Message

From: Corbin, Mark [Corbin.Mark@epa.gov]
Sent: 11/21/2018 12:29:56 PM
To: Anderson, Brian [Anderson.Brian@epa.gov]
Subject: Fwd: EPA scientists' dicamba input went unheeded - Arkansas Democrat-Gazette, 11/21/2018

FYI

Sent from my iPhone

Begin forwarded message:

> **From:** "Baris, Reuben" <Baris.Reuben@epa.gov>
> **Date:** November 21, 2018 at 7:22:53 AM EST
> **To:** "Echeverria, Marietta" <Echeverria.Marietta@epa.gov>, "Corbin, Mark" <Corbin.Mark@epa.gov>, "Odenkirchen, Edward" <Odenkirchen.Edward@epa.gov>, "Peck, Charles" <Peck.Charles@epa.gov>
> **Subject: EPA scientists' dicamba input went unheeded - Arkansas Democrat-Gazette, 11/21/2018**
>
> So you are aware of the noise...
>
> http://digital.olivesoftware.com/Olive/ODN/ArDemocrat/shared/ShowArticle.aspx?doc=ARDEMOCRAT%2F2018%2F11%2F21&entity=Ar00102&sk=CA51B521&mode=text

EPA scientists' dicamba input went unheeded

Emails show agency pared 443-foot buffers to 57 feet

Scientists with the federal Environmental Protection Agency recommended restrictions on dicamba use that the agency ultimately ignored when it recently allowed for the spraying of the herbicide on soybeans and cotton for another two years.

Emails obtained by the

Arkansas Democrat-Gazette

through a Freedom of Information Act request show that EPA scientists on Oct. 5 sought 443-foot in-field buffers between areas where dicamba is sprayed and where there may be endangered species.

Those buffers, instead, were set at 57 feet in new regulations announced on Oct. 31 by Andrew Wheeler, the EPA's acting administrator.

The EPA also retained 110-foot downwind buffers from dicamba regulations that began expiring this month and said the new 57-foot buffers for the other sides of the field will provide adequate protection for endangered species. Only certified applicators can spray dicamba, and it is their responsibility to check an EPA website to determine the presence of endangered species, the EPA said.

Scientists with the agency's Environmental Fate and Effects Division, or EFED, sought the 443-foot buffers, according to documents obtained from the University of Arkansas System's Division of Agriculture through the state's open-records law.

The issue of buffers is but one among many in a controversy in which EPA critics say science has been disregarded by the agency and, in some cases, by regulators in states where soybeans are grown.

Thousands of complaints have been filed in several states the past two years alleging that dicamba damaged millions of acres of soybeans and other crops and vegetation susceptible to the weedkiller.

Critics say the EPA's latest restrictions and applicator-training programs, such as those established by dicamba's manufacturers, still do not address the herbicide's "volatility," or its ability to lift off plants as a vapor or gas hours or days after being applied and move to fields even miles away.

EPA representatives visited seven states this summer, held a series of conference calls with weed scientists, state regulators and representatives of the pesticide-industry, and collected data from several field trials conducted the past two years as the agency considered dicamba's future.

While acknowledging that some 1,400 complaints have been made this year of damage to crops and to non-agriculture vegetation in several states, the EPA said dicamba's effectiveness against weeds now resistant to other herbicides outweighed the risks.

OFF TARGET

In a statement Tuesday, the EPA said its final decision was based on its scientists' recommendations, along with other information from "state regulators, farmers, academic researchers, pesticide manufacturers and other

stakeholders." The agency said the draft recommendation obtained by the *Democrat-Gazette* "was preliminary in nature" but didn't specify whether, or how, the scientists' recommendation had changed.

In its Freedom of Information request, the *Democrat-Gazette* received a few hundred pages of documents, with most being paper copies of PowerPoint presentations of UA field trials and a dicamba-related thesis by a UA student and doctoral candidate, all of which UA shared with the EPA this summer.

The larger buffers recommended by the EPA scientists arose from the work of Jason Norsworthy, UA professor and weed scientist who ran a large-scale field trial on a 240-acre commercial soybean field this s u m m e r t o test for dicamba's off-target m o v e m e n t , whether by physical drift as it was being sprayed or by post-application volatility. Earlier this year, Norsworthy was named a Fellow by the Weed Science Society of America, its highest honor, and won its award for top research in 2017.

Monsanto, now owned by Bayer, provided equipment and funding for the study and had representatives on-site during much of Norsworthy's test, which he called one of the largest of its kind in the nation. Norsworthy's experiments showed that the company's dicamba, called XtendiMax, moved off target at least 390 feet in four directions from where it was sprayed.

The company later questioned the validity of those results, according to the Oct. 5 email.

Bayer said Saturday that the UA study was among several that Monsanto helped fund and that its results were dramatically different from results of other tests. "This funding imposed no restrictions on the use or ownership of any data developed by these researchers," Bayer said in a statement.

Bayer also said the EPA "conducted an extensive review prior to issuing continued registration for Xtendi-Max and based its decision on all relevant science."

Others disagreed.

"The EPA's own scientists recommended a 135-meter buffer that was based on poring over scientific studies such as Norsworthy's," said Bill Freese, an analyst with the Center for Food Safety, one of several groups that have sued the EPA for its dicamba decision in 2016.

“They saw that as science-based, and that it would also give some protection to neighboring farmers,” Freese said. “It’s pretty incredible when you look at the final decision — 57 feet— that EPA higher-ups came through with. I don’t see EFED scientists changing their minds, but I do think its important to understand the scientists are under a lot of pressure.”

Freese also noted that the EPA has asked for more information on off-target movement, dicamba’s effects on other vegetation, pH levels in soils and other issues. “The EPA has approved these pesticides for another two years but, at the same time, they’re saying there’s so much that we don’t know,” he said.

POLITICS AND SCIENCE

Monsanto released dicamba-tolerant cotton in 2015 and dicamba-tolerant soybeans in 2016 without having yet gained EPA approval for a dicamba formulation that became XtendiMax. Monsanto didn’t allow third-party independent testing of its dicamba product for volatility during that time.

BASF and DowDuPont also have dicamba formulations approved for another two years.

“It’s more evidence of the EPA basing the decision on politics and not science,” Steve Smith, agriculture director of Red Gold, an Indiana-based tomato processor, and chairman of the Save Our Crops Coalition, told the *Democrat-Gazette* by telephone.

“They seem to acknowledge what Jason was saying but, when it came time to actually publish, they took Monsanto’s recommendations point blank,” Smith said. “I can tell you 57 feet is nothing. I can tell you 110 feet is nothing. I live next to a soybean field, and that farmer did leave a 110-foot buffer, and my trees still got smoked.”

In a Nov. 2 email to Norsworthy and other weed scientists, Bob Nichols, a scientist and senior director with the research and marketing group, Cotton Inc., wrote, “Our present experience and data suggest these new EPA guidelines do not significantly reduce the potential for off-target movement.”

Norsworthy declined to comment on the email exchanges, but the UA Division of Agriculture issued a statement, saying its scientists have been asked for help several times by the Plant Board and the EPA.

"Bayer, the registrant, continues to challenge public data to the EPA," the UA said. "Questions about decision-making and the final label [for dicamba's use] are the EPA's to answer. We continue to stand behind our weed scientists. We don't have all the answers to the challenges of dicamba, and the herbicide's continued use makes it all the more critical that we … continue our work in support of the safety of all Arkansas agriculture."

The EPA has been sued in federal court in Washington state over a study, alleged to inadequate, of dicamba's environmental effects on endangered species when it first allowed the herbicide's in-crop use. A couple of dozen lawsuits, including some in Arkansas, have been filed against dicamba manufacturers.

In Arkansas this year, farmers were supposed to stop spraying dicamba on April 16, a cutoff date set by the state Plant Board after receiving about 1,000 complaints of damage last year.

Monsanto and the other manufacturers attributed most of the problems to applicator error and implemented training programs that they say have reduced dicamba's off-target movement and the number of complaints.

While Arkansas had the only ban, other states adopted midseason changes to their regulations, with cutoff dates based on the calendar or on air temperatures.

Even with the April 16 cutoff, the Arkansas board received some 200 complaints, most in midsummer, leading officials to believe that some farmers in the state violated the ban. The board is in the middle of a process to determine how, or if, dicamba can be used in the state next year.

FIELD TESTS

Two Crittenden County farmers donated a 240-acre field for Norsworthy's volatility tests this summer.

A 38-acre plot of Monsanto's dicamba-tolerant beans was set in the middle of the field, with the rest of the acres planted in beans not dicamba tolerant. Post-spraying tests showed that, as many as 29 days after dicamba was sprayed on the 38-acre plot, non-dicamba soybeans hundreds of feet away had symptoms of dicamba damage. Even plants covered by buckets and tarps during, and shortly after, application showed various levels of damage.

Norsworthy provided his Crittenden County study to the EPA in mid-September, along with other studies conducted elsewhere in Arkansas and other states. He also presented his study to the Plant Board on Sept. 20.

Six days earlier, Bayer representatives canceled a previously scheduled visit with Norsworthy to look over the Crittenden County results. John A. Chambers, a Bayer representative, cited an "urgent conflict" in an email to Norsworthy to cancel the meeting.

In an Oct. 5 email, Mark Corbin, an Environmental Fate and Effects Division branch chief, asked Norsworthy to look over an internal draft prepared two days earlier. The draft said Environmental Fate and Effects Division's position on Oct. 3 was to recommend an "omni-directional" 60-meter buffer, or about 196 feet, for fields that may be near endangered species.

The 196-foot buffers, according to the draft, were "preliminary and contingent on the results of further evaluation" of Norsworthy's study in Crittenden County. The draft then noted that the scientists' subsequent study of Norsworthy's work "suggested that a larger buffer (135 meters) would be appropriate." A 135-meter buffer would be about 443 feet.

"However, some potentially confounding issues regarding this study were presented by the registrant as suggestive that the study was not reliable," the Environmental Fate and Effects Division wrote in its draft. The draft then noted that Environmental Fate and Effects Division scientists and Norsworthy had joined in a conference call Oct. 4 "to get clarification on the potentially confounding issues."

The "registrant" in that reference was Bayer, whose $66 billion purchase of Monsanto had closed by then.

Bayer said Norsworthy's study showed much higher levels of off-target movement and damage than other studies showed.

Norsworthy addressed all seven issues during the conference call, according to the draft. Norsworthy said Bayer representatives played prominent roles in portions of his study and that climate conditions and the geography of eastern Arkansas, near Crowley's Ridge, could have contributed to more off-target movement there than what was shown in studies in other states.

The EPA draft also indicated that the Environmental Fate and Effects Division scientists accepted Norsworthy's formula for assessing visual soybean damage over Bayer's preferred formula.

The draft concluded: "Based on this discussion, EFED cannot preclude the use of the Norsworthy data in the expansion of the dicamba action area. Acceptance of the Norsworthy data as valid results in the recommendation of a 135-m 'buffer' … for the purposes of establishing a protective and technically defensible limit."

The EPA's decision to approve dicamba use also went against at least one recommendation of the American Association of Pesticide Control Officers, a body of state regulators, including those in Arkansas. It asked the EPA in late August to set a conditional year-to-year label — instructions for use — for in-crop dicamba.

Smith, of the Indiana tomato processor, has long criticized the use of dicamba over the top of soybeans and cotton because of its threat to other crops and vegetation.

He once served on a dicamba advisory board established by Monsanto, which developed dicamba-tolerant soybeans and cotton along with a dicamba formulation designed to be less susceptible to moving off target. Smith has said Monsanto dropped him from the board because of his criticism.

"The widespread use of dicamba is incompatible with Midwestern agriculture," he told Congress in 2010, when Monsanto was still developing its dicamba-tolerant crop system. "Even the best, the most conscientious farmers cannot control where this weedkiller will end up."

Sent from my iPhone

Message

From: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
Sent: 6/7/2018 3:14:56 PM
To: Baris, Reuben [Baris.Reuben@epa.gov]
Subject: RE: Labeling Summary for Dicamba

Gold star for you Reuben. Thank you

From: Baris, Reuben
Sent: Thursday, June 7, 2018 9:48 AM
To: Kaul, Monisha <Kaul.Monisha@epa.gov>; Chism, William <Chism.Bill@epa.gov>; Hawkins, Caleb <Hawkins.Caleb@epa.gov>; Becker, Jonathan <Becker.Jonathan@epa.gov>; Jones, Arnet <Jones.Arnet@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Subject: Labeling Summary for Dicamba

Monisha et al.,
Thanks again for meeting with us yesterday. I appreciate all the efforts you're putting into this. One of my to do items coming out of yesterday's meeting was to pull together the labeling restrictions/requirements inclusive of the 24c labels. Please note that since the label is the law etc etc the best place to distill directions for use and restrcitions is from the label itself. But hopefully this summary helps to direct our efforts moving forward.

Here are the direct links to each label (these are the labels for the 2018 season):

Xtendimax: https://www3.epa.gov/pesticides/chem_search/ppls/000524-00617-20171012.pdf
Engenia: https://www3.epa.gov/pesticides/chem_search/ppls/007969-00345-20171012.pdf
FeXapan: https://www3.epa.gov/pesticides/chem_search/ppls/000352-00913-20171016.pdf

Restricted to use in these states: Alabama, Arkansas, Arizona, Colorado, Delaware, Florida (excluding Palm Beach County), Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee (excluding Wilson County), Texas, Virginia, West Virginia, Wisconsin.
(NOTE: for xtendimax and fexapan this is all uses, Engenia only restricts the DT uses to these 34 states)

High level summary of changes:

- All three products are Restricted Use Pesticide products (RUP designation requires applicators to maintain specific records regarding the use of these products)
  - For retail sale to and use only by Certified Applicators or persons under their direct supervision and only for those uses covered by the Certified Applicator's certification
- Mandatory dicamba-specific training is required for all applicators
- Each label limits applications to when maximum wind speeds are below 10 mph (from 15 mph) to reduce potential spray drift
- Applications may only occur between Sunrise and Sunset
- Tank clean-out language to prevent cross-contamination
- Susceptible/sensitive crop identification and record keeping with sensitive crop registries to increase awareness of risk to especially sensitive crops near application site

Record Keeping

Record keeping is required for applications of this product. The certified applicator must keep the following records for a period of two years; records must be generated as soon as practical but no later than 14 days after application and a

record must be kept for each application of Xtendimax with VaporGrip Technology. Records must be made available to State Pesticide Control Official(s), USDA, and EPA upon request. An example form summarizing record keeping requirements can be found on www.xtendimaxapplicationrequirements.com.

1. All Items required by 7 CFR Part 110 (RECORDKEEPING ON RESTRICTED USE PESTICIDES BY CERTIFIED APPLICATORS) including:
    a. The brand or product name
    b. The EPA registration number
    c. The total amount applied
    d. The month, day, and year
    e. The location of the application
    f. The crop, commodity, stored product, or site
    g. The size of treated area
    h. The name of the certified applicator
    i. The certification number of the certified applicator
2. Training: Date and provider of required training completed and proof of completion.
3. Receipts of Purchase: Receipts or copies for the purchase of this product.
4. Product Label: A copy of this product label, and any state special local needs label that supplements this label.
5. Buffer Requirement: Record of the buffer distance calculation and any areas included within the buffer distance calculations as allowed in Section 9.1.4.a.
6. Susceptible Crops Awareness: Record that a sensitive crop registry was consulted; or document surveying neighboring fields for any susceptible crops prior to application. At a minimum, records must include the name of the sensitive crop registry and the date it was consulted or the survey of neighboring fields and the date conducted (read Section 9.1.4.b for additional information).
7. Start and Finish Times of Each Application: Record of the time at which the application started and the time when the application finished.
8. Application Timing: Record of the type of application (for example: pre-emergence, postemergence) and number of days after planting if post-emergence.
9. Air Temperature: Record of the air temperature in degrees Fahrenheit at the start and completion of each application.
10. Wind Speed and Direction: Record of the wind speed and direction (the direction from which the wind is blowing) at boom height at the start and completion of each application of this product (Read Section 9.1.1 for information on wind speed).
11. Nozzle and Pressure: Record of the spray nozzle manufacturer/brand, type, orifice size, and operating pressure used during each application of this product (Read Section 9.1.1 for information on nozzles and pressures.)
12. Tank Mix Products: Record of the brand names and EPA registration numbers (if available) for all products (pesticides, adjuvants, and other products) that were tank mixed with this product for each application (Read Section 8.0 for more information on tank mixing.)
13. Spray System Cleanout: Record of compliance with the section of this label titled Section 9.5: Proper Spray System Equipment Cleanout. At a minimum, records must include the confirmation that the spray system was clean before using this product and that the post-application cleanout was completed in accordance with Section 9.5.

Restrictions (overall restrictions)

The applicator must read the entire label, including product labeling and follow all restrictions for XtendiMax® With VaporGrip® Technology.
Restrictions included, but are not limited to:

- DO NOT APPLY THIS PRODUCT AERIALLY.
- DO NOT TANK MIX WITH PRODUCTS CONTAINING AMMONIUM SALTS SUCH AS AMMONIUM SULFATE (AMS) AND UREA AMMONIUM NITRATE. Small quantities of AMS can greatly increase the volatility potential of dicamba. Read the TANK MIXING INSTRUCTIONS of this label (Section 8.0) for instructions regarding other tank mix products.
- DO NOT APPLY TO CROPS UNDER STRESS DUE TO LACK OF MOISTURE, HAIL DAMAGE, FLOODING, HERBICIDE INJURY, MECHANICAL INJURY, INSECTS, OR WIDELY FLUCTUATING TEMPERATURES AS INJURY MAY RESULT.

- DO NOT APPLY THROUGH ANY TYPE OF IRRIGATION EQUIPMENT. DO NOT TREAT IRRIGATION DITCHES OR WATER USED FOR CROP IRRIGATION OR DOMESTIC PURPOSES.
- DO NOT MAKE APPLICATION OF THIS PRODUCT IF RAIN IS EXPECTED IN THE NEXT 24 HOURS.

Sprayer Requirements

- Nozzle type. The applicator must use an approved nozzle within a specified pressure range as found at www.xtendimaxapplicationrequirements.com when applying XtendiMax® With VaporGrip® Technology. Do not use any other nozzle and pressure combination not specifically listed on this website.
- Spray Volume. The applicator must apply this product in a minimum of 15 gallons of spray solution per acre. See Section 8.0 for information on approved tank mix products.
- Equipment Ground Speed. Do not exceed a ground speed of 15 miles per hour. Select a ground speed that will deliver the desired spray volume while maintaining the desired spray pressure, but slower speeds generally result in better spray coverage and deposition on the target area. Provided the applicator can maintain the required nozzle pressure, it is recommended that tractor speed is reduced to 5 miles per hour at field edges.
- Spray boom Height. Do not exceed a boom height of 24 inches above target pest or crop canopy. Excessive boom height will increase the drift potential.
- Wind Speed. Do not apply when wind speeds are less than 3 MPH or greater than 10 MPH. Only apply when wind speed at boom height is between 3 and 10 mph.

Temperature Inversions

Do not apply this product during a temperature inversion as the off-target movement potential is high. Do not apply this product between sunset and sunrise. In general, temperature inversions are more likely during night time hours.

- During a temperature inversion, the atmosphere is very stable and vertical air mixing is restricted, which can cause small, suspended droplets to remain in a concentrated cloud. This cloud can move in unpredictable directions due to the light, variable winds common during inversions.
- Temperature inversions can be characterized by increasing temperatures with altitude and can be common on evenings and nights with limited cloud cover and light to no wind. Cooling of air at the earth's surface takes place and warmer air is trapped above it. Temperature inversions can begin to form as the sun sets and often continue into the morning.
- Their presence can be indicated by ground fog; however, if fog is not present, inversions can also be identified by the movement of smoke from a ground source or an aircraft smoke generator. Smoke that layers and moves laterally in a concentrated cloud (under low wind conditions) indicates an inversion, while smoke that moves upward and rapidly dissipates indicates good vertical air mixing.
- The inversion will typically dissipate with increased winds (above 3 miles per hour) or at sunrise when the surface air begins to warm (generally 3°F from morning low).

Buffers

Do not apply under circumstances where drift may occur to food, forage, or other plantings that might be damaged or the crops rendered unfit for sale, use, or consumption.

The applicator must always maintain a 110 foot downwind buffer (when applying up to 22 fluid ounces of this product per acre) or a 220 foot downwind buffer (when applying greater than 22 up to 44 fluid ounces of this product per acre) between the last treated row and the nearest downwind field edge (in the direction the wind is blowing).

The following areas may be included in the buffer distance calculation when directly adjacent to the treated field edges:

- Roads, paved or gravel surfaces.
- Planted agricultural fields containing: corn, dicamba tolerant cotton, dicamba tolerant soybean, sorghum, proso millet, small grains and sugarcane. If the applicator intends to include such crops as dicamba tolerant cotton and/or dicamba tolerant soybeans in the buffer distance calculation, the applicator must confirm the crops are in fact dicamba tolerant.

- Agricultural fields that have been prepared for planting.
- Areas covered by the footprint of a building, silo, or other man made structure with walls and or roof.

Susceptible Crops

DO NOT APPLY this product when the wind is blowing toward adjacent non-dicamba tolerant susceptible crops; this includes NON-DICAMBA TOLERANT SOYBEAN AND COTTON.

Before making an application, the applicator must survey the application site for adjacent nontarget susceptible crops. The applicator must also consult applicable sensitive crop registries to identify any commercial specialty or certified organic crops that may be located near the application site.

Susceptible crops include, but are not limited to non-dicamba tolerant soybeans and cotton, tomatoes and other fruiting vegetables (EPA crop group 8), fruit trees, cucurbits (EPA crop group 9), grapes, beans, flowers, ornamentals, peas, potatoes, sunflower, tobacco, other broadleaf plants, and including plants in a greenhouse. Severe injury or destruction could occur if any contact between this product and these plants occurs.

Maximum application rates in Xtend Cotton:

Maximum Application Rates	
Combined total per year for all applications	88 fluid ounces per acre (2.0 lb. a.e. dicamba per acre)
Total of all Burndown/Early Preplant, Preplant, At-Planting, and Preemergence applications	44 fluid ounces per acre (1.0 lb. a.e. dicamba per acre)
Total of all in-crop applications from emergence up to 7 days pre-harvest	88 fluid ounces per acre (2.0 lb. a.e. dicamba per acre)
Maximum in-crop, single application	22 fluid ounces per acre (0.5 lb. a.e. dicamba per acre)

a.e. = acid equivalent

Pre-emergent RESTRICTIONS:

- The maximum combined quantity of this product that may be applied for all burndown/early preplant, preplant, at-planting, and preemergence applications is 44 fluid ounces (1.0 lb a.e. dicamba) per acre per season.
- The maximum application rate for a single, burndown/early preplant, preplant, at-planting, or preemergence application must not exceed 44 fluid ounces (1.0 lb a.e. dicamba) per acre.
- Do not apply less than 22 fluid ounces (0.5 lb a.e. dicamba) per acre.

Post emergent RESTRICTIONS (in-crop):

- The combined total applied from crop emergence up to 7 days prior to harvest must not exceed 88 fluid ounces (2.0 lb a.e. dicamba) per acre. EPA Reg. No. 524-617 Master Label October 2017 Page 36 of 40
- The maximum single, in-crop application rate must not exceed 22 fluid ounces (0.5 lb a.e. dicamba).
- The combined total per year for all applications must not exceed 88 fluid ounces (2.0 lb a.e. dicamba) per acre. For example, if a preplant application of 44 fluid ounces (1.0 lb a.e. dicamba) per acre was made, then the combined total in-crop applications must not exceed 44 fluid ounces (1.0 lb a.e. dicamba) per acre.
- Allow at least 7 days between applications and allow at least 7 days between final application and harvest or feeding of cottonseed and cotton gin by-products.

Maximum application rates Xtend Soybean

Maximum Application Rates	
Combined total per year for all applications	88 fluid ounces per acre (2.0 lb. a.e. dicamba per acre)
Total of all Burndown/Early Preplant, Preplant, At-Planting, and Preemergence applications	44 fluid ounces per acre (1.0 lb. a.e. dicamba per acre)
Total of all In-crop applications from emergence up to and including beginning bloom (R1 stage soybeans)	44 fluid ounces per acre (1.0 lb. a.e. dicamba per acre)
Maximum In-crop, single application	22 fluid ounces per acre (0.5 lb. a.e. dicamba per acre)

a.e. – acid equivalent

Pre-emergent/at plant RESTRICTIONS:

- The maximum combined quantity of this product that may be applied for all burndown/early preplant, preplant, at-planting, and preemergence applications is 44 fluid ounces (1.0 lb a.e. dicamba) per acre per season.
- The maximum application rate for a single, burndown/early preplant, preplant, at-planting, or preemergence application must not exceed 44 fluid ounces (1.0 lb a.e. dicamba) per acre.
- Do not apply less than 22 fluid ounces (0.5 lb a.e. dicamba) per acre.

Post emergent (in crop) RESTRICTIONS:

- The combined total application rate from crop emergence up to and including R1 must not exceed 44 fluid ounces (1.0 lb. a.e. dicamba) per acre.
- Do not make in-crop applications of this product after beginning bloom (R1 growth stage of soybeans).
- The maximum single, in-crop application rate must not exceed 22 fluid ounces (0.5 lb. a.e. dicamba) per acre.The combined total per year for all applications must not exceed 88 fluid ounces (2.0 lb. a.e. dicamba) per acre.
- Allow at least 7 days between final application and harvest or feeding of soybean forage.
- Allow at least 14 days between final application and harvest or feeding of soybean hay.

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

Message

From: John Cummings [John.Cummings@fmc.com]
Sent: 6/13/2018 11:05:40 AM
To: Baris, Reuben [Baris.Reuben@epa.gov]
Subject: RE: [Ext] RE: Tank Mix Partners - some products cleared for use with Xtendimax

Thanks Reuben. Monsanto has posted the tank mix approval.

Appreciate your efforts.

John

John Cummings
North America Registration and Regulatory Affairs Manager | FMC Corporation
2929 Walnut Street | Philadelphia, PA 19104
work 215-299-6532 | cell 484-832-1452

From: Baris, Reuben [mailto:Baris.Reuben@epa.gov]
Sent: Tuesday, June 12, 2018 9:38 AM
To: John Cummings <John.Cummings@fmc.com>; SEIFERT-HIGGINS, SIMONE [AG/1005] <simone.seifert-higgins@monsanto.com>; CUBBAGE, JERRY W [AG/1005] <jerry.w.cubbage@monsanto.com>
Subject: RE: [Ext] RE: Tank Mix Partners - some products cleared for use with Xtendimax

Thanks for interjecting John. This is accurate.
Let me know if either of you need anything else.
Reuben

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

From: John Cummings [mailto:John.Cummings@fmc.com]
Sent: Tuesday, June 12, 2018 6:26 AM
To: SEIFERT-HIGGINS, SIMONE [AG/1005] <simone.seifert-higgins@monsanto.com>; Baris, Reuben <Baris.Reuben@epa.gov>; CUBBAGE, JERRY W [AG/1005] <jerry.w.cubbage@monsanto.com>
Subject: RE: [Ext] RE: Tank Mix Partners - some products cleared for use with Xtendimax

Simone,

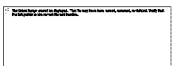
I am not sure if you received a response yet from Reuben but our technical experts who conducted the modeling provided the following: "The AGDISP modeling result indicated Anthem Maxx passed with Xtendimax and Xtendimax+RUPM for both nozzles with high level of statistical significances. Therefore, there is no need for a DRA for Anthem Maxx."

Thanks very much

John

John Cummings

North America Registration and Regulatory Affairs Manager | FMC Corporation
2929 Walnut Street | Philadelphia, PA 19104
work 215-299-6532 | cell 484-832-1452



From: SEIFERT-HIGGINS, SIMONE [AG/1005] [mailto:simone.seifert-higgins@monsanto.com]
Sent: Thursday, June 07, 2018 1:41 PM
To: Baris, Reuben <Baris.Reuben@epa.gov>; CUBBAGE, JERRY W [AG/1005] <jerry.w.cubbage@monsanto.com>
Cc: John Cummings <John.Cummings@fmc.com>
Subject: [Ext] RE: Tank Mix Partners - some products cleared for use with Xtendimax

Reuben,
Monsanto will add Anthem Maxx to the XtendiMax URL as quickly as possible. Could you please confirm whether Anthem Maxx requires the addition of a DRA.

Regards,
Simone

From: Baris, Reuben [mailto:Baris.Reuben@epa.gov]
Sent: Tuesday, June 05, 2018 3:32 PM
To: CUBBAGE, JERRY W [AG/1005] <jerry.w.cubbage@monsanto.com>; SEIFERT-HIGGINS, SIMONE [AG/1005] <simone.seifert-higgins@monsanto.com>
Cc: John Cummings <John.Cummings@fmc.com>
Subject: Tank Mix Partners - some products cleared for use with Xtendimax

Hi Jerry and Simone,
FMC has provided the appropriate data to support the following product for addition to the tank mix partners list for Xtendimax (EPA Reg. No. 524-617):

Product Name	EPA Reg No.
Anthem Maxx	279-3468

You have 90 days to add this product to the approved tank mix partners list for Xtendimax.
Thank you.
Reuben

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

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Message

From: Hathaway, Margaret [hathaway.margaret@epa.gov]
Sent: 11/5/2018 6:41:16 PM
To: Han, Kaythi [Han.Kaythi@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Baris, Reuben [Baris.Reuben@epa.gov]
Subject: Conversation with Han, Kaythi, Hathaway, Margaret

Hathaway, Margaret 1:26 PM:

Hi Reuben - FYI, Kaythi pointed out that in the dicamba docket, we currently just have the Xtendimax label posted. There's also the Engenia Notice of Registration, but not the Engenia label or the Xtendimax Notice of Registration.

Baris, Reuben 1:26 PM:
what? ugh....

Han, Kaythi 1:26 PM:
just in case folks are looking for the second label

Baris, Reuben 1:27 PM:
the whole engenia label is there. just checked. wiht the reg notice

Baris, Reuben 1:28 PM:
I'm not sure why they only uploaded the xtendimax label.

Hathaway, Margaret 1:31 PM:
Okay - I finished checking now too. So yes, both labels are live, but the Engenia label was uploaded with its notice of registration as a single document, but the Xtendimax label is just uploaded as a standalone, without its notice of registration.

Hathaway, Margaret 1:33 PM:
From what I'm seeing, we therefore need to add the Xtendimax notice, so that the public can see the data requirements, etc. associated with the label.

Hathaway, Margaret 1:34 PM:
I vote for a pull and replace of the Xtendimax document, rather than uploading the notice as a separate attachment.

Message

From: Shannon Cavanaugh [Shannon.Cavanaugh@fmc.com]
Sent: 11/8/2018 5:43:59 PM
To: Baris, Reuben [Baris.Reuben@epa.gov]
CC: John Cummings [John.Cummings@fmc.com]
Subject: RE: [Ext] RE: FMC Priority Products for Tank Mixing:

Hi Reuben,
I hope this email finds you well! Would you happen to have a status update for the FMC tank mix submission for Xtendimax/Engenia plus the FMC products outlined below? The original submission was made in an email to you on 7/17/18 and it was also submitted via CDX on 7/16/18. As you know the season is upon us and I am getting many questions as to the status of allowing use of these products in a tank mix that are critical for the 2019 season. Do you have an estimate on timing of approval?

Commercial Product Name Referenced in Report MRID 50626001	EPA Registered Product Name	EPA Approved Alternate Brand Names	EPA Reg. No.
Spartan Charge	F7127 SE Herbicide	Spartan Charge Spartan Charge Herbicide Zeus Prime XC	279-3337
Authority Supreme	F9314-3 Herbicide	Authority Supreme Authority Supreme Herbicide	279-3601
Spartan 4F	Spartan 4F	Bandolier 4F Spartan 4F Herbicide Zeus XC	279-3220

Best regards,
Shannon

From: Baris, Reuben [mailto:Baris.Reuben@epa.gov]
Sent: Wednesday, August 15, 2018 10:25 AM
To: Shannon Cavanaugh <Shannon.Cavanaugh@fmc.com>
Cc: John Cummings <John.Cummings@fmc.com>
Subject: [Ext] RE: FMC Priority Products for Tank Mixing:

Hi Shannon,
Thanks for the follow up. We're focused on the decision at hand right now, whether the registrations are renewed for OTT uses on dicamba tolerant soybean and cotton. As you know these uses expire in November. This is taking all of our time to evaluate and work with the Administrator to formulate a decision.
Thanks.
Reuben

Reuben Baris | Product Manager, Team 25 | Herbicide Branch
U.S. Environmental Protection Agency, Office of Pesticide Programs | (703) 305-7356

From: Shannon Cavanaugh [mailto:Shannon.Cavanaugh@fmc.com]
Sent: Wednesday, August 15, 2018 10:02 AM
To: Baris, Reuben <Baris.Reuben@epa.gov>
Cc: John Cummings <John.Cummings@fmc.com>
Subject: RE: FMC Priority Products for Tank Mixing:

Hi Reuben,
I hope this email finds you well! I am following up on the FMC tank mix submission for Xtendimax/Engenia plus the FMC products outlined below. I just wanted to make sure you have all the information you need to review these tank mixes which are critical for the 2019 season. Please let me know if you need anything else. Do you have an estimate on timing of approval?

Best regards,
Shannon

From: Shannon Cavanaugh
Sent: Tuesday, July 17, 2018 8:58 AM
To: 'Baris, Reuben' <Baris.Reuben@epa.gov>
Cc: Rowland, Grant <Rowland.Grant@epa.gov>; John Cummings <John.Cummings@fmc.com>
Subject: FMC Priority Products for Tank Mixing:

Dear Mr. Baris,

FMC Corporation is seeking the inclusion of the products listed below as tank-mix partners for the following products: Xtendimax (EPA Reg. No. 524-617) and Engenia (EPA Reg. No. 7969-345). These are FMC's priority products that will supersede any others at this time, as they are critical for the 2019 season.

Commercial Product Name Referenced in Report MRID 50626001	EPA Registered Product Name	EPA Approved Alternate Brand Names	EPA Reg. No.
Spartan Charge	F7127 SE Herbicide	Spartan Charge Spartan Charge Herbicide Zeus Prime XC	279-3337
Authority Supreme	F9314-3 Herbicide	Authority Supreme Authority Supreme Herbicide	279-3601
Spartan 4F	Spartan 4F	Bandolier 4F Spartan 4F Herbicide Zeus XC	279-3220

For Xtendimax, the required droplet spectra testing and AGDISP modeling per the protocol listed in Appendix A of the 11/9/2016 registration notice for this product have been conducted for the FMC products proposed for tank-mixing. Likewise, the testing and modeling for Engenia listed in Appendix A of the 12/20/2016 registration notice have been conducted for the FMC products.

The results of the testing submitted herein (MRID 5062601) support the addition of the FMC products listed above found not to adversely affect the spray drift properties of Engenia Herbicide and Xtendimax.

In addition, patent searches were conducted to discover if patents revealed synergistic effects when these products were used in combination with dicamba. A summary of these searches are included in this submission and disclose no direct results.

As a result, FMC requests upon Agency review and acceptance, that the registrants are immediately notified to update their tank-mix websites.

In support of this action, please find enclosed the following:

- Self-certification letter
- Tank mix data (MRID 50626001)
- Patent search information

The data package was also submitted to the Agency via CDX on 7/16/18. If you have any questions, please contact Shannon Cavanaugh at 215-299-5955 or shannon.cavanaugh@fmc.com.

Best regards,
Shannon Cavanaugh

Shannon Cavanaugh
Senior North America Product Registration Manager
FMC Corporation
(o) 215-299-5955
(c) 484-919-6982

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Message

From: Schmid, Emily [Schmid.Emily@epa.gov]
Sent: 10/23/2018 7:28:39 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]
CC: Baris, Reuben [Baris.Reuben@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Subject: RE: Label Comparisons
Attachments: 7969-345 last accepted label 20171012.pdf; 524-617 last accepted label 20171012.pdf

Hi Mike,

I have attached the last approved version of the labels.

Thanks,
Emily

From: Kenny, Daniel
Sent: Tuesday, October 23, 2018 3:26 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: FW: Label Comparisons

Hi Mike. Here are the latest labels for both Xtendimax and Engenia. These are still working copies that need 1) the new buffer and expiration date added, and 2) additional tweaks to bring them in line with the Administrator's decision for new labeling. They show side-by-side comparisons with the previously stamped labels that we stamped last year. Hopefully this is what is needed.

Thanks,
Dan

From: Schmid, Emily
Sent: Tuesday, October 23, 2018 2:22 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: FW: Label Comparisons

Hi Dan,

Actually, these versions don't have comments. The newest Xtendimax label includes tracked changes but no comments. I still think they are a bit confusing but if you do the side by side view, it isn't too bad.

Emily

From: Schmid, Emily
Sent: Tuesday, October 23, 2018 11:33 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: Label Comparisons

Hi Dan,

Here are the label comparisons. Let me know if this isn't what they are looking for. I find the side-by-side view to be the easiest to see the differences.

Thanks,
Emily

Message

From: Green, Jamie [Green.Jamie@epa.gov]
Sent: 10/16/2018 12:45:17 PM
To: Baris, Reuben [Baris.Reuben@epa.gov]
CC: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: Farm Broadcasters Meeting

Hello Reuben – As I mentioned in my VM, the RA will be participating in the National Association of Farm Broadcasters Assc. Meeting again this year in KC. The event will run from Nov 7-9. I'm not sure which of those dates the RA will be in attendance. More information on the convention can be found at https://nafb.com/events/nafb-convention.

My understanding on the way the event works is that the RA is provided a location at the venue and reporters swing by and ask a few questions on particular issues of interest. We would expect that dicamba will again be a topic of some interest. Attached below are the brief talking points that were used last year and that I expect are dated. I am hoping you might be able to help us update these to reflect the current status of the issue. My due date for getting something to the Office of Public Affairs here is Oct. 25th.

As I'm not sure what your schedule is I thought I would cc Dan in the event you happen to be out. I realize there is likely a lot going on with this right now so appreciate any help you might be able to provide. Many thanks to both of you in advance!!

Dicamba

POC Jamie Green x7139

- As you know, some farmers have experienced crop impacts due to the drift from dicamba applications on neighboring farms the past couple of years.
- EPA has reached an agreement with manufacturers (Monsanto, BASF and DuPoint) on measures to further minimize potential drift damage to neighboring crops from the use of dicamba formulations on genetically modified cotton and soybeans.
- New requirements for the use of dicamba "over the top" have allowed farmers to make informed choices for seed purchases in the 2018 growing season.
- Our actions are the result of intensive, collaborative efforts, working side-by-side with the states, university scientists and registrants from across the nation who have first-hand knowledge of the problem and workable solutions.
- EPA encourages individuals to report suspected crop damage caused by the off-target movement of dicamba to their state's department of agriculture or pesticide regulatory agency.

Background:

Former media responses provided by Shawn Hackett, R7/Jamie Green's branch.

Q: Why the need to adhere to these new restrictions?

Manufacturers have agreed to a process to get the revised labels into the hands of farmers in time for the 2018 use season. EPA will monitor the success of these changes to help inform our decision whether to allow the continued "over the top" use of dicamba beyond the 2018 growing season. When EPA registered these products, it set the registrations to expire in 2 years to allow EPA to change the registration, if necessary. If these registrations are allowed to expire due to continued issues with off-field movement, there will be no registered dicamba products for use on dicamba tolerant crops.

Q: Why the need for the label?

In 2017, EPA reached an agreement with manufacturers on measures to further minimize the potential for drift to damage neighboring crops from the use of dicamba formulations used to control weeds in genetically modified cotton and soybeans. The registrants voluntarily agreed to registration and labeling changes including making these products restricted-use, record keeping requirements, and certain additional spray drift mitigation measures. New requirements for the use of dicamba "over the top" (application to growing plants) will allow farmers to make informed choices for

seed purchases for the 2018 growing season. The Missouri Department of Agriculture alone has received 310 complaints. In Region 7 Iowa, Kansas and Nebraska have also reported increased numbers of complaints related to drift/misuse of Dicamba.

Q: Does the restricted use label for dicamba apply to pasture spot spray usage?

The designation of restricted use pertains to only three dicamba products, Engenia Herbicide, Xtendimax with VaporGrip Technology, and FeXapan Herbicide Plus VaporGrip Technology. All uses, including pasture spot spraying for these three products are restricted use. Only dicamba products registered for use on GE cotton and soybean can be applied "over the top" (to growing plants). It is a violation of FIFRA to use any other dicamba product that is not registered for use on GE crops "over the top" on crops.

Older "generic" dicamba products will remain as general use pesticides and all uses of these products will be general use. These older "generic" dicamba products are NOT labeled for "in crop" or "over the top" use on dicamba tolerant crops.

Q: Does the restricted use label for Dicamba apply to lawn and garden products?

Residential use lawn and garden products will remain general use.

Jamie Green
Chief, Toxics and Pesticides Branch
Water, Wetlands and Pesticides Division
U.S. EPA - Region 7
11201 Renner Blvd
Lenexa, KS 66219
Phone: 913-551-7139

Message

From: Liu, Linda [Liu.Linda@epa.gov]
Sent: 11/9/2018 10:00:04 PM
To: Baris, Reuben [Baris.Reuben@epa.gov]
Subject: Fw: Dicamba -- new mitigation applicable to DT crops and cotton only
Attachments: Dicamba Engenia 2019 label 7969-345 11-2-18 PPLS.pdf

Hi Reuben - Hope you are doing well! Just wanted to confirm one thing: the recent decision for dicamba is only for DT soybeans and DT cotton, and that asparagus and grass grown for seed are not impacted.

I would like to tell Region 10 states (Idaho, Oregon and Washington) that although Engenia (EPA Reg. No. 969-345) will have new label language, crops that are not soybeans or cotton (such as asparagus and grass grown for seed) are not impacted.

Thank you!
Linda
p.s. I saw that Dicamba FeXapan (EPA Reg. No. 352-913) and XtendiMax are not approved by EPA for Region 10 states.

Message

From: Verhougstraete, Brian (MDARD) [verhougstraeteb@michigan.gov]
Sent: 11/26/2018 4:12:46 PM
To: Baris, Reuben [Baris.Reuben@epa.gov]
Subject: RE: New Dicamba Labeling Question

Thanks, Reuben. I appreciate the clarification.

Regards,
Brian

Brian Verhougstraete, Pesticide Registration & Certification
Michigan Department of Agriculture & Rural Development
P.O. Box 30017 (correspondence)
P.O. Box 30776 (payments)
525 W. Allegan
Lansing, MI 48909
Cell: 517-582-4573
Office: 517-284-5655
Fax: 517-335-4540
www.michigan.gov/pestreg
www.michigan.gov/mdardpestcert

From: Baris, Reuben <Baris.Reuben@epa.gov>
Sent: Monday, November 26, 2018 10:55 AM
To: Verhougstraete, Brian (MDARD) <verhougstraeteb@michigan.gov>
Subject: RE: New Dicamba Labeling Question

Hi Brian,
You're not missing anything. BASF elected to put the 57 foot buffer on their label in the protection of endangered species section. All three products will be implementing the ES buffer through bulletins live. So really there is no difference in how the buffer is implemented between these two products.
I hope this helps.
Reuben

REUBEN BARIS | ACTING CHIEF, RISK MANAGEMENT IMPLEMENTATION BRANCH II | PESTICIDE REEVALUATION DIVISION
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

From: Verhougstraete, Brian (MDARD) <verhougstraeteb@michigan.gov>
Sent: Wednesday, November 21, 2018 11:15 AM
To: Baris, Reuben <Baris.Reuben@epa.gov>
Subject: New Dicamba Labeling Question

Hi Reuben,
In reviewing and comparing the newly stamp-approved dicamba labels for Engenia, Fexapan and Xtendimax I noticed that only the Engenia label has language about the 57 foot omnidirectional buffer for endangered species. The Fexapan and Xtendimax labels mention nothing of this requirement. The labels I'm reviewing are attached for your reference. Just wondering if I'm missing something or maybe the companies have submitted labels that are not yet on PPLS. Can you please advise?
Thank you.
Regards,

Brian

Brian Verhougstraete, Pesticide Registration & Certification
Michigan Department of Agriculture & Rural Development
P.O. Box 30017 (correspondence)
P.O. Box 30776 (payments)
525 W. Allegan
Lansing, MI 48909
Cell: 517-582-4573
Office: 517-284-5655
Fax: 517-335-4540
www.michigan.gov/pestreg
www.michigan.gov/mdardpestcert

Message

From: Odenkirchen, Edward [Odenkirchen.Edward@epa.gov]
Sent: 11/26/2018 12:31:26 PM
To: Baris, Reuben [Baris.Reuben@epa.gov]
Subject: RE: EPA scientists' dicamba input went unheeded - Arkansas Democrat-Gazette, 11/21/2018

Hmmmmmm, that was fast.

From: Baris, Reuben
Sent: Wednesday, November 21, 2018 7:23 AM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>
Subject: EPA scientists' dicamba input went unheeded - Arkansas Democrat-Gazette, 11/21/2018

So you are aware of the noise...

http://digital.olivesoftware.com/Olive/ODN/ArDemocrat/shared/ShowArticle.aspx?doc=ARDEMOCRAT%2F2018%2F11%2F21&entity=Ar00102&sk=CA51B521&mode=text

EPA scientists' dicamba input went unheeded

Emails show agency pared 443-foot buffers to 57 feet

Scientists with the federal Environmental Protection Agency recommended restrictions on dicamba use that the agency ultimately ignored when it recently allowed for the spraying of the herbicide on soybeans and cotton for another two years.

Emails obtained by the

Arkansas Democrat-Gazette

through a Freedom of Information Act request show that EPA scientists on Oct. 5 sought 443-foot in-field buffers between areas where dicamba is sprayed and where there may be endangered species.

Those buffers, instead, were set at 57 feet in new regulations announced on Oct. 31 by Andrew Wheeler, the EPA's acting administrator.

The EPA also retained 110-foot downwind buffers from dicamba regulations that began expiring this month and said the new 57-foot buffers for the other sides of the field will provide adequate protection for endangered species. Only certified applicators can spray dicamba, and it is their responsibility to check an EPA website to determine the presence of endangered species, the EPA said.

Scientists with the agency's Environmental Fate and Effects Division, or EFED, sought the 443-foot buffers, according to documents obtained from the University of Arkansas System's Division of Agriculture through the state's open-records law.

The issue of buffers is but one among many in a controversy in which EPA critics say science has been disregarded by the agency and, in some cases, by regulators in states where soybeans are grown.

Thousands of complaints have been filed in several states the past two years alleging that dicamba damaged millions of acres of soybeans and other crops and vegetation susceptible to the weedkiller.

Critics say the EPA's latest restrictions and applicator-training programs, such as those established by dicamba's manufacturers, still do not address the herbicide's "volatility," or its ability to lift off plants as a vapor or gas hours or days after being applied and move to fields even miles away.

EPA representatives visited seven states this summer, held a series of conference calls with weed scientists, state regulators and representatives of the pesticide-industry, and collected data from several field trials conducted the past two years as the agency considered dicamba's future.

While acknowledging that some 1,400 complaints have been made this year of damage to crops and to non-agriculture vegetation in several states, the EPA said dicamba's effectiveness against weeds now resistant to other herbicides outweighed the risks.

OFF TARGET

In a statement Tuesday, the EPA said its final decision was based on its scientists' recommendations, along with other information from "state regulators, farmers, academic researchers, pesticide manufacturers and other stakeholders." The agency said the draft recommendation obtained by the *Democrat-Gazette* "was preliminary in nature" but didn't specify whether, or how, the scientists' recommendation had changed.

In its Freedom of Information request, the *Democrat-Gazette* received a few hundred pages of documents, with most being paper copies of PowerPoint presentations of UA field trials and a dicamba-related thesis by a UA student and doctoral candidate, all of which UA shared with the EPA this summer.

The larger buffers recommended by the EPA scientists arose from the work of Jason Norsworthy, UA professor and weed scientist who ran a large-scale field trial on a 240-acre commercial soybean field this s u m m e r t o test for dicamba's off-target m o v e m e n t , whether by physical drift as it was being sprayed or by post-application volatility. Earlier this year, Norsworthy was named a Fellow by the Weed Science Society of America, its highest honor, and won its award for top research in 2017.

Monsanto, now owned by Bayer, provided equipment and funding for the study and had representatives on-site during much of Norsworthy's test, which he called one of the largest of its kind in the nation. Norsworthy's experiments showed that the company's dicamba, called XtendiMax, moved off target at least 390 feet in four directions from where it was sprayed.

The company later questioned the validity of those results, according to the Oct. 5 email.

Bayer said Saturday that the UA study was among several that Monsanto helped fund and that its results were dramatically different from results of other tests. "This funding imposed no restrictions on the use or ownership of any data developed by these researchers," Bayer said in a statement.

Bayer also said the EPA "conducted an extensive review prior to issuing continued registration for Xtendi-Max and based its decision on all relevant science."

Others disagreed.

"The EPA's own scientists recommended a 135-meter buffer that was based on poring over scientific studies such as Norsworthy's," said Bill Freese, an analyst with the Center for Food Safety, one of several groups that have sued the EPA for its dicamba decision in 2016.

"They saw that as science-based, and that it would also give some protection to neighboring farmers," Freese said. "It's pretty incredible when you look at the final decision — 57 feet— that EPA higher-ups came through with. I don't see EFED scientists changing their minds, but I do think its important to understand the scientists are under a lot of pressure."

Freese also noted that the EPA has asked for more information on off-target movement, dicamba's effects on other vegetation, pH levels in soils and other issues. "The EPA has approved these pesticides for another two years but, at the same time, they're saying there's so much that we don't know," he said.

POLITICS AND SCIENCE

Monsanto released dicamba-tolerant cotton in 2015 and dicamba-tolerant soybeans in 2016 without having yet gained EPA approval for a dicamba formulation that became XtendiMax. Monsanto didn't allow third-party independent testing of its dicamba product for volatility during that time.

BASF and DowDuPont also have dicamba formulations approved for another two years.

"It's more evidence of the EPA basing the decision on politics and not science," Steve Smith, agriculture director of Red Gold, an Indiana-based tomato processor, and chairman of the Save Our Crops Coalition, told the *Democrat-Gazette* by telephone.

"They seem to acknowledge what Jason was saying but, when it came time to actually publish, they took Monsanto's recommendations point blank," Smith said. "I can tell you 57 feet is nothing. I can tell you 110 feet is nothing. I live next to a soybean field, and that farmer did leave a 110-foot buffer, and my trees still got smoked."

In a Nov. 2 email to Norsworthy and other weed scientists, Bob Nichols, a scientist and senior director with the research and marketing group, Cotton Inc., wrote, "Our present experience and data suggest these new EPA guidelines do not significantly reduce the potential for off-target movement."

Norsworthy declined to comment on the email exchanges, but the UA Division of Agriculture issued a statement, saying its scientists have been asked for help several times by the Plant Board and the EPA.

"Bayer, the registrant, continues to challenge public data to the EPA," the UA said. "Questions about decision-making and the final label [for dicamba's use] are the EPA's to answer. We continue to stand behind our weed scientists. We don't have all the answers to the challenges of dicamba, and the herbicide's continued use makes it all the more critical that we … continue our work in support of the safety of all Arkansas agriculture."

The EPA has been sued in federal court in Washington state over a study, alleged to inadequate, of dicamba's environmental effects on endangered species when it first allowed the herbicide's in-crop use. A couple of dozen lawsuits, including some in Arkansas, have been filed against dicamba manufacturers.

In Arkansas this year, farmers were supposed to stop spraying dicamba on April 16, a cutoff date set by the state Plant Board after receiving about 1,000 complaints of damage last year.

Monsanto and the other manufacturers attributed most of the problems to applicator error and implemented training programs that they say have reduced dicamba's off-target movement and the number of complaints.

While Arkansas had the only ban, other states adopted midseason changes to their regulations, with cutoff dates based on the calendar or on air temperatures.

Even with the April 16 cutoff, the Arkansas board received some 200 complaints, most in midsummer, leading officials to believe that some farmers in the state violated the ban. The board is in the middle of a process to determine how, or if, dicamba can be used in the state next year.

FIELD TESTS

Two Crittenden County farmers donated a 240-acre field for Norsworthy's volatility tests this summer.

A 38-acre plot of Monsanto's dicamba-tolerant beans was set in the middle of the field, with the rest of the acres planted in beans not dicamba tolerant. Post-spraying tests showed that, as many as 29 days after dicamba was sprayed on the 38-acre plot, non-dicamba soybeans hundreds of feet away had symptoms of dicamba damage. Even plants covered by buckets and tarps during, and shortly after, application showed various levels of damage.

Norsworthy provided his Crittenden County study to the EPA in mid-September, along with other studies conducted elsewhere in Arkansas and other states. He also presented his study to the Plant Board on Sept. 20.

Six days earlier, Bayer representatives canceled a previously scheduled visit with Norsworthy to look over the Crittenden County results. John A. Chambers, a Bayer representative, cited an "urgent conflict" in an email to Norsworthy to cancel the meeting.

In an Oct. 5 email, Mark Corbin, an Environmental Fate and Effects Division branch chief, asked Norsworthy to look over an internal draft prepared two days earlier. The draft said Environmental Fate and Effects Division's position on Oct. 3 was to recommend an "omni-directional" 60-meter buffer, or about 196 feet, for fields that may be near endangered species.

The 196-foot buffers, according to the draft, were "preliminary and contingent on the results of further evaluation" of Norsworthy's study in Crittenden County. The draft then noted that the scientists' subsequent study of Norsworthy's work "suggested that a larger buffer (135 meters) would be appropriate." A 135-meter buffer would be about 443 feet.

"However, some potentially confounding issues regarding this study were presented by the registrant as suggestive that the study was not reliable," the Environmental Fate and Effects Division wrote in its draft. The draft then noted that Environmental Fate and Effects Division scientists and Norsworthy had joined in a conference call Oct. 4 "to get clarification on the potentially confounding issues."

The "registrant" in that reference was Bayer, whose $66 billion purchase of Monsanto had closed by then.

Bayer said Norsworthy's study showed much higher levels of off-target movement and damage than other studies showed.

Norsworthy addressed all seven issues during the conference call, according to the draft. Norsworthy said Bayer representatives played prominent roles in portions of his study and that climate conditions and the geography of eastern Arkansas, near Crowley's Ridge, could have contributed to more off-target movement there than what was shown in studies in other states.

The EPA draft also indicated that the Environmental Fate and Effects Division scientists accepted Norsworthy's formula for assessing visual soybean damage over Bayer's preferred formula.

The draft concluded: "Based on this discussion, EFED cannot preclude the use of the Norsworthy data in the expansion of the dicamba action area. Acceptance of the Norsworthy data as valid results in the recommendation of a 135-m 'buffer' … for the purposes of establishing a protective and technically defensible limit."

The EPA's decision to approve dicamba use also went against at least one recommendation of the American Association of Pesticide Control Officers, a body of state regulators, including those in Arkansas. It asked the EPA in late August to set a conditional year-to-year label — instructions for use — for in-crop dicamba.

Smith, of the Indiana tomato processor, has long criticized the use of dicamba over the top of soybeans and cotton because of its threat to other crops and vegetation.

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Sent from my iPhone

Message

From: Verhougstraete, Brian (MDARD) [verhougstraeteb@michigan.gov]
Sent: 11/21/2018 4:14:41 PM
To: Baris, Reuben [Baris.Reuben@epa.gov]
Subject: New Dicamba Labeling Question
Attachments: 2019 Xtendimax EPA Label.pdf; 2019 EPA Fexapan Label.pdf

Hi Reuben,
In reviewing and comparing the newly stamp-approved dicamba labels for Engenia, Fexapan and Xtendimax I noticed that only the Engenia label has language about the 57 foot omnidirectional buffer for endangered species. The Fexapan and Xtendimax labels mention nothing of this requirement. The labels I'm reviewing are attached for your reference. Just wondering if I'm missing something or maybe the companies have submitted labels that are not yet on PPLS. Can you please advise?
Thank you.
Regards,
Brian

Brian Verhougstraete, Pesticide Registration & Certification
Michigan Department of Agriculture & Rural Development
P.O. Box 30017 (correspondence)
P.O. Box 30776 (payments)
525 W. Allegan
Lansing, MI 48909
Cell: 517-582-4573
Office: 517-284-5655
Fax: 517-335-4540
www.michigan.gov/pestreg
www.michigan.gov/mdardpestcert

Message

From: Messina, Edward [Messina.Edward@epa.gov]
Sent: 11/21/2018 2:05:34 PM
To: Baris, Reuben [Baris.Reuben@epa.gov]
CC: Keigwin, Richard [Keigwin.Richard@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
Subject: Re: EPA scientists' dicamba input went unheeded - Arkansas Democrat-Gazette, 11/21/2018

Thanks

Ed Messina
Acting Deputy Office Director (Programs)
Office of Pesticide Programs
U.S. EPA
(703) 347-0209

On Nov 21, 2018, at 7:23 AM, Baris, Reuben <Baris.Reuben@epa.gov> wrote:

> FYI, if you weren't already aware...
>
> http://digital.olivesoftware.com/Olive/ODN/ArDemocrat/shared/ShowArticle.aspx?doc=ARDEMOCRAT%2F2018%2F11%2F21&entity=Ar00102&sk=CA51B521&mode=text

EPA scientists' dicamba input went unheeded

Emails show agency pared 443-foot buffers to 57 feet

Scientists with the federal Environmental Protection Agency recommended restrictions on dicamba use that the agency ultimately ignored when it recently allowed for the spraying of the herbicide on soybeans and cotton for another two years.

Emails obtained by the

Arkansas Democrat-Gazette

through a Freedom of Information Act request show that EPA scientists on Oct. 5 sought 443-foot in-field buffers between areas where dicamba is sprayed and where there may be endangered species.

Those buffers, instead, were set at 57 feet in new regulations announced on Oct. 31 by Andrew Wheeler, the EPA's acting administrator.

The EPA also retained 110-foot downwind buffers from dicamba regulations that began expiring this month and said the new 57-foot buffers for the other sides of the field will provide adequate protection for endangered species. Only certified applicators can spray dicamba, and it is their responsibility to check an EPA website to determine the presence of endangered species, the EPA said.

Scientists with the agency's Environmental Fate and Effects Division, or EFED, sought the 443-foot buffers, according to documents obtained from the University of Arkansas System's Division of Agriculture through the state's open-records law.

The issue of buffers is but one among many in a controversy in which EPA critics say science has been disregarded by the agency and, in some cases, by regulators in states where soybeans are grown.

Thousands of complaints have been filed in several states the past two years alleging that dicamba damaged millions of acres of soybeans and other crops and vegetation susceptible to the weedkiller.

Critics say the EPA's latest restrictions and applicator-training programs, such as those established by dicamba's manufacturers, still do not address the herbicide's "volatility," or its ability to lift off plants as a vapor or gas hours or days after being applied and move to fields even miles away.

EPA representatives visited seven states this summer, held a series of conference calls with weed scientists, state regulators and representatives of the pesticide-industry, and collected data from several field trials conducted the past two years as the agency considered dicamba's future.

While acknowledging that some 1,400 complaints have been made this year of damage to crops and to non-agriculture vegetation in several states, the EPA said dicamba's effectiveness against weeds now resistant to other herbicides outweighed the risks.

OFF TARGET

In a statement Tuesday, the EPA said its final decision was based on its scientists' recommendations, along with other information from "state regulators, farmers, academic researchers, pesticide manufacturers and other stakeholders." The agency said the draft recommendation obtained by the

Democrat-Gazette "was preliminary in nature" but didn't specify whether, or how, the scientists' recommendation had changed.

In its Freedom of Information request, the *Democrat-Gazette* received a few hundred pages of documents, with most being paper copies of PowerPoint presentations of UA field trials and a dicamba-related thesis by a UA student and doctoral candidate, all of which UA shared with the EPA this summer.

The larger buffers recommended by the EPA scientists arose from the work of Jason Norsworthy, UA professor and weed scientist who ran a large-scale field trial on a 240-acre commercial soybean field this s u m m e r t o test for dicamba's off-target m o v e m e n t , whether by physical drift as it was being sprayed or by post-application volatility. Earlier this year, Norsworthy was named a Fellow by the Weed Science Society of America, its highest honor, and won its award for top research in 2017.

Monsanto, now owned by Bayer, provided equipment and funding for the study and had representatives on-site during much of Norsworthy's test, which he called one of the largest of its kind in the nation. Norsworthy's experiments showed that the company's dicamba, called XtendiMax, moved off target at least 390 feet in four directions from where it was sprayed.

The company later questioned the validity of those results, according to the Oct. 5 email.

Bayer said Saturday that the UA study was among several that Monsanto helped fund and that its results were dramatically different from results of other tests. "This funding imposed no restrictions on the use or ownership of any data developed by these researchers," Bayer said in a statement.

Bayer also said the EPA "conducted an extensive review prior to issuing continued registration for Xtendi-Max and based its decision on all relevant science."

Others disagreed.

"The EPA's own scientists recommended a 135-meter buffer that was based on poring over scientific studies such as Norsworthy's," said Bill Freese, an analyst with the Center for Food Safety, one of several groups that have sued the EPA for its dicamba decision in 2016.

“They saw that as science-based, and that it would also give some protection to neighboring farmers,” Freese said. “It’s pretty incredible when you look at the final decision — 57 feet— that EPA higher-ups came through with. I don’t see EFED scientists changing their minds, but I do think its important to understand the scientists are under a lot of pressure.”

Freese also noted that the EPA has asked for more information on off-target movement, dicamba’s effects on other vegetation, pH levels in soils and other issues. “The EPA has approved these pesticides for another two years but, at the same time, they’re saying there’s so much that we don’t know,” he said.

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Monsanto released dicamba-tolerant cotton in 2015 and dicamba-tolerant soybeans in 2016 without having yet gained EPA approval for a dicamba formulation that became XtendiMax. Monsanto didn’t allow third-party independent testing of its dicamba product for volatility during that time.

BASF and DowDuPont also have dicamba formulations approved for another two years.

“It’s more evidence of the EPA basing the decision on politics and not science,” Steve Smith, agriculture director of Red Gold, an Indiana-based tomato processor, and chairman of the Save Our Crops Coalition, told the *Democrat-Gazette* by telephone.

“They seem to acknowledge what Jason was saying but, when it came time to actually publish, they took Monsanto’s recommendations point blank,” Smith said. “I can tell you 57 feet is nothing. I can tell you 110 feet is nothing. I live next to a soybean field, and that farmer did leave a 110-foot buffer, and my trees still got smoked.”

In a Nov. 2 email to Norsworthy and other weed scientists, Bob Nichols, a scientist and senior director with the research and marketing group, Cotton Inc., wrote, “Our present experience and data suggest these new EPA guidelines do not significantly reduce the potential for off-target movement.”

Norsworthy declined to comment on the email exchanges, but the UA Division of Agriculture issued a statement, saying its scientists have been asked for help several times by the Plant Board and the EPA.

"Bayer, the registrant, continues to challenge public data to the EPA," the UA said. "Questions about decision-making and the final label [for dicamba's use] are the EPA's to answer. We continue to stand behind our weed scientists. We don't have all the answers to the challenges of dicamba, and the herbicide's continued use makes it all the more critical that we … continue our work in support of the safety of all Arkansas agriculture."

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Monsanto and the other manufacturers attributed most of the problems to applicator error and implemented training programs that they say have reduced dicamba's off-target movement and the number of complaints.

While Arkansas had the only ban, other states adopted midseason changes to their regulations, with cutoff dates based on the calendar or on air temperatures.

Even with the April 16 cutoff, the Arkansas board received some 200 complaints, most in midsummer, leading officials to believe that some farmers in the state violated the ban. The board is in the middle of a process to determine how, or if, dicamba can be used in the state next year.

FIELD TESTS

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In an Oct. 5 email, Mark Corbin, an Environmental Fate and Effects Division branch chief, asked Norsworthy to look over an internal draft prepared two days earlier. The draft said Environmental Fate and Effects Division's position on Oct. 3 was to recommend an "omni-directional" 60-meter buffer, or about 196 feet, for fields that may be near endangered species.

The 196-foot buffers, according to the draft, were "preliminary and contingent on the results of further evaluation" of Norsworthy's study in Crittenden County. The draft then noted that the scientists' subsequent study of Norsworthy's work "suggested that a larger buffer (135 meters) would be appropriate." A 135-meter buffer would be about 443 feet.

"However, some potentially confounding issues regarding this study were presented by the registrant as suggestive that the study was not reliable," the Environmental Fate and Effects Division wrote in its draft. The draft then noted that Environmental Fate and Effects Division scientists and Norsworthy had joined in a conference call Oct. 4 "to get clarification on the potentially confounding issues."

The "registrant" in that reference was Bayer, whose $66 billion purchase of Monsanto had closed by then.

Bayer said Norsworthy's study showed much higher levels of off-target movement and damage than other studies showed.

Norsworthy addressed all seven issues during the conference call, according to the draft. Norsworthy said Bayer representatives played prominent roles in portions of his study and that climate conditions and the geography of eastern Arkansas, near Crowley's Ridge, could have contributed to more off-target movement there than what was shown in studies in other states.

The EPA draft also indicated that the Environmental Fate and Effects Division scientists accepted Norsworthy's formula for assessing visual soybean damage over Bayer's preferred formula.

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Sent from my iPhone

Message

From: Kenny, Daniel [Kenny.Dan@epa.gov]
Sent: 11/21/2018 12:49:18 PM
To: Baris, Reuben [Baris.Reuben@epa.gov]
Subject: Re: EPA scientists' dicamba input went unheeded - Arkansas Democrat-Gazette, 11/21/2018

Interesting. Very interesting.

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Sent from my iPhone

Message

From: Chiu, Enid [Chiu.Enid@epa.gov]
Sent: 11/8/2018 8:33:34 PM
To: Ingram, Earl [Ingram.Earl@epa.gov]; Baris, Reuben [Baris.Reuben@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]
CC: Courtnage, Robert [Courtnage.Robert@EPA.GOV]; Han, Kaythi [Han.Kaythi@epa.gov]; Sadowsky, Don [Sadowsky.Don@epa.gov]; Furlow, Calvin [Furlow.Calvin@epa.gov]
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Thanks Earl. The OGC position makes sense. We will work with the IO on how to respond.

--
Enid Chiu
Communication Services Branch
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 347-8262 | chiu.enid@epa.gov
https://www.epa.gov/pesticides

From: Ingram, Earl
Sent: Thursday, November 8, 2018 3:03 PM
To: Chiu, Enid <Chiu.Enid@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>; Furlow, Calvin <Furlow.Calvin@epa.gov>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Enid,

I spoke with Don Sadowski in OGC and he agreed that we could release the submission as it is to anyone, because "data summaries don't rise to the level of disclosing essentially the contents of the original studies." This is the position that OGC has taken, when companies have submitted submissions that are only summarizing their earlier submissions. Don indicated that the Agency has not been challenged on any of these types of determinations in court and if we were, the Agency would have a very defendable position.

Don also agreed, if you are still leery, you should contact Monsanto to see what they say.

Earl Ingram, Chief
Public Information & Records Integrity Branch
Information Technology & Resources Management Division
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5456

From: Chiu, Enid
Sent: Thursday, November 08, 2018 12:20 PM
To: Ingram, Earl <Ingram.Earl@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Yes please, we would like to hear Don's input.

--
Enid Chiu
Communication Services Branch
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U.S. Environmental Protection Agency
(703) 347-8262 | chiu.enid@epa.gov
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From: Ingram, Earl
Sent: Thursday, November 8, 2018 12:13 PM
To: Chiu, Enid <Chiu.Enid@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Did you want me to run pass Don?

From: Chiu, Enid
Sent: Thursday, November 08, 2018 12:10 PM
To: Ingram, Earl <Ingram.Earl@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Thanks Earl!

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I just responded to an earlier email. I can run pass Don Sadowky in OGC. He is the Attorney who is the FIFRA CBI expert.

From: Chiu, Enid
Sent: Thursday, November 08, 2018 12:08 PM
To: Baris, Reuben <Baris.Reuben@epa.gov>; Ingram, Earl <Ingram.Earl@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Earl, do you have input, or this a question for OGC?

–
Enid Chiu
Communication Services Branch
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 347-8262 | chiu.enid@epa.gov
https://www.epa.gov/pesticides

From: Baris, Reuben
Sent: Thursday, November 8, 2018 11:59 AM
To: Chiu, Enid <Chiu.Enid@epa.gov>; Ingram, Earl <Ingram.Earl@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Not my call. It sets a precedent to release studies to anyone who requests the study. Earl may know more about this...

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

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Is RD okay with us sharing the scanned document with the reporter?

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Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Ruben,

There is no CBI and it does not fall under the protections of FIFRA 10(g). It can be released to anyone.

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From: Baris, Reuben
Sent: Thursday, November 08, 2018 10:25 AM
To: Ingram, Earl <Ingram.Earl@epa.gov>; Chiu, Enid <Chiu.Enid@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

I have a hard copy. Should I bring it to you?

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Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

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Attached. You can ask Earl Ingram about the CBI issues. I spoke with him about FIFRA section 10g and what the Agency can and cannot share with third parties. But Documentum is currently down (of course it is). So I cannot access the MRID as submitted. I've scanned it in for your reference. I don't believe they made any claims to confidentiality.

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Subject: FW: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Hi HB,

Nancy Beck asked whether the Monsanto report (citation below) contains CBI. A reporter was asking for it, and our draft response directed them to either contact Monsanto or FOIA it. I don't have a copy of the report, so wanted to check with you all to confirm if it contains CBI. Thanks--

Monsanto. 2018a. The Scientific Basis for Understanding the Off-Target Movement Potential of Xtendimax, MRID 50642701, received 3 Aug 2018

–
Enid Chiu
Communication Services Branch
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 347-8262 | chiu.enid@epa.gov
https://www.epa.gov/pesticides

From: Chiu, Enid
Sent: Thursday, November 8, 2018 7:51 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: FW: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Hi Meg,

Kaythi spoke to you yesterday about a press inquiry requesting a Monsanto report. Nancy Beck came back with a question on whether the report in question contains CBI. Let me know ASAP, thanks!

–
Enid Chiu
Communication Services Branch
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 347-8262 | chiu.enid@epa.gov
https://www.epa.gov/pesticides

From: Courtnage, Robert
Sent: Thursday, November 8, 2018 7:33 AM
To: Chiu, Enid <Chiu.Enid@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>
Subject: Fwd: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

FYI- can you confirm? I assume yes?

Robert T. Courtnage
Acting Chief
Communications Services Branch
Field and External Affairs Division
Office of Pesticide Programs/OCSPP
U.S. Environmental Protection Agency
703.347.0748 (Desk)
202.740.2993 (Mobile)

Sent from my iPhone

Begin forwarded message:

> **From:** "Strauss, Linda" <Strauss.Linda@epa.gov>
> **Date:** November 8, 2018 at 7:31:25 AM EST
> **To:** "Sisco, Debby" <Sisco.Debby@epa.gov>, "Dinkins, Darlene" <Dinkins.Darlene@epa.gov>, "Han, Kaythi" <Han.Kaythi@epa.gov>, "Courtnage, Robert" <Courtnage.Robert@EPA.GOV>, "Dunton, Cheryl" <Dunton.Cheryl@epa.gov>
> **Subject: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba**
>
> Can you answer Nancy's Q? Thanks!

Sent from my iPhone

Begin forwarded message:

From: "Beck, Nancy" <Beck.Nancy@epa.gov>
Date: November 7, 2018 at 6:11:13 PM EST
To: "Strauss, Linda" <Strauss.Linda@epa.gov>
Cc: "Baptist, Erik" <Baptist.Erik@epa.gov>, "Dunton, Cheryl" <Dunton.Cheryl@epa.gov>, "Keller, Kaitlin" <keller.kaitlin@epa.gov>
Subject: Re: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Do we have the document?
Do we know if it contains CBI?

****

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
P: 202-564-1273
beck.nancy@epa.gov

On Nov 7, 2018, at 6:09 PM, Strauss, Linda <Strauss.Linda@epa.gov> wrote:

DTN
PAMELA SMITH DDL 11/8
Robert— I'm writing regarding an online support document for EPA's recent dicamba decision included in: Over-the-Top Dicamba Products for Genetically Modified Cotton and Soybeans—Benefits and Impacts. Linked from this page: https://www.epa.gov/ingredients-used-pesticide-products/registration-dicamba-use-dicamba-tolerant-crops

The footnoted document I am seeking is: Monsanto. 2018a. The Scientific Basis for Understanding the Off-Target Movement Potential of Xtendimax, MRID 50642701, received 3 Aug 2018. Can you provide that?

Response:

We suggest you contact Monsanto and request a copy of their report. To obtain this information from the EPA, you would need to file a request under the Freedom of Information Act (FOIA). Many documents submitted for pesticide regulatory purposes contain Confidential Business Information that by law cannot be released to the public. The FOIA process redacts CBI so the documents can be released. For more information or to make a FOIA request, see: https://www.epa.gov/foia.

From: Daguillard, Robert
Sent: Wednesday, November 07, 2018 2:09 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Courtnage, Robert

<Courtnage.Robert@EPA.GOV>; Sisco, Debby <Sisco.Debby@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: OPP: Press Inquiry from Pamela Smith/DTN/The Progressive Farmer - Dicamba

DTN
PAMELA SMITH
DDL 11/8

Good afternoon team,

Thanks for letting me know about next steps.

++

Robert— I'm writing regarding an online support document for EPA's recent dicamba decision included in: Over-the-Top Dicamba Products for Genetically Modified Cotton and Soybeans—Benefits and Impacts. Linked from this page: https://www.epa.gov/ingredients-used-pesticide-products/registration-dicamba-use-dicamba-tolerant-crops

The footnoted document I am seeking is: Monsanto. 2018a. The Scientific Basis for Understanding the Off-Target Movement Potential of Xtendimax, MRID 50642701, received 3 Aug 2018.

Can you provide that?

Thank you so much.

Pam Smith

Pamela Smith
DTN/The Progressive Farmer
Crops Technology Editor
2530 S. Forest Crest Road
Decatur, Ill. 62521
217/423-1006 (direct)
217/670-9139 (mobile)
Pamela.smith@dtn.com

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Message

From: McBride, Sharon Y [Mcbride.Sharony@epa.gov]
Sent: 11/14/2018 5:29:59 PM
To: Chiu, Enid [Chiu.Enid@epa.gov]
CC: Baris, Reuben [Baris.Reuben@epa.gov]; Ingram, Earl [Ingram.Earl@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Han, Kaythi [Han.Kaythi@epa.gov]; Furlow, Calvin [Furlow.Calvin@epa.gov]
Subject: Monsanto Report has been Posted to Dicamba Docket OPP-2016-0187 on Regulations.gov FW: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba
Attachments: image2018-11-08-100607.pdf

Good Afternoon ☺ –

The Monsanto report has been posted in the Dicamba Docket OPP-2016-0187 under Docket identification number OPP-2016-0187-0973 on regulations.gov for public viewing (see below screen shot).

Best Regards,

Sharon McBride

Sharon Y. McBride, Team Leader
Government Information Specialist (FOIA)
Public Information & Records Integrity Branch/ITRMD
EPA Office of Pesticide Programs
Office # 703-305-5232
Fax # 703-308-8189
Cubicle # PY South – S9947
Email: mcbride.sharony@epa.gov

ITRMD...Where every customer is a VIP!

DICAMBA Docket OPP-2016-0187

regulations.gov

Your Voice in Federal Decision-Making

Home Help

2016-0187

Dicamba: New Use on Herbicide-Tolerant Cotton and Soybean

Docket Browser Return to Docket Folder Summary

Docket ID: EPA-HQ-OPP-2016-0187 **Agency:** Environmental Protection Agency (EPA)

RIN: Not Assigned

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Expo

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Document Type

Clear Filter

Notice (0)

Proposed Rule (0)

Rule (0)

32 results

Results per page: 25

Sort By: Po

The Scientific Basis for Understanding the Off-Target Movement Potential of Xtendimax (MRID 50642701)

Supporting & Related Material | Posted: 11/14/2018 | ID: EPA-HQ-OPP-2016-0187-0973

From: Furlow, Calvin
Sent: Wednesday, November 14, 2018 8:33 AM
To: McBride, Sharon Y <Mcbride.Sharony@epa.gov>
Cc: Ingram, Earl <Ingram.Earl@epa.gov>
Subject: FW: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Good morning Sharon,
Earl asked me to forward this document to you to have posted in the dicamba docket ASAP. It has been approved for posting and does not need to be reviewed. Earl committed to it being posted by noon today.

Thanks
Calvin

From: Chiu, Enid
Sent: Wednesday, November 14, 2018 7:55 AM
To: Ingram, Earl <Ingram.Earl@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>; Furlow, Calvin <Furlow.Calvin@epa.gov>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Earl,

After some discussion with OCSPP, Rick decided that we should post the Monsanto report to the docket. Can you please help us with the upload? The version Reuben had previously sent is attached. Please let me know an estimated timeframe of when this will be posted. Thank you!

--

Enid Chiu
Communication Services Branch
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 347-8262 | chiu.enid@epa.gov
https://www.epa.gov/pesticides

From: Ingram, Earl
Sent: Thursday, November 8, 2018 3:03 PM
To: Chiu, Enid <Chiu.Enid@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>; Furlow, Calvin <Furlow.Calvin@epa.gov>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Enid,

I spoke with Don Sadowski in OGC and he agreed that we could release the submission as it is to anyone, because "data summaries don't rise to the level of disclosing essentially the contents of the original studies." This is the position that OGC has taken, when companies have submitted submissions that are only summarizing their earlier submissions. Don indicated that the Agency has not been challenged on any of these types of determinations in court and if we were, the Agency would have a very defendable position.

Don also agreed, if you are still leery, you should contact Monsanto to see what they say.

Earl Ingram, Chief
Public Information & Records Integrity Branch
Information Technology & Resources Management Division
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5456

From: Chiu, Enid
Sent: Thursday, November 08, 2018 12:20 PM
To: Ingram, Earl <Ingram.Earl@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Yes please, we would like to hear Don's input.

--

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(703) 347-8262 | chiu.enid@epa.gov

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Did you want me to run pass Don?

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Thanks Earl!

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Hi Meg,

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FYI- can you confirm? I assume yes?

