

Region 10 Pre-SFIREG Meeting Report

Teleconference Held November 16, 2016, 9:00 – 10:00 AM Pacific Daylight Time

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

In Attendance:

- Oregon: Cory Cooley, Dale Mitchell, Rose Kachadoorian, Garnet Cooke
- Alaska: Bob Blankenburg
- Idaho: George Robinson, Ben Miller
- Washington: Tim Schultz, Ofelio Borges, Robin Schoen-Nessa, Gary Bahr
- EPA Region 10: Linda Liu

A. State Hot Issues:

Oregon:

- Caseload has increased due to involvement with the recreational and medical marijuana analytical testing program. Program went into affect October 1, 2016; testing for pesticide products and mildew. ODA is working with the Oregon Liquor Control Commission (OLCC) and Oregon Health Authority (OHA). Oregon currently has 12-15 open investigations based on failed analytical tests. These tests have found illegal pesticide residues. Another dozen active cases have been opened regarding support industry, including fertilizer plant washing-soil amendment type products. Detainments have been issued for these cases. Working with Dept. of Justice on this issue.
- Oregon is working on implementing a WPS Train The Trainer program for meeting the publics and industries need for pesticide training.

Alaska:

- Issue regarding emergency response to invasive species including aquatic and terrestrial. Elodea has been spreading from water body to water body. Current state rules inhibit timely response to manage terrestrial species. Working on changing state rules/statute.
- No testing required for marijuana at this time. Testing will be required in future. Labs currently are unable to test for pesticides. Alaska has created a list of potential products for use on marijuana.

Washington:

- Waiting on Federal C & T rule to be finalized. This will provide guidance to Washington for updating its own registration and licensing systems. Concerning water quality and the ESA, WSDA is waiting on Biological Evaluations to be finalized. Deadline has been extended until mid-January 2017 for three compounds (chlorpyrifos, malathion, and diazinon). Also, working on getting the Train The Trainer program, and specifically the TTT manual, approved by EPA. Working on updating handler and worker training cards. Cards will be finished and printed soon.
- WSDA and Labor and Industries (L&I) experiencing disconnect regarding enforcement of the WPS rule, both share responsibility. L & I prefers application records and SDS information to be posted at the central notification board in language workers can read. Also, difference of opinion on decontamination water in the field. L & I requiring showers, WSDA is not. L & I will likely be enforcing current WPS rule until mid 2017. Marijuana causing caseload to rise, and marijuana samples have been given priority over compliance samples causing backlog at lab. Also, dealing with PGR's in products being used in the marijuana industry. Also, dealing with chemicals, which are typically considered inert, and not pesticides by industry, but which may be considered pesticides by Department (salicylic acid, cytokinins). Liquor Cannabis board allows up to 100 milligrams of leaf material to be transported.

Idaho:

- Idaho not dealing with Cannabis/marijuana Issues, so enforcement cases are tapering off. Dealing with BioWest product MB 906. In Idaho, MB 906 is registered as a soil and plant amendment. BioWest owner/manager claims that the product has not been deemed an herbicide, but rather a soil amendment that when used with another herbicide will help the herbicide to be more affective in controlling cheat grass. Department is trying to prove what type of claims have been made. Due to previous warnings to BioWest regarding claims of MB 906, a Statewide Stop Sale was recently issued by Oregon. BioWest approached BLM for use of the product on cheat grass.
- Also dealing with poor testing results from applicators in the Turf & ornamental industry. ISDA has updated website to include additional information and links for this industry, and have created practice tests for improving competency. The ISDA licensing program will be rewritten this winter and completed in spring 2017. Hesitant on changing database before final C & T rule is published.

B. Pre SFIREG Agenda Topics

1) Status of C & T Rule, State Equivalency?

- a. Washington State- EPA saying final C&T rule will allow flexibility with State rules regarding certification timelines. WSDA planning on rewriting licensing database in future, with likely changes to recertification cycle. Looking to use community colleges and other vendors as supplemental testing locations. C & T rule instigating some positive change in licensing and certification arena. Creating needed changes to keep up with growing industry, and effectively meet the public's need with more pertinent information.
- b. Concerns expressed about increased workload and expense.

2) Status of WPS Rule, State Equivalency?

- a. State Implementation- WSDA prepared to implement new rules; current programs will adjust to updated rules. Will be working with L&I to administer rule congruently. English version of National Train The Trainer manual will be finalized soon. Spanish version will likely be out around the end of March 2017.
- b. Oregon "shelter in-place" rules- OSHA registers labor housing in orchards. In the process of OSHA adopting the federal WPS rules, concern from growers regarding the Applicator Exclusion Zone (AEZ) and worker housing has arisen. Oregon's proposed rule will allow people in registered labor housing to shelter in place, but residents must be informed to shut their windows and protect personal items from exposure. Region X interested in receiving this allowance from EPA in writing. Also, Federal rules have passed laws increasing the square footage of housing space required. This has caused cooking facilities to be moved outside. OSHA trying to address this issue in statute. EPA has indicated that they will allow the shelter in place option. Not allowing residents to shelter in place could cause additional exposures. OSU looking to update Best Management Practices (BMP's) to help growers deal with issues related to the AEZ and labor housing.
- c. Train The Trainer program- ODA has provided funds to OSU to administer eight; Train The Trainer locations, and these locations will provide live session training. OSU, ODA and OSHA staff will be involved with these trainings. Planning on using a master trainer to train across the State. Master trainer will likely be a State

employee or consultant. WSDA has had TTT in place, but will be extending the training from a full day to a 1.5-day training.

- 3) **Region X Pollinator Update-** ODA previously was lead on developing the MP3 plan, now OSU will be the lead and ODA will be supporting these efforts. WSDA heard from OPP that a final draft of the National MP3 might come out by end of 2016. WSDA currently working with industry on Washington's MP3, and are discussing broadening protections to beyond just pesticides to focusing on bee health and forage habitat. ISDA- MP3 plan likely will be completed within next month.
Discussing option of implementing a similar program to "field watch" allowing beekeepers to inform applicators online, where bee hives are located. State has ability to accept or reject inputs to system. Promptness of system updating inputs is unknown.
Oregon is interested in status of comments that were provided to EPA, regarding label language for products that are considered acutely toxic to bees. EPA working on updating language in response to comments provided.
- 4) **Request continued EPA transparency on National Topics-** Region X congruent on issues to present to EPA; additional topics will be provided to Region representative as needed.
- 5) **Bulletins Live 2-** No active bulletins in Region x at this time. Draft Biop will be issued in spring 2017 and finalized in December 2017 for three pilot chemicals. Bulletins scheduled to be out in late 2018.