

FY2022-2025 FIFRA Cooperative Agreement Guidance: OPP has gathered comments on the grant guidance from AAPCO and states by the August 2020 deadline. Now that comments have been provided to EPA OPP, please reflect on the topics and discuss any additional perspectives and comments related to program areas where you would like to provide additional feedback to EPA OPP. How can SFIREG assist you in communicating with EPA specific suggestions and changes to the guidance? Are there any additional changes or additions suggested?

Washington:

- 0) **Being comfortable with the new FIFRA Grant Database when it comes time to develop the FY22 Agreement**

Proposed FY22-23 OCSPP national priorities:

1. ***Strengthen state and tribal partnerships through continued effective management of pesticide cooperative agreements. SUPPORT***
 - *Maintain current organization of pesticide programs at Region 10. It is working well as is, we do not want them separated into enforcement vs. programs because they are too small to make this effective. Many staff work in both Compliance and FIFRA Programs. Do not force regional organization changes from national perspective, it just doesn't always work in the region.*
2. ***Assist in national, regional and local pollinator protection efforts. DO NOT SUPPORT as a national priority for 22-23.***
 - *Although we all support helping "pollinators" and other animal and plant species, there is no funding for any pollinator protection work at the state or federal level. In addition, there is no coordination from USDA pollinator/beekeeper apiary support and because our state no longer has an active apiary program or funding to support, we can't do much. I love the idea, but if it's a "national priority" please include funding to support.*
 - *We, respectfully suggest changing this national priority to focusing on disinfectants and devices related to COVID-19 – we have a whole bunch of issues that have come up around this including companies making products, false and misleading claims to kill the virus for 30-90 days, fly by night companies commercially applying disinfectants by foggers or electrostatic sprayers creating disinfectants that we have no safety data or labels on? In addition, there are concerns and limited guidance for regulation of companies that only market or advertise application of disinfectants for COVID response. This is especially difficult for states that do not already have a category that covers use of disinfectants.*
3. ***Effectively implement the revised Pesticides Worker Protection Standard Rule. SUPPORT***
 - *We would like to see a WPS PREP centered around the new WPS rule. In addition, the Paraquat labeling changes could be added to that PREP because most Paraquat issues have centered around farmworker exposures.*
 - *WA has implemented the new WPS fully and conducts training and enforcement related to it. We support this as a national priority. We are implementing the "focused" WPS pilot as a component of our WPS inspection process. The plan is to have no longer than a 1 to 2 hour presence on farm for the inspection – which is a reasonable amount of time in a workday for an inspection vs. a 4 hr. or longer to cover all that's required in this large and complex rule.*

4. Effectively implement the revised Certification of Pesticide Applicators Rule. SUPPORT

- *If this means EPA HQ working towards completing their review of state plans and communicating any revisions to the state plan we support this. However, state's cannot fully implement the revised federal rule until the state plan is adopted and the state revises statute and rule according to new approved plan and federal rule.*
- *The state continues to prepare for the approval of it's submitted "proposed plan" to EPA, but cannot do much until EPA approves or recommends changes to plan.*
- *We do support EPA working on its process to finalize their review and approval of state plans and agree that this should be a national priority.*

5. Focus region-specific pesticide priorities on those areas of with greatest federal focus/changes needed. SUPPORT – Re-word?

- *We would revise this to say focus region-specific pesticide priorities on those areas of greatest needs at the region or state level rather than national needs.*
- *That said, I would state this as focusing region-specific pesticide priorities on those pesticides with major label, rule or bi-op changes. That is different than calling it a "national need". It's more about how federal changes, restrictions, registrations effect states and to support the states and regions by providing information and support to deal with new federal changes to pesticides.*

Pollinator Management and Bee Keeping Practices and Products: Recent concern has emerged from R4 states and other states about how Pollinators are managed and concerns about bee keeping practices and products that might be causing issues. What issues do you see in your state and regions with regards to managed pollinator pesticide use practices, cases, and management where education, training, and pesticide labels and violations could be occurring?

