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Arkansas Supreme Court issues stay of Temporary Restraining Order on Dicamba Rule

On May 21, 2021, the Pulaski County Circuit Court, 16th Division, entered a temporary restraining order (TRO) delaying implementation of the 2021 amendments to the State Plant Board's Pesticide Classification rules – specifically known as the dicamba rule. On June 7, 2021, the Arkansas Supreme Court issued a Stay of the Circuit Court's Order.

The legal effect of the Supreme Court's Stay is that the State Plant Board's recently adopted emergency rule amendments regarding the use and application of dicamba are again in effect. Main points of the emergency rule include:

- (1) In-crop application of dicamba shall be prohibited after June 30.
- (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 half-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 quarter-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 rule may be viewed on the webpage at www.agriculture.arkansas.gov/plant-industries/rules-and-regulations.