

# **Office of Pesticide Programs (OPP) Update**

**AAPCO Spring Meeting**

**March 6, 2023**

**Ed Messina, Director  
Office of Pesticide Programs  
U.S. Environmental Protection Agency**





## Office of Pesticide Programs

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Program**

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Brian Anderson, Assoc. Director

### Biological and Economic Analysis Division

Anne Overstreet, (Acting) Director  
Neil Anderson, Deputy Director



# OPP-wide Priorities

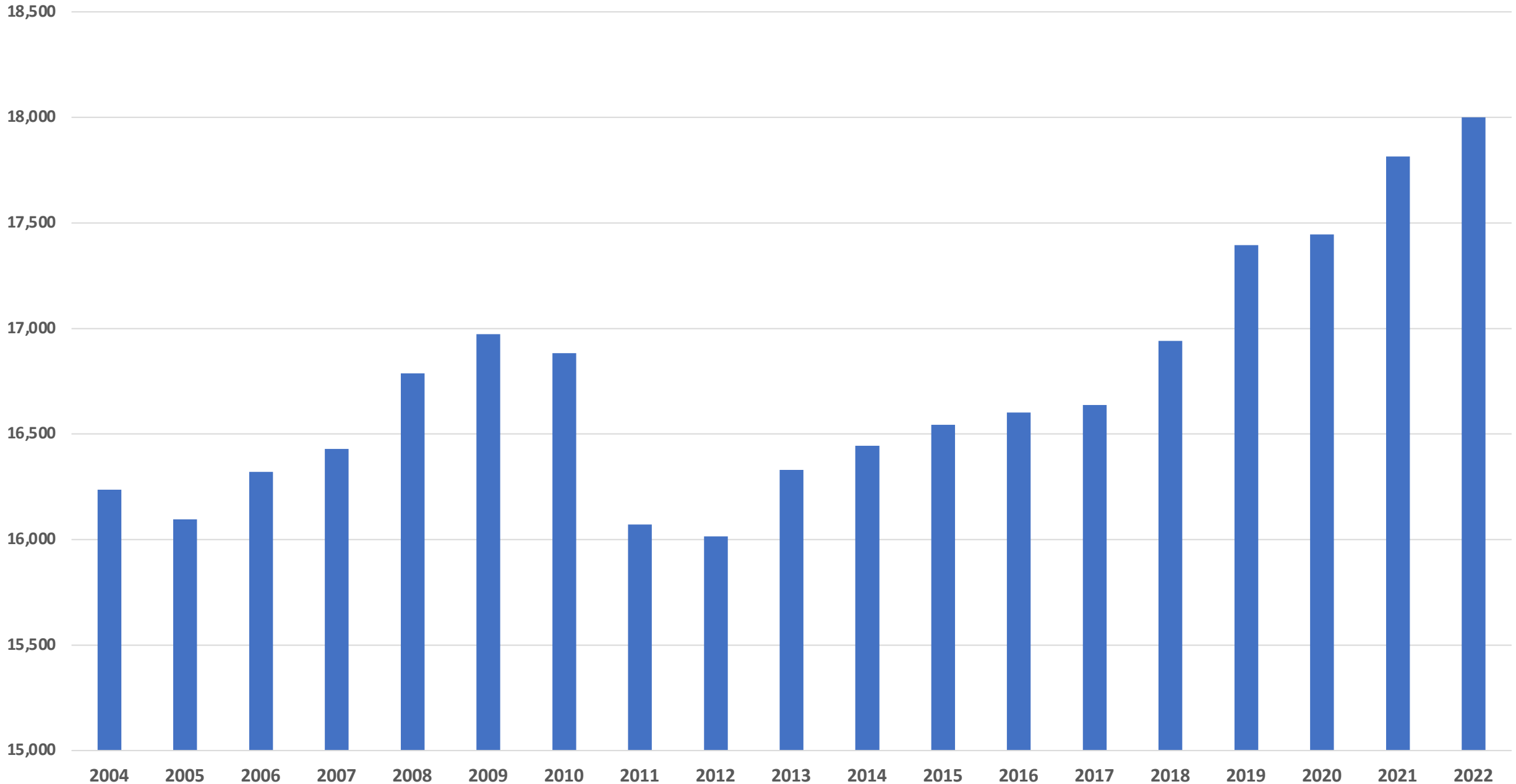
- Registration and Registration Review
- ESA Implementation
- Implementation of Agency Priorities
  - Environmental Justice
  - Climate Change
- Advancing State of the Art Science
- Rule-Making, Guidance, Litigation, OIG, and Petition Responses
- Employee Experience/Organizational Development /Process and IT Improvements (GP2W)(People, Processes, and Technology)



# OPP FY22 Highlights

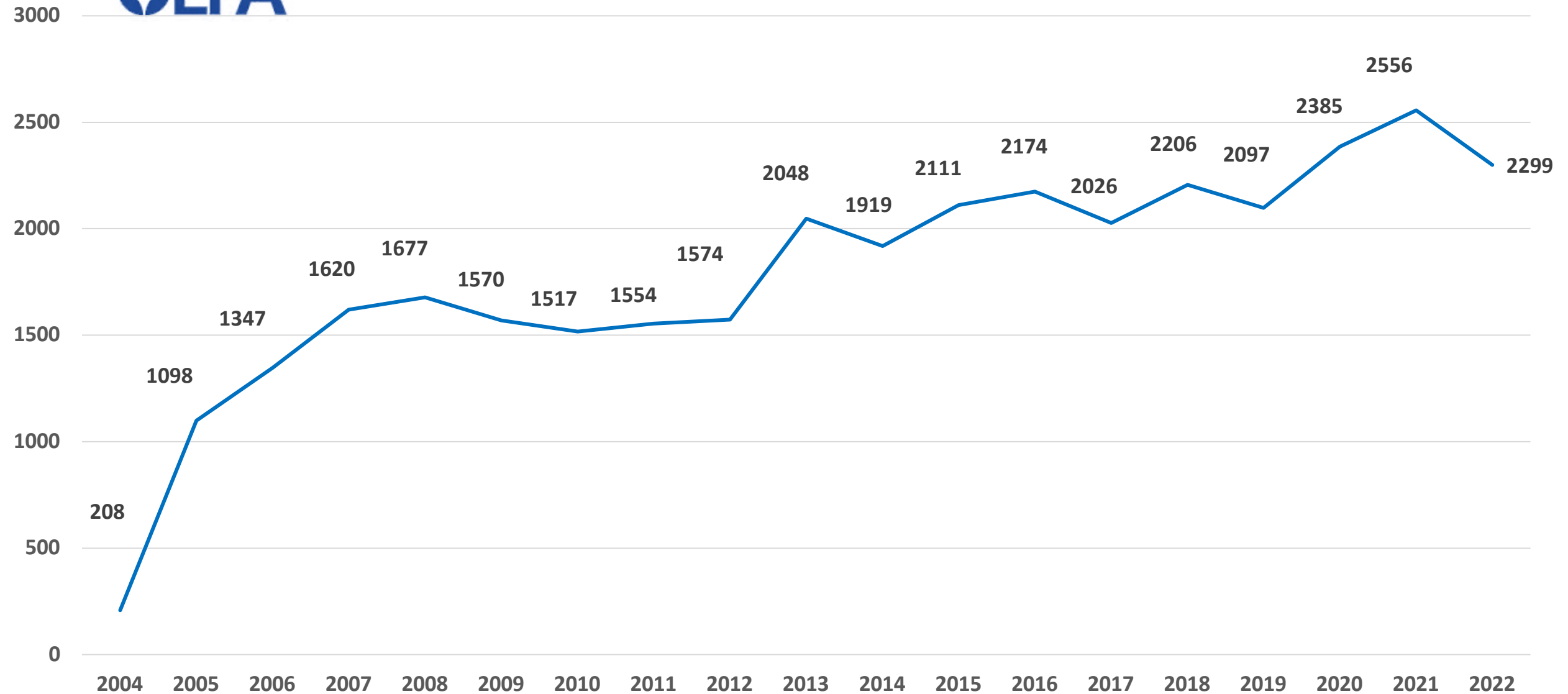
- Over **11,500 submissions** via Portal
- Over **7,700 PRIA and non-PRIA actions** completed
- Registered **13 new active** ingredients
- **38 Section 18** emergency exemption decisions (Covid-19, herbicide resistant amaranth species in peanuts and sugar beets, coffee leaf rust)
- OPP Ombudsman responded to approx. **2,700** (Jan-Sept) **messages from the public**
- Center for Integrated Pest Management hosted **10 IPM webinars (over 9,900 attendees)** and responded to over **2,800 public inquires**
- Responded to a high volume of public health related inquiries: efficacy testing methods and claims for products intended to be effective against public health pathogens (**179**), **Monkeypox and COVID-19 (150)**, **pesticidal devices (360)**
- Reviewed labels and website materials for more than **40 products submitted** by EPA regional offices and state partners to ensure compliance **with device regulations**
- Collected \$31.6M and \$23.95M in maintenance and PRIA fees

# Section 3 Product Registrations, 2004-2022





## PRIA Completions: FY2004 - FY2022





# Pesticide Registration Improvement Act (PRIA)

The Pesticide Registration Improvement Act and its three reauthorizations provide a fee-for-service structure for EPA review of pesticide applications and set statutory decision time frames for review of those applications.

