

Region 8 Meeting and Pre-SFIREG Report

Due to the continued pandemic situation, our meeting was held virtually, not in person. It was abbreviated to less than 10 hours over two days and consisted of topics that states had interest in or EPA presenting updates on C&T plan review process, funding, enforcement and EPA plans for certain dicamba label changes in an attempt to reduce agricultural drift issues.

Every state had at least one representative, some with 2 or more. An agenda and guest list are included at the end of this document.

Practically every state had a strong interest in online Continuing Education Units (CEU's in Utah-other states use different, but similar terms) and how other states have/are approaching it. The main approach is to have online offerings that present questions, tests or codes that must be entered in by the viewer to ensure that they are paying attention. Although there seems to be a good amount of Safety and Law CEU's available, there are not as many options for Use CEU's as there would be in a normal year.

Andrew Thostenson of ND suggested that states approve each other's CEU offerings to help fill the gap. An email was sent out asking interested states to provide needed information. Two states responded with information on how to get one's CEU courses approved by their state.

Preemption was discussed in detail and an update provided about a survey being developed to ask SLA's if they've experienced a situation where their preemption either was, or may soon be challenged. In Colorado there is what seems to be a growing push to allow municipal governments to create and enforce their own pesticide laws. After John Scott explained the situation in more detail, a couple of states mentioned that they have recently noticed that people living in cities seem to want greater local control over pesticide use, in one way or another. People in rural communities do not seem to share the same concerns.

EPA has told John Scott that they will not deviate from the current co-regulator format with states. In other words, EPA would not enter any pesticide regulatory cooperative agreement with any municipal government. EPA will only work with the state. As such, there was an ask of SFIREG to ask EPA for an official statement supporting the EPA/state co-regulator model and clearly stating that any deviation from this model is not acceptable. Such a statement could be used by SLA's whenever the state's preemption right is challenged.

No other topics were brought up as concerns by any of the states. During our breakout session, we went over the list that SFIREG asked us to discuss. The first topic was the 2022-2025 Cooperative Agreement. No concerns or questions were brought up by any state.

Second was Pollinator Management and Products.

CO: Several swarm triggered complaints because of the number of dead bees left behind. For the most part, the complaints aren't pesticide related or if it is, the applicator often can't be identified. Some problems with in-hive use products.

ND: Had a problem with "home brews" pesticide products in 2005-2006, but not at all a problem anymore as far as they know.

Utah: Several years ago tested every bee related complaint whether suspected applicator was known or not. Test results always (with 1 exception) came back with chemicals known to be used to create homemade mite strips. They are used to control varroa mites inside of hives. These were substantially cheaper to make than to buy them. Once UDAF showed this to industry we get 1-4 complaints per year and more often the problem is disease.

WY: Regularly test and share data with beekeepers. Almost no bee related complaints. A few illegal mite strips.

Third issue was paraquat labeling and training.

CO & UT: Haven't done much with it. Refer them to online training site.

ND: Holding paraquat training and aren't having any major problems with it.

WY: Their approach is communication and education. Going well.

Fourth was 2020 Dicamba season and upcoming EPA decisions. Only North Dakota and South Dakota had any comments.

ND: The bottom line is that they feel like there's a complete disconnect between EPA and the affected states on this issue. They feel that they provide critical information to EPA, but the dicamba decisions seem to go against what the states believe would actually solve these issues.

SD: Strongly concurs with ND.

Note that during the dicamba update, Dan Kenny of OPP seemed to have gained some new insight during the discussion and stated that he would bring up the information to the group working on the dicamba label changes.

Fifth were the revised C&T plans. Some had heard from Blake Huff back in April or May, but otherwise all states reported that there haven't been any requests or feedback from EPA.

Sixth was COVID-19. All state's had problems with finding pesticide certification testing options at the beginning of the crisis, but all seemed to have found solutions. Some being very creative, such as testing people in the ag department's parking lot. The newest challenge is providing Continuing Education Units as described earlier in this report.

CO: They have adjusted well to the challenges, but also have had to work through retirements and other staffing problems. The overall number of inspections is down, but the EPA requirements have been met. CO used proctoring services provided by Huntington and Sylvan learning centers, which actually gave testers evening and weekend options, however they are proctoring only to stay in business and will stop doing so once their regular tutoring business resumes.

MT: They separate federal inspection assignments from state inspection assignments. Their federal commitment was completed in June, so they're in good shape.

ND: Have had problems with training and administering exams, especially if/when there are lockdowns.

UT: Testing was a challenge, but a conference room at the UDAF building was used, requiring testers to follow a set of rules for social distancing, etc. If an organization had 6 or more testers, an inspector who was willing to do the work, went to proctor the tests. Inspectors who weren't comfortable with the idea weren't required to do so. CEU's are the biggest challenge at this time, but PSEP has scheduled 9 virtual CEU events and other online trainings are being provided.

The last topic was preemption, but that has been described earlier in this report.

Prepared and submitted by Henry Nahalewski, UDAF and Region 8 SFIREG Representative

October 20, 2020

**AGENDA EPA Region 8, State and Tribal Pesticides Meeting
October 6 - 7, 2020
Virtual Meeting via Microsoft Teams**

Tuesday, October 6th

**Please use the “Join Microsoft Teams” link or call-in information from today’s calendar invite
(It is different each day)**

- 12:30-12:45 Welcome Remarks:** Suzanne Bohdan, Director, Enforcement and Compliance Assurance Division, **Region 8** and Mark Smith, Director, Land, Chemicals, and Redevelopment Division, **Region 8**
- 12:45-1:00 Introductions**
- 1:00-2:15 Individual State & Tribal Updates (5-10 minutes each)**
- 2:15-2:30 SFIREG Update:** Henry Nahalewski, UDAF
- 2:30-2:45 Break**
- 2:45 – 3:30 COVID related enforcement work:** Chris Trocars, Region 8 and Sherrie Kinard, **Region 8**
- 3:30-3:45 Roundtable Discussion:** State COVID related enforcement and challenges
- 3:45-4:15 Certification and Training Progress on State & Tribal Plan revisions:** Blake Huff, Region 8 and Kevin Martin, **Region 8**
- 4:15-4:45 Roundtable Discussion:** State Plans for training and recertification for FY21

---End Day 1---

Wednesday, October 7th

**Please use the “Join Microsoft Teams” link or call-in information from today’s calendar invite
(it is different each day)**

- 8:30 –9:00 Program Updates including Funding and Budget:** Kimberly Pardue-Welch, Branch Chief, Chemical Safety and Environmental Stewardship Branch, **Region 8**

FY20-21 funding allocations for states and tribes. Updated information on the multipurpose grant (MPG).

- 9:00- 9:30** **Enforcement Updates and focus areas/priorities:** David Cobb, Section Chief, Toxics and Pesticides Enforcement Section, **Region 8**
- 9:30-10:30** **Dicamba Update:** Tom Gere, SDDA, Eric Delzer, NDDA, Andrew Thostenson, NDSU, Dan Kenny, Branch Chief, Herbicide Branch, Registration Division, **OPP**
- 10:30 – 11:00** **Challenges to Preemption:** John Scott, CDA, Henry Nahalewski, UDAF
- 11:00-12:00** **State & Tribal Breakouts:** States on their own and Tribes with EPA
- 12:00-1:00** **Lunch**
- 1:00-2:00** **Roundtable discussion – various topics**
- **Training needs**
 - **Date for 2021 Pesticides Managers Meeting**
 - **Other as needed**
 - **Wrap up and adjourn**

---End---

Full Invitee List

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