

Region 4 SFIREG Report

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June 2, 2023

The Region 4 spring pre-SFIREG meeting was held on 12-13 April 2023, at Tybee Island, GA. This in-person meeting also provided a virtual link for those who could not come to the meeting in person. All states in the Region (AL, FL, GA, KY, MS, NC, SC, TN) were in attendance, and EPA regional leadership staff were in attendance as well. It was announced that Florida will be hosting the Fall Pre-SFIREG on 10-12 October at Panama City Beach.

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

- Region 4 EPA Land Chemicals and Redevelopment Division update (Gracy Danios, Donnette Sturdivant)
- Regional grants certification and training, and worker protection standards update (Richard Corbett, Michelle Diaz Laboy)
- Quality Assurance update (Richard Corbett) -
- EPA Region 4 Enforcement and Compliance Assurance Division update (Keriema Newman, Alan Anicella, Kanoe Ho, Laurel Stanko) -
- NEJAC Farmworker and Pesticides Initiative (Amanda Hauff, OCSPP)

Topics covered in the meeting by SLA personnel were:

- PRIA 5 and state impacts (Derrick Lastinger led discussion)
- Endangered Species Act and state impacts (Derrick Lastinger led discussion)
- SFIREG/POM/EQI update (Derrick Lastinger)
- AAPCO update (Pat Jones)
- ASPCRO Update (John Pitcock)
- How states can provide comments to EPA (Jim Burnette)

Primary Issues Discussed by States:

During the meeting, as customary, there was a states-only session where items of concern needing to be taken forward to the Region and Headquarters were discussed. During this session, the main topics of discussion among various states in the region were the Certification and Training Plan approvals, rodenticide issues, concerns with recent grant allocations, various pesticide issues, Producer Establishment Inspection issues and concerns, and enforcement issues. These discussions are summarized below.

Certification Plans: States all gave updates on the progress of their Certification plan approvals. There were no major issues identified during the meeting, and the feeling was that the process is going well.

Rodenticide Issue: There was a general consensus that the EPA rodenticide decision will cause many problems in the states. It will add a great deal of work to state lead agencies in the way of record keeping and enforcement. There is a possibility that a new category will be needed in some states, and the licensing of applicators in the event of a public health emergency will be cumbersome. Other issues arising from this decision that are anticipated to cause problems are carcass removal requirements and additional record keeping requirements (Private Applicators). It was stated that an Issue Paper may be necessary to address some of these concerns.

Grant Allocations: A good many states are having issues with grant allocations being made in a timely manner. Mike Sparks (EPA OIG) responded to questions about grants and allocations of funds. It was stated that there may be some process issues within the EPA from which this problem is arising. It is felt by the States that there is a general lack of communication by the EPA with regard to this issue.

Atrazine and Dicamba Issues: No states have observed any outstanding issues lately with Atrazine (none reported to the SLAs). Regarding dicamba, there were a few issues in some states. Kentucky had 33 complaints and anticipates that around five of these will result in actual cases. There was one complaint in Georgia, and North Carolina had two cases related to damage along with two related to the sale of dicamba products to improperly licensed individuals. Most states had no reports of issues related to dicamba sales or use.

Producer Establishment Inspections and Enforcement: It was stated that EPA Headquarters has not given consistent guidance related to the PEI process in states. Better and more consistent guidance is needed and desired. Regarding enforcement, monthly calls with EPA enforcement staff have not been especially productive for some states. There still are a lot of pending investigations from as far back as 2019 that have not been resolved. There seems to be a general lack of accountability for cases that have been submitted by states.

Drones: Some states have received requests for licenses for drone use in the application of pesticides in various categories of application (NC has 6-8 licensed now). The “correct” name for drones is being debated, and there seems to be favor for Remotely Piloted Aerial Application Systems (RPAAS). Some traditional aerial application pilots are feeling threatened by the use of drones for pesticide applications. The most prevalent uses of drones at this time are for mosquito control, rights of way, aquatic sites, vineyards, corn and soybean herbicide and fungicide applications, and a few structural uses (moss control on roofs, wasp and hornet control on building exteriors). Most problematic at this time is that label language governing drone use is absent. Compliance assistance and consistent messaging is needed for applicators. Other regulatory issues are distance of application from structures, inspections of drone equipment, notifications before applications, needed label requirements for boom width and nozzle orientation.

