



## U.S. EPA Cancellation Order for Dicamba Products Frequently Asked Questions

On June 3, 2020, the United States Court of Appeals for the Ninth Circuit issued a ruling immediately vacating the registrations of Xtendimax, FeXapan and Enginia, all of which contain the herbicide dicamba. On June 8, the U.S. Environmental Protection Agency issued a [cancellation order](#) for these three dicamba products, which included limited and specific circumstances under which existing stocks of these products can be distributed, sold, and used for a limited period of time. On June 9, the State of Illinois extended the cut-off date for application of dicamba to June 25, 2020.

The Illinois Department of Agriculture provides the following guidance to help pesticide dealers, commercial pesticide applicators and farmers understand the U.S. EPA order and State of Illinois extension of the cut-off date for application.

### 1. Which dicamba products are affected by EPA's cancellation order?

- EPA's cancellation order affects XtendiMax with VaporGrip Technology (EPA Reg. No. 524-617), Engenia Herbicide (EPA Reg. No. 7969-345), and DuPont FeXapan with VaporGrip Technology (EPA Reg. No. 352-913).
- EPA's cancellation order does not affect Tavium Plus VaporGrip Technology (EPA Reg. No. 100-1623). Tavium can still be distributed, sold, and used in accordance with federal and Illinois label requirements.
- All four dicamba products are "Restricted Use Pesticides" (RUPs) for retail sale to, and for use only by, certified applicators who have completed dicamba or auxin-specific training.

### 2. I'm a pesticide dealer/retailer that does not have commercial pesticide applicators. Can I distribute or sell affected dicamba products already in my possession?

Dealers/retailers that do not have commercial pesticide applicators may distribute or sell the affected dicamba products **ONLY** for the purposes of proper disposal or to facilitate return to the registrant or a registered establishment under contract with the registrant. Dealers/retailers that do not have commercial pesticide applicators cannot distribute or sell these products for any other purposes, such as fulfilling pre-paid orders or new requests from farmers/producers.

### 3. I'm a pesticide dealer/retailer that has commercial pesticide applicators or I am an independent commercial pesticide applicator. Can I sell, distribute, or apply affected products already in my possession?

- Dealers/retailers that have commercial pesticide applicators, and independent commercial pesticide applicators, may distribute or sell the affected products already in their possession **ONLY** for the purposes of:
  - proper disposal or to facilitate return to the registrant or a registered establishment under contract with the registrant.
  - using these products no later than the June 25, 2020 cutoff date. Dealers/retailers that have commercial pesticide applicators, and independent commercial pesticide applicators may fulfill pre-paid orders or new orders from farmers/producers.



- Commercial pesticide applicators may apply the affected products already in their possession, in accordance with the label.

**4. I'm a farmer/producer who is a certified applicator. Can I use product already in my possession, or apply affected products I've already purchased but have not yet received?**

- Farmers/producers who are certified applicators may apply product already in their possession.
- Farmers/producers who are certified applicators may apply product they have not yet received, if the purchase was made from a dealer/retailer that has commercial pesticide applicators.

**5. Can ag retail businesses that provide custom application services sell to growers and custom apply existing inventory?**

Yes, but **ONLY** if the retail business has commercial pesticide applicators.

**6. Can ag retail businesses that provide custom application services mix hot loads for their grower customers utilizing existing inventory?**

Yes, but **ONLY** if the retail business has commercial pesticide applicators.

**7. Can businesses that are pesticide dealers only, and sell only packaged product or portable refillable containers sell or distribute existing inventory to growers?**

Dealers/retailers that do not have commercial pesticide applicators may distribute or sell the affected dicamba products only for the purposes of proper disposal or to facilitate return to the registrant or a registered establishment under contract with the registrant. They cannot distribute or sell these products for any other purposes, such as fulfilling pre-paid orders or new requests from farmers/producers.

**8. Can private applicators (growers) who have product on hand prior to June 3 apply the product in accordance with the label?**

Yes.

**9. If a grower pre-paid for product but did not take delivery prior to June 3, can a retailer (custom application or pesticide dealer) deliver or custom apply existing inventory to that grower?**

Yes but **ONLY** if the retail business has commercial pesticide applicators.

**10. Can distributors ship product to retailers, growers or to other distributors after June 3?**

No. The only shipments that distributors can make are to distribute or sell the affected dicamba products for the purposes of proper disposal or to facilitate return to the registrant or a registered establishment under contract with the registrant.



**11. Can distribution locations that exist within companies who also have commercial application locations or pesticide dealer locations within their corporate business structure ship to their retail locations.**

No. Distribution locations that do not have commercial pesticide applicators can only distribute or sell the affected dicamba products for the purposes of proper disposal or to facilitate return to the registrant or a registered establishment under contract with the registrant.

**12. Can ag retailers transfer existing inventory between their company locations for utilization by that ag retailer for sale or application to the grower?**

Yes, but **ONLY** if the retail business has commercial pesticide applicators.

**13. Has the cut-off date for dicamba application been extended in Illinois?**

Yes, in Illinois the application cut-off date has been extended from June 20, 2020 to June 25, 2020. All other 24c Special Local Need Label requirements are still in place including the temperature restriction.

In addition, the affected dicamba products, and Tavium, cannot be applied to dicamba-tolerant (DT) soybeans in Illinois if any of the following conditions has occurred. Whichever cutoff time occurs first will determine whether a person can apply a given product to DT soybeans until June 25, 2020.

- Forty-five (45) days after planting. The federal labels for XtendiMax, Engenia, FeXapan, and Tavium prohibit application more than 45 days after planting.
- Once the R1 growth stage begins (beginning bloom). The federal labels for XtendiMax, Engenia, and FeXapan prohibit this. The R1 stage is when at least 1 flower appears on the plant on any node on the main stem.
- After the V4 growth stage. The federal label for Tavium prohibits application after the V4 growth stage.
- After June 25, 2020. The Illinois 24c Special Local Need (SLN) label prohibits this for all four dicamba products.

**14. Is the falsification of product shipment, sale or application records a violation of the Illinois Pesticide Act?**

Yes, this carries a criminal penalty of no less than \$5,000.

**15. How should unused inventory be properly disposed?**

Please contact the registrant for assistance with returning unused inventory.

**16. Is Syngenta's Tavium subject to this cancellation order?**

No, Tavium is not subject to the cancellation order. Follow all label requirements for the use of Tavium, including the Illinois 24c Special Local Need Label application restrictions. The Tavium application cutoff date has been extended to June 25, 2020.