

Dicamba-related public comments highlight large list of concerns

Family of Mike Wallace delivers heartbreaking statements
Nov 22, 2016 [David Bennett](#) | Delta Farm Press

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- Arkansas Plant Board hears dicamba-related testimony from many ag sectors.
- Concerns range from exports to poultry to increased strife between neighbors.



On Monday afternoon, the Arkansas Plant Board tackled new regulations regarding the use of dicamba to control weeds in the state. An overflow crowd attended the lengthy meeting which ended with the board approving the new regulations proposed by its Pesticide Committee earlier this year.

The regulations were approved on a 12-0 vote with two board members recusing. The regulations would:

- Ban dicamba DMA salt and acid formulations. An exception to this would be use of the formulations on pastureland that is at least one mile from susceptible crops.
- DGA salt and sodium salt would be prohibited from use from April 15 through September 15. An exception for applications would be for pastures at least one mile from susceptible crops.

- Those using BASF's Engenia herbicide on dicamba-tolerant soybeans and cotton must abide by a quarter-mile downwind buffer and a 100-foot buffer for other directions.
- Anyone using DGA-based herbicides on dicamba-tolerant crops must be trained and certified by the state.

The need for tighter regulations comes following a growing season that saw dicamba-drift damage to massive acreage across the Mid-South. While Monsanto's dicamba-tolerant Xtend soybeans were approved for planting in 2016, the use of dicamba on them was not. The temptation to spray the herbicide over the top proved too much for many producers, though, and many neighbors suffered.

Wallace

That suffering was presented in its starkest terms when, prior to the board's vote, family and friends of Mike Wallace gave statements. Wallace, a producer in northeast Arkansas, was shot and killed near the Missouri line following an alleged confrontation with farming neighbor Allan Curtis Jones. Wallace's crops had been damaged by drift for a second year. Jones has been charged with first-degree murder.

Just three weeks removed from Wallace's death, the raw emotion and grief expressed by his family through tears and cracking voices left the packed room stunned.

The run of Wallace-related statements began with Mike Sullivan, a rice and soybean farmer in Mississippi County. "Mike Wallace was a close friend of mine. His family is here and they're coming up behind me. ... This has hit me harder than anything that's ever happened farming-wise."

Sullivan then read a statement from Ford Baldwin, weed scientist and *Delta Farm Press* contributor. Baldwin, "just got out of the hospital a few minutes ago. He was supposed to do what I'm doing – introduce the family. He prepared some comments. ... 'As many of you know Mike was tragically killed in a dicamba dispute. When I heard verbally, years ago, that dicamba was to be developed as a cotton and soybean herbicide my thought was "insanity."'"

'Perhaps I'll be proven wrong. But seeing how it has been introduced has been the low point of my weed science career. Decisions could have been made differently that would have prevented the economic losses and loss of life witnessed this year...

'Going forward we must get this right. I fully support the decision of the board and the proposed regulations. I also support University (of Arkansas) weed scientists for providing science-based information when it was requested and when they had it.

'With that said, I believe it's very presumptuous to think a formulation change and a change in the application techniques will totally transform dicamba into a different herbicide. Statements like "Mike Wallace would be alive today if VaporGrip had been available this year" have no foundation, are insensitive and absurd. You can make improvements in volatility and drift but cannot change the sensitivity in plants to a given herbicide.

‘I don’t believe anyone knows when we load the air in 2017 with either VaporGrip or Engenia. There could be a potential ten-fold increase in acres to be sprayed in 2017. Based on what we saw in 2016, I’d prefer to have a limited, real-world, trial-use launch. That is unlikely to happen. I have concerns that the proposed regulations don’t go far enough and dicamba will be a train wreck despite our best efforts.

‘Again, I hope I’m wrong.’”

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Sullivan continued. “My thoughts are: folks, we need to hit the pause button. I know there are lots of industry people. A lot of friends of mine are seed people, chemical people. ... But when folks are shot over a herbicide, we need think about it.”

Bradley Wallace farms in Craighead County, Poinsett County and Mississippi County. “My dad was Mike Wallace. I’m here today in hopes of shedding some light on the unique situation farmers in northeast Arkansas face. If dicamba and similar products are allowed to be sprayed in our area, at this point and as heartbroken as I am, it’s my duty to step into my father’s shoes to see this issue laid to rest.

“My dad made numerous calls to the Plant Board in the 2015 and 2016 growing seasons hoping to find a helping hand willing to assist in bringing the illegal spraying to an end. His complaints fell on deaf ears.

