

Report to SFIREG (December 2021): Activities of the Pesticide Operations and Management (POM) Working Committee. Amy Brown, Chair, Florida Department of Agriculture and Consumer Services

Submitted December 2, 2021 by POM Working Committee. Amy Brown, Chair

The POM Working Committee is focused on registration, certification, and enforcement related pesticide issues of national or regional importance.

Amy Brown (FL) moved into the chairperson position for the fall 2021 meeting. POM meet on August 5, 2021 to introduce new members and to discuss topics for the fall 2021 meeting.

The fall Joint Working Committee (JWC) meeting was held virtually September 20-21, 2021. The POM and EQI committees met together and had breakout sessions to discuss issues in detail within each committee. POM Committee members in attendance were Amy Brown, Chair (FL), Cindy Fulton (WY) (2023), Linda Boccuzzo (VT) (2023), Megan Patterson (ME) (2023), Robby Personette (WI) (2023), Matthew Bucy (OR) (2024), Jimmy Hughes (DE) (2024), Ken Everett (CA) (2024), and Kristia Thomas (2024).

Topics Discussed and Presentations at the September JWC Meeting:

Please refer to the meeting recordings and materials from the fall meeting on the AAPCO website <https://aapco.org/2015/07/29/working-committees/> compiled by Amy Sullivan, AAPCO Executive Secretary. An outline of the various topics/presentations covered in the POM and JWC joint sessions are as follows:

POM/EQI Joint Meeting:

- AAPCO President updates (Pat Jones, NC)
- SFIREG Chair updates (Gary Bahr, WA)
- Office of Pesticide Programs (OPP) Update (Yvette Hopkins, US EPA)
- Office of Enforcement and Compliance Assistance (OECA) Update (Kelly Engle, US EPA)

- **Dicamba Discussion** (Hotze Wijnja, MA, Amy Brown, FL, Rajinder Mann, MN, Kristia Thomas, SD and Meg Hathaway, EPA Registration Division (RD))
 - Even with the new mitigation measures put into place on the 2020 label, some states have reported that this growing season is the same or worse than the 2017 season.
 - Rajinder Mann and Kristia Thomas shared their states experiences with the 2020-2021 label for this growing season.
 - Meg Hathaway shared an update from the EPA perspective and answered questions.
 - Questions from the agenda for EPA:
 - EPA requested the states not issue any 24(c)s this year, given the variety of experiences in the states this year, is EPA prepared to not deny 24(c)s in 2022?
 - There was much discussion surrounding this question. In summary, EPA is prepared to receive them and will evaluate them as they receive them. The agency's policy is the 24(c) would be for expanding the use, and 24(a) would be for adding further restrictions.

