

STATE FIFRA ISSUES RESEARCH & EVALUATION GROUP (SFIREG)
JOINT MEETING MINUTES OF THE PESTICIDE OPERATIONS AND MANAGEMENT (POM) &
ENVIRONMENTAL QUALITY ISSUES (EQI) COMMITTEES
September 18-19, 2017
U.S. EPA, POTOMAC YARDS, CRYSTAL CITY, VA

Called by: Timothy Drake, SC, POM Chairperson & Gretchen Paluch, IA, EQI Chairperson
Minutes by: Amy Bamber, AAPCO Executive Secretary

Monday September 18, 2017 8:30 am ET

Joint Working Committee Session

Chlorpyrifos Tolerances

Discussion of uses and tolerance levels in effect, and potential measures that can be added to labels. Clarification on path forward for those working with EPA and NMFS on BE, BIOP and Bulletin Process.

Gary Bahr, WA, EQI

Gretchen Paluch, IA, EQI

Tim Drake, SC, POM

Bahr began by stating that there are several chemicals undergoing biological assessments, including diazinon, chlorpyrifos, and malathion. Currently there is a December 2017 deadline for EPA to complete the assessments. EPA stated that they are not sure if they will meet this deadline.

CA, OR, and WA are still using these 3 chemicals quite a bit. Surface water monitoring is occurring, particularly in salmon and steelhead streams. The states have extensive data on the water quality in these streams.

EQI is wondering what to expect moving forward. Is EPA going to weigh in on alternatives for chlorpyrifos? Schoen-Nessa stated that for Washington corn, mint and cranberries there are not a lot of choices and they are hoping EPA will work to provide alternatives.

Singhasemamon added that chlorpyrifos is a drawn out issue; they are doing risk assessments in CA and are working with their federal partners. They had expected revocation of tolerances. Their process has included: the 2015 interim mitigation measures; going through review of risk assessments; this is a visible issue and includes public protests and concerns about bystander exposure; a recent letter discussing peer reviews; a public announcement will come out soon.

Lance Wormell, EPA/OPP/FEAD stated that they are working on submitted questions.

Yvette Hopkins, EPA's liaison to SFIREG, asked that problems or special registration questions be routed through her at this time as Marion Johnson and Anita Pease are not in Insecticides or EFED at this time.

OPP Update

Yvette Hopkins, EPA/OPP/FEAD, SFIREG liaison

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Proposed Technical Amendment to Data Requirements for Antimicrobial Pesticides

On August 18, 2017, EPA issued a proposed correction pertaining to the “200 ppb level” described in the final rule, “Data Requirements for Antimicrobial Pesticides”, that was promulgated on May 8, 2013 and codified under 40 CFR part 158, subpart W. The correction clarifies that the 200 ppb level established in the EPA final rule is based on total estimated daily dietary intake, and not on the amount of residue present on a single food item or commodity. The correction can be found at www.gpo.gov/fdsys/pkg/FR-2017-08-18/pdf/2017-17339.pdf

Final Biofilm Guidance for Antimicrobial Pesticides

From October 4, 2016 through January 21, 2017, EPA solicited comments from the public on two proposed test methods and associated testing guidance for evaluating antimicrobial pesticides against two biofilm bacteria, *Pseudomonas aeruginosa* and *Staphylococcus aureus*. EPA received over 150 comments from nine entities. After considering these comments, EPA revised and finalized the guidance document and associated standard operating procedures and posted on MLB’s Antimicrobial Testing Methods and Procedures webpage: www.epa.gov/pesticide-analytical-methods/antimicrobial-testing-methods-procedures-developed-epas-microbiology as well as in docket EPA-HQ-OPP-2016-0357.

Request for Nominations to the EPA Human Studies Review Board (HSRB)

EPA is soliciting nominations of people qualified in the area of human health bioethics and biostatistics to serve on the Human Studies Review Board (HSRB). More information can be found in an upcoming OPP Update on our website this fall.