Robert T. Courtnage
Acting Chief
Communications Services Branch
Field and External Affairs Division
Office of Pesticide Programs/OCSPP
U.S. Environmental Protection Agency
703.347.0748 (Desk)
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Sent from my iPhone

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> **Subject: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba**
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> Begin forwarded message:
>
> > **From:** "Beck, Nancy" <Beck.Nancy@epa.gov>
> > **Date:** November 7, 2018 at 6:11:13 PM EST

To: "Strauss, Linda" <Strauss.Linda@epa.gov>
Cc: "Baptist, Erik" <Baptist.Erik@epa.gov>, "Dunton, Cheryl" <Dunton.Cheryl@epa.gov>, "Keller, Kaitlin" <keller.kaitlin@epa.gov>
Subject: Re: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Do we have the document?
Do we know if it contains CBI?

****

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
P: 202-564-1273
beck.nancy@epa.gov

On Nov 7, 2018, at 6:09 PM, Strauss, Linda <Strauss.Linda@epa.gov> wrote:

DTN
PAMELA SMITH DDL 11/8
Robert— I'm writing regarding an online support document for EPA's recent dicamba decision included in: Over-the-Top Dicamba Products for Genetically Modified Cotton and Soybeans—Benefits and Impacts. Linked from this page: https://www.epa.gov/ingredients-used-pesticide-products/registration-dicamba-use-dicamba-tolerant-crops

The footnoted document I am seeking is: Monsanto. 2018a. The Scientific Basis for Understanding the Off-Target Movement Potential of Xtendimax, MRID 50642701, received 3 Aug 2018. Can you provide that?

Response:

We suggest you contact Monsanto and request a copy of their report. To obtain this information from the EPA, you would need to file a request under the Freedom of Information Act (FOIA). Many documents submitted for pesticide regulatory purposes contain Confidential Business Information that by law cannot be released to the public. The FOIA process redacts CBI so the documents can be released. For more information or to make a FOIA request, see: https://www.epa.gov/foia.

From: Daguillard, Robert
Sent: Wednesday, November 07, 2018 2:09 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Courtnage, Robert <Courtnage.Robert@EPA.GOV>; Sisco, Debby <Sisco.Debby@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: OPP: Press Inquiry from Pamela Smith/DTN/The Progressive Farmer - Dicamba

DTN
PAMELA SMITH
DDL 11/8

Good afternoon team,

Thanks for letting me know about next steps.

++

Robert— I'm writing regarding an online support document for EPA's recent dicamba decision included in: Over-the-Top Dicamba Products for Genetically Modified Cotton and Soybeans—Benefits and Impacts. Linked from this page: https://www.epa.gov/ingredients-used-pesticide-products/registration-dicamba-use-dicamba-tolerant-crops

The footnoted document I am seeking is: Monsanto. 2018a. The Scientific Basis for Understanding the Off-Target Movement Potential of Xtendimax, MRID 50642701, received 3 Aug 2018.

Can you provide that?

Thank you so much.

Pam Smith

Pamela Smith
DTN/The Progressive Farmer
Crops Technology Editor
2530 S. Forest Crest Road
Decatur, Ill. 62521
217/423-1006 (direct)
217/670-9139 (mobile)
Pamela.smith@dtn.com

NOTICE: This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message

Message

From: Ingram, Earl [Ingram.Earl@epa.gov]
Sent: 11/8/2018 5:27:21 PM
To: Chiu, Enid [Chiu.Enid@epa.gov]; Baris, Reuben [Baris.Reuben@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]
CC: Han, Kaythi [Han.Kaythi@epa.gov]
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

OK

From: Chiu, Enid
Sent: Thursday, November 08, 2018 12:20 PM
To: Ingram, Earl <Ingram.Earl@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Yes please, we would like to hear Don's input.

--
Enid Chiu
Communication Services Branch
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 347-8262 | chiu.enid@epa.gov
https://www.epa.gov/pesticides

From: Ingram, Earl
Sent: Thursday, November 8, 2018 12:13 PM
To: Chiu, Enid <Chiu.Enid@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Did you want me to run pass Don?

From: Chiu, Enid
Sent: Thursday, November 08, 2018 12:10 PM
To: Ingram, Earl <Ingram.Earl@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Thanks Earl!

--
Enid Chiu
Communication Services Branch
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 347-8262 | chiu.enid@epa.gov
https://www.epa.gov/pesticides

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Sent: Thursday, November 8, 2018 12:10 PM
To: Chiu, Enid <Chiu.Enid@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

I just responded to an earlier email. I can run pass Don Sadowky in OGC. He is the Attorney who is the FIFRA CBI expert.

From: Chiu, Enid
Sent: Thursday, November 08, 2018 12:08 PM
To: Baris, Reuben <Baris.Reuben@epa.gov>; Ingram, Earl <Ingram.Earl@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Earl, do you have input, or this a question for OGC?

--
Enid Chiu
Communication Services Branch
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 347-8262 | chiu.enid@epa.gov
https://www.epa.gov/pesticides

From: Baris, Reuben
Sent: Thursday, November 8, 2018 11:59 AM
To: Chiu, Enid <Chiu.Enid@epa.gov>; Ingram, Earl <Ingram.Earl@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Not my call. It sets a precedent to release studies to anyone who requests the study. Earl may know more about this...

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

From: Chiu, Enid
Sent: Thursday, November 08, 2018 11:55 AM
To: Ingram, Earl <Ingram.Earl@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Is RD okay with us sharing the scanned document with the reporter?

If so, we will clear with OGC and respond accordingly. Thanks!

--
Enid Chiu
Communication Services Branch
Office of Pesticide Programs
U.S. Environmental Protection Agency

(703) 347-8262 | chiu.enid@epa.gov
https://www.epa.gov/pesticides

From: Ingram, Earl
Sent: Thursday, November 8, 2018 11:46 AM
To: Baris, Reuben <Baris.Reuben@epa.gov>; Chiu, Enid <Chiu.Enid@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Ruben,

There is no CBI and it does not fall under the protections of FIFRA 10(g). It can be released to anyone.

From: Ingram, Earl
Sent: Thursday, November 08, 2018 10:37 AM
To: Baris, Reuben <Baris.Reuben@epa.gov>; Chiu, Enid <Chiu.Enid@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

You can drop it off or email it.

From: Baris, Reuben
Sent: Thursday, November 08, 2018 10:25 AM
To: Ingram, Earl <Ingram.Earl@epa.gov>; Chiu, Enid <Chiu.Enid@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

I have a hard copy. Should I bring it to you?

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

From: Ingram, Earl
Sent: Thursday, November 08, 2018 9:57 AM
To: Baris, Reuben <Baris.Reuben@epa.gov>; Chiu, Enid <Chiu.Enid@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Reuben,

By any chance do you have the submission cover letter. Documentum is down, so I can't get a copy. I want to see if the registrant submitted it with any confidentiality claims.

From: Baris, Reuben
Sent: Thursday, November 08, 2018 9:50 AM
To: Chiu, Enid <Chiu.Enid@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Ingram, Earl <Ingram.Earl@epa.gov>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Attached. You can ask Earl Ingram about the CBI issues. I spoke with him about FIFRA section 10g and what the Agency can and cannot share with third parties. But Documentum is currently down (of course it is). So I cannot access the MRID as submitted. I've scanned it in for your reference. I don't believe they made any claims to confidentiality.

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

From: Chiu, Enid
Sent: Thursday, November 08, 2018 9:10 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: FW: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Hi HB,

Nancy Beck asked whether the Monsanto report (citation below) contains CBI. A reporter was asking for it, and our draft response directed them to either contact Monsanto or FOIA it. I don't have a copy of the report, so wanted to check with you all to confirm if it contains CBI. Thanks--

Monsanto. 2018a. The Scientific Basis for Understanding the Off-Target Movement Potential of Xtendimax, MRID 50642701, received 3 Aug 2018

--
Enid Chiu
Communication Services Branch
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 347-8262 | chiu.enid@epa.gov
https://www.epa.gov/pesticides

From: Chiu, Enid
Sent: Thursday, November 8, 2018 7:51 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: FW: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Hi Meg,

Kaythi spoke to you yesterday about a press inquiry requesting a Monsanto report. Nancy Beck came back with a question on whether the report in question contains CBI. Let me know ASAP, thanks!

--
Enid Chiu
Communication Services Branch
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 347-8262 | chiu.enid@epa.gov
https://www.epa.gov/pesticides

From: Courtnage, Robert
Sent: Thursday, November 8, 2018 7:33 AM
To: Chiu, Enid <Chiu.Enid@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>
Subject: Fwd: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

FYI- can you confirm? I assume yes?

Robert T. Courtnage

Acting Chief
Communications Services Branch
Field and External Affairs Division
Office of Pesticide Programs/OCSPP
U.S. Environmental Protection Agency
703.347.0748 (Desk)
202.740.2993 (Mobile)

Sent from my iPhone

Begin forwarded message:

> **From:** "Strauss, Linda" <Strauss.Linda@epa.gov>
> **Date:** November 8, 2018 at 7:31:25 AM EST
> **To:** "Sisco, Debby" <Sisco.Debby@epa.gov>, "Dinkins, Darlene" <Dinkins.Darlene@epa.gov>, "Han, Kaythi" <Han.Kaythi@epa.gov>, "Courtnage, Robert" <Courtnage.Robert@EPA.GOV>, "Dunton, Cheryl" <Dunton.Cheryl@epa.gov>
> **Subject: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba**
>
> Can you answer Nancy's Q? Thanks!
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** "Beck, Nancy" <Beck.Nancy@epa.gov>
> > **Date:** November 7, 2018 at 6:11:13 PM EST
> > **To:** "Strauss, Linda" <Strauss.Linda@epa.gov>
> > **Cc:** "Baptist, Erik" <Baptist.Erik@epa.gov>, "Dunton, Cheryl" <Dunton.Cheryl@epa.gov>, "Keller, Kaitlin" <keller.kaitlin@epa.gov>
> > **Subject: Re: Pamela Smith/DTN/The Progressive Farmer - Dicamba**
> >
> > Do we have the document?
> > Do we know if it contains CBI?
> >
> > **********
> > Nancy B. Beck, Ph.D., DABT
> > Deputy Assistant Administrator
> > Office of Chemical Safety and Pollution Prevention
> > P: 202-564-1273
> > beck.nancy@epa.gov
> >
> > On Nov 7, 2018, at 6:09 PM, Strauss, Linda <Strauss.Linda@epa.gov> wrote:
> >
> > > **DTN**
> > > **PAMELA SMITH DDL 11/8**
> > > Robert— I'm writing regarding an online support document for EPA's recent dicamba decision included in: Over-the-Top Dicamba Products for Genetically Modified Cotton and Soybeans—Benefits and Impacts. Linked from this page: https://www.epa.gov/ingredients-used-pesticide-products/registration-dicamba-use-dicamba-tolerant-crops

The footnoted document I am seeking is: Monsanto. 2018a. The Scientific Basis for Understanding the Off-Target Movement Potential of Xtendimax, MRID 50642701, received 3 Aug 2018. Can you provide that?

Response:

We suggest you contact Monsanto and request a copy of their report. To obtain this information from the EPA, you would need to file a request under the Freedom of Information Act (FOIA). Many documents submitted for pesticide regulatory purposes contain Confidential Business Information that by law cannot be released to the public. The FOIA process redacts CBI so the documents can be released. For more information or to make a FOIA request, see: https://www.epa.gov/foia.

From: Daguillard, Robert
Sent: Wednesday, November 07, 2018 2:09 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Courtnage, Robert <Courtnage.Robert@EPA.GOV>; Sisco, Debby <Sisco.Debby@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: OPP: Press Inquiry from Pamela Smith/DTN/The Progressive Farmer - Dicamba

DTN
PAMELA SMITH
DDL 11/8

Good afternoon team,

Thanks for letting me know about next steps.

++

Robert— I'm writing regarding an online support document for EPA's recent dicamba decision included in: Over-the-Top Dicamba Products for Genetically Modified Cotton and Soybeans—Benefits and Impacts. Linked from this page: https://www.epa.gov/ingredients-used-pesticide-products/registration-dicamba-use-dicamba-tolerant-crops

The footnoted document I am seeking is: Monsanto. 2018a. The Scientific Basis for Understanding the Off-Target Movement Potential of Xtendimax, MRID 50642701, received 3 Aug 2018.

Can you provide that?

Thank you so much.

Pam Smith

Pamela Smith
DTN/The Progressive Farmer
Crops Technology Editor
2530 S. Forest Crest Road
Decatur, Ill. 62521
217/423-1006 (direct)
217/670-9139 (mobile)
Pamela.smith@dtn.com

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Message

From: Chiu, Enid [Chiu.Enid@epa.gov]
Sent: 11/14/2018 1:05:29 PM
To: Ingram, Earl [Ingram.Earl@epa.gov]
CC: Baris, Reuben [Baris.Reuben@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Han, Kaythi [Han.Kaythi@epa.gov]; Sadowsky, Don [Sadowsky.Don@epa.gov]; Furlow, Calvin [Furlow.Calvin@epa.gov]
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Thank you Earl!

--
Enid Chiu
Communication Services Branch
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 347-8262 | chiu.enid@epa.gov
https://www.epa.gov/pesticides

From: Ingram, Earl
Sent: Wednesday, November 14, 2018 8:05 AM
To: Chiu, Enid <Chiu.Enid@epa.gov>
Cc: Baris, Reuben <Baris.Reuben@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>; Furlow, Calvin <Furlow.Calvin@epa.gov>
Subject: Re: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

We will get this posted by noon today. We will have coordinated with Docket contractor staff. We will let you know when this has posted in Regulations.gov.

I will be in the office at 10:00 this morning, but I will have someone on my staff to start on this.

Earl Ingram, Chief
Public Information & Records Integrity Branch
Information Technology & Resources Management Division
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5456

Sent from my iPhone

On Nov 14, 2018, at 7:55 AM, Chiu, Enid <Chiu.Enid@epa.gov> wrote:

> Earl,
>
> After some discussion with OCSPP, Rick decided that we should post the Monsanto report to the docket. Can you please help us with the upload? The version Reuben had previously sent is attached. Please let me know an estimated timeframe of when this will be posted. Thank you!
>
> --

Enid Chiu
Communication Services Branch
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 347-8262 | chiu.enid@epa.gov<mailto:chiu.enid@epa.gov>
https://www.epa.gov/pesticides

From: Ingram, Earl
Sent: Thursday, November 8, 2018 3:03 PM
To: Chiu, Enid <Chiu.Enid@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>; Furlow, Calvin <Furlow.Calvin@epa.gov>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Enid,

I spoke with Don Sadowski in OGC and he agreed that we could release the submission as it is to anyone, because "data summaries don't rise to the level of disclosing essentially the contents of the original studies." This is the position that OGC has taken, when companies have submitted submissions that are only summarizing their earlier submissions. Don indicated that the Agency has not been challenged on any of these types of determinations in court and if we were, the Agency would have a very defendable position.

Don also agreed, if you are still leery, you should contact Monsanto to see what they say.

Earl Ingram, Chief
Public Information & Records Integrity Branch
Information Technology & Resources Management Division
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5456

From: Chiu, Enid
Sent: Thursday, November 08, 2018 12:20 PM
To: Ingram, Earl <Ingram.Earl@epa.gov<mailto:Ingram.Earl@epa.gov>>; Baris, Reuben <Baris.Reuben@epa.gov<mailto:Baris.Reuben@epa.gov>>; Kenny, Daniel <Kenny.Dan@epa.gov<mailto:Kenny.Dan@epa.gov>>; Hathaway, Margaret <Hathaway.Margaret@epa.gov<mailto:Hathaway.Margaret@epa.gov>>
Cc: Han, Kaythi <Han.Kaythi@epa.gov<mailto:Han.Kaythi@epa.gov>>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Yes please, we would like to hear Don's input.

--
Enid Chiu
Communication Services Branch
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 347-8262 | chiu.enid@epa.gov<mailto:chiu.enid@epa.gov>

https://www.epa.gov/pesticides

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Sent: Thursday, November 8, 2018 12:13 PM
To: Chiu, Enid <Chiu.Enid@epa.gov<mailto:Chiu.Enid@epa.gov>>; Baris, Reuben <Baris.Reuben@epa.gov<mailto:Baris.Reuben@epa.gov>>; Kenny, Daniel <Kenny.Dan@epa.gov<mailto:Kenny.Dan@epa.gov>>; Hathaway, Margaret <Hathaway.Margaret@epa.gov<mailto:Hathaway.Margaret@epa.gov>>
Cc: Han, Kaythi <Han.Kaythi@epa.gov<mailto:Han.Kaythi@epa.gov>>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Did you want me to run pass Don?

From: Chiu, Enid
Sent: Thursday, November 08, 2018 12:10 PM
To: Ingram, Earl <Ingram.Earl@epa.gov<mailto:Ingram.Earl@epa.gov>>; Baris, Reuben <Baris.Reuben@epa.gov<mailto:Baris.Reuben@epa.gov>>; Kenny, Daniel <Kenny.Dan@epa.gov<mailto:Kenny.Dan@epa.gov>>; Hathaway, Margaret <Hathaway.Margaret@epa.gov<mailto:Hathaway.Margaret@epa.gov>>
Cc: Han, Kaythi <Han.Kaythi@epa.gov<mailto:Han.Kaythi@epa.gov>>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Thanks Earl!

--
Enid Chiu
Communication Services Branch
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 347-8262 | chiu.enid@epa.gov<mailto:chiu.enid@epa.gov>
https://www.epa.gov/pesticides

From: Ingram, Earl
Sent: Thursday, November 8, 2018 12:10 PM
To: Chiu, Enid <Chiu.Enid@epa.gov<mailto:Chiu.Enid@epa.gov>>; Baris, Reuben <Baris.Reuben@epa.gov<mailto:Baris.Reuben@epa.gov>>; Kenny, Daniel <Kenny.Dan@epa.gov<mailto:Kenny.Dan@epa.gov>>; Hathaway, Margaret <Hathaway.Margaret@epa.gov<mailto:Hathaway.Margaret@epa.gov>>
Cc: Han, Kaythi <Han.Kaythi@epa.gov<mailto:Han.Kaythi@epa.gov>>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

I just responded to an earlier email. I can run pass Don Sadowky in OGC. He is the Attorney who is the FIFRA CBI expert.

From: Chiu, Enid
Sent: Thursday, November 08, 2018 12:08 PM
To: Baris, Reuben <Baris.Reuben@epa.gov<mailto:Baris.Reuben@epa.gov>>; Ingram, Earl <Ingram.Earl@epa.gov<mailto:Ingram.Earl@epa.gov>>; Kenny, Daniel <Kenny.Dan@epa.gov<mailto:Kenny.Dan@epa.gov>>; Hathaway, Margaret <Hathaway.Margaret@epa.gov<mailto:Hathaway.Margaret@epa.gov>>
Cc: Han, Kaythi <Han.Kaythi@epa.gov<mailto:Han.Kaythi@epa.gov>>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Earl, do you have input, or this a question for OGC?

--
Enid Chiu
Communication Services Branch
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 347-8262 | chiu.enid@epa.gov<mailto:chiu.enid@epa.gov>
https://www.epa.gov/pesticides

From: Baris, Reuben
Sent: Thursday, November 8, 2018 11:59 AM
To: Chiu, Enid <Chiu.Enid@epa.gov<mailto:Chiu.Enid@epa.gov>>; Ingram, Earl <Ingram.Earl@epa.gov<mailto:Ingram.Earl@epa.gov>>; Kenny, Daniel <Kenny.Dan@epa.gov<mailto:Kenny.Dan@epa.gov>>; Hathaway, Margaret <Hathaway.Margaret@epa.gov<mailto:Hathaway.Margaret@epa.gov>>
Cc: Han, Kaythi <Han.Kaythi@epa.gov<mailto:Han.Kaythi@epa.gov>>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Not my call. It sets a precedent to release studies to anyone who requests the study. Earl may know more about this...

Reuben Baris | Product Manager, Team 25 | Herbicide Branch
U.S. Environmental Protection Agency, Office of Pesticide Programs | (703) 305-7356

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Sent: Thursday, November 08, 2018 11:55 AM
To: Ingram, Earl <Ingram.Earl@epa.gov<mailto:Ingram.Earl@epa.gov>>; Baris, Reuben <Baris.Reuben@epa.gov<mailto:Baris.Reuben@epa.gov>>; Kenny, Daniel <Kenny.Dan@epa.gov<mailto:Kenny.Dan@epa.gov>>; Hathaway, Margaret <Hathaway.Margaret@epa.gov<mailto:Hathaway.Margaret@epa.gov>>
Cc: Han, Kaythi <Han.Kaythi@epa.gov<mailto:Han.Kaythi@epa.gov>>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

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If so, we will clear with OGC and respond accordingly. Thanks!

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Enid Chiu
Communication Services Branch
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 347-8262 | chiu.enid@epa.gov<mailto:chiu.enid@epa.gov>
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Reuben Baris | Product Manager, Team 25 | Herbicide Branch
U.S. Environmental Protection Agency, Office of Pesticide Programs | (703) 305-7356

From: Ingram, Earl
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To: Baris, Reuben <Baris.Reuben@epa.gov<mailto:Baris.Reuben@epa.gov>>; Chiu, Enid <Chiu.Enid@epa.gov<mailto:Chiu.Enid@epa.gov>>; Kenny, Daniel <Kenny.Dan@epa.gov<mailto:Kenny.Dan@epa.gov>>; Hathaway, Margaret <Hathaway.Margaret@epa.gov<mailto:Hathaway.Margaret@epa.gov>>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

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Attached. You can ask Earl Ingram about the CBI issues. I spoke with him about FIFRA section 10g and what the Agency can and cannot share with third parties. But Documentum is currently down (of course it is). So I cannot access the MRID as submitted. I've scanned it in for your reference. I don't believe they made any claims to confidentiality.

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Hi HB,

Nancy Beck asked whether the Monsanto report (citation below) contains CBI. A reporter was asking for it, and our draft response directed them to either contact Monsanto or FOIA it. I don't have a copy of the report, so wanted to check with you all to confirm if it contains CBI. Thanks--

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U.S. Environmental Protection Agency
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https://www.epa.gov/pesticides

From: Chiu, Enid
Sent: Thursday, November 8, 2018 7:51 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov<mailto:Hathaway.Margaret@epa.gov>>
Subject: FW: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Hi Meg,

Kaythi spoke to you yesterday about a press inquiry requesting a Monsanto report. Nancy Beck came back with a question on whether the report in question contains CBI. Let me know ASAP, thanks!

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(703) 347-8262 | chiu.enid@epa.gov<mailto:chiu.enid@epa.gov>
https://www.epa.gov/pesticides

From: Courtnage, Robert
Sent: Thursday, November 8, 2018 7:33 AM
To: Chiu, Enid <Chiu.Enid@epa.gov<mailto:Chiu.Enid@epa.gov>>
Cc: Han, Kaythi <Han.Kaythi@epa.gov<mailto:Han.Kaythi@epa.gov>>
Subject: Fwd: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

FYI- can you confirm? I assume yes?

Robert T. Courtnage
Acting Chief
Communications Services Branch
Field and External Affairs Division
Office of Pesticide Programs/OCSPP
U.S. Environmental Protection Agency
703.347.0748 (Desk)
202.740.2993<tel:202.740.2993> (Mobile)

Sent from my iPhone

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Cc: "Baptist, Erik" <Baptist.Erik@epa.gov<mailto:Baptist.Erik@epa.gov>>, "Dunton, Cheryl" <Dunton.Cheryl@epa.gov<mailto:Dunton.Cheryl@epa.gov>>, "Keller, Kaitlin" <keller.kaitlin@epa.gov<mailto:keller.kaitlin@epa.gov>>
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Do we have the document?
Do we know if it contains CBI?

****
Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
P: 202-564-1273<tel:202-564-1273>
beck.nancy@epa.gov<mailto:beck.nancy@epa.gov>

On Nov 7, 2018, at 6:09 PM, Strauss, Linda <Strauss.Linda@epa.gov<mailto:Strauss.Linda@epa.gov>> wrote:

DTN
PAMELA SMITH DDL 11/8
Robert— I'm writing regarding an online support document for EPA's recent dicamba decision included in: Over-the-Top Dicamba Products for Genetically Modified Cotton and Soybeans—Benefits and Impacts. Linked from this page: https://www.epa.gov/ingredients-used-pesticide-products/registration-dicamba-use-dicamba-tolerant-crops

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that?

Response:
We suggest you contact Monsanto and request a copy of their report. To obtain this information from the EPA, you would need to file a request under the Freedom of Information Act (FOIA). Many documents submitted for pesticide regulatory purposes contain Confidential Business Information that by law cannot be released to the public. The FOIA process redacts CBI so the documents can be released. For more information or to make a FOIA request, see: https://www.epa.gov/foia.

From: Daguillard, Robert
Sent: Wednesday, November 07, 2018 2:09 PM
To: Strauss, Linda <Strauss.Linda@epa.gov<mailto:Strauss.Linda@epa.gov>>; Dunton, Cheryl <Dunton.Cheryl@epa.gov<mailto:Dunton.Cheryl@epa.gov>>; Courtnage, Robert <Courtnage.Robert@EPA.GOV<mailto:Courtnage.Robert@EPA.GOV>>; Sisco, Debby <Sisco.Debby@epa.gov<mailto:Sisco.Debby@epa.gov>>; Han, Kaythi <Han.Kaythi@epa.gov<mailto:Han.Kaythi@epa.gov>>; Dinkins, Darlene <Dinkins.Darlene@epa.gov<mailto:Dinkins.Darlene@epa.gov>>
Subject: OPP: Press Inquiry from Pamela Smith/DTN/The Progressive Farmer - Dicamba

DTN
PAMELA SMITH
DDL 11/8

Good afternoon team,

Thanks for letting me know about next steps.

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Thank you so much.

Pam Smith

Pamela Smith
DTN/The Progressive Farmer
Crops Technology Editor
2530 S. Forest Crest Road
Decatur, Ill. 62521

217/423-1006 (direct)
217/670-9139 (mobile)
Pamela.smith@dtn.com

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<image2018-11-08-100607.pdf>

Message

From: Ingram, Earl [Ingram.Earl@epa.gov]
Sent: 11/8/2018 5:09:47 PM
To: Chiu, Enid [Chiu.Enid@epa.gov]; Baris, Reuben [Baris.Reuben@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]
CC: Han, Kaythi [Han.Kaythi@epa.gov]
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

I just responded to an earlier email. I can run pass Don Sadowky in OGC. He is the Attorney who is the FIFRA CBI expert.

From: Chiu, Enid
Sent: Thursday, November 08, 2018 12:08 PM
To: Baris, Reuben <Baris.Reuben@epa.gov>; Ingram, Earl <Ingram.Earl@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Earl, do you have input, or this a question for OGC?

--
Enid Chiu
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Acting Chief
Communications Services Branch
Field and External Affairs Division
Office of Pesticide Programs/OCSPP
U.S. Environmental Protection Agency
703.347.0748 (Desk)
202.740.2993 (Mobile)

Sent from my iPhone

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> **Subject: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba**
>
> Can you answer Nancy's Q? Thanks!
>
> Sent from my iPhone
>
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> > **Date:** November 7, 2018 at 6:11:13 PM EST
> > **To:** "Strauss, Linda" <Strauss.Linda@epa.gov>
> > **Cc:** "Baptist, Erik" <Baptist.Erik@epa.gov>, "Dunton, Cheryl" <Dunton.Cheryl@epa.gov>, "Keller, Kaitlin" <keller.kaitlin@epa.gov>
> > **Subject: Re: Pamela Smith/DTN/The Progressive Farmer - Dicamba**
> >
> > Do we have the document?
> > Do we know if it contains CBI?
> >
> > **********
> > Nancy B. Beck, Ph.D., DABT
> > Deputy Assistant Administrator
> > Office of Chemical Safety and Pollution Prevention
> > P: 202-564-1273
> > beck.nancy@epa.gov
> >
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> > > **PAMELA SMITH DDL 11/8**
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PAMELA SMITH
DDL 11/8

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Pamela Smith
DTN/The Progressive Farmer
Crops Technology Editor
2530 S. Forest Crest Road
Decatur, Ill. 62521
217/423-1006 (direct)
217/670-9139 (mobile)
Pamela.smith@dtn.com

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Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

This document doesn't meet the citrate of a study or data that would be covered by FIFRA Section 10(g). If we received a FOIA request for this document, we would release it to anyone in it's entirely, this includes other registrants. Any CBI claims should have been made upon submission to the Agency. You can always check with Monsanto, but they really shouldn't have any qualms about this being released.

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To: Ingram, Earl <Ingram.Earl@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Is RD okay with us sharing the scanned document with the reporter?

If so, we will clear with OGC and respond accordingly. Thanks!

–
Enid Chiu
Communication Services Branch
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 347-8262 | chiu.enid@epa.gov
https://www.epa.gov/pesticides

From: Ingram, Earl
Sent: Thursday, November 8, 2018 11:46 AM
To: Baris, Reuben <Baris.Reuben@epa.gov>; Chiu, Enid <Chiu.Enid@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Ruben,

There is no CBI and it does not fall under the protections of FIFRA 10(g). It can be released to anyone.

From: Ingram, Earl
Sent: Thursday, November 08, 2018 10:37 AM
To: Baris, Reuben <Baris.Reuben@epa.gov>; Chiu, Enid <Chiu.Enid@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

You can drop it off or email it.

From: Baris, Reuben
Sent: Thursday, November 08, 2018 10:25 AM
To: Ingram, Earl <Ingram.Earl@epa.gov>; Chiu, Enid <Chiu.Enid@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

I have a hard copy. Should I bring it to you?

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

From: Ingram, Earl
Sent: Thursday, November 08, 2018 9:57 AM
To: Baris, Reuben <Baris.Reuben@epa.gov>; Chiu, Enid <Chiu.Enid@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Reuben,

By any chance do you have the submission cover letter. Documentum is down, so I can't get a copy. I want to see if the registrant submitted it with any confidentiality claims.

From: Baris, Reuben
Sent: Thursday, November 08, 2018 9:50 AM
To: Chiu, Enid <Chiu.Enid@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Ingram, Earl <Ingram.Earl@epa.gov>
Subject: RE: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Attached. You can ask Earl Ingram about the CBI issues. I spoke with him about FIFRA section 10g and what the Agency can and cannot share with third parties. But Documentum is currently down (of course it is). So I cannot access the MRID as submitted. I've scanned it in for your reference. I don't believe they made any claims to confidentiality.

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

From: Chiu, Enid
Sent: Thursday, November 08, 2018 9:10 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: FW: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Hi HB,

Nancy Beck asked whether the Monsanto report (citation below) contains CBI. A reporter was asking for it, and our draft response directed them to either contact Monsanto or FOIA it. I don't have a copy of the report, so wanted to check with you all to confirm if it contains CBI. Thanks--

Monsanto. 2018a. The Scientific Basis for Understanding the Off-Target Movement Potential of Xtendimax, MRID 50642701, received 3 Aug 2018

--

Enid Chiu
Communication Services Branch
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 347-8262 | chiu.enid@epa.gov
https://www.epa.gov/pesticides

From: Chiu, Enid
Sent: Thursday, November 8, 2018 7:51 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: FW: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Hi Meg,

Kaythi spoke to you yesterday about a press inquiry requesting a Monsanto report. Nancy Beck came back with a question on whether the report in question contains CBI. Let me know ASAP, thanks!

--

Enid Chiu
Communication Services Branch
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 347-8262 | chiu.enid@epa.gov
https://www.epa.gov/pesticides

From: Courtnage, Robert
Sent: Thursday, November 8, 2018 7:33 AM
To: Chiu, Enid <Chiu.Enid@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>
Subject: Fwd: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

FYI- can you confirm? I assume yes?

Robert T. Courtnage
Acting Chief
Communications Services Branch
Field and External Affairs Division
Office of Pesticide Programs/OCSPP
U.S. Environmental Protection Agency
703.347.0748 (Desk)
202.740.2993 (Mobile)

Sent from my iPhone

Begin forwarded message:

From: "Strauss, Linda" <Strauss.Linda@epa.gov>
Date: November 8, 2018 at 7:31:25 AM EST
To: "Sisco, Debby" <Sisco.Debby@epa.gov>, "Dinkins, Darlene" <Dinkins.Darlene@epa.gov>, "Han, Kaythi" <Han.Kaythi@epa.gov>, "Courtnage, Robert" <Courtnage.Robert@EPA.GOV>, "Dunton, Cheryl" <Dunton.Cheryl@epa.gov>
Subject: Nancy Beck Q - Fwd: Pamela Smith/DTN/The Progressive Farmer - Dicamba

Can you answer Nancy's Q? Thanks!

Sent from my iPhone

Begin forwarded message:

> **From:** "Beck, Nancy" <Beck.Nancy@epa.gov>
> **Date:** November 7, 2018 at 6:11:13 PM EST
> **To:** "Strauss, Linda" <Strauss.Linda@epa.gov>
> **Cc:** "Baptist, Erik" <Baptist.Erik@epa.gov>, "Dunton, Cheryl" <Dunton.Cheryl@epa.gov>, "Keller, Kaitlin" <keller.kaitlin@epa.gov>
> **Subject: Re: Pamela Smith/DTN/The Progressive Farmer - Dicamba**
>
> Do we have the document?
> Do we know if it contains CBI?
>
> **********
> Nancy B. Beck, Ph.D., DABT
> Deputy Assistant Administrator
> Office of Chemical Safety and Pollution Prevention
> P: 202-564-1273
> beck.nancy@epa.gov
>
> On Nov 7, 2018, at 6:09 PM, Strauss, Linda <Strauss.Linda@epa.gov> wrote:
>
>> **DTN**
>> **PAMELA SMITH DDL 11/8**
>> Robert— I'm writing regarding an online support document for EPA's recent dicamba decision included in: Over-the-Top Dicamba Products for Genetically Modified Cotton and Soybeans—Benefits and Impacts. Linked from this page: https://www.epa.gov/ingredients-used-pesticide-products/registration-dicamba-use-dicamba-tolerant-crops
>>
>> The footnoted document I am seeking is: Monsanto. 2018a. The Scientific Basis for Understanding the Off-Target Movement Potential of Xtendimax, MRID 50642701, received 3 Aug 2018. Can you provide that?
>>
>> Response:
>>
>> We suggest you contact Monsanto and request a copy of their report. To obtain this information from the EPA, you would need to file a request under the Freedom of Information Act (FOIA). Many documents submitted for pesticide regulatory purposes contain Confidential Business Information that by law cannot be released to the public. The FOIA process redacts CBI

so the documents can be released. For more information or to make a FOIA request, see: https://www.epa.gov/foia.

From: Daguillard, Robert
Sent: Wednesday, November 07, 2018 2:09 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Courtnage, Robert <Courtnage.Robert@EPA.GOV>; Sisco, Debby <Sisco.Debby@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: OPP: Press Inquiry from Pamela Smith/DTN/The Progressive Farmer - Dicamba

DTN
PAMELA SMITH
DDL 11/8

Good afternoon team,

Thanks for letting me know about next steps.

++

Robert— I'm writing regarding an online support document for EPA's recent dicamba decision included in: Over-the-Top Dicamba Products for Genetically Modified Cotton and Soybeans—Benefits and Impacts. Linked from this page: https://www.epa.gov/ingredients-used-pesticide-products/registration-dicamba-use-dicamba-tolerant-crops

The footnoted document I am seeking is: Monsanto. 2018a. The Scientific Basis for Understanding the Off-Target Movement Potential of Xtendimax, MRID 50642701, received 3 Aug 2018.

Can you provide that?

Thank you so much.

Pam Smith

Pamela Smith
DTN/The Progressive Farmer
Crops Technology Editor
2530 S. Forest Crest Road
Decatur, Ill. 62521
217/423-1006 (direct)
217/670-9139 (mobile)
Pamela.smith@dtn.com

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Message

From: Keigwin, Richard [Keigwin.Richard@epa.gov]
Sent: 8/20/2018 12:37:45 AM
To: Baris, Reuben [Baris.Reuben@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Subject: Fwd: Registration of Xtendimax
Attachments: Letter to the EPA final draft .docx; ATT00001.htm

Rick Keigwin
Director, Office of Pesticide Programs
U.S. Environmental Protection Agency
Phone: 703-305-7090
Website: www.epa.gov/pesticides
Sent from my iPhone

Begin forwarded message:

From: Nathan Plendl - Plendl Feed Service Agronomist <nathan.plendl@frontier.com>
Date: August 19, 2018 at 12:48:39 PM EDT
To: <keigwin.richard@epa.gov>
Subject: Registration of Xtendimax

Here is letter of support to help keep this product available for the use in agriculture.

Thank you

Nathan Plendl

Message

From: Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Sent: 8/16/2018 3:58:47 PM
To: Baris, Reuben [Baris.Reuben@epa.gov]
CC: Meadows, Sarah [Meadows.Sarah@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: FW: Follow up correspondence(s)
Attachments: Becks Hybrid Seeds 20180727162557485.pdf; Bob Meils Illinois Fwd_ Xtend Crop Systems.pdf; CBD Dicamba Renewal Comments Final.pdf; CrawfordDicambaLetter8.3.pdf; David Hodges MS Support Dicamba.pdf; Dicamba Texas Farm Bureau.pdf; Eddie Price - Harvey Fert and Gas Fwd_ Xtendimax label renewal.pdf; Iowa Farmer support - April Hemmes.pdf; Jeff Flamm Union County Illinois Fruit trees.pdf; John Bradley Williams EPA letter 2018 - producer.doc; M Hermann AgReliant Genetics Xtend crop system.pdf; M Vande Logt - LandOLakes-Winfield Generic Dicamba EPA approval of dicamba technology.pdf; North Dakota Dept of Ag AX-18-000-9648.pdf; Purple Ribbon Seeds - FW_ Xtend Crop System Renewal.pdf; Richard Coy FW_ Arkansas Honeybees and Dicamba.pdf; South TX Cotton and Grain Assoc. EPA_Xtendimax_Renewal 08062018.pdf; Steve Smith - RedGold - Fwd_ Reflections on the dicamba situation.pdf; Stine Seed Letter to Richard Keigwin.pdf; Torie Korth Crop Advisor Iowa Fwd_ Dicamba.pdf; Wakins crop Consulting.pdf; Axis Seeds - FW_ Xtend Crop System.pdf

Thanks Reuben. I've just finished combing through these letters and citing them in the options + lines of evidence document as appropriate. They are now also copied to the pro/con public letter folders on the Dicamba G Drive folder.

- Meg

From: Baris, Reuben
Sent: Tuesday, August 14, 2018 4:22 PM
To: Han, Kaythi <Han.Kaythi@epa.gov>; Bennett, Isabella <Bennett.Isabella@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: Follow up correspondence(s)

These are the letters, or emails that have come to rick that he has shared with RD. Thanks for your help taking the lead on what to do with them. Please let us know if you need any technical support.

Worth noting there is some overlap with the communications logged in CMS (e.g., crawford's letter, ND Dept of Ag, South TX Grain Assoc., and maybe others…).

Thanks!
Reuben

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

Message

From: Oemig, Otto W - DATCP [Otto.Oemig@wisconsin.gov]
Sent: 11/7/2018 8:50:42 PM
To: Baris, Reuben [Baris.Reuben@epa.gov]
Subject: RE: PPLS XtendiMax Label stamped 11/5/18 - No 57 foot buffer?

Perfect, that is exactly what I needed to know. We will keep an eye on our endangered species bulletins. Thank you for your swift reply.

Otto

From: Baris, Reuben <Baris.Reuben@epa.gov>
Sent: Wednesday, November 7, 2018 2:48 PM
To: Oemig, Otto W - DATCP <Otto.Oemig@wisconsin.gov>
Subject: RE: PPLS XtendiMax Label stamped 11/5/18 - No 57 foot buffer?

Hi Otto,
The 57 foot buffer is only applicable in counties where there is an overlap with the potential use site and an endangered species. As for Engenia if you read it carefully it says in counties where endangered species may exisit. The applicable restrictions for growers will be implemented through the bulletins live framework.
I hope this helps.
Reuben

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

From: Oemig, Otto W - DATCP <Otto.Oemig@wisconsin.gov>
Sent: Wednesday, November 07, 2018 3:44 PM
To: Baris, Reuben <Baris.Reuben@epa.gov>
Subject: PPLS XtendiMax Label stamped 11/5/18 - No 57 foot buffer?

Hello Reuben,

I noticed on PPLS that there is a new approved label for M1768 Herbicide (Alternate Brand Name: XtendiMax® With VaporGrip® Technology) EPA Registration Number: 524-617 stamped November 5th 2018. In my brief review of the label I was able to find all of the below restrictions except the new 57-foot buffer around the other sides of the field (the 110-foot downwind buffer applies to all applications, not just in counties where endangered species may exist. This restriction appears on the Engenia (EPA Reg. No. 7969-345) label stamped 11/2/18.

I just wanted to confirm that this was intentionally left off the label and not excluded by mistake.

Dicamba registration decisions for 2019-2020 growing season

- Two-year registration (until December 20, 2020)
- Only certified applicators may apply dicamba over the top (those working under the supervision of a certified applicator may no longer make applications)
- Prohibit over-the-top application of dicamba on soybeans 45 days after planting and cotton 60 days after planting (cut-off date is not necessary)
- For cotton, limit the number of over-the-top applications from 4 to 2 (soybeans remain at 2 OTT applications)
- Applications will be allowed only from 1 hour after sunrise to 2 hours before sunset

- In counties where endangered species may exist, the downwind buffer will remain at 110 feet and there will be a new 57-foot buffer around the other sides of the field (the 110-foot downwind buffer applies to all applications, not just in counties where endangered species may exist)
- Clarify training period for 2019 and beyond, ensuring consistency across all three products
- Enhanced tank clean out instructions for the entire system
- Enhanced label to improve applicator awareness on the impact of low pH's on the potential volatility of dicamba
- Label clean up and consistency to improve compliance and enforceability

Thank you,

Otto Oemig
Pesticide Programs Unit Supervisor
Bureau of Agricultural Chemical Management
Wisconsin Department of Agriculture, Trade and Consumer Protection
(608)–224-4515
otto.oemig@wisconsin.gov

Please complete this brief survey to help us improve our customer service. Thank you for your feedback!

Message

From: Chiu, Enid [Chiu.Enid@epa.gov]
Sent: 11/8/2018 2:25:17 PM
To: Baris, Reuben [Baris.Reuben@epa.gov]; Courtnage, Robert [Courtnage.Robert@EPA.GOV]; Goodis, Michael [Goodis.Michael@epa.gov]
CC: Kenny, Daniel [Kenny.Dan@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Sisco, Debby [Sisco.Debby@epa.gov]; Han, Kaythi [Han.Kaythi@epa.gov]
Subject: RE: Letter to EPA-Ban Dicamba

We will coordinate with RD on the responses to these emails. After we get the necessary approvals, do you want CSB to respond directly (via our mailbox pesticidequestions@epa.gov), or get the response back to RD to send? We are happy to send direct responses and copy RD, but let me know. Thanks.

--
Enid Chiu
Communication Services Branch
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 347-8262 | chiu.enid@epa.gov
https://www.epa.gov/pesticides

From: Baris, Reuben
Sent: Thursday, November 8, 2018 8:42 AM
To: Courtnage, Robert <Courtnage.Robert@EPA.GOV>; Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Sisco, Debby <Sisco.Debby@epa.gov>; Chiu, Enid <Chiu.Enid@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>
Subject: RE: Letter to EPA-Ban Dicamba

Hi Robert. I'm attaching three emails that were received in the RDFR email inbox as well that will need coordinated responses.

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

From: Courtnage, Robert
Sent: Thursday, November 08, 2018 8:11 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Sisco, Debby <Sisco.Debby@epa.gov>; Chiu, Enid <Chiu.Enid@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>
Subject: RE: Letter to EPA-Ban Dicamba

Thanks Mike. We'll get it in the queue for a response.

Robert T. Courtnage
Acting Chief
Communications Services Branch
Field and External Affairs Division
Office of Pesticide Programs/OCSPP
U.S. Environmental Protection Agency
703.347.0748 (Desk)

202.740.2993 (Mobile)

From: Goodis, Michael
Sent: Thursday, November 08, 2018 7:43 AM
To: Courtnage, Robert <Courtnage.Robert@EPA.GOV>; Han, Kaythi <Han.Kaythi@epa.gov>; Chiu, Enid <Chiu.Enid@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: FW: Letter to EPA-Ban Dicamba

I don't know if this letter had found its way to FEAD or not, but please add it to the list of responses. Thanks

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Demarcus Andrews [mailto:demarcus@toxicfreenc.org]
Sent: Wednesday, November 07, 2018 5:11 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Subject: Letter to EPA-Ban Dicamba

Hi Michael,

My name is Demarcus Andrews and im the Policy Advocate here at Toxic Free NC. Attached is a letter with a petition urging the EPA to ban dicamba top applications: X**tendiMax, FeXapan and Engenia.**

I'll deliver the last tally of signatures on the evening of November 11th. I look forward to the EPA's immediate action on this toxic herbicide.

Thanks for your time, Michael!

All the best,

Demarcus Andrews
(O)919-908-9087
(C)980-254-7966
Email: Demarcus@toxicfreenc.org
Policy Advocate-Toxic Free NC

AmazonSmile is a simple and automatic way for you to support ToxicFree NC every time you shop at no cost to you. Simply go to smile.amazon.com select TFNC as your charitable organization.

Message

From: Chiu, Enid [Chiu.Enid@epa.gov]
Sent: 11/8/2018 1:48:12 PM
To: Baris, Reuben [Baris.Reuben@epa.gov]; Courtnage, Robert [Courtnage.Robert@EPA.GOV]; Goodis, Michael [Goodis.Michael@epa.gov]
CC: Kenny, Daniel [Kenny.Dan@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Sisco, Debby [Sisco.Debby@epa.gov]; Han, Kaythi [Han.Kaythi@epa.gov]
Subject: RE: Letter to EPA-Ban Dicamba

Thanks Reuben. We will work on these as well.

--
Enid Chiu
Communication Services Branch
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 347-8262 | chiu.enid@epa.gov
https://www.epa.gov/pesticides

From: Baris, Reuben
Sent: Thursday, November 8, 2018 8:42 AM
To: Courtnage, Robert <Courtnage.Robert@EPA.GOV>; Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Sisco, Debby <Sisco.Debby@epa.gov>; Chiu, Enid <Chiu.Enid@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>
Subject: RE: Letter to EPA-Ban Dicamba

Hi Robert. I'm attaching three emails that were received in the RDFR email inbox as well that will need coordinated responses.

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

From: Courtnage, Robert
Sent: Thursday, November 08, 2018 8:11 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Sisco, Debby <Sisco.Debby@epa.gov>; Chiu, Enid <Chiu.Enid@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>
Subject: RE: Letter to EPA-Ban Dicamba

Thanks Mike. We'll get it in the queue for a response.

Robert T. Courtnage
Acting Chief
Communications Services Branch
Field and External Affairs Division
Office of Pesticide Programs/OCSPP
U.S. Environmental Protection Agency
703.347.0748 (Desk)
202.740.2993 (Mobile)

From: Goodis, Michael
Sent: Thursday, November 08, 2018 7:43 AM
To: Courtnage, Robert <Courtnage.Robert@EPA.GOV>; Han, Kaythi <Han.Kaythi@epa.gov>; Chiu, Enid <Chiu.Enid@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: FW: Letter to EPA-Ban Dicamba

I don't know if this letter had found its way to FEAD or not, but please add it to the list of responses. Thanks

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Demarcus Andrews [mailto:demarcus@toxicfreenc.org]
Sent: Wednesday, November 07, 2018 5:11 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Subject: Letter to EPA-Ban Dicamba

Hi Michael,

My name is Demarcus Andrews and im the Policy Advocate here at Toxic Free NC. Attached is a letter with a petition urging the EPA to ban dicamba top applications: **XtendiMax, FeXapan and Engenia.**

I'll deliver the last tally of signatures on the evening of November 11th. I look forward to the EPA's immediate action on this toxic herbicide.

Thanks for your time, Michael!

All the best,

Demarcus Andrews
(O)919-908-9087
(C)980-254-7966
Email: Demarcus@toxicfreenc.org
Policy Advocate-Toxic Free NC

AmazonSmile is a simple and automatic way for you to support ToxicFree NC every time you shop at no cost to you. Simply go to smile.amazon.com select TFNC as your charitable organization.

Message

From: Lantz, Tracy [Lantz.Tracy@epa.gov]
Sent: 7/24/2018 11:07:35 PM
To: Baris, Reuben [Baris.Reuben@epa.gov]
CC: Kenny, Daniel [Kenny.Dan@epa.gov]; Han, Kaythi [Han.Kaythi@epa.gov]
Subject: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 10 AM
Attachments: PRESS INQUIRY: ARKANSAS DEM-GAZETTE; 9/5; dicamba, etc ...; FW: ACTION: Arkansas Democrat-Gazette (Stephen Steed) [7/11] OPEN, herbicide requirements (re. Dicamba)

Importance: High

Hi Reuben,

Please review these draft responses to another dicamba press inquiry. We've responded to inquiries from this reporter twice last year (see attached) and this is the third time he has asked question #5 below. Please reply by Thursday 10 AM. Thanks!

Question 1: Does the EPA have an estimate when it will release its decision on re-registering dicamba (Xtendimax, etc.) for in-crop use? (I hear August is the timeline.)

Response 1: We are reviewing the current use restrictions on the labels for dicamba formulations in light of the incidents that have been reported this year. Our goal is to make a regulatory decision in time to for growers to make informed seed purchase decisions for the next planting season. (from July New Republic press inquiry)

Question 2: What is the EPA doing as it makes that decision? (Are EPA representatives visiting farmers, regulators, etc. in states currently reporting dicamba damage and fielding complaints?)

Response 2: EPA placed a 2-year limit dicamba's registration to allow the Agency to either let it expire or to easily make the necessary changes in the registration if there are on-going issues. EPA will consider all available information in its decision-making process. EPA is working closely with our regulatory partners in the affected states and the registrants to better understand the issues. EPA representatives are visiting growers in effected states and with advice from state and industry agriculture experts and university crop scientists, we will use a weight-of-evidence approach to evaluate whether the new restrictions are successfully preventing damage to neighboring crops and other sensitive plants. (from July BNV interview request, with edits in red to include recent tours)

Question 3: Is the EPA considering damage to non-ag interests (backyard gardens, decorative trees and shrubs) as it considers re-registration?

Response 3: EPA is aware of field reports of off field and non-target crop damage related to the use of dicamba. Past reports claim damage is mostly to non-dicamba resistant soybean, but also include peaches, melons, tomatoes, cantaloupe, grapes, pumpkins, alfalfa, non-dicamba-resistant cotton, peanuts, peas, organic crops, residential/ ornamental gardens and other non-target crops. We are actively collecting this information from states and EPA regional personnel in order to fully understand the circumstances and scope of the issues. (from July DTN press inquiry)

Question 4: Is the EPA demanding improvements by dicamba manufacturers to its formulations? RD, please provide a response to this question.

Question 5: Under FIFRA, which requires manufacturers to report to the EPA any "adverse" incidents regarding their products, how many such reports were filed with the EPA by Monsanto, Dow and BASF regarding dicamba's use last season? (The last time I asked about this, you cited a "fluid" situation and declined specifics. I presume last year's problems aren't so fluid now.)

Response 5: You would need to file a Freedom of Information Act request to obtain this information. Many documents submitted for pesticide regulatory purposes contain Confidential Business Information that by law cannot be released to the public. The FOIA process redacts CBI so the documents can be released. For more information or to make a FOIA request, see: https://www.epa.gov/foia. (This reporter has asked this question twice before, please see attached email messages for our responses. The specific FOIA language above was used to answer his question last July, 2017. He also asked this question in September 2017 and we said "*We have received incident reports pursuant to FIFRA 6(a)2 and anticipate that registrants will be filing additional reports shortly. According to regulations under FIFRA, registrants may accumulate incident reports for a 30-day period, and then must submit them to the Agency within 30 days after the end of each 30-day accumulation period. As this is an ongoing investigation, and a fluid situation, it would be premature for the Agency to comment further on specific details or the number of 6(a)2 reports*".)

Question 6: Arkansas banned dicamba for in-crop use after April 16 yet has received more than 150 complaints of alleged dicamba damage. Soybean damage has been estimated at 400,000 acres in Arkansas — and 500,000 acres in Illinois, and 100,000 acres in Missouri, two states that allowed in-crop use. What does that tell the EPA about dicamba's future for in-crop use?

Response 6: EPA will consider all available information in its decision-making process. The agency is in regular contact with farmers, researchers, and agricultural companies to remain informed of any dicamba issues occurring in the 2018 growing season. (from July DTN press inquiry)

Tracy Lantz
Communications Services Branch
Field and External Affairs Division
Office of Pesticide Programs
Environmental Protection Agency
Office: (703) 308-6415
Mobile: (571) 481-8523
Lantz.tracy@epa.gov

Message

From: MARVIN, THOMAS [AG/1920] [thomas.marvin@monsanto.com]
Sent: 6/21/2018 6:53:17 PM
To: Keigwin, Richard [Keigwin.Richard@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]; Baris, Reuben [Baris.Reuben@epa.gov]
Subject: FW: Update #3 on XtendiMax® with VaporGrip® Technology

All-

FYI on this third 2018 update Monsanto sent to external stakeholders today. We look forward to our meeting scheduled for 7/17, and please do not hesitate to call me if you have any questions or concerns we can address before then.

Tom

Tom Marvin
Director, Federal Regulatory Affairs
1300 I Street, NW
Washington, DC 20005
Cell: 202-676-7846
Desk: 202-383-2851

From: _WITTEN, TY [AG/1000]
Sent: Thursday, June 21, 2018 1:11 PM
Subject: Update #3 on XtendiMax® with VaporGrip® Technology

Academic colleagues,

Below are a few new updates. Please continue sending me feedback so I can make these updates as useful as possible. Thanks.

- **XtendiMax Volatility Field Trials:** Following Good Laboratory Practices (GLP), we recently completed dicamba applications in MO and NE. In NE, we applied a tank mix of XtendiMax® Herbicide with VaporGrip® Technology and Roundup PowerMAX® with Intact™ across 100 acres. In MO, we applied a tank mix of XtendiMax and Roundup PowerMAX with Intact on 10 acres. As I mentioned in a previous update, we also have a trial ongoing in AZ (click here for a video overview) and trials planned in ND, IL, and MN. I'll share results from these trials as they become available. Please let me know if you are interested in attending any of these trials.

    - **Developmental Testing:** Also, we are testing pipeline formulations in various locations across the U.S. Some of these trials are being conducted in cooperation with academics.

- **Dicamba Inquiries*:** As of June 20, we have received 263 total inquiries in 19 states. The vast majority of these (208) relate to factors other than off-target movement (e.g. weed performance). To-date, we have received 55 inquiries relating to potential off-target movement (see table below). It's still early, but what we've seen so far has highlighted the need to investigate each case thoroughly before drawing final conclusions. In the cases evaluated to-date, we have seen several instances where symptomology is being incorrectly attributed to dicamba. Common factors being mistaken for dicamba symptomology include plant abiotic stress (e.g. iron chlorosis, drought, etc.) and damage from other herbicides (e.g. 2,4-D). We've also seen cases where

symptomology from dicamba is a result of applications not in accordance with label directions. These instances have involved wind speed/direction/shifts and adjacent sensitive crops/non-target plants.

- **AAPCO Data:** Also, as you might be aware, the Association of American Pesticide Control Officials (AAPCO) recently announced it is sending out a survey to the states listed on the dicamba over-the-top labels every other week to gather information related to dicamba inquiries received from state Departments of Agriculture. You can view AAPCO's latest report here.

Inquiries to 1-844-RRXTEND as of June 20

Total number of inquiries to 1-844-RRXTEND	263
Number of states from which inquiries received	19
Inquiries about weed performance**	208
Inquiries from applicators about potential off-target movement	24
Inquiries from non-applicators about potential off-target movement	31
Inquiries about crop response	0

**Inquiries are defined as the number of fields for which calls are received to 1-844-RRXTEND from applicators or non-applicators. The inquiry figures are not necessarily equal to the number of calls received since a single call could include one or multiple fields. It is also possible that a field could be counted twice if we receive a call from an applicator and a non-applicator about the same field. Please let me know if you have any questions.*

***These inquiries have involved factors like: application on weeds that aren't controlled by the dicamba mode of action; application that occurred too late, once a weed was larger than 4" or in a flowering stage; and application at an incorrect rate. We are following the conditions of the registration process for these weed performance inquiries.*

Lastly, I thought you might be interested to know we are working with farmers this season to share their experiences with dicamba. Click here to see some of the marketing videos our sales teams are putting out.

As always, don't hesitate to reach out to me with any questions about these inquiry details or other topics.

Thanks,
Ty

Dr. Ty Witten
North America Crop Protection Lead
Monsanto Technology Development & Agronomy
800 North Lindbergh Blvd.
St. Louis, MO 63167
Ph#: (314) 694-6528

This email and any attachments were sent from a Monsanto email account and may contain confidential and/or privileged information. If you are not the intended recipient, please contact the sender and delete this email and any attachments immediately. Any unauthorized use, including disclosing, printing, storing, copying or distributing this email, is prohibited. All emails and attachments sent to or from Monsanto email accounts may be subject to monitoring, reading, and archiving by Monsanto, including its affiliates and subsidiaries, as permitted by applicable law. Thank you.

Message

From: Lantz, Tracy [Lantz.Tracy@epa.gov]
Sent: 7/26/2018 3:02:25 PM
To: Miller, Robert [Miller.Robert@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]; Baris, Reuben [Baris.Reuben@epa.gov]
CC: Han, Kaythi [Han.Kaythi@epa.gov]
Subject: RE: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 10 AM

I agree. I am redrafting the response now to include everyone's edits in and clean copy and will send back for you all to review one last time. Should have it on the way back to you before noon.

Tracy Lantz
Communications Services Branch
Field and External Affairs Division
Office of Pesticide Programs
Environmental Protection Agency
Office: (703) 308-6415
Mobile: (571) 481-8523
Lantz.tracy@epa.gov

From: Miller, Robert
Sent: Thursday, July 26, 2018 10:14 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>
Subject: RE: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 10 AM

Hi Tracy,

Unless there is some reason to release the number of dicamba incidents the agency received from Monsanto, DuPont and BASF during 2017 the reporter needs to file a FOIA request. Dicamba is too much of a hot-button topic to change precedent and release data without authorization. The previous response to question 5 looks good to me.

Bob

Robert A. Miller
6(a)(2) Coordinator
Information Technology and Resource Management Division
EPA Office of Pesticide Programs
Mail Code 7502P
United States Environmental Protection Agency
1200 Pennsylvania Avenue, N.W., Washington D.C.

(703) 347-8012
miller.robert@epa.gov

From: Miller, Robert
Sent: Thursday, July 26, 2018 8:40 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben

<Baris.Reuben@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>
Subject: RE: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 10 AM

The previous response for question 5 is correct by telling the reporter he/she needs to file a FOIA request to obtain this data. That said, below is a very high level, broad response to question 5.

Question 5: Under FIFRA, which requires manufacturers to report to the EPA any "adverse" incidents regarding their products, how many such reports were filed with the EPA by Monsanto, Dow and BASF regarding dicamba's use last season? (The last time I asked about this, you cited a "fluid" situation and declined specifics. I presume last year's problems aren't so fluid now.)

Under FIFRA 6(a)(2), the Agency received 2,515 dicamba crop damage reports from Monsanto, DuPont and BASF during 2017. Crop damage from dicamba occurred in 19 states during the spring and summer with most of the damage concentrated in the Midwest. Soybeans were most heavily impacted crop by the off-site movement of dicamba, but fruit and vegetable crops were also adversely affected by dicamba.

Bob

Robert A. Miller
6(a)(2) Coordinator
Information Technology and Resource Management Division
EPA Office of Pesticide Programs
Mail Code 7502P
United States Environmental Protection Agency
1200 Pennsylvania Avenue, N.W., Washington D.C.

(703) 347-8012
miller.robert@epa.gov

From: Hathaway, Margaret
Sent: Wednesday, July 25, 2018 3:29 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>; Miller, Robert <Miller.Robert@epa.gov>
Subject: RE: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 10 AM

Hi Bob:
I don't have a version of this email chain that contains any attachments. It's possible Reuben or Tracy have an earlier email that I didn't see. I do have the older email chain (attached) that includes an inquiry from Jacob Bunge of the Wall Street Journal. Maybe that is part of the "attached email messages" that Tracy references below?

Also, re. Dan's comment about question 4, I ran my answer to question 4 by Mike Goodis. He asks that we shorten it further, as marked below.

Thanks,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division: Herbicide Branch

hathaway.margaret@epa.gov
(703) 305-5076

From: Miller, Robert
Sent: Wednesday, July 25, 2018 1:58 PM
To: Baris, Reuben <Baris.Reuben@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 10 AM

Hi Meg,

Could you please send me the attachment for Question 5?

Thanks,

Bob

Robert A. Miller
6(a)(2) Coordinator
Information Technology and Resource Management Division
EPA Office of Pesticide Programs
Mail Code 7502P
United States Environmental Protection Agency
1200 Pennsylvania Avenue, N.W., Washington D.C.

(703) 347-8012
miller.robert@epa.gov

From: Kenny, Daniel
Sent: Wednesday, July 25, 2018 1:49 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>; Miller, Robert <Miller.Robert@epa.gov>
Subject: RE: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 10 AM

A quick comment below in blue....

From: Hathaway, Margaret
Sent: Wednesday, July 25, 2018 9:47 AM
To: Baris, Reuben <Baris.Reuben@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Miller, Robert <Miller.Robert@epa.gov>
Subject: RE: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 10 AM

Hello All:
Dan won't be in the office until later today, but I took a stab at answering question 4 below.

- Meg Hathaway

From: Baris, Reuben
Sent: Wednesday, July 25, 2018 9:08 AM

To: Lantz, Tracy <Lantz.Tracy@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Miller, Robert <Miller.Robert@epa.gov>
Subject: Re: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 10 AM

I'm doing this by phone so please make sure to proof it. But Meg and Dan can polish for the next step.

Grammatical: affected states not effected

For question 5 I suggest looping in Bob Miller.

Sent from my iPhone

On Jul 24, 2018, at 7:07 PM, Lantz, Tracy <Lantz.Tracy@epa.gov> wrote:

> Hi Reuben,
>
> Please review these draft responses to another dicamba press inquiry. We've responded to inquiries from this reporter twice last year (see attached) and this is the third time he has asked question #5 below. Please reply by Thursday 10 AM. Thanks!
>
> **Question 1:** Does the EPA have an estimate when it will release its decision on re-registering dicamba (Xtendimax, etc.) for in-crop use? (I hear August is the timeline.)
>
> **Response 1:** We are reviewing the current use restrictions on the labels for dicamba formulations in light of the incidents that have been reported this year. Our goal is to make a regulatory decision in time to for growers to make informed seed purchase decisions for the next planting season. (from July New Republic press inquiry)
>
> **Question 2:** What is the EPA doing as it makes that decision? (Are EPA representatives visiting farmers, regulators, etc. in states currently reporting dicamba damage and fielding complaints?)
>
> **Response 2:** EPA placed a 2-year limit dicamba's registration to allow the Agency to either let it expire or to easily make the necessary changes in the registration if there are on-going issues. EPA will consider all available information in its decision-making process. EPA is working closely with our regulatory partners in the affected states and the registrants to better understand the issues. EPA representatives are visiting growers in affected states and with advice from state and industry agriculture experts and university crop scientists, we will use a weight-of-evidence approach to evaluate whether the new restrictions are successfully preventing damage to neighboring crops and other sensitive plants. (from July BNV interview request, with edits in red to include recent tours)
>
> **Question 3**: Is the EPA considering damage to non-ag interests (backyard gardens, decorative trees and shrubs) as it considers re-registration?
>
> **Response 3:** EPA is aware of field reports of off field and non-target crop damage related to the use of dicamba. Past reports claim damage is mostly to non-dicamba resistant soybean, but also include peaches, melons, tomatoes, cantaloupe, grapes, pumpkins, alfalfa, non-dicamba-resistant cotton, peanuts, peas, organic crops, residential/ ornamental gardens and other non-target crops. We are actively collecting this information from states and EPA regional personnel

in order to fully understand the circumstances and scope of the issues. (from July DTN press inquiry)

Question 4: Is the EPA demanding improvements by dicamba manufacturers to its formulations? RD, please provide a response to this question.

Meg/Dan will be better suited to respond here. Describing the process and decisions to be made. All options are on the table etc. not sure what mike and Rick want tot say public ally but it will involve registrants no matter what the decision is.

At this time EPA is in the information gathering stage of its decision-making process regarding dicamba registrations. All regulatory options are on the table, including the possibility of modifying and/or expanding the current list of use restrictions on dicamba labels. ~~Should label changes be proposed, those changes will be developed considering all available incident information as well as input from stakeholders regarding the potential effectiveness the proposed label updates. As a part of its evaluation of current dicamba labeling, EPA has been and continues to be in communication with not only dicamba registrants, but affected growers, federal and state regulatory partners, weed scientists, extension agents, and agricultural commodity groups.~~

Meg's response in red is right on the money. However, I wonder if we need to shorten it at this point to just state that we need to evaluate all of these lines of evidence before predicting what mitigation might be needed as opposed to offering examples at this time. (That's just my thought, others may think otherwise.)

Question 5: Under FIFRA, which requires manufacturers to report to the EPA any "adverse" incidents regarding their products, how many such reports were filed with the EPA by Monsanto, Dow and BASF regarding dicamba's use last season? (The last time I asked about this, you cited a "fluid" situation and declined specifics. I presume last year's problems aren't so fluid now.)

Response 5: You would need to file a Freedom of Information Act request to obtain this information. Many documents submitted for pesticide regulatory purposes contain Confidential Business Information that by law cannot be released to the public. The FOIA process redacts CBI so the documents can be released. For more information or to make a FOIA request, see: https://www.epa.gov/foia. (This reporter has asked this question twice before, please see attached email messages for our responses. The specific FOIA language above was used to answer his question last July, 2017. He also asked this question in September 2017 and we said "*We have received incident reports pursuant to FIFRA 6(a)2 and anticipate that registrants will be filing additional reports shortly. According to regulations under FIFRA, registrants may accumulate incident reports for a 30-day period, and then must submit them to the Agency within 30 days after the end of each 30-day accumulation period. As this is an ongoing investigation, and a fluid situation, it would be premature for the Agency to comment further on specific details or the number of 6(a)2 reports*".)

Question 6: Arkansas banned dicamba for in-crop use after April 16 yet has received more than 150 complaints of alleged dicamba damage. Soybean damage has been estimated at 400,000 acres in Arkansas — and 500,000 acres in Illinois, and 100,000 acres in Missouri, two states that allowed in-crop use. What does that tell the EPA about dicamba's future for in-crop use?

Response 6: EPA will consider all available information in its decision-making process. The agency is in regular contact with farmers, researchers, and agricultural companies to remain informed of any dicamba issues occurring in the 2018 growing season. (from July DTN press inquiry)

Tracy Lantz
Communications Services Branch
Field and External Affairs Division
Office of Pesticide Programs
Environmental Protection Agency
Office: (703) 308-6415
Mobile: (571) 481-8523
Lantz.tracy@epa.gov

<mime-attachment>

<mime-attachment>

Message

From: Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Sent: 8/7/2018 5:56:20 PM
To: Baris, Reuben [Baris.Reuben@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]; Meadows, Sarah [Meadows.Sarah@epa.gov]
CC: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: RE: XtendiMax use on DT Soy & Cotton
Attachments: The Scientific Basis for Understanding the Off-Target Movement Potential....pdf

Hi All:
I'm skimming this now. I'm unsure on whether or not this needs to be formally beaned, but I'm going to send EFED a copy now as an FYI. At least one talking point from Monsanto's paper stood out to me as potentially conflicting EFED's initial notes on the registrant volatility data submissions. This new position paper from Monsanto states that "there is no material difference in the volatility characteristics of XtendiMax across a wide range of soil types and pH levels, geographies, and temperatures."

- Meg

From: Baris, Reuben
Sent: Tuesday, August 07, 2018 1:27 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: XtendiMax use on DT Soy & Cotton

I just received it on my desk this morning. We need to take a look at it. Apparently they want to talk us through it at 2.

We should do a quick glance and determine if it should go to the team. I have two other pieces of "data" too.

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

From: Schmid, Emily
Sent: Tuesday, August 07, 2018 12:26 PM
To: Baris, Reuben <Baris.Reuben@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: XtendiMax use on DT Soy & Cotton

Does something need to be done with this?

From: Baris, Reuben
Sent: Monday, August 06, 2018 10:47 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: FW: XtendiMax use on DT Soy & Cotton

This is coming in through the front end.

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

From: MARVIN, THOMAS [AG/1920] [mailto:thomas.marvin@monsanto.com]
Sent: Friday, August 03, 2018 4:30 PM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>
Subject: XtendiMax use on DT Soy & Cotton

All-

Please find attached a courtesy copy of a submission we made today in support of the continued registration of XtendiMax Herbicide for use on dicamba-tolerant soybeans and cotton (EPA Reg. 524-617). Please do not hesitate to contact me if there is anything we can address in advance of next Tuesday.

Thanks,

Tom

Tom Marvin
Director, Federal Regulatory Affairs
1300 I Street, NW
Washington, DC 20005
Cell: 202-676-7846
Desk: 202-383-2851

This email and any attachments were sent from a Monsanto email account and may contain confidential and/or privileged information. If you are not the intended recipient, please contact the sender and delete this email and any attachments immediately. Any unauthorized use, including disclosing, printing, storing, copying or distributing this email, is prohibited. All emails and attachments sent to or from Monsanto email accounts may be subject to monitoring, reading, and archiving by Monsanto, including its affiliates and subsidiaries, as permitted by applicable law. Thank you.

Message

From: Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Sent: 7/26/2018 12:34:43 PM
To: Lantz, Tracy [Lantz.Tracy@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]; Baris, Reuben [Baris.Reuben@epa.gov]
CC: Han, Kaythi [Han.Kaythi@epa.gov]; Miller, Robert [Miller.Robert@epa.gov]
Subject: RE: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 10 AM

Hi Tracy:
The only change I wanted to make was shortening the answer to question 4 as shown in my email from yesterday at 3:29 PM. (*I.e.*, just say "At this time EPA is in the information gathering stage of its decision-making process regarding dicamba registrations. All regulatory options are on the table, including the possibility of modifying and/or expanding the current list of use restrictions on dicamba labels.")

I have no further comments. Thanks for confirming!

- Meg

From: Lantz, Tracy
Sent: Wednesday, July 25, 2018 6:25 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>; Miller, Robert <Miller.Robert@epa.gov>
Subject: FW: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 10 AM

Hi Meg,

Dan K. indicated that you were going to send another draft. Is that still the case or is this version ready for Dan's review?

Thanks,

Tracy Lantz
Communications Services Branch
Field and External Affairs Division
Office of Pesticide Programs
Environmental Protection Agency
Office: (703) 308-6415
Mobile: (571) 481-8523
Lantz.tracy@epa.gov

From: Lantz, Tracy
Sent: Wednesday, July 25, 2018 3:58 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>; Miller, Robert <Miller.Robert@epa.gov>
Subject: RE: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 10 AM

Resending with the attachments.

Tracy Lantz

Communications Services Branch
Field and External Affairs Division
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Office: (703) 308-6415
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Also, re. Dan's comment about question 4, I ran my answer to question 4 by Mike Goodis. He asks that we shorten it further, as marked below.

Thanks,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division: Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: Miller, Robert
Sent: Wednesday, July 25, 2018 1:58 PM
To: Baris, Reuben <Baris.Reuben@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 10 AM

Hi Meg,

Could you please send me the attachment for Question 5?

Thanks,

Bob

Robert A. Miller
6(a)(2) Coordinator
Information Technology and Resource Management Division
EPA Office of Pesticide Programs

Mail Code 7502P
United States Environmental Protection Agency
1200 Pennsylvania Avenue, N.W., Washington D.C.

(703) 347-8012
miller.robert@epa.gov

From: Kenny, Daniel
Sent: Wednesday, July 25, 2018 1:49 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>; Miller, Robert <Miller.Robert@epa.gov>
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A quick comment below in blue....

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Sent: Wednesday, July 25, 2018 9:47 AM
To: Baris, Reuben <Baris.Reuben@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Miller, Robert <Miller.Robert@epa.gov>
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Hello All:
Dan won't be in the office until later today, but I took a stab at answering question 4 below.

- Meg Hathaway

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Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Miller, Robert <Miller.Robert@epa.gov>
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Grammatical: affected states not effected

For question 5 I suggest looping in Bob Miller.

Sent from my iPhone

On Jul 24, 2018, at 7:07 PM, Lantz, Tracy <Lantz.Tracy@epa.gov> wrote:

> Hi Reuben,
>
> Please review these draft responses to another dicamba press inquiry. We've responded to inquiries from this reporter twice last year (see attached) and this is the third time he has asked question #5 below. Please reply by Thursday 10 AM. Thanks!
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Response 5: You would need to file a Freedom of Information Act request to obtain this information. Many documents submitted for pesticide regulatory purposes contain Confidential Business Information that by law cannot be released to the public. The FOIA process redacts CBI so the documents can be released. For more information or to make a FOIA request, see: https://www.epa.gov/foia. (This reporter has asked this question twice before, please see attached email messages for our responses. The specific FOIA language above was used to answer his question last July, 2017. He also asked this question in September 2017 and we said "*We have received incident reports pursuant to FIFRA 6(a)2 and anticipate that registrants will be filing additional reports shortly. According to regulations under FIFRA, registrants may accumulate incident reports for a 30-day period, and then must submit them to the Agency within 30 days after the end of each 30-day accumulation period. As this is an ongoing investigation, and a fluid situation, it would be premature for the Agency to comment further on specific details or the number of 6(a)2 reports*".)

Question 6: Arkansas banned dicamba for in-crop use after April 16 yet has received more than 150 complaints of alleged dicamba damage. Soybean damage has been estimated at 400,000 acres in Arkansas — and 500,000 acres in Illinois, and 100,000 acres in Missouri, two states that allowed in-crop use. What does that tell the EPA about dicamba's future for in-crop use?

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Tracy Lantz
Communications Services Branch
Field and External Affairs Division
Office of Pesticide Programs
Environmental Protection Agency
Office: (703) 308-6415
Mobile: (571) 481-8523
Lantz.tracy@epa.gov

<mime-attachment>

<mime-attachment>

Message

From: Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Sent: 7/27/2018 7:14:07 PM
To: Han, Kaythi [Han.Kaythi@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]; Lantz, Tracy [Lantz.Tracy@epa.gov]; Baris, Reuben [Baris.Reuben@epa.gov]
CC: Miller, Robert [Miller.Robert@epa.gov]
Subject: RE: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 3 PM

Great! Thanks Kaythi.

From: Han, Kaythi
Sent: Friday, July 27, 2018 3:11 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>
Cc: Miller, Robert <Miller.Robert@epa.gov>
Subject: RE: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 3 PM

Thanks! I've sent this on to the IO.

Kaythi Han
Team Leader, Communications
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5642 | han.kaythi@epa.gov

From: Hathaway, Margaret
Sent: Friday, July 27, 2018 3:07 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>; Miller, Robert <Miller.Robert@epa.gov>
Subject: RE: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 3 PM

In case this hasn't gone out yet, I second Dan K. on this.

Thanks,
Meg

From: Kenny, Daniel
Sent: Thursday, July 26, 2018 7:00 PM
To: Lantz, Tracy <Lantz.Tracy@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>; Miller, Robert <Miller.Robert@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 3 PM

I think I'd stick with the original. I'd say go ahead.

Thanks,
Dan

From: Lantz, Tracy
Sent: Thursday, July 26, 2018 6:58 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>

Cc: Han, Kaythi <Han.Kaythi@epa.gov>; Miller, Robert <Miller.Robert@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 3 PM

Based on Bob's earlier message (attached), I don't believe we have released these numbers. I'm happy to go with the original response. If I have the go ahead from you, I'll send to Dan R.

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Field and External Affairs Division
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Mobile: (571) 481-8523
Lantz.tracy@epa.gov

From: Kenny, Daniel
Sent: Thursday, July 26, 2018 6:53 PM
To: Lantz, Tracy <Lantz.Tracy@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>; Miller, Robert <Miller.Robert@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 3 PM

I was tending towards the original response. Have we released those numbers to others? I'm wondering if they have been verified.

From: Lantz, Tracy
Sent: Thursday, July 26, 2018 6:46 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>; Miller, Robert <Miller.Robert@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 3 PM

Thanks for your reply, Dan. Just checking, are you OK with including the information below about the number of reports of crop damage? *I'll be out of the office Friday and next week so please include Kaythi Han on your response.*

Tracy Lantz
Communications Services Branch
Field and External Affairs Division
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Environmental Protection Agency
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From: Kenny, Daniel
Sent: Thursday, July 26, 2018 6:40 PM
To: Lantz, Tracy <Lantz.Tracy@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>; Miller, Robert <Miller.Robert@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 3 PM

I'm good with this response. (Sorry I was late, I'm short-handed today.)

From: Lantz, Tracy
Sent: Thursday, July 26, 2018 4:17 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>; Miller, Robert <Miller.Robert@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 3 PM

Just wondering if anyone has had a chance to review?

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Field and External Affairs Division
Office of Pesticide Programs
Environmental Protection Agency
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Lantz.tracy@epa.gov

From: Lantz, Tracy
Sent: Thursday, July 26, 2018 12:51 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>; Miller, Robert <Miller.Robert@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 3 PM

I've incorporated everyone's comments and done a bit of editing. Please review this draft response to this dicamba press inquiry. I'm looking for concurrence from all of you by 3 pm today. Once I've heard from you including Dan K., I'll send on to Dan R. and Michael Goodis.

Question 1: Does the EPA have an estimate when it will release its decision on re-registering dicamba (Xtendimax, etc.) for in-crop use? (I hear August is the timeline.)

Response 1: We are reviewing the current use restrictions on the labels for dicamba formulations in light of the incidents that have been reported this year. Our goal is to make a regulatory decision in time for growers to make informed seed purchase decisions for the next planting season. (from July New Republic press inquiry)

Question 2: What is the EPA doing as it makes that decision? (Are EPA representatives visiting farmers, regulators, etc. in states currently reporting dicamba damage and fielding complaints?)

