

SFIREG OPP Updates

December - April 2022

December 2, 2021: EPA Announces Updated Schedule, Completes Safety Assessments and Decisions for Hundreds of Pesticides to Address Risk and Ensure Safe Pesticide Use

<https://www.epa.gov/pesticides/epa-announces-updated-schedule-completes-safety-assessments-and-decisions-hundreds>

EPA is releasing the registration review schedule for the next four years through fiscal year 2025. The updated registration review schedule provides a roadmap for the next several years of EPA's registration review program.

For some pesticides registered before October 1, 2007, EPA anticipates that its review will extend beyond October 1, 2022 due to a number of challenges including delays in receiving data from registrants; the demands of responding to COVID-19; and a significant increase in recent years of resources devoted to litigation.

Visit EPA's website for more information on the [registration review process](#) and the [updated schedule](#) of upcoming registration review actions.

December 10, 2021: EPA Decreases Annual Pesticide Registration Maintenance Fees

<https://www.epa.gov/pesticides/epa-decreases-annual-pesticide-registration-maintenance-fees>

EPA is issuing a notification informing pesticide registrants of a decrease in the annual pesticide registration maintenance fee. The fee for 2022 is \$3,660 per product, an 8.5% decrease from the previous year. Due to over 500 new products subject to the annual fee in the last two years, EPA has reduced the fee amount to avoid an over-collection of the fee in 2022.

For more information and to access instructions, the maintenance fee filing form, fee tables and product listings grouped by company numbers, please visit the [Annual Pesticide Registration Maintenance Fees webpage](#).

December 17, 2021: EPA Extends Expiration Deadline for Pesticide Applicator Certification Plans

<https://www.epa.gov/pesticides/epa-extends-expiration-deadline-pesticide-applicator-certification-plans>

EPA is announcing an extension to the expiration deadline of federal, state, territory, and tribal certification plans. The [2017 Certification of Pesticide Applicators final rule](#) had set stronger standards for people who apply restricted use pesticides (RUPs) and required that states, territories, tribes and federal agencies with existing certification plans submit proposed modifications by March 4, 2020, to comply with the updated federal standards. As specified in the rule, existing certification plans remain in effect until EPA completes its reviews and approves the proposed plan modifications, or until those plans otherwise expire on March 4, 2022, whichever is earlier.

Due to the impact of the COVID-19 public health emergency, the complexity of plans, and the need for careful review of program-specific issues and questions, EPA is extending the existing plans' expiration deadline from March 4, 2022, to November 4, 2022.

The comment period for the extension closed on March 9, 2022.

December 21, 2021: EPA Releases Summary of Dicamba-Related Incident Reports from the 2021 Growing Season

<https://www.epa.gov/pesticides/epa-releases-summary-dicamba-related-incident-reports-2021-growing-season>

EPA is providing a summary of dicamba-related incident reports from the 2021 growing season obtained from pesticide registrants, States, the general public, and non-governmental organizations.

Over-the-top dicamba use has been subject to considerable controversy, including the [2020 vacatur of the Agency's 2018 dicamba registrations](#) and the [2021 EPA Inspector General report on the 2018 dicamba decision](#), both of which noted the Agency's failure to fully disclose and address risks of which it was aware.

Despite the control measures implemented in EPA's October 2020 dicamba registration decision, [the 2021 incident reports](#) show little change in number, severity, or geographic extent of dicamba-related incidents when compared to the reports the Agency received before the 2020 control measures were required. Given the new information from the 2021 growing season, EPA is reviewing whether over-the-top dicamba can be used in a manner that does not pose unreasonable risks to non-target crops and other plants, or to listed species and their designated critical habitats. EPA is also evaluating all of its options for addressing future dicamba-related incidents.

To view the report and supporting documents, visit docket EPA-HQ-OPP-2020-0492 at www.regulations.gov.

