



U.S. ENVIRONMENTAL PROTECTION AGENCY
 Office of Pesticide Programs
 Registration Division (7505P)
 1200 Pennsylvania Ave., N.W.
 Washington, D.C. 20460

EPA Reg. Number:

524-617

Date of Issuance:

11/1/18

NOTICE OF PESTICIDE:

Registration
 Reregistration
 (under FIFRA, as amended)

Term of Issuance:

Conditional

Name of Pesticide Product:

M1768 Herbicide

Name and Address of Registrant (include ZIP Code):

Thomas Marvin
 Bayer CropScience
 1300 I St., NW
 Washington, DC 20005

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered under the Federal Insecticide, Fungicide and Rodenticide Act.

Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is conditionally registered in accordance with FIFRA section 3(c)(7)(B). You must comply with the following terms and conditions:

General Terms

1. You must submit and/or cite all data required for registration/reregistration/registration review of your product under FIFRA when the Agency requires all registrants of similar products to submit such data.

Signature of Approving Official:

Michael L. Goodis, P.E.
 Director, Registration Division (RD)
 Office of Pesticide Programs (OPP)

Date:

11/1/18

2. You are required to comply with the data requirements described in the DCIs identified below:
 - a. Dicamba GDCI-029801-1721

You must comply with all of the data requirements within the established deadlines. If you have questions about the Generic DCI listed above, you may contact the Chemical Review Manager in the Pesticide Reevaluation Division: <http://iaspub.epa.gov/apex/pesticides/f?p=chemicalsearch:1>

3. This registration will automatically expire on December 20, 2020.

Labeling/Relabeling

The previously approved labeling contains an expiration date of November 9, 2018 and cannot be used beyond that date. New labeling is required on the product beyond this date. Beginning November 10, 2018, before using any product with expired labeling, users must first access a website maintained by Bayer CropScience to review directions for use and obtain a copy of the current final printed label, and must have that label in their possession at the time of use.

4. Final Printed Label. You must submit one copy of the final printed labeling that is consistent with the new accepted label to EPA before any existing product already in the channels of trade is relabeled with that label, or before you release any new product for shipment featuring that label. Any changes to the final printed labeling must be submitted to EPA before being used in future production.
5. Posting Updated Information for Users. From November 10, 2018 through December 20, 2020, you must maintain a website and publish the following material and statements in a clear and easily accessible manner:
 - a. A copy of the most current final printed label submitted to EPA per paragraph 4;
 - b. “Xtendimax with VaporGrip Technology is a Restricted Use Pesticide.”;
 - c. “The label affixed to the container in your possession may contain incomplete or outdated directions for use. Use of this product is prohibited unless the user has received and is in possession of the labeling linked on this website featuring an expiration date of December 20, 2020 at the time of use.”;
 - d. “Users must comply in all respects with labeling featuring an expiration date of December 20, 2020, regardless of any contrary language on the label physically affixed to any individual container.”; and
 - e. “If you have any questions about the use of this product, please contact 1-844-RRXTEND.”

When relabeling or labeling as set forth below, either the sticker or the new label (approved on October 31, 2018) must be affixed to *each individual container* of Xtendimax with VaporGrip Technology (EPA Reg. No. 524-617) that is intended for end use, sale or distribution.

