

EPA Region 5 Pre-SFIREG Meeting Report

Meeting Dates: May 5th and 6th, 2021

Meeting Location: Microsoft Teams Meeting teleconference

Report Prepared By: Brad Beaver (IL) – Region 5 SFIREG Representative

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

Full SFIREG Topics

1. State Updates:

- Common theme among states was adapting to COVID protocols and adjusting regulatory programs to deal with restrictions.
- IL had to move to all online training and mixture of online and in-person testing. IL has administered almost 10,000 fully proctored online exams. Over 5,000 individuals have accessed online training.
- Common theme among states – Buildings closed to public or at limited capacity. Most states using work from home option. Hybrid work model.
- WI hopes to be at 100% capacity by July 5th. WI had extended applicator licenses. Used basic online testing with small amount of in-person testing. Working with private company to develop remote testing system.
- OH has no timetable to return to office in-person full time. Currently has hiring freeze. Ohio PSEP went to online method. Currently increasing in-person testing capacity.
- MN is going back to work full time in-person in July but allowing telecommuting. Remained active in testing. Did not reduce any items. No extensions to licenses were granted. Remained active in testing. Moved to online training format. Mixture of zoom meetings and workshops. Very successful and looking to continue.
- MI working from home without a date for returning to office. Extended dates to licensing credentials. Allowed renewal through CEU credits. Online zoom option used by PSEP well liked.
- IN worked mostly from home. Just returning to office. Pesticide lab has been in-person. No date for full return. Using hybrid work from home option. Certification and licensing program returning to normal.
- White Earth has new program coordinator – Renee Keezer.

2. Section 18 and Section 24(c):

- States expressed interest in a more Federal approach and approval to Section 18s that are not state specific to eliminate duplicative work put in by each state. States had questions about the number of “restrictive” 24(c) labels still in effect even though new requests are not being allowed. States looking to work together to prevent registrants from abusing the 24(c) process by submitting multiple requests. States would like to refer them to Sec 3 process if too many similar requests are being submitted. States feel they will see an increase in section 18 requests as well. States asking EPA to help monitor situation since “door has been opened” and companies are now very familiar with Section 18 and 24(c) process. MN has approved a Sec. 18 request for BiaXam a long term surface disinfectant to be used by Delta Airlines.

3. EPA Credential Survey

- Multiple states reported issues with credential process. Issues experienced in both the renewal process and the issuance of new credentials. Long delays from time of submittal of renewal until credentials were issued.
- Long waits without any correspondence from EPA.
- States questioned if there was a way to keep a credential from expiring if a renewal had been submitted to EPA and was being processed.
- Several states had issues with 8-hour health and safety training. Some states are required to conduct 8-hour refresher training for other purposes in their state. They may have to take both trainings, since EPA requires FedTalent refresher and will not accept the state given training.

4. Dicamba 2021:

- Illinois and Indiana implemented state specific restrictions.
- IN has implemented a June 20th cutoff date. Cutoff date applies to the new over the top herbicides as well as all other ag-related products containing 6.5% dicamba or higher. The Indiana Pesticide Regulatory Board designated dicamba a "highly volatile herbicide" under state law, which allowed the state to add the June 20th cutoff restriction.
- Illinois employed a state rulemaking under the FIFRA 24(a) process to implement 5 restrictions for over the top dicamba applications to soybeans.
 - June 20th cutoff date,
 - 85-degree temperature restriction,
 - requirement to use Fieldwatch sensitive crop registry,
 - do not apply restriction if wind is blowing toward residential areas or Nature preserve commission sites.
- Illinois saw an approximate 80 decrease in dicamba related complaints after issuance of the same restrictions last season.
- Multiple states experiencing challenges finding accurate wind data when investigating pesticide misuse cases.
- MN is focusing upcoming regulatory efforts on proper record keeping.
- Multiple states expressed concerns about large percentage of their misuse complaint total coming from one chemistry.

5. Paraquat 2021:

- No states reported issues or questions involving paraquat labeling or training requirements.

6. Pet Collars:

- No states reported receiving calls regarding pet collar issues.
- States asked to be briefed regarding issues such as this one. Most state pesticide control offices were unaware of the volume of complaints received by EPA regarding the pet collar issue.
- Several states felt unprepared to answer question brought up by state legislators proposing legislation in response to public requests.

7. C&T Plan Review Update:

- Several states expressed major concerns with providing EPA with proposed legislative language. Several have restrictions prohibiting sharing proposed legislation prior to it being introduced by their legislative bodies.
- States all agree to comply with C&T Federal requirements. Some will be unable to put specific legislative language or new legislation in their plans to be reviewed.
- Follow-up meeting to discuss with EPA in more detail scheduled.
- Specific implementation dates and timelines that depend on legislative process very difficult for some states to provide.

8. PFAS/PFOS:

- Several state legislatures looking to implement PFAS regulations and restrictions.
- PFAS issue not affecting mosquito spraying programs in Region 5 states.

9. Hemp and Cannabis:

- MI looking at products being used that do not claim to be a pesticide. Sampling program found multiple products that contained pesticide ingredients.
- Most states have not had to investigate pesticide misuse complaints regarding hemp or cannabis.
- States receiving a lot of questions as to which products can and cannot be used.
- Questions about legality of products being used for burndown applications. Does it need to be labeled for hemp.
- States expressed concerns with liability associated with application legality determinations

10. Future Region 5 Pre-SFIREG Meeting Dates:

- Nov. 3rd and 4th 2021
- May 4th and 5th 2022

- Doug Owens retired December 31, 2020 – Brad Beaver of Illinois taking his place as the Region 5 SFIREG representative.