

News Release

BASF files motion to intervene in Ninth Circuit case that vacated dicamba registrations

The motion provides opportunity for BASF to demonstrate the order's significant negative impact on U.S. agriculture and its customers

RESEARCH TRIANGLE PARK, NC, June 12, 2020 - BASF has filed an emergency motion to intervene following the decision by the United States Court of Appeals for the Ninth Circuit to vacate the federal registrations of three dicamba-based herbicides, including BASF's Engenia[®] herbicide. The Court's June 3, 2020 decision brought BASF's product into the case for the first time. BASF has now made the request to intervene after careful consideration of the sudden and severe financial impact vacating the registration has had on farmers during this critical application time, when farmers now have less than a month to protect millions of acres under threat from resistant weeds. The Ninth Circuit's decision has caused immediate chaos among the agricultural community and threatens the livelihood of countless U.S. farmers. Seeking to make matters worse, the challengers have now asked the Ninth Circuit to undo the EPA's order which implemented the panel's decision and addressed the uncertainty it caused. BASF must act to protect its interests and those of its customers.

“Taking this action during the height of the application season gives no regard to the significant investments farmers have made in their businesses and leaves them without viable options for the growing season,” said Paul Rea, Senior Vice President, BASF Agricultural Solutions North America. “Farming is difficult even in the best of times and remains challenging. Making this decision now, when weed resistance continues to threaten farming operations, is disastrous for our customers. Farmers have counted on applications of dicamba-based products to control troublesome weeds for decades, and they continue to need these tools now and in the future.”

Since its original registration with the EPA in 2016, on-target applications of Engenia herbicide have helped farmers produce clean fields and robust yields of dicamba-tolerant soybeans and cotton. And because of BASF’s commitment to stewardship, the company provides customers with a range of practices, equipment, and trainings to make sure they have the tools to get the most out of BASF products, while protecting the environment.

“I have been using Engenia for three years, and it is a critical part of my operation to reduce the threat of resistant weeds and ensure a successful yield each season,” said Brad Kallenbach, a soybean farmer from Jamestown, North Dakota. “My livelihood depends on tools like Engenia to tackle these challenges, and those of us that use it have dedicated a tremendous amount of time to ensure that we are doing it responsibly. The Court’s decision to vacate the Engenia registration leaves me with no good options for this year. It’s a steep cost that no grower under these circumstances was ready to bear.”

The EPA’s approval process for crop protection products is science-based and data-driven. BASF invests in and uses the best science and testing protocols to develop next-generation innovations like Engenia herbicide. BASF scientists have over 50 years of experience in developing and improving dicamba for effective and safe applications.

“Engenia and other dicamba-based herbicides are critical in ensuring the long-term sustainability of agriculture and crop protection products,” continued Rea. “Not only do they play a role in protecting crops, but also in ensuring an abundant, safe and affordable food supply. Continued innovation in crop protection and weed

management must continue and be supported to sustain this industry.”

BASF remains committed to meeting the needs of its customers and will continue to work on new dicamba-based innovations to assist farmers with weed control. In addition, BASF will also continue to pursue EPA re-registration of Engenia for the coming seasons.

Engenia herbicide is a U.S. EPA Restricted Use Pesticide.

Always read and follow label directions.

About BASF’s Agricultural Solutions division

With a rapidly growing population, the world is increasingly dependent on our ability to develop and maintain sustainable agriculture and healthy environments. Working with farmers, agricultural professionals, pest management experts and others, it is our role to help make this possible. That’s why we invest in a strong R&D pipeline and broad portfolio, including seeds and traits, chemical and biological crop protection, soil management, plant health, pest control and digital farming. With expert teams in the lab, field, office and in production, we connect innovative thinking and down-to-earth action to create real world ideas that work – for farmers, society and the planet. In 2019, our division generated sales of €7.8 billion. For more information, please visit www.agriculture.basf.com or any of our social media channels.

About BASF

BASF Corporation, headquartered in Florham Park, New Jersey, is the North American affiliate of BASF SE, Ludwigshafen, Germany. BASF has more than 18,800 employees in North America and had sales of \$18.4 billion in 2019. For more information about BASF’s North American operations, visit www.basf.com/us.

At BASF, we create chemistry for a sustainable future. We combine economic success with environmental protection and social responsibility. More than 117,000 employees in the BASF Group work on contributing to the success of our customers in nearly all sectors and almost every country in the world. Our portfolio is organized into six segments: Chemicals, Materials, Industrial Solutions, Surface Technologies, Nutrition & Care and Agricultural Solutions. BASF generated sales of €59 billion in 2019. BASF shares are traded on the stock exchange in Frankfurt (BAS) and as American Depositary Receipts (BASFY) in the U.S. Further information at www.basf.com.