

EPA REGION 3
REPORT to Full SFIREG
State FIFIRA Issues, Research, and Evaluation Group Meeting
November 15-16, 2022

The EPA Region III PreSFIREG Meeting was held November 15-16, 2022, at the West Virginia Department of Agriculture's field office in Inwood, WV. Attendees included: Christopher Wade and Jimmy Hughes (DE); Rob Hofstetter and Kelly Love (MD); Jessica Lenker and Daniel Duer (PA); Grant Bishop and Chad Carpenter (WV); Liza Fleeson Trossbach and Marlene Larios (VA); and Aquanetta Dickens, Courtenay Hoernemann; Christine Convery; Holly Raguza, Noelle Watanabe, Debbie Moody (EPA Region 3). In addition, Megan Wilkerson (DC); and Camille Lukey, Hannah Bartling, Kyla Townsend-McIntyre (EPA Region 3) joined virtually.

As part of the meeting, Region 3 Staff provided updates on a wide variety of topics, including Inspector/Investigation of the Year awards, discussions about producer establishment inspections, credentialing, WPS, IPM, WIRE, C&T, FGD and setting up a recurring monthly meeting between the States and Region 3 staff.

The following items were specifically requested from full SFIREG and discussed during the PreSFIREG meeting.

- C&T Plan approval process
- Atrazine Interim Registration
- OP cancellation petition to EPA
- Chlorpyrifos
- Dicamba
- Diuron
- Methomyl fly bait
- ESA and pesticide evaluations and Bulletins Live 2

C&T Plan Approval Process

As reported previously all plans have been submitted and reviewed by EPA Region 3. The district has gone through its second review and is working on final edits. Delaware has received concurrence and is awaiting final signatures. Maryland will be going through its second pass by January after some revisions. Pennsylvania and Virginia will have their plans to Region 3 by the end of the year. West Virginia's plan is at EPA for review with PO and ORC.

Atrazine Interim Registration

No one present expressed an issue. In addition, no feedback was received, by anyone, from grower groups, University Extension, etc.

OP Cancellation

States did not express any major issues other than the possible loss of Naled for mosquito control.

Chlorpyrifos

Maryland has already cancelled all uses of chlorpyrifos and has cancelled all chlorpyrifos registrations in the state. The other states brought up no issues with the revoking of tolerances or food and non-food label uses. Some states brought up waste disposal as being a possible problem but have not seen a significant amount of chlorpyrifos in their pesticide disposal programs.

Dicamba, Diuron and ESA and Pesticide Evaluations, Labels and Bulletins Live2

No major issues. Delaware noted a misuse with over-the-top dicamba.

Methomyl Fly Bait

No issues to report. No state expressed opposition to EPA possibly categorizing the product as a RUP.

In addition to the above, the following state issues were addressed.

2022 and 2023 Region 3 Inspectors Workshop

West Virginia provided an update on their survey results from the 2022 Workshop held in October, which were positive, as well as potential topics and speakers for 2023. The District provided a brief update on the upcoming 2023 Workshop. The goal is to try and have the workshop in DC. However, due to costs, they have requested additional funding from the Region. If additional funding is not possible, alternate locations are being researched.

Additional items discussed included issues with the current empty pesticide container recycling contractor provided by the Agricultural Container Recycling Council, the standardization of WPS inspection forms, UAV/UAS Applications within the C&T Plans and Maryland brought up additional PFOS/PFAS issues as well as issues with deadlines/dates that are placed on the states by EPA.

State Reports – Select Highlights *(complete reports available upon request)*

Delaware

- **Field Activities:** Water quality sampling yielded no major hits for any pesticides of concern. A new project being conducted using DDA well network. DNREC sampling for PFAS. Having issues with pesticide container recycling contractor (timing/rejection of container not previously rejected). Continue to fully support the program, currently. However, future of program unknown. Disposal program vendor contact issues.
- **Enforcement Update:** DDA inspectors met all FY22 commitments and are on schedule with the FY23 commitments. Several cases were investigated, one resulted in a civil penalty for a private applicator.
- **State Certification Plan** –DDA has received concurrence and is awaiting final signatures.
- **HPAI:** HPAI has impacted the State of Delaware poultry industry. The response has impacted day to day operations within the building. Staff and resources have been utilized for the response. We still anticipate that the Pesticide section will accomplish all inspection goals and enforcement needs of the Pesticide law. Just wanted to note that there has been an increased role for all level of employees during this response. This still holds true for the Fall of 2022 – HPAI is expected to return and our employees may be called to assist.

District of Columbia

- Regulatory Changes: DOEE submitted District Restricted Use Products (DRUP) the proposed rulemaking to the Office of the Attorney General for legal sufficiency. DOEE addressed their initial comments and questions and is waiting to hear back. RUP regulations submitted to OAG for legal sufficiency
- Inspections/Enforcement: 100% of investigations were conducted in person. The Branch is currently digitizing all application and inspection forms. Two NOIs issued to Orkin. One case referred to OAG (the first virtual offense, evidence was collected from TikTok). Thirty-three inspections were completed (5 Market Place Inspections, 11 Use Inspections, 15 Pest Control Operator Inspections, and 2 Investigations (Including Referrals from EPA).
- Outreach Activities: Pollinator Seed Giveaway; Garden Tour of Ward 8; Pollinator Festival; DC State Fair.

