

State of Delaware  
November 2, 2017  
Pre-SFIREG State Report -- Inwood

**A: General Overview**

**Staff Changes:**

- Delaware Department of Agriculture Pesticide section is fully staffed as of November 2, 2017.

**Budget Outlook:**

- State of Delaware is currently stable. Travel ban lifted in August. OMB re-allocated 1 million from Pesticide Holding Account.

**Equipment/Technology:**

- DDA continues to support Fieldwatch/Driftwatch/BeeCheck website. Continue to gain more registered sites. Most of the new sites are beekeepers. DDA has been doing a lot of outreach for the MP3 and BeeCheck. –still true.
- Update: Database is now live. New database allows for online payments for: dealer permits, product registration, business license and certification. Database will also allow applicators to purchase study material and sign up for testing and some courses online.

**Statute/Regulatory Changes**

- Monitoring the status of the C&T changes. Some Rules and Regulations changes will most likely need to be made.
- Following Maryland lead on possible addition of “drift standards.”

**B. Program Specific Issues**

- **Certification & Training:** Training DVD is now online and functioning.
- **Water Quality:** DDA is continuing to monitor the state’s shallow groundwater for pesticide residues using the state-wide network of shallow monitor wells.
- **Worker Protection:** DDA continues to provide outreach materials as they become available.
- **Endangered Species:** When requested, DDA provides pesticide analytical testing for wildlife cases involving endangered species.
- **Disposal/Recycling:** DDA continues to support this project with monthly pickup in each county. DDA collected 46,510 lbs. of plastic for chipping and shipped 28,737 lbs. in bale form (Calendar year 2017). U.S Ag Recycling provided on-site chipping at several locations in DE. The program is popular with the commercial applicators and growers but continues to be a drain on DDA’s manpower and funds. 2018 pickups will resume in April.
- **Obsolete Pesticide Disposal:** MXI Environmental Services, Inc. contract was extended for 2017. The program is being offered to farmer first, commercial applicators second and finally to pesticide retailers. DDA had an April 2017 collection; this collection added over 10,000lbs of obsolete pesticides to the totals amount collected. Since the start of the program, DDA has collected 93,000lbs from 200 locations.

**C. Enforcement Update:**

- Several civil penalties issued. Total of \$43,945.00.
- Biggest case involved unlicensed Custom Ag. Applicator.
- Several bee kill investigations. Most involved insecticide applications to lima beans. In all cases DDA was not able to detect the insecticide residue on the bees. But the bee kills occurred shortly after the applications were made to the lima beans. DDA ended up issuing Notice of warnings to applicators, growers and crop consultant for label violations.

**Washington DC Pre-SFIREG State Report Fall 2017-November 6-7, 2017**

**STAFFING CHANGES**

I am pleased to announce we have hired a new employee-Anne Murray. Anne will be assisting with product registration, IPM, Web site and other tasks as they come our way.

**REGULATORY/LEGISLATIVE ACTIVITIES**

There is a new amendment to the PECA act of 2012. The Pesticide Education and Control Amendment Act of 2016 updated the prohibited and restricted uses of “District restricted-use pesticides” and broadened our authority to reclassify District-specific lists of pesticides based on “findings of state, national, or international government bodies or non-governmental organizations that publish lists of chemicals that are known or likely to be hazardous to human health or the environment.”

Based on those changes, and the Councilmember's continuing interest in banning neonicotinoids, the program is in the process of updating the regulations and revising District classifications of pesticides to include restricting the use of neonicotinoids.

## **PROGRAM HIGHLIGHTS**

### QAAP Approved

EPA approved the DC QAPP on September 19, 2017.

### Laboratory Service

The Maryland State Chemist is no longer able to analyze DOEE's samples. DOEE will utilize the services of the South Dakota Agricultural Laboratories (SDAL) for all analyses of samples taken in accordance with DOEE's Standard Operating Procedure (SOP) for sampling. SDAL subscribes to various proficiency testing and check sample programs. SDAL's quality control, lab and equipment maintenance, record management etc. were included as an attachment to the approved DOEE QAPP.

### DCPlants update

The launch of the new database USAPlants is almost complete. The database is now functional for tracking Pesticide Product Registration and Applicator Certification and Training. Inspection information is currently being entered into the database and information is available for tracking inspections and reports. Inspection and Enforcement and Pesticide Reporting sections of DCPLANTS are now being developed in a beta testing site and will go through additional testing prior to going live. Internally the DOEE Pesticide Branch inspections and enforcement accomplishments will continue to be recorded in the Agency's Enforcement Metrics Database and Enforcement Tracking Dashboard. The Enforcement Metrics Database is an Agency wide enforcement tracking system and all enforcement information will continue to be entered into this database in addition to the programs DCPlants database.

