

Questions Abound as Ninth Circuit Vacates Dicamba Registrations

Friday, June 5, 2020 By Mary Jane Buerkle

The United States Ninth Circuit Court of Appeals on Wednesday sowed seeds of uncertainty among growers across the nation as they issued an order to vacate the registration of three dicamba-based herbicides, including XtendiMax, FeXapan, and Engenia.

The Court, based in San Francisco, Calif., sided with plaintiffs in the case: the National Family Farm Coalition, Center for Food Safety, Center for Biological Diversity, and Pesticide Action Network North America. Judge William Fletcher wrote in the Court's Opinion that the Environmental Protection Agency "substantially understated risks that it acknowledged and failed entirely to acknowledge other risks" associated with the products. The full opinion can be found at <https://cdn.ca9.uscourts.gov/datastore/opinions/2020/06/03/19-70115.pdf>.

"In general, it is illegal to sell or apply pesticide that does not have a current federal registration under FIFRA," Tiffany Dowell Lashmet, associate professor and Extension Specialist in Agricultural Law with Texas A&M AgriLife Extension, said in her Texas Agriculture Law blog on Thursday, adding that she recommends that growers and retailers "consult their attorneys as to the legality of their actions."

Lashmet's full blog post can be found at <https://agrilife.org/texasaglaw/2020/06/04/us-court-of-appeals-for-the-ninth-circuit-vacates-dicamba-registration/>.

Texas Department of Agriculture Commissioner Sid Miller has requested EPA to issue an existing stocks order to provide appropriate guidance to farmers and applicators, and have requested a Section 18 Emergency Use permit for XtendiMax, FeXapan, and Engenia for the 2020 crop year.

"The Ninth Circuit ruling on dicamba is already spurring significant confusion and chaos among soybean and cotton growers and applicators here in Texas, who were intending to apply the herbicide today, tomorrow and over the coming weeks," Commissioner Miller said in a news release. "The EPA can and should provide clarity as soon as possible by announcing that it plans to take further administrative action, and then doing so."

The EPA, as of press time, has not responded to the ruling except to say that they're reviewing the decision.

Bayer, BASF, and Corteva all issued statements, generally saying they are reviewing the ruling and assessing their options.

U.S. Secretary of Agriculture Sonny Perdue noted growers' significant investments in crop protection.

"I encourage the EPA to use any available flexibilities to allow the continued use of already purchased dicamba products, which are a critical tool for American farmers to combat weeds resistant to many other herbicides, in fields that are already planted," Perdue said in a statement. "Unfortunately, the Ninth Circuit has chosen to eliminate one of those tools."

Important Program Deadlines

U.S. Department of Agriculture Key Programs

ARC-CO and PLC Election and Contract 2020 Crop Year

June 30

Crop Acreage Certification Deadline

July 15

Coronavirus Food Assistance Program (CFAP) Application

August 28

Yield Update for PLC Program

September 30

Wildfire and Hurricane Indemnity Program+ (WHIP+) Application

December 31

(program funds will remain available until expended or December 31)

Small Business Administration Key Programs

Paycheck Protection Program

Signup Ends June 30

Economic Injury Disaster Loan

Signup Ends December 31

Cotton Industry Seeks Volunteer Leaders

Friday, June 5, 2020

By Shawn Wade

The success of the High Plains cotton industry, like any group effort, is directly tied to the willingness of qualified individuals to volunteer to serve in various leadership positions.

PCG encourages all qualified individuals interested in representing the High Plains as a representative to the Cotton Board, National Cotton Council, or Cotton Incorporated to contact PCG CEO Steve Verett for more information.

Each year, a variety of volunteer positions within the NCC and Cotton Incorporated are filled directly through the industry's caucus process. In addition to naming representatives to the NCC and Cotton Incorporated, PCG and the Texas cotton industry also work together to identify and nominate qualified individuals to the U.S. Secretary of Agriculture for possible appointment as a Member or Alternate on the Cotton Board.

Qualified individuals interested in serving on the Cotton Board, which oversees the highly successful U.S. Cotton Research & Promotion Program, also are encouraged to contact Verett at the PCG office in Lubbock to request additional information. PCG's telephone number is 806-792-4904.

Editor's Note: The Cotton Board seeks to promote diversity and ensure equal opportunity and inclusion for all those who qualify for nomination and appointment to the Cotton Board regardless of race, ethnicity, sex, disability, socio-economic status, religion or sexual orientation.