- a. Unregistered bee keepers in the state**
- b. The rouge beekeepers place colonies too close to fields that need pesticide treatment and the grower can't locate the beekeeper to move the hives, resulting in pesticide application delays that cost crop quality / yields**
- c. Beekeepers mis-using pesticides for mite control, e.g. amitraz. They kill off their own bees due to over dose**
- d. Too many "backyard" beekeepers mismanage their bees, starving them along with other poor management practices, yet pesticides are blamed for the bee's demise**
- e. Urban areas where there are numerous backyard beekeepers and those same areas have landscape companies making pesticide applications to ornamentals**
- f. There are people in some locations that "hate" honeybees located too close to their homes. WA State has had several cases of vandalism against apiary locations.**
 - i. Make it a crime to deliberately destroy honeybee colonies / apiary locations**
- g. Pollinator protection training for landscape companies**
- h. Beekeeping training for "backyard beekeepers"**
- i. Required apiary registration with ID marked on the hives**
- j. PIRT/PREP Apiary inspection / Beekeeping 101 training for pesticide regulatory personnel**

- **Paraquat Labeling - Certified Applicator Requirement:** The recent changes to the label only allow "certified applicators" to make applications. Have the states in your region received any feedback regarding this requirement and impacts to the ability to get the training and make the necessary applications? Have you received questions regarding additional training and who can do what? What if any other frequently asked questions can you share?

 - 0) **The license restrictions and label training requirement that went into effect spring 2020, seems to have been accepted. Not too much pushback from growers.**
 - 1) **The main confusion with respect to licensing is some individuals think they need a specific license type for paraquat application due to the label language.**
 - 2) **The latest EPA review proposals further restricting use of paraquat will have an effect on growers, esp. in the tree fruit and vineyard industries.**
 - 3) **The new safety measures on paraquat may affect the alfalfa and alfalfa seed growers. The new safety measures prohibit aerial application, limit the maximum application rate to 1 pound of active ingredient per acre, require enclosed cabs if the area treated in a 24-hr period is more than 80 acres, and require a 48-hr REI.**
 - 4) **We currently have an SLN for Gramoxone SL 2.0 on alfalfa grown for seed (expires December 31, 2022). I've contacted Shane Johnson (National Alfalfa & Forage Alliance) to get comments from him on the potential impacts to the alfalfa and alfalfa seed industry. Paraquat is used to desiccate the alfalfa prior to harvesting the seed. My questions were: Are aerial applications critical for alfalfa seed production to avoid shattering/damage to the seed crop? Application rates--the current SLN allows a range of 2.5 – 4 pints per acre. What is actually being used? At 4 pints per acre the amount of AI applied is 1.381 pounds per acre—which is over the proposed limit. Can we step down to a lower rate for the SLN (possibly to 3 pints per acre) and still have it be adequately effective in WA? Will the longer REI (48 hrs instead of 24 hrs) have a significant impact on seed harvest (quality, yield, etc.)?**

- **Dicamba 2020 Growing Season and Upcoming EPA Decisions:** We have been through the 2020 growing season, and how many reports of misuse have you received; how many enforcement actions have been taken; and what are the overall issues you're dealing with from 2020 or even previous years. What trends do you have in cases? Have the 2019 changes and training programs for the dicamba label made a difference? What are the states specific concerns regarding continued use of dicamba in 2020 and the next registration decision cycle in the fall of 2020?

 - 0) **No impact for Washington State**

- **Revised C&T Plans:** As the modified certification plans have been developed and submitted to EPA; how have your programs continued to adapt to C&T issues and topics especially during this COVID-19 pandemic? Are there any continued or lingering concerns/questions regarding the review process, and how can SFIREG assist you in working with EPA OPP?

 - 0) **WSDA is evolving certification and recertification processes to maintain program quality and compliance with the current C&T plans.**

- We've expanded recertification policy to allow for live webinar-delivered recertification courses in light of cancellation of most on-site courses. For webinar course accreditation, we require enhanced participant engagement procedures by course sponsors to assure delivery of course material over the required timeframe.
 - Testing for certification and recertification has continued throughout the pandemic at almost all WSDA locations with increased safety measures and securities in place to assure safety of testers and test proctors. While test session sizes have decreased due to social distancing and other restrictions, the program has been able to maintain testing services to support needs of stakeholders. Computer-based testing at vendor locations (Big Bend CC and LCC) are temporarily unavailable due to college closure. WSU extension offices are available for private applicator testing in select locations depending on county restrictions.
- 1) In order to develop outreach to stakeholders, it would be helpful to get updates on the review process and any areas of concern or confusion in submitted state plans so they may be addressed during the process, not after the review is complete.

