

## **Report to SFIREG (June 2023): Activities of the Pesticide Operations and Management (POM) Working Committee. Amy Brown, Chair, Florida Department of Agriculture and Consumer Services**

Submitted May 30, 2023, by Amy Brown, Chair, POM Working Committee

The POM Working Committee is focused on registration, certification, and enforcement related pesticide issues of national or regional importance.

POM meet on January 31, 2023, to discuss outstanding action items from the JWC Fall 2022 meeting and discuss new agenda items for the Spring JWC. POM also met on May 8, 2023 to work on the 24(c) Guidance document draft to send to EPA for review.

The Spring Joint Working Committee (JWC) meeting was held in person April 17-18, in Arlington, VA. The POM and EQI committees met together and had breakout sessions to discuss issues in detail within each committee. POM Committee members in attendance were Amy Brown, Chair (FL), Robby Personette (WI) (2023), Kristia Thomas (SD) (2024), Sarah Caffery (IN) (2025), and Morgan Griffith (VT) (2025).

### **Topics Discussed and Presentations at the April 2023 JWC Meeting:**

Special thanks to Pat Jones (NC) for assisting with the audio-visual equipment and Sydney Ross (NC) for also helping with the AV and taking detailed notes at the meeting.

Please refer to the meeting materials for papers and presentations from the Spring JWC meeting on the AAPCO website <https://aapco.org/2015/07/29/working-committees/> compiled by Amy Sullivan, AAPCO Executive Secretary. An outline of the various topics/presentations covered in the POM and JWC joint sessions are as follows:

### **POM/EQI Joint Meeting:**

- AAPCO President updates (Liza Fleeson Trossbach, VA, Past President)
- SFIREG Chair updates (Gary Bahr, WA)
- Office of Pesticide Programs (OPP) Update (Ed Messina, US EPA)
- Office of Enforcement and Compliance Assistance (OECA) Update (Kelly Engle, US EPA)
  
- **Dicamba** (Hotze Wijnja, MA, Amy Brown, FL, and Andrew Muench, Cathryn Britton, EPA Pesticide Re-evaluation Division (PRD), and Sarah Meadows, EPA Registration Division (RD)
  - Sarah Meadows, EPA provided an update and stated that EPA has been having calls with Dicamba states
  - Andrew Muench, EPA provided an update on registration review
    - Revised human health and draft ecological risk assessments were posted comments closed October 2022
    - 746 comments were received and are currently being reviewed
    - Comments available on registration.gov <https://www.regulations.gov/docket/EPA-HQ-OPP-2016-0223>
    - Next step is the PID comment period, EPA will be considering early risk mitigations

- Currently EPA is working on an herbicide strategy for ESA
- **Pesticide Registration Improvement Act (PRIA) 5 – Bilingual labeling** (Hotze Wijnja, MA, Amy Brown, FL and Elissa Reaves, Linda Arrington, Susan Bartow (PRD) and Steve Schaible (OCSP) and Megan Provost, Responsible Industry for a Sound Environment (RISE))
  - Elissa Reaves, EPA gave an update on PRIA 5-Specifically to Bilingual Labeling
    - PRIA 5 signed into law December 29, 2022
    - Spanish language translation required on the label or available electronically
    - EPA Spanish Translation Guide for Pesticide Labeling will serve as a guideline for registrants [Spanish Translation Guide for Pesticide Labeling | US EPA](#)
    - There are two exceptions: antimicrobial and non-agricultural use products (not RUP) can comply by providing a link to the safety data sheets (SDS)
    - Stakeholder input required on how to make the bilingual labels accessible to farmworkers – National Webinar on June 15, 2023
    - Deadline for first stakeholder engagement is June 2023 (Engaging with SFIREG/JWC counts towards this)
    - Many other deadlines presented through 2030, RUPs due first (December 2025)
    - There is currently a large Spanish labeling team working on the Bilingual label requirements
    - There will be an email box to use for ideas and questions
  - Megan Provost, RISE, Chair PRIA Coalition, gave an update from their perspective
    - Scannable Technology/QR Codes on labels to link to translation
    - SDS exception not available for non-agricultural RUPs
    - PRIA 5 does not require the entire label to be translated on the parts required in the EPA Spanish Translation Guide for Pesticide Labeling
    - EPA must consult with the states regarding implementation
    - There are no enforcement provisions, only subject to FIFRA
  - There is a lot of concern from States regarding this topic, especially since label revisions will be done through non-notification
- **A Modern Approach to EPA and FDA Product Oversight – Whitepaper** (Hotze Wijnja, MA, Amy Brown, FL and Dee Colby (RD))
  - Dee Colby, EPA provided an overview of the purpose of the Whitepaper
    - The paper has been in the works for a long time, the paper can be found at [US EPA - WHITEPAPER: A Modern Approach to EPA and FDA Product Oversight](#)
    - March 22, 2023, FDA and EPA had a meeting for public feedback
    - Public comment period ends April 24<sup>th</sup>  
<https://www.regulations.gov/docket/EPA-HQ-OPP-2023-0103>
    - Goal is that only one agency regulates
    - Current approach is 50 years old and outdated
    - EPA lacks the staff with the expertise to regulate products like pet collars and topically applied products

