

**Region 1 New England  
Pre-SFIREG November 9, 2022  
Meeting Report**

Pre-SFIREG Hybrid Meeting (in-person/Microsoft Teams)

The meeting was held at the United States Environmental Protection Agency Laboratory in Chelmsford, Massachusetts on November 9, 2022 beginning at 9:30 a.m.

**Introductions:**

| Attendance      |               |                 |                |              |                |                     |
|-----------------|---------------|-----------------|----------------|--------------|----------------|---------------------|
| EPA             | VERMONT       | MAINE           | NEW HAMPSHIRE  | RHODE ISLAND | CONNECTICUT    | MASSACHUSETTS       |
| In-Person       |               |                 |                |              |                |                     |
| Sharon Hayes    | Steve Dwinell | Megan Patterson | David Rousseau | Howard Cook  |                | Taryn LaScola-Miner |
| Stephanie Carr  | Dave Huber    | Karla Boyd      |                |              |                |                     |
| Andrea Szylvian |               |                 |                |              |                |                     |
| On-Line         |               |                 |                |              |                |                     |
| Rob Koethe      |               | Mary Tomlinson  |                |              | Diane Jorsey   |                     |
| Maya Babu       |               |                 |                |              | Zachary Donais |                     |
|                 |               |                 |                |              | Kate Scimeca   |                     |

**Certification/Licensing Updates:**

- **Suspension/Modification/Revocation**

Certain state actions were introduced as important to share relative to reciprocity where a certification suspension/modification/revocation matter would be of interest to a reciprocating state, particularly where a decision is made based on an egregious situation.

A discussion ensued and recommendations to stream-line communication were suggested including on-line listing, for example a “Teams” channel and to also include AAPCO on the discussion. It was also noted that some states post its enforcement actions on-line.

**EPA Updates:**

EPA staff provided updates relative to:

- **Certification and Training State Plan** status – encouragement was provided to states that have not already done so to submit its state plan. Vermont was identified as having secured approval with Connecticut close to approval. Massachusetts, Maine, and Rhode

**Region 1 New England**  
**Pre-SFIREG November 9, 2022**  
**Meeting Report**

Island plans submitted with each state working on varying degrees of response to comments. New Hampshire is preparing for submittal of a final draft.

- **Cooperative Agreement** - A reminder was provided that grant recipients review terms and conditions of cooperative agreements.
- **Appendices 12 and 13** – A reminder was provided that comments on the review of proposed amendments to the 2022-2025 FIFRA Cooperative Agreement Guidance Appendices, Appendix 12: *Environmental Justice Activities within FIFRA Program Areas*, and Appendix 13: *Federal Civil Rights Responsibilities*, are due November 18, 2022.
- **Final Reports** – A reminder was provided to States to complete and submit final reports relative to cooperative agreement (grant) activity for federal fiscal year 2022.
- **Pesticide Safety Education Program** – Information with regard to available funding for Pesticide Safety Education Programs was provided.
- **New England Vegetable & Fruit Conference** – A note was made that the New England Fruit and Vegetable Conference is scheduled for December to be held in Manchester, New Hampshire. The conference is scheduled to include a worker protection training session.
- **Enforcement Staffing Updates** - Region 1 noted recent hires (Kelsey Sullivan) and retirements (Kan Tham/Hugh Martinez); identifying that Kelsey Sullivan (US EPA) is the pesticide enforcement contact for Connecticut, Rhode Island and New Hampshire; John Bowman (US EPA) is the enforcement contact for Massachusetts, Maine and Vermont; and Kevin Pechulis (US EPA) is the current enforcement counsel in place of Hugh Martinez.
- **Enforcement Action** – Information was provided that certain producing establishments in the region will receive notice of intents to terminate particularly given failure of the establishments to comply with Section 7 of FIFRA.
- **Enforcement Credentialing** – A reminder was provided that state inspectors with federal credentials maintain pace with credentialing requirements and that requests for an initial credential will be carefully vetted including a review of expected need, for example, number of producing establishments in a particular state.