- Is EPA satisfied with the national label?
 - They are still in the information gathering phase and there has not been a decision made as to whether any changes may or may not be needed.
- **PFAS Discussion** (Hotze Wijnja, MA, Amy Brown, FL, Megan Patterson, ME, and Neil Anderson, EPA Biological & Economic Analysis Division (BEAD))
 - Megan Paterson provided an update from Maine on PFAS legislation
 - Neil Anderson, Jeff Dawson, Thuy Nguyen and Kerry Leifer, EPA walked through questions provided by the JWC
 - [Per- and Polyfluoroalkyl Substances \(PFAS\) in Pesticide Packaging | US EPA](#) See additional FAQs
- **Pet collars and products** (Hotze Wijnja, MA, Amy Brown, FL and Jackie Herrick (RD) & Melanie Biscoe, Pesticide Re-evaluation Division (PRD))
 - Jackie Herrick and Melanie Biscoe from EPA provided a detailed overview of the issue
 - A letter was sent to registrants in requesting additional information concerning Seresto Collars pursuant to FIFRA section 6(a)(2) in April 2021 and was just made public see EPA Review of Seresto Sales and Enhanced Incident Data (EPA Reg. No. 11556-155) <https://www.regulations.gov/docket/EPA-HQ-OPP-2021-0625>. EPA has the information and is reviewing it now. They do not know what action if any will be taken at this time.
 - The Petition to Cancel Seresto Registration; Notice of Availability can be found here: <https://www.regulations.gov/docket/EPA-HQ-OPP-2021-0409>
 - They also provided the link the new website [Protecting Pets from Fleas and Ticks | US EPA](#). This website has information for Pet owners, including a link to how to report pesticide exposure incidents affecting pets or domestic animals. They will continue to update this website as more information becomes available.
 - Additionally, the following questions were provided in advance to EPA by the JWC. A summary of answers given during their overview are summarized below.
 - There has been an increased number of calls, complaints, and cases in some states with flea and tick collars. Also, there has been an increased number of calls to EPA OPP and also Regional Offices. Many issues are related to Seresto brand collars and products. When will EPA take action on these complaints?
 - See information above regarding 6(a)(2) reporting letter. They are working on establishing a timeline.
 - What is EPA doing to conduct case and enforcement work to assess Seresto product issues?
 - There is no enforcement related work relative to the previously submitted an incident data or additional data that has provided. They need to analyze the data first. If they find that they need to work with OECA they will do so. In the meantime, investigations will continue to be managed through routine enforcement activities, including coordination with the state agencies.
 - What is EPA doing to assess Aggregate Incident Summary information for cases?
 - What is EPA doing to work with and collect information from Veterinary Associations incident data and reports?

- <https://www.epa.gov/pesticide-incidents/report-pesticide-exposure-incidents-affecting-pets-or-domestic-animals> This link provides a link for Veterinarians to submit reports to the NPIC online Veterinary Pesticide Incident Reporting Portal.
 - What is the status of the EPA request for collecting information on a petition from the Center for Biological Diversity requesting that the agency cancel the registration of insecticide product PNR1427, more commonly known by its brand name Seresto (EPA Registration No. 11556-155), and to suspend the registration pending cancellation? Seresto is a brand name for dog and cat collars designed to kill fleas, ticks, and lice and contains the active ingredients flumethrin and imidacloprid.
 - EPA asked for public comment and it closed on September 10th. They received over 5400 comments during the public comment period. After considering that input and the request of the petition, they will be responding to the petition.
 - What is the status of the EPA request for collecting pet incident data on four pesticides used in a variety of agricultural and non-agricultural settings, including in residential pet products? These pesticides are MGK-264, piperonyl butoxide (PBO), pyrethrins, and amitraz.
 - On August 3rd EPA posted the Registration Review Proposed Interim decision for public comment, they are taking comments through October 4th. Because of the pet uses, they included a pet incident section with information on the severity of domestic animal incidents in the past five years, based on the aggregate incident data system. OPP published a domestic animal incident summary also in the registration dockets for these chemicals.
 - What is EPA doing to evaluate all the pet products?
 - For the chemicals that have pest uses moving forward EPA OPP plans to include a pet incidents section similar to those seen in the first four cases (MGK-264, piperonyl butoxide (PBO), pyrethrins, and amitraz) in the proposed and interim decisions. They plan to publish separate domestic animal incidents and summaries with them as needed.
- **Chlorpyrifos** (Hotze Wijnja, MA, Amy Brown, FL, Ken Everett, CA and Dana Friedman, Alexandra Feitel, Jaclyn Pyne, EPA PRD)
 - Alexandra Feitel, EPA provided an overview of the issue
 - Information and FAQs regarding Chlorpyrifos can be found at [Chlorpyrifos | US EPA](#)
 - Dan Friedman, and Alexandra Feitel from EPA walked through the questions provided by the JWC and below is a summary of the answers:
 - The federal register notice says that tolerances will be revoked on a specific date. When and how will EPA take action to pull the registrations on the associated products?
 - Tolerances will be revoked six months after the rule was published in the Federal Register, which is February 28th, 2022. Any registrant can cancel the registration of a pesticide product or use at any time by submitting a voluntary cancellation to the EPA. More details on EPA pulling the canceled registrations associated with food uses will come

when they issue the notice of intent to cancel. There is no specific date right now for the Notice.

