

Region 4 SFIREG Report

Tim Drake, Region 4 SFIREG Representative

December 5, 2022

The Region 4 fall pre-SFIREG meeting was held November 8-9, 2022. The meeting was held at Unicoi State Park in Helen, GA. All states in the Region (AL, FL, GA, KY, MS, NC, SC, TN) were in attendance, and EPA regional staff were well represented at the meeting. There was a virtual component of the meeting for those who could not attend in person. This tended to cause numerous delays during the meeting, so the discontinuance of a virtual component is being discussed for future meetings unless necessitated by COVID or some other extenuating circumstance.

Updates given during the meeting by our EPA Region 4 partners were:

- Region 4 EPA update (Keriema Newman, Cesar Zapata, Gracie Danois)
- Regional Pesticide Programs update (Donnette Sturdivant)
- Regional Grants update (Richard Corbett)
- C&T / WPS update (Pat Livingston, Savannah Merritt)
- Regional Training update (Patricia Livingston, Rick Hayes (Georgia), Pat Jones (NC))
- Enforcement update (Kimberly Bingham, Alan Annicella, Kanoe Ho, Laurel Stanko)
- Quality Assurance Refresher (Stephanie McCarthy)
- Region 4 Agricultural & Rural Community Outreach Efforts (Randy Dominy)
- C&T Notification Issue (Pat Livingston)

Topics covered in the meeting by SLA personnel were:

- AAPCO update (Pat Jones, AAPCO Past-President)
- ASPCRO update (Ryan Okey, ASPCRO President)
- SFIREG/POM/EQI update (Tim Drake, Amy Brown)
- Update on Pollinator Video (Pat Jones)
- Lack of Supporting Models for Atrazine Mitigation Decisions (Pat Jones)

Other Issues Discussed:

A robust discussion facilitated by Tim Drake was held among the state and EPA officials in attendance on matters of regulatory importance to the region. Primary among these were:

- C&T Plan revision process and timeline
- Issues with EPA travel funding (states emphasized the importance of EPA mid-year and end-of-year visits, pre-SFIREG attendance, etc.)
- Increasing costs related to holding in-person pre-SFIREG meetings
- Communication issues states are having resulting from EPA reorganization and retirements both at HQ and in Regions
- Licensing of applicators for the use of drones, especially in structural pesticide applications
- Why online marketplace inspections must be reflected in narrative reports and cannot be reflected as Marketplace Inspections on the 5700 form (the form is outdated and needs revision in the opinion of the states).

-Requirement to collect labels of every product on site during a PEI inspection (not just pesticides produced at the establishment) is problematic and states need clearer guidance on this.

-States in the region were neither elated nor surprised with the response from EPA Headquarters regarding the Region 4 Issue Paper on pesticide misuse by beekeepers in managed honey bee colonies.

Region 4 states had no new issues to send forward in the form of an issue paper for consideration or action by SFIREG. Some issues that individual states are having are reflected in the comments / answers to the SFIREG questions that were sent out. These can be found in the section that follows.

An election was held, and Derrick Lastinger (Georgia) was elected to be the new SFIREG Representative for Region 4. Kristen Lashley (Alabama) was elected to serve as the new Vice-Chair. Their terms will begin immediately after the December 2022 Full SFIREG meeting.

A motion was entered, seconded, and a vote taken to increase the withholding of Region 4 EPA funds up to \$40,000.00 per year to fund two in-person pre-SFIREG meetings (up to \$20,000.00 per meeting). This became necessary because of increasing food, travel, and hotel costs. This passed by a majority vote of states in attendance. Tennessee voted in opposition because of concerns about future budgets and potential declining state revenue along with the concern that states funded at a lesser level will lose more of their grant funding (proportionally) than those funded at a much higher level.

Long-time EPA Region 4 Pre-SFIREG Coordinator Patricia Livingston announced her retirement from the EPA this fall, so a brief retirement celebration was held to show appreciation to her for her excellent work and for her extraordinary leadership over many years in Region 4. She will be missed by all with whom she has worked in both state and federal agencies. During this time, Tim Drake also was acknowledged for his tenure as pre-SFIREG Chair / SFIREG Representative.

SFIREG Questions sent to the States

The questions sent out to states for individual responses are summarized below. If a state had no issues or remarks on a particular item, responses are not recorded.

