

Regional Report on Issues Impacting FIFRA State Lead Agencies

SFIREG Meeting, June 2, 2023

SFIREG processes for providing comments to EPA on significant regulatory processes:

This issue has come up more than once in the past, and Regions feel it's the kind of issue that needs ongoing attention. FIFRA and TSCA are headquarters-centric programs which sometimes results in the Regions and SLAs finding out about new information at the same time. Regions emphasized the importance of involving Regions and SLAs in decision making if EPA wants to ensure compliant pesticide use.

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

All Regions want to acknowledge the great working relationship with their states and territories, and especially their efforts in getting plans approved before the deadline. Region 9 wanted to specifically acknowledge the great working relationship with their states and territories, especially their effort in getting the four state plans approved, and soon the three Pacific Islands plans also, before the deadline. Region 3 also included a specific acknowledgement to their states and the district for their collaboration with the Region.

Regions also want to acknowledge the great working relationship between CWPB and OGC and the Regions. The cooperation and support have been wonderful.

Regions stated the biggest issue with implementation will be getting the resources to do so. Even though the PSEP grant will likely be awarded before the end of this fiscal year, it is delayed so PSEPs have to wait longer to receive funds.

PRIA 5 narrows what funds can be used for, including PERC. Many SLAs rely on PERC for resources including updated manuals and exams and providing outreach to the regulated community. Regions are relieved to know that PERC will be funded in the same manner until 2025, and HQ will fund a PERC-like entity beyond.

To continue funding concerns, Regions would encourage HQ to continue to advocate for additional STAG funding specifically for C&T.

ESA Workplan concepts for mitigation, labels, and Bulletins Live! 2:

ESA Workplan was discussed at Pre-SFIREG meetings. Several regions expressed concern over the mitigation measures being difficult to interpret and are somewhat subjective, therefore making enforcement challenging. Perhaps SLA early involvement with EPA RD proposed ES mitigation label changes may help avoid later label enforcement issues. The concerns Regions have heard from states are whether more

products are going to become off-limits, so what would be a replacement product, and how much time do they have to make the change. Again, early SLA involvement would help anticipate changes and more effective adaptation.

Rodenticide PIDs and Regulations:

Regions stated the concerns discussed at Pre-SFIREG were regarding compliance. Is it reasonable to expect an applicator to retrieve poisoned rodent carcasses? Where, and for how long after the application?

Chlorpyrifos:

Regions stated it would be helpful to have an update on the use cancellations (both voluntary and through our Notice of Intent to Cancel), and whether the pending lawsuit about the tolerance revocation has any developments.

Atrazine Interim Registration Decision:

Regions asked how OPP will factor in actual monitoring data to inform the modeled surface water concentrations (which appear to be generally higher). Those concentrations govern the number of mitigations required. One SLA suggested that if a farm is in a registry of verified conservation practices to reduce their environmental impact, that evidence of their enrollment would indicate sufficient mitigation measures.

SLA Updates on experiences with the current FIFRA Cooperative Agreement, Funding, Reporting, Staffing, Credentials, and other administrative topics:

Since EPA has a number of new staff in the Regions and HQ, one Region suggested a monthly meeting among regional staff. Each month a different topic would be the focus, and it would be an open discussion for people to ask questions and provide insight. An example topic could be tracking implementation timelines for C&T Plans. Each Region could share how they are handling the work and discussion would benefit those Regions who are looking for insight or ways to improve their processes. These meetings would also greatly benefit new Regional staff who are trying to get up to speed as quickly as possible.

Acknowledging that people are busy and may not want another meeting on their calendar, Regions felt at a minimum could make better use of Teams to encourage input from across the country. The purpose would be keeping all Regions informed and helping with consistency across Regions which is always a concern from states.

Regions included comments regarding Environmental Justice and Climate Adaptation given they are EPA's top priorities. While both topics are included in the CAG, Regions would like more specific guidance to assist our states.