Tribal Pesticide Program Council Meeting

On October 3-4 2017 the Tribal Pesticide Program Council (TPPC) will meet in Sloan, Iowa. Tentative agenda topics include:

- a discussion on the status of pesticides in Indian Country,
- updates on regional tribal activities and
- discussions regarding developing pollinator protection plans and best practices for protecting pollinators.

The TPPC is a tribal technical resource and a program and policy development dialogue group focused on pesticide issues and concerns. It is composed of authorized representatives from federally recognized tribes, Indian nations and intertribal organizations. The two-day meeting is being hosted by the Winnebago Tribe. For more information about the meeting contact Cindy Wire.

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School Integrated Pest Management Publication

On August 18, 2017, EPA released *Pest Control in the School Environment: Implementing Integrated Pest Management (IPM)*. The publication is an update to its popular 1993 publication, *Pest Control in the School Environment: Adopting Integrated Pest Management (IPM)*. The updated version reflects recent innovations in school IPM, provides links to new information, and has been redesigned into an easily printable format. It provides an overview of IPM and details the steps a school can follow to establish an IPM program.

The publication can be found on EPA's website at: www.epa.gov/managing-pests-schools/pest-control-school-environment.

Pesticide Electronic Application Submission Portal

EPA is continuing to update the Pesticide Submission Portal, the Web-based system for electronic submission of pesticide registration applications to EPA, with new features and functionality. This action is another step in a phased approach that will ultimately lead to EPA's ability to accept all pesticide applications electronically.

The current round of updates will be broken into three separate releases, with each release focusing on a new set of features and enhancements for the portal. The first release, PSP version

1.4 (currently available), focuses on new features such as submitting voluntary data and resubmitting 90-Day Responses, along with numerous bug fixes and user experience enhancements. The other phases of this round of updates will be released this fall.

The portal is accessed through EPA's Central Data Exchange (CDX) Network and requires user registration. Pesticide registrants currently submitting CDs or DVDs using the e-Dossier downloadable tool or their own builder tools based on EPA's guidance may use the portal and forego the courier costs of sending to EPA.

An updated user guide, frequently asked questions and other tools to help registration applicants submit electronic applications are available on the CDX Network.

Updated Guidance for Pesticide Registrants on Procedures for Notifications and Minor Amendments Now Open for Public Comment

On September 6, 2017, EPA issued a Federal Register Notice announcing proposed updates to Pesticide Registration Notice (PRN) 98-10, "Notifications, Non-notifications and Minor Formulation Amendments." This notice provides guidance to registrants submitting minor

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modifications to a registration that do not require extensive EPA review and do not have the potential to cause unreasonable adverse effects to the environment.

Since the issuance of PRN 98-10, there have been various statutory and regulatory changes. For instance, certain actions previously covered by this PRN now fall within the actions scheduled under the Pesticide Registration Improvement Act (PRIA). This notice will update and clarify what kinds of changes registrants can make by 1) notification to EPA, 2) non-notification to EPA and/or 3) submitting a minor formulation amendment to EPA.

EPA believes these changes will save registrants time and help to keep submissions from being rejected, while still protecting public health and the environment.

EPA is requesting comment from affected parties, including general comments regarding the changes, information on projected cost implications, and feedback on the use of these procedures as an avenue for voluntary disclosure of inert ingredients. For instance, in some cases pesticide companies request approval of label changes to disclose the identity of inert ingredients based on third-party vendor requirements. The agency is seeking comment on whether notifications to EPA are the appropriate mechanism for such changes and also whether such disclosures should be required to include all inert ingredients or only a subset of inert ingredients.

The 30-day public comment period began on September 6, 2017, and closes on October 6, 2017. View the notice at www.regulations.gov docket number EPA-HQ-OPP-2016-0671.

Cooperative Agreement on Pesticide Safety Education

EPA is awarding the eXtension Foundation with a cooperative agreement to establish a system to distribute EPA funds to Pesticide Safety Education Programs (PSEPs) in State Cooperative Extension Services at Land Grant Universities.