- EPA only speaks to the fact that food tolerances are cancelled. When are the products actually cancelled? How will the EPA be working directly with the registrants? How will the EPA be working with states to inform the states of the exact products that are no longer registered? States should be minimally impacted by these actions.
 - The process usually is to cancel the registrations and then subsequently the tolerances. This process has been the opposite. EPA is still looking into what guidance they can provide on this question.
- What will EPA do for the use of existing stocks and end use provisions?
 - Due to there being a gap between the time the tolerances are going to be revoked and the product cancellations, EPA is still looking into what guidance they can provide on this question. See also <https://www.epa.gov/ingredients-used-pesticide-products/frequent-questions-about-chlorpyrifos-2021-final-rule>
- What will EPA require for repackaging or relabeling of products?
 - There could be a re-sticker process. They will be talking to the registrants regarding this. Guidance will be forthcoming.
- What action will be taken by EPA for the products in the channels of trade?
 - FDA has a channels of trade policy. EPA will assist FDA and develop specific guidance that will address treated commodities with residues, including imports that will be consistent with the channels of trade provision.
- States have concerns about being left with the financial burden to take back and dispose of product in the channels of trade and on farm.
 - EPA's working on this issue and will issue guidance on this prior to the expiration of the tolerances in February.
- What are the product disposal and take back provisions going to be from EPA and industry?
 - EPA will have guidance on this forthcoming.
- What will be the timetable for ongoing registration review for chlorpyrifos?
 - For the non-food uses, EPA will continue to evaluate them as part of registration review, and that's expected to be completed in 2022.
- What will the process be for assessing nonfood uses?
 - The registration review process. The interim decision will focus on this.
- What will be the timetable for any additional environmental and ESA assessments for chlorpyrifos?
 - For the FIFRA side, environmental assessments would be a part of registration review. For the ESA in 2019, EPA, re- initiated consultation on the 2017 Biological Opinion for Chlorpyrifos, Diazinon and malathion because some additional information became available, they are planning to issue a revised final biological opinion by June 2022.
- What are the steps that EPA will take for the Channels of Trade Guidance in coordination with FDA?

<https://www.fda.gov/regulatory-information/search-fda-guidance-documents/guidance-industry-channels-trade-policy-commodities-residues-pesticide-chemicals-which-tolerances>

- EPA will assist FDA and develop specific guidance that will address treated commodities with residues, including imports that will be consistent with the channels of trade provision.
- Does EPA plan on providing any guidance on alternative pesticides and control methods for the replacement of chlorpyrifos?
California had a series of workgroups to address alternatives after we cancelled all Ag uses of chlorpyrifos in 2019. They are summarized at the link: <https://www.cdpr.ca.gov/docs/chlorpyrifos/workgroup.htm>
U of M extension and the MDA did a short article on chlorpyrifos alternatives for Midwest crops: <https://blog-crop-news.extension.umn.edu/2021/08/environmental-protection-agencys.html>
 - EPA concluded in a memo that there are adequate alternatives to prove pest control and then beyond that, we always think it's a good idea for growers to reach out to their local co-operative extension for additional information on alternatives that might be, you know, most relevant to the kinds of pest pressures in their area.
- After the cancellation of Engenia, Fexapan & Xtendimax, product in the channels of trade were sent to the producing establishments to be relabeled with the new labels approved for use in 2021-2025. For products that have approved food and non-food uses, would EPA allow these registrants to relabel products in the channels of trade within 6 months of the publication of tolerance revocation in the Federal Register? What would happen after this period of 6 months ends? See below
- How will EPA deal with products which have both food and on-food uses on the label. Would industry relabel those products?
Example of labels having uses for food crops and turfgrass. For example, Lorsban has use for turfgrass on page 16: <http://www.cdms.net/lдат/ld02A003.pdf>
 - There is not an issue with using products that are available up to that February 28, 2022 on food or non-food uses. If they have labels and are using it for non-food uses even after that date, there should not be an issue because those registration will still be active. EPA will have to let us know of the process of amending those registrations to get the non-food uses off. EPA would be looking at, either voluntary cancelations for those uses for registrants to come in or that Notice of Intent to cancel.
- Relative to Alternatives: This question was raised at our board today; all uses of chlorpyrifos will be prohibited in Maine as of January 1, except by licensed applicators who obtain a permit to use existing stock until Dec. 31, 2022. The details are being worked out. When the tolerances expire this use would expire as well.
- There are tolerances for beef, would it impact the ear tag use?
 - This is considered a food use and is impacted by the rule because residues have been detected in cattle, milk, and fat, which are

