

## **Region 4 SFIREG Report**

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The Region 4 spring pre-SFIREG meeting was held on April 28, 2021. The meeting was held virtually because of COVID 19 travel restrictions, and it was hosted by Region 4 EPA from their office in Atlanta, GA. All states in the Region (AL, FL, GA, KY, MS, NC, SC, TN) were represented, and EPA regional staff were well represented in the meeting. The virtual format of the meeting allowed many more regulatory officials from the various states and from the EPA to participate than would have been possible during an in-person meeting. Having an in-person meeting during the fall of 2021 was discussed, but at the time of the meeting there still was a great deal of uncertainty because some states and the EPA may not be cleared to travel out of state, even by then. It is looking like we may attempt a hybrid type of meeting with in-person attendance for those who can attend and a virtual component for those who cannot.

### **Updates given during the meeting by our EPA Region 4 partners were:**

- Region 4 EPA update (Carol Kemker, Cesar Zapata, Donnette Sturdivant)
- Regional grants update (Richard Corbett, Seema Rao)
- C&T / WPS (Pat Livingston, Richard Corbett, Savannah Merritt)
- Regional training update (Patricia Livingston, Rick Hayes (Georgia))
- Enforcement update (Kimberly Bingham, Alan Annicella, Phillip Beard)
- IPM and Outreach (Savannah Merritt)

### **Topics covered in the meeting by SLA personnel were:**

- AAPCO update (Pat Jones, NC)
- ASPCRO update (Derrick Lastinger, GA)
- SFIREG/POM/EQI update (Tim Drake, SC)

### **Other Issues Discussed:**

Region 4 states had no significant issues to send forward for consideration or action by SFIREG except for one Issue Paper submitted by Pat Jones on behalf of the Region (*Pollinator Stewardship Community and Illegal Pesticide Use and Distribution*).

There is a great deal of satisfaction among Region 4 states over the resolution of issues with approval / issuance of federal credentials in the region. This has been largely due to the work of Ms. Tammye Cross, and she was commended at the meeting for her hard work in getting the various complicating issues resolved so that credentials could be approved in a timely manner.

Several states have had issues with registrants that are attempting to circumvent the EPA Section 3 Registration process by trying to get COVID-19 products approved by states / EPA through the Section 18 process. The collective opinion of states in Region 4 is that this is neither appropriate nor beneficial. States in Region 4 are, for the most part, not processing these requests until it is determined if these registrants have begun the normal product registration process with EPA, and how far along the products are in the federal approval process.

Other issues that individual states are having are reflected in the comments / answers to the SFIREG questions that were sent out. These can be found in the section that follows.

### **SFIREG Questions sent to the States**

The questions sent out to states for individual responses are summarized below:

1. ***Pet collar issues, cases, and reporting to EPA; including products with insecticides such as flumethrin and imidacloprid.***

**Florida:** We have had two complaints and have shared the EPA ombudsman's email to complainants for reporting. Online purchasing of the product is challenging for follow up. We would like an update on findings in other states and if there are any consistent elements of concern.

**Kentucky:** We have received a single complaint regarding the Seresto flea and tick collars for dogs and cats. As of March 1, 2021, the company has recalled this product. We are currently waiting to hear from EPA if we need to take any action.

**North Carolina:** We have received one complaint related to pet collar issues. On March 3rd, 2021, we received a complaint from a citizen that had experienced adverse health effects related to use of the collar on her dog. We instructed the complainant to contact an individual at EPA's OPP, as well as NPIC. We also forwarded her information to the NC Department of Health and Human Services, so she could discuss her medical history related to the incident.

2. ***Dicamba registrations and regulation.***

**Alabama:** Continues to have Extension conducting training.

**Kentucky:** We have heard that Corteva has applied for a label for Fexapan... What is the status of this?

**North Carolina:** I would say that we are disappointed with the EPA's denial of our 24c request but have moved forward with our training and recordkeeping manual distribution. Currently we have held 76 auxin trainings in North Carolina, with a total of 1,876 attendees. Trainings are facilitated through NCD&CS and NCSU's Cooperative Extension Service. We are also in the process of distributing 2,600 auxin recordkeeping manuals to applicators in NC.

