

**EPA REGION III  
REPORT to Full SFIREG  
State FIFIRA Issues, Research, and Evaluation Group Meeting  
December 6-7, 2021**

The EPA Region III PreSFIREG Meeting (hybrid) was held November 15-16, 2021. Attendees included: Amanda Strouse (DE); Mary Begin and Howard Brown (DC); Rob Hofstetter and Kelly Love (MD); Jessica Lenker (PA); Grant Bishop and Chad Carpenter (WV); Jeffrey Rogers and Liza Fleeson Trossbach (VA); and Deb Forman, Aquanetta Dickens;; Courtney Hoernemann; Camille Lukey; Christine Convery; Kyla Townsend-McIntyre, Marilyn Frage and Holly Raguza, EPA Region III.

As part of the meeting, Region III Staff shared the current status of State Certification Plans for States/District as well as updates related to the FIFRA Grant Database and User Guide; Worker Protection Standard; and FIFRA Enforcement. Other topics of interest included Federal Credentialing & the Region III Inspectors Workshop; Submission of PEIs to EPA Region III; 2022 WIRE; and activities in support of the EPA's Climate Change priority. In addition, each state and the District of Columbia (District) provided a report of their current activities.

At the request to Full SFIREG the following items were also discussed:

1. **Dicamba** registrations and the 2021 growing season label issues and cases - For the 2021 growing season,
  - a. PA reported two cases involving Dicamba;
  - b. No issues or cases reported for remaining States/District.
2. **C&T Plan** approval processes and the feedback from EPA Regions and Headquarters; - See session descriptor below.
3. **Chlorpyrifos** tolerance revocation action:
  - a. General assumption registrants will take product back. If not, concerns regarding potential cost to pesticide disposal programs; and
  - b. Identified need for an EPA Fact Sheet that States could distribute regarding the action.
4. **24(c)** state registration process – No specific issues/concerns. In general, States/District do not use 24(c) to further restrict the use of a pesticide.
5. **PFAS/PFOS** in containers of pesticide products:
  - a. PA is testing for PFAS however has not had any residues found to date;
  - b. MD indicated there are some concerns however there is not current testing underway;
  - c. DE no specific issues/concerns however asked if there was a list of manufacturers of containers of concern;
  - d. No issues/concerns reported for the remaining States/District.
6. **Bear spray** product use, rental, and disposal – No specific issues/concerns in States/District.
7. **Treated Seeds and Articles Exemption**; No specific issues/concerns in States/District however DE indicated that the general public seems more aware of treated seed and the issues surrounding its use, for example, being found out of the field (on the roadways). There was a general concern of the lack of instructions on the treated seed regarding handling/disposal of leftover seed.

8. **Paraquat Labeling - Certified Applicator Requirement** – No specific issues/concerns in States/District.
  - a. PA did indicate that more opportunities for outreach/education specifically in certain communities was identified; and
  - b. MD indicated they are giving recertification credit for applicators taking the paraquat training.
9. **COVID-19 product registrations and devices**- All States/District indicated continuing to see an influx of products (Sections 3, 18, and 25b) and/or devices.
10. **Pet Collars** - No specific issues/concerns in States/District; and
11. **ESA and Pesticide evaluations, Labels, and Bulletins Live2** - No specific issues/concerns in States/District

### **State Certification Plans**

EPA Region III provided an update on the status of the nationwide review of plans. As of the meeting date, it was reported the 33 of the 63 plans have been reviewed. EPA is proposing an extension beyond the March 2022 approval date to allow additional time for the EPA to review plans and to allow states to revise their plans. The original target of November 1 for completion of all reviews by EPA has been changed to the end of the December. While no specific information was available regarding the length of time of the proposed extension, it was suggested that it could be six months or more. It is anticipated the extension will be published at the end of December or early January 2022.

Regarding the current status of plans for EPA Region III, all were submitted as required by the due to date to EPA Region III. Delaware, Virginia, Pennsylvania and the District have received detailed comments from EPA HQ. West Virginia and Maryland have not yet received comments from HQ. Based on the detailed comments, Virginia, Pennsylvania and the District are reviewing and making revisions as appropriate. Delaware has completed their revisions and their plan is undergoing the second pass at EPA HQ. From the detailed comments received from EPA HQ, two areas were identified as having received specific comments across plans:

- American Disabilities Act and accommodations for prospective applicators and
- Category and category standards.

As part of the discussion, EPA Region III provided an overview of the “second pass” process. As part of the second pass process, it was shared that after any comments in plans are sufficiently addressed by states, EPA Regions will submit the revised plans to EPA HQ for a second pass review. If needed, EPA HQ, Region and the State Project Officer (PO) will meet to discuss any outstanding items. Region III States/District believe if items remain outstanding after the second pass, it is crucial the State be included in the meeting with EPA HQ, Region and PO.