COVID-19:

With the evolving public health crisis, all states have been impacted to varying degrees. How have your programs continued to adjust to the pandemic and COVID-19 impacted your respective pesticide programs, inspections and investigations, C&T, and other programs. Are there any implications to your ability to meet your commitments under your cooperative agreement across programs? What if any assistance do you need from EPA?

- 2) **Compliance:**
- **COVID-19 presented a number of challenges for conducting field inspections and investigations**
 - **Some staff due to health concerns did fewer field activities in 2020**
 - **Investigations were still conducted, but lessor level complaints were triaged more heavily**
 - **Some lessor complaints were conducted via phone/email**
 - **Complainants submitted statements and photos in some situations so staff did not have to go to the site**
 - **In one case WSDA had the beekeeper mail in his bee sample straight to the WSDA Lab, following outlined protocols, so WSDA staff did not have to do a site visit**
 - **Only the more critical complaints (e.g. human health and more severe property damage) had site visits for March and April of COVID restrictions.**
 - **If a county was in Phase 1 with numerous COVID cases, it was evaluated if a site visit had to be done**
 - **WSDA was able to meet FY20 Cooperative Agreement inspection numbers, but had to adjust how inspections were conducted**
 - **When COVID-19 first locked down people's mobility, very few inspections were conducted in March and April, until protocols were developed**

- **All inspections, except for use observations, were conducted by appointment**
- **Staff wore masks and social distanced**
- **Some portions of some inspections were done by phone and email**
- **One inspection was entirely conducted via a virtual format**
- **A few businesses did not want people inside their facility for the first few months of the restrictions**
- **Conducting WPS inspections on farms that employed migratory labor, were not conducted until that County was in Phase 2 for precautions**

- **Registration**

- The program expedited registration applications that contained pesticides that were effective against SARS-CoV-2 (EPA List N). The expedited goal was to register the products within 1-3 days of receipt of a complete application. For the period of April 1-July 31, Kelle expedited these registrations. A total of 137 new List N products were registered, average time to register was 1.2 days each. Other than this and the requirement for all to work from home - pesticide product registration and review no additional impacts due to COVID.
- Fortunately, the program had already adopted electronic document storage so all documents were available to staff through the agency file server while telecommuting. Essential staff continue to go into the office twice a week to process mail and scan pesticide application documents into the file server. Also, many of the registration staff had already been telecommuting once a week before the Stay At Home Order was issued, many staff already had “home offices” set up.

- **Licensing and Recertification – We have made adjustments and refinements to our current policies and procedures to maintain C&T abilities throughout this pandemic.**

- **Testing was the most severely impacted in the beginning but WSDA was able to develop testing procedures and policies in compliance with state and federal restrictions in order to continue testing**
 - **Reserve ballrooms at hotels or other venues with larger testing spaces**
 - **Limitation on who may enter testing room.**
 - **Require hand sanitization prior to entry to testing room and wearing of face coverings throughout test session**
 - **Physical distancing requirements maintained throughout session including during checkout.**
 - **Limitations on testers’ contact with each other and with test proctor**
 - **Proctors use masks and gloves; use hand sanitizer between handling of each tester’s paperwork; disinfect surfaces between each tester checking out.**
 - **Disinfection of all testing supplies, tables, and chairs between test sessions.**
 - **Testing paperwork stored in a sanitary manner prior to next use or transfer of completed paperwork and checks to fiscal office.**

- **Recertification Courses** – Most on-site courses cancelled. WSDA revised recertification policy to allow for live webinar course accreditation.
 - Webinar sponsors must have a way of identifying and tracking attendees are logged in for duration of webinar
 - Sponsors must also use a method of participant engagement to ensure attendee is present for entire webinar. Options include but are not limited to:
 - Monitor the attendees continuously over enabled attendee device cameras.
 - Randomly ask attendees to enable their device cameras during webinar to photograph attendance.
 - Engage attendees during webinar through occasional polls or quizzes and track attendance through responses.
 - Give out code words periodically during webinar that attendees submit to the host to verify participation.
 - Periodic roll call during webinar.
 - Certain participant engagement methods should be given randomly throughout session and attendees should not be told in advance when they will occur.
 - Sponsors also must allow WSDA access to course for the purposes of auditing. As of today, almost 60 webinar courses have been audited by WSDA since April.
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- **Issues in states with FIFRA preemption:** States in R8 and elsewhere have asked for SFIREG to assess the complex nature of FIFRA preemption. State lead agencies for FIFRA have historically had state primacy for FIFRA, act as co-regulators with EPA for FIFRA, lead the work to implement the EPA FIFRA Cooperative Agreements, create state pesticide laws and rules to regulate pesticides and implement associated pesticide programs. Preemption is the ability of one level of government to override laws of a lower level. Pesticides in many states are regulated solely by the State Lead Agency. There has been a movement in some states to allow the restriction of pesticide uses at other jurisdictional levels such as city or county governments. Are there issues and implications for your ability to work as the SLA, work with applicators and the pesticide industry, and what assistance do states need? Full SFIREG appreciates your assistance to fill out this survey to assist in creating the issue paper.

