

State FIFRA Issues Research and Evaluation Group (SFIREG) Report

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The Region 6 spring pre-SFIREG meeting was held by teleconference via Microsoft Teams on May 17-18, 2021. All the states in the region (OK, AR, LA, TX, NM) as well as the Eight Northern Pueblos Indian Council and the Cherokee Nation participated. Also joining the call we welcomed the Choctaw Nation and the Pawnee Nation. Due to the virtual format and participants schedules the meeting took place over two days, meeting for a couple of hours each day.

Reports and updates were given by the regional EPA staff. Updates on the following topics were discussed:

- COVID 19
- PFAS/PFOS update by regional staff
- Hemp/Cannabis
- Certification & Training plan approvals

Region 6 Discussions to Specific SFIREG Topics

1. **COVID 19:**

The Region 6 states has dealt with the pandemic in various ways. Some states have shut down to the bare minimum, some have continued close to normal and some have been in the middle. Most of the state's office staff has transitioned to teleworking while some are still reporting to their office. New Mexico and Arkansas took advantage of doing some remote inspections mainly focusing on records checks. Oklahoma and Texas shut down applicator testing for a short period of time due to testing facilities closing. Testing resumed on a limited basis and is now opening up close to pre-pandemic numbers. Louisiana never stopped testing but did greatly reduce the number of applicators per test session. Louisiana also added more Private Applicator meetings to accommodate building capacities and social distancing.

2. **Hemp and Cannabis:**

The cultivation of commercial hemp and now medical and recreational marijuana are starting to become an issue for some states, in particular Oklahoma and New Mexico. Oklahoma has a very lax medical marijuana law and New Mexico just passed recreational marijuana.

The states greatly appreciate the 59 Section 3 registered products for the use on hemp, but marijuana growers are using all sorts of products on their plants. Oklahoma has allowed the use of products labeled for hemp to be used on marijuana as other states that have medical or recreational.

In Oklahoma a lot of the agricultural groups and commodity groups are very concerned with the amount of grow houses and outdoor grows that have gone in this past year. These are large operations with hundreds and thousands of plants in very close proximity to agricultural land. Oklahoma has worked several complaints involving marijuana.

3. **Dicamba:**

Region 6 states for the most part have seen no issues with the exception of Arkansas.

In regards to the reregistration, the region has an issue with the cut off dates. A large majority of the soybeans in Oklahoma are double crop beans meaning most of the beans are planted mid-June thus greatly reducing the ability to utilize this technology.

Complaints dealing with dicamba in all Region 6 states have been few with the exception of Arkansas. All states reported that dicamba training numbers have declined. The cut off dates on the label will prohibit many SW Oklahoma and N Texas producers from being able to utilize this technology. SW Oklahoma and N Texas are going to be affected by this greatly this year due to wet and unseasonably cool temperatures at normal planting time.

Texas has submitted a 24(c) to extend the cutoff by 30 days and allow applications from sun up to sun down. This was submitted April 1st.

4. **Revised C&T Plans:**

There are no concerns concerning the revised plans. All states were able to submit their plans by the deadline and do not foresee any issues implementing plans once approved. All the Region 6 states agree that our regional EPA staff was a tremendous help in preparing these plans. Our regional staff was very responsive to questions and were very helpful in allowing us to be able to submit a feasible plan on time.

Region 6 EPA staff reported that we should be expecting plans with comments very soon.

McGirt v. Oklahoma:

The Supreme Court decision in McGirt v. Oklahoma could potentially affect the State in regards to enforcement not only for our agency but any regulatory agency in the state. The decision stated other potential impacts between territorial rights that may arise, which the Court put to the state and the tribes to resolve amicably should conflicts occur. The Court cautioned that this could stretch to include taxation, adoption, and environment regulation rights.

At this time we have not experienced any issues with the court ruling. The Choctaw Nation and the Pawnee Nation have been in contact with EPA about starting their pesticide program including Certification and Training as well as enforcement and inspections.

Other topics discussed:

Lab funding

It was discussed and agreed upon by all states that our labs are suffering greatly. Labs are having a hard time keeping up on the revenue side. Labs are having a harder time analyzing the number of required samples with the available funds. It was mentioned that the pass through money that is given every 5 years is not enough.

EPA Response

Some states are having problems getting responses from the region. This was a tough year for everyone and all the programs, however some states would lean on the Region for guidance or support and never receive any kind of response.

PFAS/PFOS

Oklahoma, Texas and New Mexico all stated that they are watching the situation but do not have any issues at this time.

Pollinators

Region 6 states do not typically see many pollinator complaints annually. All states have seen a rise in beekeeper misuse when applying pesticides to their own hives. Oklahoma, Arkansas and New Mexico have systems such as AgWatch or Sensitive Crop Registry that allows apiaries to mark their location for applicators to see sensitive commodities in the areas they are going to be making applications. Registration is purely voluntary and participation by beekeepers is low.

New Mexico stated they have been getting legislative pressure to address pollinator health and pesticide safety. Texas and New Mexico stated they are going to make a more concentrated effort to include more pollinator health and safety into their trainings.