

Report to SFIREG (June 2022): Activities of the Pesticide Operations and Management (POM) Working Committee. Amy Brown, Chair, Florida Department of Agriculture and Consumer Services

Submitted June 1, 2022, by Amy Brown, Chair, POM Working Committee

The POM Working Committee is focused on registration, certification, and enforcement related pesticide issues of national or regional importance.

POM meet on February 8, 2022, to discuss topics for the April 2022 meeting. POM also met with EPA staff on March 21st and 23rd to review/discuss EPA's feedback on the Multiple Products Packaged Together (Kits, Multipacks & Co-packs) guidance document.

The Spring 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. POM Committee members in attendance were Amy Brown, Chair (FL), Cindy Fulton (WY) (2023), Megan Patterson (ME) (2023), Robby Personette (WI) (2023), Matthew Bucy (OR) (2024), Jimmy Hughes (DE) (2024), Ken Everett (CA) (2024), and Kristia Thomas (SD)(2024).

Topics Discussed and Presentations at the April JWC Meeting:

Please refer to the meeting materials for papers and presentations from the Spring 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 POM and JWC joint sessions are as follows:

POM/EQI Joint Meeting:

- AAPCO President updates (Liza Fleeson Trossbach, VA)
- SFIREG Chair updates (Gary Bahr, WA)
- Office of Program Support (OPS) 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))
 - Rajinder Mann and Tom Gere shared their states experiences with the 2020-2021 label for this growing season. Additionally, Dave Scott (IN) shared his state's experiences.
 - Meg Hathaway shared an update from the EPA and answered questions.
 - Described the March 2022 label amendments for Iowa and Minnesota
 - To view the label amendments, visit docket EPA-HQ-OPP-2020-0492 at www.regulations.gov
 - Discussed the December 2021 EPA Incident Memo – Summary of dicamba related reports of alleged incidents from the 2021 Growing season
 - Provided sources of memo –
 - Registrants and state agencies where the main source
 - Seed companies and individuals were minor sources
 - USDA, Non-Profits, SFIREG
 - Acknowledged that there is a possibility of double counting due to the complexity of the data sources, even so based on prior research and

numerous stakeholder meetings, 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 is unlikely there will be any changes to the 2020 registrations nationally, due to where we are in the year, they could not be implemented in time for the 2022 growing season
 - EPA requests for the 2022 growing season – looking ahead
 - EPA would like to collect new or any additional data from the 2021 growing season or any previous years.
 - Includes but not limited to final incident numbers
 - For the 2022 growing season States should report:
 - Data related to dicamba resistance
 - Their experiences adding further restrictions, 24(a), state authorities or through amendment actions on federal label - 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 Discussion** (Hotze Wijnja, MA, Amy Brown, FL, Megan Patterson, ME, Jeff Dawson, EPA OCSPP Immediate Office (IO) and Neil Anderson, EPA 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 a presentation and gave an overview on EPA's PFAS Strategic Roadmap and EPA's Commitments to Action 2021-2024.
 - Neil Anderson presented on the Pesticide Container Issue.
 - FIFRA 6a2 – 2 submissions to date tied to a mosquito control product in MA (May '21 & Feb '22)
 - Second submission indicates contamination caused by an interference from some other component
 - Container leaching study is ongoing, results due out soon
 - <https://www.epa.gov/system/files/documents/2022-03/issuing-a-section-4-order-24-march-2022.pdf> Link to TSCA information in addition to those available on the slides presented
 - EPA is using the working definition for PFAS, but still do does not have a timeframe on the final definition.
 - Megan Paterson provided an update from Maine on PFAS legislation.
 - **Pet collars and products** (Hotze Wijnja, MA, Amy Brown, FL and Melanie Biscoe, Pesticide Re-evaluation Division (PRD))
 - Melanie Biscoe, EPA provided a detailed overview of the of EPA's registration review schedule pet products schedule in reference to Proposed Interim Decisions/Interim Decisions.

