



Update on EPA's Pesticide Program Activities

February 2019

Office of Pesticide Programs



Discussion Topics

- Leadership and Organizational Changes
- PRIA Update
- Registration Review Update
 - Chlorpyrifos
 - Glyphosate
 - Neonicotinoids
- Endangered Species Act
- WPS & Certification Rule Implementation
- Dicamba



OCSPP Assistant Administrator

- Alexandra (Alex) Dunn is the new Assistant Administrator, OCSPP.
- Previously served as the Regional Administrator for EPA Region 1 in Boston, Massachusetts.
- Confirmed January 2, 2019.



Office of Pesticide Programs

Rick Keigwin, Director
Ed Messina, Acting Deputy Director
Wynne Miller, Acting Deputy Director

Antimicrobials Division
Anita Pease, Acting Director
Neil Anderson, Acting Deputy Director

Biological and Economic Analysis Division
Kimberly Nesci, Acting Director
Kevin Costello, Acting Deputy Director

**Biopesticides and Pollution
Prevention Division**
Robert McNally, Director
Frank Ellis, Acting Deputy Director

**Environmental Fate and
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Marietta Echeverria, Director
Vacant, Deputy Director
Brian Anderson, Associate Director

Field and External Affairs Division
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Jeff Herndon, Deputy Director
Patty Parrott, Associate Director

Health Effects Division
Dana Vogel, Director
Elisa Reaves, Acting Deputy Director
Don Wilbur, Acting Associate Director

**Information Technology and
Resources Management Division**
Delores Barber, Director
Hamaad Syed, Deputy Director

Pesticide Re-evaluation Division
Billy Smith, Acting Director
Vacant, Deputy Director

Registration Division
Michael Goodis, Director
Daniel Rosenblatt, Deputy Director
Donna Davis, Associate Director

EPA PRIA Update

- PRIA expired on February 15, 2019.
- According to the phase out provisions in FIFRA Section 33(m)(2)(B), registration service fees for new applications received after that date will be reduced by 70% from the fiscal year 2017 levels.
 - Such applications will not be subject to the decision review time frames specified in PRIA 3.
- Applications received on or prior to February 15, 2019, will continue to be reviewed under the decision time frames specified in PRIA 3.

EPA PRIA Update

- In FY 2020, no fees would be collected and without statutory time-frames under PRIA, the crop protection industry, growers, and other pesticide users lose predictability in the timing of EPA registration decisions,
- Relying on existing and reduced funds to be collected throughout the remainder of FY19, EPA will continue to review applications received prior to and following the lapse of PRIA while Congress continues to work on a path forward toward reauthorization.
- The Administration strongly supports the reauthorization of PRIA and hopes that Congress will pass PRIA-4.



What is Registration Review?

- Statutory Mandate – FIFRA Section 3(g)
 - Requires review of each registered pesticide every 15 years
- Scope – ~725 “cases” encompassing over 1,100 pesticide active ingredients (A.I.)
 - Conventional, antimicrobial, and biopesticides
- Statutory Deadline – EPA must complete review of all pesticides by 10/1/2022



Registration Review Progress

■ **Conventional**

- 332 draft risk assessments completed (~28% remaining)
- 248 proposed interim decisions complete (~46% remaining)
- 219 final or interim decisions complete (~52% remaining)

■ **Antimicrobials**

- 61 draft risk assessments completed (~55% remaining)
- 53 proposed interim decisions complete (~61% remaining)
- 50 final or interim decisions complete (~64% remaining)

■ **Biopesticides**

- 84 draft risk assessments completed (~34% remaining)
- 84 proposed interim decisions complete (~34% remaining)
- 57 final or interim decisions complete (~55% remaining)



Chlorpyrifos

- On August 9, 2017, the Ninth Circuit granted a petition brought by environmental and civil rights groups
- The petition requested review of EPA's 2017 order denying a 2007 petition to revoke all tolerances
- The decision remanded to EPA with direction to revoke all tolerances and cancel all registrations for chlorpyrifos 60 days after the mandate is issued
- On September 24, 2018, EPA sought rehearing en banc and panel rehearing before the 9th Circuit.