### Integrated Pest Management

Training and education on IPM has been provided throughout the District once in all eight Wards and at other venues upon request. This training provided the opportunity for us to answer questions regarding IPM and also to provide guidance on how to identify pest problems and when to call a licensed pest professional. IPM Staff manned a table at the DC Child Development Provider Workshop and Legal Clinic. Pamphlets designed by the Branch were available as hand-outs and the IPM Coordinator was available to answer questions from the public. This event was a huge success. The IPM team provided presentations to other DC agencies most recently the Lead and Health Homes Division at DOEE and the Lead Safe Washington Program. These Programs/Agencies then utilize the information when making their visits to the public housing in the District.

### **IPM COMPLIANCE**

IPM Plan requests were sent to 480 Child Occupied facilities

IPMP submitted: 225

IPMP approved = 211

**Official NOV's sent = 159**

### Product Registration

25b: We are currently rejecting requests for registration of products that we deem have a lack of evidence (efficacy testing) that a product is in fact a "minimum risk product".

Dry Ice: Approved for use in DC on 09/12/2017-Certified Applicators only

Registered Company: Bell Laboratories,

We have no information in regards to use by Pesticide Applicators in the District.

### Certification and Training

#### UDC

A new MOU was signed by DOEE and sent to UDC on 8/25/2017. The MOU has not been returned to DOEE signed as of 11/1/17. This MOU will provide funding for the design and upgrade of the UDC College of Agriculture, Urban Sustainability and Environmental Sciences ("CAUSES") Firebird Farm to accommodate pesticide trainings, and an option to extend the MOU to implement training programs for pesticide applicators and conduct outreach to and recruitment of District residents to educate for pesticide applicator certification and recertification examinations. The MOU specifics include:

1. Providing a qualified instructor with a degree in Entomology or Biology and expertise in pest and pesticide education, such as general pest biology, types of pesticides, reading the pesticide label, health and environmental risks of pesticide use, and proper pesticide handling practices.
2. In consultation with DOEE, prepare a draft training curriculum and materials for the District of Columbia pesticide applicator and technician certification examination.
3. In consultation with DOEE, prepare a draft training curriculum and materials for the District of Columbia pesticide applicator recertification symposia that is consistent with 40 C.F.R. § 171.107.
4. Conduct pre-examination pesticide certification training based on the approved curriculum and materials.
5. Conduct six (6) annual recertification symposia based on the approved curriculum and materials at the UDC CAUSES Firebird Farm.
6. Provide a survey for applicants to complete that solicits feedback on each training session and symposium.
7. Meet with DOEE twice a year (mid-fiscal year and end of fiscal year) to discuss progress and any modifications that may be necessary to conduct the training.

### **PESTICIDE ENFORCEMENT PROGRAM**

1 Settlement Agreement- \$10,000. (Use inconsistent with the label)  
 4 open cases-(3 Use inconsistent with the label) 1(Unlicensed company)

### **West Virginia Department of Agriculture Pesticide Regulatory Programs State Report EPA Region 3 Pre-SFIREG Meeting**

#### ***Staff and Budget***

Regulatory and Environmental Affairs Division Director Herma Johnson passed away of a stroke on August 7, 2017 after 44 years of service with WVDA.

Parkersburg, Morgantown and Inwood Pesticide Regulatory Officer positions vacant. Vacancy announcements currently on website. Two Pesticide Residue Chemist positions are advertised.

Current State budget shortfalls of \$123 million for FY 2017 and \$500 million for FY 2018.

#### ***Regulations***

Senate Bill 619 required the review and public comment period of all regulations with Federal Equivalence.

#### ***WPS***

WPS revisions outreach has been ongoing statewide. Numerous presentations at conferences and site visits have been well received by the regulated community. Continue Ag Safety Days events to provide WPS outreach, respirator fit testing, equipment safety training and First Aid/CPR.

#### ***Pollinator Protection***

Worked in cooperation with Plant Industries Division to draft a Managed Pollinator Protection Plan. Contacted stakeholders for input with subsequent revisions. MP3 is available for use and comment.

