

United States Senate

WASHINGTON, DC 20510-0609

February 15, 2023

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

Dear Administrator Regan,

We write today to urge you to respond to the U.S. District Court for the District of Arizona's decision to vacate certain Dicamba registrations by pursuing an appeal and seeking to stay the decision pending the appeal. Furthermore, while we certainly appreciate the existing stocks order you issued on February 14, however, we ask that you expand that order to include product within the possession of registrants that has been manufactured and ready for sale on the date of the decision to be distributed, sold, and used.

As you may be aware, farmers across the country have already made planting decisions on seed genetics and crop protection tools for their cotton and soybeans. In the South, some planting is imminent if not already underway. The decision out of Arizona comes at the worst possible time for farmers who are preparing to plant an estimated 50 million acres of soy and cotton using dicamba-tolerant seed. 45% of all soybean acres is also estimated to be dicamba-tolerant this year. The United States is one of the world's leading soybean and cotton producers, a leading soybean exporter, and the leading cotton exporter. Needless to say, the impact of this decision can and will be felt globally.

While the existing stocks order helps, EPA can do more to alleviate the impact of this decision. Farmers should not have to make last minute decisions on genetics and crop protection products, which will in-turn put supply constraints on other technologies and dramatically drive up the input costs that are already drowning them. Quite frankly, there may not be enough alternative seed or chemistry in the marketplace to replace these tools. Given the immediacy of spring planting, there is no way our current supply chains could accommodate a shift of tens of millions of acres to alternative products in such a short timeframe. To lose meaningful use of these over-the-top dicamba products for the 2024 growing season means hundreds of thousands of farmers would likely go without seed or herbicide during spring planting, which would be devastating for the agricultural economy.

U.S. farmers are already coping with record input costs, crippling interest rates, and lackluster commodity prices. USDA is forecasting a major decline in 2024 farm income as well as a record agricultural trade deficit. The last thing farmers need now is to lose access to critical crop

protection tools in which they have already invested thousands of dollars and on which they have based this year's planting decisions. Crop protection tools like dicamba are vital to making no-till farming practical and efficient at a commercial level. If these tools are not available, farmers will be forced to revert to full tillage methods, which would ultimately set yields and conservation efforts back decades.

Access to safe, effective crop protection tools is vital for allowing farmers to continue to efficiently and sustainably feed, clothe, and fuel the world. We respectfully ask for your prompt attention to this court decision so that farmers may continue to do so.

Sincerely,



Roger Marshall, M.D.
United States Senator



Jerry Moran
United States Senator



Cindy Hyde-Smith
United States Senator



Thom Tillis
United States Senator



John Hoeven
United States Senator



Pete Ricketts
United States Senator



Tommy Tuberville
United States Senator



James Lankford
United States Senator



Kevin Cramer
United States Senator



Bill Hagerty
United States Senator

Katie Boyd Britt
United States Senator

Chuck Grassley
United States Senator

Ted Budd
United States Senator

Deb Fischer
United States Senator

Mike Braun
United State Senator

Ted Cruz
United States Senator

Marsha Blackburn
United States Senator

Joni Ernst
United States Senator

John Thune
United States Senator

Todd Young
United States Senator