6. Relabeling Product Already in Trade. All product currently in the channels of trade, in retail inventories, in the distribution chain (packaged and released for shipment), and product that was manufactured before November 9, 2018 must be relabeled with a sticker on the container with an approved label (dated October 31, 2018) accompanying the container, or the approved label (per paragraph number 4 above) on the container. If stickering is used then a sufficient number of copies of the current labeling (approved October 31, 2018) listing an expiration date of December 20, 2020 will be placed in the carton to accompany the number of individual containers in the carton. Bayer CropScience agrees to the following:
 - a. All relabeling will be conducted in an EPA-registered establishment, and production must be reported per FIFRA Section 7.
 - b. The sticker will contain the following information:
 - i. “Restricted Use Pesticide”;
 - ii. “The label affixed to this container contains incomplete or outdated directions for use. Use of this product is prohibited unless the user has received and is in possession of the current labeling listing an expiration date of December 20, 2020 at the time of use.”; and
 - iii. “User must comply in all respects with new label(ing) listing an expiration date of December 20, 2020, regardless of any contrary language on existing label physically affixed to any individual container.”
 - c. Copies of the approved labels must be provided to distributors and must accompany each stickered container at all times.
 - d. Communicate efficiently with Bayer CropScience’s entire distribution chain. Specifically:
 - i. By December 31, 2018, Bayer CropScience submits to EPA a list of known distributors and retailers that may have received product with previously-accepted labels. (Such list shall be treated by EPA as confidential business information).
 - ii. By December 31, 2018, Bayer CropScience must inform all distributors and retailers on that list of the need, as it is represented in this letter, to relabel, of the legal liability that would result from their sale or distribution of product with previously-accepted labels after October 31, 2018, and that relabeling are production activities under FIFRA and no retailer or distributor may begin any production activities until their establishment is registered with EPA.
 - iii. For those distributors and retailers that are able to relabel in an EPA-registered establishment, Bayer CropScience must instruct them how to affix the Sticker or the new printed label to each product container, and must supply the new approved labels (dated October 31, 2018) and stickers in order for them to do so.
 - iv. For those distributors and retailers that are interested in registering an establishment for pesticide production, Bayer CropScience must refer them to procedures on how to register with EPA as a registered establishment and remind them of FIFRA’s production reporting requirements.
 - v. For those distributors and retailers who do not intend to relabel themselves, Bayer CropScience must inform them who to contact so that Bayer CropScience can immediately reclaim the inventory. If Bayer CropScience performs the relabeling, it must be done at an EPA-registered establishment, and all production must be reported per FIFRA section 7.

- e. Bayer CropScience must provide EPA a copy of each communication required above within 30 days of each communication.
7. New Production. Bayer CropScience is responsible for ensuring all product produced, packaged, and released for shipment beginning November 10, 2018 and thereafter bears the new final printed labeling submitted to EPA per paragraph number 4 above. Bayer CropScience must ensure all production activities take place in an EPA-registered establishment and that all production is reported pursuant to FIFRA section 7.

You are advised that if you wish to add/retain a reference to the company's website on your label, then the website becomes "labeling" under FIFRA. If the website content is false or misleading, all products referencing the website would be misbranded and it would be unlawful to sell or distribute them under FIFRA section 12(a)(1)(E). In addition, regardless of whether a website is referenced on your product's label, claims made on the website may not substantially differ from those claims approved through the registration process. Should the Agency find, or if it is brought to our attention, that a website contains false or misleading statements or claims substantially differing from the EPA-accepted registration, the matter will be referred to the EPA's Office of Enforcement and Compliance.

Tank Mixing and Spray Drift Requirements

8. You must maintain a website at <http://Xtendimaxapplicationrequirements.com>. That website will include a list of products that have been tested pursuant to Appendix A and found, based upon such testing, not to adversely affect the spray drift properties of Xtendimax with VaporGrip Technology. The website will identify a testing protocol, consistent with Appendix A, that is appropriate for determining whether the tested product will adversely affect the drift properties of Xtendimax with VaporGrip Technology. The website must state that any person seeking to have a product added to the list must perform a study either pursuant to the testing protocol identified on the website or another protocol that has been approved for the particular purpose by EPA, and must submit the test data and results, along with a certification that the studies were performed either pursuant to the testing protocols identified on the website or pursuant to another protocol(s) approved by EPA and that the results of the testing support adding the product to the list of products tested and found not to adversely affect the spray drift properties of Xtendimax with VaporGrip Technology, to EPA. EPA will notify you when the Agency determines that a product has been certified to be appropriately added to the list, and you will add appropriately certified products to the list no more than 90 days after you receive such notice from EPA. Testing of Tank-Mix Products must be conducted in compliance with procedures as stated forth in Appendix A.
9. All test data relating to the impact of tank-mixing any product with Xtendimax with VaporGrip Technology on drift properties of Xtendimax with VaporGrip Technology generated by you or somebody working for you must be submitted to EPA, along with a certification indicating whether the study was performed either pursuant to the testing protocols identified on the website or pursuant to other protocols approved by EPA and whether the results of the testing support adding the product to the list of products tested and found not to adversely affect the spray drift properties of Xtendimax with VaporGrip Technology, to the EPA's Office of Pesticide Programs.