Pet Product Cases	Case No.	Division	Action	Year	Qtr	Docket No.
Fipronil	7423	PRD	PID	22	3	EPA-HQ-OPP-2011-0448
Etofenprox	7407	PRD	PID	22	3	EPA-HQ-OPP-2007-0804
Tetrachlorvinphos	0321	PRD	PID	22	3	EPA-HQ-OPP-2008-0316
Acetamiprid	7617	PRD	ID	22	4	EPA-HQ-OPP-2012-0329
Dinotefuran	7441	PRD	ID	22	4	EPA-HQ-OPP-2011-0920
Imidacloprid	7605	PRD	ID	22	4	EPA-HQ-OPP-2008-0844
MGK-264	2430	PRD	ID	24	N/A	EPA-HQ-OPP-2012-0415
Piperonyl butoxide	2525	PRD	ID	24	N/A	EPA-HQ-OPP-2010-0498
Pyrethrin & derivatives	2580	PRD	ID	24	N/A	EPA-HQ-OPP-2011-0885

- States can include incidents involving pets in their FY2023 Cooperative Agreements – including criteria for significant pieces and high-level pesticide incidents- description of reporting those incidents is found in Appendix 11 of the FIFRA cooperative agreement guidance.
- The JWC discussed the Down-the-Drain exposure and ecological risk assessments (See CA paper and comments under the Working Committee meeting materials)
 - Are pet products considered as a Down-the-Drain product that makes its way into wastewater? EPA will get back with the committee regarding this topic, Melanie described some of the challenges relating to this topic.
- **Chlorpyrifos** (Hotze Wijnja, MA, Amy Brown, FL, Ken Everett, CA and Dana Friedman, Alexandra Feitel, Jaclyn Pyne, EPA PRD)
 - Alexandra Feitel, EPA provided an update on the issue, guidance, and next steps. Tolerances have expired and the Guidance for Industry has been published “Questions and Answers Regarding Channels of Trade Policy for Human Food Commodities with Chlorpyrifos Residues, will EPA issue the notice of intent to cancel registered food uses?
 - EPA issued letters to registrants confirming revocation on the tolerances and indicating cancellation and label amendment options. Registrants had 30 days from the date of the tolerance revocation, which was March 30, 2022, to submit a letter formerly expressing their intention to submit registration amendments to remove food uses from product labels or submit a voluntary cancellation for products for all uses subject to the tolerance revocation. EPA is currently processing receipt of voluntary cancellations for publication in the federal register. EPA is also in the process of issuing a notice of intent to cancel under FIFRA to formally cancel registered food uses of chlorpyrifos associated with the revoked tolerances for registration that they have not received a cancellation or a request to amend the registrations.
 - Update on guidance on existing stocks, take back and disposal of products in the channel of trade
 - Lack of registrant return programs – EPA has begun having discussions with registrants that have expressed interest in protentional return programs and they will provide more information – as more information becomes available, they will update the FAQ page and provide the information directly to states.
 - To consider seed uses to be non-food, the label must have specific restrictions. See FAQ
 - Information and FAQs regarding Chlorpyrifos can be found at [Chlorpyrifos | US EPA](#)
 - Any new questions can be sent to the chlorpyrifos email address. OPPChlorpyrifosInquiries@epa.gov

- **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, EPA to 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 are available at <https://aapco.org/2015/07/29/working-committees/>
 - EPA to present ESA workplan overview (if available) – This was not available
 - Stephen Muela and Amy Adams, EPA gave a Bulletins Live 2 Update/Presentation summary of what has changed in the modernized BLT.
 - 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 are available at <https://aapco.org/2015/07/29/working-committees/>
 - Questions can be sent to ESPP@EPA.gov