### **FIFRA Grant Database**

EPA Region III Staff provided an update on the FIFRA Grant Database specifically highlighting the availability of the FIFRA Grant Database Guide. Staff also offered helpful hints when entering mid and end of year data. Finally, a request for total program accomplishments was reiterated. All Region III States/District currently report total program accomplishments.

## **Worker Protection Standard**

EPA Region III reminded States/District that both extensions related to personal protection equipment have expired. No reports of supply issues or other concerns have been received by Region III States/District. Also, the current injunction staying the effective date of the 2020 AEZ rule and enjoining EPA from implementing the 2020 revisions remains in effect until December 20, 2021. Until then, the 2015 Worker Protection Standard remains in effect.

## **FIFRA Enforcement**

EPA Region III provided an update of its enforcement actions for FY21. Region III is primarily conducting offsite compliance monitoring given the ongoing public health crisis.

## **Federal Credentialing & Region III Inspectors Workshop**

Region III States and the District continue to hold an annual Inspectors Workshop. While the 8 hour health & safety training requirement to maintain federal credentials has historically been included as part of the workshop, EPA Region III shared that it appears that EPA will no longer accept the health & safety training provided at the workshop, rather, only the online training offered through FedTalent will be accepted. In anticipation of the change and for planning purposes, Region III States/District agreed that moving forward, both the Health & Safety and Inspection Skills Course must be taken in FedTalent. The workshop will include FIFRA specific training and other appropriate sessions. The 2022 Region III Inspectors Workshop will be hosted by West Virginia.

## **Producer Establishment Inspections**

EPA Region III is currently under a work-from-home order due to COVID-19. During FY 21, EPA Region III instructed States/District to not submit their reports of FIFRA inspections and investigations conducted using federal credentials as staff were not in the office to receive and review the mailed reports. EPA Region III has now developed a new electronic process for states to forward their federal credential-based inspection reports. States/District have been requested to submit those reports as soon as practical.

## **2022 Week In Residence (WIRE)**

Given the public health crisis, EPA Region III did not conduct WIR in 2021. Although they remain under a work from home order, Region III is considering options for hosting a WIR in 2022.

## **EPA Priority – Climate Change**

EPA Region III briefly discussed EPA's climate change priority specifically asked what if any activities the States/District were currently conducting in support of the priority area. With the exception of Maryland in which the entire state is moving to have 25% of its fleet electric by 2025, the States/District did not report any pesticide specific activities in support of the priority. The States/District indicated they were looking to EPA to identify FIFRA specific activities to support their priority. Although not

specifically discussed, activities related to EPA's Environmental Justice priority and the crossroads with pesticides are also requested.

### **State Reports – Select Highlights** *(complete reports available upon request)*

#### **Delaware (Delaware Department of Agriculture – DDA)**

- **Field Activities:** Inspectors investigated numerous 2,4D volatilization/drift complaints in 2021. This number was slightly elevated from previous years. DDA points to unpredictable spring weather and increase in vineyard locations next to traditional farm fields. DDA is contemplating adding 2,4D restrictions to regulations, however, is unsure of what language or condition to pursue.
- **Recycling:** DDA continues to support this project with monthly pickup in each county. Once again a new vendor is picking up plastic. DDA has yet to have any containers picked up from the 2021 growing season and is concerned that a winter pickup will result in reduction in accepted containers. DDA is in the very early stages of building a brand-new building which will serve as a base for the pesticide recycling program. DDA is hopeful to outfit this building with a stationary chipping unit when funding becomes available.
- **Water Quality:** During FY21, DDA tested for copper as a pilot program. Results showed that this is not an issue. DDA selected this analyte due to the high usage of copper fungicides in watermelon/cucurbit production. In those samples that indicated the presence of copper, only trace amounts were found.

#### **District of Columbia (Department of Energy and Environment – DOEE)**

- **Pollinator Protection** – DOEE has procured BeeCheck and FieldCheck as a means to promote improved communication and stewardship among DC beekeepers and licensed pesticide applicators working in the District. This is the first urban application supported by FieldWatch, and the BeeCheck program was launched to the DC Beekeeper Alliance on September 22, 2021. There is free training for applicators and beekeepers on the use of the Beekeeper App. During FY21, there were no bee kill investigations.
- **Laboratory Services** – DOEE finalized a cooperative agreement with the Division of Consolidated Laboratory Services (DCLS) for laboratory analysis. The Division of Consolidated Laboratory Services is within the Virginia Department of General Services (DGS).
- **Inspections & Enforcement** 100% of investigations were conducted in person. The Branch is currently digitizing all application and inspection forms. Mi-corporation was approved as a DOEE vendor. The software can record accurate inspection data in a third of the time and build optimized mobile inspection forms for faster inspections and invoicing.

