



# SFIREG

## State FIFRA Issues Research and Evaluation Group

August 4, 2021

Edward Messina, Director  
Office of Pesticide Programs  
U.S. Environmental Protection Agency  
William Jefferson Clinton Building  
1200 Pennsylvania Ave NW  
Mail Code: 7508P  
Washington, DC 20460

Re: SFIREG Pollinator Issue Paper

Dear Mr. Messina,

The State FIFRA Issues Research and Evaluation Group (SFIREG) and its working committees provide a platform for the states and US Environmental Protection Agency (EPA) to resolve challenges for successful implementation of pesticide programs and policies. SFIREG serves as a permanent standing committee of the Association of American Pesticide Control Officials (AAPCO) which works to represent states in the development, implementation, and communication of sound public policies and programs related to the sale, use, transport, and disposal of pesticides. On behalf of SFIREG members, we wish to express our concerns regarding the use of illegal pesticides by managed beekeepers and request that the EPA take urgent action to assess and investigate the findings of our recent SFIREG Issue Paper. A summary of our issue, recommended priority action items, and issue paper are included in this letter.

### **Issues Identification**

- It has been brought to the attention of SFIREG from Federal and State regulators, and also Apiary Services Inspection groups and the Apiary Inspectors Association that there is widespread illegal and misuse of pesticides in the beekeeper industry.
- SFIREG regional representatives have agreed that there is widespread and ongoing willful misuse of pesticides by some in the beekeeping industry.
- This issue exists among all parties involved in managing pollinators, from manufacturers and distributors, to retail establishments and the end users of these pesticide products.

- The practices found are negligent and harmful to the misinformed beekeeper, apiary inspectors who inspect hives without proper notification, and registrants that have properly formulated and labeled products. The practices also promote resistance in the pests that are being targeted and jeopardizes the all-natural honey crop that is being produced.
- These various regulators and apiary inspection groups have found there is not a level playing field in pesticide enforcement concerning the agricultural industry and the beekeeper industry.
- It has been further stated that if this unequal playing field is not addressed by the regulatory community, growers will bring this issue to the attention of the public, causing harmful media attention to the bee industry.
- In addition, if growers know of illegal use by beekeepers, it serves as a disincentive to sincerely engage in a MP3.
- To date there has been little enforcement action taken on the use of illegal pesticides by managed beekeepers.
- SFIREG believes this issue should be viewed as high priority and in need of immediate action.

### **Proposed Resolutions or Remedies**

- Product Regulation
  - SFIREG urges EPA to assist them by increasing efforts to address misbranded and unregistered pesticides in the channels of trade targeted at pests of beehives, most notably varroa mites and small hive beetles. Many of these products are produced and purchased outside of a specific region and distributed nationally. With EPA's assistance we can better address these products and issues nationwide and increase safety for applicators and the food supply.
- Compliance Assistance and Outreach
  - We also urge the Agency to increase compliance assistance and outreach materials to address these deficient areas regarding beekeepers and the beekeeping industry. To ensure national consistency in messaging and enforcement, we believe the topic is better addressed at a Federal level rather than through individual State efforts. State Lead Agencies (SLAs) would appreciate this partnership as FIFRA coregulatory agencies.
  - We also encourage States to leverage their resources by coordinating with the Apiary Services Inspection groups within their States, if available. The Apiary Inspectors Association is aware of the misuse of pesticides in the industry and are in support of increased efforts for pesticide enforcement for beekeepers, and coordination among all groups. Apiary Inspection Services would likely be willing to assist in documenting non-compliant areas within each State.
  - Encourage training at PIRT course in how to conduct these types of inspections and raise awareness at PREP courses regarding registration issues.
- Review
  - We also recommend that EPA amend the FY22-25 Guidance Document to address concerns of pesticide misuse, product misbranding, unregistered product distribution, and

targeted literature containing false statements that States have found to be so prevalent within the beekeeping Industry.

- Also, it would be important and the timing is critical to engage the MP3 program efforts within EPA and SLAs for the inclusion of the managed pollinator pesticide issues and resolutions.