considered either human or animal feed. When the tolerances expire this use would expire as well.

- How will EPA follow up with FDA and USDA on chlorpyrifos, in a focused way related to toxicology, food residues, tolerances, and commodities. Maybe that is part of the plan already but if not will EPA work with the other federal agencies to collect data on food residues and safety. Is there a plan for residue testing in the future?
 - EPA is working this out with FDA and USDA. EPA is getting questions from stakeholders, including federal agencies and states which is the reason for the FAQ website. They have not talked as much about additional testing. EPA is making sure that FDA and USDA have the information that they need to move forward as a result of the revocation of tolerances.
- Ken Everett, CA provided a California update on chlorpyrifos alternatives

POM Session included:

- Evaluation vs. Inspection (Amy Brown, FL, Liza Fleeson Trossbach, VA and Liz Vizard, EPA OECA/Office of Compliance (OC))
 - Liz Vizard, EPA shared information regarding the flexibility memo and expectations of States, additionally the plans to extend the memo timeframe.
 - Liza Fleeson Trossbach, VA shared the state perspective and what the states doing to document evaluations and their challenges, additionally information on what should be included in a new flexibility memo.
- Paraquat FAQs (Amy Brown, FL and Ana Pinto, EPA PRD)
 - The updated FAQs was presented and reviewed. This revision included the July 2021, US EPA paraquat interim registration review decision.
 - Ana Pinto, EPA agreed to provide written feedback to the questions.
- C & T update (Amy Brown, FL and Matt Lloyd, Jeanne Kasai EPA PRD)
 - Matt Lloyd and Jeanne Kasai provided an update, PowerPoint is located on the AAPCO website.
- Multiple Products Packaged Together (Kits, Multi-packs & Co-packs) guidance (Amy Brown, FL)
 - A history of the guidance was provided.
 - The updated guidance was presented and reviewed. This revision included the feedback received from our meeting with EPA on August 4th.
 - The Household & Commercial Products Association (HCPA) provided comments on the guidance but have not been incorporated into the document.

POM/EQI Joint Meeting:

The following updates were provided:

- PERC update- Pesticide Educational Resources Collaborative (Suzanne Forsyth and Kaci Buhl, Advisory Board Co-Chairs)
- Label Improvement Project – Update (Megan Patterson, ME, Project Manager)
- Technology Workgroup – Update (Robby Personette, WI, Committee Chair)
- 25(b) Workgroup– Update (Erica Millette, NM, Committee Chair)

POM tasks completed since the September 2021 Fall JWC Meeting:

- EPA OECA issued the COVID-19 Inspection Commitment letter 2nd Extension on September 28th. It is also referred to as the flexibility memo, it expires on December 31st, 2021.
- EPA PRD provided feedback to the Paraquat FAQs on October 13, 2021.
- We incorporated the HCPA's comments into the MPPT Guidance document. Special thanks to Sarah Caffery (IN) and Mary Tomlinson (ME) who volunteered to review the document and provided their feedback also.
- POM meet on November 5th to review the Paraquat FAQs and the MPPT Guidance documents.
- The Paraquat FAQ was published and posted on the AAPCO website on November 9, 2021.
- The MPPT Guidance document has not been finalized. Once all POM suggested edits have been incorporated into the document from the November meeting, it will be sent to EPA for their final Feedback.
- POM continues to follow the Dicamba, Pet Products, PFAS, and Chlorpyrifos issues raised in the Joint Session.