[www.agriculture.wv.gov/divisions/plantindustries](http://www.agriculture.wv.gov/divisions/plantindustries)

#### ***Plastic Pesticide Container Recycling***

10 sites available for collecting plastic pesticide containers for recycling. Have purchased sea container for 3 recycling locations set up at WVDA field offices and one grower location. Remaining 7 locations utilize rented sea containers. Chipping should begin in the next week or two.

#### ***Waste and Unwanted Pesticides***

Administrative services is reviewing a draft proposal for a 1 year \$25,000 request for quotation. Seeking a one-year contract for mobile collection site setup services and per trip/per mile when products are deemed unfit for transport.

#### ***WV Plants***

Web based product and applicator data tracking via USA Plants went live November 1, 2011. Online payment for renewal of pesticide products and applicators was added in 2014 for the 2015 Renewal Season. Renewal season started November 1, 2017 and will run through March 31, 2018.

#### ***MiForms***

Field testing electronic inspection forms with HP tablets.

### ***C&T Revisions***

Applicator age of 18 needs to be addressed in regulations. Private applicator exams are currently open book take home.

### ***Groundwater Protection***

Entered into a financial agreement with WV DEP for a 5-year groundwater monitoring program. Establishing ten locations across the state of West Virginia that are more vulnerable to pesticide exposure. Analysis to begin in 2018.

## **EPA REGION III Pre-SFIREG/GRANTS MEETING VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES OFFICE OF PESTICIDE SERVICES**

### **Budget**

The 2018 General Assembly Session begins January 10, 2018. To date, there are no pesticide related bills that we are aware of that will be filed. VDACS will be submitting a budget proposal for funding for the 2018 Pesticide Collection and Plastic Pesticide Container Recycling Programs.

### **Personnel**

The Office of Pesticide Services currently has seven vacation positions including: two full time administrative positions, two part-time administrative position and two pesticide investigator positions and an additional full time professional/technical position. Given the budget, OPS does not intend to fill these positions in the near future.

### **Regulatory Update**

The following laws and regulations have recently been amended or are currently being amended:

1. Final- 2 VAC 5-670 (*Rules and Regulations for Enforcement of the Virginia Pesticide Law*).
2. Final - 2 VAC 5-680 (*Regulations Governing Licensing of Pesticide Businesses Operating Under Authority of the Virginia Pesticide Control Act*).
3. Proposed - *Chapter 675 (Rules and Regulations Governing the Pesticide Fees Charged by the Department of Agriculture and Consumer Services under the Virginia Pesticide Control Act)*. The current certification fees for pesticide applicators and licensing fees for pesticide businesses have been in place since 1990. The current pesticide product registration fee has been in place since 1999 (\$160/year). The Board approved the following proposed amendments:

Increase the annual product registration fee from \$160 per year to \$225 per year;

Increase the certification fee for commercial applicators from \$70 every two years to \$100 every two years;

Increase the certification fee for registered technicians from \$30 every two years to \$50 every two years; and

Increase the annual pesticide business license fee from \$50 per year to \$150 per year

Currently undergoing executive branch review which will be followed by a public comment period. This is the second stage of a three stage process. It is VDACS intention to begin the (re)hiring process once the regulation advances to the third stage.

### **Certification, License, Registration & Training**

During FY17, OPS certified 6,830 private applicators, 7,976 commercial applicators, and 8,478 registered technicians to apply pesticides in the Commonwealth. OPS also licensed 2,905 pesticide businesses and registered 15,798 pesticide products.

Staff participated in or monitored a total of 129 training sessions (certification/recertification) of the 303 continuing education course outlines or agendas were reviewed and/or approved for certification or recertification of pesticide applicators.

### **Enforcement & Compliance**

During FY 2017, Field staff conducted 1381 inspections and 131 investigations which resulted in the issuance of civil penalties totaling \$24,380. These penalties and other enforcement actions were contained within 53 unique cases. Staff also conducted 199 marketplace registration inspections, checking the registration status of over 3,000 products.

### **Select Program Activities**

The Programmatic Quality Assurance Project Plan (QAPP) was drafted and subsequently approved by EPA to meet the FIFRA pesticide cooperative agreement requirements.

VDACS entered into a one-year Memorandum of Agreement (MOA) with Virginia Tech to administer the private application certification & recertification programs and the development of manuals and exams for all applicator categories. The requests totals \$362,168.