NPSEC Honey Bee Videos: The agricultural inspector video was shown and well-received by SLAs. Pat Jones stated that “next steps” for video development, use, and distribution need to be discussed. Apiary inspectors have had requests for the videos to be translated into French and Spanish, and interactive trainings may be needed. Discussions have taken place with the EPA about making these videos a part of the credentialing program. No decision has been made regarding this yet. A poster for distribution to beekeepers and bee supply stores is being developed by North Carolina now.

Recognition of Jim Burnette: Jim Burnette is retiring from the North Carolina Department of Agriculture. He has had an outstanding career of service to the state and nation for many decades, and he was recognized during the meeting. Jim will be missed by all of those who know and respect him, and he is wished much success and happiness in his retirement!

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

SFIREG Questions sent to the States and SLA Responses

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

1. ***C&T Plan approval process and feedback from Regional EPA and Headquarters***

Alabama: The C&T Plan for Alabama has been approved. The Governor signed Executive Order 735 to reduce the “red tape” citizens and businesses must navigate by placing a moratorium on new rulemaking by executive branch agencies and establishing goals for the reduction in discretionary regulatory restrictions on citizens and businesses contained in the Alabama Administrative Code by 25 percent. This may make the C&T changes more difficult than initially anticipated.

Florida: Florida is currently in the “close” phase of plan approval. The final round of edits are on the verge of being returned back to the EPA from the Department in the hopes that the next correspondence will be an Approval Letter. The Department is under new administration as of January 2023 so the new team is being looped in and will need to approve the current plan proposal prior to returning it to the EPA. We are very close to final approval.

Georgia: We received feedback from ORC on 2/15/23 and sent a revised Plan back to our Project Officer on 2/27/23.

Kentucky: Waiting on Final Approval

Mississippi: Mississippi’s C&T plan has received EPA approval. We have begun working with our PSEP to update training materials and exams. Regulatory changes will take place according to the timeline outlined in our plan. Our biggest task will likely be updating our material for private applicator certification as those standards had such an increase in the scope of what needs to be covered.

Tennessee: Moderately close

2. ***ESA workplan concepts for mitigation, labels, and BulletinsLive!2***

Alabama: There is a concern and the ESA workplan and strategies have not been fully digested at this time.

Florida: We have heard that Florida specialty crop growers are concerned about the mitigation measures identified in the Appendix. The Minor Crop Farmer Alliance (MCFA) provided their concerns via the comment process.

Georgia: Jenny Wren is a member of the AAPCO ESA Workgroup which will be meeting with EPA staff on April 13. We anticipate drastic impacts for both applicators and SLAs once mitigation measures are incorporated widescale through the registration review process. Continuing concerns with enforcement of label language for SLAs.

Kentucky: Platform is not user friendly; applicators are very busy and need quicker method.

Tennessee: Will there be more bulletins and will Bulletins Live be more user friendly. TN will inform those regulated and unregulated about the ES in specific counties which will include Bulletins Live ! and how to use the program. The main concern is the bulletins being updated and the program is not user friendly for the public to utilize.

3. ***Rodenticide PIDs and regulations:***

Alabama: Nothing new has emerged since the comment period closed. Just of note that this will likely increase the number of private applicators in Alabama and require that an Agricultural Livestock category be created for private applicators. This category will mostly be for our poultry folks.

Florida: Florida has no additional concerns after the comment period. Concerns were voiced via the comment process, Florida worked with AAPCO and ASPCRO to provide comments. Florida’s Fruit and Vegetable Association also provided comments.

Mississippi: MDAC submitted comments referencing the following concerns: MDAC has reviewed the last 10 yrs of data, and we have not documented any instances of rodenticide misuse that resulted in human or non-target animal exposure. Also, we asked EPA to reconsider the populations of those who may be

challenged or overburdened by the proposed regulatory changes (costs of rodent treatments for consumers and applicators).

Tennessee: At present no new comments have been received.

4. ***SLA updates on experiences with the current FIFRA Cooperative Agreement, funding, reporting, staffing, credentials, and other administrative topics***

Alabama: Reporting needs to better reflect the overall compliance and program and not just the activities that are “onsite.” EPA is missing a huge part of the story by overlooking all the offsite compliance activities and subsequent enforcement actions taken administratively by the office personnel. Likewise, e-commerce needs to be addressed. It’s time to rethink what is being looked at and be able to better quantitatively (#’s only) capture all compliance and enforcement activities carried out within programs if you really want to tell the story about the work that is being done. In doing this, much consideration should be given to the fact that the way everyone does business has forever undergone a dynamic shift.

