

STATE FIFRA ISSUES, RESEARCH & EVALUATION GROUP (SFIREG)

JOINT MEETING OF THE PESTICIDE OPERATIONS & MANAGEMENT (POM) AND ENVIRONMENTAL QUALITY ISSUES (EQI) WORKING COMMITTEES

APRIL 11, 2016	Marriott Courtyard Downtown, DENVER CO	8:00 am
Called by	Bonnie Rabe, SFIREG POM Chair, NM Kirk Cook, SFIREG EQI Chair, OR	
Note Taker	Amy Bamber, Executive Secretary, AAPCO - SFIREG	
Attendees		
Agenda		

KIRK COOK, EQI CHAIR, OR	Briefing from EPA on Enlist Duo and Roundup Xtend
Description	<p><i>The committees' request EPA provides an update on the registration status or other information regarding approval of herbicide labels that correspond to seed. The seed is available to growers, but the herbicides with appropriate labels are not.</i></p> <p><i>Wade Presentation 1 and Wade Presentation 2</i></p>
Discussion	<p>When approached by SFIREG, EPA's Herbicide Branch said that they have nothing new to report to the committees.</p> <p>Wade, NC, provided two presentations describing the need for products to be used with the seeds, which are already available to producers. He described research showing dicamba is effective for control of glyphosate tolerant palmer amaranth in cotton. Currently losses due to amaranth in cotton are very significant, with 8 plants per square meter causing a 92% crop loss.</p> <p>Resistance management of weeds due to repeated use of glyphosate is a continuing issue for growers, regulators, and educators.</p> <p>Wade also mentioned the difficulty of cleaning application equipment, and suggested this publication from Purdue University Extension: http://www.purdue.edu/newsroom/releases/2015/Q3/extension-manual-shows-herbicide-applicators-how-to-clean-equipment.html</p>
Action Items	

<p>BONNIE RABE, POM CHAIR, NM</p>	<p style="text-align: center;">Follow up on MP3 Measures</p>
<p>Description</p>	<p><i>Review comments from AAPCO work group and the symposium sponsored by NASDA and the Honey Bee Health Coalition</i></p>
<p>Discussion</p>	<p>After the AAPCO Annual Meeting in March 2016, the Honey Bee Health Coalition reviewed the MP3 Measures, specifically to identify measures that may be useful for EPA in a national description of state efforts and successes. What came out of that meeting:</p> <ul style="list-style-type: none"> • Additional resources to include in the document • Considerations of forage and native pollinators • Additional BMPs • Tracking and mapping information <p>EPA is still trying to determine which measures will be useful for a national picture. Kachadoorian, who is the AAPCO Pollinator co-chair, commented on the diversity within the states and that it makes it more complicated to measure, easy to come up with apples to oranges comparisons. Rabe suggested that the committee may want to explore additional federal agencies to include in the stakeholder group, as many have efforts to protect pollinators.</p> <p>It is not known when EPA will finalize the policy; perhaps at the end of June. They are still reviewing comments on the policy from summer 2015.</p> <p>Perrault, R8, mentioned that many tribes want to focus on native pollinators and habitat restoration.</p> <p>After the report is released, SFIREG will review the strategy and measures documents to see if there are ideas generated at the meeting to add into the existing documents. USDA-NASS is collecting information that can be incorporated in the future too.</p> <p>Schoen-Nessa added that in Washington State, there are MP3s for different types of crops and pollinators.</p> <p>Rabe would like to see an updated survey to see where states are currently in developing their MP3s. It should include a lessons learned question as well for states who have completed their plans.</p>
<p>Action Items</p>	<p>NASDA and Steve Dwinell, FL, are putting together a final report of the Honeybee Health Coalition meeting.</p> <p>Ask SFIREG for a seed lubricant update.</p> <p>States are encouraged to share bee kill/damage inspection forms with Bamber</p>

	for inclusion on the website for other states to consider.
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ALAN BOUTUREIRA, IT/R5, EPA DAVE SCOTT, POM, IN	PESTICIDE DATA ACCESSIBILITY AND LABEL MATCHING PROJECT UPDATE
Description	<i>Boutureira presented a label matching project he has developed with Indiana and Region 5. The system allows an inspector to take a photo of a label and compare it within a label database. Marketplace inspections are the focus at this time.</i>
Discussion	Please see Boutureira’s presentation. Scott emphasized that EPA is very responsive to user feedback, and they are looking for beta-testers now that the system has been developed.
Action Items	States should contact Scott or Region 5 if they would like to beta-test the system. SFIREG should draft a letter to EPA supporting standardized labels and establishment of a market label database.

