

## 2021 Arkansas State Plant Board dicamba rule comment summary

### **AGAINST:**

Otis Howe:

Science says that as the temperatures get warmer, dicamba formulations get more volatile and have a greater tendency to move off target. I believe the university research that has been done here in Arkansas and in other states shows this. I believe the regulations should be left like they were in 2020. I would ask the Board to follow the science.

### **Response**

Science is one of many factors the board considered in its decision. The board also considered many other factors as required law.

Dan Scheiman, Audubon Arkansas

I urge you to reject the petition. Bayer knew the product was flawed. Documents released in Bader peach orchards show this. They blame the farmer and now they site the EPA reviews. These are being violated. U of A have summarized the best available science in their comments. No use without damaging crops. You have voted down extra restrictions before and now you are voting to strip the restriction and not follow the science. Why don't other states have restrictions like ours? The EPA intends for the states to set additional restrictions. Arkansas has the Plant Board that allows for public input and other states do not. Restrictions like 2,4-D and dicamba are proof that the system is working. Why are there no organic growers, watermelon growers, etc. now included on the board? We are a seed grower and we work with growers around the state to grow seeds for native plants.

Response: The board appreciates your comments, as well as the comments by agricultural producers. Science is one of many factors the board considered in its decision. The board also considered many other factors as required by the Administrative Procedure Act. The Board adopted buffer zones larger than those of other states.

Maureen McClung, Winsley Druand, Beth Schaffhauser, Bill and Shirley Middleton, Amy Singleton, John Clower, Bland Currie, Linda Smith, Dawn Custer, Rachel Furman, Mary Ryan, Kerin Hawkins, Kimberly Harper, Kathleen Hudson, Robin McClea, Phyllis McQuin, Larry Price, David Parham, Sharon Roberson, Brandon Ruch, Anthony Aloji, Cathy Ross, Sue Jenkerson, Tami Lambert, Jonna Hussey, Waverland Watson, Barbara Wilson, Barbara Belew, Robert Day, Gail Raspberry, Rachel Engebrecht, Naomi Fletcher, Karen Gulley, April Ambrose, Lisa Morrison, Tom Utley, Lynne Clifton, Julie Furlow, Gladys Whitney, Jane Bloesch, Mara Leveritt, Nancy Baxter, Barry Bennett, Gary Dublin, Yannick Dwyer, Jo Elsken, Rachel Freeman, Mary Gocio, Hans Haney, Kim Hillis, Jean Langford, Ken Leonard, Gregory Mack, Maryann Morrow, Kristi Peterson, Betty Scott, Mary Waldo, Robert Brewer, Lane Bryant, Thomas Caldwell, Peri Doubleday, Laird Duran, Lisa Ellis, Tracy Fortuni, Jeri Garcia, Anne Holcomb, Vicki Jett, Katherine Jones, Lynne Larson, Virginai McClure, James McCullom, James McGregor, Bill Morley, Jonathan Perodin, A. Port, Brenda Sheffler, Theresa Stasiw, Danny & Linda Steele, Lolly Tindell, Jacqueline Walker, Jennifer West, Sherry Adams, Elizabeth Alderman, Janet Badeaux, Judy Bash, Daniel Beaddle, Melissa Bird, Luann Blaylock, Tracy Brophy, Carolyn Brown, Tamzen Bryant, Julie Camp, Sherry Clemens, Rebecca Coleman, Rel Corbin, Rebecca Corley, Paul Crossman, Harry Lyle Darby, Penny Davis, Fritz Druff, Carolyn Dyer, Rebecca Evans, Gene Ford, Ed French, Judith Frednik, Cassie Gill, Maxine Haley, Don Hamilton, Sheena Hara, Bradley Harrison, Larry Hedrick, Daniel Henry, Karen Hicks, Steve Holst, Heather Hudgens, Charles James, Brandon Johnson, William Jones, Ron Kew, Denise Klinger, Mary

Koscielniak, Ralph Kunz, Nan Lawler, Stephanie Lusk, Karen Mahoney, Ben Martinez, Fred McLane, Anne Mesrobian, Al Notter, Ginger Pacquin, Simon Politzer, Paula Pirce-kumar, Penny Prickett, Tina Pryor, Lynne R., William Rager, Roxann Riedel, Lance Runion, Keith Runion, Ada Ryan, Lynne Schaefer, Benny Scott, Gloria Springer, David Thomas, Kelly Wallace, Gary Welchmen, Cara Wilsey, Shir Lee Wison, Donna Wolz, Dorothy Zabecki, Thomas Allen, Brad Bailey, Dave Bitner, Leesa Boon, Mitzi Cole, Kevin Conaty, Mary Ann Daves, Michele Dematti, Pam Euper, Sybil Evans, Fred Goldthrope, Kayla Gomance, Ahren Herbert-Wilson, Deborah Houston, Susan Jenkins, William King, Melinda Kinnaird, Timothy LaMange, Tom & Jean Leslie, Joseph Long, Carolyn Minson, Karen Meller, Katherine Murdock, Julianne Odum, Christine Perry, John Ray, James Richardson, Donna Simpson, John Sutherland, Brian Teeter, Linda Vanblaricom, Jenny Wiedower, Christine Wilson, Lynell Withers, Renee Dejarnette, Dylan Edgell, Michael Green, Nancy Hartney, Monica Mabry, Frances Currie, Marcia Ingram, Rusty Leewright, Patty McLean, Elisabeth Olson, Sara Wittenberg, Amy Chandler, Diane Phillips, Katherine Strause, Linda Padgett, Molly Smith, Jessica Davis, Jack Stewart:

Approximately 200 comments submitted by Arkansas Audubon, all from various parts of Arkansas: Maintain all of the current state-level restrictions including the May 25 cutoff, 1 mile buffers for dicamba-sensitive crops, and prevent glyphosate in the tank mix.

