

**STATE FIFRA ISSUES RESEARCH & EVALUATION GROUP**  
**FULL COMMITTEE MEETING**  
**JUNE 3-4, 2019**  
**U.S. EPA POTOMAC YARDS, CRYSTAL CITY, VA**  
**MEETING MINUTES**

Called by: Liza Fleeson Trossbach, VA, SFIREG Chairperson  
Minutes by: Amy Sullivan, AAPCO Executive Secretary

Monday June 3, 2019 8:15 am

**U.S. EPA OFFICE OF PESTICIDE PROGRAMS UPDATE**

Yvette Hopkins, EPA/OPP/FEAD

*Report on status of relevant activities of OPP impacting state pesticide regulatory programs.*

Please see attachment

**OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE (OECA) UPDATE**

Anthony Matusik, EPA/OECA

*Report on status of relevant activities of OECA impacting state pesticide regulatory programs.*

Transition to FedTalent for Inspector Training – Federal Credentials

- EPA has launched a new Learning Management System (LMS) – FedTalent. FedTalent is provided by the Department of Interior (DOI)
- It is our expectation that all inspector training will be available through FedTalent on January 1, 2020. After this time, Adobe Connect will no longer be used for inspector training.
- An external use authentication process will be implemented to allow state inspectors access to FedTalent inspector training.
  - This Fall, we will begin registering state inspectors for FedTalent access. Instructions will be posted on the Inspector Wiki. Please refer to the Inspector Wiki for updates / instructions regarding FedTalent access.
- Until 2020, state inspectors should continue to access inspector training through the inspector wiki & adobe connect.

PIRT Training

- 2019 PIRT
  - Basic/New Inspector PIRT, Savannah, GA August 25 – 29
    - Nomination period has just opened, check PIRT webpage
  - Need New 2020 PIRT Hosts for 2020 training
  - FIFRA community voted on topics, PIRT steering committee selected the two topics that received the most votes:

Basic/New inspector PIRT

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- Risk communication and investigator safety
- Pollinator protection
- WPS

Pesticide Enforcement and Use Concerns PIRT

- Misuse, illegal use
- PEI, container, Imports/illegal Imports, dealer RUP, and marketplace inspections
- Drift issues

Tribal PIRT

- Risk communications
  - Pollinator protection
  - WPS
- If your state, tribe, or territory is interested in hosting a PIRT with one of the topics listed above, please reach out to Kelly Engle, [engle.kelly@epa.gov](mailto:engle.kelly@epa.gov) ASAP.
  - If we do not receive volunteers for PIRT hosts, there will be no PIRT training in 2020.

Follow-up to Previous Discussion of Focused WPS Inspections

- The Framework for the Focused inspections just went out for Regional comment

FIFRA Inspection Manual Revisions

- Proposed revisions included the addition of new or revised guidance, updated exhibits, and clarification of specific sections of text.
- Comments were solicited from EPA regions, states and tribes.
- FIFRA Inspection Manual is still in OC review.

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**PESTICIDE OPERATIONS AND MANAGEMENT (POM) WORKING COMMITTEE  
REPORT**

Tim Drake, SC, POM Chair

The spring Joint Working Committee (JWC) meeting was held in Crystal City on April 8-9, 2019. The POM and EQI committees met together, and also had concurrent breakout sessions to discuss issues in detail within each committee. POM Committee members in attendance were: Tim Drake (SC), Derrick Lastinger (GA), Megan Patterson (ME), Dwight Seal (NC), Robin Shoen-Nessa (WA), Robby Personette (WI), Jesse Cuevas (CA), Matt Sunseri (MN), and Irene King (NM) (by telephone).

POM Committee membership is as follows: Tim Drake (Chair), Derrick Lastinger, Robin Shoen-Nessa, Megan Patterson, Robby Personette, Dwight Seal, Jesse Cuevas, Matt Sunseri, and Irene King. Tim Drake's term as POM Chair expires at the end of this SFIREG meeting, and Jeff Rogers (VA) will become the POM Committee Chair going forward.

Topics Discussed and Presentations Relevant to the POM Committee:

Please refer to detailed minutes and presentations from the April 2019 meeting on the AAPCO website compiled by Ms. Amy Sullivan, AAPCO Executive Secretary.