Response 2: EPA placed a 2-year limit dicamba's registration to allow the Agency to either let it expire or to easily make the necessary changes in the registration in order to address concerns about the possible development of weed resistance and off-target movement. EPA will consider all available information in its decision-making process. EPA is working closely with our regulatory partners in the affected states and the registrants to better understand concerns. EPA representatives are visiting growers in several affected states and with advice from state and industry agriculture experts and university crop scientists, we will use a weight-of-evidence approach to evaluate whether the new restrictions are successfully preventing damage to

neighboring crops and other sensitive plants. (from July BNV interview request, with edits in red to include recent tours)

Question 3: Is the EPA considering damage to non-ag interests (backyard gardens, decorative trees and shrubs) as it considers re-registration?

Response 3: EPA is aware of field reports of off-field and non-target crop damage related to the use of dicamba. Past reports claim damage is mostly to non-dicamba resistant soybean, but also include peaches, melons, tomatoes, cantaloupe, grapes, pumpkins, alfalfa, non-dicamba-resistant cotton, peanuts, peas, organic crops, residential/ ornamental gardens and other non-target crops. We are actively collecting this information from states and EPA regional personnel in order to fully understand the circumstances and scope of the issues. (from July DTN press inquiry)

Question 4: Is the EPA demanding improvements by dicamba manufacturers to its formulations?

At this time EPA is in the information gathering stage of its decision-making process regarding dicamba registrations. All regulatory options are on the table, including the possibility of modifying and/or expanding the current list of use restrictions on dicamba labels.

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Response 5: You would need to file a Freedom of Information Act request to obtain this information. Many documents submitted for pesticide regulatory purposes contain Confidential Business Information that by law cannot be released to the public. The FOIA process redacts CBI so the documents can be released. For more information or to make a FOIA request, see: https://www.epa.gov/foia.
I received the following information from Bob Miller, our 6(a)2 coordinator. Do we want to share this with the reporter? We have not shared in the past, and it seems more appropriate to use the response above and let the reporter file a FOIA request.
Under FIFRA 6(a)(2), the Agency received 2,515 dicamba crop damage reports from Monsanto, DuPont and BASF during 2017. Crop damage from dicamba occurred in 19 states during the spring and summer with most of the damage concentrated in the Midwest. Soybeans were most heavily impacted crop by the off-site movement of dicamba, but fruit and vegetable crops were also adversely affected by dicamba.

Question 6: Arkansas banned dicamba for in-crop use after April 16 yet has received more than 150 complaints of alleged dicamba damage. Soybean damage has been estimated at 400,000 acres in Arkansas — and 500,000 acres in Illinois, and 100,000 acres in Missouri, two states that allowed in-crop use. What does that tell the EPA about dicamba's future for in-crop use?

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From: Miller, Robert
Sent: Thursday, July 26, 2018 10:14 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>
Subject: RE: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 10 AM

Hi Tracy,

Unless there is some reason to release the number of dicamba incidents the agency received from Monsanto, DuPont and BASF during 2017 the reporter needs to file a FOIA request. Dicamba is too much of a hot-button topic to change precedent and release data without authorization. The previous response to question 5 looks good to me.

Bob

Robert A. Miller
6(a)(2) Coordinator
Information Technology and Resource Management Division
EPA Office of Pesticide Programs
Mail Code 7502P
United States Environmental Protection Agency
1200 Pennsylvania Avenue, N.W., Washington D.C.

(703) 347-8012
miller.robert@epa.gov

From: Miller, Robert
Sent: Thursday, July 26, 2018 8:40 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>
Subject: RE: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 10 AM

The previous response for question 5 is correct by telling the reporter he/she needs to file a FOIA request to obtain this data. That said, below is a very high level, broad response to question 5.

Question 5: Under FIFRA, which requires manufacturers to report to the EPA any "adverse" incidents regarding their products, how many such reports were filed with the EPA by Monsanto, Dow and BASF regarding dicamba's use last season? (The last time I asked about this, you cited a "fluid" situation and declined specifics. I presume last year's problems aren't so fluid now.)

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Subject: RE: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 10 AM

Hi Bob:
I don't have a version of this email chain that contains any attachments. It's possible Reuben or Tracy have an earlier email that I didn't see. I do have the older email chain (attached) that includes an inquiry from Jacob Bunge of the Wall Street Journal. Maybe that is part of the "attached email messages" that Tracy references below?

Also, re. Dan's comment about question 4, I ran my answer to question 4 by Mike Goodis. He asks that we shorten it further, as marked below.

Thanks,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division: Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

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Grammatical: affected states not effected

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Response 5: You would need to file a Freedom of Information Act request to obtain this information. Many documents submitted for pesticide regulatory purposes contain Confidential Business Information that by law cannot be released to the public. The FOIA process redacts CBI so the documents can be released. For more information or to make a FOIA request, see: https://www.epa.gov/foia. (This reporter has asked this question twice before, please see attached email messages for our responses. The specific FOIA language above was used to answer his question last July, 2017. He also asked this question in September 2017 and we said "*We have received incident reports pursuant to FIFRA 6(a)2 and anticipate that registrants will be filing additional reports shortly. According to regulations under FIFRA, registrants may accumulate incident reports for a 30-day period, and then must submit them to the Agency within 30 days after the end of each 30-day accumulation period. As this is an ongoing investigation, and a fluid situation, it would be premature for the Agency to comment further on specific details or the number of 6(a)2 reports*".)

Question 6: Arkansas banned dicamba for in-crop use after April 16 yet has received more than 150 complaints of alleged dicamba damage. Soybean damage has been estimated at 400,000 acres in Arkansas — and 500,000 acres in Illinois, and 100,000 acres in Missouri, two states that allowed in-crop use. What does that tell the EPA about dicamba's future for in-crop use?

Response 6: EPA will consider all available information in its decision-making process. The agency is in regular contact with farmers, researchers, and agricultural companies to remain informed of any dicamba issues occurring in the 2018 growing season. (from July DTN press inquiry)

Tracy Lantz
Communications Services Branch
Field and External Affairs Division
Office of Pesticide Programs
Environmental Protection Agency
Office: (703) 308-6415
Mobile: (571) 481-8523

Lantz.tracy@epa.gov

<mime-attachment>

<mime-attachment>

Message

From: Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Sent: 7/25/2018 9:15:55 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
CC: Baris, Reuben [Baris.Reuben@epa.gov]
Subject: FW: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 10 AM
Attachments: PRESS INQUIRY: ARKANSAS DEM-GAZETTE; 9/5; dicamba, etc ...; FW: ACTION: Arkansas Democrat-Gazette (Stephen Steed) [7/11] OPEN, herbicide requirements (re. Dicamba)

Hi Dan:
Re. our conversation today with Mike about the possibility that if dicamba registrations continue, the states may end up being the ones to add additional restrictions, I think this FEAD verbiage from the attached press inquiry might come in handy in the future:

"In a related matter, here's a quote from Monsanto's chief technology officer, Robb Fraley: "We are communicating with the EPA, which is interested in achieving national uniformity with dicamba regulation to avoid a state patchwork." This is a quote from Monsanto's website on Aug. 29.

> **Is it true that the EPA is seeking "national uniformity"? Is the EPA seeking to put a stop to states' ability to make label changes based on local conditions — i.e., Arkansas banned dicamba sales and use for 120 days; Tennessee and Missouri tightened regulations, such as setting specific hours on spraying. Is the EPA, as Mr. Fraley stated, seeking to eliminate the so-called patchwork?**
>
> Discussions with states and registrants are ongoing regarding what additional regulatory steps, label changes and use adjustments may be needed to protect crops from off-field movement of this herbicide. EPA continues to gather information from the registrants, state officials and crop production experts.
>
> Under FIFRA, once a company is granted an EPA registration, the company must also receive registration from the State in which the company intends to sell and distribute the product. States can impose additional use restrictions of a pesticide product beyond that of the federal restrictions; however, the State cannot allow fewer restrictions than those imposed by the federal registration. Whether additional state restrictions are placed on a registration would be dictated by state law and regulations."

- Meg

From: Lantz, Tracy
Sent: Wednesday, July 25, 2018 3:58 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>; Miller, Robert <Miller.Robert@epa.gov>
Subject: RE: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 10 AM

Resending with the attachments.

Tracy Lantz
Communications Services Branch
Field and External Affairs Division
Office of Pesticide Programs
Environmental Protection Agency

Office: (703) 308-6415
Mobile: (571) 481-8523
Lantz.tracy@epa.gov

From: Hathaway, Margaret
Sent: Wednesday, July 25, 2018 3:29 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>; Miller, Robert <Miller.Robert@epa.gov>
Subject: RE: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 10 AM

Hi Bob:
I don't have a version of this email chain that contains any attachments. It's possible Reuben or Tracy have an earlier email that I didn't see. I do have the older email chain (attached) that includes an inquiry from Jacob Bunge of the Wall Street Journal. Maybe that is part of the "attached email messages" that Tracy references below?

Also, re. Dan's comment about question 4, I ran my answer to question 4 by Mike Goodis. He asks that we shorten it further, as marked below.

Thanks,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division: Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: Miller, Robert
Sent: Wednesday, July 25, 2018 1:58 PM
To: Baris, Reuben <Baris.Reuben@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 10 AM

Hi Meg,

Could you please send me the attachment for Question 5?

Thanks,

Bob

Robert A. Miller
6(a)(2) Coordinator
Information Technology and Resource Management Division
EPA Office of Pesticide Programs
Mail Code 7502P
United States Environmental Protection Agency
1200 Pennsylvania Avenue, N.W., Washington D.C.

(703) 347-8012
miller.robert@epa.gov

From: Kenny, Daniel
Sent: Wednesday, July 25, 2018 1:49 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>; Miller, Robert <Miller.Robert@epa.gov>
Subject: RE: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 10 AM

A quick comment below in blue....

From: Hathaway, Margaret
Sent: Wednesday, July 25, 2018 9:47 AM
To: Baris, Reuben <Baris.Reuben@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Miller, Robert <Miller.Robert@epa.gov>
Subject: RE: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 10 AM

Hello All:
Dan won't be in the office until later today, but I took a stab at answering question 4 below.

- Meg Hathaway

From: Baris, Reuben
Sent: Wednesday, July 25, 2018 9:08 AM
To: Lantz, Tracy <Lantz.Tracy@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Miller, Robert <Miller.Robert@epa.gov>
Subject: Re: PRESS INQUIRY FOR REVIEW; Dicamba; Arkansas Democrat Gazette DUE: THURSDAY 10 AM

I'm doing this by phone so please make sure to proof it. But Meg and Dan can polish for the next step.

Grammatical: affected states not effected

For question 5 I suggest looping in Bob Miller.

Sent from my iPhone

On Jul 24, 2018, at 7:07 PM, Lantz, Tracy <Lantz.Tracy@epa.gov> wrote:

> Hi Reuben,
>
> Please review these draft responses to another dicamba press inquiry. We've responded to inquiries from this reporter twice last year (see attached) and this is the third time he has asked question #5 below. Please reply by Thursday 10 AM. Thanks!
>
> **Question 1:** Does the EPA have an estimate when it will release its decision on re-registering dicamba (Xtendimax, etc.) for in-crop use? (I hear August is the timeline.)
>
> **Response 1:** We are reviewing the current use restrictions on the labels for dicamba formulations in light of the incidents that have been reported this year. Our goal is to make a

regulatory decision in time to for growers to make informed seed purchase decisions for the next planting season. (from July New Republic press inquiry)

Question 2: What is the EPA doing as it makes that decision? (Are EPA representatives visiting farmers, regulators, etc. in states currently reporting dicamba damage and fielding complaints?)

Response 2: EPA placed a 2-year limit dicamba's registration to allow the Agency to either let it expire or to easily make the necessary changes in the registration if there are on-going issues. EPA will consider all available information in its decision-making process. EPA is working closely with our regulatory partners in the affected states and the registrants to better understand the issues. EPA representatives are visiting growers in affected states and with advice from state and industry agriculture experts and university crop scientists, we will use a weight-of-evidence approach to evaluate whether the new restrictions are successfully preventing damage to neighboring crops and other sensitive plants. (from July BNV interview request, with edits in red to include recent tours)

Question 3: Is the EPA considering damage to non-ag interests (backyard gardens, decorative trees and shrubs) as it considers re-registration?

Response 3: EPA is aware of field reports of off field and non-target crop damage related to the use of dicamba. Past reports claim damage is mostly to non-dicamba resistant soybean, but also include peaches, melons, tomatoes, cantaloupe, grapes, pumpkins, alfalfa, non-dicamba-resistant cotton, peanuts, peas, organic crops, residential/ ornamental gardens and other non-target crops. We are actively collecting this information from states and EPA regional personnel in order to fully understand the circumstances and scope of the issues. (from July DTN press inquiry)

Question 4: Is the EPA demanding improvements by dicamba manufacturers to its formulations? RD, please provide a response to this question.

Meg/Dan will be better suited to respond here. Describing the process and decisions to be made. All options are on the table etc. not sure what mike and Rick want tot say public ally but it will involve registrants no matter what the decision is.

At this time EPA is in the information gathering stage of its decision-making process regarding dicamba registrations. All regulatory options are on the table, including the possibility of modifying and/or expanding the current list of use restrictions on dicamba labels. ~~Should label changes be proposed, those changes will be developed considering all available incident information as well as input from stakeholders regarding the potential effectiveness the proposed label updates. As a part of its evaluation of current dicamba labeling, EPA has been and continues to be in communication with not only dicamba registrants, but affected growers, federal and state regulatory partners, weed scientists, extension agents, and agricultural commodity groups.~~

Meg's response in red is right on the money. However, I wonder if we need to shorten it at this point to just state that we need to evaluate all of these lines of evidence before predicting what mitigation might be needed as opposed to offering examples at this time. (That's just my thought, others may think otherwise.)

Question 5: Under FIFRA, which requires manufacturers to report to the EPA any "adverse" incidents regarding their products, how many such reports were filed with the EPA by Monsanto, Dow and BASF regarding dicamba's use last season? (The last time I asked about this, you cited a "fluid" situation and declined specifics. I presume last year's problems aren't so fluid now.)

Response 5: You would need to file a Freedom of Information Act request to obtain this information. Many documents submitted for pesticide regulatory purposes contain Confidential Business Information that by law cannot be released to the public. The FOIA process redacts CBI so the documents can be released. For more information or to make a FOIA request, see: https://www.epa.gov/foia. (This reporter has asked this question twice before, please see attached email messages for our responses. The specific FOIA language above was used to answer his question last July, 2017. He also asked this question in September 2017 and we said "*We have received incident reports pursuant to FIFRA 6(a)2 and anticipate that registrants will be filing additional reports shortly. According to regulations under FIFRA, registrants may accumulate incident reports for a 30-day period, and then must submit them to the Agency within 30 days after the end of each 30-day accumulation period. As this is an ongoing investigation, and a fluid situation, it would be premature for the Agency to comment further on specific details or the number of 6(a)2 reports*".)

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Response 6: EPA will consider all available information in its decision-making process. The agency is in regular contact with farmers, researchers, and agricultural companies to remain informed of any dicamba issues occurring in the 2018 growing season. (from July DTN press inquiry)

Tracy Lantz
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Mobile: (571) 481-8523
Lantz.tracy@epa.gov

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Message

From: Ingram, Earl [Ingram.Earl@epa.gov]
Sent: 11/5/2018 7:30:54 PM
To: Hathaway, Margaret [Hathaway.Margaret@epa.gov]
CC: McBride, Sharon Y [Mcbride.Sharony@epa.gov]; Baris, Reuben [Baris.Reuben@epa.gov]; Kaythi Han [ihtyak@gmail.com]
Subject: Re: Please add to docket: XtendiMax® label WITH notice of registration

Today is Sharon and Anthia's compressed day off, but will work with Anthia's backup once I'm out of my current meeting. Will update everyone later.

Earl Ingram, Chief
Public Information & Records Integrity Branch
Information Technology & Resources Management Division
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5456

Sent from my iPhone

On Nov 5, 2018, at 2:19 PM, Hathaway, Margaret <Hathaway.Margaret@epa.gov> wrote:

> Hello Sharon and Earl:
> RD requests that you please add the attached label + registration notice to the dicamba docket EPA-HQ-OPP-2016-0187. The version of the Xtendimax label that is already in the docket does not also include the notice of registration; the attached version does. Please add this label + notice of registration to the docket, and do NOT remove the label-only version that's already posted. OPP has been sending people the link to the label-only document, so we don't want to alter it.
>
> Thank you,
> Meg
>
> Margaret Hathaway (Meg)
> Senior Regulatory Specialist
> U.S. Environmental Protection Agency
> OCSPP: Office of Pesticide Programs
> Registration Division: Herbicide Branch
> hathaway.margaret@epa.gov
> (703) 305-5076
>
> <000524-00617-20181101.pdf>

Message

From: Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Sent: 11/5/2018 7:19:18 PM
To: McBride, Sharon Y [Mcbride.Sharony@epa.gov]; Ingram, Earl [Ingram.Earl@epa.gov]
CC: Baris, Reuben [Baris.Reuben@epa.gov]; Kaythi Han [ihtyak@gmail.com]
Subject: Please add to docket: XtendiMax® label WITH notice of registration
Attachments: 000524-00617-20181101.pdf

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Meg

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Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division: Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

Message

From: Kaul, Monisha [Kaul.Monisha@epa.gov]
Sent: 6/7/2018 2:10:35 PM
To: Baris, Reuben [Baris.Reuben@epa.gov]; Chism, William [Chism.Bill@epa.gov]; Hawkins, Caleb [Hawkins.Caleb@epa.gov]; Becker, Jonathan [Becker.Jonathan@epa.gov]; Jones, Arnet [Jones.Arnet@epa.gov]; Meadows, Sarah [Meadows.Sarah@epa.gov]
CC: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
Subject: RE: Labeling Summary for Dicamba

Thank you.

From: Baris, Reuben
Sent: Thursday, June 07, 2018 9:48 AM
To: Kaul, Monisha <Kaul.Monisha@epa.gov>; Chism, William <Chism.Bill@epa.gov>; Hawkins, Caleb <Hawkins.Caleb@epa.gov>; Becker, Jonathan <Becker.Jonathan@epa.gov>; Jones, Arnet <Jones.Arnet@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Subject: Labeling Summary for Dicamba

Monisha et al.,
Thanks again for meeting with us yesterday. I appreciate all the efforts you're putting into this. One of my to do items coming out of yesterday's meeting was to pull together the labeling restrictions/requirements inclusive of the 24c labels. Please note that since the label is the law etc etc the best place to distill directions for use and restrcitions is from the label itself. But hopefully this summary helps to direct our efforts moving forward.

Here are the direct links to each label (these are the labels for the 2018 season):

Xtendimax: https://www3.epa.gov/pesticides/chem_search/ppls/000524-00617-20171012.pdf
Engenia: https://www3.epa.gov/pesticides/chem_search/ppls/007969-00345-20171012.pdf
FeXapan: https://www3.epa.gov/pesticides/chem_search/ppls/000352-00913-20171016.pdf

Restricted to use in these states: Alabama, Arkansas, Arizona, Colorado, Delaware, Florida (excluding Palm Beach County), Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee (excluding Wilson County), Texas, Virginia, West Virginia, Wisconsin.
(NOTE: for xtendimax and fexapan this is all uses, Engenia only restricts the DT uses to these 34 states)

High level summary of changes:

- All three products are Restricted Use Pesticide products (RUP designation requires applicators to maintain specific records regarding the use of these products)
  - For retail sale to and use only by Certified Applicators or persons under their direct supervision and only for those uses covered by the Certified Applicator's certification
- Mandatory dicamba-specific training is required for all applicators
- Each label limits applications to when maximum wind speeds are below 10 mph (from 15 mph) to reduce potential spray drift
- Applications may only occur between Sunrise and Sunset
- Tank clean-out language to prevent cross-contamination
- Susceptible/sensitive crop identification and record keeping with sensitive crop registries to increase awareness of risk to especially sensitive crops near application site

Record Keeping

Record keeping is required for applications of this product. The certified applicator must keep the following records for a period of two years; records must be generated as soon as practical but no later than 14 days after application and a record must be kept for each application of Xtendimax with VaporGrip Technology. Records must be made available to State Pesticide Control Official(s), USDA, and EPA upon request. An example form summarizing record keeping requirements can be found on www.xtendimaxapplicationrequirements.com.

1. All Items required by 7 CFR Part 110 (RECORDKEEPING ON RESTRICTED USE PESTICIDES BY CERTIFIED APPLICATORS) including:
    a. The brand or product name
    b. The EPA registration number
    c. The total amount applied
    d. The month, day, and year
    e. The location of the application
    f. The crop, commodity, stored product, or site
    g. The size of treated area
    h. The name of the certified applicator
    i. The certification number of the certified applicator
2. Training: Date and provider of required training completed and proof of completion.
3. Receipts of Purchase: Receipts or copies for the purchase of this product.
4. Product Label: A copy of this product label, and any state special local needs label that supplements this label.
5. Buffer Requirement: Record of the buffer distance calculation and any areas included within the buffer distance calculations as allowed in Section 9.1.4.a.
6. Susceptible Crops Awareness: Record that a sensitive crop registry was consulted; or document surveying neighboring fields for any susceptible crops prior to application. At a minimum, records must include the name of the sensitive crop registry and the date it was consulted or the survey of neighboring fields and the date conducted (read Section 9.1.4.b for additional information).
7. Start and Finish Times of Each Application: Record of the time at which the application started and the time when the application finished.
8. Application Timing: Record of the type of application (for example: pre-emergence, postemergence) and number of days after planting if post-emergence.
9. Air Temperature: Record of the air temperature in degrees Fahrenheit at the start and completion of each application.
10. Wind Speed and Direction: Record of the wind speed and direction (the direction from which the wind is blowing) at boom height at the start and completion of each application of this product (Read Section 9.1.1 for information on wind speed).
11. Nozzle and Pressure: Record of the spray nozzle manufacturer/brand, type, orifice size, and operating pressure used during each application of this product (Read Section 9.1.1 for information on nozzles and pressures.)
12. Tank Mix Products: Record of the brand names and EPA registration numbers (if available) for all products (pesticides, adjuvants, and other products) that were tank mixed with this product for each application (Read Section 8.0 for more information on tank mixing.)
13. Spray System Cleanout: Record of compliance with the section of this label titled Section 9.5: Proper Spray System Equipment Cleanout. At a minimum, records must include the confirmation that the spray system was clean before using this product and that the post-application cleanout was completed in accordance with Section 9.5.

Restrictions (overall restrictions)

The applicator must read the entire label, including product labeling and follow all restrictions for XtendiMax® With VaporGrip® Technology.
Restrictions included, but are not limited to:

- DO NOT APPLY THIS PRODUCT AERIALLY.
- DO NOT TANK MIX WITH PRODUCTS CONTAINING AMMONIUM SALTS SUCH AS AMMONIUM SULFATE (AMS) AND UREA AMMONIUM NITRATE. Small quantities of AMS can greatly increase the volatility potential of dicamba. Read the TANK MIXING INSTRUCTIONS of this label (Section 8.0) for instructions regarding other tank mix products.

- DO NOT APPLY TO CROPS UNDER STRESS DUE TO LACK OF MOISTURE, HAIL DAMAGE, FLOODING, HERBICIDE INJURY, MECHANICAL INJURY, INSECTS, OR WIDELY FLUCTUATING TEMPERATURES AS INJURY MAY RESULT.
- DO NOT APPLY THROUGH ANY TYPE OF IRRIGATION EQUIPMENT. DO NOT TREAT IRRIGATION DITCHES OR WATER USED FOR CROP IRRIGATION OR DOMESTIC PURPOSES.
- DO NOT MAKE APPLICATION OF THIS PRODUCT IF RAIN IS EXPECTED IN THE NEXT 24 HOURS.

Sprayer Requirements

- Nozzle type. The applicator must use an approved nozzle within a specified pressure range as found at www.xtendimaxapplicationrequirements.com when applying XtendiMax® With VaporGrip® Technology. Do not use any other nozzle and pressure combination not specifically listed on this website.
- Spray Volume. The applicator must apply this product in a minimum of 15 gallons of spray solution per acre. See Section 8.0 for information on approved tank mix products.
- Equipment Ground Speed. Do not exceed a ground speed of 15 miles per hour. Select a ground speed that will deliver the desired spray volume while maintaining the desired spray pressure, but slower speeds generally result in better spray coverage and deposition on the target area. Provided the applicator can maintain the required nozzle pressure, it is recommended that tractor speed is reduced to 5 miles per hour at field edges.
- Spray boom Height. Do not exceed a boom height of 24 inches above target pest or crop canopy. Excessive boom height will increase the drift potential.
- Wind Speed. Do not apply when wind speeds are less than 3 MPH or greater than 10 MPH. Only apply when wind speed at boom height is between 3 and 10 mph.

Temperature Inversions

Do not apply this product during a temperature inversion as the off-target movement potential is high. Do not apply this product between sunset and sunrise. In general, temperature inversions are more likely during night time hours.

- During a temperature inversion, the atmosphere is very stable and vertical air mixing is restricted, which can cause small, suspended droplets to remain in a concentrated cloud. This cloud can move in unpredictable directions due to the light, variable winds common during inversions.
- Temperature inversions can be characterized by increasing temperatures with altitude and can be common on evenings and nights with limited cloud cover and light to no wind. Cooling of air at the earth's surface takes place and warmer air is trapped above it. Temperature inversions can begin to form as the sun sets and often continue into the morning.
- Their presence can be indicated by ground fog; however, if fog is not present, inversions can also be identified by the movement of smoke from a ground source or an aircraft smoke generator. Smoke that layers and moves laterally in a concentrated cloud (under low wind conditions) indicates an inversion, while smoke that moves upward and rapidly dissipates indicates good vertical air mixing.
- The inversion will typically dissipate with increased winds (above 3 miles per hour) or at sunrise when the surface air begins to warm (generally 3°F from morning low).

Buffers

Do not apply under circumstances where drift may occur to food, forage, or other plantings that might be damaged or the crops rendered unfit for sale, use, or consumption.

The applicator must always maintain a 110 foot downwind buffer (when applying up to 22 fluid ounces of this product per acre) or a 220 foot downwind buffer (when applying greater than 22 up to 44 fluid ounces of this product per acre) between the last treated row and the nearest downwind field edge (in the direction the wind is blowing).

The following areas may be included in the buffer distance calculation when directly adjacent to the treated field edges:

- Roads, paved or gravel surfaces.
- Planted agricultural fields containing: corn, dicamba tolerant cotton, dicamba tolerant soybean, sorghum, proso millet, small grains and sugarcane. If the applicator intends to include such crops as dicamba tolerant cotton

and/or dicamba tolerant soybeans in the buffer distance calculation, the applicator must confirm the crops are in fact dicamba tolerant.
- Agricultural fields that have been prepared for planting.
- Areas covered by the footprint of a building, silo, or other man made structure with walls and or roof.

Susceptible Crops

DO NOT APPLY this product when the wind is blowing toward adjacent non-dicamba tolerant susceptible crops; this includes NON-DICAMBA TOLERANT SOYBEAN AND COTTON.

Before making an application, the applicator must survey the application site for adjacent nontarget susceptible crops. The applicator must also consult applicable sensitive crop registries to identify any commercial specialty or certified organic crops that may be located near the application site.

Susceptible crops include, but are not limited to non-dicamba tolerant soybeans and cotton, tomatoes and other fruiting vegetables (EPA crop group 8), fruit trees, cucurbits (EPA crop group 9), grapes, beans, flowers, ornamentals, peas, potatoes, sunflower, tobacco, other broadleaf plants, and including plants in a greenhouse. Severe injury or destruction could occur if any contact between this product and these plants occurs.

Maximum application rates in Xtend Cotton:

Maximum Application Rates	
Combined total per year for all applications	88 fluid ounces per acre (2.0 lb. a.e. dicamba per acre)
Total of all Burndown/Early Preplant, Preplant, At-Planting, and Preemergence applications	44 fluid ounces per acre (1.0 lb. a.e. dicamba per acre)
Total of all In-crop applications from emergence up to 7 days pre-harvest	88 fluid ounces per acre (2.0 lb. a.e. dicamba per acre)
Maximum In-crop, single application	22 fluid ounces per acre (0.5 lb. a.e. dicamba per acre)

a.e. – acid equivalent

Pre-emergent RESTRICTIONS:
- The maximum combined quantity of this product that may be applied for all burndown/early preplant, preplant, at-planting, and preemergence applications is 44 fluid ounces (1.0 lb a.e. dicamba) per acre per season.
- The maximum application rate for a single, burndown/early preplant, preplant, at-planting, or preemergence application must not exceed 44 fluid ounces (1.0 lb a.e. dicamba) per acre.
- Do not apply less than 22 fluid ounces (0.5 lb a.e. dicamba) per acre.

Post emergent RESTRICTIONS (in-crop):
- The combined total applied from crop emergence up to 7 days prior to harvest must not exceed 88 fluid ounces (2.0 lb a.e. dicamba) per acre. EPA Reg. No. 524-617 Master Label October 2017 Page 36 of 40
- The maximum single, in-crop application rate must not exceed 22 fluid ounces (0.5 lb a.e. dicamba).
- The combined total per year for all applications must not exceed 88 fluid ounces (2.0 lb a.e. dicamba) per acre. For example, if a preplant application of 44 fluid ounces (1.0 lb a.e. dicamba) per acre was made, then the combined total in-crop applications must not exceed 44 fluid ounces (1.0 lb a.e. dicamba) per acre.
- Allow at least 7 days between applications and allow at least 7 days between final application and harvest or feeding of cottonseed and cotton gin by-products.

Maximum application rates Xtend Soybean

Maximum Application Rates	
Combined total per year for all applications	88 fluid ounces per acre (2.0 lb. a.e. dicamba per acre)
Total of all Burndown/Early Preplant, Preplant, At-Planting, and Preemergence applications	44 fluid ounces per acre (1.0 lb. a.e. dicamba per acre)
Total of all In-crop applications from emergence up to and including beginning bloom (R1 stage soybeans)	44 fluid ounces per acre (1.0 lb. a.e. dicamba per acre)
Maximum In-crop, single application	22 fluid ounces per acre (0.5 lb. a.e. dicamba per acre)

a.e. – acid equivalent

Pre-emergent/at plant RESTRICTIONS:

- The maximum combined quantity of this product that may be applied for all burndown/early preplant, preplant, at-planting, and preemergence applications is 44 fluid ounces (1.0 lb a.e. dicamba) per acre per season.
- The maximum application rate for a single, burndown/early preplant, preplant, at-planting, or preemergence application must not exceed 44 fluid ounces (1.0 lb a.e. dicamba) per acre.
- Do not apply less than 22 fluid ounces (0.5 lb a.e. dicamba) per acre.

Post emergent (in crop) RESTRICTIONS:

- The combined total application rate from crop emergence up to and including R1 must not exceed 44 fluid ounces (1.0 lb. a.e. dicamba) per acre.
- Do not make in-crop applications of this product after beginning bloom (R1 growth stage of soybeans).
- The maximum single, in-crop application rate must not exceed 22 fluid ounces (0.5 lb. a.e. dicamba) per acre.The combined total per year for all applications must not exceed 88 fluid ounces (2.0 lb. a.e. dicamba) per acre.
- Allow at least 7 days between final application and harvest or feeding of soybean forage.
- Allow at least 14 days between final application and harvest or feeding of soybean hay.

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

Message

From: Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Sent: 11/6/2018 8:34:06 PM
To: Ingram, Earl [Ingram.Earl@epa.gov]; McBride, Sharon Y [Mcbride.Sharony@epa.gov]
CC: Baris, Reuben [Baris.Reuben@epa.gov]
Subject: RE: Please add to docket: XtendiMax® label WITH notice of registration

Thanks Earl. I see it there now.

- Meg

From: Ingram, Earl
Sent: Monday, November 05, 2018 4:00 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; McBride, Sharon Y <Mcbride.Sharony@epa.gov>
Cc: Baris, Reuben <Baris.Reuben@epa.gov>
Subject: RE: Please add to docket: XtendiMax® label WITH notice of registration

It should be up in regulations.gov. Let me know if you have any questions.

From: Hathaway, Margaret
Sent: Monday, November 05, 2018 3:11 PM
To: Ingram, Earl <Ingram.Earl@epa.gov>; McBride, Sharon Y <Mcbride.Sharony@epa.gov>
Cc: Baris, Reuben <Baris.Reuben@epa.gov>
Subject: RE: Please add to docket: XtendiMax® label WITH notice of registration

Not a problem. Thanks for your help with this!

From: Ingram, Earl
Sent: Monday, November 05, 2018 3:03 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; McBride, Sharon Y <Mcbride.Sharony@epa.gov>
Cc: Baris, Reuben <Baris.Reuben@epa.gov>
Subject: RE: Please add to docket: XtendiMax® label WITH notice of registration

Thanks Meg, the tile is good and this will go in as a separate document, as we discussed. Sorry for the confusion. I will let you know when the document has posted.

Earl

From: Hathaway, Margaret
Sent: Monday, November 05, 2018 3:00 PM
To: McBride, Sharon Y <Mcbride.Sharony@epa.gov>; Ingram, Earl <Ingram.Earl@epa.gov>
Cc: Baris, Reuben <Baris.Reuben@epa.gov>
Subject: RE: Please add to docket: XtendiMax® label WITH notice of registration

If we can't replace the document, please upload the new one with the title: "Notice of Registration and Approved Master Label for EPA Registration No. 524-617, Primary Brand Name: M1768 Herbicide Alternate Brand Name: XtendiMax® With VaporGrip® Technology."

Thank you,
Meg

From: Hathaway, Margaret
Sent: Monday, November 05, 2018 2:53 PM
To: McBride, Sharon Y <Mcbride.Sharony@epa.gov>; Ingram, Earl <Ingram.Earl@epa.gov>
Cc: Baris, Reuben <Baris.Reuben@epa.gov>
Subject: RE: Please add to docket: XtendiMax® label WITH notice of registration

Hi Earl:
To summarize from our call just now, please if possible have the docket staff replace the label currently uploaded as EPA-HQ-OPP-2016-0187-0969 with the one attached to this email.

Thank you,
Meg Hathaway

From: Hathaway, Margaret
Sent: Monday, November 05, 2018 2:34 PM
To: McBride, Sharon Y <Mcbride.Sharony@epa.gov>; Ingram, Earl <Ingram.Earl@epa.gov>
Cc: Baris, Reuben <Baris.Reuben@epa.gov>; 'Kaythi Han' <ihtyak@gmail.com>
Subject: RE: Please add to docket: XtendiMax® label WITH notice of registration

Thanks Earl. I should be around this afternoon if you have any questions.

- Meg

From: Ingram, Earl
Sent: Monday, November 05, 2018 2:31 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: McBride, Sharon Y <Mcbride.Sharony@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Kaythi Han <ihtyak@gmail.com>
Subject: Re: Please add to docket: XtendiMax® label WITH notice of registration

Today is Sharon and Anthia's compressed day off, but will work with Anthia's backup once I'm out of my current meeting. Will update everyone later.

Earl Ingram, Chief
Public Information & Records Integrity Branch
Information Technology & Resources Management Division
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5456

From: Hathaway, Margaret
Sent: Monday, November 05, 2018 2:31 PM
To: McBride, Sharon Y <Mcbride.Sharony@epa.gov>; Ingram, Earl <Ingram.Earl@epa.gov>
Cc: Baris, Reuben <Baris.Reuben@epa.gov>; 'Kaythi Han' <ihtyak@gmail.com>
Subject: RE: Please add to docket: XtendiMax® label WITH notice of registration

One follow-up note: If it is possible to keep the link the same, RD would be fine with ITRMD just swapping the label-only document (EPA-HQ-OPP-2016-0187) with the label + notice version, instead of uploading the label + notice as a separate document. Whichever of those two paths is easier for you all.

From: Hathaway, Margaret
Sent: Monday, November 05, 2018 2:19 PM
To: McBride, Sharon Y <Mcbride.Sharony@epa.gov>; Ingram, Earl <Ingram.Earl@epa.gov>
Cc: Baris, Reuben <Baris.Reuben@epa.gov>; Kaythi Han <ihtyak@gmail.com>
Subject: Please add to docket: XtendiMax® label WITH notice of registration

Hello Sharon and Earl:
RD requests that you please add the attached label + registration notice to the dicamba docket EPA-HQ-OPP-2016-0187. The version of the Xtendimax label that is already in the docket does not also include the notice of registration; the attached version does. Please add this label + notice of registration to the docket, and do NOT remove the label-only version that's already posted. OPP has been sending people the link to the label-only document, so we don't want to alter it.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division: Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

Message

From: Goodis, Michael [Goodis.Michael@epa.gov]
Sent: 11/1/2018 6:01:22 PM
To: Baris, Reuben [Baris.Reuben@epa.gov]
CC: Kenny, Daniel [Kenny.Dan@epa.gov]; Montague, Kathryn V. [Montague.Kathryn@epa.gov]
Subject: RE: 524-617
Attachments: 524-617 DRAFT reg notice 10312018.docx

Kay taught me how to sign it electronically.

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Baris, Reuben
Sent: Thursday, November 01, 2018 1:19 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: 524-617

Resending. For Bayer's labels.

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

From: Baris, Reuben
Sent: Thursday, November 01, 2018 12:08 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: 524-627

Mike,
Dan instructed me to send you the reg notice and label for Xtendimax (epa reg number 524-617). It's my understanding you hold the signature authority for this one.

reuben

Message

From: Han, Kaythi [Han.Kaythi@epa.gov]
Sent: 11/2/2018 9:08:30 PM
To: Hathaway, Margaret [Hathaway.Margaret@epa.gov]
CC: Baris, Reuben [Baris.Reuben@epa.gov]
Subject: RE: LINDA/OPP: STEVE DAVIES - Can I get copy of the label?

Thanks!

Kaythi Han
Team Leader, Communications
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5642 | han.kaythi@epa.gov

From: Hathaway, Margaret
Sent: Friday, November 02, 2018 4:40 PM
To: Han, Kaythi <Han.Kaythi@epa.gov>
Cc: Baris, Reuben <Baris.Reuben@epa.gov>
Subject: RE: LINDA/OPP: STEVE DAVIES - Can I get copy of the label?

I say go ahead with the response.

From: Han, Kaythi
Sent: Friday, November 02, 2018 4:38 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Baris, Reuben <Baris.Reuben@epa.gov>
Subject: RE: LINDA/OPP: STEVE DAVIES - Can I get copy of the label?

Got it. In that case, is it OK to send the response forward?

Kaythi Han
Team Leader, Communications
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5642 | han.kaythi@epa.gov

From: Hathaway, Margaret
Sent: Friday, November 02, 2018 4:31 PM
To: Han, Kaythi <Han.Kaythi@epa.gov>
Cc: Baris, Reuben <Baris.Reuben@epa.gov>
Subject: RE: LINDA/OPP: STEVE DAVIES - Can I get copy of the label?

Hi Kaythi:
The notice of registration and the label itself are different things. Reuben is still working with registrants to get the labels themselves finalized.

- Meg

From: Han, Kaythi
Sent: Friday, November 02, 2018 4:30 PM

To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: FW: LINDA/OPP: STEVE DAVIES - Can I get copy of the label?

Quick question, Meg. Is Engenia's "Notice of Registration" the same as the label? The reporter is asking the following question, for which I provided this draft response.

Incoming:
The label is for Xtendimax. Are there labels for FeXaPan and Engenia, as well, or does that Xtendimax label apply to all three?"

Response:
The Xtendimax label does not apply to the other two dicamba products. We have a "Notice of Registration" for Engenia posted in the docket and we anticipate the labels for Engenia and FeXaPan will be posted in the docket next week.

Kaythi Han
Team Leader, Communications
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5642 | han.kaythi@epa.gov

From: Daguillard, Robert
Sent: Friday, November 02, 2018 1:41 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Courtnage, Robert <Courtnage.Robert@EPA.GOV>; Sisco, Debby <Sisco.Debby@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Chiu, Enid <Chiu.Enid@epa.gov>
Subject: RE: LINDA/OPP: STEVE DAVIES - Can I get copy of the label?

Good afternoon everyone,

Steve is very thankful for the label. He has a follow-up. Thanks in advance for any insight:

"Hi Robert -- thanks for sending this. The label is for Xtendimax. Are there labels for FeXaPan and Engenia, as well, or does that Xtendimax label apply to all three?"

Cheers, R.

Robert Daguillard
Office of Media Relations
U.S. Environmental Protection Agency
Washington, DC
+1 (202) 564-6618 (O)
+1 (202) 360-0476 (M)

From: Daguillard, Robert
Sent: Thursday, November 01, 2018 1:47 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Courtnage, Robert <Courtnage.Robert@EPA.GOV>; Sisco, Debby <Sisco.Debby@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Chiu, Enid <Chiu.Enid@epa.gov>
Subject: LINDA/OPP: STEVE DAVIES - Can I get copy of the label?

AGRI-PULSE
STEVE DAVIES
DDL NOVEMBER 1, 2018

Team, another inquiry, very similar to Tiffany Stecker's. Thanks as always.

++

It would be helpful if OPP held a call with ag/envl reporters to discuss this.I believe there are a lot of people with questions. One I have is, what is meant by these bullet points?

- Clarify training period for 2019 and beyond, ensuring consistency across all three products
- Enhanced tank clean out instructions for the entire system
- Enhanced label to improve applicator awareness on the impact of low pH's on the potential volatility of dicamba
- Label clean up and consistency to improve compliance and enforceability

specifics would be helpful--the label would probably answer the questions, I would imagine.

also, how exactly will this work, i.e., is it one registration for all three, separate registrations for all three, one label for all three products? Some of the answers may seem obvious from the release, but I need to check particulars

Thanks, Robert.

Steve Davies
Associate Editor
202-744-1535
steve@agri-pulse.com

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Message

From: ONeill, Sandra [ONeill.Sandra@epa.gov]
Sent: 11/5/2018 9:17:41 PM
To: Baris, Reuben [Baris.Reuben@epa.gov]
Subject: RE: dicamba questions

Hi Reuben – I don't have the answers to Rose's questions. Can I assume RD will answer this one?

Also -you're almost out of here – onto greener Registration Review pastures, I bet you're looking forward to it ;)

Sandra O'Neill
703 347 0141

From: Rose, Mary A. [mailto:rose.155@osu.edu]
Sent: Monday, November 05, 2018 11:21 AM
To: ONeill, Sandra <ONeill.Sandra@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>
Subject: dicamba questions

Sandra or Reuben,

Can either of you answer this question:

If a farmer has Xtendimax, Engenia, or FeXapan left from last season, will they be able to follow the old label attached to the product, or will they have to abide by the new restrictions on the new labels that will come out for 2019 on these products??

Also, if I understand correctly, they will have to attend a dicamba training each year. Will it have to be prior to their first use of dicamba that season?

Thanks - Mimi Rose

Mary Ann 'Mimi' Rose, Ph.D.
Director, Pesticide Safety Education Program
College of Food, Agricultural, and Environmental Sciences
Ohio State University Extension
256 Howlett Hall, 2001 Fyffe Ct., Columbus, OH 43210
(614) 247-7489
rose.155@osu.edu
website: http://pested.osu.edu
THE OHIO STATE UNIVERSITY

From: Baumgartner, Donald <baumgartner.donald@epa.gov>
Sent: Tuesday, October 09, 2018 11:59 AM
To: Rose, Mary A. <rose.155@osu.edu>
Cc: Baumgartner, Donald <baumgartner.donald@epa.gov>; Rittenhouse, Susan <Rittenhouse.Susan@epa.gov>
Subject: RE: Dicamba update from EPA???

Mimi,

We have not had as many EPA/SLA dicamba conf calls as in the past. We were having these weekly, but the last 2 were cancelled. The short answer is that the Regions nor SLAs have heard anything about dicamba reregistration again for next year.

If this will help, you can contact the main people at EPA OPP Registration Division as identified below. Sandra in particular is coordinating all the dicamba stuff, and she has been responsive to me in the past. You can try to contact them for any updates.

Sandra Oneill at 703/347-0141 or oneill.sandra@epa.gov
Reuben Baris at 703/305-7356 or baris.reuben@epa.gov

AAPCO has also sent a letter to EPA on Dicamba registration, and the State of IN follow-up on that as well. Please see the attachments.

Some recent press coverage may also provide some insight into the future:

EPA general dicamba site:
https://www.epa.gov/ingredients-used-pesticide-products/registration-dicamba-use-genetically-engineered-crops

Lawsuit against EPA:
https://www.agriculture.com/news/crops/epa-emails-show-agency-approved-dicamba-label-changes-after-consulting-with-monsanto

https://www.reuters.com/article/us-usa-pesticides-dicamba/epa-should-revoke-monsanto-weed-killer-approval-groups-tell-u-s-court-idUSKCN1LE2G2

Media Projections on Dicamba:
https://geneticliteracyproject.org/2018/09/24/as-dicamba-drift-crop-damage-declines-will-epa-re-approve-controversial-herbicide/

https://www.dtnpf.com/agriculture/web/ag/news/crops/article/2018/08/09/epa-listens-dicamba-discussion

https://www.no-tillfarmer.com/articles/8172-epa-decision-on-dicamba-looms

SLA Letter to EPA on Dicamba:
https://agfaxweedsolutions.com/2018/08/31/dicamba-herbicides-states-ask-epa-for-early-season-cutoff-year-to-year-label-dtn/

Hope that this helps.

Donald

Donald Baumgartner, B.S., M.S. Medical Entomologist
R5 WPS Coordinator, R5 C&T Coord., Bed Bug Specialist, Zika/Mosq Control, Urban Pests
Pesticides Section (LC-17J), Chemicals Mgt. Branch
U.S. Environmental Protection Agency Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604
ph. 312/886-7835
fax 312/697-2531
baumgartner.donald@epa.gov
For pesticide information visit http://www.epa.gov/pesticides/ or http://npic.orst.edu/
R5 Bed Bug Hotline at 888/644-2200 or bedbugs@umn.edu

To report environmental violations visit https://www.epa.gov/pesticide-incidents
Life Lesson: We do not stop playing because we grow old; we grow old because we stop playing.
Have a Bed Bug Free Day!!

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EPA United States Environmental Protection Agency

From: Rose, Mary A. [mailto:rose.155@osu.edu]
Sent: Monday, October 08, 2018 10:13 AM
To: Baumgartner, Donald <baumgartner.donald@epa.gov>
Subject: Dicamba

Hi Donald,
We have a state-wide advisory meeting on October 19, and I was wondering whether there would be anything coming out about the dicamba situation and label soon ??
Do you have any info on this?

Thanks – Mimi

Mary Ann 'Mimi' Rose, Ph.D.
Director, Pesticide Safety Education Program
College of Food, Agricultural, and Environmental Sciences
Ohio State University Extension
256 Howlett Hall, 2001 Fyffe Ct., Columbus, OH 43210
(614) 247-7489
rose.155@osu.edu
website: http://pested.osu.edu
THE OHIO STATE UNIVERSITY

Message

From: Glass, Judy [KDA] [Judy.Glass@ks.gov]
Sent: 10/31/2018 4:04:35 PM
To: Baris, Reuben [Baris.Reuben@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]
CC: Simon, Duane [KDA] [Duane.Simon@ks.gov]; Spor, Kent [KDA] [Kent.Spor@ks.gov]; McFall, Gene [KDA] [Gene.McFall@ks.gov]; Plunkett, Shawn [KDA] [Shawn.Plunkett@ks.gov]
Subject: dicamba and paraquat
Attachments: Staff meeting questions.docx

Good morning
It has been a week since the KDA staff meeting and our last correspondence. I have not received answers to the questions submitted multiple times. You clearly failed to deliver not only to the Kansas Department of Agriculture Pesticide and Fertilizer program staff but to the Kansas agricultural community and citizens of Kansas as well. The questions remain unanswered and we in the field are to provide guidance and enforce the label. Once again, I have attached the questions and comments for both dicamba and paraquat. Please take some time to answer them or forward them to someone who will. The most pressing questions at this time as we enter into recertification programs are

1. How will the training be handled for the 2019 growing season for Engenia, FeXapan and Xtendimax?
2. What changes, if any, to the labels have been made?
3. What is the website for paraquat training?
4. Is the website available for training?
5. What about labeling for existing stock of paraquat?

Thank you,
Judy Glass
Registration Specialist
Pesticide and Fertilizer Program
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502
Phone: 785-564-6690
Fax: 785-564-6779
www.agriculture.ks.gov

New email address: judy.glass@ks.gov

Message

From: Baris, Reuben [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A0181E3F02A246FC915A4AF026E249FC-BARIS, REUBEN]
Sent: 10/16/2018 2:19:29 PM
To: Green, Jamie [Green.Jamie@epa.gov]
CC: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: RE: Farm Broadcasters Meeting
Attachments: PPDC Draft Paper - Dicamba OTT Cotton Soybean Uses - 10-22-18 - 4PM.docx

Hey Jamie,
Thanks for the note. I've reviewed and provided a few edits. I've also attached a "one pager" (one and a half pages) that we are providing for PPDC members coming up in November. That may help you revise these talking points and Qs and As. Note this is currently being review by Senior Leadership, so it's not yet cleared for public consumption. Once that happens I'll let you know.

Since no decision has been announced, yet, the questions and answer you have below may be premature. You may want to just use the attachment to build talking points for the RA. Though by the time he's at the meeting an announcement may have been made....

Happy to talk more. Do you have time later today?
Thanks.
Reuben

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

From: Green, Jamie
Sent: Tuesday, October 16, 2018 8:45 AM
To: Baris, Reuben <Baris.Reuben@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: Farm Broadcasters Meeting

Hello Reuben – As I mentioned in my VM, the RA will be participating in the National Association of Farm Broadcasters Assc. Meeting again this year in KC. The event will run from Nov 7-9. I'm not sure which of those dates the RA will be in attendance. More information on the convention can be found at https://nafb.com/events/nafb-convention.

My understanding on the way the event works is that the RA is provided a location at the venue and reporters swing by and ask a few questions on particular issues of interest. We would expect that dicamba will again be a topic of some interest. Attached below are the brief talking points that were used last year and that I expect are dated. I am hoping you might be able to help us update these to reflect the current status of the issue. My due date for getting something to the Office of Public Affairs here is Oct. 25th.

As I'm not sure what your schedule is I thought I would cc Dan in the event you happen to be out. I realize there is likely a lot going on with this right now so appreciate any help you might be able to provide. Many thanks to both of you in advance!!

Dicamba

POC Jamie Green x7139

- New registrations of dicamba have been available for the 2017 and 2018 growing seasons for over-the-top (OTT) use on dicamba-tolerant (DT) varieties of cotton and soybeans.
- As you know, some farmers have experienced crop impacts due to the drift from dicamba applications on neighboring farms the past couple of years.
- ~~EPA has reached an agreement with manufacturers (Monsanto, BASF and DuPoint) on measures to further minimize potential drift damage to neighboring crops from the use of dicamba formulations on genetically modified cotton and soybeans.~~

- ~~New requirements for the use of dicamba "over the top" have allowed farmers to make informed choices for seed purchases in the 2018 growing season.~~
- ~~Our actions are the result of intensive,~~ The EPA continues to work on collaborative efforts, working side-by-side with the states, university scientists and registrants from across the nation who have first-hand knowledge of the problem and workable solutions.
- EPA encourages individuals to report suspected crop damage caused by the off-target movement of dicamba to their state's department of agriculture or pesticide regulatory agency.
- Registrations for the OTT use of dicamba will expire in Nov/Dec of 2018, unless the EPA takes action to extend these registrations.

Background:

Former media responses provided by Shawn Hackett, R7/Jamie Green's branch.

Q: Why the need to adhere to these new restrictions?

Manufacturers have agreed to a process to get the revised labels into the hands of farmers in time for the 2018 use season. EPA will monitor the success of these changes to help inform our decision whether to allow the continued "over the top" use of dicamba beyond the 2018 growing season. When EPA registered these products, it set the registrations to expire in 2 years to allow EPA to change the registration, if necessary. If these registrations are allowed to expire due to continued issues with off-field movement, there will be no registered dicamba products for use on dicamba tolerant crops.

Q: Why the need for the label?

In 2017, EPA reached an agreement with manufacturers on measures to further minimize the potential for drift to damage neighboring crops from the use of dicamba formulations used to control weeds in genetically modified cotton and soybeans. The registrants voluntarily agreed to registration and labeling changes including making these products restricted-use, record keeping requirements, and certain additional spray drift mitigation measures. New requirements for the use of dicamba "over the top" (application to growing plants) will allow farmers to make informed choices for seed purchases for the 2018 growing season. The Missouri Department of Agriculture alone has received 310 complaints. In Region 7 Iowa, Kansas and Nebraska have also reported increased numbers of complaints related to drift/misuse of Dicamba.

Q: Does the restricted use label for dicamba apply to pasture spot spray usage?

The designation of restricted use pertains to only three dicamba products, Engenia Herbicide, Xtendimax with VaporGrip Technology, and FeXapan Herbicide Plus VaporGrip Technology. All uses, including pasture spot spraying for these three products are restricted use. Only dicamba products registered for use on GE cotton and soybean can be applied "over the top" (to growing plants). It is a violation of FIFRA to use any other dicamba product that is not registered for use on GE crops "over the top" on crops.

Older "generic" dicamba products will remain as general use pesticides and all uses of these products will be general use. These older "generic" dicamba products are NOT labeled for "in crop" or "over the top" use on dicamba tolerant crops.

Q: Does the restricted use label for Dicamba apply to lawn and garden products?

Residential use lawn and garden products will remain general use.

Jamie Green
Chief, Toxics and Pesticides Branch
Water, Wetlands and Pesticides Division
U.S. EPA - Region 7

11201 Renner Blvd
Lenexa, KS 66219
Phone: 913-551-7139

Message

From: Baris, Reuben [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A0181E3F02A246FC915A4AF026E249FC-BARIS, REUBEN]
Sent: 10/10/2018 3:16:24 PM
To: Rose, Mary A. [rose.155@osu.edu]; ONeill, Sandra [ONeill.Sandra@epa.gov]
Subject: RE: Dicamba update from EPA???

Hi Mary Ann,
No decision has been made yet. Which is why no news has been conveyed.
I wish I had more information to share.
Thanks.
Reuben

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

From: Rose, Mary A. [mailto:rose.155@osu.edu]
Sent: Wednesday, October 10, 2018 10:51 AM
To: ONeill, Sandra <ONeill.Sandra@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>
Subject: RE: Dicamba update from EPA???

Sandra and Reuben,

Donald Baumgartner referred me to you. Do you have any idea when EPA will be making a decision about Xtendimax and other new dicamba product reregistrations?
We have an extension meeting October 19, and I was wondering if there would be anything to share by then.

Thank you.

Mary Ann 'Mimi' Rose, Ph.D.
Director, Pesticide Safety Education Program
College of Food, Agricultural, and Environmental Sciences
Ohio State University Extension
256 Howlett Hall, 2001 Fyffe Ct., Columbus, OH 43210
(614) 247-7489
rose.155@osu.edu
website: http://pested.osu.edu
THE OHIO STATE UNIVERSITY

From: Baumgartner, Donald <baumgartner.donald@epa.gov>
Sent: Tuesday, October 09, 2018 11:59 AM
To: Rose, Mary A. <rose.155@osu.edu>
Cc: Baumgartner, Donald <baumgartner.donald@epa.gov>; Rittenhouse, Susan <Rittenhouse.Susan@epa.gov>
Subject: RE: Dicamba update from EPA???

Mimi,

We have not had as many EPA/SLA dicamba conf calls as in the past. We were having these weekly, but the last 2 were cancelled. The short answer is that the Regions nor SLAs have heard anything about dicamba reregistration again for next year.

If this will help, you can contact the main people at EPA OPP Registration Division as identified below. Sandra in particular is coordinating all the dicamba stuff, and she has been responsive to me in the past. You can try to contact them for any updates.

Sandra Oneill at 703/347-0141 or oneill.sandra@epa.gov
Reuben Baris at 703/305-7356 or baris.reuben@epa.gov

AAPCO has also sent a letter to EPA on Dicamba registration, and the State of IN follow-up on that as well. Please see the attachments.

Some recent press coverage may also provide some insight into the future:

EPA general dicamba site:
https://www.epa.gov/ingredients-used-pesticide-products/registration-dicamba-use-genetically-engineered-crops

Lawsuit against EPA:
https://www.agriculture.com/news/crops/epa-emails-show-agency-approved-dicamba-label-changes-after-consulting-with-monsanto

https://www.reuters.com/article/us-usa-pesticides-dicamba/epa-should-revoke-monsanto-weed-killer-approval-groups-tell-u-s-court-idUSKCN1LE2G2

Media Projections on Dicamba:
https://geneticliteracyproject.org/2018/09/24/as-dicamba-drift-crop-damage-declines-will-epa-re-approve-controversial-herbicide/

https://www.dtnpf.com/agriculture/web/ag/news/crops/article/2018/08/09/epa-listens-dicamba-discussion

https://www.no-tillfarmer.com/articles/8172-epa-decision-on-dicamba-looms

SLA Letter to EPA on Dicamba:
https://agfaxweedsolutions.com/2018/08/31/dicamba-herbicides-states-ask-epa-for-early-season-cutoff-year-to-year-label-dtn/

Hope that this helps.

Donald

Donald Baumgartner, B.S., M.S. Medical Entomologist
R5 WPS Coordinator, R5 C&T Coord., Bed Bug Specialist, Zika/Mosq Control, Urban Pests
Pesticides Section (LC-17J), Chemicals Mgt. Branch
U.S. Environmental Protection Agency Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604
ph. 312/886-7835
fax 312/697-2531
baumgartner.donald@epa.gov
For pesticide information visit http://www.epa.gov/pesticides/ or http://npic.orst.edu/
R5 Bed Bug Hotline at 888/644-2200 or bedbugs@umn.edu
To report environmental violations visit https://www.epa.gov/pesticide-incidents
Life Lesson: We do not stop playing because we grow old; we grow old because we stop playing.
Have a Bed Bug Free Day!!

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EPA United States Environmental Protection Agency

From: Rose, Mary A. [mailto:rose.155@osu.edu]
Sent: Monday, October 08, 2018 10:13 AM
To: Baumgartner, Donald <baumgartner.donald@epa.gov>
Subject: Dicamba

Hi Donald,
We have a state-wide advisory meeting on October 19, and I was wondering whether there would be anything coming out about the dicamba situation and label soon ??
Do you have any info on this?

Thanks – Mimi

Mary Ann 'Mimi' Rose, Ph.D.
Director, Pesticide Safety Education Program
College of Food, Agricultural, and Environmental Sciences
Ohio State University Extension
256 Howlett Hall, 2001 Fyffe Ct., Columbus, OH 43210
(614) 247-7489
rose.155@osu.edu
website: **http://pested.osu.edu**
THE OHIO STATE UNIVERSITY

Message

From: Baris, Reuben [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A0181E3F02A246FC915A4AF026E249FC-BARIS, REUBEN]
Sent: 10/22/2018 2:32:40 PM
To: Green, Jamie [Green.Jamie@epa.gov]
Subject: RE: Farm Broadcasters Meeting

Trying to get off the phone. I'll be on in a minute.

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

From: Green, Jamie
Sent: Monday, October 22, 2018 9:04 AM
To: Baris, Reuben <Baris.Reuben@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Hackett, Shawn <hackett.shawn@epa.gov>
Subject: RE: Farm Broadcasters Meeting

Hi Reuben – thanks for the info. The items that had been attached discussed the status of the issue a year ago and I think were cut and pasted from Agency Q/A or press releases. I think the new info. you have provided will be really helpful. Given the timing, I am wondering how best to manage this and assure that Jim has the most current info. when he attends this event. I'm going to check calendars and see if we can find a few minutes to talk.

From: Baris, Reuben
Sent: Tuesday, October 16, 2018 9:19 AM
To: Green, Jamie <Green.Jamie@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Farm Broadcasters Meeting

Hey Jamie,
Thanks for the note. I've reviewed and provided a few edits. I've also attached a "one pager" (one and a half pages) that we are providing for PPDC members coming up in November. That may help you revise these talking points and Qs and As. Note this is currently being review by Senior Leadership, so it's not yet cleared for public consumption. Once that happens I'll let you know.

Since no decision has been announced, yet, the questions and answer you have below may be premature. You may want to just use the attachment to build talking points for the RA. Though by the time he's at the meeting an announcement may have been made....

Happy to talk more. Do you have time later today?
Thanks.
Reuben

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

From: Green, Jamie
Sent: Tuesday, October 16, 2018 8:45 AM
To: Baris, Reuben <Baris.Reuben@epa.gov>

Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: Farm Broadcasters Meeting

Hello Reuben – As I mentioned in my VM, the RA will be participating in the National Association of Farm Broadcasters Assc. Meeting again this year in KC. The event will run from Nov 7-9. I'm not sure which of those dates the RA will be in attendance. More information on the convention can be found at https://nafb.com/events/nafb-convention.

My understanding on the way the event works is that the RA is provided a location at the venue and reporters swing by and ask a few questions on particular issues of interest. We would expect that dicamba will again be a topic of some interest. Attached below are the brief talking points that were used last year and that I expect are dated. I am hoping you might be able to help us update these to reflect the current status of the issue. My due date for getting something to the Office of Public Affairs here is Oct. 25th.

As I'm not sure what your schedule is I thought I would cc Dan in the event you happen to be out. I realize there is likely a lot going on with this right now so appreciate any help you might be able to provide. Many thanks to both of you in advance!!

Dicamba

POC Jamie Green x7139

- New registrations of dicamba have been available for the 2017 and 2018 growing seasons for over-the-top (OTT) use on dicamba-tolerant (DT) varieties of cotton and soybeans.
- As you know, some farmers have experienced crop impacts due to the drift from dicamba applications on neighboring farms the past couple of years.
- ~~EPA has reached an agreement with manufacturers (Monsanto, BASF and DuPoint) on measures to further minimize potential drift damage to neighboring crops from the use of dicamba formulations on genetically modified cotton and soybeans.~~
- ~~New requirements for the use of dicamba "over the top" have allowed farmers to make informed choices for seed purchases in the 2018 growing season.~~
- ~~Our actions are the result of intensive,~~ The EPA continues to work on collaborative efforts, working side-by-side with the states, university scientists and registrants from across the nation who have first-hand knowledge of the problem and workable solutions.
- EPA encourages individuals to report suspected crop damage caused by the off-target movement of dicamba to their state's department of agriculture or pesticide regulatory agency.
- Registrations for the OTT use of dicamba will expire in Nov/Dec of 2018, unless the EPA takes action to extend these registrations.

Background:

Former media responses provided by Shawn Hackett, R7/Jamie Green's branch.

Q: Why the need to adhere to these new restrictions?

Manufacturers have agreed to a process to get the revised labels into the hands of farmers in time for the 2018 use season. EPA will monitor the success of these changes to help inform our decision whether to allow the continued "over the top" use of dicamba beyond the 2018 growing season. When EPA registered these products, it set the registrations to expire in 2 years to allow EPA to change the registration, if necessary. If these registrations are allowed to expire due to continued issues with off-field movement, there will be no registered dicamba products for use on dicamba tolerant crops.

Q: Why the need for the label?

In 2017, EPA reached an agreement with manufacturers on measures to further minimize the potential for drift to damage neighboring crops from the use of dicamba formulations used to control weeds in genetically modified cotton and soybeans. The registrants voluntarily agreed to registration and labeling changes including making these products restricted-use, record keeping requirements, and certain additional spray drift mitigation measures. New requirements

for the use of dicamba "over the top" (application to growing plants) will allow farmers to make informed choices for seed purchases for the 2018 growing season. The Missouri Department of Agriculture alone has received 310 complaints. In Region 7 Iowa, Kansas and Nebraska have also reported increased numbers of complaints related to drift/misuse of Dicamba.

Q: Does the restricted use label for dicamba apply to pasture spot spray usage?

The designation of restricted use pertains to only three dicamba products, Engenia Herbicide, Xtendimax with VaporGrip Technology, and FeXapan Herbicide Plus VaporGrip Technology. All uses, including pasture spot spraying for these three products are restricted use. Only dicamba products registered for use on GE cotton and soybean can be applied "over the top" (to growing plants). It is a violation of FIFRA to use any other dicamba product that is not registered for use on GE crops "over the top" on crops.

Older "generic" dicamba products will remain as general use pesticides and all uses of these products will be general use. These older "generic" dicamba products are NOT labeled for "in crop" or "over the top" use on dicamba tolerant crops.

Q: Does the restricted use label for Dicamba apply to lawn and garden products?

Residential use lawn and garden products will remain general use.

Jamie Green
Chief, Toxics and Pesticides Branch
Water, Wetlands and Pesticides Division
U.S. EPA - Region 7
11201 Renner Blvd
Lenexa, KS 66219
Phone: 913-551-7139

Message

From: Baris, Reuben [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A0181E3F02A246FC915A4AF026E249FC-BARIS, REUBEN]
Sent: 11/8/2018 1:42:00 PM
To: Courtnage, Robert [Courtnage.Robert@EPA.GOV]; Goodis, Michael [Goodis.Michael@epa.gov]
CC: Kenny, Daniel [Kenny.Dan@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Sisco, Debby [Sisco.Debby@epa.gov]; Chiu, Enid [Chiu.Enid@epa.gov]; Han, Kaythi [Han.Kaythi@epa.gov]
Subject: RE: Letter to EPA-Ban Dicamba
Attachments: FW: Questions about Dicamba registration ; FW: Dicamba decision to extend registrations to 2020; FW: Dicamba registration

Hi Robert. I'm attaching three emails that were received in the RDFR email inbox as well that will need coordinated responses.

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

From: Courtnage, Robert
Sent: Thursday, November 08, 2018 8:11 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Sisco, Debby <Sisco.Debby@epa.gov>; Chiu, Enid <Chiu.Enid@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>
Subject: RE: Letter to EPA-Ban Dicamba

Thanks Mike. We'll get it in the queue for a response.

Robert T. Courtnage
Acting Chief
Communications Services Branch
Field and External Affairs Division
Office of Pesticide Programs/OCSPP
U.S. Environmental Protection Agency
703.347.0748 (Desk)
202.740.2993 (Mobile)

From: Goodis, Michael
Sent: Thursday, November 08, 2018 7:43 AM
To: Courtnage, Robert <Courtnage.Robert@EPA.GOV>; Han, Kaythi <Han.Kaythi@epa.gov>; Chiu, Enid <Chiu.Enid@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: FW: Letter to EPA-Ban Dicamba

I don't know if this letter had found its way to FEAD or not, but please add it to the list of responses. Thanks

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Demarcus Andrews [mailto:demarcus@toxicfreenc.org]
Sent: Wednesday, November 07, 2018 5:11 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Subject: Letter to EPA-Ban Dicamba

Hi Michael,

My name is Demarcus Andrews and im the Policy Advocate here at Toxic Free NC. Attached is a letter with a petition urging the EPA to ban dicamba top applications: X**tendiMax, FeXapan and Engenia.**

I'll deliver the last tally of signatures on the evening of November 11th. I look forward to the EPA's immediate action on this toxic herbicide.

Thanks for your time, Michael!

All the best,

Demarcus Andrews
(O)919-908-9087
(C)980-254-7966
Email: Demarcus@toxicfreenc.org
Policy Advocate-Toxic Free NC

AmazonSmile is a simple and automatic way for you to support ToxicFree NC every time you shop at no cost to you. Simply go to smile.amazon.com select TFNC as your charitable organization.

Message

From: Baris, Reuben [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A0181E3F02A246FC915A4AF026E249FC-BARIS, REUBEN]
Sent: 11/8/2018 6:42:53 PM
To: Shannon Cavanaugh [Shannon.Cavanaugh@fmc.com]
CC: John Cummings [John.Cummings@fmc.com]; Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: Re: [Ext] RE: FMC Priority Products for Tank Mixing:

Hi Shannon,
We're working on it. Trying to slog through all of the extraneous stuff that has been backlogged while continuing to work on the larger decision of dicamba OTT uses....

We'll get back to you as soon as we can.
Thanks for your patience.
Reuben

Sent from my iPhone

On Nov 8, 2018, at 12:44 PM, Shannon Cavanaugh <Shannon.Cavanaugh@fmc.com> wrote:

Hi Reuben,
I hope this email finds you well! Would you happen to have a status update for the FMC tank mix submission for Xtendimax/Engenia plus the FMC products outlined below? The original submission was made in an email to you on 7/17/18 and it was also submitted via CDX on 7/16/18. As you know the season is upon us and I am getting many questions as to the status of allowing use of these products in a tank mix that are critical for the 2019 season. Do you have an estimate on timing of approval?

Commercial Product Name Referenced in Report MRID 50626001	EPA Registered Product Name	EPA Approved Alternate Brand Names	EPA Reg. No.
Spartan Charge	F7127 SE Herbicide	Spartan Charge Spartan Charge Herbicide Zeus Prime XC	279-3337
Authority Supreme	F9314-3 Herbicide	Authority Supreme Authority Supreme Herbicide	279-3601
Spartan 4F	Spartan 4F	Bandolier 4F Spartan 4F Herbicide Zeus XC	279-3220

Best regards,
Shannon

From: Baris, Reuben [mailto:Baris.Reuben@epa.gov]
Sent: Wednesday, August 15, 2018 10:25 AM
To: Shannon Cavanaugh <Shannon.Cavanaugh@fmc.com>
Cc: John Cummings <John.Cummings@fmc.com>
Subject: [Ext] RE: FMC Priority Products for Tank Mixing:

Hi Shannon,
Thanks for the follow up. We're focused on the decision at hand right now, whether the registrations are renewed for OTT uses on dicamba tolerant soybean and cotton. As you know these uses expire in

November. This is taking all of our time to evaluate and work with the Administrator to formulate a decision.
Thanks.
Reuben

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

From: Shannon Cavanaugh [mailto:Shannon.Cavanaugh@fmc.com]
Sent: Wednesday, August 15, 2018 10:02 AM
To: Baris, Reuben <Baris.Reuben@epa.gov>
Cc: John Cummings <John.Cummings@fmc.com>
Subject: RE: FMC Priority Products for Tank Mixing:

Hi Reuben,
I hope this email finds you well! I am following up on the FMC tank mix submission for Xtendimax/Engenia plus the FMC products outlined below. I just wanted to make sure you have all the information you need to review these tank mixes which are critical for the 2019 season. Please let me know if you need anything else. Do you have an estimate on timing of approval?

Best regards,
Shannon

From: Shannon Cavanaugh
Sent: Tuesday, July 17, 2018 8:58 AM
To: 'Baris, Reuben' <Baris.Reuben@epa.gov>
Cc: Rowland, Grant <Rowland.Grant@epa.gov>; John Cummings <John.Cummings@fmc.com>
Subject: FMC Priority Products for Tank Mixing:

Dear Mr. Baris,

FMC Corporation is seeking the inclusion of the products listed below as tank-mix partners for the following products: Xtendimax (EPA Reg. No. 524-617) and Engenia (EPA Reg. No. 7969-345). These are FMC's priority products that will supersede any others at this time, as they are critical for the 2019 season.

Commercial Product Name Referenced in Report MRID 50626001	EPA Registered Product Name	EPA Approved Alternate Brand Names	EPA Reg. No.
Spartan Charge	F7127 SE Herbicide	Spartan Charge Spartan Charge Herbicide Zeus Prime XC	279-3337
Authority Supreme	F9314-3 Herbicide	Authority Supreme Authority Supreme Herbicide	279-3601
Spartan 4F	Spartan 4F	Bandolier 4F Spartan 4F Herbicide Zeus XC	279-3220

For Xtendimax, the required droplet spectra testing and AGDISP modeling per the protocol listed in Appendix A of the 11/9/2016 registration notice for this product have been conducted for the FMC products proposed for tank-mixing. Likewise, the testing and modeling for Engenia listed in Appendix A of the 12/20/2016 registration notice have been conducted for the FMC products.

The results of the testing submitted herein (MRID 5062601) support the addition of the FMC products listed above found not to adversely affect the spray drift properties of Engenia Herbicide and Xtendimax.

In addition, patent searches were conducted to discover if patents revealed synergistic effects when these products were used in combination with dicamba. A summary of these searches are included in this submission and disclose no direct results.

As a result, FMC requests upon Agency review and acceptance, that the registrants are immediately notified to update their tank-mix websites.

In support of this action, please find enclosed the following:

- <!--[if !supportLists]--><!--[endif]-->Self-certification letter
- <!--[if !supportLists]--><!--[endif]-->Tank mix data (MRID 50626001)
- <!--[if !supportLists]--><!--[endif]-->Patent search information

The data package was also submitted to the Agency via CDX on 7/16/18. If you have any questions, please contact Shannon Cavanaugh at 215-299-5955 or shannon.cavanaugh@fmc.com.

Best regards,
Shannon Cavanaugh

Shannon Cavanaugh
Senior North America Product Registration Manager
FMC Corporation
(o) 215-299-5955
(c) 484-919-6982

Click here to report this email as spam.

Message

From: Baris, Reuben [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A0181E3F02A246FC915A4AF026E249FC-BARIS, REUBEN]
Sent: 8/9/2018 2:15:54 PM
To: Han, Kaythi [Han.Kaythi@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Subject: RE: ny times response

Thanks Kaythi.
I helped Quentin respond to a web inquiry. I used this as the basis.

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

From: Han, Kaythi
Sent: Thursday, August 09, 2018 10:11 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>
Subject: RE: ny times response

Hi Meg and Reuben,

Attached are the responses that OCSPP sent to the Press Office. Let me know if you need anything else.

Kaythi Han
Team Leader, Communications
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5642 | han.kaythi@epa.gov

From: Hathaway, Margaret
Sent: Wednesday, August 08, 2018 5:47 PM
To: Baris, Reuben <Baris.Reuben@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>
Subject: RE: ny times response

Hi Reuben:
Here are the final answers to question 1-4 and 6 of the dicamba response for the Arkansas Democrat Gazette. There was some back and forth on question 5. Kathyi, can you please send me the final text of question 5 and our reply?

Thank you,
Meg Hathaway

Question 1: Does the EPA have an estimate when it will release its decision on re-registering dicamba (Xtendimax, etc.) for in-crop use? (I hear August is the timeline.)

Response 1: We are reviewing the current use restrictions on the labels for dicamba formulations in light of the incidents that have been reported this year. Our goal is to make a regulatory decision in time for growers to make informed seed purchase decisions for the next planting season. (from July New Republic press inquiry)

Question 2: What is the EPA doing as it makes that decision? (Are EPA representatives visiting farmers, regulators, etc. in states currently reporting dicamba damage and fielding complaints?)

Response 2: EPA placed a 2-year limit dicamba's registration to allow the Agency to either let it expire or to easily make the necessary changes in the registration in order to address concerns about the possible development of weed resistance and off-target movement. EPA will consider all available information in its decision-making process. EPA is working closely with our regulatory partners in the affected states and the registrants to better understand concerns. EPA representatives are visiting growers in several affected states and with advice from state and industry agriculture experts and university crop scientists, we will use a weight-of-evidence approach to evaluate whether the new restrictions are successfully preventing damage to neighboring crops and other sensitive plants. (from July BNV interview request, with edits in red to include recent tours)

Question 3: Is the EPA considering damage to non-ag interests (backyard gardens, decorative trees and shrubs) as it considers re-registration?

Response 3: EPA is aware of field reports of off-field and non-target crop damage related to the use of dicamba. Past reports claim damage is mostly to non-dicamba resistant soybean, but also include peaches, melons, tomatoes, cantaloupe, grapes, pumpkins, alfalfa, non-dicamba-resistant cotton, peanuts, peas, organic crops, residential/ ornamental gardens and other non-target crops. We are actively collecting this information from states and EPA regional personnel in order to fully understand the circumstances and scope of the issues. (from July DTN press inquiry)

Question 4: Is the EPA demanding improvements by dicamba manufacturers to its formulations?

At this time EPA is in the information gathering stage of its decision-making process regarding dicamba registrations. All regulatory options are on the table, including the possibility of modifying and/or expanding the current list of use restrictions on dicamba labels.

Question 6: Arkansas banned dicamba for in-crop use after April 16 yet has received more than 150 complaints of alleged dicamba damage. Soybean damage has been estimated at 400,000 acres in Arkansas — and 500,000 acres in Illinois, and 100,000 acres in Missouri, two states that allowed in-crop use. What does that tell the EPA about dicamba's future for in-crop use?

Response 6: EPA will consider all available information in its decision-making process. The agency is in regular contact with farmers, researchers, and agricultural companies to remain informed of any dicamba issues occurring in the 2018 growing season. (from July DTN press inquiry)

From: Baris, Reuben
Sent: Wednesday, August 08, 2018 3:29 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: ny times response

Do you have the response we drafted?

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

Message

From: Baris, Reuben [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A0181E3F02A246FC915A4AF026E249FC-BARIS, REUBEN]
Sent: 8/16/2018 1:00:44 AM
To: Han, Kaythi [Han.Kaythi@epa.gov]; Bennett, Isabella [Bennett.Isabella@epa.gov]
Subject: Another email Xtendimax
Attachments: Legacy Seeds Wisconsin FW_ Xtendimax Registration.pdf

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

Message

From: Baris, Reuben [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A0181E3F02A246FC915A4AF026E249FC-BARIS, REUBEN]
Sent: 11/6/2018 2:43:07 PM
To: Britton, Cathryn [Britton.Cathryn@epa.gov]
Subject: so you have the terms
Attachments: 524-617-20181101.pdf

Note the seed term (17?) is not a term for BASF.

Final approved labels are in PPLS.

Reg numbers (Cheat sheet):

524-617 (Xtendimax, Bayer)
352-913 (FeXapan, DuPont)
7969-345 (Engenia, BASF)

Reuben Baris | Product Manager, Team 25 | Herbicide Branch
U.S. Environmental Protection Agency, Office of Pesticide Programs | (703) 305-7356

Message

From: Baris, Reuben [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A0181E3F02A246FC915A4AF026E249FC-BARIS, REUBEN]
Sent: 11/6/2018 1:37:21 PM
To: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
Subject: FW: Potential 24(C) registrations for Xtendimax, Fexapan, and Engenia

Looping you in.

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

From: Scott, David E <scottde@purdue.edu>
Sent: Tuesday, November 06, 2018 8:36 AM
To: Montague, Kathryn V. <Montague.Kathryn@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; ewhite@purdue.edu; Reed, Leo A <reedla@purdue.edu>; Saxton, George Norman <saxton@purdue.edu>
Subject: Potential 24(C) registrations for Xtendimax, Fexapan, and Engenia

Kathryn,

In accordance with the U.S. EPA guidance on the Special Local Need registration process and comments from the Agency during the dicamba conference call yesterday afternoon, this is to let you know that Indiana may need to pursue SLNs to impose more restrictive measures than are on the Sec. 3 labels referenced above and to clarify some of the current vagaries on those labels.

