

**EPA REGION III  
REPORT to Full SFIREG  
State FIFIRA Issues, Research, and Evaluation Group Meeting  
June 7-8, 2021**

The EPA Region III PreSFIREG Meeting was held March 22-23, 2021 via WebEx. Attendees included: Christopher Wade and Jimmy Hughes (DE); Mary Begin and Megan Wilkerson (DC); Kelly Love (MD); Jessica Lenker, Don Gilbert, Dan Duer, and Ruth Welliver (PA); Grant Bishop and Chad Carpenter (WV); Jeffrey Rogers and Liza Fleeson Trossbach (VA); and Fatima El Abdaoui, Deb Forman, Aquanetta Dickens;; Courtney Hoernemann; Camille Lukey; Christine Convery; Kyla Townsend-McIntyre and Holly Raguza, EPA Region III.

As part of the meeting, Kaitlin Picone, Branch Chief, Intergovernmental & Community Relations, provided an overview of the Impacts of the Administrative Change on Pesticide Programs. In addition, Region III Staff provided a review of the FY22-25 Cooperative Agreement Guidance and grant application process including a FIFRA Grant Database Walk-Through by Allen Demorest, EPA Region 9. With the exception of the District of Columbia, all Region III States follow the state fiscal year with grant applications due on May 1, 2021. Other topics of interest including the status of State Certification Plans, Federal Credentialing, EPA's Off Site Compliance Monitoring during COVID, Section 18, Emergency Exemptions and preliminary plans for the annual Region III Inspectors Workshop which will be hosted this Fall in Maryland. In addition, each state and the District of Columbia provided a report of their current activities.

A request to Full SFIREG to discuss the following items during PreSFIREG Meetings was received on March 24, 2021. As this was post the Region III PreSFIREG Meeting, the request for any issues or concerns related to the following was forwarded to Region III States and the District for feedback:

- Pet collar issues, cases, and reporting to EPA; including products with insecticides such as flumethrin and imidacloprid,
- Dicamba registrations and regulation,
- 24(c) and 25(a) EPA and state registration processes,
- PFAS/PFOS in containers, pesticide products, environment, human health, laboratory testing support, and other issues to assist SLAs,
- COVID-19 EPA response and registration topics for disinfectants, and devices,
- EPA Credential issues and survey,
- Paraquat topics, regulation, and education,
- C&T Plan approval processes,
- Pollinators and managed pollinator use of pesticides,
- Hemp and Cannabis topics and issues,
- 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, In addition, each state and the District of Columbia provided a report of their current activities.

No specific issues or concerns not already discussed as part of the Region III PreSFIREG Meeting were identified.

## **FY22-25 Cooperative Agreement**

Discussion included:

- Funding Levels;
- Guidance Review: Programs & Enforcement;
- Grant Application Submissions; and
- FIFRA Grant Database.

Region III States and the District expressed appreciation for the timely release of the FY22-25 Cooperative Agreement Guidance however expressed frustration that funding levels for FY22-25 were not yet available. Instead, grantees were directed to use the FY21 allocations. Lab funding was also discussed. In lieu of the \$41,600, Region III States and the District have elected to have a lab funding schedule that provides \$83,200 to the grantees in rotation with a skip year every 4<sup>th</sup> year. States and the District continue to prefer the schedule as it provides more options for use of the funds by the lab.

## **State Certification Plans**

All Region III plans were submitted as required and have been reviewed by EPA Region III. States and the District are in the process of reviewing written comments from EPA Region III and making revisions as appropriate. Plans are on target to be submitted to EPA HQ by May 1, 2021. Region III provided the following early feedback from EPA regarding Plans:

- EPA recognizes that some legislative changes may not be completed by March 4, 2022, however, EPA does expect legislative process to be “underway”;
- Plans should provide detailed implementation dates/timeframes (Section 13); and
- Oral exams are not a substitute for written exams for commercial applicators unless there is a determined need for ADA accommodations.

EPA’s 2 year time period was discussed as unreasonable as many legislative processes take more than 2 years. In addition, until plans are approved, some States may be unwilling or unable to initiate the legislative process. It was offered that adequate discussion in the plan of legislative process and all subsequent changes needed will (should) suffice for approval.

