need this document in order to perform a custom application.

2. Under the “Sensitive Crops” section of the label, revise the current “Do Not Apply...” to read:

**DO NOT APPLY if there is a sensitive crop adjacent to (next to, but not necessarily touching) on any side of the field.**

**Explanation:** In both 2017 and 2018, the majority of commercial applicators noted symptoms in sensitive soybean regardless of the wind speed direction at the time of application. The debate continues as to the exact cause of this symptomology, but the only certain thing is that the symptomology in sensitive soybean, whether upwind or downwind or crosswind at the time of application, does occur.

Given the necessity to co-exist with sensitive soybean, and the fact that the vast majority of complaints registered with IDA are from farmers with symptoms in their sensitive soybean, we believe the “do not apply” restriction needs to apply to more than just downwind sensitive crops—it needs to apply for all adjacent sensitive crops. We have also attempted to define “adjacent” for the reader of the label. This label change coincides with the requirement that the applicator obtain from the grower the trait of all soybeans that exist adjacent to the intended field to be application. This way, the applicator can make a clearer determination of when they can apply, following all the other label requirements. Shifting winds that occur during application are frequent in Illinois, making compliance with the current “downwind” do not spray requirement nearly impossible to manage effectively. Farmers who understand this requirement well ahead of planting season can also strategically plant Xtend soybeans in areas where they know that dicamba application will be more likely, or choose to rotate their crop to corn to avoid being adjacent to sensitive soybean in 2019 and in years to come.

3. Under the “DT Soybean Restrictions” it should state:

**DO NOT APPLY this product after V6 growth stage (soybean plants are 12-14 inches tall).**

**Explanation:** It is the experience of the applicators that R1 and R2 are often difficult for both growers and applicators to successfully determine, whereas a V6 stage is more easily identifiable and also moves the application of dicamba earlier in the season. Early application, along with not applying near sensitive

soybean, were the top two conditions that Illinois applicators noted that led to a successful application of dicamba to soybean.

4. Under the "DT Soybean Restrictions" it should state:

**DO NOT APPLY after June 30 of each calendar year.**

**Explanation:** This cut-off date will assist the industry and the IDA in taking an enforcement stance that beyond this date, no matter what the circumstances, dicamba application is no longer feasible given the application industry's decades-long experience with dicamba and its propensity to react undesirably and impact sensitive crops and plants the later in the season it is applied. Late application is also counter-productive to effective weed resistance management. This date takes into consideration the possibility of weather delays in Illinois that could impact planting or growth of the soybean. States may need some flexibility in setting a cut-off date depending on their geography and soybean planting dates, but not going much beyond the summer solstice can be a reasonable guideline.

Thank you for considering the recommendations of the IFCA. As is so frequently noted, applicators are wholly responsible for the effective application of pesticides. We believe these changes will provide an opportunity for improvement in planning and in application, while still allowing the use of dicamba postemergence as one weed control option for soybean. IFCA is ready and willing to assist in organizing training programs to explain existing and any new label requirements, just as we did for the 2018 label, with over 11,000 applicators in Illinois receiving the training.

If you have questions regarding our recommendations, please contact us at (309) 827-2774 or at [jeanp@ifca.com](mailto:jeanp@ifca.com).

Sincerely,

The Illinois Fertilizer & Chemical Association

  
Jean Payne, President