

## **Report to SFIREG (June 2022): Activities of the Environmental Quality Issues (EQI) Working Committee.**

**Hotze Wijnja, Chair, Massachusetts Department of Agricultural Resources**

Submitted June 3, 2022

The EQI Working Committee is focused on issues related to water quality, human health and the environment, risk assessments, and technical aspects of the implementation of pesticide programs.

During early 2022, EQI met virtually several times to discuss topics for the April meeting.

The Joint Working Committee (JWC) meeting was held virtually April 11-12, 2022. The POM and EQI committees met together and had breakout sessions to discuss issues in detail within each committee. EQI committee members in attendance were James Cooper (FL), Rajinder Mann (MN), Jennifer Teerlink (CA), Christina Zimmerman (WA), Mary E. Tomlinson (ME), Beth Dittman (NC), and David Scott (IN)

### **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 EQI and JWC joint sessions are as follows:

#### **POM/EQI Joint Session:**

- Updates from AAPCO, SFIREG, and EPA
  - 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, Tom Gere, SD and Meg Hathaway, EPA Registration Division (RD)
  - Representatives from Minnesota, North Dakota, and Indiana shared their states experiences with the 2020-2021 label for this growing season and highlighted the state-specific situations relative to off-target drift issues.
  - Meg Hathaway shared an update from the EPA that included a description of the March 2022 label amendments for Iowa and Minnesota and a discussion of the December 2021 EPA Incident Memo on dicamba related reports of alleged incidents from the 2021 Growing season. Among the aspects of the report, it was pointed out that EPA and many other parties have taken the position that the number of alleged incidents likely underestimates the actual number of Incidents related to dicamba use to a significant degree.

- It was pointed out that it is unlikely there will be any changes to the 2021 registrations nationally, due to where we are in the year, they could not be implemented in time for the 2022 growing season
  - EPA would like to collect new or any additional data from the 2021 growing season or any previous years, including, but not limited to, final incident numbers
  - For the 2022 growing season, states should report data related to dicamba resistance, and experiences with adding further restrictions, effectiveness of risk control measures that were implemented for the first time
  - EPA management is aware that states need to know as soon as possible what specific data for the 2022 growing season is needed
- **PFAS** (Hotze Wijnja, MA, Amy Brown, FL, Megan Patterson, ME, and Jeff Dawson, EPA OCSPP Immediate Office (IO), and Neil Anderson from OPP Biological & Economic Analysis Division (BEAD))
    - EPA was asked to provide updates on the developments related to PFAS and Pesticides/Containers, including FIFRA (6)(a)(2) reporting for contaminated pesticides.
    - Jeff Dawson presented an overview on EPA's PFAS Strategic Roadmap and EPA's Commitments to Action 2021-2024.
    - Neil Anderson provided an update on the developments related the PFAS and Pesticide Container Issue, including
      - Published analytical methods, and test results on mosquito control products (more [info](#))
      - FIFRA (6)(a)(2) reporting for contaminated pesticides; there were two submissions to date tied to a mosquito control product used in Massachusetts
      - A pesticide container leaching study is ongoing, and results are due out soon
      - Notification of industry relative to PFAS in fluorinated HDPE containers that may be subject to Toxic Substances Control Act (TSCA) regulations and enforcement (more info [here](#)), and
      - FDA updates relative to authorized uses for food contact and food packaging
    - Relative to the working definition for PFAS, no timeframe has been identified to issue a final definition.
    - Megan Paterson provided an update from Maine on developments related to PFAS-related legislation. This includes the consideration to regulate fluorinated adjuvants, a prohibition on the distribution or application of pesticides or adjuvants containing PFASs. A review of possible impacts included the prohibition of a substantial number (~1500) of commonly used pesticide products.
  - **Pet collars and products** (Hotze Wijnja, MA, Amy Brown, FL and Melanie Biscoe, Pesticide Re-evaluation Division (PRD))
    - See POM Report for information related to registration review schedule and incident reporting.
    - The inclusion of down-the-drain assessments were discussed in the context of ecological risk assessments for active ingredients used in pet products (e.g., shampoos, spot-on).

Studies have shown that down-the-drain is a potential exposure route to surface waters for pet product. EPA described some of the challenges with these assessments and indicated to follow up on this with the committee.

