

**STATE FIFRA ISSUES RESEARCH AND EVALUATION GROUP (SFIREG)
FULL COMMITTEE MEETING MINUTES
DECEMBER 12-13, 2016
U.S. EPA POTOMAC YARDS, CRYSTAL CITY, VA**

Called By: Cary Giguere, VT, SFIREG Chairperson
Minutes By: Amy Bamber, AAPCO Executive Secretary

Monday December 12, 2016 8:30am

OPP UPDATE

Yvette Hopkins, EPA/OPP/FEAD

See attachment to these minutes

OECA REPORT

Anthony Masurik, EPA/OECA

Please see attachment accompanying these minutes

DISCUSSION ADDING WEB-DISTRIBUTED LABELING (WDL) TO AN EXISTING PRODUCT'S LABELING

Michelle Arling, EPA/OPP/PRD
Laurent Mezin, SePro Corporation

Arling explained that the proposal is to streamline the container label, then have the user go to the website to download the rest of the label, including directions for use. The product being discussed is an algaecide, where many small containers are used on boats, and the applicator only needs one copy of the entire label. Arling expects a formal submission in 2017 from SePro. Both labels will be stamped and available on PPLS. They will also get a user label for review, but it will not be stamped. The largest users of the product are in CA, FL, IN, and VA. SePro is still working on the website and related details. To ensure unique identifiers across registrants the EPA will link the label to an EPA registration number or registrant's name.

- See the presentation accompanying these minutes.
- See PR Notice 2014-1, <https://www.epa.gov/pesticide-registration/prn-2014-1-web-distributed-labeling-pesticide-products>
- Specimen labels are not valid for enforcement. WDL is valid for enforcement.
- States need to determine if WDL is legal in their state.

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POM UPDATE

Bonnie Rabe, NM, POM Chairperson

The committees have been discussing dicamba investigations; zika updates, including a new issue of farmworker protection from mosquitos; tolerances for degradates and issues related to trade; MP3 updates, including the new PPDC workgroup; pesticide applications at big box stores, and if those applications may fall under WPS; registration coordination among states; RNAi technology; TES updates; cannabis updates.

- An issue that has come up is if form 8570-5, Supplemental Labeling is enforceable or tamper proof, given that the CVX portal is now operational and uses a watermark instead of a pin punch. Hopkins will follow up.
- More information on QMS, QAPP, and ISO Certification is coming to assist states who have questions regarding the different standards and systems.

EQI UPDATE

Gretchen Paluch, IA, EQI Chairperson

The committee has been discussing water models; POINTS transition; plant back restrictions, and will provide an issue paper regarding rotational intervals and plant back restrictions to Full SFIREG for June 2017 meeting; the committee is looking at the issues, areas of clarification, and possible solutions:

- PRN 2005 mandatory or advisory
- Label Review Manual-cover crop language clarification
- Bioassays
- Standardizing cover crop language
- Outreach to sister agencies

The committee is also working on QAPP/QMP with POM; and laboratory outreach for private labs.

E-ENVIRONMENT PROJECTS AND OPPORTUNITIES

Andy Battin, EPA/OPP

Battin said that the current opportunities use the same funding sources as the label matching tool developed in Region 5. Main point of these projects is to not embed antiquated processes. On April 5, 2017 there will be an E-Enterprise Stakeholder Event.

The label matching Version 1.2 will go into production in mid-January 2017. Looking for partnerships and action plans, identifying new ideas.

- States can expect to hear from their regions to develop project ideas
- Working on projects can be substituted for other grant activities

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RESPIRATORS-ALIGNING PESTICIDE LABEL LANGUAGE WITH CURRENT
RESPIRATOR TECHNOLOGY**

Garnet Cooke, Oregon OSHA
Nancy Fitz, EPA/OPP

- See Cooke's Respirators 101-Selecting Respiratory Protection for Pesticide Applications, accompanying these minutes
- The decoder in the document allows users to determine current respirator requirements when labels do not have current respirator language on them. Fitz says EPA recognizes the discrepancies and agrees with the decoder.
- See 81 FR 95623 by HHS on Closed Circuit Escape Respirators, Guidance for Industry, <https://www.federalregister.gov/documents/2016/12/28/2016-31393/closed-circuit-escape-respirators-guidance-for-industry-availability>

WPS IMPLEMENTATION

Kevin Keaney, EPA/OPP
Leo Reed, IN, Region 5 Representative

Keaney notes that resolicitation of the meetings grant is upcoming, and that meetings can be used for explaining interpretive guidance and other areas of outreach regarding implementation questions the states may have. NASDA is meeting with EPA to discuss implementation as well.