PRIA provides two funding sources to EPA's pesticide program:

- One-time registration service fees (i.e., PRIA fees) for the evaluation of new applications submitted to the EPA; and
- Annual FIFRA maintenance fees assessed to products currently in the marketplace, a significant portion of which are used to support the re-evaluation of pesticides in order to meet the statutory deadline of October 1, 2022, for completing the first round of registration review.

Both PRIA registration service fees and maintenance fees are meant to supplement appropriations in funding these activities, and do not represent the total costs for EPA to conduct these activities.



# PRIA 5 and Appropriations

- **PRIA - Increase in fees and funding for OPP (+\$11m for maintenance; +\$6m for registration)**
- **FY23 appropriations - \$11m increase, targeted at ESA**
- Omnibus - October 1, 2026, deadline extension (IDs with measures to reduce)
- Spanish Labeling for Pesticides
- ESA Guidance to Registrants
- Renegotiation Provisions for submissions
- Grants for Farmworker Organizations
- Testing Protocols for Devices
- Vector Expedited Review Voucher program
- Pesticide Surveillance Program
- Audit of OPP Processes and IT Upgrades
- Government Shutdown Provisions
- Reports to Congress
- <https://www.congress.gov/bill/117th-congress/house-bill/2617/text> (CTRL F “pesticide)





# Bilingual Labels

- PRIA 5 amended FIFRA requiring Spanish language translation to end-use pesticide product labels;
- Translation of the parts of the labeling contained in the EPA Spanish Translation Guide;
  - On the product container or a link to such translation via scannable technology or other electronic methods readily accessible on the product label;
- Antimicrobial pesticide and non-agricultural/non-RUP products may, in lieu of including a translation or a link, provide a link to the safety data sheets (SDS) in Spanish via scannable technology or other electronic methods readily accessible on the product label.



# Bilingual Labels – Deadlines

- Restricted Use Pesticides (RUPs) – 3 years from enactment (Dec 2025);
- Agricultural Non-RUPS:
  - Acute Toxicity Category I – 3 years (Dec 2025);
  - Acute Toxicity Category II – 5 years (Dec 2027);
- Antimicrobials and non-agricultural:
  - Acute Toxicity Category I – 4 years (Dec 2026);
  - Acute Toxicity Category I – 6 years (Dec 2028);
- All other products – 8 years (Dec 2030);
- Other label timing provisions for when the Spanish Translation Guide is updated.



# Bilingual Labels – Implementation

- Label changes to be through non-notification;
  - a change may be made to a pesticide label without notifying EPA;
- EPA shall cooperate and consult with State lead agencies for pesticide regulation to implement bilingual labeling;
- EPA to seek stakeholder input on ways to make bilingual labeling accessible to farm workers – 180 days (June 2023);
- EPA shall develop and implement, and make publicly available, a plan for tracking the adoption of the bilingual labeling – 2 years (Dec 2024);
- EPA shall implement a plan to ensure that farm workers have access to the bilingual labeling – 3 years (Dec 2025).



# Endangered Species Act

- Under Section 7(a)(2) of the ESA, Federal agencies must ensure that the “actions” they authorize will not result in jeopardy or adversely modify designated critical habitat for species listed as endangered or threatened by the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS) (jointly the Services).
- For the Office of Pesticide Programs, the “actions” we authorize are the sale, distribution, and use of pesticides according to the product labeling.



# Courts Increasingly Impatient with EPA's Non-Compliance

It's déjà vu all over again. EPA comes before this court once more because of its failure to abide by the law....EPA cannot flout the will of Congress—and of the people—just because it thinks it is too busy or understaffed.

Center for Food Safety v. Regan, Dec. 2022, 9<sup>th</sup> Circuit

“Before registering a pesticide, EPA must consult with the statutorily specified agencies that have expertise on risks to species’ survival. But for decades EPA routinely skipped that step when it registered pesticides....”

Center for Biological Diversity v. EPA, Dec. 2022, DC Circuit

EPA has long had a fraught relationship with the ESA. It has made a habit of registering pesticides without making the required effects determination.

In re: Center for Biological Diversity and Center for Food Safety, Nov. 2022, DC Circuit

# Over 57 Pesticides with Current or Upcoming ESA Commitments *Through 2030*



## 2021

Methomyl  
Carbaryl  
Atrazine  
Simazine  
Glyphosate

## 2022

Enlist One  
Enlist Duo  
Imidacloprid  
Clothianidin  
Thiamethoxam  
Sulfoxaflor

## 2023

Inpyrfluxam  
Cyantraniliprole  
~ 10 new AIs

## 2024

Dinotefuran  
Acetamiprid  
Brodifacoum  
Warfarin  
Bromadiolone  
Zinc phosphide  
Chlorophacinone  
Diphacinone

Difenacoum

Bromethalin  
Difethialone  
Cholecalciferol

## 2025

Flupyradifurone  
Bicyclopyrone

## 2026

Streptomycin  
Acephate  
Dimethoate  
Naled  
Tribufos

## 2027

Benzovindiflupyr  
Halauxifen-methyl  
Bensulide  
Ethoprop  
Phorate  
Phosmet

## In Pending Litigation

1,3-D (Telone)  
2,4-D  
Captan  
Chlorothalonil  
Dicamba  
Diuron

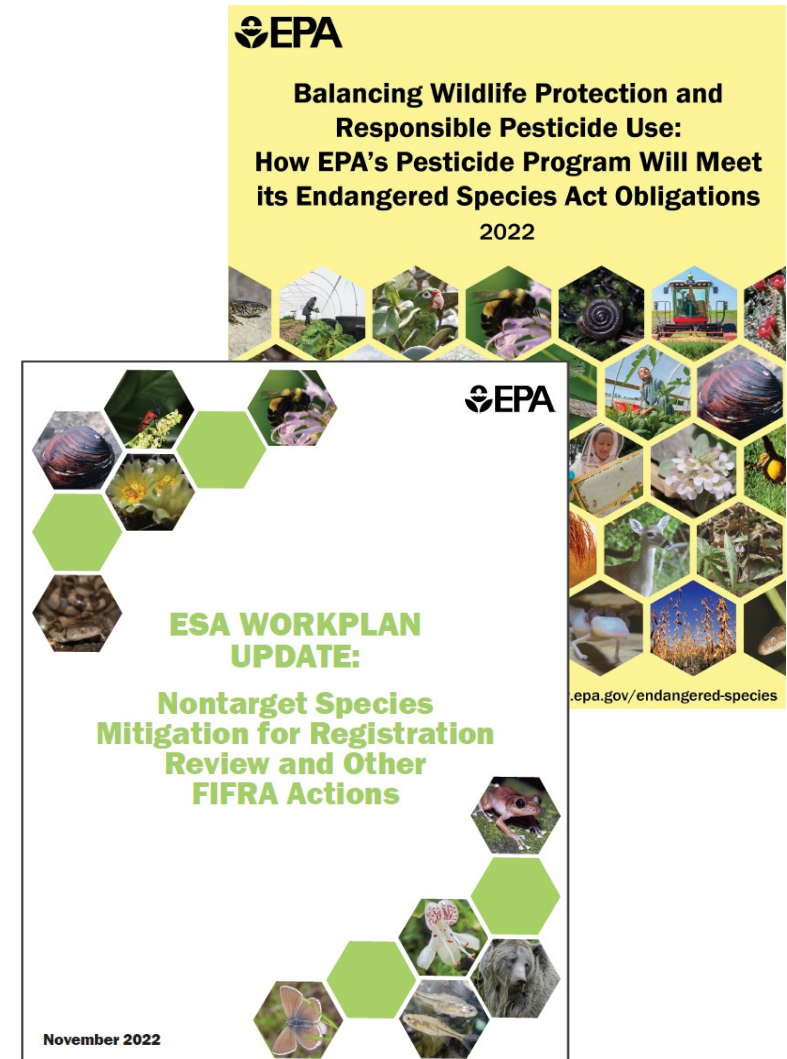
MCPA

Mancozeb  
Metolachlor  
Metribuzin  
Oxyfluorfen  
Paraquat  
Pendimethalin  
Propanil  
Propargite  
Phosphorotrithioate  
Thiobencarb  
Trifluralin