## Resolvability

Issues	Resolvability/Priority	Timeline	Collaborators
<p><b><u>EPA to evaluate the misuse of pesticides in the apiary industry</u></b>                      SFIREG urges EPA to evaluate the history of pesticide issues and complaints related to bee keepers, cases, pesticide products used legally or illegally, labels, and FIFRA violations related to the beekeeper industry.</p>	<p>High priority and in need of immediate action.</p>	<p>6 months</p>	<p>EPA, EPA Regions, Apiary Inspection Services, with assistance from SLAs</p>
<p><b><u>Product Regulation</u></b>                      SFIREG urges EPA to address misbranded and unregistered pesticides in the channels of trade targeted at pests of beehives, most notably varroa mites and small hive beetles.</p>	<p>High priority and in need of immediate action.</p>	<p>6 months</p>	<p>EPA, EPA Regions</p>
<p><b><u>Compliance Assistance and Outreach</u></b>                      SFIREG urges EPA to increase compliance assistance and outreach materials to address these deficient areas regarding beekeepers and the beekeeping industry.</p>	<p>High priority and in need of immediate action.</p>	<p>6 months</p>	<p>EPA, EPA Regions</p>

<p><b><u>EPA to address national consistency</u></b>  SFIREG urges comprehensive and consistent messaging and enforcement to better address the issues and take immediate action.</p>	<p>High priority and in need of immediate action.</p>	<p>6 months</p>	<p>EPA, EPA Regions</p>
<p><b><u>EPA to work with States and SLAs</u></b> to leverage their resources by coordinating with the Apiary Services Inspection groups within their States, if available. The Apiary Inspectors Association is aware of the misuse of pesticides in the industry and are in support of increased efforts for pesticide enforcement for beekeepers. Apiary Inspection Services would likely be willing to assist in documenting non-compliant areas within each State.</p>	<p>High priority and in need of immediate action.</p>	<p>6 months</p>	<p>EPA, EPA Regions, Apiary Inspection Services, Apiary Association, with assistance from SLAs</p>
<p><b><u>Training, education, and compliance assistance</u></b> is important and SFIREG encourages training at PIRT course related to EPA findings and resolutions and how to conduct these types of inspections, and also train SLAs and raise awareness at PREP</p>	<p>Medium priority and in need of action after EPA has investigated the issue.</p>	<p>6 to 9 months</p>	<p>EPA, EPA Regions, with assistance from SLAs</p>

<p><b><u>Review and amend the EPA FY22-25 Guidance Document and integrate work with MP3 program</u></b> to address concerns of pesticide misuse, product misbranding, unregistered product distribution, and targeted literature containing false statements that States have found to be so prevalent within the beekeeping Industry.</p>	<p>Medium priority and in need of action.</p>	<p>6 to 9 months</p>	<p>EPA, EPA Regions, with assistance from SLAs</p>
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We encourage EPA to organize and respond to this important issue topic and to work quickly with SLAs to stop pesticide misuse and work to protect both managed and native pollinators. Working to control and regulate pesticide misuse in the pollinator industry is very urgent.

SFIREG and SLAs are focused on providing science based information and consistent regulations to the public, stakeholders, and industry. This issue is an indication that the governmental pesticide regulatory community, and the managed pollinator and pesticide industry have additional work to conduct to successfully regulate and manage the issue. This letter provides an opportunity for SFIREG to express our concerns on this issue and to formally request action on these topics by EPA.

We look forward to working with EPA and providing assistance. Thank you for considering our request, and I look forward to hearing back from you.

Sincerely,



Gary Bahr  
SFIREG Chair

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Kim Skyrn, MA Dept of Agriculture, President AIA

## **SFIREG Issue Paper: Pollinator Stewardship Community and Illegal Pesticide Use and Distribution**

### **June 2021 Full SFIREG Issue Paper**

#### **Background**

The emergence of Colony Collapse Disorder (CCD) and an increased awareness and documentation of over-wintering losses came to the forefront of public attention between 2006 and 2014. Since then State Lead Agencies (SLAs) have been increasingly involved in numerous pollinator health, pollinator protection, and pollinator habitat initiatives. As shown in the AAPCO's National Assessment of Managed Pollinator Plans (MP3), nearly 90% of all States are involved in improving pollinator health in various ways. The 2019 survey results can be found at: <https://aapco.files.wordpress.com/2019/12/mp3-assessment-dec-2019.pdf>. It is anticipated that states, territories, and tribes will be surveyed again in fall of 2021.

SLAs have accomplished many goals in the effort to promote pollinator health and protection. SLAs have conducted outreach across the nation to increase awareness of the important role pollinators play in our agricultural economy and the environment that the pollinators serve. We have sponsored meetings and conducted recertification classes that address pollinator protection for the agricultural community. We have invested money in mapping programs that facilitate applicator awareness of the "Pollinator Awareness Zone" by locating the areas managed bees occupy. We have worked with pesticide users, beekeepers, commodity commissions, universities, NGOs and other partners, to successfully promote the adopted strategies to decrease the effect of pesticides on pollinator health, and to increasing habitat for both wild and managed pollinators.