Unfortunately we are unable to itemize all of the specifics at this time because we only recently gained access to these labels, and we need to assemble an Indiana work group of stakeholders to help us identify all of the more pressing issue.

If you are aware of any reason that OISC would not be allowed to pursue these SLNs, please contact me immediately. Thank you for your time and guidance.

Dave Scott
Pesticide Administrator
Office of Indiana State Chemist
scottde@purdue.edu
765-494-1593

Message

From: Strauss, Linda [Strauss.Linda@epa.gov]
Sent: 11/8/2018 1:27:25 PM
To: Baptist, Erik [Baptist.Erik@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Keller, Kaitlin [keller.kaitlin@epa.gov]
Subject: RE: follow-up Q's - AGRI-PULSE - STEVE DAVIES -

OK, thanks.

From: Baptist, Erik
Sent: Thursday, November 08, 2018 8:26 AM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>
Subject: RE: follow-up Q's - AGRI-PULSE - STEVE DAVIES -

I have some suggested edits to R6.

Erik Baptist
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1201 Constitution Ave., NW
Washington, DC 20460
(202) 564-1689
baptist.erik@epa.gov

From: Strauss, Linda
Sent: Wednesday, November 7, 2018 5:49 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>
Subject: follow-up Q's - AGRI-PULSE - STEVE DAVIES -

Edits or concerns with these?

Incoming:
Reporter: Steve Davies
Outlet: Agri-Pulse

3. **Will there be further information on specifically what is meant by "certified applicator"? I ask because of this from Illinois Fert. and Chemical Association: *"Illinois has approximately 5,000 licensed commercial operators, who perform the majority of all commercial pesticide applications. It may be that these operators will need to take the additional Field Crops exam to become "certified applicators" but IFCA advises our members to wait until the product labels are issued--no one (including IDA) knows the details yet of how this will be outlined on the labels. Our advice is to sit tight and wait until we have more information before rushing to sign up your operators for the field crops exam."***

R3. The term "certified applicator" is defined in FIFRA and does not include service technicians, operators or any other group other than applicators fully certified in accordance with FIFRA Section 11 (or under an EPA-approved state plan which must conform to FIFRA requirements). All states must follow this standard for certified applicators. For more information: https://www.epa.gov/pesticide-worker-safety/federal-certification-standards-pesticide-applicators

4. **Does "endangered species" reference on label include all listed threatened and endangered species? People have asked whether it is just animals, just plants, both.**

R4. For the full list of species that were assessed in the effects determination document, see Appendix D of https://www.regulations.gov/document?D=EPA-HQ-OPP-2016-0187-0967. We assessed potential risk to both animals and plants that are federally listed as endangered or threatened species.

5. **How did EPA come up with the 57-foot buffer (why that particular #)?**

R5. EPA arrived at the omnidirectional 57-foot buffer in the calculations for determining a reasonable distance to protect plants. We determined that the 57-foot off-field distance to protect plants can also be applied to mitigate risk to listed animal species by placing the border outside of the listed species' range. See the effects determination (https://www.regulations.gov/document?D=EPA-HQ-OPP-2016-0187-0967) for more detail about the Agency's calculation and reasoning for using this buffer.

6. **Will EPA be defining "adjacent" as used in the label?**

R6. ~~Yes,~~ EPA is working with the states to clarify the details of the changes to the dicamba labels. ~~including terms such as "adjacent"~~ We continue to support coordination among states to ensure that everyone has the same, consistent understanding of the label changes.

From: Daguillard, Robert
Sent: Tuesday, November 06, 2018 11:21 AM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>
Cc: Sisco, Debby <Sisco.Debby@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Courtnage, Robert <Courtnage.Robert@EPA.GOV>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Subject: RE: AGRI-PULSE - STEVE DAVIES - Can I get copy of the label?

All, Steve now has more questions. DDL COB. Thanks in advance.

In talking to people, I've heard some questions.Here are a couple:

does "endangered species" reference on label include all listed threatened and endangered species? People have asked whether it is just animals, just plants, both

How did EPA come up with the 57-foot buffer (why that particular #)

will EPA be defining "adjacent" as used in the label?

Cheers, R.

Robert Daguillard

Office of Media Relations

U.S. Environmental Protection Agency

Washington, DC

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+1 (202) 360-0476 (M)

From: Daguillard, Robert
Sent: Tuesday, November 06, 2018 11:12 AM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>
Cc: Sisco, Debby <Sisco.Debby@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Courtnage, Robert <Courtnage.Robert@EPA.GOV>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Subject: RE: AGRI-PULSE - STEVE DAVIES - Can I get copy of the label?

All, we've now sent the reporter the answers to Q1 and Q2 unedited.

Cheers, R.

Robert Daguillard

Office of Media Relations

U.S. Environmental Protection Agency

Washington, DC

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+1 (202) 360-0476 (M)

From: Strauss, Linda
Sent: Monday, November 05, 2018 5:14 PM
To: Han, Kaythi <Han.Kaythi@epa.gov>; Daguillard, Robert <Daguillard.Robert@epa.gov>
Cc: Sisco, Debby <Sisco.Debby@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Courtnage,

Robert <Courtnage.Robert@EPA.GOV>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Subject: RE: AGRI-PULSE - STEVE DAVIES - Can I get copy of the label?

Robert, you can send 1 sand 2. 2 below is the same response we used last week. Thanks.

From: Han, Kaythi
Sent: Monday, November 05, 2018 4:39 PM
To: Daguillard, Robert <Daguillard.Robert@epa.gov>; Strauss, Linda <Strauss.Linda@epa.gov>
Cc: Sisco, Debby <Sisco.Debby@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Courtnage, Robert <Courtnage.Robert@EPA.GOV>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Subject: RE: AGRI-PULSE - STEVE DAVIES - Can I get copy of the label?

We have the answer to his 2nd follow up question from an approved response (to Red River Farm Network) from last week:

What is the agency's position on use of 24(c) to further restrict uses within a state?

EPA recognizes and supports the important authority FIFRA section 24(c) gives the states for issuing locally appropriate regulations for pesticide use. If a state wishes to modify the over-the-top labels for dicamba in order to better meet their circumstances, the agency will work with them to support their goals.

But let me work on a response to his 3rd question. Linda, do you want to wait on that answer?

Kaythi Han

Team Leader, Communications

Office of Pesticide Programs

U.S. Environmental Protection Agency

(703) 305-5642 | han.kaythi@epa.gov

From: Daguillard, Robert
Sent: Monday, November 05, 2018 4:29 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>
Cc: Sisco, Debby <Sisco.Debby@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Courtnage, Robert <Courtnage.Robert@EPA.GOV>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Subject: RE: AGRI-PULSE - STEVE DAVIES - Can I get copy of the label?

Thanks, Linda, Kaythi and OPP. Does It make sense to send this part of the response now, or should I wait until we have answers to his other follow-up questions – the ones I forwarded earlier this afternoon?

Cheers, R.

Robert Daguillard

Office of Media Relations

U.S. Environmental Protection Agency

Washington, DC

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+1 (202) 360-0476 (M)

From: Strauss, Linda
Sent: Monday, November 05, 2018 4:27 PM
To: Daguillard, Robert <Daguillard.Robert@epa.gov>
Cc: Sisco, Debby <Sisco.Debby@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Courtnage, Robert <Courtnage.Robert@EPA.GOV>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Subject: FW: AGRI-PULSE - STEVE DAVIES - Can I get copy of the label?

Here you go, Robert. Thanks, Kaythi and others.

From: Baptist, Erik
Sent: Monday, November 05, 2018 4:25 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Dunton, Cheryl

<Dunton.Cheryl@epa.gov>
Subject: RE: AGRI-PULSE - STEVE DAVIES - Can I get copy of the label?

Fine by me.

Erik Baptist

Deputy Assistant Administrator

Office of Chemical Safety and Pollution Prevention

U.S. Environmental Protection Agency

1201 Constitution Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

Incoming:

The label is for Xtendimax. Are there labels for FeXaPan and Engenia, as well, or does that Xtendimax label apply to all three?"

Response:

The Xtendimax label does not apply to the other two dicamba products. We have a "Notice of Registration" for Engenia that includes its label posted in the docket and we anticipate the label for FeXaPan will be posted in the docket this week.

From: Daguillard, Robert
Sent: Friday, November 02, 2018 1:41 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Courtnage, Robert <Courtnage.Robert@EPA.GOV>; Sisco, Debby <Sisco.Debby@epa.gov>; Han, Kaythi

<Han.Kaythi@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Chiu, Enid <Chiu.Enid@epa.gov>
Subject: RE: LINDA/OPP: STEVE DAVIES - Can I get copy of the label?

Good afternoon everyone,

Steve is very thankful for the label. He has a follow-up. Thanks in advance for any insight:

"Hi Robert -- thanks for sending this. The label is for Xtendimax. Are there labels for FeXaPan and Engenia, as well, or does that Xtendimax label apply to all three?"

Cheers, R.

Robert Daguillard

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+1 (202) 360-0476 (M)

Message

From: Strauss, Linda [Strauss.Linda@epa.gov]
Sent: 11/5/2018 9:25:51 PM
To: Baptist, Erik [Baptist.Erik@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Keller, Kaitlin [keller.kaitlin@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]
Subject: RE: AGRI-PULSE - STEVE DAVIES - Can I get copy of the label?

thanks

From: Baptist, Erik
Sent: Monday, November 05, 2018 4:25 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Subject: RE: AGRI-PULSE - STEVE DAVIES - Can I get copy of the label?

Fine by me.

Erik Baptist
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1201 Constitution Ave., NW
Washington, DC 20460
(202) 564-1689
baptist.erik@epa.gov

From: Strauss, Linda
Sent: Monday, November 5, 2018 4:09 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Subject: AGRI-PULSE - STEVE DAVIES - Can I get copy of the label?

Folks don't feel they can commit to having the 3rd label ready by tomorrow, thus the "this week."

Incoming:
The label is for Xtendimax. Are there labels for FeXaPan and Engenia, as well, or does that Xtendimax label apply to all three?"

Response:
The Xtendimax label does not apply to the other two dicamba products. We have a "Notice of Registration" for Engenia that includes its label posted in the docket and we anticipate the label for FeXaPan will be posted in the docket this week.

From: Daguillard, Robert
Sent: Friday, November 02, 2018 1:41 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Courtnage, Robert <Courtnage.Robert@EPA.GOV>; Sisco, Debby <Sisco.Debby@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Dinkins,

Darlene <Dinkins.Darlene@epa.gov>; Chiu, Enid <Chiu.Enid@epa.gov>
Subject: RE: LINDA/OPP: STEVE DAVIES - Can I get copy of the label?

Good afternoon everyone,

Steve is very thankful for the label. He has a follow-up. Thanks in advance for any insight:

"Hi Robert -- thanks for sending this. The label is for Xtendimax. Are there labels for FeXaPan and Engenia, as well, or does that Xtendimax label apply to all three?"

Cheers, R.

Robert Daguillard
Office of Media Relations
U.S. Environmental Protection Agency
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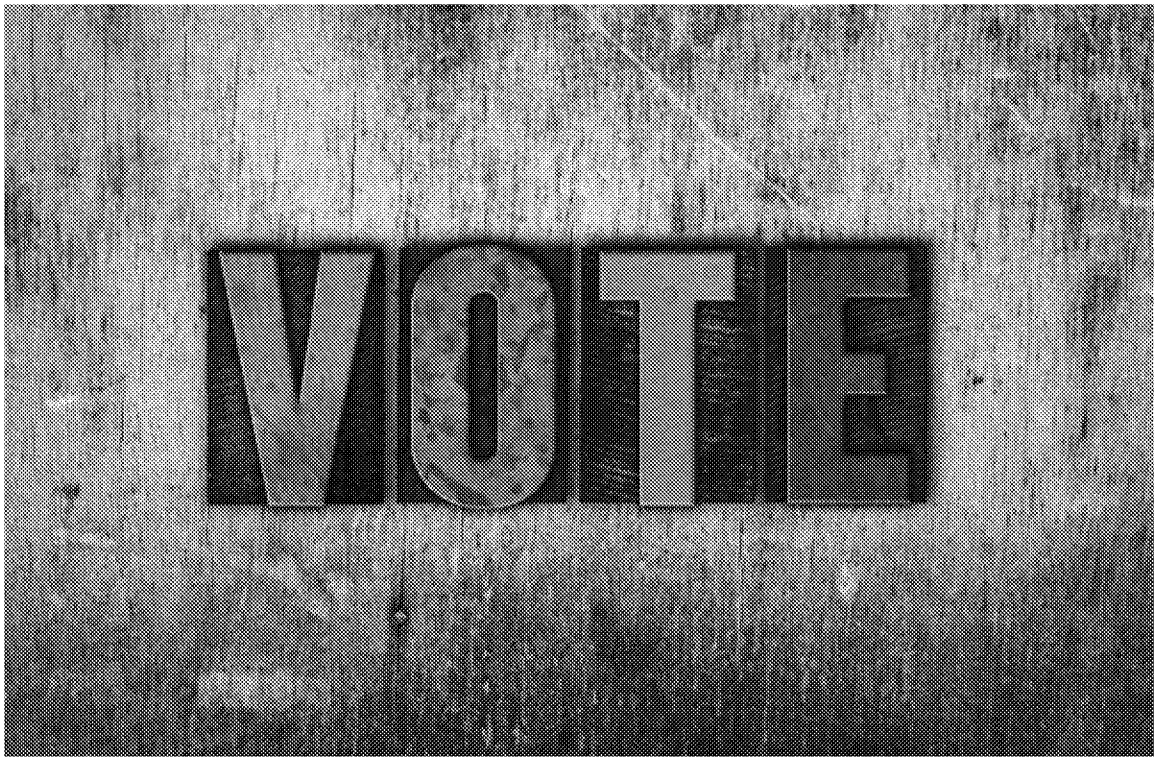
+1 (202) 360-0476 (M)

Message

From: Pesticide Action Network [subscribe@panna.org]
Sent: 11/2/2018 1:02:12 PM
To: Becker, Jonathan [Becker.Jonathan@epa.gov]
Subject: [WARNING: SPF validation failed] Your vote matters; EPA approves dicamba; Pesticides on your food

PAN
GROUNDTRUTH



YES, FOOD IS POLITICAL, AND YOUR VOTE MATTERS.

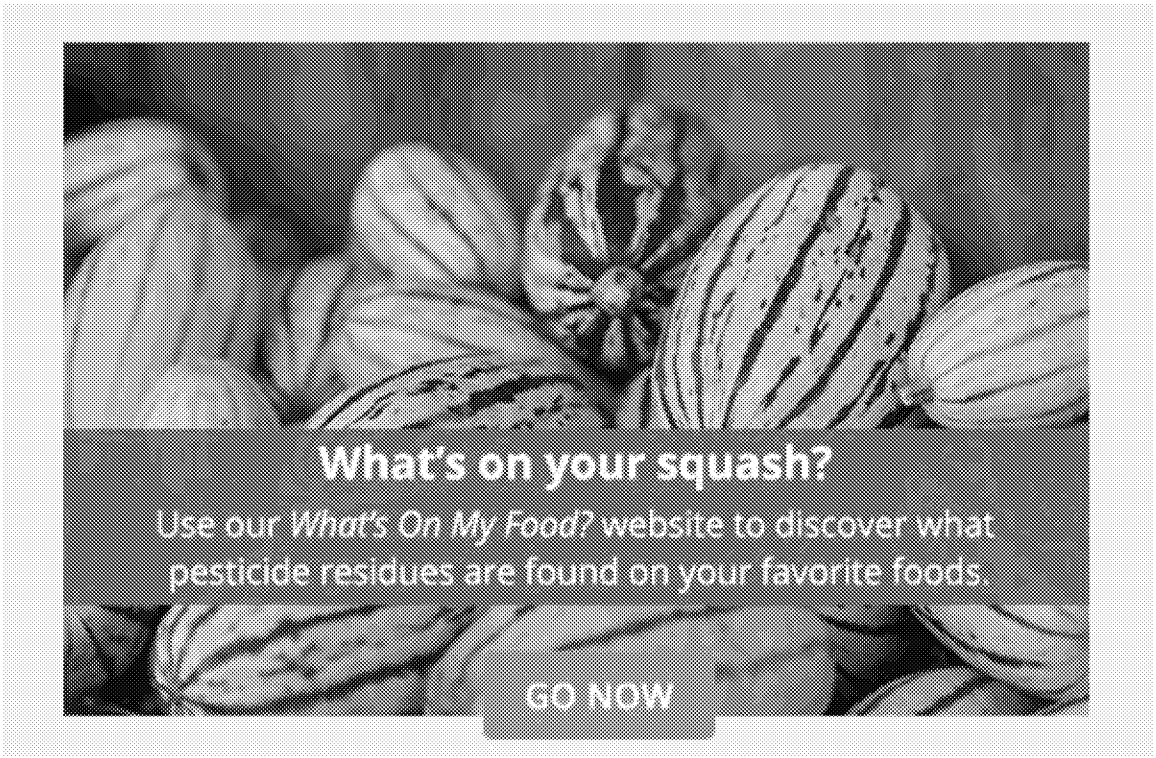
In the food movement, people often talk about the importance of "voting" with your dollars. While it's true that smart consumer choices can help build a healthier food system, policies and politics matter too. And often much more.

READ MORE

EPA RE-REGISTERS DRIFT-PRONE DICAMBA. REALLY?

On Halloween, the Environmental Protection Agency (EPA) made a truly scary announcement — the agency decided to continue its registration of Monsanto's (now merged with Bayer) highly controversial dicamba-based herbicide, Xtendimax. The chemical has damaged millions of acres of farmland over the past two seasons of use, and with this decision, the devastation will continue.

READ MORE


What's on your squash?
Use our *What's On My Food?* website to discover what pesticide residues are found on your favorite foods.
GO NOW

FARMER SPOTLIGHT: RUBIE OF FIRST MOTHER FARMS

Rubie Simonsen is the 28 year old Filipino-American farmer behind First Mother Farms. Her property, located in Yuba County, was inherited by Rubie and her sister after their grandmother's passing. This beloved and fertile legacy, never having been under agricultural production, will now become a small-scale lavender farm, a healing space of spiritual and intellectual richness, and an embodiment of an accumulation of acquired knowledge, resources, experiences and culture.

READ MORE

WHAT'S HOT

- **Stop Drift:** Pesticide drift devastates farmers & communities. Learn more.
- **The Pesticide Treadmill:** Why is it so hard for farmers to escape?
- **Resource Library:** Factsheets, toolkits and beyond.
- **Action Center:** All our latest actions in one convenient spot. Speak up!

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Sent via ActionNetwork.org. To update your email address, change your name or address, or to stop receiving emails from Pesticide Action Network North America, please click here.

Message

From: Goodis, Michael [Goodis.Michael@epa.gov]
Sent: 9/25/2018 9:11:14 PM
To: Bennett, Tate [Bennett.Tate@epa.gov]; Becker, Jonathan [Becker.Jonathan@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]
CC: Keigwin, Richard [Keigwin.Richard@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Picone, Kaitlin [Picone.Kaitlin@epa.gov]
Subject: Dicamba Label Language for Buffers

Hi Tate,

As requested during the meeting today, below are sections of the dicamba labels that pertain to buffer calculation and what features can be included. Let me know if you have any questions.

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Baris, Reuben
Sent: Tuesday, September 25, 2018 4:38 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: Label language for buffer "exclusions"

The following are the relevant sections for buffer calculations (and what can be included in that calculation) for the engenia and xtendimax labels (Fexapan is the same as xtendimax).

Labels are also attached for reference (Pg. 19 xtendimax: https://www3.epa.gov/pesticides/chem_search/ppls/000524-00617-20171012.pdf & pg 11 engenia: https://www3.epa.gov/pesticides/chem_search/ppls/007969-00345-20171012.pdf)

Sensitive Areas

Engenia should only be applied when the potential for drift to adjacent sensitive areas (e.g. residential areas, bodies of water, known habitat for threatened or endangered species, or sensitive crop plants) is minimal (e.g. when the wind is blowing away from sensitive areas).

Maintain a 110 foot buffer when applying this product from the downwind outer edges of the field, less the distance of any of the adjacent areas specified below.

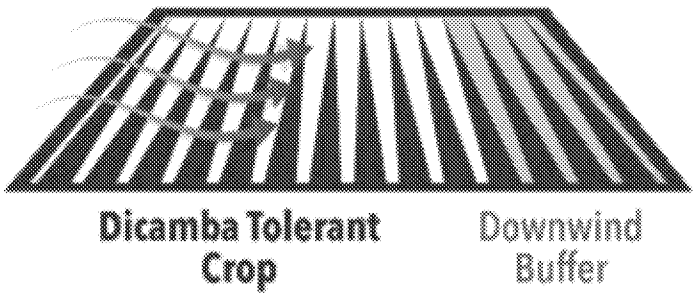
To maintain the required buffer zone:

- No application swath containing **Engenia** can be initiated in, or into an area that is within the applicable buffer distance.
- The following areas may be included in the buffer distance calculation when adjacent to field edges:
  1. Roads, paved or gravel surfaces.
  2. Agricultural fields that have been prepared for planting.
  3. Planted agricultural fields containing asparagus, corn, DT cotton, DT soybeans, sorghum, proso millet, small grains and sugarcane.
  4. Areas covered by the footprint of a building, shade house, silo, feed crib, or other man made structure with walls and or roof.

Xtendimax

9.1.4.a. **Buffer Requirement**

The applicator **must always maintain** a 110 foot downwind buffer (when applying up to 22 fluid ounces of this product per acre) or a 220 foot downwind buffer (when applying greater than 22 up to 44 fluid ounces of this product per acre) between the last treated row and the nearest downwind field edge (in the direction the wind is blowing).



The following areas may be included in the buffer distance calculation when directly adjacent to the treated field edges:

- Roads, paved or gravel surfaces.
- Planted agricultural fields containing: corn, dicamba tolerant cotton, dicamba tolerant soybean, sorghum, proso millet, small grains and sugarcane. If the applicator intends to include such crops as dicamba tolerant cotton and/or dicamba tolerant soybeans in the buffer distance calculation, the applicator must confirm the crops are in fact dicamba tolerant.
- Agricultural fields that have been prepared for planting.
- Areas covered by the footprint of a building, silo, or other man made structure with walls and or roof.

Message

From: Bertrand, Charlotte [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F044D768E05842E1B75321FF6010E1B8-BERTRAND, CHARLOTTE]
Sent: 10/3/2018 1:51:40 PM
To: Strauss, Linda [Strauss.Linda@epa.gov]; Baptist, Erik [baptist.erik@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]
Subject: RE: Center for Investigative Reporting - Dicamba - deadline request to speak with Reuben Barris

I recommend removing the word 'easily' from the first paragraph.

From: Strauss, Linda
Sent: Wednesday, October 03, 2018 9:48 AM
To: Baptist, Erik <Baptist.Erik@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Subject: RE: Center for Investigative Reporting - Dicamba - deadline request to speak with Reuben Barris

Got it. Thanks.

From: Baptist, Erik
Sent: Wednesday, October 03, 2018 9:44 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Strauss, Linda <Strauss.Linda@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Subject: RE: Center for Investigative Reporting - Dicamba - deadline request to speak with Reuben Barris

Suggested edits below:

> EPA considers all studies and our analysis gives weight to high quality and well-documented studies. The Agency looks at the all of the evidence to inform our decision~~decide what the preponderance of evidence shows~~. EPA registered dicamba (with restrictions on its use) but placed time limits on the registration to allow the agency to either let it expire or to easily make the necessary changes in the registration if there are problems with resistant weeds or pesticide drift.
>
> EPA continues to receive information from stakeholders regarding the use of dicamba for over-the-top applications. EPA will use all available evidence when evaluating registrations for over-the-top use of dicamba. We expect to make a decision in the near future.

Erik Baptist
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1201 Constitution Ave., NW
Washington, DC 20460
(202) 564-1689
baptist.erik@epa.gov

From: Beck, Nancy
Sent: Wednesday, October 3, 2018 9:35 AM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>
Subject: RE: Center for Investigative Reporting - Dicamba - deadline request to speak with Reuben Barris

I'm ok. Erik/Charlotte?

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Strauss, Linda
Sent: Wednesday, October 3, 2018 8:18 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>
Subject: Center for Investigative Reporting - Dicamba - deadline request to speak with Reuben Barris

Incoming below. They are looking for an interview but we propose a general statement back.
Response:

> EPA considers all studies and our analysis gives weight to high quality and well-documented studies. The Agency looks at the all of the evidence to decide what the preponderance of evidence shows. EPA registered dicamba (with restrictions on its use) but placed time limits on the registration to allow the agency to either let it expire or to easily make the necessary changes in the registration if there are problems with resistant weeds or pesticide drift.
>
> EPA continues to receive information from stakeholders regarding the use of dicamba for over-the-top applications. EPA will use all available evidence when evaluating registrations for over-the-top use of dicamba. We expect to make a decision in the near future.

From: Daguillard, Robert
Sent: Monday, October 1, 2018 4:07 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Courtnage, Robert <Courtnage.Robert@EPA.GOV>; Sisco, Debby <Sisco.Debby@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: LINDA/OPP: Center for Investigative Reporting - Dicamba - deadline request to speak with Reuben Barris

CENTER FOR INVESTIGATIVE REPORTING

LIZA GROSS

DDL 10/3, WEDNESDAY

Good afternoon everyone,

I assume we'll want to send written respones? Let me know if you want to discuss.

Thanks, R.

++++++++++++++++++++++++++++++++
+++++

OK, great. Here's what I'd like to discuss:

When does EPA expect to decide whether to reregister dicamba for the dicamba-resistant crops?

In the initial registration of Xtendimax, Monsanto's dicamba product (M1768), EPA relied on humidome studies, which the literature shows are not good proxies for what goes on in the field (and new studies by university scientists support). In addition, the field studies were done under conditions and in locales that would not reflect conditions in the midsouth. What convinced EPA that these studies were enough to allow a compound with a history of volatility, especially under conditions in the midsouth, on the market?

Academic scientists, including David Mortensen, had warned that pesticides act much differently when you increase amounts and acreage, and that doing so with dicamba, which is responsible for more drift injuries (along with 2,4D) than any other herbicides, would lead to disaster. Why were these concerns, based on rigorous science, not heeded?

Many academic scientists I spoke with said that they advised EPA officials in calls and meetings that low volatility formulations are not the same as no volatility and can still cause serious harm. They said label changes wouldn't solve the problem. How did the EPA decide to allow Monsanto and other registrants to submit label changes that scientists said no one can follow?

Many people in Missouri and Arkansas have sustained serious economic losses and are getting no relief from their state agricultural departments. What role does EPA see for themselves in this situation? What message do you have for people who blame EPA for approving a product that has caused them so much harm?

That's mostly what I want to discuss.

Thanks, Robert.

> Dear press officers,
>
> I'm working on a story about dicamba for Reveal, from the Center for Investigative Reporting, and need to speak with Reuben Barris or another official in the herbicide branch. Please let me know when I can speak to someone.

Thank you.

Sincerely,

Liza Gross

Liza Gross

Journalist/editor based in the San Francisco Bay Area

The Science Writers' Investigative Reporting Handbook

Available on Amazon

www.lizagross.com

@lizabio on Twitter

liza.m.gross on Skype

+1.510.525.2494 (office)

+1.510.295.9391 (cell/Signal)

--

Sent from my phone. Pardon the typos.

Message

From: Wait, Monica [Wait.Monica@epa.gov]
Sent: 9/14/2018 11:16:43 AM
To: Peck, Charles [Peck.Charles@epa.gov]; Corbin, Mark [Corbin.Mark@epa.gov]
CC: Wagman, Michael [Wagman.Michael@epa.gov]
Subject: RE: Engenia OTT Applications
Attachments: 100094_D402518_Other-Bridging_12_20_16.pdf; 100094_D436905_Other-Drift-Volatility_12_20_16.pdf; 128931_D435792_S3NUse_Addendum-DriftVolatility_ 11-3- 2016.pdf

Hi Chuck,

What I recall is that we did a bridging document for BAPMA which said you could bridge to the acid and essentially use the same data set for both. And I thought several of the addendums were for both BAPMA and DGA, but maybe the data was largely based on the available DGA studies?

After some digging on the SAN, I think I found a BAPMA specific drift evaluation (attached) which was distinct from the DGA volatility addendum.

Thanks,
Monica

From: Peck, Charles
Sent: Friday, September 14, 2018 6:48 AM
To: Wait, Monica ; Corbin, Mark
Subject: Engenia OTT Applications

Internal Draft Deliberative, Do Not Quote or Cite

Hi Monica and Mark,

Did we ever evaluate Engenia for over the top applications to cotton and soy, or was it done along with Xtendimax? I can't find a separate evaluation for BAPMA in the science documents. I was looking to reference it in the ESA document we're putting together.

Chuck Peck
OPP/EFED/ERB VI
Potomac Yard South
Crystal City, VA
Room 10244
(703) 347-8064
peck.charles@epa.gov

Message

From: Wait, Monica [Wait.Monica@epa.gov]
Sent: 10/9/2018 6:45:29 PM
To: Corbin, Mark [Corbin.Mark@epa.gov]
Subject: RE: Internal Deliberative Dicamba...progress on buffers
Attachments: Dicamba One pager on buffers 10_09_2018 MLW.docx

Hi Mark,

Here are a few edits, questions, and formatting clean up. Also, you might want to change the file name since it's 4 pages.

Thanks,
Monica

From: Corbin, Mark
Sent: Tuesday, October 09, 2018 2:05 PM
To: Wait, Monica <Wait.Monica@epa.gov>
Subject: RE: Internal Deliberative Dicamba...progress on buffers

Thanks

Edits, clarity and flow

From: Wait, Monica
Sent: Tuesday, October 09, 2018 1:58 PM
To: Corbin, Mark <Corbin.Mark@epa.gov>
Subject: RE: Internal Deliberative Dicamba...progress on buffers

Yes, I'll start on it now.

From: Corbin, Mark
Sent: Tuesday, October 09, 2018 1:37 PM
To: Wait, Monica <Wait.Monica@epa.gov>
Subject: FW: Internal Deliberative Dicamba...progress on buffers

Monica

Can you give this a review for clarity?

From: Corbin, Mark
Sent: Tuesday, October 09, 2018 1:24 PM
To: Echeverria, Marietta (Echeverria.Marietta@epa.gov) <Echeverria.Marietta@epa.gov>
Cc: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>; Farruggia, Frank <Farruggia.Frank@epa.gov>; Anderson, Brian (Anderson.Brian@epa.gov) <Anderson.Brian@epa.gov>
Subject: FW: Internal Deliberative Dicamba...progress on buffers

Marietta

Here is the first cut at an upfront explanation for the changes in the buffer distance for the Dicamba GMO ESA determination. the addition is limited to the first page of the attached document

Ed can correct me if I got this wrong but In a nutshell we

1) started with a 90 meter distance based on Jones to establish an action area that would be conservative
2) went through a more thorough review of the data relevant to Xtendimax and Engenia (excluding Clarity) including new field trials from 2017 and 2017. We held the Norsworthy data out due to issues raised by Bayer and settled on a 60 meter distance (with caveat that we would investigate the issues with Norsworthy further)
3) finally, last week we had an extensive discussion with Dr Norsworthy that addressed the concerns with his study and EFED concluded the data should not be excluded. The 135 meter distance is the maximum distance from Norsworthy to a 10% visual damage (this could change with submission of yield data from Norsworthy but this is not expected before the end of October).

mark

From: Odenkirchen, Edward
Sent: Tuesday, October 09, 2018 11:47 AM
To: Corbin, Mark <Corbin.Mark@epa.gov>
Subject: Internal Deliberative Dicamba...progress on buffers

Message

From: Corbin, Mark [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1DB182663B134E46B3FEC580F8E0B5F2-MARK CORBIN]
Sent: 9/19/2018 1:13:08 PM
To: Lennartz, Steven [Lennartz.Steven@epa.gov]
CC: Connolly, Jennifer [Connolly.Jennifer@epa.gov]
Subject: RE: BLT
Attachments: FeXapan BLT_Attributes_091918.xlsx; Engenia BLT_Attributes_091918.xlsx; Xtendimax BLT_Attributes_091918.xlsx

So here is what I have so far. There will be three unique products that need to get populated. I assume we can do multiple species off of each one of these.

I don't have the restriction language or title of the document yet but we can fill that in later

Let me know if I have missed anything so far

mark

From: Lennartz, Steven
Sent: Wednesday, September 19, 2018 8:34 AM
To: Corbin, Mark <Corbin.Mark@epa.gov>
Cc: Connolly, Jennifer <Connolly.Jennifer@epa.gov>
Subject: Re: BLT

Yes. One for each product.

From: Corbin, Mark
Sent: Wednesday, September 19, 2018 7:13:16 AM
To: Lennartz, Steven
Cc: Connolly, Jennifer
Subject: FW: BLT

See the information below

I have a logistical question for you on this. Since we have three different products each with its own name, pC code and Reg Number does each one get its own excel sheet?

From: Kenny, Daniel
Sent: Tuesday, September 18, 2018 3:17 PM
To: Corbin, Mark <Corbin.Mark@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>
Subject: RE: BLT

Here you go....

From: Corbin, Mark
Sent: Tuesday, September 18, 2018 1:23 PM
To: Baris, Reuben <Baris.Reuben@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: BLT

Reuben and Dan

Attached is a file that EISB will use to populate the Use restrictions in BLT once we get them.

Some of these elements will be solved at the last minute but there are a couple you can help us populate now. I have highlighted them in the excel file. They are

Product Name (for each of the three individually)

M1768 Herbicide (Xtendimax with VaperGrip Technology)
Engenia Herbicide
DuPont FeXapan Herbicide Plus VaporGrip Technology

Use (I think I have that right) - Correct

App Method (I think I have that right) - Correct

Formulation (unique for each product)

Xtendimax – Diglycolamine salt (DGA salt) of dicamba – 42.8% (2.9 pounds acid equivalent per gallon)
Engenia – N,N-Bis(3-aminopropyl)methylamine salt (BAPMA salt) of dicamba – 60.8% (5 pounds acide equivalent per gallon)
Fexapan - DGA salt of dicamba – 42.8% (2.9 pounds acid equivalent per gallon)

PC code (are these different for each product??)

Xtendimax – 128931
Engenia – 1000094
FeXapan - 128931

EPA Reg Number (unique for each product)

Xtendimax – EPA Reg. No. 524-617
Engenia – EPA Reg. No. 7969-345
FeXapan – EPA Reg. No. 352-913

thanks

Mark Corbin
Branch Chief, Environmental Risk Branch 6
Environmental Fate and Effects Division (7507P)
Office of Pesticide Programs
U.S. Environmental Protection Agency
Washington DC 20460
703-605-0033

Message

From: Perlis, Robert [Perlis.Robert@epa.gov]
Sent: 8/22/2018 1:14:51 PM
To: Davis, Donna [Davis.Donna@epa.gov]
CC: Dinkins, Darlene [Dinkins.Darlene@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Subramanian, Hema [Subramanian.Hema@epa.gov]
Subject: RE: Request for Ag Advisors' Office for 9th Circuit Ct Decision on Dicamba
Attachments: LULAC.9th Cir.2018.pdf

Hema:

My office handles EPA's pesticide litigation in federal court. We do have an active case involving dicamba, but we don't yet have a decision in the matter – there will be an oral argument next Wednesday in Seattle (after which point the court will consider the briefs and argument and render a decision). We could get a decision before the end of the year, but it might well not be until sometime in 2019. We won't know the timing of a decision until the court issues it.

The 9th Circuit did issue a decision two weeks ago in a lawsuit challenging EPA's denial of a petition to revoke tolerances for the pesticide chlorpyrifos. In case that was what you're looking for, I've attached a copy of the decision. Please let me know if I can be of any further assistance.

Bob

Bob Perlis
Pesticides and Toxic Substances Law Office
Office of General Counsel
US EPA
(202) 564-5636

From: Davis, Donna
Sent: Wednesday, August 22, 2018 6:07 AM
To: Perlis, Robert <Perlis.Robert@epa.gov>
Cc: Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>
Subject: FW: Request for Ag Advisors' Office for 9th Circuit Ct Decision on Dicamba

Bob,
Could your shop provide the information to Hema?
Thanks,
Donna

From: Subramanian, Hema
Sent: Tuesday, August 21, 2018 5:02 PM
To: Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Davis, Donna <Davis.Donna@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Subject: RE: Request for Ag Advisors' Office for 9th Circuit Ct Decision on Dicamba

Thanks Darlene! Clarification – this is the National Family Farm Coalition/CBD/Center for Food Safety/PANNA challenge of EPA's approval of XtendiMax that I think is going to oral arguments next week on the 29th. So no decision yet… I've found some basic info on the reasons etc. in the challenge, and found the actual filing itself, but was wondering if OPP has a brief internal summary handy (like OGC sometimes does for legal actions like this).

If not – no worries, I know how busy things are over there, not a request for more work. Just checking if there is any info already available internally.

Thank you,
---Hema.

Hema Subramanian
Office of the Administrator
U.S. Environmental Protection Agency
Washington, DC
office: (202) 564-5041

From: Dinkins, Darlene
Sent: Tuesday, August 21, 2018 4:57 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Davis, Donna <Davis.Donna@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Cc: Subramanian, Hema <Subramanian.Hema@epa.gov>
Subject: Request for Ag Advisors' Office for 9th Circuit Ct Decision on Dicamba

I received a call from Hema (copied on this email) in the Ag Advisor's Office. She's asking if we have a copy of the 9th Circuit Court's ruling or a summary of the ruling on dicamba. Tate Bennett is asking for a copy. I searched online and couldn't find anything.

Can anyone point her to it online or perhaps to someone in OGC who would know?

Darlene Dinkins
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5214

Message

From: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
Sent: 8/3/2018 8:54:51 PM
To: Goodis, Michael [Goodis.Michael@epa.gov]; Davis, Donna [Davis.Donna@epa.gov]
Subject: FW: XtendiMax use on DT Soy & Cotton
Attachments: The Scientific Basis for Understanding the Off-Target Movement Potential....pdf

---

From: MARVIN, THOMAS [AG/1920] [mailto:thomas.marvin@monsanto.com]
Sent: Friday, August 3, 2018 4:30 PM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>
Subject: XtendiMax use on DT Soy & Cotton

All-

Please find attached a courtesy copy of a submission we made today in support of the continued registration of XtendiMax Herbicide for use on dicamba-tolerant soybeans and cotton (EPA Reg. 524-617). Please do not hesitate to contact me if there is anything we can address in advance of next Tuesday.

Thanks,

Tom

Tom Marvin
Director, Federal Regulatory Affairs
1300 I Street, NW
Washington, DC 20005
Cell: 202-676-7846
Desk: 202-383-2851

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Message

From: Kenny, Daniel [Kenny.Dan@epa.gov]
Sent: 7/10/2018 10:33:05 PM
To: Montague, Kathryn V. [Montague.Kathryn@epa.gov]
CC: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]
Subject: RE: Xtendimax current label - expiration date is on it

Great, thanks!

From: Montague, Kathryn V.
Sent: Tuesday, July 10, 2018 6:32 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: Re: Xtendimax current label - expiration date is on it

Yes the ones from last fall.

Sent from my iPhone

On Jul 10, 2018, at 6:00 PM, Kenny, Daniel <Kenny.Dan@epa.gov> wrote:

<image002.gif>
Thanks Kay. Just to be sure, that was on the labels that we approved in 2017, right?

From: Montague, Kathryn V.
Sent: Tuesday, July 10, 2018 3:24 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: Xtendimax current label - expiration date is on it

Someone asked during our 11:30 meeting if the current labels have the expiration date…they do, in a box that includes the following language:

This labeling expires on 11/09/2018, unless the U.S. EPA determines before that date that off-site incidents are not occurring at unacceptable frequencies or levels. Do not use or distribute this product after 11/09/2018, unless you visit www.xtendimaxapplicationrequirements.com and can verify that EPA has amended this expiration date.

Thanks,
Kay

Kathryn V. Montague
Product Manager 23
Herbicide Branch
Registration Division
Office of Pesticide Programs
(703)305-1243

Message

From: Montague, Kathryn V. [Montague.Kathryn@epa.gov]
Sent: 7/10/2018 10:31:49 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
CC: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]
Subject: Re: Xtendimax current label - expiration date is on it

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From: Montague, Kathryn V.
Sent: Tuesday, July 10, 2018 3:24 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: Xtendimax current label - expiration date is on it

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This labeling expires on 11/09/2018, unless the U.S. EPA determines before that date that off-site incidents are not occurring at unacceptable frequencies or levels. Do not use or distribute this product after 11/09/2018, unless you visit www.xtendimaxapplicationrequirements.com and can verify that EPA has amended this expiration date.

Thanks,
Kay

Kathryn V. Montague
Product Manager 23
Herbicide Branch
Registration Division
Office of Pesticide Programs
(703)305-1243

Message

From: Goodis, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=50ED0B92DC4945B7A808FE8DBC9224F0-MICHAEL GOODIS]
Sent: 8/29/2018 8:47:08 PM
To: Keller, Kaitlin [keller.kaitlin@epa.gov]
Subject: FW: Update #7 on XtendiMax® with VaporGrip® Technology

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Baris, Reuben
Sent: Tuesday, August 28, 2018 10:56 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: Fwd: Update #7 on XtendiMax® with VaporGrip® Technology

FYI

From: SIMPSON, DUANE J [AG/1005] <duane.simpson@bayer.com>
Sent: Tuesday, August 28, 2018 7:59 AM
To: Hawkins, Garrett <Garrett.Hawkins@mda.mo.gov>; Bailey, Paul <Paul.Bailey@mda.mo.gov>
Subject: FW: Update #7 on XtendiMax® with VaporGrip® Technology

Garrett and Paul,

Here's the latest from Ty Witten on Xtendimax. I know the next few weeks are a bit busy with the Legislature being back in town and NASDA. Can we look for a date to sit down the second half of September to talk about next year? Let me know what might work on your end and I'll check calendars here.

Thanks,

Duane

From: _WITTEN, TY [AG/1000]
Sent: Monday, August 27, 2018 6:25 PM
To: _WITTEN, TY [AG/1000] <ty_witten@monsanto.com>
Subject: Update #7 on XtendiMax® with VaporGrip® Technology

Academic colleagues,

Below are a few new updates. Please continue sending me feedback so I can make these updates as useful as possible. Thanks.

- **Update on XtendiMax Field Trials:** The additional analysis we conducted on our XtendiMax® with VaporGrip® Technology Arizona field trial is complete, and we want to share our findings. This trial, which followed Good Laboratory Practices (GLP), measured off-target movement and plant effects to non-dicamba tolerant soybeans under extreme weather conditions and over large acreage representative of a commercial scale application.

  Following an approved tank mix application of XtendiMax + Roundup PowerMAX® + Intact™ (required DRA) over-the-top of 27 acres of Roundup Ready 2 Yield® soybeans, we compared visual symptomology and plant heights from tarped and un-tarped areas. This provided a measure of the relative contribution of volatility and physical drift due to off-target movement.

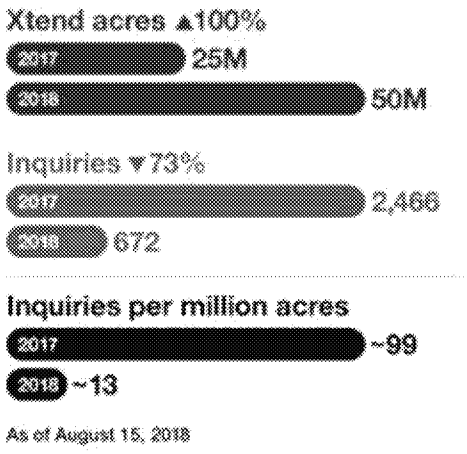
  We found, among other results, that volatility (flux) was not greater than previously observed and reported in other GLP field volatility studies, and visual symptomology was associated with primary or physical drift. These findings reinforced that volatility is not a significant contributor to off-target movement and observed downwind symptomology was primarily a result of exposure via spray drift, which did not result in significant plant height reductions. Read about our methodology and observations in this report published by my colleague Dr. Lance Schuler, Ecotoxicology & Environmental Risk Assessment Lead, and check out this video for more. Keep an eye out for additional analysis in our next update.

  This season, we've appreciated the collaborations with our university partners on large scale XtendiMax volatility trials. Dr. Rodrigo Werle with the University of Wisconsin, Dr. Greg Kruger with the University of Nebraska, Dr. Peter Sikkema with the University of Guelph, Dr. Christy Sprague with Michigan State University and Dr. Bryan Young with Purdue University are in the process of completing these trials. Initial feedback we've received from these locations supports our findings from our Arizona GLP trial, and we look forward to learning more about their results.

- **Dicamba Inquiries[1]:** As we wrap up the application season, we continue to analyze inquiries received to our 1-844-RRXTEND call center. The number of inquiries we receive each day is dropping, particularly compared to this same time last season, and our grower customers, custom applicators and retailers continue to report on-target applications and outstanding weed control.

  As of August 15, 2018, we've received roughly 13 inquiries per million acres of Xtend soybeans and cotton planted in 2018 (>50M acres total) compared to roughly 99 inquiries per million acres of Xtend soybeans and cotton planted in 2017 (>25M acres total). See the chart below for

a year-over-year comparison. We've walked fields for the vast majority of these inquiries, and we're seeing few cases of uniform symptomology across fields.



Based on grower and applicator feedback and the decrease in off-target movement inquiries this season, especially among applicators, we continue to see that training and education are working. Providing additional tools and resources helped growers and applicators achieve on-target applications.

Next season, we'll use our findings from 2018 to focus on a few key areas within our trainings and educational materials.

- Increasing awareness of nearby sensitive crops. We've talked to growers and applicators this season about the need to talk to your neighbors and understand what crops are around you before spraying. Ahead of next season, we'll increase our focus on this critical factor, something that is necessary for any pesticide application.
- Ongoing discussions around other herbicide applications and the impacts those can have on non-dicamba tolerant fields. In our findings, we see that adjacent corn fields likely received an application of other older dicamba formulations or Group 4 herbicides during a timeframe similar to when over-the-top applications in soybeans would have been made, resulting in symptomology in nearby fields. In some instances, we've walked fields that are entirely surrounded by corn fields with the nearest Xtend soybean field not in close proximity. We also continue to see 2,4-D symptomology as a factor in XtendFlex cotton.
- Hygiene and sprayer system and handling equipment cleanout are critical components to success, particularly as Xtend acres increase and the application window to spray may be impacted by factors like weather. We'll help inform growers about new tools like the sprayer system cleaner from Adjuvants Unlimited. Providing tools like this will be important in helping ensure all label requirements, including that the sprayer system is properly cleaned out, are followed.

As we move into the final months of the season we continue to ask growers who believe there's symptomology on a field to contact us as quickly as possible at 1-844-RRXTEND. We also invite you to contact us if we can be of assistance, or you have any comments or topics you'd like to discuss.

[1]*Inquiries are defined as the number of fields for which calls are received to 1-844-RRXTEND from applicators or non-applicators. The inquiry figures are not necessarily equal to the number of calls received*

since a single call could include one or multiple fields. It is also possible that a field could be counted twice if we receive a call from an applicator and a non-applicator about the same field. Please let me know if you have any questions.

Off-Target Movement Inquiries as of August 15

Inquiries from applicators and non-applicators about potential off-target movement	672
Number of off-target movement inquiries from applicators and non-applicators visited as of August 15	649
Number of off-target movement inquiries where upwind symptomology was observed when XtendiMax was applied*	15**
Number of states from which off-target movement inquiries received	24

***As observed from XtendiMax applicators and supported by applicator reported and/or Climate weather data of wind direction at the time of application**

****No uniform or field-level symptomology was observed. All observed symptomology was adjacent to application field and exhibited pattern and/or gradient. Upwind was determined by applicator reported information.**

As of August 15, we've also received 670 inquiries about weed performance[2] and 5 inquiries about crop response.

- **AAPCO Data:** The Association of American Pesticide Control Officials (AAPCO) released its latest state Departments of Agriculture inquiry report last week. You can view AAPCO's latest report here.

[2]These inquiries have involved factors like: application on weeds that aren't controlled by the dicamba mode of action; application that occurred too late, once a weed was larger than 4" or in a flowering stage; and application at an incorrect rate. We are following the conditions of the registration process for these weed performance inquiries.

As always, don't hesitate to reach out to me with any questions about these inquiry details or other topics.

Thanks,

Ty

Dr. Ty Witten
North America Crop Protection Lead
Technology Development & Agronomy
800 North Lindbergh Blvd.
St. Louis, MO 63167

Ph#: (314) 694-6528

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If improper activity or use is suspected, all available information may be used by the Company for possible disciplinary action, prosecution, civil claim or any remedy or lawful purpose.

Message

From: Goodis, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=50ED0B92DC4945B7A808FE8DBC9224F0-MICHAEL GOODIS]
Sent: 9/26/2018 12:06:21 PM
To: Bennett, Tate [Bennett.Tate@epa.gov]
Subject: RE: Dicamba Label Language for Buffers

Hi Tate

The way it is worded – the "following areas may be included in the buffer distance calculation..." is to mean that structures/features such as a paved parking lot that is over 110 feet wide and adjacent to your field will allow the farmer to apply up to the edge of his field.
Remember the current buffer on the label is 110 feet downwind for the ½ lb rate. For another example, if there is a 40 feet wide gravel road adjacent to the field, the farmer will need to apply 70 feet infield from the downwind direction.
Does this answer your question? Hope this helps. Feel free to call me if you still have questions.

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Bennett, Tate
Sent: Tuesday, September 25, 2018 8:56 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Subject: Re: Dicamba Label Language for Buffers

These say "may be included." So how would they be eligible for exclusions if this says they may be included in adjacent areas, per our earlier conversation? Pardon my misunderstanding if they, after all, are not excluded.

On Sep 25, 2018, at 5:11 PM, Goodis, Michael <Goodis.Michael@epa.gov> wrote:

> Hi Tate,
>
> As requested during the meeting today, below are sections of the dicamba labels that pertain to buffer calculation and what features can be included. Let me know if you have any questions.
>
> Michael L. Goodis, P.E.
> Director, Registration Division (RD)
> Office of Pesticide Programs (OPP)
>
> Phone 703-308-8157
> Room S7623
>
> ---
>
> **From:** Baris, Reuben
> **Sent:** Tuesday, September 25, 2018 4:38 PM
> **To:** Goodis, Michael <Goodis.Michael@epa.gov>
> **Cc:** Kenny, Daniel <Kenny.Dan@epa.gov>
> **Subject:** Label language for buffer "exclusions"

The following are the relevant sections for buffer calculations (and what can be included in that calculation) for the engenia and xtendimax labels (Fexapan is the same as xtendimax).

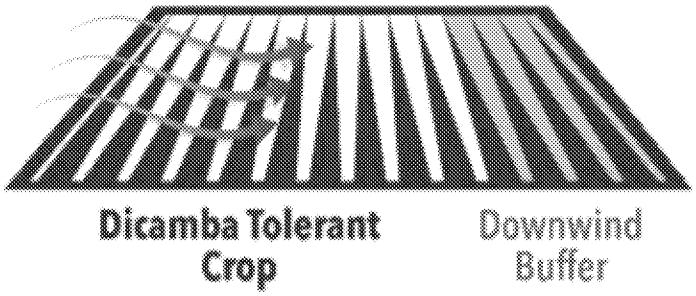
Labels are also attached for reference (Pg. 19 xtendimax: https://www3.epa.gov/pesticides/chem_search/ppls/000524-00617-20171012.pdf & pg 11 engenia: https://www3.epa.gov/pesticides/chem_search/ppls/007969-00345-20171012.pdf)

<image001.png>

Xtendimax

9.1.4.a. **Buffer Requirement**

The applicator **must always maintain** a 110 foot downwind buffer (when applying up to 22 fluid ounces of this product per acre) or a 220 foot downwind buffer (when applying greater than 22 up to 44 fluid ounces of this product per acre) between the last treated row and the nearest downwind field edge (in the direction the wind is blowing).



The following areas may be included in the buffer distance calculation when directly adjacent to the treated field edges:

- Roads, paved or gravel surfaces.
- Planted agricultural fields containing: corn, dicamba tolerant cotton, dicamba tolerant soybean, sorghum, proso millet, small grains and sugarcane. If the applicator intends to include such crops as dicamba tolerant cotton and/or dicamba tolerant soybeans in the buffer distance calculation, the applicator must confirm the crops are in fact dicamba tolerant.
- Agricultural fields that have been prepared for planting.
- Areas covered by the footprint of a building, silo, or other man made structure with walls and or roof.

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

Message

From: sip:hathaway.margaret@epa.gov [sip:hathaway.margaret@epa.gov]
Sent: 11/5/2018 7:09:40 PM
To: Baris, Reuben [Baris, Reuben@epa.gov]; Han, Kaythi [Han, Kaythi@epa.gov]; Hathaway, Margaret [Hathaway, Margaret@epa.gov]
Subject: Conversation with Baris, Reuben, Han, Kaythi

Hathaway, Margaret 2018-11-05T18:26:00Z:
{\rtf1\fbidis\ansi\ansicpg1252\deff0\nouicompat\deflang1033{\fonttbl{\f0\fnil\fcharset0 Segoe UI;}{\f1\fnil Segoe UI;}} {\colortbl ;\red0\green0\blue0;} {*\generator Riched20 16.0.8431}\viewkind4\uc1 \pard\cf1\f0\fs20 Hi Reuben - FYI, Kaythi pointed out that in the dicamba docket, we currently just have the Xtendimax label posted. There's also the Engenia Notice of Registration, but not the Engenia label or the Xtendimax Notice of Registration.\f1\par {*\lyncflags}}
Han, Kaythi 2018-11-05T18:26:41Z:
{\rtf1\fbidis\ansi\ansicpg1252\deff0\nouicompat\deflang1033{\fonttbl{\f0\fnil\fcharset0 Segoe UI;}{\f1\fnil Segoe UI;}} {\colortbl ;\red0\green0\blue0;} {*\generator Riched20 16.0.8431}\viewkind4\uc1 \pard\cf1\f0\fs20 just in case folks are looking for the second label\f1\par {*\lyncflags}}
Baris, Reuben 2018-11-05T18:26:42Z:
{\rtf1\fbidis\ansi\ansicpg1252\deff0\nouicompat\deflang1033{\fonttbl{\f0\fnil\fcharset0 Segoe UI;}{\f1\fnil Segoe UI;}} {\colortbl ;\red0\green0\blue0;} {*\generator Riched20 16.0.8431}\viewkind4\uc1 \pard\cf1\f0\fs20 what? ugh.... \f1\par {*\lyncflags}}
Baris, Reuben 2018-11-05T18:27:41Z:
{\rtf1\fbidis\ansi\ansicpg1252\deff0\nouicompat\deflang1033{\fonttbl{\f0\fnil\fcharset0 Segoe UI;}{\f1\fnil Segoe UI;}} {\colortbl ;\red0\green0\blue0;} {*\generator Riched20 16.0.8431}\viewkind4\uc1 \pard\cf1\f0\fs20 the whole engenia label is there. just checked. wiht the reg notice\f1\par {*\lyncflags}}
Baris, Reuben 2018-11-05T18:28:39Z:
{\rtf1\fbidis\ansi\ansicpg1252\deff0\nouicompat\deflang1033{\fonttbl{\f0\fnil\fcharset0 Segoe UI;}{\f1\fnil Segoe UI;}} {\colortbl ;\red0\green0\blue0;} {*\generator Riched20 16.0.8431}\viewkind4\uc1 \pard\cf1\f0\fs20 I'm not sure why they only uploaded the xtendimax label.\f1\par {*\lyncflags}}
Hathaway, Margaret 2018-11-05T18:31:49Z:
{\rtf1\fbidis\ansi\ansicpg1252\deff0\nouicompat\deflang1033{\fonttbl{\f0\fnil\fcharset0 Segoe UI;}{\f1\fnil Segoe UI;}} {\colortbl ;\red0\green0\blue0;} {*\generator Riched20 16.0.8431}\viewkind4\uc1 \pard\cf1\f0\fs20 Okay - I finished checking now too. So yes, both labels are live, but the Engenia label was uploaded with its notice of registration as a single document, but the Xtendimax label is just uploaded as a standalone, without its notice of registration.\f1\par {*\lyncflags}}
Hathaway, Margaret 2018-11-05T18:33:38Z:
{\rtf1\fbidis\ansi\ansicpg1252\deff0\nouicompat\deflang1033{\fonttbl{\f0\fnil\fcharset0 Segoe UI;}{\f1\fnil Segoe UI;}} {\colortbl ;\red0\green0\blue0;} {*\generator Riched20 16.0.8431}\viewkind4\uc1 \pard\cf1\f0\fs20 From what I'm seeing, we therefore need to add the Xtendimax notice, so that the public can see the data requirements, etc. associated with the label.\f1\par {*\lyncflags}}
Hathaway, Margaret 2018-11-05T18:34:14Z:
{\rtf1\fbidis\ansi\ansicpg1252\deff0\nouicompat\deflang1033{\fonttbl{\f0\fnil\fcharset0 Segoe UI;}{\f1\fnil Segoe UI;}} {\colortbl ;\red0\green0\blue0;} {*\generator Riched20 16.0.8431}\viewkind4\uc1 \pard\cf1\f0\fs20 I vote for a pull and replace of the Xtendimax document, rather than uploading the notice as a separate attachment.\f1\par {*\lyncflags}}
Hathaway, Margaret 2018-11-05T18:44:17Z:

{\rtf1\fbidis\ansi\ansicpg1252\deff0\nouicompat\deflang1033{\fonttbl{\f0\fnil\fcharset0 Segoe UI;}{\f1\fnil Segoe UI;}} {\colortbl ;\red0\green0\blue0;} {*\generator Riched20 16.0.8431}\viewkind4\uc1 \pard\cf1\f0\fs20 Seems to me that physical drift can occur if a product is applied into an inversion, but physical drift can also occur even when an inversion is not occuring.\f1\par {*\lyncflags}}

Han, Kaythi 2018-11-05T18:50:38Z:

{\rtf1\fbidis\ansi\ansicpg1252\deff0\nouicompat\deflang1033{\fonttbl{\f0\fnil\fcharset0 Segoe UI;}{\f1\fnil Segoe UI;}} {\colortbl ;\red0\green0\blue0;} {*\generator Riched20 16.0.8431}\viewkind4\uc1 \pard\cf1\f0\fs20 From an optics perspective, I think we should just double post the Xtendimax notice and leave the label in the docket. We've been sending reporters the link to the Xtendimax label, so if they revisit the link and see that it's been removed, we'll get more questions.\f1\par {*\lyncflags}}

Hathaway, Margaret 2018-11-05T18:51:23Z:

{\rtf1\fbidis\ansi\ansicpg1252\deff0\nouicompat\deflang1033{\fonttbl{\f0\fnil\fcharset0 Segoe UI;}{\f1\fnil Segoe UI;}} {\colortbl ;\red0\green0\blue0;} {*\generator Riched20 16.0.8431}\viewkind4\uc1 \pard\cf1\f0\fs20 Ah, that makes a lot of sense.\f1\par {*\lyncflags}}

Hathaway, Margaret 2018-11-05T18:51:44Z:

{\rtf1\fbidis\ansi\ansicpg1252\deff0\nouicompat\deflang1033{\fonttbl{\f0\fnil\fcharset0 Segoe UI;}{\f1\fnil Segoe UI;}} {\colortbl ;\red0\green0\blue0;} {*\generator Riched20 16.0.8431}\viewkind4\uc1 \pard\cf1\f0\fs20 I agree, no need to have links we've told people about go dark.\f1\par {*\lyncflags}}

Message

From: Hathaway, Margaret [hathaway.margaret@epa.gov]
Sent: 11/5/2018 7:08:31 PM
To: Baris, Reuben [Baris.Reuben@epa.gov]; Han, Kaythi [Han.Kaythi@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Subject: Conversation with Baris, Reuben, Han, Kaythi

Hathaway, Margaret 1:26 PM:

Hi Reuben - FYI, Kaythi pointed out that in the dicamba docket, we currently just have the Xtendimax label posted. There's also the Engenia Notice of Registration, but not the Engenia label or the Xtendimax Notice of Registration.

Han, Kaythi 1:26 PM:
just in case folks are looking for the second label

Baris, Reuben 1:26 PM:
what? ugh....

Baris, Reuben 1:27 PM:
the whole engenia label is there. just checked. wiht the reg notice

Baris, Reuben 1:28 PM:
I'm not sure why they only uploaded the xtendimax label.

Hathaway, Margaret 1:31 PM:
Okay - I finished checking now too. So yes, both labels are live, but the Engenia label was uploaded with its notice of registration as a single document, but the Xtendimax label is just uploaded as a standalone, without its notice of registration.

Hathaway, Margaret 1:33 PM:
From what I'm seeing, we therefore need to add the Xtendimax notice, so that the public can see the data requirements, etc. associated with the label.

Hathaway, Margaret 1:34 PM:
I vote for a pull and replace of the Xtendimax document, rather than uploading the notice as a separate attachment.

Hathaway, Margaret 1:44 PM:
Seems to me that physical drift can occur if a product is applied into an inversion, but physical drift can also occur even when an inversion is not occuring.

Han, Kaythi 1:50 PM:
From an optics perspective, I think we should just double post the Xtendimax notice and leave the label in the docket. We've been sending reporters the link to the Xtendimax label, so if they revisit the link and see that it's been removed, we'll get more questions.

Hathaway, Margaret 1:51 PM:
Ah, that makes a lot of sense.

Hathaway, Margaret 1:51 PM:
I agree, no need to have links we've told people about go dark.

Message

From: Han, Kaythi [Han.Kaythi@epa.gov]
Sent: 11/7/2018 10:40:26 PM
To: Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Subject: FW: LINDA/OPP: STEVE DAVIES - Can I get copy of the label?

Hi Meg,

I was looking in the docket for other links to labels for a new press inquiry and it looks like Engenia's Notice of Registration has disappeared from the docket. Was it removed? I see Xtendimax's Notice of Conditional registration was added on 11/5.

Thanks!

Kaythi Han
Team Leader, Communications
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5642 | han.kaythi@epa.gov

From: Han, Kaythi
Sent: Friday, November 02, 2018 5:11 PM
To: Sisco, Debby ; Dinkins, Darlene
Cc: Chiu, Enid ; Courtnage, Robert ; Naimy, Nina
Subject: RE: LINDA/OPP: STEVE DAVIES - Can I get copy of the label?

Debby, Darlene,

This one is pretty straightforward, so I didn't run this through management after conferring with staff in RD.

Incoming:
The label is for Xtendimax. Are there labels for FeXaPan and Engenia, as well, or does that Xtendimax label apply to all three?"

Response:
The Xtendimax label does not apply to the other two dicamba products. We have a "Notice of Registration" for Engenia posted in the docket and we anticipate the labels for Engenia and FeXaPan will be posted in the docket next week.

Kaythi Han
Team Leader, Communications
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5642 | han.kaythi@epa.gov

From: Daguillard, Robert
Sent: Friday, November 02, 2018 1:41 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Courtnage, Robert <Courtnage.Robert@EPA.GOV>; Sisco, Debby <Sisco.Debby@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Dinkins,

Darlene <Dinkins.Darlene@epa.gov>; Chiu, Enid <Chiu.Enid@epa.gov>
Subject: RE: LINDA/OPP: STEVE DAVIES - Can I get copy of the label?

Good afternoon everyone,

Steve is very thankful for the label. He has a follow-up. Thanks in advance for any insight:

"Hi Robert -- thanks for sending this. The label is for Xtendimax. Are there labels for FeXaPan and Engenia, as well, or does that Xtendimax label apply to all three?"

Cheers, R.

Robert Daguillard
Office of Media Relations
U.S. Environmental Protection Agency
Washington, DC
+1 (202) 564-6618 (O)
+1 (202) 360-0476 (M)

From: Daguillard, Robert
Sent: Thursday, November 01, 2018 1:47 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Courtnage, Robert <Courtnage.Robert@EPA.GOV>; Sisco, Debby <Sisco.Debby@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Chiu, Enid <Chiu.Enid@epa.gov>
Subject: LINDA/OPP: STEVE DAVIES - Can I get copy of the label?

AGRI-PULSE
STEVE DAVIES
DDL NOVEMBER 1, 2018

Team, another inquiry, very similar to Tiffany Stecker's. Thanks as always.

++

It would be helpful if OPP held a call with ag/envl reporters to discuss this.I believe there are a lot of people with questions. One I have is, what is meant by these bullet points?

- Clarify training period for 2019 and beyond, ensuring consistency across all three products
- Enhanced tank clean out instructions for the entire system
- Enhanced label to improve applicator awareness on the impact of low pH's on the potential volatility of dicamba
- Label clean up and consistency to improve compliance and enforceability

specifics would be helpful--the label would probably answer the questions, I would imagine.

also, how exactly will this work, i.e., is it one registration for all three, separate registrations for all three, one label for all three products? Some of the answers may seem obvious from the release, but I need to check particulars

Thanks, Robert.

Steve Davies
Associate Editor
202-744-1535
steve@agri-pulse.com

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Washington, DC 20250
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Message

From: Kenny, Daniel [Kenny.Dan@epa.gov]
Sent: 7/10/2018 10:33:05 PM
To: Montague, Kathryn V. [Montague.Kathryn@epa.gov]
CC: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]
Subject: RE: Xtendimax current label - expiration date is on it

Great, thanks!

From: Montague, Kathryn V.
Sent: Tuesday, July 10, 2018 6:32 PM
To: Kenny, Daniel
Cc: Rosenblatt, Daniel ; Hathaway, Margaret ; Schmid, Emily ; Goodis, Michael
Subject: Re: Xtendimax current label - expiration date is on it

Yes the ones from last fall.

Sent from my iPhone

On Jul 10, 2018, at 6:00 PM, Kenny, Daniel <Kenny.Dan@epa.gov> wrote:

> Thanks Kay. Just to be sure, that was on the labels that we approved in 2017, right?
>
> ---
>
> **From:** Montague, Kathryn V.
> **Sent:** Tuesday, July 10, 2018 3:24 PM
> **To:** Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
> **Subject:** Xtendimax current label - expiration date is on it
>
> Someone asked during our 11:30 meeting if the current labels have the expiration date…they do, in a box that includes the following language:
>
> This labeling expires on 11/09/2018, unless the U.S. EPA determines before that date that off-site incidents are not occurring at unacceptable frequencies or levels. Do not use or distribute this product after 11/09/2018, unless you visit www.xtendimaxapplicationrequirements.com and can verify that EPA has amended this expiration date.
>
> Thanks,
> Kay
>
> Kathryn V. Montague
> Product Manager 23
> Herbicide Branch
> Registration Division
> Office of Pesticide Programs
> (703)305-1243

Message

From: Han, Kaythi [Han.Kaythi@epa.gov]
Sent: 11/2/2018 8:29:43 PM
To: Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Subject: FW: LINDA/OPP: STEVE DAVIES - Can I get copy of the label?

Flag: Follow up

Quick question, Meg. Is Engenia's "Notice of Registration" the same as the label? The reporter is asking the following question, for which I provided this draft response.

Incoming:
The label is for Xtendimax. Are there labels for FeXaPan and Engenia, as well, or does that Xtendimax label apply to all three?"

Response:
The Xtendimax label does not apply to the other two dicamba products. We have a "Notice of Registration" for Engenia posted in the docket, but we anticipate the labels for Engenia and FeXaPan will be posted next week.

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U.S. Environmental Protection Agency
(703) 305-5642 | han.kaythi@epa.gov

From: Daguillard, Robert
Sent: Friday, November 02, 2018 1:41 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Courtnage, Robert <Courtnage.Robert@EPA.GOV>; Sisco, Debby <Sisco.Debby@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Chiu, Enid <Chiu.Enid@epa.gov>
Subject: RE: LINDA/OPP: STEVE DAVIES - Can I get copy of the label?

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"Hi Robert -- thanks for sending this. The label is for Xtendimax. Are there labels for FeXaPan and Engenia, as well, or does that Xtendimax label apply to all three?"

Cheers, R.

Robert Daguillard
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AGRI-PULSE
STEVE DAVIES
DDL NOVEMBER 1, 2018

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Thanks, Robert.

Steve Davies
Associate Editor
202-744-1535
steve@agri-pulse.com

Agri-Pulse Communications, Inc.
1400 Independence Ave. SW, Room 1639
Washington, DC 20250
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Message

From: Baris, Reuben [Baris.Reuben@epa.gov]
Sent: 7/17/2018 8:55:59 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
CC: Schmid, Emily [Schmid.Emily@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Subject: FW: Update #5 on XtendiMax® with VaporGrip® Technology
Attachments: ATT00001.txt

Flag: Follow up

Things are really lining up. These numbers seem different than what Monsanto was telling us in their meeting...

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

Begin forwarded message:

From: "SCHMIDT, THOMAS MARK [AG/1005]" <thomas.mark.schmidt@monsanto.com>
Date: July 17, 2018 at 1:48:55 PM CDT
To: "SCHMIDT, THOMAS MARK [AG/1005]" <thomas.mark.schmidt@monsanto.com>
Subject: Update #5 on XtendiMax® with VaporGrip® Technology

Below is the latest update sent to Academics this week.

Regards,

Tom

Thomas M. Schmidt
Monsanto Company
US States Regulatory Affairs Lead
700 Chesterfield Parkway West
Mail Zone: FF4B
Chesterfield, MO 63017
Office: (636) 737-9564
Fax: (636) 737-5390
E-mail: thomas.mark.schmidt@monsanto.com
Alt: registration.state@monsanto.com

****
****

Academic colleagues,

Below are a few new updates. Please continue sending me feedback so I can make these updates as useful as possible. Thanks.

- **Dicamba Vapor Concentrations and Plant Response:** This article, by my colleague Tom Orr, examines research conducted in a growth chamber under controlled environmental conditions to further assess the potential for dicamba to cause adverse effects to soybean plants from vapor-phase exposure. Our goal was to further assess the no observed effect concentration

(NOEC) using a modification of a previously described closed dome (humidome) based system. This study provides increased certainty in the plant effects endpoint used in the EPA's risk assessment and further defines the relationship between dicamba air concentrations and sensitive plant response. Furthermore, this refined NOEC (138 ng/m^3) provides an additional margin of safety and support for the EPA's previous conclusion that off-field air concentrations from volatility are well below the NOEC.

- **Dicamba Inquiries[1]:** According to the latest USDA crop progress report (as of July 15), 65% of the soybean crop was blooming, and 69% of the crop is in excellent or good condition (compared to 61% at this time last year). With dicamba-tolerant soybeans and cotton varieties planted across 50 million acres this year, we've continued to hear from our customers as they make dicamba applications. They tell us they're experiencing good weed control and on-target applications, and they're sharing why they need dicamba technology on their operations. They've also reached out with questions around agronomics and best management practices, and we've continued to receive inquiries to 1-844-RRXTEND.

  We take every inquiry seriously. As we've walked fields with growers and applicators, we've continued to remind them that regardless of the herbicide you're spraying, it's critically important to read and follow all label requirements. For low-volatility dicamba, do not spray if wind is blowing toward a susceptible crop; understand the wind and environmental conditions for each and every application; follow all of the other label requirements; and use only approved, low-volatility formulations in-crop. We continue to see some instances where symptomology appears to have resulted from off-label dicamba applications, and we're also still finding that dicamba is not always the cause of observed symptomology.

  As of July 12, we've received 381 inquiries from 240 unique farmer and applicator calls about potential off-target movement. In Illinois, for example, we're hearing from a few counties in Central Illinois where we've observed some fields with uniform symptomology, though those same fields are seeing continued active growth. That symptomology appears to have resulted from adjacent fields, and in most situations, there is more than one potential Group 4 herbicide source field (corn, small grains, etc.) or area adjacent to the reported affected inquiry field. In most of these fields we continue to observe multiple factors that may be the reason for observed symptomology, and it remains critically important we walk fields and examine all possible options before drawing conclusions.

  As we mentioned last week, we encourage any grower who believes there's symptomology on a field to contact us as quickly as possible at 1-844-RRXTEND. We also invite you to contact us if we can be of assistance, or you have any comments or topics you'd like to discuss.

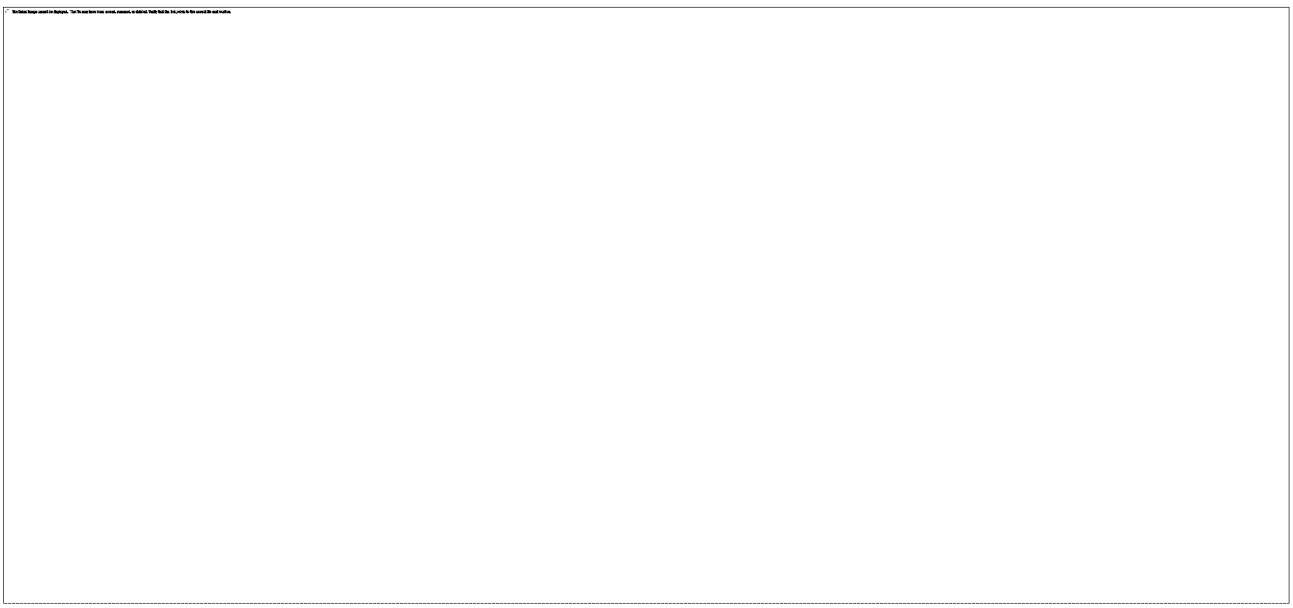
  1. Inquiries are defined as the number of fields for which calls are received to 1-844-RRXTEND from applicators or non-applicators. The inquiry figures are not necessarily equal to the number of calls received since a single call could include one or multiple fields. It is also possible that a field could be counted twice if we receive a call from an applicator and a non-applicator about the same field. Please let me know if you have any questions.

  Off-Target Movement Inquiries as of July 12

Inquiries from applicators and non-applicators about potential off-target movement	381
Number of off-target movement inquiries visited as of July 12	299
Number of off-target movement inquiries where upwind symptomology was observed when XtendiMax was applied*	3**
Number of states from which off-target movement inquiries received	20

***As observed from XtendiMax applicators and supported by applicator reported and/or Climate weather data of wind direction at the time of application**
****No uniform or field-level symptomology was observed. All observed symptomology was adjacent to application field and exhibited pattern and/or gradient**

As of July 12, we've also received 506 inquiries about weed performance and 0 inquiries about crop response. Within inquiries around weed performance, we've received questions on a variety of weeds, including several grasses that aren't controlled by the dicamba mode of action. In visits regarding grasses, we've found applicators are lowering the rate of glyphosate. We've been reminding growers it's critically important to use full rates when applying any herbicide. We've also found weed performance inquiries involving applications that occurred too late, once a weed was larger than 4" or in a flowering stage. The chart below outlines those weeds we've received inquiries on, including waterhemp, palmer, kochia, and velvetleaf. We are following conditions of the registration process regarding weed performance inquiries.



Note: This above graph is not a complete listing of all weeds being reported by growers, but is a ranking of frequently reported species. Some of the weeds reported are not controlled by dicamba and may be attributed to other herbicides applied.

- **AAPCO Data:** The Association of American Pesticide Control Officials (AAPCO) released its latest state Departments of Agriculture inquiry report last week. You can view AAPCO's latest report here.

As always, don't hesitate to reach out to me with any questions about these inquiry details or other topics.

Thanks,
Ty

Dr. Ty Witten
North America Crop Protection Lead
Monsanto Technology Development & Agronomy

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Message

From: Baris, Reuben [Baris.Reuben@epa.gov]
Sent: 8/9/2018 1:31:07 AM
To: Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]; Meadows, Sarah [Meadows.Sarah@epa.gov]
CC: Chism, William [Chism.Bill@epa.gov]; Becker, Jonathan [Becker.Jonathan@epa.gov]; Kaul, Monisha [Kaul.Monisha@epa.gov]; Hawkins, Caleb [Hawkins.Caleb@epa.gov]
Subject: Fwd: Update #6 on XtendiMax® with VaporGrip® Technology

Flag: Follow up

Sent from my iPhone

Begin forwarded message:

From: "MARVIN, THOMAS [AG/1920]" <thomas.marvin@monsanto.com>
Date: August 8, 2018 at 8:28:05 PM EDT
To: "Keigwin, Richard" <Keigwin.Richard@epa.gov>, "Goodis, Michael" <Goodis.Michael@epa.gov>, "Baris.Reuben@epa.gov" <Baris.Reuben@epa.gov>, "Kenny.Dan@epamail.epa.gov" <Kenny.Dan@epamail.epa.gov>, "Dan Rosenblatt (rosenblatt.dan@epa.gov)" <rosenblatt.dan@epa.gov>, "Ed Messina (messina.edward@epa.gov)" <messina.edward@epa.gov>
Subject: FW: Update #6 on XtendiMax® with VaporGrip® Technology

Just an FYI on our latest report to academics.
Tom Marvin
Director, Federal Regulatory Affairs
1300 I Street, NW
Washington, DC 20005
Cell: 202-676-7846
Desk: 202-383-2851

From: _WITTEN, TY [AG/1000]
Sent: Wednesday, August 08, 2018 3:06 PM
To: _WITTEN, TY [AG/1000] <ty._witten@monsanto.com>
Subject: Update #6 on XtendiMax® with VaporGrip® Technology
Academic colleagues,
Just a slight update from the version I previously sent. Please continue sending me feedback so I can make these updates as useful as possible. Thanks.