10. The prohibition of using products in a tank-mix with Xtendimax with VaporGrip Technology unless the product used is contained on the list <http://Xtendimaxapplicationrequirements.com>, and the identification of the website address, shall be included in educational and information materials developed for Bayer CropSciences, including the materials identified in Appendix D, Section B(1).
11. You must maintain, update and follow an Herbicide Resistance Management Plan (HRM) as laid out in Appendix D regarding grower agreements, field detection and remediation, education, evaluation, reporting, and best management practices (BMPs).

Enhanced Reporting

If Bayer CropScience acquires any of the information identified below, that information must be reported to EPA's Office of Pesticide Programs under section 6(a)(2), or under 40 CFR 159.195 unless you have previously submitted that information to EPA's Office of Pesticide Programs.

12. Information, other than personally identifiable information, received by telephone or in writing regarding potential damage to non-target vegetation from use of dicamba during the 2019 and 2020 growing seasons regardless of any determination that the incident resulted from misuse (intentional or accidental). Information should be forwarded to EPA regardless of which dicamba product may have been used and/or whether or not the alleged damage resulted from a product being used according to label directions. Data should be organized by product and state and should include available information regarding acreage involved, plant species involved, severity of damage, and similar information received. This information must be submitted with cumulative totals and be submitted monthly, beginning March 1, 2019.
13. Information, other than personally identifiable information, received by telephone or in writing regarding reports of dicamba-resistant weeds, and cases of weed control failure and/or suspected resistance. All information should be forwarded to EPA regardless of which dicamba product may have been used and/or whether or not the alleged resistance occurred after an application made according to label directions.
14. A summary of all studies being conducted or sponsored by Bayer CropScience, pertaining to off-target movement of the labelled use of Xtendimax with VaporGrip Technology (e.g., volatility, physical drift, runoff) must be provided to the EPA.
15. Any information or analysis finding that foods/commodities contain dicamba residues that are not covered by a tolerance or exceed established tolerance levels.

Given the high number of alleged dicamba-related adverse incidents reported to EPA in 2017 and 2018 by state lead agencies (SLAs) as well as registrants under FIFRA section 6(a)(2), it is an Agency priority to work with registrants to better understand potential risks and impacts from the use of dicamba on dicamba-tolerant soybean and dicamba-tolerant cotton. The following information, which shall be treated by EPA as confidential business information, is being required to be submitted to the Agency to assist the Agency in making future regulatory decisions regarding these uses.

16. Seed sales information for dicamba tolerant soybean seed and dicamba tolerant cotton seed. This information should include all sales of such seed for planting or planted in the 2017 through 2020 growing seasons and should be categorized by state.
17. Number and type of containers, including volume of material produced by registrant Xtendimax with VaporGrip Technology that were relabeled with the amended labeling approved by the Agency on October 31, 2018. This information should be categorized by the state to which registrant shipped such material.

Additional Data Requirements

The following additional confirmatory studies are required as a condition of this amended registration. Since these are non-guideline studies, prior to developing a protocol and initiating any study, Bayer CropScience must meet with EPA staff by November 12, 2018 to present and engage in a data quality objective discussion regarding environmental conditions, sampling, and species evaluated. Protocols must be submitted before December 31, 2018 for the Agency's consideration. This work to agree on final protocols will be undertaken on a schedule that recognizes the timing for conducting research during 2019. Field studies must be conducted during the 2019 growing season and final reports must be submitted to the Agency in connection with the January 15, 2020 required reporting submission outlined in Appendix D, Section D.

