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Sequence Number: 03-13-19
 Notice ID(s): 2955
 File Date: 03-22-19

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Department of Agriculture
Division:	Consumer & Industry Services
Contact Person:	Jay Miller
Address:	Post Office Box 40627, Nashville, Tennessee 37204
Phone:	(615) 837-5341
Email:	jay.miller@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Liz Sneed
Address:	Post Office Box 40627, Nashville, Tennessee 37204
Phone:	(615) 837-5116
Email:	liz.sneed@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Tennessee Department of Agriculture		
Address 2:	436 Hogan Road, Porter Building Conference Room		
City:	Nashville, Tennessee		
Zip:	37220		
Hearing Date :	Tuesday, May 14, 2019		
Hearing Time:	10:00 a.m.	<input checked="" type="checkbox"/> <u>x</u> <u> </u> CST/CDT	<input type="checkbox"/> <u> </u> EST/EDT

Additional Hearing Information:

This rule is promulgated to simplify added restrictions on use of dicamba pesticide products.

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0080-09-02	Restricted Use Pesticides
Rule Number	Rule Title
0080-09-02-.13	Dicamba

Amendment

Chapter 0080-09-02
Restricted Use Pesticides

Rule 0080-09-02-.13 Dicamba is amended by deleting the rule in its entirety and substituting the following language so that, as amended, the rule shall read:

0080-09-02-.13 Dicamba.

- (1) **Definition.** Dicamba is any pesticide containing 3, 6-Dichloro-2-methoxybenzoic acid or 3, 6-Dichloro-o-anisic acid.
- (2) **Application.** If a pesticide is labeled to have a dicamba concentration of at least 6.5% weight/weight and is not labeled for over the top use, a person shall not apply the pesticide between May 15 and October 1 of the same year for production of cotton or soybeans.
- (3) **Records.** Any person who applies a pesticide labeled to have a dicamba concentration of at least 6.5% weight/weight shall keep records of the application as required under 0080-09-02-.07.
- (4) **Violations.**
 - (a) Where dicamba of any concentration is applied in violation of the Act, its corresponding regulations, or this rule, each acre of the application shall constitute a separate violation.
 - (b) A person is responsible for violations when committed by either the person or his agent.
 - (c) Each violation is grounds for denial or revocation of any certificate, license, or charter issued under the Act; actions for injunction; assessment of civil penalties up to \$1500 per violation; and imposition of criminal charges against the violator.

Authority: T.C.A. §§ 4-3-203, 4-3-204, and 62-21-118.

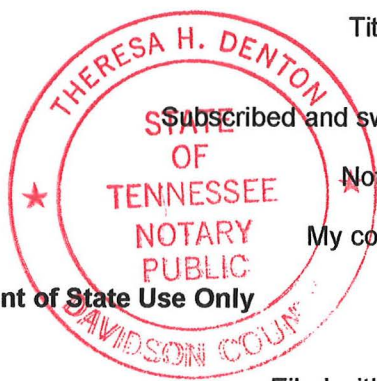
I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: March 15, 2019

Signature: [Handwritten Signature]

Name of Officer: Charlie Hatcher, D.V.M.

Title of Officer: Commissioner



Subscribed and sworn to before me on: March 15, 2019

Notary Public Signature: Theresa H. Denton

My commission expires on: July 8, 2019

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Filed with the Department of State on: 03-22-19

[Handwritten Signature]
Tre Hargett
Secretary of State

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