



ACPA Newsletter

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Scouting Report E-Newsletter

By: Patrick Shepard

A new ACPA sustaining member, Scouting Report, is The Midsouth Independent Crop Consultant E-Newsletter. Sent out early every Tuesday morning from the first Tuesday in March through the first Tuesday in October, the weekly e-newsletter features field reports from consultants from the five Midsouth states, as well as com-

ments from University/Extension and a Guest Consultant from the Southwest or Southeast. Scouting Report takes a situation/solution approach—what issues consultants find in the field, and what they do to resolve them. The weekly report, which is designed to be easily read on a smartphone, normally is emailed at 4:00 AM to more than 300

regional consultants. Metrics from the last three years show peak readership from 5:00 AM to 6:00 PM. Scouting Report has a 50%+ open rate, compared to a 16% industry average. To start receiving a complimentary subscription, contact Editor Patrick Shepard at 901.268.0497 or patrickrshepard@att.net.

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Arkansas Crop Management Conference, January 21-23, 2020, Preregister Now: acpanews.com

The Arkansas Crop Management Conference is scheduled for January 21-23, 2020, at the Wyndham Riverfront, North Little Rock, AR. The 2020 conference will have around 20 educational credits available this year and will end at noon on Thursday. Several of this program speakers include: Peanut Production by Scott Monfort; Fertility Considerations for Mid-South Cropping Systems presented by Bobby Golden; Peanut Herbicides by Eric Prostko; Variable Rate Fertilizer Application

by Brian Arnall; Drift of Desiccants onto Rice by Jason Bond; and My Views on Rice Weed Management presented by Eric Webster. The Wyndham offers a conference room rate of \$104.00 plus tax for single or double occupancy and \$10.00 for each additional person. Breakfast is included. Guests may call the hotel toll free number at 866-657-4458 or the hotel directly at 501-371-9000 to make reservations. Please mention Arkansas Crop Management when calling in order to receive the special conference rate.



Make your room reservations at the Wyndham by calling 501-371-9000 or online: acpanews.com

Endangered Species Act: An Overview

The Endangered Species Act (ESA) was enacted in 1973 for the purpose of providing federal protection to species of wildlife that are in danger of becoming extinct. An important feature of the ESA is its distinction between endangered and threatened species. The ESA defines an endangered species as “any species which is in danger of extinction throughout all or a significant portion of its range.” A threatened species is defined as “any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.” Listing a species as endangered provides the species with a greater pro-

tection status. Perhaps one of the most well-known components of the ESA is the section 9 prohibition against take of a species. The Act defines “take” as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” The term “harm” is further defined by regulation as “an act which actually kills or injures wildlife”. When a species is listed as endangered under the ESA, any “take” of that species is expressly prohibited without a take permit. Listing and Delisting: Under the ESA, either the Secretary of Interior or the Secretary of Commerce makes the final decision about whether to list a

species. The question of whether a species should be listed as threatened or endangered depends on the severity of its population decline and the threats to its continued survival. Delisting is the act of removing a species from the list of threatened and endangered species – follows the same process as the initial listing decision. A species will typically be delisted when it has made a sufficient recovery, when new populations of the species are discovered making the species no longer in danger of becoming extinct, or if the species has suffered extinction. As of 2019, only 86 species have ever been delisted.

Dates to Remember:

- Arkansas Crop Management Conference, January 21-23, 2020
- Arkansas Crop Management Conference Research Meeting, November 19-20, 2019, Hilton Garden Inn, Fayetteville
- Reserve rooms for the Arkansas Crop Management Conference 501-371-9000 or online website below.
- Register for the Arkansas Crop Management Conference online: acpanews.com

Arkansas State Plant Board Update

By: Brad Koen, ACPA Plant Board Representative



The Arkansas State Plant Board issued a first fine for an egregious violation in October.