- **Update on XtendiMax Field Trials:** We continue to partner with weed scientists this season on XtendiMax® with VaporGrip® Technology field trials, including low tunnel and large scale drift and volatility trials. Dr. Rodrigo Werle at the University of Wisconsin recently hosted a field day to discuss his team's XtendiMax research, which evaluated off-target movement via physical drift and volatility when XtendiMax was applied on roughly 8 acres of a 30-acre field. Dr. Werle's team treated Roundup Ready 2 Xtend® soybeans with a tank mixture of XtendiMax, Roundup PowerMAX® and Intact™. The treated area was surrounded by non-dicamba tolerant soybeans, considered a sensitive crop, which for research purposes allowed for measurement of off-target movement through plant effects. (According to the XtendiMax label, do not spray when the wind is blowing toward adjacent non-dicamba tolerant susceptible crops.)
  Take a look at this video by Dr. Werle for a description of the trial, and review the trial protocol for additional details. Also see the chart below for a list of similar field days hosted by some of

our academic partners. If you would like to observe trials at these testing locations, please let me know.

University/Host	Location	Date
University of Nebraska/ Dr. Greg Kruger	North Platte, Nebraska	Aug. 13
University of Guelph/ Dr. Peter Sikkema	London, Ontario	Aug. 17
Purdue University/ Dr. Bryan Young	Montezuma, Indiana	Aug. 22

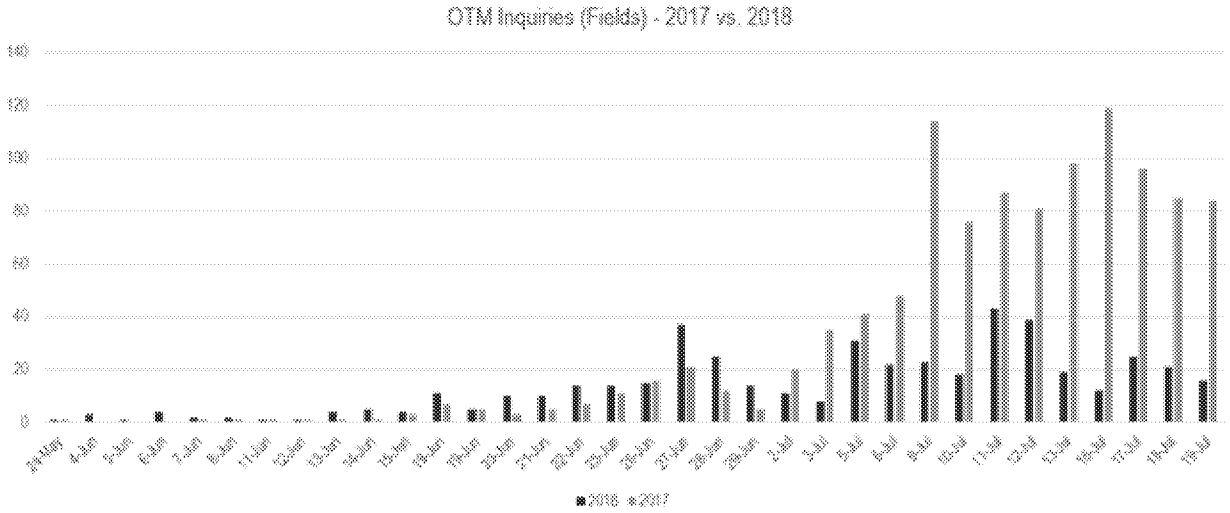
In addition to these academic trials, we are also conducting Monsanto-led trials under Good Laboratory Practices (GLP). We've recently completed a large-scale drift and volatility trial with an application of XtendiMax® Herbicide with VaporGrip® Technology plus Roundup PowerMAX® and an approved DRA in North Dakota (under a date cutoff exemption from the state). We are also gathering results on trials in Minnesota, Nebraska, Missouri, Arizona and other states. We'll share those results with you as they become available.

- **Developmental Testing:** Also, we are testing pipeline and future dicamba formulations in various locations across the U.S. Some of these trials are being conducted in cooperation with academics.

- **Dicamba Inquiries[1]:** According to the latest USDA crop progress report (as of August 5), 92% of the soybean crop was blooming, and 67% of the crop is in excellent or good condition (compared to 60% at this time last year). While some applications remain in double crop soybeans and cotton, applications across most of the country are complete, and our grower customers, custom applicators and retailers are reporting success, with on-target applications over broad acreage and outstanding weed control.

  The charts below outline a year-over-year comparison of off-target movement inquiries as of July 19, 2017 and July 19, 2018. This year we've received 53% fewer off-target movement inquiries from applicators and non-applicators compared to this same time last year – 468 in 2018 compared to 1,002 in 2017. That's roughly 9 inquiries per million acres of Xtend soybeans and cotton planted in 2018 (>50M acres total) compared to 40 inquiries per million acres of Xtend soybeans and cotton planted in 2017 (>25M acres total). While we've seen a few timeframes where inquiries have risen and then decreased, overall off-target movement inquiries this season remain far fewer than last season.

Xtend acres based on Aug. 6, 2018 data



As we've walked fields for 450 of the 468 off-target movement inquiries received from both applicators and non-applicators, we've been able to draw some conclusions (based on follow-up on inquiries made on or before July 19).

- <!--[if !supportLists]--><!--[endif]-->The label enhancements and the training conducted in 2018 have had notable success in helping applicators reduce off-target movement. And overall, the incidences of non-compliance with the XtendiMax label were small—and substantially fewer than in 2017. For example, only ***eight*** applicators inadvertently mixed AMS in the tank in 2018—a dramatic improvement from 2017.
- <!--[if !supportLists]--><!--[endif]-->System hygiene/contamination improved dramatically this year as a result of the increased training and the label enhancements. It was the cause of symptomology in approximately 5 percent of reported incidents this season. For example, a large retailer in Illinois estimated they custom applied dicamba on over 175,000 Xtend soybean acres in 2018 and had no tank contamination, compared to tank contamination being the most common reason they received inquiries in 2017.
- <!--[if !supportLists]--><!--[endif]-->Other herbicides remain a factor. A detailed review of the symptomology demonstrated, from non-applicator fields, that in 13 percent of cases this season, dicamba could not have been the cause of the alleged incident. For example, in some cases the symptomology was consistent with 2,4-D exposure.
- <!--[if !supportLists]--><!--[endif]-->We've also seen label non-compliance continue to be a factor. Of the 163 completed evaluations for applicator off-target movement inquiries (as of July 19), the following are the top label requirements for which non-compliance was determined.

Application Requirements (Applicator Reported)	Label Non-Compliance (%)*
Awareness of Nearby Sensitive Crops	66%
Use of Required Buffer	49%
Approved Tank Mix	28%

*Based on 163 applicator evaluations completed as of July 19

Overall these findings tell us that education and training work, and for the 2019 season we have the opportunity for additional training on application requirements like increased awareness of nearby sensitive crops (a critical requirement for any pesticide application). We also have a chance for discussions around the impacts that applications of other dicamba formulations or Group 4 herbicides on corn, small grain, pasture or other fields can have on non-dicamba tolerant soybean fields. Those impacts are particularly evident in seasons like this one that saw

weather push back application timing, meaning there was a greater chance that corn and soybean fields may have been receiving post-emergence applications in similar timeframes.

As we move into the final months of the season we continue to ask growers who believe there's symptomology on a field to contact us as quickly as possible at 1-844-RRXTEND. We also invite you to contact us if we can be of assistance, or you have any comments or topics you'd like to discuss.

[1]*Inquiries are defined as the number of fields for which calls are received to 1-844-RRXTEND from applicators or non-applicators. The inquiry figures are not necessarily equal to the number of calls received since a single call could include one or multiple fields. It is also possible that a field could be counted twice if we receive a call from an applicator and a non-applicator about the same field. Please let me know if you have any questions.*

Off-Target Movement Inquiries as of July 19

Inquiries from applicators and non-applicators about potential off-target movement	468
Number of off-target movement inquiries from applicators and non-applicators visited as of July 19	450
Number of off-target movement inquiries where upwind symptomology was observed when XtendiMax was applied*	8**
Number of states from which off-target movement inquiries received	20

***As observed from XtendiMax applicators and supported by applicator reported and/or Climate weather data of wind direction at the time of application**

****No uniform or field-level symptomology was observed. All observed symptomology was adjacent to application field and exhibited pattern and/or gradient**

As of July 19, we've also received 590 inquiries about weed performance[2] and 2 inquiries about crop response.

- **AAPCO Data:** The Association of American Pesticide Control Officials (AAPCO) released its latest state Departments of Agriculture inquiry report this week. You can view AAPCO's latest report here.

[2]*These inquiries have involved factors like: application on weeds that aren't controlled by the dicamba mode of action; application that occurred too late, once a weed was larger than 4" or in a flowering stage; and application at an incorrect rate. We are following the conditions of the registration process for these weed performance inquiries.*

As always, don't hesitate to reach out to me with any questions about these inquiry details or other topics.

Thanks,

Ty

Dr. Ty Witten
North America Crop Protection Lead
Monsanto Technology Development & Agronomy
800 North Lindbergh Blvd.
St. Louis, MO 63167
Ph#: (314) 694-6528

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Message

From: Goodis, Michael [Goodis.Michael@epa.gov]
Sent: 8/10/2018 2:41:53 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]; Baris, Reuben [Baris.Reuben@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]
CC: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Davis, Donna [Davis.Donna@epa.gov]
Subject: FW: Ag Retailers Discuss Dicamba

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Beck, Nancy
Sent: Friday, August 10, 2018 10:37 AM
To: Keigwin, Richard ; Messina, Edward ; Goodis, Michael
Subject: FW: Ag Retailers Discuss Dicamba

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator, OCSPP
P: 202-564-1273
M: 202-731-9910
beck.nancy@epa.gov

From: Bennett, Tate
Sent: Friday, August 10, 2018 10:35 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>
Subject: Ag Retailers Discuss Dicamba

https://www.dtnpf.com/agriculture/web/ag/perspectives/blogs/production-blog/blog-post/2018/08/10/ag-retailers-discuss-dicamba

The 113 responses in the survey show a divided membership. Almost 35% of the answers came from central Illinois, which is an area heavily devoted to custom application. In the poll, 90% of the applicators said they sprayed dicamba in 2018. Over 70% said they observed symptoms in adjacent non-dicamba-tolerant soybeans when the wind was not blowing toward the field at the time of application. Nearly 55% said they saw fields where multiple dicamba exposures likely occurred. The finger was pointed at volatility as the primary factor for those symptoms.

Still, the symptoms observed were reported as "light cupping" of soybean leaves, and over 70% ranked weed control in Xtend soybeans as good to excellent.

"Do not apply when sensitive crops are downwind" was ranked as the most difficult aspect of the label for applicators, followed by wind-speed requirements, identifying nearby sensitive crops, inversions, in-field buffers, clean-out procedures, soybean growth cut-off stage, recordkeeping and no pre-sunrise or post-sunset applications. Nozzles were the least difficult aspect.

"What really stood out is this: Dicamba works on weeds and in areas of the state where we have a lot of pressure. However, it is very difficult to keep on target by even the most professional, experienced applicators," Payne told DTN. "We have to define some parameters that work better for the professional applicators."

EPA tacked on additional label restrictions for the 2108 season after off-target movement issues became apparent the previous year, the first year Engenia, FeXapan and XtendiMax were available to use in-season on Xtend crops.

"Not that we need more restrictions, but there are things on that label that need to be better defined (such as the downwind designations), and the registrants have to understand that," Payne said.

"IFCA's position has always been stewardship is important and regulations don't mean anything unless they can be enforced," she added. "I think there's definitely room to better define the language on those labels and still allow use of this product."

The 41-question IFCA survey reveals that, despite challenges, 46% of those commercial applicators still consider the technology to be largely positive when considering all aspects of the dicamba experience. The rest were negative or neutral.

Payne said there's no time to waste if farmers and applicators want a say in this issue. The clock is ticking on the dicamba labels. "Some of these discussions might be uncomfortable, but how much more uncomfortable can we get?

"The trait is going to be in the field next year, whether we have an approved herbicide or not," Payne noted.

Payne acknowledged that some may balk at the remedies IFCA will likely suggest. Stiff penalties for those who shirk the rules may be included in the suggestions. "But farmers that want this weed control need to embrace compromise because it what may be what allows them to keep it as a tool, " she added.

"I'm lucky to work for an organization that would rather be at the table offering ideas, rather than reacting. We have to use pesticides in manner that assures public trust in our industry. Society rightfully expects the agricultural industry to successfully co-exist in increasingly diverse rural and urban communities," she said.

Message

From: Baris, Reuben [Baris.Reuben@epa.gov]
Sent: 8/10/2018 2:20:40 AM
To: Schmid, Emily [Schmid.Emily@epa.gov]; Meadows, Sarah [Meadows.Sarah@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Davis, Donna [Davis.Donna@epa.gov]
Subject: EPA Listens to Dicamba Discussion

https://www.dtnpf.com/agriculture/web/ag/news/crops/article/2018/08/09/epa-listens-dicamba-discussion

EPA Listens to Dicamba Discussion

Pam Smith8/9/2018 | 10:49 AM CDT

The issue of dicamba has become a sensitive topic with many voices adding to the discussion. (DTN photo by Pamela Smith)

LINCOLN, Neb. (DTN) -- Proof that dicamba remains a complex and emotional topic was evident at a recent public meeting with the Environmental Protection Agency (EPA).

Last week, EPA officials and a handful of other agency representatives traveled to farm country to gather views on whether the three low-volatility dicamba formulations available for use with Xtend crops should be re-registered.

The conversation, attended by DTN, represented a cross-section of voices. Vocal were farmers who insist the technology is needed to control resistant weed populations, industry and those that have experienced injury in sensitive crops, trees and nursery settings.

The deadline to make a decision regarding Engenia, XtendiMax and FeXapan herbicides looms for the agency. Dicamba is a 60-year-old herbicide with a known ability to volatilize and move beyond its spray target. Although the three products in question were reformulated to be lower in volatility, the EPA initially issued conditional labels, which expire in November and December, depending on the product.

"We made the registration decision and set it up so it had two-year time-limited registration so that we could evaluate it and see what additional changes to the registration are needed," said Mike Goodis, U.S. EPA director of the registration division.

Goodis confirmed that the agency plans to make a decision in August on the registrations, which DTN has previously reported. "We have been pretty open that we really want to make some type of decision this month on whether to continue, and if so, how the product would still be used," he said.

"It is an extremely difficult decision. I can tell you that the senior management in the EPA all the way up to the administrator -- now acting administrator -- will be involved in the decision making," he added.

The Weed Science Society of America (WSSA) has facilitated similar crop tours in past years. University of Nebraska weed scientist Greg Kruger, WSSA's current liaison to EPA, organized the public forum. "The session was really meant for the EPA to listen to the concerns and comments from the industry as it relates to herbicides," Kruger said. Officials spent most of the week in Nebraska and also toured some Iowa farms. Several of the group had spent part of the previous week in Arkansas and Tennessee.

While the floor was open to all herbicide discussions, dicamba dominated the Nebraska conversation. Off-target movement of dicamba in 2017 caused EPA to tighten labeled application requirements for the three dicamba products approved for in-season use. The

agency also made the three herbicides restricted use pesticides (RUP) and training became a mandatory requirement for every applicator.

Sent from my iPhone

Message

From: Hawkins, Caleb [Hawkins.Caleb@epa.gov]
Sent: 7/27/2018 12:51:14 PM
To: Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Subject: FW: USDA Yield Data--2016 vs 2017
Attachments: 2017 Soybean and Cotton Yields_ Nationwide and in Particular States_102619489_1_US-DOCS (003).pdf; ATT00001.htm

Flag: Follow up

From: Baris, Reuben
Sent: Thursday, July 26, 2018 3:39 PM
To: Chism, William ; Hawkins, Caleb ; Kaul, Monisha ; Meadows, Sarah
Subject: Fwd: USDA Yield Data--2016 vs 2017

I can't see it this too well on my phone. Can you all take a look at this and compare with the press release from USDA (referenced by Rick)?

Sent from my iPhone

Begin forwarded message:

> **From:** "MARVIN, THOMAS [AG/1920]" <thomas.marvin@monsanto.com>
> **Date:** July 26, 2018 at 2:34:10 PM CDT
> **To:** "Keigwin, Richard" <Keigwin.Richard@epa.gov>, "Goodis, Michael" <Goodis.Michael@epa.gov>, "Kenny.Dan@epamail.epa.gov" <Kenny.Dan@epamail.epa.gov>, "Baris, Reuben" <Baris.Reuben@epa.gov>
> **Subject: USDA Yield Data--2016 vs 2017**
>
> All-
>
> Please find attached a courtesy copy of a report we submitted today through the e-portal to provide additional support for the registration of M1768 Herbicide (Xtendimax® with VaporGrip® Technology), EPA Reg. 524-617. The report analyzes USDA production and yield data from 2017 and 2016.
>
> Tom
>
> Tom Marvin
> Director, Federal Regulatory Affairs
> 1300 I Street, NW
> Washington, DC 20005
> Cell: 202-676-7846
> Desk: 202-383-2851

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to monitoring, reading, and archiving by Monsanto, including its affiliates and subsidiaries, as permitted by applicable law. Thank you.

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 8/15/2018 2:21:20 PM
To: Lantz, Tracy [Lantz.Tracy@epa.gov]
Subject: RE: Press inquiry on Dicamba from the Arkansas Democrat Gazette

Thanks Tracy!

- Meg Hathaway

From: Lantz, Tracy
Sent: Tuesday, August 14, 2018 5:53 PM
To: Baris, Reuben <Baris.Reuben@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Bennett, Isabella <Bennett.Isabella@epa.gov>
Subject: FW: Press inquiry on Dicamba from the Arkansas Democrat Gazette

Hi All,

Just wanted to share our final approved response to this press inquiry in case you hadn't seen it.
Please forward if I've missed anyone.

Thanks,

Tracy Lantz
Communications Services Branch
Field and External Affairs Division
Office of Pesticide Programs
Environmental Protection Agency
Office: (703) 308-6415
Mobile: (571) 481-8523
Lantz.tracy@epa.gov

From: Strauss, Linda
Sent: Tuesday, July 31, 2018 1:21 PM
To: Daguillard, Robert <Daguillard.Robert@epa.gov>
Cc: Sisco, Debby <Sisco.Debby@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>
Subject: FW: Press inquiry on Dicamba from the Arkansas Democrat Gazette

Here you go. Thanks, OPP!

Question 1: Does the EPA have an estimate when it will release its decision on re-registering dicamba (Xtendimax, etc.) for in-crop use? (I hear August is the timeline.)

Response 1: We are reviewing the current use restrictions on the labels for dicamba formulations. Our goal is to make a regulatory decision in time for growers to make informed seed purchase decisions for the next planting season.

Question 2: What is the EPA doing as it makes that decision? (Are EPA representatives visiting farmers, regulators, etc. in states currently reporting dicamba damage and fielding complaints?)

Response 2: . EPA is working closely with our regulatory partners in the affected states and the registrants to better understand concerns. EPA representatives are visiting growers in several affected states and gathering input from state and industry agriculture experts and university crop scientists. EPA will use all the available evidence to evaluate whether the new restrictions are minimizing damage to neighboring crops and other sensitive plants .

Question 3: Is the EPA considering damage to non-ag interests (backyard gardens, decorative trees and shrubs) as it considers re-registration?

Response 3: EPA is aware of field reports of off-field and non-target crop damage related to the use of dicamba. We are actively collecting this information from states and EPA regional personnel in order to fully understand the circumstances and scope of the issues. Note that past reports include claims of damage to residential/ornamental gardens, but are mostly to non-dicamba resistant soybean. EPA has some incident reports on peaches, melons, tomatoes, cantaloupe, grapes, pumpkins, alfalfa, non-dicamba-resistant cotton, peanuts, peas, organic crops, and other non-target crops.

Question 4: Is the EPA demanding improvements by dicamba manufacturers to its formulations?

EPA is in the information gathering stage of its decision-making process regarding dicamba registrations. All regulatory options are on the table.

Question 5: Under FIFRA, which requires manufacturers to report to the EPA any "adverse" incidents regarding their products, how many such reports were filed with the EPA by Monsanto, Dow and BASF regarding dicamba's use last season? (The last time I asked about this, you cited a "fluid" situation and declined specifics. I presume last year's problems aren't so fluid now.)

Response 5: You would need to file a Freedom of Information Act request to obtain this information. Many documents submitted for pesticide regulatory purposes contain Confidential Business Information that by law cannot be released to the public. The FOIA process redacts CBI so the documents can be released. For more information or to make a FOIA request, see: https://www.epa.gov/foia.

Question 6: Arkansas banned dicamba for in-crop use after April 16 yet has received more than 150 complaints of alleged dicamba damage. Soybean damage has been estimated at 400,000 acres in Arkansas — and 500,000 acres in Illinois, and 100,000 acres in Missouri, two states that allowed in-crop use. What does that tell the EPA about dicamba's future for in-crop use?

Response 6: EPA will consider all available information in its decision-making process. The agency is in regular contact with farmers, researchers, and agricultural companies to remain informed of any dicamba issues occurring in the 2018 growing season.

ARKANSAS DEMOCRAT-GAZETTE

STEPHEN STEED

AWAITING DDL INFO

All, sending the following inquiry now, although I'm waiting to hear the reporter's deadline, and to get a better sense of the focus of his inquiry. Let me know if there are any questions I should ask him.

+ Regions 5, 6, 7, for awareness.

Good morning, Robert and Tricia

We've corresponded a few times over the last nine months or go regarding dicamba.

Does the EPA have an estimate when it will release its decision on re-registering dicamba (Xtendimax, etc.) for in-crop use? (I hear August is the timeline.) What is the EPA doing as it makes that decision? (Are EPA representatives visiting farmers, regulators, etc. in states currently reporting dicamba damage and fielding complaints?) Is the EPA considering damage to non-ag interests (backyard gardens, decorative trees and shrubs) as it considers re-registration?

Is the EPA demanding improvements by dicamba manufacturers to its formulations?

Under FIFRA, which requires manufacturers to report to the EPA any "adverse" incidents regarding their products, how many such reports were filed with the EPA by Monsanto, Dow and BASF regarding dicamba's use last season? (The last time I asked about this, you cited a "fluid" situation and declined specifics. I presume last year's problems aren't so fluid now.)

Arkansas banned dicamba for in-crop use after April 16 yet has received more than 150 complaints of alleged dicamba damage. Soybean damage has been estimated at 400,000 acres in Arkansas — and 500,000 acres in Illinois, and 100,000 acres in Missouri, two states that allowed in-crop use. What does that tell the EPA about dicamba's future for in-crop use?

Thanks much.

Stephen Steed

Arkansas Democrat-Gazette

501-399-3654

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 10/11/2018 6:57:57 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: FW: Engenia label comments
Attachments: ENGENIA NVA 2017-04-385-0200_7009CR18 Final (proposed changes - 092118) - BASF comments (10-10-18)_MH.pdf

FYI

From: Hathaway, Margaret
Sent: Thursday, October 11, 2018 2:52 PM
To: Baris, Reuben <Baris.Reuben@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Engenia label comments

Hi Reuben and Emily:
Comments on the BASF label attached. A few points to highlight:

- Page 12: BASF suggest some pH testing language that seems helpful, and should be proposed for the Bayer label as well. However, the statement still makes no mention of the risks of having the tank mixture's pH be too low. That should be mentioned on both labels too.
- Near top of label and on page 15: EPA and BASF disagree on placement of ESA language, and how much is OTT use specific. This may require further discussion. As stands, the label's muddy on the fact that ESA covers ALL pesticide uses, but there is a shorter list of states approved for OTT uses than generic uses of dicamba.
- Page 17: Registrant may have reasonable rationale for retaining soybean harvest statements.

From: Baris, Reuben
Sent: Wednesday, October 10, 2018 2:35 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: Engenia label comments

Hi Meg,
Can you start a similar review for the engenia label as you did for Xtendimax? BASF summarized the comments in one of the attachments in an effort to aid the review and compliance. I've also attached what was sent to them for reference. Let me know if you have any questions.
Thank you.
Reuben

Message

From: Tindall, Kelly [tindall.kelly@epa.gov]
Sent: 10/31/2018 2:05:47 AM
To: Kaul, Monisha [Kaul.Monisha@epa.gov]
Subject: RE: XtendiMax use on DT Soy & Cotton

Monisha,

After reviewing what they said – the first mention of this document - we had a bullet that indicated there could be legal use of an older formulation on another use site (e.g., corn) (or something to that effect). Their paragraph *really* expands on this. But to break down what the Bayer said in the white paper, and bulleted list is below. Note that I included incident numbers when provided, because the way I calculated the percentages based on 468 complaints received, I came up with something different than them.

The registrant's "*detailed and robust*" investigation indicates (and this covers 95% - not sure where the other 5% comes from; the one in red font is the one that the AAs talk about):

- 4% uncompleted investigations
- 1% volatility (however 8 incidents/ 468 complaints = 1.7%)
- 13% are other(disease/chlorosis, other herbicide)
    - Other incidents were 19+16+20 = 45 – 45/468 = 9.6% --- 6% is what the AAs added not the 13% - but based on the comment that 8 incidents = <1%, I came up with the 6% and that is what the AAs came up with.
        - In their defense, the WSSA had a farmer problem addressing that not all herbicide injury was dicamba and that is why you have to have a *trained* person, like a state investigator or industry rep, investigate.
- 5% tank contamination
- 66% were not compliant with labels – but totals don't add to 468, so there is double counting so I don't know how they got 66%
    - 8 incidents added AMS to the tank/ 468 complaints = 1.7%
- 6 % of damage complaints were not near Xtend fields
- Unknown % near crops were near areas where old formulations are OK to use (corn small grains) (use 60% of 140+ in IL, to say virtually all, but don't give a %)
    - In their defense, in KS WSSA tour, they said that they didn't know that soybeans looked like this because dicamba injury was always occurring due to fallow applications. I would also say based on my personal experience in ground zero, there is a level of damage that has always existed that may have previously gone unnoticed but may be now due to awareness.

For the 2nd mention, they accurately represent what is in the submitted document, but I think that we have discussed ad nauseum, internally, that BEAD doesn't agree with this because there is no reporting of what varieties (genetic backgrounds) are being compared or what the climatic conditions are --- two factors that heavily contribute to yield. Without considering genetics or weather, it is hard to conclude that higher yields are the result of dicamba.

Let me know if you have questions.

Kelly

Kelly Tindall, Biologist
Biological Analysis Branch
Biological and Economic Analysis Division
Office of Pesticide Programs
US Environmental Protection Agency
703-308-8188

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From: Kaul, Monisha
Sent: Tuesday, October 30, 2018 8:16 PM
To: Tindall, Kelly <tindall.kelly@epa.gov>; Becker, Jonathan <Becker.Jonathan@epa.gov>; Chism, William <Chism.Bill@epa.gov>; Hawkins, Caleb <Hawkins.Caleb@epa.gov>
Cc: Jones, Arnet <Jones.Arnet@epa.gov>; Costello, Kevin <Costello.Kevin@epa.gov>; Miller, Wynne <Miller.Wynne@epa.gov>
Subject: FW: XtendiMax use on DT Soy & Cotton

I think this is one of the references we were waiting for.

From: Keigwin, Richard
Sent: Tuesday, October 30, 2018 4:43 PM
To: Kaul, Monisha <Kaul.Monisha@epa.gov>; Miller, Wynne <Miller.Wynne@epa.gov>
Subject: FW: XtendiMax use on DT Soy & Cotton

I think this is the white paper.

From: MARVIN, THOMAS [AG/1920] [mailto:thomas.marvin@monsanto.com]
Sent: Friday, August 03, 2018 4:30 PM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>
Subject: XtendiMax use on DT Soy & Cotton

All-

Please find attached a courtesy copy of a submission we made today in support of the continued registration of XtendiMax Herbicide for use on dicamba-tolerant soybeans and cotton (EPA Reg. 524-617). Please do not hesitate to contact me if there is anything we can address in advance of next Tuesday.

Thanks,

Tom

Tom Marvin
Director, Federal Regulatory Affairs
1300 I Street, NW
Washington, DC 20005
Cell: 202-676-7846
Desk: 202-383-2851

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Message

From: Miller, Wynne [Miller.Wynne@epa.gov]
Sent: 8/14/2018 8:53:36 PM
To: Kaul, Monisha [Kaul.Monisha@epa.gov]
CC: Anderson, Neil [Anderson.Neil@epa.gov]
Subject: FW: Dicamba report comparisons
Attachments: Dicamba complaints and proactive measures.xlsx

Monisha,
Just checking … did you share this Excel spreadsheet and the survey link with your folks.
Wynne

From: Keller, Kaitlin
Sent: Friday, August 10, 2018 5:52 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Miller, Wynne <Miller.Wynne@epa.gov>
Cc: Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
Subject: FW: Dicamba report comparisons

Dicamba folks-See attached from Hema. Hopefully this reduces some of the lift for OPP on capturing the different incident data sources and state restrictions. Also below, Tate provided survey results on dicamba usage.

Have a good weekend,
Kaitlin

Kaitlin Keller, Special Assistant
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
(202) 564-7098

From: Subramanian, Hema
Sent: Friday, August 10, 2018 11:36 AM
To: Keller, Kaitlin <keller.kaitlin@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>
Cc: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Dicamba report comparisons

Rick and Kaitlin,

I called into the Dicamba update meeting this morning, and heard that BEAD is compiling dicamba info in a central place, to compare the numbers and reports on damage from various sources along with yields, etc.

I had started a spreadsheet where I was informally trying to organize similar notes, so I could see everything together in rows by state. The two tabs in it include:

- Columns from the AAPCO damage report survey (although I hadn't updated them since the July 16 survey)
- Next to those columns--Yield info for cotton, corn, and soybean from NASS (although I hear NASS has new numbers coming out for 2018 any minute now)
- Label restrictions, state restrictions, and suggested proactive measures (from the OCSPP briefing, WSSA report, etc.) – organized by state and then by measure/restriction; (same info I forwarded to you recently copied in a standalone Word table

- Notes from NASDA and Farm Bureau calls, organized by state

Rather than duplicate efforts, I thought I should forward this table to you, in case it's helpful for you to pass along to whoever is doing a central compilation in BEAD.

Also, below is information Tate shared this morning about a survey coming out by the Illinois Fertilizer & Chemical Association, which may be helpful to fold into the consolidated tracking.

Hope this is helpful, let me know if there are any questions...
---Hema.

Hema Subramanian
Office of the Administrator
U.S. Environmental Protection Agency
Washington, DC
office: (202) 564-5041

From: Bennett, Tate
Sent: Friday, August 10, 2018 10:35 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>
Subject: Ag Retailers Discuss Dicamba

https://www.dtnpf.com/agriculture/web/ag/perspectives/blogs/production-blog/blog-post/2018/08/10/ag-retailers-discuss-dicamba

The 113 responses in the survey show a divided membership. Almost 35% of the answers came from central Illinois, which is an area heavily devoted to custom application. In the poll, 90% of the applicators said they sprayed dicamba in 2018. Over 70% said they observed symptoms in adjacent non-dicamba-tolerant soybeans when the wind was not blowing toward the field at the time of application. Nearly 55% said they saw fields where multiple dicamba exposures likely occurred. The finger was pointed at volatility as the primary factor for those symptoms.

Still, the symptoms observed were reported as "light cupping" of soybean leaves, and over 70% ranked weed control in Xtend soybeans as good to excellent.

"Do not apply when sensitive crops are downwind" was ranked as the most difficult aspect of the label for applicators, followed by wind-speed requirements, identifying nearby sensitive crops, inversions, in-field buffers, clean-out procedures, soybean growth cut-off stage, recordkeeping and no pre-sunrise or post-sunset applications. Nozzles were the least difficult aspect.

"What really stood out is this: Dicamba works on weeds and in areas of the state where we have a lot of pressure. However, it is very difficult to keep on target by even the most professional, experienced applicators," Payne told DTN. "We have to define some parameters that work better for the professional applicators."

EPA tacked on additional label restrictions for the 2108 season after off-target movement issues became apparent the previous year, the first year Engenia, FeXapan and XtendiMax were available to use in-season on Xtend crops.

"Not that we need more restrictions, but there are things on that label that need to be better defined (such as the downwind designations), and the registrants have to understand that," Payne said.

"IFCA's position has always been stewardship is important and regulations don't mean anything unless they can be enforced," she added. "I think there's definitely room to better define the language on those labels and still allow use of this product."

The 41-question IFCA survey reveals that, despite challenges, 46% of those commercial applicators still consider the technology to be largely positive when considering all aspects of the dicamba experience. The rest were negative or neutral.

Payne said there's no time to waste if farmers and applicators want a say in this issue. The clock is ticking on the dicamba labels. "Some of these discussions might be uncomfortable, but how much more uncomfortable can we get?

"The trait is going to be in the field next year, whether we have an approved herbicide or not," Payne noted.

Payne acknowledged that some may balk at the remedies IFCA will likely suggest. Stiff penalties for those who shirk the rules may be included in the suggestions. "But farmers that want this weed control need to embrace compromise because it what may be what allows them to keep it as a tool, " she added.

"I'm lucky to work for an organization that would rather be at the table offering ideas, rather than reacting. We have to use pesticides in manner that assures public trust in our industry. Society rightfully expects the agricultural industry to successfully co-exist in increasingly diverse rural and urban communities," she said.

-----Original Message-----
From: Bennett, Tate
Sent: Friday, August 10, 2018 10:30 AM
To: Subramanian, Hema <Subramanian.Hema@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>
Subject: Resource Display | Illinois Fertilizer & Chemical Association

FYI on this survey coming out on dicamba use experiences in IL. Might want to add it to the sheet.

https://www.ifca.com/resource_display/?id=2637

Message

From: Parsons, Doug [Parsons.Douglas@epa.gov]
Sent: 6/20/2018 6:46:45 PM
To: Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Dinkins, Darlene [Dinkins.Darlene@epa.gov]
CC: Sisco, Debby [Sisco.Debby@epa.gov]; Han, Kaythi [Han.Kaythi@epa.gov]; Siedschlag, Gregory [Siedschlag.Gregory@epa.gov]; Naimy, Nina [Naimy.Nina@epa.gov]; Keigwin, Richard [Keigwin.Richard@epa.gov]; Layne, Arnold [Layne.Arnold@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]
Subject: RE: For your review/clearance: Two Press Inquiries on Dicamba from Wall Street Journal and DTN

Thanks all. I will move it to the next phase.

From: Dunton, Cheryl
Sent: Wednesday, June 20, 2018 2:30 PM
To: Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Parsons, Doug <Parsons.Douglas@epa.gov>
Cc: Sisco, Debby <Sisco.Debby@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Naimy, Nina <Naimy.Nina@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
Subject: FW: For your review/clearance: Two Press Inquiries on Dicamba from Wall Street Journal and DTN

+ Doug who is handling press this week while Linda's out.

From: Dinkins, Darlene
Sent: Wednesday, June 20, 2018 2:28 PM
To: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Cc: Strauss, Linda <Strauss.Linda@epa.gov>; Sisco, Debby <Sisco.Debby@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Naimy, Nina <Naimy.Nina@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
Subject: FW: For your review/clearance: Two Press Inquiries on Dicamba from Wall Street Journal and DTN

Hi Cheryl,

OPP would like to use the attached desk statement on dicamba to respond to the two press inquiries below. Thanks.

DTN/PROGRESSIVE FARMER
EMILY UNGLESBEE
TODAY, 6/20/18

A source has told me that EPA hopes to make a decision on whether or not to extend the registrations of Engenia, XtendiMax and FeXapan by mid-August this year, in order for farmers to be able to make timely seed decisions for the 2019 season. As a result, EPA is watching and coordinating closely with state regulators (AAPCO) to get real-time information on dicamba injury this summer. Can EPA confirm this timeline? Is the statement about how EPA is monitoring the situation accurate? I will be publishing this information today.

WALL STREET JOURNAL
JACOB BUNGE
DDL FLEX – THIS WEEK

Hello Robert, this is Jacob Bunge at the Wall Street Journal out in Chicago, I hope you had a nice weekend. We've been speaking here to some of the folks at the seed/pesticide companies about dicamba, as acreage of the traited seed has

been expected to roughly double this year, and the continued concerns over crop damage, etc. One point that's come up is that EPA is reviewing/investigating farmers' use of the product in advance of its registration being up for renewal by November of this year, I believe. It sounds like EPA's been asking questions of farmers who've reported crop damage as well as those who've been applying dicamba, and also talking to registrants (mainly Monsanto, they say) about efforts to mitigate volatility and misapplication.

We're following this as the growing season progresses, but wanted to see if it'd be possible to talk with your folks over the next week or two and get a sense of how they're looking at all of this, so if we do a story and refer to the EPA's efforts to weigh all these factors in advance of the re-registration, we can be comprehensive and up to date with it. Let me know and feel free to give me a call if you want to discuss further, I'm at the office number below and around all this week.

Darlene Dinkins
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5214

Message

From: Sisco, Debby [Sisco.Debby@epa.gov]
Sent: 8/27/2018 7:30:16 PM
To: Keigwin, Richard [Keigwin.Richard@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]
CC: Bennett, Isabella [Bennett.Isabella@epa.gov]; Dinkins, Darlene [Dinkins.Darlene@epa.gov]; Han, Kaythi [Han.Kaythi@epa.gov]; Lantz, Tracy [Lantz.Tracy@epa.gov]; Mosby, Jackie [Mosby.Jackie@epa.gov]; Herndon, George [Herndon.George@epa.gov]
Subject: RE: Dicamba Desk statement
Attachments: Dicamba Evidence Desk Statement 8-27-18 ds.docx

Oops, forgot to attach the mark-up.

Debby Sisco
Ethics Officer and Special Assistant to the Director
Office of Pesticide Programs (7501P)
US Environmental Protection Agency
4th floor - 4241 Potomac Yard South
(office: 703 308-8121; Mobile: 571 317-4823)

From: Sisco, Debby
Sent: Monday, August 27, 2018 3:29 PM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
Cc: Bennett, Isabella <Bennett.Isabella@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>; Mosby, Jackie <Mosby.Jackie@epa.gov>; Herndon, George <Herndon.George@epa.gov>
Subject: RE: Dicamba Desk statement

Rick,

Here is the statement Nancy requested on dicamba. The statement is, as requested, 2 sentences, but is followed by background. I've cut a bit, could probably cut more. What do you think?

Dicamba Evidence Desk Statement
08/14/18
Statement:

EPA will consider all the available evidence to inform our decision whether to continue to allow the over-the-top use of dicamba. We hope to complete this work shortly, and our goal is to make a decision about the availability of this tool so that growers have sufficient time to plan for the 2019 growing season.

Background:

While most pesticide registrations are not time-limited, when EPA determines it is necessary to meet our legal obligations, the Agency grants time-limited pesticide registrations. In this case, EPA placed a 2-year limit on the dicamba pesticide products (Xtendimax with Vapor Grip; Engenia; and DuPont's FeXapan Herbicide)

registered for use on soybean and cotton crops that have been genetically engineered to tolerate dicamba once the plants have emerged ("over the top"). EPA placed this time limit on the registrations to allow us either to let them expire or to work with the registrants to make necessary changes in the registration to address concerns about adverse effects related to the application of these products and potential off-target movement.

The first registration expiration date will occur on November 9, 2018, unless EPA determines that extending the registration meets applicable legal standards. We intend to make our decision in time to inform growers' seed purchase choices. We will base this decision on multiple lines of evidence, including collaboration with growers, states, and registrants. EPA continues to gather information to inform this decision and will use all available evidence when evaluating dicamba registrations. EPA has not predetermined its decision – all regulatory options are on the table.

EPA is aware of reports of off-target crop damage (e.g., non-GE soybean and cotton, ornamental gardens, and other non-target plants) that may be related to the use of dicamba. We are reviewing the current use restrictions on the labels for these dicamba formulations in light of the incidents that have been reported this year and in 2017. EPA is using the best available information from several sources to develop a decision that balances protection of the environment with the benefits of this technology to growers for weed control and crop production. EPA will consider both quantitative and qualitative information to make our decision. We are working closely with academia, growers, state officials, weed management experts, industry, and the public to gather available information that helps us understand the circumstances that may contribute to any off-field drift incidents, including:

- incident data,
- yield information (or potential impacts on yield),
- off-target impacts to plants, including non-dicamba-tolerant soybeans
- input from crop production experts, and
- information available to state regulatory officials and contained in state reports.

Debby Sisco
Ethics Officer and Special Assistant to the Director
Office of Pesticide Programs (7501P)
US Environmental Protection Agency
4th floor - 4241 Potomac Yard South
(office: 703 308-8121; Mobile: 571 317-4823)

From: Bennett, Isabella
Sent: Monday, August 27, 2018 1:33 PM
To: Sisco, Debby <Sisco.Debby@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>; Mosby, Jackie <Mosby.Jackie@epa.gov>; Herndon, George <Herndon.George@epa.gov>
Subject: Dicamba Desk statement

Good afternoon Debby and Darlene,

This dicamba desk statement is ready for OPP IO review. It was approved by OGC and RD. The original ask from Nancy is highlighted below.

Thanks,
Isabella

From: Hathaway, Margaret
Sent: Friday, August 10, 2018 11:37 AM
To: Lantz, Tracy <Lantz.Tracy@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; ONeill, Sandra <ONeill.Sandra@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>
Subject: FW: Dicamba Desk statement

Hello FEAD:
As you may have already heard from Kaitlin, this morning there was a briefing to Nancy Beck on dicamba. Mike Goodis asked me to alert FEAD more broadly about the following ask from that meeting: Nancy is requesting a desk statement describing when EPA will make a dicamba decision and what the supporting evidence will be. The statement should be only 2-4 sentences long.

OGC (Ariadne and Michele) is taking the first stab at drafting something, and but the statement will also need to be worked out in coordination with FEAD and Linda Strauss' office.

I'm in the building today if anyone has any dicamba questions I may be able to help with.

Thanks,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division: Herbicide Division
hathaway.margaret@epa.gov
(703) 305-5076

From: Keller, Kaitlin
Sent: Friday, August 10, 2018 10:48 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Subject: RE: Desk statement

Definitely--we can loop Linda Strauss in when you have a draft. Thanks!

From: Goodis, Michael
Sent: Friday, August 10, 2018 10:44 AM
To: Knorr, Michele <knorr.michele@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Subject: RE: Desk statement

That would be great....thanks!

Michael L. Goodis, P.E.
Director, Registration Division (RD)

Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Knorr, Michele
Sent: Friday, August 10, 2018 10:27 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Subject: Desk statement

Mike/Kaitlin – Ariadne and I are willing to take a crack at the statement. Would you be comfortable with that?

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

Message

From: Nathan Plendl - Plendl Feed Service Agronomist [nathan.plendl@frontier.com]
Sent: 8/19/2018 4:48:39 PM
To: Keigwin, Richard [Keigwin.Richard@epa.gov]
Subject: Registration of Xtendimax
Attachments: ATT00001.txt; Letter to the EPA final draft .docx

Here is letter of support to help keep this product available for the use in agriculture.

Thank you

Nathan Plendl

Message

From: Klasen, Matthew [Klasen.Matthew@epa.gov]
Sent: 8/31/2018 6:03:56 PM
To: Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Dinkins, Darlene [Dinkins.Darlene@epa.gov]
CC: Keller, Kaitlin [keller.kaitlin@epa.gov]; Keigwin, Richard [Keigwin.Richard@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Sisco, Debby [Sisco.Debby@epa.gov]
Subject: RE: Update on Pesticide Label Process

Thanks!

Matt Klasen
U.S Environmental Protection Agency
Office of Congressional Affairs
WJC North 3443P
202-566-0780
cell (202) 505-0787

From: Dunton, Cheryl
Sent: Friday, August 31, 2018 1:33 PM
To: Klasen, Matthew <Klasen.Matthew@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Cc: Keller, Kaitlin <keller.kaitlin@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Sisco, Debby <Sisco.Debby@epa.gov>
Subject: RE: Update on Pesticide Label Process

Matt you can use this. Thanks.

Dicamba Desk Statement

EPA will use all available evidence when evaluating registrations for over-the-top use of dicamba. Our goal is to make a decision in time for growers to make informed seed purchase decisions for the next planting season.

Background:

EPA placed a 2-year limit on the registrations for dicamba pesticide products (Xtendimax with Vapor Grip; Engenia; and DuPont's FeXapan Herbicide) used on soybean and cotton crops that have been genetically engineered to tolerate dicamba once the plants have emerged ("over the top"). EPA placed this time limit on the registrations to allow us either to let them expire or to work with the registrants to make necessary changes in the registration that may be necessary to address any concerns about adverse effects related to the application of these products. Registrations of dicamba for use on genetically modified cotton and soybeans begin expiring in November 2018 unless EPA determines that extending the registration meets applicable legal standards.

We are reviewing the current use restrictions on the labels for these dicamba formulations in light of the incidents that have been reported this year and in 2017. EPA is using the best available information from several sources to develop a decision that balances protection of the environment with the benefits this technology offers growers for weed control and crop production. EPA will consider both quantitative and qualitative information to make our decision. EPA is working closely with academia, growers, state officials, weed management experts, industry, and the public to gather available information that helps us make our decision, including:

- incident data,
- yield information (or potential impacts on yield),
- off-target impacts to plants, including non-dicamba-tolerant soybeans,

- conversations with individuals in the field, and
- narrative information contained in state reports.

From: Klasen, Matthew
Sent: Friday, August 31, 2018 9:27 AM
To: Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Cc: Keller, Kaitlin <keller.kaitlin@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Sisco, Debby <Sisco.Debby@epa.gov>
Subject: RE: Update on Pesticide Label Process

The incoming came in on Tuesday, so if there's a way we can respond today, that would be helpful. Not the end of the world if we don't, but would just like to be responsive if we can.

Thanks,
Matt

Matt Klasen
U.S Environmental Protection Agency
Office of Congressional Affairs
WJC North 3443P
202-566-0780
cell (202) 505-0787

From: Dunton, Cheryl
Sent: Friday, August 31, 2018 9:25 AM
To: Klasen, Matthew <Klasen.Matthew@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Cc: Keller, Kaitlin <keller.kaitlin@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Sisco, Debby <Sisco.Debby@epa.gov>
Subject: RE: Update on Pesticide Label Process

I reminded folks again to look at the more detailed statement I sent for review earlier this week. When do you need to respond by?

From: Klasen, Matthew
Sent: Friday, August 31, 2018 9:19 AM
To: Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Cc: Keller, Kaitlin <keller.kaitlin@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Sisco, Debby <Sisco.Debby@epa.gov>
Subject: RE: Update on Pesticide Label Process

Adding Mary and Debby.

Thanks,
Matt

Matt Klasen
U.S Environmental Protection Agency
Office of Congressional Affairs
WJC North 3443P

202-566-0780
cell (202) 505-0787

From: Klasen, Matthew
Sent: Friday, August 31, 2018 9:18 AM
To: Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Cc: Keller, Kaitlin <keller.kaitlin@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>
Subject: RE: Update on Pesticide Label Process

Hi team – just looping back – OK to use the statement below, or did things change at all?

Thanks,
Matt

Matt Klasen
U.S Environmental Protection Agency
Office of Congressional Affairs
WJC North 3443P
202-566-0780
cell (202) 505-0787

From: Dinkins, Darlene
Sent: Tuesday, August 28, 2018 5:20 PM
To: Klasen, Matthew <Klasen.Matthew@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Cc: Keller, Kaitlin <keller.kaitlin@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>
Subject: RE: Update on Pesticide Label Process

Thanks Cheryl. We'll check in with you tomorrow.

Darlene Dinkins
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5214

From: Klasen, Matthew
Sent: Tuesday, August 28, 2018 4:57 PM
To: Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Cc: Keller, Kaitlin <keller.kaitlin@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>
Subject: RE: Update on Pesticide Label Process

Thanks, Cheryl and Darlene.

I don't think we need to get back to Sen. Blunt till tomorrow, so we have a bit more time. Just let me know if the statement evolves at all between now and tomorrow afternoon and I'll use whatever we come to in response to the Senate question.

Thanks again,
Matt

Matt Klasen
U.S Environmental Protection Agency
Office of Congressional Affairs
WJC North 3443P
202-566-0780
cell (202) 505-0787

From: Dunton, Cheryl
Sent: Tuesday, August 28, 2018 4:55 PM
To: Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Cc: Keller, Kaitlin <keller.kaitlin@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Klasen, Matthew <Klasen.Matthew@epa.gov>
Subject: Re: Update on Pesticide Label Process

Darlene - I still need to review the statement. It differs some from what we've been saying to press so expect some changes.

Regarding Matt's inquiry, if you need something immediately here's the statement we've been providing to the press.

Our goal is to make a decision in time for growers to make informed seed purchase decisions for the next planting season.

On Aug 28, 2018, at 4:43 PM, Dinkins, Darlene <Dinkins.Darlene@epa.gov> wrote:

> Kaitlin and Cheryl,
>
> For Matt Klasen's email below from Sen. Blunt's staff inquiring about the timeline for dicamba, OPP would like to use the same desk statement that Debby sent to Cheryl earlier this morning (7:03 am email) for IO clearance. Please let us know if we can use this statement to respond to Sen. Blunt. I've copied Matt on this email. Thanks.
>
> **Dicamba Desk Statement**
> **Statement:**
>
> EPA will consider all the available evidence to inform our decision whether to continue to allow the over-the-top use of dicamba. We hope to complete this work shortly, and our goal is to make a decision about the availability of this tool so that growers have sufficient time to plan for the 2019 growing season.
>
> *Darlene Dinkins*
> Office of Pesticide Programs
> U.S. Environmental Protection Agency
> (703) 305-5214
>
> **From:** Klasen, Matthew
> **Sent:** Tuesday, August 28, 2018 3:02 PM
> **To:** Keller, Kaitlin <keller.kaitlin@epa.gov>; Dinkins, Darlene

<Dinkins.Darlene@epa.gov>; Sisco, Debby <Sisco.Debby@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>
Cc: Borum, Denis <Borum.Denis@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: FW: Update on Pesticide Label Process

Hi pesticides team,

Please see below for an inquiry from Sen. Blunt's staff re: our timeline for a decision on dicamba. Can you let me know if there's anything more we can offer on timing?

Thanks,
Matt

Matt Klasen
U.S Environmental Protection Agency
Office of Congressional Affairs
WJC North 3443P
202-566-0780
cell (202) 505-0787

From: Frye, Tony (Robert)
Sent: Tuesday, August 28, 2018 10:27 AM
To: Klasen, Matthew <Klasen.Matthew@epa.gov>; Borum, Denis <Borum.Denis@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: FW: Update on Pesticide Label Process

Hello Team – Is there anything we can share with Trey?
Thanks,
Tony

Tony Frye
Special Advisor
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Cell: 202.603.3225

From: McKenzie, Trey (Blunt) [mailto:Trey_McKenzie@blunt.senate.gov]
Sent: Tuesday, August 28, 2018 10:20 AM
To: Palich, Christian <palich.christian@epa.gov>
Cc: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: Update on Pesticide Label Process

Hi Christian,

Can you provide an update on the status of the registration renewal for the dicamba products that are currently under consideration? I've seen reports that the agency is getting close to a decision but haven't received any concrete info on the timeline for

announcing it. Our farmers are starting to make their seed purchase and planting decisions for next year and need to know whether this technology will be available. Any insight would be appreciated.

Thanks,
Trey

Trey McKenzie
Legislative Assistant
Senator Roy Blunt
260 Russell Senate Office Building
202-224-5721

Message

From: Dinkins, Darlene [Dinkins.Darlene@epa.gov]
Sent: 8/15/2018 11:03:44 PM
To: Keigwin, Richard [Keigwin.Richard@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]
Subject: Follow up dicamba correspondence(s)
Attachments: Becks Hybrid Seeds 20180727162557485.pdf; Bob Meils Illinois Fwd_ Xtend Crop Systems.pdf; CBD Dicamba Renewal Comments Final.pdf; CrawfordDicambaLetter8.3.pdf; David Hodges MS Support Dicamba.pdf; Dicamba Texas Farm Bureau.pdf; Eddie Price - Harvey Fert and Gas Fwd_ Xtendimax label renewal.pdf; Iowa Farmer support - April Hemmes.pdf; Jeff Flamm Union County Illinois Fruit trees.pdf; John Bradley Williams EPA letter 2018 - producer.doc; M Hermann AgReliant Genetics Xtend crop system.pdf; M Vande Logt - LandOLakes-Winfield Generic Dicamba EPA approval of dicamba technology.pdf; North Dakota Dept of Ag AX-18-000-9648.pdf; Purple Ribbon Seeds - FW_ Xtend Crop System Renewal.pdf; Richard Coy FW_ Arkansas Honeybees and Dicamba.pdf; South TX Cotton and Grain Assoc. EPA_Xtendimax_Renewal 08062018.pdf; Steve Smith - RedGold - Fwd_ Reflections on the dicamba situation.pdf; Stine Seed Letter to Richard Keigwin.pdf; Torie Korth Crop Advisor Iowa Fwd_ Dicamba.pdf; Wakins crop Consulting.pdf; Axis Seeds - FW_ Xtend Crop System.pdf; Copy of OCSPPWORKINGLOG (005).xlsx; Steve Smith - RedGold - Fwd_ Reflections on the dicamba situation.pdf; Richard Coy FW_ Arkansas Honeybees and Dicamba.pdf

While working with RD on the response to 4 the letters that are currently on our CMS Working Log (see yellow highlighted numbers below), CSB learned about the additional attached letters that were sent directly to the program uncontrolled (not through CMS). These letters overlap. Becks is the first attachment and I did create a control for the that letter. Some of these letters express support of the continued registration, some don't. CSB is working with RD on a generic "thank you for your concerns….we will take them into consideration as we weigh the options" type response.

Rick – Since most are addressed to you, I'm not sure if you've already had a conversation with RD about how you want to handle the attached letters – are ok with a generic "thank you" response, do you want to sign the responses, do you want RD to sign the responses, do you want them all added to CMS (only the letters highlighted below are in CMS), or not add them in CMS and just address them outside of the CMS system. Any thoughts?

Dicamba letters currently in CMS (on our CMS Work Log):
AX-18-000-9648
AX-18-000-9800
AX-18-000-9791
AX-18-000-9648

Darlene Dinkins
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5214

From: Han, Kaythi
Sent: Tuesday, August 14, 2018 7:26 PM
To: Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: FW: Follow up dicamba correspondence(s)

Darlene, here are the dicamba letters I mentioned. Since there is some overlap with controls already in CMS, I think sending a generic, courtesy response may be the way to go.

Kaythi Han
Team Leader, Communications
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5642 | han.kaythi@epa.gov

From: Baris, Reuben
Sent: Tuesday, August 14, 2018 4:22 PM
To: Han, Kaythi <Han.Kaythi@epa.gov>; Bennett, Isabella <Bennett.Isabella@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: Follow up correspondence(s)

These are the letters, or emails that have come to rick that he has shared with RD. Thanks for your help taking the lead on what to do with them. Please let us know if you need any technical support.

Worth noting there is some overlap with the communications logged in CMS (e.g., crawford's letter, ND Dept of Ag, South TX Grain Assoc., and maybe others…).

Thanks!
Reuben

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

Message

From: Sisco, Debby [Sisco.Debby@epa.gov]
Sent: 9/11/2018 3:30:10 PM
To: Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Han, Kaythi [Han.Kaythi@epa.gov]; Keigwin, Richard [Keigwin.Richard@epa.gov]
CC: Dinkins, Darlene [Dinkins.Darlene@epa.gov]
Subject: RE: Agri-Pulse - Dicamba

I agree. Couldn't get Goodis, but talked with Dan Rosenblatt and he agreed. Stick with our current statement.

Debby Sisco
Ethics Officer and Special Assistant to the Director
Office of Pesticide Programs (7501P)
US Environmental Protection Agency
4th floor - 4241 Potomac Yard South
(office: 703 308-8121; Mobile: 571 317-4823)

From: Dunton, Cheryl
Sent: Tuesday, September 11, 2018 11:10 AM
To: Sisco, Debby <Sisco.Debby@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>
Cc: Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: RE: Agri-Pulse - Dicamba

This is our statement. I think we should stick with this.

EPA will use all available evidence when evaluating registrations for over-the-top use of dicamba. Our goal is to make a decision in time for growers to make informed seed purchase decisions for the next planting season.

Background:
EPA placed a 2-year limit on the registrations for dicamba pesticide products (Xtendimax with Vapor Grip; Engenia; and DuPont's FeXapan Herbicide) used on soybean and cotton crops that have been genetically engineered to tolerate dicamba once the plants have emerged ("over the top"). EPA placed this time limit on the registrations to allow us either to let them expire or to work with the registrants to make necessary changes in the registration that may be necessary to address any concerns about adverse effects related to the application of these products. Registrations of dicamba for use on genetically modified cotton and soybeans begin expiring in November 2018 unless EPA determines that extending the registration meets applicable legal standards.

We are reviewing the current use restrictions on the labels for these dicamba formulations in light of the incidents that have been reported this year and in 2017. EPA is using the best available information from several sources to develop a decision that balances protection of the environment with the benefits this technology offers growers for weed control and crop production. EPA will consider both quantitative and qualitative information to make our decision. EPA is working closely with academia, growers, state officials, weed management experts, industry, and the public to gather available information that helps us make our decision, including:

- incident data,
- yield information (or potential impacts on yield),

- off-target impacts to plants, including non-dicamba-tolerant soybeans,
- conversations with individuals in the field, and
- narrative information contained in state reports.

From: Sisco, Debby
Sent: Tuesday, September 11, 2018 10:55 AM
To: Han, Kaythi <Han.Kaythi@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>
Cc: Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: FW: Agri-Pulse - Dicamba

What's our latest desk statement? Or response? I don't see the point in giving interviews at this point.

Debby Sisco
Ethics Officer and Special Assistant to the Director
Office of Pesticide Programs (7501P)
US Environmental Protection Agency
4th floor - 4241 Potomac Yard South
(office: 703 308-8121; Mobile: 571 317-4823)

From: Daguillard, Robert
Sent: Tuesday, September 11, 2018 10:48 AM
To: Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Sisco, Debby <Sisco.Debby@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: OPP: Agri-Pulse - Dicamba

DICAMBA
AGRI-PULSE AND BNV
ASAP

Good morning,

Both Steve – below – and Tiffany Stecker have asked for a dicamba status update. I don't imagine we have anything new to tell them?

++++++++++++++++++++++++++++++++

Hi Robert:

would it be possible to talk to Mike Goodis re: dicamba?

questions:

I'm wondering where EPA is in its decisionmaking process -- i.e., when will a decision be made?

Is a cutoff date on the table?

what about a cutoff tied to plant-growth stage?

whom have you spoken with to get input on the decision?

Will EPA provide additional money to state pesticide programs in order to help them deal with the increased level of drift complaints?

Thank you, my friend

Steve

Message

From: Bruce Ceranske [bruce@legacyseeds.com]
Sent: 8/15/2018 7:53:54 PM
To: Keigwin, Richard [Keigwin.Richard@epa.gov]
Subject: RE: Xtendimax Registration
Attachments: ATT00001.txt

Rick,
Thank you for the acknowledgement of my email.

Respectfully,

BRUCE CERANSKE
President
P.O. Box 68
290 Depot Street
Scandinavia, Wisconsin 54977
715-467-2555 Office
715-281-0702 Cell
www.legacyseeds.com

From: Keigwin, Richard <Keigwin.Richard@epa.gov>
Sent: Wednesday, August 15, 2018 2:50 PM
To: Bruce Ceranske <bruce@legacyseeds.com>
Subject: RE: Xtendimax Registration

Thank you for reaching out to EPA and providing the information you discuss below. Hearing from the agricultural community regarding their experiences with the dicamba technology is an important piece of information for the agency to consider as we work towards the upcoming regulatory decision for dicamba.

Rick Keigwin
Director, Office of Pesticide Programs
US Environmental Protection Agency
Phone: 703-305-7090
Email: keigwin.richard@epa.gov
Visit: https://www.epa.gov/pesticides

From: Bruce Ceranske [mailto:bruce@legacyseeds.com]
Sent: Wednesday, August 15, 2018 12:55 PM

To: Keigwin, Richard <Keigwin.Richard@epa.gov>
Subject: Xtendimax Registration

Dear Mr. Keigwin:

My name is Bruce Ceranske from Scandinavia, Wisconsin. I am a farmer and president of Legacy Seeds, LLC. We sell various soybean technologies to growers in a multi-state area comprising of Michigan, Wisconsin, Minnesota and North Dakota. I would like to let you know that I support the registration of Xtendimax herbicide. As a farmer in Central Wisconsin, we are facing serious weed pressure from glyphosate resistant waterhemp. Glyphoste resistant waterhemp is almost impossible to control without Xtendimax at this point. My company is also testing products from DOW that have 2,4-D that will control glyphosate resistant weeds however, they are not currently available for use.

Mr. Keigwin, I have taken the Xtendimax training and I know that growers will be responsible and use the product according to the label. As a farmer and seedsman, I do not want to misuse anything that off label, period. As a steward of the land I farm and seed I market to my fellow soybean growers, it is my responsibility to follow the guidelines set forth.

Please keep Xtendimax available to growers because without it we have limited choice, and will take a reduction in yields and income.

Respectfully,

BRUCE CERANSKE
President
P.O. Box 68
290 Depot Street
Scandinavia, Wisconsin 54977
715-467-2555 Office
715-281-0702 Cell
www.legacyseeds.com

Message

From: Dunton, Cheryl [Dunton.Cheryl@epa.gov]
Sent: 6/20/2018 6:29:50 PM
To: Dinkins, Darlene [Dinkins.Darlene@epa.gov]; Parsons, Doug [Parsons.Douglas@epa.gov]
CC: Sisco, Debby [Sisco.Debby@epa.gov]; Han, Kaythi [Han.Kaythi@epa.gov]; Siedschlag, Gregory [Siedschlag.Gregory@epa.gov]; Naimy, Nina [Naimy.Nina@epa.gov]; Keigwin, Richard [Keigwin.Richard@epa.gov]; Layne, Arnold [Layne.Arnold@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]
Subject: FW: For your review/clearance: Two Press Inquiries on Dicamba from Wall Street Journal and DTN
Attachments: Dicamba Desk Statement_20180614 (002).docx

+ Doug who is handling press this week while Linda's out.

From: Dinkins, Darlene
Sent: Wednesday, June 20, 2018 2:28 PM
To: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Cc: Strauss, Linda <Strauss.Linda@epa.gov>; Sisco, Debby <Sisco.Debby@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Naimy, Nina <Naimy.Nina@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
Subject: FW: For your review/clearance: Two Press Inquiries on Dicamba from Wall Street Journal and DTN

Hi Cheryl,

OPP would like to use the attached desk statement on dicamba to respond to the two press inquiries below. Thanks.

DTN/PROGRESSIVE FARMER
EMILY UNGLESBEE
TODAY, 6/20/18

A source has told me that EPA hopes to make a decision on whether or not to extend the registrations of Engenia, XtendiMax and FeXapan by mid-August this year, in order for farmers to be able to make timely seed decisions for the 2019 season. As a result, EPA is watching and coordinating closely with state regulators (AAPCO) to get real-time information on dicamba injury this summer. Can EPA confirm this timeline? Is the statement about how EPA is monitoring the situation accurate? I will be publishing this information today.

WALL STREET JOURNAL
JACOB BUNGE
DDL FLEX – THIS WEEK

Hello Robert, this is Jacob Bunge at the Wall Street Journal out in Chicago, I hope you had a nice weekend. We've been speaking here to some of the folks at the seed/pesticide companies about dicamba, as acreage of the traited seed has been expected to roughly double this year, and the continued concerns over crop damage, etc. One point that's come up is that EPA is reviewing/investigating farmers' use of the product in advance of its registration being up for renewal by November of this year, I believe. It sounds like EPA's been asking questions of farmers who've reported crop damage as well as those who've been applying dicamba, and also talking to registrants (mainly Monsanto, they say) about efforts to mitigate volatility and misapplication.

We're following this as the growing season progresses, but wanted to see if it'd be possible to talk with your folks over the next week or two and get a sense of how they're looking at all of this, so if we do a story and refer to the EPA's efforts to weigh all these factors in advance of the re-registration, we can be comprehensive and up to date with it. Let

me know and feel free to give me a call if you want to discuss further, I'm at the office number below and around all this week.

Darlene Dinkins
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5214

Message

From: Dinkins, Darlene [Dinkins.Darlene@epa.gov]
Sent: 6/20/2018 6:22:30 PM
To: Layne, Arnold [Layne.Arnold@epa.gov]
CC: Keigwin, Richard [Keigwin.Richard@epa.gov]; Sisco, Debby [Sisco.Debby@epa.gov]
Subject: RE: For your review/clearance: Two Press Inquiries on Dicamba from Wall Street Journal and DTN

Thanks Arnold. So it will read as:

Dicamba formulations applied "over-the-top" to herbicide-resistant cotton and soybeans have new labels this year to further minimize the potential for drift. EPA is working with affected state lead agencies through the Association of American Pesticide Control Officials to monitor the implementation and use of the new labels. EPA and the states will promptly investigate any reported incidents and examine how to prevent them in the future.

These registrations for over-the-top dicamba will expire in fall 2018. Our goal is to make a regulatory decision in time to inform seed and weed management purchase decisions for the 2019 growing season.

Darlene Dinkins
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5214

From: Layne, Arnold
Sent: Wednesday, June 20, 2018 2:06 PM
To: Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Cc: Keigwin, Richard <Keigwin.Richard@epa.gov>; Sisco, Debby <Sisco.Debby@epa.gov>
Subject: RE: For your review/clearance: Two Press Inquiries on Dicamba from Wall Street Journal and DTN

Darlene,

The desk statement looks fine. I do think, however, that we should insert AAPCO when we are talking about the states. It lends credibility to our coordination with the states on this issue.

Arnold E. Layne
Deputy Director for Management
EPA Chief Customer Experience Officer for OPP
EPA OCSPP Lead for Zika
Office of Pesticide Programs
US Environmental Protection Agency
703-347-8222

"Nobody cares how much you know, until they know you care about them!" Zig Ziglar

Everything starts with the customer!

From: Dinkins, Darlene
Sent: Wednesday, June 20, 2018 12:16 PM
To: Layne, Arnold <Layne.Arnold@epa.gov>
Cc: Keigwin, Richard <Keigwin.Richard@epa.gov>; Sisco, Debby <Sisco.Debby@epa.gov>
Subject: For your review/clearance: Two Press Inquiries on Dicamba from Wall Street Journal and DTN

We received the two press inquiries on Dicamba highlighted below. Linda asked CSB to prepare a desk statement last week to have in advance of inquiries and they drafted the attached statement. I asked CSB to check with RD to make sure they did not want to include anything in the statement about the recently reported incidents and Reuben said since it's already very fluid and dynamic, he's reluctant to include ongoing investigations as part of the desk statement. Apparently, the number and type of incidents have already increased. He said this was the challenge they had last year, as soon as numbers were reported they were outdated. He thinks since the reporter isn't asking for specific numbers, we should stick to the general discussion about the expiration and how we are engaging with states, farmers/growers/applicators, and all three registrants (not just Monsanto as they seemed to elude to….).

Please let me know if this is ok to send to Linda. It's very similar to the statement we had last year.

DTN/PROGRESSIVE FARMER
EMILY UNGLESBEE
TODAY, 6/20/18

A source has told me that EPA hopes to make a decision on whether or not to extend the registrations of Engenia, XtendiMax and FeXapan by mid-August this year, in order for farmers to be able to make timely seed decisions for the 2019 season. As a result, EPA is watching and coordinating closely with state regulators (AAPCO) to get real-time information on dicamba injury this summer. Can EPA confirm this timeline? Is the statement about how EPA is monitoring the situation accurate? I will be publishing this information today.

WALL STREET JOURNAL
JACOB BUNGE
DDL FLEX – THIS WEEK

Hello Robert, this is Jacob Bunge at the Wall Street Journal out in Chicago, I hope you had a nice weekend. We've been speaking here to some of the folks at the seed/pesticide companies about dicamba, as acreage of the traited seed has been expected to roughly double this year, and the continued concerns over crop damage, etc. One point that's come up is that EPA is reviewing/investigating farmers' use of the product in advance of its registration being up for renewal by November of this year, I believe. It sounds like EPA's been asking questions of farmers who've reported crop damage as well as those who've been applying dicamba, and also talking to registrants (mainly Monsanto, they say) about efforts to mitigate volatility and misapplication.

We're following this as the growing season progresses, but wanted to see if it'd be possible to talk with your folks over the next week or two and get a sense of how they're looking at all of this, so if we do a story and refer to the EPA's efforts to weigh all these factors in advance of the re-registration, we can be comprehensive and up to date with it. Let me know and feel free to give me a call if you want to discuss further, I'm at the office number below and around all this week.

Darlene Dinkins
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5214

Message

From: Dinkins, Darlene [Dinkins.Darlene@epa.gov]
Sent: 6/20/2018 4:16:17 PM
To: Layne, Arnold [Layne.Arnold@epa.gov]
CC: Keigwin, Richard [Keigwin.Richard@epa.gov]; Sisco, Debby [Sisco.Debby@epa.gov]
Subject: For your review/clearance: Two Press Inquiries on Dicamba from Wall Street Journal and DTN
Attachments: Dicamba Desk Statement_20180614.docx

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Darlene Dinkins
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5214

Message

From: Keigwin, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=151BAABB6A2246A3A312F12A706C0A05-RICHARD P KEIGWIN JR]
Sent: 8/28/2018 8:14:57 PM
To: Dinkins, Darlene [Dinkins.Darlene@epa.gov]
CC: Sisco, Debby [Sisco.Debby@epa.gov]
Subject: Re: Update on Pesticide Label Process

Works for me.

Rick Keigwin
Director, Office of Pesticide Programs
U.S. Environmental Protection Agency
Phone: 703-305-7090
Website: www.epa.gov/pesticides
Sent from my iPhone

On Aug 28, 2018, at 4:11 PM, Dinkins, Darlene <Dinkins.Darlene@epa.gov> wrote:

For Matt's email below from Sen. Blunt's staff inquiring about the timeline for dicamba, wondering if we can use the desk statement that Debby sent to Cheryl earlier this morning for IO clearance. Thoughts?

Dicamba Evidence Desk Statement
08/14/18
Statement:

EPA will consider all the available evidence to inform our decision whether to continue to allow the over-the-top use of dicamba. We hope to complete this work shortly, and our goal is to make a decision about the availability of this tool so that growers have sufficient time to plan for the 2019 growing season.

Background:

While most pesticide registrations are not time-limited, when EPA determines it is necessary to meet our legal obligations, the Agency grants time-limited pesticide registrations. In this case, EPA placed a 2-year limit on the dicamba pesticide products (Xtendimax with Vapor Grip; Engenia; and DuPont's FeXapan Herbicide) registered for use on soybean and cotton crops that have been genetically engineered to tolerate dicamba once the plants have emerged ("over the top"). EPA placed this time limit on the registrations to allow us either to let them expire or to work with the registrants to make necessary changes in the registration to address concerns about adverse effects related to the application of these products and potential off-target movement.

The first registration expiration date will occur on November 9, 2018, unless EPA determines that extending the registration meets applicable legal standards. We intend to make our decision in time to inform growers' seed purchase choices. We will base this decision on multiple lines of evidence, including collaboration with growers, states, and registrants. EPA continues to gather information to inform this decision and will use all available evidence when

evaluating dicamba registrations. EPA has not predetermined its decision – all regulatory options are on the table.

EPA is aware of reports of off-target crop damage (e.g., non-GE soybean and cotton, ornamental gardens, and other non-target plants) that may be related to the use of dicamba. We are reviewing the current use restrictions on the labels for these dicamba formulations in light of the incidents that have been reported this year and in 2017. EPA is using the best available information from several sources to develop a decision that balances protection of the environment with the benefits of this technology to growers for weed control and crop production. EPA will consider both quantitative and qualitative information to make our decision. We are working closely with academia, growers, state officials, weed management experts, industry, and the public to gather available information that helps us understand the circumstances that may contribute to any off-field drift incidents, including:

- <!--[if !supportLists]--><!--[endif]-->incident data,
- <!--[if !supportLists]--><!--[endif]-->yield information (or potential impacts on yield),
- <!--[if !supportLists]--><!--[endif]-->off-target impacts to plants, including non-dicamba-tolerant soybeans
- <!--[if !supportLists]--><!--[endif]-->input from crop production experts, and
- <!--[if !supportLists]--><!--[endif]--> information available to state regulatory officials and contained in state reports.

Darlene Dinkins
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5214

From: Klasen, Matthew
Sent: Tuesday, August 28, 2018 3:02 PM
To: Keller, Kaitlin <keller.kaitlin@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Sisco, Debby <Sisco.Debby@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>
Cc: Borum, Denis <Borum.Denis@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: FW: Update on Pesticide Label Process

Hi pesticides team,

Please see below for an inquiry from Sen. Blunt's staff re: our timeline for a decision on dicamba. Can you let me know if there's anything more we can offer on timing?

Thanks,
Matt

Matt Klasen
U.S Environmental Protection Agency
Office of Congressional Affairs
WJC North 3443P

202-566-0780
cell (202) 505-0787

From: Frye, Tony (Robert)
Sent: Tuesday, August 28, 2018 10:27 AM
To: Klasen, Matthew <Klasen.Matthew@epa.gov>; Borum, Denis <Borum.Denis@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: FW: Update on Pesticide Label Process

Hello Team – Is there anything we can share with Trey?
Thanks,
Tony

Tony Frye
Special Advisor
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Cell: 202.603.3225

From: McKenzie, Trey (Blunt) [mailto:Trey_McKenzie@blunt.senate.gov]
Sent: Tuesday, August 28, 2018 10:20 AM
To: Palich, Christian <palich.christian@epa.gov>
Cc: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: Update on Pesticide Label Process

Hi Christian,

Can you provide an update on the status of the registration renewal for the dicamba products that are currently under consideration? I've seen reports that the agency is getting close to a decision but haven't received any concrete info on the timeline for announcing it. Our farmers are starting to make their seed purchase and planting decisions for next year and need to know whether this technology will be available. Any insight would be appreciated.

Thanks,
Trey

Trey McKenzie
Legislative Assistant
Senator Roy Blunt
260 Russell Senate Office Building
202-224-5721

Message

From: Keigwin, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=151BAABB6A2246A3A312F12A706C0A05-RICHARD P KEIGWIN JR]
Sent: 8/16/2018 1:03:41 AM
To: Dinkins, Darlene [Dinkins.Darlene@epa.gov]
CC: Messina, Edward [Messina.Edward@epa.gov]
Subject: Re: Follow up dicamba correspondence(s)

I'm fine with a generic response, except in those situations where they ask for a meeting/discussion, etc. RD can sign the responses. No need to handle in CMS. Thanks!

Rick Keigwin
Director, Office of Pesticide Programs
U.S. Environmental Protection Agency
Phone: 703-305-7090
Website: www.epa.gov/pesticides
Sent from my iPhone

On Aug 15, 2018, at 7:03 PM, Dinkins, Darlene <Dinkins.Darlene@epa.gov> wrote:

> While working with RD on the response to 4 the letters that are currently on our CMS Working Log (see yellow highlighted numbers below), CSB learned about the additional attached letters that were sent directly to the program uncontrolled (not through CMS). These letters overlap. Becks is the first attachment and I did create a control for the that letter. Some of these letters express support of the continued registration, some don't. CSB is working with RD on a generic "thank you for your concerns….we will take them into consideration as we weigh the options" type response.
>
> Rick – Since most are addressed to you, I'm not sure if you've already had a conversation with RD about how you want to handle the attached letters – are ok with a generic "thank you" response, do you want to sign the responses, do you want RD to sign the responses, do you want them all added to CMS (only the letters highlighted below are in CMS), or not add them in CMS and just address them outside of the CMS system. Any thoughts?
>
> Dicamba letters currently in CMS (on our CMS Work Log):
> AX-18-000-9648
> AX-18-000-9800
> AX-18-000-9791
> AX-18-000-9648
>
> *Darlene Dinkins*
> Office of Pesticide Programs
> U.S. Environmental Protection Agency
> (703) 305-5214

From: Han, Kaythi
Sent: Tuesday, August 14, 2018 7:26 PM
To: Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: FW: Follow up dicamba correspondence(s)

Darlene, here are the dicamba letters I mentioned. Since there is some overlap with controls already in CMS, I think sending a generic, courtesy response may be the way to go.

Kaythi Han
Team Leader, Communications
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5642 | han.kaythi@epa.gov

From: Baris, Reuben
Sent: Tuesday, August 14, 2018 4:22 PM
To: Han, Kaythi <Han.Kaythi@epa.gov>; Bennett, Isabella <Bennett.Isabella@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: Follow up correspondence(s)

These are the letters, or emails that have come to rick that he has shared with RD. Thanks for your help taking the lead on what to do with them. Please let us know if you need any technical support.

Worth noting there is some overlap with the communications logged in CMS (e.g., crawford's letter, ND Dept of Ag, South TX Grain Assoc., and maybe others...).