- Additionally, the new paradigm is focused on pet products that control ectoparasites on animals, not just on if they enter the bloodstream of the pet
    - There were concerns raised over will this impact beekeepers, Dee Colby, EPA responded that they may address honeybee products in the future, they noticed the concern from beekeepers in the comments and are interested in their comments. The focus currently is on the pet products and genetically engineered products (e.g., GE mosquitos)
    - There were also concerns raised about down the drain products affecting water quality, more EPA than FDA, how will FDA deal with this in its framework? Dee Colby, EPA responded, perhaps not specifically for wash water, but FDA does have an assessment program, this came up as a comment in the public comment period; both sides are concerned that making sure that safety is addressed
- **Laboratory Presentation** (Hotze Wijnja, MA, Amy Brown, FL, and Jona Verreth, Montana Department of Agriculture)
  - Jona Verreth MT, gave a presentation on the challenges associated with testing of Minimum Risk Pesticides (25b) products
  - He suggested that if testing is important to regulators, then we should set up a 25b working group to answer these questions
  - Sarah Caffery (POM, IN), Chair of the AAPCO 25b workgroup plans to connect with Jona regarding the needs
- **Endangered Species Act (ESA)** (Hotze Wijnja, MA, Amy Brown, FL, Gretchen Paluch, IA and Elissa Reaves, Melanie Biscoe, Tracy Perry, Ricardo Jones (PRD), and Jan Matuszko, Brian Anderson Environmental Fate and Effects Division (EFED) and Elyssa Arnold, USDA Office of Pest Management Policy)
  - Jan Matuszko, EPA gave an overview of the workplan pilot projects implementation and progress
    - Completed final BE for sulfoxaflor
    - Completed draft risk assessments consistent with ESA for two new AIs
    - Completed ESA review pilots for the rodenticides, methomyl and carbaryl
    - Currently working on the Neonicotinoids
    - Currently working on Herbicide strategy
  - Elissa Reaves, EPA gave an update on the ESA Workplan Appendix
    - Focus is on early mitigation
    - Received 100 substantive comments
    - Also received detailed comments from the AAPCO ESA workgroup and EPA would like to continue working with the group.
    - Top three themes from stakeholder comments
      - Consistency with practices
      - Required mitigation measures to be effective
      - Currently drafting mitigations for pilot species
      - More engagement with EPA upfront
    - EPA is not planning to respond to comments, will address them going forward

