

Region 10 Pre-SFIREG Meeting Report

Teleconference Held May 11, 2016, 2:00 – 4:00 Pacific Daylight Time

Prepared by: Cory Cooley, (OR) – Region 10 SFIREG Representative

In Attendance:

- Oregon: Cory Cooley, Dale Mitchell, Rose Kachadoorian, David Priebe, Kirk Cook
- Alaska: Bob Blankenburg
- Idaho: George Robinson, Bob Spencer
- Washington: Erik Johansen
- Yakima Nation: Joe Ben Herrera
- EPA Region 10: Gabriela Carvalho, Derrick Terrada, Juliann Barta, Gianpaolo Boccato,

A. State Hot Issues:

Oregon:

- Recently conducted large-scale Asian Gypsy Moth aerial applications in the downtown Portland area and Vancouver, Washington. Product applied was *Bacillus thuringiensis kurstaki* (Btk). Traps will be placed to document efficacy of treatments. Upcoming applications for eradication of Japanese beetle near the Portland airport.
- Legislature approved funding for 4 new investigative staff, 1 case reviewer, and additional staff in water quality program.
- Status of WPS rule.
- Upcoming permanent rulemaking adding an aerial applicator license. Applicators will need to pass specific exam for aerial applications. Will need 10 credits annually, directly related to aerial applications.
- Community well located in Stateline area of Washington and Oregon showing elevated levels of dacthal (DCPA). Oregon DEQ currently doing groundwater study looking at groundwater flow. Historic use vs. current use? Two states and EPA working together to find a solution. Washington Dept. of Health holding public meeting on issue.

Washington:

- Four section 18 requests pending at EPA. One section 18 involves treatment of wheat seed using fipronil. Another section 18 involves use of isofetamid on berries. Continue to work on Cannabis issues, and are in process of developing two new license exam categories through rulemaking (sulfur dioxide).

Yakima Nation:

- Addressing complaints. Working on getting inspector's license. Have been working with tribal school regarding IPM in schools. Recently worked with WSDA at a pesticide collection/removal event.

Idaho:

- Currently doing pesticide disposal collection events in Treasure Valley and North Idaho. Upcoming Japanese beetle control in late May in the Boise area. Agriplas has taken over container recycling program in Idaho. Idaho having another year with high infestation of voles. Dept. of Fish and Wildlife reported 335 dead geese in Eastern Idaho, samples tested positive for phosphine. Zinc phosphide applications occurring simultaneously in area, unsure of exposure sources. ISDA has recently hired new staff.
- Idaho not dealing with Cannabis/marijuana Issues

Alaska:

- Finishing Advisory regarding pesticide use on Marijuana. Cultivation licenses will be issued within the next couple months; would like advisory in place before licenses are issued.
- State fiscal issues due to price of crude oil dropping. Major cutback area focused on university and cuts to extension programs. Extension pesticide education services, including exams will be diminished.
- Issue regarding emergency response to invasive species including aquatic and terrestrial. Current state rules inhibit timely response to manage species. Working on changing state rules.

B. Full SFIREG Agenda Topics

1) Seed Lubricant Update

- a. Seed lubricant to reduce fracturing of pesticide treated seed during seeding, ultimately reducing exposure to flying insects and honeybee's. Not a Region X concern. Different planters are used during planting.

- b. Additional issue in Oregon- Propiconazole treated grass seed brought into United States from New Zealand with no equivalent use pattern on grass seed. EPA was involved and grass seed was sent back to New Zealand. Additionally, grass seed was brought from New Zealand with Thiram and clothianidin, no equivalent use pattern for clothianidin, so seed was not imported.
- c. Treated seed, currently considered a treated article, remains a concern. There is currently a pending enforcement case related to treated seed imported from another country. ODA encourages EPA to reevaluate whether it is appropriate to consider treated seed, a treated article and increase import inspections. EPA response- EPA does not require Notice of Arrival on treated articles. Treated articles fall under exemption since pesticide only protects seed, however, systemic products treated differently, still gray area with EPA. When pesticide products used to treat seed are imported to U.S., the product falls under EPA purview. If no NOA is filed, EPA does not know product is being imported. OPP trying to merge with Customs database, limited access at this time. Oregon- amount of treated seed annually is rising, treating facilities not up to speed on info to put on labels.