January 5, 2022: Federal Interagency Working Group to Hold Public Meeting on Endangered Species Pesticide Issues

<https://www.epa.gov/pesticides/federal-interagency-working-group-hold-public-meeting-endangered-species-pesticide>

A federal interagency working group (IWG) is holding a public listening session on January 27, 2022, to hear stakeholder perspectives on improving the Endangered Species Act (ESA) section 7 consultation process for federal pesticide decisions. At the listening session, the IWG is seeking perspectives on three questions:

- How could pesticide mitigation measures for ESA species be adopted and implemented in a timely and effective manner?
- What are other priority actions the IWG should consider pursuing to improve the pesticide consultation process?
- What future opportunities, if any, should the IWG consider for stakeholder engagement?

[Learn more about the meeting.](#)

January 10, 2022: EPA Proposes Rule to Improve Several Pesticide Crop Groupings

<https://www.epa.gov/pesticides/epa-proposes-rule-improve-several-pesticide-crop-groupings>

EPA is opening a 60-day comment period requesting public comments on the sixth proposed rule in an ongoing series of revisions to the pesticide crop grouping regulations. Crop groups are established when residue data for certain representative crops are used to establish pesticide tolerances for a group of crops that are botanically or taxonomically related.

With the crop group revisions, EPA seeks to:

- Enhance the Agency's ability to conduct food safety evaluations for tolerance-setting purposes;
- Promote global harmonization of food safety standards;
- Reduce regulatory burden; and
- Ensure food safety for agricultural goods.

The comment period for the proposed rule was open until March 11, 2022, in docket EPA-HQ-OPP-2006-0766 at www.regulations.gov.

January 11, 2022: EPA Announces Endangered Species Act Protection Policy for New Pesticides

<https://www.epa.gov/newsreleases/epa-announces-endangered-species-act-protection-policy-new-pesticides>

Reversing decades of practice, EPA is taking meaningful action to further the Agency's compliance with ESA when evaluating and registering new pesticide active ingredients (AIs). Effective today, before EPA registers any new conventional AI, the Agency will evaluate the potential effects of the AI on federally threatened or endangered (listed) species, and their designated critical habitats, and initiate ESA consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (the Services), as appropriate.

To learn more about EPA's [Endangered Species Act Protection Policy for New Pesticides](#), [read the Q&A document](#).

January 11, 2022: EPA Renews Enlist Product Registrations with New Control Measures, Providing Growers with Certainty for the 2022 Growing Season

<https://www.epa.gov/pesticides/epa-renews-enlist-product-registrations-new-control-measures-providing-growers-certainty>

EPA is issuing seven-year registrations for two herbicide products, Enlist Duo and Enlist One, to ensure growers have access to effective pesticide tools for the 2022 growing season. The new product labels, which incorporate robust control measures to protect non-target plants and animals, meet Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) standards and comply with ESA.

Both products, registered in 2014 and 2017, respectively, were set to expire in January 2022 if the Agency did not renew their product registrations. Based on EPA's thorough analysis of scientific data, evaluation of cost-benefit information, and discussions with industry stakeholders, the Agency has determined that Enlist products, with the new protective measures in place, should remain available to most American farmers.

To view the final registration for Enlist Duo and Enlist One, go to docket [EPA-HQ-OPP-2021-0957](#). To learn more about Enlist Duo and Enlist One, read [EPA's Q&A](#).

January 18, 2022: EPA Releases New Calculator and Updated Data for Occupational Pesticide Seed Treatment Exposure

<https://www.epa.gov/pesticides/epa-releases-new-calculator-and-updated-data-occupational-pesticide-seed-treatment>

EPA has released a new calculator and updated worker exposure data used to assess occupational safety for new seed treatment pesticides, new seed treatment uses of registered pesticides, and existing seed treatment pesticides currently undergoing review.

EPA's updated worker exposure data and calculator will help state and local governments, pesticide manufacturers, academics, and others evaluate the potential for health effects to a person who might be exposed to pesticides as part of their work.

