

*AAPCO BOD Call
July 1, 2020
Amy Sullivan, Executive Secretary*

On the call: Leo Reed, OISC; Pat Jones, NC; Liza Fleeson Trossbach, VA; Cary Giguere, VT; Megan Patterson, ME; Gretchen Paluch, IA; Rose Kachadoorian, OR; Amy Sullivan, AAPCO

The call began at 2:00pm eastern time.

The call began with a discussion of issues with pyridines in compost, which appears to be flaring up again. Jones has 50 incidents and Kachadoorian has at least 100. Kachadoorian said that in conversations in Oregon it appears that there is more home gardening needs for compost right now.

Reed shared his recent conversation with a dicamba registrant. Was interested in a fresh conversation and wanted to know how they could help the states. Reed made sure it was clear that AAPCO doesn't accept industry money. The registrant assured Reed that he was suggesting more of an out of the box thinking. Jones said that recently 2 registrants requested a 'day in the life of a regulator' opportunity, which sounded unusual. It may be because of the court's use of AAPCO's surveys and work on dicamba.

AAPCO has had a request to endorse spray hoods, as did most states, for use in dicamba. AAPCO suggested that they should be working with EPA on consideration of spray hoods for any future labels. It is not AAPCO's role to endorse technologies in situations like this.

Fleeson Trossbach worked on two policies for consideration by the board. The conflict of interest policy was voted on and passed unanimously by the board, and is therefore adopted. The Harassment and Whistle Blower policies were similarly adopted.

Reed then conveyed Bahr's report from the recent SFIREG-EPA discussion. Regarding the pesticide impurities issue, EPA will not address the actual issue of the PRN. They will explain more about the organic and truth in labeling aspect which they consider misbranding in their response letter. Marketplace issues are considered low priority and they considered OTT uses as more theoretical. EPA is still in review for the response. Another discussion was about the SFIREG meeting. EPA enjoyed the format, but also would like more notice if they are expected to present or when the reps asked them to explain something more. They would like questions in advance, which we typically do. Everyone liked it and felt that it was productive.

Reed asked if anyone had heard anything about C&T from their regions or states. Other than just keeping the states up to date on the process, no one had heard anything else.

AAPCO was requested to have a board member speak on a panel about WPS. Jones and Paluch will make themselves available.

The compost issues go beyond the applicator, and that has always been difficult. Giguere suggested it may be useful to bring it back to SFIREG to support how the prohibitions can move with the product. Kachadoorian said that they are do a lot of analysis, but they also think that

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the registrants need to increase the stewardship efforts. OR is reaching out to their CAFOs as well to remind them. Giguere added that the registrant has to help run samples as part of the reregistration eligibility decision by EPA. Others added that registrant analysis isn't always reliable. Reed will discuss with Bahr.

Jones gave an update on the Southern Crop Production meeting he took part in. They discussed dicamba, AAPCO's letter to EPA, and the court's decision. They also discussed the neonicotinoid decision and the Region 4 Pollinator Paper which is in SFIREG. They were very interested in the preemption discussion. The Industry Relations workgroup was another area they were interested in having more involvement with. Jones discussed some of the issue papers, SFIREG, and the state-federal relationship.

Kachadoorian also updated the board on recent conversations related to biostimulants, but at this time there doesn't appear to be a need for AAPCO to weigh in more than has already occurred. Giguere and Kachadoorian are the leads for the issue.

Patterson came on late, and gave an update of the preemption discussion. There is a lot of documentation related to the efforts to implement municipal ordinances. The folks on the conversation determined that it would be useful to try and assess what is going on in each state. There are states who are experiencing municipalities who want to set up a 'shadow' regulatory structure which could impact the state's primacy. After assessing the national situation, they may suggest more follow up through SFIREG. Patterson has heard from Beyond Pesticides as well, with particular interest in enforcement.

Paluch asked if there was any feedback from the other states about the dicamba cancellation order. In Region 7 there are still questions, such as can a commercial applicator sell the product? EPA is not able to put it firmly in writing, but the service of applying (including sales) is still occurring. Fleeson Trossbach said they had received the same question and responded that they cannot sell, but they can apply. Paluch thinks that may need to be clarified as different states interpret differently. Kachadoorian said that it is also an issue in Region 10, because they sell the product for different uses (not OTT). The board discussed the need for the SFIREG dicamba workgroup to reconvene, to address these sorts of questions related to the cancellation order but also for any forward movement with the 2021 registration decision. Reed has been in communication with EPA on the subject as well. He also asked for the current questions in writing so that he can work with EPA more directly on them.

The meeting ended at 3:46pm eastern time.

Respectfully submitted,



Amy Sullivan