- Registration review deadline extended to October 2026 to align with ESA strategies
  - Elyssa Arnold, USDA Office of Pest Management Policy gave a presentation on Natural Resources and Conservation Service (NRCS), who they are and their perspective on use of National Practices Standards information in mitigation measures
    - They are not part of NRCS, but works closely with them and NRCS approved the presentation
  - Gretchen Paluch, IA, APPCO ESA Workgroup Co-Chair gave an overview of the new workgroup's activities
  - Note: the U.S. Fish and Wildlife Service's (FWS) draft biological opinion (BiOp) for Enlist products is out for public comment and is due July 24th. [Biological Opinions Available for Public Comment and Links to Final Opinions | US EPA](#) (this was announced after the JWC meeting)
- **Endocrine Disruptor Screening Program** (Hotze Wijnja, MA, Amy Brown, FL, and Scott Lynn (OCSP))
  - Scott Lynn, EPA gave a presentation of the EDSP program and the requirements
    - This must be completed as part of Registration Review
    - [Endocrine Disruptor Screening Program \(EDSP\) | US EPA](#)
- **SFIREG Public Comment Process and Issue Paper Follow-up** (Gary Bahr, WA, SFIREG Chair, Hotze Wijnja, MA, Amy Brown, FL,)
  - Gary Bahr, WA, SFIREG Chair gave an overview of the public comment process, how we could organize the process and the need for a better way to track submitted comments/issue papers
    - Presented a tracking spreadsheet
    - TEAMS is a possibility, free for non-profits

**POM Session included:**

- **Pesticide Devices** (Amy Brown, FL, Sarah Caffery, IN, POM committee members and Kristen Willis, Antimicrobial Division (AD))
  - Kristin Willis, EPA addressed the AAPCO Pesticide Devices Making Public Health Claims issue paper from 2019
    - EPA is working on a formal response, COVID 19 health crisis caused serious delays, but there is no timeline for a response
    - New compliance advisory issued February 2023 related to devices
      - <https://www.epa.gov/system/files/documents/2023-03/pesticidedevicecomplianceadvisory.pdf>
    - Updated the device guide for consumers webpage which provides guidance related to producing, distributing, and selling pesticidal devices
      - <https://www.epa.gov/pesticides/pesticide-devices-guide-consumers>
      - Workgroup to update PRN 76
      - PRIA 5: Development of Public Health Performance Standards for Antimicrobial Pesticide Devices

- Provided \$500k for the next five years; expected outcome to include scientific sound methods for development of performance standards related to devices that produce a substance
  - Committee expressed concerns over devices making health claims, the lack of guidance for SLAs and the M009 code/process (PRIA)
    - EPA is working on guidance for SLAs
    - EPA From a research perspective EPA can't take on everything, but we are looking to make clarification for those that are pesticides/ making pesticidal claims
  - Sarah Caffrey (IN) gave a presentation on Indiana's experiences and concerns over devices
  - There was more discussion and concerns raised over the lack of response from EPA regarding the AAPCO Pesticide Devices Making Public Health Claims issue paper from 2019
    - For now, POM will wait on the official response
- **Paraquat FAQs revisions** (Amy Brown, FL, Kristia Thomas, SD, and POM committee members)
  - Kristia Thomas (SD) gave an overview of the custom blender question that was added
    - EPA PRD reviewed the question and answer, they had no issues with the response
    - All POM members present were in favor of adding the question and revising the FAQ
    - Amy Brown will make the final revision and send to Amy Sullivan for posting on the AAPCO website
- **AAPCO 24c guidance revisions** (Amy Brown, FL, Sarah Caffery, IN, Morgan Griffith, VT and POM committee members)
  - Sarah Caffery, IN, Morgan Griffith, VT presented the new 2023 draft
    - The committee reviewed the draft in real time and answered questions identified by Sarah and Morgan
    - Amy Brown will schedule a separate meeting to finish reviewing and finalizing the draft before submitting it to EPA for review
- **Additional Discussion**
  - Pet Product Questions response from EPA
    - EPA provided answers to the Pet product issues from previous meetings, forwarded to AAPCO members by Amy Sullivan on 3/3/23
    - Amy Brown asked that the committee review the response

**POM/EQI Joint Meeting:**

- **PFAS** (Hotze Wijnja, MA, Amy Brown, FL, and Anne Overstreet (BEAD), Jeff Dawson (OCSPP))
  - Jeff Dawson, EPA started the presentation giving a detailed update on the National Testing Strategy and progress
    - OPPT working definition - [Per- and Polyfluoroalkyl Substances \(PFAS\) in Pesticide and Other Packaging | US EPA](#)