# ESA Highlights

- **January 2022- ESA Policy for New Conventional Als**
  - Only for new conventional AI registrations
  - must comply with ESA
  - Does not cover non-conventionals or new uses of conventionals – case by case analysis based on ecological and legal risks
- **April 2022 – ESA Workplan**
  - Prioritize FIFRA actions for ESA compliance
  - Early mitigation
  - More efficient approaches
- **November 2022 – ESA Workplan Update**
  - First workplan update
  - Focus on early mitigation
  - Greater efficiency and address litigation risk





# New ESA Workplan Update

- For more information about the ESA workplan update, scan the QR code below:







# Progress in Meeting Pesticide Registration Review Deadline

- In the past 15 years, EPA has:
  - Completed **685** draft risk assessments (94% of total number of cases), evaluating the potential for human health and ecological effects of a pesticide
  - Completed **646** proposed interim decisions or proposed final decisions (89% of total number of cases)
    - which present EPA's responses to public comment on draft risk assessments and which propose label mitigations and/or restrictions so that a pesticide product can continue to be used safely
  - Issued **431** interim decisions (60% of total number of cases)
    - which explain any changes to what had been proposed, respond to significant public comments, and require registrants to submit any product label amendments needed to protect human health and the environment



# Section 711 of the Consolidated Appropriations Act, PL-117-328 (Dec. 29, 2022)

## INTERIM REGISTRATION REVIEW DECISION REQUIREMENTS

*(A) that is associated with an initial registration review described in subsection (a);*  
*(B) that is noticed in the Federal Register during the period beginning on the date of enactment of this Act and ending on October 1, 2026; and*  
*(C) for which the Administrator has not, as of the date on which the decision is noticed in the Federal Register, made effects determinations or completed any necessary consultation under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)).*

*(2) REQUIREMENTS.—Any covered interim registration review decision shall include, where applicable, measures to reduce the effects of the applicable pesticide on—*

*(A) species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or*  
*(3) CONSULTATION.—In developing measures described in paragraph (2), the Administrator shall take into account the input received from the Secretary of Agriculture and other members of the interagency working group established under section 3(c)(11) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(c)(11)).*



# Progress in Meeting Pesticide Registration Review Deadline

- ✓ Issued **151** final decisions (21% of total number of cases),
  - which document proposed changes, respond to significant public comments, and require registrants to submit product label amendments needed to protect human health and the environment
- ✓ Of the **582** interim or final decisions, 140 cases resulted in cancellation of some or all uses (19% of total number of cases).





# Progress in Meeting Pesticide Registration Review Deadline

- Use the QR code below for more information on EPA's progress in meeting the pesticide registration review deadline.





# Application Exclusion Zone Requirements

- On February 16<sup>th</sup>, EPA released the proposed rule that would improve and modernize the pesticide Application Exclusion Zone (AEZ) requirements under the 2015 Agricultural Worker Protection Standard (WPS).
- The Agency is proposing to reinstate several provisions from the 2015 WPS to strengthen protections for farmworkers and bystanders including:
- Applying the AEZ
  - beyond an establishment's boundaries; and
  - when individuals are within easements (such as easement for utility workers to access telephone lines).
- Establishing AEZ distances for ground-based spray applications of
  - 25 feet for medium or larger sprays when sprayed from a height greater than 12 inches from the soil surface or planting medium; and
  - 100 feet for fine sprays.
- EPA also proposes to retain:
  - a clarification that suspended pesticide applications can resume after people leave the AEZ; and,
  - an "immediate family exemption" that allows only farm owners and the farm owners' immediate family to remain inside enclosed structures or homes while pesticide applications are made.



# Certification of Pesticide Applicators Rule

- EPA finalized a rule extending the date by which plans must be approved:
  - Original regulatory deadline: March 4, 2022
  - Revised deadline: November 4, 2022
  - Final deadline: **November 4, 2023**
- The deadline was extended, in part because of the impact of the COVID-19 public health emergency on certification programs, as well as the complexity of EPA's review of plans.
- Regions facilitate review and approval of the state certification plans.
- Authorities can continue existing applicator certification programs until **November 4, 2023**.



# Certification Plan Reviews & Approvals

- All **68 Plans** have been thoroughly reviewed by EPA.
- All Plans have been returned to SLAs and Tribes for revisions.
- **22 Certification Plans Approved (SLA + Federal).**

## 6 Tribal Plans

- **No Plans approved yet**
- All Plans back with respective tribes

## 56 SLA Plans

- **17 Plans Approved**
- 19 / 40 not-yet approved Plans back with SLAs
- 21 / 40 are back with EPA after revisions

## 6 Federal Agency Plans

- **5 Plans Approved**
- 1 EPA-administered Plan for Indian Country under internal review



# PFAS in Pesticide Products

- EPA removed 12 chemicals identified as per- and polyfluoroalkyl substances (PFAS) from the current list of non-food inert ingredients approved for use in pesticide products to better protect human health and the environment.
- Under the PFAS Strategic Roadmap, EPA undertook a thorough review of its list of chemical substances that have been approved for use as inert ingredients in pesticide products.
- Pesticide products contain at least one active ingredient and other intentionally added inert ingredients. While these PFAS are no longer used in any registered pesticide products, EPA determined it is important to remove these 12 chemicals from the list of approved inert ingredients.





# Sign-up for OPP Pesticide Updates

**Get pesticide news story updates by email:**

- Go to [epa.gov/pesticides](https://epa.gov/pesticides)
- Go to the “Recent Highlights and Pesticide News” box in the right corner
- Click on “View more pesticide news” at the top
- Go to the “Other Resources” box at the right
- Under, “Get pesticide updates by email,” enter your email address and click “Sign up”

Pesticide News Story Updates



# PREP Update

CO State University developed a testimonials page on their website, which includes a three-minute video of PREPsters talking about the benefits of PREP.



<https://agsci.colostate.edu/agbio/prep/testimonials/>



# *Questions & Answers*



# **Additional OPP Updates**



# OPP Updates

## **September 15, 2022: EPA Awards Grants to Advance Smart, Sensible, and Sustainable Pest Control in Agriculture - Press Announcement**

- <https://www.epa.gov/newsreleases/epa-awards-grants-advance-smart-sensible-and-sustainable-pest-control-agriculture>
- EPA announced the selection of six recipients that would receive a total of \$780,000 from the Pesticide Environmental Stewardship Program (PESP) grant competition. The selected grantees will explore the use of Integrated Pest Management (IPM) in agriculture over the course of two years to reduce the risk of pests and pesticides.
- The grantees are:
  - Oregon State University
  - Purdue University
  - University of Florida
  - University of Tennessee
  - University of Vermont
  - West Virginia University



# OPP Updates

## **September 21, 2022: EPA Finalizes Revisions to Several Pesticide Crop Groupings**

- <https://www.epa.gov/pesticides/epa-finalizes-revisions-several-pesticide-crop-groupings>
- EPA released the sixth final rule in an ongoing series of revisions to the pesticide crop grouping regulations. In January 2022, EPA issued a proposed rule for public comment to improve several pesticide crop groupings. This final rule incorporates comments received on the proposed rule.
- Crop groups are established when residue data for certain representative crops are used to establish pesticide tolerances for a group of crops that are botanically or taxonomically related. Crop grouping allows the results of pesticide residue studies for one crop to be applied to other, related crops within the group.
- Based on petitions submitted to EPA by the IR-4 Project, EPA has taken a phased approach towards revising the current pesticide crop grouping regulations. The remaining groups to update and expand in the future are: Root and Tuber Vegetables (Groups 1 & 2), Cucurbit Vegetables (Group 9), Grass Animal Feeds (Group 17) and Nongrass Animal Feeds (Group 18).



# OPP Updates

## **September 23, 2022: EPA Takes Action to Protect Human Health and the Environment by Proposing Cancellation of Pentachloronitrobenzene**

- <https://www.epa.gov/pesticides/epa-takes-action-protect-human-health-and-environment-proposing-cancellation>
- EPA is releasing a proposed final decision for pentachloronitrobenzene (PCNB) that proposes cancellation of all registrations of this pesticide. PCNB is a fungicide that has been used to control plant diseases in both agricultural and non-agricultural settings.
- The 2021 ecological risk assessment identified risks of concern to fish, amphibians, aquatic invertebrates, aquatic plants, birds, reptiles, mammals, and bees. It also identified PCNB persistence in the environment and bioaccumulation in the aquatic food chain. The 2021 draft human health risk assessment was based on adverse effects on the thyroid and identified potential non-cancer risks of concern from PCNB exposure. EPA is proposing to cancel all registrations of PCNB because of these significant ecological and human health risks posed by PCNB and limited benefits from the current uses of PCNB.
- Public comments will be accepted for 60 days. The comment period closed on November 22, 2022.



