



November 3-4, 2021

EPA Region 5 Pre-SFIREG Fall Meeting Report



Brad A. Beaver, Acting Bureau Chief
Illinois Department of Agriculture

EPA Region 5 Pre-SFIREG Meeting Report

Meeting Dates: November 3rd and 4th, 2021

Meeting Location: Microsoft Teams Meeting teleconference

Report Prepared By: Brad Beaver (IL) – Region 5 SFIREG Representative

In Attendance: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin, and EPA Region 5

Full SFIREG Topics

1. State Updates:

- Common theme among states still adapting programs to COVID protocols and adjusting regulatory programs to deal with any remaining restrictions.
- Common theme among states – Offices working with a hybrid model of in-person work and work from home.
- IL moved to all online pesticide applicator training and mixture of online and in-person testing. IL administered over 12,000 proctored online pesticide exams. Over 7,000 individuals took advantage of online training developed by the PSEP team. 2022 certification and testing season will again consist of online training and a mixture of in-person and proctored online testing. No in-person training available due to COVID protocols and restrictions. IDOA is conducting a full-scale assessment of their pesticide groundwater monitoring network. Illinois Department of Public Health’s structural pest control program corrected issues with licensing system and responded to numerous complaints involving improper use of sanitizers. IDOA experiencing a large number of retirements.
- WI Industrial hemp sampling program caused significant back log in processing pesticide related samples. WI is pursuing groundwater standards and have asked for standards to be established for 15 pesticides. Partnered with professional test vendor for online exams. Looking to expand groundwater monitoring network by adding additional monitoring wells. They investigated a total of 97 pesticide misuse cases. WI saw an increase in misuse complaints involving mosquito control companies. Lab unable to develop new methods due the workload pressure of hemp sampling program. Lori Bowman retiring after 25 years.
- OH responded to 160 total pesticide misuse complaints. They held a successful pesticide clean sweep program. OH saw an increase in misuse complaints involving the use of mothballs and cases where pesticides applied to turf were applied to the wrong address. Ohio lab processed over 380 samples. 2022 pesticide certification and training plans are for a mix of in-person and online training and in-person testing. 3 inspectors were added to their staff.
- MN certification and licensing returning to a “normal” process. MN staff overloaded with dicamba complaints. Dicamba investigations crippled their ability to address other programmatic responsibilities. Lack of ability to use 24(c) process to add restrictions has handcuffed their ability to regulate dicamba. MN unable to add restrictions through a 24(a)-process due to the cumbersome and time-consuming legislative process. MN looking for additional guidance from EPA regarding Chlorpyrifos decision. Lab overwhelmed with dicamba samples. First time lab will be unable to complete all samples collected during the misuse season. Certification and licensing program working on verification process for certification workshops. In-person training of applicators has been very successful.
- MI hired 6 new field inspectors (30% of staff). Responded to a total of 200 pesticide misuse cases. Conducted 30 investigations involving cannabis. Finding WPS is a considerable issue

for cannabis growers. Pesticide exams administered through professional testing vendor. Found increase in pesticide exam passing rate directly related to the addition of a fee to the exam process. Looking to have small number of field staff specialize in federal inspections. Plans to add a toxicologist to staff. Lab processed over 540 samples. PSEP had significant interest for live seminars.

- IN looking at potential significant legislative process. Proposals to require all applications of RUPs to be made by certified applicators. Would eliminate application of RUPs under the direct supervision provisions. Commercial applicators would be allowed to apply general use products under direct supervision. Looking to add small package good storage requirements in addition to existing bulk pesticide storage requirements. Working to expand pesticide applicator record keeping requirements. Requiring records for RUP and GUP applications by anyone who has a license. Add wind speed and direction, start, and stop times. IN saw an increase in outdoor residential mosquito control misuse complaints. Structural pest control operators no longer allowed to apply for mosquitos. Must complete mosquito category to make applications.
- No tribal partners were able to attend the session.

2. Section 24(c) and 24(a):

- Illinois implemented state specific dicamba requirements through a 24(a) emergency rulemaking process. 24(c) process much easier to add and adjust restrictions as needed. Previous 2 years IL issued 24(c)s for dicamba which generated the special local need label. Easier to ensure applicator has the special local need label than to ensure he/she is looking at a state regulation. Emergency rules have expired, and IL is pursuing permanent rules which will be much more difficult to adjust to any future changes to the federal dicamba label. IN unable to pursue 24(a) restrictions but was able to use an existing regulation that allowed them to implement restrictions to dicamba label instead of using 24c. States asking EPA to make dicamba label very restrictive and allow states to relax the requirements through the 24(c) process according to their local needs. Most states do not have a reasonable or timely 24(a) option to implement restrictions without the 24(c) option. Discussion about regional specific labels if previous method of 24(c) process no longer offered.

3. ESA and Pesticide Evaluations, Labels and Bulletins Live2:

- Brian Anderson and Stephen Muela from USEPA answered questions and provided discussion. States not receiving questions or concerns from applicators. Discussion regarding how often data is updated. EPA indicated their attempt to update their system on an annual basis. Unable to control when other federal partners make updates.

