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Temporary Restraining Order Delays Implementation of 2021 Amendments to Dicamba Rule

LITTLE ROCK, AR – On May 24, 2021, the 16th Division of the Pulaski County Circuit Court ruled that a temporary restraining order issued on May 21 delaying implementation of the 2021 amendments to the State Plant Board's dicamba rule would be extended until June 10, 2021, at which time another hearing will be held. As a result of the temporary restraining order, the previous State Plant Board Rules on Pesticide Classification regarding dicamba remain in effect and include the following:

- (1) In-crop application of dicamba shall be prohibited after May 25.
- (2) A one-mile buffer in all directions must be maintained between the fields where dicamba is applied and research stations operated by the University of Arkansas System Division of Agriculture.
- (3) A one-mile buffer in all directions must be maintained in all directions between the fields where dicamba is applied and fields where certified organic crops and commercially grown specialty crops (defined as at least 1,000 plants or average annual sales of \$25,000 for three years) are grown.
- (4) A half-mile buffer must be maintained in all directions between fields where dicamba is applied and fields where soybeans and cotton that are not genetically engineered to resist dicamba are grown.

The temporary restraining order was entered in response to a request for a preliminary injunction by the plaintiffs in the lawsuit, Glenn Hooks et al v. Arkansas State Plant Board, that challenges the implementation of the 2021 amendments to the dicamba rule. Another lawsuit, OMP Farms et al v. Arkansas State Plant Board, also challenges the implementation of the dicamba rule amendments and has been assigned to the 6th Division of the Pulaski County Circuit Court. The 6th Division held a hearing on May 25, 2021, but took no action.

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