



Office of
INDIANA STATE CHEMIST AND SEED COMMISSIONER

Protecting Indiana's Agriculture and Environment - Feed, Fertilizer, Hemp, Pesticide and Seed

Mark LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

Purdue University • 175 South University Street
West Lafayette, IN 47907-2063
Telephone (765) 494-1492 • Facsimile (765) 494-4331
www.oisc.purdue.edu

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**Dicamba Highly Volatile Herbicide
Frequently Asked Questions**

On March 2, 2021, the Indiana Pesticide Review Board (IPRB) voted unanimously to classify all Restricted Use Pesticides (RUP) containing more than 6.5% dicamba as Highly Volatile Herbicides (HVH). The HVH determination was made to allow for the establishment of mitigation measures designed to curb the potential for off-target movement of dicamba products through drift and volatilization.

Following the 2023 growing season, OISC examined the off-target complaint data for all Indiana dicamba complaints since the implementation of the HVH designation. OISC determined that few of the 2023 complaints were the result of dicamba applications to crops other than post emergent soybeans and that mitigation measures implemented under the HVH had been effective in reducing the excessive number of dicamba complaints.

On January 17, 2023, in consideration of the recent trend of reduced dicamba incidents, the IPRB determined that the June 20th application cutoff date for dicamba HVHs could effectively be replaced by a more flexible safeguard, based on air temperature at the time of application.

The IPRB recommended that OISC adjust the terms of the HVH application permit to require, “***No application of a dicamba HVH shall be made if the air temperature of the field at the time of application is over 85 degrees Fahrenheit or if the National Weather Service’s recorded high temperature for the nearest available location for the time of application exceeds 85 degrees Fahrenheit <http://www.weather.gov/>.***” Any additional product specific restrictions such as the June 12th application cutoff date on the labels for Engenia Herbicide (EPA Reg. No. 7969-472) and Xtendimax Herbicide (EPA Reg. No. 264-1210) must continue to be followed.

1. What is a Highly Volatile Herbicide (HVH)?

A HVH is defined in state law as any herbicide capable of emitting vapors that may cause serious injury to desired plants by reason of movement of the vapors from the area of application of the herbicide to areas inhabited by the desired plants. The IPRB has determined that dicamba herbicides used in agriculture during periods when many non-target plants and crops are actively growing and particularly sensitive to low levels of dicamba exposure meet that definition.

2. Which herbicides have been classified as HVHs in Indiana?

The list of HVHs includes all herbicides containing more than 6.5% dicamba active ingredient and classified as a Restricted Use Pesticide (RUP) in Indiana. A list of currently registered dicamba RUPs is available at https://oisc.purdue.edu/pesticide/pdf/rup_listing.pdf. The list of HVHs does not include low level dicamba herbicides that are routinely labeled for use on turf and in lawn and landscape settings.

3. What legal requirements are created by the HVH determination?

Indiana pesticide law prohibits sale, distribution, or use of HVHs without written permission from the Office of Indiana State Chemist (OISC). OISC has implemented the written permission requirement through a general permitting process. OISC will not be issuing individual written notices of permission or individual permits. Instead, a General Permit has been issued by OISC to cover all HVH sale and distribution and HVH use. As explained below, all persons eligible for sale, distribution, or use of the HVHs will automatically be covered by the General Permit.

4. Who is covered by the “Dicamba HVH General Permit for Sale or Distribution”?

All Restricted Use Pesticide (RUP) dealers registered and permitted by OISC are automatically covered by the General Permit and are eligible to sell or distribute the HVHs. No additional actions or filings are required. As with all RUPs, registered dealers may sell or distribute only to other registered RUP dealers or to certified and licensed Category 1 (agricultural) commercial applicators or certified and licensed private applicators (farmers). And again, as with all RUPs, records of the sale or distribution must be maintained by the registered dealer.

5. What are the General Permit restrictions on when HVHs can be sold or distributed?

There are no timing restrictions on sales. HVHs can be sold or distributed at any time, if the product is registered with OISC by the registrant or manufacturer.

6. Who is covered by the “Dicamba HVH General Permit for Application”?

All certified and licensed Category 1 (agricultural) commercial applicators and all certified and licensed private applicators (farmers) are automatically covered by the General Permit and are eligible to apply the HVHs according to label directions. No additional actions or filings are required.

7. What are the General Permit restrictions on when HVHs can be applied?

First, the use of HVHs must comply with any application timing restrictions listed on the label of the product being used. For over-the-top soybean products Engenia Herbicide (EPA Reg. No. 7969-472) and Xtendimax Herbicide (EPA Reg. No. 264-1210) the product cannot be applied after June 12th or after the V4 growth stage of the soybean. For Tavium Herbicide (EPA Reg. No. 100-1623) the product cannot be applied after the V4 growth stage or more than 45 days after planting.

In addition, no dicamba HVH products may be applied if the air temperature of the field at the time of application is over 85 degrees Fahrenheit or if the National Weather Service’s recorded high temperature for the nearest available location for the time of application exceeds 85 degrees Fahrenheit <http://www.weather.gov/>.

8. Does the over 85-degree Fahrenheit temperature application restriction apply to all HVHs and all target crops, or just to application of Engenia, Tavium, and Xtendimax on soybeans?

The temperature restriction applies to all dicamba HVHs, regardless of the target crop or site to which it is being applied. The IPRB determined that all currently registered agricultural dicamba herbicides are capable of emitting vapors from the area of application of the herbicide to areas inhabited by desired plants if applied during elevated temperatures.