Response: The board appreciates your comments as well as the comments of agricultural producers and believes the proposed rule will benefit all of Arkansas. The board voted to maintain buffers larger than those in surrounding states, and to maintain its current rule to prohibit glyphosate tank mix. The Board recognized the need to allow farmers methods to deal with pigweed that has shown resistance to other herbicides.

Danny Townsend:

The new proposal is arbitrary in nature and follows no scientific directives. It was proposed solely for the purpose of easing restrictions on a herbicide that has a proven historical record of off-target damages from late season applications. This proposal should not even be considered without scientific backing of which it has none.

#### Response

Science is one of many factors the board considered in its decision. The board also considered many other factors as required law.

Jeff Price:

Dicamba kills pollinators especially honey bees. This chemical needs to be outlawed completely. It takes years for some plant life to come back and for trees its decades to recover. This mean orchards etc.. Our bee population is in trouble and this chemical is only making it worse. Bees used to make gallons upon gallons of honey and now there lucky to make enough to make it through the winter because of dicamba.

Keith Tacker:

The plant board should listen to the university scientists. The problem is the plant board members don't get paid by the university. They get paid by Bayer. Whatever Bayer wants, the Plant Board says yes. Also the governor not only wants a seat on the board of Wal-Mart, he wants a seat on the board of Bayer as well. I farm clean soybeans and have never sprayed dicamba. I don't need it, neither does my pecan

trees, but they get drifted on every year, and have quit producing. I guess it's just nature. The nature of greed.

Response: The board appreciates your comments as well as the comments of other agricultural producers and believes the proposed rule will benefit all of Arkansas. This is why the board voted to maintain buffers larger than those in surrounding states. Science is one of many factors the board considered in its decision. The board also considered many other factors as required by law.

J. Paul Sumner:

Drift issue has not been solved nor ever will be ! We all know this including our governor and the plant board - we have other technology that can be used more safely so there are choices - to watch what has happened over the last several years of arm twisting - trying to change the make up of the plant board and meeting with the governor and others is sickening to watch

Response:

The board appreciates your comments as well as the comments of other agricultural producers and believes the proposed rule will benefit all of Arkansas. The board recognized the need for other tools to control pigweed that has become resistant to other herbicides.

Richard Mays, Cal McCastlain

The Plant Board failed to give adequate notice of the proposed rule change. The copy of the rule with underlined text, and text that has strikethroughs, does not give the reader an adequate explanation. This does not meet the requirements of the Administrative Procedure Act (APA). Additionally, it is different from the resolution voted on and approved by the Board. The Board's Notice that "the proposed changes will be to consider changes for the use of dicamba in the State of Arkansas" is misleading. The Board has violated the APA by submitting a proposed rule that is significantly different from that approved by the Board. A proposed rule should be substantially the same from the commencement of rulemaking to final approval. The Plant Board has not provided a reasoned explanation for the change in the rule adopted in 2018 as required by the APA. The Board did not review the best reasonably obtainable evidence showing a need for, consequences of, and alternatives to the existing rule. The best reasonably obtainable evidence requires keeping the current rule. Numerous scientists have opined regarding the damage caused by dicamba. The proposed rule is a material and dangerous departure from the current dicamba rule and was not part of the motion approved by the Board. This is not a situation where the public comments and public hearing might lead to changes that are a logical outgrowth of the initial draft. That makes the rule public notice invalid, and the public comment period cannot legally begin because the public has not been notified of the rule the Board proposed. The wording of the public notice is insufficient, compared to notices filed by the Board in connection with three proposed rules the Board approved at its December meeting. Given the history and complexity of the dicamba saga, the general statement in the published notice that "the proposed changes will be to consider changes to the use of dicamba in the state of Arkansas," falls short of the statutory requirement for a statement of the terms or substance of the intended action. There is no indication of what type of changes are at issue or who might be affected. We oppose the petition upon which the Board based its rulemaking.

Response:

The board appreciates your comments, as well as the comments by agricultural producers. The Board followed the Administrative Procedure Act in the promulgation process. Science is one of many factors the board considered in its decision. The board also considered many other factors as required by the

Administrative Procedure Act. The Board also recognized the need for farmers to use different technologies to control pigweed which has shown resistance to other herbicides.