An outline of the various topics/presentations covered in the last POM and JWC joint-sessions are as follows:

General Session

- AAPCO update (Rose Kachadoorian)
- SFIREG update (Liza Fleeson-Trossbach)
- NASDA update (Aline DeLucia)
- Office of Pesticide Programs (OPP) update (Yvette Hopkins, US EPA)
- Office of Enforcement and Compliance Assistance (OECA) update (Anthony Matusik, US EPA)
- Impacts of the federal shutdown in the states (Gary Bahr, WA)
- Dicamba in 2019 (Liza Fleeson-Trossbach, VA)
- C&T Workgroup update (Richard Pont, US EPA)
- Hemp roundtable discussion (Committee)

POM Breakout Session

- Regulation of devices (Yvette Hopkins, EPA FEAD)
- UAV/UAS used for pesticide applications (Dwight Seal)
- Pass-through insecticides/pesticide feed additives letter (Committee)
- Pesticide action thresholds/tolerances in *Cannabis* letter (Committee)
- POM/EPA label review interaction (Committee)
- Kit-Copack issue (Matt Sunseri)

POM tasks completed since the last full SFIREG Meeting:

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The POM Committee met by teleconference prior to the April JWC meeting and finalized the feed additives issue letter. The committee also compiled survey questions for the SFIREG regulation of devices survey. The pesticide action thresholds/tolerances letter was completed by e-mail correspondence following the JWC meeting. All three documents have been submitted to the SFIREG Chair for consideration by the SFIREG Committee. At this time, all tasks assigned directly to the POM Committee have been completed.

No new issues have been sent to POM for consideration since the April JWC meeting.

**ENVIRONMENTAL QUALITY ISSUES WORKING COMMITTEE UPDATE**

Gary Bahr, WA, EQI Chairperson

Bahr began by naming the committee members and discussing how they have been meeting regularly off-line to address the issues before the committee such as:

- Tracking the BiOps, which he provided comments on,
- Considering RPAs, RPMs, Stewardship ideas such as buffers and setbacks for protecting water quality,
- New groundwater detections, such as imidicloprid,
- Assessing laboratory capabilities and methods,
- How to get state's water quality data into WQX,
- Neonicotinoids,
- Cannabis, and
- Dicamba.

He then reviewed the papers under consideration for SFIREG: Plant-Back Restrictions in Cover Crops and POINTS. Bahr thanked Tomlinson and Mensch for their hard work authoring the papers.

The committee discussed the papers, with Kachadoorian beginning by asking if there are any 24(c)s for cover crops. It is not known if there are. She also asked if interplanting had been addressed, and Bahr said it had been discussed for grapes and fruit trees.

When the discussion turned to POINTS, Creger said that Region 7 was concerned that POINTS was not supported by EPA, and mentioned issues related to security, private hosting, public access laws/FOIA, if EPA headquarters looks at the POINTS data for any reasons including registration decisions, and asked why the states should continue to participate if the system is not supported or utilized by EPA. Giguere asked how EPA can require the states to report into a system that EPA does not support, which is hosted by a 3<sup>rd</sup> party. Is that okay? Kachadoorian asked how much WSU requires to continue hosting the system and the response was \$4500 a year at minimum for maintenance. She also asked if PSEPS use the information to refine training and Pope Brown replied yes. Bahr reiterated that it is also used for management

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decisions primarily by the states, and that is a main function of it. The system also allows states to see what other states have detected in water.

The September Joint Working Committee will meet in West Lafayette, IN and Bahr thanked Leach for helping to organize the meeting. The meeting will be coordinated with the Central Region meeting of the Weed Science Society of America, and should be very informative and productive.

**DICAMBA – 2019 GROWING SEASON**

Liza Fleeson Trossbach, VA, SFIREG Chairperson

Please see attached PowerPoint. The conversation began with Creger saying that the Pre-SFIREG meeting in Region 7 focused on the difficulty of managing burnout in the enforcement programs. One state in the region lost 9 field staff, and they are in the process of training the new hires – it will be challenging to have that many new staff in the field this year. Other concerns presented are the amount of time and effort that has been taken away from other program areas; difficult legislative questions; and concerns about what will happen with the labels in 2021. Traditional enforcement responses have been set aside. In Region 5 Verhougstrate said that there has been an uptick in certification activity due to the new labels. The product has caused so much extra work. The data that AAPCO collected for EPA is seen as having resulted in more bad labels and more certification and training effort. Industry training is not seen as sufficient, and the provided online trainings do not appear to adhere to online training competency standards. At this point most investigations are only looking for label violations as it is very difficult to determine the source of drift. Some states are not able to address all the label violations, but are hitting the ‘high points’ instead. There is also concern that Enlist is going to be an equally big problem. In Region 6 Smith said that Texas has had problems with the cotton label, and they have issued a 24(c) registration for high plains cotton to allow for spraying after the 60 day limit on the Section 3 label. Rulemaking and training are big issues as well. In Region 4 Mississippi has had the most problems, and found that in 2018 the number of complaints was reduced but the acreage was increased threefold. Tennessee has also had a large enforcement burden, Georgia has hired additional staff to manage tracking the training (while other states who have not been able to hire more staff are seeing workloads increase unsustainably), and the states in the region want to be able to put limits on the labels, as that has been helpful with past 24(c)s. Gere in Region 7 said that South Dakota has had similar issue as Regions 5 and 7. They did not accomplish the goals on their cooperative agreement workplan and are finding it difficult to work on other enforcement cases besides dicamba. The training tracking requirements are definitely an issue as well; in South Dakota they are going to require the applicator to provide proof of training rather than have the department track it. Paraquat training requirements add on to the dicamba requirements. The legislature has had questions about the pesticide program and there has been a fair amount of media exposure, which is unusual. Right now only 6% of the soy acreage has been planted due to flooding. In 2018, over

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half of the drift calls to the department concerned dicamba. They are only addressing label violations because it is too tough to identify the drift source. There certainly appears to be stage of crop issues, but it is hard to prove.