- 3) To date WSDA and EPA Region 10 continue to have a good working relationship allowing WSDA to be SLA in Washington State. There are a few counties and a few municipalities that have adopted additional pesticide restrictions within their jurisdictions. Thus far those local pesticide restrictions have not been in conflict with WSDA exercising its authority. WSDA does have specific pre-emption related to pesticide licensing, but allows municipalities with populations above 100,000 to require a license with the municipality as well.

Idaho:

- **FY2022-2025 FIFRA Cooperative Agreement Guidance:** OPP has gathered comments on the grant guidance from AAPCO and states by the August 2020 deadline. Now that comments have been provided to EPA OPP, please reflect on the topics and discuss any additional perspectives and comments related to program areas where you would like to provide additional feedback to EPA OPP. How can SFIREG assist you in communicating with EPA specific suggestions and changes to the guidance? Are there any additional changes or additions suggested?
 1. *Keep the grant user friendly, don't make it too cumbersome for both the grant development and end of year reporting by the states.*
 2. *Work with states on a more user-friendly method for obtaining and maintaining federal credentials.*
 3. *Be flexible on the agreements. Priorities can change in a year as they did in 2020. We never anticipated the number of inspections that would take place on disinfectants due to the COVID pandemic. As well as the amount of work to license applicators, and maintain recertification credits.*
 4. *Maintain an open dialog with states when unforeseen changes happen, so both can work together for a positive outcome for both state and federal requirements.*

- **Pollinator Management and Bee Keeping Practices and Products:** Recent concern has emerged from R4 states and other states about how Pollinators are managed and concerns about bee keeping practices and products that might be causing issues. What issues do you see in your state and regions with regards to managed pollinator pesticide use practices, cases, and management where education, training, and pesticide labels and violations could be occurring?
 1. *Beekeepers and applicators have always had an issue about communicating to each other on hive location and pesticide applications. In Idaho's pollinator protection plan, bee locations were one option that was talked about them being able to place hive locations on the map so both aerial and ground applicators could see locations. This was turned down.*
 2. *ISDA currently has a pollinator protection plan online that covers PMBs for pollinator protection. Variola mites continue to be an issue with hives as well.*
 3. *In Idaho, bee cases are rare, but when a bee case comes in. They are many times hard to prove where the pesticide may have come from, so education becomes the tools. These are many times not what is needed by the beekeepers for their losses.*
 4. *Keeping pollinator protection as a national program is a good thing, but many times is hard for states to spend a lot of time with due to limited funding and manpower.*

- **Paraquat Labeling - Certified Applicator Requirement:** The recent changes to the label only allow "certified applicators" to make applications. Have the states in your region received any feedback regarding this requirement and impacts to the ability to get the training and make the necessary applications? Have you received questions regarding additional training and who can do what? What if any other frequently asked questions can you share?
 1. *The license restrictions and label training requirement that went into effect spring 2020, seems to have been accepted. Not too much pushback from growers.*
 2. *Some growers have raised concerns with the online training as not the best, and viewed it like the soil fumigation training. May want to look at adding the additional information into the exams down the road. Same as what took place with soil fumigation.*