University of Arkansas Division of Agriculture, Jeremy Ross

There is, an abundance of complaint data showing that dicamba applications made in the summer months will cause a substantial number of complaints. Complaints to the Plant Board that lead to fines originate from the occurrence of symptomology caused by chemical trespass, not the need for documented yield loss. Before commercialization and launch of the dicamba formulations labeled for 2017, the Plant Board was repeatedly told by Monsanto (now Bayer CropScience) and BASF that there would be no issues with their low volatile forms of dicamba. We are not aware of new published or unpublished research since the last approval of the dicamba regulations on December 2, 2020 that supports or refutes the labels or would support a regulation change. There has not been a volatility test conducted in Arkansas east of Crowley's Ridge over the last few years. Due to the volatility and off-target movement problems with the dicamba products labeled for in-season use, and the availability of soybean varieties that have comparable yield potential to RR2X varieties in other herbicide technologies, I would ask that the Arkansas State Plant Board keep the current dicamba regulations with the May 25 cutoff on applications, buffers restrictions around University of Arkansas System Division of Agriculture's Research Stations, and the prohibit the tank mixing of glyphosate with any dicamba product.

Response: The board appreciates your comments, as well as the comments by agricultural producers. Science is one of many factors the board considered in its decision. The board also considered many other factors as required by the Administrative Procedure Act. The Board adopted buffer zones larger than those of other states. The Board also maintained the glyphosate tank mix prohibition.

Jerry Fuller:

What does the U of A recommend? Does the university of Arkansas recommend in crop dicamba use? I haven't heard any research that says dicamba will stay in the field where it is applied. We have dealt with 2,4-D use from rice fields onto cotton. You can grow soybeans without the use of dicamba and have a clean crop over the top. Scientist say it will move off target in hot weather and I am opposed to use after May 25th.

Response:

The board appreciates your comments, as well as the comments by other agricultural producers. Science is one of many factors the board considered in its decision. The board also considered many other factors as required by the Administrative Procedure Act. The Board recognized the need to allow farmers methods to deal with pigweed that has shown resistance to other herbicides.

Chad Brewer:

Xtend and XtendFlex weed control systems are not the only effective method of Palmer amaranth control. There are other viable options readily available in the market today. Integrated pest management requires open access to multiple weed control options, which widespread dicamba off-target movement severely limits. b. The EPA is questioning the sufficiency of the restrictions in the federal labels and admits to past political pressure leading to a rushed, ill-informed decision. The federal labels may not be sufficient to prevent dicamba off-target movement onto susceptible plant species. c. Dicamba does have more scrutiny than other herbicides and for good reason. 67% of dicamba injury

claims since 2017 have no cited violations, suggesting that even when applied correctly dicamba doesn't remain in the target field. d. Ecological damage can go beyond non-dicamba tolerant soybean fields. In the midsouth there has been documented impacts from dicamba off-target movement to non-row crop areas including public natural areas, fruit and vegetable production, vineyards, and many other dicamba sensitive areas. Deny rule change allowing use of reduced volatility formulations of dicamba according to federal label.

Response:

The board appreciates your comments, as well as the comments by other agricultural producers. Science is one of many factors the board considered in its decision. The board also considered many other factors as required by the Administrative Procedure Act. The Board recognized the need to allow farmers methods to deal with pigweed that has shown resistance to other herbicides.

Henry Watkins, Jewel Harris, Malinda Ruiz, Kevin Smith, Karen Seale, Tommy Schoolfield, Tasha Schoolfield, Crystal Hudson, Jeff Lowrey, Danette Lawrie, Dr. Michael Dougan, Randy Sanders, Raymond Murphy, Sam Lee, Lee Burrow, Amy Singleton:

Gardens, flowers, shrubs, trees destroyed by dicamba. Stop spraying the chemical.

Response: The board appreciates your comments as well as the comments of agricultural producers and believes the proposed rule will benefit all of Arkansas. Science is one of many factors the board considered in its decision. The board also considered many other factors as required by law. The board voted to maintain buffers larger than those in surrounding states, and to maintain its current rule to prohibit glyphosate tank mix. The Board recognized the need to allow farmers methods to deal with pigweed that has shown resistance to other herbicides.

Cooper Taylor, Danny Townsend, Jeff Lambert, William Knight, Kyle Fuller, Roger Gibson, Jason Rudick, Julianne Portis, Pam Alexander, Ramey Stiles, Sophia Fowler, Wendy Shoffner, Scott Smith, Randal Camp, Scott Gothard, Edmond Barnes, Ray Maynard, Kathleen Teague, Cindy Osborne, Joe Smith, Robin Kuykendall: Against with no comment or one or more of the following:

Evidence shows that restrictions should not be lifted. Why extend the use of this chemical? Please consider volatility. Science says it shouldn't be sprayed in summer and damages other soybeans. There are other options available to farmers. Stay with last years rule.

Response:

The board appreciates your comments, as well as the comments by other agricultural producers. Science is one of many factors the board considered in its decision. The board also considered many other factors as required by law. The Board recognized the need to allow farmers methods to deal with pigweed that has shown resistance to other herbicides.

Steve Kline:

Beekeeper against the new rule. Noticed less pollen.

Response: The board appreciates your comments as well as the comments of other agricultural producers and believes the proposed rule will benefit all of Arkansas. The board voted to maintain buffers larger than those in surrounding states.