Options for moving forward with implantation date, as it hasn't changed: states are in favor of using compliance assistance, especially since most outreach regarding the rule hasn't yet been conducted; use of prosecutorial discretion vs. enforcement discretion. Don Lott assisted the committee by detailing the difference between the two:

- Enforcement Discretion: a No Action Assurance. This tells the regulatory community that the agency will not take enforcement action on a particular issue. This is a broad policy, and is usually used if there was a significant error in a rule while the error is being corrected.
- Prosecutorial Discretion: the agency can identify issues and decide to charge or not to charge on an individual basis. This approach allows action to be taken in the event a violation is egregious.
- Anderson-Bee lawsuit against EPA to challenge bee inspection guidance supports the use of prosecutorial discretion for the agencies involved.

A WPS Assessment Group was discussed. The purpose of the group is to advocate for the National Program, and to liaison directly with EPA. Reed motioned to accept the proposal, and Comstock seconded the motion. The committee voted on the proposal, with Lamanno, Wade, Reed, Williams, Glass, Farnsworth, and Cooley voting yes, Uhden voting no, and Comstock and Jones abstaining and commenting that the idea hasn't been fully developed, there is already an AAPCO WPS Standing

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Committee to represent the states, and that they would prefer more time to consider the utility of the group. The proposal passed.

- The implementation date is not likely to change
- Formation of the SFIREG WPS Assessment Group

DISINFECTANTS IN SECONDARY CONTAINERS ISSUE PAPER

Cory Cooley, OR, Region 10 Representative

Cooley presented the Issue Paper developed by the Washington Department of Agriculture at the June 2016 Full SFIREG meeting. He read through the bullets and description of the issue, which includes PPE and incorrect application videos on YouTube provided by distributors which were not sufficient to prevent injury to users.

Currently there are 400 related Danger labels in the state of Washington, including 300 Danger labels allowed to be used in schools. Other issues include 16/30 labels looked at had unregistered labels with no or reduced PPE. Secondary labeling is an issue also, as is misbranding and unlawful labeling.

Farnsworth said that the issue is also a concern in California, and has identified illnesses related to the use of these products. He will send a letter to SFIREG to support the Issue Paper.

Jessica Bailey in the Antimicrobials Division is the contact for EPA:
bailey.jessica@epa.gov

AAPSE REPORT

Kerry Richards, AAPSE President-Elect

Richards described the breadth of the association and the use sites covered by their outreach. Current issues include: lack of PSEP funding by EPA last year and this year. Not only did the PSEPs lose the EPA funding, they also lost the ability to leverage those funds to help support the programs; loss of CTAG meeting; concerns with the Jim Jones, EPA Assistant Administrator, letter concerning WPS training which did not accurately portray the lack of outreach to the regulated community; concerns regarding the C&T rule.

To address the lack of funding on July 24-25, 2017 Andrew Thostenson of North Dakota State University will host a meeting to make up for the lack of a PACT meeting.

The National Pesticide Safety Education Center can support Goal 1 states and can provide resource support to PSEPs.

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AAPCO REPORT

Dennis Howard, MD, AAPCO President

Howard thanked the AAPCO board and described what AAPCO has worked on this past year, including comments on the WPS rule, comments on the C&T rule, pollinator protection, zika workgroup participation, NPDES, WOTUS, cannabis, and SFIREG oversight.

Tuesday December 13, 2016 8:30 am

PREP UPDATE

Carol Black, WSU

Please see attachment accompanying these minutes

ASPCRO REPORT

Liza Fleeson Trossbach, VA, ASPRCO President

Please see attachment accompanying these minutes

PPDC REPORT

Liza Fleeson Trossbach, VA, PPDC Liaison

Please see attachment accompanying these minutes

ADJUSTING PESTICIDE INSPECTION TIME ALLOCATIONS

Cindy Wire, EPA/OPP

Jeff Comstock, VT, Region 1 Representative

Tribes are looking to review what the states come up with to see if it is appropriate for them as well. Travel time remains up in the air, but is captured in the spreadsheet. Currently EPA is 20 year old data categories. Discussion on the new spreadsheet (see accompanying): Rabe likes the ranges provided. Jones said that states could come up with their own ranges. They don't usually get into hours, but the 5700 form does use them to determine the number of inspections.