**South Carolina:** SC was requested to approve a 24c for an extension of the use period in 2021 but refrained after the decision was made by the EPA to deny any state approvals for this. This extension is still needed in SC for this growing season.

**Tennessee:** 24 C withdrawn for extended period.

3. ***24(c) and 25(b) EPA and state registration processes.***

**Alabama:** The new federal approach in 24(c) guidelines are concerning to Alabama. Hopefully SFIREG will address our concerns with the Agency. 25(b) registration continues to be an undue burden for registration at the state level. EPA should look at this issue again and remove the exemption and handle these products as regular Section 3 registrations.

**Kentucky:** We are currently evaluating our 24 (c) "In State" Application and Approval process.

**North Carolina:**

24(c) Review Process:

1. The SLN package is submitted to the Pesticide Section.

2. Pesticide Section personnel review the package. Based on the information provided, a preliminary decision is made as to whether the package meets the requirements necessary to qualify for a SLN registration. At this point, the EPA Product Manager responsible for the pesticide in question is sometimes contacted for guidance. If the package is incomplete, additional information will be requested. If the applicant is unable to provide the information needed to justify the SLN registration, the application will be denied.

3. If the application package does seem to qualify for a SLN registration, the Pesticide Minor Use Registration Committee (PMURC) is asked to review it. PMURC is an advisory committee comprised of various North Carolina State University faculty and extension specialists. These individuals have expertise in several areas including entomology, pathology, zoology, toxicology, residue chemistry and weed science. They further review the application package and make a recommendation to the Pesticide Section as to whether the requested SLN registration is valid.

4. If the Pesticide Section determines that the SLN registration is needed, the requested use of the pesticide will be registered in North Carolina. Notification of the action is sent to the EPA along with the completed application form and a copy of the labeling. The EPA has 90 days to review the application. If the EPA determines that the registered use does not qualify for a SLN registration, the use can be cancelled. However, the use is legal during the time prior to cancellation. Usually any problems the EPA may have with the application package have been resolved long before it is sent to them. Therefore, this type of cancellation is rare.

25(b) Review Process:

Products making claims that meet the definition of a "pesticide" as provided in Section 143-460(28) of the North Carolina Pesticide Law of 1971 are required to be registered in North Carolina. This includes minimum risk pesticides as described in 40 CFR Section 152.25(f) that are exempt from federal registration as allowed by FIFRA Section 25(b). Minimum risk pesticides must meet the requirements of 40 CFR Section 152.25(f) and any additional EPA guidance to be eligible for registration in North Carolina. Labeling submitted for 25(b) registration is evaluated based on EPA requirements. Our regular registration fees also apply.

4. ***PFAS/PFOS in containers, pesticide products, environment, human health, laboratory testing support, and other issues to assist SLAs.***

**Florida:** We saw the recent article regarding Permanone 30-30. The following questions were submitted to EPA's pesticide container email address and Florida stakeholders are awaiting guidance:

- Does EPA have similar guidance for consumers (of Permanone 30-30) as was put out for Anvil 10+10?
- Should mosquito control programs red tag any existing stocks?

**Kentucky:** The only impact this directly had on KDA was very brief and it was with regard to Mosquito Control Program. We purchase our Duet from them and after they did research and discovered the only positive cases had been with their Anvil product we have decided to continue using the Duet and intend to continue using it as needed.

**Mississippi:** We appreciate the common-sense approach taken by Ed Messina during the state updates but could use more guidance moving forward from EPA.

