Message

From: Dale Scott [Dale.Scott@TexasAgriculture.gov]
Sent: 1/24/2019 2:20:03 PM
To: Maignan, Tawanda [Maignan.Tawanda@epa.gov]; Kevin Haack [Kevin.Haack@TexasAgriculture.gov]; Keigwin, Richard [Keigwin.Richard@epa.gov]
CC: Kenny, Daniel [Kenny.Dan@epa.gov]; Davis, Kable [Davis.Kable@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Meadows, Sarah [Meadows.Sarah@epa.gov]
Subject: RE: Dicamba 24c's for Texas .... Any decision yet ?
Attachments: Texas Register Notice January 4, 2019.pdf; 2019 Extension Auxin Training TDA Submission 12-20-18.pptx

All,
Texas is getting very close to the start of planting in the southern portion of Texas. Realizing that the Federal Government is still shut down with no end in sight, TDA is willing to make several concessions to prevent any unreasonable adverse effects, especially to endangered species, occur within the state. First, the 24(c) label for Texas would only apply to dicamba tolerant cotton grown in the state. Any tolerant soybeans would be held to the current Section 3 label. Second, TDA is willing to keep with the current label restrictions of 2 post emergence (over the top) applications per growing season. TDA requests those two applications would be allowed up to 90 days after planting as the long growing season, physiology of cotton and the weather patterns in the state demand longer intervals for weed control. TDA is also requesting to allow applications from sunrise to sunset.

TDA has taken steps above and beyond the label requirements to ensure that all applicators have been trained. In 2018, Texas had over 7,360 applicators trained for the use of dicamba. This year, we have taken steps to ensure more applicators are trained for auxin herbicides. TDA has proposed rule changes (attached to this email) to require training for both 2,4-d and dicamba when applied over the top of a transgenic tolerant crop. In addition to the requirements outlined in the rules, prior to approval, all courses must include topics concerning endangered species and the label requirements regarding endangered species. I have attached the PowerPoint presentation from Texas A&M AgriLife Extension Service that contains slides devoted to endangered species and the buffer requirements. TDA will also provide an email to all certified applicators certified as a private applicator or certified and holding the 3A Category for field crop applications outlining the training. In these emails, we will emphasize the endangered species requirements and provide a link to the Bulletins Live II website. TDA will also step up our inspections to dealers. In Texas, all dealers selling 2,4-d and dicamba (as well as federal RUP's) must be licensed by the department. TDA inspectors will follow up on any questionable sales records and visit the purchaser/applicator to verify certification and the completion of the auxin training.

As I have demonstrated, TDA will continue to ensure the proper use of the 2,4-d and dicamba technologies in the state. I look forward to receiving your reply to continue these conversations. Thank you for your consideration.

Dale R. Scott
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From: Maignan, Tawanda [mailto:Maignan.Tawanda@epa.gov]
Sent: Thursday, December 20, 2018 3:36 PM
To: Dale Scott; Kevin Haack
Cc: Kenny, Daniel; Davis, Kable; Rosenblatt, Daniel; Meadows, Sarah
Subject: RE: Dicamba 24c's for Texas .... Any decision yet ?

Dale,

This message is to let you know I received your voicemail and to acknowledge receipt of the email below. More importantly, I thank you for the quick turnaround and the information provided has been elevated to upper management. If you have any immediate concerns please contact Kable (Bo) Davis at 703-306-0415.

Regards,
Tawanda

Tawanda Maignan
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Minor Use & Emergency Response Branch
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From: Dale Scott <Dale.Scott@TexasAgriculture.gov>
Sent: Thursday, December 20, 2018 1:24 PM
To: Maignan, Tawanda <Maignan.Tawanda@epa.gov>; Kevin Haack <Kevin.Haack@TexasAgriculture.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Davis, Kable <Davis.Kable@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Subject: RE: Dicamba 24c's for Texas .... Any decision yet ?
Importance: High

Tawanda,

Please accept the following justification for the SLN for dicamba. It is important that we receive this approval soon, as cotton will begin being planted at the end of February. We are needing to get our auxin training in place by January 1, to begin our courses.