- The PFAS working definition was expanded and went from 2 pesticide active ingredients to 4 A.I.s
        - Broflanilide (new pesticide)
        - Pyrifluquinazon
        - Tetraconazole
        - Hexaflumuron
      - EPA is looking at their degradates
      - Currently this is not affecting their registration status
    - Anne Overstreet, EPA gave an overview of leaching testing progress and additional testing results should be released in May 2023
      - Results can be found at [Per- and Polyfluoroalkyl Substances \(PFAS\) in Pesticide and Other Packaging | US EPA](#)
- **Rodenticides** (Hotze Wijnja, MA, Amy Brown, FL and Melissa Grable, Dana Friedman, Steven Peterson, Kent Fothergill, Anna Senninger, Julie Javier, Susan Bartow (PRD))
  - Melissa Grable, EPA gave an update of the registration review progress for the rodenticides including mitigations and ESA pilot species
    - Public comment period for the 4 PIDs closed February 13, 2023
    - Draft BEs should be out for public comment November 2023, "Rodenticide Strategy" will make recommendations to reduce exposure
    - Final BEs expected to be completed in 2024, will then initiate consultation with the Services
    - Final ID expected to be completed in 2024
    - Path forward, EPA received 22,000 public comments from the PIDs
      - Concerns include cost passed down to the consumers, RUP status, plastic waste due to single use only for consumers, crop loss, carcass search and PPE
      - Reviewing comments, holding stakeholder meetings and consulting with the Rodenticide Task Force, FWC, CDC, USDA and FDA
- **Chlorpyrifos and other Organophosphate's (OP) Petition Updates; OP Registration Review Schedule** (Hotze Wijnja, MA, Amy Brown, FL and Melissa Grable, Dana Friedman, Trish Biggio, Alex Feitel, Anna Romanovsky, Kelly Sherman (PRD) and Royan Teter, Christine Trostler (OECA))
  - Melissa Grable, EPA provided an update on the **Chlorpyrifos topic**
    - Most registrants have submitted requests to voluntarily remove food uses
    - Notice of Intent to Cancel (NOIC) was issued to Gharda for 3 products on December 14, 2022
    - Gharda and grower groups challenged EPA's tolerance revocation on decision – filed with the Eighth Circuit Court on December 15, 2022
    - Gharda and grower groups requested hearing and requested a stay on January 13, 2023, this was denied on March 31<sup>st</sup>
    - Gharda and grower groups filed an appeal on April 10<sup>th</sup>, no decision on the appeal as of today (April 18<sup>th</sup>)
    - BiOP NMFS completed on June 30, 2022, label revisions with mitigations measures are currently being reviewed by EPA, Due on Dec 30, 2023 (18 months)

- Return programs
      - EPA working with registrants; not authorized yet
      - Final Cancellation order will be issued shortly
      - Disposing or relabeling, EPA will advise states
      - Updates will be provided to SLAs and the FAQ [Chlorpyrifos | US EPA](#)
- **Note: After the meeting Alex Mckee, EPA provided the following summary:**
  - There are 2 chlorpyrifos Federal Register notices publishing this week in the following docket: <https://www.regulations.gov/docket/EPA-HQ-OPP-2022-0223>
  - The one that may be of most interest is FRL 10924, Cancellation Order for Certain Chlorpyrifos Registrations and Uses, May 4, 2023:
    - This is the final cancellation order that follows the December 13, 2022, Federal Register Notice of Receipt of Requests to voluntarily cancel or amend certain product registrations
    - It includes the cancellation of 14 products (Corteva and Winfield) and three Adama products with use cancellations, and initiates return programs for Adama and Corteva products
    - Adama and Corteva requested that EPA allow for the return of existing stocks that are in the hands of end users and distributors. EPA approved the return program agreements on April 19, 2023 and Adama and Corteva were notified of the approval of their return program agreements the following day (April 20, 2023). Additional information can be found in the docket ([EPA-HQ-OPP-2021-0523](#)) or by contacting the registrants: Adama (866) 406-6262; [ordergroup@adama.com](mailto:ordergroup@adama.com) and Corteva (800) 258-3033
  - EPA published FRL 10923 Intent to Cancel Certain Pesticide Registrations and Amend Registrations to Terminate Certain Uses: Chlorpyrifos on May 3, 2023:
    - This is a notice of receipt of requests by registrants to voluntarily cancel their registrations of certain products containing the pesticide chlorpyrifos, or to amend their chlorpyrifos registrations to terminate one or more uses. This order includes the cancellation of eight products (Control Solutions, Tide, and Nufarm) and four products (Adama and AAKO) with use cancellations.
    - One of the registrants is interested in a return program and the Agency is working with that registrant to review their return program.
- Anna Romanovsky, EPA gave the **OPs with possible tolerance revocation Petition and registration review Update**
  - The Petition requested that EPA revoke all tolerances and cancel all associated registrations for food uses for 15 OPs.
  - Docket EPA-HQ-OPP-2022-0490 – comment period I ended September 2022
  - 50,000 comments received
  - EPA does not have a date for response to petition
  - The revised registration review schedule was just published, search for cases in the schedule for OPs [Upcoming Registration Review Actions | US EPA](#)