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

Alabama: Alabama received our latest comments back from the Region/HQ. We are working through those comments now. We still plan to meet our timelines within the plan, but statutory and administrative changes are on their own time-table and we will not be able to control when those changes can go into effect.

Florida: Florida is unsure of the status of our C&T plan approval at this time. We were anxiously awaiting an approval, but now that the deadline has been pushed back, it could ultimately affect our plan to go to the legislature for proposed changes in March 2023.

Kentucky: Kentucky submitted its' final plan for the EPA's 2nd pass review earlier this year. HQ Comments from that submission have been returned to Region 4 and are expected soon in Kentucky as of 10/24/22. Presumably, final approval from the EPA is close.

Mississippi: Mississippi's plan has been reviewed for the second time. EPA has asked for minor changes and clarifications that have been submitted. It appears that we are on track for our plan to be approved sometime before November 2023.

North Carolina: NCDACS is close – just a few tweaks for the second round of reviews. We had discussions with HQ and R4 Staff a couple of weeks ago. Trying to accomplish changes in regulations and not open up the Laws for Pesticide and Structural programs.

South Carolina: The corrections have been submitted and we are awaiting the second round of comments.

Tennessee: Tennessee’s plan is nearing final approval.

2. **OP cancellation petition to EPA:**

Alabama: Alabama foresees significant impacts to all aspects of agriculture with the possible cancellation of this important group of chemicals.

Florida: We have heard that Florida growers are concerned about revoking the tolerances for these organophosphates. They are a critical tool for numerous pests and used as part of their IPMs. Florida industry associations made comments to the docket (EPA-HQ-OPP-2022-0490) regarding the need of these pesticides and how their loss could impact Florida agriculture.

Kentucky: Of this list, there are three products that are often used in Kentucky: Acephate, Diazinon, and Malathion. Our concerns are the same for all three products- If these products are cancelled, what direction does EPA plan to give to states on disposal? Acephate and Diazinon are both commonly found in KY. Malathion is widely present here and will create a great hardship for the industry if there are not clear instructions given for disposal of the cancelled products

North Carolina: NCDACS has not heard of any concerns with these products. We did hear the EPA is taking a new look at ethylene oxide. This fumigant is used in our Apiary Services Section as a fumigant to treat bee hive components for American Foulbrood

South Carolina: Yes, there would likely be negative impacts to SC agriculture.

Tennessee: The products listed have broad uses and would very likely have an impact for the applicators in TN.

3. **Chlorpyrifos:**

Alabama: Revoking tolerances is not a well-designed strategy for a de-facto cancellation of a product. We understand the court order, but end users and state enforcement programs are left holding the bag.

Kentucky: KDA like other SLA’s is still waiting for EPA’s instructions on disposal or an allowance for use in non-food applications.

Mississippi: Farmers face constant pressures from pests, weed resistance, weather, etc. Mississippi supports sound scientific research, registration, and EPA’s stringent review process. However, we do not support establishing, modifying, or revoking the tolerances of Chlorpyrifos or any pesticide before a thorough review process is completed and using the best scientific data available. EPA’s final decision regarding Chlorpyrifos and any other pesticide under review could result in additional product restrictions/cancellations therefore, asking the question, how well would alternative products affect human health and the environment?

South Carolina: There have been no problems reported in the state so far with regard to disposal or illegal use of the product.

Tennessee: No questions or issues as of now, we haven't received any request for disposal of the product. It's business as usual.

4. ***Atrazine Interim Registration Decision:***

Alabama: Additional workloads to state programs for the enforcement of risk mitigation measures placed on labels are a concern.

Florida: We have heard that Florida growers are concerned about the implications of the "pick list" and the proposed lower LOC. The Triazine Network, which is a coalition of agricultural groups made comments to the docket (EPA-HQ-OPP-2013-0266), as well as Sugar Cane representatives.

Kentucky: KDA submitted comments in support of maintaining the current Level of Concern at 15 Parts Per Billion

Mississippi: Same concerns as Chlorpyrifos, including complex mitigation measures on the label.

North Carolina: As far as we know, NCDACS has never been pointed to a map or web resource to look up a grower's watershed. NC has some (limited) atrazine data from the well survey and from USGS, and it may be useful to compare these to a map of predicted atrazine levels. The proposed mitigation measures are complex enough, but it is hard to know what the impact of implementation would be without seeing a refined map and having a better understanding of what resources farmers, SLAs, and extension agents will have to figure out how many picklist items are required.

