**Pre-SFIREG**

*Meeting Summary*

April 30, 2019  
12:00 pm – 2:00 pm PDT

**Invitees:** Per list provided by EPA Region 9

**Meeting Facilitator:** John McHugh, SFIREG EPA Region IX Representative

**In Attendance** (by State/Tribe/Pacific Islands/Agency):

**California:** Jesse Cueves, Donna Marciano, Josh Ogawa, Susan McCarthy, Joseph Damiano  
**Hawaii:** John McHugh  
**Tribes:** Tony McCandless (Gila River Tribe)  
**EPA Region IX:** Sonam Gill, Peter Earley, Patti TenBrook, Julie Jordan, Allison Watanabe, Norman Calero

**Reports/Issues:**

**California**

- No outstanding issues;
- Continue to work on pesticide use in cannabis. Now that recreational marijuana is allowed in California new pressures to license pesticides used in cannabis production have emerged and/or grown more urgent.
- Nothing for full SFIREG at this time.

**Tribes (Gila River Tribe)**

- No issues for consideration at the full SFIREG meeting for this round.
- Working on revising Pesticide Code within the Tribe.
- Dealing with perceptions centering on glyphosate exposure. Trials awarding large judgments in California to 4 former glyphosate applicators has raised concern amongst employees making glyphosate herbicide applications and what is the risk associated with exposure on the job. Suspect that this will become a big issue with very little end in sight should the trial awards hold up in higher court.
- Apiary Registration Code has been passed. Honeybee hives need to be registered on ag lands only with agreement with the associated grower.
Act 45 was passed by the Hawaii Legislature and signed by Governor Ige in July 2018. The requirements for Act 45 are as follows:

1. 100 ft. Buffer Zone for Restricted Use Pesticides applied around schools. RUP application subject to the buffer zone requirement during school hours which have been defined as 7 am – 4 pm, Monday through Friday, excluding holidays. Schools are defined as pre-school through 12th grade for private and public schools as well as charter schools. No provision is made for home schools. Structural fumigation is exempt from this requirement. The Pesticides Branch at the Hawaii Department of Agriculture (HDOA) has provided a vehicle, posted on the HDOA website, for Certified Applicators to be sent maps, upon request, that provide detail on schools and buffer zones located in their production or application areas. Maps are provided with a caveat that the certified applicators are required to verify the accuracy of the maps.

2. All certified applicators are required to report all RUP use during the calendar year starting with 2019. The reports are required to be submitted by Jan 30 of the following year (Jan 30, 2020 for reporting year 2019). We are required to produce a report, by county, for the Legislature from the submitted RUP data. An EXCEL spreadsheet is provided at the HDOA website for recordkeeping purposes which can then be emailed to us in January 2020. We are also in the process of developing an app that can be used on mobile platforms (phones and tablets) to store and then report to us along with a web portal that can also be used to report RUP use.

3. The law required that we fund a Pesticide Drift Monitoring Study at 3 rural schools, on 3 separate islands, to assess the amount of pesticide drift from nearby agricultural operations. A report to the legislature is required once the study is completed. The budget for the study is $950,000 provided by the taxpayers of the State of Hawaii.

4. Banning of the use of all products containing chlorpyrifos as an active ingredient as of January 1, 2023. Until that time all use of chlorpyrifos products is by temporary permit only. We are providing permits for 6 months to those operations wanting to use chlorpyrifos products. The permits are for use only and are not required for purchase of the chlorpyrifos products. Any permits in force toward the latter part of 2022 will have an end date of December 31, 2022.

One unintended consequence of the RUP Buffer Zone requirement is that we have discovered at least 2 water treatment facilities that use chlorine gas for water purification. Chlorine gas is a RUP in the State of Hawaii which necessitated the shutdown of the water treatment facilities during school hours. Many water
treatment operations in Hawaii (public and private) have migrated away from Chlorine gas because of its State RUP status. They are moving toward the use of sodium hypochlorite or calcium hypochlorite for treating of drinking water. A problem that has developed, because of this, is that drinking water is being treated at a higher rate than the sodium/calcium hypochlorite labels allow. We understand that the manufacturer of the products is in discussions with EPA to adjust the chlorine concentrations in water systems treated with the hypochlorite products so that a higher chlorine level can be used than is currently allowed and would be more in line with the Safe Drinking Water Act. Apparently, the urgency of this issue has been reported at previous SFIREG meetings. Our only concern is that we have heard that the manufacturer/registrant of the 2 products are balking at the prospect, and cost, associated with providing additional risk assessment data that would address concerns over the potential unintended consequences of raising the application and chlorine concentration rates.

- As a result of a nearly continuous hiring cycle starting in December 2017 we are currently staffed at a level that has not occurred for nearly 10 years. We added an additional Chemist to our Analytical Lab. The new chemist will eventually become the Quality Assurance officer for the lab which plans on seeking ISO certification. Additionally, we have been provided 5 more positions by the legislature including 2 more Case Developers, a Registration Technician, and 2 Education/Outreach positions associated with Act 45. We now have a total of 10 enforcement inspectors across 4 islands (Kauai, Oahu, Maui, and Hawaii) and have an open Enforcement Inspector supervisor position on Oahu. The Case Development crew is working hard to keep up with the work load sent to them by Enforcement.

- We conducted the first annual Pesticide Branch Mini-Workshop on Maui on May 9 and 10. This workshop has traditionally been conducted on Oahu (one in May and one in November) but there has been a keen interest in neighbor island staff to host the May workshops which provide for in-field training opportunities along with a day of presentations on timely subjects associated with pesticide regulation. We are looking to keep the neighbor island (neighbor to Oahu!) staff engaged with the other Pesticide Branch staff housed on the other islands while providing a team building opportunity for the group.

- We provided enforcement and analytical lab training to colleagues from American Samoa. A total of 5 Ag enforcement officials from Samoa spent time in training from us from April 5 to April 12. It is our intention to be a resource for our Pacific Island colleagues and we anticipate more of this interaction with them.

- No issues for SFIREG at this time.
EPA Region 9

- Several carryover items from previous SFIREG meetings including applicator certification and Worker Protection Standard updates.
- Some movement toward product ingredient disclosure related to inert ingredients.
- Cannabis and hemp pest control products continue to generate much discussion as more States allow for the use of industrial hemp, medical marijuana (including CBD), and recreational marijuana. Industrial hemp will likely be the first to allow for pesticide use because there is no tolerance required for the products made from industrial hemp. Industrial hemp is not a food product.
- Concern over the languishing of the POINTS database system. This is something that will be addressed at the June SFIREG meeting. Background material has been provided to the SFIREG representatives by Liza Fleeson Trossbach.