

## Court that revoked EPA dicamba weedkiller approval could also ban Enlist Duo herbicide

The agricultural industry was rocked by a federal appeals court ruling that vacated the registrations of three dicamba herbicides [in early June].

Growers would do well to keep their eye on a second major herbicide lawsuit in the months to come.

The plaintiffs who brought the dicamba lawsuit to the U.S. Court of Appeals for the Ninth Circuit also have a pending lawsuit against Enlist Duo, the 2,4-D-choline and glyphosate premix herbicide first registered by Dow AgroSciences, now owned by Corteva.

The lawsuit, which was filed in 2017, is under review in the same Ninth Circuit court, but it is in front of a different panel of judges. It was brought by many of the same plaintiffs, including the National Family Farm Coalition, the Center for Biological Diversity, the Center for Food Safety, and Pesticide Action Network.

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Both lawsuits argued that the two herbicides violate two sets of laws — the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), which is EPA's governing law, and the Endangered Species Act (ESA). Both lawsuits asked the court to vacate the herbicides' registrations.

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DTN has heard of farmers switching to Enlist cotton to protect themselves, and we have reported on off-target 2,4-D injury cases in the past few years. But so far, the country has seen .... far less evidence of Enlist Duo volatility problems.

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