Chlorpyrifos

- The U.S. Court of Appeals for the Ninth Circuit has agreed to rehear its earlier decision in this matter. Oral arguments are scheduled for late March 2019.
- Federal chlorpyrifos tolerances and registrations will remain in place and use according to label instructions can continue, as permitted by state law, while the rehearing is conducted.



Glyphosate

- 2009: Initiated Registration Review
- 2016: Consulted with the FIFRA Scientific Advisory Panel
- 2017: Draft human health and ecological risk assessments
- Concludes that glyphosate is not likely to be carcinogenic
- Currently reviewing 250,000 public comments received
- Plan to publish the proposed interim registration review decision for glyphosate in 2019.



Neonicotinoids

- Preliminary risk assessments published in 2016 & 2017
- 1,000,000+ public comments
- Hundreds of effects and exposure studies evaluated
- Final assessments currently under review
- Next step: to publish the proposed interim decisions and propose any potential risk mitigation for public comment by the end of 2019

Endangered Species Act

- In January 2017, EPA initiated consultation, issuing Biological Evaluations for chlorpyrifos, diazinon, and malathion.
- On December 29, 2017, NMFS issued the final Biological Opinion on potential effects of chlorpyrifos, diazinon, and malathion.
- The BiOp reaches “jeopardy” and “adverse modification” conclusions for 38 federally listed threatened or endangered species and 37 critical habitat units.
- EPA extended the public comment period on the NMFS’s Biological Opinion on chlorpyrifos, diazinon, and malathion until July 23, 2018, and is currently reviewing comments.

ESA Interagency Working Group

- On January 31, 2018, a Memorandum of Agreement was signed by EPA, DOI (includes FWS), DOC, and NMFS, establishing an Interagency Working Group.
- The Working Group will provide recommendations to EPA, FWS and NMFS leadership on improving the ESA consultation process for pesticide registration and registration review.
- EPA aims to streamline the process to a point where it is protective of species, timely for FIFRA registration review decisions, feasible within the agencies' resource constraints, and transparent to the public.
- The 2018 Farm Bill established an interagency committee to better coordinate on endangered species work relative to pesticide registration activities under FIFRA.



WPS Update: Availability of Training Materials

- June 22, 2018 - Published a Federal Register notice stating the pesticide safety training materials with the expanded content required by the 2015 FIFRA Worker Protection Standard (WPS) are available for use.
- The training materials with expanded content have been available at the Pesticide Education Resources Collaborative (PERC) and were developed through an EPA cooperative agreement.
- Updated training materials must be used 180 days after the publication of the notice in the Federal Register.