**North Carolina:** EPA is asking that pesticide registrants and other companies using fluorinated containers, and entities that provide container fluorination services, examine their distribution chains to identify potential sources of contamination." – *OPP Update*. We are looking for more information on pesticide products that may be impacted other than Anvil which is not widely used in NC, and assessment of potential impacts on health or the environment. The presence of PFAS can have significant impacts on our pesticide container recycling program as it is based on recycling HDPE plastic which may or may not have been fluorinated for stability. If based on the 442k pounds of containers we recycled last year (which was a low yearly total), 30% could no longer be recycled due to PFAS, and have to be routed through the PDAP, which would quickly overwhelm that program's budget, which is already straining to meet disposal demands.

**Tennessee:** None found in TN at present

5. **COVID-19 EPA response and registration topics for disinfectants, and devices.**

**Alabama:** EPA guidance has been good on these issues.

**Florida:** Section 18 emergency exemptions may only be requested by State or Federal agencies when an emergency condition (e.g., serious pest problem) jeopardizes production of agricultural goods, the environment, or public health, but there are inadequate tools (including pesticide registrations) to address the situation. Following the August 24th announcement of EPA's approval of the Texas Section 18 for an extended protection claim on a disinfectant for use against SARS-CoV-2, Florida began receiving an uptick in similar requests. Many of these Section 18 requests are coming to the states from the disinfectant companies, and not coming from state or federal health agencies who can attest to the significant risk and urgency of the situation. Furthermore, the sites where these products are intended to be applied (i.e. airplanes, stadiums) are not specific to an individual state. Thus, these requests may be more appropriate for a Federal Section 18. Whether the request for extended protection claims on disinfectants is appropriate for a State Section 18 has come into question as well as whether it meets the definition of an emergency condition given alternative products are available (there are over 600 products on EPA's List N that are registered as effective to combat SARS-CoV-2). State Section 18 exemption is an important and well-established process that should be used judiciously. Assuring that the science is solid to support such claims and a Section 18 emergency exemption is only requested if it meets the emergency condition definition ensures, the wrong precedent is not set.

**Georgia:** Need clear guidance from EPA on Sect. 18 request regarding surface disinfectants and products claiming residual efficacy for SARS-CoV-2 and how to proceed after the CDC/FDA report on transmission.

**Kentucky:** It is a shame that when we have a National Pandemic and the EPA provides a list of approved products for use across the country, we as the SLA's have to deal with a ridiculous amount of Section 18 requests. This should be addressed federally in these instances.

**Mississippi:** It's problematic when EPA encourages industry to seek 24(c) versus Section 3 label requests because it's faster for industry.

**North Carolina:** There should be a national effort to COVID-19 Emergency Exemptions coordinated by the EPA rather than the current state-by-state, piecemeal approach.

**South Carolina:** SC has received several requests for 24c and Section 18 uses of COVID-19 related products. SC feels that this is an inappropriate use of these processes and that some registrants are attempting to circumvent the normal EPA product registration process to get a marketplace advantage for their products (place them in the marketplace more quickly). They should achieve full Section 3 federal approvals before these types of products are used within states for their intended purposes.

**Tennessee:** TN has not received an additional request.

6. **EPA Credential issues and survey.**

**Alabama:** Completed the survey. Region 4 continues to improve this process however the sign-on issues continue with the inspector WIKI.

**Florida:** Ongoing effort to get all inspectors credentialed. Completed survey and submitted on April 2<sup>nd</sup>.

**Mississippi:** Though not perfect, the credential issuance and renewal process has gotten much better over the last two years. Much appreciated.

**North Carolina:** No issues to report, survey was filled out.

**South Carolina:** SC is pleased with how the issues have been resolved in Region 4.

**Tennessee:** No problems for TN and happy with how this process is going at present.

7. ***Paraquat topics, regulation, and education.***

**Alabama:** Will conduct compliance reviews to ensure applicators are following the new guidelines.

**Kentucky:** All required training is online. We do enforce the requirement.

**North Carolina:** As of January 2021, there have been 2,506 individuals that have taken the paraquat training in North Carolina. The training has occurred both in person and online.

