Friend,

I believe it important to have an open dialogue about the policy decisions we make at the KDA. As your Commissioner of Agriculture, I know that you need every available tool at your disposal to increase yields and efficiencies. Since EPA released the new dicamba label, KDA has held a robust conversation with farmers about this herbicide.

In Kentucky, dicamba will continue to be available with a new record-keeping system for dealers, fine structure for producers and without an application cut-off date in the 2019 season.

I’d like to spend some time explaining how the KDA reached this decision.

As you may know, in October the EPA extended over-the-top applications of dicamba on soybeans for two years. This was a decision I supported, and one I urged acting EPA Administrator Andrew Wheeler to consider when he visited with me during the Kentucky State Fair.

In extending dicamba’s registration, EPA updated its label and placed additional restrictions on the product, a summary of which you will find on the back of my letter. According to EPA, these changes are designed to increase protections against off-target impacts of dicamba, a problem which has occurred nationally. Even here in Kentucky, farmers have experienced crop damage and financial loss with non-dicamba tolerant crops.

Neighboring states have implemented additional restrictions beyond EPA restrictions, including cut-off dates, designed to prevent off-target damage. Others have outright banned its use. While KDA considered the full range of options, ultimately we decided a cut-off date would not be prudent in Kentucky given the new EPA label. Instead, KDA has decided to approach this in a way that bolsters compliance with the new label and increasing fines for potential violations.

KDA has worked diligently to develop commonsense rules that balance the needs of those who wish to use dicamba and those who choose to not use this new technology.

I have directed my staff to develop a regulatory framework that embraces the following principles:

- Defines dicamba as any 3, 6-Dichloro-2-methoxybenzoic acid, inclusive of any variant formulation or product brand name
Kentucky Department of Agriculture

- Provides for additional record keeping requirements for pesticide sales agent on dicamba products to include;
  - Brand, amount, and type of restricted use pesticide sold;
  - Buyer’s name and address; and
  - Intended use: target crop or resale
- To increase fines for violations of the EPA label as it relates to dicamba;
  - For first violation; $50 per acre on which the application was made with a maximum of $5,000
  - For the second violation; $60 per acre on which the application was made with a maximum of $10,000
  - For the third and any subsequent violation; $70 per acre on which the application was made with a maximum of $15,000

Should KDA deem it necessary, we can and will act to make responsible adjustments to this policy as other states have done in past years.

I hope you share my commitment to getting this right for the entire agricultural community. Together I know we can use this tool responsibly.

Sincerely,

Ryan Quarles
Commissioner of Agriculture
SUMMARY OF EPA DICAMBA LABEL CHANGES

- Only certified applicators may apply dicamba over the top (those working under the supervision of a certified applicator may no longer make applications)
- Prohibit over-the-top application of dicamba on soybeans 45 days after planting
- Applications will be allowed only from 1 hour after sunrise to 2 hours before sunset
- Clarity training period for 2019 and beyond, ensuring consistency across all products
- Enhanced tank clean out instructions for the entire system
- Enhanced label to improved applicator awareness on the impact of low pH’s on the potential volatility of dicamba
- Label clean up and consistency to improve compliance and enforceability
- In counties where endangered species may exist, the downwind buffer will remain at 110 feet and there will be a new 57 foot buffer around the other sides of the field. (the 110 foot downwind buffer applies to all applications, not just in counties where endangered species may exist)