5. ***Chlorpyrifos:***

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

Florida: What was the court’s decision in the chlorpyrifos case? <https://fedsoc.org/commentary/fedsoc-blog/eighth-circuit-hears-major-pesticide-case>

Georgia: Has had a significant impact on the peanut industry in the state of Georgia.

Kentucky: Still need an answer as to whether SLAs will receive any grant/funding assistance for large disposal requests or are SLAs on their own for funding?

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

Tennessee: At present no additional topics or questions to be discussed.

6. ***Atrazine interim registration decision:***

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

Florida: Florida has no additional concerns after the comment period.

Kentucky: Submitted comments during comment period and has questions about how it would go into effect and who is responsible.

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

Tennessee: At present there nothing new to share.

7. **Dicamba:**

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

Florida: Florida has no new issues with dicamba. Same as in previous years, no reported spray drift damage in 2022. Florida also accepts any training from the registrants or adjacent states to meet the annual EPA required training for OTT applications of dicamba.

Georgia: Still registered very few complaints involving dicamba OTT, but Extension noted an uptick in reports received in their offices.

Kentucky: Would like to see label violation that other R4 states are seeing.

Mississippi: The current dicamba label is working in Mississippi. Mississippi had 6 official dicamba complaints for 2022. Mississippi saw a massive decrease in the number of complaints relative to the OTT use of dicamba products as adoption of the technology grew in 2017 and 2018. There have been only of handful of cases per year since. Label requirements appear to be followed by applicators.

North Carolina: The NCDA&CS Pesticide Section received one formally reported dicamba complaint in 2022. The complaint resulted from damage to several fields of non-dicamba tolerant soybeans from applications of Xtendimax and Engenia made to nearby dicamba tolerant soybeans. This complaint is currently under investigation.

Tennessee: At present, outreach has worked well and as a result, complaints have gone down. TDA has 9 confirmed in 2022 and none for 2023. TDA has no problems tracking complaints.

8. **New and ongoing issues:**

Georgia: Delayed EPA funding.

State Summaries Submitted for the Pre-SFIREG Meeting, Spring 2023

Alabama:

- **Budget:** Alabama is currently budgeting for FY24. FY23 has a slight increase for programs. The current economic outlook is fair to good.
- **Staffing:** Currently we are down two agricultural inspectors. We are looking to add some additional staff in Professional Services. We are also short one person in pesticide product registration. We are having a hard time trying to fill these positions.
- **Legislative/Rules:** Gearing up to make the changes in rules/regs necessary as a result of the new C&T rule and as outlined in the new C&T Plan approved for Alabama.
- **Significant Cases:** An update on The Professional Services Section for the Alabama Department of Agriculture & Industries (ADAI) have been engaging in investigations since May 8, 2020, that led ADAI's pursuit for Revocation on a Structural Pest Control Company (Company) and the Certified Operator for the Company for multiple label violations, multiple violations of Professional Service Law & Regulations in a long-term egregious manner. As a result of several for-cause investigations, ADAI began neutral-scheme investigations that resulted in ADAI's finding of systemic wrongdoing. September 20, 2021, ADAI reengaged in the pursuit of revocation due to the failure of the Company and Company Attorney to abide by the parameters of the Order. The Order included administrative penalties with time parameters.
- **Structural:** The Professional & Regulatory Services section is currently interviewing for Agriculture Consumer Protection Specialist/Investigators (ACPS) to replace the vacancies left by former employees seeking other job opportunities and retirement. Current salary ranges and benefits packages in Alabama

seem to be below other job markets. Through attrition we are trying to replace ACPS employees in vacated areas so our Department can better monitor and serve the Alabama consumer and regulated industry.

