

Region 4 Pre-SFIREG Meeting Notes, October 4 -5, 2016

Pre-SFIREG Chair Pat Jones called the meeting to order at 8:00 am.

States-Only Meeting:

Introductions of State Officials: Present: GA, NC, AL, KY, FL, MS, SC, TN

Issues for States:

WPS Rule Implementation (Concerns / Discussion):

- Tony Cofer stated that AAPCO sent a letter to EPA requesting the implementation date to be delayed. Ed Messina (EPA HQ) said that it is unlikely that the date for implementation would be changed.
- Dudley Hoskins (NASDA) is putting together a list of items of concern for their use.
- FL must send their inspection form through the rulemaking process before it can be used. It may take 6 months for them to get approval.
- SC, outreach has not been performed by Extension. Growers are not ready for implementation.
- 92% of growers in Florida have not seen any training material at this point (Kelly Friend). This from a survey they conducted.
- No time to build database and inspection form before January – inspection guidance and checklist are delayed.

Other issues: Charlie Clark said that we may need to discuss Dicamba issue in Region 4. States reported the number of investigations:

- MS has had 10 formal complaints and is in the process of conducting enforcement now.
- AL has 10 violations with 10 enforcement actions.
- NC has two investigations.
- TN has had 47 reports
- SC has had no complaints

Region 4 States are considering different methods to address the need for training and tighter constraints on the distribution of the auxin type products.

- The issuance of a 24c label to require training before the auxin products can be used on farms,
- Comprehensive training offered by the Extension Service,
- Making these products a State Restricted Use Pesticide or
- Updating current organo-auxin Rule.

General Session (with EPA)

Jeananne Gettle currently is Deputy Director of Pesticides and Toxic Materials in Region 4. EPA is preparing for transition over the next few months, planning for the new presidential administration. Now operating under a continuing resolution for 70 days. Grants will be funded at 19% through the end of this period. Made some comments on Dicamba issue. EPA is in the process of evaluating Dicamba and needs to know comments from the states that will be considered in final decision. Florida has worked very well with EPA related to the Zika virus transmission there. EPA has two calls each week that focus on Zika. There has been dilemma as to exactly how to tackle this problem (eliminating mosquitos that carry the virus without causing many negative impacts to bees and other beneficial insects). Connie Roberts was introduced as the new Agricultural Administrator in Region 4.

Region 4 Enforcement Update (Philip Beard): EPA settled actions on 20 cases, 3 stop sale orders. Currently they have 94 open cases. \$1,163,588 in penalties assessed so far (FY 16).

- Syngenta settlement (container/containment) of \$1,203,498.00. There were numerous outdated labels in the market that constituted misbranding. Implemented SEP.

EPA Grants Update (Seema Rao, Stuart Perry):

Several states had grants ending in 2016. Reports are due on or before December 31, 2016. Clemson report is due March 31, 2017.

FY 17 funding under continuing resolution. Short term CR through December 9, 2016. Based on the 2016 budget with a small rescission (.496%). Will equal about 19.1% of 2016 enacted budget. New awards (except Florida...incremental funding) will be made by 12/31/16.

- EPA received the new 3-year grant applications from states through grants.gov . Stuart Perry asked if there are any concerns about using the grants.gov process. Ricky (TN) had a minor issue.
- EPA worked with 3 grantees on projects supported by MPG funding
- Clemson was granted \$59,142.00 to do mosquito control outreach in the state.
- KY awarded \$30,000.00 to help address disposal costs of unwanted pesticides.
- FL coordinating with FDEP to eliminate waste tire piles through tire recycling to reduce mosquito habitat.

Pollinator Update (Randy Dominy): AAPCO is maintaining list of MP3 plans through Jeanette Klopchin in Florida. Most states have plans in place or are working toward these plans.

Zika Update (Randy Dominy):

All Region 4 states have had travel-related cases. Florida has had local transmission in the Miami area. Transmission has been primarily by *A. aegypti*.

- Puerto Rico has been the center of transmission in US (over 21,000 local transmissions so far). There have been 3500 travel related cases in 49 states in the US. Region 4 has had 29% of these cases.
- There have been over 119 local transmissions in Florida. Section 18 products may be used to assist in Zika response. There have been a lot of visible control efforts (aerial), so a lot of public protest has occurred in resistance to this spraying.

