

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

HOUSE BILL 1800

5 By: Representative Watson  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE ARKANSAS PLANT ACT OF 1917; TO  
9 REQUIRE THE STATE PLANT BOARD TO CONSIDER CERTAIN  
10 DATA RELATED TO DICAMBA AND TO SET A CUTOFF DATE FOR  
11 THE USE OF DICAMBA; TO REQUIRE THE CUTOFF DATE FOR  
12 DICAMBA BE WITHIN A SPECIFIC DATE RANGE; AND FOR  
13 OTHER PURPOSES.  
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## Subtitle

16 TO AMEND THE ARKANSAS PLANT ACT OF 1917;  
17 TO REQUIRE THE STATE PLANT BOARD TO  
18 CONSIDER CERTAIN DATA RELATED TO DICAMBA  
19 AND TO SET A CUTOFF DATE FOR THE USE OF  
20 DICAMBA WITHIN A SPECIFIC DATE RANGE.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. DO NOT CODIFY. Legislative findings.

27 The General Assembly finds that:

28 (1) The State Plant Board's mission is to serve the citizens of  
29 Arkansas and the agricultural and business communities by providing  
30 information and unbiased enforcement of laws and regulations;

31 (2) The board has a responsibility to promote agriculture while  
32 ensuring farmers and the general public are protected from harmful intrusions  
33 that cause property damage and economic loss;

34 (3) The state of Arkansas has a diversity of crops and natural  
35 environments that need to be protected;  
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1           (4) Since 2017, the board has received hundreds of complaints  
 2 per year regarding Dicamba drift and volatility, causing hundreds of  
 3 thousands of dollars in economic losses;

4           (5) According to the Arkansas Administrative Procedure Act, §  
 5 25-15-201 et seq., an agency shall not adopt, amend, or repeal a rule unless  
 6 the rule is based on the best reasonably obtainable scientific, technical,  
 7 economic, or other evidence and information available;

8           (6) Independent and academic research has demonstrated a  
 9 correlation between ambient temperature and Dicamba volatility;

10          (7) Scientific research has shown that Dicamba volatility  
 11 increases once the ambient temperature reaches eighty-five degrees Fahrenheit  
 12 (85°F);

13          (8) States across the country have incorporated an eighty-five  
 14 degrees Fahrenheit (85°F) temperature into their Dicamba rules or cutoff  
 15 dates; and

16          (9) Farmers and the public need certainty and confidence that  
 17 board rules are based on science and data.

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 19          SECTION 2. Arkansas Code Title 2, Chapter 16, Subchapter 2, is amended  
 20 to add an additional section to read as follows:

21          2-16-215. Dicamba cutoff date.

22          (a) The State Plant Board shall:

23           (1) Review and consider scientific research on Dicamba drift and  
 24 volatility conducted by independent and academic sources, including without  
 25 limitation data from and research conducted by weed scientists affiliated  
 26 with the Division of Agriculture of the University of Arkansas;

27           (2) Review, consider, and incorporate data and research relating  
 28 to Dicamba volatility and ambient temperature into a new rule on the use of  
 29 Dicamba; and

30           (3) Promulgate a new rule for the in-crop use of Dicamba,  
 31 including without limitation a new cutoff date.

32          (b) The board shall not approve a cutoff date under subdivision (a)(3)  
 33 of this section that is earlier than April 1 or later than June 12.

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 35          SECTION 3. DO NOT CODIFY. Rules.

36          The State Plant Board shall submit the rule required under this act to

1 Legislative Council by November 1, 2023.

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