PSEPs will use the funds to provide pesticide applicator training on the safe use of restricted use pesticides by applicators in agricultural, commercial and residential settings.

The cooperative agreement is funded at \$1,500,000 for the first year, with up to \$1,000,000 for each of the four remaining years. We expect to award up to \$5,500,000 over the five years. EPA solicited proposals from eligible applicants and applications were due last December.

Pesticide Regulatory Education Program (PREP) 2018

For FY2018, the four courses will be: Compliance/Enforcement; Senior Executive; Registration/Re-evaluation; and, Structural/Non-Agricultural Pest Control Issues. The locations will be announced later.

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OECA Update

Liz Vizard, EPA/OC/OECA

Regulator in Residence

Emily Ryan, EPA/OPP/FEAD

Ryan presented FEAD's development of the RIR program. After the presentation, there was discussion.

Clark offered up that when EPA gets their first set of states, it is better for EPA to use a three-year planning process (rather than one year at a time), so that the states can budget properly. As a previous participant, Clark liked being able to find folks in various divisions, and was able to bring state specific issues directly to EPA staff. He also added that planning should occur far enough in advance to allow EPA staff to clear their schedules to meet with the RIR.

Fleeson Trossbach highlighted that the program allowed for great state and EPA exchange. She came in to the program without specific issues to address and found that was a good approach too as it allowed her to experience a typical day at EPA.

Both Fleeson Trossbach and Clark mentioned that inclusion of OECA would be a beneficial addition to the program. They also emphasized that the working committee members should try to take advantage of the program if they can combine their committee time with the RIR program.

Singhasemamon added that CA is currently doing this with EPA modelers and it is working well. Mensch will reschedule her time with the water quality folks as well.

EPA will send out a formal RIR announcement soon.

WC-Roles, Responsibilities, and Expectations

Amy Bamber, AAPCO Executive Secretary

Please see presentation.

PERC Update

Amy Bamber, Pesticide Educational Resources Collaborative Advisory Member

Bamber presented from the PERC website showing the committees how to navigate, discussing the Advisory Board Members, open project solicitations, new resources that are available, and projects that are near completion. Topics included respiratory guidance, field posters and materials, Spanish language resources, Train the Trainer materials.

States/Tribes/Territories on Amended Certification of Pesticide Applicator's Rule

Liza Fleeson Trossbach, VA, ASPCRO Past-President

Please see presentation.

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Pesticide Feed Additives-Referral from Full SFIREG

Cary Giguere, SFIREG Chair

Please see presentation.

Giguere made the argument that the use of an insecticide in animal feed to prevent fly larval formation in manure is not a medication, as it does not affect the animal at all. It is used as an insecticide. Giguere also asked if this use had been officially discussed between FDA and EPA.

FDA weighed in on the phone. Several things, but first he described the federal act he works under, the Federal Feed, Drug and Cosmetic Act (FFDCA). He acknowledged the issue of some pesticides overlapping between the two acts. Because of that it may appear something is amiss here. He also wanted to identify that new animal drugs are not pesticides, which may include animal feed, and he gave us the definition of new animal food. Having said that he wants to highlight that the terms drug and pesticide are defined, but there is actually no such thing as a feed additive. Regarding the question of whether a feed is medicated or not, the product must include approved new animal drugs, which would not include a pesticide. If a feed doesn't include a new animal drug, it is not a medicated feed. A pesticide is not a new animal drug. Therefore, to address the confusion regarding if this is a medicated feed:

1. A pesticide is not a feed additive, or animal drug
2. The pesticide in question in this type of feed is not exempt, because this isn't a medicated feed
3. Additionally, one thing is FDA says that in general they are ok if a pesticide is added to a feed, provided it does not interfere with the medication in the medicated feed.

Schoen Nessa clarified that FDA does not consider this pesticide to be a feed or food additive. FDA agreed.

Giguere stated that this was Vermont's interpretation as well. The Clarify manufacturer had previously stated that they didn't need a Producer Establishment designation, contradicting FDA and Vermont. Giguere also said that he believes that this is a countrywide issue.