- **C&T:** Alabama C&T Plan has been approved and ADAI will begin moving forward in making the changes necessary for implementation in accordance with our specified timeline.
- **WPS:** Status Quo
- **ESA:** ADAI keeps two bulletins on the website updated each month showing the affected areas of the state and a table with pesticide AI/Product(s) with use limitations for the indicated areas on the map.
- **Water Quality:** ADAI is currently under contract with USGS to conduct ground water sampling in Alabama. Active sampling occurred in FY2022, and the results have been provided to ADAI. Active sampling will occur again in FY2024, and ADAI will work with the USGS to develop a custom schedule of pesticides to track in Alabama during FY2023.
- **Pesticide Waste Disposal:** ADAI has not hosted a pesticide disposal event in FY2023. A new contract is now in place with the contractor and an event is being planned for early November (FY2024); two sites are being considered to help make up for missing last year's event.
- **Container Recycling:** No issues currently with container disposal; FY2022 weight total was 241,735 lbs.
- **Special Program/Initiatives:** Will soon start the process of transitioning to the new online application to handle day to day business. The system will include product registration, certification, and business licensing. We will also be moving to electronic inspections at this time.
- **New issues/Concerns:** Hiring and retention. Pay/salary is an issue and primary pain point.
- **Pesticide Registration:** Still need to hire for a vacant position. Went through the hiring/interview process and had few qualified candidates. Offer was made to the only candidate potentially qualified, and offer was declined.
- **Other Significant News:** ADAI broke ground in November 2022 for the new pesticide residue laboratory in Auburn, AL.

Florida:

- **Budget:** FDACS is currently operating under a 1-year extension of our previous PPG, expending remaining Year 3 funds according to identified extension year objectives. FDACS is also conducting workplan activities outlined in Year 1 of our 22-25 grant proposal. Timing of awards continues to be a critical issue.
- **Staffing:** Recruitment and retention continue to be a problem. Currently have 3 vacant inspector positions and 1 vacant chemist position.
- **Legislative/Rules:** Rule 5E-14.149(5)(c), Florida Administrative Code was amended 12/26/2022, to address the eligibility of individuals with certain criminal convictions to receive pest control licensure pursuant to Chapter 482, Florida Statutes.
- **Significant Cases:** A request for investigation of a firm resulted in 43 WPS violations. This case resulted in a fine just under \$50,000. Violations included: 1 count for improper pesticide storage; 18 counts for failure to train workers prior to handling pesticides; 17 counts for not providing and wearing label required PPE, 5 counts for failure to maintain application records and 2 counts for failing to provide required decontamination supplies.
- **Structural:** See above leg/rules for 5E-14 changes affecting the structural pest control industry.
- **C&T:** Florida is currently in the "close" phase of plan approval. The final round of edits are on the verge of being returned back to the EPA from the Department in the hopes that the next correspondence will be an Approval Letter. The Department is under new administration as of January 2023 so the new team is being looped in and will need to approve the current plan proposal prior to returning it to the EPA. We are very close to final approval. The Department has started planning for the beginning stages of implementation.
- **WPS:** Florida Worker Safety Program continues the WPS Compliance Assistance, focusing on those with reported violations. Also continue their outreach activities providing WPS Pesticide Safety Training and Train the Trainer certification program as need. Additionally increased the educational efforts for advocacy groups and other organizations.

- **ESA:** Florida is staying abreast of all current ESA issues. The Department has reviewed numerous EPA reports released over the past several months, including the newest changes to EPA's ESA Workplan and several active ingredient specific Biological Evaluations. Florida recently had a member accepted to the AAPCO ESA Work Group.
- **Water Quality:** No new ground or surface water issues.
- **Pesticide Waste Disposal:** 23 participants for a total of 22,966 pounds have been collected this fiscal year.
- **Special Programs/Initiatives:** The Entomology and Pest Control participated in the Florida State Fair for the second year. 10 individuals worked 202.75 hours over the 12-day event, reaching 7403 attendees, almost double the previous year. Outreach focused on both bed bugs and termites using a dollhouse, named "The BugWood Estates".
- **Pesticide Registration:** Florida has approximately 17284 pesticide brands registered. Review of registration requests: FDACS continued to review product brand registration requests, assuring compliance with statutes. Specific review activities are explained below. Review of marketplace labels: FDACS continued to review new pesticide labels and changes on existing product brand labels. Where problems were found that violated Florida pesticide laws and rules, FDACS notified the registrants and EPA. Coordinate review of special registrations: This included 1 SLN, and 8 NAls. These registrations were reviewed by the Department and other affected state agencies through the Pesticide Registration Evaluation Committee. This Committee convened on 4 occasions. Additionally, FDACS issued 1 EUP that was exempt from review by the PREC due to the size of the trials.