18. Field studies examining off-site movement of dicamba. Specifically, the study design needs to evaluate impacts on plant height and yield from primary and secondary drift off-target, with transects in all four cardinal directions. These studies should represent varied geographic areas and include locations where high numbers of complaints have been logged and ranges of environmental conditions (e.g., temperature and humidity). Additionally, a study needs to evaluate the effects of dicamba-containing agricultural irrigation water on non-target plants. Data evaluating the response of non-DT soybean or other non-target plants exposed to irrigation water contaminated with dicamba. A consistent protocol is required for all field locations.
19. Studies to investigate temperature effects on volatility of dicamba. The use of humidome studies would allow EPA to evaluate the effects of temperature in a controlled environment for a multitude of temperature, relative humidity, and tank mix pH conditions.
20. Ecological effects data on non-target plants, related to survival, growth and reproduction for select sensitive tree/shrub/woody perennial species. The study design could involve an extended period for consideration of such species.
21. Study which evaluates the effect of pH on secondary movement of dicamba. The analysis should examine variability introduced by tank mix partners and different water conditions on the pH of the mixed material. The study should reflect a variety of water pH throughout the country, particularly in areas with the largest technology adoption and incidents. These tests should examine the pH of the applied solution.

If you fail to satisfy these terms, conditions and data requirements, EPA will consider appropriate regulatory action including, among other things, cancellation under FIFRA section 6(e). Your release for shipment of the product constitutes acceptance of these conditions. A stamped copy of the label is enclosed for your records.

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Decision No. 544831

Enclosure

Appendix A

Testing of Tank Mix Products for Spray Drift Properties

Products proposed for tank-mixing with may be added to the list of products that will not adversely affect the spray drift properties of Xtendimax™ with VaporGrip™ Technology contained on the web site if a study is performed under the testing conditions set forth below; the test information is reported as set forth below; and the results are interpreted as set forth below and the interpretation supports adding the tested product to the list of products that will not adversely affect the spray drift properties of Xtendimax™ with VaporGrip™ Technology:

Testing Conditions

Spray chamber test using conditions described in ASTM E-2798-11; or Wind Tunnel test using conditions described in EPA Final Generic Verification Protocol for Testing Pesticide Application Spray Drift Reduction Technologies for Row and Field Crops (September, 2013)

Testing Media: Xtendimax™ with VaporGrip™ Technology + Xtendimax™ with VaporGrip™ Technology Proposed Tank Mix Product

Test Nozzle: Tee Jet® TTI 11004 at 63 psi

Number of Replicates: 3 for each tested medium

Reporting

Validation information as summarized in Appendix B

Full droplet spectrum to be reported for each replicate of each tested medium

Perform AGDISP (8.26) modeling run for each replicate droplet spectrum for each tested medium (AGDISP input parameters described in Appendix C)

Establish 110 foot (0.5 lb ae/A rate) or 220 foot (1.0 lb ae/A rate) spray drift deposition estimates from AGDISP run on each replicate for each tested medium

Establish mean and standard deviation of 110 foot (0.5 lb ae/A rate) or 220 foot (1.0 lb ae/A rate) deposition for the 3 replicates of each tested medium

One-tail (upper bound) t-test ($p=Q.1$) to determine if proposed tank-mix product is above Xtendimax™ with VaporGrip™ Technology 110 foot (0.5 lb ae/A rate) or 220 foot (1.0 lb ae/A rate) spray drift deposition

Interpretation of Results

If mean 110 foot (0.5 lb ae/A rate) or 220 foot (1.0 lb ae/A rate) deposition for proposed tank-mix product is not statistically greater than mean 110 foot deposition for Xtendimax™ with VaporGrip™ Technology, proposed tank-mix product can be added to the list of products that will not adversely affect the spray drift properties of Xtendimax™ with VaporGrip™ Technology contained on the web site. If mean 110 foot (0.5 lb ae/A rate) or 220 foot (1.0 lb ae/A rate) deposition for proposed tank-mix product is statistically greater than mean 110 foot (0.5 lb ae/A rate) or 220 foot (1.0 lb ae/A rate) deposition for Xtendimax™ with VaporGrip™ Technology, proposed tank-mix product cannot be added to the list of products that will not adversely affect the spray drift properties of Xtendimax™ with VaporGrip™ Technology contained on the web site.