Drake asked if this is an issue paper or if POM should take the issue. Giguere stated that it should be an issue paper for formalizing and the states ask OECA to stay involved. The registrant will have to follow up on stewarding this product with proper labeling, feeding instructions, keep out of reach of children, and proper disposal.

Devices and Structural Fumigation. How to Regulate?

Cary Giguere, SFIREG Chair

Please see ozone presentation.

Giguere asked POM to take on the subject. Perhaps development of BMP when using these devices, something to help ensure no one is hurt.

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Clark had a couple of questions. There is a school district overseeing this practice. The superintendent would have to have been aware of this. They had to believe that the treatment would kill the roaches. They had to have asked about safety, hvac systems, inadvertent school visitors, etc. The principal or superintendent would have ideally discussed this with the teachers. Giguere responded that the website stated this is non-pesticide control, therefore the school didn't notify anyone; they believed it was safe and effective. The teacher had brought her concerns to the principle and school board and was told her concerns weren't warranted.

Schoen Nessa stated that ozone is a chemical. She does not want to register devices, but if you are creating a chemical that is used for pest control it should be registered and regulated.

Drake stated that this use would be a structural fumigation in SC, and the activity would be regulated. Since the gas doesn't have a label it would be an issue to control the use pattern.

Drake also contrasted this to dry ice, since the device produces and applies the gas.

Lastinger said that this use would require an applicator's license in GA. They also have a rule requiring the applicator to follow the product directions, even if it isn't a pesticide. NC would require licensing as well.

Ed White, IN, suggested defining a pesticide product to include pesticide substance and pesticidal device. Then require those using either commercially to be licensed as applicators. SC's rules include devices that are required to apply a pesticide.

It is likely that more equipment/devices like this will continue to increase on the marketplace. It is an upcoming issue.

Patterson added that many potato storage facilities in ME do use ozone, and it is not regulated.

Schoen Nessa agreed that this is a good POM topic. She also wants to look at USDA plant protection regulations to see if they discuss this. There may also be labor or occupational health standards to reference.

Drake confirmed that POM would look further into the issue.

WPS Update

Jackie Mosby, EPA/OPP/FEAD

Mosby stated that in February 2017 NASDA petitioned the agency to extend the implementation and compliance date for WPS to 2018. She stated that this gives SLAs ample time to implement. On May 11, EPA committed to formally extending the implementation date. They must follow the rule making process, including scheduling with USDA and Congress. EPA is also working through the comments received during the regulatory reform comment process. Any changes to WPS will include a robust public discussion with states. The current Administrator is committed to federalism and working with states on the rule.

Clark asked what timeframe this process will take? Mosby answered it will follow the normal process, 60 or 90 day comment periods. At this point that is the process they have to follow.

Giguere asked about previous comments related to vacating the 2015 rule and re-implementing the 1998 rule and what implications that has for current program implementation? What timeframes are we expecting for this process?

Mosby didn't have more to add to timeframe. Giguere clarified, are the states being asked to postpone current inspections while this process is being decided? Mosby stated that guidance is forthcoming. Drake stated that Region 4 states were told to follow the older WPS rule while this

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rule being finalized, and asked other Region 4 states for input. Cofer offered that his understanding is the states should be implementing the new rule. Until EPA announces the delay officially, states are working under the new rule. Fleeson Trossbach agreed-until the new rule is officially delayed, states are working with the new rule.

Mosby requested that states submit any comments or questions for EPA's consideration as they work through this process.

The states commented that this can create confusion for the regulated community.

Don Lott, EPA/OECA, joined the conversation. He stated that OECA is enforcing what is in place right now. Right now it is the 2015 rule.

Measuring MP3s-PPDC Workgroup Survey

Liza Fleeson Trossbach, VA

Please see presentation.

PPDC has a new approach that includes the typical metrics, but does not include scoring or rankings of state plans. EPA will use this information to tell the story of pollinator protection efforts in the pesticide programs.