Georgia:

- **Budget:** Have not received any FY23 funding from EPA yet. In March, EPA notified GDA about issues with grant application submitted in July 2022. GDA leadership is concerned about covering EPA projects with state funds.
- **Staffing:** Fully staffed in Ag Inputs. Program Assistant and Field Training Supervisor vacancies in SPD.
- **Significant Cases:** Many lawncare, increase in animal baiting misuse cases.
- **C&T:** Waiting on C&T Plan Approval.
- **Water Quality:** Collecting water samples in conjunction with two municipalities.
- **Pesticide Disposal:** Planned Clean Day rescheduled to June 2023.
- **New Issues/Concerns:** Revised early draft mitigation for SF

Kentucky:

- **Budget:** Still waiting on our first allocation for this year.
- **Staffing:** Field is fully staffed
- **Legislative/Rules:** All statutory changes and new regulations in the submitted plan have cleared the last legislative review process in Kentucky. The statute amendments have been effective since June 29, 2021 and the regulation amendments are effective as of October 20, 2022. Kentucky began full enforcement of these legislative/rule changes as of January of 2023.
- **Significant Cases/Issues with Significant penalties:** During a routine inspection of a janitorial supplies store, an inspector located 20 different products that either had no registration with Kentucky or no registration with EPA or Kentucky. Several of these products also had incorrect labels or no labels filed with EPA. These have been forwarded on to the EPA Region 4 office.
- **Water Quality:** Last year there was a flooding in East KY. We provided a list of business names, addresses, and phone numbers of all locations storing pesticides in the affected area to the Kentucky Emergency Environmental Response team upon their request.
- **Pesticide Waste Disposal:** Chlorpyrifos Disposal Instructions needed from EPA...

Mississippi:

- **Budget:** Cuts to travel and vehicles

- **Staffing:** One vacancy in the field, one admin assistant in office. We continue to struggle with finding qualified candidates.
- **Structural:** PMPs in MS are seeking to remove a regulation
- **Water Quality:** Most recent samples show no areas of concern.
- **Pesticide Waste Disposal:** Had 1 event in November 2022, Total collected not reported yet by Extension

North Carolina:

- **Budget:** As of 3/15/2023, NC, is still waiting to receive the 1st allocation for FY22/23. We've been operating for 5.5 months using State funds to support the program.
- **Staffing:** Currently NC has 5 vacant positions. 1 Administrative Specialist, 1 Agr Program Specialist, 1 Administrative Associate, 2 Pesticide Inspectors, and 1 Environmental Technician. Jim Burnette will be retiring effective June 1, 2023.
- **Legislative/Rules:** pending legislation that could impact the programs are detailed in state reporting fom.
- **Significant Cases:** Significant Cases/ Issues w/ Significant Penalties:
In 2022, two investigations were initiated by the NCDA&CS Pesticide Section related to in-hive pesticide misuse by beekeepers. In one case, NCDA&CS Apiary Inspectors discovered evidence of off-label pesticide use employed in hives in a large commercial apiary. Pesticide Inspectors collected samples of homemade corrugated plastic and cardboard pesticide application devices, in addition to pesticide impregnated shop rags from the hives for residue analysis. Laboratory analysis of the samples taken from the hives detected the presence of amitraz, chlorothalonil, o-hydroxybiphenyl, diphenylamine, pendimethalin, fipronil, permethrin, cyprodinil, and coumaphos. This case is still currently being investigated. In another case, NCDA&CS Apiary Inspectors discovered homemade pesticide application devices and pesticide impregnated shop rags in a 300-hive apiary. Laboratory analysis of the samples of cardboard pesticide application devices and shop rags taken from the hives detected the presence of fipronil, amitraz, bioallethrin, acetochlor, and alachlor. This case is currently being investigated.

In November 2023, a formal hearing occurred between Mr. Joel Lineberger and the North Carolina Pesticide Board. Following the hearing, the NC Pesticide Board found Mr. Lineberger in violation of all statues presented in the original settlement agreement issued to Mr. Lineberger. A fee of \$2,400 was assigned to Mr. Lineberger related to his violation of provisions of NC Pesticide laws and regulations during an aerial pesticide application he made in 2019.

