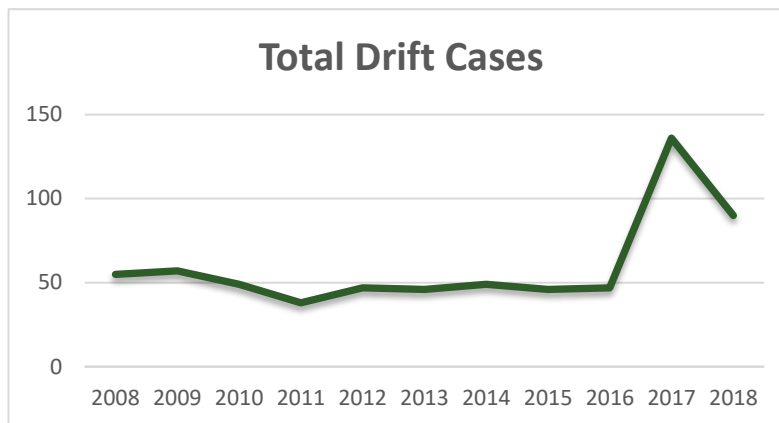




## SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

### PESTICIDE REGULATORY PROGRAM

The South Dakota Department of Agriculture (SDDA) saw an increase in drift complaints in 2017 with the introduction of new formulations of dicamba, a herbicide used on soybeans. Prior to the 2017 season, the SDDA typically handled 50 drift cases, or less, annually. In 2017, drift cases increased dramatically. After this initial increase we saw numbers decline, due in part to education, training, and other efforts made by the SDDA. We believe the continued work we are doing will result in a further reduction in cases moving forward.



Following the spike in cases in 2017, there has been increased interest in the regulation of pesticides in South Dakota and the SDDA's regulatory program. Based on feedback from legislators, including the Senate Agriculture and Natural Resources committee, and other stakeholders, the SDDA has taken numerous actions to improve the program and reduce the incidence of drift. Over the past two years, the SDDA reviewed and updated administrative rules and enforcement procedures; improved communication to and education for producers and applicators on the role of the SDDA; further encouraged communication between applicators and landowners; worked to clarify the SDDA's role and authority; and helped people understand how to enforce their rights under the law.

Here are some of the specific actions the SDDA took in 2018:

- ✓ Launched participation in FieldWatch, a national program utilized by many states, that provides a platform for communication between organic producers, beekeepers, landowners of other sensitive sites, and applicators to prevent damage.
- ✓ Changed administrative rules to establish a category for aerial applicators and require that aerial applicators attend a national training, the Professional Aerial Applicator Support System (PAASS) training. PAASS training educates pilots on ways to reduce the number of aviation accidents and drift incidents associated with the aerial application of fertilizer and crop protection products.
- ✓ Increased training requirements for those using the newly formulated dicamba products.
- ✓ Established dicamba as a restricted use pesticide.

- ✓ Worked with SDSU Extension to continue to improve and extend education for applicators. This is work that is ongoing and we continue to make improvements based on feedback we receive from industry, as well as our regulatory partners.
- ✓ Updated the SDDA's website to better communicate our role and authority.
- ✓ Updated forms used in the pesticide regulatory program to make them more user-friendly and ensure they clearly communicate the SDDA's role in the enforcement of pesticide and application laws.
- ✓ Updated our internal penalty review matrix to apply values equally to private and commercial applicators and increase recommended penalty amounts.

Here are some of the specific actions the SDDA took in 2019:

- ✓ Established a June 30<sup>th</sup> cutoff date for the use of the newly formulated dicamba products. Data showed that most incidents of drift involving dicamba occurred after July 1<sup>st</sup>. It is our hope that the cutoff date, in addition to all the other label restrictions, will lead to a reduction in drift cases involving these products.
- ✓ Hosted a meeting with relevant stakeholders, including members of the House and Senate Agriculture and Natural Resources committees, organic producers, conventional producers, specialty crop producers, applicators, and other representatives of the agriculture industry to more fully flesh out problems with drift and off-target applications that need to be addressed, possible solutions, and the appropriate process for implementing possible solutions.
- ✓ Continued to educate landowners, producers, applicators, law enforcement, and the public about the SDDA's program and options available to impacted parties.
- ✓ Reached out to local law enforcement to coordinate training opportunities.
- ✓ Currently working with EPA to update certification and training standards and increase the requirements for both private and commercial applicators (should be complete in 2020).

The SDDA continues to seek feedback from producers, both organic and conventional, and applicators, private, commercial, and aerial, to improve communication, educate all parties on their rights and responsibilities, and work with law enforcement to ensure accountability for those who violate the law or cause damage to others. We also continually review the trainings offered through our partners at SDSU to ensure that applicators have the knowledge and skill to mitigate risk of damage and follow all state and federal law.