#### **Maryland (Maryland Department of Agriculture - MDA)**

- **Pesticide Disposal Program:** MDA officially announced the availability of the program on March 15, 2021. To date, MDA has collected an estimated 41,000 pounds of pesticide from 38 sites in 18 counties. MDA's "milk-run" pickup which is anticipated to be completed by the end of December or early January 2022. The program is open to all current/retired agricultural producers throughout Maryland.
- **Spotted Lantern Fly:** Cecil and Harford Counties are under quarantine. Kent County and a few others will be added to the list soon. MDA inspectors traveling those areas have been required to obtain a permit/certification in order to operate a State vehicle and/or collect plant samples as part of a routine inspection and/or investigation in one of those counties. To obtain a permit, a

designated individual from an organization must receive training and pass an online test to demonstrate a working knowledge and understanding of the pest and quarantine requirements.

- Inspections – Total program accomplishments were down again in 2021. This is attributed to some COVID issues with producers and some smaller businesses operating out of their homes in addition to staffing levels.

### **Pennsylvania (Pennsylvania Department of Agriculture – PDA)**

- Worker Protection Standard - PDA continues to contract with the Pennsylvania Office of Rural Health (PORH) to provide WPS compliance assistance to all Pennsylvania growers. The PORH has completed updating the WPS DVDs and have now moved to putting on flash drives. Commodities targeted in the training videos are greenhouse, nursery, orchard, vegetable, and mushroom. Any state, PSEP, professional association, or EPA funded organization can request the files to produce their own videos to distribute as needed.
- USA Plants – PDA is in the process of migrating to a fully electronic inspection program through USAPlants. All forms are fillable and able to be completed through PaPlants. There is also a backup option to fill out inspection forms on paper or in excel and upload as a scanned file if need. The program includes an approval flow. Each approval step has an approval action to move forward or return to previous level for corrections, additions, etc.
- Laboratory - Delays in processing samples in CY 2020 occurred due to Covid-19. Two samples required analysis for Paraquat. Since the PDA lab cannot analyze for Paraquat, the samples were sent to the Montana Dept. of Agriculture lab. Turn-around was about 3 weeks, and the cost was \$250/sample.

### **Virginia (Virginia Department of Agriculture and Consumer Services – VDACS)**

- Online Services - VDACS continues the process of developing and implementing online services for its customers. Included in this effort is the option for online registration of pesticides; licensing of businesses; and certification of pesticide applicators including payment and relate communications. The updated timeline is as follows:
  - Certification – Go Live week of December 9, 2021;
  - Product Registration – Go (went) Live October 28, 2021; and
  - Business License – Go Live February 2022 (testing January 2022).
- Spanish Language Manual & Exam - VDACS continues the process of finalizing a Spanish version of its Core Manual – Applying Pesticides Correctly. While all pesticide applicator examinations are in English, VDACS has been asked to determine the feasibility of developing a Spanish language exam for its Registered Technicians that ensure the ability of the applicator to read and understand the English language label. The Request for Proposal was issued and one proposal was received. The Evaluation Committee will be convened to determine if the project will be funded.
- Pollinator Protection: During the 20221 General Assembly, VDACS was directed to study the (Beekeeper) Pollinator Protection Plan and voluntary best management practices for the “purpose of proposing improvements to communication between beekeepers and applicators to reduce the risk to pollinators from neonicotinoid pesticides”. The agency did establish a stakeholder group. Major recommendations include:
  - introduction of new education and outreach opportunities to raise awareness of the available online communication tools and to improve communication between affected groups to reduce the risk to pollinators from neonicotinoid pesticides;
  - modifications to the Plan and associated BMPs and FieldCheck® to aid in reducing the exposure of honey bees to all pesticides, including neonicotinoids; and

- development of a statewide standardized identification system would create another opportunity to reduce the risks of pesticides to pollinators
- The final report was submitted prior to the due date of December 1, 2021.

**West Virginia (West Virginia Department of Agriculture – WVDA)**

- Pesticide Disposal – WVDA is under a \$25,000/1-year contract with Ecoflo to support the disposal of waste and unwanted pesticides. Three collection events have been held since the start of the contract in June. There is one upcoming collection and two are in the planning stages.
- WV Plants - WVDA renewal season is November 1- April 01 for Pesticide Business/Dealer/Applicator technician licensing. The renewal season for Product Registration is year-round. Several enhancements for WV Plants have been requested and awaiting approval. New product registration can now be paid online if they already have products registered in WV
- Certification Exams and COVID-19 – WVDA has transitioned from drive up exams to scheduling individual exam sessions.

**Next Meeting** – The Spring 2022 Region III Grants/Pre-SFIREG Meeting is scheduled for April 12-14. The format of the meeting (virtual or in person) and location is to be determined.

Respectfully submitted,



Liza Fleeson Trossbach, SFIREG Representative  
EPA Region III