Giguere emphasized that the PPDC material does not supercede the metrics and guidance developed by SFIREG, but should strengthen EPA's ability to tell the story. He also discussed outputs vs outcomes, and how those concepts have come in to this process.

There will be a survey to the states, and this presentation is the first exposure of the PPDC approach for most states.

Fleeson Trossbach also clarified that this is a workgroup product. It will then be presented to the full PPDC, then if approved to EPA. Or back to the workgroup. PPDC will be looking for state input on this approach before they recommend this to EPA.

Drake thought that this approach is much better than the rubric approach being considered previously. Giguere thanked Fleeson Trossbach for being AAPCO's liaison to PPDC and for catching the rubric approach as unacceptable to states early on so that the metric product could be addressed differently. Cofer thanked Fleeson Trossbach and Rose Kachadoorian who is a part of PPDC and put in a lot of work to assist in the redevelopment of the effort.

Tolerances vs. Action Thresholds on Cannabis, Colorado White Paper

John Scott, CO

Giguere began by describing the issue where an estimated health-based action level has been adopted by a state, but is not the same as an FQPA tolerance, and they are being used to justify condemning crops.

This is a situation that can cause conflict for states that have primacy for FIFRA.

Scott described the situation where state marijuana control agencies are asserting that no harm will come to growers if they stay under certain levels. CO has been pushed to establish action thresholds or establish pseudo-tolerances for pesticides, because growers look at other states that have done so. CO has spent a lot of time trying to educate the grower community, as well as the other involved agencies about the issue. Some growers believe they are already breaking the law

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(federal) and therefore are not worried about the issue of whether a supposed health-based limit is technically correct or not. Other states' action thresholds are in conflict with FIFRA and it is getting difficult for CO as they are encountering a lot of pressure from interest groups. In CO, the marijuana enforcement division is in charge of enforcement. They frequently will hold plants until they can show that the pesticide residues previously found are below detection levels, and then they release the plants for use in edibles.

Colorado asked EPA to send a letter or communicate with FDA to establish a consistent approach for all the states to use.

Because other agencies have jurisdiction over pesticide use, in varying degrees, related to cannabis cultivation, the issue of primacy has come up. CDA sent a letter to the governor's office saying that the pesticide SLA must be in charge of pesticide enforcement or else risk their primacy.

Colorado would like EPA to back them up with a letter to the governor specifically related to the authority of CDA to be the sole regulator of pesticides in the state, due to their primacy.

Cannabis does not need to be mentioned in the letter, as this is an issue that could potentially arise in various commodities. Colorado also wanted FDA to weigh in because the plant extracts that are put into food are considered food by FDA.

Other states spoke up about their frustration with action levels that have been developed for use in oversight of marijuana production. None of the states that have legal cannabis agree with this approach and all of the states agree that the pesticide state lead agencies need to have primary authority over pesticide use. It has been a challenge to get state legislative and executive bodies to understand this when they are developing marijuana and hemp programs.

Concurrent Afternoon Committee Sessions-POM

State and Federal Efforts to Utilize Pesticide Surface Water Monitoring Data in Ecological Risk and Drinking Water Exposure Assessments

Exploring the use of bias factors, simple imputation methods, and regression models such as USGS' SEAWAVEQ/EC for quantitation and uncertainty analysis of monitoring data.

Matt Bischof, Washington State University

Rochelle Bohaty, EPA/OPP/EFED

Please see attached presentation.

- EPA is better able to use monitoring data for EFED's risk assessments with this model.
- WSDA did a case study using chemicals which met the criteria.
- The work will be peer reviewed and there will be stakeholder feedback.
- Interested states should visit the USGS website to find SEAWAVEQ.

Water Quality PREP and Pesticide of Interest Tracking System (POINTS) Survey

Committee to review results of POINTS survey, Water Quality Prep response and status on the POINTS transition project.

Gretchen Paluch, EQI Chair

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EPA/FEAD

Please see attached presentation.

- There were 29 responses to the POINTS survey, revealing inconsistent uses of the system among the states.
- CA has developed an SOP for POINTS and will share it with SFIREG.

