

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Materials Management, Bureau of Pesticides Management

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Dicamba Notice to Users, Distributors and Sellers June 29, 2020

On June 3, 2020, the United States Court of Appeals for the Ninth Circuit vacated EPA's registration of three products containing the active ingredient dicamba, which effectively cancelled their federal registrations. The three products are:

Xtendimax with VaporGrip Technology, EPA Reg. No. 524-617;

Engenia, EPA Reg. No. 7969-345; and

FeXapan, EPA Reg. No. 352-913.

The Court decision can be found at:

<https://cdn.ca9.uscourts.gov/datastore/opinions/2020/06/03/19-70115.pdf>.

On June 8, 2020, in response to the Court's decision, EPA issued a Cancellation Order (https://www.epa.gov/sites/production/files/2020-06/documents/final_cancellation_order_for_three_dicamba_products.pdf) for these three products.

In light of the Court's decision associated with these registrations and the provisions of EPA's Cancellation Order to implement that decision, DEC is taking these actions:

Registrations. The registrations of the three products will be cancelled as of July 31, 2020 in accordance with the provisions of ECL Section 33-0713. Thirty days' notice will be provided to the registrants of these products.

Distribution or Sale. Distribution or sale of existing stocks of the three products shall be limited as follows:

- Distribution or sale by registrants is prohibited immediately, except for distribution for the purposes of proper disposal.
- Distribution or sale of products that are already in the possession of someone other than the registrant is permitted only for disposal or to facilitate return to the registrant or a registered establishment.
- Distribution or sale by commercial applicators is permitted to facilitate use no later than July 31, 2020.

Use. All use, including storage of open containers, is prohibited after July 31, 2020.

Questions about dicamba may be directed to pesticidecompliance@dec.ny.gov or ppr@dec.ny.gov or by calling 518-402-8727.