

February 14, 2024

The Honorable Michael Regan
Administrator
US Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460

RE: Vacatur of registrations for Over the Top (OTT) applications of dicamba herbicide
Center for Biological Diversity v. EPA, No. CV-20-00555-TUC-DCB

Dear Administrator Regan,

The undersigned organizations write to request your help amid the result and timing of the federal District Court in Arizona decision to vacate the registrations for over-the-top dicamba formulations Xtendimax, Engenia and Tavium. These products are integral to the current production systems of cotton and soybeans in the United States, and this court decision threatens to create chaos in distribution and production losses in the field at a critical time in the season.

The timing of the decision will be extremely disruptive to ag retailers, distributors, manufacturers and farmers who made plans to use dicamba in cotton or soybeans in 2024. Farmers have already made their decisions about what varieties of cotton and soybean seed they want to plant in 2024, and retailers are already stocking not only the seed but also the herbicides these growers will need for their systems. Alternatives to these products will be very difficult to find at this late date as manufacturers have already committed their production assets. This court decision, issued after those plans have been made and within weeks of planting, comes at the worst possible time in the season.

The undersigned organizations request that EPA issue a cancellation order that allows product that was manufactured and ready for sale on the date of the decision to be distributed, sold, and used under an existing stocks directive. We further request that EPA appeal the decision and request a stay until the appeal is resolved.

Sincerely yours,

The Honorable Michael Regan

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Agricultural Retailers Association

American Farm Bureau Federation

American Seed Trade Association

American Soybean Association

Farm Credit Council

National Association of Wheat Growers

National Corn Growers Association

National Cotton Council

National Council for Farmer Cooperatives

National Farmers Union