5. ***Dicamba:***

Alabama: Alabama had few complaints from the use of dicamba in the last growing season. Nothing of concern at this time.

Kentucky: KDA had a slight increase in Dicamba complaints this season. KDA will NOT be submitting comments on EPA's Dicamba Health Risk Assessment.

Mississippi: The current dicamba label is working in Mississippi. Mississippi had 6 official dicamba complaints for 2022.

South Carolina: There were no reported regulatory incidents or cases involving dicamba in the State during 2022.

Tennessee: The Tennessee Department of Agriculture supports the continued use of the dicamba products and would not like to see further label restrictions. Further restrictions and/or the loss of the dicamba products would put a significant strain on growers in Tennessee trying to control broadleaf weeds that can contribute to yield loss. The Tennessee Department of Agriculture has seen a significant decrease in dicamba related complaints. Tennessee went from 55 complaints in 2018 to 22 in 2019, 22 in 2020, 24 in 2021 and 9 in 2022. We believe this is because of the extensive outreach and education the TDA and University of Tennessee Extension has provided to growers who use dicamba. The dicamba training module UT Extension has put together over the past several years has also contributed to the decrease in incidents. Growers in Tennessee understand now more than ever the consequences of improper applications of dicamba and strive to make every possible effort to keep dicamba on its intended target. With 95% of soybean and cotton growers planting Xtend technology in Tennessee, dicamba is a very important tool for these growers to combat resistant weeds such as Water hemp and Palmer amaranth. There are no other post-emerge herbicides that

can adequately control these weeds in-crop like dicamba can alone or tank mixed with other herbicides.

6. **Diuron:**

Alabama: The loss of the minor use of diuron in production catfish is a major concern for the State of Alabama.

Kentucky: The industry has not reached out to our department with any concerns.

Mississippi: Same concerns as chlorpyrifos, including copper sulfate does not have the same efficacy as diuron and requires more applications. Also, as previously observed during the MS Farm Bureau/Senior EPA Official Ag Tour, catfish ponds are not drained on a regular basis. Ponds may not be drained but every 5-7 years per MSU specialist Dr. Jimmy Avery. This is important when evaluating exposure to surface water.

Tennessee: Not sure how this would affect the applicators in TN including making the product an RUP.

7. **Methomyl Fly Bait:**

Alabama: All formulations of methomyl except 1% fly bait are already state RUP in Alabama. We would support RUP status for all formulations given the rampant misuse.

Georgia: Georgia does not have any known incidents at this time.

Kentucky: While KDA supports the changing to an RUP status, we are not overly concerned with this matter.

Mississippi: For whatever reason we have seen very few animal poisoning cases in Mississippi over the last 3-4 years. That is not to say that "rampant misuse" is not occurring, MDAC just isn't hearing about it. We HAVE had methomyl misuse cases in previous years, but they have been rare. Making methomyl a RUP would most likely not have a major effect on misuse cases here, but it couldn't hurt.

North Carolina: NCDACS has not received any complaints of this product being used to illegally control wildlife.

South Carolina: This is not an evident problem in SC.

Tennessee: Most the Methomyl products registered in TN are already an RUP with the exception of one. TDA is not aware of other solutions that would be useful.

8. **ESA and Pesticide evaluations, Labels, and Bulletins Live2:**

Alabama: Alabama is watching with great concern about the potential impacts to chemical tools from the consultation process.

Kentucky: This is not a user-friendly platform, Applicators are very busy and need a much quicker method for viewing this information.

Mississippi: We are beginning to get some questions about what the future holds for the pesticide industry as a whole due to recent court cases and new label language for ESA. We know it's a complicated topic because there are more agencies than just EPA involved in making decisions (USFWS, NMFS) not to mention the courts. More information on how these decisions are made (who's science do we use? how does a species become listed? etc.) will be helpful going forward.

North Carolina: NCDACS is concerned about the limited amount of training that has been provided to growers and field staff on the ESA type picklists that are found on the Enlist label and other similar products. We are also concerned with the mitigation measure calculations and discussions between growers and their custom applicators. There would need to be a great deal of discussions to properly calculate the risk reduction measure successfully.

9. ***New and Ongoing Issues:***

No new issues were brought up by any state in the region for consideration or action by SFIREG.