

EXHIBIT B2

MINUTES

SENATE AND HOUSE INTERIM COMMITTEES ON AGRICULTURE, FORESTRY, AND ECONOMIC DEVELOPMENT

Friday, July 7, 2017

The Senate and House Interim Committees on Agriculture, Forestry, and Economic Development met on Friday, July 7, 2017, at 9:00 a.m., Room MAC A, Little Rock, Arkansas.

Committee members present: Senators Ronald Caldwell, Chair; Jonathan Dismang, Jane English, Blake Johnson, Bruce Maloch, and David Wallace. Representatives Dan Douglas, Chairman; David Hillman, Vice Chairman; Rick Beck, Mary Bentley, David Branscum, Karilyn Brown, Bruce Cozart, Jack Fortner, Lane Jean, Mark McElroy, Ron McNair, Mathew Pitsch, Matthew Shepherd, and Dan Sullivan.

Other legislators present: Senators Jake Files, Trent Garner, Terry Rice, Bill Sample, and Gary Stubblefield. Representatives Charles Blake, Frances Cavenaugh, Andy Davis, Jim Dotson, Trevor Drown, David Fielding, Jimmy Gazaway, Michael Gray, Kim Hammer, Joe Jett, Jack Ladyman, Aaron Pilkington, Johnny Rye, and Jeff Wardlaw.

Representative Douglas called the meeting to order.

CONSIDERATION OF A REQUEST BY THE ARKANSAS STATE PLANT BOARD TO REVIEW AND APPROVE AN EMERGENCY RULE REGARDING A BAN ON THE SALE AND USE OF DICAMBA [Exhibit B]

Dr. Ford Baldwin, Professor Emeritus, University of Arkansas was recognized. [Exhibit B1, Handouts 1 and 2].

Dr. Baldwin made the following statements: [Handout 2]

- Dicamba was developed in the 1960's as a corn herbicide, and was primarily used in Arkansas as a pasture herbicide and for vegetation burn-down prior to planting in soybean, cotton and other crops.
- Dicamba is a synthetic auxin herbicide, which produces auxin-like or hormone-like symptoms in susceptible plants. These symptoms can include cupping, twisting, stunting, yield loss, and carryover into seed that can then produce symptoms in the progeny if planted. Dicamba has a volatility component, which means it can change from a liquid or solid to a vapor after spraying, that can move off target, in addition to the physical drift of spray particles moving.
- Non-Xtend soybeans at similar growth stages are affected to the same degree, showing perfectly uniform symptoms, and some of these are miles from the nearest Xtend field. It is impossible for this pattern to be caused by physical drift. A small amount is being caused by accumulation of physical spray particles in a stable atmosphere or temperature inversion as some contend. Volatiles of dicamba are accumulating as vapors in stable atmosphere or inversions and blanketing large areas. This volatility component of the current dicamba formulation is the part that cannot be fixed. This is also why only allowing spraying to occur at certain hours or requiring hooded sprayers will not address the issue.
- Vegetation is being affected and there is no established tolerances for dicamba in crops such as peanuts, horticulture crops, gardens, trees, and landscape plants.
- Currently, there are approximately 600 dicamba complaints in Arkansas. Other states such as Mississippi, Tennessee and Missouri are also dealing with this issue.

- Only two choices exist for the situation: 1) stop the use of dicamba, or 2) allow the current marketing model to force 100% of the acres to dicamba. The latter would provide a short term soybean solution for those that want to use it, but the downside is you will eliminate the ability of growers to plant other types of soybeans. It would also eliminate diversity because other technologies cannot be grown without injury, and it will fail quickly from a resistance standpoint.

Senator Dismang asked if crop damage occurred because dicamba was being improperly applied. Dr. Baldwin stated, in his opinion, the way the technology exists, dicamba cannot be kept on target.

Senator Stubblefield asked if the Arkansas State Plant Board (ASPB) was in error in approving dicamba for use. Dr. Baldwin stated in hindsight, perhaps which was a mistake. The ASPB was just trying to see if there was a solution to a needed technology.

Dr. Dan Westberg, Diversified Region Tech Manager, and Mr. John Schultz, Technical Service Representative, BASF, were recognized. Dr. Westberg stated the following: **[Handout 3]**

- The state's proposed dicamba ban would leave growers defenseless against evasive weeds and deprive farmers of a critical crop protection tool mid-season. Without an effective herbicide, Arkansas farmers are faced with increased weed pressure and reduced yields, placing them at a disadvantage to farmers in the rest of the country. Eliminating dicamba as a weed control option for Arkansas farmers is not the answer. Farmers deserve access to effective crop protection products to help increase yields and profitability.
- Arkansas farmers who selected dicamba-tolerant seeds believing an additional mode of action was not only needed, but would be available in the 2017 season. BASF field visits indicate farmers are successfully applying Engenia herbicide and seeing positive results without adversely affecting neighbors.
- Instead of decreasing options, enforce rules put in place to protect farmers growing sensitive crops. Also, support efforts to expand application training and educational outreach. Let's immediately work together to develop interim steps that would encourage and help ensure on-target applications, like limiting dicamba applications to daytime hours. This emphasizes a common sense and simple approach until all the facts are gathered.

Mr. Wes Ward, Arkansas Secretary of Agriculture was recognized and stated he has been in contact with surrounding states, (Mississippi, Missouri, and Tennessee) and they are also dealing with dicamba complaints. Mississippi has established a task force which labeled dicamba and 24D restricted pesticides, and applicators are required to go through training before applying these products. Missouri and Tennessee are exploring the option of restricting these products to application only during the hours of 9:00 a.m. to 4:00 p.m. to try and eliminate inversions.

The chairman opened the discussion to interested parties wishing to speak for and against the emergency rule regarding the ban on the sale and use of Dicamba. There were nine (9) individuals speaking for the ban and ten (10) speaking against the ban. One of the individuals speaking for the ban was **Ms. Karen Wallace**, sister of a farmer killed in a dicamba dispute in 2016. **[Handout 4]**

Mr. Terry Walker, Director, ASPB, was recognized and gave a brief overview of the emergency rule. If the rule to ban dicamba is approved, ASPB will file it with the Secretary of State office, and the ban will be in effect for 120 days, after this time the ASPB will revert back to the existing rule. He stated the governor has requested that the ASPB convene a study group to determine if Dicamba should be permanently banned.

Representative Hillman made a motion that the Senate and House Agriculture, Forestry and Economic Development Committees recommend the Executive Subcommittee of the Legislative Council approve the emergency rule by the Arkansas State Plant Board regarding the ban on the sale and use of Dicamba. The motion was seconded by Senator Wallace, and without objection, the motion carried.

There being no further business, the meeting adjourned at 12:55 pm.