- **Certification & Training – Update** (Carolyn Schroeder (PRD))
  - Carolyn Schroeder, EPA provided an update on C & T
- **Technology Workgroup – Update** (Dwight Seal, NC, Committee Chair)
  - Dwight Seal, NC presented on the AAPCO Technology Workgroup
- **CLA Registration Review Workgroup - – Update** (Sarah Caffery, IN and Mary Tomlinson, ME)
  - Sarah Caffery, IN gave an update on the Crop Life America Registration Review Workgroup activities
- **Other Emerging Topics** (Hotze Wijnja, MA, Amy Brown, FL, and Committee Members)
  - There were several topics brought up for discussion (Notes from Sydney Ross, NC)
    - **EPA Resources**
      - Sarah Caffrey (IN): There is an overarching response from EPA that there is not enough time for things, how can states help with this? Is there a better/ preferred communication route from states that can facilitate coregulator connection?
    - **PRIA 5 Spanish labeling**
      - Pat Jones (NC): EPA will not approve Spanish translation? All we have to go off is the guidance document. Liza Fleeson Trossbach (AAPCO, VA): Have asked EPA for spotlight call to discuss and disseminate information to the states, send all questions to Kelly Friend (FL) she is going to compile all the questions for EPA; Sarah Caffrey (IN): These are big questions, are any states looking to change their revised label review process? Liza Fleeson Trossbach (AAPCO, VA): Looking at it like it's a self-certification, we don't have the expertise and ability to do that, and it's not the full label; Gary Bahr (SIFREG, WA): What about an enforcement case? Is this is a federal credential situation, what should be done?
    - **Biopesticide testing**
      - Gary Buckner (WA): Biopesticides is an emerging issue, laboratories have had issues testing for these products, EPA wanted testing for PEIs that were done; Liza Fleeson Trossbach (AAPCO, VA): As soon as companies (especially mosquito companies) see that we can't test for those they will start using them, more conversation around what type of actives are being seen
    - **Water quality testing**
      - Gary Bahr (SFIREG, WA): Water quality testing in region 10 testing has been long-term, but now finding that state paid for service type labs have been strained because of the commitment of those labs to test for emerging contaminants, now the state is down the list a bit, can we still utilize the lab long term?



**POM tasks accomplished since the SFIREG December 2022 Meeting:**

- POM completed the Paraquat FAQ revision, adding a question about custom blenders and it was sent to Amy Sullivan for posting on the AAPCO website on May 22, 2023
- POM completed the Draft 24(c) guidance document and sent to EPA for review on May 23, 2023
- POM continues to follow the Dicamba, Pet Products (A Modern Approach to EPA and FDA Product Oversight – Whitepaper), PFAS, Chlorpyrifos, Endangered Species Act, Registration Review, Seed treatment, Chlorine Gas, Rodenticides, PRIA 5 (Bilingual labeling and Development of Public Health Performance Standards for Antimicrobial Pesticide Devices specifically), Endocrine Disruptor Screening Program, OP Petition and C &T issues raised in the Joint/POM Sessions.

**There are a lot of issues POM continues to follow and discuss, however at this time, we do not have any items requiring action to be taken by Full SFIREG**

**Additional information:**

Call for POM and EQI committee member nominations was sent out by Amy Sullivan on May 8, 2023, with a deadline of June 2, 2023