YVETTE HOPKINS, FEAD/OPP/EPA	OPP Update
Description	<i>Update on activities in OPP not covered in other areas of the agenda.</i>
Discussion	Hopkins, who is now the SFIREG grant Project Officer and the SFIREG OPP Liaison, (the two positions have always been held by separate people in the past) began by describing her role and the changes occurring with staff in OPP. See presentation.
Action Items	

EDWARD MESSINA, OECA/EPA DON LOTT, OECA/EPA	OECA Update
Description	<i>Update on activities in OECA not covered in other areas of the agenda.</i>
Discussion	See presentation. Schoen-Nessa commented that in WA they are seeing issues with sulfurlyl floride illegally used for bed bug control in residences.
Action Items	

Concurrent Afternoon Committee Session-EQI

EQI COMMITTEE MEMBERS	BENCHMARKS
Description	<p><i>Develop outline for PREP/Web-Based training session to assist states in correctly understanding and using EPA's Aquatic Life Benchmarks webpage. Session will focus on evaluating the draft outline and modifying it in preparation for further work on addressing each specific element of the training session</i></p>
Discussion	<p>The outline may be used for web-based modules, and perhaps for a portion of a PREP course.</p> <p>Cook went through the history of how benchmarks were created. He also noted that some states have tied their use to State Management Plans. EQI emphasizes that it is not appropriate to use these benchmarks in a regulatory sense, but some states are. This is prompting EQI to pursue an education effort for SLA water program staff, to ensure the benchmarks are well understood and used as intended.</p> <p>There is a lack of benchmarks for marine environments, which is desired for shellfish and aquafarming considerations.</p> <p>The trainings may include:</p> <ul style="list-style-type: none"> • Examples of different types of detections (frequency, levels, sites, etc) and appropriate use of the benchmarks in various contexts • A glossary of all the terms utilized in evaluation of surface water pesticide detections • The idea that benchmarks are guidance and are moving targets based on current understanding • A thorough description of each of the columns in the benchmark table • What the community level analysis' are based on and how they are used; are there other areas of the country that will require community level benchmarks moving forward? • How to utilize the research cited to support the benchmarks • Risk communication skills for discussing results with other agencies and the public • Some examples of how states successfully use the benchmarks • Who at EPA is available to discuss detections that approach or exceed the benchmarks • Basic components of surface water sampling and various sampling methods (including differences between urban/urban-industrial/urban-industrial-ag sampling sites) • What is an ideal laboratory for analysis at these levels? • How to read a lab report and interpret lab results <p>After discussion, the committee settled on dividing these topics into two main</p>

	areas: sampling and labs, and how to evaluate detections and possible impacts to aquatic life.
Action Items	Cook will write up a proposal for the online modules and PREP session.

LEBELLE HICKS, ME, EQI MEMBER	PLANT BACK RESTRICTIONS
Description	<i>This session will continue the discussion begun at the Fall POM/EQI meeting regarding concerns focused on issues related to current plant back restrictions.</i>
Discussion	Hicks presented from her Power Point. Discussion included the practical issue that if cover crops can possibly be used as forage they likely will be, and a review of Iowa's Extension Publication on the subject. Hicks will come up with a white paper describing the issue, including definitions and options for resolutions of the issue.
Action Items	Survey results will be presented at Full SFIREG in June 2015 by Comstock, Jones and Havinga.

Concurrent Afternoon Committee Session-POM

BONNIE RABE, NM, POM CHAIR	CERTIFICATION AND TRAINING
Description	<i>Update from EPA on comments and timeline, and the agency's thoughts on addressing The primary issues from states.</i>
Discussion	EPA is still on track for publishing the final rule in September 2016.
Action Items	

BONNIE RABE, NM, POM CHAIR EPA COMMITTEE MEMBERS	WPS ISSUES
Description	<i>Questions or potential issues with application exclusion zone, labor contractor training, inspection forms and tracking tools and other areas related to implementation. Full SFIREG has requested that POM focus on getting more information related to the AEZ, such as the % of houses or areas with houses that would fall under an AEZ? Input is also needed to address 'other persons' to be notified during an application. Do state's current inspection tools satisfy EPA's Requirements for Documentation of WPS Inspections?</i>
Discussion	What are folks seeing? Extension programs appear to be unaware of the extent of the changes, and some aren't aware that the rule has changed. Regarding the AEZ, there are migrant labor housing issues, owned property is treated

	differently, issue with forcing adjacent neighbors to leave home during an application, we already can't 'spray people' so this is unnecessary. There are questions regarding what is needed to comply with the new rule. States are concerned that NASDA declined the two grants and how we are going to continue with the original timeline without the work of those grants. Are the current inspection tools sufficient? Other area of concern: narrative reports are required, general use recordkeeping, everyone is moving to electronic inspection tools, the number of times someone is trained may not be relevant.
Action Items	