EPAs role: Assist CDC with expertise in IPM and pesticide registration and use; work with states on section 18s; expedite requests for new and amended products; provide expertise to DOD, HUD, etc.; coordinate with states to provide additional assistance to control mosquitoes; and be a primary source of pesticide information and communication with the public, press, and congress.

- EPA has released specific information and resources available to the public, related to mosquito control and zika.
- Congress approved 1.1 billion in funding for Zika. Previously 500 million released to states. The majority of this will not go to states. A lot of money will go toward prevention and control efforts (tire shredders, etc.), along with research. Outreach materials for at-risk populations will be produced.
- Florida was provided a 25K grant to support zika related monitoring / IPM activities.

Florida Zika Response (Kelly Friend):

Kelly gave an update on the efforts in Florida to educate the public and control the spread of Zika in FL. *Aedes* spp. mosquitoes have been a very difficult species to control because of their habitat. Control is being done locally. A task force has been set up in Florida to coordinate control and outreach. Have sent technical guidance to Mosquito control professionals, PCOs, beekeepers, Florida Dept of Ag. staff, farm workers, and dairies (silage and hay storage using tires).

- Bronson Animal Disease Diagnostic Laboratory has been testing mosquitoes, and have found 5 positive mosquito pools where Zika is being locally transmitted.
- Implemented ICS and developed a control strategy for state level response.

Jeaneanne requested that all states report any updates with Zika and mosquito control on a frequent basis. This information is essential for them to report up to HQ. Also, any control related problems or issues should be reported.

Drones Update (Michael Wilson, FAA):

Small Unmanned Aircraft Systems (UAS) rule overview: 2008 was when unmanned aircraft systems were incorporated into national air space under FAA.

-2012, Congress passes FAA Modernization and Reform Act.

-2013, FAA names 6 UAS test sites

-2014, FAA issues the Interpretation of Special Rule for Model Aircraft

-2015, FAA issues sUAS NPRM, starts Pathfinders initiative, and issues rule for unmanned aircraft

-2016, final Rule was published. This was the first US rule for UAS operations.

-These systems are expected to have many agricultural uses in the future (spraying, monitoring, planting, etc.).

-560,000 drones have been registered in the US so far.

-Four states already have passed laws to control the use of drones by law enforcement.

-Over 70 companies granted Section 333 exemptions for agriculture.

-To use drones, someone must obtain a remote pilot certificate, daytime operations only (visual line of sight required), fly at 400 feet or below, drone must be under 55 lbs. Person getting licensed must be 16 years or older, have certificate and recertification requirements.

Next rule making step will be to address the operation of drones over people/populations.

Training – PIRT, PREP, and Regional (Dea Zimmerman, Shirley Fan):

PREP: A Compliance and Enforcement PREP was held in Asheville in May 2016. This was collocated with the WPS PIRT. This training went very well. PIRT and PREP met together on the first and last day.

-WPS implementation PREP was held in Florida

-Comprehensive Combo PREP was held in Santa Fe, NM in September.

-Pesticide management and emerging issues course will be held in October in Indianapolis, IN. Many issues that will be facing agriculture in the future will be explored during this PREP.

-2017 courses still are in the planning stage.

PIRT: Two PIRTs were held in Region 4, one was a WPS PIRT in Asheville NC. Pollinator Protection PIRT was held in Florida in September. Both courses had excellent rating from the attendees. In 2017 there will be two PIRT courses. The first will be a WPS PIRT that will be held in April (24-28) in Portland Oregon. An advanced inspector course will be held in Savannah, Georgia (week of July 23rd).

FY 2018 PIRT planning will begin in December 2016. PowerPoints for past PIRTs will be posted to the PIRT website.

Region 4 Inspector Training (Pat Livingston): One training event for Region 4 focused on WPS was held in Savannah, GA. This training was well attended (over 70 participants). 2017 trainings will focus on two topics. The first one will be on New Inspector Training (over 30 new inspectors in the region). The committee is looking for a state to host this. Also will hold a WPS Rule revision training because this was a popular topic and everyone and not all inspectors were able to attend the course in Savannah.