- **Structural:** We filled our vacant Pesticide Specialist position when Inspector David Propoggio was promoted and began his new role on August 1st. Processing Assistant Theresa Williams transferred to the N.C. Division of Environmental Quality, and we hired Rebecca Kalishek to fill that position on 3/8/23. We currently have two vacant Field Inspector positions-one in Eastern N.C. and one in Western N.C. Inspector Jimmy Hall retired effective August 1, 2022, after 31 years of dedicated service as a Structural Inspector. The Structural Pest Control Committee meeting was held on September 20, 2022, in Raleigh. The Committee voted for final approval pertaining to FIFRA 14(a) & (b) being added to our .0904 Prohibited Acts Rule. This is related to our revised C&T plan. Once this clears the final rule-making process, we are hopeful this Rule revision is posted before the end of this year. Eleven settlement agreements with PMP's were approved during this meeting for a total of \$7,000.00 in penalties. It was also discussed during this meeting that our Division will soon meet with the N.C. Pest Management Association and NCSU to continue work our revising our Registered Technician Training Program. This will include a digital workbook with training modules and updating our training presentation. We have begun actively promoting our Structural Certified Applicator online exams that are now available, in order to increase awareness and participation. Our project to replace our Automated Inspection System with a MiCo/MiApps inspection system was restarted in August 2022 and we are meeting weekly with MiCo staff and our IT team.
- **C&T:** Online testing for our Structural section began in June and is moving along smoothly, along with the Pesticide section. State Plan revisions have been completed and the final revised copy of the plan and all of the attachments have been sent to EPA. We're working on exam revisions for our Forestry category, Private Non-Soil Fumigation, and will probably be looking to update the Wood Preservation exam, should

NCSU decide that a new manual is needed. We update our exams as new manuals are released by NCSU. We are printing information about 40CFR171 and getting the info out to key employees who will be working on the implementation plan. We will begin to more actively educate all of our staff on the upcoming changes once we receive word that our plan has been approved.

- **WPS:** We are working with North Carolina Growers Association which brings circa 50% of the total H2A Farmworkers to NC, the Latino and Hispanic Outreach group, and nine Latino related Non-Profits, informing them about our services. We continue collaborating with The Farm Labor Organizing Committee located in Dudley NC and the NC Migrant Public Education outreach personnel, informing them about WPS regulations and how to file a complaint to us. We participated in the NC State Fair and Got to be NC Festival. Informing what we do to the general public. A pesticide safety presentation was done, including information on WPS to the Health Service resource at the Mexican General Consulate in NC.

Concerning the stock of WPS compliance aide materials, some materials are being translated into Spanish. This stock has been reduced to a minimum, and when someone requests information, they are referred to PERC website to obtain what is needed. The WPS and Pesticide Safety printed material, which it is used in events related to train workers and handlers in Spanish or English, are being used in rural areas of North Carolina as an informational tool at Farmworkers' festivals or Farm Labor Contractors' educational events.

We are providing guidance on how to get the Train-the-Trainer to the Farmworker Project and WPS information for the Pesticide Safety trainings in various counties in central NC. This entity has a new contract with the Association of Farmworkers Opportunities Program located in Washington, DC to train Farmworkers in NC during the 2023 year. We still are working together with the NC Farmworker Health Program and its Rural Health Development clinics in NC. We inform 20 of these clinics about the WPS regulations and how to make a complaint to us.

The Community and Rural Development, from the North Carolina Cooperative Extension Service at NC State University, with its department of Latino Affairs took part with us in two Farmworkers festivals and two more training sessions for Farmworkers Labor Contractors in eastern North Carolina.

