Little Rock Rogers Jonesboro Austin **MitchellWilliamsLaw.com** 

Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C.



Walter Wright, Jr. wwright@mwlaw.com (501) 688.8839

Registration Decisions for Use of Dicamba on Dicamba-Tolerant Cotton/Soybean: U.S. Environmental Protection Agency Office of Inspector General Notification Evaluation

## 04/07/2020

The United States Environmental Protection Agency ("EPA") Office of Inspector General ("OIG") issued an April 3rd Notification of Evaluation ("NOE") titled:

EPA's Registration Decisions for Uses of Dicamba on Dicamba-Tolerant Cotton and Soybean

See Project No. OA&E-FY20-0122.

Dicamba is a broadleaf weed herbicide typically applied in late winter/early spring. It is applied prior to planting crops. Though first registered in the late 1960s, dicamba returned to prominence in 2016.

EPA had first registered the product for over-the-top use (i.e., during the growing season) on approved, dicamba-tolerant cotton and soybean. The agency's registration and the increase of in-season use coincided with increased weed resistance to the herbicide glyphosate.

As noted in a previous blog post (see post <u>here</u>), over-the-top application of dicamba has not been without controversy. Drift to non-target crops, including non-tolerant soybeans, cotton, vegetables, orchards and trees have helped sow divisions between farmers and non-farmers alike. As a result, Arkansas has imposed certain restrictions on the use of dicamba.

The NOE is transmitted from Jeffrey Harris, Director, OIG Toxics, Chemical Management, and Pollution Prevention Directorate – Office of Audit and Evaluation to Alexandra Dapolito Dunn, EPA Assistant Administrator for Office of Chemical Safety and Pollution Prevention.

OIG's objective is stated to include determining:

... whether EPA policies and procedures were effective in addressing stakeholder risks in the EPA's dicamba pesticide registration decisions in 2016 and 2018.

Anticipated benefits are stated to include:

... greater assurance that the EPA has adequate controls in place to promote its goal of ensuring pesticides are reviewed for their potential risks to human health and the environment.

The NOE will be conducted at EPA headquarters.

A copy of the NOE can be downloaded <u>here</u>.