

Friday, June 5, 2020

Statement on Ninth Circuit Decision

The Order issued on June 3, 2020, by the United States Court of Appeals for the Ninth Circuit vacating the federal registration of three Dicamba-based herbicides, including Engenia® herbicide, is unprecedented and has the potential to be devastating to tens of thousands of farmers. These farmers have counted on over-the-top (OTT) applications of dicamba-based products to control resistant weeds across tens of millions of dicamba-tolerant soybean and cotton acres.

We are currently reviewing the Order and are waiting on direction from the U.S. EPA on actions they will take as a result of this Order. Time is of the essence. Farmers have less than a month to protect millions of acres under threat from resistant weeds that could lead to significant revenue loss in an already challenging season.

We are assessing all legal remedies available to challenge this Order. We remain committed to serving our customers with safe and effective crop protection solutions, including Engenia herbicide.

Can Distributors currently purchase Engenia herbicide from BASF?

BASF is not permitted to sell Engenia herbicide at this time.

What should our retail and channel partners do with the Engenia herbicide that is in their possession?

As laws vary by state, we recommend anyone in possession of Engenia herbicide to contact their state regulatory authority to determine if they can still sell or apply Engenia herbicide. BASF is evaluating our options on how to help our channel partners manage their existing inventory.

Does this Order affect products like Status® herbicide or Clarity® herbicide?

This Order does not impact the labeled uses of Status herbicide or Clarity herbicide. To be clear, Status herbicide and Clarity herbicide are not labeled for use on dicamba-tolerant soybeans and cotton. Under no circumstances does BASF support or encourage off-label use of our products. We remind applicators to always read and follow label directions.

Will Engenia herbicide be available in 2021?

The Order applies to the conditional two-year registration granted in 2018 that would have automatically expired on December 20, 2020. We are continuing to pursue registration approval of Engenia herbicide for the 2021 use season.

Can farmers apply Engenia® herbicide during the 2020 season?

BASF is not able to recommend the use of Engenia herbicide at this time. We're working to understand the implications of the Court's Order. As laws vary by state, we recommend that farmers who are in possession of Engenia herbicide contact their state regulatory authority to determine if they can still apply Engenia herbicide. If needed, your BASF representative is prepared to assist you in determining alternate weed control recommendations.