# OPP Updates

## September 23, 2022: EPA Withdraws Glyphosate Interim Decision

- <https://www.epa.gov/pesticides/epa-withdraws-glyphosate-interim-decision>
- EPA announced its withdrawal of all remaining portions of the interim registration review decision for glyphosate. Pesticide products containing glyphosate continue to remain on the market and be used according to the product label and are unaffected by this action.
- On Feb. 3, 2020, EPA published the Glyphosate Interim Registration Review Decision (ID). However, in March of the same year, the glyphosate ID was challenged in the U.S. Court of Appeals for the Ninth Circuit. Petitioners challenged EPA's analysis of human health and ecological risk, the weighing of such risks against the benefits of glyphosate and the interim risk mitigation measures and alleged that EPA violated the Endangered Species Act (ESA).
- On June 17, 2022, the U.S. Court of Appeals for the Ninth Circuit vacated the human health portion of the glyphosate ID and held that EPA's registration review decision under FIFRA was an 'action' that triggered ESA obligations. EPA has determined that withdrawal of the glyphosate ID is appropriate in consideration of the Ninth Circuit's June 17, 2022, decision.





# OPP Updates

## **September 26, 2022: Pesticide Registration Review Deadline: Status Update and Plans for Remaining Work**

- <https://www.epa.gov/pesticides/pesticide-registration-review-deadline-status-update-and-plans-remaining-work>
- EPA shared an update on its progress in meeting the Oct. 1, 2022, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) pesticide registration review deadline for the 726 pesticide cases registered before October 2007.
- In 2007, an amendment to FIFRA formalized a requirement that EPA review each registered pesticide every 15 years to determine whether pesticides continue to meet the standard for registration. This amendment set the first registration review deadline as Oct. 1, 2022. There are 726 conventional, biopesticide and antimicrobial pesticide cases that were registered before Oct. 1, 2007.
- In the past 15 years, EPA has:
  - Completed 685 draft risk assessments
  - Issued 431 interim decisions
  - Issued 151 final decisions
  - Of the 582 interim or final decisions, 140 cases resulted in cancellations of some or all uses



# OPP Updates

## September 28, 2022: EPA Responds to Treated Seed Petition

- <https://www.epa.gov/pesticides/epa-responds-treated-seed-petition>
- EPA issued a response to a petition filed by the Center for Food Safety (CFS) with and on behalf of beekeeper, farmer, and public interest groups. The petition filed by CFS claims that EPA did not adequately assess the risks from use of seed treatment pesticides that have systemic properties and use of the seed treated by such pesticides. The petition also claims that the treated article exemption may not cover treated seed without an adequate assessment of the risks.
- EPA explains in its response that it does fully assess both the use of the treating pesticide and the treated seed and impacts to human health and the environment. Also, that the treated article exemption regulatory text appropriately covers any seed treated if it meets specific regulatory conditions.
- EPA does not agree with the petition claims as to the treated article exemption and thus is not granting the petition requests to either interpret or amend the regulatory text for the exemption to categorically exclude seed treated with systemic pesticides from the exemption.



# OPP Updates

## **September 29, 2022: EPA Updates Aquatic Life Benchmarks for Registered Pesticides and Antimicrobial Chemicals**

- <https://www.epa.gov/pesticides/epa-updates-aquatic-life-benchmarks-registered-pesticides-and-antimicrobial-chemicals>
- EPA, in collaboration with the California Department of Pesticide Regulation and the U.S. Geological Survey, released an updated version of the Aquatic Life Benchmarks. These benchmarks are estimates of the concentrations below which pesticides are not expected to present a risk of concern for freshwater organisms.
- The updated Aquatic Life Benchmarks represent 759 chemicals, including newly registered pesticides or new values for previously registered pesticides and selected degradates. The updates include:
  - Benchmarks for 27 new chemicals
  - Additional benchmarks for 10 degradates of chemicals with existing benchmarks.
  - Revised benchmarks for 72 existing chemicals



# OPP Updates

## **September 30, 2022: EPA Proposes Early Mitigation to Help Protect Endangered Species from Methomyl**

- <https://www.epa.gov/pesticides/epa-proposes-early-mitigation-help-protect-endangered-species-methomyl>
- In line with the Agency's commitment to improve outcomes for all federally threatened and endangered (listed) species, EPA proposed revisions to the 2020 Proposed Interim Decision (PID) for methomyl, a type of insecticide.
- In 2020, EPA released a PID for methomyl that proposed mitigation measures to ensure that use of methomyl products will not result in unreasonable adverse effects on the environment, consistent with EPA's obligations under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).
- Following the release of the PID, the Agency released the Biological Evaluation (BE) for methomyl. EPA used the BE to identify three "pilot" species that are likely to be adversely affected by methomyl use. To mitigate potential risks to these species, the Agency developed mitigation measures that are expected to reduce their exposure to methomyl and their likelihood of being adversely affected. The revised PID represents the next step in the registration review process for methomyl.
- The comment period closed on December 5, 2022.



# OPP Updates

## **October 6, 2022: EPA Registers Air Sanitizer for Residential and Commercial Use Against Influenza and Coronavirus**

- <https://www.epa.gov/pesticides/epa-registers-air-sanitizer-residential-and-commercial-use-against-influenza-and>
- EPA registered Lysol Air Sanitizer, a new pesticide product that can be used in the air against bacteria and viruses such as influenza and coronaviruses. This is the first antimicrobial product registered that is effective for use in air that can kill both bacteria and viruses.
- EPA conducted a robust risk assessment on exposure from both household and commercial use. When used following label directions, this product poses no unreasonable adverse risks to human health or the environment.
- In addition to the targeted bacteria, this product has been tested against a surrogate virus, and is expected to be effective against similar airborne viruses such as SARS-CoV-2.



# OPP Updates

## **October 7, 2022: EPA Releases Test Methods and Guidance for Long-Lasting Antimicrobial Efficacy Claims**

- <https://www.epa.gov/pesticides/epa-releases-test-methods-and-guidance-long-lasting-antimicrobial-efficacy-claims>
- EPA issued finalized guidance and test methods for registering antimicrobial products with residual efficacy against viruses and bacteria. The benefit to these products is that surfaces treated with residual antimicrobial products kill pathogens that come into contact with the surface days, weeks or years after the product is applied.
- In October 2020, EPA issued interim guidance and test methods for public comment as a pathway for companies to add claims of residual efficacy to their products' labels. In finalizing the guidance, EPA made minor modifications to better represent the real-world conditions under which products with residual efficacy will be used.



# OPP Updates

## **October 12, 2022: EPA Responds to Petition and Releases Revised Human Health Risk Assessment for Tetrachlorvinphos**

- <https://www.epa.gov/pesticides/epa-responds-petition-and-releases-revised-human-health-risk-assessment>
- EPA released a revised human health risk assessment for the pesticide tetrachlorvinphos (TCVP) and its registered pet uses to control various insects including public health pests such as fleas, ticks, flies, lice, and pest larvae.
- Having conducted an extensive evaluation of available data on TCVP's potential human health impacts, EPA finds that there are unacceptable risks from pet collars for children exposed when contacting pets wearing collars and is granting the petition as to pet collars containing TCVP.
- EPA initially issued a denial of NRDC's petition to cancel all pet uses of TCVP in November 2014 based on the available data at the time. In January 2015, NRDC filed a petition for review of EPA's denial. On a Petition for Writ of Mandamus, the Ninth Circuit ordered EPA to respond to NRDC's petition by July 21, 2020, which EPA did by denying the petition.
- Therefore, this action also responds to the Ninth Circuit U.S. Court of Appeals' vacatur of EPA's 2020 denial of NRDC's petition to cancel all pet uses of TCVP and remand to the Agency to issue a new response to NRDC's petition by October 11, 2022.



# OPP Updates

## **October 19, 2022: EPA Releases Updated Lists of Disinfectants for Emerging Viral Pathogens Including Ebola**

- <https://www.epa.gov/pesticides/epa-releases-updated-lists-disinfectants-emerging-viral-pathogens-including-ebola>
- EPA triggered its emerging viral pathogen (EVP) guidance in support of the Centers for Disease Control and Prevention's (CDC) response to the Ebola virus cases in western Uganda.
- With EPA's EVP guidance, additional disinfectants, for which emerging viral pathogen claims have been approved, can be used against the Ebola virus. EPA developed its EVP guidance to facilitate the availability of EPA-registered disinfectants for use against emerging viral pathogens.