A federal/state discussion on available educational resources ensued including the following:

- **Pesticide Education Resource Center** - A discussion with regard to the suggestion of a consideration to allow access to Pesticide Education Resource Center (PERC) materials by regulators at no cost or reduced cost for training purposes, e.g., Train-the-Trainor Program, was undertaken. The intention was to note that the cost of educational material may be (is) a barrier to training by federal and state employees.

**Region 1 New England**  
**Pre-SFIREG November 9, 2022**  
**Meeting Report**

**State Updates:**

- **Topic Discussion: Pre-meeting survey**

An introduction to state updates included a discussion of the list of topics provided by AAPCO leadership to consider for pre-SFIREG meetings. Given that not all the topics suggested by leadership are fully relevant to New England states a survey was provided to each state prior to the pre-SFIREG meeting; understanding that although a topic may not be fully relevant to New England states and the Region, it is of national importance. The survey included all but the Certification and Training Plan Status and “New and Ongoing Issues” items from the suggested topics, given that those two mentioned topics were included directly on the early draft New England pre-SFIREG agenda. The intention of the survey was two-fold, one, to provide a response to AAPCO leadership with regard to each topic and, two, to highlight the topic for discussion at pre-SFIREG. A discussion ensued as to an efficient method to address leadership suggestions and also to focus on regional issues, as the topics may differ and time management is a consideration. That is, if suggested topics can be addressed prior to the pre-SFIREG meeting, that would allow regional-pertinent topics to be highlighted for pre-SFIREG discussion and more time for discussion of regional topics. As part of the discussion the group reviewed a method used by Region 4 whereby each state is sent the suggested leadership topics prior to pre-SFIREG and asked to respond back to the region where the topics can be consolidated. In addition, Region 4 includes a table of common topics (i.e., budget, staffing, etc.) to consider.

The group identified with including that the suggested topics be sent to each state for review and highlight as determined, prior to the pre-SFIREG meeting.

- **State-by-State Highlights:**

**New Hampshire:**

- **Certification and Training Plan** ready for submission without an updated Attorney General’s Opinion or a Governor’s Statement.
- **Rodenticide** – Note that certain studies identify pesticide residue in birds and wildlife and there is state activity to monitor the topic.
- **Pesticide Safety Education Program** – Note that the pesticide division works close with University of New Hampshire Cooperative Extension managed New Hampshire Pesticide Safety Education Program, typically meeting four times each year.
- **Homeowner Association** – Comment with regard to enforcement challenges in 2022 with regard to homeowner associations, e.g., conflict between homeowner association agreement identifying association management (e.g., exterior pesticide use) versus homeowner action (e.g., homeowner use of pesticides outside the structure violating homeowner agreement); and neighbor to neighbor conflict with regard to pesticide use.

**Region 1 New England**  
**Pre-SFIREG November 9, 2022**  
**Meeting Report**

**Maine:**

- **Certification and Training Plan** challenge with private applicators and age requirement, preparing resolution
- **Organophosphate** use important to agriculture, e.g., malathion
- **Budget** concern, particularly with legislative actions, e.g., response to per- and polyfluoroalkyl substances (PFAS), resulting in additional tasks
- **PFAS** – rule development and expected compliance challenges; containers; prohibition of PFAS by 2030 including 65 active ingredients; definition of PFAS (one fully fluorinated carbon); manufacturer affidavit requirement whether product contains PFAS; reference to University of Maine Cooperative Extension PFAS information webpage; Ag Container Recycling Council (ACRC) and PFAS concern relative to recycling containers; multi-purpose grant to review active ingredients
- **Staffing** – long-time (40+ years) inspector Ray Connors retired; position posted and expected to be filled
- **Legislative Activity** – PFAS and Pesticide Product Fee Increase bills noted
- **Water Quality** – Review of working forest lands and aerial applications noted

**Vermont:**

- **Legislative Activity** – Neonic and Glyphosate legislation is expected
- **Certification and Training Plan** – Approval
- **Rulemaking** – formal rulemaking of state pesticide rules underway, 1991 was last update, December 1<sup>st</sup> hearing scheduled
- **Enforcement** – High collection rate noted on enforcement fines; annual cases nearly doubled; particular note on compliance issues with certain agricultural-type box stores; compliance concern relative to railroad right-of-way noted
- **Pesticide Safety Education Program** – Note that division meets regularly with PSEP

