

**EPA REGION 3**  
**REPORT to Full SFIREG**  
**State FIFIRA Issues, Research, and Evaluation Group Meeting**  
**June 2, 2023 (Virtual); June 5-7, 2023, Jackson, TN**

The EPA Region 3 Pre-SFIREG Meeting was held March 21-22, 2023, at USEPA Region 3 Headquarters in Philadelphia, PA. Attendees included: Christopher Wade (DE); Rob Hofstetter and Kelly Love (MD); Jessica Lenker (PA); Grant Bishop (WV); Liza Fleeson Trossbach and Marlene Larios (VA); and Aquanetta Dickens, Courtenay Hoernemann; Christine Convery; Holly Raguza, Camille Lukey, Debbie Moody, Debra Forman, Hannah Bartling and Kyla Townsend-McIntyre (EPA Region 3). In addition, Megan Wilkerson (DC); Jimmy Hughes (DE), Chad Carpenter (WV) and Ralph Brogdon (EPA Region 3) joined virtually.

As part of the meeting, Region 3 Staff provided updates on a wide variety of topics. The Land Chemicals and Redevelopment Division (LCRD) provided updates on the status of C&T Plans, credentialing updates, WPS, IPM, grant/budget and mid-year reviews. Regarding mid-year reporting, Region 3 States and EPA have agreed to complete form 5700 for mid-year only and will not include workplan activity accomplishments in FGD. A formal mid-year meeting will no longer take place. Full reporting will be done in FGD annually with a year end meeting between the states and their EPA Region 3 Project Officer. The Enforcement and Compliance Assurance Division (ECAD) provided a WIRE recap, electronic Inspection Files review, oversight inspections with states, climate initiatives, inspection checklists and WPS checklists.

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

- SFIREG processes for providing comments to EPA
- C&T Plan approval processes and feedback from EPA
- ESA Workplan concepts for mitigation, labels and Bulletins Live 2
- Rodenticide PID's and Regulations
- SLA updates on experiences with current FIFRA Cooperative Agreement
- Chlorpyrifos issues or concerns
- Atrazine interim registration decision
- Dicamba

### **EPA Comment Process**

As the States differ in how comments can be provided to EPA on specific items, Region 3 States were very supportive of a streamlined process in which comments would be provided to and submitted by SFIREG.

### **C&T Plan Approval Process**

Region 3 states have submitted their plans. Delaware and the District of Columbia have approved plans. Maryland should have revisions complete by the end of March and will be going through its second pass. Pennsylvania, Virginia and West Virginia have all gone through the initial comment phase.

One recurring issue with the States is consistency when undergoing EPA review. For example, some states are being required to submit actual documents while others may only have to state that they have a copy of said document in place.

## **ESA Workplan, Mitigation, Labels and Bulletins Live 2**

A few states have already incorporated information about mitigation measures, label language during recertification meetings, via press releases and on their website including a direct link to Bulletins Live 2. Primary concerns revolved around Bulletins Live 2. EPA needs to make sure the system is viable and user friendly. Strongly consider having a cell phone app. Most of this information will need to be accessed in the field not when sitting behind a desk. States also expressed concerns on how enforcement may be conducted. Will bulletins be available past expiration?

## **Rodenticide PID's and Regulations**

One major concern with States and the industry is tracking of carcasses. What to do with the carcasses and enforcement around this particular issue.

## **Experience with Current FIFRA Cooperative Agreement**

Most states expressed no major issues. Streamlining of reports has been excellent. Region 3 credentialing has gone well. We would like to see EPA add ecommerce and virtual inspections to the new guidance. States have been doing these types of inspections for years but since they are not in-person EPA has not recognized them.

## **Chlorpyrifos**

No issues or concerns.

## **Atrazine Interim Reregistration Decision**

DE submitting comments opposing the lower detection limit in water. No other issues concerns reported by remaining Region 3 states.

## **Dicamba**

No issues or concerns.

## **2023 Region 3 Inspectors Workshop**

The 2023 EPA Region 3 State Pesticide Inspector's Workshop will be hosted by the District of Columbia. We will convene at the Embassy Suites, Washington DC Chevy Chase Pavilion from September 11<sup>th</sup> through September 15<sup>th</sup>. Dr. Megan Wilkerson provided the group with an update and tentative agenda. Fit testing will once again be offered.

Region 3 unfortunately lost two Inspectors this year (one from DC and Maryland). In addition to our normal schedule of events, we will be taking some time to honor and recognize the accomplishments of Baldwin Williams (DC) and Braeden Harpool (MD).

