

EPA Region 5 Pre-SFIREG Meeting Report

Meeting Dates: November 4th and 5th, 2020

Meeting Location: GoTo Meeting teleconference

Report Prepared By: Doug Owens (IL) – Region 5 SFIREG Representative

In Attendance: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin, and EPA Region 5

Full SFIREG Topics

1. State Updates:

- A common theme among all Region 5 states was the continuing adjustments due to COVID-19 and the related work from home/office access issues since the start of the pandemic.
- States canceled or severely limited in-person applicator certification training and testing opportunities. Some states instituted or are exploring online testing opportunities.
- IL and IN saw a decrease in pesticide misuse complaints. MN mentioned an increase in complaints.
- IN continues to work with industry on a revision of their civil penalty statutes for pesticides.
- All states indicated that made efforts to keep programs moving by doing “virtual inspections”, in-person inspections/investigations that can be done with appropriate social distancing. Most states met their cooperative agreement inspection requirements. Those that did not indicated that focus was shifted from inspections to outreach/compliance assistance.
- All states mentioned an increased focus on remote/online testing with appropriate proctoring protocols as necessary result of COVID restrictions.
- Most region 5 states mentioned the loss of revenues due to COVID and the implementation hiring freezes, and budget cuts. Some states were able to back-fill certain open positions but staffing and budgets remain of great concern.
- IL and OH both completed successful “Clean Sweep” unwanted pesticide collection events. WI announced the availability of grants for counties to run household hazardous waste and unwanted pesticide collection events.
- WI mentioned lab capacity issues on pesticide/fertilizer programs due to industrial hemp.
- WI mentioned their conditional registration for Isoxaflutole.
- OH and WI both reported 2 methomyl poisoning cases (mammals).
- The states discussed the issue of Section 18 requests for unregistered disinfectants. Review and processing requests can become a drain on available resources. COVID is not a local emergency, list N is now over 500 products. Is a federal agency more appropriate to submit these requests? Section 3 process is preferred.

2. COVID-19:

- IL- Limited access to office. Still working from home. Met all cooperative agreement inspection goals employing social distancing and other processes. In the process of developing a proctored online exam for pesticide applicators. In-person testing will proceed as allowed under ever-changing COVID restrictions
- IN – Met cooperative agreement inspection goals. Employed IT solutions, exploring means of working and performing information gathering remotely. Reviewed call ahead vs. unannounced inspections related to COVID response. Closed labs in March and reopened in May. Relying heavily on telecommuting.
- MI – Using testing centers and on-line remote testing (Flicker technology) for applicator certification. Their COVID shut-down response impacted the number of inspections that were conducted. Focused on outreach and education. Worked with Reg. 5 regarding coop. agreement goals.

- MN – COVID response affected number of inspections conducted. Focus shifted to outreach and education. Inspection procedures modified to use more call-ahead inspections and virtual inspection. Predominantly telecommuting right now.
- OH - Work at home with limited access to the office. Have adjusted inspection procedures similar to other states. Employing social distancing procedures for in-person testing (causing space restrictions). Laboratory work has slowed which affects completion of investigations. Under a hiring freeze. Issues with staff testing positive for COVID.
- WI - working at home with limited office access. “Doing more with less”, looking for efficiencies. Call ahead inspection working well. Staffing issues. Staff testing positive. Trying to address morale issues due to work at home isolation.
- Communication with the Region 5 and flexibility with regard to inspection completion and Work Plans will be important. Region 5 has been very understanding of state issues regarding COVID and facilitates flexibility.

3. Dicamba 2020

- Dan Kenny, USEPA, joined our meeting to answer questions about the new dicamba registrations and provide input into the decision process.
- Discussed the prohibition of “restrictive” 24 (c) SLN labels for dicamba mitigations.
- IL exploring options to implement a June 20th date and 85-degree temperature restriction. Dicamba complaints dropped to 148 (2020) from 723 (2019).
- IN exploring options to implement a June 20th cut-off date. 250 dicamba complaints 2019 to 73 dicamba complaints in 2020.
- MN had a June 20th date. 124 complaints/69 investigations. Exploring options for additional restrictions on dicamba use.
- Other Region 5 states had fewer complaints related to dicamba.
- Discussion regarding the definition of adjacent. Should it be on the labels? Since the buffer distance is 240 feet, is this a good proxy for adjacent?
- Record-keeping violations very common.

4. C&T:

- All Region 5 states met the March 4, 2020 deadline for submission.
- Region 5 staff doing pre-evaluation of state plans for revisions before submission to headquarters.
- Online testing becoming more of a necessity due to COVID.
- Discussion on what changes need to be reported.

5. Paraquat Labeling – Certified Applicator Requirement:

- States have not received very many questions or comments regarding the paraquat labeling or training requirements.
- IN mentioned most questions involved whether driving/transportation constitutes use.
- Is compound-specific training the “wave of the future”? Is training truly effective?

6. FY 22-25 Cooperative Agreement Guidance:

- Discussion of supplement regarding anti-microbials, worker protection outreach, COVID-19 related outreach involving communication and training for commercial disinfection.
- Cindy Wire joined the teleconference to discuss CA and reporting.

- Pick-list topic recommendations include: Public Health related topics, registration of kits (multiple products packaged together for distribution), IPM (school IPM).
- IN mentioned the repetitiveness of reporting as being tedious. Similar responses required in multiple sections.
- Questions: Is data from the 5700 forms used for programmatic analysis? Objective setting? Trend analysis?
- Is there a better way to submit and use data?

7. Pollinator Management/Bee Keeping

- Murder hornets a big topic with lots of inquiries.
- R5 states concur with concerns in Reg. 4's letter regarding pollinator management.
- Misuse in hives is prevalent and has been ongoing for a long time.
- "Illegal" hive treatments have monetary advantages for the keeper.
- Complainants are the pesticides users in many cases.
- Can we curb the activity rather than just respond to isolated complaints?

8. Preemption Issues

- MN legislature has heard several proposals for removing preemption. None have passed so far.
- Is the state a "clearinghouse" for reporting. How would local regulation of pesticides affect the cooperative agreements? Who reports (municipalities)?
- Some states have very limited instances of local regulations.
- Large scale preemption would be chaotic.

9. Future Region 5 Pre-SFIREG Meeting Dates:

- May 5th and 6th 2021
- November 3rd and 4th 2021