## **Federal Credentialing**

Region III States and the District continue to include the annual 8-hour Health and Safety Training required for Inspectors to maintain their Federal Credentials as part of its annual Inspectors Workshop. Attendees were reminded that the Inspection Skills Course must be taken in FedTalent. States and the District expressed appreciation for Region III’s federal credentialing process indicating very few issues.

## **COVID-19 & Inspection Flexibility**

Region III provided an update on inspection activities including a reminder regarding the OECA Inspection Flexibility Memo (July 22, 2020). An extension of this allowance is forthcoming. In addition, a refocus of inspection activities from PEIs to other priority areas was discussed. For each year of the FY22-25 grant cycle, the overall inspection hours and FTE on the 5700 form should not change, rather grantees will need to reallocate inspection hours to other types of inspections (e.g., WPS, MPI, RUP

dealers, etc.). How grantees choose to reallocate inspection resources is it up to the grantee; however, it is suggested the hours be reallocated to whatever inspection types are higher priority in your particular state. Region III pesticides enforcement and programs agree that a reasonable proposed approach is for state inspectors to inspect approximately 10% of active EPA-registered establishments in their state each year.

### **Section 18 Emergency Exemptions**

A brief discussion of currently pending Section 18s included a request by Region III to inform them of any applications submitted to EPA HQ. The following Section 18s are pending:

- VA – Cuprous Oxide (surface disinfectant) [Update – *Withdrawn 4/28/21*]

### **2021 Region III Inspectors Workshop**

See State Report – Maryland.

### **State Reports – Select Highlights** (*complete reports available upon request*)

#### **Delaware**

- Field Activities: While previously conducting inspections during COVID-19, indoor inspections were halted by the Governor in January 2021. Delaware Department of Agriculture (DDA) Inspectors are currently conducting use observations and investigating complaints of pesticide misuse however, indoor inspections continue to be prohibited;
- Certification Exams: DDA has resumed testing at the fairgrounds, but have moved to a much larger building where social distancing can more easily be achieved. With the recent spike in cases, DDA is monitoring the Governors limits on gathering and is prepared to again offer parking lot testing as an option if numbers are limited.
- State Certification Plan – DDA was the first Region III State to submit their modified State Certification Plan to Region III for review and the first forwarded by EPA Region III to EPA HQ for review.

#### **District of Columbia**

- Pesticide Applicator Training: The Department of Energy and Environment (DOEE) has an MOU in place with the University of the District of Columbia (UDC) for pesticide applicator and technician certification examination assistance. The purpose of this training is to prepare participants to take the pesticide certification exam for recertification or to obtain a pesticide applicator license from DOEE. Training has been interrupted due to coronavirus-related measures, but an online training component is being explored to overcome the barrier of not being able to do classroom learning.
- Laboratory Services – After struggling to meet their analytical needs, the Pesticides Branch met with the Virginia Division of Consolidated Laboratory Services (DCLS) to initiate a QAPP that provides sample analysis, data generation, validation and usability services for the District. The contract is between DOEE and DCLS is expected to be finalized in FY21.
- USA Plants Database: DOEE is currently working with Acclaim Systems to correct deficiencies in the USA Plants database.

#### **Maryland**

- Pesticide Disposal Program: Maryland Department of Agriculture’s (MDA) program budget for pesticide disposal has been reinstated for 2021. The program was officially announced on March 15, 2021 with on-farm pick-ups slated to be concluded by December 31, 2021. Program is open to all current/retired agricultural producers throughout Maryland.
- Field Activities: MDA has seen a rise in the number of tips/complaints/reports alleging pesticide misuse or other violation. While overall numbers are increasing, a rise in neighbor/neighbor complaints has been observed. For FY21, to date, MDA has not received any Dicamba related complaints and has not undertaken any official bee kill investigations.
- 2021 Region III Inspectors Workshop: MDA is the host for the 2021 Inspector’s Workshop and is the preliminary planning stages. The annual workshop will be held in early October and in addition to discussions of relevant topics, provides the required 8 hour Health & Safety Training to maintain Federal Credentials along with Fit Testing. The annual workshop rotates among the Region III States and the District.