Results from other testing protocols will be acceptable for adding products to the list of products that will not adversely affect the spray drift properties of Xtendimax™ with VaporGrip™ Technology provided that EPA has determined in writing that such other protocol is appropriate for such purpose.

Appendix B

Validation Criteria

- a. Detailed information of instrument setting and measurements
 - The distance from the nozzle tips to the laser settings
 - Measurements of airspeed and flow rate of liquid
- b. Detailed information of test substances
 - Volume composition and density of Xtendimax™ with VaporGrip™ Technology formulation and tank mixes
- c. Summary of the entire spray output distribution for each nozzle/tank mixes with statistical analysis of replicates.
- d. Graphical outputs of Sympatec Helos laser diffraction particle size analyzer FOR individual spectrum
Report of DvO.1 (SD), DvO.5 (SD), and DV0.9 (SD) as well as mean % fines of (< 141pm SD)

Appendix C

AGDISP Input Parameters

Parameter	Value	Comments
Application Method Section		
Method	Ground	
Nozzle Type	Flat fan (Default)	The direct use of the DSD overrides the use of “nozzle type”
Boom Pressure	63 psi	If nozzles/tank mixes were tested at 63 psi. It has to be consistent with tank mix as well as Xtendimax™ with VaporGrip™ Technology for both TeeJet® and AIXR nozzles
Release Height	3 ft	Default
Spray Lines	20	Default
Meteorology Section		
Wind Type	Single height	Default
Wind Speed	15 mph	Under bound from label
Wind Direction	-90 deg	Worst-case and default
Temperature	65 F	Default
Relative Humidity	50%	Default
Surface Section		
Angles	0	Default
Canopy	None	Default
Surface Roughness	0.12 ft	Mean of “crops” cover type
Application Technique Section		
Nozzles	54, even spacing	Standard boom setup
DSD	From wind tunnel results, imported in library	
Atmospheric stability	Strong	Default
Swath Section		
Swath width	90 ft	Standard boom
Swath displacement	0 ft	Worst-case
Spray Material Section		
Spray volume rate	10 gal/A	From label
Volatile/nonvolatile fraction	M 1768 at 1.72% v/v	To calculate volatile/nonvolatile fraction in the tank mix for the model input, provide detailed information of the tested formulations and tank mixes. See sample calculation, below ¹
¹ The tested mixture was 1.72% (v/v) M-1768. M-1768 has a density of 10.2 lb/gal and contains 42.8% (w/v) dicamba DGA salt (2.9 lb acid equivalent/gal). For example, a 10-gallon batch would contain the following: M-1768 1.71% * 10 gal = 0.172 gal ; 0.172 gal * 10.2 lb/gal = 1.753 lb Water 10 gal (1280 fl oz) – 22 fl oz = 1258 fl oz = 82.0157 lb Total weight 1.753 lb + 82.016 lb = 83.769 lb Active ingredient fraction: 1.753 lb * 42.8% a.i. = 0.75 lb; 0.75 lb/83.769 lb = 0.00896 (dimensionless) Non-volatile fraction: 0.00896/0.428 = 0.021 (dimensionless)		

Appendix D

HERBICIDE RESISTANCE MANAGEMENT PLAN

Bayer CropScience must:

