

## Federal court upholds dicamba weedkiller ban, opening door to possible Supreme Court challenge

On [August 17], three dicamba registrants lost one of their last remaining legal options to overturn a federal court's mandate ending the registrations of three dicamba herbicides.

On June 3, a panel of three judges on the U.S. Court of Appeals for the Ninth Circuit issued a decision to vacate three dicamba herbicides, XtendiMax (Bayer), Engenia (BASF) and FeXapan (Corteva Agriscience).

On July 20, all three companies petitioned for a broader group of Ninth Circuit judges to rehear that case. They argued that the judges' initial decision was unfair, unconstitutional and required a full judicial review.

On [August 17], the Ninth Circuit Court disagreed and dismissed those requests, known as petitions for "rehearing en banc."

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The decision leaves the three companies with one final legal option to overturn the June 3 Ninth Circuit ruling — an appeal to the U.S. Supreme Court.

In emailed statements to DTN, all three companies expressed disappointment with the Ninth Circuit's denial of their en banc petitions. Corteva's statement said it was "too early to comment" on the possibility of a Supreme Court appeal, but BASF's mentioned it as a possibility.

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