“Sadly, he won’t be here for the 2017 growing season. He will also miss the birth of his first grandson carrying the Wallace name.

“My dad always taught me to always be honest and never live in fear. I’m here to tell you I’ll be planting all dicamba-resistant beans and cotton out of the fear of the known and unknown. We’ve seen exactly what the old formulations are capable of and there isn’t enough research or proof the new formulations won’t do the same.

“If dicamba and other formulations are allowed to be sprayed in our area we are sure to see a train wreck that could have totally been avoided.

“Our area is unique to the state – there may be 10 farmers on the same section of ground. With this being the case, we have to worry not only about our own crops but to watch out for our neighbors. We have relied and trusted them to do the same. Unfortunately, in a tight farm economy many have betrayed that trust and broken the law with this new seed technology resistant to an old chemistry.

“Our area has a variety of crops susceptible to damage due to the fact there is little to no room for a buffer zone. If you think for a second these new herbicides will be applied following the correct restrictions you’re fooling yourself.

“I’d personally like to see the new chemistry, including Engenia, banned from (northeast Arkansas) if not statewide. If you take the facts into consideration, there’s no way the Plant Board in good conscience wouldn’t want the same. I ask the board to have the foresight to know violence will only escalate between neighbors and more tragedies are likely to occur. This is unlikely to stop before more damage is done.”

Melissa Finch, cousin of Mike Wallace and manager of a gin in Monette, Ark., said “Mike followed the law and the restrictions. That cost him money in 2015 and 2016 because his crops were damaged by farmers who knowingly, and purposely, broke the law and misused the product. They didn’t care it damaged their neighbor’s crop. They had no concern or fear of the actions of the Plant Board. The cost savings to them far outweighed the penalties.

“Do you think the new regulations will be followed in 2017? Or will we be back here again next year facing another tragedy? The law was broken. Why would a regulation be followed in 2017? ... I’m not certain the regulations will be followed without addition of significant penalties, fines and jail time for misuse. Compensation for those damaged should also be given and enforced...

“No one in this room expected a man who was a victim of the misuse of dicamba to lose his life. Would you have taken a different action had you known?”

Karen Hawkins, Wallace’s sister, told the board “on October 27, 2016, my life and world changed forever. My brother, Mike Wallace, was shot multiple times because of an ongoing dispute by farmers in Missouri over their illegal spraying of dicamba.

“Mike was a hardworking steward of the land. He loved farming and he loved his family dearly. He tried to keep up with the changes taking place in the farming industry so he could provide for the people he loved to the best of his ability. He never forgot the basic rules of life that guided him every day: to work hard, to be honest, to be fair and be kind to others. However, he was surprised to see that everyone doesn’t follow the (same) rules or laws...

“The only thing that happened to the farmers who sprayed illegally (and drifted on Wallace’s crops) were small fines. It was cheaper for them to go ahead and spray dicamba illegally and pay the measly fine. They didn’t care how their illegal actions affected other farmers or their livelihood.

“I hope you understand this isn’t just about the illegal use of dicamba and drift. We’re talking about fourth-, fifth- and sixth-generation farmers being able to hang on to the family traditions of farming. It is our heritage, it is our way of life. We love it and cherish it.

“As each of you know, the current farming situation is extremely challenging. Farmers are burdened with seemingly never-ending difficulties and issues. We’re trying to hang onto our

farms and families in these hard times. We have dreams of being able to pass on this life we love to our children and grandchildren.

“We must have changes to these regulations and their enforcement must be a priority. We must do all we can to ensure the regulations and rules are followed by everyone.

“My 79-year-old mother, Mary, depended on her son. He was loving, he was protective and took care of her. My (sisters) and I thought of Mike as more than a brother. He was our protector, he was our hero and he was our friend.

“Mike’s wife, Karen, lost her husband, her companion, the love of her life and best friend. Mike’s children, Bradley and Kimberly, lost their father, their protector and hero.

“Mike’s grandchildren are very young and won’t be able to remember him, how much he loved them, how excited he was to see them coming through the door, how much he loved to play with them. They won’t know stunning man he was. Another grandson is due in February and he’ll never be held or kissed by his PaPa...

“I believe in my heart my brother would be here today if those who’d sprayed dicamba illegally had been dealt with more harshly.”

Export soybeans and poultry

Among others making statements:

Keith Thompson, Pan American Soybeans in Newport, Ark.