Overview and Update of the List of Human Health Benchmarks

Presentatin of process and list of Human Health Benchmarks updated 1/1/2017

Jamie Strong, EPA/OW

EPA/HED

Please see attached presentation.

Overview and Discussion of Plant Back Restrictions-White Paper

Presentation to full SFIREG of white paper presenting technical concerns, especially the use of “cover crops” for forage and potential marking as an animal feed. Committee to discuss options for resolution.

Gretchen Paluch, IA, EQI Chair

Please see attached presentation. EQI began working on this issue after the 2015 AAPCO letter to NRCS asking them for assistance in resolving the issue. The request was unsuccessful and EQI has been gathering data and developing the issue further. Should the issue be sent to full SFIREG as an Issue Paper? The committee agreed that it should.

Tuesday September 19, 2017 7:30 am ET

Resumption of EQI Breakout Session

State Updates on Issues Related to Environmental Quality Programs

Each member of EQI will provide a brief update on major issues related to environmental quality topics, including water quality program topics, faced by each state.

EQI Members

Washington State

- They are hosting a water quality meeting with the R10 states, including DEQs, USGS, and NOAA
- They have a joint project with Oregon for groundwater and surface water. It began because of dacthal and it's metabolite dpa detections, which are used in onions. They are including domestic and public wells in their sampling, and have had some public meetings.
- Collaborating with Oregon to get them crop mapping
- Regional groundwater-still monitoring in ID, OR considering GW monitoring

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- Regional surface water-WA,OR,ID all have programs; WA is in 14 watersheds, sampling weekly
- They do get some aquatic life benchmark exceedances
- Forestry herbicides on the Olympic Peninsula is a new cooperative project with the WA DNR and timber companies.

California

- They have 2 Ag and 2 Urban monitoring projects currently
- They use monitoring prioritization, which includes the use of collected data. They find they need an ever-shifting analytical net.
- The 2012 pyrethroid regulations don't appear to have had a significant impact. So they are back at the table and reconsidering their data, trying new tools and models.
- Fipronil-they have worked with BASF and CFI. They saw label changes to incorporate modeling recommendations for ant control and structural pest control
- Reanalyzing data based on new benchmarks; this is changing how they work with neonics, and they expect to see the benchmarks go down.
- Copper antifouling paints regulation went into effect this past summer.

Report on AAPCO Laboratory Committee Call

Summary of topics covered relevant to state water quality programs including up to date lab methodologies for pesticide analysis in groundwater and/or surface water monitoring.

Opportunities for increased efficiencies in quality assurance to be discussed.

Carrie Leach, Office of the Indiana State Chemist

EQI Members

Please see presentations. Leach reviewed the surveys that are available on the AAPCO website, including the 2015 turn-around survey and the 2016 instrumentation survey. She also discussed the recent lab committee calls and the upcoming Laboratory PREP.

Dicamba

Tim Drake, SC, POM Chair

Gretchen Paluch, IA, EQI Chair

Reuben Baris, Acting Herbicide Branch Chief, OPP/EPA

The chairs called for introductions around the room. The sign in sheet is attached to these minutes. On the phone were Dea Zimmerman, FEAD/EPA; Leo Reed, IN; Ples Spradley, AR; EPA Region 3; Carol Black, WSU; Andrew Thostenson, NDSU.

Impacts to the State's Enforcement Programs

IA-107 incidents reported; 75% appear to be off-target onto soybeans

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FL-none

NC-18 cases currently, mostly on tobacco, some on soybean. In the cases with tobacco, the crop must be destroyed. Dr. York of NC believes most cases were drift rather than volatility. NC is utilizing specific auxin training for the Dicamba-tolerant (dt) technology.

AL-5 misuse cases. They have mandatory training and 24(c) labels in place for dt products. AL grows about 450,000 acres cotton and 450,000 acres soybeans.

IN-254 cases with 126 known Dicamba cases. The Indiana Pesticide Review Board determined on August 30th that all Dicamba products with a 6.5% concentration or greater should be RUP. IN assumes that approximately 1/10 cases are being reported to the state lead agency.