- For the 2018 growing season, TDA had only 6 dicamba complaints for the season. Only 5 of those complaints were as a result of applications made to dicamba tolerant cotton.
- After the label for the 2018 season was approved by EPA which mandated auxin training prior to the application of dicamba, TDA reached out to Texas A&M AgriLife Extension Service requesting their cooperation in administering the training. As a result, Texas had over 7,300 applicators go through the training. This training was 50 minutes in length and had all of the labeled required elements.
- TDA inspectors were out in force reviewing dealer distribution records to ensure that the products were sold to only licensed applicators and looking for any non-labeled dicamba sales to cotton producers.
- 2,4-d and dicamba have been State Limited Use Pesticides as well as Regulated Herbicides in Texas since the 1950's due to the volatile nature of the herbicides.
- 2,4-d and Dicamba have required an applicator license for many years.
- Cotton production in Texas is large scale, especially on the high plains of Texas. The time restriction is too restrictive as a result, as wind speeds increase later in the day and wouldn't allow the applicators to get across thousands of acres each day.

- Because the large scale production, producers are needing farm employees to assist with applications. The prohibition of the supervision of an applicator places additional burdens on producers as many of the farm hands cannot get licensed due to various reasons.
- In 2018, 1,669 uncertified applicators were successfully trained in both English and Spanish as a result of the Texas A&M AgriLife Extension Auxin Training.
- Due to the length of the growing season in Texas, two applications of dicamba are not adequate enough to hold off tough weeds such as pigweed.
- The 60 day timeline after planting is inadequate for dicamba applications are made, as the growing season is long with periods of draught.
- 7 million acres of cotton were planted in 2018. That number is expected to increase for 2019.
- For 2018, TDA has proposed state regulation to mandate auxin training for both 2,4-d and dicamba sprayed over the top of transgenic crops.

TDA respectfully request EPA to grant this 24(c) registration and allow the state to monitor and enforce applications made using this technology. EPA made many of the 2019 growing season changes to the dicamba label based upon the number of complaints and misapplications made to soybeans, not cotton. In addition, EPA granted 24(c) labels for additional restrictions for soybean states in 2018. Texas request the same allowance for this SLN as allowed to soybean states.

Texas request this SLN as authorized under Section 24 of FIFRA. This request is in accordance with the provisions of Section 24(c) of FIFRA and 40 CFR 162.152(a) (1)-(4).

As demonstrated by the 6 dicamba complaints for the 2018 growing season, Texas has demonstrated that there are no unreasonable adverse effects are expected as a result of this 24(c) registrations.

TDA appreciates the Agency's consideration and asked for an expedited decision due to the time constraints of the growing season and the need to begin the auxin training.

Thank you,

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From: Maignan, Tawanda [mailto:Maignan.Tawanda@epa.gov]
Sent: Thursday, December 20, 2018 10:52 AM
To: Kevin Haack
Cc: Kenny, Daniel; Dale Scott; Davis, Kable; Rosenblatt, Daniel
Subject: RE: Dicamba 24c's for Texas .... Any decision yet ?
Importance: High

WARNING: This email originated from outside of the Texas Department of Agriculture email system. DO NOT click links or open attachments unless you expect them from the sender and know the content is safe.

Good morning Kevin,

Again, I do apologize for the delay and recognize the urgency in receiving feedback from us. However, to assist the Agency with how to address the proposed BASF 24c, TDA needs to provide justification for why the use of the product for which registration is sought will not cause unreasonable adverse effects on man or the environment, when used in accordance with proposed labeling directions under the 24c. Your immediate attention to this matter is greatly appreciated.

Regards,
Tawanda

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From: Kevin Haack <Kevin.Haack@TexasAgriculture.gov>
Sent: Thursday, December 20, 2018 10:03 AM
To: Maignan, Tawanda <Maignan.Tawanda@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Dale Scott <Dale.Scott@TexasAgriculture.gov>
Subject: Dicamba 24c's for Texas .... Any decision yet ?

Hi Tawanda,

Has there been any decision on the BASF Draft 24c Label that I sent earlier this week.

We need to know which changes to the Use Directions are allowable and which ones are not , so we can move forward.

We really need to have a decision today since we have many interested parties leaving for the holidays.

Thanks,

Kevin

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