The state proposal keeps samples out of the time allocation. Ambrosino said that EPA wants the states to include the rationale behind increases in the hours. Wire supports cleaning up the language. The time fram is undcediced. There are also concerns regarding case review and contested findings times.

- There will be an OPP/OECA/State/Tribe workgroup to discuss numbers, rationale, cleaning up language for the time factor guidelines.

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- POM will form a workgroup to assist: 1. Clean up language 2. Agree on numbers 3. Provide rationale for changes

CANNABIS 24(C)

Nicole Zinn, EPA/OPP

George Farnsworth, CA, Region 9 Representative

California Department of Pesticide Regulation provides guidance regarding pesticide residues on cannabis. A lot of differences among states and labs who conduct analysis, laboratory processes and methods. This is how CA is going to address residue testing: 1. Gather info from other states 2. Figure out what is being used, approx.. 60-70 a.i.s. to look for 3. Narrowed down to prioritize 11 a.i.s to conduct a residue risk analysis to determine levels related to topical, smoking, vaping, and other use patterns for end product. Some a.i.s are not legal at all therefore they won't work on levels for them. Levels will be conservative and will continue to be updated based on consumption dat. The levels should be adopted into regulation, not sure how to update outside of a regulation change.

24(c): A company has submitted 3 SLNs. OR, WA, CO, NV hope to have a follow up meeting, and the states will conference call to review the submission. The a.i.s are capsican, garlic oil, and a bT.

CA has had enforcement on pesticide misuse on cannabis.

WPS needs to be included, and that effort is getting done to some degree. It is important to corrdinate with the lead agencies within the states.

Consumption survey: a final survey is at Colorado, now they are trying to determine how to distribute the survey to users. John Scott, CO, said that there is an industry developed survey as well, and isis very similar. The CDPHE survey cost \$15,000. CO posited that EPA needs more engagement. The American Chemical Society can vet the science and are willing to put on another symposia (Kevin Ambrust, LSU is the contact).

- Farnsworth will provide the 11 a.i.s of interest to Bamber
- Scotts SLNs have been submitted and states are coordinating review
- WPS Issues
- Consumption Survey
- Cannabis Box on AAPCO website

DICAMBA MISUSE IN 2016 AND DISCUSSION OF 24(C) LABELS REQUIRING APPLICATOR TRAINING

Judy Glass, KS, Region 7 Representative

Pat Jones, NC, Region 4 Representative

See presentation accompanying these minutes. The damage was extensive in 2016 due to dicamba misuse, including soybeans, tomatoes, peaches, cotton, peas, and some residential issues. There were 2 homicides associated with the misuse. The issue rose to the governor and president awareness level.

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Several states are considering using 24(c) labels to require specific training for the 2017 season.

INSECTICIDE USE IN AIRCRAFT CABINS FOR ZIKA CONTROL

Anthony Lamanno, NY, Region 2 Representative

Puerto Rico and the Region 2 states brought this issue up at the PreSFIREG meeting. It was also discussed by Florida at the Region 4 PreSFIREG meeting. The World Health Organization does endorse applications in some countries. No U.S. pesticides are registered for this use. Due to PRN 96-3 (<https://www.epa.gov/pesticide-registration/prn-96-3-pesticide-products-used-disinsect-aircraft>) all U.S. registrants took aircraft cabin uses off the labels. The Department of Defense has a Section 18, but it is a different use pattern and requires ventilation.

- No uses are allowed in the U.S.
- EPA doesn't support this use
- States may do use inspections
- Lamanno will follow up with Puerto Rico for June 2017 SFIREG meeting

TPPC REPORT

Fred Corey, Aroostook Band of Micmacs, TPPC Chairperson

UC Davis Extension is now providing TPPC support through an EPA grant and TPPC is finding it to be a productive partnership. They met in October and are happy to have the SFIREG Chairperson attending their meetings. Recent issues include pesticide container burning and WPS. The current priorities are: bedbugs, pollinators, IPM in public housing, pesticide program support, and risk assessments. They are looking for answers regarding the federal agency task force on pollinators and ground nesting bees (they have a workgroup looking at the issue), and unique exposures.

March 8-10, 2017 is their next meeting.

PRE-SFIREG REGIONAL REPORTS

Committee Members

See attachment to these minutes