Thompson, who works with Marvin Hare, who also gave a statement, said “we’re concerned about the dicamba as it relates to our soybean business. We export specialty small soybeans to Japan...

“We’ve been producing them for 37 years in Arkansas. We provide local farmers with an opportunity for increased profit because of the premiums we pay...

“We’re very concerned about the potential impact this will have on our market – all our soybeans are non-GMO. Based on what I understand, it has the potential to put us out of business.”

Tim Roberts, Ozark Mountain Poultry

“We aren’t anti-GMO by any means. In fact, we feed more GMO feed than non-GMO. But we do have a customer base that has requested we provide them with non-GMO chicken.

“For the 2017 crop year, our current plans call for us to contract just under 50,000 acres of non-GMO soybeans and just under 23,000 acres of non-GMO corn. For those beans, premiums will be in excess of \$1 per bushel depending on the delivery period...

“We feel, and our contracting customers are telling us, the biggest threat to our program is the Xtend technology. Producers fear their neighbors will use off-label applications or the pesticide that hasn’t been through independent study won’t be as stable as they’d like – maybe it has some volatility issues.

“They feel they need to plant Xtend soybeans as a defensive measure. There seems to be low confidence due to a lack of independent study. As we are in the process of contracting 2017 acres ... we’re receiving significant pushback from perspective producers and those who’ve already been in our program due to concerns of off-label applications and lack of university data on the new formulations.

“For those reasons we strongly support the Plant Board’s recommendations put forth restricting the use of dicamba. Without those restrictions we’re concerned we won’t be able to procure enough non-GMO product within the state to meet our program needs. Those premium dollars would go outside Arkansas and we’d sure like to keep them right here.”

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Data needs and the cost of drift

Terry Dabbs, Arkansas County farmer

“I firmly believe if this board has all the facts, they’ll make the right decision. But they must have *all* the facts before they can do that. That’s why there are procedures in place for product testing so they can get all the facts based on sound science.

“I’d like to commend the University of Arkansas weed scientists for all the time, the work they put in to provide data to the board. They don’t take sides, they just produce data and report on it when asked.

“I agree there’s always a need for new technology, new modes of action to control weeds. But we must have products that have been tested, researched and gone through every process possible so we know what we’re getting won’t lead to any dangers for my, or my neighbors’, crops.”

Reed Storey, Phillips County farmer

“This year, we had approximately 600 acres of soybeans that were affected by two neighbors. We saw a 5 to 15 bushel loss. Quick math says that’s around \$70,000. As tight as the economy is for farmers, \$70,000 is a substantial amount.

“I’m in support of the regulations the Plant Board has put forward. I just encourage them to be more aggressive than they’ve been in the past when it comes to administering fines.

“People have talked about planting dicamba beans as a defense. Well, what if there aren’t any available while your neighbor has them? Our neighbor told us they’ll control their weeds no matter the cost. So, the label and regulations are for those who’ll follow them...

“We should look at more data before we allow (dicamba) to be sprayed.”

Admonishment and a bell cow

Rick Bransford, Lonoke County farmer, representing the Arkansas Agricultural Council

“We raise cotton, rice, soybeans, wheat and green beans – all subject to damage. We lived through the 2,4-D in cotton and survived.

“I want to admonish the companies that did not let our weed scientists ... put out unbiased, consumer report-type information. It should have been done two or three years ago. It should have been done. I don’t know why the business model is the way it is but I think it was bad precedent going forward that unbiased (weed scientists weren’t provided new Vaporgrip formulations).”

Wendall Stratton, farmer, seed company head in Stuttgart, Ark.

“The decisions you make have huge implications going forward. I appreciate the way the board is composed. You represent different facets of this industry...

“We’re a part of a nationwide focus group. On the way to a meeting in Minneapolis last month, I made a couple of phone calls to get my head around this situation. As we attended the meeting, we were asked our company position on the application of dicamba this year...

“After a comment session, a friend from Kansas said, ‘I’m very interested in what y’all do in Arkansas because we’ll follow your lead. I can tell you that. What Arkansas does, surrounding states pay attention to.’

“A couple of weeks ago (at another meeting), a board member from Nebraska told me the same thing. I know that’s true. It’s great for the state to be a leader in an area. In regulation of agriculture, we’re a leader. Isn’t that great? So many times, we’re way down the list.

“(The Plant Board) has a huge job. ... I have full confidence in you. But in this process, please remember the decisions you make on this issue are going to reach way beyond our borders.”

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