National School SIPM priorities for FY 2016: Roundtable summit for national organizations with children was held May 2016. EPA worked with SLAs in Region 4. Clemson and Tennessee IPM projects closed in 2016. GA has one year left on their project. Recent projects have emphasized education and development of training programs and outreach materials.

State Highlights:

Florida: Funds received from EPA for Zika are being sent to the Mosquito Control Districts for analysis purposes (shipping, testing, etc.). Fumigation issues were discussed (licensing, etc.). Combating Citrus Greening, received the use of two antibiotics to combat this disease (worked with EPA to get these antibacterial products). They are hoping to get these approved for use next year.

Alabama: A lot of the year has been spent in filling positions (18 people lost). One pesticide registration position and two inspector positions have been filled. Inspections are up, even with loss of staff. USA Plants program has been adopted. Internal databases are being reworked so they can perform online licensing and payments. This has been a challenging endeavor. Performance measures are being worked into this so they won't have to be done by hand. In the pesticide lab, instituting a LIMS program. Clean Day program has been performed in central Alabama. 40k pounds were collected

South Carolina: Waste pesticide collections ongoing, pesticide container recycling has collected thousands of pounds of pesticide containers, two field inspector positions have been filled. A tremendous number of complaints have come in since mosquito control implicated in a bee kill in Berkeley County. Communication and awareness of beekeepers has improved since the incident. No reported dicamba issues.

Kentucky: In the process of filling two positions. Is attempting to go paperless...has gotten "tablets" for inspectors. AT&T case...herbicides in pellet form were applied incorrectly and it caused issues in homeowner yards. Getting rid of the CATS system and using "sequel". IT Dept. built a program for beekeepers to use to record hive locations. However, this information will not be given to applicators or to other beekeepers.

North Carolina: Involved in a capital project...220,000 square foot building that will house many state agencies (including the pesticide lab and the regulatory division). This is to be completed in four years. Neonicotinoids are an issue for the NC Pesticide Board (NCPB). Some advocacy groups want them to be banned or made restricted use products in NC. The NCPB will hear from six scientists over the next several months. DriftWatch apiary registrations have increased significantly since the incident in SC.

Mississippi: A group of growers in the delta want to ban the aerial application of roundup in their area. This may be done in parts of the county during rice growing season next year. Don Christie is the new Director in MS.

Tennessee: Several positions have been filled recently. A new position in certification was approved. Technician (IPM) manual in final review stages. Fees were increased in several areas (product registration went from \$100.00 to \$200.00. Tennessee investigated 47 dicamba complaints all are still ongoing.

Georgia: Has a new case review officer. School IPM project is ongoing. Structural program has developed a bed bug publication to be handed out by the public health department. Clean day, GDA collected 30,000 pounds of unused pesticides. GA has had no formal dicamba complaints.

Second Day, Wednesday October 5, 2016

Dicamba Update (Stanley Culpepper): Enlist technology (corn, cotton, soybean) 2,4-d and glyphosate resistance; Xtend (cotton, soybean) dicamba, glyphosate, glufosinate resistance

Enlist for cotton, and Xtend for Cotton and Soybean are awaiting EPA registration.

-This need is being driven by resistant Palmer Amaranth. Over a billion dollars have been spent in cotton alone to combat this weed. Conservation tillage has been lost. Herbicide use has been increased around 3 times. 88% of growers hand-weed now.

- Palmer amaranth is problematic because it is herbicide-tolerant, is very large and competitive, reduces harvest efficacy, spreads rapidly, has a high growth rate, and very good seed production (close to a million seed per plant).
- Most drift complaints in GA are related to auxin herbicides (2,4-d on cotton highest).
- UGA undertook an educational campaign to teach farmers about mitigating off target movement of auxin pesticides. Used classroom and one-on-one training to teach factors involved in off-target movement of pesticides, sensitivity of crops, etc.
- Drift influenced by droplet size, speed of sprayer, boom height.
- Visible sensitivity charts were constructed to show how sensitive specific crops are to different concentrations of specific herbicides.
- The training has been widely accepted in Georgia and Alabama. Between 96% and 99% of growers think that it is beneficial in helping them to reduce drift.
- Georgia requires training (will be incorporated on 24c label) for growers.

