

# Region 7 Pre-SFIREG Meeting Minutes

Virtual meeting November 2, 2021

## Participant List:

Nebraska - Tim Creger, Craig Romary, Bre Lewis-Jones, Libby Smith, Herbert Bates  
Missouri- Dawn Wall, Stephanie Meyer, Kory Hubbard, Sam Polly  
Kansas – Kelly NavinskyWenzl, Duane Simon  
Iowa- Gretchen Paluch, Laura Castro, Mark Smith  
EPA – Jamie Green, Mark Leshner, Maren Taylor, Shawn Hackett, Bethany Olson, Mike Daniels, Tracey Ramsey, Marie Blankenship, DeAndre Singletary, Christine Hoard.

**State updates.** Region 7 states provided program updates on staffing, funding, legislation, and recent impacts of COVID-19.

NE – multiple staffing changes noted, updates on C&T plan (currently re-submitted to EPA), dicamba investigations, training updates, and state legislation RE: banned use of treated seed for ethanol production

MO- program is fully staffed, updates on C&T plan (recently received comments back from EPA), and product registration moving back to pesticide program

IA – multiple staffing changes noted, update on C&T plan (recently received comments back from EPA), legislative changes to private applicator civil penalty authority, online certification, virtual vs. in-person testing and training

KS- multiple staffing changes noted, update on C&T plan (have not received HQ comments back from EPA), and programs (renewals) moving to online

**EPA Updates.** The program is down 1 FTE after realignment and unsure when/if this will be filled. There is a continuing resolution until Dec 3<sup>rd</sup> in place. Grantees and contractors were not included in clarification RE: vaccine mandate. There should be more information available in the NPM Guidance with respect to ensuring Environmental Justice in the program. Several updates were shared with R7 enforcement actions including dicamba use and section 7 reports.

## SFIREG Chair Topics

- **Dicamba registrations and the 2021 growing season label issues and cases:** SLAs discussed updates on the information for the number of complaints, enforcement cases, label problems, and what issues occurred with the products and drift cases.

No updates available on changes in federal label for OTT use of dicamba on soybeans and cotton. SLAs were provided more information on an upcoming AAPCO states survey for submitting counts. Updates from the field season included challenges with ability to verify if drift occurred, states finding only minor use violations, challenges with current label, and significant weather factors in 2021 including temperature and moisture. One state commented on need for a marker in the products. A broader discussion took place between SLAs and EPA involving intake reports. Given the large number of reports filed there was some question on if/how to triage incoming reports when these involve misuse allegations and complainants indicate early on their intention to seek legal action beyond state regulatory program. EPA staff offered to provide states with an updated tech training of Bulletins Live. States requested assistance with the enforcement compliance component of PULAs. States discussed how high OTT dicamba incident reports for five years in a row have impacted the ability to complete work in other areas of the program.

**ACTION ITEM** – Iowa will send out summary of meeting minutes covering discussion. SLAs to coordinate follow-up with EPA R7 contact regarding Bulletins in enforcement policy.

# Region 7 Pre-SFIREG Meeting Minutes

Virtual meeting November 2, 2021

- **C&T Plan approval processes and the feedback from EPA Regions and Headquarters:** Please respond to the August 2021 survey if you haven't already. Please provide an update on the responses from EPA Regional Offices and HQ.

Status of C&T plans from each state was provided in introductory comments. NE has received HQ comments and re-submitted their State Plan. MO and IA have recently received their comments and are working through these. It was pointed out that in some cases there are comments that read as 'preferences' and do not list citations or requirements or justifications for EPA's 'preference'. KS has not received HQ comments.

- **EPA Chlorpyrifos tolerance revocation action:** What issues and questions do you have on the EPA Chlorpyrifos tolerance revocation?

Multiple states have received calls from retailers, dealers, applicators, etc. asking what they should do with existing stocks. This is a real need for those with inventory in the present day, which was initiated by the tolerance revocation announcement. SLAs expressed interest in an update on when an existing stocks policy or alt. guidance, will be announced.

- **24(c) state registration processes:** PCO Board is having discussions with EPA OPP on the 24(c) state registration processes. What are the ongoing SLA issues with 24(c) and the use of 24(a) to either restrict use or expand use in certain situations?

No new issues indicated by R7 states.

- **PFAS/PFOS in containers of pesticide products:** New issues with PFAS/PFOS in containers of pesticide products, environmental and human health concerns, laboratory testing support, and other issues where SFIREG can assist SLAs?

No new issues indicated by R7 states.

- **Bear spray product use, rental, and disposal:** Do you have any issues in your region with the use and rental of bear spray products; which has been occurring in WY, MT, and potentially AK?

No new issues indicated by R7 states, however one SLA indicated a product issue with a container valve that was addressed by manufacturer. The product was not a bear spray.

- **Treated Seeds and Articles Exemption:** Are there new issues and concerns related to treated seeds, disposal, environmental and human health issues, and the treated articles exemptions?

See legislative update provided by NE regarding use of treated seeds for ethanol production. NE indicated there was an upcoming inspection to look at applicability of 'use' and 'disposal' as it applies to a proprietary slurry. Discussion took place on what information is available on seed treatment labels including disposal of leftover materials for secondary uses and the impact of certain additives/coatings.

- **Paraquat Labeling - Certified Applicator Requirement:** Are there still questions and issues with the EPA labeling and applicator requirements for Paraquat?

No new issues indicated by R7 states.

- **COVID-19 product registrations and also devices:** Are there issues and concerns about the EPA response and registration topics for disinfectants, and devices?

## Region 7 Pre-SFIREG Meeting Minutes

Virtual meeting November 2, 2021

MO and IA indicated there were some unregistered disinfectants documented in marketplace inspections. Some registrants and distributors are located out of state or overseas, and there was discussion on approaches to address these situations.

**ACTION ITEM** – SLAs and EPA to share listing of products to search for trends.

- **EPA actions and Pet Collar and ingredient issues:** Do the SLA's have any further information to share with SFIREG and EPA on Pet Collars and also the Active Ingredients contained in the pet products?

No new issues indicated by R7 states.

- **ESA and Pesticide evaluations, Labels, and Bulletins Live2:** Are there current issues and/or questions on future actions with pesticide ESA label statements, ESA BEs and BiOps, and Bulletins Live2?

See comments under dicamba section. IA reference to 2021 incidents reported in PULAs. No new issues indicated by R7 states.

- **New Issues:** Any new Issues that might develop into White Papers or Issue Papers.
  - Inspector Training. There was some discussion on the upcoming virtual training for R7 inspectors, which will likely cover a shorter time-period. Since the R7 Inspectors Workshop will be moved back to a later date, there was an interest in saving certain topics for this in-person event. Some topics were pointed out to be more effectively covered in-person.

**ACTION ITEM** – EPA to send out listing to state program managers with training topics.

- Pesticide products registered for use on cannabis (medical). There was some discussion and interest in an updated listing of what products are currently available for use on cannabis (medical). State listings and archived examples were provided during the discussion, and EPA staff mentioned there is a regular conference call to discuss hemp, but there is no update available on cannabis (medical). Pesticide use on cannabis continues being a subject of relevance to states in the region.
- Proposed Interim Registration Review Decision – Pyrethrins. While not discussed during the pre-SFIREG call, R7 SLAs were provided the opportunity to send comments to full SFIREG. An update will be provided as part of R7 SFIREG representative comments.