BONNIE RABE, NM, POM CHAIR OECA, EPA	CREDENTIAL TRAINING
Description	<i>During December 2015 SFIREG there was a request for topics which should be included in the health and safety training – many are now not applicable, so what do pesticide inspectors/investigators need and more applicable.</i>
Discussion	<p>It was suggested that perhaps SFIREG could collect examples of other trainings that may qualify for Health and Safety training. States do have comments about how to make trainings more useful: Sample handling would be valuable, large volume tank sampling, and construction site awareness were some suggestions.</p> <p>States are still having trouble with getting consistent answers on credentials.</p> <p>States are still seeing some misunderstandings with Regions. An SOP may be useful in this context. Additionally there are still some issues with Inspector Wiki.</p> <p>Julie Simpson, EPA, defined progress and what trainings are allowable; this has been an area of inconsistencies. Basically the credential document from OECA/Edward Messina is needed. Chad Carbonne said that on-site training is best for electives.</p>
Action Items	

JOHN PECKHAM, MN DAVE SCOTT, IN, POM	SEED TREATMENT/TREATED ARTICLES
Description	<i>MP3s may have some type of reference to the treated seed issue, but with no real guidance on what is expected. For a seed treatment /planting bee kill complaint, does EPA expect states to investigate under the cooperative agreement or is that a treated article issue not covered by the cooperative agreement? Per communications with Minnesota SLN staff: 'One of the issues we are confronting now is what state/federal entity has regulatory authority over treated seed following treatment. As you know, treated seed is considered a "treated article" under FIFRA/state laws, so there appears that there should be a regulatory handoff; however, we know that pesticide labels have instructions on what the seed bag label must say...and those instructions are similar to what is on pesticide labels; however, when it</i>

	<i>comes to enforcing disposal/handling/spillage of treated seed and its impact on the environment/animals it is unclear if any entity is really dealing with the issue. We do know that USDA AMS has regs on seed labeling, it is not clear that our agency or AMS deals with the consequences.</i>
Discussion	<p>This is an ongoing discussion, and this gray area has increased importance in the context of pollinator protection.</p> <p>While we are familiar with the issue of enforceable language on the pesticide label not being on the seed label, we are now seeing some seeds imported into the USA that have been treated with pesticides that do not have seed treat labels in the USA. Who may enforce this?</p> <p>If the seed tag is not correct...is the product misbranded? Is it no longer a treated article? Which agency is responsible?</p>
Action Items	Contact the Association of American Seed Control Officials and ask that the topic be discussed during their July 2016 meeting.
JOHN SCOTT, CO JOINT WORKING COMMITTEE MEMBERS	JOINT EQI AND POM DISCUSSION ON CANNABIS 24(c) DEVELOPMENT
Description	<i>The discussion will include the status of current issues, data needs, risk assessments, and update on EPA's views, as well as industry perspectives, including needs, issues, and compliance.</i>
Discussion	<p>John Scott, CO, reviewed the 24(c) letter from EPA, and explained that the criteria for these future 24(c)s are still up in the air. Colorado has had discussions with three or four registrants who may be interested in pursuing the registrations. The fastest way forward is to use tolerance-exempted products. This dovetails well with some products. It is important that the registrants want the 24(c) label to specifically list Cannabis. The data package by the registrants needs to include that the use on cannabis is a food use, that pyrolysis counts as ingestion, and consumption data. It is expected that consumption through time will increase, particularly for medical marijuana patients.</p> <p>Hicks asked if CO had looked at tobacco registrations. Scott responded that they had, and that all CO-approved products do have a tobacco use of some sort. EPA does not consider tobacco to be a food use though, and it is unclear if EPA will attempt to deny a 24(c) that specifies food use. Down the road, products that require tolerances will likely be desired.</p> <p>Scott also noted that a national survey is needed to identify how cannabis is consumed, and what is the maximum expected consumption for medical patients, including children and elderly users. There also must be a 10X safety factor due to the extraction process.</p> <p>Schoen-Nessa asked if FDA had been involved yet at all? Scott said he had one call with FDA but because of cannabis' Schedule 1 status, they wouldn't discuss it. Rick Keigwin, EPA, has said that it is appropriate for EPA to reach</p>

