

State-Specific Dicamba Regulations

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Under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), EPA has the primary responsibility to regulate pesticides. FIFRA requires EPA to stipulate conditions of use to ensure no unreasonable adverse effects on human health or the environment result from pesticide use according to approved label directions. While EPA is the principal regulator of pesticides, FIFRA also authorizes states to regulate the sale and use of pesticides. Once a pesticide product is approved by the EPA, states must register the product according to state pesticide regulations before the product can be promoted, distributed for sale, or used in their respective state. States are permitted to apply more stringent requirements on the use of the pesticide as needed to address specific local considerations, but modifications to the product label in a manner that reduces requirements of the federally approved label are not permitted. States have the primary responsibility to enforce the use of the pesticide product in accordance with the product label, including application requirements that minimize potential off-target impacts.

Presently, dicamba is subject to specific use regulations or requirements in six states, see Table 1 for information on current dicamba state regulations. Monsanto has engaged in discussions with individual state Departments of Agriculture or Pesticide Directors in key row crop producing states and with the American Association of Pest Control Officials (AAPCO) State/FIFRA Issues Research and Evaluation Group (SFIREG)¹ to understand the concerns for dicamba offsite movement and to discuss the effectiveness of Monsanto's application requirements to minimize potential off-target impacts of dicamba. Prior to authorizing the use of dicamba on MON 87708, state pesticide regulating authorities will review the EPA-approved product label, which includes application requirements to minimize potential impacts of dicamba offsite movement, and other information required by the state. As a part of this process the state regulating Agency will determine if new or existing state dicamba regulation or restriction is necessary before approving the product for use. The incorporation of application requirements in the product label allows the states to enforce these requirements with applicators. Some states may chose to approve the product label without additional regulation or restriction and monitor incident reports post commercialization to determine if further action is warranted.

¹ http://www.aapco.org/meetings/minutes/2012/dec10/full_sfiredg_minutes_dec2012.pdf

Table 1: Dicamba-Specific State Regulations

State	Type of Applications Restricted ¹	Reference to State-Specific Dicamba Regulation
CA ²	aerial	http://www.cdpr.ca.gov/docs/legbills/calcode/020404.htm ³
FL	aerial and ground	https://www.flrules.org/gateway/RuleNo.asp?title=PESTICIDES&ID=5E-2.033
MS	aerial	http://www.mdac.state.ms.us/agency/regulations_laws/index_regl_subpart3_BPI.html ⁴
OK	aerial and ground	http://pested.okstate.edu/rule.htm
TX	other	http://texasagriculture.gov/RegulatoryPrograms/Pesticides/RegulatedHerbicides/RegulatedHerbicidesCounties.aspx http://www.texasagriculture.gov/Portals/0/Publications/PEST/pes_regherobicides.pdf http://www.texasagriculture.gov/RegulatoryPrograms/Pesticides/RegulatedHerbicides.aspx
WA ²	aerial and ground	http://apps.leg.wa.gov/wac/default.aspx?cite=16-231

¹ Dicamba use on MON 87708 will be limited to ground applications.

² Soybean is not presently grown in this state and Monsanto does not intend to commercialize MON 87708 there.

³ See Sections 6460 Drift Control and 6464 Phenoxy and Certain Other Herbicides.

⁴ See Section 10.