- **Water Quality:** The SPCPD Drinking Water Survey for triazine herbicides and breakdown chemicals was available in North Carolina for private applicators during this period. Well testing information is sent to new and recertifying private applicators as a part of their renewal application. As a result, during the reporting period November 1, 2022, through April 1, 2023, 318 drinking well water survey letters for triazine herbicides were sent to new and recertified private applicators. Thirty(30) well water sample collection kits were mailed, and 14 were returned. One sample showed a detection of atrazine at 10.24 parts per billion. A follow-up sample was taken by our inspector and the results came back at 0.39 parts per billion. It was determined the original sample was likely contaminated via improper sampling technique and since the well is not used as a drinking water source, no corrective actions were necessary.
- **Pesticide Waste Disposal:** NC's Pesticide Disposal Assistance Program (PDAP) has seen its 10 highest collection years in the most recent 10 years. Collected over 281,000 pounds of pesticides in fiscal year 2022, setting a new collection record for the state.
- **Container Recycling:** Currently, the pesticide container recycling program has approximately 212 sites in NC where farmers and commercial applicators can recycle plastic pesticide containers that don't exceed 55 gallons in size. During the current reporting period, November 2022 – April 2023, 185,082 pounds of plastic pesticide containers were recycled. Conducted audits of 72 county pesticide container recycling sites from November 2022 through April 2023. There were no grants approved for funding during the current reporting period. Staff are currently evaluating multiple PETF grant proposals to fund in 2023.
- **Special Programs/Initiatives:** The new videos for beekeepers and pesticide inspectors are now complete. They have debuted at AAPCO in March and at the NC Beekeepers Association. The videos and resources are housed on NCDACS' website at <https://www.ncagr.gov/pollinators/> or the NCDACS Youtube channel at <https://www.youtube.com/ncagriculture>. These videos were done in conjunction with FDACS and NPSEC. We are looking to create an interactive learning module from the beekeeper video. We are also thinking of translating the videos into French for our Canadian friends and into Spanish.
- **New Issues/Concerns:** We have begun looking at mini bulk containers in NC. We have surveyed a few dealers, applicators, and growers. The early summary is that nearly 70% of those containers left on

establishments are not properly cleaned. We are looking for creative ways to address this concern. We had a mini bulk recycling program several years. We were hoping that would suffice and we then generated trainings to show growers how to properly clean these containers and get them in the recycling stream. Yet, here we are again. If any state has a new innovative way to address this – please let us know.

- **Pesticide Registration:** SLNs Issued:
 1. Cotoran 4L Herbicide – Control weeds in NCDOT wildflower beds.
 2. Select Max Herbicide – Allows for application to certain vegetables without the addition of an adjuvant.

No pending SLNs or issued Emergency Exemptions. Emergency Exemptions Pending: Anticipating an emergency exemption request for the use of Miravis Top Fungicide to control target spot on tobacco. There was interest from tobacco growers and extension for this use last year, but the pyrolysis studies were not completed in time to evaluate the request before the use season ended.

- **Other Significant News:** NCDACS will host a PIRT Course in Asheville. The dates are July 31st-August 4th, 2023.

South Carolina (Clemson University)

- **Budget:** The state budget is stable at this time. Generated revenues remain stable.
- **Staffing:** DPR currently has 1 vacant field inspector position. DPR has narrowed down the search to 3 candidates and will soon hire. The position will take approximately 12 months to train which is the typical training time frame. This will bring the department to full staff. DPR anticipates the retirement of a field supervisor this fall.
- **Legislative/Rules:** 2 items filed during this legislative session concerning to DPR. 1 – creating exemptions to the statewide local ordinance ban which will allow SAGs to be regulated at the city and county level. 2 – legislation banning barrier mosquito applications within 2000 feet of water.
- **Significant Cases/Issues:** No significant cases or penalties.
- **Structural:** In South Carolina, there are two major types of subterranean termites: several species of native subterranean termites and the imported Formosan subterranean termite. Formosan subterranean termites are an extremely aggressive species of termites that form colonies of several million individuals (as opposed to the native eastern subterranean termite, whose colonies rarely exceed 300,000). Historically the distribution of Formosan subterranean termites has been well documented in coastal counties, however their distribution seems to be expanding in South Carolina. DPR has enhanced their existing for-cause and neutral scheme structural inspections to aid in monitoring the distribution of Formosan subterranean termites in South Carolina.
- **C&T:** Currently working on final round of revisions. Recertification Manager has continued to provide updates and online presentations across the state to educate South Carolina applicators on category specific recertification requirements, licensing protocol, examination process and keeping in compliance with state and federal pesticide regulations for South Carolina. We continue to approve all recertification courses/programs according to South Carolina's regulation requiring continuing education training hours for all pesticide applicators; private, commercial, and noncommercial. Ms. Lognion also approves recertification courses that meet the category-specific recertification hour requirement for individuals licensed in the mandatory licensing categories: 3,5,7A, 7B and 8. Commercial and noncommercial South Carolina pesticide applicators are presently in the last year of their five-year block which ends on 12/31/2023. Private applicators are presently in the fourth year of their five-year recertification accrual block which ends on 12/31/2024. Guidelines have been established by the DPR for commercial and non-commercial applicators taking the recertification exam if they have not met their required recertification hours for this current block. South Carolina's Recertification program continues to expand, and online training courses and webinars are a large portion of the total courses submitted into your state for recertification consideration.
- **WPS:** Continued to enforce the revised WPS regulations during this 2022-2023 reporting time frame. SC has continued to help prepare growers to meet the requirements of the revised WPS regulation via online methods as well as in person meetings. Scheduling inspections with agricultural growers this growing