Maryland

- Pesticide Container Recycling and Pesticide Disposal Programs: Empty Pesticide Container Recycling Program Celebrated 30 years. Recycling issues with new ACRC contractor for two years running (scheduling and rejection levels never seen in the prior 28 years of the program. First Pesticide Disposal program in 10 years was successful. 44,000 lbs. of unwanted/unusable pesticide collected from 38 sites throughout Maryland.
- Field Activities: All inspection commitments met. No dicamba complaints (OTT Soybeans). Continued increase in neighbor vs neighbor complaints and mothball misuse.
- Personnel: We are finally at full staff with field inspectors. However, we have lost our C&T Coordinator and one office support staff.
- Certification – Agreement signed with Everblue to conduct online examinations. While in-person exams will also be offered, the goal of the program is to eventually cut the number of in-person exam days in half and/or limit exam locations to only MDA headquarters.

Pennsylvania

- Enforcement: Applications of “home brew” pesticides, typically a vinegar/salt/soap combo variation, continue to rise complicating our ability to address and enforce complaints.
- C&T - Working to finalize our C&T Plan. Should have a final plan submitted back to EPA by the end of the year. Planning to start state regulation change process as soon as we get EPA HQ approval.
- Water Quality (Ground Water Monitoring) – A five-year Joint Funding Agreement has been signed with USGS beginning in 2021 and running through December 2026 with continuing focus on sampling and analysis in the most vulnerable settings in PA. USGS samples 30 wells each season with additional wells repeated the following season at our request if higher levels of pesticides were detected. PDA has added to the five-year agreement sampling for PFAS at 10 sites each season since this is a chemical complex of major concern. PFAS data analysis was not received for the 2021 samples due to an issue with the lab. USGS will be adding additional PFAS sites each season for the remainder of the agreement to accommodate for the lack of 2021 data. We have not received the analysis data for the 2022 at this time.

Virginia

- Personnel - The Office of Pesticide Services (OPS) staffing updates include Marlene Larios, Pesticide Program Coordinator (formerly served as coordinator for worker safety, product registration and business licensing); Nicole Wilkins, Senior Compliance Officer; Davis Wilcox, Compliance Officer; and Randy Kingston, Registered Technician Certification Specialist. The latter is one of the two new administrative positions approved by the 2022 General Assembly to support of the applicator certification program. The second administrative position is in the process of being filled.
- Ongoing/Future Initiatives – VDACS continues the process of developing and implementing online services for its customers. Included in this effort is the option for online registration of pesticides; licensing of businesses; and certification of pesticide applicators including payment and related communications. VDACS continues the process of finalizing a Spanish version of its Core Manual – *Applying Pesticides Correctly*. VDACS Spanish Language Registered Technician Certification Exam has been completed and is scheduled to be available beginning in January 2023. In Virginia, all pesticide applicators who use pesticide in exchange for compensation of any kind are required to be certified as a commercial applicator or a registered technician. Registered technicians, who are required to have training and pass a written exam, do not meet the federal definition of a commercial applicator. The exam was developed with the goal of ensuring that prospective applicators with limited English proficiency have met the minimum standards for certification and can read and understand an English language label.
- C&T -: Completing final revisions of Plan addressing comments from EPA’s review of VDACS modified State Certification Plan. To date, Section 1 – 8 have been revised and resubmitted for final review. VDACS has awarded and is currently working with Everblue on development and implementation of a remote testing option for all pesticide applicator exams. The option is in addition to the current testing options available including the Department of Motor Vehicles and in person testing and is scheduled to be available beginning in January 2023.

West Virginia

- C&T Plan – Revised per Headquarters’ first review with assistance from Region 3. Necessary revisions sent to Region 3 the first week of October. Implementation to begin in 2024 Legislative session.
- Pesticide Container Recycling and Pesticide Disposal: Having the same issues with the ACRC Contractor as Maryland, Delaware and Virginia. Working with other affected Region States towards a solution. Under a \$25,000/1-year contract with Care Environmental from New Jersey to support the disposal of waste and unwanted pesticides. Five collection events have been held since the start of the contract in July.
- Legislative Update: House Bill 4644- The purpose of the bill is to exempt from the requirement of an annual pesticide business license for persons applying lawn care products or pest control products that are generally available through retail sale at groceries, drug stores and other stores offering a broad variety of consumer products. The bill passed both the house and senate and was signed into law by the governor.
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Next Meeting – The Spring Pre-SFIREG Meeting is scheduled for March 20-22, 2023. The meeting will be held at Region 3 Headquarters in Philadelphia, Pennsylvania.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Rob Hofstetter".

Rob Hofstetter, SFIREG Representative
EPA Region 3