Pesticide applicators continue to test through the SecuriTest [formerly Pesticide Knowledge Automated Testing System (PKATS)] offered at more than 70 Department of Motor Vehicles (DMV) customer service centers throughout the Commonwealth. DMV administered 4,406 exams through SecuriTest. A total of 14,847 exams were given at all sites resulting in the issuance of 8,939 new certifications across all pesticide applicator categories. Testing sites included DMVs, VDACS offices, and other proctored testing venues.

VDACS renewed the contract with Telamon Corporation to provide Worker Protection Standards (WPS) pesticide safety training services to growers. Telamon conducted 87 training sessions for agricultural employees and participated in 29 events promoting pesticide safety education. A total of 1,191 agricultural employees attended training during the fiscal year. In addition, WPS training for government-sponsored Hispanic workers on tobacco farms continued to be provided through the Virginia Agricultural Growers Association.

### **Pesticide Disposal Program**

During FY 2017, the Pesticide Disposal Program collected over 61,872 pounds of unwanted pesticides. Since its inception, the program has collected approximately 1.5 million pounds of unwanted, expired, or discontinued pesticides. The program provides an environmentally conscientious option for agricultural producers, pesticide dealers, pest control firms, homeowners, and golf course operators to dispose of unwanted pesticides at no cost to them

### **Plastic Pesticide Container Recycling Program**

During FY17, as part of the Plastic Pesticide Container Recycling Program, OPS staff and our partners collected 147,936 pounds of plastic pesticide containers. Since its inception in 1993, the program has collected more than 1.8 million pounds of containers. The program is available to any pesticide applicator or dealer in Virginia and is part of a nationwide effort by chemical manufacturers to reduce the waste generated by the disposal of plastic pesticide containers.

### **Pollinator Protection**

VDACS completed Virginia's Voluntary Plan to Mitigate the Risk of Pesticides to Managed Pollinators in May 2017 (Plan). Hosted 10 meetings across the Commonwealth to obtain input from stakeholders during the Plan's development. The Plan encourages communication between beekeepers and pesticide applicators, provisions for an online communication tool, and best management practices that can be implemented by beekeepers, applicators, and landowners to reduce pollinators' exposure to pesticides. The Plan is available at <http://www.vdacs.virginia.gov/plant-industry-services-pollinator-protection-plan.shtml>

### **Items of Interest to Virginia**

1. Dicamba – Implementation of new use requirements;
2. Implementation:
  - a. Amended Worker Protection Standard; and b. Amended Certification & Training Rule.

## **Pennsylvania State Report Region 3 Pre-SFIREG Meeting November 6-7, 2017**

### **Staffing**

Staffing for the Pesticide Program has been stable for the past year. There was one vacancy for a field inspector position. This position has been filled by Darryl Dressler on January 1, 2017. However, Jeff Bastion, retired in December 2016 and this position will not be back filled and leaves Pennsylvania one inspector short. Additionally, Dave Scott returned as an annuitant to provide oversight to the Bureau of Plant Industry Industrial Hemp research program and leadership to the Evasive Species Council. Dave will end his short-term assignment on December 1, 2017. Inspectors Chad Witmer, Daniel Duer and Matt Kohan have received their credentials bringing the staff total to 19 credentialed individuals. Darryl Dressler, Don Gilbert and Jim Cunningham will or have started the process to obtain credentials and would be available for the wire training when offered

## **Funding**

The pesticide program is self-funded through a restricted account which continues to provide stable funding for the program. EPA FY18 (7-1-17 thru 6-30-18) funds were released for use and draw down on these funds for program activities is on track. These funds included the 2017 Inspectors Workshop, Laboratory Equipment and the MANTS trade show for WPS

## **Regulation Changes**

We are continuing to conduct outreach training on the changes to WPS. The only changes that would affect the pesticide program is the passage of the Pennsylvania Noxious weed control which was recently signed into law. The Medical Marijuana program has been signed into law with the first facility coming on line October 1, 2017. The Pennsylvania Department of Health administers the program including the inspections of the facility. PDA has been asked PADH to provide training on how to conduct a pesticide inspection/ investigation to possibly 25 PADH inspectors. We agreed to provide the training only at PDA regulated establishments.

## **Enforcement**

The PDA Enforcement Program continues to provide a strong enforcement presence while at the same time, promoting education and compliance assistance during inspection opportunities. Civil penalty assessments have continued and are an effective enforcement tool. For FY 17 126 cases were completed with 84 civil penalties and 42 Notice of Warnings issued

## **Pollinators**

PDA investigated 3 bee kill complaints. The laboratory screened samples for 160 compounds on the LCMS/MS and one tested positive for trace amounts of fungicides. No pesticides were detected in the other case.

