



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

**Email**  
**Return Receipt Requested**

February 9, 2023

Gary Bahr  
SFIREG Chair  
Washington State Department of Agriculture

Subject: SFIREG Comment Period Extension Request for the *Appendix to the ESA Workplan Update*: Response to SFIREG Email of January 25, 2023

Dear Mr. Bahr:

EPA looks forward to answering questions from SFIREG on the ESA Workplan Update appendix at our already-scheduled February 14, 2023 meeting, as well as receiving subsequent feedback on the mitigation proposals in the appendix and the dicloran (DCNA), etofenprox, norflurazon, and the thiophanate-methyl and carbendazim (TM/MBC) Proposed Interim Decisions (PIDs). We hope this meeting will provide a solid foundation to facilitate regular feedback and constructive dialogue as PIDs and registration review strategies to further early protections for nontarget organisms, including listed species, that will continue to be published for public comment over the coming months and years.

On February 14 and in the future, EPA is dedicating additional time and resources to converse with SFIREG on proposed strategies and decisions that are part of the pesticide registration review process. The Pesticide Re-evaluation Division is focused on facilitating feedback from SFIREG on the proposed interim ecological measures in our decisions, and Ricardo Jones has been designated to facilitate communication efforts with SFIREG on these topics moving forward.

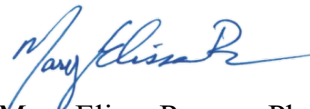
The comment period on the ESA Workplan Update appendix is not a mere formality. EPA received requests from several stakeholders to extend the public comment period for the ESA Workplan Update appendix by 60 days, which are available for review in the public docket. By the time SFIREG submitted its request, EPA had already considered the need for an extended comment period based on these submissions and officially granted a 15-day extension. This is why SFIREG received such a quick response to its request.

EPA thinks it is useful to think about the approach described in the ESA Workplan appendix in the context of the DCNA, etofenprox, norflurazon, and TM/MBC case PIDs. EPA will be considering the comments received on the ESA Workplan Update appendix in conjunction with comments on these PIDs when considering improvements to the proposed mitigation and label language for the Agency's decisions. EPA welcomes comments from SFIREG on these PIDs, which currently have a comment period ending on March 8, 2023. Should SFIREG need additional time to comment on those PIDs, it can request comment period extensions for those dockets.

While the April 2022 ESA Workplan and November 2022 ESA Workplan Update (except the appendix) were not published for public comment, the Agency plans to provide public comment opportunities for various efforts described in these documents. For example, EPA anticipates publishing its Vulnerable Species Pilot and Herbicide Strategy for public comment this year.

EPA looks forward to continued engagement with SFIREG on PIDs and other proposals that have the potential to affect state and tribal stakeholders.

Regards,



Mary Elissa Reaves, Ph.D.  
Director  
Pesticide Re-evaluation Division  
Office of Pesticide Programs

*attachment:*

Emails between Gary Bahr (SFIREG Chair) and Melanie Biscoe (EPA/OPP/PRD) January 24-25, 2023

*cc:*

Liza Fleeson-Trossbach, AAPCO President  
AAPCO Board  
Full SFIREG  
Amy Brown, POM Chair  
Hotze Wijnja, EQI Chair  
Amy Sullivan, AAPCO Executive Secretary

## Biscoe, Melanie

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**From:** Bahr, Gary (AGR) <GBahr@agr.wa.gov>  
**Sent:** Wednesday, January 25, 2023 7:36 PM  
**To:** Biscoe, Melanie  
**Cc:** Picone, Kaitlin; Wire, Cindy; Liza Fleeson; Jones, Patrick; Megan Patterson; aapco.sfireg; Wijnja, Hotze (AGR); Brown, Amy; Jones, Ricardo (he/him/his); Emerson, Vanessa  
**Subject:** RE: SFIREG letter requesting extension for the EPA ESA Workplan comment period

Melanie,

Thank you for your prompt reply to our SFIREG letter and consideration of an extension. I am reading your email and concluding that our SFIREG request has been denied. I am disappointed that EPA isn't taking additional time to engage with SFIREG and pesticide State Lead Agencies around the nation to gain further input into the concepts in the EPA ESA workplan and the recently updated appendix, and how these mitigation systems will be utilized.