Thanks!
Reuben

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

<Becks Hybrid Seeds 20180727162557485.pdf>

<Bob Meils Illinois Fwd_ Xtend Crop Systems.pdf>

<CBD Dicamba Renewal Comments Final.pdf>

<CrawfordDicambaLetter8.3.pdf>

<David Hodges MS Support Dicamba.pdf>

<Dicamba Texas Farm Bureau.pdf>

<Eddie Price - Harvey Fert and Gas Fwd_ Xtendimax label renewal.pdf>

<Iowa Farmer support - April Hemmes.pdf>

<Jeff Flamm Union County Illinois Fruit trees.pdf>

<John Bradley Williams EPA letter 2018 - producer.doc>

<M Hermann AgReliant Genetics Xtend crop system.pdf>

<M Vande Logt - LandOLakes-Winfield Generic Dicamba EPA approval of dicamba technology.pdf>

<North Dakota Dept of Ag AX-18-000-9648.pdf>

<Purple Ribbon Seeds - FW_ Xtend Crop System Renewal.pdf>

<Richard Coy FW_ Arkansas Honeybees and Dicamba.pdf>

<South TX Cotton and Grain Assoc. EPA_Xtendimax_Renewal 08062018.pdf>

<Steve Smith - RedGold - Fwd_ Reflections on the dicamba situation.pdf>

<Stine Seed Letter to Richard Keigwin.pdf>

<Torie Korth Crop Advisor Iowa Fwd_ Dicamba.pdf>

<Wakins crop Consulting.pdf>

<Axis Seeds - FW_ Xtend Crop System.pdf>

<Copy of OCSPPWORKINGLOG (005).xlsx>

<Steve Smith - RedGold - Fwd_ Reflections on the dicamba situation.pdf>

<Richard Coy FW_ Arkansas Honeybees and Dicamba.pdf>

Message

From: Keigwin, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=151BAABB6A2246A3A312F12A706C0A05-RICHARD P KEIGWIN JR]
Sent: 7/31/2018 11:15:15 AM
To: Sisco, Debby [Sisco.Debby@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]
CC: Dinkins, Darlene [Dinkins.Darlene@epa.gov]; Han, Kaythi [Han.Kaythi@epa.gov]
Subject: RE: For your review: Press inquiry on Dicamba from the Arkansas Democrat Gazette

In the response to Question 2, I would change "advice" to "input".

From: Sisco, Debby
Sent: Tuesday, July 31, 2018 7:12 AM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
Cc: Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>
Subject: Fwd: For your review: Press inquiry on Dicamba from the Arkansas Democrat Gazette

Dan R has approved this. Did you or do you want to review?

Debby. Sent from my iPhone

Begin forwarded message:

> **From:** "Han, Kaythi" <Han.Kaythi@epa.gov>
> **Date:** July 30, 2018 at 12:52:05 PM EDT
> **To:** "Dinkins, Darlene" <Dinkins.Darlene@epa.gov>, "Sisco, Debby" <Sisco.Debby@epa.gov>
> **Subject: FW: For your review: Press inquiry on Dicamba from the Arkansas Democrat Gazette**
>
> Hi Darlene and Debby,
>
> RD approved the responses. Thanks!
>
> Kaythi Han
> Team Leader, Communications
> Office of Pesticide Programs
> U.S. Environmental Protection Agency
> (703) 305-5642 | han.kaythi@epa.gov
>
> ---
>
> **From:** Rosenblatt, Daniel
> **Sent:** Monday, July 30, 2018 12:31 PM
> **To:** Han, Kaythi <Han.Kaythi@epa.gov>
> **Cc:** Kenny, Daniel <Kenny.Dan@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>
> **Subject:** RE: For your review: Press inquiry on Dicamba from the Arkansas Democrat Gazette
>
> These answers look fine to me. Thanks.
>
> ---
>
> **From:** Han, Kaythi
> **Sent:** Monday, July 30, 2018 11:27 AM
> **To:** Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
> **Cc:** Kenny, Daniel <Kenny.Dan@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>
> **Subject:** RE: For your review: Press inquiry on Dicamba from the Arkansas Democrat Gazette

Morning Dan,

The IO wanted me to double check with you to make sure these responses are OK. Anything new to add to these responses?

Thanks,

Kaythi Han
Team Leader, Communications
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5642 | han.kaythi@epa.gov

From: Han, Kaythi
Sent: Friday, July 27, 2018 2:43 PM
To: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>
Subject: RE: For your review: Press inquiry on Dicamba from the Arkansas Democrat Gazette

Just found out that you're off today, Dan, so I'm going to move this version of the press inquiry forward.

Kaythi Han
Team Leader, Communications
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5642 | han.kaythi@epa.gov

From: Han, Kaythi
Sent: Friday, July 27, 2018 10:38 AM
To: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>
Subject: For your review: Press inquiry on Dicamba from the Arkansas Democrat Gazette

Hi Dan,

Would you like to review the draft press responses below? Tracy worked with Dan Kenny and his branch and Bob Miller in ITRMD to put together the responses. Much of it is recycled language, so where we've used the text previously is indicated in the parenthesis after the response. I'd like to send this to the IO by COB today. If you are too busy to review it, please let me know. Because the language is recycled, I think it would be fine to send forward as-is.

This is the third time we've fielded questions from this reporter on dicamba. I've attached the previous inquiries from him for your reference.

Question 1: Does the EPA have an estimate when it will release its decision on re-registering dicamba (Xtendimax, etc.) for in-crop use? (I hear August is the timeline.)

Response 1: We are reviewing the current use restrictions on the labels for dicamba formulations in light of the incidents that have been reported this year. Our goal is to make a regulatory decision in time for growers to make informed seed purchase decisions for the next planting season. (from July New Republic press inquiry)

Question 2: What is the EPA doing as it makes that decision? (Are EPA representatives visiting farmers, regulators, etc. in states currently reporting dicamba damage and fielding complaints?)

Response 2: EPA placed a 2-year limit dicamba's registration to allow the Agency to either let it expire or to easily make the necessary changes in the registration in order to address concerns about the possible development of weed resistance and off-target movement. EPA will consider all available information in its decision-making process. EPA is working closely with our regulatory partners in the affected states and the registrants to better understand concerns. EPA representatives are visiting growers in several affected states and with advice from state and industry agriculture experts and university crop scientists, we will use a weight-of-evidence approach to evaluate whether the new restrictions are successfully preventing damage to neighboring crops and other sensitive plants. (from July BNV interview request, with edits in red to include recent tours)

Question 3: Is the EPA considering damage to non-ag interests (backyard gardens, decorative trees and shrubs) as it considers re-registration?

Response 3: EPA is aware of field reports of off-field and non-target crop damage related to the use of dicamba. Past reports claim damage is mostly to non-dicamba resistant soybean, but also include peaches, melons, tomatoes, cantaloupe, grapes, pumpkins, alfalfa, non-dicamba-resistant cotton, peanuts, peas, organic crops, residential/ ornamental gardens and other non-target crops. We are actively collecting this information from states and EPA regional personnel in order to fully understand the circumstances and scope of the issues. (from July DTN press inquiry)

Question 4: Is the EPA demanding improvements by dicamba manufacturers to its formulations?

At this time EPA is in the information gathering stage of its decision-making process regarding dicamba registrations. All regulatory options are on the table, including the possibility of modifying and/or expanding the current list of use restrictions on dicamba labels.

Question 5: Under FIFRA, which requires manufacturers to report to the EPA any "adverse" incidents regarding their products, how many such reports were filed with the EPA by Monsanto, Dow and BASF regarding dicamba's use last season? (The last time I asked about this, you cited a "fluid" situation and declined specifics. I presume last year's problems aren't so fluid now.)

Response 5: You would need to file a Freedom of Information Act request to obtain this information. Many documents submitted for pesticide regulatory purposes contain Confidential Business Information that by law cannot be released to the public. The FOIA process redacts CBI so the documents can be released. For more information or to make a FOIA request, see: https://www.epa.gov/foia. (Same information was provided to the reporter last July; see attached email for reference)

Question 6: Arkansas banned dicamba for in-crop use after April 16 yet has received more than 150 complaints of alleged dicamba damage. Soybean damage has been estimated at 400,000 acres in Arkansas — and 500,000 acres in Illinois, and 100,000 acres in Missouri, two states that allowed in-crop use. What does that tell the EPA about dicamba's future for in-crop use?

Response 6: EPA will consider all available information in its decision-making process. The agency is in regular contact with farmers, researchers, and agricultural companies to remain informed of any dicamba issues occurring in the 2018 growing season. (from July DTN press inquiry)

ARKANSAS DEMOCRAT-GAZETTE
STEPHEN STEED
AWAITING DDL INFO

All, sending the following inquiry now, although I'm waiting to hear the reporter's deadline, and to get a better sense of the focus of his inquiry. Let me know if there are any questions I should ask him.

+ Regions 5, 6, 7, for awareness.

++

Good morning, Robert and Tricia

We've corresponded a few times over the last nine months or go regarding dicamba.

Does the EPA have an estimate when it will release its decision on re-registering dicamba (Xtendimax, etc.) for in-crop use? (I hear August is the timeline.) What is the EPA doing as it makes that decision? (Are EPA representatives visiting farmers, regulators, etc. in states currently reporting dicamba damage and fielding complaints?) Is the EPA considering damage to non-ag interests (backyard gardens, decorative trees and shrubs) as it considers re-registration?
Is the EPA demanding improvements by dicamba manufacturers to its formulations?
Under FIFRA, which requires manufacturers to report to the EPA any "adverse" incidents regarding their products, how many such reports were filed with the EPA by Monsanto, Dow and BASF regarding dicamba's use last season? (The last time I asked about this, you cited a "fluid" situation and declined specifics. I presume last year's problems aren't so fluid now.)

Arkansas banned dicamba for in-crop use after April 16 yet has received more than 150 complaints of alleged dicamba damage. Soybean damage has been estimated at 400,000 acres in Arkansas — and 500,000 acres in Illinois, and 100,000 acres in Missouri, two states that allowed in-crop use. What does that tell the EPA about dicamba's future for in-crop use?

Thanks much.

Stephen Steed
Arkansas Democrat-Gazette
501-399-3654

Message

From: Keigwin, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=151BAABB6A2246A3A312F12A706C0A05-RICHARD P KEIGWIN JR]
Sent: 7/20/2018 8:21:03 PM
To: Overbey, Dian [Overbey.Dian@epa.gov]
CC: Sisco, Debby [Sisco.Debby@epa.gov]; Strauss, Linda [Strauss.Linda@epa.gov]
Subject: Re: FOR REVIEW: Dicamba press inquiry; Outlet: The New Republic; REPLY by FRIDAY 11:00 am

For Q4, I'd delete the last sentence in the response.

For Q3, replace the first couple of sentences with the following: "While most pesticide registrations are not time limited, other registrations have been given for discrete time periods. "

For Q1, delete "The public participation process was used for XtendiMax since the decision is of significant interest, the product is used on GMO crops, and public participation has been used for other similar pesticide products."

Rick Keigwin
Director, Office of Pesticide Programs
U.S. Environmental Protection Agency
Phone: 703-305-7090
Website: www.epa.gov/pesticides
Sent from my iPhone

On Jul 20, 2018, at 4:04 PM, Overbey, Dian <Overbey.Dian@epa.gov> wrote:

> Hi Rick,
>
> Below is a press inquiry due today for your review.
>
> Dian D. Overbey
> Communication Services Branch
> Field and External Affairs Division
> Office of Pesticide Programs
> U.S. Environmental Protection Agency
> Potomac Yard S-8927
> (703) 305-5018
>
> ---
>
> **From:** Overbey, Dian
> **Sent:** Friday, July 20, 2018 4:03 PM
> **To:** Sisco, Debby <Sisco.Debby@epa.gov>
> **Cc:** Strauss, Linda <Strauss.Linda@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>
> **Subject:** RE: FOR REVIEW: Dicamba press inquiry; Outlet: The New Republic; REPLY by FRIDAY 11:00 am
>
> Okay.
>
> ---
>
> **From:** Sisco, Debby
> **Sent:** Friday, July 20, 2018 4:02 PM

To: Overbey, Dian <Overbey.Dian@epa.gov>
Cc: Strauss, Linda <Strauss.Linda@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>
Subject: Re: FOR REVIEW: Dicamba press inquiry; Outlet: The New Republic; REPLY by FRIDAY 11:00 am

Pls send to Rick. Thanks

Debby. Sent from my iPhone

On Jul 20, 2018, at 4:00 PM, Overbey, Dian <Overbey.Dian@epa.gov> wrote:

> Dan Rosenblatt of RD reviewed responses and left a paper copy of his edits on Tracy's chair today. Unfortunately, Tracy is not in and it languished there until I called Dan a few minutes ago. I have incorporated Dan's changes in what is below. Highlighted and in brackets are the sources of the statements.
>
> Sending directly to you since Debby is so busy right now.
>
> Dian D. Overbey
> Communication Services Branch
> Field and External Affairs Division
> Office of Pesticide Programs
> U.S. Environmental Protection Agency
> Potomac Yard S-8927
> (703) 305-5018

From: Lantz, Tracy
Sent: Thursday, July 19, 2018 7:34 PM
To: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Cc: Overbey, Dian <Overbey.Dian@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>
Subject: FOR REVIEW: Dicamba press inquiry; Outlet: The New Republic; REPLY by FRIDAY 11:00 am

Hi Dan,

Both Dan Kenny and Reuben Baris have participated in developing this response. Our sources (if using previously approved text) are highlighted in yellow We've also done some editing here in FEAD/CSB. Please review and provide comment or concurrence. Please respond back to Dian Overbey as she will shepherd this on Friday while I am away from the office. Since this is due out on Friday, please reply by 11:00 am if possible.

Thanks!

This reporter is working on a story for *The New Republic* about dicamba. Here are his questions about the registration process for the new formulations.

Q1 When did Monsanto first submit its XtendiMax formulation for registration? A Monsanto official indicated that the process took longer than expected, and from what I understand these delays were due to extensive amounts of public comment -- is this correct?

Response: Monsanto submitted its applications for XtendiMax on April 28, 2010 (Soybeans) and July 30, 2012 (Cotton). The public participation process was used for XtendiMax since the decision is of significant interest, the product is used on GMO crops, and public participation has been used for other similar pesticide products. The review was extensive because EPA needed to identify what risks required mitigation, conduct an endangered species assessment, and review a resistance management stewardship program. In addition, significant time was required to review the large number of comments -- over 26,000. For more information on how stakeholders participate see the Public Participation Process for Registration Actions. [from EPA web with input from Kay and Dan K.]

Q2 I know the EPA sent agents into southeastern Missouri in October 2016 to investigate potential acts of criminal spraying. What came of this investigation?

Response: It is EPA's policy not to comment on on-going litigation involving EPA or outside parties. [from July 2017 desk statement] Please contact the U.S. Attorney's Office for the Eastern District of Missouri. [from July WSJ 2018 press inquiry]

Q3 What is the "typical" length of a pesticide registration? How many times in the past has the EPA granted just a two-year registration?

Response: Most pesticide registrations are not time limited. Time-limited registrations are not unprecedented, and other registrations have been given for discrete time periods. In this case, the time-limited registration was issued in order to address concerns about the possible development of weed resistance and off-target movement. The Agency required expiration dates to ensure that EPA would retain the ability to easily modify the registration or allow the registration to terminate if necessary. [from August 2017 Reuters press inquiry]

Q4 I have a source indicating that on an EPA-led conference call with state officials in 2017, Missouri officials said some local farmers were threatening to retaliate against their neighbors. Can someone confirm this?

Response: In 2017, and again in 2018, OPP worked cooperatively with State Lead Agencies as regulatory partners on activities involving these registrations. EPA continues to be in close communication with state regulatory authorities through regular conference calls. The purpose of these conversations is to listen to state regulators describe what they are hearing from farmers and affected stakeholders. While we cannot confirm threats, crop loss is an extremely emotional issue for farmers.

Q5 I also have a source indicating that on that conference call, the EPA indicated that industry was discouraging the agency from taking action. Can this be confirmed?

Response: The purpose of these communications is to listen to state regulators describe what they are hearing from farmers.

Q6 How does the EPA respond to allegations that it failed to sufficiently consider independent testing of dicamba, and relied too extensively on Monsanto's own data?

Response: Under FIFRA, the applicant for registration is required to submit the required data to support registration. The number of studies submitted to support a registration application can be in the hundreds, as was the case with

dicamba. Congress placed this obligation on the pesticide manufacturer rather than requiring others to develop and fund such data development.

We also evaluate information from many sources – pesticide companies, other governments, academia, and the published scientific literature. For more on how EPA uses science as a basis for decision-making: https://www.epa.gov/pesticide-registration/understanding-science-behind-epas-pesticide-decisions. [from Washington Post press inquiry August 2017]

Q7 Any insights about the EPA's thoughts on the future of dicamba would be incredibly helpful. I've seen reporting that indicates the agency may make a decision as early as August -- which may affect the publication schedule of this story.

Response: EPA will consider all available information in its decision-making process. We continue to work closely with our regulatory partners in the affected states and registrants to better understand the issues. We are reviewing the current use restrictions on the labels for dicamba formulations in light of the incidents that have been reported this year. Our goal is to make a regulatory decision in time to for growers to make informed seed purchase decisions for the next planting season. [current BNV press inquiry]

Here's the information from the original inquiry:

THE NEW REPUBLIC
BOYCE UPHOLT
DDL 7/20

Good afternoon all,

The reporter says he'd like to hand in his final draft by the end of the week. Adding OECA and R7 for input. Seems to me we might want to refer him to the state of Missouri for at least one of the questions, but please advise. Also, please note the end-of-the-week deadline. Thanks in advance and as always,

++

Hey Robert,

I'm working on a story for *The New Republic* about dicamba. I've got a few questions about the registration process for the new formulations.

- When did Monsanto first submit its XtendiMax formulation for registration? A Monsanto official indicated that the process took longer than expected, and from what I understand these delays were due to extensive amounts of public comment -- is this correct?
- I know the EPA sent agents into southeastern Missouri in October 2016 to investigate potential acts of criminal spraying. What came of this investigation?
- What is the "typical" length of a pesticide registration? How many times in the past has the EPA granted just a two-year registration?
- I have a source indicating that on an EPA-led conference call with state officials in 2017, Missouri officials said some local farmers were threatneing to retaliate against their neighbors. Can someone confirm this?
- I also have a source indicating that on that conference call, the EPA indicated that industry was discouraging the agency from taking action. Can this be confirmed? How does the EPA respond to allegations that it failed to sufficiently consider independent testing of dicamba, and relied too extensively on Monsanto's own data?

- Any insights about the EPA's thoughts on the future of dicamba would be incredibly helpful. I've seen reporting that indicates the agency may make a decision as early as August -- which may affect the publication schedule of this story.

Thanks. I will let you know if anything else comes up.

bu

Tracy Lantz
Communications Services Branch
Field and External Affairs Division
Office of Pesticide Programs
Environmental Protection Agency
Office: (703) 308-6415
Mobile: (571) 481-8523
Lantz.tracy@epa.gov

From: Lantz, Tracy
Sent: Thursday, July 19, 2018 3:34 PM
To: Baris, Reuben <Baris.Reuben@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Bennett, Isabella <Bennett.Isabella@epa.gov>
Subject: RE: FOR REVIEW: Dicamba press inquiry; Outlet: The New Republic; REPLY by THURSDAY ASAP

Hi Reuben,

I know you are busy today. Just wondering if you'll have time to look review this afternoon as I'd like to move it on to Dan R. and Mike G. soon.

Thanks,

Tracy Lantz
Communications Services Branch
Field and External Affairs Division
Office of Pesticide Programs
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Office: (703) 308-6415
Mobile: (571) 481-8523
Lantz.tracy@epa.gov

From: Lantz, Tracy
Sent: Thursday, July 19, 2018 12:58 PM
To: Baris, Reuben <Baris.Reuben@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Bennett, Isabella <Bennett.Isabella@epa.gov>
Subject: RE: FOR REVIEW: Dicamba press inquiry; Outlet: The New Republic; REPLY by

THURSDAY ASAP
Importance: High

Hi Reuben,

Please see my proposed revision in RED below. As soon as I hear from you, I'll share with Dan R. and Mike G.

This reporter is working on a story for *The New Republic* about dicamba. Here are his questions about the registration process for the new formulations.

Q1 When did Monsanto first submit its XtendiMax formulation for registration? A Monsanto official indicated that the process took longer than expected, and from what I understand these delays were due to extensive amounts of public comment -- is this correct?

Monsanto submitted their applications for XtendiMax on April 28, 2010 (Soybeans) and July 30, 2012 (Cotton). Federal pesticide law only requires limited public participation in the pesticide registration process. In October 2009, EPA's Pesticide Program implemented a public participation process for certain registration actions. By establishing this process, the Agency has increased opportunities for the public to comment on risk assessments and proposed registration actions. This process provides a meaningful opportunity for the public to comment on major registration decisions at a point in the process when comprehensive information and analysis are available. Such input can aid in understanding potential risks and benefits, contribute to meaningful protective measures, and improve the public dialogue on pesticide registration decisions. The public participation process was used for XtendiMax since the decision is of significant interest, the product is used on GMO crops, and public participation has been used for other similar pesticide products. The review was extensive because EPA needed to identify what risks needed mitigation, conduct an endangered species assessment, required and reviewed a resistance management stewardship program. During this process over 26,000 comments were received. For more information on how stakeholders participate see the Public Participation Process for Registration Actions. (from EPA web with input from Kay and Dan K.)

Q2 I know the EPA sent agents into southeastern Missouri in October 2016 to investigate potential acts of criminal spraying. What came of this investigation?

Response: It is EPA's policy not to comment on on-going litigation involving EPA or outside parties. (from July 2017 desk statement) Please contact the U.S. Attorney's Office for the Eastern District of Missouri. (from July WSJ 2018 press inquiry)

Q3 What is the "typical" length of a pesticide registration? How many times in the past has the EPA granted just a two-year registration?

Response: Most pesticide registrations are not time limited and continue to be available in the marketplace as long as the manufacturer is willing to submit any required data and pay the annual maintenance fee. (new, not previously approved) Time-limited registrations are not unprecedented, and registrations have been given for 2, 3, 4 and 5 years. In this case, the time-limited registration was issued in order to address concerns

about the possible development of weed resistance and off-target movement. Although EPA found that herbicide resistance would be adequately addressed by the required herbicide resistance plan and did not expect off-site incidents to occur, the Agency required expiration dates to ensure that EPA would retain the ability to easily modify the registration or allow the registration to terminate if necessary. (from August 2017 Reuters press inquiry)

Q4 I have a source indicating that on an EPA-led conference call with state officials in 2017, Missouri officials said some local farmers were threatening to retaliate against their neighbors. Can someone confirm this?

Response: In 2017, and again in 2018, OPP worked cooperatively with State Lead Agencies as regulatory partners on activities involving these registrations. EPA continues to be in close communication with state regulatory authorities through regular conference calls. The purpose of these conversations is to listen to state regulators describe what they are hearing from farmers and affected stakeholders. Crop lost in an extremely emotional issue for farmers and some individuals may insinuate they'd take drastic measures to protect their crop. The reality of lost income due to the actions of other farmers is turning modern agriculture on it's head.

Q5 I also have a source indicating that on that conference call, the EPA indicated that industry was discouraging the agency from taking action. Can this be confirmed?

Response: The purpose of these communications is to listen to state regulators describe what they are hearing from farmers.

Q6 How does the EPA respond to allegations that it failed to sufficiently consider independent testing of dicamba, and relied too extensively on Monsanto's own data?

Response: Under FIFRA, the applicant for registration is required to submit the required data to support registration. The number of studies submitted to support a registration application can be in the hundreds, as was the case with dicamba. Congress placed this obligation on the pesticide manufacturer rather than requiring others to develop and fund such data development.

We evaluate information from all kinds of sources – pesticide companies, other governments, academia, and the published scientific literature. For more on how EPA uses science as a basis for decision-making: https://www.epa.gov/pesticide-registration/understanding-science-behind-epas-pesticide-decisions. (from Washington Post press inquiry August 2017)

Q7 Any insights about the EPA's thoughts on the future of dicamba would be incredibly helpful. I've seen reporting that indicates the agency may make a decision as early as August -- which may affect the publication schedule of this story.

Response: EPA will consider all available information in its decision-making process. We continue to work closely with our regulatory partners in the affected states and registrants to better understand the issues and the current use restrictions on the labels for dicamba formulations in light of the incidents that have been reported this year. EPA is striving to make a regulatory decision about continuation of these uses in time to inform seed purchase decisions for the 2019 planting season. (current BNV press inquiry)

Tracy Lantz
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Lantz.tracy@epa.gov

From: Baris, Reuben
Sent: Wednesday, July 18, 2018 10:05 PM
To: Lantz, Tracy <Lantz.Tracy@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Bennett, Isabella <Bennett.Isabella@epa.gov>
Subject: Re: FOR REVIEW: Dicamba press inquiry; Outlet: The New Republic; REPLY by THURSDAY ASAP

Hi Tracy,
For q 4 I understand where Dan is coming from, we don't even remotely attempt to answer the question. I suggest highlighting how emotional this issue is, how it is turning modern agriculture on its head, and many individuals insinuate they take drastic measures to defend their right to farm.

Something like that?
Reuben

Sent from my iPhone

On Jul 18, 2018, at 7:16 PM, Lantz, Tracy <Lantz.Tracy@epa.gov> wrote:

> *Hi Dan and Reuben,*
>
> *Spoke to Dan K. and Kay M. by phone and have refined our responses based on their input and info from our web for public participation process. Realized I slightly misstated the **NEW** SOP, but was told by my team leader, that for this inquiry, since she has already reviewed once, that I should seek concurrence from Dan R. and Mike G. after I hear from both of you. Dan K. suggested that this did not need to be reviewed by Donna Davis.*
>
> ***Reuben and Dan, please take one more look and reply to me asap.** I will send on to Dan R. and Mike G. once I hear from you. Here is the edited response:*
>
> This reporter is working on a story for *The New Republic* about dicamba. Here are his questions about the registration process for the new formulations.
>
> Q1 When did Monsanto first submit its XtendiMax formulation for registration? A Monsanto official indicated that the process took longer

than expected, and from what I understand these delays were due to extensive amounts of public comment -- is this correct?

Monsanto submitted their applications for XtendiMax on April 28, 2010 (Soybeans) and July 30, 2012 (Cotton). Federal pesticide law only requires limited public participation in the pesticide registration process. In October 2009, EPA's Pesticide Program implemented a public participation process for certain registration actions. By establishing this process, the Agency has increased opportunities for the public to comment on risk assessments and proposed registration actions. This process provides a meaningful opportunity for the public to comment on major registration decisions at a point in the process when comprehensive information and analysis are available. Such input can aid in understanding potential risks and benefits, contribute to meaningful protective measures, and improve the public dialogue on pesticide registration decisions. The public participation process was used for XtendiMax since the decision is of significant interest, the product is used on GMO crops, and public participation has been used for other similar pesticide products. The review was extensive because EPA needed to identify what risks needed mitigation, conduct an endangered species assessment, required and reviewed a resistance management stewardship program. During this process over 26,000 comments were received. For more information on how stakeholders participate see the Public Participation Process for Registration Actions. (from EPA web with input from Kay and Dan K.)

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Response: Most pesticide registrations are not time limited and continue to be available in the marketplace as long as the manufacturer is willing to submit any required data and pay the annual maintenance fee. (new, not previously approved) Time-limited registrations are not unprecedented, and registrations have been given for 2, 3, 4 and 5 years. In this case, the time-limited registration was issued in order to address concerns about the possible development of weed resistance and off-target movement. Although EPA found that herbicide resistance would be adequately addressed by the required herbicide resistance plan and did not expect off-site incidents to occur, the Agency required expiration dates to ensure that EPA would retain the ability to easily modify the registration or allow the registration to terminate if necessary. (from August 2017 Reuters press inquiry)

Q4 I have a source indicating that on an EPA-led conference call with state officials in 2017, Missouri officials said some local farmers were threatening to retaliate against their neighbors. Can someone confirm this?

Response: In 2017, and again in 2018, OPP worked cooperatively with State Lead Agencies as regulatory partners on activities involving these registrations. EPA continues to be in close communication with state regulatory authorities through regular conference calls. The purpose of these conversations is to listen to state regulators describe what they are hearing from growers and affected stakeholders. Dan Kenny: *I'm not sure this actually answers the question. I wonder if there is previously approved language about not evaluating or requesting allegations of this nature that are opinion/here-say in nature? Tracy: I'm not aware of any language to that effect.*

Q5 I also have a source indicating that on that conference call, the EPA indicated that industry was discouraging the agency from taking action. Can this be confirmed?

Response: The purpose of these communications is to listen to state regulators describe what they are hearing from growers.

Q6 How does the EPA respond to allegations that it failed to sufficiently consider independent testing of dicamba, and relied too extensively on Monsanto's own data?

Response: Under FIFRA, the applicant for registration is required to submit the required data to support registration. The number of studies submitted to support a registration application can be in the hundreds, as was the case with dicamba. Congress placed this obligation on the pesticide manufacturer rather than requiring others to develop and fund such data development.

We evaluate information from all kinds of sources – pesticide companies, other governments, academia, and the published scientific literature. For more on how EPA uses science as a basis for decision-making: https://www.epa.gov/pesticide-registration/understanding-science-behind-epas-pesticide-decisions. (from Washington Post press inquiry August 2017)

Q7 Any insights about the EPA's thoughts on the future of dicamba would be incredibly helpful. I've seen reporting that indicates the agency may make a decision as early as August -- which may affect the publication schedule of this story.

Response: EPA will consider all available information in its decision-making process. We continue to work closely with our regulatory partners in the affected states and registrants to better understand the issues and the current use restrictions on the labels for dicamba formulations in light of the incidents that have been reported this

year. EPA is striving to make a regulatory decision about continuation of these uses in time to inform seed purchase decisions for the 2019 planting season. (current BNV press inquiry)
~~With advice from state and industry experts and university crop scientists, we will use a weight-of-evidence approach to evaluate whether the new restrictions are successfully preventing damage to neighboring crops and other sensitive plants. Our goal is to make a decision in time for growers to make informed seed purchase decisions for the next planting season. (draft response to press from Emily Unglesbee, currently in review via Isabella)~~

Tracy Lantz
Communications Services Branch
Field and External Affairs Division
Office of Pesticide Programs
Environmental Protection Agency
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Mobile: (571) 481-8523
Lantz.tracy@epa.gov

From: Kenny, Daniel
Sent: Wednesday, July 18, 2018 5:59 PM
To: Baris, Reuben <Baris.Reuben@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>; Bennett, Isabella <Bennett.Isabella@epa.gov>
Subject: RE: FOR REVIEW: Dicamba press inquiry; Outlet: The New Republic; REPLY by Wednesday noon

Hi Tracy. I've tweaked a couple things below.

Thanks,
Dan K.

From: Baris, Reuben
Sent: Wednesday, July 18, 2018 5:11 PM
To: Lantz, Tracy <Lantz.Tracy@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>; Bennett, Isabella <Bennett.Isabella@epa.gov>
Subject: RE: FOR REVIEW: Dicamba press inquiry; Outlet: The New Republic; REPLY by Wednesday noon

Hi Tracy,
I've updated the responses below. You'll need to tweak the first one. Unless Dan has a magical touch he can add to it. I've cc'd him here as he may not be aware of the new SOP that was implemented while he was out of the office.

Once Dan concurs/edits, it will go to Mike G, Dan R and Donna, correct? As RD concurrence?

Thanks.
Reuben

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS
| (703) 305-7356

From: Lantz, Tracy
Sent: Wednesday, July 18, 2018 3:53 PM
To: Baris, Reuben <Baris.Reuben@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>; Bennett, Isabella <Bennett.Isabella@epa.gov>
Subject: RE: FOR REVIEW: Dicamba press inquiry; Outlet: The New Republic; REPLY by Wednesday noon

Hi Reuben,

Just wondering if you've had a chance to look at this yet? If not, do you have an idea of when you might be able to reply? That will give us an indication of whether we should find out if the deadline can be extended.

Thanks,

Tracy Lantz
Communications Services Branch
Field and External Affairs Division
Office of Pesticide Programs
Environmental Protection Agency
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Mobile: (571) 481-8523
Lantz.tracy@epa.gov

From: Lantz, Tracy
Sent: Wednesday, July 18, 2018 9:31 AM
To: Baris, Reuben <Baris.Reuben@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>; Bennett, Isabella <Bennett.Isabella@epa.gov>
Subject: RE: FOR REVIEW: Dicamba press inquiry; Outlet: The New Republic; REPLY by Wednesday noon

That's fine and thanks for letting me know.

Tracy Lantz
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Field and External Affairs Division
Office of Pesticide Programs
Environmental Protection Agency
Office: (703) 308-6415
Mobile: (571) 481-8523

Lantz.tracy@epa.gov

From: Baris, Reuben
Sent: Wednesday, July 18, 2018 9:29 AM
To: Lantz, Tracy <Lantz.Tracy@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>; Bennett, Isabella <Bennett.Isabella@epa.gov>
Subject: Re: FOR REVIEW: Dicamba press inquiry; Outlet: The New Republic; REPLY by Wednesday noon

Hi Tracy,
I can help, but it's going to take some time. I have some meetings this morning but will try and get you something as soon as possible.
Reuben

Sent from my iPhone

On Jul 17, 2018, at 6:47 PM, Lantz, Tracy <Lantz.Tracy@epa.gov> wrote:

> *Hi Reuben,*
>
> *We've got another press inquiry on dicamba. This one is due out on Thursday, so in order to make our deadline, I'm hoping you'll have a chance to respond to me by Wednesday noon.*
>
> *My sources are highlighted in yellow. I need your input on the first question as I was not able to find this information either on the web or in a prior press response. The last response is taken from the press you and Dan reviewed for Isabella yesterday.*
>
> *Thanks in advance!*
>
> This reporter is working on a story for *The New Republic* about dicamba. Here are his questions about the registration process for the new formulations.
>
> Q1 When did Monsanto first submit its XtendiMax formulation for registration? A Monsanto official indicated that the process took longer than expected, and from what I understand these delays were due to extensive amounts of public comment -- is this correct?
>
> April 28, 2010 (Soybeans) and July 30, 2012 (Cotton). *FEAD: add in the public process discussion and the purpose for involving the public in decision making. The review was extensive also because it was a difficult review process in that EPA needed to identify what risks needed mitigation, to conduct an endangered species assessment, and to require and review a resistance management stewardship program.*

Q2 I know the EPA sent agents into southeastern Missouri in October 2016 to investigate potential acts of criminal spraying. What came of this investigation?

Response: It is EPA's policy not to comment on on-going litigation involving EPA or outside parties. (from July 2017 desk statement) Please contact the U.S. Attorney's Office for the Eastern District of Missouri. (from July WSJ 2018 press inquiry)

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Response: In 2017, and again in 2018, OPP has worked cooperatively with State Lead Agencies as regulatory partners on activities involving these registrations. EPA continues to be in close communication with state regulatory authorities through methods just as regular conference calls. The purpose of these conversations is to listen to state regulators describe what they were hearing directly from growers and affected stakeholders. *I'm not sure this actually answers the question. I wonder if there is previously approved language about not evaluating or requesting allegations of this nature that are opinion/here-say in nature?*

Q5 I also have a source indicating that on that conference call, the EPA indicated that industry was

discouraging the agency from taking action. Can this be confirmed?

Response: The purpose of these communications is to listen to state regulators describe what they were hearing from growers.

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Tracy Lantz
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Field and External Affairs Division
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Message

From: BHAKTA, TINA [AG/1005] [tina.bhakta@bayer.com]
Sent: 11/13/2018 10:22:39 PM
To: Rowland, Grant [Rowland.Grant@epa.gov]
CC: MARVIN, THOMAS [AG/1920] [thomas.marvin@monsanto.com]; Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: RE: EPA reg # 524-AUT and 524-AUI

Hi Grant,

Thanks for the email below with regards to the very old dicamba actions. We have a few questions that we would like to understand with respect to the new decision on Xtendimax and the data that we submitted for the original soy and cotton uses before we send in a letter to withdraw. We can certainly think about withdrawing the BAPMA salt registration to support the clean-up efforts too.

Can we get on a quick call to discuss tomorrow?

Thanks

Tina Bhakta Ph.D.
Global Chemistry Expansion Lead, Regulatory

From: Rowland, Grant [mailto:Rowland.Grant@epa.gov]
Sent: Wednesday, November 07, 2018 2:37 PM
To: SEIFERT-HIGGINS, SIMONE [AG/1005] <simone.seifert-higgins@bayer.com>
Subject: RE: EPA reg # 524-AUT and 524-AUI

Simone,
In relation to your inquiry about 524-AUT and 524-AUI, there are a few other very old dicamba PRIA actions that are due this week that we need to close the loop on.

EPA reg # 524-ANO – Monsanto's original BAPMA Salt
EPA reg # 524-582 – original soybean
EPA reg # 524-582- original cotton

The last two were the original submissions for the DT dicamba actions. Since no work by Bayer or the Agency has been taking place in years regarding 524-ANO and the two actions for 524-582 have since been moved to 524-617 (and ultimately registered under that reg number) I ask that you please send us a withdrawal letter for these actions in order to clear our records of the "dead" PRIA actions.
If you have any questions, please let me know. Thank you.

-Grant

Grant Rowland
Herbicide Branch
Registration Division
Office of Pesticide Programs
703-347-0254

From: SEIFERT-HIGGINS, SIMONE [AG/1005] [mailto:simone.seifert-higgins@bayer.com]
Sent: Monday, November 05, 2018 9:40 AM
To: Rowland, Grant <Rowland.Grant@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: EPA reg # 524-AUT and 524-AUI

Hi Grant,
I hope this note finds you well! I would like to bring the upcoming PRIA (11/30/2018) for one dicamba manufacturing use product (524-AUO) and two dicamba end-use products (524-AUT and 524-AUI) to your attention. Could you please let me know the status of these product registrations?

Thanks in advance! Please see my signature for contact information.

Regards,
Simone

Best regards,

Simone Seifert-Higgins, Ph.D.
Regulatory Affairs Manager

Bayer U.S. – Crop Science
700 Chesterfield Parkway West
Chesterfield, MO 63017

Office Tel: +1 (636) 737-9571
Mobile Tel:+1 (314) 330-3053
E-mail: simone.seifert-higgins@bayer.com

From: Rowland, Grant [mailto:Rowland.Grant@epa.gov]
Sent: Wednesday, July 18, 2018 9:43 AM
To: SEIFERT-HIGGINS, SIMONE [AG/1005] <simone.seifert-higgins@monsanto.com>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: FW: EPA reg # 524-AUT and 524-AUI
Importance: High

November 30th, 2018 confirmed.

Grant Rowland
Herbicide Branch
Registration Division
Office of Pesticide Programs
703-347-0254

From: SEIFERT-HIGGINS, SIMONE [AG/1005] [mailto:simone.seifert-higgins@monsanto.com]
Sent: Wednesday, July 18, 2018 10:16 AM
To: Rowland, Grant <Rowland.Grant@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: EPA reg # 524-AUT and 524-AUI
Importance: High

Grant,

You may recall that we renegotiated PRIA for EPA Reg No 524-AUO which is a manufacturing use product that will provide the dicamba source for both end-use products. PRIA for 524-AUO was extended until 11/30/2018. Since these products are directly connected could we extend PRIA for 524-AUT and 524-AUI until November 30th, 2018?

Can you please confirm that this proposed date is acceptable to EPA.

Regards,
Simone

From: SEIFERT-HIGGINS, SIMONE [AG/1005]
Sent: Wednesday, July 18, 2018 7:24 AM
To: 'Rowland, Grant' <Rowland.Grant@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: EPA reg # 524-AUT and 524-AUI

Grant,
We want to keep these actions in PRIA and agree to extend until December 31st, 2018. Please confirm new PRIA for 524-AUT and 524-AUI and let me know if additional info is needed to get necessary paper work in place.

Regards,
Simone

From: Rowland, Grant [mailto:Rowland.Grant@epa.gov]
Sent: Tuesday, July 17, 2018 4:16 PM
To: SEIFERT-HIGGINS, SIMONE [AG/1005] <simone.seifert-higgins@monsanto.com>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: EPA reg # 524-AUT and 524-AUI

Hello Simone.

I am contacting you to discuss EPA reg# 524-AUT and 524-AUI. As you are aware the PRIA date for both of these actions is this Friday. I believe you are also aware that the Agency is not moving forward with registering any further dicamba over the top use products until a determination have been made on how to proceed with the 3 currently registered products. With that being the case, the two products in question must either be renegotiated out to the end of the year **December 31st, 2018** (similar to all Monsanto's other pending dicamba actions) or the two actions can fall out of PRIA leaving no guarantees as to when they will be moved forwards in the Agency's review process.
Again, as the PRIA due date for these actions is this Friday, please let me know your decision as soon as possible. Thank you.

-Grant

Grant Rowland
Herbicide Branch
Registration Division
Office of Pesticide Programs
703-347-0254

From: Rowland, Grant
Sent: Wednesday, March 14, 2018 11:43 AM

To: simone.seifert-higgins@monsanto.com
Subject: EPA reg # 524-AUT

Simone:

I just reviewed the completeness check for your proposed end-use product **M1832** (epa reg # 524-AUT) and unfortunately there was the following error with the CSF.

-The active ingredient nominal concentration as listed on the basic and alternate is calculated incorrectly. The percent by weight calculates to 68.15% and not 68.18%.

Please adjust the amount and re-calculate the active ingredient nominal concentration. Once you have completed that, please resubmit the updated basic and alternate CSFs. Thank you.

-Grant

Grant Rowland
Acting Product Manager, Team 23
Herbicide Branch
Registration Division
Office of Pesticide Programs
703-347-0254

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If improper activity or use is suspected, all available information may be used by the Company for possible disciplinary action, prosecution, civil claim or any remedy or lawful purpose.

Message

From: Jason Keith Norsworthy [jnorswor@uark.edu]
Sent: 9/11/2018 3:02:46 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
Subject: RE: formulation info
Attachments: Data Across Locations.xlsx; Environmental Application Agronomic Info.xls

Guys,

Here is the Environmental Data and the actual assessments for the 5 large-plot trials comparing XtendiMax to Engenia in 2017.

Regards,
Jason

Jason Norsworthy, PhD
Professor and Elms Farming Chair of Weed Science
1366 West Altheimer Dr.
Fayetteville, AR 72704
Tel: 479-575-8740
Mob: 479-313-1265

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Monday, September 10, 2018 9:28 PM
To: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Cc: Jason Keith Norsworthy <jnorswor@uark.edu>
Subject: Re: formulation info

Thanks Jason, this is very much appreciated! We'll take a look and then follow up with you. In the meantime, I hope all is well with you.

Thanks again,
Dan

Sent from my iPhone

On Sep 10, 2018, at 5:47 PM, Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov> wrote:

> Jason – do you happen to have formulation specific data on dicamba flux in any of your trials that you could send to EPA? I am especially interested in information on the new formulations. Thanks for looking into this.
>
> Dan
>
> Daniel J. Rosenblatt, Deputy Director,
> Registration Division, Office of Pesticide Programs
> Rosenblatt.dan@epa.gov
> 703-308-9366

Message

From: Jason Keith Norsworthy [jnorswor@uark.edu]
Sent: 9/10/2018 10:31:00 PM
To: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
CC: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: RE: formulation info
Attachments: Norsworthy_Germany_(EPA).ppt

Dan & Dan,

I will have flux data for 2018 for several trials but it will be another 3 to 4 months before that data are available. Tom Mueller is running the analysis. The chemist from MS State is running samples from the Monsanto study conducted in Arkansas, Alabama, Wisconsin, etc. I assume she will have the samples completed within the next few weeks. I suggest that you check with Monsanto (Bayer) or Dan Reynolds on that.

Attached are some slides summarizing the 2017 large-field trial conducted at Arkansas, Nebraska, Tennessee, Indiana, and Missouri looking at secondary movement of Xtendimax and Engenia. I can send you the actual data on soybean injury as well as environmental data for these studies if needed. Look at the slides and let me know. On slide 7, the white lines indicate the periphery of 5% damage to soybean.

Also, as I mentioned, I suggest you contact Dan Reynolds about comparing formulations in low tunnel trials. I just

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From: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Sent: Monday, September 10, 2018 4:47 PM
To: Jason Keith Norsworthy <jnorswor@uark.edu>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: formulation info

Jason – do you happen to have formulation specific data on dicamba flux in any of your trials that you could send to EPA? I am especially interested in information on the new formulations. Thanks for looking into this.

Dan

Daniel J. Rosenblatt, Deputy Director,
Registration Division, Office of Pesticide Programs
Rosenblatt.dan@epa.gov
703-308-9366

Message

From: Han, Kaythi [Han.Kaythi@epa.gov]
Sent: 7/27/2018 2:38:06 PM
To: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
CC: Kenny, Daniel [Kenny.Dan@epa.gov]; Lantz, Tracy [Lantz.Tracy@epa.gov]
Subject: For your review: Press inquiry on Dicamba from the Arkansas Democrat Gazette
Attachments: PRESS INQUIRY: ARKANSAS DEM-GAZETTE; 9/5; dicamba, etc ...; FW: ACTION: Arkansas Democrat-Gazette (Stephen Steed) [7/11] OPEN, herbicide requirements (re. Dicamba)

Hi Dan,

Would you like to review the draft press responses below? Tracy worked with Dan Kenny and his branch and Bob Miller in ITRMD to put together the responses. Much of it is recycled language, so where we've used the text previously is indicated in the parenthesis after the response. I'd like to send this to the IO by COB today. If you are too busy to review it, please let me know. Because the language is recycled, I think it would be fine to send forward as-is.

This is the third time we've fielded questions from this reporter on dicamba. I've attached the previous inquiries from him for your reference.

Question 1: Does the EPA have an estimate when it will release its decision on re-registering dicamba (Xtendimax, etc.) for in-crop use? (I hear August is the timeline.)

Response 1: We are reviewing the current use restrictions on the labels for dicamba formulations in light of the incidents that have been reported this year. Our goal is to make a regulatory decision in time for growers to make informed seed purchase decisions for the next planting season. (from July New Republic press inquiry)

Question 2: What is the EPA doing as it makes that decision? (Are EPA representatives visiting farmers, regulators, etc. in states currently reporting dicamba damage and fielding complaints?)

Response 2: EPA placed a 2-year limit dicamba's registration to allow the Agency to either let it expire or to easily make the necessary changes in the registration in order to address concerns about the possible development of weed resistance and off-target movement. EPA will consider all available information in its decision-making process. EPA is working closely with our regulatory partners in the affected states and the registrants to better understand concerns. EPA representatives are visiting growers in several affected states and with advice from state and industry agriculture experts and university crop scientists, we will use a weight-of-evidence approach to evaluate whether the new restrictions are successfully preventing damage to neighboring crops and other sensitive plants. (from July BNV interview request, with edits in red to include recent tours)

Question 3: Is the EPA considering damage to non-ag interests (backyard gardens, decorative trees and shrubs) as it considers re-registration?

Response 3: EPA is aware of field reports of off-field and non-target crop damage related to the use of dicamba. Past reports claim damage is mostly to non-dicamba resistant soybean, but also include peaches, melons, tomatoes, cantaloupe, grapes, pumpkins, alfalfa, non-dicamba-resistant cotton, peanuts, peas, organic crops, residential/ ornamental gardens and other non-target crops. We are actively collecting this information from states and EPA regional personnel in order to fully understand the circumstances and scope of the issues. (from July DTN press inquiry)

Question 4: Is the EPA demanding improvements by dicamba manufacturers to its formulations?

At this time EPA is in the information gathering stage of its decision-making process regarding dicamba registrations. All regulatory options are on the table, including the possibility of modifying and/or expanding the current list of use restrictions on dicamba labels.

Question 5: Under FIFRA, which requires manufacturers to report to the EPA any "adverse" incidents regarding their products, how many such reports were filed with the EPA by Monsanto, Dow and BASF regarding dicamba's use last season? (The last time I asked about this, you cited a "fluid" situation and declined specifics. I presume last year's problems aren't so fluid now.)

Response 5: You would need to file a Freedom of Information Act request to obtain this information. Many documents submitted for pesticide regulatory purposes contain Confidential Business Information that by law cannot be released to the public. The FOIA process redacts CBI so the documents can be released. For more information or to make a FOIA request, see: https://www.epa.gov/foia. (Same information was provided to the reporter last July; see attached email for reference)

Question 6: Arkansas banned dicamba for in-crop use after April 16 yet has received more than 150 complaints of alleged dicamba damage. Soybean damage has been estimated at 400,000 acres in Arkansas — and 500,000 acres in Illinois, and 100,000 acres in Missouri, two states that allowed in-crop use. What does that tell the EPA about dicamba's future for in-crop use?

Response 6: EPA will consider all available information in its decision-making process. The agency is in regular contact with farmers, researchers, and agricultural companies to remain informed of any dicamba issues occurring in the 2018 growing season. (from July DTN press inquiry)

ARKANSAS DEMOCRAT-GAZETTE
STEPHEN STEED
AWAITING DDL INFO

All, sending the following inquiry now, although I'm waiting to hear the reporter's deadline, and to get a better sense of the focus of his inquiry. Let me know if there are any questions I should ask him.

+ Regions 5, 6, 7, for awareness.

++

Good morning, Robert and Tricia

We've corresponded a few times over the last nine months or go regarding dicamba.

Does the EPA have an estimate when it will release its decision on re-registering dicamba (Xtendimax, etc.) for in-crop use? (I hear August is the timeline.) What is the EPA doing as it makes that decision? (Are EPA representatives visiting farmers, regulators, etc. in states currently reporting dicamba damage and fielding complaints?) Is the EPA considering damage to non-ag interests (backyard gardens, decorative trees and shrubs) as it considers re-registration?
Is the EPA demanding improvements by dicamba manufacturers to its formulations?
Under FIFRA, which requires manufacturers to report to the EPA any "adverse" incidents regarding their products, how many such reports were filed with the EPA by Monsanto, Dow and BASF regarding dicamba's use last season? (The last time I asked about this, you cited a "fluid" situation and declined specifics. I presume last year's problems aren't so fluid now.)

Arkansas banned dicamba for in-crop use after April 16 yet has received more than 150 complaints of alleged dicamba damage. Soybean damage has been estimated at 400,000 acres in Arkansas — and 500,000 acres in Illinois, and 100,000 acres in Missouri, two states that allowed in-crop use. What does that tell the EPA about dicamba's future for in-crop use?

Thanks much.

Stephen Steed
Arkansas Democrat-Gazette
501-399-3654

Message

From: Anderson, Neil [Anderson.Neil@epa.gov]
Sent: 9/19/2018 9:40:18 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: D

SUMMARY

In 2016, the Agency assessed information provided by the registrant for the potential benefit of postemergence over-the-top (OTT) dicamba applications for weed control in dicamba-resistant cotton and soybean. The Agency found that the registration of OTT dicamba would provide growers an additional active ingredient to manage difficult to control broadleaf weeds during the crop growing season. At the time of registration, 28 and 31 other herbicides were used postemergence to the crop in cotton and soybean, respectively for control of all broadleaf weeds.

In 2018, BEAD assessed additional information on the benefit of the new dicamba OTT products for dicamba-resistant cotton and soybeans. BEAD found that for cotton and soybeans, the benefit to the users of these products is unchanged as it still provides growers with an additional active ingredient to manage difficult to control broadleaf weeds during the crop growing season. However, the magnitude of this benefit is somewhat reduced because of the difficulties in following all label instructions, reports of dicamba resistance or loss of product performance in some weeds, and continuing issues with off-site movement resulting in damage to non-target plants.

BEAD found that four potential label changes for the 2019 use season would adversely impact the users of these products. Requiring all applicators to be certified would increase application costs and may result in a shortage of applicators. Restricting the number of OTT application in cotton from four to two applications per season may result in alternative weed control needs and potentially additional costs. Restricting applications from sunrise to sunset to 1 hour after sunrise to 2 hours before sunset to avoid application during times when inversions are more likely to occur will limit the number of hours available for application and may make it more difficult to make timely applications. Limiting the applications to a specific number of days after planting may reduce the flexibility (e.g., inability to control late flushes of weeds) with which OTT applications can be used; however, it is not clear if any applications are currently made later than 45 and 60 days after planting soybean and cotton, respectively.

In 2017 and 2018, there was a substantial increase in dicamba drift complaints reported to state agencies and the Agency. Reported complaints included damage to vegetation such as specialty crops (grapes, watermelon, tomato, cantaloupe, pecans, peaches, and tobacco), field crops (cotton, alfalfa, and soybeans), ornamentals, plants around homes and home gardens, and organic producers.

BEAD evaluated the potential for label changes to reduce the number of incidents during the 2019 use season. Limiting the number of permitted applications in cotton may reduce incidents due to decreased environmental loading. Time-of-day restrictions for inversions and limiting applications to certified applicators only may reduce incidents due to better label compliance. Requiring increased buffers in counties with threatened or endangered species may reduce the area outside the buffer affected by off-target movement.

BEAD does not expect these measures to preclude the potential for incidents related to off-site movement in 2019. Although label changes for 2019 may reduce the flexibility of use of OTT dicamba, off-site movement is likely to continue because not all potential causes of off-site movement (e.g., temperature, humidity) have been addressed by label changes and because of the prevalence of dicamba sensitive crops and non-crop species, any

off-site dicamba movement may result in visual symptomology, unrecoverable plant damage, or yield loss. The substantial burden to state lead regulatory agencies to investigate and track these incidents will likely continue.

INCIDENTS

The Agency is collecting information on the impacts of off-site movement of OTT dicamba to non-dicamba resistant vegetation such as specialty crops (grapes, watermelon, tomato, cantaloupe, pecans, peaches, and tobacco), field crops (cotton, alfalfa, and soybeans), ornamentals, and organic producers. In addition, the Agency is considering the impacts of off-site movement of OTT dicamba on carry over seed effects (the second generation of a crop that has been damaged) and crop breeding programs. Effect on state regulatory partners are also considered. A separate document is currently being written in BEAD to address the impacts from the use of dicamba applied OTT to cotton and soybeans.

Several thousand incidents have been reported to state lead agencies because of what is believed to be off-site movement of dicamba. The off-site movement may be due to misuse (e.g., not following the label or use of an older more volatile formulation), drift to adjacent crops or sites, tank contamination (e.g., dicamba was not completely removed from the spray equipment and is sprayed on the next field at a lower concentration), or volatility (the dicamba was applied and then moved off the treated area after the application process was completed). Dicamba has a history of volatility with older formulations losing nearly half of the applied material due to volatility (Burnside et. al., 1966). Incidents are discussed at length further down.

IMPACTS OF POTENTIAL CHANGES FOR USE IN 2019

The Agency has considered several potential changes to the labels and terms of registration for OTT dicamba products for 2019. Some potential changes that should make it easier for users to follow the label include: developing a clearer description of sensitive sites, clearer tank clean out language, and advisory language that the pH of the tank solution can impact volatility. A potential change to the terms of the registration include clarification on how often an applicator must take the training to use dicamba OTT of dicamba resistant cotton and soybeans.

There are also some potential label changes that could impact how the OTT dicamba formulations can be used by cotton and soybeans growers in 2019.

- For cotton, the number of applications would decrease from four to two applications currently allowed) and the last application must be made 60 days after planting cotton (the current label allows the application to be made up to 7 days before harvest).
- In soybeans, the last application must be made 45 days after planting soybeans (the current label allows applications through growth stage V1.
- To avoid times of day when inversions are most likely to occur and dicamba can be carried off-site, applications would be allowed to be made from 1 hour after sunrise until 2 hours before sunset. Current labels allow applications to be made from sunrise to sunset.
- Limit use to only commercial and private certified applicators (who are very highly trained and have taken the dicamba specific training) and not allow those individuals under their supervision (who are not required to take all training required of a certified applicator) to use these products. Currently, applications may be performed by non-certified applicators under the supervisions of certified applicators.
- Changes the buffer distances to sensitive plants are being considered. Current buffers are 110 feet from the downwind edge of the field to sensitive sites. Locations with endangered species would have an omnidirectional buffer around the entire field.

Any additional restrictions imposed on the OTT dicamba formulations in 2019 could further reduce the benefits of this technology and decrease the flexibility or usability of products.

Restricting applications made after 60 and 45 of days after planting to cotton and soybeans, respectively, may require users to find another method (chemical or mechanical) to control any additional weeds if they emerge later in the season. BEAD does not know what proportion of dicamba applications in DT cotton occurred beyond 60 days after planting in 2017 and 2018, but it is likely that most dicamba is applied within the 60-day window. For example, a preemergence herbicide applied to cotton at planting provides around 21 days of control depending on the soil and University of Georgia (2017) extension recommends two applications of dicamba in XtendFlex cotton: the first application ~17 days after application of a preemergent herbicide and a subsequent application of dicamba ~ 13-17 days after the first dicamba application. Restricting the use of dicamba to withing 45 days after planting soybeans will likely have low impacts to users. Although crop growth stage is variable throughout the season due to weather, it is likely that most dicamba will be applied within 45 days of planting soybean as indicated by Illinois planting and application windows in 2018 (USDA NASS, 2018b).

Timing of OTT Dicamba Applications

For the 2019 use season, OTT dicamba use on dicamba resistant GE soybeans and cotton will not be allowed 45 days after planting for soybean and 60 days after planting for cotton. Two OTT applications are permitted in both crops.

To examine if these two restrictions could reduce the incidents related to off-site dicamba movement, BEAD compared the OTT dicamba application window for soybeans in Illinois, the likely timing of potential incidents with the 2017 reports of incidents, the growth stages of sensitive soybeans that could be in adjacent fields, and the crop stages of home garden crops. The timing of the 2018 incidents are similar to those in 2017. The results from this case study are expected to be representative of that for cotton and as well as for these two crops in other states.

USDA reports crop progress for soybeans and cotton by state weekly during the growing season. Crop progress is given as percent of the crop in the state at a given crop growth stage (USDA, 2018b). For Illinois soybeans, dates were selected representing when at least 50% and 90% of the crop was planted and when it reached bloom (Table XX). Next, the timing of OTT dicamba application was estimated based on the crop progress planting dates (first application 3 weeks after planting; last application 45 days after planting) and the expected timing of incidents, should off-target movement occur.
The estimated time of last incidents was compared with reported 2017 incidents, with the reproductive growth stage of soybeans, and with the presence of other sensitive crops, such as commercial vegetable production or home gardens (Table XXX).

Table XX. Average planting and bloom dates for soybeans in Illinois, estimated application window for OTT dicamba applications and latest date for incidents, and comparison with reported 2017 incidents.

Growth Stage	Week Ending	OTT dicamba application window*	Latest Date of Potential Incidents**	2017 Incidents Occurring before Latest Date of Potential Incident***
50%+ Planted	May 21	June 11 – July 5	July 15	40%
90%+ Planted	June 18	July 9 to August 2	August 12	87%
50%+ Blooming	July 16			
90%+ Blooming	August 6			

Source: USDA QuickStat 2018a; 5-yr average)
*First OTT post application is estimated to occur three weeks after planting and last OTT post application is 45 days after planting.
** Last date of potential incidents is latest OTT application date plus 10 days.

*** Based on reports of 2017 incidents occurring in Illinois as of July 19 (100 incidents), August 10 (214) and as of October 15 (245 yearly total) (Bradley 2017a, 2017b, 2017c).

Table XXX. Recommended planting periods for home vegetable gardens in central Illinois. Planting dates are similar in commercial production.

Vegetable	Recommended planting dates for central Illinois
Bean, bush, snap	April 25-July 15
Beet, table	April 10-July 15
Cabbage	April 10-July 15
Cucumber	May 10-June 15
Muskmelon	May 10-June 15
Peas	May 10-June 1
Potato	May 20-June 10
Pumpkin	April 5-June 1
Spinach	May 10-June 15
Squash, summer	May 20-June 1
Tomato	March 25-April 15

Source: University of Illinois, 2018.

Comparing the application window for OTT dicamba application to Illinois soybeans with the predicted incidents from off-site movement, the reproductive growth stage of soybeans, and with the presence of other sensitive crops, the following observations may be made:

- The timing of the predicted incidents for 2019 is essentially the same as what was reported in 2017 and 2018; In 2017, 87% of the incidents occurred during the '45 days after planting' cutoff.
- The reproductive growth stages of soybeans occur during the '45 days after planting' window. Yield losses are most likely to occur when soybeans are exposed to dicamba during the reproductive growth stages.
- Most OTT dicamba applications are likely to occur when sensitive crops may be present.

BEAD concludes that restriction of OTT dicamba applications to 45 days and 60 days after planting for soybean and cotton, respectively, will have no effect on the potential incidents that may occur in 2019. The predicted timing of 2019 incidents correspond with the reported incidents in 2017 and 2018, non-dicamba resistant soybeans are in reproductive growth stages when OTT dicamba applications are likely, and many sensitive crops and non-crop plants are present during the OTT dicamba application window.

Reductions in the amount of time that a pesticide can be sprayed during the day (one hours after sunrise to two hours before sunset) could effectively reduce the number of acres that can be treated in a season. Both cotton and soybean users would have fewer hours per day when treatments can be applied but those applications would be made at a time when temperature inversions are less likely to occur. Impacts of this reduction in time would depend on a variety of factors such as weed pressure, crop stage, weather, and the availability of alternatives with fewer time of day restrictions.

Restriction the application to only certified applicators would increase costs to growers to the extent that certified applicators have a higher opportunity cost of time or charge more for application services than those who currently apply dicamba under their supervision. The additional cost of this requirement can be estimated by the difference in wages between certified applicators and those they supervise. Certified pesticide applicators can either be commercial, when they apply pesticides for hire, or private if they apply pesticides on their own farm or without pay. The estimated cost for an hour of time is $52 for private certified applicators and $21 for commercial certified applicators. The difference in cost for these two is based on the cost of time

being higher for private applicators, who are farmers and business owners. For uncertified applicators under the supervision of a certified applicator, the estimated wage rates are $18 for those supervised by commercial applicators, and $21 for those supervised by private applicators, (based on data from the Bureau of Labor Statistics).

If the buffer distances are increased then fewer acres could be treated and if buffer distances are reduced then more acres could be treated with these OTT dicamba formulations.

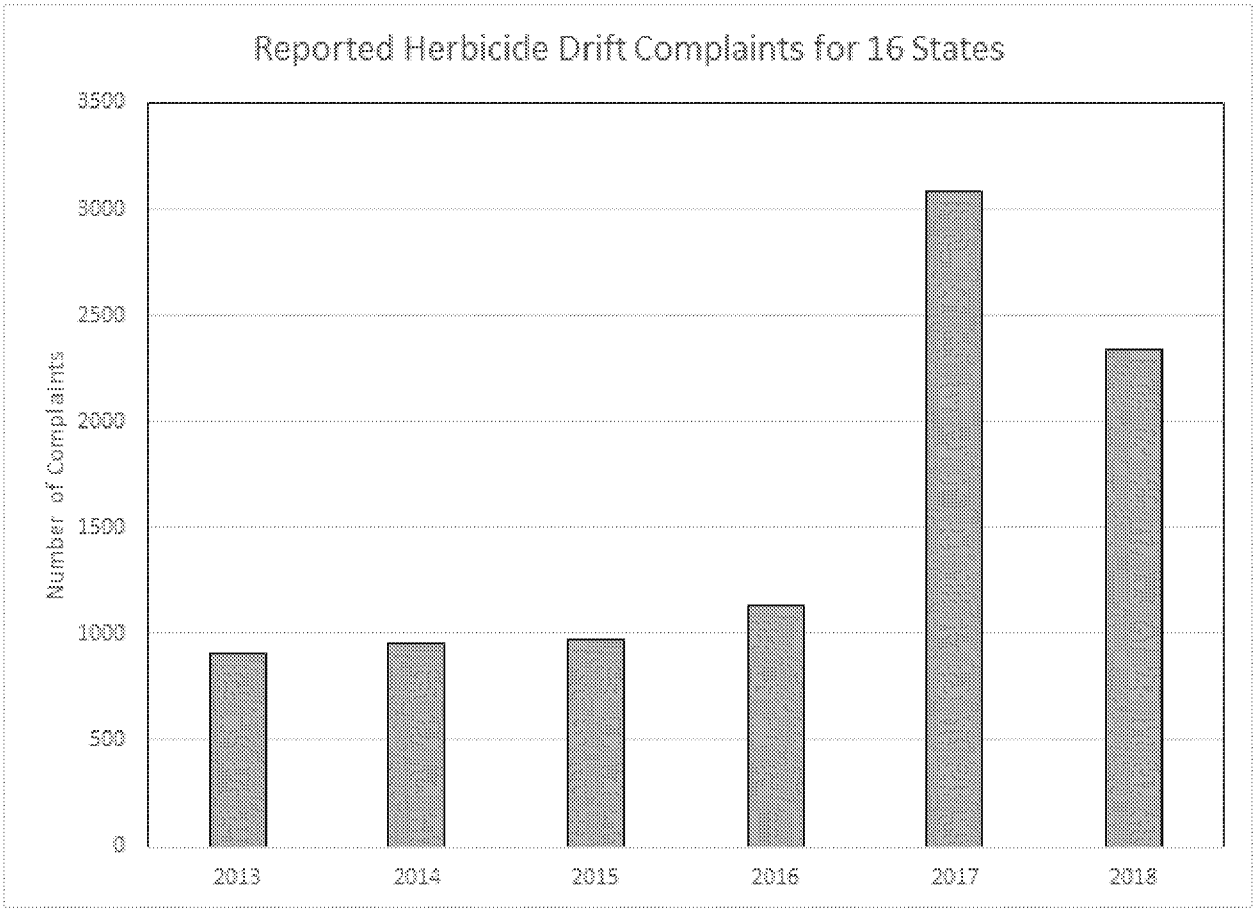
IMPACTS TO STATE LEAD REGULATORY AGENCIES

State regulators have had to respond to an increasing number of incidents over the past two years. The amount of time dedicated to responding to and investigating herbicide drift complaints detracts from other programs within state agencies. These agencies are also spending additional money on laboratory analysis of samples. BEAD has not quantified the impact of increased burden on state lead agencies.

IMPACTS OF OTT DICAMBA APPLICATIONS ON ADJACENT SITES

In 2017 and 2018, reported cases of agricultural drift rose substantially in many states where OTT dicamba was registered for use (Figure 2). A large proportion of agricultural drift cases to state lead agencies were reported caused from off-site movement of OTT applications of dicamba to tolerant crops. Damage reported to state lead agencies includes impacts to natural areas and numerous crops such as soybean, cotton, tobacco, alfalfa, vegetables, peaches, and ornamentals. In soybean for examples, millions of acres were reportedly damaged in both years since the registration of OTT dicamba products (University of Missouri, 2018). In addition, the Agency is aware of literature indicating that exposure to dicamba can have cross-generational effects on soybean, meaning that the offspring of plants exposed to dicamba can suffer reductions in vigor and health (Thompson and Egli, 1973; McCorn et al., 2016).. These cross generational effects may impact breeding programs and occur in other crops, as well. The number of cases reported to state lead agencies of dicamba-related incidents may be substantially lower than the actual incidents (WSSA Survey, 2018; AAPCO Pers. Comm. August 13, 2018) observed in the field for several reasons. These reasons include: fear of losing crop insurance; maintaining good relationships with neighbors; fear that the crop will be considered adulterated and cannot be sold; fear that the grower will lose their organic certification; and grower perception that no action will be taken.

Figure 2: Agricultural Herbicide Drift Complaints for Sixteen States



Majority of states reported total agricultural herbicide drift complaints. States included in this figure are: AL, AR, AZ, IA, IL, IN, ND, MO, OK, GA, SC, MS, NC, NE, TN, and SD. Incidents occurred in other states for these years but data were incomplete for every year and were not included. Dicamba is registered in for OTT use in 34 states. Data are current as of September, 2018.

Notes:

- *Data from Missouri were incomplete and publically available data were used to complete the data set. Missouri data are total misuse investigations (ag and non ag) for 2013-2015 and total herbicide complaint investigations for 2016-2018.*
- *Tennessee reported total agricultural herbicide misuse complaints (not drift specific) for this time period*
- *Indiana reported total agricultural herbicide misuse complaints for 2013-2016. For 2017 and 2018, the Office of Indiana State Chemist reported total drift complaints.*

Sources: AAPCO Survey; Missouri Dept. of Agriculture (https://agriculture.mo.gov/plants/pesticides/dicamba-facts.php); Pers. Comm. Office of the Indiana State Chemist, Aug. 31, 2018

Causes of Offsite Movement

There is a lack of consensus regarding the causes of off-target movement and its corresponding damage. Applicator error or volatilization are the two main possibilities for the cause of off-target movement. Applicator error includes off-label applications of new formulations such as spraying when wind speeds exceed recommended levels or when temperature inversions occur, tank contamination, and the illegal use of older formulations of dicamba that are not labeled for OTT use. Volatilization occurs when dicamba is sprayed to the field and then later evaporates off the soil and foliage. Volatilization can occur when dicamba is applied in accordance with the label and volatilization can occur hours or days after the application.

Difficulties with Field Investigations

The source and timing of off-target movement of dicamba are difficult to determine. To overcome its high degree of volatility and maintain its solubility in formulated products, Newer formulations of dicamba for OTT use are formulated with base salts such as DMA (dimethylamine), or diglycolamine (DGA), or most recently

BAPMA (N,N-Bis(3-Aminopropyl)methylamine). After application, the salt portion of the formulation dissolves in presence of water, leaving primarily dicamba acid on crops. All currently available residue detection methods for this herbicide are based on the dicamba molecule and not on the salt version of dicamba. Therefore, it is not feasible to differentiate the different types of formulations with the current instrumentation for residue analysis, even if some salts remained on the crops being analyzed. Determining the timing when dicamba salts are deposited on an area is similarly difficult to determine, as dicamba rapidly degrades to levels and forms that are difficult to detect or could be present from a preplant burndown application on the field that was damaged or from residues of a burndown application to an adjacent field.

Timing of Reported Incidents

In 2018, the first instances of reported damage from over-the-top (OTT) applications of dicamba in the AAPCO survey were in TN and IA the week of May 21, 2018. As of June 1st, university weed scientists reported damage to soybeans in states such as Arkansas, Mississippi, Nebraska, and Texas (University of MO, 2018). The frequency of reported cases of agricultural drift and damage attributed to OTT applications continued to rise steadily throughout the months of June and July. The majority of incidents were reported in late-June, July, and August (AAPCO, 2018). Given that visual symptomology in non-target plants impacted by secondary movement of dicamba takes 5-10 days to appear, there is a lag between the application date and date the incident is reported to the state lead agency. Furthermore, there is also a lag time between the date when the state agency receives the information and the date the information is reported to the AAPCO survey.

Many Crops and Desirable Plants are Sensitive to Low Levels of Dicamba

Currently over 35 percent of the U.S. soybean crop is non-dicamba resistant and can be damaged by very low levels of off-target dicamba. Exposure can result in damage levels that range from superficial visual symptoms to plant death. Many other plants are sensitive to low levels of dicamba. The Xtendimax label (EPA Reg. No. 524-617) list dozens of susceptible crops, such as non-dicamba resistant soybeans and cotton, all fruiting vegetables, all fruit trees, all curcurbits, grapes, beans, flowers and ornamentals, peas, potatoes, sunflower, tobacco and other broadleaf plants. This label also lists about 250 weeds – annual and perineal broadleaf plants and trees – that are controlled, some of which are desirable in non-crop settings.

Barber et al. (2017) reported the effect of varying amounts of dicamba acid equivalent on non-dicamba resistant soybean. They found:

- Multiple exposures to dicamba increase the potential for yield impacts
- Environmental conditions following exposure influence the extent of damage
- Yield loss from dicamba exposure is most likely to occur between late vegetative stages through R3.
- Visual symptoms (e.g., leaf curling) during the vegetative growth stages can be caused by application of 1/100,000 of the label rate, but this rate is unlikely to cause yield losses. This rate is 0.5 x 10-6 lbs a. e. per acre or 0.9 mg a. e. per hectare. Yield loss from a single exposure during the early vegetative growth stages will be minimal unless the rate exceeds 1/64X of the label rate. This rate is 7.8 x 10-3 lbs a. e. per acre or 3.5 grams a. e. per hectare.
- Exposures during the reproductive growth stages are much more likely to result in yield loss. A 10 percent yield loss can be caused by application of 1/1,000 of the label rate at the R1 (first bloom) growth stage. This rate contains is 0.5 x 10-4 lbs a. e. per acre or 90 mg a. e. per hectare.
- A 20 percent or more yield loss can be caused by 1/64X of the label rate. This rate is 7.8 x 10-3 lbs a. e. per acres or 3.5 grams a. e. per hectare.

Consequences of non-traited soybean being exposed to dicamba include:

- Lower seed weight (Wax et al. 1969; Kelley et al. 2005; Lyon and Wilson 1986)

- Lowered seed quality (Wax et al. 1969; McCown et al. 2016)
- Delayed maturity (Wax et al. 1969; Kelley et al.2005; Lyon and Wilson 1986)
- Pod malformation (Weidenhamer et al. 1989; Anderson et al. 2004; McCown et al. 2016)
- Malformed seedlings from affected seed planted the next spring (Thompson and Egli, 1973; McCorn et al., 2016)

Similar impacts may occur in other sensitive crops and non-crop plants.

Potential Economic Impacts to Growers of High Value Crops

The following examples illustrate the potential impact of off-target damage from dicamba. Table 6 provides examples of small acreage, high-value, and field crops reported to be damaged by off-target movement of dicamba in 2017 and 2018. Acres reported in this table are not comprehensive and should not be considered an estimate of acres impacted nationally. Many states do not report the number of acres impacted.

Table 6. High Value and Field Crops Damaged in 2017 and 2018 by Off-Target Movement, Number of Reported Acres Damaged, and Average Value of the Crop Per Acre [1]

Crop (State)	2017 Reported Acres Damaged	2018 Reported Acres Damaged (as of Aug 10)[2]	Value[3]
Grapes (MO, NC, SD)	132	13	$5,800/acre
Watermelon (MO)	122	75	$4,900/acre
Tomatoes (MO, NC)	4[4]	60	$5,800/acre
Cantaloupes (MO)	10	Unknown	$4,400/acre
Pecans (MO)	15	Unknown	$1,400/acre
Tobacco (TN, KY, NC)	Unknown	569	$4,500/acre
Cotton (MO)	Unknown	Unknown	$570/acre
Alfalfa (MO)	35	24	$500/acre
Soybean (MO)	325,000	100,000	$500/acre

1 Sources: Bradley 2017, 2018; Dintelmann et al. 2018; AAPCO 2018.
2 Acres reported are not comprehensive and should not be considered an estimate of acres impacted nationally; many states do not report the number of acres impacted.
3 (USDA NASS 2012-2016 national average).
4 Estimated acreage; 18,904 tomato plants reported damaged, Fresh market tomatoes have about 4,800 plants per acre (source).

Average National planting and squaring dates for cotton. USDA, 2018.

Growth Stage	Week Ending	First OTT Application	Last OTT Application
50% Planted	21-May	11-Jun	21-Jul
90% planted	21-Jun	12-Jul	21-Aug
50% squaring	7-Jul		
90% squaring	1-Aug		

Neil Anderson
Acting Deputy Director
Biological and Economic Analysis Division, Office of Pesticide Programs
US EPA (Mail Code 7503P)
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Phone: 703-308-8187
anderson.neil@epa.gov

Visit us on the Web at: http://www.epa.gov/pesticides/

Message

From: Montague, Kathryn V. [Montague.Kathryn@epa.gov]
Sent: 11/1/2018 5:54:42 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: RE: 524-617
Attachments: LABEL 524-617_10312018 stamped.pdf

Here you go....

From: Kenny, Daniel
Sent: Thursday, November 01, 2018 1:52 PM
To: Montague, Kathryn V. <Montague.Kathryn@epa.gov>
Subject: FW: 524-617

Thanks!

From: Baris, Reuben
Sent: Thursday, November 01, 2018 1:19 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: 524-617

Resending. For Bayer's labels.

REUBEN BARIS | PRODUCT MANAGER, TEAM 25 | HERBICIDE BRANCH
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

From: Baris, Reuben
Sent: Thursday, November 01, 2018 12:08 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: 524-627

Mike,
Dan instructed me to send you the reg notice and label for Xtendimax (epa reg number 524-617). It's my understanding you hold the signature authority for this one.

reuben

Message

From: Kenny, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1BE9BB592F144269BCD41DD3A6D8A6D4-DANIEL C. KENNY]
Sent: 7/25/2018 8:37:25 PM
To: Eric Bosarge [ericbosarge@smithbosarge.com]
Subject: RE: Spray Drift Testing

Hello Eric. The data can be submitted by the data generator. It should be submitted to Reuben Baris of my staff.

Best of luck,
Dan Kenny

From: Eric Bosarge [mailto:ericbosarge@smithbosarge.com]
Sent: Wednesday, July 25, 2018 4:24 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: Spray Drift Testing

Mr. Kenny,

We have a client that would like to test their product with Monsanto's Xtendimax product (EPA Reg. #524-617) according to the requirements set forth by EPA. Is this data required to be submitted by the registrant (i.e. Monsanto) for inclusion on their tank mix list or can it be submitted to EPA by the data generator for review?

Sincerely and Splendidly,
Eric Bosarge
President
651-815-0266(Direct)
715-494-0580(Cell)
www.smithbosarge.com
https://www.facebook.com/smithbosarge

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Message

From: Kenny, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1BE9BB592F144269BCD41DD3A6D8A6D4-DANIEL C. KENNY]
Sent: 9/13/2018 9:19:29 PM
To: MARVIN, THOMAS [AG/1920] [thomas.marvin@bayer.com]
CC: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
Subject: RE: Xtendimax Studies

Sure. We just want to make sure that we have all relevant studies so that we can make the most informed decision. There have been internal questions on whether or not our working knowledge of the database is complete, and we want to make sure that we are working with all relevant data so that we can all agree that we are making decisions based on the best information. A master list would help so that we are not surprised down the line by a study that we should have considered, which could lead of outdated assumptions and high levels of rework. We're checking our administrative records in other regards as well, but Monsanto's/Bayer's assistance for this seems to be necessary to make sure that our list of Monsanto/Bayer studies is complete.

I hope that helps. Thanks.
Dan

From: MARVIN, THOMAS [AG/1920] [mailto:thomas.marvin@bayer.com]
Sent: Thursday, September 13, 2018 4:57 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Subject: RE: Xtendimax Studies

Hi Dan. I will double check with our folks but it would be helpful for me if you could be more specific about what is driving the concern—e.g., is there particular study you are aware of that could help ensure I am asking the right folks the right questions?

Tom Marvin
Director, Federal Regulatory Affairs
1300 I Street, NW
Washington, DC 20005
Cell: 202-676-7846
Desk: 202-383-2851

From: Kenny, Daniel [mailto:Kenny.Dan@epa.gov]
Sent: Thursday, September 13, 2018 3:41 PM
To: thomas.marvin@bayer.com
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Subject: Xtendimax Studies

Hello Tom. I need to ask you about the our current understanding of the studies that are available on Xtendimax, especially where it concerns volatility. Questions have arisen here on whether or not we have a complete list of studies for Xtendimax. We understand various formulation specific volatility and other studies have been conducted and are being conducted, but we don't feel confident that we have or are aware of all of the Monsanto/Bayer studies for Xtendimax in that regard. Can you please provide us a list of the studies that have been conducted or are underway? We want to make sure that we have a complete understanding on what has been conducted.