#### **Issues Identification**

Considering all the work accomplished over the last six years, there is one issue that must be brought to the forefront concerning pollinator protection and improving hive health, and that is the willful misuse of pesticides by some in the beekeeping industry. While we acknowledge that many members of the pollinator industry are vigilant in using pesticides correctly and only in a manner consistent with the labeling, there are significant portions of the industry in some areas that have seemingly adopted pesticide misuse as common practice. We are not trying to indict an entire industry as corrupt and placing managed pollinators at risk, but it is the shared experience among the states that there are many beekeepers and others within the allied industries who are actively and intentionally promoting illegal pesticide use, in an effort to control hive pests at a reduced cost.

It is sad and alarming, but this issue exists among all parties involved in managing pollinators, from manufacturers and distributors, to retail establishments and the end users of these pesticide products. There is a prominent culture of encouraged negligence in the promotion of certain products over others because they are interpreted as similar enough to products that have the correct label language but have a cheaper price tag. The mentality of, "wink wink, it is OK" and "it's the same as the other expensive stuff, just cheaper", runs rampant throughout the industry. This practice of negligence is harmful to the misinformed beekeeper, apiary inspectors who inspect hives without proper notification, and registrants that have properly formulated and labeled products. The practice also promotes

resistance in the pests that are being targeted and jeopardizes the all-natural honey crop that is being produced.

Many products are misrepresented in trade magazines, over the internet, and at State and local beekeeper meetings. Some beekeeper associations allow the “misbranded” products to be prominently displayed and promoted at events, while other associations and knowledgeable State Lead Agencies have prohibited the presence of these products at beekeeper meetings. We think it is important to address this issue in order to promote consistency within the industry, and also raise awareness among regulatory agencies about the sales, distribution and use of products not labeled for use to control insect and mite pests in managed pollinators systems.

Beekeepers are adamant in their demand that all applicators in agricultural and landscape businesses strictly follow all restrictions and advisory language on pesticide labels, yet some of the most prevalent and egregious misuse of pesticide products may be taking place by some within their own industry. This misuse of pesticide products puts the beekeepers and the products that they produce at an increased risk of exposure and ultimately, can result in illegal pesticide residues in their honey, and decreased pollinator health.

### **Priority**

It has been brought to the attention of Federal and State regulators that there is not a level playing field in pesticide enforcement concerning the agricultural industry and the beekeeper industry. It has been further stated that if this unequal playing field is not addressed by the regulatory community, growers will bring this issue to the attention of the public, causing harmful media attention to the bee industry. In addition, if growers know of illegal use by beekeepers, it serves as a disincentive to sincerely engage in a MP3. To date there has been little enforcement action taken on the use of illegal pesticides by managed beekeepers. This committee believes this issue should be viewed as high priority and in need of immediate action.

### **Proposed Resolutions or Remedies**

In addition to encouraging continued vigilance and rigorous enforcement by SLAs against misuse, we propose the following initiatives:

#### Product Regulation

SFIREG urges EPA to assist them by increasing efforts to address misbranded and unregistered pesticides in the channels of trade targeted at pests of beehives, most notably varroa mites and small hive beetles. Many of these products are produced and purchased outside of a specific region and distributed nationally. With EPA’s assistance we can better address these products and issues nationwide and increase safety for applicators and the food supply.

#### Compliance Assistance and Outreach

We also urge the Agency to increase compliance assistance and outreach materials to address these deficient areas regarding beekeepers and the beekeeping industry. To ensure national consistency in messaging and enforcement, we believe it better addressed at a Federal level than through individual State efforts.



We also encourage States to leverage their resources by coordinating with the Apiary Services Inspection groups within their States, if available. The Apiary Inspectors Association is aware of the misuse of pesticides in the industry and are in support of increased efforts for pesticide enforcement for beekeepers. Apiary Inspection Services would likely be willing to assist in documenting non-compliant areas within each State.

Encourage training at PIRT course in how to conduct these types of inspections and raise awareness at PREP courses regarding registration issues.

#### Review

We also recommend that EPA amend the FY22-25 Guidance Document to address concerns of pesticide misuse, product misbranding, unregistered product distribution, and targeted literature containing false statements that States have found to be so prevalent within the beekeeping Industry.

If you have any concerns or questions, please feel free to contact Patrick Jones at [Patrick.jones@ncagr.gov](mailto:Patrick.jones@ncagr.gov) .

Respectfully submitted,

A handwritten signature in black ink that reads "J. Patrick Jones". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

J. Patrick Jones

NC Dept of Agriculture and Consumer Services