3. *There has been some confusion with respect to licensing. Some individuals think they need a specific license type for paraquat application due to the label language, or some sort of certification on their license.*
 4. *The latest EPA review proposals further restricting use of paraquat may have an effect on growers, esp. in the tree fruit and vineyard industries.*
- **Dicamba 2020 Growing Season and Upcoming EPA Decisions:** We have been through the 2020 growing season, and how many reports of misuse have you received; how many enforcement actions have been taken; and what are the overall issues you're dealing with from 2020 or even previous years. What trends do you have in cases? Have the 2019 changes and training programs for the dicamba label made a difference? What are the states specific concerns regarding continued use of dicamba in 2020 and the next registration decision cycle in the fall of 2020?
 1. *In Idaho no cotton or soybeans are grown, so no dicamba issues presented themselves. Idaho had no cases in 2020 where volatilization of a phenoxy type herbicide that caused damage to susceptible plants.*
 - **Revised C&T Plans:** As the modified certification plans have been developed and submitted to EPA; how have your programs continued to adapt to C&T issues and topics especially during this COVID-19 pandemic? Are there any continued or lingering concerns/questions regarding the review process, and how can SFIREG assist you in working with EPA OPP?
 1. *At this time there is no indications that ISDA will not be able to meet its EPA obligations for the cooperative agreement on C&T.*
 2. *No assistance is needed at this time with EPA, except allowing the states to extend cooperative agreements if needed to meet the needs of the program.*
 3. *Idaho's rules for pesticides were undated due to Legislative action last winter. These new rules have incorporated all of the new required EPA changes in them. These new rules will go before this year's Legislature again this rule to have them promulgated. EPA needs to take this into consideration when reviewing them.*
 - **COVID-19:** With the evolving public health crisis, all states have been impacted to varying degrees. How have your programs continued to adjust to the pandemic and COVID-19 impacted your respective pesticide programs, inspections and investigations, C&T, and other programs. Are there any implications to your ability to meet your commitments under your cooperative agreement across programs? What if any assistance do you need from EPA?
 - 1) *ISDA modified its examination procedures to maintain distancing and sanitary practices acceptable to our local and state health districts in order to perform applicator testing for category certification. ISDA has likewise modified our employee work schedules for our Applicator Licensing Section to provide administration of applicator licenses while complying with state mandated restrictions to address COVID-19. ISDA has temporarily lifted any restriction on online recertification training for applicator license recertification due to the limitations on in-person training due to industry and seminar provider response to COVID-19 thus allowing applicators the ability to renew their licenses in spite of the lack of in-person training opportunities.*
 - 2) *Idaho has spent a great deal of time dealing with the influx of products for the control of the COVID -19 virus and claiming that they are sanitizing agents, and meet the*

requirements for being classified as a pesticide. Many of these pesticides are not federally registered. This then forces the states to issue State Stop Sales, and forwarding them to EPA for enforcement. This can cause the state to then spend a great deal of time deal of time, and resources sealing with the companies and their attorneys, as well as using states attorneys. Which is a huge draw on time and resources for the states. Even by forwarding the cases to EPA for enforcement, the states are the ones signing the SSUROs and are the main focus of legal action by the registrant.

- 3) *COVID also caused Idaho to use a large amount of time and personnel costs to figure out how to continue to proctor exams in Idaho after the COVID19 lockdown took effect. Pesticide applicators in Idaho were deemed essential workers, which forced Idaho to figure out who to proctor exams when all of the venues that we were using were shut down, or denied us access to their facilities. To accommodate this, Idaho starting renting ballrooms in hotels to proctor exams. This allowed us a place where we could social distance, decon between exams, stay safe and maintain a facility where we could proctor exams and meet the Governor's requirement for maintaining essential service workers. It also required us to conduct back to back exams to meet the needs. Not only was this extremely expensive, but was unsustainable. Idaho was able to locate a few venues after the first lockdown was lifted, but still required multiple exams a day at these venues to meet number ceilings, decontamination between exams and social distancing. This has been an ongoing issue from March of 2020, until now.*

- **Issues in states with FIFRA preemption:** States in R8 and elsewhere have asked for SFIREG to assess the complex nature of FIFRA preemption. State lead agencies for FIFRA have historically had state primacy for FIFRA, act as co-regulators with EPA for FIFRA, lead the work to implement the EPA FIFRA Cooperative Agreements, create state pesticide laws and rules to regulate pesticides and implement associated pesticide programs. Preemption is the ability of one level of government to override laws of a lower level. Pesticides in many states are regulated solely by the State Lead Agency. There has been a movement in some states to allow the restriction of pesticide uses at other jurisdictional levels such as city or county governments. Are there issues and implications for your ability to work as the SLA, work with applicators and the pesticide industry, and what assistance do states need? Full SFIREG appreciates your assistance to fill out this survey to assist in creating the issue paper.

