



Sandra J. Adams  
Commissioner

# COMMONWEALTH of VIRGINIA

Department of Agriculture and Consumer Services

Division of Consumer Protection

Office of Pesticide Services

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[www.vdacs.virginia.gov](http://www.vdacs.virginia.gov)

December 27, 2017

TO: All Pesticide Businesses

RE: **Federal Registration Decision Impacting the Sale and Use of Dicamba for Over the Top Applications to Genetically Modified Soybeans and Cotton**

In 2016, the Environmental Protection Agency (EPA) and some state departments of agriculture began to receive reports of crop damage which was alleged to be related to the use of herbicides containing the active ingredient Dicamba. To address the continuing issues related to the use of Dicamba for post emergence (over-the-top or in-crop) applications to growing genetically modified soybean and cotton, EPA and the registrants have negotiated and agreed to new label requirements for the 2018 growing season.

For the 2018 growing season, the labels of the following Dicamba formulations used to control weeds in genetically modified cotton and soybeans have been amended and contain new use and sale requirements which may impact you:

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

Included among the new use requirements is the reclassification of these products as **restricted use pesticides** and a requirement for Dicamba specific training for all pesticide applicators applying products containing Dicamba for the control of weeds in genetically modified cotton and soybeans prior to use during the 2018 growing season.

For pesticide application businesses that apply Dicamba to control weeds in genetically modified cotton and soybeans, the pesticide labels have been amended substantially and contain new use requirements which must be followed to legally apply the product. As indicated above, the changes include the classification of the products as restricted use, thus, all applicators are required to be certified to apply these products, and, the requirement that all pesticide applicators must complete Dicamba specific training prior to applying this product in-crop during the 2018 growing season. The training is being provide by the product registrants (Monsanto, BASF and DuPont). 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).

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](mailto:liza.fleeson@vdacs.virginia.gov) or 804-371-6559.

Sincerely,



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Program Manager

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