GA—no official complaints. Georgia Agriculture Commissioner hosted a Dicamba summit to bring together stakeholders in march 2013 to discuss the technology and concerns and make recommendations. A dicamba workgroup was formed and meetings started in October 2014. The workgroup established a network of stakeholders to discuss issues and facilitate information. The state requires “Using Pesticides Wisely” (UPW) training through 24c registrations. The UPW training is tracked through applicator certification licensing program. Non-certified applicators are issued a credential to verify completion of UPW. GDA launched a webpage to post dicamba related information in Spring 2017. <http://www.agr.georgia.gov/24c.aspx> The trainings started in 2015 and were hosted by UGA and GDA with 33 classroom trainings that were attended by 3,000 cotton/soybean growers. The training focuses on the use dicamba and 2,4-D drift mitigation, volatility studies. BASF, Monsanto, Dow and Dupont were also part of the programs. The training is beneficial for drift mitigation of any pesticide. UGA Extension has further increased stewardship of these products by developing and implementing one-on-one trainings with growers. 300 applicators have been trained using this format. GDA dealer outreach effort: inspectors visited dealers to provided education on the use of the new products and review the distribution of old product and dealer recommendations.

MN-similar complaint numbers to IA. They have an online survey as well, and are just beginning to review that.

WI-one reported case.

SC-3 or 4 reports with impacts to peanuts and soybeans.

DE-one case that was the applicator’s fault for not washing out the spray tank.

AR-976 cases. They have trained about 1,000 applicators and have mandatory online training which includes a test requiring a 90% passing score to purchase and use product. The AR Plant Board has recommended an April 15th cutoff date for over the top use of Dicamba. This

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recommendation was supported by their Dicamba task force as well. Any rule-making must go through the legislature and the governor.

ND- have received 28 complaints during the past three weeks. They also have an online survey and have received about 120 responses. They believe their caseload is a fairly conservative estimate of damage, reflecting 150,000 acres impacted. They have had very dry conditions, but August rains have helped with overall plant health. There has been extensive training to applicators.

Liza Fleeson Trossbach, VA presented current case numbers for impacted states. Her slides may be found in the attached presentations.

EPA support for State Lead Agencies

EPA has made laboratory resource support available. More information may be found on the Dicamba webpage of aapco.org.

EPA headquarters has instructed the regions to renegotiate state work plans for states that have been hit heavily with Dicamba caseloads.

Training Efforts

The chairs asked that the discussion include effectiveness of various training approaches.

GA-has had 3 years of training in place, and has trained approximately 3,000 applicators.

NC- The label is considered to have very complex label language, and therefore they have focused trainings on compliance with the label, emphasizing aspects such as buffers. Their training is online, and they have seen about 3,000 applicators come through it. The training may have had the effect of deterring use of the technology due to the complexities of label compliance.

Cofer stated that it is extremely difficult to respond appropriately to the number of complaints that many states are experiencing. Drake followed up by asking if registrants were planning to help with the training needs? Wendy Bair Johnson of BASF responded affirmatively that they have an 'On Target Application Academy' and are very willing to help states. BASF had the 'On Target Application Academy' for several years leading up to this year's launch and over 15,000 growers and applicators completed the program. BASF worked with states on training this year. Some states wanted to develop their own programs, and others worked with us on the training. We will continue to work with states on training. Spradley asked if the registrant training included volatility and Bair said that it addresses volatility. BASF will be holding a symposium with university and extension experts in October where BASF will present observations and research results and university/extension will do the same.

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While requiring training for use of the Dicamba products was seen as very important, the form of movement of the pesticide was also discussed.

Is this physical drift or volatility? In other words, is this misuse or product failure? How do we chart a path forward, especially if it is volatility, which much of the research and anecdotal evidence suggests to be the case? Dave Scott, IN, stated that we need to know how to scientifically identify if direct particle drift vs. volatility is the issue. The labels are contradictory and current sample analysis does not allow states the ability to discern low volatile formulations from older formulations. We are being told that even though no drift gradient is seen the damage is not due to volatility. Is drift different for Dicamba than for other chemicals? Do tank mix partners play a role in the dispersal of the compound?

