

# Proposed Dicamba Regulations: Arkansas State Plant Board Announces Public Comment Period/Public Hearing



**Jordan Wimpy**

jwimpy@mwlaw.com  
(501) 688-8872

01/08/2019

Yesterday the Arkansas Agriculture Department's Arkansas State Plant Board gave public notice of a 30-day public comment period and a February 20, 2019, public hearing for proposed regulations authorizing the over-the-top use of dicamba in Arkansas on dicamba-resistant soybeans and cotton.

Dicamba is a broadleaf weed herbicide historically applied in late winter/early spring, prior to planting crops.

Though first registered in the late 1960s, dicamba returned to prominence in 2016 when the United States Environmental Protection Agency ("EPA") first registered the product for over-the-top use (i.e., during the growing season) on approved, dicamba tolerant cotton and soybeans. EPA's registration and the increase of in-season use coincided with increased weed resistance to the popular herbicide, glyphosate.

Over-the-top application of dicamba has not been without controversy in the nation's farm belt. Drift to non-target crops, including non-tolerant soybeans, cotton, vegetables, orchards and trees helped sow some deep divisions between farmers and non-farmers alike. Ultimately, Arkansas imposed date restrictions to prohibit over-the-top use during much of the 2018 growing season.

On October 31, 2018, EPA extended the registration for dicamba for over-the-top use for another two years, pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"). The federal agency's approval included a number of changes to the product label that required, among other things:

- certified applicators;
- prohibitions on use on soybeans 45-days after planting and cotton 60-days after planting; and
- buffer areas.

On December 6, 2018, the Arkansas State Plant Board approved draft regulations of over-the-top use of dicamba within the State. The proposed regulations restrict application of dicamba from May 21 through October 31. They also place limits on use of the product between April 16 and May 20, including:

- one mile buffer zone around agriculture research stations, organic crops, specialty crops, non-tolerant dicamba crops, and other sensitive crops, and
- restrictions on mixing glyphosate with dicamba.

The State Plant Board will accept written comments from the public from January 7th through February 5th. The public hearing is set for Wednesday, February 20th, at 9:00AM in Little Rock.

A copy of the State Plant Boards' public announcement, including information on comment submissions and public hearing details, can be found [here](#).

A copy of the proposed regulations may be found [here](#).