

Congress of the United States
Washington, DC 20515

February 16, 2024

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator Regan:

We write today regarding the February 6, 2024, decision by the United States District Court for the District of Arizona (District Court) to vacate the registrations for XtendiMax, Engenia, and Tavium. These herbicides contain the active ingredient dicamba and are vital to American agriculture, specifically our nation's soybean and cotton farmers. As the 2024 planting season rapidly approaches, the District Court's decision has introduced considerable uncertainty for farmers, compounding the challenges of an already unstable agricultural economy. We were glad to see the U.S. Environmental Protection Agency (EPA) announce an existing stocks order on February 14, 2024, to allow for continued uses of these products during the 2024 growing season; however, we further ask EPA to appeal the District Court's decision and seek a stay of the ruling pending appeal.¹

The decision from the District Court came at an inopportune time for farmers across the country who had already begun purchasing seeds and herbicides for this growing season or—in some areas—had already begun planting. While the existing stocks order provides short-term certainty for this growing season, it is important that growers have access to these products in future growing seasons. It is estimated that more than 50 million acres of dicamba-tolerant soybean and cotton will be planted this growing season.² As such, the impacts from the District Court's decision will be felt both domestically and globally in future growing seasons as the United States is one of the world's leading soybean and cotton producers, a leading soybean exporter, and the leading cotton exporter.³

Without the continued use of these effective dicamba products in future growing seasons, farmers will be forced to seek alternative herbicides and seeds which might not meet their weed management needs. As such, this could lead to many farmers reconsidering their use of conservation practices, such as no-till and reduced tillage. Additionally, it is unclear if the market can meet the additional demands for these alternatives in the next several growing seasons, which could lead to supply chain issues and higher input costs. These increased costs—coupled with recent United States Department of Agriculture forecasts of a major decline in net farm income in 2024—could harm the agricultural economy.⁴

¹ <https://www.epa.gov/pesticides/epa-provides-update-over-top-uses-dicamba>

² <https://soygrowers.com/news-releases/asa-to-epa-we-need-a-dicamba-existing-stocks-order-stat/>

³ <https://www.fb.org/market-intel/record-numbers-not-the-only-striking-thing-about-2022-u-s-ag-trade>

⁴ <https://www.agri-pulse.com/articles/20617-usda-projects-major-drop-in-2024-farm-income>

For these reasons, we urge EPA to appeal the District Court's decision and seek a stay of the ruling pending appeal. Access to safe and effective crop protection tools is critical to the sustainability, efficiency, and effectiveness of our nation's food supply and to ensuring America's farmers can feed, clothe, and fuel the world. We respectfully ask for your prompt attention and action on this matter.

Sincerely,



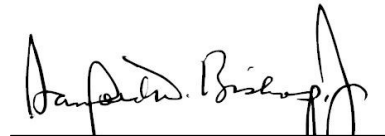
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Donald G. Davis
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James R. Baird
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Tracey Mann
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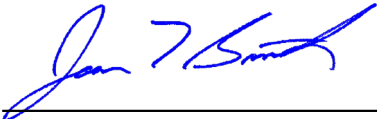
Scott DesJarlais, M.D.
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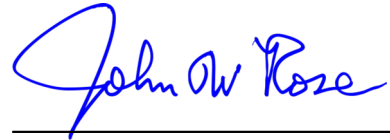
Don Bacon
Member of Congress



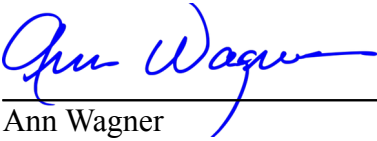
Trent Kelly
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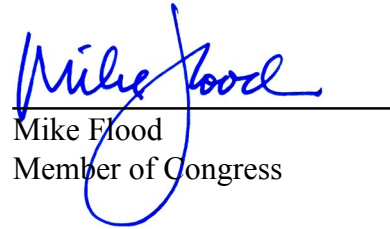
Ann Wagner
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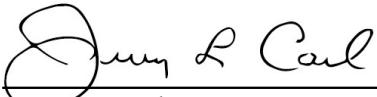
Dusty Johnson
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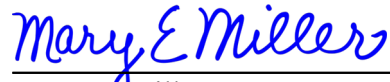
Mike Ezell
Member of Congress



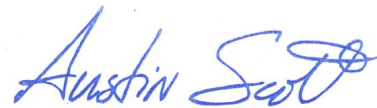
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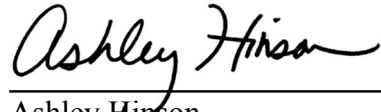
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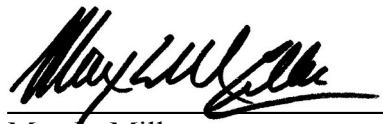
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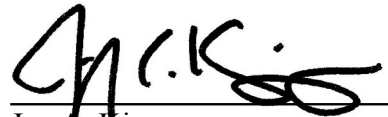
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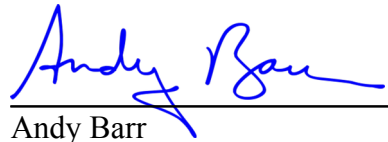
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