



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

October 12, 2022

Dear AAPCO and SFIREG Colleagues:

Gary Bahr, SFIREG Chair
Liza Fleeson-Trossbach, AAPCO President
AAPCO Board of Directors
Full SFIREG
Amy Brown, POM Chair
Hotze Wijnja, EQI Chair
Amy Sullivan, AAPCO Executive Secretary
Apiary Inspectors of America
Natasha Garcia Anderson, Government of the District of Columbia Department of
Energy & Environment, President AIA

RE: EPA Response to 08/04/2021 – SFIREG Pollinator Issue Paper

Thank you for the submission of the SFIREG issue paper entitled, “Pollinator Stewardship Community and Illegal Pesticide Use and Distribution.” We appreciate SFIREG’s discussion on this topic and its willingness to share insights from State Lead Agencies (SLAs) and apiary inspectors. The issue paper describes multiple concerns relating to misuse of pesticides by beekeepers and requests that EPA evaluate misuse; address misbranded and unregistered products; increase compliance assistance and outreach; increase the consistency of national enforcement; continue to work with SFIREG and states; address product stewardship through increased outreach and education; update the FY22-25 Cooperative Agreement Guidance (CAG); and underscore the importance of effective communication.

The agency agrees that where allegations of misuse are substantiated or where there is known misuse of a pesticide, appropriate action by states is warranted and EPA expects states to take those actions. To support the states’ efforts, EPA respectfully requests that state lead agencies provide more information about the allegations of misuse and any related incident data (*i.e.*, specific data on incidents from registered products and/or unregistered/misbranded products, including specific language for each product that results in states considering the product to be misbranded). EPA also relies on our state regulatory partners to identify and report problematic label language through EPA’s State Label Issue Tracking System (<https://ofmext.epa.gov/apex/slits/f?p=102:1>) for expeditious resolution by the appropriate EPA Product Manager. EPA supports the states’ efforts to ensure compliance with federal and state pesticide labels across all sectors and welcomes additional dialogue on how to better assist states in meeting primacy responsibilities for such actions related to the beekeeping industry. We also

invite SFIREG to consider including Apiary Services Inspection groups and/or others in such conversations where appropriate to leverage their experience within the beekeeping industry.

The issue paper suggests a change to the Fiscal Year 22-25 Cooperative Agreement Guidance (CAG) to “address concerns of pesticide misuse, product misbranding, unregistered product distribution, and targeted literature containing false statements that States have found to be so prevalent within the beekeeping industry.” EPA appreciates this suggestion and notes that the CAG authorizes grantees to address such concerns. Specifically, CAG Activity 01.02.04 requires grantees to maintain and use a priority setting plan for inspections and investigations. A grantee that prioritizes the concerns expressed by SFIREG in its letter can include those activities in its priority setting plan. Additionally, the FY22-25 CAG offers the selection of a Pollinator Protection Pick List Area to support some of the activities proposed by SFIREG, including item 09.01.08 “Educate beekeepers on the proper use of pesticides that are registered for use in hives, as well as the consequences of both misuse of registered pesticides and the use of unregistered pesticides in hives to manage pests and diseases.” However, EPA is willing to work with AAPCO to solicit input from the SLAs on whether or not to change the OCSPP-funded picklist option for pollinator protection to an OCSPP-funded required program area at the next opportunity for SLA input on the CAG. We suggest discussing this option in more detail at the next full SFIREG meeting before EPA engages with SLAs on possible changes to this program area. For additional information, grantees should work with their EPA regional contacts to effectively manage their work plans.

The SFIREG issue paper also presents the agricultural industry’s claim of an unlevel playing field in pesticide enforcement, benefiting the beekeeping industry. However, EPA worked with Region 5 states to develop the 2013 [Guidance for Inspecting Alleged Cases of Pesticide-Related Bee Incidents](#) and the agency has identified additional measures in the CAG to support grantees engaged in bee colony-related use inspections. We encourage SFIREG to work with SLAs to determine the supporting details behind the industry’s claim and determine what modifications might be necessary in their inspection scheme.

EPA also appreciates SFIREG’s suggestion to encourage training through the Pesticide Inspector Residential Training (PIRT) and Pesticide Regulatory Education Program (PREP) courses regarding registration and pollinator issues. EPA agrees with this suggestion. PIRT and PREP coordinators have been notified of this request and will incorporate information into the respective training programs. Additionally, EPA appreciates SFIREG leadership’s continued engagement in the PREP Steering Committee and future discussions on course development.

Finally, the issue paper also included recommendations regarding outreach and training to increase awareness throughout the beekeeping industry. EPA agrees that outreach is an important mechanism to raise awareness and increase compliance and welcomes additional dialogue with SFIREG to explore the development of such outreach and training materials. EPA’s Center for Integrated Pest Management (IPM) in collaboration with EPA’s Region 3 produced a webinar on IPM strategies for beekeepers that included information on the importance of proper pesticide use that took place on August 23 and soon will be available on EPA’s website for on-demand viewing. EPA has also allocated funds for an outreach video in collaboration with SFIREG, North Carolina Department of Agriculture and Consumer Services (NCDA&CS), and the

National Pesticide Safety Education Center (NPSEC). We note that the NPSEC video collaboration will not be an EPA product, but an educational product that SFIREG and NCDA&CS will assist in developing to address hive pest identification, proper in-hive pesticide use, pesticide best management practices, and legal versus illegal use practices. There are also resources available through EPA's website including [past](#) and [upcoming](#) webinar recordings on pesticide stewardship. EPA would like to explore other training opportunities and outreach material ideas with SFIREG to emphasize the importance of following a product's label.

EPA again thanks SFIREG for bringing these issues to our attention. We look forward to continuing our work with SFIREG, AAPCO, state, and EPA Regional partners on these and other important pesticide issues. Please reach out to Loren LaPointe (lapointe.loren@epa.gov) with any questions regarding this response or to continue discussion on collaborative outreach opportunities.

Sincerely,

Ed Messina, Esq.
Director, Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention