

Exhibit 8

Arkansas State Plant Board

Minutes of the 407th
Special Called Meeting of the Board
and
Public Hearings

November 21, 2016
1:30 p.m.

Chairman Otis Howe called the public hearings to order at 1:30 p.m.

Members present: Bruce Alford, Kyle Baltz, Russell Black, Russell Bragg, Rob Campbell,
Dr. Rick Cartwright, Marty Eaton, Terry Fuller, Greg Hay, Jerry Hyde,
Larry Jayroe, Dr. Craig Rothrock, Dennie Stokes, Jammy Turner and Ray
Vester.

Conference Call: Thomas Post

Members Absent: Danny Finch

Terry Walker, Director; Grace Ellen Rice, Attorney General's Office; and other staff members
were present.

Registration for the public hearings are shown as ATTACHMENT A.

I. PUBLIC HEARINGS

1. **Public Hearing** to consider changes to the regulations in Plant Board Circular 15,
Official Standards for Seed Certification in Arkansas. ATTACHMENT I

Mary Smith, Seed Division Manager, stated that all legal requirements for holding
this public hearing have been met. Smith stated the purpose of this public hearing is
to consider the following changes in the seed regulations in Circular 15: Official
Standards for Seed Certification in Arkansas.

Smith stated the purpose of Seed Certification is to maintain and make available to
the public high quality seeds and propagating materials of superior crop plant
varieties, so grown and distributed as to insure genetic identity and purity.
Foundation seed is the progeny of Breeder seed so handled as to most nearly maintain
the specific genetic identity and purity of the variety as described by the breeder in its
approved release.

The standards for certified seed are verified through field inspections and lab analysis in order to meet state and federal seed laws and regulations.

The hearing will be to consider allowing Foundation seed to be sold in new, flexible mini-bulk (superbag) containers with a limit on the lot size of 1,500 bushels per lot. Currently, Foundation seed must be sold in traditional size bags (generally holding approximately 50 or 60 pounds of seed.) Many Foundation seed growers would prefer to get their seed in the larger containers since most now have the equipment for using the superbag containers and this would make it easier for them to handle and plant seed. Also, some housekeeping changes are proposed: where the words "grade", "grades", or "graded" is used, substituting the words "class", "classes", or "assigned a class". The word "class" has been preferred for some time now because "grade" is in conflict with the USDA term "grade" used for grain.

Smith stated the proposed changes have been approved by the Seed Committee.

Smith stated she received 1 telephone call for clarification, and 1 letter from Scooter Hodges, President of the AR Seed Growers Association in support of the proposed regulations, shown as ATTACHMENT I-A.

No request to speak cards were received. Smith turned the public hearing back to Chairman Howe.

2. **Public Hearing** to consider changes to the Arkansas Regulations on Pesticide Classification and Use. ATTACHMENT II

Chairman Howe began by stating that the Pesticide Committee met on five separate occasions to discuss the current regulations on Monsanto's products identified as M1691, Roundup Xtend with Vapor Grip Technology, and XtendiMax with Vapor Grip Technology; BASF's product identified as Engenia; and Dow AgroSciences' product identified as Enlist Duo. The current regulations for these new pesticide technologies were only in place for the first two years of registration. Dow AgroSciences' product Enlist Duo would be registered for two years at the end of 2016. The Pesticide Committee had to make a recommendation to keep the current regulations or modify them. Monsanto and BASF's products had not met the two year registration requirement, but due to the misuse of dicamba during 2015/16 in Arkansas and surrounding states, the Pesticide Committee also decided to review the current regulations for Monsanto's M1691, Roundup Xtend with Vapor Grip Technology, XtendiMax with Vapor Grip Technology, BASF's Engenia, and all pesticides containing dicamba. The Pesticide Committee was presented information and research concerning the new pesticide technologies from University of Arkansas Researchers (Jason Norsworthy, Tom Barber and Bob Scott), Pesticide Manufacturers (Monsanto, DOW AgroSciences' and BASF), Plant Board staff, independent Weed Scientist (Ford Baldwin), along with other members of the farming community. On

September 30, 2016 the Board approved the Pesticide Committee's recommendation and moved for this matter to go to public hearing at today's meeting.