## **Pennsylvania**

- Enforcement: For the first eight months of FY2021, 69 actions were taken with 56 Notices of Proposed Civil Penalty and 13 Notices of Warning/Requests for Compliance being issued from July 1, 2020 to February 29, 2021. While the Department is authorized to issue criminal citations for violations of pesticide law, PA has not made use of this option. A pilot run in 2020 resulted in eight citations being issued. The program learned a great deal from the experience, and is considering whether there are appropriate uses of this tool in enforcement and compliance
- Certification Exams - In addition to inspector administered exams, PDA is working with Metro Institute to provide computer-based testing at several locations throughout the Commonwealth. Currently, locations and scheduling is limited due to COVID. Currently only closed book exams are offered through third party locations. PDA continues the process to transition category exams to closed book status. As category exams or study materials are revised, the process to change previously open book exams to close book status is put in place. Currently, 15 of 28 exams have been transitioned to a closed book exam.
- Water Quality (Ground Water Monitoring) – PA has signed a five year Joint Funding Agreement with USGS for water sampling, lab work, and data analysis The new contract includes PFAS sampling at 10 of the 30 yearly wells in addition to bacterium and nutrients. PDA has received its 2020 water quality results. The fifty-seven EPA pesticides of interest (POI) and their degradants have been evaluated and entered into the POINTS database. USGS continues to use schedule 2437 for our samples. PDA has evaluated 100% of the POI list. No pesticide detections exceeded the respective EPA maximum containment levels (MCLs) or lifetime health advisories (HALs)

## **Virginia**

- Spanish Language Core Manual and Registered Technician Certification Exam – The Virginia Department of Agriculture and Consumer Services (VDACS) is in the process of finalizing a Spanish version of its Core Manual – Applying Pesticides Correctly. While all pesticide applicator examinations are currently in English, VDACS has been asked to determine the feasibility of developing a Spanish language exam for its Registered Technicians that ensure the ability of the applicator to read and understand the English language label. The Request for Proposal is currently being drafted for distribution. It is anticipated this will be complete by the end of CY2021. In Virginia, all pesticide applicators are required to be certified as either a Commercial Applicator or Registered Technician and must work for a licensed company to make applications commercially.

- Certification Exams: In response to COVID-19, all authorization letters for prospective applicators to take the exam(s) to become certified issued on or after December 20, 2019, have had their expiration dates extended to June 30, 2021 or the current date of expiration, whichever is greater. Prospective applicators that do not take the exam(s) by June 30, 2021 or the current date of expiration, whichever is greater, will be required to submit a new application with appropriate fees to take the exam(s).
- Pollinator Protection: During the 20221 General Assembly, VDACS was directed to study the (Beekeeper) Pollinator Protection Plan and voluntary best management practices for the “purpose of proposing improvements to communication between beekeepers and applicators to reduce the risk to pollinators from neonicotinoid pesticides”. The bill authorizes the Department to establish a stakeholder working group and directs it to report on its findings no later than December 1, 2021.

### West Virginia

- Groundwater Protection – The West Virginia Department of Agriculture (WVDA) entered into a financial agreement with the Department of Environmental Protection for a five-year groundwater monitoring program. Eleven locations across the state of West Virginia that are vulnerable to pesticides have been identified. Each location will be sampled monthly from March to September. The sampling program is currently on hold pending further method development and purchase of extraction equipment
- Antimicrobial Products and COVID-19: WVDA continues to be overwhelmed with cleaning service and antimicrobial products registration and application questions. Pest control companies licensed in general pest control are not required to obtain additional training to provide disinfection services utilizing general use antimicrobial pesticides for the control of COVID-19. The General Pest Control category includes the application of products to control structural related health pests (viruses). If the disinfection service is provided in a school or childcare facility our IPM category would be required in addition to general pest control. These are Category 8E and 8A, respectively. WVDA is considering the addition of a separate antimicrobial category in the future as part of the Certification Plan update
- Inspections and Enforcement: WVDA is conducting announced indoor inspections as long as both parties agree to comply with CDC, State and Local restrictions. Inspection form signatures not required. Unannounced inspections can be conducted at big box stores as necessary. No Dicamba complaints or bee kill investigations during FY 2021.

**Next Meeting** – The Fall 2021 Region III Grants/Pre-SFIREG Meeting is scheduled for November 15 & 16. The format of the meeting (virtual or in person) is to be determined.

Respectfully submitted,



Liza Fleeson Trossbach, SFIREG Representative  
EPA Region III