# OPP Updates

## **October 21, 2022: EPA Hosting Webinar on Protecting Species through Pesticide Registration Review**

- <https://www.epa.gov/pesticides/epa-hosting-webinar-protecting-species-through-pesticide-registration-review>
- EPA announced a Nov. 17, 2022, public webinar to share an update on efforts to better protect non-target species, including federally listed endangered and threatened (listed) species, from registered conventional pesticides.
- This webinar is a follow-up to EPA's April 2022 Workplan outlining actions that will help EPA meet its obligations under the Endangered Species Act (ESA).



# OPP Updates

## **October 26, 2022: EPA Releases Draft Assessment of Effects of Inpyrfluxam on Endangered Species for Public Comment**

- <https://www.epa.gov/pesticides/epa-releases-draft-assessment-effects-inpyrfluxam-endangered-species-public-comment>
- EPA released its draft biological evaluation (BE) that contains the Agency's analysis of the potential effects of the fungicide inpyrfluxam on federally listed endangered and threatened (listed) species and their designated critical habitats.
- While EPA found that inpyrfluxam is likely to adversely affect certain listed species and critical habitats, EPA did not predict that inpyrfluxam will lead to a future jeopardy or adverse modification finding for these species and habitats.
- The draft BE is part of EPA's efforts to meet its obligations under the Endangered Species Act (ESA). EPA evaluated the effects of inpyrfluxam on over 1,700 listed species and over 800 designated critical habitats in the United States. The BE encompasses all currently proposed and registered uses and product labels for pesticide products containing inpyrfluxam.
- After reviewing public comments on the draft BE, EPA will make any appropriate changes and issue a final BE. If EPA's final BE continues to find that inpyrfluxam is likely to adversely affect listed species and/or their designated critical habitats, then EPA will initiate formal consultation and share its findings with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service (the Services).
- The comment period closed on December 25, 2022.



# OPP Updates

## **October 27, 2022: EPA Provides Annual Notification of Updates to the Environmental Chemistry Methods Index for Monitoring Pesticide Residues**

- <https://www.epa.gov/pesticides/epa-provides-annual-notification-updates-environmental-chemistry-methods-index>
- EPA provided an annual summary of additions to the Environmental Chemistry Methods (ECM) Index made during FY 2022.
- The ECM Index is a list which currently includes 889 analytical methods for monitoring pesticide residues, primarily in soil or water. In the past year, 24 new analytical methods have been added to the ECM Index, including three methods for a newly registered pesticide. The ECM reports listed in the ECM Index were submitted to EPA by pesticide registrants to support submitted field and monitoring studies, and potential monitoring by states, tribes and other entities.
- EPA updates the ECM Index quarterly and as new chemicals are registered.



# OPP Updates

## **November 8, 2022: EPA Adds Chitosan to the List of Active Ingredients Eligible for Minimum Risk Pesticide Exemption**

- <https://www.epa.gov/pesticides/epa-adds-chitosan-list-active-ingredients-eligible-minimum-risk-pesticide-exemption>
- EPA finalized a rule adding chitosan (Poly-D-Glucosamine) to its minimum risk pesticide exemption list in response to an October 10, 2018, petition from Tidal Vision Products, LLC. In doing so, EPA is specifying that the listing also includes those chitosan salts that can be formed when chitosan is mixed with the acids that are listed as active or inert ingredients eligible for use in minimum risk pesticide products.
- Chitosan is currently registered with EPA under FIFRA as a fungicide, antimicrobial agent, and plant growth regulator. Chitosan is currently widely available to the public for non-pesticidal uses, and has established applications in various industries including textiles, cosmetics, beverage processing, and water treatment.
- The purpose of the exemption list is to eliminate the need for the Agency to expend significant resources to regulate products deemed to be of minimum risk to human health and the environment. Products that contain only those active and inert ingredients allowed by the exemption and meet certain Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) requirements are exempt from the normal FIFRA registration requirements. Approximately a decade has passed since a substance was added to the list of ingredients eligible for the minimum risk pesticide exemption.



# OPP Updates

## **November 16, 2022: EPA Advances Early Pesticides Protections for Endangered Species, Increases Regulatory Certainty for Agriculture**

- <https://www.epa.gov/pesticides/epa-advances-early-pesticides-protections-endangered-species-increases-regulatory>
- EPA released an Endangered Species Act (ESA) Workplan Update that outlines major steps to increase protections for wildlife and regulatory certainty for pesticide users. The Workplan Update details how EPA will pursue protections for nontarget species, including federally listed endangered and threatened (i.e., listed) species, earlier in the process for pesticide registration review and other Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) actions.
- These early protections will help EPA comply with the ESA, thus reducing the Agency's legal vulnerability, providing farmers with more predictable access to pesticides, and simplifying the ESA-FIFRA process that, left unchanged, creates both significant litigation risk and a workload far exceeding what EPA has the resources to handle.
- This update is a follow-up to EPA's April 2022 ESA Workplan that addresses the complexity of meeting its ESA obligations for thousands of FIFRA actions annually.



# OPP Updates

## **November 22, 2022: EPA Approves Stronger Plans for Certification of Pesticide Applicators**

- <https://www.epa.gov/pesticides/epa-approves-stronger-plans-certification-pesticide-applicators>
- EPA announced it had approved 13 state and federal agency certification plans that comply with the improved federal standards to enhance worker safety under the 2017 Certification of Pesticide Applicators (CPA) rule.
- The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) requires authorities to have an EPA-approved plan to certify applicators of restricted use pesticides (RUPs). In 2017, EPA updated the CPA regulations, setting stronger standards for people who apply RUPs. The implementation of revised certification programs is crucial to reducing potential RUP exposures to certified applicators and those working under their direct supervision, other workers, the public, and the environment.
- State, territory and tribal authorities with existing plans can continue using those plans until November 4, 2023, consistent with EPA's recently issued extension. EPA is working closely with authorities to address challenges in revising their plans and will continue to approve plans on a rolling basis. After November 4, 2023, only authorities with EPA-approved modified certification plans can continue to certify applicators of RUPs.



# OPP Updates

## **November 29, 2022: EPA Proposes New Mitigation Measures for Rodenticides, Including Pilot for Protecting Endangered Species**

- <https://www.epa.gov/pesticides/epa-proposes-new-mitigation-measures-rodenticides-including-pilot-protecting-endangered>
- EPA proposed new measures to protect human health and the environment for 11 rodenticides, including measures to reduce potential exposures to three federal listed endangered and threatened (“listed” species and one critical habitat.
- Rodenticides are used in residential, agricultural, and non-agricultural settings to control a variety of pests. These proposed interim decisions (PIDs) propose mitigation measures based on findings in the 2020 draft human health and ecological risk assessments (DRAs) and feedback submitted during the DRA’s public comment period. These measures are intended to reduce exposure to non-target organisms such as mammals and birds that may inadvertently consumer rodenticides through their prey, or animals that may consume the rodenticide directly.
- This work furthers the goals outlined in EPA’s April 2022 Endangered Species Act (ESA) Workplan and one of the ESA pilots described in its November 22 update to provide practical, timely protections for listed species from pesticides. The ESA workplan described how EPA is developing early mitigation for a subset of species where EPA predicts a likelihood of a jeopardy or adverse modification finding for one or more of the registration review pilot pesticides if mitigation is not undertaken. One of these pilots is for rodenticides.
- In addition to describing the pilot and the mitigation measures for the selected species, the PIDs also describe EPA’s plans for expanding those mitigation measures to the other approximately 90 listed species potentially affected by rodenticides. EPA also intends to make effects determinations for all listed species available in a draft biological opinion (BE).
- Public comments will be accepted for 75 days. The comment period will close on January 12, 2023.



# OPP Updates

## December 1, 2022: EPA Proposes Improved Mitigation for Insecticide Carbaryl, Including Pilot for Protecting Endangered Species

- <https://www.epa.gov/pesticides/epa-proposes-improved-mitigation-insecticide-carbaryl-including-pilot-protecting>
- The PID includes proposed mitigations to address potential risks of concern outlined in EPA's [human health and ecological draft risk assessments](#).
- The PID also provides a pilot for evaluating and proposing early mitigation for four vulnerable endangered species while formal endangered species consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (the Services) is ongoing. This effort is part of EPA's strategies identified in its comprehensive [Endangered Species Act \(ESA\) Workplan](#) released in April 2022 and the [November 2022 update](#) that aim to pilot improved protections for listed species from select conventional pesticides to help meet the Agency's ESA obligations.
- Public comments will be accepted for 75 days.





