

Region 7 Pre-SFIREG Meeting Minutes

Virtual meeting, April 29, 2022

Participant List.

Nebraska - Tim Creger, Craig Romary, Bre Lewis-Jones, Tammy Zimmerman, Herbert Bates
Missouri- Dawn Wall, Kory Hubbard, Sam Polly, Megan Matter
Kansas – Kelly Navinsky Wenzl
Iowa- Gretchen Paluch, Mark Smith, Laura Castro, Betsy Danielson
EPA – DeAndre Singletary, Wilfredo Rosado-Chaparro, Mark Leshner, Maren Taylor, Shawn Hackett, Michael Daniels, Tracey Ramsey, Marie Blankenship

State Updates.

Region 7 states provided program updates on recertification, enforcement programs, staffing, funding, legislation, and recent impacts of COVID-19.

SLAs shared programmatic updates on spring certification programs. State certification plans are moving through review. Multiple changes in staffing shared. Current funding levels in R7 SLA pesticide programs remain stable.

IA- There have been 3 vacancies in the program since November, with 1 new position added. All positions at this time are filled and new staff are in training. The program had a busy applicator certification renewal season with the need to fill in training gaps for some applicator records that were not reported (delayed covid impact). With an additional case review position IDALS is working through the past 2 crop seasons to reduce the backlog in completing reviews. Legislative session has not yet concluded, but the program budget outlook remains steady with additional resources placed toward the enforcement program. Iowa has received first round comments from EPA on their certification plan and is awaiting staff availability to complete these (staff are engaged due to legislative session). Online applicator testing continues to see increased use by commercial applicators with expanded category offerings going live at the end of 2021.

NE – Program has moved into a new building. There have been no changes in main office staff, but the program did lose one inspector. Nebraska is the first state certification plan approved (March 28th) by EPA. Within the enforcement program case review is moving forward from last year and the modified enlist labels enabled use in NE.

MO- The program has some staffing changes - 4 field vacancy positions and 1 case review vacancy. No funding or covid impacts were indicated during the update. FY21 case review is currently underway and MO is working on their second round of C&T comments.

KS – The program shared some staffing changes including a product registration vacancy as well as changes in the field - hired new staff and a compliance manager recently retired. KS has indicated some improvement in reporting applicators into CPARD. Reporting needs are worked on in enforcement and 2021 case review is in progress. Legislature is still in session – changed sunset date (to review rules and regulations). KS is working on the first round of EPA comments. Several drone questions are coming into the program with interest in field applications.

PSEP Program– A fact sheet on soils was shared with the group for Enlist ([Enlist Label Compliance: How to Determine Hydrologic Soil Groups, IPM1038 | MU Extension \(missouri.edu\)](#)). Efforts are underway to support youth outreach program and training future folks in program work. This is a challenge multiple programs are facing in addition to filling vacancies.

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EPA Updates.

EPA Program Updates – Bethany Olsen has moved into another position and the federal budget was approved over 1 month ago.

EPA Enforcement – no change to staffing or difference in funding. There are some impacts to travel budget.

SFIREG Chair Topics.

- **Chlorpyrifos:**

The SLAs discussed contacts and questions received regarding the chlorpyrifos tolerance revocation. Some of these focused on disposal of household /residential products whereas one state indicated they received calls about continued use, with some facilities having thousands of gallons of unused product on hand. There was reference made to clarifications in the EPA website(<https://www.epa.gov/ingredients-used-pesticide-products/frequent-questions-about-chlorpyrifos-2021-final-rule>), and SLAs were interested in updates regarding repackaging. What response can SLAs provide to those with inventory on hand?

SLAs noticed a typo on EPA’s website under “Crops grown for **speed** (including grass): Refer to Question 7 for information on crops grown for seed.”

ACTION ITEM – Iowa to email EPA R7 with names of contacts that had reached out to state disposal programs. EPA R7 to provided updates to SLAs regarding handling of inventory on hand and/or disposal of products containing chlorpyrifos.

- **Dicamba registrations and the 2022 growing season label issues and cases:**

SLAs provided updates on enforcement case review during introductions.

