

Dicamba Update

Please take note of the recent legal opinion from the United States 9th Circuit Court of Appeals pertaining to the approval of Dicamba based products. On June 3, 2020 the registrations for the following products by the EPA was vacated by the court:

- ▶ Bayer – XtendiMax With VaporGrip
- ▶ Corteva – FeXapan
- ▶ BASF - Engenia

You can learn more about that decision by clicking [HERE](#).

The EPA issued a Final Cancellation Order for these products in response to the Court Ruling that vacated the registration. The EPA also advised that growers and commercial applicators may use existing stock that was in their possession as of June 3, 2020. Such use must be consistent with the product's previously-approved label, and may not continue after July 31, 2020.

This Update provides an overview and links (where available) of how states within the Continental Western Group footprint have reacted to the EPA Order.

Adherence to legal and regulatory mandates is important. Failing to comply with the labeling and use requirements for herbicides and pesticides regulated by the EPA can have severe consequences, including fines or jail time. We encourage every CWG insured to work with their legal advisor to determine how they believe the EPA order and state regulations may apply to them.

SPECIFIC GUIDANCE BY STATE

▶ Colorado

No specific state guidance has been given.

▶ Illinois

Before the 2020 growing season Illinois had adopted special requirements for the application of the three Dicamba products including no applications when the air temperature is over 85°F and no application after June 20, 2020. The state is following the EPA order understanding their state specific provisions supersede the July 31, 2020 date.

▶ Indiana

Indiana State Chemist Office issued guidance for Indiana stating that interested parties are to comply with the EPA order on June 8. In addition to the restrictions in the federal cancellation order, it is important to note that the state registrations for these products require that use may not occur after June 20, 2020, regardless of any other state or federal action.

▶ Iowa

Iowa does not have a special label and is following the EPA's order exactly.

▶ Kansas

Kansas is following the EPA order as written.

▶ Michigan

Michigan is following the EPA order as written.

▶ Minnesota

Minnesota has adopted a state specific label. They followed the EPA's order in allowing the application of the three products that were purchased prior to June 3, 2020. The product could no longer be applied after June 20, 2020 or after the first bloom (R1 growth phase) whichever occurs first.

▶ Missouri

Missouri is following the EPA order as written.

▶ Nebraska

The Nebraska Department of Agriculture released a statement on June 10, 2020 that follows the order that the EPA released.

▶ North Dakota

North Dakota already had a more stringent state specific label. They allowed stock already purchased before June 3 to be sprayed but no applications may be made after June 30 or after the first bloom (R1 growth phase), whichever comes first.

▶ South Dakota

The South Dakota Department of Ag released an update on June 9th covering EPA's order on June 8, 2020. South Dakota had previously adopted a more stringent label last winter that cut-off spraying the products over the top on June 30, 2020.

▶ Wisconsin

Wisconsin is following the EPA order as written.

▶ Wyoming

No specific state guidance has been given.

FREELAND BEAN & GRAIN
P.O. Box 515
1000 E. Washington
FREELAND, MI 48623
(989) 695-9131

Questions? Contact the CWG Risk Services Team:
1.800.235.2942 or RiskServices@cwgins.com

CWG
| a Berkley Company

FIND **GREATER**

Coverage provided by Continental Western Insurance Company, Union Insurance Company, Acadia Insurance Company, Firemen's Insurance Company of Washington, D.C., Tri-State Insurance Company of Minnesota

Products and services are provided by one or more insurance company subsidiaries of W.R. Berkley Corporation. Not all products and services are available in every jurisdiction, and the precise coverage afforded by any insurer is subject to the actual terms and conditions of the policies issued. This publication and the information herein is confidential and proprietary to Continental Western Group®. Information in this publication is subject to change at any time. This publication provides general information only, is not legal advice, and is not a statement of contract. Any statement regarding insurance coverage made herein is subject to all provisions and exclusions of the entire insurance policy. Copyright ©2020 Continental Western Group®. All rights reserved. | 2170CWG-MC-04-2020