## Miscellaneous

In addition to the above, the group discussed several state specific issues including the Pesticide Container Recycling Program. As stated in the December Report, after 28 years working with USAg Recycling, a new recycling contractor was provided to the Northeast and Mid-Atlantic States. They have been inconsistent with rejections compared to past years (some sites have seen up to 70% rejection where there used to be 1% or less) and very inconsistent with scheduling. One-to-two-person operation, one truck, working from Maine to Virginia. A meeting with ACRC Executive Director and a few Board members yielded no viable solutions and as a result Maryland and Delaware have cancelled their programs, at least temporarily. West Virginia has paused their recycling program until further evaluations can be completed. In addition, Virginia is evaluating the program but has told its site coordinators not to accept anything new until the sites have been emptied. If the states mentioned above cancel their programs, an estimated 300,000 pounds of plastic per year would be entering the waste stream.

Field Watch-All Region 3 States and the District of Columbia are members of Fieldwatch and utilize one or more of the programs they offer. <https://fieldwatch.com/>

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

### **Delaware**

- Staff Update- Filled Chemist Position, Quinten Langley.
- Equipment/Technology- Still working on App for well program – slow progress, hydrologist is still working on this project with the Departments GIS specialist. The new lab equipment LC/MS/MS is fully installed. New instrument is now up and running samples, chemist received training from instrument manufacturer. One item of note, the consumables for the new instrument are significantly more expensive. It will cost more in supply funds to operate the new machine. Also the preventative maintenance plan is triple the cost of any other device in the lab.
- State Certification Plan –Rules and regulation changes required by the newly approved C&T plan have been submitted to the registrar, awaiting final approval. DDA will soon begin step 2 of the implementation process for the C&T plan. Step 2 will consist of exam/category additions, database modifications and start of applicator outreach.
- Program Specific Issues-  
**Water Quality:** Preparing for spring 2023 sampling. DDA is redeveloping the wells to improve flow rates for sampling.  
**Endangered Species:** When requested, DDA provides pesticide analytical testing for wildlife cases involving endangered species.  
**Disposal/Recycling:** Disposal program will continue in the spring of 2023, new vendor has been chosen, DDA anticipates a May 2023 pickup. Recycling program will no longer be run by DDA, change in vendor caused rejection rates to be dramatically increased and pickup reliability issues have caused the program to no longer be feasible. DDA will re-evaluate year to year.

### **District of Columbia**

- C&T- The District will utilize Everblue for remote certification testing. Remote testing will be available in April. The RA signed the DC C&T Plan on 2/24/2023.

- **District Regulatory Changes & Technology**  
DOEE submitted District Restricted Use Products (DRUP) the proposed rulemaking to the Office of the Attorney General for legal sufficiency. We are drafting responses to the proposed rulemaking on DOEE's Restricted Use Pesticide List; we received ten comments from industry representatives, advocates, and chemical associations.
- **Enforcement**-Two NOIs issued to Orkin. One case was referred to OAG with a \$960,000 fine.

## Maryland

- **Pesticide Container Recycling Program**- Empty Pesticide Container Recycling Program Celebrated 30 years. Recycling issues with new ACRC contractor for two years running (scheduling and rejection levels never seen in the prior 28 years of the program. After 30 years and 1.2 million lbs. of plastic collected Maryland has cancelled its recycling program. More than 30,000 lbs. of uncollected plastic will unfortunately be landfilled. This is plastic that would have been collected in prior years. With no active program, we estimate upwards of 45-60,000 lbs. of additional plastic will be landfilled by growers and pest control businesses across the state.
- **Legislative Updates**- Senate Bill to require testing for PFAS – [SB 0158](#) (HB0319) would prohibit, beginning January 1, 2024, the Secretary of Agriculture from registering a pesticide for use against mosquitoes in the State unless the distributor of the pesticide submits to the Department test results indicating the pesticide has passed the PFAS test and an affidavit attesting to the legitimacy of the PFAS test results; and prohibiting, beginning January 1, 2026, the Secretary from registering a pesticide for use in the State unless PFAS test results and a certain affidavit are submitted by the distributor. As of submission of this report, it is believed that the bill will not pass as is and will revert to a summer study.
- **Staffing Update**- New Licensing, Certification and Training Coordinator, Alex Lehmann, started with the Pesticide Regulation Section on March 22, 2023. Among other things, he has been put right to work on the C&T Plan, QMP and is working with Everblue, our online exam provider. In addition, the Department welcomed Kevin Atticks as its new Secretary of Agriculture. Secretary Atticks was sworn in on March 3, 2023. He has met with each Program, and we are looking forward to working with him.
- **Pesticide Use Survey**-We have contracted with the USDA National Ag Statistics Service to conduct a 2022 Pesticide Use Survey. This is a voluntary survey that NASS conducts for us every two years.