[Learn more about the calculator and how EPA assesses pesticide risks.](#)

January 20, 2022: EPA Transitions to Using Updated Dietary Exposure Model

<https://www.epa.gov/pesticides/epa-transitions-using-updated-dietary-exposure-model>

OPP is announcing its transition to using an updated version of EPA's Dietary Exposure Evaluation Model (DEEM) that contains newer consumption data to provide more up-to-date exposure information in human health risk assessments and to ensure transparency to the public and affected stakeholders.

DEEM is a model used to carry out risk assessments to make informed decisions when approving new pesticides, new uses of registered pesticides, and periodic reviews of existing pesticides.

January 20, 2022: EPA Extends Flexibilities to Minimize Supply-Chain Disruptions Facing the Pesticide Industry

<https://www.epa.gov/pesticides/epa-extends-flexibilities-minimize-supply-chain-disruptions-facing-pesticide-industry>

EPA has extended supply chain flexibilities for registrants of certain conventional and bio-pesticide products to alleviate a supply chain issue facing the pesticide industry.

On July 1, 2021, EPA implemented supply chain flexibilities that allowed registrants to substitute a combination of pre-approved alternate inert ingredients for inert ingredients derived from propylene oxide (PO) feedstocks. This was intended to address the limited supply of PO feedstocks due to weather events that occurred in the U.S. Gulf Coast in February 2021.

Although this action was originally set to expire on Dec. 31, 2021, EPA has extended these supply chain flexibilities until Dec. 31, 2022, due to continued disruptions to production.

February 1, 2022: EPA Expands Pesticide Outreach and Education to Better Meet the Needs of Pesticide Applicators, including Farmworkers, and Consumers

<https://www.epa.gov/newsreleases/epa-expands-pesticide-outreach-and-education-better-meet-needs-pesticide-applicators>

In February, EPA celebrates National Pesticide Safety Education Month to raise awareness for pesticide safety education and share best practices for using pesticides safely in and around our homes. Throughout the year, EPA provides resources and takes action to protect the well-being of all those who may come in contact with pesticides, from consumers who use disinfectants in their homes to pesticide handlers and farmworkers who work with and around pesticides in the fields.

February 4, 2022: EPA Requires Cancellation of Pentachlorophenol to Protect Human Health

<https://www.epa.gov/pesticides/epa-requires-cancellation-pentachlorophenol-protect-human-health>

EPA issued a final registration review decision requiring the cancellation of pentachlorophenol, a wood preservative used primarily on utility poles. During the registration review process, EPA found that given the emergence of viable alternatives, the risks pentachlorophenol poses to workers' health outweigh the benefits of its use.

Following EPA's March 2021 proposal to cancel pentachlorophenol, for which the Agency held a 60-day comment period, this final decision concludes EPA's registration review of pentachlorophenol. After two years, pentachlorophenol will no longer be manufactured, sold, or distributed in the United States.

Registrants are required to submit voluntary cancellation requests to the Agency within 60 days of the publication of the final registration review decision. The Agency will then begin the cancellation process by publishing a notice of receipt of these requests in the Federal Register and opening a 30-day public comment period.

February 7, 2022: EPA Issues Notice of Proposed Rulemaking to Further Extend Certification of Pesticide Applicators Rule Deadline

<https://www.epa.gov/pesticides/epa-issues-notice-proposed-rulemaking-further-extend-certification-pesticide-applicators>

EPA issued a proposed rule seeking public comment on the need to extend the deadline up to but no longer than November 4, 2024 for states, territories, tribes and federal agencies with existing certification plans to comply with the updated federal standards under the [2017 Certification of Pesticide Applicators rule](#).

EPA is requesting comments on the potential need to further extend the expiration date of existing certification plans which would allow for certifying authorities that need more time to respond to EPA comments and prepare approvable certification plans.

The comment period for the proposed rule was open for 30 days in docket [EPA-HQ-OPP-2021-0831](#).

