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FOOD SAFETY

April 17, 2019

Office of Pesticide Programs
Docket number EPA-HQ-OPP-2018-0260
Environmental Protection Agency Docket Center (EPA/DC)
(28221T)
1200 Pennsylvania Ave. NW.
Washington, DC 20460-0001

**Re: Comments on EPA New Use Application – Dicamba Use on Herbicide-Tolerant Corn
(Docket #: EPA-HQ-OPP-2018-0260)**

Please accept the following comments on behalf of the Center for Biological Diversity, Center for Food Safety, and the 28 undersigned organizations in response to the Environmental Protection Agency's ("EPA") receipt of an application for new use of an active ingredient under the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA").

Monsanto's new-use application for use of dicamba on its genetically engineered (GE) dicamba-resistant corn is particularly ill-timed following years of unprecedented damage to agricultural communities from the previous expanded approval of the herbicide on the company's GE soybeans and cotton. Over the past two years, state extension scientists estimate that roughly 5 million acres of dicamba-sensitive soybean fields were damaged by dicamba spray and vapor drift.^{1,2} Dicamba drift has also caused stunningly widespread injury to trees on private property,³ trees in state parks,⁴ vegetable farms, backyard gardens, flowers,⁵ and plants that provide nectar and habitat for many invertebrates.^{6,7}

¹ Bradley, K. "A Final Report on Dicamba-injured Soybean Acres." Oct. 30, 2017. Available here: https://ipm.missouri.edu/IPC/M/2017/10/final_report_dicamba_injured_soybean/.

² Bradley, K. "July 15 Dicamba injury update. Different Year, same questions." July 19, 2018. Available here: <https://ipm.missouri.edu/ipcm/2018/7/July-15-Dicamba-injury-update-different-year-same-questions/>.

³ Hettinger, J. "Complaints surge about weed killer dicamba's damage to oak trees." Midwest Center for Investigative Reporting., Oct. 9, 2017. Available here: <http://investigatamidwest.org/2017/10/09/complaints-surge-about-weed-killer-dicambas-damage-to-oak-trees/>.

EPA approved dicamba for use with Monsanto's GE soybeans and cotton on the basis of a deeply flawed assessment that predicted no drift injury.⁸ Given the reality of the past two seasons, this will go down as one of the biggest assessment failures in the Agency's history.

Having entirely misjudged dicamba's drift potential, it is not surprising that the Agency's supposed solutions did not work. While weed scientists regard dicamba's volatility as a big part of the drift debacle, EPA blames farmers and applicators rather than the herbicide – so it merely tweaked the usage rules on dicamba labels at the end of 2017.⁹ The fact that crop injury continued at entirely unacceptable levels in 2018 demonstrates the futility of this approach.¹⁰ Yet the Agency doubled down with further minor label tweaks for the 2019 season, rejecting (again) the recommendations of weed scientists, who do not believe EPA's changes will solve the problem.^{11,12}

In 2019, 60 million acres are expected to be planted with dicamba-resistant soybeans and cotton, the majority of which will be sprayed with dicamba.¹³ USDA approved dicamba-resistant corn in 2016. If EPA grants Monsanto's new pesticide use application, an additional 80 million acres of dicamba-resistant corn would be grown at the peak adoption rate of 89% estimated by the company.¹⁴ This 140

⁴ Charlier, T. "Trees at Reelfoot Lake damaged by drifting herbicide dicamba, state analysis shows." Commercial Appeal. Sept. 14, 2017. Available here: <https://www.commercialappeal.com/story/news/2017/09/14/trees-reelfoot-lake-damaged-drifting-herbicide-dicamba-state-analysis-shows/647593001/>.

⁵ Unglesbee, E. "When Drift Hits Home. Dicamba Moves Beyond Bean Fields and Into the Public Eye." DTN/The Progressive Farmer. July 20, 2018. Available here:

<https://www.dtnpf.com/agriculture/web/ag/news/crops/article/2018/07/20/dicamba-moves-beyond-bean-fields-eye>.

⁶ Donley, N. "A Menace to Monarchs: Drift-prone Dicamba Poses a Dangerous New Threat to Monarch Butterflies." Center for Biological Diversity Report. March 2018. Available here:

https://www.biologicaldiversity.org/species/invertebrates/monarch_butterfly/pdfs/Menace-to-Monarchs.pdf.