The Arkansas State Plant Board has had several meetings since our last newsletter update. As you can imagine, the majority of the meeting time has been focused on the use of dicamba in the state of Arkansas. After much discussion and debate, the board voted 14-1 to keep the May 26 cutoff date for dicamba in affect for 2020. They also voted to keep a 1-mile buffer around University and USDA research stations and certified organic crops. The rule pro-

posal was then sent to the Governor's office for approval. The Governor approved the rule proposal, and we are currently in the 30-day public comment period. There will be a public hearing on December 11 at the Embassy Suites in West Little Rock for the plant board to hear any comments from the public. The board will then vote whether or not to send the proposed rule to the state legislative committee for final approval.

A major concern has been en-

forcement and fining of those who are using dicamba after the cutoff date. The Arkansas State Plant Board issued a first fine for an egregious violation in October. A grower who applied dicamba past the cut-off date on two separate occasions was fined a total of \$105,000. There are other hearings expected in the upcoming months. The intent of the larger fines is to hopefully deter the illegal applications.

USDA Hemp Rules: A Brief First Glance

The highly anticipated hemp rules were released by Agricultural Marketing Service on October 29. One critical issue of concern was how THC levels will be measured to comply with the 0.3% level required by the 2018 Farm Bill. According to the rules, USDA will mandate a test that takes into account not only the natural THC, but also the THCa such as with "post-decarboxylation or other similarly reliable methods." Under the regulations, THCa converts to THC at a defined rate of 87.7% when the hemp sample is heated or burned, and tests must take into account the total available THC, including THCa. Since different states have different testing protocols (including various sampling, drying, and testing

methods), different test results may occur from the same plant. While USDA did not address this situation in the new rules by mandating a single test, they have created an "acceptable hemp THC level" which will take into account the uncertainty of the tests. To establish the "acceptable hemp THC level," USDA will include an "uncertainty measurement" along with the test results in determining whether a sample contains an acceptable level of THC. According to the regulations, plants that do not meet the definition of hemp must be collected and disposed of in accordance with the Controlled Substance Act. There are many hurdles for the successful integration of industrial hemp into

the US marketplace that are not controlled by AMS and therefore are unaffected by the release of the new regulations. One major issue for industrial hemp is that the vast majority of the US crop is geared towards CBD production and the FDA still prohibits the addition of CBD into foods or dietary supplements. This prohibition is not addressed in the release of the new regulations (in fact the 2018 Farm Bill specifically reserves FDA's authority in this arena.) FDA has not yet released regulations governing any changes in use. Expect a whole host of questions, articles and discussion points regarding industrial hemp in the coming days as the new rules also open up new ques-



Top: Industrial hemp production field.
Bottom: Harvesting industrial hemp.

Get End of Year CEU Credits at Arkansas Crop Protection Association Research Conference, November 19-20, 2019

The annual Arkansas Crop Protection Association Research Conference is scheduled for November 19-20 at the Hilton Garden Inn (479-856-6040) in Fayetteville, AR. The program will begin on Tuesday afternoon, Nov. 19, and continue on Wednesday morning, Nov. 20. Student paper competition with cash prizes will be awarded for the top papers in both Masters and Ph.D. divisions. Registration fee will be \$50 with proceeds to benefit the ACPA scholarship fund. Student registration is free. Crop protection researchers from industry, extension, and

academia throughout the state will be attending and participating in paper presentations. A diverse group of research presentations will contribute greatly to producing an outstanding meeting. The program will run on a schedule of 12-15 minutes for each presentation depending on total number of presentations. Participants will be notified of total presentation time once submissions are received so that talks can be tailored to allow time for questions. Visual aids should be computer-driven PowerPoint presentations. Please bring these to

the meeting room on an external drive or CD at least one hour prior to your section's start time or during the break between sessions. In the evening, a tour of Ozark Brewery is scheduled for those interested. The tour and evening is very informative with a look at the brewing facility fermentation area followed by tasting of products. The Baldwin family was recently featured on HGTV's "Fixer and Fabulous". Great show, season 1 episode 4 Nov. 5. The tour is a very interesting look at brewing procedures. Jeff is very knowledgeable in brewing.



Jeff and Kelsey Baldwin were featured on HGTV Fixer and Fabulous November 5. Jeff is owner of Ozark Brewery so we will meet a star on our tour of brewery. A food truck will be on site for tour. Of course we all know Jeff's father, Dr. Ford Baldwin. Jeff also worked for UA Extension as research cotton scout.