Kachadoorian stated that EPA has proposed an End of Year survey for AAPCO to conduct this year, rather than weekly surveys which were seen as not resulting in positive outcomes for the states. The states who have reviewed the survey feel as though it doesn't capture all of the work involved in managing dicamba in the states, that the positive outcomes of previous year's 24(c) registrations hasn't been acknowledged appropriately, and the issue of burnout for enforcement staff and managers. Creger asked if Dicamba would be discussed during the National Program Managers meeting following SFIREG and if it would happen on Tuesday afternoon when AAPCO would be present? EPA responded that it is not on the agenda. Kachadoorian replied that she would be bringing up the 24(c) issue during the Tuesday afternoon session. Creger also pointed out that hemp is very sensitive to dicamba. Dave Scott asked what EPA thought should be swapped out on the workplan for the time spent on dicamba? States also need to know now what information EPA will be requesting in any survey attempts, since that information may need to be collected in addition to normal data. Fleeson Trossbach replied that she is not aware of what can be swapped out, but the states can amend their cooperative agreements. Kachadoorian also asked that Scott provide input to Fleeson Trossbach on the survey questions. Smith added that even states with low complaints found the survey to take a lot of time. Scott agreed and added that any survey questions must be intended to address a specific objective.

#### **AMENDING COOPERATIVE AGREEMENTS**

Anthony Matusik, EPA/OECA/OC

Helene Ambrosino, OECA, joined by telephone and started by saying that any specifics need to be worked out with the regional project officers, regional programs staff, and the grants office. She pointed states towards 40CFR Part 35.114 which addresses amendments and other changes. It does not appear to be very difficult to amend the agreements per the citation, and changes in workplan may not need approval at all, although that is subject to the Regional Administrator's concurrence. On page 2 of the grant guidance it states that some situations are not predictable, EPA may attempt to gather additional information, and workplans can be amended as needed. She then asked for other state concerns.

Smith said that it is likely they will need to amend this year, and certainly next year, specifically regarding outputs. Region 6 is also undergoing management changes and that can add to difficulties, but they will work with them.

Fleeson Trossbach said that the states need to reach out to their regions. She also emphasized that states care that there is consistency across the regions in their approach and response. Communication between the states and regions is very important. This can help when issues are

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not easily quantifiable; when it is difficult to show that the state is doing the same amount of work as they were before but without the same easily understood measurements.

**FEDERAL CERTIFICATION OF PESTICIDE APPLICATORS RULE**

Jackie Mosby and Jeannie Kasai, EPA/OPP/FEAD

Mosby began by describing the EPA C&T workgroup and the four key areas they are focused on: status of C&T plan reviews, guidance for the submission of the revised plans, outcomes of the C&T PREP course, and what is going on in WPS and C&T. Weekly, headquarters and the regions meet to facilitate consistency and work on a Standard Operating Procedure for the review and approval process.

States must submit their revised plans to the region by March 2020. EPA is not using CPARD; the states must submit their plans in pdf or word. The plans are considered draft, and the region and states will work together. Any questions or issues that arise will go to OPP headquarters and the workgroup. Approvals will be sent out after headquarters' concurrence.

EPA is working on issues brought to EPA to address, such as more timely communication, a tool for communication for legislators and state program managers, and detail in writing what happens if a state doesn't submit a revised plan, what can be revised in policy rather than requiring law or rule changes, preferably with a general counsel opinion from both the headquarters and regional offices.

Finally, Mosby shared that Anne Overstreet is not heading up the C&T program at EPA any more, and that the agency has requested internally an acting director. Mosby will continue to assist the branch.

State comments began with Creger stating that he appreciates Mosby's situation, and emphasized that the states want written assurance about what happens if the states doesn't submit the plans. Mosby responded that the weekly meetings will begin June 11, 2019. Creger clarified that in many states the legislators are asking about the real need to revise the plans, and frankly many state legislatures are not particularly sympathetic to federal mandates right now. Explicitly written ramifications could be helpful.