A. Field Detection and Remediation Components:

1. Update and implement an education program for growers, as set forth under the “Educational / Informational Component,” below, that identifies appropriate best management practices (BMPs), as set forth under the “Best Management Practices (BMPs) Component,” below, to avoid and control weed resistance, and that conveys to growers the importance of complying with BMPs. Such BMPs shall include that fields must be scouted after application to confirm herbicide effectiveness, and that users should report any incidence of lack of efficacy of this product against a particular weed species to Bayer CropScience or a Bayer CropScience representative.
2. If any grower informs you of a lack of herbicide efficacy, then you or your representative must make an effort to evaluate the field for “likely resistance” to M1768 herbicide for each specific species for which lack of herbicide efficacy is reported by applying the criteria set forth in Norsworthy, *et al.*, “Reducing the Risks of Herbicide Resistance: Best Management Practices and Recommendations,” *Weed Science* 2012 Special Issue:31–62 (*hereinafter* “Norsworthy criteria”)¹ in each specific state until resistance to dicamba is confirmed for a specific weed species in that state using acceptable scientific methods. However, for each grower, you must continue to provide stewardship about resistance management throughout their use of this product. If resistance to dicamba is confirmed in a specific state for a specific weed species, then Bayer must immediately report such confirmation to EPA and need no longer investigate reports of lack of herbicide efficacy regarding that specific species in that specific state, but Bayer must continue to make an effort to help address of lack of herbicide efficacy regarding any other weed species in any such state;
3. Keep records of all field evaluations for “likely resistance” for a period of 3 years, and make such copies available to EPA upon request; and
4. If one or more of the Norsworthy criteria are met, then for a weed species not already confirmed to be resistant to dicamba in that specific state, Bayer CropScience will:
 - a. Provide the grower with specific information and recommendations to control and contain likely resistant weeds, including retreatment and/or other non-chemical controls, as appropriate. If requested by the grower, Bayer CropScience or their agent will become actively involved in implementation of weed control measures;
 - b. Request, at the time of the initial determination that one or more of the Norsworthy criteria are met and prior to any application of alternative control practices, that the grower provide you with access to the relevant field(s) to collect specimens of the likely resistant weeds (potted specimens or seeds) for further evaluation in the greenhouse or laboratory, and so collect such specimens if

¹ The Norsworthy “likely herbicide resistance” criteria are: (1) failure to control a weed species normally controlled by the herbicide at the dose applied, especially if control is achieved on adjacent weeds; or (2) a spreading patch of uncontrolled plants of a particular weed species; or (3) surviving plants mixed with controlled individuals of the same species. The identification of any of these criteria in the field indicates that “likely herbicide resistance” is present.

possible (or, alternatively, request that the grower provide such specimens to you, at your expense);

- c. Commence greenhouse or laboratory studies to confirm resistance as soon as practicable following sample collection;
- d. To the extent possible, contact or visit the grower in an appropriate timeframe after implementation of the additional weed control measures in order to evaluate success of such measures; and
- e. If the additional weed control measures were not successful in controlling the likely resistant weeds, then:
 - i. Work with the grower to determine the reason(s) why the additional control measures were not successful;
 - ii. Report annually the inability to control the likely resistant weeds to relevant stakeholders; and
 - iii. Offer to further assist the grower in controlling and containing the likely resistant weeds, including retreatment and/or other non-chemical controls, as appropriate.

B. Educational / Informational Component:

1. Update and implement an education program for growers that includes the following elements:
 - a. The education program shall identify appropriate best management practices (BMPs), set forth under the “Best Management Practices (BMPs) Component,” below, to avoid and control weed resistance, and shall convey to growers the importance of complying with BMPs;
 - b. The education program shall include at least one written communication regarding herbicide resistance management each year, directed to users of Xtendimax™ with VaporGrip™ Technology for use over-the-top on dicamba tolerant soybean or cotton; and
 - c. You must make the education program available to Bayer CropScience sales representatives for distribution to growers.
2. Provide to EPA the original education program within three months of the issuance of this registration.

C. Evaluation Component:

1. Bayer CropScience will annually conduct a survey directed to users of Xtendimax™ with VaporGrip™ Technology for use over-the-top of dicamba tolerant soybean or cotton. This survey must be based on a statistically representative sample. The sample size and geographical resolution should be adequate to allow analysis of responses within regions, between regions, and across the United States. This survey shall evaluate, at a minimum, the following:

- a. Growers' adherence to the terms of the Xtendimax™ with VaporGrip™ Technology Use Directions and Label Restrictions, and
 - b. Whether growers have encountered any perceived issue with non-performance or lack of efficacy of Xtendimax™ with VaporGrip™ Technology and, if so, how growers have responded.
2. Utilize the results from the survey described in paragraph 1 of this section to annually review, and modify as appropriate for the upcoming growing season, the following:
- a. Efforts aimed at achieving adoption of BMP's;
 - b. Responses to incidents of likely resistance and confirmed resistance; and
 - c. The education program. At the initiative of either EPA or Bayer CropScience, EPA and Bayer CropScience shall consult about possible modifications of the education program.

