

**2018 REPORT TO AAPCO
PESTICIDE PROGRAM DIALOGUE COMMITTEE (PPDC)**

The Pesticide Program Dialogue Committee (PPDC) is a broadly representative federal advisory committee, which meets with EPA biannually to discuss pesticide regulatory, policy, and program implementation issues. <https://www.epa.gov/pesticide-advisory-committees-and-regulatory-partners/pesticide-program-dialogue-committee-ppdc>

During 2017, PPDC met May 3-4 and November 1-2. The following provides a list of topics discussed during those meetings and select items of interest:

(Note: Full agenda and presentation materials for this and all meetings including workgroup meetings is available a <https://www.epa.gov/pesticide-advisory-committees-and-regulatory-partners>)

PPDC Meeting - May 3-4, 2017

Discussion items included:

- Update on Pollinator Protection Efforts including the National Pollinator Health Strategy; Managed Pollinator Protection Plans; Acute Risk Mitigation Policy; and Status of Neonicotinoid Re-Evaluation;
- Pollinator Protection Plan Metrics Work Group Report – Proposal for National Measure of Plans;
- Biotechnology and Pesticides – Federal Role, Techniques, GE Mosquitoes, and Risk Assessments;
- 21st Century Toxicology;
- Revisions Certification of Pesticide Applicators Rule & Worker Protection Standard;
- Resistance Management;
- Pesticide Incidents Work Group Report; and
- Vector Management and Zika: IPM as a Strategy.

Of specific interest was the initial proposal from the Pollinator Protection Plan Metrics Work Group for a national measure of state pollinator protection plans. The work group was charged with providing recommendations to EPA to use in evaluating the effectiveness of pollinator protection plans at a national level and developing a strategy to communicate that effectiveness to the public. The proposal utilized a Point System (Rubric) which included criterion to measure levels of performance (scale) across categories, for example, number of stakeholder engaged during plan development. States would conduct a self-assessment. On behalf of AACPO, provided comments that while supporting the overarching goal of measuring success of state plans nationally, a point system tends to lend itself to comparisons. As the “success” of State plans was not identified or defined prior to development of the plans, state plans vary greatly and may or may not include categories. It was requested that the work group, working with States, refine the proposal to address these and other issues and present the revised proposal at the November 2017 Meeting.

In addition, the PPDC discussed and agreed to form a new workgroup to focus on public health issues. The workgroup will focus on one topic area and will not be overly broad in scope. The workgroup can work on any issue (examples include labeling, risk assessment, communications, ticks, mosquitoes, Zika, or any other public health area of concern). Workgroup activities are limited to one year.

The meeting also included a comment session for members and the general public in response to Executive Order 13777 “*Enforcing the Regulatory Reform Agenda*”, specifically, Pesticide Regulatory Reform. On behalf of AAPCO, the following comments were offered:

- Concerns regarding implementation timelines, resource demands, and the development of compliance materials for WPS and Pesticide Applicator Certification Rule revisions;
- NPDES Pesticide General Permit – duplicative without tangible benefits and should be repealed;
- Exemption for 25b products should be repealed or EPA should place a higher priority on those that products that do not meet the requirements for exemption;
- Given proposed budget reductions, should STAG funding be reduced, it will be difficult if not impossible for some States to continue enforcement of FIFRA;
- Support for EPA in their efforts towards the development and utilization of technology in the pesticide registration, state grant reporting and enforcement tracking processes; and
- Support continued funding of PREP, PIRT and SFIREG.

PPDC Meeting - November 1-2, 2017

Discussion items included:

- Recommendations from the Pollinator Protection Plan Metrics Workgroup;
- Dicamba/Auxin Formulations;
- Pesticide Registration Improvement Act (PRIA) Update;
- Worker Protection Standard Final Rule;
- Status Update from Public Health Workgroup;
- Certification of Pesticide Applicators Proposed Rule;
- Web-Distributed Labeling and Smart Labels; and
- Cannabis Update.