In D.C., Begin said that unless she has a letter, management will not be responsive. The D.C. Attorney does not see this as a priority and she needs his assistance to make it happen. Reed added that the questions Mosby mentioned have been posed for four weeks, and there haven't been any answers. That is certainly not timely communication. Mosby responded that the issue has been raised but EPA hasn't come to a conclusion on how to handle it. Reed responded that the revised plan you get is the revised plan you get. States have to be able to move forward after submission. Drake mentioned that Region 4 is dedicating a training for their states to compare plans within the region. He wanted to know if that training could essentially be a mini-PREP,

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and be used to clarify issues. Verhougstrate said that Region 5 has done that and will do it again in the fall. Other issues from Region 5 include the need for Rapid Response regarding policy vs. rule vs. law, especially concerning competency standards. If many require law or rule changes it is likely the programs will be given back to EPA. Davis said that she had heard that competency standards did not need to be in law or rule, but Mosby clarified that there is still not a final determination. Reed added that competency standards have to meet or exceed federal standards, but that is sufficient in policy. Utilizing rule or law changes for competency standards is not in the C&T rule, therefore EPA cannot require it. Creger agreed, saying that their legal counsel said that all that was required was to codify by reference to the federal citation. He asked that this please be included in the OGC discussion. Kasai also agreed saying that states can always codify by reference, and that is in the plan, 303B. Kachadoorian requested a list of the questions posed to OGC, which may be helpful for states so that they do not keep asking the same questions. Kasai said that there were about 10, but that EPA is adding to them.

**PESTICIDE USE ON HEMP**

Edward Messina, EPA/OPP

Please see attached PowerPoint.

Many states are getting questions regarding hemp, which is defined by EPA as having 0.3 or less THC. EPA is currently looking at similar crops such as hops, mint, herbs, and tobacco for surrogate studies. What studies regarding acceptable residue levels or extraction materials should be required by the agency? EPA is working with Canada's PRMA and through the PPDC on these issues as well. There is a lot of interest from Congress and the states in seeing products labeled for use on hemp, fairly quickly.

Fleeson Trossbach asked about hemp being designated as a food. Messina responded that is a FDA questions: will they characterize it as a food or drug. If it is a food, residue levels are required, but if it is a drug there are many authorities. This will impact human consumption considerations. Currently CBD is found in food, although that hasn't actually be approved federally. Fleeson Trossbach asked if FDA has a timeline for a decision? Messina said no. Hemp seed and protein powder products appear to be considered GRAS (Generally Recognized as Safe). Giguere added that a December 18<sup>th</sup> memo from FDA stated that was the case.

Messina said a main question is how to get products to growers? Are there tolerance exempt products available? That may be a good starting place. What about more toxic modes of action? EPA is working with the registrants. What do growers want to use?

Kachadoorian said that the EU has tolerances in place and Canada has tolerances for seed. They started as protein power, and then moved to culinary oil. She also asked about importation of CBD oil. Some states have expressed concerns regarding adulterated food products, but what if

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FDA said that CBD is a supplement? Messina's response was that the U.S. has no tolerances. Supplements are a subset of food per FDA, but they get difference treatment sometimes. Giguere stated that for fungicides, Vermont is not allowing Section 3 mycobutanil, but is allowing neem and potassium carbonate. Unlike hops, one needs to be very careful because of the extraction of oil resulting in concentration of residues. For instance, a plant that has a 12% residue can have up to 80% once extracted. No other crops go through a similar process. Also, supplements do not make food claims and can live in the gray area.

Davis said that if a product is tolerance exempt and is allowed on unspecified herbs, food crops, oilseeds, etc., then it is on Washington's hemp okay list. The product cannot be a home and garden product though. Their list is currently being developed.

Fleeson Trossbach asked the states that have not worked with cannabis before to share their plans. Smith said that Texas has a proposal in to the governor. Region 7 asked Creger to ask for the OPP master list of hemp labeled products. Messina responded that there are about 6 products labeled for hemp, but they use was for fiber, not consumption. Fleeson Trossbach has the list and shared it with the committee.

### **PRE-SFIREG REGIONAL REPORTS**

SFIREG Committee Members

Please see attached reports.

- Tracy Back is the best person to contact at headquarters for issues with Federal Credentials.
- States are seeing a lot of concern about the use of glyphosate.
- Pat Jones, NC added on to the R4 Report with a paper describing the use of a device for hospitalization disinfection and he is requesting more focus on public health claims. Paper is attached to these minutes.

### **AAPCO 25(b) GUIDANCE DOCUMENT**

Erica Millette, NM and Sarah Caffery, OISC AAPCO 25(b) Workgroup Co-Chairpersons

Millette described the process of developing the two guidance documents available on the AAPCO website. There are living documents and they may be revised. A small group developed the documents, then they went to the state group to be reviewed. After amendments, they went to the industry group for review as well.

The label guidance developed definitions regarding the use of the terms organic and natural. They also said that the registrant must include the phrase 'when used as directed' in combination with safety claims.

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The data guidance document attempted to quantify efficacy claims based on the 810 guidance. They are currently putting together a Q&A document on the guidance. There are industry folks who are not happy with the guidance.

Begin, R3, thanked the workgroup and emphasized how helpful the guidance documents have been. About 50% of the states have adopted the label guidance at this time.

The workgroup's next project will be to review inerts, mostly ones that cross over into Section 3 products as active ingredients.

The Household Cleaners Commercial Products Association has requested that products with health claims go into a 'PRIA Lite' category for federal registration. There are concerns that 'me too' claims will be made for products that should be reviewed separately. This is a valid concern. It is important that all products claiming 25(b) actually meet the 25 (b) criteria. Millette thinks that generally most states support all Section 25 (b) products going through federal registration.