- **Enlist Product Labels and ESA Restrictions** (Hotze Wijnja, MA, Amy Brown, FL, Dave Scott, IN, Tom Gere, SD and Lindsay Roe, EPA RD)
 - States have the following concerns over new risk mitigation measures:
 - Endangered Species restrictions – prohibiting use in entire counties
 - Would like to better understand the county restrictions and the protected species location and habitat
 - Would also like to understand the science behind prohibiting Enlist Duo in certain counties when Enlist One (2,4-D only) tank mixed with glyphosate can be used in the entire state.
 - Bulletins live 2 issues
 - Interpreting, implementing, and enforcing new label requirements related to pollinator protection, new runoff restrictions, and mitigation measure credits
 - New restrictions are limiting choices for weed control, especially in situations with weeds that are resistant to other herbicides
 - What are the experiences with the registrant’s training for the new Enlist product labels?
 - Lindsay Roe, EPA 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
 - Answered additional questions from Indiana, South Dakota and Minnesota provided in advance by the JWC (See EQI report)
 - 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 should 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 as early as next week
 - Improved communication with SFIREG/JWC would allow organizing reviews among committee members
 - It would be more helpful to send out to the various committee members, instead of using an ad hoc approach
 - Other Discussion included:
 - What are we looking for with the reviews? – Volunteers would need to have guidelines on what to look for when conducting reviews.
 - JWC just started the discussions about what the framework for these reviews would look like, how to prioritize and comment.
 - This cycle is ending, but the new cycle will be beginning for those chemicals who have not been through registration review therefore this process will be ongoing.
 - Ray McAllister, CLA provided an overview presentation of anticipated state and registrant challenges with registration review schedule and state labels.
 - What happens next after the PIDs, regarding updating the labels in the marketplace with the necessary changes?
 - 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.
 - Possible solutions from the presentation:
 - 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 needs 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, some links from the presentation are:
 - <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
 - Paper needs to be updated further, ask for a consistent message, need for seed tag information and disposal resources
- **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 sent letter to EPA – “SFIREG Issue with the EPA Chlorine Gas PID and the requirement to make Chlorine Gas a restricted use pesticide” discussed (See Letter under the Working Committee meeting materials)
 - Rose Kyprianou, EPA thanked SFIREG for sending the letter and are taking a look at everything that was in the letter. They will be sending more questions to SFIREG.
 - AAPCO will be sending a letter that is more focused on C & T concerns.

POM Session included:

- **Special Local Needs (24(c)s) Registration Review Issues** (Amy Brown, FL, Matthew Bucy, OR, and Eric Bohnenblust, Ruthanne Loudon EPA RD, Linda Arrington EPA PRD)
 - Registration Review process issue
 - Amy Brown, FL provided background information regarding the topic - At the December 2021 SFIREG meeting Registrants shared concerns about amended SLN labels that were being required to be submitted to EPA with mitigation language in response to registration review interim decisions presumably without any State oversight.

- POM agreed to work on the issue to understand the process as it pertains to registrants, Pesticide Re-evaluation Division, Registration Division, and state lead agencies.
 - Registrants would like to understand the process, between PRD, RD and States, regarding registration review mitigation language requirements for SLNs
 - Many states were unaware of the registration review process included SLN labels
 - Amy Brown, FL attended several meetings to learn more about the issue and possible solutions. One meeting included the Crop Life America registration team and EPA including Linda Arrington from PRD, Eric Bohnenblust and Ruthanne Louden from RD/Minor Use and Emergency Response Branch. Other meetings included APPCO/SFIREG and EPA. POM also committee met and discussed the issue.
 - Amy Brown, FL, and Matthew Bucy, OR gave a presentation that provided the issues, EPA's response, the agreed upon process and ideas for capturing the process. The PowerPoint detailing the resolution can be found at with the meeting materials for the JWC <https://aapco.org/2015/07/29/working-committees/>
- AAPCO 24c Draft Guidance
 - It has been in draft posted on the AAPCO website since 2019, waiting on EPA to review and POM would like to get it finalized as it will be a very useful tool for state lead agencies.
 - Updates are needed - FIFRA section 24(c) allows states to register "additional uses of federally registered pesticides" to meet special local needs within the state, but it does not provide for states to issue more restrictive registrations. The guidance lists restrictions as one of the reasons for a 24c so it is in conflict with the new information provided by EPA.
 - During the session EPA provided information regarding cancelled SLNs, they require a new submission. Additionally, there were questions around the cancellation process in regard to who cancels a SLN, the registrant or the state, this should also be clarified.
 - Add information regarding SLN registration review process.
 - Will EPA review the Guidance? POM will take the lead to update the guidance and then provide the updated document to EPA for review.
- **Multiple Products Packaged Together (Kits, Multi-packs & Co-packs) guidance (Amy Brown, FL)**
 - The updated guidance was presented and reviewed. This revision included the feedback received from our meeting with EPA on March 21st and 23rd
 - Venus Eagle, EPA also was available during the review and provided comments/explanations regarding the guidance.