### EQI Session:

- **Endangered Species Act (ESA) and Bulletins Live! Two** (Hotze Wijnja, MA, Amy Brown, FL, and EPA-EFED Amy Adams and Stephen Muela (EFED)— Brian Anderson)
  - Brian Anderson gave a presentation on the new ESA Policy on New Active Ingredients.
    - Under the new policy EPA will evaluate potential effects on federally threatened or endangered species and the designated critical habitats when registering new conventional active ingredients.
    - The Policy does not include new uses at this time.
    - EPA will initiate consultation with the Services when appropriate.
    - Initially the new registrations will take longer while they are working out the process.
    - The entire presentation and important links will be made available at the working committee [webpage](#).
  - At the time of the meeting, EPA's ESA workplan had not been released yet, but was released shortly thereafter ([ESA workplan](#))
  - Stephen Muela and Amy Adams gave a Bulletins Live 2 Update/Presentation summary of what has changed in the modernized BLT, which features
    - Updated the web framework
    - Increased system capacity
    - Improved overall search - Added dynamic searches for product information by using EPAD's Pesticide Product Label System (PPLS)
    - Only can search by EPA registration number (can no longer search by product name)
    - Resources for instructions using BLT have been improved
    - The entire presentation and important links will be available at working committees [webpage](#)
- **Enlist Product Labels and ESA Restrictions** (Hotze Wijnja, MA, Amy Brown, FL, Dave Scott, IN, Tom Gere, SD and Lindsay Roe, EPA RD)
  - The discussion included the following aspects:
    - Regarding the new labels, it was noted that pollinator related language could be challenging with respect to pollinators feeding on crops versus weeds. In response to this, Lindsay Roe indicated that the focus is on the crop.
    - Challenges were seen with implementation of a stewardship plan, but EPA clarified that this is not a state responsibility.
    - The role of land manager versus applicator complicates compliance and enforcement.
    - Challenges with evaluating compliance, including compliance with ESA requirements. Lindsay Roe recognizes that enforcement can be complex and challenging; OECA is looking into this aspect.

- Relative to Minnesota, it was pointed out that maps are not always in sync; relative to tank mixes, it was noted that other glyphosate products are not included.
  - Lindsay Roe provided a summary of EPA’s recent actions for Enlist One and Enlist Duo, including the January 2022 amendments to extend the expiration date and the March 2022 amendments to allow use in additional counties. The following information was included:
    - Enlist Mitigation changes was reviewed and explained
    - How the EPA met ESA obligations was described
    - How the March 2022 Amendment was able to allow use in the additional counties was discussed
    - FAQs can be found at [Registration of Enlist One and Enlist Duo | US EPA](#)
  
- **Registration Review schedule** (Hotze Wijnja, MA, Amy Brown, FL, and CropLife America (CLA) Registration Committee Label Update Team)
  - SFIREG-JWC would like to see improved communication with EPA on notifications and releases of (proposed) interim decisions. Suggestions included and were discussed:
    - Significant changes to registrations be communicated to SFIREG/JWC prior to release- EPA will compile quarterly updates and provide prior to release. Alisa Reeves, EPA stated the Q2 pilot quarterly update would come out shortly
    - Improved communication with SFIREG/JWC would allow organizing reviews among committee members.
    - Additional discussion included:
      - Consideration of guidelines on what to look for when conducting reviews.
      - Recognizing that the registration review process will be ongoing as the current registration review cycle is ending, but the new cycle will begin for those chemicals who have not been through registration review
  
  - Ray McAllister, CLA provided an overview presentation of anticipated state and registrant challenges with registration review schedule and state labels.
    - Challenges with the large number of label updates associated with registration review decisions, including aspects such as existing stocks policy, coordination with routine label updates, and coordination with states.
    - Goal is to update states on the large number of labels are coming, seek feedback on the challenges and work with the regulatory authorities to develop solutions.
    - Path forward and possible solution suggested include:
      - Formation of an ad hoc work group with representatives from states, CLA, and EPA;
      - Consistent 18-month timeline for updating labels with registration review changes in the marketplace
      - Coordinate timing of EPA and State processes for review of labels.
      - EPA specifies date by which registrant must submit revised labels for state review.
      - Timeline for updating labels would begin at completion of state reviews.
    - JWC to schedule a follow-up meeting regarding this topic.