Brian Rose:

We farm 300 acres of watermelon, 350 acres of pumpkin & 120 acres of greenbeans in the Leachville area, in addition to our cotton and peanuts. This rule, although if followed should preclude most any spraying in our area due to the number of peanut fields, poses a grave danger to highly profitable and capital intensive food crops grown in our area. No matter the distance restriction, there will be illegal applications that cannot be pin-pointed & therefore leave us with no legal recourse when our crops are damaged. I have pigweed issues on my farm as well, but there are options available, no matter what the vocal supporters claim.

Response: The board appreciates your comments as well as the comments of agricultural producers and believes the proposed rule will benefit all of Arkansas. This is why the board voted to maintain buffers larger than those in surrounding states.

Reed Storey:

The rule the board sent to the governor was not the rule that was approved, there the current rule should be null and void. The assumption the Xtend Cropping system was the only option to control pigweeds is completely false. The Enlist Cropping system is also available and has been proven to be a safer system when it comes to application and off target movement. I have been using the Enlist system for the last two years with no issues when I have applied Enlist products. By allowing the full season application of Xtend products, you will essentially be forcing growers to move to a more dangerous system. Several other states have as strict or stricter regulations as Arkansas. The argument from multiple citizens in favor of Dicamba say states such as TN and MO extension personnel show that Xtend products are safe. This is false. Please vote to keep the current May 25 cutoff date.

Response: The board appreciates your comments, as well as the comments by other agricultural producers. The Board followed the Administrative Procedure Act in the promulgation process. Science is one of many factors the board considered in its decision. The board also considered many other factors as required by law. The Board also recognized the need for farmers to use different technologies to control pigweed which has shown resistance to other herbicides.

Terris Matthews:

We are vegetable growers in Cross County. We employ 80-100 full time employees and about 150 seasonal employees. We also have other farmers that grow for us. As a specialty crop farmer in AR, the use of dicamba could lead to a huge loss of our crop due to the severity of harm it causes. Losing a large portion of our crop could have a negative impact to employment by causing job loss. The negative effects of dicamba strongly outweigh the positives for specialty farmers. Matthews Ridgeview Farms is against the use of dicamba.

Response:

The board appreciates your comments as well as the comments of agricultural producers and believes the proposed rule will benefit all of Arkansas. The board voted to maintain buffers larger than those in surrounding states, and to maintain its current rule to prohibit glyphosate tank mix. The Board recognized the need to allow farmers methods to deal with pigweed that has shown resistance to other herbicides.

Timmy Brannon, Heath Donner, Jonathan Bobbit:

Dicamba needs to be banned. Our fields of cotton and soybeans have been drastically damaged. We have lost thousands of dollars since dicamba was first used. Our neighbor farms spray in windy conditions which violate the guidelines given by the board. Our garden has been destroyed every year. We have lost trees, fruit trees, and flowers due to the spraying. Our non-Dicamba soybeans have been hurt every year. No single point source has been identified. Following the federal label would increase the damage to non tolerant crops of which will include over a thousand acres of peanuts this year. There is even internal discussions within the EPA that the current registration was tainted by influence of certain companies. Keep restrictions now in place or make unusable altogether. Extending the spray date deadline on dicamba would be detrimental to non-gmo soybeans, gardens, and the overall health of the environment. It drifts and inverts in way further than anyone wants to claim. If it can't be kept on the treated field in has no place in agriculture. It will only cause problems between the general public and farmers But also put a strain on farmer vs farmer relationships.

Response:

The board appreciates your comments as well as the comments of agricultural producers and believes the proposed rule will benefit all of Arkansas. The board voted to maintain buffers larger than those in surrounding states, and to maintain its current rule to prohibit glyphosate tank mix. The Board recognized the need to allow farmers methods to deal with pigweed that has shown resistance to other herbicides.

Dalys Isaac:

I farm in Poinsett County Arkansas.

Spraying of dicamba directly hinders diversity in agriculture for our state. Non- GMO and organic farming are two fast growing agriculture markets at risk in AR. These farmers need help with controlling the spraying of Dicamba. To expend effort in growing a crop more sustainably, only to have it killed by late spring dicamba applications, does not seem like forward thinking to me.

Consultants are overusing/pushing Dicamba, falsely thinking it is the only option. (It is the EASIEST thing for them to recommend.)

Areas affected

1. Pollination problems in corn
2. Non-GMO, Liberty Link and R-up Ready soybeans and cotton
3. Pecans, cottonwoods.
4. Home gardeners
5. Greenhouses

Response: The board appreciates your comments as well as the comments of other agricultural producers and believes the proposed rule will benefit all of Arkansas. The board voted to maintain buffers larger than those in surrounding states. The Board recognized the need to allow farmers methods to deal with pigweed that has shown resistance to other herbicides.

**FOR:**

Loren Cates:

I am an agricultural consultant in northeast Arkansas with 40 years experience. Dealing with herbicide resistance in weed control has been a severe problem particularly palmer pigweed. The use of dicamba in crop plays a major role in saving other chemistry for future use. Having the ability to use multiple

modes of action throughout the year will help us keep these products for future use. New technology will be preserved by the use of dicamba in crop. A cutoff date earlier than federal label is unacceptable when compared to surrounding states. Also, previous buffers were extremely restrictive. Farmers should be allowed to spray the technology in accordance with the federal label, similar to its surrounding states. Buffers should not be enhanced. Temperature restrictions should not interfere with applications. Cutoffs should not be prior to June 30. Our farmers need to be able to use dicamba in crop.

