



Newsletter about Pesticides

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Legislative and regulatory news



U.S.: Dicamba labeling changes

As the Environmental Protection Agency (EPA) is evaluating potential labeling changes for Dicamba-based herbicides, Bayer, one of the herbicide's manufacturers, has submitted a proposed amendment to the 2020 registration for its Dicamba-based herbicide XtendiMAX involving additional use restrictions for certain geographic areas. The company hopes to avoid potential new restrictions and precautions on its use by the EPA.

Dicamba is a commonly used herbicide despite its high volatility and high environmental hazard. Its high volatility has caused extensive [damage](#) to crops adjacent to fields where the herbicide has been used, and numerous [lawsuits](#) have been filed by victims of this damage. In particular, in *Bader Farms et al. v. Monsanto and BASF*, the U.S. Court of Appeals for the Eighth Circuit issued a [decision](#) on July 7, 2022, finding Monsanto-Bayer and BASF liable for the

unprecedented damage to Mr. Bader's orchard caused by the companies' dicamba herbicide-based crop system.

In Arizona, the EPA is currently being [sued](#) by four public interest groups. They are challenging the EPA's hasty reauthorization of three dicamba-containing products (XtendiMax (Bayer), Engenia (BASF) and Tavium (Syngenta)) in 2020, allegedly in violation of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). The case is not yet ruled on, but in March 2022, the judge [ordered](#) that EPA file a status report on its ongoing assessment of options for addressing future dicamba incidents relevant to any potential regulatory action related to the 2020 dicamba registrations, with a deadline of May 15, 2022.

On May 16, 2022, EPA files a court [document](#) referencing potential labeling changes for dicamba herbicides for the 2023 growing season. For the 2022 season, the only changes required by EPA are state-specific cutoff dates and temperature restrictions issued for Minnesota and Iowa in March 2022.

It was also in March 2022 that Bayer submitted a proposal to EPA to amend the 2020 registration for XtendiMax herbicide, involving additional use restrictions for counties with certain threatened or endangered species. Bayer hopes this will allow it to continue marketing its product as the re-registration period for all dicamba products begins and numerous labeling restrictions may be decided by the EPA.

The EPA has nine months from the date of Bayer's submission to review these labeling restrictions, which means a decision should be made by December 2022.

BASF and Syngenta are the other two companies most involved in the sale of dicamba products. We can therefore expect possible further proposals from them to restrict the use of dicamba as little as possible.

On the judicial side, the judge must decide what to do about the case. His options include continuing the stay of the case until other dicamba-related litigation in the D.C. Circuit Court of Appeals concludes, or lifting the stay and hearing from EPA and environmental groups on whether to vacate the 2020 dicamba registrations.

If you have made it this far, can you make one more small effort to allow us to continue this work of investigation and information to help the victims of pesticides?

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