D. Reporting Component:

1. Submit annual reports to EPA by January 15 of each year, beginning on January 15, 2019. Such reports shall include:
 - a. Annual sales of Xtendimax™ with VaporGrip™ Technology by state;
 - b. The first annual report shall include the current education program and associated materials, and subsequent annual reports shall include updates of any aspect of the education program and associated materials that have materially changed since submission of the previous annual report;
 - c. Summary of your efforts aimed at achieving implementation of BMP's;
 - d. Summary of your determinations as to whether any reported lack of herbicide efficacy was "likely resistance," your follow-up actions taken, and, if available, the ultimate outcome (e.g., evaluation of success of additional weed control measures) regarding each case of "likely resistance." In the annual report, Bayer will list the cases of likely resistance by county and state.
 - e. The results of the annual survey described in paragraph 1 under "Evaluation Component," above, including whether growers are implementing herbicide resistance BMPs, and a summary of your annual review and possible modification – based on that survey – of the education program, , and response to reports of likely resistance, described in paragraph 2 under "Evaluation Component," above; and
 - f. Summary of the status of any laboratory and greenhouse testing performed by, or at the direction of, Bayer CropScience following up on incidents of likely resistance, performed in the previous year. Data pertaining to such testing need not be included in the annual reports, but such data must be made available to EPA upon request.

Following your submission of the annual report, you shall meet with the EPA at EPA's request in order to evaluate and consider the information contained in the report.

E. Best Management Practices (BMPs) Component:

1. Best management practices (BMPs) must be identified in your education program. Growers will be advised of BMP's in product literature, educational materials and training. The following are examples of BMPs:

a. Regarding crop selection and cultural practices:

- i. Understand the biology of the weeds present.
- ii. Use a diversified approach toward weed management focused on preventing weed seed production and reducing the number of weed seeds in the soil seed-bank.
- iii. Emphasize cultural practices that suppress weeds by using crop competitiveness.
- iv. Plant into weed free fields, keep fields as weed free as possible, and note areas where weeds were a problem in prior seasons.
- v. Incorporate additional weed control practices whenever possible, such as mechanical cultivation, biological management practices, crop rotation, and weed-free crop seeds, as part of an integrated weed control program.
- vi. Do not allow weed escapes to produce seeds, roots or tubers.
- vii. Manage weed seed at harvest and post-harvest to prevent a buildup of the weed seed-bank.
- viii. Prevent field-to-field and within-field movement of weed seed or vegetative propagules.
- ix. Thoroughly clean plant residues from equipment before leaving fields.
- x. Prevent an influx of weeds into the field by managing field borders.
- xi. Fields must be scouted before application to ensure that herbicides and application rates will be appropriate for the weed species and weed sizes present.
- xii. Fields must be scouted after application to confirm herbicide effectiveness and to detect weed escapes.
- xiii. If resistance is suspected, treat weed escapes with an alternate mode of action or use non-chemical methods to remove escapes.

b. Regarding herbicide selection:

- i. Use a broad spectrum soil applied herbicide with a mechanism of action that differs from this product as a foundation in a weed control program.
- ii. A broad spectrum weed control program should consider all of the weeds present in the field. Weeds should be identified through scouting and field history.

- iii. Difficult to control weeds may require sequential applications of herbicides with alternative mechanisms of action.
- iv. Fields with difficult to control weeds should be rotated to crops that allow the use of herbicides with alternative mechanisms of action.
- v. Apply full rates of this herbicide for the most difficult to control weed in the field. Applications should be made when weeds are at the correct size to minimize weed escapes.
- vi. Do not use more than two applications of this herbicide or any herbicide with the same mechanism of action within a single growing season unless mixed with another mechanism of action herbicide with overlapping spectrum for the difficult to control weeds.
- vii. Report any incidence of lack of efficacy of this product against a particular weed species to Bayer CropScience or a Bayer CropScience representative.

This list may be updated or revised as new information becomes available