Response: The board appreciates your comments as well as the comments of agricultural producers and believes the proposed rule will benefit all of Arkansas. The board voted to maintain buffers larger than those in surrounding states, and to maintain its current rule to prohibit glyphosate tank mix. The Board recognized the need to allow farmers methods to deal with pigweed that has shown resistance to other herbicides.

Tyler Hydrick:

I am a licensed crop consultant from Jonesboro. A cutoff date earlier than federal label is unacceptable when compared to surrounding states. Also, previous buffers were extremely restrictive. Farmers should be allowed to spray the technology in accordance with the federal label, similar to its surrounding states. Buffers should not be enhanced. Temperature restrictions should not interfere with applications. Cutoffs should not be prior to June 30. I respect the board. I cover thousands of acres this year. Please pay attention to the words that I said not what they thought they heard. Dr. Norsworthy is not taking into account the yield. I have not myself seen a tree die from dicamba, I did not lie to you. I gave my boots on the ground testimony. Buffers are a hotly contested topic. We heard buffers did not work. Dr. Slaton asked for my opinion and believe the federal label is accurate. I say the buffers are asinine. Consultants see more acres than anyone in the state and we do not have a seat on this board like they do in Louisiana. All technologies are being used and I am completely comfortable using the xtend technologies. Individuals have a personal vendetta against.

Response: The board appreciates your comments as well as the comments of agricultural producers and believes the proposed rule will benefit all of Arkansas. The board voted to maintain buffers larger than those in surrounding states, and to maintain its current rule to prohibit glyphosate tank mix. The Board recognized the need to allow farmers methods to deal with pigweed that has shown resistance to other herbicides.

Chuck Farr:

I am a crop consultant. Basically we have rules for cutoffs in Federal Labels and have new rules for VRAs in the federal labels. The opportunity and guidelines are set in place. We have 5 way resistances in all types of soybeans. No options left to control the weeds. MP-44 mention of volatility is only mentioned when Roundup is added to the tank. Nothing in the MP-44 about the temperature, volatility etc. Can use generic dicamba on corn and sorghum until May 25th. I want you to walk in my shoes, but haven't seen any of y'all around.

Response: The board appreciates your comments as well as the comments of agricultural producers and believes the proposed rule will benefit all of Arkansas. The board voted to maintain buffers larger than those in surrounding states, and to maintain its current rule to prohibit glyphosate tank mix. The Board recognized the need to allow farmers methods to deal with pigweed that has shown resistance to other herbicides.



Justin Phillips:

Consultant in NE Arkansas and look at several thousand acres. What we are seeing is pigweed resistance (5 way) and we have got to have something in the toolbox. With the flex beans available to us we are able to spray other options when we need to have borders with susceptible crops. We haven't given the federal label a chance once while our surrounding states have. I ask you vote for the federal label for the state of Arkansas.

Response: The board appreciates your comments as well as the comments of agricultural producers and believes the proposed rule will benefit all of Arkansas. The board voted to maintain buffers larger than those in surrounding states, and to maintain its current rule to prohibit glyphosate tank mix. The Board recognized the need to allow farmers methods to deal with pigweed that has shown resistance to other herbicides.

Kay Scott, BASF:

The technology is critical in the battle against resistant pigweed and would encourage the Arkansas State Plant Board to adopt a regulation consistent with the federal label. This would put farmers in Arkansas on the same playing field as their peers in the neighboring states and not at a competitive disadvantage.

Response: The board appreciates your comments as well as the comments of agricultural producers and believes the proposed rule will benefit all of Arkansas. The board voted to maintain buffers larger than those in surrounding states, and to maintain its current rule to prohibit glyphosate tank mix. The Board recognized the need to allow farmers methods to deal with pigweed that has shown resistance to other herbicides.

Ty Whitten, Bayer Crop Science:

Speaking on behalf of Bayer Crop Science. We request they permit the use of Xtendimax according to the federal label. Board is to consider the research findings of EPA. Research includes field studies from several study states. EPA registration was a result of analysis of the best science available and EPA reviewed over 25 new studies and approved the registration. These are not manufacturer field studies but were performed by Universities. Arkansas and other states have benefit of the EPA's detailed review and you should consider the evidence from the EPA. EPA included new use directions and restrictions. EPA struck a balance to reduce off site movement by adding the VRA to control the potential for volatility even further. Bayer presented data from studies for the VRA and they included university studies. These studies conducted in the Bootheel represent the conditions in Arkansas. Federal label requires the 240 feet and extends to 310 feet where vulnerable species are located. The federal label provides more understandable directions for use. Indiana, Illinois, and Arkansas are the only states to add additional regulations. Federal label imposes specific reasoned restrictions for use with this herbicide.