- 1) *At this time there are no local laws or rules that regulate the use and distribution of pesticides on a local level. There are some counties that implement buffer zones in their counties. Most of these buffer zones are based on mosquito abatement districts and organic statue growers.*

Oregon:

1. **FY2022-2025 FIFRA Cooperative Agreement Guidance:** OPP has gathered comments on the grant guidance from AAPCO and states by the August 2020 deadline. Now that comments have been provided to EPA OPP, please reflect on the topics and discuss any additional perspectives and comments related to program areas where you would like to provide additional feedback to EPA OPP. How can SFIREG assist you in communicating with EPA specific suggestions and changes to the guidance? Are there any additional changes or additions suggested?

SFIREG can keep stressing the importance of inclusion of the SLAs (co-regulators) when developing an agreement. Provide funding for pick-list topics, such as the maintenance and

continued developed of pollinator protection plans. These plans are important for continued high level agricultural production and healthy ecosystems, please provide financial support.

2. **Pollinator Management and Bee Keeping Practices and Products:** Recent concern has emerged from R4 states and other states about how Pollinators are managed and concerns about bee keeping practices and products that might be causing issues. What issues do you see in your state and regions with regards to managed pollinator pesticide use practices, cases, and management where education, training, and pesticide labels and violations could be occurring?

Pollinator education and communication regarding pesticide use is very important in our state. We have not heard of pesticides being illegally used by beekeepers. But like any group of people, there is a diversity in knowledge level, degrees of professionalism, and appreciation for why there is pesticide regulation. Therefore it is not entirely implausible that there are beekeepers that are illegally using pesticides to control pests such as varroa mites. The best solution is to have a coordinated and national education program.

3. **Paraquat Labeling - Certified Applicator Requirement:** The recent changes to the label only allow "certified applicators" to make applications. Have the states in your region received any feedback regarding this requirement and impacts to the ability to get the training and make the necessary applications? Have you received questions regarding additional training and who can do what? What if any other frequently asked questions can you share?

We have not received any reports of these requirements being problematic. There was however some confusion about dates. The initial communication materials were not adequate.

4. **Dicamba 2020 Growing Season and Upcoming EPA Decisions:** We have been through the 2020 growing season, and how many reports of misuse have you received; how many enforcement actions have been taken; and what are the overall issues you're dealing with from 2020 or even previous years. What trends do you have in cases? Have the 2019 changes and training programs for the dicamba label made a difference? What are the states specific concerns regarding continued use of dicamba in 2020 and the next registration decision cycle in the fall of 2020?

We are not one of the states with allowed over-the-top uses. But it is clear that these products were not adequately researched prior to market release. There should be a more transparent and inclusive process when evaluating these types of products, such as involving the SLAs and university experts. SLAs should also continue to have the ability to protect vulnerable non-target plants by issuing FIFRA Section 24(c) registrations.

5. **Revised C&T Plans:** As the modified certification plans have been developed and submitted to EPA; how have your programs continued to adapt to C&T issues and topics especially during this COVID-19 pandemic? Are there any continued or lingering concerns/questions regarding the review process, and how can SFIREG assist you in working with EPA OPP?

We do not have outstanding questions regarding the review of our C&T plan at this time.

6. **COVID-19:** With the evolving public health crisis, all states have been impacted to varying degrees. How have your programs continued to adjust to the pandemic and COVID-19 impacted

your respective pesticide programs, inspections and investigations, C&T, and other programs. Are there any implications to your ability to meet your commitments under your cooperative agreement across programs? What if any assistance do you need from EPA?

The ODA Pesticides Program has had to adapt in the following ways during the COVID-19 pandemic.

