



COMMONWEALTH of VIRGINIA

Department of Agriculture and Consumer Services

Division of Consumer Protection

Office of Pesticide Services

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Jewel H. Bronaugh, Ph.D.
Commissioner

December 17, 2018

TO: All Pesticide Businesses

RE: Dicamba Update for 2019-2020 Growing Season

On October 31, 2018, U.S. Environmental Protection Agency (EPA) announced that it is extending the registration of Dicamba for two years for "over-the-top" use (application to growing plants), to control weeds in fields for cotton and soybean plants genetically engineered to resist Dicamba. This action was informed by input from and extensive collaboration between EPA, state regulators, farmers, academic researchers, pesticide manufacturers, and other stakeholders.

For the 2019-2020 growing season and beyond, the labels of the following restricted use (RUP) Dicamba formulations used to control weeds in cotton and soybeans have been amended and contain new use requirements:

- XtendiMax® herbicide with VaporGrip® Technology (Monsanto)
- DuPont® FeXapan® herbicide Plus VaporGrip® Technology
- Engenia® Herbicide (BASF)

For pesticide application businesses that apply Dicamba to control weeds in genetically modified cotton and soybeans, the pesticide labels have been amended and contain new use requirements that must be followed to legally apply the product. Included among the new use requirements is that ***"Only certified applicators may apply dicamba over the top (those working under the supervision of a certified applicator may no longer make applications)"***. Therefore, **only certified Commercial and certified Private Applicators may apply Dicamba**. Certified Registered Technicians do not meet the federal definition of a certified applicator thus are prohibited from making applications of these products (40 CFR Part 171).

The requirement that all pesticide applicators complete Dicamba specific training prior to applying this product in-crop remains in effect. The training is an annual requirement thus training must be taken prior to making any applications during the 2019-2020 growing season.

In Virginia, the registrants (manufacturers) will continue to provide the Dicamba specific training required prior to the use of the above listed products. Both in person and online training is acceptable. Pesticide applicators may take any of the three registrant provided trainings to meet the training requirement (pesticide applicators do not have to take the training from the registrant of the Dicamba product they intend to use).

In Virginia, pesticide applicator training completed in another state including registrant training, state mandated training and state approved training will be accepted with appropriate documentation. Please note that while we will accept training conducted in another state that does not mean that other states will accept the registrant training taken by a pesticide applicator in Virginia. Applicators making applications in multiple states need to contact the pesticide regulatory agency in each state to determine that state's training requirements.

As a reminder to pesticide businesses that sell the products listed above, in addition to the annual pesticide business license requirement, 2VAC5-680-20. General Requirements for All Pesticide Businesses requires *"All licensed pesticide business locations or outlets which sell restricted use pesticides, or distribute restricted use pesticides for purposes of selling, shall have a certified commercial applicator present who shall bear immediate responsibility for the correct and safe operation of the location or outlet"*.

In addition, 2VAC5-680-60. Recordkeeping of Restricted Use Pesticide Sales by Pesticide Businesses requires:

A. Pesticide businesses that sell restricted use pesticides shall maintain a record of each restricted use pesticide sold. Each sales record shall contain the following:

- 1. Name, address, certified applicator number or business license number, and certificate or license expiration date of the person to whom the restricted use pesticide was sold or delivered;*
- 2. Date of sale;*
- 3. Brand, trademark, or product name appearing on the product's label;*
- 4. EPA registration number; and*
- 5. Quantity of pesticide sold or delivered.*

B. The restricted use pesticide sales recordkeeping requirement may be satisfied by invoices, if (i) such invoices are kept separate from the licensee's other sales records, and (ii) the invoices contain the information required by subsection A of this section.

Finally, restricted use pesticides may only be sold to pesticide applicators certified in the appropriate category to use such products. It is the responsibility of the pesticide business to verify proper certification of the purchaser.

Additional information regarding the recent federal registration decision for over the top applications of Dicamba to genetically modified soybeans and cotton, including a list of the new requirements and information regarding training, is now available on our webpage <http://www.vdacs.virginia.gov/pesticides.shtml>. The link to additional information, titled *Dicamba Applicator Information*, is located under the heading *Information for Pesticide Applicators*. This information will be updated as it become available.

Should you have any questions, please contact your local Pesticide Investigator or me at liza.fleeson@vdacs.virginia.gov or 804-371-6559.

Sincerely,



Liza Fleeson Trossbach
Program Manager

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