Before I turn it over to Susie I would like to give the Board and audience additional background information on how we got here. Approximately 5 years ago Dow AgroSciences, Monsanto, and BASF contacted Pesticide Division staff to inform them of the new pesticide technologies in development. Over the next 5 years there were multiple meetings with Plant Board staff, pesticide manufacturers, University Weed Scientist, the Pesticide Committee, and the Board to ensure that these new technologies could be introduced into Arkansas agriculture with little to no adverse effects. Given the Plant Board's past history with 2,4-D and dicamba, the Pesticide Committee requested drift and volatility studies be conducted by a third party, preferable University of Arkansas researchers. The Pesticide Committee currently requires droplet studies for all new formulations of quinclorac and clomazone before they can be registered for use in the state of Arkansas. I bring this up only to remind everyone that asking for additional data on pesticides is not a new practice. As proposed regulations are presented today the audience may notice that some of the proposed regulations are more stringent than others. This is due to the fact that the request for additional drift and volatility studies by a third party was not met by all the manufacturers. At this time I am going to turn it over to Susie Nichols.

Susie Nichols, Pesticides Division Manager stated the purpose of this hearing is to consider changes to the Arkansas Regulations on Pesticide Use.

Nichols read the proposed regulations, shown as **ATTACHMENT II** -- Arkansas Regulations on Pesticide Use.

Nichols stated 245 comments were received. Nichols summarized the comments as follows: 192 in support of the proposed dicamba regulations; 11 in support of all regulations proposed; 1 in support of the Plant Board's process of approving regulations; 1 in support of the intent of the Plant Board but against limiting pesticide choices; 33 in support of the proposed regulations, but would like a complete ban of all pesticides containing dicamba; 5 against the proposed regulations; 1 call in support of the regulations and 1 call against. All written comments are show as **ATTACHMENT II-A**

A few comments were received after the allotted deadline; 4 calls in support and 1 against.

Nichols then called on those that had filled out and turned in a request to speak card.

1. Keith Thompson, Japan America Soybeans, Newport, AR. Thompson stated they are concerned about the dicamba issue as it relates to their soybean business, and the

potential impact on their Non-GMO market, with a potential to put them out of business in the future.

2. Tim Roberts, Ozark Mountain Poultry, Rogers, AR. Roberts stated they have a Non-GMO program. Seems to be low confidence among their customer base due to the lack of independent University study. Receiving significant push back from perspective producers or producers that are already in their program due to concerns of off label applications from the last couple of years and the lack of University data on these formulations. Support Plant Board recommendations to move forward restricting the use of dicamba.

3. Mike Sullivan, farmer, Mississippi County. Sullivan read comments from Ford Baldwin. Baldwin was asked by the Mike Wallace family to make comments. Baldwin fully supports the decision of the Board and the proposed regulations. He also supports the University Weed Scientist for providing science based information when requested. He is concerned if the proposed regulations don't go far enough and dicamba will be a train wreck in spite of our best efforts. He supports the need for new technology. Sullivan stated dicamba should not be sprayed unless it is under a hooded sprayer.

4. Bradley Wallace, farmer, Craighead, Poinsett and Mississippi counties in Arkansas, son of Mike Wallace. He stated if dicamba and other similar products are allowed to be sprayed in his area more problems will be experienced. He would like to see the new chemistry, including Engenia, banned in his area, if not statewide.

5. Maleisa Finch, cousin of Mike Wallace. Gin Manager in Monette, AR. She states the need for additional research from an independent third party is needed. Supports new technology but does not want that technology to put other farmers on the defense.

6. Kerin Hawkins, sister of Mike Wallace. Enforcement of these regulations must be a priority. Must ensure regulations and rules are followed by everyone. Make it illegal to spray dicamba April 15 – September 15. Change the fines of illegal spraying to a minimum of \$25,000 - \$35,000. Strong regulations are needed to ensure that chemicals are used properly and to prevent damage to others.

