

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

AMERICAN SOYBEAN ASSOCIATION, et al.,

Plaintiffs,

v.

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

Federal Defendants,

and

BASF CORPORATION, et al.,

Intervenor-Defendants.

No. 1:20-cv-03190-RCL

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 additional amendments requested by the registrants for the dicamba-based product registrations at issue in this litigation.

By January 26, 2023, EPA had received proposals from all three of the registrants to amend the registrations of their dicamba-based pesticide products. On February 16, 2023, EPA approved labeling amendments that further restrict over-the-top dicamba usage in Iowa, Illinois, Indiana, and South Dakota. The amended registrations and associated labeling are available at: <https://www.regulations.gov/document/EPA-HQ-OPP-2020-0492-0033> (XtendiMax); <https://www.regulations.gov/document/EPA-HQ-OPP-2020-0492-0034> (Engenia); and <https://www.regulations.gov/document/EPA-HQ-OPP-2020-0492-0032> (Tavium).

The approved amendments prohibit the use of over-the-top dicamba application on dicamba-tolerant crops after June 12 in Iowa, Illinois, and Indiana, and after June 20 in South Dakota. See <https://www.epa.gov/pesticides/epa-approves-requested-labeling-amendments-further-restrict-use-over-top-dicamba-iowa>. These amendments restrict over-the-top dicamba application to earlier in the growing season, when temperatures are likely to be lower. *Id.* The restrictions are intended to reduce the potential for dicamba to volatilize and drift off-site. *Id.*

These amendments follow amendments EPA approved in March 2022 incorporating state-specific application cutoff dates for Iowa and Minnesota. The new amendments do not impact the use of over-the-top dicamba in Minnesota. For Iowa, these new amendments supersede the March 2022 amendments.

EPA continues to review dicamba-related incidents and consider the regulatory tools available to further address incidents and reduce risks from dicamba use. EPA will apprise the Court and parties of any further regulatory developments.

Dated: February 24, 2023

Respectfully submitted,

/s/ Andrew D. Knudsen
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CERTIFICATE OF SERVICE

I certify that on February 24, 2023, 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
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