Iowa provided an update on recent EPA-approved label amendments to implement a June 20 application cutoff date for dicamba OTT herbicide applications for the 2022 growing season. It was clarified that these changes were not made through a 24c request.

SLAs indicated that drought/high temperatures tend to correlate with higher counts of incident reports.

There was some discussion on the use the of mobile devices (cell phones, tablets, etc.) and how applicators use these to meet label requirements. These included applicators using their phones to measure windspeed at boom height and to check Bulletins Live. States requested clarification if there’s a mobile version of the Bulletins Live website (or an app equivalent) and whether there’s a way to print/save copies of the bulletin for meeting applicator recordkeeping requirements.

ACTION ITEM – SLAs requested a response from EPA on whether 24c’s submitted for additional uses would be considered this year – if so, are there additional data that would need to be included and should states plan on requesting a pre-submission meeting with EPA?

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ACTION ITEM – SLAs requested a response from EPA on what dicamba information/data would be helpful from the 2022 crop season.

ACTION ITEM – SLAs requested a response from EPA on whether EPA has plans to improve/enable use of Bulletins Live with mobile devices.

- **Enlist Products:** Issues and topics with the EPA registered Enlist Labels, and ESA topics.

SLAs discussed challenges with the timing of changes to the dicamba OTT use and Enlist product labels, as some significant changes took place after applicator training. It was also mentioned that a particular registrant had both old and new versions of the label on their website, which may be confusing to applicators.

One state made the comment certain Enlist label statements are not enforceable, “At the time of application, the wind cannot be blowing toward adjacent commercially grown tomatoes and other fruiting vegetables...”

- **ESA and Pesticide evaluations, Labels, and Bulletins Live2:**

See discussion under dicamba registration regarding applicator access in the field and record-keeping requirements without mobile device use.

ACTION ITEM – SLAs requested a response from EPA on whether states will ever be consulted under the new ESA review policy prior to approving a label with massive habitat restrictions?

- **C&T Plan approval processes and the feedback from EPA Regions and Headquarters:**

SLAs provided updates on C&T plan review and approval process as part of state updates above. Out of R7 there is 1 state plan approved, 1 state plan with 2 rounds of EPA comments received, and 2 state plans with 1 round of EPA comments received.

EPA reported 17 plans have been submitted for 2nd round of review. A national call is scheduled for May, 11th with Amy Sullivan.

- **24(c) state registration processes:**

See comment above under dicamba registrations. SLAs requested a response from EPA on whether 24c’s to expand/add use would be considered in 2022. No additional issues indicated by R7 states.

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- **Device Topics:**

No new issues indicated by R7 states. SLAs indicated they do receive contacts asking if the state requires registration of a device.

- **Treated Seeds and Articles Exemption:**

No new comments from R7 SLAs. It was indicated in discussion that there were two primary issues – 1) the treated articles exemption, and 2) challenges with adequately addressing disposal of treated seed with the current seed labels.

- **EPA actions and Pet Collar and ingredient issues:**

No new issues indicated by R7 states.

- **PFAS/PFOS in containers of pesticide products:**

No new issues indicated by R7 states.

- **Pesticides, FIFRA, and Climate:**

EPA R7 indicated an interest in training and meetings that pertain to pesticides, FIFRA, and climate. Iowa provided a reference to a recent meeting on pest resistance management.

Any new Issues that might develop into white or issue papers.

- **CDX Website – Overview of site and grant requirements.**

SLAs and EPA R7 discussed recent questions related to state requirements in CDX, including opportunities for training. There was some discussion on the loss of functionality with the move away from POINTS. Program staff indicated being able to view/see other states reference to benchmarks and rationale was a benefit that is no longer available.

Other SLA comments were directed to FedTalent and certain updates on training that are not visible to the user. One example that was provided is that the system is not saving module certificates for those taking refresher training. This has caused some issues for SLAs being surprised by what is available online. It was suggested a 'What's New Tab' or other announcement display be used to inform SLAs when the change takes place.

- **No issues were brought forth to develop into a white or issue paper.**

Minutes prepared and submitted by Gretchen Paluch.
Finalized May 9, 2022