

State FIFRA Issues Research and Evaluation Group (SFIREG)

Report to the Joint Working Committee

Chairperson Gary Bahr, WA

April 12, 2021

The State FIFRA Issues Research and Evaluation Group (SFIREG) is a permanent committee of the Association of American Pesticide Control Officials (AAPCO) and provides a mechanism for states/territories to communicate directly with EPA. It enables states/territories to play a meaningful role in the development of pesticide policies and regulations. SFIREG is composed of one state/territorial pesticide regulatory official from each of the ten EPA regions.

During CY 2020, Full SFIREG considered a number of issues, taking several actions to address those issues. Specific issues include:

- SFIREG received Issue Paper updates, findings and/or conclusions from EPA OPP, and had discussions with EPA OPP on these topics and findings:
 - Issue Paper-Pesticide Impurities in EPA Registered Pesticides (October 2018)
 - Issue Paper-Cover Crop Issues and Plant-Back Restrictions (July 2019)
 - Letter - Concerns Regarding The Establishment of Action Thresholds (July 2019)
- Dicamba Registration Decision updates were provided by EPA and SFIREG and the Joint Working Committees provided scientific input related to key label changes, including: labeled rates, cut off dates, downwind buffers, ESA topics, pH buffering agents, wind speed, inversion and weather topics, sprayer speeds, and also applicator training. EPA made a decision on new five year labels and provided SLAs with an overview of those labels and changes during December 2020.
- COVID-19 pesticide registration processes and progress.
- Section 18 registration processes including COVID-19 registrations.
- Potential shortage issues and solutions for respirators and other personal protective equipment (PPE) during the 2020 growing season due to the impacts from COVID-19.
- Revised State Certification Plans, providing input to EPA and Regional Office Leads.
- Pesticide Use on Hemp related to applications for new products registered for use on Hemp including anticipated timeline for registrations.
- Section 24(c) registrations on cannabis, including hemp.
- OPP and OECA Cooperative Agreement Guidance Revisions for FY2022-2025, input and comments, including restricting of the Water Pesticides Program elements and requirements.
- FIFRA Cooperative Agreement Database Training for SLAs.
- Paraquat and Certified Applicator Requirement, and FAQs document.
- EPA Worker Protection Standard (WPS) and Application Exclusion Zone (AEZ) requirements.
- Pollinator Program and Pesticide Issues with Managed Pollinators.
- FIFRA Preemption Topics in States and a SFIREG FIFRA preemption survey.
- State Lead Agencies Issues with Neonicotinoid Treated Seed Regulation.
- Revenue, staffing, and workload issues with Land Grant University Pesticide Safety Education Programs (PSE) Programs during and post-COVID.
- Cover Crop Issues and Plant-Back Restrictions to EPA.
- Water Pesticide Programs, Pesticides of Interest Tracking System (POINTS) decision making online tracking system housed and management by Washington State University.
- Devices Making Public Health Claims.

- PFOS/PFAS Issues with Pesticides and Pesticide Containers.
- Laboratory testing support for SLAs related to PFOS/PFAS.

Both the Pesticide Operations and Management (POM), Chaired by Jeffrey Rogers (VA) and the Environmental Quality Issues (EQI), Chaired by Carrie Leach (IN) provided exceptional support to Full SFIREG and were instrumental in bringing these issues to fruition. The Joint Working Committees (JWC) held meeting virtually due to COVID-19 issues and travel restrictions. The September 2020 JWC meeting was hosted by the California Department of Pesticide Regulations (DPR) and a working topic was related to Hemp production and pesticide issues. SFIREG thanks Carrie and Jeff for their leadership and also a thank you is extended to Jennifer Teerlink (CA) and DPR for all their support to host the meeting virtually with an outstanding expert video that was provided.

Jeff Rogers (VA) led POM with the following topics:

- Multi-Packs/Co-Packs: the committee was able to develop the first of several guidance documents/letters for SLAs relating to the challenging issues brought forward. We continue to look at the balance of these issues and will be developing more resource material.
- Paraquat: the committee continues to follow the paraquat labelling issues/registration decision and was able to develop a frequently asked questions (FAQ) document to be used by SLAs in an effort of enforcing label language consistently.
- Neonicotinoid treated seed: the Committee will be working to gather more information regarding Region 2's Issue paper on neonicotinoid treated seed regulation as treated articles.
- The POM committee has and continues to successfully partner with EQI to share timely feedback on label language (ex: compost language for pyridine herbicides), pollinators & illegal pesticide use, hemp, PFAS, and other topics as identified by the Chair, Full SFIREG, and EPA.