Bair, BASF, asserted that they want to add lessons learned from investigations into their training. She said that there have been reports that at first the damage appears to be uniformly spread over the field and then through time a gradient appears.

Registrant reporting

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), section (6)(a)(2) states: “If at any time after the registration of a pesticide the registrant has additional factual information regarding unreasonable adverse effects on the environment of the pesticide, the registrant shall submit such information to the Administrator.”

The chairs asked EPA if they had received any 6A2 reports from the registrants. Baris replied that they have received one report each from BASF and Monsanto. He explained that the reporting may be ‘aggregated’ over a 30 day period.

Cofer reinforced AAPCO’s position that while the registrants are actively encouraging complainants to work directly with them, the states and EPA should be informed of the number of investigations they are working on and the conclusions of the registrants’ own investigations.

Baris added that 6A2 reporting is not required for misuse.

Baris also added that there had never been a 6A2 report of resistance. Resistance development is reportable under 6A2. This shows that the 6A2 reporting system is not working.

Dave Scott added that Indiana believes 1/10 reports of symptoms actually reach the Indiana State Chemist’s office.

Underreporting of symptoms impacts the state’s ability to full discern the problem.

Identifying symptoms of damage in other plants

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While some states expect widespread adoption of dt technology in 2018, other states do not. In either case, identification of damage to plant species other than soybeans is an interest for EPA and state regulators.

BASF offered to follow up on symptomology, and it was suggested by Singhasemanon that UC Davis may have information as well.

Julie Spagnoli identified uses of Dicamba aside from dt systems that are valuable for many growers including preplant, pasture, corn and burn down applications.

What happens to the seed if the use of lower volatility Dicamba is restricted or cancelled? How is EPA coordinating with USDA?

Baris says that EPA is coordinating with USDA.

Cofer stated that the rollout of the seed was not coordinated between USDA and EPA. What can we do as states or as EPA/USDA to prevent this scenario from occurring again?

Baris agreed that the 2016 rollout was not coordinated, and offered that at the federal level they continue to learn and adapt. He said that this is also an opportunity for the registrant to steward the registration. Currently the pesticide's conditional registration is set to expire on November 9, 2018.

What can be done to improve the 2018 season?

Schoen-Nessa asked if EPA can require a chemical tracer in the new Dicamba formulations to assist states in identifying if misuse of older labels is occurring. Baris thought that was an interesting idea.

Cofer continued by saying that SLA's have said they need tools. The question is whether EPA will support:

- a pesticide classification change to RUP?
- A mandatory training requirement? Would that be through Extension or the registrants?
- Ability to differentiate the old and new technology analytically
- Adjust the buffers around sensitive crops?

He asked what else could we do that would have an impact for 2018?

Giguere suggested:

- Tracking use and sale of the product
- Evaluating the efficacy of current training programs

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- Ensuring the correct label is available for applicators to use
- Offering up SFIREG and AAPCO's help in forming a formal workgroup of state lead agency personnel to continue monitoring and working on the issue.

Cofer responded by asserting that this simply cannot happen again. The volume of work created by this registration is unprecedented, and it is unreasonable to expect the state programs to be able to absorb this volume of enforcement cases related to one registration year after year. Thostenson and Reed agreed.

The question was asked what sort of enforcement issues did Round Up Ready technology create? Spradley stated that in AR they have had about 300 glyphosate complaints in 20 years. This is not necessarily a technology issue, but rather a product-specific issue.

Dudley Hoskins of NASDA finished up the session by saying that this is a challenging, complex issue for NASDA. They do not have a consensus within their membership at this time. But they do have 100% agreement that additional education and training must be supported, and that the SLA's have plenty to do already (prior to Dicamba becoming such a resource intensive issue for many states). The bottom line is that we need more resources for States in all areas.

The meeting adjourned at noon.