

Region 4 SFIREG Report

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The Region 4 fall pre-SFIREG meeting was held on October 19, 2021. The meeting was held virtually because of COVID 19 travel restrictions, and it was hosted by Region 4 EPA from their office in Atlanta, GA. All states in the Region (AL, FL, GA, KY, MS, NC, SC, TN) were in attendance, and EPA regional staff were well represented in the meeting. The virtual format of the meeting again allowed many more regulatory officials from the various states and from the EPA to participate than would have been possible during an in-person meeting. We are hoping to have an in-person meeting in Asheville, NC in the spring of 2022.

Updates given during the meeting by our EPA Region 4 partners were:

- Region 4 EPA update (Carol Kemker, Cesar Zapata)
- Regional Pesticide Programs Update (Donnette Sturdivant)
- Regional grants update (Richard Corbett)
- C&T / WPS (Pat Livingston, Richard Corbett, Savannah Merritt)
- Regional training update (Patricia Livingston, Rick Hayes (Georgia))
- Enforcement update (Alan Annicella)
- IPM and Outreach (Savannah Merritt, Rose Yeley)

Topics covered in the meeting by SLA personnel were:

- AAPCO update (Pat Jones, AAPCO President)
- ASPCRO update (Ryan Okey, ASPCRO President)
- SFIREG/POM/EQI update (Tim Drake, Amy Brown)

Other Issues Discussed:

A robust discussion was held among the states and EPA in attendance on matters of regulatory importance to the region (dicamba issues, Section 24c process, new certification plan approval process, hypochlorous acid generators in hospitals, Pyrethrin / PB issue, backpack blower mosquito control applications). Tim Drake and Pat Jones facilitated discussion on these issues. Region 4 states had no new issues to send forward in the form of an issue paper for consideration or action by SFIREG. Some issues that individual states are having are reflected in the comments / answers to the SFIREG questions that were sent out. These can be found in the section that follows.

SFIREG Questions sent to the States

The questions sent out to states for individual responses are summarized below. If a state had no issues or remarks on a particular item, responses are not recorded.

1. ***Dicamba registrations and the 2021 growing season label issues and cases:***

Florida: Florida has had no complaints

Georgia: Georgia has received no complaints related to dicamba use in 2021.

Kentucky: Kentucky has had 11 complaints and 2 enforcement cases.

Mississippi: Due to devastating flooding in the norther half of the state, Mississippi was interested in pursuing a 24(c) for dicamba use to soybeans. However, after much communication with EPA and request for reconsideration, Mississippi decided not to pursue the 24(c). MS had 5 drift cases involving dicamba this year. 4 of those were on the in-crop-use products. 1 on soybeans. 4 on yards.

South Carolina: No investigations or enforcement actions related to Dicamba this year.

Tennessee: As of 9-23-21, the Tennessee Department of Agriculture has received 22 confirmed dicamba complaints. Crops and plants affected include tree nurseries, vineyards, vegetable crops, and ornamental landscape plants. All 22 dicamba complaints are confirmed dicamba either by visual inspection and/or sample results. We have also seen around 7,000-8,000 acres of Enlist soybeans in West Tennessee affected by dicamba. These were very large fields in West Tennessee that had consistent damage (cupping) throughout the entire field consistent with dicamba. Based on pattern of damage, we believe most cases are volatilization of the herbicide and not physical drift. The label violations we have seen are mainly wind direction towards a sensitive crop and record keeping violations. Growers in Tennessee seem to understand at this point the proper way of applying the OTT dicamba products with regard to nozzles, pressure and speed, wind speed, tank mix partners, use of VRAs and DRAs, training requirements and application cut off times (cut off dates and sunrise/sunset times). Buffer requirements seem to be an issue with growers because of the lack of understanding (ESA county requirements vs. non-ESA county requirements) or simply the large buffer requirement cuts off a lot of the field that can have dicamba applied.

2. **C&T Plan approval processes and the feedback from EPA Regions and Headquarters:**

Alabama: Completed

Florida: At this time the Florida Department of Agriculture and Consumer Services has only received regional responses. Still awaiting HQ feedback. Florida responded to the survey.

Georgia: Georgia received Final Comments on our Modified C&T Plan, including a Primary Review, Peer Review, and OGC Review by EPA HQ, on September 17, 2021. GDA will need to submit a response to EPA by October 17, 2021, which we are working to complete now.

Kentucky: Currently under review at the federal level.

Tennessee: No additional comments from TN. Comments were received from EPA HQ on Sept. 21st

3. **EPA Chlorpyrifos tolerance revocation action:**

Florida: At this time, we have no new questions. Questions on this topic were provided to EPA as part of the Joint Working Committee meeting.