Carrie Leach (IN) led EQI with the following topics:

- POINTS White Paper: EPA clarified its long-term plan for POINTS funding and water quality reporting, as was recommended in the white paper. Because the database will be discontinued, the ideas and recommendations in the POINTS White Paper will not advance or be implemented as recommended. Due to this, the POINTS white paper was moved out of the EQI committee at the September 2020 Joint Working Committee meeting.
- Cover Crop Issue Paper: EQI continues to work with EPA on the resolution of the Cover Crop Issue Paper. An EPA workgroup for the issue paper has been formed and will ask for EQI members to join their discussions of the paper after they find agreement on terms.
- PFAS: The issue of PFAS came to EQI at the June 2020 SFIREG meeting. Since that time it has continued to gather momentum with a Boston Globe article citing Anvil 10+10, applied aerially, as a potential source contributing to contamination. EPA testing for PFAS found the containers as a source of contaminate. With discussions of state supported testing, EPA risk assessments, and efforts being made to better understand PFAS and its impact on the environment, EQI will work to gather more information should a need arise to develop documentation on the subject.
- The EQI committee has and continues to successfully partner with POM to share timely feedback on label language (ex: compost language for pyridine herbicides), pollinators & illegal pesticide use, dicamba, hemp, PFAS, and other topics as identified by the Chair, Full SFIREG, and EPA.

In addition to the above, the SFIREG Chair and Joint Working Committee Chairs began meeting with the EPA Office of Pesticide Programs Government Liaison & SFIREG Project Officer and others from the Intergovernmental & Community Relations Branch on a monthly basis to engage on topics and work on cooperative solutions to issues.

SFIREG continued to actively participate in meetings of the Tribal Pesticide Program Council (TPPC), which affords the opportunity to work on issues of mutual interest and leverage both resources and expertise. SFIREG also participated as a presenter at EPA's National Program Managers Meetings providing both headquarters and regional staff information regarding its activities and the resources available to them through AAPCO/SFIREG.

SFIREG has embarked on a Label Improvement Project in 2019 and the work continued in 2020. This long-term label improvement project is based on development of the ideal "good" label and will involve state/territories as well as the EPA throughout the process. The project, which will be undertaken by a SFIREG Work Group, will be coordinated and overseen by a Project Manager and Project Chair, and utilize specialized teams. The first step in the Label Improvement Project will be to develop a plan. The Core Project Management Team, or the plan developers, have been selected and the first meeting of the Team is anticipated for late March/early April. Team Members will also be participating in project management training. The anticipated completion of the plan was September 2020 at which time Project Execution Teams planned for implementation. Members of the Project Execution Teams may be comprised of a broader base of individuals and include representatives from other stakeholder groups in addition to state/territorial and EPA pesticide regulatory officials. AAPCO has selected Megan Patterson, Maine Department of Agriculture, Conservation and Forestry as Project Manager, and Liza Fleeson Trossbach, Virginia Department of Agriculture and Consumer Services, as Project Chair.

Looking ahead in 2021, SFIREG including the Joint Working Committees (POM & EQI) and the AAPCO Board will continue to have regular coordination calls with EPA OPP and OECA. SFIREG will continue to work on issues brought up in 2020 related to neonics, seed treatments, preemption, managed pollinators, C&T plan approvals, and PSEMP funding topics. POM will be looking at a multitude of issues including multi-packs and co-packs, paraquat labeling and FAQs, challenging labels, disinfectants, and hemp. EQI will continue its efforts regarding Cover Crop Issues and Plant-Back Restrictions; PID, BE, and BiOp comments; PFOS/PFAS, registration topics, and supportive science, information and data gathering and submissions to EPA OPP. The next meeting of the Joint Working Committee will be in April and it will occur virtually. Currently under consideration is the fall meeting and location.

Additional information regarding Full SFIREG and the Working Committees, including roles and responsibilities, current members and meetings is available at www.aapco.org.

Respectfully submitted,



Gary Bahr, SFIREG Chair