7. Marvin Hare, farmer, Jackson County. Hare stated his customers want Non GMO soybeans, therefore everyone should not have to raise dicamba resistant beans. He feels the Plant Board does not have enough scientific evidence to allow dicamba to be used in crop. He is concerned about residue of dicamba in the harvested beans. He would support new technology, but wants it thoroughly tested and restrictions in place to protect surrounding producers. He supports requiring two years of study by University of Arkansas researchers.

8. Terry Dabbs, farmer, Arkansas County. Dabbs fully support the Plant Board in their decision and the processes and procedures they go through to reach these decisions. He commends the University of Arkansas Weed Scientists for their research and all the time and work they put in to providing data to the Board. Regulations need to be in place to prevent unforeseen danger to his and his neighbor's crops.

9. Glynn Guenther, deferred to the next speaker, stating Terry covered everything he wished to say.

10. Reed Story, farmer, Phillips County. Reed stated he would support the proposed regulations. He would encourage the Board to be more aggressive than in the past when it comes to administering the fines. He feels that stricter fines would deter some people in this tight economy. He suggests the Board look at more data before allowing this to be sprayed.

11. Rick Bransford, farmer, Lonoke County and Ag Council member. Bransford feels the Plant Board is on the right track. He is in favor of the proposed regulations. He supports allowing University of Arkansas Weed Scientists to generate multiple years of research data prior to usage of a product. He thinks the Dow product and the BASF product have been tested but the Vapor Grip product has not.

12. Johnnie Roberts, Director of Formulation Development and Technical Support for Helena Chemical Co. Roberts would like to address the potential loss of the vital dicamba products utilized by Arkansas producers in pre-plant burndown, fallow and postharvest uses in row crops. The current Helena proprietary dicamba formulations were not developed for in crop use within dicamba tolerant cropping systems nor is there any desire to have them approved for such use. Based on the unique technology and supporting information the data provided, Helena Chemical respectfully asks the Arkansas Plant Board to reconsider the proposed dicamba formulation restrictions as they pertain to Helena's novel proprietary dicamba formulations. They are currently registered for uses only in pre plant burndown, fallow and postharvest weed control in row crops. Helena Chemical respectfully asks the Plant Board to modify the proposed dicamba formulation restriction to allow the continued use of Helena's SSD products for pre-plant burndown, fallow and postharvest weed control in row crops.

13. Ty Whitten, Monsanto. Whitten presented a statement to enter into the record. Whitten stated, he was going to read the statement and make a few comments, however, he stated recently Monsanto did receive EPA registration on November 9 for XtendiMax with Vapor Grip. He stated that Monsanto would not be commercializing the product M1691 going forward. He then stated he would enter Monsanto's comments into the record. The comment is shown as **ATTACHMENT II-B.**

14. Ed Fryar, CEO, Ozark Mountain Poultry. Fryar has concerns from the poultry industry perspective on the technology. He feels it is important to be able to evaluate grain generated from plants that had dicamba applied. He would encourage the adoption of the recommendations. He suggested restriction of spraying to the use of hooded sprayers. He also suggested Engenia not being approved until after the Legislature increases the civil penalty cap. He firmly supports the proposed rules, especially rule number 7.

15. Jason Long, Forrest City, breeds soybeans for Merteck LLC. Long spoke on behalf of Enlist Duo. Long stated he has been using this technology for the past 3 years, following the guidelines, resulting in no problems, complaints or damage.

16. Elisha Kemp, Dow AgroSciences. Kemp spoke in support of Enlist Duo regulations. Appreciates the work of the Board and the University, and believes that the proposed regulations are based on science and data, and will benefit both the growers and their neighbors. 2 years of Enlist Duo usage has resulted in no incidences with farmers using it according to the Federal label and these Arkansas regulations.