Kachadoorian thanked the chairs for their hard work in resolving some of the more difficult areas related to the state registration of 25(b) products.

**ASSOCIATION OF AMERICAN PESTICIDE CONTROL OFFICIALS REPORT**

Rose Kachadoorian, OR, AAPCO President

Kachadoorian began by sharing that there would be a Board of Directors meeting in July in Oregon this year. Topics of discussion will include emerging issues; increasing communication with members; strategic planning for the label improvement effort; language clarity, including distinguishing between advisory and enforceable language and appropriate headings that contain them. The board will need lots of involvement from SFIREG, the WC and maybe the new workgroups. They want to develop a voluntary guidance. The board has been active with biostimulants, including providing comments to NASDA for inclusion in the USDA report and review of EPA's draft guidance, especially Table 4 in the guidance. Also, the 24(c) restriction issues with EPA have been a big focus area. The National Pollinator Assessment is coming up. It assesses the efficacy of MP3 as well as habitat and native pollinator protection. The Pollinator Protection workgroup is looking for more help in reviewing the survey results and providing information to EPA.

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**ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS  
REPORT**

Liza Fleeson Trossbach, VA for Irene King, NM, ASCPRO President-Elect

ASPCRO recently held its midyear meeting in Minneapolis, MN on April 1, 2019 where work performed by its committees was reported to the Board of Directors, pest control regulatory officials and the industry.

ASPCRO's Public Health Committee (PHC) is currently working on two initiatives, which focus on the broader public health implications of pesticides misuse. Internet sales of illegal pesticides happens to be a shared concern among state regulators, pesticide registrants and the Pest Control Industry ("Industry"). Given the global market for pesticide products and the ease with which these products can be purchased via the internet, the PHC is developing information critical to educate both business owners and consumers. For example, frequently asked questions reported to regulators have centered on how to identify legal pesticides from counterfeit products. It is important for business owners and consumers to ensure the product is legal for use in the United States. Knowing how to identify the EPA registration number and directions for use, and to identify clues which indicate that a product may be unregistered or counterfeit aid in protecting users from illicit products. Knowledge of how to spot illegal products helps safeguard the industry and the public at large. In an effort to buttress educational materials being developed, the PHC is forming a Task Force with the primary purpose of sharing information among pesticide regulatory officials and product registrants when counterfeit or illegal products are found in the marketplace. The two-fold approach to education and crosspollination of information is hoped to get a better handle of the illegal and illicit use of pesticides across the Country.

Another area of focus for the PHC is in the use of antimicrobial wipes. The Committee has noted a troubling trend related to the use of antimicrobial products in schools. School administrators are requiring grade school students to include "antimicrobial wipes" among the school supplies they need for personal daily use. Although these products contain specific label language which states "Keep Out of Reach of Children", they nonetheless are frequently used by children throughout the day, thereby increasing the potential for exposure to caustic quadrominium compounds often found as the active ingredient in these products. The PHC intends to make available information to school district administrators regarding the proper use of antimicrobial wipes. The Committee is also planning to share information regarding the proper use of antimicrobials to hospitals. Future activities planned for the PHC include creating a compendium of information related to pests of public health significance and emerging disease issues. As each project is completed the resources will be made available at on ASPCRO's website at [www.aspcro.org](http://www.aspcro.org). The PHC planning to hold an open meeting in conjunction with the 2019 Annual Conference in Franklin TN.

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The Building Code Committee (BCC) met to discuss the results of a recent Polyurethane Spray Foam Insulation survey of State Lead Regulatory Agencies (SLA's). The issue primarily stems from termite infestations that went unnoticed and inaccessible areas for inspection and pest management companies cancelling contracts in structures that utilized polyurethane spray foam insulation (PSFI). Of primary concern is the proper installation of the PSFI in crawl spaces which will allow pest management professionals (PMP's) to properly inspect for termites those structures that have installed PSFI. The key factor in performing a termite inspection is a three- inch gap (minimum) to identify termite tubes that access the structure. Twenty-two states responded to the survey, but only five states have reported complaints related to the use of PSFI. Of those five states logging complaints only one enforcement action was taken involving an inaccessible area on a Wood-Destroying Inspection report. Four states reference building codes in pesticide regulations and three states have either building codes or pesticide regulations that require inspection gaps. The results of the survey will be published on the ASCPRO's web site.

ASPCRO is taking steps to help remedy this situation by drafting a white paper outlining the challenges presented by PSFI applications and address information related to proper PSFI installation that would not impact existing termite warranty coverage allowing for inspection of critical structural elements. In addition, ASCPRO will be joining the International Code Council to stay apprised of industry news, building codes and building practices that could impact structural pest control.

