



September 5, 2025

Office of Pesticide Programs
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460-0001

Submitted via Federal Rulemaking Portal: www.regulations.gov.

Re: Docket ID No. EPA-HQ-OPP-2024-0154-1233. Proposed New Use on Dicamba-tolerant cotton and Dicamba-tolerant soybean, published in Federal Register, 89 FR 47954.

The Honorable Administrator Zeldin,

On July 23, 2025, the United States Environmental Protection Agency (EPA) published a request for public comment on proposed uses of new dicamba products postemergence to dicamba-tolerant cotton and soybean, commonly referred to as "over-the-top" (OTT) use. OTT dicamba applications remove emerged broadleaf weed species that show resistance to other herbicides

Kansas Agribusiness Retailers Association (KARA) is a voluntary trade association whose membership includes hundreds of agribusiness firms that are primarily retail facilities supplying fertilizers, crop protection chemicals, commercial application services, and seeds to Kansas farmers. KARA serves as a representative voice for the agribusiness industry.

Kansas Grain and Feed Association (KGFA) is a voluntary state association with a membership encompassing the entire spectrum of the grain receiving, storage, processing, and shipping industry in Kansas. KGFA's membership includes over 900 Kansas business locations and represents 99% of the commercially licensed grain storage in the state.

Kansas is a leading producer of agricultural commodities. Regulatory actions affecting the use or access to crop protection inputs, such as dicamba, directly impact the ability of agricultural producers to successfully control weeds.

As participants in the production agriculture industry, this pesticide product registration application would directly impact members of KARA, KGFA, and their farmer customers. These associations, therefore, jointly submit the following comments.

New Product Registration

The U.S. Environmental Protection Agency (EPA) received applications for a new pattern use for over-the-top application of Dicamba on dicamba-tolerant cotton and soybeans. The product applications were received in 2025 after their registrations were vacated by a U.S. district court in 2024, which found that EPA had not satisfied public input procedures on the products.

The proposed labels would allow application to dicamba-tolerant soybeans before, during, and immediately after planting, and over-the-top of the soybean plant through the 'V2' growth stage (where the second set of three leaves of the plant are fully unfolded), but no later than June 12 of each year.

Benefits of Dicamba in Kansas Agricultural Production

Kansas is a leading producer of agricultural commodities, including soybeans, and has also seen increasing acres planted to cotton. Dicamba provides effective control of a wide range of broad-spectrum weeds, including glyphosate-resistant Palmer amaranth and other difficult-to-control weeds. Low-volatility Dicamba products are used widely in Kansas to broaden the spectrum of weed species management.

Dicamba herbicide was first registered for use at specified stages in agricultural crop fields of corn, cotton, sorghum, soybeans, sugarcane, and other crops. Agricultural producers depend on low-volatility Dicamba herbicide to control invasive weeds that threaten yields.

Dicamba was first registered for over-the-top uses on dicamba-tolerant cotton and soybeans in 2016. In 2017 and again in 2018, EPA amended the registrations of all over-the-top dicamba products following reports that growers had experienced crop damage and economic losses resulting from the off-site movement of dicamba.

Dicamba is one of the best weed control tools available, and the use of these products in dicamba-tolerant soybean and dicamba-tolerant cotton has become a necessary component of a comprehensive weed control strategy. These herbicide products have become so popular that dicamba-tolerant systems were used on as many as 78% of all U.S. cotton acres in 2023 and at least 45% of all U.S. soybean acres.

The use of Dicamba products is also critical for managing weed resistance. The product has become increasingly important in recent years as producers face increasing weed resistance against certain herbicides.

For some growers with intense herbicide-resistance pressures facing their operations, Dicamba is the only remaining tool to which some local weed populations have not yet evolved resistance. Without this product, Kansas farmers would be severely limited in their weed management strategies.