17. Boyce Wofford, General Field Supervisor for Del Monte Foods in Siloam Springs. Wofford stated he is not against development of new technology, just not this technology. He wants to make sure our susceptible crops are not injured. Concerned the new Vapor Grip formulations would still experience drift problems. Minimum residue levels of dicamba on most vegetables have not been established, therefore, any residue detected would require abandonment of that crop. We support the changes to the regulations as proposed. He would like to see April 1 be the date instead of April 15.

18. Malcolm Haigwood, grower, Newport, AR, and a custom applicator. Haigwood would like to speak in support of Enlist Duo. States he has experienced no drift issues and encourages the approval for use of this product in Arkansas.

19. Senator Blake Johnson, Corning AR, grower. Senator Johnson's concern is that only a product that has not received EPA registration at this point in time is not being prohibited from use in some way. In taking this action we will have treated crop seed available for planting without an approved chemical available for use on that crop. Essentially this will result in producers being in the same situation they were in during 2016. He expressed concern about the amount of control the technology companies have over the production system currently. When restrictions are placed that reduce the amount of competition possible, conditions are established that potentially allow further control by a single entity. He also expressed concern that informational requirements necessary for the regulation of a product be clearly stated to the registrant.

20. Brad McAlpin, elected not to speak.

21. Wendall Stratton, Stuttgart, Stratton Seed/farmer. Stratton expressed extreme confidence in this group to do the right thing. (Note, Stratton submitted written comments in support of the regulations.)

3. **Public Hearing** to consider changes to the Arkansas Pesticide Control Regulations. **ATTACHMENT III**

Nichols read the proposed regulations, shown as **ATTACHMENT III** – Arkansas Pesticide Control Regulations.

Nichols stated that the Board has been doing this by protocol throughout the years. This is just to formalize the process.

Nichols stated 1 written comment and 1 call had been received in support of the proposed regulations. **ATTACHMENT III-A**

Nichols then called on those that had filled out and turned in a request to speak card.

1. Ty Whitten. Whitten stated that their comments were in record.
2. Elisha Kemp, Dow AgroSciences. Kemp stated she understood and appreciates the Board's desire to have these research findings. She also stated that Dow Agro Sciences is fine with providing this information, but would request ahead of time an understanding of what data and research would be helpful for the Board so they can have that prepared.
3. Senator Blake Johnson. Senator Johnson had left. He provided a comment relative to this rule in the previous public hearing.

With no further comments, Chairman Howe called for a 10 minute recess.

Upon reconvening, Chairman Howe closed the public hearings and called the Special Called Board meeting into session.

II. **407th Special Called Plant Board Meeting**

1. **Opening Comments and Introductions.** Chairman Howe welcomed all who were in attendance and asked the Board to introduce themselves and state who they represent.
2. **Action as a Result of Public Hearing** to consider changes to the regulations in Plant Board Circular 15, Official Standards for Seed Certification in Arkansas, as presented.

Moved by Fuller, seconded by Eaton to adopt the proposed changes as presented.

Motion carried.

3. **Action as a Result of Public Hearing** to consider changes to the Arkansas Regulations on Pesticide Classification and Use, as presented.

Moved by Vester, seconded by Jayroe to adopt the proposed changes, as presented.

Hyde made a suggestion to send this back to the Pesticide Committee, and actually ban dicamba's use totally, until we get some information from the University or an independent agency.

~~Bragg stated two people made comments talking about the gene trait carryover. He asked Dr. Barber to explain the process of how that would work and what it would mean as far as it would impact the exportability of a crop.~~

Dr. Barber stated there is a little confusion in those comments. It's not the trait, as much as it is the symptomology from dicamba sprayed the year before that is carrying over. Barber indicated there is symptomology exhibited in plants grown from seed produced from dicamba treated plants. Symptoms were exhibited from treatment rates as low as 1/256th of a labeled rate during growth stages R3 through R5. These are late season growth stages. However, chemical analysis of seed exposed to that low rate did not detect dicamba.

Cartwright asked if this is new information.

Dr. Barber explained data generated in the 1970's, published in several publications, reported effects on progeny from treated plants on vigor, germination, and potential damage the following year.