Thanks very much,
Dan

Daniel Kenny, Chief
Herbicide Branch
Registration Division
Office of Pesticide Programs
U.S. Environmental Protection Agency

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Message

From: Kenny, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1BE9BB592F144269BCD41DD3A6D8A6D4-DANIEL C. KENNY]
Sent: 10/23/2018 7:26:29 PM
To: Goodis, Michael [Goodis.Michael@epa.gov]
CC: Schmid, Emily (Schmid.Emily@epa.gov) [Schmid.Emily@epa.gov]; Baris, Reuben [Baris.Reuben@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Subject: FW: Label Comparisons
Attachments: 524-617 label comparison.pdf; 7969-345 label comparison.pdf

Hi Mike. Here are the latest labels for both Xtendimax and Engenia. These are still working copies that need 1) the new buffer and expiration date added, and 2) additional tweaks to bring them in line with the Administrator's decision for new labeling. They show side-by-side comparisons with the previously stamped labels that we stamped last year. Hopefully this is what is needed.

Thanks,
Dan

From: Schmid, Emily
Sent: Tuesday, October 23, 2018 2:22 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: FW: Label Comparisons

Hi Dan,

Actually, these versions don't have comments. The newest Xtendimax label includes tracked changes but no comments. I still think they are a bit confusing but if you do the side by side view, it isn't too bad.

Emily

From: Schmid, Emily
Sent: Tuesday, October 23, 2018 11:33 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: Label Comparisons

Hi Dan,

Here are the label comparisons. Let me know if this isn't what they are looking for. I find the side-by-side view to be the easiest to see the differences.

Thanks,
Emily

Message

From: Perlis, Robert [Perlis.Robert@epa.gov]
Sent: 8/3/2018 1:14:59 PM
To: Goerke, Ariadne [Goerke.Ariadne@epa.gov]; Knorr, Michele [knorr.michele@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: article about dicamba

Courtesy of Mr. Kaczmarek… From Bloomberg Environment & Energy

Soybeans in a field at dusk in Buda, Ill.
Photographer: Daniel Acker/Bloomberg via Getty Images
News

Dicamba Woes Return This Year but Patterns Are Shifting

Posted Aug. 3, 2018, 7:01 AM

By Tiffany Stecker

- Illinois, Indiana, see more dicamba damage than last year
- Monsanto met with Andrew Wheeler ahead of big EPA decision

Evidence of damage from a fast-drifting herbicide is again appearing across agricultural states this summer, as the EPA grapples with deciding whether to continue to allow the product to be used.

Last year, the 1960s-era weedkiller dicamba was reformulated and sold under a new label by Monsanto Co., BASF SE, and DowDupont. The new herbicides were made to work with genetically engineered soybeans and cotton that don't wilt when sprayed with dicamba. But thousands of farmers who didn't grow the GMO crops saw their soybean plants wither last summer as dicamba drifted off neighboring fields.

The nation is on track for another year of damage to soybeans—which are particularly sensitive to dicamba—as well as trees, ornamental plants, fruits and vegetables, and other vegetation. As of July 15, more than 1 million acres of soybeans had been damaged and 605 investigations had been launched, according to Kevin Bradley, a professor in the University of Missouri's Integrated Pest Management program who tracks state reports of drift damage.

Early reports suggest that complaints have risen in the Midwest but have dropped in the Midsouth. In Illinois, the number of acres affected so far this year has almost outpaced last year's totals, University of Illinois agronomist Aaron Hager told Bloomberg Environment.

Indiana is in a similar situation to Illinois. About half of the 221 drift complaints so far this year are allegedly for dicamba, David Scott, a pesticide administrator with the Indiana State Chemist Office, told Bloomberg Environment. In 2017, the tally for the entire year was 128 dicamba drift complaints. Scott said the increase may be attributable to this year's earlier planting start.

Monsanto Meets With Wheeler

The damage reports come months before the Environmental Protection Agency must decide whether to renew the two-year registration of Monsanto's, BASF's and DowDupont's herbicides—called XtendiMax, Engenia, and FeXapan—or let them expire. Monsanto was one of the first companies to pay EPA Acting Administrator Andrew Wheeler a visit, according to Wheeler's schedule, one week after he replaced Scott Pruitt as head of the agency on July 6.

"We have met with the Acting Administrator as part of our routine outreach to the agency," Monsanto spokeswoman Charla Lord told Bloomberg Environment in an email.

The EPA could act in the next few weeks. Through a spokeswoman, Office of Pesticide Programs Director Rick Keigwin told Bloomberg Environment that the agency wants to make a decision before growers make seed purchase decisions for the next planting season. Farmers typically make those plans in the fall.

Monsanto and BASF are keen to defend their technology, which they say is less prone to drifting off-target than older versions of dicamba. They argue that any problems with drift can be fixed with better training. But detractors—including several agricultural researchers that advise farmers—disagree, saying the products are fundamentally flawed.

Scientists are cautious not to predict an outcome on the overall extent of damage by the end of the year. One reason is that the adoption of Monsanto's genetically engineered seeds that resist dicamba has increased.

Monsanto expects a doubling of acres for dicamba-tolerant soybeans and cotton, or more than 55 million acres of dicamba-tolerant soybeans and cotton this year. Some see this spike in adoption is seen as an attempt by farmers to protect their crops from drifting dicamba.

"The story has not been written completely this year," Andrew Thostenson, a pesticide program specialist with North Dakota State University Extension, told Bloomberg Environment.

The three companies also have trained 96,000 growers and applicators in 27 states in compliance with new EPA restrictions announced last year.

'Too Many' Dicamba Complaints?

Nationwide, the number of damaged soybean acres is dropping. By July 25, 2017, state agriculture agencies were investigating 1,411 dicamba injury allegations, and university weed scientists nationwide estimated that about 2.5 million acres of soybeans had been injured with dicamba, Bradley explained in his July 15 update. At this point in 2018, there are about 600 investigations and about 1.1 million acres of allegedly affected soybeans.

"We do believe that farmers are talking to each other. We believe that they are working together, and that has contributed to us receiving less calls," BASF spokeswoman Odessa Hines told Bloomberg Environment.

Eight states—including big soybean-growing states like Iowa—did not report the estimated dicamba damage this year. Bob Hartzler, an extension weed specialist for Iowa State University, said he did not have the resources to do a survey to assess what percentage of reported acres are affected by dicamba drift. He did not feel comfortable submitting a number for Iowa.

"I don't have a feel for if it's worse or better than last year, but it's definitely too many," Hartzler told Bloomberg Environment. "There are too many of them where it appears that the applicator did everything right and they still have issues."

Arkansas, a hotbed of dicamba drift complaints last year, implemented a ban on the herbicide this summer from April 16 through Oct. 31. The drop in complaints has been precipitous, according to state Department of Agriculture spokeswoman Adriane Barnes. As of July 27, 179 investigations into alleged dicamba drift were reported, compared with nearly 800 last year.

"It's not the same situation at all this year," Barnes told Bloomberg Environment. But University of Arkansas scientists estimate about 400,000 acres of dicamba damage to soybeans have occurred despite the ban.

"There's definitely been illegal use," Jason Norsworthy, a weed scientist with the University of Arkansas, told Bloomberg Environment. Norsworthy was one of a handful of scientists last year to conduct independent studies on the new dicamba herbicides, finding they were more likely to vaporize and travel off-field than the companies claimed.

Last year in July, the state reported 850,000 acres of damage.

Lawsuits Abound

Farmers who suffered losses due to dicamba are filing lawsuits around the country that are being consolidated in federal court. On Aug. 1, attorneys filed two complaints in the multidistrict litigation against the pesticide companies. The first complaint makes the argument that farmers were dealt significant crop damage when the dicamba herbicides were sold. The other complaint alleges that Monsanto violated antitrust laws because the dicamba drift forces farmers to buy Monsanto's dicamba-tolerant seeds In Re: Dicamba Herbicides Litigation, E.D. Mo., MDL No. 2820, 8/1/18.

Four nonprofit organizations also have sued the EPA for violating the Federal Insecticide, Fungicide, and Rodenticide Act and the Endangered Species Act when it granted a two-year registration for the dicamba herbicides. Oral arguments in the U.S. Court of Appeals for the Ninth Circuit case are scheduled for Aug. 29 in Seattle in National Family Farm Coalition v. EPA, 9th Cir., No. 17-70196, 6/20/18.

Bob Perlis
Pesticides and Toxic Substances Law Office
Office of General Counsel
US EPA
(202) 564-5636

Message

From: Goerke, Ariadne [Goerke.Ariadne@epa.gov]
Sent: 11/1/2018 7:43:43 PM
To: Grosko, Brett (ENRD) [Brett.Grosko@usdoj.gov]
CC: Knorr, Michele [knorr.michele@epa.gov]
Subject: FW: Case No. 17-70196 - Amendment to registration
Attachments: ENV_DEFENSE-#822421-v1-Dicamba_Filed_Ex__A__EPA_Decision_document_-_Amendment.PDF; ENV_DEFENSE-#822420-v1-Dicamba_Filed_Letter_re__Notice_of_Amendment_to_Registration.PDF

We will not have a stamped version of the new label until it is in PPLS. There is no cover letter this time.

Ariadne Goerke
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5471

From: Knorr, Michele
Sent: Tuesday, October 17, 2017 9:54 AM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Grosko, Brett (ENRD) <Brett.Grosko@usdoj.gov>
Subject: FW: Case No. 17-70196 - Amendment to registration

Ariadne has graciously agreed to take over being the lead on this case. She will be great!!! I will continue to assist her as she gets up to speed. So, please add her to any future emails.

Michele L. Knorr
Attorney
Pesticides and Toxics Law Office
Office of General Counsel
202-564-5631

From: Buckley, Sarah (ENRD) [mailto:Sarah.Buckley@usdoj.gov]
Sent: Monday, October 16, 2017 11:58 PM
To: Paul Achitoff <achitoff@earthjustice.org>; 'Sylvia Wu' <SWu@CenterforFoodSafety.org>; George Kimbrell <GKimbrell@CenterforFoodSafety.org>; 'Philip.Perry@lw.com' <Philip.Perry@lw.com>; rick.bress@lw.com; 'Andrew.Prins@lw.com' <Andrew.Prins@lw.com>
Cc: Grosko, Brett (ENRD) <Brett.Grosko@usdoj.gov>; Knorr, Michele <knorr.michele@epa.gov>
Subject: Case No. 17-70196 - Amendment to registration

Dear counsel:

As described in the United States' notice to the court, EPA recently granted an amendment to the Xtendimax registration. I don't believe this should unduly delay the case, and propose we all discuss timing for filing an amended petition and supplemental certified index. I am out of the office tomorrow (Tuesday), but am available:

- 10/18: between noon and 2 (ET)
- 10/19: anytime except 3-4 (ET)
- 10/20: anytime

Please let me know what time is convenient for you all and I will set up a conference line.

Thanks,
Sarah

Message

From: Wittenberg, Nicholas [wittenberg.nicholas@epa.gov]
Sent: 11/2/2018 6:37:17 PM
To: Knorr, Michele [knorr.michele@epa.gov]
CC: Goerke, Ariadne [Goerke.Ariadne@epa.gov]
Subject: Re: ediscovery request

If it's the same complaint we should be all set on that front.

I will go ahead and submit the new search.

All the best,
Nick

Nicholas Wittenberg
Attorney-Advisor
United States Environmental Protection Agency
Office of Pesticide Programs
Information Technology & Resources Management Division
Public Information & Records Integrity Branch
1200 Pennsylvania Avenue, NW (MC 7502P)
Washington, D.C. 20460
Phone: (703) 347-8875
Email: wittenberg.nicholas@epa.gov

On Nov 2, 2018, at 1:47 PM, Knorr, Michele <knorr.michele@epa.gov> wrote:

<image002.gif>
This is the same matter as last year, but we will need to update the record from the new action taken yesterday. There is no new complaint. Do you need anything else?

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

From: Wittenberg, Nicholas
Sent: Friday, November 02, 2018 12:35 PM
To: Knorr, Michele <knorr.michele@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Subject: RE: ediscovery request

Hi Michele,

In addition to providing the complaint could you confirm that is separate from the matter we worked on last year?

From my records what I have:

National Family Farm Coalition, Et Al., v. **U.S. Environmental Protection Agency** and Monsanto Company (Movant Intervenor)		ED_001146A (Dicamba Protective Order)	2,737

I have also attached the last production email on this matter.

Thank you,
Nick

From: Wittenberg, Nicholas
Sent: Friday, November 2, 2018 11:20 AM
To: Knorr, Michele <Knorr.Michele@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Subject: RE: ediscovery request

Hi Michele,

I should be set.

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Thank you,
Nick

From: Knorr, Michele
Sent: Friday, November 2, 2018 11:18 AM
To: Wittenberg, Nicholas <wittenberg.nicholas@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
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If we need to talk, I should be available after 2 pm today.

Relevant Information: Search aims to identify emails between EPA employees and outside parties concerning Monsanto's (now Bayer) application to amend its registration for the product xtendimax (EPA Reg. No 524-617). Purpose of the search is to compile the administrative record for litigation. EPA is currently in litigation concerning the earlier decisions on this registration. That litigation is pending in the ninth circuit. (*NFFC et al. v. EPA and Monsanto* (9th Cir.)) DOJ has requested that we begin the compilation of the administrative record for this new registration action as it is possible that the ninth circuit may request this be filed in the pending litigation in a short time frame.

Suggested Keywords:

- dicamba
- monsanto

- bayer
- xtendimax

Date Range: 1/1/2018 through 11/1/2018

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

Message

From: Goerke, Ariadne [Goerke.Ariadne@epa.gov]
Sent: 6/7/2018 9:13:08 PM
To: Knorr, Michele [knorr.michele@epa.gov]
Subject: FW: Dicamba - chat about a few sealed documents?

Sarah forgot to include you in the email, hopefully you can make it at 3 pm tomorrow. If not, we can touch base beforehand so I get the messaging straight! Thanks for all your help, as always!

Ariadne Goerke
Pesticides and Toxic Substances Law Office
Office of General Counsel, U.S. EPA
202-564-5471 Rm 7318B

From: Andrew.Prins@lw.com [mailto:Andrew.Prins@lw.com]
Sent: Thursday, June 7, 2018 3:58 PM
To: Sarah.Buckley@usdoj.gov
Cc: Brett.Grosko@usdoj.gov; Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Subject: RE: Dicamba - chat about a few sealed documents?

3pm sounds good, thanks.

From: Buckley, Sarah (ENRD) [mailto:Sarah.Buckley@usdoj.gov]
Sent: Thursday, June 7, 2018 3:47 PM
To: Prins, Andrew (DC) <Andrew.Prins@lw.com>
Cc: Grosko, Brett (ENRD) <Brett.Grosko@usdoj.gov>; Goerke.Ariadne@epa.gov
Subject: RE: Dicamba - chat about a few sealed documents?

How about 3 p.m. (or later) tomorrow?

Specifically, EPA is considering proposing that the following documents claimed as CBI need not be subject to the PO:

1. Petitioners Brief – Volume V (Under Seal) ER 825 (located in the Certified Index at K.10 "E-mail from Philip Perry (Monsanto) to Reuben Baris (EPA) re: Current master label and sticker Xtendimax" 10/9/2017)
2. Petitioners Brief – Volume V (Under Seal) ER 867 (located in the Certified Index at K.7 "E-mail from T. Marvin (Monsanto) to Reuben Baris (EPA) re: Confidential working Draft Master Label" 9/25/2017)
3. Petitioners Brief – Volume V (Under Seal) ER 909 (located in the Certified Index at K.6 "E-mail from T. Marvin (Monsanto) to Reuben Baris (EPA) Confidential Discussion Points" 9/13/2017)(also submitted with EPA's Brief, Volume III Under Seal, RER1327)
4. EPA Brief – Volume III Under Seal RER 1324 (located in the Certified Index at K.16 "E-mail from Reuben Baris (EPA) to T. Marvin (Monsanto) draft, dicamba proposed registration conditions – deliberative, 10/5/2017")
5. EPA Brief – Volume III Under Seal RER 1330 (located in the Certified Index at K.15 "E-mail from T. Marvin (Monsanto) to Reuben Baris (EPA) RE: Confidential Discussion Points" 9/14/2017")

I can send out a dial-in if that time works.

Sarah

From: Andrew.Prins@lw.com <Andrew.Prins@lw.com>
Sent: Thursday, June 7, 2018 8:11 AM
To: Buckley, Sarah (ENRD) <SBuckley@ENRD.USDOJ.GOV>

Cc: Grosko, Brett (ENRD) <BGrosko@ENRD.USDOJ.GOV>; Goerke.Ariadne@epa.gov
Subject: RE: Dicamba - chat about a few sealed documents?

Sure. I'm pretty flexible tomorrow so just pick a time that works for you all.

Regards,

Andrew

From: Buckley, Sarah (ENRD) [mailto:Sarah.Buckley@usdoj.gov]
Sent: Thursday, June 7, 2018 8:09 AM
To: Prins, Andrew (DC) <Andrew.Prins@lw.com>
Cc: Grosko, Brett (ENRD) <Brett.Grosko@usdoj.gov>; Goerke, Ariadne (Goerke.Ariadne@epa.gov) <Goerke.Ariadne@epa.gov>
Subject: Dicamba - chat about a few sealed documents?

Hi Andrew,

EPA has completed its review of the documents filed under seal and would like to discuss a few items claimed as CBI. Would you have a few minutes to discuss sometime tomorrow?

Thanks,
Sarah

This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, disclosure, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies including any attachments.
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Message

From: Wittenberg, Nicholas [wittenberg.nicholas@epa.gov]
Sent: 11/2/2018 4:34:40 PM
To: Knorr, Michele [knorr.michele@epa.gov]
CC: Goerke, Ariadne [Goerke.Ariadne@epa.gov]
Subject: RE: ediscovery request
Attachments: Re: ED_001146A (Dicamba Protective Order) - Production

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Michele L. Knorr, Attorney
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Message

From: Goerke, Ariadne [Goerke.Ariadne@epa.gov]
Sent: 11/2/2018 3:27:54 PM
To: Grosko, Brett (ENRD) [Brett.Grosko@usdoj.gov]
CC: Knorr, Michele [knorr.michele@epa.gov]; Perlis, Robert [Perlis.Robert@epa.gov]
Subject: FW: Pesticides & Toxic Substances Law News for November 2, 2018

https://news.bloombergenvironment.com/environment-and-energy/epa-dicamba-decision-could-be-legal-ammunition-challengers-say?usertype=External&bwid=00000166-cfdb-d353-ad6f-cfdb6e3b0002&qid=5618438&cti=FG2&uc=93&et=CURATED_HIGHLIGHTS&emc=neve_hlt%3A3&context=email&email=00000166-d0d5-de20-a377-d7f5907b0001&access-ticket=eyJjdHh0IjoiTkVWRSIsImlkIjoiMDAwMDAxNjYtY2ZkYi1kMzUzLWFkNmYtY2ZkYjZlM2IwMDAyIiwic2lnIjoiVWhjL0NXcE1hayszaU8zNlQ1SWlQOWtYdTdVPSIsInRpbWUiOiIxNTQxMTAyNzA4IiwidXVpZCI6IlpEVVNOa2VLUnk2YUk3QnphWStkZlE9PWNtYnVMblJrT3g4ZWRGRDJEWjBkRUE9PSIsInYiOiIxIn0%3D

Ariadne Goerke
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5471

From: OGCLibrary
Sent: Friday, November 2, 2018 10:31 AM
To: Abramson, Jennifer <Abramson.Jennifer@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Anderson, Kate <Anderson.Kate@epa.gov>; Anderson, Steve <Anderson.Steve@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Barkas, Jessica <barkas.jessica@epa.gov>; Berckes, Nicole <Berckes.Nicole@epa.gov>; Bernota, Carolyn <Bernota.Carolyn@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Bruce, Susan <Bruce.Susan@epa.gov>; Bufill, Lourdes <Bufill.Lourdes@epa.gov>; Burke, Marcella <burke.marcella@epa.gov>; Charlton, Tom <Charlton.Tom@epa.gov>; Cherry, Andrew <Cherry.Andrew@epa.gov>; Cobb, Christina <cobb.christina@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Cross, Verna <Cross.Verna@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Dierker, Carl <Dierker.Carl@epa.gov>; Faeth, Lisa <Faeth.Lisa@epa.gov>; Frey, Bert <frey.bertram@epa.gov>; Garvey, Mark <Garvey.Mark@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Greenwald, Kathryn <Greenwald.Kathryn@epa.gov>; Harrison, Ben <Harrison.Ben@epa.gov>; Herrema, Jeffrey <Herrema.Jeffrey@epa.gov>; Kaplan, Robert <kaplan.robert@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>; Kausch, Jeannine <Kausch.Jeannine@epa.gov>; King, Carol <King.Carol@epa.gov>; Liva, Aakruti <Liva.Aakruti@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Matthews, Julie <Matthews.Juliane@epa.gov>; Miles, James <miles.james@epa.gov>; Mirza, Zainab <mirza.zainab@epa.gov>; Morgan, Jeanette <Morgan.Jeanette@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Mullings, Brandon <Mullings.Brandon@epa.gov>; Myrick, Pamela <Myrick.Pamela@epa.gov>; Nanda, Sushila <Nanda.Sushila@epa.gov>; Nguyen, Quoc <Nguyen.Quoc@epa.gov>; OGC NFO FEAT <OGC_NFO_FEAT@epa.gov>; OGC PTSLO <OGC_PTSLO@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Presler, Amos <presler.amos@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Rose, Cheryl <Rose.Cheryl@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Seltzer, Mark <Seltzer.Mark@epa.gov>; Sherlock, Scott <Sherlock.Scott@epa.gov>; Sims, Patricia <Sims.Patricia@epa.gov>; Smoot, Cameo <Smoot.Cameo@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Swan, Russell <Swan.Russell@epa.gov>; Tierney, Cate <Tierney.Cate@epa.gov>; Trivedi, Adrienne <Trivedi.Adrienne@epa.gov>; Varco, Joseph <varco.joseph@epa.gov>; Vergeront, Julie <Vergeront.Julie@epa.gov>; Wallace, Ryan <Wallace.Ryan@epa.gov>; Werner, Jacqueline <Werner.Jacqueline@epa.gov>
Subject: Pesticides & Toxic Substances Law News for November 2, 2018

Pesticides & Toxic Substances Law News for November 2, 2018

Bloomberg Environment

Environment & Energy

LEADING THE NEWS

Chemicals in Your Bottled Water? Companies Could Test to Find Out

By Sylvia Carignan

Bottled water has been used as a stopgap for communities whose drinking water is contaminated with dangerous chemicals, and many bottling companies could begin testing as early as next year to ensure their own products are free of those same substances.

EPA Dicamba Decision Could Be Legal Ammunition, Challengers Say

By Tiffany Stecker

The EPA's decision to allow a weedkiller on the market for two more years could strengthen the legal case of farmers suing Bayer AG who say the weedkiller damages crops, attorneys representing growers said.

TODAY'S NEWS

Monsanto Cancer Victim Accepts $78.6 Million Roundup Award

By Peter Blumberg

A former school groundskeeper says he won't contest a California judge's decision to reduce a jury's punitive damages award to $39.3 million in a lawsuit in which he claimed exposure to Monsanto's Roundup caused his terminal cancer.

Closed Louisiana Horse Center Settles Manure, Urine Dumping Claims

By Karn Dhingra

A Louisiana racehorse training center reached a settlement with the federal government and Louisiana over claims the center dumped wastewater contaminated with horse manure, urine, and other biological materials into a river and tributary near Lafayette, La.

WEDNESDAY NIGHT WRAPUP

Farmers Can Use Dicamba At Least Two More Years, EPA Says

By Tiffany Stecker and Susan Bruninga

Farmers can use the pesticide dicamba to clear fields of stubborn weeds for two more growing seasons after the EPA on Oct. 31 extended the temporary approval of new versions of the chemical, which is prone to drifting off-field.

Chemical Safety Board Delays Closed-Door Meeting

By Sam Pearson

Leaders at a small federal agency that probes major industrial disasters Oct. 31 scrapped an unusual closed-door meeting that had been announced with little notice.

INSIDEEPA.COM
an online news service from the publishers of Inside EPA

Concern On North Carolina's GenX Level Previews Response To EPA Study

Public concerns from both industry and environmentalists on North Carolina's estimated risk standard for the per- and polyfluoroalkyl substance (PFAS) chemical GenX are a likely preview to reaction EPA will receive after it releases its own draft risk analysis and estimate for the same chemical, slated for release in the coming weeks.

GREENWIRE
ENVIRONMENT & ENERGY

PESTICIDES

Groundskeeper accepts reduced $78M Monsanto verdict

Published: Thursday, November 1, 2018

A Northern California groundskeeper said yesterday that he will accept a judge's reduced verdict of $78 million against Monsanto after a jury found the company's weedkiller caused his cancer.

Dewayne Johnson's attorney formally informed the San Francisco Superior Court that he would not contest the judge's decision to reduce a jury's original $289 million award.

Johnson could have demanded a new trial.

A jury unanimously decided in August that Monsanto's Roundup weedkiller caused Johnson's cancer. His doctor testified that the 46-year-old has less than three years to live.

Johnson's spokeswoman, Robin McCall, said his attorney disagrees with the judge's settlement reduction but will accept the lower amount in hopes of achieving "a final resolution within his lifetime."

Monsanto spokesman Daniel Childs did not immediately return a phone call. He previously said the company planned to appeal every adverse verdict. The company is facing 8,000 similar lawsuits across the country.

The jury awarded $250 million in punitive damages to Johnson after it found that the St. Louis-based agribusiness had purposely ignored warnings and evidence that its popular Roundup product causes cancer, including Johnson's lymphoma. But Judge Suzanne Bolanos ruled earlier this month that was too high and reduced the punitive damage to $39 million to match the other damages the jury awarded Johnson.

Punitive damages are designed to punish companies that juries determine have purposely misbehaved and to deter others from operating similarly. — *Associated Press*

PESTICIDES

EPA gives farmers 2 more years to use contentious weedkiller

Corbin Hiar, E&E News reporter

Published: Thursday, November 1, 2018

EPA will allow the pesticide dicamba to stay on the market through 2020. Kevin Wood/Flickr

EPA will continue to allow farmers to spray genetically engineered soybeans and cotton with a weedkiller blamed for damaging millions of acres of neighboring crops.

But the agency's decision to extend spraying through 2020, announced late yesterday, also includes new restrictions intended to cut down on the damage dicamba-based pesticides can do when they drift onto crops that weren't made to withstand the chemical.

The move was criticized by an environmental group and celebrated by companies that sell dicamba-based weedkillers.

"EPA understands that dicamba is a valuable pest control tool for America's farmers," acting EPA Administrator Andrew Wheeler said.

"By extending the registration for another two years with important new label updates that place *additional* restrictions on the product, we are providing certainty to all stakeholders for the upcoming growing season," Wheeler's statement said, emphasizing the word "additional."

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Specifically, EPA will now only allow certified applicators to spray dicamba on resistant soybeans or cotton crops twice. It previously allowed workers supervised by certified applicators to directly spray crops up to four times.

The agency is also limiting times at which dicamba can be sprayed on crops. Applications can occur only between an hour after sunrise and two hours before sunset, and none can happen 60 days after the crops were planted.

In counties where endangered species may exist, EPA is requiring a new 57-foot buffer around all sides of dicamba-sprayed fields in addition to a 110-foot downwind buffer.

EPA's approval of the pesticide for "over-the-top" applications will expire in two years unless the agency moves to extend it.

Dicamba first went on sale in the United States in 1967. For many decades, it was primarily used in late winter or early spring to kill weeds prior to planting crops. It has also been used to control weeds in residential areas and other sites, such as golf courses.

But in 2016, EPA approved direct spraying of dicamba-tolerant cotton and soybean plants.

During the 2017 growing season, dicamba drift harmed about 3.6 million acres of soybeans, or 4 percent of the total soybean crop nationwide. This year, at least 1.1 million acres of crops were damaged by the pesticide (*Greenwire*, July 20).

Minnesota, North Dakota, Missouri and other states have already moved to restrict the use of dicamba on emergent crops (*Greenwire*, Dec. 13, 2017).

Environmentalists don't think EPA's new restrictions on dicamba go far enough.

"The Trump EPA's reckless re-approval of this dangerous poison ignores the facts on the ground and damage across millions of acres," Nathan Donley, a senior scientist at the Center for Biological Diversity, said in a news release. "It's going to take far stronger action to curb dicamba's well-documented dangers to non-target plants and wildlife like monarch butterflies."

But BASF Corp., the German chemical company that invented dicamba and sells it under the brand name Engenia, argued EPA's move was good for agriculture.

"The decision to extend registration of Engenia herbicide for an additional two years means that farmers will continue to have access to a critically needed tool to fight the expansion of herbicide resistant weeds in their soybean and cotton fields," Odessa Hines, a BASF spokeswoman, said in an email. "That means farmers are able to grow more and sell more."

Bayer AG, which sells the dicamba-based XtendiMax herbicide, also welcomed the decision and predicted that 60 million acres would be planted in 2019 with its dicamba-resistant soybeans and cotton.

Twitter: @corbinhiar Email: chiar@eenews.net

ILLINOIS

Chemical scandal threatens GOP incumbent

Nick Bowlin, E&E News reporter
Published: Thursday, November 1, 2018

Illinois Republican Rep. Peter Roskam debating challenger Democrat Sean Casten. C-SPAN

In one of the tightest midterm House races, a chemical emissions scandal involving EPA has roiled the contest.

Democrat Sean Casten, who worked in energy efficiency and has stressed climate change, is trying to unseat Rep. Peter Roskam (R) in a suburban Chicago district that Hillary Clinton won in 2016. *The Cook Political Report* rates the race a toss-up.

Casten has hammered Roskam, a favorite of the chemical industry, on the environment throughout the race. A former biochemist, Casten put a particular emphasis on efforts to hamstring science and research in President Trump's EPA.

CONTINUING COVERAGE

CAMPAIGN 2018

E&E News features, analysis and updates on the midterm elections. Click here to view the series.

Roskam has responded with environmental outreach throughout the midterm cycle, joining the Climate Solutions Caucus and tweeting about a hike with environmentally minded students from a local college.

Then in August, EPA released a national air toxicity study showing that residents in the district faced cancer risks from airborne pollution up to nine times the national average because of emissions of ethylene oxide from a local sterilization plant owned by Sterigenics International LLC.

A separate study from the Department of Health and Human Services using EPA data came to a similarly dire conclusion: The high levels of the chemical in the air near the Sterigenics plant left residents at an alarming cancer risk.

Local anger flared. Residents called for the plant to be shut down; four schools, one day care center and at least 19,000 people are near the plant, reported the *Chicago Tribune*. The state Legislature is holding hearings.

And caught in the uproar is Roskam, whose undeniable ties to the chemical industry have become a top issue in the race against Casten.

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Roskam is backed by the American Chemistry Council, the chemical industry's biggest trade group, which bought a $209,000 television ad boosting the incumbent in late June. The trade group represents industry heavyweights that support the continued production and use of ethylene oxide.

On Sept. 4, Casten — along with members of the Illinois Sierra Club and Rep. Bill Foster (D), who represents areas affected by Sterigenics, as well — slammed Roskam in a press conference for his silence on the report and his vote on H.R. 1431 to allow more industry voices like those from the ACC on the EPA Science Advisory Board.

Roskam "should be here," Casten said.

Roskam did not publicly comment on the issue until Sept. 13, two weeks after the report. In a statement, he called it "very concerning."

"My office was quickly in communication with Willowbrook Mayor Frank Trilla," he said in the release, "and since then, my staff and I have been in contact with the Illinois EPA and the Region 5 U.S. EPA in addition to Mayor Trilla."

Roskam called for the plant's temporary closure in a release dated Oct. 31.

Veronica Vera, Roskam's communication director, said the representative pushed the EPA for a second round of air testing.

“As a direct result of Roskam’s involvement and insistence, the U.S. EPA agreed to conduct a second ambient air test, as well as a smoke stack test,” she wrote in an email.

In the meantime, the chemical industry pushed back on the studies that showed cancer risks from chemical exposure. On Sept. 25, the ACC sent a letter to the EPA claiming the agency study was flawed and that ethylene oxide is not as dangerous as described.

The trade group's political action committee — a separate entity from the one behind the $209,000 ad buy — followed that up with a $1,000 donation to Roskam's campaign on Oct. 3, lifting its total contributions to the campaign to $4,500 according to Federal Election Commission documents.

DowDuPont's employee PAC has kicked in $3,000 to Roskam's bid. Dow and other chemical giants like Union Carbide Corp. are members of the ACC. Both manufacture ethylene oxide.

Under the current administration, EPA's chemical-related bodies have been filled with people linked to the ACC (*Greenwire*, March 30). Most prominently, Michael Dourson, a former ACC consultant, withdrew his nomination to head EPA's Office of Chemical Safety and Pollution Prevention following concerns about industry ties. The current nominee, Alexandra Dapolito Dunn, was a lawyer for the ACC early in her career.

The trade group has achieved many of its policy priorities, including holding up chemical regulations, under Trump's EPA (*Greenwire*, March 19).

As for Sterigenics, chemical emissions concerns have now consumed the gubernatorial race between Gov. Bruce Rauner (R) and Democrat J.B. Pritzker, which *The Cook Political Report* rates as likely to flip blue. Rauner co-founded the private equity firm that owns Sterigenics.

Casten, meanwhile, continues to press the issue, calling on Roskam to return money from the chemical industry. Last week, he attended a Illinois General Assembly hearing on Sterigenics, which Roskam was not reported to have attended.

"Roskam has been conspicuously absent on an issue people are understandably pretty panicked about," said Samantha Warren, a spokeswoman for Casten's campaign.

Twitter: @nobowlin Email: nbowlin@eenews.net

AGRICULTURE

Agency heads team up on biomass

Marc Heller, E&E News reporter

Published: Thursday, November 1, 2018

Acting EPA Administrator Andrew Wheeler (left) joined Agriculture Secretary Sonny Perdue (right) and Energy Secretary Rick Perry to tout biomass energy in a letter to Congress. Lance Cheung/USDA/Flickr

The departments of Agriculture, Energy and the Interior are working together to promote biomass as carbon neutral, the heads of those agencies told Congress in a letter.

Woody biomass taken from forests can provide energy while reducing wildfire risks and aiding rural economies, Agriculture Secretary Sonny Perdue, Energy Secretary Rick Perry and acting EPA Administrator Andrew Wheeler wrote in an Oct. 24 letter to key appropriators.

They letter was in response to a directive in the March 2018 omnibus appropriations bill to work together on biomass, which the legislation declared carbon neutral.

"Consistent with the direction provided in the appropriations language, a longer-term time horizon should be considered when evaluating carbon emissions from forest biomass energy," the officials said. "A large body of peer-reviewed research papers, government funded reports, and other analyses demonstrate that different types of biomass can satisfy these principles."

DOE has estimated that between 2030 and 2040, the U.S. forestry, agriculture and waste sectors could sustainably produce a billion tons of biomass annually for energy uses, they said.

They said the agencies will work to establish "clear and simple policies to reflect the carbon neutrality of forest bioenergy" and to encourage use of biomass as an energy source.

Whether biomass should be treated as carbon neutral is a sensitive point with environmental groups, many of which say the harvesting of trees to turn into burnable wood pellets contributes to pollution and shouldn't be part of any carbon reduction agenda.

Woody biomass removed from forests takes years to replace in order to achieve carbon benefits, the groups say.

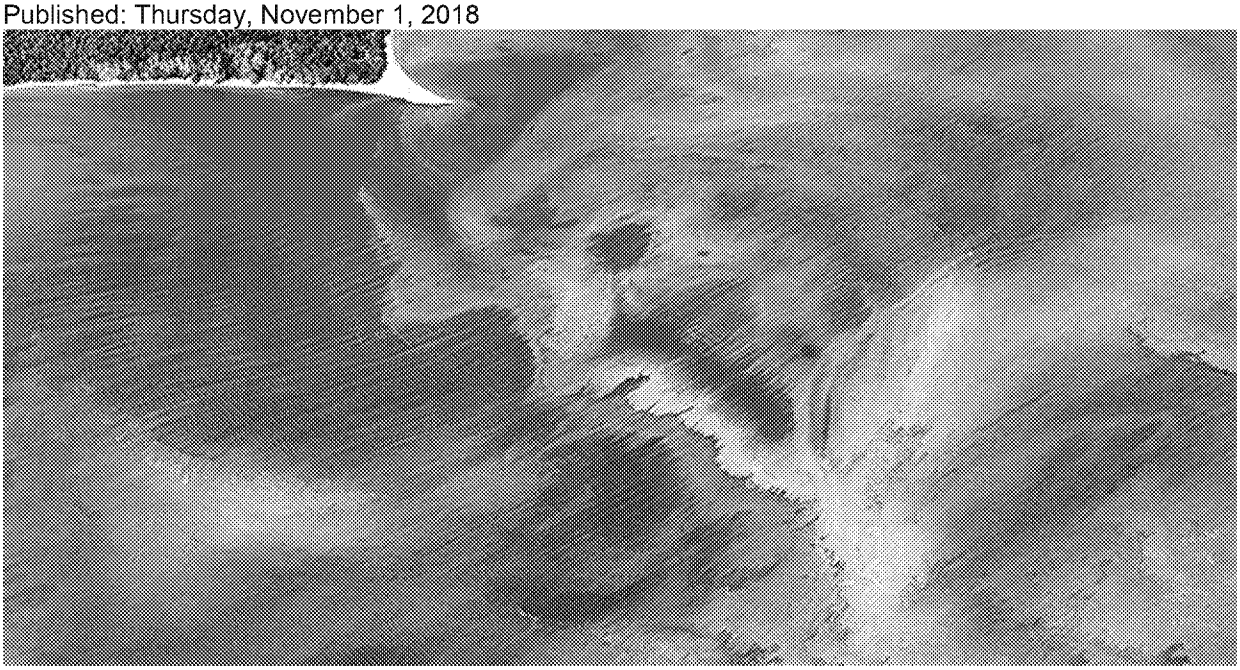
Advocates, on the other hand, say a longer-term analysis shows the advantages of woody biomass. The debate has played out recently in spending bills, including the omnibus measure approved earlier this year (*E&E Daily*, July 18, 2017; *Greenwire*, March 22).

Email: mheller@eenews.net

GREAT LAKES

Lake Erie algae bloom less severe than predicted

Cecelia Smith-Schoenwalder, E&E News reporter
Published: Thursday, November 1, 2018



Lake Erie's algal bloom was less severe than expected. NOAA Great Lakes Environmental Research Laboratory/Flickr

Lake Erie's annual harmful algae bloom this summer was less severe than NOAA had predicted, according to a seasonal assessment.

NOAA had forecast the bloom to be a 6 on its severity scale, but the analysis showed it to be a 3.6, which is a relatively mild bloom.

This bloom was more severe than 2016's bloom but much milder than 2017's bloom, which at nearly 8.5 was tied for the third-worst observed this century (*Greenwire*, Nov. 8, 2017).

NOAA said this year's bloom was unusual because it started and ended early. The bloom began in June, likely due to early warm temperatures hitting the area in May.

Strong storms disrupted the bloom in September, and it never recovered. It ended by the first week of October, which is one of the earliest collapses documented, according to NOAA.

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NOAA said it will review why prediction models overestimated the bloom.

No matter how much science is available for predictions, they can always change, said Crystal Davis, policy director of the Alliance for the Great Lakes.

"Every year, we are at the mercy of the weather," Davis noted.

Davis added that more attention needs to be given to comprehensive solutions to mitigate these harmful algae blooms. Residents in Toledo, Ohio, for example, still live in fear about their drinking water, which was shut off in 2014 due to algae contamination, Davis said.

The Ohio Soil and Water Conservation Commission today tabled an executive order from Ohio Gov. John Kasich (R) to reduce the nutrient runoff from farms that can fuel toxic algae in Lake Erie (*Greenwire*, July 12). The commission will take up the executive order, which would affect about 2 million acres of farmland, again next year.

Gubernatorial races in Ohio and Michigan will wrap up next week. Davis said she hopes the new governors will prioritize algae policy.

Algae have been a hot topic this election cycle, particularly in Florida, where residents are dealing with two harmful blooms (*Greenwire*, Oct. 24).

Twitter: @ceceliasmith12 Email: csmith@eenews.net

CHEMICALS

Families take step toward suing EPA over toxic paint stripper

Published: Thursday, November 1, 2018

The mothers of two men killed by a toxic paint stripper took a step toward suing EPA yesterday for failing to take quick action to remove the product from the market.

EPA had pledged in May, after then-Administrator Scott Pruitt met with families of two victims, to wrap up action "shortly" on proposed Obama-era regulations that would eliminate most allowable uses of the paint-stripping solvent methylene chloride (*Greenwire*, May 10).

The agency disclosed earlier this month that it is now weighing rules that would allow a particular use of the solvent, in commercial furniture refinishing, to continue, and that it is aiming to have a rule finished by the end of the year.

The Centers for Disease Control and Prevention says methylene chloride poses "extreme hazards" to people using it. California says it has tracked at least five deaths from the paint stripper nationally since 2014.

The dead include an El Salvador-born laborer in California last year unable to read any English-language warning labels, and 21-year-old Kevin Hartley of Tennessee, who died last year while refinishing a bathtub, despite his job-safety training.

"How many more have to be lost before they take action and ban this? I mean, this is — this is crazy," said Wendy Hartley, the dead man's mother, and one of those who met with Pruitt in May.

"They have the facts right there in front of them. Just do it," Hartley said yesterday. "They just need to issue the ban."

Hartley and the mother of another methylene chloride victim joined a national labor organization representing Spanish-speaking workers and environmental and public health groups in formally notifying EPA of their intent to sue over what they said was the agency's failure to issue a ban. The notification is a required step ahead of any lawsuit.

Asked yesterday about the status of the rule and the notification of intent to sue, EPA spokeswoman Molly Block said, "EPA is currently evaluating the proposal and regulation of this substance and its uses to determine the appropriate regulation — and its legal defensibility."

EPA under President Obama had concluded that methylene chloride posed an "unreasonable" risk and proposed banning all consumer sales and most commercial uses. Pruitt's EPA did not indicate what a final rule would look like.

Pruitt, one of the most energetic agents in the Trump administration's regulation-cutting mission, initially shelved the pending methylene chloride rule indefinitely after becoming head of the agency. He reversed himself and promised action after the meeting with relatives of Hartley and another victim, Drew Wynne of North Carolina.

Pruitt resigned amid ethics scandals this summer. While courts have since blocked many of Pruitt's deregulatory moves, Pruitt's acting successor at the agency, Andrew Wheeler, is seen as moving more carefully to shape deregulatory efforts that will stand up to court challenges.

Home Depot, Lowe's and some other major retailers have announced since May — after survivors joined advocacy groups in campaigning for the ban — that they would voluntarily stop carrying methylene chloride. — *Ellen Knickmeyer, Associated Press*

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US EPA Headquarters, Washington, D.C.
Desk: 202-566-1432
McCune.Jennifer@epa.gov

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http://www.surveymonkey.com/s/epalibsurvey

Message

From: Goerke, Ariadne [Goerke.Ariadne@epa.gov]
Sent: 6/6/2018 2:16:49 PM
To: Buckley, Sarah (ENRD) [Sarah.Buckley@usdoj.gov]
CC: Knorr, Michele [knorr.michele@epa.gov]
Subject: Dicamba Protective Order

Hi Sarah,

After reviewing the materials that Petitioners' and Respondents' submitted under seal, the following materials should be released because they are publicly available at the dicamba docket:

1. RER1033 (located in the Certified Index at F.6 and A.640 "Addendum to Dicamba Diglycolamine (DGA) Salt and its Degradate, 3,6 dicholorosalicylic acid (DCSA) Section 3 Risk Assessment: Refined Endangered Species Assessment for Proposed New Uses on Herbicide-Tolerant Cotton and Soybean in 7 States, 3/24/2016")
2. EPA Brief – Volume III Under Seal RER1197 (located in the Certified Index at F.5 and A.802 "Addendum to Dicamba Diglycolamine (DGA) Salt and its Degradate, 3,6 dicholorosalicylic acid (DCSA) Section 3 Risk Assessment: Refined Endangered Species Assessment for Proposed New Uses on Herbicide-Tolerant Cotton and Soybean in 16 States, 3/25/2016")

The following materials Monsanto asserted were protected pursuant to Confidential Business Information (CBI) and FOIA exempt, but do not appear to be witholdable pursuant to 10(g) or have CBI content (e.g., sales or production information). The material contains the back and forth between EPA and Monsanto before the dicamba label changes were finalized in October 2017 and cannot be withheld due to the deliberative process privilege because this information was shared outside of the federal government. EPA proposes that Monsanto waive their claim to CBI for these documents. In the alternative, EPA will need to ask the Court to make a determination:

1. Petitioners Brief – Volume V (Under Seal) ER 825 (located in the Certified Index at K.10 "E-mail from Philip Perry (Monsanto) to Reuben Baris (EPA) re: Current master label and sticker Xtendimax" 10/9/2017)
2. Petitioners Brief – Volume V (Under Seal) ER 867 (located in the Certified Index at K.7 "E-mail from T. Marvin (Monsanto) to Reuben Baris (EPA) re: Confidential working Draft Master Label" 9/25/2017)
3. Petitioners Brief – Volume V (Under Seal) ER 909 (located in the Certified Index at K.6 "E-mail from T. Marvin (Monsanto) to Reuben Baris (EPA) Confidential Discussion Points" 9/13/2017)(also submitted with EPA's Brief, Volume III Under Seal, RER1327)
4. EPA Brief – Volume III Under Seal RER 1324 (located in the Certified Index at K.16 "E-mail from Reuben Baris (EPA) to T. Marvin (Monsanto) draft, dicamba proposed registration conditions – deliberative, 10/5/2017")
5. EPA Brief – Volume III Under Seal RER 1330 (located in the Certified Index at K.15 "E-mail from T. Marvin (Monsanto) to Reuben Baris (EPA) RE: Confidential Discussion Points" 9/14/2017")

All other documents listed "Under Seal" from the parties briefs should remain under seal pursuant to the Court's protective order. Please let me know if you have any questions. Thank you!

Ariadne

Ariadne Goerke
Pesticides and Toxic Substances Law Office
Office of General Counsel, U.S. EPA
202-564-5471 Rm 7318B

Message

From: Knorr, Michele [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5E2165E5C2224BAC8D33C2F857C33886-MKNORR]
Sent: 11/2/2018 6:38:31 PM
To: Wittenberg, Nicholas [wittenberg.nicholas@epa.gov]
CC: Goerke, Ariadne [Goerke.Ariadne@epa.gov]
Subject: RE: ediscovery request

Thanks. Just to be clear it is under the same petition for review at this point. If a new petition or complaint comes in, we will let you know. For now, we need to get the record search done under the current petition for review.

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

From: Wittenberg, Nicholas
Sent: Friday, November 02, 2018 2:37 PM
To: Knorr, Michele <knorr.michele@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Subject: Re: ediscovery request

If it's the same complaint we should be all set on that front.

I will go ahead and submit the new search.

All the best,
Nick

Nicholas Wittenberg
Attorney-Advisor
United States Environmental Protection Agency
Office of Pesticide Programs
Information Technology & Resources Management Division
Public Information & Records Integrity Branch
1200 Pennsylvania Avenue, NW (MC 7502P)
Washington, D.C. 20460
Phone: (703) 347-8875
Email: wittenberg.nicholas@epa.gov

On Nov 2, 2018, at 1:47 PM, Knorr, Michele <knorr.michele@epa.gov> wrote:

<image002.gif>
This is the same matter as last year, but we will need to update the record from the new action taken yesterday. There is no new complaint. Do you need anything else?

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

From: Wittenberg, Nicholas
Sent: Friday, November 02, 2018 12:35 PM
To: Knorr, Michele <knorr.michele@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Subject: RE: ediscovery request

Hi Michele,

In addition to providing the complaint could you confirm that is separate from the matter we worked on last year?

From my records what I have:

National Family Farm Coalition, Et Al., v. **U.S. Environmental Protection Agency** and Monsanto Company (Movant Intervenor)		ED_001146A (Dicamba Protective Order)	2,737

I have also attached the last production email on this matter.

Thank you,
Nick

From: Wittenberg, Nicholas
Sent: Friday, November 2, 2018 11:20 AM
To: Knorr, Michele <Knorr.Michele@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Subject: RE: ediscovery request

Hi Michele,

I should be set.

For my attorney conflict records could you send me a copy of the complaint for this matter.

Thank you,
Nick

From: Knorr, Michele
Sent: Friday, November 2, 2018 11:18 AM
To: Wittenberg, Nicholas <wittenberg.nicholas@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Subject: ediscovery request

Nick – below is the relevant information and search terms with date range. Attached is the custodian list. Please let us know if this is correctly submitted or needs more. Thanks

If we need to talk, I should be available after 2 pm today.

Relevant Information: Search aims to identify emails between EPA employees and outside parties concerning Monsanto's (now Bayer) application to amend its registration for the product xtendimax (EPA Reg. No 524-617). Purpose of the search is to compile the administrative record for litigation. EPA is currently in litigation concerning the earlier decisions on this registration. That litigation is pending in the ninth circuit. (*NFFC et al. v. EPA and Monsanto* (9th Cir.)) DOJ has requested that we begin the compilation of the administrative record for this new registration action as it is possible that the ninth circuit may request this be filed in the pending litigation in a short time frame.

Suggested Keywords:

- dicamba
- monsanto
- bayer
- xtendimax

Date Range: 1/1/2018 through 11/1/2018

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

Message

From: Knorr, Michele [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5E2165E5C2224BAC8D33C2F857C33886-MKNORR]
Sent: 11/2/2018 5:47:49 PM
To: Wittenberg, Nicholas [wittenberg.nicholas@epa.gov]
CC: Goerke, Ariadne [Goerke.Ariadne@epa.gov]
Subject: RE: ediscovery request

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Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

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Sent: Friday, November 02, 2018 12:35 PM
To: Knorr, Michele <knorr.michele@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
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Nick

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Suggested Keywords:

- dicamba
- monsanto
- bayer
- xtendimax

Date Range: 1/1/2018 through 11/1/2018

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

Message

From: Knorr, Michele [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5E2165E5C2224BAC8D33C2F857C33886-MKNORR]
Sent: 11/2/2018 3:17:38 PM
To: Wittenberg, Nicholas [wittenberg.nicholas@epa.gov]
CC: Goerke, Ariadne [Goerke.Ariadne@epa.gov]
Subject: ediscovery request
Attachments: Part B Outlook search for dicamba xtendimax 2018.xlsx

Nick – below is the relevant information and search terms with date range. Attached is the custodian list. Please let us know if this is correctly submitted or needs more. Thanks

If we need to talk, I should be available after 2 pm today.

Relevant Information: Search aims to identify emails between EPA employees and outside parties concerning Monsanto's (now Bayer) application to amend its registration for the product xtendimax (EPA Reg. No 524-617). Purpose of the search is to compile the administrative record for litigation. EPA is currently in litigation concerning the earlier decisions on this registration. That litigation is pending in the ninth circuit. (*NFFC et al. v. EPA and Monsanto* (9th Cir.)) DOJ has requested that we begin the compilation of the administrative record for this new registration action as it is possible that the ninth circuit may request this be filed in the pending litigation in a short time frame.

Suggested Keywords:

- dicamba
- monsanto
- bayer
- xtendimax

Date Range: 1/1/2018 through 11/1/2018

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

Message

From: Sisco, Debby [Sisco.Debby@epa.gov]
Sent: 10/3/2018 11:54:59 AM
To: Keigwin, Richard [Keigwin.Richard@epa.gov]
CC: Messina, Edward [Messina.Edward@epa.gov]; Dinkins, Darlene [Dinkins.Darlene@epa.gov]
Subject: RE: LINDA/OPP: Center for Investigative Reporting - Dicamba - deadline request to speak with Reuben Barris

Great!

Debby Sisco
Ethics Officer and Special Assistant to the Director
Office of Pesticide Programs (7501P)
US Environmental Protection Agency
4th floor - 4241 Potomac Yard South
(office: 703 308-8121; Mobile: 571 317-4823)

From: Keigwin, Richard
Sent: Wednesday, October 3, 2018 7:35 AM
To: Sisco, Debby <Sisco.Debby@epa.gov>
Cc: Messina, Edward <Messina.Edward@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: Re: LINDA/OPP: Center for Investigative Reporting - Dicamba - deadline request to speak with Reuben Barris

That response is fine; should have said that we don't need to ask RD to expand.

Rick Keigwin
Director, Office of Pesticide Programs
U.S. Environmental Protection Agency
Phone: 703-305-7090
Website: www.epa.gov/pesticides
Sent from my iPhone

On Oct 3, 2018, at 7:26 AM, Sisco, Debby <Sisco.Debby@epa.gov> wrote:

Shorter than this?

> EPA considers all studies and our analysis gives weight to high quality and well-documented studies. The Agency looks at the all of the evidence to decide what the preponderance of evidence shows. EPA registered dicamba (with restrictions on its use) but placed time limits on the registration to allow the agency to either let it expire or to easily make the necessary changes in the registration if there are problems with resistant weeds or pesticide drift.
>
> EPA continues to receive information from stakeholders regarding the use of dicamba for over-the-top applications. EPA will use all available evidence when evaluating registrations for over-the-top use of dicamba. We expect to make a decision in the near future.

Debby Sisco
Ethics Officer and Special Assistant to the Director

Office of Pesticide Programs (7501P)
US Environmental Protection Agency
4th floor - 4241 Potomac Yard South
(office: 703 308-8121; Mobile: 571 317-4823)

From: Keigwin, Richard
Sent: Wednesday, October 3, 2018 6:07 AM
To: Sisco, Debby <Sisco.Debby@epa.gov>
Cc: Messina, Edward <Messina.Edward@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: RE: LINDA/OPP: Center for Investigative Reporting - Dicamba - deadline request to speak with Reuben Barris

I would keep the response short.

From: Sisco, Debby
Sent: Tuesday, October 02, 2018 4:09 PM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>
Cc: Messina, Edward <Messina.Edward@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: FW: LINDA/OPP: Center for Investigative Reporting - Dicamba - deadline request to speak with Reuben Barris

Rick,
I discussed this with Linda. Assuming we will not want to directly answer his questions, what do you think of this? Should we ask RD to expand at all?

Questions:
When does EPA expect to decide whether to reregister dicamba for the dicamba-resistant crops?

In the initial registration of Xtendimax, Monsanto's dicamba product (M1768), EPA relied on humidome studies, which the literature shows are not good proxies for what goes on in the field (and new studies by university scientists support). In addition, the field studies were done under conditions and in locales that would not reflect conditions in the midsouth. What convinced EPA that these studies were enough to allow a compound with a history of volatility, especially under conditions in the midsouth, on the market?

Academic scientists, including David Mortensen, had warned that pesticides act much differently when you increase amounts and acreage, and that doing so with dicamba, which is responsible for more drift injuries (along with 2,4D) than any other herbicides, would lead to disaster. Why were these concerns, based on rigorous science, not heeded?

Many academic scientists I spoke with said that they advised EPA officials in calls and meetings that low volatility formulations are not the same as no volatility and can still cause serious harm. They said label changes wouldn't solve the problem. How did the EPA decide to allow Monsanto and other registrants to submit label changes that scientists said no one can follow?

Many people in Missouri and Arkansas have sustained serious economic losses and are getting no relief from their state agricultural departments. What role does EPA see for themselves in this situation? What message do you have for people who blame EPA for approving a product that has caused them so much harm?
That's mostly what I want to discuss.

Linda's suggestion:

EPA considers all studies and our analysis gives weight to high quality and well-documented studies. The Agency looks at the all of the studies to decide what the preponderance of evidence shows. EPA registered dicamba (with restrictions on its use) but placed time limits on the registration to allow the agency to either let it expire or to easily make the necessary changes in the registration if there are problems with resistant weeds or pesticide drift.

EPA continues to receive information from stakeholders regarding the use of dicamba for over-the-top applications. EPA will use all available evidence when evaluating registrations for over-the-top use of dicamba. We expect to make a decision in the near future.

Debby Sisco
Ethics Officer and Special Assistant to the Director
Office of Pesticide Programs (7501P)
US Environmental Protection Agency
4th floor - 4241 Potomac Yard South
(office: 703 308-8121; Mobile: 571 317-4823)

From: Strauss, Linda
Sent: Tuesday, October 2, 2018 3:54 PM
To: Sisco, Debby <Sisco.Debby@epa.gov>
Cc: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Subject: FW: LINDA/OPP: Center for Investigative Reporting - Dicamba - deadline request to speak with Reuben Barris

Debby, you asked for my thoughts on this – what do you think about something like this? Can OPP say more to respond to his specific questions?? Please edit/add.

EPA considers all studies and our analysis gives weight to high quality and well-documented studies. The Agency looks at the all of the studies to decide what the preponderance of evidence shows. EPA registered dicamba (with restrictions on its use) but placed time limits on the registration to allow the agency to either let it expire or to easily make the necessary changes in the registration if there are problems with resistant weeds or pesticide drift.

EPA continues to receive information from stakeholders regarding the use of dicamba for over-the-top applications. EPA will use all available evidence when evaluating registrations for over-the-top use of dicamba. We expect to make a decision in the near future.

From: Strauss, Linda
Sent: Tuesday, October 02, 2018 9:38 AM
To: Sisco, Debby <Sisco.Debby@epa.gov>
Subject: RE: LINDA/OPP: Center for Investigative Reporting - Dicamba - deadline request to speak with Reuben Barris

Hi Debby, just making sure on this one.

OPP is going to put together a response tailored to his questions (not just give the statement: EPA will use all available evidence when evaluating registrations for over-the-top use of dicamba. Our goal is to

make a decision in time for growers to make informed seed purchase decisions for the next planting season.)

Do I have it right?

Thanks, Linda

From: Sisco, Debby
Sent: Tuesday, October 02, 2018 6:58 AM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Cc: Courtnage, Robert <Courtnage.Robert@EPA.GOV>; Han, Kaythi <Han.Kaythi@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: Fwd: LINDA/OPP: Center for Investigative Reporting - Dicamba - deadline request to speak with Reuben Barris

Debby. Sent from my iPhone

Begin forwarded message:

> **From:** "Keigwin, Richard" <Keigwin.Richard@epa.gov>
> **Date:** October 1, 2018 at 7:33:56 PM EDT
> **To:** "Sisco, Debby" <Sisco.Debby@epa.gov>
> **Cc:** "Messina, Edward" <Messina.Edward@epa.gov>, "Strauss, Linda" <Strauss.Linda@epa.gov>, "Dinkins, Darlene" <Dinkins.Darlene@epa.gov>, "Courtnage, Robert" <Courtnage.Robert@EPA.GOV>, "Han, Kaythi" <Han.Kaythi@epa.gov>
> **Subject: Re: LINDA/OPP: Center for Investigative Reporting - Dicamba - deadline request to speak with Reuben Barris**
>
> Yes, written responses.
>
> Rick Keigwin
> Director, Office of Pesticide Programs
> U.S. Environmental Protection Agency
> Phone: 703-305-7090
> Website: www.epa.gov/pesticides
> Sent from my iPhone
>
> On Oct 1, 2018, at 4:15 PM, Sisco, Debby <Sisco.Debby@epa.gov> wrote:
>
>> They're asking for an interview (with Reuben or another official in the herbicide branch) by Wednesday. Should I assume we will offer a written response that will stick to a general statement that we consulted with various experts, etc.?
>>
>> *Debby Sisco*
>> Ethics Officer and Special Assistant to the Director

Office of Pesticide Programs (7501P)
US Environmental Protection Agency
4th floor - 4241 Potomac Yard South
(office: 703 308-8121; Mobile: 571 317-4823)

From: Daguillard, Robert
Sent: Monday, October 1, 2018 4:07 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Courtnage, Robert <Courtnage.Robert@EPA.GOV>; Sisco, Debby <Sisco.Debby@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: LINDA/OPP: Center for Investigative Reporting - Dicamba - deadline request to speak with Reuben Barris

CENTER FOR INVESTIGATIVE REPORTING
LIZA GROSS
DDL 10/3, WEDNESDAY

Good afternoon everyone,

I assume we'll want to send written respones? Let me know if you want to discuss.

Thanks, R.

++++++++++++++++++++++++++++++++++++

OK, great. Here's what I'd like to discuss:

When does EPA expect to decide whether to reregister dicamba for the dicamba-resistant crops?

In the initial registration of Xtendimax, Monsanto's dicamba product (M1768), EPA relied on humidome studies, which the literature shows are not good proxies for what goes on in the field (and new studies by university scientists support). In addition, the field studies were done under conditions and in locales that would not reflect conditions in the midsouth. What convinced EPA that these studies were enough to allow a compound with a history of volatility, especially under conditions in the midsouth, on the market?

Academic scientists, including David Mortensen, had warned that pesticides act much differently when you increase amounts and acreage, and that doing so with dicamba, which is responsible for more drift injuries (along with 2,4D)

than any other herbicides, would lead to disaster. Why were these concerns, based on rigorous science, not heeded?

Many academic scientists I spoke with said that they advised EPA officials in calls and meetings that low volatility formulations are not the same as no volatility and can still cause serious harm. They said label changes wouldn't solve the problem. How did the EPA decide to allow Monsanto and other registrants to submit label changes that scientists said no one can follow?

Many people in Missouri and Arkansas have sustained serious economic losses and are getting no relief from their state agricultural departments. What role does EPA see for themselves in this situation? What message do you have for people who blame EPA for approving a product that has caused them so much harm?

That's mostly what I want to discuss.

Thanks, Robert.

> Dear press officers,
>
> I'm working on a story about dicamba for Reveal, from the Center for Investigative Reporting, and need to speak with Reuben Barris or another official in the herbicide branch. Please let me know when I can speak to someone.
>
> Thank you.
>
> Sincerely,
>
> Liza Gross
>
> Liza Gross
>
> *Journalist/editor based in the San Francisco Bay Area*
>
> The Science Writers' Investigative Reporting Handbook

Available on Amazon

www.lizagross.com

@lizabio on Twitter

liza.m.gross on Skype

+1.510.525.2494 (office)

+1.510.295.9391 (cell/Signal)

--

Sent from my phone. Pardon the typos.

Message

What you need to know to start your day.

From: Bloomberg Environment - Environment & Energy Report [bloomberg@bna.com]
Sent: 8/29/2018 11:49:08 AM
To: Messina, Edward [Messina.Edward@epa.gov]
Subject: First Move: Court Fight Goes Into the Weedkiller • Cutting Methane Emissions • West Texas' Dirty Water

Bloomberg Environment

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Court Fight Goes Into the Weedkiller • Cutting Methane Emissions • West Texas' Dirty Water

By Chuck McCutcheon

Farmers and environmentalists are going to federal court over a herbicide that has caused millions of acres of crop damage.

They're saying the EPA relied on shaky scientific ground to approve Monsanto's Xtendimax, a reformulation of the decades-old weedkiller dicamba that has affected at least 5 million acres of soybeans, plus trees, vegetables, and other vegetation. Their lawsuit also accuses the agency of not consulting with the U.S. Fish and Wildlife Service on the pesticide's approval.

If the case—being argued in Seattle—is successful, the challengers could force the EPA to reconsider its approval of the herbicide as its registration is set to expire in November. Tiffany Stecker is watching.

CUTTING METHANE: The Trump administration is about to roll back rules on methane, a greenhouse gas 25 times more potent than carbon dioxide. That isn't stopping oil and natural gas companies from cutting methane emissions from their wells, pipelines, and other equipment.

That is because the companies are taking into account an underlying long-term trend of tighter regulation—possibly by future presidents but also at the state level.

Alan Kovski delves further into the issue in a story out today.

TEXAS' DIRTY WATER: Some rigs in West Texas' oil-rich Permian Basin are drilling holes—not to find petroleum but to get rid of the water their wells produce.

How much water? Enough this year alone to cover all of Rhode Island a foot deep.

A growing number of companies newly specializing in the management of millions of gallons of dirty water produced every day in the region are using fracking technology.

"If we don't have a water solution, we can't produce the well. It's as simple as that," said Will Hickey, chief executive officer of Colgate Energy. "It used to be that each operator handled water themselves. But the sheer volume of what's now being produced has created an opportunity for specialized water companies to step in and deal with it."

Bloomberg News' David Wethe and Kevin Crowley have more details in a story out today.

OTHER STORIES WE'RE COVERING

- An annual gathering of state environmental officials continues in Stowe, Vt., with discussions about new contaminants in drinking water and scientific transparency at the EPA. Among the speakers: Chris Robbins and Jennifer Orme-Zavaleta of the EPA's research and development office along with Peter Grevatt, head of the agency's groundwater and drinking water office. David Schultz is covering.
- The owner of mine workings that run underneath Colorado's Gold King Mine isn't the source of water quality problems in the Bonita Peak Mining

District Superfund Site that contributed to the August 2015 Gold King spill, the company told Tripp Baltz. Sunnyside Gold Corp. mined the area from 1986 to 1991 "using modern techniques" operating under "the modern era of environmental regulation," and the major culprit in the high-altitude mining region was using antiquated techniques in a "highly mineralized" region. EPA workers triggered the release of some 3 million gallons of mining wastewater and sediment from the Gold King Mine, sending a toxic plume of metals down the Animas River through three states and into the Colorado River Basin.

- Venezuelan President Nicolas Maduro's declaration that the country's celebrated subsidies for gasoline and motor oil will soon be available only to holders of a special "Card of the Fatherland" has angered residents who consider it laminated proof of the socialist regime's Big Brother reach, Bloomberg News' Fabiola Zerpa and Patricia Laya write in a story out this morning.

QUOTE OF THE DAY

Then-French environment minister Nicolas Hulot gestures before leaving after a weekly cabinet meeting in July 2018.
Photographer: Ludovic Marin/AFP/Getty Images

"This subject is always relegated to the bottom of the list of priorities."
—French environment minister Nicolas Hulot, citing his country's lack of action on climate change as one of his reasons for resigning during a live radio interview.

AROUND THE WEB

- Researchers have developed a robot that can hunt down lionfish to protect coral reefs.
- Incoming GOP House member Troy Balderson introduced EPA acting Administrator Andrew Wheeler at an Ohio event as "Mr. Huffman." Wheeler shrugs it off: "I've certainly been called worse, particularly on Twitter!"

- Maine GOP Sen. Susan Collins and Delaware Democratic Sen. Tom Carper introduce a bill that would establish a national mercury pollution monitoring network.
- Despite House Republicans' push on Yucca Mountain, "I don't get the sense that nuclear waste is a high priority for the Trump administration," former Nuclear Regulatory Commission chairman Allison Macfarlane says.

TODAY'S EVENTS

- **10 a.m. • Energy/Employment** • U.S. Energy Association hosts presentation summarizing results of 2018 U.S. Energy and Employment Report in four sectors—electric power generation and fuels production; transmission, distribution, and storage; energy efficiency; and motor vehicles.
- **11:30 a.m. • Energy Modeling** • District of Columbia's Green Building Division holds seminar on energy modeling, which provides architects, engineers, and developers with opportunities for complying with energy code requirements.
- **3 p.m. • PFAS** • EPA holds webinar on per- and poly-fluoroalkyl substances (PFAS) in landfills and groundwater.
- **4 p.m. • Energy/Education** • House Natural Resources Committee holds field hearing in Roosevelt, Utah, on energy and education.

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Message

From: Bloomberg Environment - Environment & Energy Report [bloomberg@bna.com]
Sent: 9/4/2018 11:51:02 AM
To: Messina, Edward [Messina.Edward@epa.gov]
Subject: First Move: Senators Scrutinize Kavanaugh • Congress' Fall Agenda • San Francisco's Climate Summit

Bloomberg Environment

What you need to know to start your day.

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Senators Scrutinize Kavanaugh • Congress' Fall Agenda • San Francisco's Climate Summit

By Chuck McCutcheon

Brett Kavanaugh gets his turn in the Senate spotlight today, as members of the Judiciary Committee question him on a host of issues that are likely to include environment and energy.

One line of questions could focus on Kavanaugh's position about whether certain groups have an ability to bring a legal claim, or "standing." Legal standing is important in environmental cases, where the laws are designed to regulate targets of pollution and protect the environment.

Supreme Court nominee Brett Kavanaugh talks Aug. 23 with Senate Energy and Natural Resources Committee Chairman Lisa Murkowski (R-Alaska).
Photographer: Chip Somodevilla/Getty Images

CONGRESS' FALL AGENDA: Congress is expected to hammer out details on a broad bill addressing agriculture-related programs in the weeks ahead—but most other environment- and energy-related legislation is likely to fall by the election-year wayside.

With few energy and environmental bills moving on their own, lawmakers are likely to try to find other must-pass vehicles to seek to attach their proposals. One example is a bill that would create a task force to look into improving the ways federal agencies help cities and towns manage their stormwater runoffs.

Look for more on the status of environment, energy, regulatory, and agriculture legislation in Bloomberg Environment's Hill Watch.

SAN FRANCISCO SUMMIT: If you're going to San Francisco, the classic '60s song goes, be sure to wear some flowers in your hair. But activists there next week won't fixate on fashion—their focus is on cutting carbon emissions.

At the three-day Global Climate Action Summit, as many as 500 global companies could announce a commitment to aligning business practices with greenhouse gas reduction goals called for in the Paris climate agreement.

"The private sector has to be very actively engaged—very deeply engaged—in decarbonizing, or else the national goals reflected in Paris will not be achieved," says summit advisory committee member Aron Cramer, the president and CEO of Business for Social Responsibility.

Bobby Magill has more details in a story out today.

OTHER STORIES WE'RE COVERING

- Massachusetts primary voters head to the polls today. Incumbent GOP Gov. Charlie Baker is widely favored to be his party's nominee for another term. Two Democrats are vying for the chance to run for governor; one of them, entrepreneur Bob Massie, has emphasized his work on climate change and clean energy as leader of the University of Massachusetts Sustainable Solutions Lab and founder of the Massachusetts Energy Efficiency Coalition. His rival, health care executive Jay Gonzalez, has called for Massachusetts to be the first state to adopt carbon pricing. Bloomberg Government's Greg Giroux is following.

- With the House returning from its August recess, September may be the time for Congress to pass a major biennial water resources bill. The bill would give the Army Corps of Engineers the green light to move forward on several mega-projects across the country and would also make a number of important changes to water policies at the Corps and the EPA. David Schultz is tracking.
- Two scientific studies that Monsanto Co. submitted to gain approval for its new herbicide XtendiMax are at the center of a lawsuit arguing that the agency didn't properly vet the product and its active ingredient, dicamba, Tiffany Stecker writes in a story out today.
- Arizona's Supreme Court takes up an unusual case: The Hopi Tribe is suing the city of Flagstaff and Snowbowl ski resort over the resort's use of reclaimed water to make fake snow. Brenna Goth is watching.

QUOTE OF THE DAY

"Half a billion dollars' worth of facility repairs are needed, and this will only go up."
—Detroit schools spokeswoman Chrystal Wilson, discussing elevated levels of lead and copper that led the district to give out bottled water for the third time since 2016.

AROUND THE WEB

- A New York Times interactive graphic lets people see how temperatures have changed in their hometown from the year in which they were born.
- The founder of Women in Solid Waste & Recycling seeks to change the impression that the waste and recycling industry is primarily for men.
- California has begun a new initiative aimed at adding solar to multifamily housing.

THIS WEEK'S EVENTS

ON THE HILL:

- **Tuesday, 5 p.m. • Natural Gas** • House Rules Committee meets to consider terms of debate for bill that would expedite approvals for small-scale exports of liquefied natural gas.
- **Wednesday, 9:30 a.m. • Farm Bill** • House and Senate farm bill conference committee members meet.

- **Wednesday, 10 a.m. • Nominations/Markup** • Senate Commerce, Science, and Transportation Committee holds markup on bill that would end use of large-mesh drift gillnets and provide funding for fishing industry to transition to less harmful fishing gear. The committee also considers the nomination of Kelvin Droegemeier as director of the White House Office of Science and Technology Policy.
- **Wednesday, 2 p.m. • Title Transfer** • House Natural Resources' water, power and oceans panel holds hearing on two title transfer bills.
- **Thursday, 10 a.m. • Chemicals** • House Energy and Commerce's environment panel discusses perfluorinated chemicals in the environment.
- **Thursday, 10 a.m. • Permitting** • House oversight's intergovernmental affairs and environment panels hold hearing on permitting.
- **Thursday, 10 a.m. • Federal Lands** • House Natural Resources' federal lands panel holds hearing on five federal lands bills.
- **Thursday, 1 p.m. • Disaster Response** • House oversight panel discusses evaluating federal disaster response and recovery efforts.
- **Friday, 9 a.m. • Water** • House transportation panel's water resources subcommittee talks about water resources projects and policy for developing infrastructure.

ELSEWHERE:

- **Tuesday-Friday, All Day • Grid Modernization** • Energy Department's Grid Modernization Initiative holds peer review on activities across 13 programs.
- **Wednesday-Friday, All Day • Clean Energy** • Young Conservatives for Energy Reform & Christian Coalition hold 2018 Conservative Clean Energy Summit.
- **Wednesday-Friday, All Day • Offshore Wind** • Offshore Wind Implementation 2018, in Teaneck, N.J., brings together state and federal regulators and policymakers as well as offshore wind leaseholders and developers to explore the paths to offshore wind project implementation.
- **Wednesday-Thursday, All Day • Alternative Toxicological Methods** • Scientific group meets in Research Triangle Park, N.C., to discuss advising federal agencies about ways they can get the information to review chemical and pharmaceutical safety data while reducing the use of animals in testing.

- **Wednesday, All Day • PFAS** • EPA holds its latest per- and polyfluoroalkyl Substances (PFAS) community engagement session in Leavenworth, Kan.
- **Wednesday, All Day • Power Markets** • American Wind Energy Association hosts conference examining how power markets will need to evolve over the next 5 to 10 years
- **Wednesday, 11:30 a.m. • Nuclear** • U.S. Nuclear Industry Council, with support from Energy Department's Office of Nuclear Energy, hosts Capitol Hill briefing on the U.S. nuclear fleet.
- **Wednesday, 12 p.m. • Climate Change** • Environmental Law Institute holds webinar on the role of private institutions in climate change mitigation.
- **Wednesday, 2:30 p.m. • Great Lakes** • Great Lakes Commission and Northeast Midwest Institute hold briefing and report launch on Great Lakes green infrastructure policy.
- **Thursday, 8 a.m. • Climate Change** • The Hill newspaper and Bipartisan Policy Center host forum on issues that are motivating greater climate collaboration.
- **Thursday, 9:30 a.m. • Paris Agreement** • American Enterprise Institute hosts discussion on implementing the Paris climate agreement.
- **Thursday, 10 a.m. • RGGI** • Duke's Nicholas Institute for Environmental Policy Solutions holds webcast forum on the Regional Greenhouse Gas Initiative.
- **Thursday, 10 a.m. • Sand Mining** • Wilson Center hosts author Vince Beiser to discuss China's role in mining sand and its damage to the environment.
- **Thursday, 12 p.m. • Hurricane Katrina** • Environmental Law Institute holds webinar on a federal appeals court's April ruling on flooding damage from Hurricane Katrina.
- **Thursday, 1 p.m. • Energy Efficiency** • Alliance for Industrial Efficiency and Ceres hold webinar on the energy efficiency goals of 160 of the nation's largest companies.

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Message

From: MARVIN, THOMAS [AG/1920] [thomas.marvin@monsanto.com]
Sent: 6/4/2018 3:23:29 PM
To: Messina, Edward [Messina.Edward@epa.gov]
Subject: FW: Update #2 on XtendiMax® with VaporGrip® Technology

Ed: FYI—not sure if you are working on dicamba issues this year?

Tom

Tom Marvin
Director, Federal Regulatory Affairs
1300 I Street, NW
Washington, DC 20005
Cell: 202-676-7846
Desk: 202-383-2851

From: MARVIN, THOMAS [AG/1920]
Sent: Monday, June 04, 2018 11:04 AM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>
Subject: FW: Update #2 on XtendiMax® with VaporGrip® Technology

All-

FYI on this second 2018 update Monsanto sent to external stakeholders late last week, and please let me know if we can address any questions.

Thanks,

Tom

Tom Marvin
Director, Federal Regulatory Affairs
1300 I Street, NW
Washington, DC 20005
Cell: 202-676-7846
Desk: 202-383-2851

> **From:** "_WITTEN, TY [AG/1000]" <ty._witten@monsanto.com>
> **Date:** May 31, 2018 at 11:59:38 AM CDT
> **To:** "_WITTEN, TY [AG/1000]" <ty._witten@monsanto.com>
> **Subject: Update #2 on XtendiMax® with VaporGrip® Technology**
>
> Academic colleagues,
>
> I hope you all had a great Memorial Day weekend. Below are a few new items I think you might find useful. Please continue sending me feedback or questions so I can make these routine updates as useful as possible throughout the season. Thanks.

- **The Chemistry Behind XtendiMax® with VaporGrip® Technology:** My colleague, Dr. William Abraham, wrote this article explaining the science behind low-volatility dicamba. He plans to publish the article as a blog post in coming weeks, but he agreed to let me share it with you first. Not all the information will be new to you, but I think you'll find some of the details interesting and useful. You'll see Dr. Abraham explains how VaporGrip® Technology removes protons from the system and keeps dicamba in its salt form, which results in low volatility.

- **Supporting University Research:** Monsanto is providing grants and sponsorships to several Land Grant Universities across soybean- and cotton-producing states to support various weed management research and education. We are working with 13 university programs to further evaluate VaporGrip® Technology and reaffirm the low volatility profile under various localized conditions. We are also supporting multi-faceted weed management trials at 21 universities. Click here for more details.

- **Dicamba Field Trials Update:** Monsanto continues to conduct field trials of XtendiMax® with VaporGrip® Technology in a wide range of soil types and environmental conditions. We currently have trials underway in Arizona and Missouri, and we have trials planned in North Dakota, Nebraska, Illinois, and Minnesota. This presentation explains the three-step process for evaluating volatility. Same as with the Australia trials, I will share the results with you over the coming months as we complete these U.S. trials. If you are interested in visiting any of our trials this season, please let me know and I'll send details on plans, timing, locations, etc.

