

DICAMBA DEBRIEFING

ISSUE 1 - JULY 2017

ARTICLES OF NOTE

[“Damage Report-Dose, Timing Affect Soybean Yield Loss After Dicamba Injury.”](#)

Emily Unglesbee,
The Progressive Farmer,
June 30, 2017

[“Mitigating Dicamba Drift - Best Management Practices.”](#)

Larry Steckel, *University of Tennessee Institute of Agriculture UTCrops News Blog*,
June 27, 2017

“Earlier, it looked like it wasn’t as big a problem in the north Mississippi Delta. Well, strike that.”

Jason Bond, Weed Scientist with MSU Delta Research and Extension Center
(Delta Farm Press)

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STATE AGENCY SPOTLIGHT

ARKANSAS: On July 7, 2017, the Arkansas House and Senate Committee on Agriculture, Forestry and Economic Development passed a temporary ban on the use of dicamba. The ban went into effect on July 11, 2017, at 12:01 a.m. Farmers caught using dicamba after that time face a \$1,000 fine. After August 1, that fine goes up to \$25,000. The committee will meet again in November to consider extending the ban. Full article: [“Committee Votes to Ban Dicamba Weed Killer in Ark.”](#) Curt Lanning, nwa.com.

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LITIGATION SPOTLIGHT

Bader Farms, Inc., et al. v. Monsanto Company, Case No. 1:16-cv-00299 (E.D. Mo.): *Bader Farms* was one of the first lawsuits filed concerning dicamba drift. A peach farmer sued Monsanto alleging \$1.5 million in losses due to neighboring farmers spraying dicamba that had not yet been approved for over-the-top application on their dicamba-tolerant cotton and soybean seeds already being marketed by Monsanto. Monsanto filed a Motion to Dismiss the lawsuit, claiming that the neighboring farmers’ illegal spraying of the off-market dicamba was a superseding and intervening cause of the Plaintiffs’ injury that Monsanto could neither foresee nor control. In light of this argument, the Plaintiffs amended their Complaint to allege that Monsanto representatives actually directed and encouraged farmers to use the not-yet-approved dicamba on Monsanto’s already-available dicamba-tolerant seeds. On June 29, 2017, the Court sided with the Plaintiffs, holding that this new allegation, if taken to be true, was sufficient to defeat Monsanto’s Motion to Dismiss. Read the Court’s [Memorandum and Order](#).

REPORTS MADE TO STATE AGENCIES

STATE	2016	2017
Arkansas	32	706
Mississippi	12	64
Missouri	130	161
Tennessee	3	72

ABOUT MARON MARVEL BRADLEY ANDERSON & TARDY LLC

Maron Marvel Bradley Anderson & Tardy LLC was founded twenty years ago in Wilmington, Delaware and has grown from a boutique toxic tort practice to a mid-size national powerhouse with attorneys located in 11 offices across the United States. The firm represents public and private entities of all sizes and provides litigation services to companies in the areas of business and commercial litigation.



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