February 17, 2022: EPA Improves Online Application to Protect Endangered Species

<https://www.epa.gov/pesticides/epa-improves-online-application-protect-endangered-species>

EPA has released an improved version of Bulletins Live! Two (BLT), an online application for Endangered Species Protection Bulletins. BLT describes geographically specific pesticide use limitations to protect threatened and endangered species and their designated critical habitat.

The updated BLT system offers the following new capabilities that enable users to more easily find the information they need for a particular pesticide product.

February 25, 2022: EPA Takes Next Step to Keep Chlorpyrifos Out of Food, Protecting Farmworkers and Children's Health

<https://www.epa.gov/newsreleases/epa-takes-next-step-keep-chlorpyrifos-out-food-protecting-farmworkers-and-childrens>

EPA is taking the next step to discontinue use of the pesticide chlorpyrifos on food by denying objections to EPA's rule revoking all chlorpyrifos tolerances.

[In August 2021](#), EPA issued a final rule revoking all tolerances — which establish an amount of a pesticide that is allowed on food — for chlorpyrifos.

After issuing the August 2021 final rule and consistent with the Federal Food, Drug and Cosmetic Act, EPA provided an opportunity for any person to file an objection to any aspect of the final rule and request a hearing on those objections. After careful consideration, EPA is denying all objections, hearing requests, and requests to stay the final rule filed during the period for submitting responses to the final rule. EPA will also provide a copy of its response to objections and the accompanying order in the chlorpyrifos final rule docket [EPA-HQ-OPP-2021-0523](https://www.regulations.gov/docket/EPA-HQ-OPP-2021-0523) at www.regulations.gov.

In addition to the response to objections, EPA has issued letters to the registrants of chlorpyrifos products with food uses confirming revocation of the tolerances and indicating cancellation and label amendment options.

February 28, 2022: EPA Releases Final Analysis of Model Used to Estimate Pesticide Concentrations in Groundwater

<https://www.epa.gov/pesticides/epa-releases-final-analysis-model-used-estimate-pesticide-concentrations-groundwater>

EPA has released its final Analysis of Subsurface Metabolism in Groundwater Modeling (Analysis), along with a response to comments document, the results of an independent peer review, and an implementation memo.

Since implementing its model in 2012 for estimating pesticide concentrations in groundwater, it became apparent to EPA that estimates provided using this model are often orders of magnitude higher than the pesticide concentrations observed in real-world monitoring data. As a result, EPA developed a draft Analysis to explore possible revisions to its model.

In April 2021, EPA released the draft Analysis for public comment. In response to public comments and a peer review by experts, EPA has updated and included additional clarification of its scientific analyses in the final Analysis.

Based on the Analysis, EPA is updating the assumption about the depth at which pesticides may undergo aerobic soil metabolism (i.e., the microbial degradation of pesticides in soil) from one meter to two meters below the surface.

March 2, 2022: EPA Posts Draft Revised Biological Opinion for Malathion, Chlorpyrifos, and Diazinon for Public Comment

<https://www.epa.gov/pesticides/epa-posts-draft-revised-biological-opinion-malathion-chlorpyrifos-and-diazinon-public>

EPA is posting and seeking public comment on the National Marine Fisheries Service's (NMFS) draft revised biological opinion (BiOp) for malathion, chlorpyrifos, and diazinon, three organophosphate insecticides commonly used to control foliage and soil insect pests.

EPA and NMFS encourage public input on reasonable and prudent alternatives and reasonable and prudent measures. Specifically, NMFS is interested in comments regarding:

- Additional risk reduction options beyond those described in the BiOp;
- The general feasibility of drift reduction measures based on wind direction;
- The consideration of measures based on geographic boundaries for wide-area adult mosquito control;
- The existence of stewardship programs that may be considered for risk reduction credit; and
- Spray drift reduction technologies.

After the public comment period, EPA will provide NMFS with the comments received and a summary of the comments for consideration before it finalizes the BiOp.