4. Dicamba Registrations and the 2021 growing season:

- Multiple states still receiving large number of dicamba related pesticide misuse complaints. Each of those states experiencing strain on resources to investigate dicamba complaints in addition to normal workload.
- IN implemented a June 20th cutoff date. Cutoff date applies to the new over the top herbicides as well as all other ag-related products containing 6.5% dicamba or higher. The Indiana Pesticide Regulatory Board designated dicamba a "highly volatile herbicide" under state law, which allowed the state to add the June 20th cutoff restriction. Do see evidence

that cutoff dates have been successful. IN shared dicamba data set with EPA.

- Illinois employed an emergency state rulemaking under the FIFRA 24(a) process to implement 5 restrictions for over the top dicamba applications to soybeans.
 - June 20th cutoff date,
 - 85-degree temperature restriction,
 - requirement to use Fieldwatch sensitive crop registry,
 - do not apply restriction if wind is blowing toward residential areas or Nature preserve commission sites.
- Illinois saw an increase in alleged dicamba complaints after issuance of the same restrictions last season. 2021 Illinois had 179 dicamba related complaints which was a 19% increase from 2020 when IDOA received 145 dicamba complaints.
- Indiana received 68 dicamba complaints. Unable to make determination if changes to federal label had any effect due to the extreme variability of dicamba misuse complaints.
- Michigan had no special restrictions and received 3 dicamba complaints.
- Ohio had no special restrictions and received 7 dicamba complaints.
- Wisconsin had no special restrictions and received 1 complaint.
- Minnesota saw a significant increase in dicamba complaints. No special restrictions and received 115 dicamba complaints with an additional 185 surveys to be conducted where complainants did not request a full investigation. MN reassigned staff from other programs to complete inspections. Significant drain on their resources. MN has no timely method to add state specific restrictions through a 24(a) process. Previously used 24(c) process was their only feasible and timely method to add restrictions to the dicamba label. Most investigations found inadequate records.
- Multiple states experiencing challenges finding accurate wind data when investigating pesticide misuse cases.
- Multiple states expressed concerns about large percentage of their misuse complaint total coming from one chemistry.
- Everyone experiencing dicamba fatigue. States with large caseload are unable to manage increased case load. Not enough staff to properly investigate dicamba complaints in addition to normal case load. State inspectors experiencing burnout and some pursuing retirement earlier than would be expected.
- States did not see the same type of misuse numbers with new 2-4D technologies.

5. Paraquat Labeling and Certified Applicator Requirements - 2021:

- No states reported issues or concerns involving paraquat labeling or training requirements.
- IN will be making paraquat sales a priority during upcoming dealer inspections to ensure all proper information and equipment is being deiminated in sale. Preventative inspection process.

6. Basecamp Software Group Opportunity:

- Region 5 is looking to add a basecamp region 5 group for easier collaboration regarding region specific issues. Basecamp is an online collaboration app that lets people manage their work together and communicate with one another. It can be used to keep track of all the tasks, deadlines, files, discussions, and announcements.

7. C&T Plan Approval Process and Feedback from EPA Regions and headquarters:

- Region 5 provided a status update regarding plan reviews and possible extension to C&T deadlines.
- Currently 3 of the 6 region 5 states have had discussions related to their plan reviews with region 5 staff.
- Region 5 asking for additional implementation plan details. States expressed concern providing detailed implementation dates while plan proposal reviews not finalized.
- Several states expressed significant concerns providing EPA with proposed legislative language. Several have restrictions prohibiting sharing proposed legislation prior to it being introduced by their legislative bodies.
- States all agree to comply with C&T Federal requirements. Some will be unable to put specific legislative language or new legislation in their plans to be reviewed.
- Specific implementation dates and timelines that depend on legislative process very difficult for some states to provide.

8. EPA Chlorpyrifos Tolerance Revocation Action:

- Dana Friedman from USEPA provided discussion of Revocation Action.
- Minnesota state in region most effected by action. Account for highest usage by any state.
- States getting lot of questions about existing stock and disposal issues. Questions about clean sweep programs and current uses.
- Concerns about gap between tolerance revocation and ultimate cancellation.

9. COVID Product Registrations and/or Devices:

- IN finding label issues.
- Problems with specific claims being made on product websites that do not align with product label.
- Finding images used on labels (Covid Ball)
- Looking for support from EPA to stop website claims or corrections on the labels.
- Looking to add device working group

10. PFAS/PFOS in Containers of Pesticide Products:

- States not reporting any current issues or concerns.
- IN only state pesticide regulatory agency currently looking into adding a PFAS dedicated laboratory. Discussed the many challenges associated with undertaking this project. Biggest challenge coming from potential for contamination.

11. Bear Spray Product Use, Rental and Disposal Issues:

- No states reporting issues or concerns.

12. Treated Seeds and Articles of Exemption:

- Several states had legislation introduced to eliminate disposal of treated seeds through use in ethanol plants.
- Discussed disposal of treated mulch. Trying to address disposal through label since treated article not registered.
- Disposal of treated seed a problem.
- MN finding detections in groundwater monitoring program that do not coincide with foliar applications.

13. FIFRA Grants Database/CDX:

- FIFRA Grants Database/CDX discussion presented by EPA.
- All FY2022 workplans entered.
- Login.gov requirement discussed.
- Resource contacts and website links provided by EPA

14. Future Region 5 Pre-SFIREG Meeting Dates:

- May 4th and 5th 2022
- Nov. 2nd and 3rd 2022