2) **Label Comparison tool demonstration and discussion**

- a. EPA comment- Spearheaded by EPA region 5. Mobile application for use during inspections. I.E.- During a PEI you could scan label and compare it to the federally registered and approved label. Make label review more efficient. Oregon- will mobile application be sufficient to produce accurate data considering label revisions etc? EPA response- Label comparison project is geared towards regulators, a separate project, EPA Label matching project is geared towards end users, to help them decipher labeling directions. EPA working on updating labels to function and communicate with mobile application.

3) **WPS- timelines, resources**

- a. WPS rules coming into effect 2017 and 2018. EPA in collaboration with Pesticide Educational Resource Collaborative (PERC), working on creating resources, videos, charts, pamphlets etc., to provide to establishments affected by the rule. Oregon OSHA working with EPA on the issue of the application exclusion zone and adjacent worker housing. Do workers stay sheltered in place or leave AEZ? EPA comment- Rules in affect in 2017 include; annual training of workers, respiratory protection, fit testing, AEZ provisions on the establishment, recordkeeping for applications, and amount of decontamination water needed for handlers/workers. Timelines for implementation and enforcement could

change depending on availability of training materials. Oregon- grower groups talking with legislature representatives to push back on WPS rules. 2018 rules in affect are AEZ off establishment, training of workers/handlers etc.

4) National Survey to assess consumption of cannabis

- a. WSDA- possibly will be implemented by health agency, unknown at this time.

5) Disinfectant RTU labels and PPE

- a. Some disinfectant products have gone through process of adding reduced PPE language on the master label when using a diluted solution, other products have not gone through this process. See attached issue paper. Oregon- Region X will introduce this topic at the Full SFIREG meeting in June.

6) PSEP funding mechanism

- a. Oregon- NASDARF was planned for distributing PSEP funds for WPS, and funds to CTAG. NASDARF turned down offer to administer grants. EPA soliciting for an alternate entity to distribute PSEP funds.

7) Marijuana 24C's

- a. WSDA- Western States Cannabis meetings have been good platform for working through issues on special local needs. Getting closer to 24C application submittals. Alaska- asked if any registrants have submitted applications for 24C to states. WSDA- Two registrants have plans for submitting applications for tolerance exempt products. Oregon- State of California looking at doing risk assessments on human health. Have expertise to conduct studies for products requiring a tolerance.

8) Methomyl misuse and ghost buster raccoon symbol

- a. Oregon- problem in Michigan and Indiana areas. Internet informing users to mix methomyl fly bait with soda to kill raccoons. Michigan made methomyl an RUP.

9) Concern that EPA is rushing C&T rule without fully vetting

- a. EPA- Jim Jones being briefed about C&T rule. Rule being pushed to be finalized. Oregon- concerned that rule is being pushed for completion before presidential election occurs. Alaska- EPA received similar message from AAPCO on finalizing rule under current administration. Oregon- Region X in concurrence that voicing views on rule to EPA is important, and that EPA has not fully vetted rule. Region X to present this view at full SFIREG in June.

- b. EPA- states need to present solutions for fixing rule, not just stating issues with rule. Idaho- states should have opportunity to read revisions of rule and comment on revisions before rule is final. EPA- believes states should present this at full SFIREG. EPA- present idea of equivalency of rule with States current C&T programs. Specifically on the certification period and CEU's over the certification period, i.e.- a states 5 year program being equivalent to EPA's 3-year program. Idaho- communication gap between States and EPA internal method of rule revisions, since States share in implementation of rule and have a vested interest, States should have greater pull with EPA and not looked at as equal to any other commenter on the rule or general public.

10) **Other issues**, Idaho- New issue, essential oil companies promoting oils as insect repellents, and these products have not been registered as section 3 or 25B products in states. EPA- has open cases dealing with these oil products. Trying to find way to communicate with these companies. WSDA- soon will have 25B product labeled for use on marijuana and hemp.

C. Issue for Potential SFIREG Attention:

- a. **WPS**- Region X message to EPA on C&T rule. Region states will provide individual comments to Region X representative to present at Full SFIREG.

D. Issue paper: Disinfectants and RTU Labels

- a. See attachments