

Region 9 Pre-SFIREG Meeting
AGENDA Notes
May 23, 2017

Welcome Remarks and Introductions (*George Farnsworth, Region 9 Host*)

Participants - George Farnsworth and Staff (California), Patti Tenbrook, Allen Demorest, Mary Grisier, Peter Early, Sonam Gill, Norman Calero, Fabiola Estrada, and Katy Wilcoxon (EPA Region 9), Tom Masuda (Hawaii), Chuck Moses (Nevada), Jack Peterson (Arizona) and Tony McCandles, (Gila River).

Delays in Certification and Training (*Patti Tenbrook, EPA Region 9*) –Since publishing the final rule in January 2017, EPA made a number of interim extensions of the effective date and on 6/2/17 EPA published an FR Notice announcing an extension of the effective date to May 22, 2018 (see summary of dates below). The Agency will use this time to consider and respond to public comments received and begin the regulatory/content review (minimum age, recertification cycles, etc) which will result in additional FR notices. It is likely that the content of the January 2017 Certification and training rule will change.

Certification rule: Effective date is May 22, 2018

1/4/17 Final FRN – effective date March 4

1/26/17 Extension FRN –to March 21, 2017

3/20/17 Extension FRN – to May 22, 2017

4/13/17 Regulatory Relief FRN – 5 day comment period

5/22/17 Extension FRN - to June 5, 2017

6/02/17* Extension FRN – to May 22, 2018 (*action was after the R9 Pre-SFIREG meeting)

Worker Protection (*Patti Tenbrook, EPA Region 9*) – Katy shared status of WPS. The 1992 rule expired January 1, 2017. Phase I of the revised rule (which includes most of the WPS elements) is now in effect and Phase II (which includes worker and handler training content, new safety poster, and additional AEZ requirements) is set to go in effect January 1, 2018.

In a 5/11/17 letter to NASDA EPA agreed to delay implementation but nothing has changed yet. The Agency is currently working through the Administrative Procedures Act to identify the most efficient method (FR notice reinstating the 1992 rule, budget rider prohibiting EPA from spend money enforcing WPS, or an OECA compliance assistance memo). After EPA determines the approach to change implementation dates the Agency and stakeholders will begin a review of the content, with emphasis on amendments to the AEZ, Designated Representative and other elements.

Question was asked when do you think you will hear something. No one knows.

Discuss AAPCO Formal Comments on EPA Regulatory Reform (*Patti Tenbrook, EPA R9*) – Review document. States were asked for opinions. There were different opinions on the stance of the letter. Some had support and some disagreed on the state positions.

States in Region 9 had not reviewed this letter before it went out. AAPCO only had 5 days to develop this text and many in the room did not agree with several of the elements in it such as: minimum risk pesticide, some of the information under the WPS section.

A former AAPCO board member shared that normally AAPCO would submit letters like this to states for input as part of their process but there was only a 5 day turnaround time for comments and none of the states on the call indicated they had a chance to review or interject any comments.

EPA Region 9 Funding (*Patti Tenbrook, EPA Region 9*) – The Continuing Resolution fully funded the remaining 2017 commitments. USEPA FY17 - 1% cut.

The recently released budget for 2018 shows a 30% cut to USEPA with a 30 percent cut to state grant programs. Patti also mentioned that 30% is a worst case cut and it is likely not going to be that severe.

Patti felt very confident that Region 9 will be able to fund core activities for 2018 with no changes. They also might be able to fund a few supplemental projects (but not all the ones they plan to fund in FY17. They are prioritizing certain supplemental projects and perhaps will be able to fund 1 supplemental project per state (maybe 2).

2019 may be a harder year to fund. Goal is to fund core programs at the 2018 level.

Cannabis Update (*States and Tribes*) – George Farnsworth shared California's progress starting with the 2015 Legislative Session.

Overview: In 2015, Medical Marijuana and Safety Act passed in CA. Coming Jan. 2018, adult recreational use will also be legal.

In 2016, DPR required to provide guidance on pesticide residue levels in processed cannabis products. This guidance was given to the Bureau of Cannabis Regulation – one of three agencies with regulatory responsibility for cannabis use. The other two are the CDPH (laboratory testing) and CDFA (license cultivators).

In May 2017, the Bureau of Medical Cannabis Regulation released their proposed regulatory language for laboratory testing. All of this right now just deals with Medical Marijuana. Also, now in addition, in November 2016, the recreation marijuana proposition passed in California. Trailer bill language will come forward to address recreation and medicinal.

Residue risk analysis has been determined and will be online (66 active ingredients).

3 states have submitted their 24c to USEPA: NV, VT, and WA (Submitted four 24c's. Waiting on decision.)

Questions on WPS inspections and Facility Inspections.

Training and Outreach – Mentioned very good feedback on the Humboldt County outreach efforts.

Chuck Moses mentioned that in NV, one certified applicator has to be on site when a pesticide is applied.

State and Tribal Updates (*States and Tribes*) and **SLA Roundtable Discussion** –

Hawaii – Tom Masuda mentioned there were 26 bills proposed to ban neonicotinoids, glyphosate, and chlorpyrifos. Expect similar bills to be back next year. Also, bills proposed to promote non-chemical methods to remove weeds by state workers but it did not pass at this time.

California – Pesticides around schools. There was a need for a consistent program statewide. Summary: Impose application restrictions; Aerial and Air blast applications can't occur ¼ mile around a school ground between 6 am and 6 pm Monday thru Friday. Ground applications can't occur within 25 feet of a school ground. All growers must provide a list of products be applied to the school each year. This regulation will go into effect as of January 1, 2018.

California is currently working on a GIS effort to map boundaries for 10,000 school and day care properties using a GIS platform.

Adjourned at 4:20 p.m. PDT