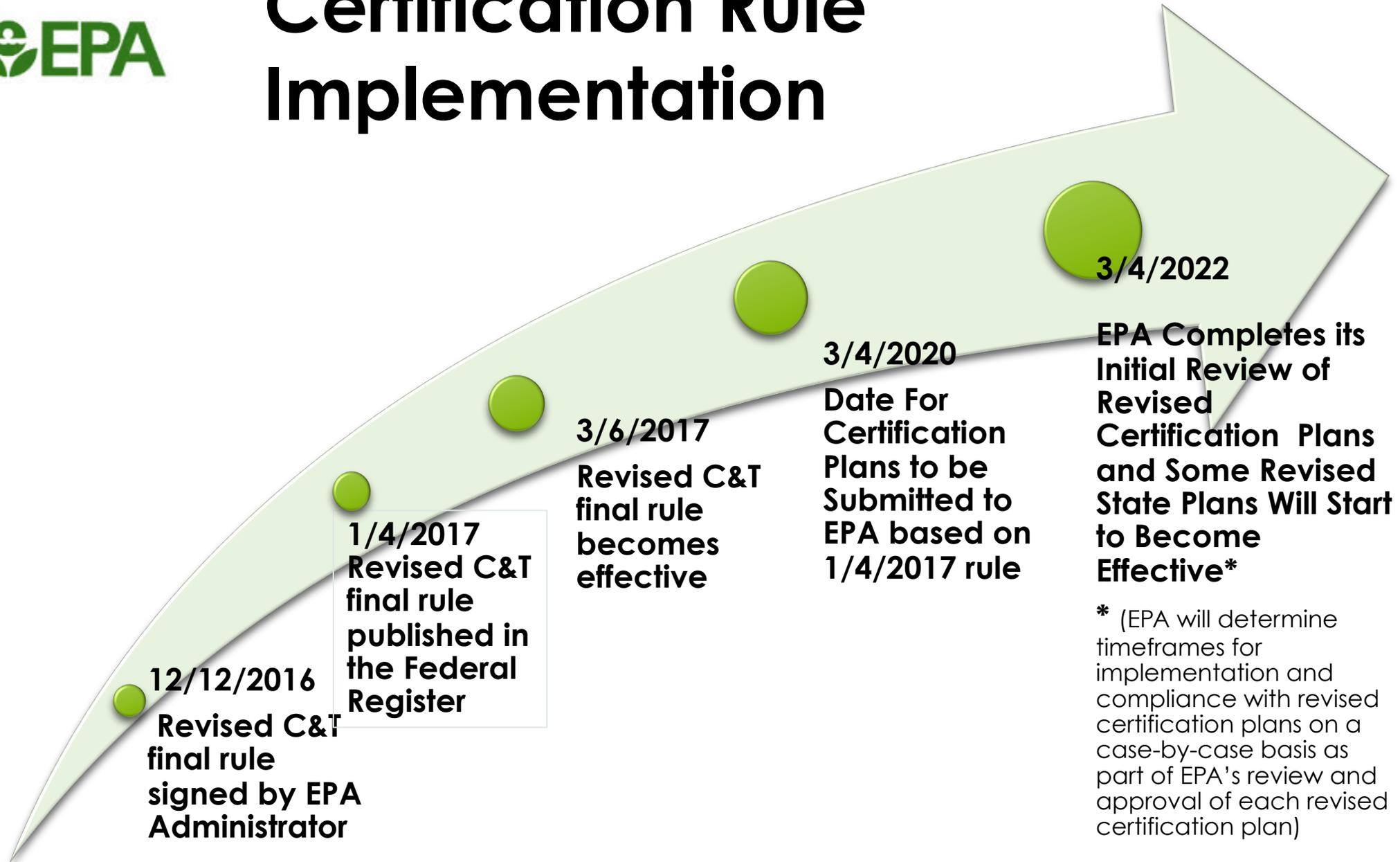


WPS and C&T Update: Proposed Changes to the AEZ Provision

- On January 28, 2019, EPA withdrew the proposed revisions to the 2015 WPS and 2017 CPA rules from OMB, and is no longer considering changes to the designated representative or minimum age requirement.
- EPA's withdrawal of these rules means EPA will continue to implement the existing 2015 WPS and the 2017 CPA rules according to the timeframes established in the rules.
- EPA is considering possible revisions to the AEZ provision in response to input from members of the agricultural community, state pesticide regulatory agencies, and agricultural stakeholders.



Certification Rule Implementation



Certification Plan Guidance

- We have developed guidance materials to assist states on how to revise EPA-approved certification plans in accordance with the revised Certification of Pesticide Applicators regulation.
- These materials include:
 - ✓ template for a revised certification plan
 - ✓ certification plan checklist to aid in tracking progress on plan development
 - ✓ timeline and process for EPA review and approval of revised certification plans
 - ✓ answers to frequently asked questions
 - ✓ comparison chart and crosswalk of old and new regulatory text

EPA Dicamba Over-the-Top Uses

- On October 31, 2018, EPA extended the registration of dicamba for two years for “over-the-top” use to control weeds in fields for cotton and soybean plants genetically engineered to resist dicamba.
- The registration includes label updates that add protective measures to further minimize the potential for offsite damage.
- This action was informed by input from an extensive collaboration between EPA, state regulators, farmers, academic researchers, pesticide manufacturers, and other stakeholders.
- The registration will automatically expire on December 20, 2020, unless EPA further extends it.



Confirmatory Data

- Field studies examining off-site movement of dicamba.
- Studies to investigate temperature effects on volatility of dicamba.
- Ecological effects data on non-target plants, related to survival, growth and reproduction for select sensitive tree/shrub/woody perennial species.
- Studies examining the effect of lower pH on secondary movement both in terms of the spray tank mixture.



Thank You!