8. ***C&T Plan approval processes.***

**Alabama:** In Flux-still waiting on review from EPA.

**Florida:** At this time, still awaiting next steps from the EPA. No feedback yet.

**Kentucky:** Our approval process has begun but we have no comments as of yet. Too early to have comments

**Mississippi:** We appreciate the open communication shared with Savannah Merritt and Region 4.

**North Carolina:** Following the March 2020 submittal of the revised certification plan, the regional review period was extensive. We were emailed questions regularly and we would either discuss the issues and straighten out any confusion, or we would revise the section as appropriate and submit any revised sections to Pat L. Once the regional review was finished and the plan was sent up to HQ there hasn't been much communication. We were told that there were sections with issues that they were concerned with, but it had all be sent to their lawyers to review. We were told that once the lawyer's review was completed, we'd be notified of what suggestions they had, but to date we haven't heard anything else from EPA.

**South Carolina:** SC is pleased with how the review and approval process has been conducted so far.

9. ***Pollinators and managed pollinator use of pesticides.***

**Alabama:** No pollinator complaints in 2020.

**Florida:** The Division of Agricultural Environmental Services and the Division of Plant Industry are continuing to work cross-divisional in order to improve website content with regards to honey bees. Currently, the voluntary apiary map is in the process of getting a completely new renovation that will make it easier for beekeepers to register locations of their apiaries as well as utilize the map. This map provides a means of communication between beekeepers, agricultural entities and potentially other stakeholders.

**Kentucky:** KDA has a program that is up and running and available to the public. Beekeepers and other managed pollinators as well as applicators are actively participating in the program and using the mapping system it provides.

**Mississippi:** Communication and collaboration with our stakeholders continues to be effective as we have not received any pollinator complaints for the last several years.

**North Carolina:** In January 2021, the NCDA&CS presented a White Paper Pollinator Stewardship Community and Illegal Pesticide Use and Distribution to SFIREG. In April of 2021, NCDA&CS spoke with Tom Steegar from EPA about the topic presented in the White Paper, as well as how our department reports our bee kill cases. Additionally, we have been participating in the North Carolina Pollinator Conservation Alliance for the past 4 years as an active member. NCDA&CS staff have participated in NCSU's Virtual Hive Chat and as well as state beekeeper meetings virtually. We have had one bee kill during the designated period and it is currently still being investigated.

10. ***Hemp and Cannabis topics and issues.***

**Alabama:** Medical marijuana bill may pass legislature this session.

**Florida:** FDACS hemp pesticide list was updated on March 31 and posted on our website. The list now includes 110 pesticides that may be used on hemp.

**Kentucky:** KDA is still getting a couple 25b requests for hemp, In 2020 we approved 970 applications for individuals to grow hemp in Kentucky and we have approved considerably less so far in 2021, KDA is aware that IR4 is currently reviewing a couple products which is a step in the right direction as far as we are concerned. Has Hemp ever been assigned to a particular crop group?

**Mississippi:** This will be the first full year for hemp production in MS. We are working under the USDA plan. No issues yet.

11. ***EPA Reregistration review of pesticides, EPA 15-year schedule, PIDs, Final IDs, BEs, BiOps; recent topics such as Pentachlorophenol and other wood treatment product issues, and EPA assessing Pyridines and Pyrimidines herbicides.***

**North Carolina:** We did not have any issues in these areas since November 2020, but in the Summer 2020 citizens in North Carolina experienced a state-wide compost contamination. It was suspected that the compost contamination was due to pyridine herbicides. Sample results indicated the presence of dicamba and trace amounts of clopyralid. 83 complaints were received. Of the cases opened during the time, all were closed with no action due to the lack of a responsible party/ jurisdiction.

12. ***Any new Issues that might develop into White Papers or Issue Papers.***

No new issues that would rise to the level of an issue paper were reported from any state within the region.