1. Certification Exams: *By mid-March of this year, only 5 of 22 certification exam proctoring facilities remained open. These facilities are mostly located outside of major population centers in Oregon (4 in SW Oregon; 1 in Eastern Oregon). Of those, many operated under reduced hours. To help increase availability of exam proctoring, ODA did outreach to testing centers and convinced several to open (typically with limited hours). In addition, ODA created arrangements with Sylvan Learning Centers (Portland Metro Area, Milwaukie, Salem, and Bend locations) to offer proctoring services. Currently 18 exam proctoring centers are open (8 still closed), with a new Sylvan proctoring center in Beaverton anticipated soon.*

2. Recertification Course Availability: *ODA began accrediting live webinars that meet certain standards in March (see link below). Prior to March the predominant type of recertification training offered in Oregon was in-person classroom style training (~77%), with a smaller share of on-demand online courses (~23%). Approximately 80% of recertification trainings available on or after March 2020 have been internet-based, of which ~55% are offered as live webinars and ~22 percent are on-demand online courses.*

Temporary Guidance for Sponsors of Pesticide Recertification Events (Interactive Live Webinar Option): <https://www.oregon.gov/oda/programs/Pesticides/Licensing/Documents/PesticideEventSponsorGuidanceCOVID-19.pdf>

3. Streamline Accreditation of OSU PSEP Recertification Courses: *ODA Pesticides Program signed a temporary agreement with OSU PSEP in September, that grants preapproval of OSU PSEP recertification courses that meet specific standards. Importantly, these standards are identical to those currently required by ODA for other recertification courses. A copy of the agreement is attached below.*

- 7. Issues in states with FIFRA preemption:** States in R8 and elsewhere have asked for SFIREG to assess the complex nature of FIFRA preemption. State lead agencies for FIFRA have historically had state primacy for FIFRA, act as co-regulators with EPA for FIFRA, lead the work to implement the EPA FIFRA Cooperative Agreements, create state pesticide laws and rules to regulate pesticides and implement associated pesticide programs. Preemption is the ability of one level of government to override laws of a lower level. Pesticides in many states are regulated solely by the State Lead Agency. There has been a movement in some states to allow the restriction of pesticide uses at other jurisdictional levels such as city or county governments. Are there issues and implications for your ability to work as the SLA, work with applicators and the pesticide industry, and what assistance do states need? Full SFIREG appreciates your assistance to fill out this survey to assist in creating the issue paper.

In 2017, there was a county ballot measure to prohibit aerial applications, the measure narrowly won. After two years of review by the county circuit court, it was decided that county ordinance, Measure 21- 177, or The Freedom from Aerially Sprayed Pesticides

Ordinance, was invalid on the basis that state law regulates pesticide use, not local governments. It is possible that proponent of the measure may appeal the court's decision and pursue legislation in 2021.

Alaska:

1) FY2022-2025 FIFRA Cooperative Agreement Guidance:

We do not have any suggestions regarding the FY 22 – 25 guidance. It allows for flexibility, and works well for us.

2) Pollinator Management and Bee Keeping Practices and Products:

Other than some limited concerns related to alleged impact of mosquito control activities on bees, we do not have pollinator concerns in Alaska. Most of the concerns we have heard have not been founded on any actual risk to bees.

3) Paraquat Labeling - Certified Applicator Requirement:

We are not aware of much use of paraquat in Alaska and have not heard any comments or concerns.

4) Dicamba 2020 Growing Season and Upcoming EPA Decisions:

As we understand it, the issues in the Lower 48 with Dicamba concern “Over the top” uses on Dicamba-tolerant cotton and soybeans. This is not an issue in Alaska, we do not grow either crop. We have not heard of any other problems with use of Dicamba in Alaska.

5) Revised C&T Plans:

We have heard very little from EPA except acknowledging when we submitted it 6 months ago. They need to give us feedback in a timely manner if they us to make changes. In particular we are still waiting to hear if we can cite core/category content or have to copy word for word into our regs from CFRs.

COVID modifications were minor for Alaska. We set up a procedure to issue temporary worker cards during the time when testing centers were closed. This did not require any changes to the plan, as the temporary worker cards addressed only commercial application of GUPs.

6) COVID-19:

We were forced to doing mainly online inspections during the latter part of FY 20 and the first part of FY 21, but at some point we do need to be able to travel to other locations to do in person inspections. We also allowed temp worker cards when testing centers were shut down for C&T, but no other changes required. Staff are all working remotely, with infrequent trips to the office.

7) Issues in states with FIFRA preemption:

In Alaska, local government is allowed to make more restrictive ordinances concerning pesticide use. We have seen some local limitations on pesticide use, such as the Municipality of Anchorage not allowing pesticide use in city parks, and requiring by ordinance notification requirements for outdoor commercial application of pesticides to neighboring properties, but these restrictions have not created any particular concern in Alaska. We completed the SFIREG survey on this matter as well.