# OPP Updates

## December 14: EPA Stops Use of 12 PFAS in Pesticide Products

<https://www.epa.gov/pesticides/epa-stops-use-12-pfas-pesticide-products>

- To better protect human health and the environment from per- and polyfluoroalkyl substances (PFAS), EPA is finalizing the removal of 12 chemicals from the current list of non-food inert ingredients approved for use in pesticide products.
- Under the PFAS Strategic Roadmap, EPA committed to taking a renewed look at previous PFAS decisions, and, as part of this review, undertook a thorough review of its list of chemical substances that have been approved for use as inert ingredients in pesticide products.
- Pesticide products contain at least one active ingredient and other intentionally added inert ingredients.
- Inert ingredients play key roles in pesticide effectiveness and product performance, including extending the product's shelf life or improving the ease of application by preventing caking or foaming.
- EPA reviews safety information for inert ingredients before they can be added to the list of inert ingredients approved for use in pesticide products.



# OPP Updates

## December 14: EPA Continues Work to Reduce Chlorpyrifos Exposure

<https://www.epa.gov/pesticides/epa-continues-work-reduce-chlorpyrifos-exposure>

- EPA is issued a notice of intent to cancel (NOIC) three products containing the pesticide chlorpyrifos and is publishing a notice of receipt of voluntary requests submitted by some chlorpyrifos registrants to cancel 14 chlorpyrifos pesticide registrations and terminate food uses for three chlorpyrifos pesticide registrations.
- These actions are the latest efforts by the Agency to cancel the use of chlorpyrifos on food consistent with its earlier revocation of chlorpyrifos tolerances — which is the amount of a pesticide that is allowed on food.
- Chlorpyrifos has been found to inhibit an enzyme that leads to neurotoxicity, including potential neurodevelopmental effects in children. As a result of the revocation, chlorpyrifos can no longer be used on or registered for food without resulting in adulterated food.
- Previously, chlorpyrifos, an organophosphate insecticide, was used for use on a large variety of agricultural crops, including soybeans, fruit and nut trees, broccoli, cauliflower, and other row crops. Based on data from 2012-2018.
- The cancellation of food uses represented over 95% of the total chlorpyrifos use. Additionally, the insecticide is used for non-food uses, which are unaffected by these actions.



# OPP Updates

## December 19: White House Office of Science and Technology Policy Requests Information on the Regulation of Biotechnology

<https://www.epa.gov/pesticides/white-house-office-science-and-technology-policy-requests-information-regulation>

- The White House Office of Science and Technology Policy, in coordination EPA, FDA, and USDA, announced an [information request](#) to identify regulatory ambiguities and gaps in the Coordinated Framework for Regulation of Biotechnology. This request includes case studies and other data, particularly pertaining to new and emerging biotechnology products.
- Additional information will help regulatory agencies improve the clarity and efficiency of the regulatory processes for biotechnology products as described in [Executive Order 14081](#), “Advancing Biomanufacturing and Biotechnology Innovation for a Sustainable, Safe, and Secure Bioeconomy.”
- The request seeks information to clarify and streamline regulations in service of a science-based, risk-based, predictable, efficient and transparent regulatory system that supports the safe use of biotechnology products.
- Public comments will be accepted for 45 days
- OSTP, EPA, FDA and USDA will hold a virtual listening session on Thursday, Jan. 12, from 1 p.m. to 6 p.m. EST.



# OPP Updates

## **December 21: EPA Releases Interim Efficacy Guidance and Test Methods for Disinfection of Soft Surfaces**

<https://www.epa.gov/pesticides/epa-releases-interim-efficacy-guidance-and-test-methods-disinfection-soft-surfaces>

- EPA is issued for public comment its interim efficacy guidance and test methods for registering products used to kill viruses and bacteria in clinical and institutional settings on soft surfaces such as upholstery, mattress covers, and privacy curtains.
- Currently, most EPA-registered liquid-based antimicrobial products, including those on EPA's list of disinfectants effective against SARS-CoV-2 (List N), are registered for use on hard, non-porous surfaces.
  - Guidance for claims for carpet, rugs, frequently laundered textiles, mattresses, pillows, and upholstered furniture is found in 810.2400 Disinfectants and Sanitizers for Use on Fabrics and Textiles.
- This new guidance covers test methods and performance standards for disinfection of surfaces (e.g., non-clothing fabrics, textiles, and upholstery that may be laundered on an infrequent basis) not covered under 810.2400.
- Public comments will be accepted for 30 days



# OPP Updates

## December 23: EPA Proposes Registration Review Decisions and Ecological Protections for Several Pesticides

<https://www.epa.gov/pesticides/epa-proposes-registration-review-decisions-and-ecological-protections-several-pesticides>

- EPA released proposed interim registration review decisions (PIDs) for nine pesticide cases. The PIDs for the four conventional pesticide cases include Interim Ecological Mitigation measures described in EPA's November 2022 Endangered Species Act (ESA) Workplan Update to protect nontarget organisms, which may also protect federally endangered and threatened (i.e., listed) species.
- For the antimicrobial case, EPA is proposing to mitigate risks to nontarget species by cancelling higher risk uses, and for the four biopesticides, EPA found no effect on listed species, so no additional ecological mitigation is needed.
- Public comments will be accepted for 75 days.



# OPP Updates

## January 19: EPA Rebuilds Endocrine Disruptor Screening Program by Soliciting Public Comment on New Approach Methodologies to Screen for Endocrine Effects

<https://www.epa.gov/pesticides/epa-rebuilds-endocrine-disruptor-screening-program-soliciting-public-comment-new>

- EPA is releasing a draft White Paper for public comment, entitled [Availability of New Approach Methodologies \(NAMs\) in the Endocrine Disruptor Screening Program \(EDSP\)](#), that describes validated NAMs that EPA may now accept as alternatives for certain EDSP tests.
- Endocrine systems, also referred to as hormone systems, are found in all mammals, birds, fish, and many other living organisms. These systems are made up of glands located throughout the body, hormones synthesized by these glands and released into the bloodstream or the fluid surrounding cells, and receptors in various organs and tissues that recognize and respond to the hormones. The Federal Food, Drug, and Cosmetic Act (FFDCA) requires that EPA screen pesticide chemicals for their potential to cause endocrine disruption and to protect human health from substances with endocrine effects.
- The draft White Paper released today is a key step in EPA's work to reinvigorate its efforts to meet its requirement for EDSP screening of chemicals and continue to provide transparency of EDSP Tier 1 testing, which is the step in the EDSP that determines the potential for endocrine-disrupting effects and whether there is a need to obtain more data by requiring additional Tier 2 tests.
- Public comments will be accepted for 60 days.



# OPP Updates

## January 31: EPA Releases Draft Biological Evaluation of Cyantraniliprole's Effects on Endangered Species

<https://www.epa.gov/pesticides/epa-releases-draft-biological-evaluation-cyantraniliproles-effects-endangered-species>

- EPA is releasing its [draft biological evaluation \(BE\)](#) that contains EPA's analysis of the potential effects of the insecticide cyantraniliprole on federally listed endangered and threatened (listed) species and designated critical habitats. The draft BE will be available for public comment for 60 days.
- Cyantraniliprole can be used as a foliar spray or soil application on a variety of agricultural crops and as a seed treatment on some agricultural crops. It is also registered for non-agricultural uses, including on turf and ornamental plants.
- After EPA registered products containing cyantraniliprole in 2014, the Center for Biological Diversity and the Center for Food Safety filed a petition for review in the D.C. Circuit, alleging that EPA had not met its Endangered Species Act (ESA) consultation obligations before registering products containing cyantraniliprole. In 2017, the D.C. Circuit agreed and remanded the registrations without vacating them for EPA to complete effects determinations and any necessary consultation with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service (the Services).
- In November 2022, the court ordered EPA to complete cyantraniliprole's effects determination by September 2023. The draft BE released today is an important step toward complying with the court's order and better protecting listed species.
- Public comments will be accepted for 60 days.



