

On November 13, 2018, the state lead agencies of EPA Region 7 met in Kansas City, MO to discuss issues and concerns to be presented at the full SFIREG meeting. Nineteen people attended in person with two others calling in by conference call. The following is a synopsis of the topics discussed. There are no formal issue papers being submitted, but there are action items SLAs have asked me to present at the full meeting.

### **Certification Rule: ACTION ITEM**

All states expressed considerable concern regarding a lack of guidance and answers to questions on the new applicator certification rule. Three of the four states indicated they are unwilling or unable to proceed with any meaningful work on revising state law or regulations until they have a better understanding of what EPA expects in the way of a revised state certification plan. States asked Tim Creger to represent them in the strongest possibly way the urgent need for EPA to release the promised Question and Answer document as well as any template, checklist or other outline that will help states understand how to revise and submit their state plans. States indicated this is their #1 priority going forward, since the final rule has a firm date for states to submit their revised plans by March 4, 2020, and are deeply concerned that failure to meet that date or see meaningful movement toward compliance with the new rule will result in debarment of the state program.

### **Dicamba:**

The issue of dicamba, past, present and future, was front and center during the meeting. R7 states provided updates on how 2017 compared to 2018 for experiences and complaint case reviews, and what concerns we have for the new registration. The following are important points that need to be presented at the full SFIREG meeting.

- Some states are still reviewing complaint case reports from 2017, and do not foresee being able to start on 2018 cases for another 9-12 months.
- Missouri and Iowa had fewer complaints in 2018 than 2017, Nebraska and Kansas had similar numbers between the two years.
- States were unable to make a firm conclusion whether the 2018 label revisions were of any help, since those states with fewer complaints had also implemented state restrictions.
- One state asked if EPA has considered requiring auxin-specific training as a specific category in the new applicator certification rule as a way of addressing continued off-site movement of phenoxy herbicides.
- States appeared to be unanimous in their disappointment with a lack of engagement by OECA on developing a national compliance and enforcement strategy for dicamba and other possible widely disruptive pesticide technologies that involved GMO seed/pesticide combinations.
- States are losing quality employees, both in the field and in the office, due to the overload of complaints and case reviews.

## **EPA Inspector Credentials: ACTION ITEM**

R7 States continue to express dismay over the lack of a consistent EPA Inspector Credential training portal, even though it appears there has been some progress in this area on the EPA Inspector Wiki. The recently revised credential numbering scheme has caused problems for states due to the length of the alphanumeric code exceeding field sizes on computer data entry programs, as well as just ensuring inspectors write the inspection number correctly on all documents. To this end, R7 received permission from EPA HQ to adapt a shorter 5-digit code that will be assigned to state inspectors for the entirety of their career using EPA credentials, and allow states to utilize this shortened code on inspection reports. This was welcomed by the states, and indicated an appreciated willingness by the region to help find simple solutions to unexpected problems.

However, states continue to complain about the lack of a user-friendly inspector training process that places expectations on states to print training certificates and submit them to EPA when it should be something EPA can do, since it is EPA's requirement, not the states. States have asked Tim Creger to present as an Action Item a request for OECA to change either the Inspector Wiki or the Adobe Connect program such that either the EPA Regional Project Officer or state inspector supervisor be allowed to access each inspector's training certificates in order to avoid placing that additional burden on the inspector. States believe the burden of printing and tracking every single course certificate should be something programmed into the Wiki or Adobe site so that EPA can ascertain completed training by state inspectors.

## **Market Labels Posted on PPLS: ACTION ITEM**

One state asked if EPA could post all market labels for registered pesticides, since the variety of niche labels was causing a compliance problem when it wasn't clear which labels might not meet the EPA-approved parent label. The states asked for the SFIREG POM work group to discuss this at their next meeting.

## **Industrial Hemp/Cannabis:**

Three of the four states in R7 have some form of industrial hemp law on the books, with more to come in order to allow for broadening the market. States expressed concern that the future holds much uncertainty if those laws lead to medical and recreational marijuana, similar to what other states are experiencing. States asked that EPA consider drafting a national policy on pesticide use on both industrial hemp and medical/recreational marijuana.

## **MP3 plans:**

States discussed the survey for MP3 plans, and the proposed request by SFIREG to decide on future surveys. There was no firm answer from the states on the frequency or value of conducting such a survey, since the programs are voluntary and take many different forms in different states. One state asked if an annual survey of

states with the intent of providing information to EPA didn't circumvent the Paperwork Reduction Act limitations for data collection.

**Loose Ends:**

One state asked why FIFRA couldn't be expanded to provide more regulatory oversight over farmers, especially where records of sales and application of RUPs came into play. The question came up during the dicamba discussion when it was expressed that some states have limited, if any, authority to compel private applicators to submit RUP application records on request.

States had no position on the white paper on commodity fumigation or data/information collection.

Respectfully Submitted: Tim Creger