



June 9, 2020

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania, NW
Mail Code 1101A
Washington, D.C. 20460

RE: Cancellation Order of Dicamba Labels

Dear Administrator Wheeler:

Farmers and retailers across the country continue to have questions regarding the use and distribution of dicamba products. While the Agency's cancellation order provided some guidance to end-users as well as custom applicators, it failed to address several scenarios where product is in the pipeline at various points in the supply chain. These questions need quick answers during this critical time of the growing season as weeds will not wait for a protracted legal analysis.

For example, the cancellation order states the following:

Given the substantial financial expenditure already made in these situations along with the other factors discussed above, EPA considers it appropriate to allow 1) existing stocks of these dicamba products in the hands of users to be used until July 31, 2020, and 2) for existing stocks of these dicamba products in the hands of commercial applicators to be used until July 31, 2020 (including moved as necessary for such use, regardless of whether the movement is sale or distribution)...

The above does not consider situations where a producer has pre-paid or contracted for product but not yet taken possession of it; so, it is still in the possession of the retailer. Is it lawful for the retailer to move the product for purposes of application under this scenario?

Additionally, some retailers were told by state authorities where they operate that they could continue the sale and distribution of the three dicamba products. The cancellation order, though, is retroactive to June 3. Our members are seeking guidance on what happens to product sold between June 3 and June 8, the date of the cancellation order? Similarly, does the cancellation order supersede state actions to allow product to continue to be sold and used?

The Honorable Andrew Wheeler

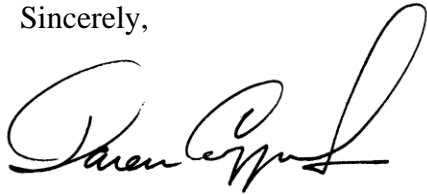
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Based on these and other questions to come, we request the Agency issue further clarification following the issuance of the cancellation order for the three dicamba product labels. Such clarification can come in the form of a “frequently asked questions” section on the Agency’s website and be updated in a timely manner as issues arise during this critical time. We would also welcome an opportunity to gather some of our members on a conference call to talk through options if that would be helpful.

Thank you for your consideration of our request.

Sincerely,



W. Daren Coppock
President & CEO
Agricultural Retailers Association



Charles F. Conner
President & CEO
National Council of Farmer Cooperatives