The Structural Fumigation Committee (SFC) also met to discuss issues related to PSFI. Polyurethane foams may be trapping sulfuryl fluoride (SF) gas thereby extending the aeration procedure of a fumigation – a problem primarily for closed-cell foam due to its common use as insulation during construction and renovated structures. The noted structural area of concern is attics where the use of PSFI creates a limited ventilation or an unvented space. In addition, ASCPRO has posted letters and Q&A's from Douglas Products that address fumigations with Vikane<sup>®</sup> and Master Fume<sup>®</sup> and a letter from Ensystem II, Inc. that addresses fumigation with Zythor in homes with PSFI at <http://www.aspcro.org/documents/sprayfoam/sprayfoam.pdf>.

ASPCRO's 63<sup>rd</sup> Annual conference will be held in Franklin Tennessee August 28 – 30, 2019. This year's agenda will impress anyone from industry, PCO, and states regulators. The meeting will begin with a warm southern welcome from the Tennessee Department of Agriculture. The program will also include a 90-minute session on Managing Different Generations from speaker Leonard Wood of L. Wood consulting. The session is to address the vast diversity in the workplace for the pest control industry and state regulators. Meeting highlights include Food safety and pesticides, two tracks on Rodenticides and fumigants, along with our famous Hot Topic session providing the association with 10-minute news flashes of current and upcoming topics that effect our industry. Hope to see you in August!

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**TRIBAL PESTICIDE PROGRAM COUNCIL REPORT**

Fred Corey, Aroostook Band of Micmacs, TPPC Chairperson

At TPPC's March 2019 meeting they discussed collaboration with NASDA to support increases in STAG funding, cannabis, and future collaboration. Corey thanked Fleeson Trossbach for attending and giving a SFIREG update. Next meeting is October 8-11, 2019, with the Yakima Nation hosting in Washington State.

TPPC continues to work on the status of pesticide issues in Indian Country, and hopes to use it for education of unique issues. They are still working on the document and hope to have it finalized for EPA by September 2019.

Another issue for TPPC is Direct Implementation. Only about 20 tribal nations have cooperative agreements with EPA. There are over 550 tribal nations in the country and EPA is responsible for implementation and enforcement. TPPC hopes to see a strong and more consistent presence from EPA in this area. They are resuming pesticide program outreach, but only about 40 tribes participate in TPPC. EPA doesn't spend much time on pesticide issues with tribes otherwise. In August there is a multi-media meeting in Palm Springs where they will discuss Pollinator Protection Plans and hope to interest and encourage more involvement.

Risk assessments at EPA do not include the unique exposures that tribes could experience. With the revamping of TSCA to take unique exposures into account, TPPC is hoping the FIFRA programs will follow suit. There are exposure models for other chemicals but they are not used in FIFRA registration decisions.

There are some pilot projects TPPC is working on, including addressing concerns related to moose and herbicide use in clearcut forests. Moose preferentially browse in these areas due to the growth of nonwoody vegetation. There have been anecdotal accounts of impacts to moose, maybe from excessive exposure to herbicides used in these areas, as moose consume vast amounts of vegetation, which is likely not captured in risk models. The tribal members who hunt moose in these areas do so in a spiritual manner and utilize all parts of the moose. It is very important to them to be able to consume the organ meat, as well as the more tradition muscle. There have been accounts of the organs being enlarged and not normal looking and it is very concerning to the tribal members.

Another project they are working on relates to Ash trees. Ash is very culturally important to some tribes and it is used for traditional basket making and snow shoes. There are two concerns: one is working with APHIS to preserve seed trees so that when the emerald ash borer infestations have declined more ash can be planted to replace the dead trees. APHIS does this by using systemic pesticides selectively. But, the making of baskets involves holding the wood in the person's mouth for a period of time and TPPC wants to ensure that the basket makers are not putting themselves at risk by doing so.

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The C&T rule is having significant impacts on the tribal programs that implement C&T programs. Many of the tribal pesticide programs are only staffed by one or two people, and rewriting rules and codes is very onerous to them. Many do not have attorneys to work with as well. If the burden of complying with the rule results in the tribes having to give the program back to EPA, that would be an erosion of tribal governance.

**UNMANNED AERIAL VEHICLES**

Edward Messina, EPA/OPP and Rose Kachadoorian, OR, AAPCO President

*EPA's UAV Work Group and AAPCO's Technology Work Group will provide information and updates of the activities of the workgroups*

Please see EPA's attached PowerPoint. Kachadoorian said that AAPCO's technology workgroup has two co-chairs, Robby Personette and Colton Bond. Their mission statement was just developed. EPA has attended some of the workgroup meetings. Issues they are working on include label language interpretation, PPE requirements and for whom, WPS determinations for handlers and workers, and how to work with the teams that are often involved in the applications.

The goals of the AAPCO workgroup are to develop guidance for states, have consistent communication, and determine appropriate buffer interpretations. More information is still needed in many areas, such can FIFRA Section 2ee be utilized or is it appropriate to do so, or is the pattern more like chemigation? PRN 93-2 discusses different residue data that is needed and states that no additional residue data is needed for uses unless 2 gal of water per acre or 10 gal per acre is exceeded by the application. This needs to be reviewed and evaluated. Kachadoorian also emphasized the desire to have extension involved because they collect data as well.