- **Seed Treatment Stewardship** (Hotze Wijnja, MA, Amy Brown, FL, and Betsy Danielson, Iowa State University Extension and Outreach)
  - There was a discussion on the Guide to Seed Treatment Stewardship (American Seed Trade Association (ASTA) and CropLife America (CLA)); and a Pesticide Safety Education Program (PSEP) perspective on this stewardship guide and other available resources that PSEPs can use to educate applicators on seed treatment disposal.
  - The Guide to Seed Treatment Stewardship- <https://seed-treatment-guide.com/>
  - EQI/POM committees commented that seed bag tags need more information regarding the products that were used to treat the seed, such as EPA registration number, growers need to know more about what they are purchasing.
    - Betsy Danielson shared a presentation with information regarding seed treatment disposal resources and the importance of treated seed disposal, including the following:
      - <https://tpsalliance.org/resources/treated-seed-disposal-map/>
      - <https://npsecstore.com/collections/seed-treatment-manual>
    - Discussion on Treated Seed Issue Paper among POM and EQI concluded with the need to revised the existing draft paper, to focus on a consistent message and coming up with specific questions and actionable items.
  
- **Chlorine Gas Products and RUP Designation** (Hotze Wijnja, MA, Amy Brown, FL)
  - The topic was presented and the rationale for the letter was described.
    - SFIREG submitted a letter to EPA expressing concerns about the requirement to make chlorine gas a restricted use pesticide (RUP); “SFIREG Issue with the EPA Chlorine Gas PID and the requirement to make Chlorine Gas a restricted use pesticide” (posted with Working Committee meeting materials)
  - Rose Kyprianou, EPA thanked SFIREG for sending the letter and will follow up regarding the information provided and the request for additional opportunities to engage with EPA on this decision.
  - AAPCO is also preparing a letter that will be more focused on C & T concerns.

#### **EQI Session:**

- **Treated Seeds: Disposal Issues and Environmental Assessments.** Hotze Wijnja, MA, and EQI committee members
  - The discussion addressed various aspects, including:
    - Difficulty to obtain information on treated seeds that are planted in a given state; there is no mechanism is placed to track treated seeds.
    - Seed bag labeling seems to be in sufficient in many cases to provide sufficient information on the pesticide product used in seed treatment.
    - Relative to environmental impacts, there is a need for better data on prophylactic use versus what pesticide use is replaced by pesticide-treated seeds. In some states (e.g., MN), best management practices have been developed to address the

potential adverse environmental impacts from use of treated seeds, specifically neonicotinoid-treated seeds.

- The role of seed treater was brought up, including licensing requirements. It was also pointed out that many seeds come from out-of-state and are not tracked.
- It was suggested to revise the Draft Issue Paper on Treated Seeds Regulation and discuss at the upcoming Full SFIREG meeting.

**Water Quality Reporting as required by the Cooperative Agreement Guidance.** Hotze Wijnja, MA, Loren LaPointe EPA/OPS, and Emily Ryan, Office of Program Support (OPS)/Mission Support Division (MSD)

- Loren LaPointe provided a brief overview of the new FIFRA Grant Database (FGD)/CDX online system relative to Water Quality Reporting. EPA will offer two virtual training opportunities during the spring. The FGD/CDX online system replaces the POINTS for reporting to EPA. However, POINTS is currently maintained at Washington State University and options are being considered to provide access to historic data captured in the database.
- In response to questions, it was pointed out that data sharing between states is not possible in the FGD/CDX system. However, options to share water quality data among states could be considered, for example through availability of end-of-year summary reports.