Response: The board appreciates your comments as well as the comments of agricultural producers and believes the proposed rule will benefit all of Arkansas. The board voted to maintain buffers larger than those in surrounding states, and to maintain its current rule to prohibit glyphosate tank mix. The Board recognized the need to allow farmers methods to deal with pigweed that has shown resistance to other herbicides.

Charles Williams:

Put Arkansas farmers on a level playing field and let us use the product with the federal label. I have planted Liberty soybeans. 2017 was panic gripped us. Out of over a thousand the 134 confirmed a violation for use of Engenia. 2020 only 4 have a violation. 74 Audubon and 1 had a violation. Dr. Scheiman is a seed grower and so am I. Audubon responsible for 204 of the against. Grew non-extend 2017-2019 and while I saw symptoms, I didn't have a yield loss. I can only grow xtendflex beans and the other varieties yield less. No other state has a Plant Board that promulgates rules. Don't think the Board or the UofA has the interdisciplinary expertise necessary to make this decision.

Response: The board appreciates your comments as well as the comments of other agricultural producers and believes the proposed rule will benefit all of Arkansas. The board voted to maintain buffers larger than those in surrounding states, and to maintain its current rule to prohibit glyphosate tank mix. The Board recognized the need to allow farmers methods to deal with pigweed that has shown resistance to other herbicides.

Michael McCarty:

Speaking on behalf of 16 different farmers today. 2017: Over 1000 complaints and only 134 violations. 2019 (omit 2020 because it isn't finished) 70 violations of the total. Audubon scouring the countryside. Pasture growers are using banvil and so are the forestry industry. We now have the ability to use a combination of products. The VRA will be added. Spreading out the application window spreads out the applications and will reduce atmospheric loading. Other states surrounding Arkansas are allowing use of the federal labels. I haven't had any information that states there are landscape issues. South AR plants earlier and they are able to use the product because they plant a month earlier. Level the playing field and let us complete with the surround states.

Response: The board appreciates your comments as well as the comments of other agricultural producers and believes the proposed rule will benefit all of Arkansas. The board voted to maintain buffers larger than those in surrounding states, and to maintain its current rule to prohibit glyphosate tank mix. The Board recognized the need to allow farmers methods to deal with pigweed that has shown resistance to other herbicides.

Chad Fullerton:

I move that we adopt the federal label on the use of the new low volatility formulations of dicamba to be sprayed on Dicamba tolerant crops but implement a June 30th cutoff. This motion also includes the 1 mile buffer to research stations. This motion includes a 1/4 mile buffer zone in all direction from non dicamba tolerant crops from April 16th through October 31st. This motion also includes an April 15th through October 31st restriction on non low volatility formulations. Burndown rules for non low volatility dicamba are to remain as is under the current rule. Certain applications of dicamba in turf, ornamental, forestry, pasture, etc. are accepted under the current rule and those exceptions should be maintained as part of this motion. Records of applications are kept in accordance with the federal label, and those records should be available for inspection by Plant Board representatives. This motion includes an emergency clause.

Response: The board appreciates your comments as well as the comments of other agricultural producers and believes the proposed rule will benefit all of Arkansas. The board voted to maintain buffers larger than those in surrounding states, and to maintain its current rule to prohibit glyphosate

tank mix. The Board recognized the need to allow farmers methods to deal with pigweed that has shown resistance to other herbicides.

Franklin Fogleman:

5th generation row crop farmer from Marion. I speak on behalf of 37 east Arkansas farmers. 30 of these individuals didn't submit comment but are in favor of the proposed rule. Long journey but Arkansas farmers need a better set of rules to work with. Adaptation to the technology has increased, etc. 2021 we will have XtendFlex and the addition of a VRA which will both increase the ability to manage these weeds. Note neighbors still want and need to legally apply dicamba under a more reasonable set of rules. We request your support to level the playing field with adjacent states.

Response: The board appreciates your comments as well as the comments of other agricultural producers and believes the proposed rule will benefit all of Arkansas. The board voted to maintain buffers larger than those in surrounding states, and to maintain its current rule to prohibit glyphosate tank mix. The Board recognized the need to allow farmers methods to deal with pigweed that has shown resistance to other herbicides.

Harry Stephens:

Told no damage by the weed scientist. Now have pigweeds that are showing resistance and the whole supply chain has shortages, but we have plenty of dicamba because they have lots left over. I called about the supply chain to make sure there was adequate supply. My family has bills to pay and I don't think I will change the mind of the lady off on the other side of the state. Plant Board members need to serve Arkansas and give us the federal label rules.

Response: The board appreciates your comments as well as the comments of other agricultural producers and believes the proposed rule will benefit all of Arkansas. The board voted to maintain buffers larger than those in surrounding states, and to maintain its current rule to prohibit glyphosate tank mix. The Board recognized the need to allow farmers methods to deal with pigweed that has shown resistance to other herbicides.

Michael Taylor:

Farmer in Phillips County. The Enlist system doesn't produce high yields and Xtend has 10 more bushel. The bird man is driving this but Audubon isn't filling in the financial gap. It would be great if we could plant the varieties that yield and not be held hostage by the Plant Board and the Audubon society.