Post-emergent use of this product is critical to ensure farmers can protect crops from late-emerging weeds during the critical period after a crop has emerged, where applying other herbicides might damage the crop. Dicamba also offers residual properties that persist in the soil for post-emergent weed control. This allows the plant to maximize yield potential and optimize production efficiency.

Environmental Benefits of Dicamba

Kansas farmers and agricultural chemical applicators are committed to responsible stewardship of our land and resources. Over-the-top use of low-volatility Dicamba is safe and effective when used according to the label. Use of these products has allowed for effective weed control while at the same time furthering the use of carbon-smart farming practices that mitigate harm that would otherwise be caused by intensive soil tillage.

Much of the Kansas cropland is irrigated ground. These products allow Kansas producers to adopt environmentally sound and sustainable agricultural crop production methods, such as conservation tillage and no-till, which reduce wind and water erosion of our precious topsoil, diminish soil compaction, and preserve soil moisture. In a state like Kansas, where drought conditions often persist, preserving soil moisture is critical.

These practices also reduce energy use and carbon emissions by limiting the number of times tractors and equipment traverse farm ground. Crop protection products like low-volatility Dicamba are an integral component of these farming practices.

By continuing access to post-emergent use of dicamba, EPA can help preserve the water and climate benefits of reduced tillage and no-till, which would otherwise be difficult for farmers to maintain. These soil management practices are important for protecting species and enhancing soil health.

Use of Dicamba herbicide to control weed growth helps ensure that crops, not weeds, make use of the available water and nutrients in the soil. This allows the crops to maximize yield potential, optimizing production efficiency while decreasing the need for water and fertilizer.

Economic Benefits of Dicamba

Dicamba herbicide enhances the quality and quantity of crops grown in Kansas. The Kansas agricultural economy would suffer if Dicamba were no longer available or if use of the product were further restricted. Loss of these Dicamba as a crop protectant would have a negative economic impact on farmers due to the higher cost of using alternative, less effective herbicides, loss of yield, and increased fuel costs associated with additional tillage.

Proposed Mitigation Strategy

In addition to requiring pesticide applicators to annually complete dicamba-specific training and maintain records of all dicamba applications, EPA proposes the following measures for the proposed new use:

1. A single-use maximum application rate of 0.5 lb. acid equivalent per acre.
2. No more than two applications with a maximum annual application of 1 lb. dicamba per acre from all combined dicamba-containing products.

3. Prohibition of aerial applications.
4. Use of a 240-ft downwind buffer.
5. Use of an approved drift reduction agent and pH buffering volatility reduction agent in the tank and use in higher percentages as temperatures increase.
6. Temperature-dependent application restrictions to manage volatility. Prohibition of applications at temperatures above 95 degrees at the time of the application or within 48 hours following application. Users have the flexibility to implement temperature-dependent restrictions by reducing the percentage of the field treated, including by using precision agriculture techniques, or prohibiting certain tank mixes at higher temperatures.
7. Three points of mitigation are required based on the runoff/erosion mitigation menu. Six points of runoff/erosion mitigation will be required in some pesticide use limitation areas where pesticide exposures are likely to impact the continued existence of a listed species, which may include a reduction in survival or recovery of the species.
8. Users must access and follow any applicable endangered species bulletin from the "Bulletins Live! Two" web-based system.
9. Use of baseline attire along with personal protective equipment, including chemical-resistant gloves, when handling these products. A NIOSH-approved dust/mist filtering respirator with any R, P, or HE filter is also required for certain handlers.

Comments on Proposed Use Requirements

The EPA's proposed registration is welcome news for the 2026 growing season, and we appreciate the following components of the proposed label:

- Removal of the arbitrary application cutoff dates provides greater flexibility.
- Allowing application up to 7 days preharvest enhances late-season weed control.
- Mandatory dicamba-specific training promotes responsible use.
- Providing an option to reduce the 240-foot downwind buffer through the use of mitigation practices from Table 9 provides necessary and reasonable flexibility; and,
- Limiting to three required runoff and erosion mitigation points minimizes compliance burden while maintaining stewardship.