As a follow-up to the May 2017 discussion, the Pollinator Protection Plan Metrics Workgroup presented its revised proposal for a national measure of state pollinator protection plans. The revised proposal utilizes a survey instrument to capture both outputs and outcomes. The data collected will be used to provide an aggregate assessment of the success of state pollinator protection plans. The instrument will provide flexibility for states to report on critical plan elements (reference *Guidance for State Lead Agencies for the Development and Implementation of Managed Pollinator Protection Plans* (SFIREG, June 2015) as well as other state specific components that reflect the uniqueness of the state. The proposal included utilizing AAPCO SFIREG to facilitate the distribution of the survey instrument and forwarding the data to EPA. PPDC accepted the proposal of Work Group and recommended use of a survey instrument to EPA.

Other topics of interest include the discussion related to Dicamba, specifically *what is and how do you monitor “success” of label amendments?* EPA will be monitoring the success of these changes to help inform their decision whether to allow the continued use of Dicamba on tolerant soybean and cotton beyond the 2018 growing season. The discussion included the possibility of using the number of complaints/ investigations or acres damaged or the number of applicators who were informed of the changes/attended training. No consensus was reached regarding “success” and more work is needed in this area. EPA indicated their decision will be based on the best available information at the time.

An update on the Worker Protection Standard and the revised implementation date was also provided. As a Federal Register notice of change has not yet been completed, the current compliance date remains in effect. EPA also clarified that any substantive changes to the rule would require rule making. EPA sought comments from PPDC on three specific items: 1) minimum age requirement of 18; 2) designated

representative; and 3) Application Exclusion Zone (AEZ). Specifically, *what challenges do you anticipate with implementation? What alternatives would you propose to address concerns?*

- 1) Minimum age requirement of 18 – there was general consensus among the PPDC members that the minimum age requirement was appropriate maintaining existing exemptions; it was recognized that there can be challenges with existing labor pools in some areas;
- 2) Designated representative – comments included that the provision is similar to other industries and necessary for workers/handlers with limited English proficiency and or those who move from one farm to another during the season; Ag Industry concerns include ill intent from requesters, for example, farmer to farmer, verification of designated representative, and qualifications of the designated representative. EPA indicated that the final rule addresses requests. The PPDC recommend enlisting AAPCO to look at states with similar provisions and to assess how this works operationally in those states. This effort has been initiated.
- 3) Application Exclusion Zone (AEZ) – a number of questions were raised by PPDC members including “*What if I don’t see the “bystander? Is sheltering in place for migrant and seasonal farmers with housing on property sufficient? How are the requirements (for AEZ) enforced if the application is no observed?*” Additional comments included that the 100 ft. area is small - AEZ be greater; EPA provided additional information regarding the buffer zones specifically, that the size depends on the type of application and droplet size not chemistry specific and a reminder that the AEZ is additional precaution to ensure contact does not occur. PPDC concluded that additional guidance to SLAs and applicators may be appropriate and there should be a focus on outreach and education.

The Certification of Pesticide Applicators Proposed Rule was also discussed. As with WPS, the EPA was seeking comments minimum age requirement of 18. Again, there was a general consensus among PPDC members that the minimum age requirement was appropriate maintaining existing exemptions. PPDC did include additional clarifications may be needed regarding family exemptions. There was a request that an exemption to the minimum age requirements for family owned commercial businesses be considered. Also discussed was the period for implementation of the Rule. While some members expressed disappointment or disbelief at the time necessary for implementation, there was, in general, a recognition of state regulatory processes and the potential need for amendments to state laws and/or regulations.

Finally, the newly formed Public Health Workgroup provided a report of their first meeting that was held on 10/31/2017. The Workgroup has a broad mission, which includes policy, advice and recommendations. The Workgroup has elected to focus on three areas in their future efforts: communication, national emergency response plan, and resistance management.

Next PPDC Meeting – May 2-3, 2018 *Seeking input from AAPCO for any issues and items to be added to the agenda.*

Respectfully submitted,



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