

## EPA Region 2 Pre-SFIREG Meeting Report

Submitted by Anthony Lamanno, EPA Region 2 SFIREG Representative.

The EPA Region 2 pre-SFIREG meeting was held virtually on October 26, 2022. New York, New Jersey, Puerto Rico, the US Virgin Islands, the Saint Regis Mohawk Tribe (Region 2 states, territories, and tribe), and EPA Region 2 attended the meeting. The following are some of the topics discussed during this meeting:

**Technology Systems-** The US Virgin Islands lead a discussion regarding certification and inspection systems. They are considering upgrading their certification and inspection system to an electronic system and thought that information from the other Region 2 states and territory would benefit this process. The discussion showed that the Region 2 states, territories, and tribe currently do not have a comprehensive electronic inspection system; however, New York is beginning to develop an inspection process using tablets.

New York, New Jersey, and Puerto Rico have database systems that are being used to process pesticide applicator certifications and certification cards and they provided information on the development, ownership, maintenance, and the capabilities of their systems.

**Treated Seeds Petition-** The Region 2 states, territories, and tribe also discussed EPA's response to the treated seeds petition. New York State has been very interested in EPA's response since legislation has been introduced in the past that may require the New York State Department of Environmental Conservation to regulate treated seeds. The Region 2 states, territories, and tribe look forward to further information being provided on this topic at the December SFIREG meeting.

### **SFIREG Discussion Topics for Pre-SFIREG Meetings**

The SFIREG Chair requested that the regional representatives discuss the following topics during the pre-SFIREG meetings in preparation for the December full-SFIREG meeting:

**Certification and Training Plan review and approval-** Tara Glynn, EPA Region 2, Chemicals Management Section, Chemicals and Multimedia Program Branch, Land Chemicals and Redevelopment Division, provided information regarding the Certification and Training plan approval process. The approval date for the Certification and Training Plans has been extended from November 4, 2022, to November 4, 2023. As of the Region 2 pre-SFIREG meeting 68 plans were received by EPA and 12 plans have been approved, including 7 State Lead Agency (SLA) plans. New York's, Puerto Rico's, and the US Virgin Islands' plans have been approved and it is anticipated that New Jersey's plan will be approved soon. Notice of the approval of the plans is expected in the Federal Register soon and will also be available in the Certification Plan and Reporting Database (CPARD).

The next step for the approved Region 2 Certification and Training plans is the discussion with the Region 2 states and territories regarding the implementation of the plans. It is anticipated that plan modification may be necessary as the implementation of the plans proceed. EPA is developing guidance regarding plan modification that should be available soon.

**Organophosphate Cancellation Petition to EPA-** EPA was petitioned by Earthjustice and several other groups to revoke the tolerances and cancel the registration for the remaining 15 organophosphate active ingredients. In response to this petition, EPA took action to revoke the tolerances, cancel the registrations for these pesticide active ingredients, and open a docket for public review. The public comment period ended on September 25, 2022.

The Region 2 states, territories, and tribe were asked if this action would impact applicators or different commodity groups and if any feedback has been received from these groups. The Region 2 states, territories, and tribe have not received feedback regarding this action. However, New Jersey did express concern that the lack of Malathion, one of the Active Ingredients selected for this action, could potentially impact the control of spotted wing drosophila on blueberries. The Region 2 states, territories, and tribe believe that it will be necessary to work closely with the commodity groups, applicators, and the land grant universities as this action progresses.

**Chlorpyrifos-** All commodity and food use tolerances for chlorpyrifos expired on February 28, 2022, based upon the October 2021 EPA final rule. Since tolerances were no longer available for commodity and food uses, the registrants were asked to voluntarily cancel the pesticide registrations for products with these uses. For those registrants that decide not to voluntarily cancel these registrations EPA intends to issue a Notice of Intent to Cancel.

SFIREG requested that the regional representatives ask if there are significant impacts regarding this action concerning chlorpyrifos or if there are questions or recommendations for SFIREG. The Region 2 states, territories, and tribe did not identify any impacts and doesn't have any questions or recommendations for SFIREG regarding this EPA action.

**Atrazine Interim Registration Decision-** The Region 2 states, territories, and tribe discussed EPA's proposed actions associated with the registration of atrazine. These actions included the proposed label amendments and risk mitigation measures for atrazine products to decrease runoff.

The Region 2 states, territories, and tribe did have a concern with the enforceability of the label amendments. It seems that a several of the label amendments and measures are vague and would leave a significant amount of interpretation up to the individual applicator or the SLA. Further guidance on the label requirements and mitigation measures would be helpful to alleviate the

burden on the SLAs to interpret and implement the proposed atrazine label requirements.

**Dicamba-** The Region 2 states, territories, and tribe were asked if there were any recent issues identified with the use of Dicamba. There were no issues regarding the training, application, or registration of Dicamba identified by the Region 2 states, territories, or tribe.

**Diuron-** The Region 2 states, territories, and tribe were asked if there were any issues regarding the proposed interim decision for Diuron to terminate the use on food and feed crops. There were no issues identified by the Region 2 states, territories, or tribe.

**Methomyl Fly Bait-** The use of Methomyl fly baits on non-target animals was discussed during this meeting. The misuse of this material in Region 2 does not appear to be an issue since there were no incidents reported. However, the Region 2 states, territories, and tribe would support SFIREG's request to reclassify this Active Ingredient as a federally restricted use pesticide.

**ESA and Pesticide evaluations, Labels, and Bulletins Live2-**The Region 2 states, territories, and tribe did not identify any issues related to Endangered Species Act label statements, Biological Evaluations or Opinions, or Bulletins Live2.

**New and Ongoing Issues-** Unmanned Aerial Vehicles (UAVs) were discussed by the Region 2 states, territories, and tribe. The lack of EPA guidance on the use of UAVs for pesticide applications has caused concern for the Region. UAVs in many cases do not fit neatly into the current pesticide regulatory requirements. Pesticide labels, use, certification, and PPE may not be adequately addressed when it comes to UAV applications. SFIREG/APPSCO may consider following-up with EPA on this ongoing issue to assist the states, territories, and tribes.