

Office of
INDIANA STATE CHEMIST AND SEED COMMISSIONER

Protecting Indiana's Agriculture and Environment - Feed, Fertilizer, Pesticide and Seed

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Date: May 16, 2016

To: Cary Giguere, SFIREG Chair
Amy Bamber, AAPCO/SFIREG Executive Secretary

From: Leo A. Reed, Region 5 Pre-SFIREG Chair

Subject: Region 5 Pre-SFIREG Report

Label Matching Project:

Under EPA's E-enterprise Initiative a FIFRA project entitled, *Pesticides Data Accessibility and Label Matching*, has been in the development stage since early 2016. The ultimate goal is a web-based field use compliance tool (app) operable on smart phones or tablets. The tool would enable inspectors to scan labels in the field and compare them to file labels that have already been accepted by OPP. This would allow for timely and efficient label scanning for misbranding violations by the inspector. This project has been a collaboration of EPA HQ, EPA regions and SLA's.

Several demonstrations of the app under development have occurred thus far at POM/EQI in Denver and at several pre-SFIREG meetings. In addition to a demo at full SFIREG a demo at the pesticide regional managers meeting has also been scheduled. Immediately preceding this meeting beta testing of this app will be conducted by SLA's and EPA.

Opportunity for input:

Ron Carleton, the Counselor to the Administrator for Agricultural Policy, was present for the morning of May 11. States shared a number of concerns including intentional misuse of methomyl for vertebrate pest control, the slow pace of WPS training and compliance inspection materials with the January 1, 2017 compliance date rapidly approaching and the rapid pace at which the certification and training final rule seems to be progressing in the black box.

Methomyl fly bait misuse:

Region 5 states are still interested in pursuing federal restricted use status for methomyl fly baits. Recently, misuse that was investigated and prosecuted by US Fish and Wildlife agents was uncovered. US EPA was unaware of the investigation, as was the registrant. States are also interested in removing the raccoon graphic from the label, as it sends a mixed message to consumers. Under consideration is a national survey to collect misuse data. (additional documents are attached)

State Pollinator Plans:

All states are in various stages of developing their Pollinator Protection Plans.

Regional Enforcement Case Review:

EPA Region 5 made a presentation detailing an enforcement action taken recently by the regional compliance staff. This particular case involved several states and a wood preservative case. Of significant concern was that detailed use directions for the pesticide are apparently only available to members of a wood preservation professional organization, as per provided on the label. This seems wrong to SLA's.

WPS Inspection Guidance and Issues

A brief discussion of the WPS Inspection Guidance was held. States are concerned that the guidance is not available for comment. States are additionally concerned that they will be expected to enforce certain aspects of the rule in January, without having the opportunity to fully educate the impacted industries.

Regional WPS training for state investigators is ongoing. The remaining two states IL and IN have scheduled training for the end of September

States shared concerns regarding the time necessary to track and report WPS activities (outreach and education). States currently report these activities at year end or mid year. Adding additional reporting requirements (quarterly) is burdensome and repetitive.

Proposed Certification and Training Rule

States expressed concern that the C&T rule is moving forward at a rapid pace. Region 5 states believe the rule needs to be properly vetted through stake holders before becoming final. Items of most concern included the cost and time necessary to effect legislative change and the cost of developing any additional categories.

25B Mosquito Discussion

Region 5 states share the concern that 25B products are making public health claims, particularly in the arena of mosquito control. While the agency has been proactive in providing a great deal of information regarding the Zika virus, the same attention has not been given to the improper label claims of 25B products.

Paraquat Label Training

Region 5 states voiced concerns over the proposed paraquat label changes, particularly the proposal for registrant training. This “designer training” component is not verifiable, or enforceable. SLA’s believe that this training should be optional, as opposed to mandatory. Making the training optional could be accomplished by using label language that is not mandatory.

Region 5 Pre-SFIREG meeting dates:

Chicago, November 2-3, 2016

Chicago, May 10-11, 2017

Chicago, November 8-9, 2017