# OPP Updates

## February 1: EPA Implements Protections for Endangered Fish Species from Four Pesticides

<https://www.epa.gov/pesticides/epa-implements-protections-endangered-fish-species-four-pesticides>

- EPA has implemented measures to protect 28 federally endangered and threatened (listed) Pacific salmon and steelhead species and their designated critical habitat from the effects of bromoxynil, prometryn, metolachlor, and 1,3-D (also known as telone). Bromoxynil, prometryn, and metolachlor are herbicides used to control grasses and broadleaf weeds, and 1,3-D is a pesticide used in pre-plant soil fumigation.
- EPA has implemented these biological opinions by issuing Endangered Species Protection Bulletins, available on the Bulletins Live! Two website, and approving label amendments to protect listed species, thereby fulfilling its obligations under the Endangered Species Act (ESA) for these pesticides for the listed salmon and steelhead species and their critical habitat.
- The Endangered Species Protection Bulletins for the four pesticides describe geographically specific use limitations to protect listed salmon and steelhead species and critical habitat. The Bulletins include mitigation measures such as no-spray buffers, retention ponds, and vegetated ditches to minimize potential take.
- The amended labeling for bromoxynil, prometryn, metolachlor, and 1,3-D products includes instructions for pesticide users to obtain Bulletins and follow their required mitigation measures. The labeling also includes guidance on how to report ecological incidents associated with pesticide applications, should users observe any. This work aligns with the goals outlined in EPA's April 2022 ESA Workplan and its November 2022 ESA Workplan Update to provide practical, timely protections for listed species from pesticides.





# OPP Updates

## **February 15: EPA and FDA to Seek Public Input on Modernizing Their Approach to Oversight of Certain Products**

- EPA and the Center for Veterinary Medicine (CVM) at the U.S. Food and Drug Administration (FDA) are announcing plans to seek public input on the best approaches for updating their respective oversight responsibilities for specific products in an efficient and transparent manner and in alignment with each agency's expertise, with the goal of improving protection of human, animal, and environmental health.
- As part of this effort, EPA and FDA will hold a joint virtual public meeting on March 22, 2023, to provide information and receive public comment on the agencies' current approaches to the oversight of various products regulated as either pesticides or new animal drugs.
- Members of the public will have the opportunity to present their perspectives at the meeting, and a docket will be available for the submission of written comments.
- Additional information about the public meeting, including more detailed information describing challenges with the current approach, and how to submit public comments, will be posted on both FDA's and EPA's websites.



# OPP Updates

## February 16: EPA Proposes Rule to Protect Farmworkers and Pesticide Handlers from Exposures

- EPA announced a proposed rule that would improve and modernize the pesticide Application Exclusion Zone (AEZ) requirements under the 2015 Agricultural Worker Protection Standard (WPS), reaffirming the Agency's commitment to protecting farmworkers, pesticide handlers, their families, and agricultural communities from pesticide exposure during National Pesticide Safety Education Month.
- Among the changes, the revised standard included a new provision requiring agricultural employers to keep workers and all other individuals out of an area called the AEZ during outdoor pesticide applications. The AEZ is the area surrounding an ongoing pesticide application that people must not enter to avoid exposure. An AEZ moves with the equipment during applications to protect farmworkers and bystanders that could be contacted by pesticides.
- In 2020, the previous administration published a rule specific to the AEZ requirements, limiting the applicability of the protections to the agricultural employer's property and shrinking the AEZ size from 100 feet to 25 feet for some ground-based spray applications. Prior to the effective date of the 2020 AEZ Rule, petitions were filed in the U.S. District Court for the Southern District of New York (SDNY) and in the U.S. Second Circuit Court of Appeals challenging the 2020 Rule (now consolidated as case number 20 Civ. 10642). The SDNY issued an order granting the petitioners' request for a temporary restraining order. As a result, the 2020 AEZ Rule has not gone into effect, and the AEZ provisions in the 2015 WPS remain in effect.
- Through its review, EPA has determined that the provisions in the 2020 AEZ Rule that weakened protections for farmworkers and nearby communities from pesticide exposure should be rescinded to protect the health of farmworkers, their families, and nearby communities.
- The [proposed rule](#) will be available for public comment for 60 days in docket [EPA-HQ-OPP-2022-0133](#) at [www.regulations.gov](http://www.regulations.gov).



# OPP Updates

## **February 16: EPA Approves Requested Labeling Amendments that Further Restrict the Use of Over-the-Top Dicamba in Iowa, Illinois, Indiana and South Dakota**

- EPA has approved labeling amendments that further restrict the use of over-the-top dicamba in Iowa, Illinois, Indiana and South Dakota.
  - The Iowa, Illinois and Indiana amendments were requested by product registrants following discussion with those states.
  - The South Dakota amendment was proposed by the state to the registrant.
  - All amendments are intended to reduce risks from the use of over-the-top dicamba, an herbicide sprayed over-the-top of genetically engineered soybeans and cotton after the crops have emerged from the ground to control certain types of broadleaf weeds.
- The revised labeling prohibits the use of over-the-top dicamba application on dicamba-tolerant crops after June 12 in Iowa, Illinois and Indiana and after June 20 in South Dakota.
- This restricts over-the-top dicamba application to earlier in the growing season, when temperatures are likely to be lower, and is intended to reduce the potential for dicamba to volatilize and drift off-site.
- Among other requirements, the product registrants must add the amended labeling to their training and educational materials and disseminate this information to pesticide authorities and agricultural extension services to assist users in their local area.
- These and other requirements are outlined in the terms and conditions of the amended registration.



# OPP Updates

## **February 22: FDA and EPA announce virtual public meeting and comment period on modernizing their approach to oversight of certain products for animals, including flea and tick products**

- EPA's Office of Chemical Safety and Pollution Prevention (OCSPP) is co-hosting a virtual public meeting with the U.S. Food and Drug Administration's (FDA) Center of Veterinary Medicine (CVM) on March 22, 2023.
- EPA is opening a docket for the agencies to receive public comment on their current approach to the oversight of various products regulated as either pesticides by EPA or new animal drugs by FDA, with a focus on parasite treatment products applied topically to animals and in genetically engineered pest animals for use as pest control tools.
- The agencies are also announcing the availability of, and soliciting comment on, a document entitled, "WHITEPAPER: A Modern Approach to EPA and FDA Product Oversight," which describes the current challenges and highlights the potential benefits of a modernized approach to oversight of these products.
- EPA and FDA are considering how best to update their respective oversight responsibilities for specific products in an efficient and transparent manner and in alignment with each agency's expertise, with the goal of improving protection of human, animal, and environmental health.
- The purpose of the public comment period and virtual public meeting is to obtain feedback from stakeholders on the whitepaper and ideas for modernizing EPA's and FDA's approach to product oversight.
- Upon publication of the Federal Register notice announcing the upcoming virtual public meeting, the whitepaper will be available for public comment for 60 days in docket [EPA-HQ-OPP-2023-0103](#) at [www.regulations.gov](http://www.regulations.gov)



# OPP Updates

## February 22: EPA Opens Public Comment Period on Proposal to Register a New Mosquito Repellent Product

- EPA is accepting public comments on its proposal to register the first outdoor product containing the insecticide transfluthrin.
- The proposed product, which is a wax pod containing dissolved transfluthrin, would be used to repel mosquitoes in outdoor residential areas and semi-enclosed areas, such as porches and decks.
- To use the product, consumers would place the wax pod in a lantern tray heated by a candle. When the candle is lit, heat generated from the candle melts the wax pod and volatilizes the transfluthrin. One wax pod can repel mosquitoes in approximately a 15-foot radius for 24 hours.
- EPA's evaluation of this product included a robust scientific assessment, which concluded that this product, when used according to the label instructions, does not present any risks of concern to humans.
- EPA also concluded that potential exposure to non-target animals is likely low given the product's anticipated range and its rapid dissipation and degradation in the environment. To learn more, see [EPA's human health and ecological risk assessments](#).
- EPA is accepting comments on this proposal in docket [EPA-HQ-OPP-2021-0965](#) at [www.regulations.gov](http://www.regulations.gov) for 30 days.



# OPP Updates

## February 23: EPA Celebrates 60 Years of the IR-4 Project

- EPA is celebrating the 60th year of IR-4, a project largely funded by the U.S. Department of Agriculture that plays an instrumental role protecting specialty crops from pests.
- Specialty crops include many fruits and vegetables like cherries, raspberries, cucumbers and tomatoes, as well as some nut, herb and horticulture crops.
- In general, the crop protection industry tends to focus their efforts on major crops that provide a higher return on investment, which can sometimes leave specialty crop growers with fewer tools for effectively managing pests.
- To ensure that Americans have access to specialty crops that are essential for a healthy diet, a thriving landscape, and a robust U.S. economy, the IR-4 Project develops data necessary for the registration of safe pesticides with EPA.
- Since its founding, IR-4 has facilitated the approval of thousands of pesticide registrations through EPA, many of which provide growers with innovative pesticide products that minimize health and environmental risks. To learn more, read [IR-4's press release](#) commemorating 60 years of impact.