While the technology workgroup is currently focused on UAVs, the expectation is that other subject areas such as robots and artificial intelligence will be investigated in the future.

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Tuesday June 4, 2019 8:15 am

**REALIGNMENT OF EPA REGIONAL OFFICES**

Michael Brannick, EPA Regional Representative, Region 2

Please see attached slide.

**FOCUSED WPS INSPECTION INITIATIVE**

Carol Galloway, EPA/OECA/OC

The initiative would allow states and tribes to pilot focused WPS inspections as a subset of a full WPS inspection. The hope is that more establishments could be reached. The Regional WPS contacts formed a workgroup to develop the framework. There are conditions where this would not be appropriate, such as a for-cause inspection. The framework is currently under review in the regions and then it will go out to the states and tribes for review. The pilot could start as early as mid year 2020 and would include revisions to annual workplans.

Fleeson Trossbach asked what types of subset inspections are we talking about and Galloway offered that one focus inspection could be related to the information provide to workers and handlers (training, posting, etc.). Other areas could be related to PPE or respirators. Fleeson Trossbach followed up by asking if these would be Tier 1 or Tier 2 or something different? Galloway stated that EPA wants to give credit for the work and that it should assess compliance and use enforcement if needed. Fleeson Trossbach asked if any states had tried it yet and Galloway said that PA started a pilot and the results were positive. It also seemed to help inspectors learn the new WPS requirements better.

Matsumura said that there is concern in Hawaii from inspectors that this will create a false sense of security for facilities regarding their WPS compliance, and Galloway stressed that communication is really important. Fleeson Trossbach noted that since this is not a complete inspection the expectation for the WPS workplan is unclear, and she is concerned about communication. Also noted was the tension between an efficiency perspective and having to have multiple visits to sites to ensure compliance.

Jones asked about the WPS desk statement regarding the AEZ and technical corrections such as droplet size issues with greenhouses. Galloway said that on March 13, 2019 the EPA sent it to OMB. They will also send it to USDA. The desk statement is being working on right now at OPP.

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**LABORATORY DIRECTOR'S REPORT**

Mike Stage, AR, Laboratory Director's Liaison to SFIREG

Please see slide regarding funding schedule for labs.

Stage began by discussing the impacts of the hemp program, which is requiring a lot of resources, time and personnel for the labs. States that have not begun their programs should double the resources they expect to need, as it is very intensive and involves seed, pesticides, legal issues and law enforcement. Stage recommends involvement in a bimonthly call for hemp regulators that has been taking place. The contact is Doris Hamilton from KY.

**ASSOCIATION OF AMERICAN PESTICIDE SAFETY EDUCATORS (AAPSE)  
UPDATE**

Kim Pope Brown, LSU Pesticide Safety Education Program, AAPSE President-Elect  
*Association activity report and identification of current pesticide related issues of shared interest.*

The National meeting will be in Duluth, MN at the tail end of the North Central Region meeting. On July 25, 2019 AAPSE will have elections for board members. The meeting will also include an exam development workshop, following up on a webinar earlier this year.

AAPSE wants more professional development opportunities, including a mentorship program similar to PREP to foster growth and development for educators. They are also focused on strengthening the association internally. A current situation for AAPSE is that they have lost a lot of very active members to retirement lately and need to build up.

AAPSE wants to support SLAs as they work on the C&T plan revisions and requests a seat at the table.

**NATIONAL PESTICIDE SAFETY EDUCATION CENTER UPDATE**

Kerry Richards, NPSEC Project Coordinator

NPSEC has a date-stamped paraquat training available, but they recognize the need for a canned in-person training because some folks cannot do online training. Some associated issues are getting 100% on the quiz and keeping records of certification. They also are developing a Spanish in-person and online training, and recognize that most states require applicators to take certification training and testing for RUP licensure in English. They have had 1700 people do the only paraquat training so far.

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**PESTICIDE PROGRAM DIALOGUE COMMITTEE REPORT**

Liza Fleeson Trossbach, VA, AAPCO PPDC Liaison

Please see attached PowerPoint.

**FIFRA 24(C), SPECIAL LOCAL NEEDS REGISTRATIONS**

Rose Kachadoorian, OR, AAPCO President

Kachadoorian began by explaining that the issue of EPA recently saying that they would begin denying the state registrations is prompted by dicamba 24(c) registrations that increased restrictions, especially as states were trying to understand how us could occur without unacceptable damage. AAPCO, NASDA and several states have sent letters to EPA outlining concerns. There is continued conversation occurring with EPA on the issue.

New uses appears to be an area of contention, and Kachadoorian wants to open up the conversation, but also encourages states to go to their attorney's to discuss new uses and companion 24(c)s to allow use. Then please get back to AAPCO with the reasoning utilized by the state attorneys.