## Pennsylvania

- **Enforcement**- Facing challenges with 25(b) drift enforcement and mosquito application drift. Inspection quotas are going well and we expect to complete all of our EPA required inspections for this fiscal year. A PEI specific training is planned for our PDA inspector training this spring.
- **C&T** - C&T Plan: Finalized first review and responses to EPA comments. Submitted 1/18/23. Waiting for response back from EPA for a second pass through of comments.

- **Water Quality (Ground Water Monitoring)** – PDA continues to contract with the Pennsylvania Office of Rural Health (PORH) to provide WPS compliance assistance to all Pennsylvania growers. The PORH has completed updating the WPS DVDs and have now moved to putting on flash drives. Commodities targeted in the training videos are greenhouse, nursery, orchard, vegetable, and mushroom. Any state, PSEP, professional association, or EPA funded organization can request the files to produce their own videos to distribute as needed. PDA continues to present outreach materials at the Mid Atlantic Nursery Trade Show (MANTS) in Baltimore MD. The 2023 MANTS event was in person and back to normal attendance.
- **Pesticide Disposal**- For 2023, 18 counties are included for farm-to-farm collections and there are 17 HHW events scheduled to be conducted by 10 counties. HHW a significant increase for this year, mostly in the southeast section of the state. Chemsweep program information has been sent to over 5,600 applicators and businesses with collections to begin in June 2023. PDAs funding commitments for HHW events and farm to farm collections remain the same this upcoming season. A new public inventory submission process using Survey123 has been put in place, improving program efficiencies.

## Virginia

- **Legislative**- During the 2023 General Assembly Sessions, the following bills and amendments were submit impacting pesticide regulation:

House Bill 1548 sought to add the following requirements to the Virginia Pesticide Control Act §3.2-3934.1. Aerial pesticide application; civil penalty.

*A. Any commercial applicator or private applicator who uses fixed-wing or rotary-wing aircraft for the aerial application of pesticides to any lands lying west of the Blue Ridge Mountains shall submit the following information to the Commissioner no less than seven days prior to such application: (i) the location of such proposed application, (ii) the date and time of such proposed application, and (iii) the brand name or common product name of the pesticide to be used in such proposed application.*

*B. Any commercial applicator or private applicator who violates the provisions of this section is subject to a civil penalty of \$500 for a first offense and \$2,500 for each additional offense. Such penalty shall be collected by the Department and the proceeds shall be deposited into the Pesticide Control Fund established in § 3.2-3912.*

The bill was assigned to and left in Agriculture, Chesapeake and Natural Resources, Agricultural Subcommittee.

- **Ongoing/Future Initiatives**–VDACS has completed the process and is undertaking final preparations for the implementation of a remote testing option for all pesticide applicator exams. The option is in addition to the current testing options available including the Department of Motor Vehicles and in person testing. Remote testing is scheduled to be available March 2023. All exams will be available using this option. A service fee of \$26/exam is charged by the provider.
- **C&T** -Completed final revisions addressing comments from EPA’s detailed review of VDACS modified State Certification Plan. Plan is currently undergoing final review at EPA Region III.

## West Virginia

- **C&T Plan** – Revised per Headquarters’ first review with assistance from Region 3. Necessary revisions sent to Region 3 the first week of October and received back from Region 3 in January 25, 2023. Region 3 comments addressed and returned March 3, 2023.
- **Pesticide Container Recycling and Pesticide Disposal**-10 sites available for collecting plastic pesticide containers for recycling. WVDA has purchased and rented sea containers set up at WVDA field offices, grower locations, custom applicator sites and golf courses. Feb-March 23- Collection by Ag Plastic Solutions at WV 10 sites. Rejection rate was approximately 75%. Under a \$25,000/1-year contract with Care Environmental from New Jersey to support the disposal of waste and unwanted pesticides. Five collection events have been held since the start of the contract in July.
- **Inspections and Enforcement**- Two new hires have completed initial training. WVDA will submit paperwork for EPA credentials soon. No dicamba complaints or bee kill investigations during first half FY 2023. Staff projected to meet all federal commitments.
- **Legislative Update**-House Bill 4644- The purpose of the bill is to exempt from the requirement of an annual pesticide business license for persons applying lawn care products or pest control products that are generally available through retail sale at groceries, drug stores and other stores offering a broad variety of consumer products. The bill passed both the house and senate and was signed into law by the governor. Only two (lawn care) companies did not renew LPAB and CO licenses for 2023.

**Next Meeting** – The Fall Pre-SFIREG Meeting is scheduled for October 17-18, 2023. The meeting will be held at the West Virginia Department of Agriculture Field Office in Inwood, West Virginia.

Respectfully submitted,



Rob Hofstetter, SFIREG Representative  
EPA Region 3