

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1800

By: Representative Watson

For An Act To Be Entitled

AN ACT TO AMEND THE ARKANSAS PLANT ACT OF 1917; TO REQUIRE THE STATE PLANT BOARD TO CONSIDER CERTAIN DATA RELATED TO DICAMBA AND TO SET A CUTOFF DATE FOR THE USE OF DICAMBA; TO REQUIRE THE CUTOFF DATE FOR DICAMBA BE WITHIN A SPECIFIC DATE RANGE; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE ARKANSAS PLANT ACT OF 1917; TO REQUIRE THE STATE PLANT BOARD TO CONSIDER CERTAIN DATA RELATED TO DICAMBA AND TO SET A CUTOFF DATE FOR THE USE OF DICAMBA WITHIN A SPECIFIC DATE RANGE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Legislative findings.

The General Assembly finds that:

(1) The State Plant Board's mission is to serve the citizens of Arkansas and the agricultural and business communities by providing information and unbiased enforcement of laws and regulations;

(2) The board has a responsibility to promote agriculture while ensuring farmers and the general public are protected from harmful intrusions that cause property damage and economic loss;

(3) The state of Arkansas has a diversity of crops and natural environments that need to be protected;



(4) Since 2017, the board has received hundreds of complaints per year regarding Dicamba drift and volatility, causing hundreds of thousands of dollars in economic losses;

(5) According to the Arkansas Administrative Procedure Act, § 25-15-201 et seq., an agency shall not adopt, amend, or repeal a rule unless the rule is based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available;

(6) Independent and academic research has demonstrated a correlation between ambient temperature and Dicamba volatility;

(7) Scientific research has shown that Dicamba volatility increases once the ambient temperature reaches eighty-five degrees Fahrenheit (85°F);

(8) States across the country have incorporated an eighty-five degrees Fahrenheit (85°F) temperature into their Dicamba rules or cutoff dates; and

(9) Farmers and the public need certainty and confidence that board rules are based on science and data.

SECTION 2. Arkansas Code Title 2, Chapter 16, Subchapter 2, is amended to add an additional section to read as follows:

2-16-215. Dicamba cutoff date.

(a) The State Plant Board shall:

(1) Review and consider scientific research on Dicamba drift and volatility conducted by independent and academic sources, including without limitation data from and research conducted by weed scientists affiliated with the Division of Agriculture of the University of Arkansas;

(2) Review, consider, and incorporate data and research relating to Dicamba volatility and ambient temperature into a new rule on the use of Dicamba; and

(3) Promulgate a new rule for the in-crop use of Dicamba, including without limitation a new cutoff date.

(b) The board shall not approve a cutoff date under subdivision (a)(3) of this section that is earlier than April 1 or later than June 12.

SECTION 3. DO NOT CODIFY. Rules.

The State Plant Board shall submit the rule required under this act to

Legislative Council by November 1, 2023.