

EPA Region 3 SFIREG Meeting Report

Prepared for December 9-10, 2019

The Region 3 Pre-SFIREG meeting was held at the West Virginia Department of Agriculture office located at Inwood, WV on November 12-13, 2019. Representatives from EPA Region 3 attended the meeting and all Region 3 states (DC, DE, VA, WV, MD, and PA) were represented. This SFIREG report is respectfully submitted by Mary Begin (DC) the Region 3 representative for the Full SFIREG meeting on December 9-10, 2019.

Individual State Reports are included at the back of this report.

Topics discussed at the Region 3 Pre-SFIREG Meeting included:

- EPA Region 3 realignment updates including the status of R3 FIFRA Program Staff/Enforcement Staff, and new Region 3 Project Officers
- Region 3 State Reports and legislative updates
- Status of C&T Plan revisions
- WPS and AEZ revisions
- Marketplace inspection label review and documentation.
- Use inspections Weather Reports
- Spray can devices
Carbon Monoxide
- Hemp/Cannabis
- Dicamba~ States
- ASPCRO Update-PIRT

EPA Region 3 realignment updates

At the Spring Pre-SFIREG meeting there was concern among the Region 3 States over the EPA Region 3 realignment including the possibility of a change in contacts. Those concerns continued through FY 19 and a discussion was held between the EPA Region 3 Chemicals Safety Programs Branch Chief Fatima El Abdaoui and the Region 3 States. The Region 3 SLA's have known Fatima for many years and have a good working relationship with her. She was able to reassure us that she will continue to be our contact for the Region 3 FIFRA Program and provided answers to our questions regarding the Chemicals Safety Programs Branch. A conference call will be scheduled between the Region 3 States and Aquanetta Dickens the Region 3 EPA Branch Chief for the Enforcement and Compliance Assurance Division to discuss the Enforcement Program.

SLA Legislative Updates

The SLA's discussed pending bills, proposed and promulgated regulations. Following are regulatory Updates discussed at the meeting:

(VA) Chapter 675 (Rules and Regulations Governing the Pesticide Fees Charged by the Department of Agriculture and Consumer Services under the Virginia Pesticide Control Act was amended and became effective July 11, 2019. New fees have been set for product registration.

(WV) Revisions to the West Virginia pesticides regulations that include minimum age requirements and violation to, "Been convicted or is subject to a final order assessing a penalty pursuant to § 14 (a) or (b) of the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. § 136 et seq.).

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(MD) Upcoming bills that are under discussion in Maryland include the Neonicotinoid Bill under the Pollinator Protection Act. There is also discussion in MD for regulations that will affect the use of glyphosate, chlorpyrifos and mandatory reporting of all commercial pesticide and on-farm pesticide applications. The MD Pesticide Sensitive Notification regulation was amended to require notification under Category 8 (public health, which is primarily mosquito control). MDA is under pressure from special interest groups to do more in enforcing the Neonic law that went into effect on January 2, 2018.

(PA) The Pennsylvania Department of Agriculture has completed the process of listing Hemp as a controlled plant through the Controlled Plant and Noxious Weeds Law. Because Hemp was placed on the registry as a control plant, it now requires a state issued permit in order to be grown in Pennsylvania.

All Region 3 States anticipate regulatory change for the registering pesticides for use on medical and recreational cannabis and amending pesticide rules and regulations to accommodate the updated EPA Certification and Training Rule.

WPS and AEZ Requirements

Courtenay Hoernemann from EPA Region 3 gave a presentation on WPS and the Revision of the Application Exclusion Zone Requirements. The States were able to ask questions and comment on the requirements.

SLA State Report Specific Discussions

(WV) Accuracy of weather reports for wind speed and direction to verify the pesticide applicators recording of wind speed, wind direction, and other weather data.

(DC) Concerns regarding Pesticide application equipment with the words "Roundup" and "Scotts", for example, on the equipment and use of application equipment that happens to have a Round Up symbol on the equipment.

(DE) Continuing concerns regarding carbon monoxide use for control of burrowing rodents.

Federal Certification of Pesticide Applicators Rule

The States continue to work on the revisions to their respective State Certification Plans. EPA Region 3 has been holding monthly calls to provide the States with updated EPA information. There is continuing frustration related to the late release of supporting materials by EPA and the slow responses to requests for additional clarifications by EPA. Most of the States do not have adequate resources to move forward with the confusion with how to define "lengthy and prescriptive standards" in their State regulations. States also are running up against the deadline to draft amendments or revisions to regulations and obtaining a new legal opinion letter from the AG or their legal counsel. All States are struggling to submit a revised C&T plan to EPA by March 4, 2020.

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Dicamba

The States provided updates on enforcement cases that relate to Dicamba use. For FY19, Virginia has received 2 tips/complaints/reports related to the over-the-top application of Dicamba. The remaining States have not received any complaints during FY19.

Hemp/Cannabis

There was a lengthy discussion on the subject of Hemp and Cannabis. At this time all Region 3 States have legalized medical marijuana with DC legalizing recreational use as well. There is commiseration but unfortunately no recommendations to share between states on how to handle the situation as it develops out of control. With the passage of the Farm Bill that legalized hemp there has been an expanding industry because of the rapid increase in popularity of CBDs. There have been issues where truckers, now free to haul hemp from state to state with the marijuana look-alike have been stopped and sometimes arrested by police who can't tell the difference between the two. This is also affecting how a State can legally transport samples of hemp to a lab for analysis of the THC level. The States also discussed the challenges of the lack of information regarding product registration, labels that list industrial hemp among crops and tolerance establishments.

ASPCRO Update-PIRT

On behalf of ASPCRO Liza reminded the States that EPA is seeking hosts for its 2020 PIRT Courses. The PIRT Program may be discontinued if there are no States willing to host it. With the lack of a State to host Liza presented some options on how to avoid elimination of the PIRT program. All the States agreed that the best solution is to host the PIRT courses similar to how the PREP Courses work with a University Extension. There was also agreement that it is important to continue with offering the PIRT courses.