While we support the adoption and implementation of label mitigations that are based on the best available science, such mitigation strategies must be practical and achievable by growers to ensure appropriate timing for proper weed control and resistance management.

If certain proposed mitigation requirements or restrictions prove to be overly challenging to implement or prove to negatively impact operational efficiency and efficacy of the crop protection product, such strategies are unlikely to be adopted.

The proposed mitigation requirements would replace firm cut-off dates with temperature-dependent application restrictions and prohibit certain tank mixes at higher temperatures. While members have indicated that this temperature benchmark is more practical than an arbitrary cut-off date, doing so could raise certain logistical hurdles, such as choosing which weather source to reference, especially if sources are limited or conflict, especially in areas

where internet connectivity is limited. Also, the requirement to check forecasts on the scheduled day of the application impedes advanced planning, especially during times when resources are already stretched for servicing farmer customers.

Additionally, regarding the prohibition of applications when the temperature is forecast above 95°F for 48 hours after the application appears problematic, it is unclear how a pesticide applicator would be able to demonstrate compliance with this requirement. For instance, would the applicator carry the burden to prove (document) that the temperature was forecast below 95 degrees the day following the application? Would an applicator be required to print off a copy of the forecasted temperature and maintain this document as a part of the application record?

The proposed drift and volatility control measures, including tank mix limitations, present some practical challenges. For applications made later in the growing season, it can be more difficult to control weeds such as water hemp and ragweed palmar amaranth due to growing conditions and weed size. Not being able to mix certain herbicides into the tank to control weeds will make certain applications less efficacious. Alternatively, this could require multiple applications over the same field to ensure weed control, which is an inefficient use of time and resources and unnecessarily increases costs.

While allowing two applications per season is sufficient at times, there are certain instances where it would not be sufficient to cover pre-harvest and post-harvest treatments. We would ask for an amendment to recognize the full pre-plant, in-season, and post-harvest windows.

Concerning the strategy of providing a 240-foot downwind buffer, we would ask for consideration of an allowance of a reduced buffer strip when the target application site is immediately adjacent to a documented non-susceptible crop and conditions do not favor chemical movement toward that adjacent crop.

Similarly, the proposed alternative strategy of not treating 40% of the field will often not be feasible for most growers for both economic and agronomic reasons. The failure to treat an entire field can lead to increased weed presence and future weed resistance.

Concerning the annual reference to off-label endangered species bulletins, requiring applicators to reference and follow off-label endangered species bulletins from the “Bulletins Live! Two” system presents unique challenges for producers and applicators. Introducing this new directive would also be inconsistent with the decades-long practice of requiring applicators to read and follow the label directions, and of defining misuse as “use of the product in a manner inconsistent with label language.” Likewise, moving away from this long-held industry standard may introduce unnecessary confusion in the industry concerning compliance with label directions and with agency regulators concerning the enforcement of pesticide applications.

Lastly, we would request that EPA allow states the option of using the 24(c) process to expand the use directions prescribed on the label, when necessary, for such things as allowing a longer

application timeline and other uses to as determined by the cropping practices unique to various states.

Summary

Dicamba herbicide serves as an important part of modern agriculture in Kansas and throughout the Midwest. Use of pre-emergent and overlapping residual herbicides is critical to controlling weeds. The ability to use this safe and reliable crop protection product at agronomically sound rates, while balancing environmental protections, has far-reaching implications for Kansas crop production.

We support the registration of these Dicamba products for growers, and request that the agency approve the applications proposing over-the-top use of the products postemergence to dicamba-tolerant cotton and soybean. We would further request that the agency consider amending the proposed mitigation strategies, as necessary, for the practical application of the product.

Thank you for the opportunity to submit these comments.

A handwritten signature in black ink, appearing to read 'Randy Stookey', with a stylized, looping flourish at the end.

Randy Stookey, JD, IOM
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Kansas Agribusiness Retailers Association
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