

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

AMERICAN SOYBEAN ASSOCIATION, et al.,

*Plaintiffs,*

v.

No. 1:20-cv-03190-RCL

U.S. ENVIRONMENTAL PROTECTION  
AGENCY, et al.,

*Federal Defendants,*

and

BASF CORPORATION, et al.,

*Intervenor-Defendants.*

**FEDERAL DEFENDANTS' NOTICE OF REGULATORY ACTION**

Federal Defendants, the U.S. Environmental Protection Agency et al. ("EPA"), respectfully submit this notice to inform the Court that EPA has taken regulatory action to approve label amendments requested by the registrants for the pesticide registrations at issue in this litigation.

On December 21, 2021, EPA released a report on impacts of over-the-top dicamba use on non-target crops during the 2021 growing season. *See* Federal Defendants' Notice of Potential Regulatory Action, ECF 73 (Dec. 22, 2021). Following the release of EPA's report, the registrants submitted requests to EPA for label amendments further restricting the use of over-the-top dicamba in Minnesota and Iowa. The registrants' requested restrictions are intended to reduce the likelihood of volatility and offsite movement of over-the-top dicamba by avoiding application on days with high temperatures. EPA approved the requested label amendments on March 15, 2022. *See* Letter from Lindsay Roe, EPA, to Amy McCaskill, Syngenta Crop

Protection, LLC (Mar. 15, 2022) (attached as Exhibit 1); Letter from Lindsay Roe, EPA, to Steven Callen, Bayer CropScience LP (Mar. 15, 2022) (attached as Exhibit 2); Letter from Lindsay Roe, EPA, to Jeffrey H. Birk, BASF (Mar. 15, 2022) (attached as Exhibit 3).

EPA will confer with the parties in this case regarding these actions and will apprise the Court and parties of any further regulatory developments.

Dated: March 16, 2022

Of Counsel:  
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Respectfully submitted,

/s/ Andrew D. Knudsen  
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**CERTIFICATE OF SERVICE**

I certify that on March 16, 2022, a copy of the foregoing was served by electronic means on all counsel of record by the Court's CM/ECF system.

/s/ Andrew D. Knudsen  
Andrew D. Knudsen