

Region 2 Pre-SFIREG Meeting Report

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The EPA Region 2 Pre-SFIREG meeting was held by conference call on October 14, 2020. New York, New Jersey, Puerto Rico, and the US Virgin Islands (states) and EPA Region 2 participated on the call. The following are some of the topics that were discussed during this call:

2022-2025 FIFRA Cooperative Agreement Guidance- Sandra O'Neil EPA OCSPP-OPP-FEAD provided an overview of the 2022-2025 Cooperative Agreement Guidance and discussed how some of water quality data is used for national assessment and pesticide registration review and evaluation. It was also mentioned during this overview that states are not required to submit water quality data that is already publicly available. The Region 2 states did not indicate that they need additional assistance from SFIREG to communicate with EPA on matters associated with this guidance.

FY 20-21 OCSPP National Priorities Feedback- Sandra O'Neil EPA OCSPP-OPP-FEAD also provided information on the EPA national priorities. These priorities provide direction to EPA Regional Offices and are developed with input from the States, Tribes, and other stakeholders. The fiscal year 20-21 priorities are: strengthen state and tribal partnerships through the continued effective management of the pesticide cooperative agreements, assist in regional and local pollinator protection efforts, effectively implement the revised Worker Protection Standard Rule, effectively implement the revised Certification of Pesticide Applicators Rule, and to focus region-specific pesticide priorities on those areas of greatest need nationally. These priorities are used to measure accountability.

Pollinator Management and Bee Keeping Practices and Products- At the request of SFIREG the EPA Region 2 states were asked if they have seen recent issues with beekeepers using unregistered pesticides or failing to apply pesticides according to label directions to protect the bees from certain pests. The states indicated that they have not recently seen a significant number of these issues and do not consider them to be a major concern in the Region.

Paraquat Labeling/ Certified Applicator Requirement- The Region 2 states were asked if they were seeing difficulties associated with the updated Paraquat labels regarding the need for applicator certification and additional training requirements. The Region 2 states are under the impression that applicators have been able to get the necessary training since they have not received much feedback from applicators associated with these requirements. Puerto Rico mentioned that the training is also available in Spanish for their applicators to use.

Dicamba 2020 Growing Season and Upcoming EPA Decisions- EPA Region 2 mentioned that a decision from EPA is expected soon on the potential reregistration of the cancelled dicamba products. In response to this EPA cancellation New York State

opted to cancel the registrations for the 3 products that EPA cancelled. As mentioned in previous reports, the Region 2 states have not seen misuse issues or had enforcement actions associated with the dicamba uses associated with the cancellation.

Revised C+T Plan Development- The Region 2 states submitted their amended Certification and Training Plans on time and the plans are currently under review by EPA Region 2. The impacts from COVID-19 on the development of regulations and other components associated with the C+T plans has not been significant, although it has slowed down progress somewhat.

COVID-19- In response to the COVID-19 crisis the Region 2 state pesticide programs have modified their certification, inspection, and outreach programs considerably due to social distancing requirements, furloughs, and government shutdowns. Applicator certification exams were initially placed on hold, but some states have begun conducting exams again. States are considering various options for exams in the future. In some instances, certification and pesticide business registrations have been extended to allow for businesses to continue to operate. Outreach and course work are mostly being conducted virtually, but for the US Virgin Islands this option is currently not available. A limited number of inspections are being conducted with social distancing protocols in place. Although the states are conducting inspections it is expected that for a couple of the states there will need to be amendments to their federal workplans since all accomplishments may not be met. Most of the states did not indicate that assistance is needed from EPA except for New York reaching out to EPA to discuss the possibility of pesticide program lab support due to state budget shortfalls.

Disinfection Services- EPA Region 2 asked the states about problems with companies conducting disinfection services improperly or manufacturers making disinfection claims for products that are not federally registered as pesticides. New York and New Jersey have seen some issues associated with disinfection services and manufacturer claims, but Puerto Rico and the US Virgin Islands have not seen these issues. New Jersey mentioned that they have also seen some issues with the improper use of disinfection products in schools. Since some of the states were seeing issues with disinfection service there was a discussion about the possibility of the states adopting a disinfection certification category for businesses providing disinfection services professionally. This would require a change to the Region 2 states certification programs since antimicrobial pesticide use is currently exempt from certification. It was decided that this may be of interest to the pesticide programs nationally and the Region intends to introduce this topic to full SFIREG.

State/FIFRA Preemption- At the request of SFIREG, the Region 2 states were asked about any experience they may have with city or county governments regulating pesticides. In New York State there have been several instances in which local governments have passed laws and regulations to regulate pesticides. Given that the New York State Department of Environmental Conservation has primacy to regulate pesticides these local laws are commonly not upheld which limits the ability of local

governments to regulate pesticides. Currently in New York State the State Environmental Conservation Law only allows local governments to regulate pesticide notification in some instances. New Jersey has also seen local governments attempt to regulate pesticides, but all requests must be approved by the Department of Environmental Protection prior to allowing this to occur. The US Virgin Islands and Puerto Rico are not aware of any issues with preemption.

Neonicotinoid Treated Seeds- New York State requested that the regulation of neonicotinoid treated seeds be discussed during this call. This request originated from advocacy groups suggesting that New York regulate treated seeds to protect pollinators and other environmental resources. These inquiries have also been brought to the attention of State Legislators and other state agencies. In addition to New York, New Jersey has also received inquiries and have seen several state Legislative proposals regarding this topic. The Region 2 states recognize that the regulation of treated seeds have been evaluated by EPA before, but it continues to be a matter that receives attention and scrutiny in the Region. Since the pesticide registration process and the regulation of seeds begins at the federal level the Region 2 states would like to discuss this matter with USEPA and SFIREG to determine an appropriate path forward regarding the regulation of these materials.