POM/EQI Joint Meeting:

- **Rodenticides – RUPs** (Amy Brown, FL, Hotze Wijnja, MA; Steven Peterson, EPA—PRD; and Katie Swift, Anticoagulant Rodenticide Task Force)
 - Steven Peterson, EPA provided an update on rodenticides registration review
 - All PIDs for the rodenticides are scheduled to be released in June 2022 for public comment.
 - Katie Swift, provided an overview of Task Force activities and research priorities.
- **Certification & Training Assessment Group (CTAG) -Update on Label Mandated Training** (Brett Wells Bultemeier, University of Florida, Pesticide Information Office)
 - Brett Bultemeier gave an informative presentation, providing an update on the CTAG Label Mandated Training Collaboration Team’s recent efforts
- **Climate Change Presentation** (Jeff Dawson, EPA OCSPP IO)
 - Jeff Dawson, EPA 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
 - [Climate Adaptation | US EPA](#)
 -
- **Design for the Environment (DfE) Update** (Clive Davies, EPA OCSPP Safer Choice, and Perri Moeller, EPA OPP AD)
 - Clive Davies and Perri Moeller, EPA presented the DfE Update – new logo for labels
 - [Learn About Design for the Environment \(DfE\) Certification | US EPA](#)
- **Technology Workgroup – Update** (Dwight Seal, NC, Committee Chair)
 - Dwight Seal, NC presented on the AAPCO Technology Workgroup

POM tasks completed since the April 2022 Spring JWC Meeting:

- EPA PRD complied and provided the summary of OCSPP pesticide registration review actions in FY22 Q2 (January – March) on April 28, 2022. This was in response to the JWC Spring meeting registration review schedule issue topic. The summary gave name of each case and a high-level summary of the action. This summary should be provided quarterly prior to the Federal Register Notice being published.
- POM reviewed and provided comments EPA’s 24(c) web Guidance on May 5, 2022. EPA requested that AAPCO review the guidance on EPA’s website (<https://www.epa.gov/pesticide-registration/guidance-fifra-24c-registrations>) and determine what, if any, additional supporting materials or guidance are necessary or would aid the States’ work on FIFRA 24(c) actions. This was in response to one of OPP’s Corrective Actions from the Inspector General’s audit of the Section 24(c) SLN Program titled, “EPA is at Risk of Not Achieving Special Local Needs Program Goals for Pesticides” released February 10, 2021.
- POM revised the MPPT Guidance and provided to EPA for review on April 28, 2022. EPA provided feedback on May 19, 2022. Special thanks to Venus Eagle at EPA for feedback, organizing meetings and working with us to get the guidance document ready for final POM

approval. The new feedback will be incorporated and sent out to POM for final approval. The goal is to have it finalized and posted on the AAPCO website by the end of June 2022.

- POM continues to follow the Dicamba, Pet Products, PFAS, Chlorpyrifos, Endangered Species Act, Enlist, Registration Review, Seed treatment, Chlorine Gas, Rodenticides issues raised in the Joint Session.

Other Announcements:

- Cindy Fulton (WY) announced that she would be retiring this summer and will no longer serve on POM. Congratulations and many thanks to Cindy for her service on POM!
- POM/EQI nomination solicitations when out on May 2, 2022 and were due on May 27, 2022.