- **1-844-RRXtend Inquiry Update:** As I mentioned in my last update, you have my commitment that we will provide you with details about the types of calls we receive this season and the results of our investigations. As of May 31, we have received 1 call/inquiry regarding potential off-target movement – our FES (Field Engagement Specialist) visited the Kentucky field within 48 hours to investigate and it was concluded that adjacent applications of 2,4-D caused the observed symptomology. We have also received 10 calls/inquiries regarding weed performance – we have visited 9 locations (in IL, MO, OH, IN, TX, and SD) to date and are following conditions of the registration process regarding weed performance inquiries.

Thanks,

Ty Witten

Dr. Ty Witten

North America Crop Protection Lead

Monsanto Technology Development & Agronomy

800 North Lindbergh Blvd.

St. Louis, MO 63167

Ph#: (314) 694-6528

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Message

From: Miller, Wynne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8267862F7FEA4782AEC32EA5FEC8C19C-WYMILLER]
Sent: 8/17/2018 4:56:02 PM
To: Anderson, Neil [Anderson.Neil@epa.gov]
Subject: FW: USDA Yield Data--2016 vs 2017

From: Miller, Wynne
Sent: Wednesday, August 01, 2018 2:49 PM
To: Hawkins, Caleb <Hawkins.Caleb@epa.gov>; Anderson, Neil <Anderson.Neil@epa.gov>
Cc: Jones, Arnet <Jones.Arnet@epa.gov>
Subject: RE: USDA Yield Data--2016 vs 2017

Thanks Caleb!!

From: Hawkins, Caleb
Sent: Wednesday, August 01, 2018 2:32 PM
To: Miller, Wynne <Miller.Wynne@epa.gov>; Anderson, Neil <Anderson.Neil@epa.gov>
Cc: Jones, Arnet <Jones.Arnet@epa.gov>
Subject: FW: USDA Yield Data--2016 vs 2017

FYI – sent this to RD last week.

Caleb Hawkins
OCSPP/OPP/BEAD/BAB
hawkins.caleb@epa.gov
703.308.8104
S9313

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From: Hawkins, Caleb
Sent: Friday, July 27, 2018 11:00 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>; Chism, William <Chism.Bill@epa.gov>; Becker, Jonathan <Becker.Jonathan@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
Cc: Baris, Reuben <Baris.Reuben@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Subject: RE: USDA Yield Data--2016 vs 2017

Hey Dan K./Reuben,

Nationally, there was record production from a record number of acres. National yields per acre were down by 6 percent. Yields are influenced by genetics, management, and weather (and pest/weed pressure). For soybean, a large contributor to yield bumps in the SE could be changes in planting times and row width [they're planting earlier and transitioning from 36in rows to twin row production like they have in IL]. Also, we heard from numerous sources that the weather in the SE was exceptional last year. Improvements to technology are certainly a factor in that equation, as well, but attributing yield bumps to any one factor would be a tenuous.

I have not had a chance to look at county-level data but what they say about AR, MO, and TN is correct. State-level yields were up.

According to USDA:

The nation's soybean yield was down 6 percent from 2016, but production reached a record level due to record high acreage, according to the Crop Production 2017 Summary released today by the U.S. Department of Agriculture's National Agricultural Statistics Service (NASS).

Soybean production for 2017 totaled a record 4.39 billion bushels, up 2 percent from 2016. With record high levels across much of the southern United States, from the Delta to the Appalachian Mountains, the average soybean yield is estimated at 49.1 bushels per acre, 2.9 bushels below last year's record yield. Harvested area in 2017, at a record 89.5 million acres, is up 8 percent from 2016.

From: Kenny, Daniel
Sent: Thursday, July 26, 2018 6:46 PM
To: Kaul, Monisha <Kaul.Monisha@epa.gov>; Chism, William <Chism.Bill@epa.gov>; Becker, Jonathan <Becker.Jonathan@epa.gov>; Hawkins, Caleb <Hawkins.Caleb@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
Cc: Baris, Reuben <Baris.Reuben@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Subject: FW: USDA Yield Data--2016 vs 2017

FYI, in case you didn't get this.

From: MARVIN, THOMAS [AG/1920] [mailto:thomas.marvin@monsanto.com]
Sent: Thursday, July 26, 2018 3:34 PM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>
Subject: USDA Yield Data--2016 vs 2017

All-

Please find attached a courtesy copy of a report we submitted today through the e-portal to provide additional support for the registration of M1768 Herbicide (Xtendimax® with VaporGrip® Technology), EPA Reg. 524-617. The report analyzes USDA production and yield data from 2017 and 2016.

Tom

Tom Marvin
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Desk: 202-383-2851

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From: Miller, Wynne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8267862F7FEA4782AEC32EA5FEC8C19C-WYMILLER]
Sent: 8/14/2018 8:45:40 PM
To: Anderson, Neil [Anderson.Neil@epa.gov]
Subject: FW: Dicamba report comparisons
Attachments: Dicamba complaints and proactive measures.xlsx

From: Keller, Kaitlin
Sent: Friday, August 10, 2018 5:52 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Miller, Wynne <Miller.Wynne@epa.gov>
Cc: Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
Subject: FW: Dicamba report comparisons

Dicamba folks-See attached from Hema. Hopefully this reduces some of the lift for OPP on capturing the different incident data sources and state restrictions. Also below, Tate provided survey results on dicamba usage.

Have a good weekend,
Kaitlin

Kaitlin Keller, Special Assistant
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
(202) 564-7098

From: Subramanian, Hema
Sent: Friday, August 10, 2018 11:36 AM
To: Keller, Kaitlin <keller.kaitlin@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>
Cc: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Dicamba report comparisons

Rick and Kaitlin,

I called into the Dicamba update meeting this morning, and heard that BEAD is compiling dicamba info in a central place, to compare the numbers and reports on damage from various sources along with yields, etc.

I had started a spreadsheet where I was informally trying to organize similar notes, so I could see everything together in rows by state. The two tabs in it include:

- Columns from the AAPCO damage report survey (although I hadn't updated them since the July 16 survey)
- Next to those columns--Yield info for cotton, corn, and soybean from NASS (although I hear NASS has new numbers coming out for 2018 any minute now)
- Label restrictions, state restrictions, and suggested proactive measures (from the OCSPP briefing, WSSA report, etc.) – organized by state and then by measure/restriction; (same info I forwarded to you recently copied in a standalone Word table
- Notes from NASDA and Farm Bureau calls, organized by state

Rather than duplicate efforts, I thought I should forward this table to you, in case it's helpful for you to pass along to whoever is doing a central compilation in BEAD.

Also, below is information Tate shared this morning about a survey coming out by the Illinois Fertilizer & Chemical Association, which may be helpful to fold into the consolidated tracking.

Hope this is helpful, let me know if there are any questions...
---Hema.

Hema Subramanian
Office of the Administrator
U.S. Environmental Protection Agency
Washington, DC
office: (202) 564-5041

From: Bennett, Tate
Sent: Friday, August 10, 2018 10:35 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>
Subject: Ag Retailers Discuss Dicamba

https://www.dtnpf.com/agriculture/web/ag/perspectives/blogs/production-blog/blog-post/2018/08/10/ag-retailers-discuss-dicamba

The 113 responses in the survey show a divided membership. Almost 35% of the answers came from central Illinois, which is an area heavily devoted to custom application. In the poll, 90% of the applicators said they sprayed dicamba in 2018. Over 70% said they observed symptoms in adjacent non-dicamba-tolerant soybeans when the wind was not blowing toward the field at the time of application. Nearly 55% said they saw fields where multiple dicamba exposures likely occurred. The finger was pointed at volatility as the primary factor for those symptoms.

Still, the symptoms observed were reported as "light cupping" of soybean leaves, and over 70% ranked weed control in Xtend soybeans as good to excellent.

"Do not apply when sensitive crops are downwind" was ranked as the most difficult aspect of the label for applicators, followed by wind-speed requirements, identifying nearby sensitive crops, inversions, in-field buffers, clean-out procedures, soybean growth cut-off stage, recordkeeping and no pre-sunrise or post-sunset applications. Nozzles were the least difficult aspect.

"What really stood out is this: Dicamba works on weeds and in areas of the state where we have a lot of pressure. However, it is very difficult to keep on target by even the most professional, experienced applicators," Payne told DTN. "We have to define some parameters that work better for the professional applicators."

EPA tacked on additional label restrictions for the 2108 season after off-target movement issues became apparent the previous year, the first year Engenia, FeXapan and XtendiMax were available to use in-season on Xtend crops.

"Not that we need more restrictions, but there are things on that label that need to be better defined (such as the downwind designations), and the registrants have to understand that," Payne said.

"IFCA's position has always been stewardship is important and regulations don't mean anything unless they can be enforced," she added. "I think there's definitely room to better define the language on those labels and still allow use of this product."

The 41-question IFCA survey reveals that, despite challenges, 46% of those commercial applicators still consider the technology to be largely positive when considering all aspects of the dicamba experience. The rest were negative or neutral.

Payne said there's no time to waste if farmers and applicators want a say in this issue. The clock is ticking on the dicamba labels. "Some of these discussions might be uncomfortable, but how much more uncomfortable can we get?

"The trait is going to be in the field next year, whether we have an approved herbicide or not," Payne noted.

Payne acknowledged that some may balk at the remedies IFCA will likely suggest. Stiff penalties for those who shirk the rules may be included in the suggestions. "But farmers that want this weed control need to embrace compromise because it what may be what allows them to keep it as a tool, " she added.

"I'm lucky to work for an organization that would rather be at the table offering ideas, rather than reacting. We have to use pesticides in manner that assures public trust in our industry. Society rightfully expects the agricultural industry to successfully co-exist in increasingly diverse rural and urban communities," she said.

-----Original Message-----
From: Bennett, Tate
Sent: Friday, August 10, 2018 10:30 AM
To: Subramanian, Hema <Subramanian.Hema@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>
Subject: Resource Display | Illinois Fertilizer & Chemical Association

FYI on this survey coming out on dicamba use experiences in IL. Might want to add it to the sheet.

https://www.ifca.com/resource_display/?id=2637

Message

From: Strauss, Linda [Strauss.Linda@epa.gov]
Sent: 7/23/2018 7:48:45 PM
To: Han, Kaythi [Han.Kaythi@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Sisco, Debby [Sisco.Debby@epa.gov]; Dinkins, Darlene [Dinkins.Darlene@epa.gov]; Keller, Kaitlin [keller.kaitlin@epa.gov]
Subject: RE: LINDA/OPP: Arkansas Democrat-Gazette - Dicamba - Awaiting DDL info

Adding Kaitlin, can someone confirm this?

EPA is planning an "imminent" (his words) visit to Arkansas to discuss dicamba formulation re-registration.

From: Daguillard, Robert
Sent: Monday, July 23, 2018 3:43 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Sisco, Debby <Sisco.Debby@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Cc: Lantz, Tracy <Lantz.Tracy@epa.gov>; Naimy, Nina <Naimy.Nina@epa.gov>
Subject: RE: LINDA/OPP: Arkansas Democrat-Gazette - Dicamba - Awaiting DDL info

So, I spoke to the reporter not long ago. He hasn't written about dicamba yet this year, so he's looking for an overall update and report on 2018 regulatory steps, incident reports, etc.

Again, he's on no firm deadline, but he'll write stories based on what information he's about to confirm.

His top priority is confirming a report that EPA is planning an "imminent" (his words) visit to Arkansas to discuss dicamba formulation re-registration. I don't know what we can tell him at this stage. He understands EPA doesn't normally comment on ongoing investigations.

He also understands a lot of crop damage information comes from the states. However, he'd be grateful for anything we could tell him about re-registration decision timing, incident report numbers, impact of dicamba drift on crops, vegetable gardens, etc.

I'll also let R6 know I talked to the reporter.

Let me know if you need any more information about the reporter's focus and interests.

Cheers, R.

Robert Daguillard
Office of Media Relations
U.S. Environmental Protection Agency
Washington, DC
+1 (202) 564-6618 (O)
+1 (202) 360-0476 (M)

From: Strauss, Linda
Sent: Monday, July 23, 2018 11:58 AM
To: Daguillard, Robert <Daguillard.Robert@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Sisco, Debby <Sisco.Debby@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>

Cc: Lantz, Tracy <Lantz.Tracy@epa.gov>; Naimy, Nina <Naimy.Nina@epa.gov>
Subject: RE: LINDA/OPP: Arkansas Democrat-Gazette - Dicamba - Awaiting DDL info

Thanks.

From: Daguillard, Robert
Sent: Monday, July 23, 2018 11:31 AM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Sisco, Debby <Sisco.Debby@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Cc: Lantz, Tracy <Lantz.Tracy@epa.gov>; Naimy, Nina <Naimy.Nina@epa.gov>
Subject: RE: LINDA/OPP: Arkansas Democrat-Gazette - Dicamba - Awaiting DDL info

This is what the reporter sent me.

I have no specific story in mind yet, but it's something that I'll tackle in the next few days. It's time to make another road trip into dicamba country of Arkansas.
I am free for a call anytime, Robert.

Cheers, R.

Robert Daguillard
Office of Media Relations
U.S. Environmental Protection Agency
Washington, DC
+1 (202) 564-6618 (O)
+1 (202) 360-0476 (M)

From: Strauss, Linda
Sent: Monday, July 23, 2018 11:23 AM
To: Han, Kaythi <Han.Kaythi@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Sisco, Debby <Sisco.Debby@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Daguillard, Robert <Daguillard.Robert@epa.gov>
Cc: Lantz, Tracy <Lantz.Tracy@epa.gov>; Naimy, Nina <Naimy.Nina@epa.gov>
Subject: RE: LINDA/OPP: Arkansas Democrat-Gazette - Dicamba - Awaiting DDL info

Hi Robert, any word on deadline for this? Longer always better ☺ Thanks.

From: Daguillard, Robert
Sent: Friday, July 20, 2018 2:15 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Sisco, Debby <Sisco.Debby@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Cc: Carey, Curtis <Carey.Curtis@epa.gov>; Bryan, David <Bryan.David@epa.gov>; Taheri, Diane <Taheri.Diane@epa.gov>; Gray, David <gray.david@epa.gov>; Kelley, Jeff <kelley.jeff@epa.gov>; Rowan, Anne <rowan.anne@epa.gov>
Subject: LINDA/OPP: Arkansas Democrat-Gazette - Dicamba - Awaiting DDL info

ARKANSAS DEMOCRAT-GAZETTE
STEPHEN STEED
AWAITING DDL INFO

All, sending the following inquiry now, although I'm waiting to hear the reporter's deadline, and to get a better sense of the focus of his inquiry. Let me know if there are any questions I should ask him.

+ Regions 5, 6, 7, for awareness.

++

Good morning, Robert and Tricia

We've corresponded a few times over the last nine months or go regarding dicamba.

Does the EPA have an estimate when it will release its decision on re-registering dicamba (Xtendimax, etc.) for in-crop use? (I hear August is the timeline.) What is the EPA doing as it makes that decision? (Are EPA representatives visiting farmers, regulators, etc. in states currently reporting dicamba damage and fielding complaints?) Is the EPA considering damage to non-ag interests (backyard gardens, decorative trees and shrubs) as it considers re-registration?
Is the EPA demanding improvements by dicamba manufacturers to its formulations?
Under FIFRA, which requires manufacturers to report to the EPA any "adverse" incidents regarding their products, how many such reports were filed with the EPA by Monsanto, Dow and BASF regarding dicamba's use last season? (The last time I asked about this, you cited a "fluid" situation and declined specifics. I presume last year's problems aren't so fluid now.)

Arkansas banned dicamba for in-crop use after April 16 yet has received more than 150 complaints of alleged dicamba damage. Soybean damage has been estimated at 400,000 acres in Arkansas — and 500,000 acres in Illinois, and 100,000 acres in Missouri, two states that allowed in-crop use. What does that tell the EPA about dicamba's future for in-crop use?

Thanks much.

Stephen Steed
Arkansas Democrat-Gazette
501-399-3654

Cheers, R.

Robert Daguillard
Office of Media Relations
U.S. Environmental Protection Agency
Washington, DC
+1 (202) 564-6618 (O)
+1 (202) 360-0476 (M)

Message

From: Dunton, Cheryl [Dunton.Cheryl@epa.gov]
Sent: 8/28/2018 11:36:49 AM
To: Keller, Kaitlin [keller.kaitlin@epa.gov]
Subject: FW: Dicamba Desk statement

Hi Kaitlin – can you bring me up to speed on this ask from Nancy for a statement on dicamba? Looks like you first asked for it weeks ago so I'm not sure what's going on here b/c we already have a statement we've been using lately. I'm here today if you have time to talk. Thanks.

From: Sisco, Debby
Sent: Tuesday, August 28, 2018 7:03 AM
To: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Cc: Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Bennett, Isabella <Bennett.Isabella@epa.gov>; Naimy, Nina <Naimy.Nina@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>; Herndon, George <Herndon.George@epa.gov>
Subject: Fwd: Dicamba Desk statement

Approved.

Debby. Sent from my iPhone

Begin forwarded message:

> **From:** "Keigwin, Richard" <Keigwin.Richard@epa.gov>
> **Date:** August 27, 2018 at 7:34:04 PM EDT
> **To:** "Sisco, Debby" <Sisco.Debby@epa.gov>, "Messina, Edward" <Messina.Edward@epa.gov>
> **Cc:** "Bennett, Isabella" <Bennett.Isabella@epa.gov>, "Dinkins, Darlene" <Dinkins.Darlene@epa.gov>, "Han, Kaythi" <Han.Kaythi@epa.gov>, "Lantz, Tracy" <Lantz.Tracy@epa.gov>, "Mosby, Jackie" <Mosby.Jackie@epa.gov>, "Herndon, George" <Herndon.George@epa.gov>
> **Subject: RE: Dicamba Desk statement**
>
> This looks fine to me.
>
> ---
>
> **From:** Sisco, Debby
> **Sent:** Monday, August 27, 2018 3:30 PM
> **To:** Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
> **Cc:** Bennett, Isabella <Bennett.Isabella@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>; Mosby, Jackie <Mosby.Jackie@epa.gov>; Herndon, George <Herndon.George@epa.gov>
> **Subject:** RE: Dicamba Desk statement
>
> Oops, forgot to attach the mark-up.
>
> *Debby Sisco*
> Ethics Officer and Special Assistant to the Director

Office of Pesticide Programs (7501P)
US Environmental Protection Agency
4th floor - 4241 Potomac Yard South
(office: 703 308-8121; Mobile: 571 317-4823)

From: Sisco, Debby
Sent: Monday, August 27, 2018 3:29 PM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
Cc: Bennett, Isabella <Bennett.Isabella@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>; Mosby, Jackie <Mosby.Jackie@epa.gov>; Herndon, George <Herndon.George@epa.gov>
Subject: RE: Dicamba Desk statement

Rick,

Here is the statement Nancy requested on dicamba. The statement is, as requested, 2 sentences, but is followed by background. I've cut a bit, could probably cut more. What do you think?

Dicamba Evidence Desk Statement
08/14/18
Statement:

EPA will consider all the available evidence to inform our decision whether to continue to allow the over-the-top use of dicamba. We hope to complete this work shortly, and our goal is to make a decision about the availability of this tool so that growers have sufficient time to plan for the 2019 growing season.

Background:

While most pesticide registrations are not time-limited, when EPA determines it is necessary to meet our legal obligations, the Agency grants time-limited pesticide registrations. In this case, EPA placed a 2-year limit on the dicamba pesticide products (Xtendimax with Vapor Grip; Engenia; and DuPont's FeXapan Herbicide) registered for use on soybean and cotton crops that have been genetically engineered to tolerate dicamba once the plants have emerged ("over the top"). EPA placed this time limit on the registrations to allow us either to let them expire or to work with the registrants to make necessary changes in the registration to address concerns about adverse effects related to the application of these products and potential off-target movement.

The first registration expiration date will occur on November 9, 2018, unless EPA determines that extending the registration meets applicable legal standards. We intend to make our decision in time to inform growers' seed purchase choices. We will base this decision on multiple lines of evidence, including collaboration with growers, states, and registrants. EPA continues to gather information to inform this decision and will use all available evidence when evaluating dicamba registrations. EPA has not predetermined its decision – all regulatory options are on the table.

EPA is aware of reports of off-target crop damage (e.g., non-GE soybean and cotton, ornamental gardens, and other non-target plants) that may be related to the use of dicamba. We are reviewing the current use restrictions on the labels for these dicamba formulations in light of the incidents that have been reported this year and in 2017. EPA is using the best available information from several sources to develop a decision that balances protection of the environment with the benefits of this technology to growers for weed control and crop production. EPA will consider both quantitative and qualitative information to make our decision. We are working closely with academia, growers, state officials, weed management experts, industry, and the public to gather available information that helps us understand the circumstances that may contribute to any off-field drift incidents, including:

- incident data,
- yield information (or potential impacts on yield),
- off-target impacts to plants, including non-dicamba-tolerant soybeans
- input from crop production experts, and
- information available to state regulatory officials and contained in state reports.

Debby Sisco
Ethics Officer and Special Assistant to the Director
Office of Pesticide Programs (7501P)
US Environmental Protection Agency
4th floor - 4241 Potomac Yard South
(office: 703 308-8121; Mobile: 571 317-4823)

From: Bennett, Isabella
Sent: Monday, August 27, 2018 1:33 PM
To: Sisco, Debby <Sisco.Debby@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>; Mosby, Jackie <Mosby.Jackie@epa.gov>; Herndon, George <Herndon.George@epa.gov>
Subject: Dicamba Desk statement

Good afternoon Debby and Darlene,

This dicamba desk statement is ready for OPP IO review. It was approved by OGC and RD. The original ask from Nancy is highlighted below.

Thanks,
Isabella

From: Hathaway, Margaret
Sent: Friday, August 10, 2018 11:37 AM
To: Lantz, Tracy <Lantz.Tracy@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; ONeill, Sandra <ONeill.Sandra@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Keller, Kaitlin

<keller.kaitlin@epa.gov>
Subject: FW: Dicamba Desk statement

Hello FEAD:
As you may have already heard from Kaitlin, this morning there was a briefing to Nancy Beck on dicamba. Mike Goodis asked me to alert FEAD more broadly about the following ask from that meeting: Nancy is requesting a desk statement describing when EPA will make a dicamba decision and what the supporting evidence will be. The statement should be only 2-4 sentences long.

OGC (Ariadne and Michele) is taking the first stab at drafting something, and but the statement will also need to be worked out in coordination with FEAD and Linda Strauss' office.

I'm in the building today if anyone has any dicamba questions I may be able to help with.

Thanks,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division: Herbicide Division
hathaway.margaret@epa.gov
(703) 305-5076

From: Keller, Kaitlin
Sent: Friday, August 10, 2018 10:48 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Subject: RE: Desk statement

Definitely--we can loop Linda Strauss in when you have a draft. Thanks!

From: Goodis, Michael
Sent: Friday, August 10, 2018 10:44 AM
To: Knorr, Michele <knorr.michele@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Subject: RE: Desk statement

That would be great....thanks!

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Knorr, Michele
Sent: Friday, August 10, 2018 10:27 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>

Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Subject: Desk statement

Mike/Kaitlin – Ariadne and I are willing to take a crack at the statement. Would you be comfortable with that?

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

Message

From: Dinkins, Darlene [Dinkins.Darlene@epa.gov]
Sent: 9/5/2018 10:12:14 PM
To: Williams, Aresia [Williams.Aresia@epa.gov]; Malloy, Marilyn [Malloy.Marilyn@epa.gov]
CC: Keller, Kaitlin [keller.kaitlin@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Smith-Seam, Rhoda [smith-seam.rhoda@epa.gov]; Sirmons, Chandler [Sirmons.Chandler@epa.gov]; Ortiz, Julia [Ortiz.Julia@epa.gov]; Han, Kaythi [Han.Kaythi@epa.gov]
Subject: RE: CMS Inactivity Notification - Sent Item(s)

Marilyn,

These are all OPP controls. We'll request extensions.

-----Original Message-----
From: Malloy, Marilyn
Sent: Wednesday, September 05, 2018 1:16 PM
To: Williams, Aresia <Williams.Aresia@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Cc: Keller, Kaitlin <keller.kaitlin@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>
Subject: FW: CMS Inactivity Notification - Sent Item(s)

CMS Coordinators;

Please request extensions form OEX on the controls below:

Thanks much

Marilyn

-----Original Message-----
From: cmsadmin@epa.gov [mailto:cmsadmin@epa.gov]
Sent: Tuesday, September 04, 2018 11:04 PM
To: Malloy, Marilyn <Malloy.Marilyn@epa.gov>
Subject: CMS Inactivity Notification - Sent Item(s)

Marilyn Malloy:

The following item(s) sent by you have not been acted upon for more than 5 days. Please contact the responsible CMS user(s) for proper action or reassign the control.

Control Number: AX-18-001-0343
Control Subject: Dicamba Public Comment Period
From: Aust, Brad
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 28 2018
Days Inactive: 6

Control Number: OCSPP-18-001-0021
Control Subject: Request information for First Strike Soft Bait
From: Sales, Neal
Task Name: For Concurrence
Sent By: Marilyn Malloy
Sent To: Kaitlin Keller
Date Sent: Aug 27 2018
Days Inactive: 7

Control Number: AX-18-001-0253
Control Subject: Daily Reading File - Support for the immediate re-registration of Xtendimax
From: Simmons, Bubba
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 23 2018
Days Inactive: 11

Control Number: OCSPP-18-001-0297
Control Subject: Use of Chlorpyrifos

From: Langley, Reese
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 24 2018
Days Inactive: 10

Control Number: AX-18-001-0350
Control Subject: Daily Reading File - In support of extending the registration of dicamba
From: Munasifi, Renee
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 28 2018
Days Inactive: 6

Control Number: AX-18-001-0306
Control Subject: Please not allow the use of the pesticide chlorpyrifos to continue
From: Thompson, Anne
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 28 2018
Days Inactive: 6

Control Number: AX-18-001-0299
Control Subject: The Herbicide Dicamba
From: Braker, Darin
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 27 2018
Days Inactive: 7

Control Number: AX-18-001-0252
Control Subject: Please ban chlorpyrifos
From: Joughin, Sally
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 23 2018
Days Inactive: 11

Control Number: AX-18-001-0277
Control Subject: Daily Reading File - 2019 label decision for dicamba products
From: Coppock, Daren
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 24 2018
Days Inactive: 10

Control Number: OCSPP-18-000-7684
Control Subject: CHEMICAL "DMDM HYDANTOIN (a formaldehyde releaser) in aerosol form
From: Buehner, Gerta
Task Name: For Concurrence
Sent By: Marilyn Malloy
Sent To: Kaitlin Keller
Date Sent: Aug 23 2018
Days Inactive: 11

Control Number: AX-18-001-0342
Control Subject: Daily Reading File - Organizations Support the Continued Registration of the New Formulations of Dicamba for the Control of Resistant Weeds across the U.S. Cotton Production Belt
From: Alabama Cotton Commission
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 28 2018
Days Inactive: 6

Control Number: AX-18-001-0378
Control Subject: Daily Reading File - Urge support for the extension of post-emergence dicamba product registrations that currently are under registration review
From: Collins, Janet E.
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 29 2018
Days Inactive: 5

Control Number: AX-18-001-0305
Control Subject: Allow Tennessee Soybean Farmers to continue using Engenia, XtendiMax and FeXapan
From: Association, John H.
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 29 2018
Days Inactive: 5

Control Number: AX-18-001-0313
Control Subject: I urge you to support the further use of the dicamba label.
From: Fogleman, Franklin
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 29 2018
Days Inactive: 5

Control Number: AX-18-000-8322
Control Subject: National Leadership Summit on PFAS - Follow-up
From: Barton, Dianne
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: Amanda Hauff
Date Sent: Aug 02 2018
Days Inactive: 32

Note: This Email was automatically generated. Please do not attempt to respond to it. You can access this control at https://cms.epa.gov/cms. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or CMS Information@epa.gov.

Message

From: Williams, Aresia [Williams.Aresia@epa.gov]
Sent: 9/5/2018 8:23:06 PM
To: Malloy, Marilyn [Malloy.Marilyn@epa.gov]; Dinkins, Darlene [Dinkins.Darlene@epa.gov]
CC: Keller, Kaitlin [keller.kaitlin@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Smith-Seam, Rhoda [smith-seam.rhoda@epa.gov]; Sirmons, Chandler [Sirmons.Chandler@epa.gov]; Ortiz, Julia [Ortiz.Julia@epa.gov]
Subject: RE: CMS Inactivity Notification - Sent Item(s)

Marilyn,

None of the following controls appear to be OPPT related. Please let me know if I'm overlooking something. Thanks

Aresia M. Williams
Office of Pollution Prevention and Toxics
1200 Pennsylvania Ave., NW
Washington, DC 20004
Phone: (202) 564-0308
Fax: (202)564-8197

-----Original Message-----
From: Malloy, Marilyn
Sent: Wednesday, September 05, 2018 1:16 PM
To: Williams, Aresia <Williams.Aresia@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Cc: Keller, Kaitlin <keller.kaitlin@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>
Subject: FW: CMS Inactivity Notification - Sent Item(s)

CMS Coordinators;

Please request extensions form OEX on the controls below:

Thanks much

Marilyn

-----Original Message-----
From: cmsadmin@epa.gov [mailto:cmsadmin@epa.gov]
Sent: Tuesday, September 04, 2018 11:04 PM
To: Malloy, Marilyn <Malloy.Marilyn@epa.gov>
Subject: CMS Inactivity Notification - Sent Item(s)

Marilyn Malloy:

The following item(s) sent by you have not been acted upon for more than 5 days. Please contact the responsible CMS user(s) for proper action or reassign the control.

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Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 28 2018
Days Inactive: 6

Control Number: OCSPP-18-001-0021
Control Subject: Request information for First Strike Soft Bait
From: Sales, Neal
Task Name: For Concurrence
Sent By: Marilyn Malloy
Sent To: Kaitlin Keller
Date Sent: Aug 27 2018
Days Inactive: 7

Control Number: AX-18-001-0253
Control Subject: Daily Reading File - Support for the immediate re-registration of Xtendimax
From: Simmons, Bubba
Task Name: New Assignment
Sent By: Marilyn Malloy

Sent To: OCSPP-OPP
Date Sent: Aug 23 2018
Days Inactive: 11

Control Number: OCSPP-18-001-0297
Control Subject: Use of Chlorpyrifos
From: Langley, Reese
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 24 2018
Days Inactive: 10

Control Number: AX-18-001-0350
Control Subject: Daily Reading File - In support of extending the registration of dicamba
From: Munasifi, Renee
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 28 2018
Days Inactive: 6

Control Number: AX-18-001-0306
Control Subject: Please not allow the use of the pesticide chlorpyrifos to continue
From: Thompson, Anne
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 28 2018
Days Inactive: 6

Control Number: AX-18-001-0299
Control Subject: The Herbicide Dicamba
From: Braker, Darin
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 27 2018
Days Inactive: 7

Control Number: AX-18-001-0252
Control Subject: Please ban chlorpyrifos
From: Joughin, Sally
Task Name: New Assignment
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Sent To: Kaitlin Keller
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Days Inactive: 11

Control Number: AX-18-001-0342
Control Subject: Daily Reading File - Organizations Support the Continued Registration of the New Formulations of Dicamba for the Control of Resistant Weeds across the U.S. Cotton Production Belt

From: Alabama Cotton Commission
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 28 2018
Days Inactive: 6

Control Number: AX-18-001-0378
Control Subject: Daily Reading File - Urge support for the extension of post-emergence dicamba product registrations that currently are under registration review
From: Collins, Janet E.
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 29 2018
Days Inactive: 5

Control Number: AX-18-001-0305
Control Subject: Allow Tennessee Soybean Farmers to continue using Engenia, XtendiMax and FeXapan
From: Association, John H.
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 29 2018
Days Inactive: 5

Control Number: AX-18-001-0313
Control Subject: I urge you to support the further use of the dicamba label.
From: Fogleman, Franklin
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 29 2018
Days Inactive: 5

Control Number: AX-18-000-8322
Control Subject: National Leadership Summit on PFAS - Follow-up
From: Barton, Dianne
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: Amanda Hauff
Date Sent: Aug 02 2018
Days Inactive: 32

Note: This Email was automatically generated. Please do not attempt to respond to it. You can access this control at https://cms.epa.gov/cms. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or CMS Information@epa.gov.

Message

From: Keller, Kaitlin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D7A6B15ADFD745C6ADA1C121DEC27AC4-KELLER, KAI]
Sent: 8/30/2018 9:56:08 PM
To: Hanley, Mary [Hanley.Mary@epa.gov]
Subject: FW: For review: Dicamba desk statement/for responding to congressional inquiry

Also for tomorrow. The desk statement isn't urgent per se but we intend to use this for a congressional response (will send that too). I flagged for Charlotte.

From: Dunton, Cheryl
Sent: Wednesday, August 29, 2018 7:01 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>
Cc: Keller, Kaitlin <keller.kaitlin@epa.gov>
Subject: For review: Dicamba desk statement/for responding to congressional inquiry

I understand from OPP that Nancy asked for a desk statement on dicamba, including details on the information we're using to make our registration decision, earlier this month (around August 10). OPP sent up a statement yesterday which seems a bit late since we've already answered press inquiries on this issue in the time that's passed since this was first asked for. I edited what OPP sent to ensure it matched up with language we've already sent to press over the past month.

Late yesterday OPP asked if they could give this statement to OCIR to use to respond to a request from Sen. Blunt's staff on the status of our dicamba registration decision. I don't see any issues with that since this is all language we've released publicly to the press but wanted to check to make sure. Thanks.

Dicamba Desk Statement

EPA will use all available evidence when evaluating registrations for over-the-top use of dicamba. Our goal is to make a decision in time for growers to make informed seed purchase decisions for the next planting season.

Background:

EPA placed a 2-year limit on the registrations for dicamba pesticide products (Xtendimax with Vapor Grip; Engenia; and DuPont's FeXapan Herbicide) used on soybean and cotton crops that have been genetically engineered to tolerate dicamba once the plants have emerged ("over the top"). EPA placed this time limit on the registrations to allow us either to let them expire or to work with the registrants to make necessary changes in the registration to address concerns about adverse effects related to the application of these products and potential off-target movement. Registrations of dicamba for use on genetically modified cotton and soybeans begin expiring in November 2018 unless EPA determines that extending the registration meets applicable legal standards.

We are reviewing the current use restrictions on the labels for these dicamba formulations in light of the incidents that have been reported this year and in 2017. EPA is using the best available information from several sources to develop a decision that balances protection of the environment with the benefits this technology offers growers for weed control and crop production. EPA will consider both quantitative and qualitative information to make our decision. EPA is working closely with academia, growers, state officials, weed management experts, industry, and the public to gather available information that helps us make our decision, including:

- incident data,
- yield information (or potential impacts on yield),
- off-target impacts to plants, including non-dicamba-tolerant soybeans,

- conversations with individuals in the field, and
- narrative information contained in state reports.

Message

From: Keller, Kaitlin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D7A6B15ADFD745C6ADA1C121DEC27AC4-KELLER, KAI]
Sent: 8/3/2018 4:07:37 PM
To: Richard Keigwin [Keigwin.Richard@epa.gov]; Bob Perlis (Perlis.Robert@epa.gov) [Perlis.Robert@epa.gov]
Subject: FW: First Move: Trump Auto Plan Oil Fans • Fish-Counting Tech • Weedkiller Drifts Again

FYI.

From: Keller, Kaitlin
Sent: Friday, August 03, 2018 8:47 AM
To: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Erik Baptist (baptist.erik@epa.gov) <baptist.erik@epa.gov>
Subject: FW: First Move: Trump Auto Plan Oil Fans • Fish-Counting Tech • Weedkiller Drifts Again

FYI. Bloomberg's Dicamba article is out.

https://news.bloombergenvironment.com/environment-and-energy/dicamba-woes-return-this-year-but-patterns-are-shifting-1

Dicamba Woes Return This Year but Patterns Are Shifting

Posted Aug. 3, 2018, 7:01 AM

By Tiffany Stecker

- Illinois, Indiana, see more dicamba damage than last year
- Monsanto met with Andrew Wheeler ahead of big EPA decision

Evidence of damage from a fast-drifting herbicide is again appearing across agricultural states this summer, as the EPA grapples with deciding whether to continue to allow the product to be used.

Last year, the 1960s-era weedkiller dicamba was reformulated and sold under a new label by Monsanto Co., BASF SE, and DowDupont. The new herbicides were made to work with genetically engineered soybeans and cotton that don't wilt when sprayed with dicamba. But thousands of farmers who didn't grow the GMO crops saw their soybean plants wither last summer as dicamba drifted off neighboring fields.

The nation is on track for another year of damage to soybeans—which are particularly sensitive to dicamba—as well as trees, ornamental plants, fruits and vegetables, and other vegetation. As of July 15, more than 1 million acres of soybeans had been damaged and 605 investigations had been launched, according to Kevin Bradley, a professor in the University of Missouri's Integrated Pest Management program who tracks state reports of drift damage.

Early reports suggest that complaints have risen in the Midwest but have dropped in the Midsouth. In Illinois, the number of acres affected so far this year has almost outpaced last year's totals, University of Illinois agronomist Aaron Hager told Bloomberg Environment.

Indiana is in a similar situation to Illinois. About half of the 221 drift complaints so far this year are allegedly for dicamba, David Scott, a pesticide administrator with the Indiana State Chemist Office, told Bloomberg

Environment. In 2017, the tally for the entire year was 128 dicamba drift complaints. Scott said the increase may be attributable to this year's earlier planting start.

MONSANTO MEETS WITH WHEELER

The damage reports come months before the Environmental Protection Agency must decide whether to renew the two-year registration of Monsanto's, BASF's and DowDupont's herbicides—called XtendiMax, Engenia, and FeXapan—or let them expire. Monsanto was one of the first companies to pay EPA Acting Administrator Andrew Wheeler a visit, according to Wheeler's schedule, one week after he replaced Scott Pruitt as head of the agency on July 6.

"We have met with the Acting Administrator as part of our routine outreach to the agency," Monsanto spokeswoman Charla Lord told Bloomberg Environment in an email.

The EPA could act in the next few weeks. Through a spokeswoman, Office of Pesticide Programs Director Rick Keigwin told Bloomberg Environment that the agency wants to make a decision before growers make seed purchase decisions for the next planting season. Farmers typically make those plans in the fall.

Monsanto and BASF are keen to defend their technology, which they say is less prone to drifting off-target than older versions of dicamba. They argue that any problems with drift can be fixed with better training. But detractors—including several agricultural researchers that advise farmers—disagree, saying the products are fundamentally flawed.

Scientists are cautious not to predict an outcome on the overall extent of damage by the end of the year. One reason is that the adoption of Monsanto's genetically engineered seeds that resist dicamba has increased.

Monsanto expects a doubling of acres for dicamba-tolerant soybeans and cotton, or more than 55 million acres of dicamba-tolerant soybeans and cotton this year. Some see this spike in adoption is seen as an attempt by farmers to protect their crops from drifting dicamba.

"The story has not been written completely this year," Andrew Thostenson, a pesticide program specialist with North Dakota State University Extension, told Bloomberg Environment.

The three companies also have trained 96,000 growers and applicators in 27 states in compliance with new EPA restrictions announced last year.

'TOO MANY' DICAMBA COMPLAINTS?

Nationwide, the number of damaged soybean acres is dropping. By July 25, 2017, state agriculture agencies were investigating 1,411 dicamba injury allegations, and university weed scientists nationwide estimated that about 2.5 million acres of soybeans had been injured with dicamba, Bradley explained in his July 15 update. At this point in 2018, there are about 600 investigations and about 1.1 million acres of allegedly affected soybeans.

"We do believe that farmers are talking to each other. We believe that they are working together, and that has contributed to us receiving less calls," BASF spokeswoman Odessa Hines told Bloomberg Environment.

Eight states—including big soybean-growing states like Iowa—did not report the estimated dicamba damage this year. Bob Hartzler, an extension weed specialist for Iowa State University, said he did not have the resources to do a survey to assess what percentage of reported acres are affected by dicamba drift. He did not feel comfortable submitting a number for Iowa.

"I don't have a feel for if it's worse or better than last year, but it's definitely too many," Hartzler told Bloomberg Environment. "There are too many of them where it appears that the applicator did everything right and they still have issues."

Arkansas, a hotbed of dicamba drift complaints last year, implemented a ban on the herbicide this summer from April 16 through Oct. 31. The drop in complaints has been precipitous, according to state Department of Agriculture spokeswoman Adriane Barnes. As of July 27, 179 investigations into alleged dicamba drift were reported, compared with nearly 800 last year.

"It's not the same situation at all this year," Barnes told Bloomberg Environment. But University of Arkansas scientists estimate about 400,000 acres of dicamba damage to soybeans have occurred despite the ban.

"There's definitely been illegal use," Jason Norsworthy, a weed scientist with the University of Arkansas, told Bloomberg Environment. Norsworthy was one of a handful of scientists last year to conduct independent studies on the new dicamba herbicides, finding they were more likely to vaporize and travel off-field than the companies claimed.

Last year in July, the state reported 850,000 acres of damage.

LAWSUITS ABOUND

Farmers who suffered losses due to dicamba are filing lawsuits around the country that are being consolidated in federal court. On Aug. 1, attorneys filed two complaints in the multidistrict litigation against the pesticide companies. The first complaint makes the argument that farmers were dealt significant crop damage when the dicamba herbicides were sold. The other complaint alleges that Monsanto violated antitrust laws because the dicamba drift forces farmers to buy Monsanto's dicamba-tolerant seeds In Re: Dicamba Herbicides Litigation, E.D. Mo., MDL No. 2820, 8/1/18.

Four nonprofit organizations also have sued the EPA for violating the Federal Insecticide, Fungicide, and Rodenticide Act and the Endangered Species Act when it granted a two-year registration for the dicamba herbicides. Oral arguments in the U.S. Court of Appeals for the Ninth Circuit case are scheduled for Aug. 29 in Seattle in National Family Farm Coalition v. EPA, 9th Cir., No. 17-70196, 6/20/18.

From: Bloomberg Environment - Environment & Energy Report [mailto:bloomberg@bna.com]
Sent: Friday, August 03, 2018 8:14 AM
To: Keller, Kaitlin <keller.kaitlin@epa.gov>
Subject: First Move: Trump Auto Plan Oil Fans • Fish-Counting Tech • Weedkiller Drifts Again

Bloomberg Environment

What you need to know to start your day

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Trump Auto Plan Oil Fans • Fish-Counting Tech • Weedkiller Drifts Again

By Chuck McCutcheon

The Trump administration's plan to roll back fuel-economy and vehicle pollution standards drew gripes from Democrats, some Republicans, environmentalists, and consumer groups.

But the proposal pleased one key Trump constituency—oil producers.

Several energy companies lobbied on the issue, including Marathon Petroleum Corp., Koch Companies Public Sector LLC and refiner Andeavor. The administration's proposal translates into a projected 500,000 extra barrels of U.S. crude oil demand per day by 2030—about 2 percent to 3 percent of projected consumption.

"It's a meaningful increase in U.S. oil consumption," says Trevor Houser, a partner with the Rhodium Group research firm. "In terms of policy interventions that the U.S. government has taken or could take, this is certainly the most significant."

The extra oil that would be consumed as a result of the proposed changes could cost consumers an additional $193 billion to $236 billion cumulatively between now and 2035, according to a Rhodium Group analysis.

Massachusetts Democratic Sen. Ed Markey complained that the plan is "really all about petroleum."

Bloomberg News' Ari Natter and Jennifer Dlouhy have more details in a story out today.

FISH COUNTING: Technology has helped anglers catch more fish. Now it's helping to more accurately count them.

As companies rush to develop increasingly high-resolution image applications, scientists and government agencies are poised to unlock a treasure trove of data on some of world's most valuable fisheries. Scientists—and fishermen—are eager to reel in that data because the numbers provide the foundation for a host of federal and state rules governing how many fish are allowed to be caught.

Mediterranean bream fish swim in the Mediterranean Sea near Marseille in southern France in July.
Photographer: Boris Horvat/AFP/Getty Images

As it now stands, much of the data that fisheries managers rely on is still collected using 150-year-old methods—trawl nets or hooks to catch fish, count them, and measure them by hand. And that data doesn't provide a full census of what's swimming around in the ocean.

Follow Adam Allington on Twitter for updates and watch for his story this weekend.

DICAMBA DRIFT RETURNS: The weedkiller dicamba caused considerable damage to crops last year when it drifted across numerous agricultural states. Now it's happening again.

Early reports suggest that complaints have dropped in the South but risen in the Midwest. In Illinois, the number of acres affected so far this year has almost outpaced last year's totals, while Indiana is in a similar situation.

The damage reports come months before the EPA must decide whether to renew the two-year registration of Monsanto's, BASF's, and DowDupont's herbicides or let them expire.

Tiffany Stecker has more details in a story out today.

OTHER STORIES WE'RE COVERING

- The Texas Environmental Superconference features discussions on Superfund, environmental issues in the oil patch, and settlement money from Volkswagen's emissions-cheating scandal. Paul Stinson is covering.
- China eliminated taxes on domestically produced electric vehicles and cut in half taxes on some small-engine vehicles in a move that is expected to encourage demand of relatively clean cars, John Butcher writes in a story published last night.
- The EPA staked out the next battleground over federal ozone pollution requirements despite its decision not to change the standards set in 2015 at this time.

QUOTE OF THE DAY

"California will fight this stupidity in every conceivable way possible."
—California Gov. Jerry Brown, blasting the Trump administration's plan to roll back

federal fuel economy standards and end California's ability to set its own, tougher standards.

AROUND THE WEB

- One of President Trump's major donors agreed in April to pay $10 million to Trump's then-attorney Michael Cohen for help in completing unfinished nuclear reactors in Alabama, the Wall Street Journal reports.
- Two Democratic senators are asking the Trump administration to update them by next week on the president's interagency task force on lead exposure and calling for a comprehensive strategy.
- The government's official death toll in Puerto Rico from Hurricane Maria, already criticized for being far lower than the actual number of deaths, was questioned again in new research estimating that between 1,006 and 1,272 died—15 to 20 times above the official count.
- The EPA's internal watchdog is looking at the agency's and Texas' air quality monitoring and related activities after Hurricane Harvey.

TODAY'S EVENTS

- **All Day • Green Energy** • U.S.-China Green Energy Council holds summit in Burlingame, Calif.

An incomplete version of this story was previously published. The complete version has been republished here.

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Message

From: Han, Kaythi [Han.Kaythi@epa.gov]
Sent: 7/30/2018 4:51:31 PM
To: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
Subject: RE: For your review: Press inquiry on Dicamba from the Arkansas Democrat Gazette

Thank you Dan.

Kaythi Han
Team Leader, Communications
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5642 | han.kaythi@epa.gov

From: Rosenblatt, Daniel
Sent: Monday, July 30, 2018 12:31 PM
To: Han, Kaythi <Han.Kaythi@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>
Subject: RE: For your review: Press inquiry on Dicamba from the Arkansas Democrat Gazette

These answers look fine to me. Thanks.

From: Han, Kaythi
Sent: Monday, July 30, 2018 11:27 AM
To: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>
Subject: RE: For your review: Press inquiry on Dicamba from the Arkansas Democrat Gazette

Morning Dan,

The IO wanted me to double check with you to make sure these responses are OK. Anything new to add to these responses?

Thanks,

Kaythi Han
Team Leader, Communications
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5642 | han.kaythi@epa.gov

From: Han, Kaythi
Sent: Friday, July 27, 2018 2:43 PM
To: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>
Subject: RE: For your review: Press inquiry on Dicamba from the Arkansas Democrat Gazette

Just found out that you're off today, Dan, so I'm going to move this version of the press inquiry forward.

Kaythi Han
Team Leader, Communications

Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5642 | han.kaythi@epa.gov

From: Han, Kaythi
Sent: Friday, July 27, 2018 10:38 AM
To: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>
Subject: For your review: Press inquiry on Dicamba from the Arkansas Democrat Gazette

Hi Dan,

Would you like to review the draft press responses below? Tracy worked with Dan Kenny and his branch and Bob Miller in ITRMD to put together the responses. Much of it is recycled language, so where we've used the text previously is indicated in the parenthesis after the response. I'd like to send this to the IO by COB today. If you are too busy to review it, please let me know. Because the language is recycled, I think it would be fine to send forward as-is.

This is the third time we've fielded questions from this reporter on dicamba. I've attached the previous inquiries from him for your reference.

Question 1: Does the EPA have an estimate when it will release its decision on re-registering dicamba (Xtendimax, etc.) for in-crop use? (I hear August is the timeline.)

Response 1: We are reviewing the current use restrictions on the labels for dicamba formulations in light of the incidents that have been reported this year. Our goal is to make a regulatory decision in time for growers to make informed seed purchase decisions for the next planting season. (from July New Republic press inquiry)

Question 2: What is the EPA doing as it makes that decision? (Are EPA representatives visiting farmers, regulators, etc. in states currently reporting dicamba damage and fielding complaints?)

Response 2: EPA placed a 2-year limit dicamba's registration to allow the Agency to either let it expire or to easily make the necessary changes in the registration in order to address concerns about the possible development of weed resistance and off-target movement. EPA will consider all available information in its decision-making process. EPA is working closely with our regulatory partners in the affected states and the registrants to better understand concerns. EPA representatives are visiting growers in several affected states and with advice from state and industry agriculture experts and university crop scientists, we will use a weight-of-evidence approach to evaluate whether the new restrictions are successfully preventing damage to neighboring crops and other sensitive plants. (from July BNV interview request, with edits in red to include recent tours)

Question 3: Is the EPA considering damage to non-ag interests (backyard gardens, decorative trees and shrubs) as it considers re-registration?

Response 3: EPA is aware of field reports of off-field and non-target crop damage related to the use of dicamba. Past reports claim damage is mostly to non-dicamba resistant soybean, but also include peaches, melons, tomatoes, cantaloupe, grapes, pumpkins, alfalfa, non-dicamba-resistant cotton, peanuts, peas, organic crops, residential/ ornamental gardens and other non-target crops. We are actively collecting this information from states and EPA regional personnel in order to fully understand the circumstances and scope of the issues. (from July DTN press inquiry)

Question 4: Is the EPA demanding improvements by dicamba manufacturers to its formulations?

At this time EPA is in the information gathering stage of its decision-making process regarding dicamba registrations. All regulatory options are on the table, including the possibility of modifying and/or expanding the current list of use restrictions on dicamba labels.

Question 5: Under FIFRA, which requires manufacturers to report to the EPA any "adverse" incidents regarding their products, how many such reports were filed with the EPA by Monsanto, Dow and BASF regarding dicamba's use last season? (The last time I asked about this, you cited a "fluid" situation and declined specifics. I presume last year's problems aren't so fluid now.)

Response 5: You would need to file a Freedom of Information Act request to obtain this information. Many documents submitted for pesticide regulatory purposes contain Confidential Business Information that by law cannot be released to the public. The FOIA process redacts CBI so the documents can be released. For more information or to make a FOIA request, see: https://www.epa.gov/foia. (Same information was provided to the reporter last July; see attached email for reference)

Question 6: Arkansas banned dicamba for in-crop use after April 16 yet has received more than 150 complaints of alleged dicamba damage. Soybean damage has been estimated at 400,000 acres in Arkansas — and 500,000 acres in Illinois, and 100,000 acres in Missouri, two states that allowed in-crop use. What does that tell the EPA about dicamba's future for in-crop use?

Response 6: EPA will consider all available information in its decision-making process. The agency is in regular contact with farmers, researchers, and agricultural companies to remain informed of any dicamba issues occurring in the 2018 growing season. (from July DTN press inquiry)

ARKANSAS DEMOCRAT-GAZETTE
STEPHEN STEED
AWAITING DDL INFO

All, sending the following inquiry now, although I'm waiting to hear the reporter's deadline, and to get a better sense of the focus of his inquiry. Let me know if there are any questions I should ask him.

+ Regions 5, 6, 7, for awareness.

++

Good morning, Robert and Tricia

We've corresponded a few times over the last nine months or go regarding dicamba.

Does the EPA have an estimate when it will release its decision on re-registering dicamba (Xtendimax, etc.) for in-crop use? (I hear August is the timeline.) What is the EPA doing as it makes that decision? (Are EPA representatives visiting farmers, regulators, etc. in states currently reporting dicamba damage and fielding complaints?) Is the EPA considering damage to non-ag interests (backyard gardens, decorative trees and shrubs) as it considers re-registration?
Is the EPA demanding improvements by dicamba manufacturers to its formulations?
Under FIFRA, which requires manufacturers to report to the EPA any "adverse" incidents regarding their products, how many such reports were filed with the EPA by Monsanto, Dow and BASF regarding dicamba's use last season? (The last time I asked about this, you cited a "fluid" situation and declined specifics. I presume last year's problems aren't so fluid now.)

Arkansas banned dicamba for in-crop use after April 16 yet has received more than 150 complaints of alleged dicamba damage. Soybean damage has been estimated at 400,000 acres in Arkansas — and 500,000 acres in Illinois, and 100,000 acres in Missouri, two states that allowed in-crop use. What does that tell the EPA about dicamba's future for in-crop use?

Thanks much.

Stephen Steed
Arkansas Democrat-Gazette
501-399-3654

Message

From: Siedschlag, Gregory [Siedschlag.Gregory@epa.gov]
Sent: 6/28/2018 7:33:35 PM
To: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
Subject: FW: For your review/clearance: Two Press Inquiries on Dicamba from Wall Street Journal and DTN
Attachments: Dicamba Desk Statement_20180614 (002).docx

Hi Dan,

See attached for the dicamba desk statement.

Greg Siedschlag
Acting Chief, Communications Services Branch
Office of Pesticide Programs
U.S. Environmental Protection Agency
Office: (703) 347-0793
Cell: (571) 255-0284
https://www.epa.gov/pesticides

From: Sisco, Debby
Sent: Thursday, June 28, 2018 1:36 PM
To: Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>
Cc: Han, Kaythi <Han.Kaythi@epa.gov>; Kadeli, Annie <Kadeli.Annie@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: FW: For your review/clearance: Two Press Inquiries on Dicamba from Wall Street Journal and DTN

According to what we just sent as follow-up to the Wall Street Journal, we previously (last week) sent them this desk statement. It looks like a match based on my quick scan. If we sent it to the WSJ, it must have been cleared. Right?

Here is what WSJ already has from us.

Dicamba Desk Statement
2018 growing season

Dicamba formulations applied "over-the-top" to herbicide-resistant cotton and soybeans have new labels this year to further minimize the potential for drift. EPA is working with affected state lead agencies through the Association of American Pesticide Control Officials to monitor the implementation and use of the new labels. EPA and the states will promptly investigate any reported incidents and examine how to prevent them in the future.

These registrations for over-the-top dicamba will expire in fall 2018. Our goal is to make a regulatory decision in time to inform seed and weed management purchase decisions for the 2019 growing season.

Background

All three registrants of products that include dicamba over-the-top soybean and cotton uses implemented a process to relabel their products and support technical training efforts to get the new labels into the hands of growers in time for the 2018 application season. *In October 2017, EPA reached an agreement with Monsanto, BASF and DuPont on measures to further minimize the potential for drift to damage neighboring crops from the use of dicamba formulations used to control weeds in genetically modified cotton and soybeans.*

Manufacturers voluntarily agreed to label changes that impose additional requirements for "over the top" use of these products in 2018, including:

- *Classifying products as "restricted use," permitting only certified applicators with special training, and those under their supervision, to apply them;*
- *Dicamba-specific training for all certified applicators to reinforce proper use;*
- *Requiring farmers to maintain specific records regarding the use of these products to improve compliance with label restrictions;*
- *Limiting applications to when maximum wind speeds are below 10 mph (from 15 mph) to reduce potential spray drift;*
- *Reducing the times during the day when applications can occur;*
- *Including tank clean-out language to prevent cross contamination; and*
- *Enhancing susceptible crop language and record keeping with sensitive crop registries to increase awareness of risk to especially sensitive crops nearby.*

Debby Sisco
Ethics Officer and Special Assistant to the Director
Office of Pesticide Programs (7501P)
US Environmental Protection Agency
4th floor - 4241 Potomac Yard South
(office: 703 308-8121; Mobile: 571 317-4823)

From: Dinkins, Darlene
Sent: Thursday, June 28, 2018 1:29 PM
To: Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Sisco, Debby <Sisco.Debby@epa.gov>; Naimy, Nina <Naimy.Nina@epa.gov>
Subject: FW: For your review/clearance: Two Press Inquiries on Dicamba from Wall Street Journal and DTN

This was cleared and sent to Cheryl who then sent it to Doug Parsons.

Darlene Dinkins
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5214

From: Dinkins, Darlene
Sent: Wednesday, June 20, 2018 2:28 PM
To: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Cc: Strauss, Linda <Strauss.Linda@epa.gov>; Sisco, Debby <Sisco.Debby@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Naimy, Nina <Naimy.Nina@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Arnold Layne (Layne.Arnold@epa.gov) <Layne.Arnold@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
Subject: FW: For your review/clearance: Two Press Inquiries on Dicamba from Wall Street Journal and DTN

Hi Cheryl,

OPP would like to use the attached desk statement on dicamba to respond to the two press inquiries below. Thanks.

DTN/PROGRESSIVE FARMER
EMILY UNGLESBEE
TODAY, 6/20/18

A source has told me that EPA hopes to make a decision on whether or not to extend the registrations of Engenia, XtendiMax and FeXapan by mid-August this year, in order for farmers to be able to make timely seed decisions for the 2019 season. As a result, EPA is watching and coordinating closely with state regulators (AAPCO) to get real-time information on dicamba injury this summer. Can EPA confirm this timeline? Is the statement about how EPA is monitoring the situation accurate? I will be publishing this information today.

WALL STREET JOURNAL
JACOB BUNGE
DDL FLEX – THIS WEEK

Hello Robert, this is Jacob Bunge at the Wall Street Journal out in Chicago, I hope you had a nice weekend. We've been speaking here to some of the folks at the seed/pesticide companies about dicamba, as acreage of the traited seed has been expected to roughly double this year, and the continued concerns over crop damage, etc. One point that's come up is that EPA is reviewing/investigating farmers' use of the product in advance of its registration being up for renewal by November of this year, I believe. It sounds like EPA's been asking questions of farmers who've reported crop damage as well as those who've been applying dicamba, and also talking to registrants (mainly Monsanto, they say) about efforts to mitigate volatility and misapplication.

We're following this as the growing season progresses, but wanted to see if it'd be possible to talk with your folks over the next week or two and get a sense of how they're looking at all of this, so if we do a story and refer to the EPA's efforts to weigh all these factors in advance of the re-registration, we can be comprehensive and up to date with it. Let me know and feel free to give me a call if you want to discuss further, I'm at the office number below and around all this week.

Darlene Dinkins
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5214

Message

From: Scott, David E [scottde@purdue.edu]
Sent: 10/24/2018 1:14:05 PM
To: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
Subject: FW: Xtendimax, Engenia, Fexapan

Dave Scott
Pesticide Administrator
Office of Indiana State Chemist
scottde@purdue.edu
765-494-1593

From: Scott, David E
Sent: Wednesday, October 24, 2018 8:43 AM
To: 'goodis.michael@epa.gov' <goodis.michael@epa.gov>
Cc: 'rosenblatt.daniel@epa.gov' <rosenblatt.daniel@epa.gov>; Reed, Leo A <reedla@purdue.edu>; Waltz, Robert D <rwaltz@purdue.edu>; Baugh, John G. <baughj@purdue.edu>
Subject: Xtendimax, Engenia, Fexapan

Mike,

Sorry to bother you with this because I know EPA/OPP/RD is terribly busy right now.

Will the Agency make a 2019 registration decision on these products by 11-9-18? Our state pesticide policy board is trying to plan for the 2019 use and compliance season. We need to assemble a stakeholder work group to do that. It makes it very difficult to schedule our first work group meeting and identify our agenda if we don't know when the Agency will make a decision or what issues the soybean growing states will be faced with in 2019.

Thanks in advance for your timely guidance. We realize this decision continues to be very challenging for the Agency, as the resulting issues have been for us.

Dave Scott
Pesticide Administrator
Office of Indiana State Chemist
scottde@purdue.edu
765-494-1593

Message

From: Rosenblatt, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AEEDBDCE1DD0473AAB1628C69953F724-DANIEL J. ROSENBLATT]
Sent: 6/4/2018 8:17:24 PM
To: Hackett, Shawn [hackett.shawn@epa.gov]
Subject: RE: SSURO issued to QMI

Great – thank you Shawn.

From: Hackett, Shawn
Sent: Monday, June 4, 2018 4:00 PM
To: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Cc: Teter, Royan <Teter.Royan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>; Green, Jamie <Green.Jamie@epa.gov>
Subject: FW: SSURO issued to QMI

Attached is the information from Dawn Wall, the Pesticide Program Administrator at Missouri Dept. of Agriculture.

Shawn Hackett
FIFRA Project Officer for Missouri | Worker Safety Coordinator | FIFRA Inspector
U.S. EPA - Region 7 | 11201 Renner Blvd. | Lenexa, KS 66219 | (913) 551-7774
Hackett.Shawn@epa.gov

From: Wall, Dawn [mailto:Dawn.Wall@mda.mo.gov]
Sent: Monday, June 04, 2018 2:22 PM
To: Hackett, Shawn <hackett.shawn@epa.gov>
Subject: RE: SSURO issued to QMI

Shawn,

As requested, attached are the SSURO's issued to QMI along with the email I sent to Wil Brockenshire, Helena rep, and Dave Bueter, Manager – QMI. Since I sent the email, Will reached out to me and said they are working on the request. Dave reached out to me and said he has Xtendimax he wants to return to West Central Chemical in Arkansas and I told him he would have to comply with the items listed on the attached email.

Dawn Wall
Pesticide Program Administrator
Missouri Department of Agriculture
Office: (573) 751-5510
agriculture.mo.gov

From: Hackett, Shawn <hackett.shawn@epa.gov>
Sent: Monday, June 4, 2018 10:52 AM
To: Wall, Dawn <Dawn.Wall@mda.mo.gov>
Subject: FW: SSURO issued to QMI

Dawn,
Please see Dan's email.

Shawn Hackett
FIFRA Project Officer for Missouri | Worker Safety Coordinator | FIFRA Inspector
U.S. EPA - Region 7 | 11201 Renner Blvd. | Lenexa, KS 66219 | (913) 551-7774
Hackett.Shawn@epa.gov

From: Rosenblatt, Daniel
Sent: Friday, June 01, 2018 4:37 PM
To: Hackett, Shawn <hackett.shawn@epa.gov>
Subject: FW: SSURO issued to QMI

From: Rosenblatt, Daniel
Sent: Friday, June 1, 2018 5:33 PM
To: 'hacket.shawn@epa.gov' <hacket.shawn@epa.gov>
Cc: Teter, Royan <Teter.Royan@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>
Subject: FW: SSURO issued to QMI

Hi Shawn – I'm belatedly following up on this. Would it be possible/easy for you to forward around a copy of the SSURO and any developments you've observed or heard about on the re-labeling initiative for dicamba since this got shared around. Thank you. Dan

Daniel J. Rosenblatt, Deputy Director,
Registration Division, Office of Pesticide Programs
Rosenblatt.dan@epa.gov
703-308-9366

From: Keigwin, Richard
Sent: Friday, May 25, 2018 12:44 PM
To: Baris, Reuben <Baris.Reuben@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Cc: Davis, Donna <Davis.Donna@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
Subject: RE: SSURO issued to QMI

Thanks for the heads up. Can we get a copy of the SSURO?

From: Baris, Reuben
Sent: Friday, May 25, 2018 12:42 PM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Cc: Davis, Donna <Davis.Donna@epa.gov>
Subject: Fwd: SSURO issued to QMI

FYI.

This will be a topic of conversation on our next AAPCO call and probably should be on the agenda for the SFIREG leadership session.

Sent from my iPhone

Begin forwarded message:

From: "Hackett, Shawn" <hackett.shawn@epa.gov>
Date: May 25, 2018 at 8:50:48 AM EDT
To: "Baris, Reuben" <Baris.Reuben@epa.gov>, "Teter, Royan" <Teter.Royan@epa.gov>
Cc: "Green, Jamie" <Green.Jamie@epa.gov>
Subject: FW: SSURO issued to QMI

FYI, Missouri Dept. of Agriculture has issued a SSURO for products offered for sale that were not relabeled.

Shawn Hackett

FIFRA Project Officer for Missouri | Worker Safety Coordinator | FIFRA Inspector
U.S. EPA - Region 7 | 11201 Renner Blvd. | Lenexa, KS 66219 | (913) 551-7774
Hackett.Shawn@epa.gov

From: Wall, Dawn [mailto:Dawn.Wall@mda.mo.gov]
Sent: Wednesday, May 23, 2018 9:29 AM
To: paul.bailey@mda.mo.gov; Hackett, Shawn <hackett.shawn@epa.gov>; Barr, Yvonne <Yvonne.Barr@mda.mo.gov>
Cc: Arway, Mike <Mike.Arway@mda.mo.gov>; King, Coy <Coy.King@mda.mo.gov>
Subject: SSURO issued to QMI

Yvonne, Paul and Shawn,

Last week, Yvonne and Coy conducted a use inspection on Steven Kelffer as part of the Dicamba initiative. Mr. Kleffer had 2.5 gallon jugs of Engenia he was using for the application that were not relabeled. When asked. Mr. Kleffer said he purchased the pesticide at QMI a few days before and produced a sales receipt confirming his purchase. It was also discovered that Mr. Kelffer was not provided a paper copy or link to obtain a new section 3 or 24 c labels for Engenia. Yvonne initiated a marketplace investigation at QMI and found Engenia and Xtendimax products that were not relabeled in accordance with the October 12, 2018 letter written by Product Manager, Kathryn Montague.

On May 22, 2018, Mike Arway returned to QMI and issued a SSURO for the following misbranded pesticides at QMI, 109 W. Main Street, Parma, Mo 63870:

- 36 cases (containing 72 – 2.5 gallon jugs) of Xtendimax with Vapor Grip EPA Reg # 524-617
- 25 ½ cases (containing 51 – 2.5 gallon jugs) of Xtendimax with Vapor Grip EPA Reg # 524-617
- 110 gallons of Engenia EPA Reg #7969-345
- 110 gallons of Engenia EPA Reg #7969-345
- 7 cases (containing 14 – 2.5 gallon jugs) of Engenia EPA Reg #7969-345

Dawn Wall
Pesticide Program Administrator
Missouri Department of Agriculture
Office: (573) 751-5510
agriculture.mo.gov

Message

From: Rosenblatt, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AEEDBDCE1DD0473AAB1628C69953F724-DANIEL J. ROSENBLATT]
Sent: 7/10/2018 7:31:16 PM
To: Montague, Kathryn V. [Montague.Kathryn@epa.gov]
Subject: RE: Xtendimax current label - expiration date is on it

Nice - thanks

From: Montague, Kathryn V.
Sent: Tuesday, July 10, 2018 3:24 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: Xtendimax current label - expiration date is on it

Someone asked during our 11:30 meeting if the current labels have the expiration date…they do, in a box that includes the following language:

This labeling expires on 11/09/2018, unless the U.S. EPA determines before that date that off-site incidents are not occurring at unacceptable frequencies or levels. Do not use or distribute this product after 11/09/2018, unless you visit www.xtendimaxapplicationrequirements.com and can verify that EPA has amended this expiration date.

Thanks,
Kay

Kathryn V. Montague
Product Manager 23
Herbicide Branch
Registration Division
Office of Pesticide Programs
(703)305-1243

Message

From: ORR, THOMAS B [AG/1005] [thomas.b.orr@monsanto.com]
Sent: 8/10/2018 8:22:11 PM
To: Schmid, Emily [Schmid.Emily@epa.gov]
CC: MARVIN, THOMAS [AG/1920] [thomas.marvin@monsanto.com]; BHAKTA, TINA [AG/1005] [tina.bhakta@monsanto.com]; CUBBAGE, JERRY W [AG/1005] [jerry.w.cubbage@monsanto.com]
Subject: RE: Confirmatory Data
Attachments: EPA_request_HOURLY_MetData20180810.pdf

Emily,

As requested, the hourly data for the field volatility studies conducted in Australia (MRID 50606801) and Texas (MRID 50578902) are provided in the attached PDF file.

Please let me know if you would also like the requested files submitted through the front end as well.

Thanks and have a great weekend,
Tom

Tom Orr
Global Regulatory Affairs Manager
Monsanto Company
700 Chesterfield Parkway West
Chesterfield, MO 63017
O: 636.737.9347
C: 314.422.1748

From: ORR, THOMAS B [AG/1005]
Sent: Thursday, August 09, 2018 10:26 AM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Cc: MARVIN, THOMAS [AG/1920] <thomas.marvin@monsanto.com>; BHAKTA, TINA [AG/1005] <tina.bhakta@monsanto.com>; CUBBAGE, JERRY W [AG/1005] <jerry.w.cubbage@monsanto.com>
Subject: RE: Confirmatory Data

Hi Emily. In response to the request for additional supporting raw data received on August 6, Monsanto is providing the attached information.

The attached PDF contains embedded to links to all available meteorological data for the field volatility studies conducted in Australia (MRID 50606801) and Texas (MRID 50578902). The provided data are summarized on per minute basis. We are working to provide the requested hourly data that will be summarized from the data files included in the attached PDF file. The hourly meteorological data will be provided as soon as feasible.

The requested input, meteorological, and output files for air dispersion modeling (MRID 50578903) associated with the Texas volatility study are provided in the attached zip folder. These files were provided by Exponent, the contractor responsible for the air dispersion modeling. Please let me know if there are any questions regarding these files and I will coordinate a response from Exponent.

Tank pH information or water characterization information was not obtained for any of the field volatility studies previously submitted to EPA. All field volatility studies conducted in 2018 will have the requested pH and water information included in the final study reports.

Please let me know if there are any questions regarding the attached data.

Regards,
Tom

Tom Orr
Global Regulatory Affairs Manager
Monsanto Company
700 Chesterfield Parkway West
Chesterfield, MO 63017
O: 636.737.9347
C: 314.422.1748

From: Schmid, Emily [mailto:Schmid.Emily@epa.gov]
Sent: Monday, August 06, 2018 6:25 AM
To: ORR, THOMAS B [AG/1005] <thomas.b.orr@monsanto.com>
Cc: MARVIN, THOMAS [AG/1920] <thomas.marvin@monsanto.com>
Subject: Confirmatory Data

Good morning,

Thank you for submitting confirmatory data for Xtendimax with VaporGrip Technology (EPA Reg. No. 524-617). EFED has done an initial review of the data submitted and is requesting additional supporting raw data. Specifically:

1. Hourly meteorological data for the dicamba field volatility study that was conducted in Australia (MRID 50606801)
2. Meteorological data for the study conducted in Texas (MRID 50578902)
3. Model files (input, meteorological, and output files) for the modeling conducted using this field volatility study (MRID 50578903)
4. Any tank pH information, or tank water characterization, information you may have for any of the field volatility studies that have been submitted

Please let me know if you have any questions.

Best regards,

Emily Schmid
Biologist
U.S. Environmental Protection Agency
Registration Division
Herbicide Branch

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Message

From: MARVIN, THOMAS [AG/1920] [thomas.marvin@monsanto.com]
Sent: 8/6/2018 3:52:51 PM
To: Schmid, Emily [Schmid.Emily@epa.gov]; ORR, THOMAS B [AG/1005] [thomas.b.orr@monsanto.com]
Subject: RE: Confirmatory Data

Thanks Emily. We will get back to you with answers shortly.

Tom Marvin
Director, Federal Regulatory Affairs
1300 I Street, NW
Washington, DC 20005
Cell: 202-676-7846
Desk: 202-383-2851

From: Schmid, Emily [mailto:Schmid.Emily@epa.gov]
Sent: Monday, August 06, 2018 7:25 AM
To: ORR, THOMAS B [AG/1005] <thomas.b.orr@monsanto.com>
Cc: MARVIN, THOMAS [AG/1920] <thomas.marvin@monsanto.com>
Subject: Confirmatory Data

Good morning,

Thank you for submitting confirmatory data for Xtendimax with VaporGrip Technology (EPA Reg. No. 524-617). EFED has done an initial review of the data submitted and is requesting additional supporting raw data. Specifically:

1. Hourly meteorological data for the dicamba field volatility study that was conducted in Australia (MRID 50606801)
2. Meteorological data for the study conducted in Texas (MRID 50578902)
3. Model files (input, meteorological, and output files) for the modeling conducted using this field volatility study (MRID 50578903)
4. Any tank pH information, or tank water characterization, information you may have for any of the field volatility studies that have been submitted

Please let me know if you have any questions.

Best regards,

Emily Schmid
Biologist
U.S. Environmental Protection Agency
Registration Division
Herbicide Branch

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Message

From: Montague, Kathryn V. [Montague.Kathryn@epa.gov]
Sent: 8/14/2018 7:57:26 PM
To: Schmid, Emily [Schmid.Emily@epa.gov]
Subject: FW: GF-3335 EPA Reg. No. 62719-695

More on glufosinate + Enlist

From: Montague, Kathryn V.
Sent: Thursday, March 30, 2017 1:33 PM
To: Fonseca, Diego (D) <dfonseca@dow.com>
Subject: RE: GF-3335 EPA Reg. No. 62719-695

Hi, Diego.

The only one I can't confirm is Kong, since I can't find the name in our system. But if it's glufosinate or glyphosate, you should be good to go (assuming it's a registered product).

Best Regards,
Kay

From: Fonseca, Diego (D) [mailto:dfonseca@dow.com]
Sent: Thursday, March 30, 2017 1:03 PM
To: Montague, Kathryn V. <Montague.Kathryn@epa.gov>
Subject: RE: GF-3335 EPA Reg. No. 62719-695

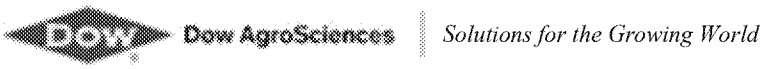
Clarification about GF-3335 as per your e-mail attached below: We have only submitted a report for GF-3335 tank mixes with glyphosate and Glufosinate products. See below the list of products tested and tank mixing partners. All of them glyphosate and Glufosinate commercial products that don't have any valid patent based on synergism:

Enlist Duo
GF-3335
GF-3335 + PowerMax
GF-3335 + WeatherMax
GF-3335 + Durango DMA
GF-3335 + Cornerstone 5 Plus
GF-3335 + Buccaneer 5 Extra
GF-3335 + Makaze
GF-3335 + Glystar 5
GF-3335 + Liberty
GF-3335 + Interline
GF-3335 + Cheetah
GF-3335 + Kong
GF-3335 + Liberty

Diego Fonseca Regulatory Manager
Office: 317.337-4693 dfonseca@dow.com

Dow AgroSciences LLC
9330 Zionsville Road, Indianapolis, IN 46268

www.dowagro.com



From: Montague, Kathryn V. [mailto:Montague.Kathryn@epa.gov]
Sent: Thursday, March 30, 2017 12:23 PM
To: Fonseca, Diego (D)
Subject: RE: GF-3335 EPA Reg. No. 62719-695

Hi, Diego,

We have to establish that there are no synergy patents issued for dicamba in combination with any of the ai's you want to have added to the website. Some I know are OK, since we've already dealt with the synergy on them. Others, including the various insecticides on the list, need to have a search done for any granted patents claiming synergistic effects on plants. If you could do the screen for that, and let me know what you find, it will help expedite things.

The same situation exists for GF-3335; I know the glyphosate and glufosinate products are cleared for synergy with dicamba, so those are fine, but I need to double-check the ai's in any of the other pesticide products listed, and see if we've done a synergy patent search/clearance on them.

Best Regards,
Kay

From: Fonseca, Diego (D) [mailto:dfonseca@dow.com]
Sent: Thursday, March 30, 2017 10:01 AM
To: Montague, Kathryn V. <Montague.Kathryn@epa.gov>
Subject: RE: GF-3335 EPA Reg. No. 62719-695

Thanks Kay. Your e-mail below is not clear for me because it seems you are mixing two different things. When you wrote below " I am doing a quick verification on synergy with the other ais listed in this report, and I will confirm that with you ASAP." You mean the reports on Xtendimax and Engenia in tank mix with other compounds? Sorry,

Diego Fonseca Regulatory Manager
Office: 317.337-4693 dfonseca@dow.com

Dow AgroSciences LLC
9330 Zionsville Road, Indianapolis, IN 46268

www.dowagro.com

From: Montague, Kathryn V. [mailto:Montague.Kathryn@epa.gov]
Sent: Thursday, March 30, 2017 9:54 AM
To: Fonseca, Diego (D)
Subject: RE: GF-3335 EPA Reg. No. 62719-695

Thanks, Diego. This acknowledges receipt of the wind tunnel data and self-certification. You are cleared for glyphosate and glufosinate for both drift and synergy. I am doing a quick verification on synergy with the other ais listed in this report, and I will confirm that with you ASAP.

Best Regards,
Kay

From: Fonseca, Diego (D) [mailto:dfonseca@dow.com]
Sent: Wednesday, March 15, 2017 2:43 PM
To: Montague, Kathryn V. <Montague.Kathryn@epa.gov>
Cc: Hipsky, Kerri (KA) <KAHipsky@dow.com>
Subject: GF-3335 EPA Reg. No. 62719-695

GF-3335 (AI: 2,4-D)
EPA REGISTRATION NUMBER: 62719-695
SUBMISSION OF DATA
MRID # NO ASSIGNED

Dear Kay.
As previously agreed, Dow AgroSciences is respectfully submitting the enclosed study report (PDF) and data (Excel) to support the use of products in a tank-mix with GF-3335. As indicated on the Notice of Pesticide Registration for GF-3335, dated January 31, 2017, please route this report to the Chief of Environmental Risk Branch 1, Environmental Fate and Effects Division, Office Pesticides Programs.

I would appreciate confirming receipt of this e-mail.
Sincerely,

Diego Fonseca Regulatory Manager
Office: 317.337-4693 dfonseca@dow.com

Dow AgroSciences LLC
9330 Zionsville Road, Indianapolis, IN 46268

www.dowagro.com

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