

EPA Region 5 Pre-SFIREG Meeting Report

Meeting Dates: November 7th and 8th, 2018

Meeting Location: Chicago, Illinois - EPA Region 5 Office

Report Prepared By: Brian Verhougstraete (MI) – Region 5 SFIREG Representative

In Attendance: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin, and EPA Region 5

Full SFIREG Topics

1. State Updates:

The most states reported that dicamba continues to be the most significant issue impacting their pesticide programs. Another common issue was C&T impacts and the problems posed by not having the corresponding EPA guidance documents.

Illinois reported that they have had to contract with retired employees to help with their dicamba cases. Illinois also indicated that they are experiencing a significant (fivefold) uptick in pesticide complaints across the board and attributed this increase to the publicity surrounding dicamba.

Michigan is now one of 10 states in the country with legalized recreational marijuana. They also reported that they continue to deal with cases of methomyl misuse. Although the state had relatively few dicamba complaints in 2018, they did report that they were aware of significantly more instances of off-target damage that was not reported to the State.

Minnesota experienced a reduction in dicamba complaints in 2018 but attributed the drop to a decrease in dicamba use due to poor growing conditions. Minnesota reported that they are closely monitoring the release of isoxaflutole-tolerant soybeans due to concerns that there is no registered isoxaflutole herbicide for use on the beans. There is concern that states may face a similar situation as 2016 when dicamba tolerant seed was released without the corresponding herbicide. Minnesota also reported that they are finding traces of chlorpyrifos in water and rain which they believe is a result of an increased use of the chemical on soybean aphids that have become resistant to newer insecticide chemistries.

Wisconsin had three near-mis incidents between UAV's and aerial applicators in the 2018 growing season.

Indiana continues to struggle with high numbers of dicamba complaints and the resulting fallout from the investigations. The state also reported that they are in the early stages of rule making to codify requirements for registering 25(b) products in their state.

2. Dicamba:

Five of the six Region 5 states received more alleged dicamba complaints in 2018 than they did in 2017. While Region 5 SLA's are in agreement that dicamba is a critical tool for growers dealing with resistant weeds, they continue to have serious concerns about the negative impacts the products are having on their pesticide programs, staff, financial resources and workload. Multiple SLA's indicated that staff morale is a serious issue and other pesticide projects are being significantly impacted. SLA's also discussed how some states have experienced an increase in all types of pesticide complaints (not just dicamba) in the last couple years and believe, in part, that folks are becoming more aware of pesticide damage and where to report alleged misuse due to the publicity

surrounding dicamba. Indiana indicated that they do not plan to train dicamba applicators as they did in 2018 and will instead rely on registrants to conduct the training for 2019. Minnesota indicated that they may implement additional label restriction for the 2019 growing season.

SLA's discussed and acknowledge that there are a number of positive changes on the 2019 dicamba labels including listing residential areas with sensitive crops, requiring certification for applicators, prohibiting applications 1 hour after sunrise and 2 hours before sunset, and the prohibition of OTT applications 45 days after planting. However, SLA's are skeptical that the label changes for 2019 will result in a significant decrease in complaints or offer any real solutions for determining the cause of off-target damage.

The SLA's discussed their disappointment with how the Agency communicated their decision to re-register dicamba. SLA's and AAPCO provided EPA valuable information and insight about the types of issues they've been dealing with over the last two or three years and were caught off guard when many of them heard about EPA's decision through NASDA or their Department's Director. As partners, SLA's believe they should have heard the news directly from EPA and had an opportunity to ask questions.

3. C&T Update:

Don Baumgartner provided an update on the revised certification and training rule including the planned C&T PREP course and Region 5 C&T workshop scheduled for April and May of 2019. Don also shared that the Certification Plan Template, Q&As, and Checklist are being reviewed by EPA and there is no current timeline for approval. SLA's expressed the importance of receiving these documents as soon as possible so they will have enough time to update and submit their plans by the May 2020 deadline. SLA's agreed that the Region 5 SFIREG chair will draft a letter to OPP's Director expressing how critical it is for states to receive the template/Q&A/checklist documents and encouraging the Agency to approve and share the documents as soon as possible.

4. UAV's

Joshua Stamper of the Minnesota Department of Agriculture (MDA) lead a discussion about the use of UAV's as an inspection and investigation tool. MDA is beginning to explore the use of UAV's in their programs and believes it could be a very valuable tool when investigating certain drift complaints or fish kill incidents. UAV's could also be beneficial for hazardous activities such as bulk storage inspections or for emergency response. It was recognized that the use of UAV's for regulatory purposes is a complicated and sensitive issue and SLA's will need to invest significant time and effort prior to incorporating a UAV into their regulatory program.

5. RARE Project

Two collaborative research projects were presented by Region 5 and the Office of Research and Development, National Homeland Security Research Center. One focused on evaluating surface wipe sampling parameters for detecting pesticide residues on indoor surface materials; and the other involved surface dissipation studies and decontamination studies for cleaning indoor surfaces contaminated by pesticides. Both of these projects were undertaken to support state pesticide regulators and other agencies that seek federal guidance and technical assistance in responding to indoor pesticide misuse in homes and businesses. Publications are being developed and will be announced when available (hopefully throughout 2019).