	<p>out to FDA on the topic as it moves forward.</p> <p>Rabe noted that California has done a lot of risk assessments that can be utilized. Scott has also asked that EPA release any data from the Mississippi grow operation that has been ongoing since the 1980's by the federal government.</p> <p>Scott also noted that even if cannabis is rescheduled, we still need consumption data, and mentioned working with the National Cannabis Association. Giguere brought up dose variability, but Paula Bodey, FMC, responded that if a highest level of consumption can be determined, that is what will be used.</p> <p>POM is considering forming a cannabis subcommittee. Consistency among states is important moving forward.</p> <p>Kachadoorian mentioned WPS considerations, and the possibility of bridging data. Scott responded that he believes the labels must be very specific and prescriptive. Efficacy data could be bridged, but there are difficulties-for instance, hops is grown very differently than marijuana, and being outside has exposure to different pests. Other considerations include placarding for first responders, uv lights, and sulfur vaporizers.</p> <p>General hydroponics seems to be pretty far along with a 24(c) package.</p> <p>Clark asked if anyone was looking at a new product SLN? No one knew the answer, but Kachadoorian emphasized California's capacity to conduct risk assessments. If California moves forward with recreational uses, perhaps they will help address some of the needs.</p> <p>The registrants would like to understand how many acres treated in this use setting. That information is currently unknown.</p>
Action Items	

APRIL 12, 2016	Marriott Courtyard Downtown, DENVER CO	8:30 am
Called by	Bonnie Rabe, SFIREG POM Chair, NM Kirk Cook, SFIREG EQI Chair, OR	
Note Taker	Amy Bamber, Executive Secretary, AAPCO - SFIREG	

ROSE KACHADOORIAN, OR, POM ROBIN SCHOEN- NESSA, WA, POM KIRK COOK, OR, EQI CHAIR	CANNABIS DISCUSSION-STATE UPDATES FROM OR AND WA
Description	<i>The discussion will include general issues related to pesticide use in cannabis, as well as inspection, enforcement, legal, and analytical laboratory experiences related to analysis of cannabis.</i>

Discussion	Please see Oregon and Washington’s presentations. Colorado provided a review of their discussion during Monday’s 24(c) discussion.
Action Items	

MIKE ELLIOTT, COLORADO MARIJUANA TRADE ASSOCIATION	CANNABIS INDUSTRY PERSPECTIVE
Description	<i>Discussion of the Cannabis Industry’s needs, issues, and compliance in relation to pesticide use and pest management</i>
Discussion	<p>Elliott provided a history of cannabis in the USA, noting it became federally illegal in 1937 and was put onto Schedule 1 in 1947. In 1996 California became the first state to allow Medical Marijuana (mmj). In 2000 Colorado allowed mmj by voter initiative. In 2010 Colorado passed HB 1284, which provided the first licensing and regulatory framework for marijuana use in known history. 55% of Colorado voters approve of legal recreational cannabis.</p> <p>Points specifically relating to pesticide use in cannabis:</p> <ul style="list-style-type: none"> • The Department of Justice says that they can shut all use down but will prioritize safety issues • There is a difference between what is legal and what is safe • Initially growers didn’t realize how complicated the pesticide issue is • There is a strong need for federally registered cannabis products • Colorado has set up a testing program through the Colorado Department of Health and the Environment • Edible potency can be difficult • Most complicated area of legalization is laboratory testing • Second most complicated area of legalization is banking <p>Issues specifically relating to laboratory testing:</p> <ul style="list-style-type: none"> • Harmful contaminants such as solvents, pesticides and biological materials such as mold and ecoli • Criteria to become a testing lab? Colorado has developed licensing and certification standards • The most frustrating area for growers is lab inconsistencies • Laboratories may be licensed, but there is not a certification program in place at this time • Currently the only reliable laboratory in Colorado is the CDA lab (and this is placing an enormous burden on that lab) • Cross contamination issues • Concentrating extracts of cannabis samples increases pesticide residue levels • Equipment should be dedicated to cannabis-very expensive to have duplicate equipment

Responses to committee discussion:

- Currently in Colorado, no one supports unlimited retail. The association supports a retail cap.
- There are issues with the ‘gray market’, including pesticide issues, which exists because it is legal to privately grow cannabis, but not legal to sell your privately grown cannabis. This occurs though, and because privately grown cannabis is decentralized and not regulated, there is no real way to determine how extensive the issues may be.
- Licensing does appear to have decreased the black market; crime rates have become stagnant with legalization of recreational use.
- Currently all Colorado counties have the authority to allow or ban licensed businesses. Possessing cannabis is a constitutional right in Colorado.
- Impaired driving is a concern. Colorado has determined that a 5ng blood concentration is a DUI-but the law also allows permissible inference. Permissible inference allows a jury to find that a person was not driving under the influence even if that person’s blood level was 5ng or higher.
- Research into residue levels has not been extensive due to uncertainties related to data requirements.

Additional unmet needs and concerns identified by the committee and audience:

- Total acreage?
- Consumption data? How does that change through time with use? Is there a top level of expected consumption that can be used for risk assessments?
- How to reach the growers? Cannabis Associations at the state level vary in stability, and while there is a National Association, how representative is that really?

Action Items