Response: The board appreciates your comments as well as the comments of other agricultural producers and believes the proposed rule will benefit all of Arkansas. The board voted to maintain buffers larger than those in surrounding states, and to maintain its current rule to prohibit glyphosate tank mix. The Board recognized the need to allow farmers methods to deal with pigweed that has shown resistance to other herbicides.

Perry Galloway:

Dan Scheiman was able to go to the seed growers association. Farmers do care about birds and I bought birdseed and handfed birds during the snowstorm so they wouldn't starve. (Showed pictures of bird nests sprayed with dicamba and a robin nest) I moved the Robin nest on my sprayer to a safer spot and mother raised two baby robins. I definitely support the birds and the environment. Annual death stats

for birds in the US: Two billion are killed by cats and the second is household products. Dr. Scheiman part of the COA – cat owners association. One mile buffer is too much. Not right for an organic producer to farm next to a conventional farmer and then be allowed a 1 mile buffer. Organic not an issue in Arkansas. Supply of glufosinate supply is greatly constrained. Supply of glufosinate and confirmed resistance to glufosinate are causing issues. If Fuller family is supportive the U of A why did they go to MS State.

Response: The board appreciates your comments as well as the comments of other agricultural producers and believes the proposed rule will benefit all of Arkansas. The board voted to maintain buffers larger than those in surrounding states, and to maintain its current rule to prohibit glyphosate tank mix. The Board recognized the need to allow farmers methods to deal with pigweed that has shown resistance to other herbicides.

West Higginbotham:

Farmer in Lee County and fully support the petition for rule making. Support the petition because Arkansas farmers are being put at a competitive disadvantage. Ecomonics dicamba is the most efficient and increase in bushels. I agree with Mr. Hydrick and we depend on our consultants to advise us on what works on our farms and we lean on their large scale experiences. I farm on the borders of the Lon Mann research station and I do not use auxin and have horrible pigweeds on this farm. I didn't have any symptoms on the conventional beans that border the university experiment station. I don't know anyone that doesn't plant dicamba traited beans in our area. Farmers deserve a fair playing field on and off the farm.

Response: The board appreciates your comments as well as the comments of other agricultural producers and believes the proposed rule will benefit all of Arkansas. The board voted to maintain buffers larger than those in surrounding states, and to maintain its current rule to prohibit glyphosate tank mix. The Board recognized the need to allow farmers methods to deal with pigweed that has shown resistance to other herbicides.

Daniel Loftin, Roger Reddick, Britteny Turner, Bart Robinson, Connie Robinson, Lee Weiner, Seth Tacker, Trye Tacker, Dylan Pouncey, Robert Pouncey, Bert Pouncey, Dennis Cupples, Marianne Cupples, Bobby Cupples, Alicia Mooney, Kevin Mooney, Blake Hart, Nick Moore, Ryan Sullivan, Morgan Fentner, Nathan Sullivan, Karen Schwantz, Mark Henderson, Danny Moore, Allen Culp, Blake Culp, Jimmy Harrison, Brandon Jarret, Greg Shirley, Matt Lunsford, Timothy Kelley, Lance Spurlock, Kelly Hopper, Doyle Hopper, Sherry Hopper, Jarrod Hopper, Herman Forrie, Herrick Norcross, Benjamin Mullin, Will Fogleman, Don Hardy, Eddie Young, Greg Hart, Ruben Jordan, John Wallace, Eileen Weibenberg, Edward Bell, Gail Fogleman, John Bramucci, Arnell Craig, Robbie Bloodworth, William Smith, Neil Culp, Leigh Barnes, Lee Barnes, Ronnie Loeschner, Josh Keith, Mike McCarty, Paul Sellers, Hershaw Schwantz, Kayli Schwantz, Jerry Flynn, Kenneth Gentry, Larry Clendenon, Albert Noble, Lathan Lovell, Caleb Hall, Ned Young, Chris Carnathan, Judd Stephens, Rebecca Jane Taylor, Jonathan Yancey, Danny Young, Tommy Young, Mike Taylor, Shawn Simpson, Erin Cannon, Nathan Young, Charlotte Cannon, Timothy Jones, Steve Cannon, Kyle Cannon, Michael Taylor, Cole Young, Diego Manfio, Silverio Manfio, Claudia Manfio, Luis Manfio, Horacio Maderno, Horacio Guzman, Kim Freeman, Sherrie Miles, Ryane Miles, Ryan Elliot, Rusty Carter, Brenda Taylor, Coleman Taylor, Andrew Gill, Charles Miles, Layne Miles, Bart Eldridge, Pace Hindsley, Jammy Turner, Clay Harper, Michael Russell, Zach Carter, Elijah Carter, Clay Dubach, Justin Higgins, Byshea Morgan, Michael Morgan, Richaan Smit, Anthony Pryor, Brady Foran, Adam Catlett,