season has become a little easier with the Covid 19 restrictions lifted and more on-site training is planned. During this reporting time in-person and online meetings have been conducted to assess inspector training needs and to address areas of concern while conducting WPS inspections. Development testing of the new Mi-Apps programs has continued and should be incorporated soon into routine WPS inspections on farms, forestry, nursery and greenhouses inspections. Presently the DPR's field inspection team continues to use SC's, WPS four-page inspection form and SC's handler and worker interview forms for the 2023 inspection year. Outreach materials which included PowerPoint presentations, handouts for family farms and resource contact lists were updated and used by the field to aid in their inspection efforts. SC distributed WPS safety posters to field staff to hand out during their inspection efforts for the 2023 inspection years. SC continues to be an active council member of the Migrant Health Advisory Council for South Carolina and continues to serve in an officer position on this council for the 2023 year. SC collaborated with Clemson's Rural Health Mobile Health division for the upcoming 2023 growing season to reach the agricultural seasonal and permanent workforce in regard to pesticide safety. South Carolina's WPS program continues to meet all required and projected areas outlined in the EPA guidance. South Carolina's DPR WPS inspection numbers and WPS 5700 forms were completed during this reporting time frame.

- **ESA:** SC's DPR has kept abreast of the territory maps, bulletins and label information released by EPA regarding Endangered Species impact areas in South Carolina. Links to the ES territory maps have been sent to all field staff to address in their inspection efforts in 2023. ES outreach brochures are handed out upon request at meetings and tradeshows. South Carolina's DPR brochure supplies are limited due to lack of funding by EPA for this program. Funding by EPA is a necessity for this program to succeed to its full potential.
- **Water Quality:** DPR will evaluate Pesticides of Interest through its groundwater sampling program. During 2023, DPR is scheduled to collect 75 groundwater samples from wells located in rural areas, at farms, at golf courses and/or nursery/greenhouse operations. As of April 5, 2023, DPR has already collected 13 groundwater samples. As in previous years, DPR will report all data to EPA and update the POINTS Database once the samples are analyzed.
- **Pesticide Waste Disposal:** Waste disposal managed by the SC Department of Agriculture
- **Container Recycling:** 222,218 pounds recycled in 2022.
- **Special Programs/Initiatives:** In South Carolina, there are two major types of subterranean termites: several species of native subterranean termites and the imported Formosan subterranean termite. Formosan subterranean termites are an extremely aggressive species of termites that form colonies of several million individuals (as opposed to the native eastern subterranean termite, whose colonies rarely exceed 300,000). Historically the distribution of Formosan subterranean termites has been well documented in coastal counties, however their distribution seems to be expanding in South Carolina. DPR has enhanced their existing for-cause and neutral scheme structural inspections to aid in monitoring the distribution of Formosan subterranean termites in South Carolina.
- **New Issues/Concerns:** Rodenticide PIDs/SF early mitigation measures/challenges to local ordinance ban.
- **Fee Changes:** No fee changes are scheduled.
- **Pesticide Registration:** 16,779 - total approved products.

Tennessee:

- **Budget:** No proposed cuts at this time.
- **Staffing:** We have 1 field position open and 3 office positions vacant (2 clerical and 1 other office position). Hoping to get the clerical positions filled.
- **Legislative/Rules:** No legislation proposed at this time.
- **Significant Cases/Issues:** Its quiet in TN as of now, no significant cases or penalties issued.
- **C&T:** Very busy, everything expires June 30th.
- **WPS:** Status Quo
- **Endangered Species:** Status Quo
- **Water Quality:** Status Quo

- **Pesticide Waste Disposal:** TN has had 2 pickups during this time.
- **Container Recycling:** Status Quo
- **Special programs:** none at present
- **New Issues/Concerns:** none at present
- **Fee Changes:** No change at present
- **Pesticide Registration:** Status Quo
- **Other Significant News:** The Pesticide Section will go live on May 24th with Trace First. This will replace the current computer program that tracks inspections, complaints, revenue, lab results, etc.