Lamanno asked if this affects only dicamba 24(c)s? Kachadoorian replied it is interesting because we may issue a new use 24(c) but include lots of restrictions. Previous EPA guidance did allow adding restrictions. Now EPA is saying that following that guidance is not correct. Rulemaking takes a long time and using 24(c) allows states to continue allowing the use. Otherwise damage may be unacceptable.

Giguere used Headline as an example, and stated that there may be other tools available to states to get where they want to be. He agrees with EPAs statement. Kachadoorian responded that the Headline example was a federal supplemental label and that is different and it supersedes the container label. Also, states conduct high levels of education including SLNs to ensure it is known to the users.

Kachadoorian then asked the states what education efforts have they utilized regarding SLNs and have they had any enforcement issues related to SLNs? Gere began by saying that they use SLNs for many reasons, for example restricting the soil type where the application will occur. Every state is different and they need that flexibility.

Press releases, extension outreach, emails to applicators and ensuring dealers are providing the SLN labels mentioned.

Fleeson Trossbach asked if the 24(c) option was not available, what else could states do? Gere replied rulemaking, but it would take too much time to allow the use in the interim.

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Kachadoorian also stated that there was ambiguity about what needed to be on the label. The 24(c) registrations allowed states to determine better controls for the use of the product, which eventually were put onto the federal label. Moving forward, it is still unclear if more restrictions are needed to allow the continued use of the product while protecting off target areas, and the 24(c) process will allow states to continue to use the label as new and better research and information is available.

Giguere suggested that states eliminate granting the Section 3 registration, and pursue the 24(c) labels for registration.

Jones added that the states were up against new, untested labels, and rulemaking isn't fast enough to address concerns. Getting a new label in late fall/early winter is clearly not sufficient time for rulemaking to occur prior to the use in the spring.

EPA's Frequently Asked Questions supports using FIFRA Section 24(c) to prevent unacceptable damage. NC has created a recordkeeping manual specifically for dicamba that includes the NC 24(c) label. When Dicamba gets more than a 2 year label, states can pursue rulemaking if needed. The last couple of years have been experimental and most 24(c) restrictions are now on the federal Section 3 label.

Drake added that conditional registrations are available for some state programs to use.

Verhougesrate doesn't disagree with the 24(c) per se, but clearly the agency has supported restrictions on 24(c) for a long time. He encouraged AAPCO to support this history moving forward, to ensure flexibility. Region 5 states have written a group SLA letter to EPA. It also doesn't appear that EPA understands Section 24(c), as they refer to the registrations as a 'request' on their website, which is incorrect.

Reed stated that 24(c) has been an important tool for 20 years and if everything was perfect we wouldn't need this, but that isn't the case. We need to maintain the tool.

Kachadoorian closed by saying that AAPCO will put all of the 24(c) letters on the website and will stay firm on this issue.

#### **FULL SFIREG CONSIDERATION OF LETTERS AND PAPERS**

1. Cover Crop Issues And Plant-Back Restrictions: After discussion, the committee voted unanimously to move the issue paper to EPA with clarification of the 12 month plant back assumption by Bahr and including the creation of a PR Notice by EPA as an option for addressing the issue.

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2. Future of POINTS and Water Quality Reporting: Lengthy discussion included that the value of POINTS to active state water pesticide programs was determined to be significant, especially for supporting management decisions and sharing data among states; that it is unclear and unlikely that EPA uses the data for registration decisions (although it is clear that they use NPIC data for registration and why they would not use POINTS is not apparent); that it is unclear how EPA can require states to report into a system that is unsupported by EPA; while a temporary solution to funding POINTS may be available to states, but EPA's long term goals regarding the water quality programs is not clear; and the value of preserving the data and determining who owns the data currently are of high importance to the states and that it is possible AAPCO could fund the system, perhaps using SFIREG funds, and own the data for the benefit of the states. The committee voted unanimously to send the issue to AAPCO to address directly with EPA with the previous considerations and points.
3. Pesticide Residue Action Levels in Cannabis: The committee voted unanimously to move the issue to EPA, with small corrections.
4. Pass through Insecticides: The committee recommends that the POM letter to states regarding the appropriate registration status of pass-through insecticides be sent out to the states, with encouragement that the pesticide programs share the letter with their feed program counterparts and that AAPCO reach out to AAFCO directly to ensure awareness of the issue at the national association level.
5. Regulation of Devices Survey: the committee recommends that SFIREG and AAPCO review the survey questions and work with EPA to develop an introduction to the issue for states who may not have worked extensively with devices. EPA is particularly interested in the states' ability to regulate devices and would like to share information with the FDA devices workgroup and with appropriate infectious disease authorities. AAPCO will manage next steps.
6. North Carolina, Devices in Hospitals issue: EPA's authority appears limited due to not being able to review efficacy data because they are not able to require efficacy data (manufacturers clearly cannot make false and misleading claims though, so there may be an opening). This is despite a likely flagrant human health risk related to pesticide use and claims. AAPCO supports determining if the CDC or another health authority has jurisdiction as well. The committee voted to move the issue to POM and EQI for further research and evaluation.