John Bryant, Kotton Guest, Lee Malone, Noah May, Maria Crancer, Daniel Baldwin, Logan Ballard, Stephen Higgenbotham, Weldon Jackson, David R. Gregory, Scott Gibson, Dwight Jackson, Zachary Seiler, Dale Seiler, Hunter Wood, Gary Burton, Godfrey White Jr., Kenneth Crosskno, Clayton Jeter, Dee Henderson, David Wallace, Mary Grace McCauley, Mailey McCauley, Suzy McCauley, Bill McCauley, Phil McCauley, Phil McCarty, Ronnie Pankey, Clay Young, Joe Tacker, Lance Cissell, Tyler McClendon, Justin Carlow, Phillip James, Shane Frost, Chris Cato, Gordon Miller, Greg Smith, John Stephens, Vanessa Stephens, Harry Stephens III, Bret Tacker, John Brennon, John Crisler, Ricky Rogers, Godfrey White, Dawn Barre, Harry B. Elrod Sr., Matthew Cissell, Kaci Bell, Don Cissell, Tracy Griffin, Lee Osborne, Dean Gurley, Bryan Wagner, Victor Thomason, Diane Thomason, Russell Thomason, Todd Sisk, Louis Martinez, Scott Fogleman, David Fogleman, Jennifer Hudson, Weaver Majors, Jacob Davis, Linda Farr, Tami Farr, Chuck Farr, Haley Sanders, Craig Walker, Alex Flake, Lance Lovell, Ray Pulliam, Gary Davis, Acy Humphries, David Hill, Kevin Mooney, Robert Davis, Tyler Davis, Blaine Richardson, Maddie Strop, Brian Stoner, Adam Rawls, Gwenda Cissell, Carl Cissell, Amy Cissell, Lance Cissell, Harris Kearney, Jim Sanders, Courtney Dodd, Dylan Albritton, Kack Dalton, Kaci Bell, Lyle Wheeler, John Williams, Benton Felts, Lex Gobie, Mak Elder, Jack Stephens, William J. Carnathan, John King, Rebecca Kendrick, Kimbrough Stephens, Phyllis Gammil, Cross Fogleman, Lillian Fogleman, Kellie Fogleman, Alan Hargrave, Charles Williams III, Aaron Huckabee, David Gammill, Alan Vonkanel, Dustin Randolph, Haven Gammil, Caley Felts, Michael Gammil, Jake Dodd, James Albritton, Jimmy Albritton, Karen Jacobs, Mallory Goble, Madison Almond, Cindy Goble, Alex Dean, Kenneth Ellis, Will Aughenbaugh, Timothy Reid, Krystal Elder, Kevin Goble, Todd Burnham, Kim Randolph, Faith Enmon, Gracie Enmon, Patches Enmon, Travis Brown, Carey Enmon, Harvy Roach Jr., Stephanie Tacker, Dusty Markham, Jared Cissell, Zack Strop, Harry Elrod, Justin Tacker, Carolyn Cissell, Joseph Cissell, Matt Gammill, David Williams, Kelly Elrod, James Robertson, Nickie Bell, Jason Dunlap, Ronnie Cox, Charles Williams Jr., Marla Cissell, John Nelson, Steven Reid, Weston Cissell, Dean Pirani, Jack Pirani, Frank McCarty, Wren Felts, Bobby Gammill, Jenna Pirani, Edgar Allison, Timothy Pirani, Matt Smith, Becton Bell, Bill Apple, Douglas Gore, Tanner Bratton, Donathan Hartness, Jimmy Waldo, David Taylor, John Schultz, Jacob Carroll, Jack Ruffin, Prentiss Wood, Matt Reickhoff, Mark Moreland, Zack Moreland, Lee Burrow, Cody Weathers, Tom Burnham, Scott Kay

Approximately 300 comments from eastern Arkansas, and while most did not indicate a profession, approximately 90 indicating they were farmers, and stated they were for the rule with no comment or a comment that included one or more of the following:

- Pigweed is resistant to other herbicides
- Use of dicamba is paramount to rice farmers in Arkansas
- Bordering states follow the federal label
- Inability to use dicamba places Arkansas farmers at a disadvantage

Response: The board appreciates your comments as well as the comments of other agricultural producers and believes the proposed rule will benefit all of Arkansas. The board voted to maintain buffers larger than those in surrounding states, and to maintain its current rule to prohibit glyphosate tank mix. The Board recognized the need to allow farmers methods to deal with pigweed that has shown resistance to other herbicides.

#### **OTHER:**

Corteva:

The Enlist traits continue to be introgressed into our top germplasm. Growers are seeing strong yields in both the E3 soybeans and Phytogen Enlist varieties. Moreover, the other advantage of E3 stacked trait is that it makes it very easy to breed so there are multiple seed companies with licenses to the technology,

including local seed companies in the state. This provides for a large range of seed options to fit any grower's need. More than ever, it is important that Arkansas farmers have equal ability to choose a weed control system that best fits the needs on their farm, not based on what is planted next to them. Exclusive reliance on any single means of weed control (mechanical and/or chemical) can foster the spread of hard-to-control weeds. It is important that farmers have equitable access to all tools available to them in Arkansas so growers can have successful operations.

Response: The board appreciates your comments as well as the comments of agricultural producers and believes the proposed rule will benefit all of Arkansas. Science is one of many factors the board considered in its decision. The board also considered many other factors as required by law. The board voted to maintain buffers larger than those in surrounding states, and to maintain its current rule to prohibit glyphosate tank mix. The Board recognized the need to allow farmers methods to deal with pigweed that has shown resistance to other herbicides.