# OPP Updates

## February 24: New Pesticide Registration Service Fees To Go into Effect

- EPA is notifying pesticide registrants that the new pesticide registration service fees and decision timeframes specified in the Pesticide Registration Improvement Act of 2022 (PRIA 5) will go into effect on Monday, February 27, 2023.
- Pesticide registration service fee tables in FIFRA section 33(b)(3)(B) are updated by PRIA 5, which also specifies that the fee tables will become effective 60 days after date of enactment.
- Pesticide applications received by EPA on or after February 27, 2023, will be subject to PRIA 5 fees and timeframes.
- Applications received by EPA prior to February 27, 2023, will be subject to PRIA category fees and timeframes specified under the Pesticide Registration Improvement Extension Act of 2018 (PRIA 4).
- The following PRIA webpages will be updated during the week of February 27 to reflect the new fees and timeframes under PRIA 5:
  - Fee tables
  - Primary/Secondary Related Applications
  - Fee Reduction and Refund Formula
- EPA will continue to update additional PRIA-related webpages over the coming weeks. These webpages include category interpretations and the PRIA 5 fee determination decision tree tool. The Agency will issue another announcement when all updates have been completed.

# **Back Pocket Slides**





# Dicamba

- February 2023, EPA approved labeling amendments that further restrict the use of over-the-top dicamba in Iowa, Illinois, Indiana, and South Dakota.
- The amendments, which were requested by product registrants, following discussions with those states, are intended to reduce risks from the use of over-the-top dicamba.
- The revised labeling prohibits the use of over-the-top dicamba application on dicamba-tolerant crops after June 12 in these states, except SD which is June 20.
- This restricts over-the-top dicamba application to earlier in the growing season, when temperatures are likely to be lower, and is intended to reduce the potential for dicamba to volatilize and drift off-site.
- Among other requirements, the product registrants must add the amended labeling to their training and educational materials and disseminate this information to pesticide authorities and agricultural extension services to assist users in their local area.



# Dicamba

- These amendments follow amendments EPA approved for [Minnesota and Iowa in March 2022](#).
  - The amendment for Minnesota remains the same.
  - For Iowa, the new amendment supersedes the previous amendment. Therefore, over-the-top dicamba can no longer be applied after June 12 in Iowa.
- As EPA continues to review dicamba-related incidents and considers the regulatory tools available to further address these incidents, the Agency is ready to support state-implemented restrictions that reduce risks from the use of over-the-top dicamba.
- If a state wishes to further restrict the over-the-top uses of dicamba, it may use [FIFRA section 24\(a\)](#) to do so, or registrants and states can work together to submit a label amendment containing state-specific restrictions for EPA approval.
- To view the amended labeling, visit docket EPA-HQ-OPP-2020-0492 at [www.regulations.gov](http://www.regulations.gov).



# Sulfoxaflor

- On December 21, 2022, the Ninth Circuit Court of Appeals issued its decision in response to the Center for Food Safety and the Pollinator Stewardship Council challenge to EPA's 2019 decision to grant amendments to three existing sulfoxaflor registrations.
- The Court:
  - expressed concern with the continued noncompliance with ESA requirements; and
  - agreed with petitioners that EPA failed to provide the required notice and opportunity for comment under FIFRA on the requested label amendments
- The Court, however, disagreed with petitioners on a number of important record claims. Although recognizing the ESA and FIFRA notice errors, the Court granted EPA's request for a remand without vacatur.
  - The Court "did not vacate the agency's decision because a vacatur might end up harming the environment more and disrupting the agricultural industry."
- The Court's ending conclusion states: "EPA should act immediately to address these deficiencies and complete the ESA "effects" determination and consultation requirements, as well as the FIFRA notice and comment obligation, within 180 days of the mandate being issued in this case."



# Glyphosate

- On September 23, 2022, EPA announced its withdrawal of all remaining portions of the interim registration review decision for glyphosate. Pesticide products containing glyphosate continue to remain on the market and be used according to the product label and are unaffected by this action.
- On Feb. 3, 2020, EPA published the Glyphosate Interim Registration Review Decision (ID). However, in March of the same year, the glyphosate ID was challenged in the U.S. Court of Appeals for the Ninth Circuit. Petitioners challenged EPA's analysis of human health and ecological risk, the weighing of such risks against the benefits of glyphosate and the interim risk mitigation measures and alleged that EPA violated the Endangered Species Act (ESA).
- On June 17, 2022, the U.S. Court of Appeals for the Ninth Circuit vacated the human health portion of the glyphosate ID and held that EPA's registration review decision under FIFRA was an 'action' that triggered ESA obligations. EPA has determined that withdrawal of the glyphosate ID is appropriate in consideration of the Ninth Circuit's June 17, 2022, decision.

# **Atrazine**

- In June 2022, released proposed revisions to September 2020 interim decision (ID) for public comment.
- Developed new proposed risk mitigation to decrease runoff as part of a partial voluntary remand of the atrazine ID following litigation.
- Comment period closed October 2022. EPA received about 68K comments on the proposed revisions and is now reviewing the comments and developing responses to them.
- Future Peer Review on certain aspects of the Agency's aquatic plant risk assessment.



# Chlorpyrifos

- February 2022 cancellation of all food-uses
- Completing the response to objections by the registrants for the court.
- Preparing the NOIC for remaining registrations and completing the final cancelations for various products.
- On January 13, 2023, two hearing requests on the NOIC were submitted. A hearing date has not been scheduled.
- Pending litigation in the Court of Appeals for the Eighth Circuit concerning the Agency's final rule revoking all tolerances for chlorpyrifos. Oral argument was held on December 15, 2022, and the court has not yet issued its decision.



# Rodenticides

- The draft risk assessments for the rodenticides were completed in 2020.
- On November 29, 2022, EPA released the proposed interim decisions (PIDs) for 11 rodenticides in registration review
  - includes additional mitigation measures to protect human health and mitigate ecological risk to non-target organisms, including potential effects on federally listed endangered and threatened (listed) species
- The PIDs cover 3 first-generation anticoagulant rodenticides four second-generation anticoagulant rodenticides, and four non-anticoagulant rodenticides
- The PIDs build on a previous risk mitigation decision for 10 rodenticides in 2008 by proposing additional mitigation measures.
- The Interim Decisions for the rodenticides are scheduled for 2023.

# EPA Paraquat

- September 2021 a Petition was filed challenging the Agency's Interim Decision regarding human health-related concerns and questions about the Agency's risk-benefit balancing discussion.
  - In particular, the Agency's assessment of Parkinson's risk, analysis of exposure to paraquat from volatilization, and analysis of costs and benefits of paraquat usage.
- EPA requested that the Court hold this case in abeyance until:
  - (1) the finalization of standalone documents addressing the issues raised in Petitioners' opening brief or
  - (2) January 17, 2025, at which time the parties would file motions to govern further proceedings
- The Petitioners and Syngenta agreed with the consent motion for abeyance and the case will be held in abeyance until January 17, 2025





# Treated Seed

- In September '22, EPA issued a response to a petition filed by the Center for Food Safety (CFS) with and on behalf of beekeeper, farmer, and public interest groups.
- The petition filed by CFS claims that EPA did not adequately assess the risks from use of seed treatment pesticides that have systemic properties and use of the seed treated by such pesticides.
- The petition also claims that the treated article exemption may not cover treated seed without an adequate assessment of the risks.
- EPA explains in its response that it does fully assess both the use of the treating pesticide and the treated seed and impacts to human health and the environment. Also, that the treated article exemption regulatory text appropriately covers any seed treated if it meets specific regulatory conditions.
- EPA does not agree with the petition claims as to the treated article exemption and thus is not granting the petition requests to either interpret or amend the regulatory text for the exemption to categorically exclude seed treated with systemic pesticides from the exemption



# Registration Review Extension

## SEC. 711. REGISTRATION REVIEW DEADLINE EXTENSION.

(a) In General.--Notwithstanding section 3(g)(1)(A)(iii)(I) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(g)(1)(A)(iii)(I)), the Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator") shall complete the initial registration review of each pesticide or pesticide case covered by that section not later than October 1, 2026.

(b) Interim Registration Review Decision Requirements --

(1) Definition of covered interim registration review decision. -- In this subsection, the term "covered interim registration review decision" means an interim registration review decision--

(A) that is associated with an initial registration review described in subsection (a);

(B) that is noticed in the Federal Register during the period beginning on the date of enactment of this Act and ending on October 1, 2026; and

(C) for which the Administrator has not, as of the date on which the decision is noticed in the Federal Register, made effects determinations or completed any necessary consultation under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)).

(2) Requirements.--Any covered interim registration review decision shall include, where applicable, measures to reduce the effects of the applicable pesticide on--

(A) species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(B) any designated critical habitat.

(3) Consultation.--In developing measures described in paragraph (2), the Administrator shall take into account the input received from the Secretary of Agriculture and other members of the interagency working group established under section 3(c)(11) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(c)(11)).