

March 27, 2024

The Honorable Michael Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20004

Dear Administrator Regan,

We write to inform you of ongoing developments regarding low-volatility dicamba (hereafter “dicamba” or “dicamba products”) on dicamba-tolerant (DT) soybeans and cotton, as well as express the U.S. agricultural community’s needs for future growing seasons. While we appreciate EPA’s swift action in issuing an existing stocks order following the February 6, 2024, court vacatur of the three dicamba registrations, unfortunately, implementation of the order has not occurred as smoothly as the Agency or stakeholders may have hoped. To prevent future disruption to U.S. agricultural production, we strongly urge the Agency to provide certainty in making post-emergent dicamba products available for the 2025 growing season and beyond.

We greatly appreciate EPA’s swift action issuing a thoughtful, quality existing stocks order following the recent vacatur of three dicamba registrations. This order allowed increased certainty during the 2024 growing season for farmers planning to produce nearly 50 million acres of DT soybeans and cotton, understanding they would have continued opportunities to use herbicide they had ordered and in which they had made financial investments. This should allow tens of thousands of farmers to continue protecting their crops from damaging weeds and implementing vital conservation practices.

Implementation of the order, however, is facing significant, ongoing challenges. Given that the order restricted sale and distribution of any herbicide produced under the three registrations from the registrants on or after February 6, 2024, it limited use only to stocks with retailers, co-ops, and other downstream supply chain participants.

We are observing that existing stocks covered by the order are well below historical market demand. Feedback suggests significant geographical discrepancies exist (e.g., stocks in the upper Midwest are much greater than those in the South). In some instances, individual retailers are reporting possession of only 50 percent of historical supplies. Due to limited stocks, many farmers who placed orders and made financial investments in seed and herbicide are unlikely to receive product they ordered months ago. Prices for available supplies have also spiked significantly. Tens of thousands of growers are currently scrambling to procure limited supplies of alternative products that can meet their weed control and conservation management needs.

To prevent these challenges and others from persisting beyond this growing season, it is essential that EPA quickly work to provide market clarity and certainty by ensuring the availability of dicamba products for post-emergent use on DT soybeans and cotton for 2025 and beyond. Much of the seed for the following growing season is produced the season prior. As spring planting for 2024 gets underway, farmers who produce seed are already planting DT seed varieties that will be available for the 2025 growing season. Without the continued availability of dicamba products for use on DT soybeans and cotton, at this time it will be incredibly difficult to plant sufficient alternative seed

supplies or manufacture necessary alternative herbicide volumes to meet market demand for the 2025 growing season.

For many growers, dicamba is the only post-emergent herbicide for use on herbicide-tolerant soybeans and cotton still effective for controlling herbicide-resistant (HR) weed populations on their farms. Some weed populations have already developed resistance to every other market alternative. Without access to this tool, many farming operations would be left vulnerable to uncontrollable weeds that can steal 50 percent or more of a crop's yield. With this pressure, some growers may feel compelled to resort to mechanical weed control techniques, including intensive soil tillage, to protect their crops. This would sacrifice vital soil health, water quality, and greenhouse gas sequestration benefits associated with reduced tillage practices. We seek your assistance in avoiding these serious, preventable harms by making available access to dicamba products for 2025 and beyond.

In terms of the competitive landscape, the herbicide-tolerant seed market is already limited. If dicamba products are not available for the next growing season, we would expect to see significant market share consolidate to a single alternative herbicide tolerant seed platform, where currently the market is spread across four major herbicide and seed providers. This outcome would seem inconsistent with the Administration's goal of promoting greater competition in the agricultural input industry.

Access to post-emergent use of dicamba products is vital for hundreds of thousands of farmers across the United States. It enables them to protect their crops, especially from challenging HR weed populations, and maintain important conservation practices. We appreciate EPA's work in preserving access to this critical tool for the 2024 growing season via the existing stocks order, even in the face of ongoing supply and distribution struggles. To avoid seeing these challenges persist into the 2025 growing season, we urge the Agency to act quickly in taking necessary steps to allow for in-season, post-emergent use of dicamba products on DT soybeans and cotton. We appreciate your attention to our concerns and stand ready to assist you in ensuring this product is available into the future.

Sincerely,

American Cotton Producers
American Farm Bureau Federation
American Soybean Association
National Cotton Council
Agricultural Council of Arkansas
Alabama Cotton Commission
Alabama Farmers Federation
Alabama Soybean and Corn Association
Arizona Cotton Growers Association
Arizona Farm Bureau Federation
Arkansas Soybean Association
California Cotton Ginners and Growers Association
Delta Council
Florida Cotton Growers Association
Florida Farm Bureau Federation
Georgia Cotton Commission

Georgia Farm Bureau
Georgia-Florida Soybean Association
Illinois Soybean Growers
Indiana Farm Bureau
Indiana Soybean Alliance
Iowa Farm Bureau
Iowa Soybean Association
Kansas Cotton Association
Kansas Farm Bureau
Kansas Soybean Association
Kentucky Farm Bureau Federation
Kentucky Soybean Association
Louisiana Cotton & Grain Association
Louisiana Farm Bureau Federation
Michigan Farm Bureau
Michigan Soybean Association
Mid Atlantic Soybean Association
Minnesota Farm Bureau Federation
Minnesota Soybean Growers Association
Mississippi Farm Bureau Federation
Mississippi Soybean Association
Missouri Farm Bureau
Missouri Soybean Association
Nebraska Farm Bureau Federation
Nebraska Soybean Association
New Mexico Farm & Livestock Bureau
New York Corn and Soybean Growers Association
New York Farm Bureau
North Carolina Cotton Growers Association
North Carolina Farm Bureau
North Carolina Soybean Producers Association
North Dakota Soybean Growers Association
Ohio Farm Bureau
Ohio Soybean Association
Oklahoma Cotton Council
Oklahoma Farm Bureau
Oklahoma Soybean Association
Pennsylvania Farm Bureau
Plains Cotton Growers, Inc.
Rolling Plains Cotton Growers Association
South Carolina Corn and Soybean Association
South Carolina Farm Bureau
South Dakota Farm Bureau
South Dakota Soybean Association
South Texas Cotton and Grain Association
Southern Cotton Growers
Southern Kansas Cotton Growers
Southern Rolling Plains Cotton Growers Association
St. Lawrence Cotton Growers Association

Tennessee Farm Bureau Federation
Tennessee Soybean Association
Texas Farm Bureau
Texas Soybean Association
Virginia Cotton Growers
Virginia Farm Bureau
Virginia Soybean Association
Wisconsin Farm Bureau
Wisconsin Soybean Association
Wyoming Farm Bureau Federation

CC: The Honorable Tom Vilsack, U.S. Secretary of Agriculture