Public comments will be accepted for 60 days. The comment period closes on May 2, 2022.

March 7, 2022: Following Review of Available Data and Public Comments, EPA Expands and Extends Testing of Genetically Engineered Mosquitoes to Reduce Mosquito Populations

<https://www.epa.gov/pesticides/following-review-available-data-and-public-comments-epa-expands-and-extends-testing>

EPA has approved an experimental use permit (EUP) amendment for Oxitec Ltd. that expands and extends the testing of genetically engineered *Aedes aegypti* (OX5034) mosquitoes to reduce mosquito populations. Prior to approval, EPA conducted extensive evaluation of the best-available science and feedback received during the public comment period.

The original EUP, granted in May 2020, allowed Oxitec to field test the use of OX5034 mosquitoes in Florida and Texas through April 2022. The EUP amendment extends the EUP in Florida, expands the EUP to four counties in California for the first time, and removes Harris County, Texas, from the approved testing locations because no field tests were conducted in the state during the initial EUP.

March 8, 2022: EPA Takes Steps to Protect Endangered and Threatened Species from Insecticide

<https://www.epa.gov/pesticides/epa-takes-steps-protect-endangered-and-threatened-species-insecticide>

EPA will take action to protect endangered and threatened species in response to the U.S. Fish and Wildlife Service's (FWS) nationwide final BiOp for the insecticide malathion.

In April 2021, EPA posted FWS's draft BiOp for public comment and then summarized the comments for FWS to consider when finalizing its BiOp. FWS's draft BiOp identified species that could be jeopardized by how malathion was used before this consultation process.

Working together, FWS, EPA, the U.S. Department of Agriculture, and pesticide registrants identified mitigation measures to protect listed species. Registrants involved in the consultation agreed to implement these measures by modifying their product labels. FWS determined that the new mitigation measures, once implemented, will adequately reduce the potential effects of malathion products on listed species. EPA and FWS believe these measures, which are specifically intended to minimize malathion exposure, protect listed species.

The final BiOp is the last step in EPA's formal ESA consultation process with FWS. EPA is responsible for implementing the BiOp.

March 15, 2022: EPA Approves Label Amendments that Further Restrict the Use of Over-the-Top Dicamba in Minnesota and Iowa

<https://www.epa.gov/pesticides/epa-approves-label-amendments-further-restrict-use-over-top-dicamba-minnesota-and-iowa>

EPA has approved label amendments that further restrict the use of over-the-top dicamba in Minnesota and Iowa. The amendments, requested by pesticide registrants in consultation with those states, are intended to reduce risks from the use of over-the-top dicamba.

The revised labeling prohibits over-the-top dicamba application:

- On dicamba-tolerant crops after June 20 in Iowa;
- On dicamba-tolerant crops south of Interstate 94 after June 12 in Minnesota (the cut-off date for land north of Interstate 94 remains June 30); and
- When the air temperature is over 85 degrees at the time of application or if the forecasted high temperature of the nearest available location exceeds 85 degrees in Minnesota.

To view the label amendments, visit docket EPA-HQ-OPP-2020-0492 at www.regulations.gov.

March 29, 2022: EPA Expands Use of Enlist Products to 134 Additional Counties for the 2022 Growing Season

<https://www.epa.gov/pesticides/epa-expands-use-enlist-products-134-additional-counties-2022-growing-season>

Following the thorough review of a proposed label amendment, EPA has approved the use of Enlist One and Enlist Duo in 134 additional counties, providing growers with additional weed management options for the 2022 growing season.

Enlist One and Enlist Duo, two herbicides used to control weeds in conventional and genetically-modified corn, cotton, and soybean crops, can now be used in all counties of Arkansas, Kansas, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, and South Dakota. In Texas, Enlist products can now be used in Bowie, Cooke, Fannin, Grayson, Lamar, and Red River counties. Read page 16 of the new Enlist One label and page 16 of the new Enlist Duo label to see which counties remain prohibited.