Credentials – Equivalency with Required Training Courses (Kim Tomczak):

- Inspector Wiki updates have been made. Key changes include addition of orders and policies guidance and forms and credential and training contacts to the popular categories, a streamlined homepage, and other improvements.
- New requirements were put in place in Oct 2014.
- Trainings: Basic inspector training, and program specific training were developed. Health and safety training can be found online via inspector wiki.
- States must send Kim the training agenda for vendor or in-house trainings. Training will be approved by the Region 4 health and safety coordinator.
- EPA in-house courses can count as an inspector skills refresher courses. Be sure to send training certificate after training has been completed to verify.
- Lost federal credentials must be reported to Kim T. immediately after they are lost. Old credentials should be sent to her as well.
- Tony Cofer stated that EPA is working hard to correct problems with the inspector wiki and the federal credentialing processes.

SFIREG update was given by Pat Jones

Much discussion was held on implementation of WPS in January 2017. There are many problems that January implementation will cause in the states. States are not ready for this to happen, and EPA has not provided sufficient information or guidance to the states for them to be ready by the January deadline. Jeaneanne will take the concerns up the chain of command within EPA to see if anything can be done. AAPCO may need to coordinate another plea to the OPP Director.

AAPCO update (Tony Cofer):

AAPCO has set the spring conference for March 5-8 at Hilton Old Town in Alexandria.

- C&T rule changes: Nobody has been able to see the changes in response to the comments yet. AAPCO is trying to negotiate a MOU with EPA so the comments can be shared during the rulemaking process that is taking place.

C&T, and WPS Updates (Richard Pont):

C&T Rule: Comment period ended in January 2016, and some changes were made based on comments. These were completed on July 21, and moved on to USDA for review. USDA sent extensive comments and these were addressed.

-Submitted to OMB in August 2016, and interagency briefing was conducted. Rule is to be cleared in October or November of this year (after 45 or 90 days).

-Implementation planning, outreach and education will be conducted. C&T PREP on April/May 2017.

WPS: Implementation in Jan. 2017.

-Trainings and outreach have been conducted by EPA (stakeholder groups). Powerpoints for different audiences have been prepared.

-Has held regular conference calls on rule implementation (federal farmworker justice, fed. interagency task force, etc.).

-Negotiated new 5 year cooperative agreements and new contracts (outreach to Hispanic audience and others).

-National farmworker training in approx. 30 states conducting WPS safety training and train the trainer sessions.

-PERC projects WPS interactive websites, training materials, how to comply manual, train the trainer program, updated central posting materials, respirators 101

-Many educational materials are available now (FAQs, summary tables, WPS quick reference guide, how to comply manual). Still to come are additional fact sheets on specific topics other than interpretive guidance.

-May 2016– Process for approving train the trainer programs, review and approve TTT programs

-There are some ongoing WPS implementation issues (equivalency requests in several states, AEZ implementation and interpretive guidance issues, respirator training).

WPS Resources Availability (Kaci Buhl):

-The group focused on producing WPS materials in 2016 (clearinghouse, interactive website, how to comply manual, respirators 101, train the trainer manual, train the trainer hands on curriculum)

-To be developed in 2017 (train the trainer online modules, videos for training workers, videos for training handlers, updated central posting materials).

-Working with a professional illustrator to have the poster finished by July 2017.

-talked about PERC website

-Andrew Thostensen is taking orders for *How to Comply* manuals until October 17th. States will need to purchase these.

-Have an online inventory of training materials that can be downloaded or printed out.

ASPCRO Update (Ryan Okey):

60th anniversary of ASPCRO meeting was held in Santa Fe, NM in August. No date has been set for the mid-year meeting, prob. will be held late March in Texas. The summer meeting next year will be held in Burlington VT. Mike Weyman and George Saxton were voted back on the ASPCRO Board. Fumigant committee has been doing a lot of work, sent out a survey to the states regarding structural fumigations in their states.

Termiticide studies conducted on US forest service site have been stopped because the site has been lost for research. Now seeking another site not on federal land so this won't be an issue in the future.

Question regarding where to get Borate test kits when they are no longer produced by Nisus. Ryan said that Nisus is still producing these (as of last week).