**Mosquito Control Mist Blower Use in Residential Settings.** Hotze Wijnja, MA, Dave Scott, IN; in attendance from EPA: RD—Jennifer Saunders and PRD—Cathryn Britton

- A draft issue paper on this topic (see meeting materials) was summarized and discussed. The issue is centered around drift from the target site to their adjacent non-target property. Concerns include potential direct and indirect exposures to family and pets and to pollinators. SLAs have struggled with determining whether the pesticides are being used legally or whether the resulting off-target exposures are creating a human or environmental risk. Use directions and restrictions for mosquito control are confusing, minimal, or completely nonexistent.
- It is also unclear whether resulting non-target drift exposures created by directing these powerful blowers toward the neighbors' property have been considered as part of the registration risk assessment.
- Proposed Resolutions or Remedies:
  - 1. EPA to clarify whether the mosquito adulticide product registration risk assessments included nontarget risks from drift exposures.
  - 2. EPA to clarify specifically whether the drift exposure models included evaluation of drift resulting from application with the power mist blowers currently being used with adulticide applications to residential properties.
  - 3. If the referenced risk assessments and/or drift evaluations for this application methodology have not been adequately addressed to date through the EPA registration process, SFIREG urges EPA to identify a plan for addressing these issues in future registration actions.

- 4. If EPA believes the referenced risk assessments and/or drift evaluations for this application methodology and these products have been adequately addressed to date, SFIREG urges EPA to develop a statement to address the issues raised in this issue paper and to provide reassurances or guidance about the safe and legal use of these products and application methodologies.
- 5. If EPA is concerned about associated risks to pollinators from non-public health control directed applications to private property, SFIREG urges EPA to consider label restrictions to address the application methodologies and timing that may contribute most to pollinator exposures.
- EPA indicated to review the issue paper and follow up with SFIREG-EQI

**Aquatic Life Benchmarks.** Hotze Wijnja, MA

- A draft guidance document for the use of aquatic life benchmarks in state programs was reviewed. The document describes what benchmarks are and how SLAs can use the benchmarks with evaluation of monitoring data. Fipronil is used as an example. The committee plans to finalize the factsheet and present it at the Full SFIREG meeting in June.

**POM/EQI Joint Meeting:**

**Rodenticides – RUPs.** Amy Brown, FL; Hotze Wijnja, MA; Steven Peterson, EPA—PRD; and Katie Swift, Anticoagulant Rodenticide Task Force

- Peterson provided an update on the rodenticide registration review process. The ecological risk assessment for several rodenticides indicate that further risk mitigation is needed. Proposed interim decisions are scheduled to be released by the end of the second quarter (June 2022). Prior to the PID release, the Agency plans to interact with SLAs regarding the approaches that are being considered.
- Kate Swift presented an overview of Task Force activities. The task force goal is to support the registrations of anticoagulant rodenticides through joint advocacy, research and education. Relative to registration review of rodenticides, the task force has put effort in providing information from field studies to inform the evaluation of mitigation measures. Examples of several field studies were presented.

**Climate Change Presentation.** Jeff Dawson, EPA OCSPP IO

- Dawson presented an initial look at the Office of Chemical Safety and Pollution Prevention’s (OCSPP) plan development under EPA’s new 2021 Climate Adaptation Plan. Some examples of aspects that have relevance to pesticides include vector control tools, water exposure modeling, changes in pest pressures and seasons. The JWC expressed interest in opportunities for input as these efforts move forward.

See POM report for the other items in the section.

**EQI tasks completed since the April 2022 JWC Meeting:**

- EQI met virtually in January, March and May.
- EQI followed up on the discussion of treated seed issue and revised and updated draft treated seed issue paper. The revised issue paper will be shared and discussed at the full SFIREG meeting
- EQI members joined the training on the FGD/CDX reporting system for water quality reporting. The committee will follow the experiences with the new system and consider follow up discussions. EQI also continues to interact with Washington State University regarding the POINTS system and options for access to historic data captured in the POINTS database.
- EQI finalized the Aquatic Life Benchmark Factsheet; this will be shared at the SFIREG meeting
- EQI is kept informed about the follow up interactions between Indiana's SLA and EPA regarding the draft issue paper on Mosquito Control Mist Blower Use in Residential Settings.
- EQI continues to work with SFIREG to follow up on the Cover Crop and Plant Setback issue paper. Based on the response from EPA on the issue paper, the committee is considering exploring interactions with various stakeholders to outline a path forward.
- EQI continues to follow several other topics that require attention, including Dicamba, PFAS, Chlorpyrifos, ESA, Registration Review, Rodenticides, and Chlorine Gas.