A stakeholder meeting to work on the development of a MP3 program for the state was held in February 2016. The vast majority (90-95%) of 4,000+ apiaries in PA are hobbyists with less than 10 hives. There are less than 5 with more than 500 hives. Registered individuals and businesses of our PaPlants website currently have the ability to locate/map apiary sites. We see this as a major benefit to the communication between the parties that we need to include in our plan during development. A MP3 plan was developed by the department was presented to the Apiary Advisory Board who took ownership of the plan along with the Penn State, Center for Pollinator Research, to further develop the plan content. The MP3 plan was completed in late June 2017 with a comment period with a promise to have their suggestions and a draft out by May of 2017.

## **Worker Protection Standard**

PDA continues to contract with the Pennsylvania Office of Rural Health (PORH) to provide WPS compliance assistance to all Pennsylvania growers. With the publication of the changes to WPS we are planning on updating the seven commodity DVDs so they can continue as approved training for workers and handlers. Staff is also attending training on the changes to the regulation. PDA is also participating in a pilot program with Indiana and Oregon for conducting focused WPS inspections that concentrate on the revised sections of the WPS standard

## **Certification & Training**

PDA continues the process to transition category exams to closed book status. As category exams or study materials are revised the process to change previously open book exams to close book status is put in place. Category 07 Lawn and Turf joined categories; 11 Household & health related; 22 Interior Plant Scape, and the core as closed book tests. PDA feels this better aligns with EPA guidelines, will increase exam security, and better align our testing practices with surrounding states. CPARD is updated to reflect these changes as they occur.

To date for FY 16 PDA inspectors proctored 318 testing sessions at locations across the Commonwealth. During these exam sessions over 7,000 examinations were administered. Numbers of certified applicators is holding fairly steady with increases in commercial applicators is offsetting the decline in private applicators.

PDA staff attended 334 of the instate meetings and has giving 82 presentations.

## **Water Quality-Groundwater Monitoring**

A four-year contract with USGS began in January 2017 with focus on sampling and analysis in the vulnerable settings in PA. The objective of continued Joint Funding Agreements (JFA) with USGS is to maintain an ongoing monitoring network to detect pesticide occurrence in the most vulnerable settings in Pennsylvania. We have not received any results from the sampling conducted this year. Meetings are scheduled to work on a new multi-year

contract to revisit highly leachable areas. This contract will include retesting of wells to develop data for decadal comparisons.

The fifty-seven EPA pesticides of interest (POI) have been evaluated and entered into the POINTS database. For Performance Measure 1, PDA has evaluated 98.2% of the POI list: Isoxaflutole remains as the sole POI for which PDA has no sampling data, thus there has been no evaluation. This compound is included in the new 2437 schedule to be used by USGS.

### **CHEMSWEEP Waste Pesticide Disposal Program**

PDA continues to support the waste pesticide disposal stewardship program. 2017 activities included:

- Farm-to-farm collections in 16 counties totaled 41,628 pounds
- Thirteen (12) HHW in 10 counties events collected 52,635 lbs. of homeowner pesticides
- Total of 94,263 lbs. collected.

For 2018, 16 counties are included for farm-to-farm collections, with an expected additional 12 HHW events. Site inventories are currently being mailed to over 10,000 applicators and businesses with collections to begin in June.

### **Plastic Pesticide Container Recycling Program (PPCR)**

PDA continues to offer the PPCR program to the agricultural and professional pesticide application industries. Single-use bottles and drums are collected and granulated from 165 locations across Pennsylvania. 125,000 pounds of pesticide containers were recycled in 2016.

### **Laboratory**

PDA's is utilizing a LCMS/MS in the Department's laboratory. We are experiencing no delays in sample processing times. This new equipment has reduced the sample turnaround time by 1 -2 days with an average turnaround time of less than 10 days. The laboratory is participating in the AAPCO and Wisconsin check sample programs. Both the QAP and QAPP we revised and approved by EPA last year.

### **EPA Region 3 Inspectors Workshop 2017**

The workshop was recently held at Liberty Mountain Resort, Carroll Valley, PA from October 16 – 20, 2017. The workshop from all indications was successful. The facilities and amenities were excellent, the agenda was robust and contained current pesticide related topics. A survey was recently sent to the attendees to solicit feedback for future workshop topics, speakers and venues.

The workshop for 2018 which will also be hosted by PDA will be held the week of October 15-19, 2018 with a place to be determined

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