⁷ Gross, L. "Bees face yet another lethal threat in dicamba, a drift-prone pesticide." Reveal News. Jan. 23, 2019. Available here: <https://www.revealnews.org/article/bees-face-yet-another-lethal-threat-in-dicamba-a-drift-prone-pesticide/>.

⁸ Center for Food Safety. "Farmers, conservationists challenge Trump's EPA, Monsanto over crop-damaging pesticide." Press Release, February 12, 2018. <https://www.centerforfoodsafety.org/press-releases/5255/farmers-conservationists-challenge-trumps-epa-monsanto-over-crop-damaging-pesticide>.

⁹ Steckel, L. "Revised Engenia, Xtendimax and FeXapan Labels." University of TN Institute of Agriculture, Oct. 19, 2017. <http://news.utcrops.com/2017/10/revised-engenia-xtendimax-fexapan-herbicide-labels/>.

¹⁰ Swoboda, R. "Dicamba drift issues continue to haunt Iowa." Wallaces Farmer, Aug. 27, 2018.

<https://www.farmprogress.com/crop-protection/dicamba-drift-issues-continue-haunt-iowa..>

¹¹ Chen, E. "Scientists say EPA's dicamba restrictions won't be strong enough to stop crop damage." St. Louis Public Radio, Nov. 4, 2018. <https://news.stlpublicradio.org/post/scientists-say-epa-s-dicamba-restrictions-won-t-be-strong-enough-stop-crop-damage#stream/0>.

¹² Gross, L. "Scientists warned this weed killer would destroy crops. EPA approved it anyway." Reveal News. Nov. 13, 2018. Available here: <https://www.revealnews.org/article/scientists-warned-this-weed-killer-would-destroy-crops-epa-approved-it-anyway/>.

¹³ Unglesbee, E. "More Dicamba to Come?" Progressive Farmer. Mar. 21, 2019. Available here:

<https://www.dtnpf.com/agriculture/web/ag/news/crops/article/2019/03/21/dicamba-stacked-corn-horizon>.

¹⁴ USDA. Monsanto Company Petition 15-113-01 for Determination of Non-regulated Status for Dicamba and Glufosinate-Resistant Maize. Environmental Assessment. January 2016. Pg 90. Available here:

https://www.aphis.usda.gov/brs/aphisdocs/15_11301p_dea.pdf.

million acres could then be legally sprayed with up to 280 million lbs. of dicamba annually (if EPA were to grant Monsanto's request for a seasonal maximum application rate of up to 2 lbs/acre on corn,¹⁵ as it did previously for the company's GE soybeans and cotton).

Dicamba has already caused far too much damage to soybean fields, organic crops, fruit orchards, residential trees, wild plants and the creatures they support. It would be the height of irresponsibility to exacerbate matters by approving dicamba for use on Monsanto's GE corn as well.

All of this is currently happening under the shroud of EPA's recent announcement that it will be considering changes to FIFRA section 24(c) – proposing to remove one mechanism that states use to enact stricter regulations on dangerous pesticides like dicamba.¹⁶ Approval of this application would be especially cruel and reckless if EPA were also to make it harder for states to exercise their right to protect farmers, farmworkers and natural resources through stricter regulation.

We urge the agency to deny this new-use application, and, furthermore, to cancel its registrations of dicamba formulations for use on dicamba-resistant soybeans and cotton. We also call on EPA to deny Monsanto's additional request to amend the tolerance expression and levels for dicamba on corn grain, corn stover and corn forage, as requested in pesticide petition 8F8659.

Respectfully submitted,

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These comments are fully supported by:

National Latino Farmers & Ranchers Trade Association
Farmworker Association of Florida
Center for Environmental Health
National Family Farm Coalition
Toxic Free NC
Prairie Rivers Network

¹⁵ The rate Monsanto said it would request in its petition to USDA. See: Monsanto. Petition for the Determination of Nonregulated Status for Dicamba and Glufosinate Tolerant MON 87419 Maize. April 23, 2015. Pg 147. Available here: https://www.aphis.usda.gov/brs/aphisdocs/15_11301p.pdf.

¹⁶ EPA. Guidance on FIFRA 24(c) Registrations. March 19, 2019. Available here: <https://www.epa.gov/pesticide-registration/guidance-fifra-24c-registrations>.

The Land Connection
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