**Rhode Island:**

- **Neonics** – Note that state limits the use of neonics with exemption for cattle and seed, outdoor use requires certified applicator
- **Technology Update Consideration** – Currently preparing a request for bid for development of certified pesticide applicator database
- **Certification and Training Plan** – Addressing comments on initial draft

**Region 1 New England**  
**Pre-SFIREG November 9, 2022**  
**Meeting Report**

**Massachusetts:**

- **Certification and Training Plan** – Updated Plan submitted
- **Rodenticide** – Tufts research noted; possible legislation developing a commission to review rodenticides
- **PFAS** - Requests for action to ensure pesticides do not contain PFAS have been sent to the Department.
- **Neonics** – Classified as state restricted use pesticides on July 1, 2022.
- **Glyphosate** – Noted commission (and sub-commission) “established to conduct a scientific review of the potential impacts of glyphosate and its most common alternative herbicides on the environment and public health”; phased study approach.
- **Staffing** – Will be losing an inspector.

**Connecticut:**

- **Certification and Training Plan** – Plan submitted; rulemaking challenge; legislative involvement
- **Rodenticide** – Noted a bill relative to the prohibition of certain rodenticides; wildlife concern
- **Enforcement:**
  - **Tree Company Concern** – Noted request made for EPA interpretation of custom blend (40 CFR 167.3) relative to an enforcement case; EPA to follow up
  - **Target Specialty Products** – Concern of restricted use pesticide sales to individuals with expired licenses
  - **Mist Blowers** – Concern with the use of mist blowers and drift/off-target, e.g., whole property treatments for mosquito and tick control

**2023 PIRT:**

A National Pesticide Inspector Residential Training is scheduled for 2023 to be hosted by Massachusetts and held in Northampton, Massachusetts, May 8<sup>th</sup> through May 12<sup>th</sup>, 2023.

**Region 1 New England**  
**Pre-SFIREG November 9, 2022**  
**Meeting Report**

**Wrap Up:**

- **Communicating Pesticide Decisions – EPA communication with AAPCO/SFIREG**

In review of recent federal decisions, for example, Atrazine and Diuron, it appears communicating decision-making activity prior to issuing pesticide decisions could be improved. States, through AAPCO, could have been approached by EPA Headquarters at points of the pesticide review process for input. For example, an opportunity to provide input on labeling activity in the case of Atrazine or a discussion on modeling with regard to the Diuron decision. As co-regulators it is important that states and the federal government make every effort to communicate in the process of pesticide decisions. At the least to prepare for expected outcome with fair time. A recommendation to review the communication process of decision making is suggested for SFIREG review.

- **Issues for Full SFIREG Review**

**Certification and Training State Plans:** A review of each state's status of submitting Certification and Training plans was discussed. It is expected that all final drafts will be submitted in 2022. Vermont is in the process of approval; Connecticut is close behind; Massachusetts, Maine and Rhode Island are responding to comments; and New Hampshire expects to submit its final draft this year. One state noted that the age requirement relative to private applicators is a challenge but resolution is expected; a number of states noted the challenge of rulemaking, particularly where state legislation is involved; it was noted that a continuing challenge, beyond plan approval lays ahead for states, for example, examine and study material review/preparation or revision; federal approval and timing is also a question, particularly the second pass approval at the EPA Headquarters level, where timing and process appears somewhat ambiguous.

**PFAS:** Per- and Polyfluoroalkyl Substances remain a topic of concern particularly with regard to defining PFAS for control and potential impact to pesticides. Continued consideration of PFAS review with regard to pesticide should be maintained.

**Glyphosate:** Massachusetts noted a state commission to review glyphosate and other states noted pending legislation to restrict its use.

**Organophosphate:** New England states continue to register certain organophosphates, for example Malathion, given the importance for certain commodity groups. Impacts are expected if all the organophosphates would be removed from availability.

**Next Meeting:**

**Region 1 New England  
Pre-SFIREG November 9, 2022  
Meeting Report**

The next pre-SFIREG meeting is scheduled for April 26, 2023, 9:30 a.m., hosted by New Hampshire Department of Agriculture, Markets & Food.