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September 5, 2025

Charles Smith, Director
Registration Division
Office of Pesticide Programs
U.S. Environmental Protection Agency
EPA Docket Center,
Mail Code 28221T
1200 Pennsylvania Ave., NW,
Washington, D.C. 20460

Re: Proposed New Use of Dicamba on DT Cotton and DT Soybean; Docket # EPA-HQ-OPP-2024-0154

Dear Director Smith.

On behalf of the Agricultural Retailers Association (ARA) and our members who provide critical crop input and application services to growers nationwide, we respectfully submit the following comments in support of the proposed new uses of dicamba-tolerant cotton and dicamba-tolerant soybeans. We recognize the importance of maintaining access to effective weed control technologies, including over-the-top (OTT) dicamba, to ensure agricultural productivity and sustainability. However, we have significant concerns regarding the operational feasibility of several proposed label requirements, and we urge EPA to consider the realities faced by commercial applicators in the field.

Statement of Interest

ARA is a national not-for-profit trade association representing agricultural retailers and distributors across the United States. Our members, ranging from small family-owned businesses and farmer cooperatives to large enterprises with multiple locations, provide critical goods and services to farmers and ranchers. These include fertilizers, crop protection chemicals, seeds, crop scouting, soil testing, pesticide and fertilizer application, and nutrient management planning.

Support for Dicamba-Tolerant Technologies

ARA members have a long history of responsibly managing dicamba applications and stewarding advanced technologies that enable growers to combat resistant and hard-to-control weeds. OTT dicamba has become an essential tool for managing problematic weed species in both cotton and soybean production, supporting yield protection, soil health, and environmental sustainability. The continued availability of these technologies is critical for both large-scale commercial producers and family farms.

Major Concerns with Proposed Label Requirements

ARA supports the goal of minimizing off-target movement and ensuring safe applications. However, several proposed requirements raise substantial challenges for commercial applicators:

Temperature Forecast Restrictions

- Reliance on Temperature Forecasts: Requiring applicators to use maximum temperature forecasts (e.g., 95°F threshold, 60% application limit over 85°F) introduces significant uncertainty and logistical hurdles. Applicators must determine which weather station, forecast provider, or data source to use—often in rural areas where stations are sparse and predictions variable. The requirement to check forecasts on the day of application and day after impedes advance planning and efficient resource allocation.
- Recordkeeping Conflicts: Applicators are already required to document actual temperature at the boom during application. It is unclear whether forecasted temperatures or actual conditions at the site will prevail.
- Practicality: Analysis of NOAA data indicates that, in many geographies, a majority of applications would fall outside the allowable temperature window, making it nearly impossible or economically infeasible to use the product in affected regions.

Tank Mix Restrictions

- Prohibitions on tank mixing essential herbicides and adjuvants between 85–95°F (excepting only VaporGrip® Xtra Agent and DRA) will require growers and applicators to make multiple passes over the same field. This increases both cost (estimated at \$8–\$10/acre per additional pass) and risk, and is often not practical within narrow weather and crop windows.
- The proposed requirement that no more than 60% of applications occur above 85°F is operationally unworkable, as tank mix needs are field- and farmer-specific. This would create added paperwork, logistical complexity, and higher labor costs.

Application Limits

- Barring more than two applications per season does not reflect current grower practice, where two in-crop applications are often paired with a pre-plant or post-harvest treatment. The restriction could inadvertently force growers off-label or prompt use of older, less-safe dicamba products.

Rainfall Restrictions

- Mandating the use of forecasts to predict >50% chance of 1+ inch rainfall within 48 hours creates further ambiguity. Determining the appropriate forecast (which day, which weather station, and which forecast source) is not straightforward, particularly in rural areas.

Downwind Buffer and Area Restrictions

- Calculating and documenting 240-foot downwind buffers is complex, particularly when fields or application areas change due to shifting weather. The proposed buffer reductions are more

complicated than those for other herbicides and may not be feasible in practice.

Ban on Aerial Application

- ARA notes that OTT dicamba is not applied aerially, so this restriction is not as concerning; however, it is important for EPA to ensure consistency in how aerial application rules are applied across product lines.

Practicality of Recordkeeping and Endangered Species Measures

ARA agrees that expanded recordkeeping and personal protective equipment (PPE) requirements are reasonable and manageable for commercial applicators. However, the feasibility of accessing and following endangered species bulletins and expanded mitigation in sensitive areas remains a challenge, particularly for smaller operations.

Recommendations

- Clarify which temperature measurement (forecasted vs. actual) governs compliance and enforcement. If forecasts must be used, specify acceptable sources and provide a mechanism for flexibility in rural areas.
- Permit in-crop tank mixes when conditions demand or provide alternative mitigation strategies that allow for operational practicality while maintaining stewardship goals.
- Align buffer and drift mitigation requirements with the herbicide strategy mitigation tables to reduce confusion and improve compliance.
- Revise the application limit to specify “no more than two in-crop applications per season,” to reflect real-world management needs.
- Enhance communication and education efforts around endangered species requirements and provide tools to assist growers and applicators in compliance.
- Ensure OTT Dicamba registrations are available beginning with the 2026 use season. Ideally the registration decisions should be made available not later than the end of October 2025.

Conclusion

ARA appreciates EPA’s commitment to balancing environmental protection with the practical realities of agricultural production. We strongly support the continued registration and responsible use of dicamba-tolerant cotton and soybeans. We urge EPA to adopt label requirements that are practical, enforceable, and achieve the shared goal of effective stewardship weed management. We invite EPA to continue engaging with the commercial application community as part of the regulatory process.

Sincerely,



Richard D. Gupton
Senior Vice President, Public Policy & Counsel