Mississippi: What are the alternatives to Chlorpyrifos and are they more detrimental? Our pecan and fruit growers may be negatively affected.

North Carolina: SFIREG JWC submitted questions to EPA prior to the September JWC meeting (https://aapco.org/wp-content/uploads/2021/09/Questions-for-EPA_JWC_FALL2021-090821.pdf). Many of EPA's responses during the meeting indicated that they were working on guidance for the issues presented, but there were few answers currently available.

Tennessee: Has there been a decision on existing stock?

4. **24(c) state registration processes:**

Alabama: Alabama continues to support a state's right to issue 24(c)'s in the manner that has been precedent for many decades.

Georgia: Georgia is, of course, concerned with the inability to utilize the 24(c) process to address state-specific needs by imposing more restrictive label language. We have used this tool very effectively in the past and continue to believe that federal law allows states to register additional uses of products in this way. Section 24(a) is not a realistic substitute, for many reasons.

Mississippi: In Mississippi the use of a 24(a) is a timely process. According to Mississippi rule 69-25-7, no rule or regulation shall be effective unless first submitted to and approved by the Advisory Board to the Bureau of Plant Industry. Before the Bureau can meet with the Advisory Board, we must first complete and submit an economic impact statement and file with the Secretary of State's office and then meet with the Advisory Board to determine if the recommendation will be voted on and approved.

North Carolina: Southeast states should be able to expand the uses of dicamba, we have showed consistent successful use of the technologies over the past several years. Dicamba is one product where a national label is not the answer. We do understand the predicament that EPA is currently in with the product. Growers in the southeast states should be allowed to use dicamba through the end of July on soybeans as well as cotton.

5. **PFAS/PFOS in containers of pesticide products:**

North Carolina: We are looking for more information on pesticide products that may be impacted, and assessment of potential impacts on health or the environment. Since PFAS are persistent and known to bioaccumulate, it is important to quantify environmental loading of PFAS from pesticide containers to assist in environmental and human health risk assessment for these compounds. Does pesticide PFAS contamination contribute to PFAS detected in groundwater and surface water, especially sources of water used for drinking? Since the EPA lifetime health advisory for PFOA + PFOS in drinking water is fairly low (70 parts-per-trillion), and some states have even lower drinking water screening levels or standards, could low levels of PFAS in pesticides contribute to exceedances of health-protective drinking water standards? Additionally, PFAS can accumulate in fish in contaminated surface water, leading to ecological and human health concerns, further illustrating the urgent need to better estimate PFAS loading from pesticides that were stored in fluorinated containers.

- Are there updates or recent discussions on whether PFAS/PFOS in pesticide containers will impact pesticide container recycling?

Tennessee: TN has not received an additional request.

6. ***Bear spray product use, rental, and disposal:***

Georgia: We have been contacted by the Georgia Department of Natural Resources (Wildlife Resources Division) several times this year with requests for guidance on any regulations or requirements that would apply to bear repellents/sprays, but nothing has been reported about “renting” product.

7. ***Treated Seeds and Articles Exemption:***

Mississippi: Treated seed is a must in Mississippi due to the necessary suppression and prevention of pests already present.

8. ***Paraquat Labeling - Certified Applicator Requirement***

Alabama: Alabama is monitoring compliance with the mandatory training requirement.

9. ***COVID-19 product registrations and devices:***

Georgia: There is a continuing need for guidance and involvement from EPA HQ on the subject of Section 18 exemption for “new and novel” technologies to control SARS-CoV-2. (Public health emergency is not state- or even region-specific.)

Kentucky: SLAs should not be bearing the burden of the COVID-19 24c process when EPA provides an approved list of products for COVID-19 product registrations... THERE IS NO EMERGENCY NEED IF WE HAVE A LIST OF APPROVED PRODUCTS.

North Carolina: EPA needs to react quickly and address the issue of devices producing pesticidal substances. Devices now are now pushing the envelope on what devices were originally intended. Devices which produce pesticidal substances that control certain public health claims must be addressed and brought under the umbrella of a “PESTICIDE”.

10. ***EPA actions and Pet Collar and ingredient issues:***

No issues in any states in the region

11. ***ESA and Pesticide evaluations, Labels, and Bulletins Live2:***

No comments from any state in the region

12. ***Any new Issues that might develop into White Papers or Issue Papers.***

North Carolina: We support the issue brought forward by Dave Scott – OISC and the use of backyard mosquito control operations which utilize mist blowers. Product labels do not provide adequate protection to neighboring property which may contain gardens, pets, pollinators, and other areas where pesticide residue may cause issues.