

# TITLE 357 INDIANA PESTICIDE REVIEW BOARD

## Justification Language for Requirements and Costs

LSA Document #17-180

The following justification language for requirements and costs is being provided for the proposed rule to expand the list of state restricted use pesticide products to include certain herbicides containing the active ingredient dicamba. The following is being provided in addition to a cost benefit analysis, an economic impact statement, and a fiscal impact analysis on state and local government. Each of these documents can be found at

[http://www.oisc.purdue.edu/oisc\\_rules\\_regs\\_laws.html](http://www.oisc.purdue.edu/oisc_rules_regs_laws.html) .

### **1. What will be the result of adding dicamba to the regulated list and how this might restrict usage?**

As proposed, the only dicamba-containing herbicides impacted by this classification would be dicamba products intended for agricultural use. All low active ingredient level dicamba herbicides labeled for home, turf, and right-of-way use would not be impacted.

The ag dicamba herbicides being classified as Restricted Use Pesticides would restrict sale and use of those products to certified and licensed applicators only. Under current Indiana law, any pesticide (general use or restricted use) applied commercially for-hire is required to be applied by a certified and licensed applicator. Therefore, any growers/producers who are currently hiring commercial applicators to apply pesticides to their farm ground would not be impacted by this restriction. Those applicators are already in compliance with the proposed classification change requirement.

For those corn and soybean farmers who apply their own pesticides to their own farm ground rather than hire a commercial applicator to do it for them, it is projected that the overwhelming majority of those farmers are also already certified and licensed to apply Restricted Use Pesticides. Most corn acres in Indiana require at least some atrazine herbicide or other Restricted Use Pesticides be applied at some point for weed control. Therefore, for the do-it-yourself farmer applicator, they too are already in compliance with the regulatory requirements to purchase and use dicamba. So the only anticipated restriction of use resulting from this proposal would be to the farmer/grower who has received absolutely no training and competency measurement in the safe handling and use of pesticides. If a farmer/grower elects not to utilize this one herbicide option for weed control, it will be based on alternative weed management strategies and safety concerns rather than regulatory unavailability.

### **2. Why is this rule necessary? What are the benefits of adding dicamba to the regulated list?**

In the early 1980s dicamba herbicides were introduced to agriculture in Indiana. Applicators came to realize after a few short seasons of use that the potential for this product to drift or volatilize (vaporize and move hours or days after application) off-site and cause considerable non-target crop, garden and ornamental vegetation

damage, even at very low levels. Dicamba is a very active herbicide. Even a little bit of it in the wrong place caused economic loss. As a result, Indiana applicators moved away from the use of dicamba and sought out other herbicide options. With the introduction of new GMO dicamba tolerant soybeans last year, the incentive to return to the use dicamba to control weeds that have grown resistant to other herbicides has returned. And before the U.S. EPA could even register new formulations of dicamba intended to be used with these new tolerant soybeans, farmers from other states (AR, MO, TN, IL) showed a willingness to use older labeled dicamba products illegally on these new tolerant soybeans. Enormous economic losses from drift and volatilization to other high value crops and ornamentals occurred, resulting in heated farmer-on-farmer and homeowner-on-farmer disputes, that escalated in at least one case to homicide of an impacted farmer neighbor.

Adding dicamba to the RUP list will provide several benefits:

- a) Only trained and competent applicators will be able to purchase and use it. It is our experience that most regulated applicators will follow the rules and make safe applications when they are aware of the hazards.
- b) It will allow for continual outreach and communication between trainers, educators, regulators, and applicators. If applicators are not certified, there is no effective way to identify them and get the special training and outreach to them to avoid the unintended consequences of off-target drift and volatilization of this highly active herbicide.
- c) It will keep older labeled dicamba out of the hands of applicators who purchase it for the intended purpose of using it illegally on the tolerant soybeans. Older labeled products are more prone to drift and volatilize than newer legal formulations.
- d) It will create a regulatory structure that will allow OISC to have a better chance to document illegal dicamba uses and identify applicators who are responsible for off-target damage to crops and properties.
- e) It will allow for preventative action to protect crops and property rather than strictly reactionary measures with limited or no regulatory relief being provide to injured Indiana citizens.

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