Stokes asked Dr. Norsworthy and Dr. Barber if they have had this product in hand.

They replied a product that was provided indicated to be a XtendiMax product was tested for weed control in 2016. There was no way to know if the product tested was the current product labeled as XtendiMax. No other tests were conducted such as volatilization studies.

Vester commented he understood the reasoning to go back to Committee, but stated going back to the Committee would not offer any advancement toward controlling the problems experienced in 2016. It would be better to adopt the proposed regulations and take some time to generate relevant data from research programs to answer some of the concerns expressed. He speculated pressure was being applied by Monsanto

on persons in high positions and that seed dealers who are customers of Monsanto are being pushed to get the product into the hands of producers. He continued with the comment that many producers are interested in growing Non GMO crops. If this chemical is released without restrictions the concern is those producers will be forced to grow the traited crops in defense against potential drift from application on crops grown under the dicamba production system.

Howe asked BASF representatives when they thought they might have a response from EPA.

They are hoping by the end of the year.

Howe asked BASF if they anticipated having sufficient supply of their product for all Arkansas producers to use in 2017, and some indication of the pricing.

They commented that supply is anticipated to be adequate and since there is no label on the product they are not at liberty to discuss the price, but anticipate it will be very comparable to currently available products.

Turner asked for clarification on the process utilized by EPA to evaluate the dicamba product for registration. Asked for clarification of an earlier statement indicating the registration was based on the existence of prior dicamba products and not on any science or any data.

Nichols replied that the information she had from EPA indicated the existence of labeled dicamba products was a major factor in EPA's decision to register this product.

Turner asked the registrants about the type of data they were required to submit to EPA. Generalized discussion about the data required by EPA and mechanisms for evaluating that data were discussed. Dr. Norsworthy confirmed EPA's major interest is in relation to protecting endangered species and is not directed at symptomology or yield losses.

Jammy Turner recused himself from the vote.

Marty Eaton recused himself from the vote.

Moved by Fuller to call the question.

Motion carried.

At this time the Board will vote on the motion to adopt the proposed changes, as presented, by roll call vote.

Ray Vester – Aye
Dennie Stokes – Aye
Terry Fuller – Aye
Jerry Hyde – Aye
Bruce Alford – Aye
Robert Campbell – Aye
Kyle Baltz – Aye
Russell Black – Aye
Russell Bragg – Aye
Greg Hay - Aye
Larry Jayroe – Aye
Thomas Post – Aye

Jammy Turner – Recused
Marty Eaton - Recused

Motion carried unanimously.

4. **Action as a Result of Public Hearing** to consider changes to the Arkansas Pesticide Control Regulations, as presented.

Moved by Jayroe, seconded by Black to adopt the proposed changes as presented.

Motion carried.

5. **Other Business.**

Chairman Howe stated that at the last Board meeting (9/30/16) several case files were presented to the Board for Board action. Howe stated that he had omitted one case file and would like to present it now.

CF16-038 - Mr. Steve Oliver -- 1st label violation – drift – warning letter. Pesticide Committee accepted the warning letter.

Moved by Stokes, seconded by Bragg to approve the Committee's recommendation.

Motion carried.

Walker stated that 2017 will be the centennial anniversary of the establishment of the Plant Board. The first meeting of the Plant Board was April 24, 1917. I would like to entertain direction from the Board on activities to allow recognition of reaching that

milestone. There are several items we would like to acquire which incorporate the centennial logo, specifically vehicle placards, wall plaque, coasters and two shirts for each Plant Board employee, including Board Members. We would propose to spend no more than \$10,000.

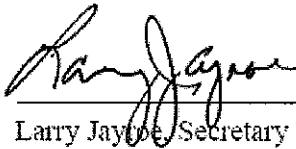
Moved by Vester, seconded by Fuller to approve spending no more than \$10,000.

No other business was presented.

Motion made and seconded to adjourn.



Otis Howe, Chairman



Larry Jayroe, Secretary