The first version of the workplan that came out in the spring of 2022 wasn't open for public comment. This current version that contains the mitigation appendix concepts is open for comment until February 14; while these detailed mitigation concepts and language are already in the PIDs for dicloran (DCNA), etofenprox, norflurazon, and the thiophanate-methyl and carbendazim case. The PIDs for these pesticides are due March 8. One of the reasons I decided to ask for additional comment time on the workplan appendix is because I also started reviewing the PIDs for dicloran (DCNA), etofenprox, norflurazon, thiophanate-methyl, and carbendazim. I was very surprised by what I read in the PIDs. I guess I shouldn't have been though. It became very apparent that the ESA workplan updated mitigation concepts and language have evidently already been adopted and concluded by EPA as a policy to be implemented regardless of the involvement and timing of the public comment for the ESA workplan appendix. Evidently these policies are getting implemented as the completion of the PIDs and supporting documents for dicloran (DCNA), etofenprox, norflurazon, thiophanate-methyl, and carbendazim would take many months. The ESA workplan appendix comment period seems like a check the box exercise.

Although EPA has provided much appreciated ESA pesticide presentations and updates at the 2022 SFIREG and JWC meetings, the lack of coregulatory engagement on the details pretty much restricts our opportunity for input to the open comment periods through the federal register system. These are disappointing developments for SLAs and SFIREG coregulators to be relegated to the public comment process without timely communication and coregulatory engagement along the way. I've been engaged in this ESA process as a SLA for about thirty years and this is a missed opportunity for something so significant.

We'll continue to work on our comments and submit by February 14<sup>th</sup>.

Thanks,

Gary

Gary Bahr  
SFIREG Chair  
Science Liaison  
Office of Director  
Washington State Department of Agriculture  
Olympia, Washington  
c-360-349-0522  
[gbahr@agr.wa.gov](mailto:gbahr@agr.wa.gov)

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**From:** Biscoe, Melanie <Biscoe.Melanie@epa.gov>  
**Sent:** Wednesday, January 25, 2023 2:41 PM  
**To:** Bahr, Gary (AGR) <GBahr@agr.wa.gov>; Emerson, Vanessa <emerson.vanessa@epa.gov>  
**Cc:** Picone, Kaitlin <Picone.Kaitlin@epa.gov>; Wire, Cindy <Wire.Cindy@epa.gov>; Liza Fleeson <Liza.Fleeson@vdacs.virginia.gov>; Jones, Patrick <patrick.jones@ncagr.gov>; Megan Patterson <megan.l.patterson@maine.gov>; aapco.sfireg <aapco.sfireg@gmail.com>; Wijnja, Hotze (AGR) <hotze.wijnja@state.ma.us>; Brown, Amy <Amy.Brown@fdacs.gov>; Jones, Ricardo (he/him/his) <Jones.Ricardo@epa.gov>  
**Subject:** RE: SFIREG letter requesting extension for the EPA ESA Workplan comment period

Hi Gary,

Thank you for your submission requesting an extension of the comment period for the *Appendix to the ESA Workplan Update: Proposed Label Language for Public Comment*, currently posted to the public docket at <https://www.regulations.gov>, docket number EPA-HQ-OPP-2022-0908.

At this time, EPA is only soliciting public comment on the appendix to the ESA Workplan Update, not the totality of the ESA Workplan Update. The Agency is also providing additional opportunities for public comment on the individual proposed interim decisions (PIDs) that include the proposed mitigation and other label language described in the appendix to the ESA Workplan Update. The first four PIDs that include proposed label language from the ESA Workplan Update appendix (dicloran (DCNA), etofenprox, norflurazon, and the thiophanate-methyl and carbendazim case) published in their respective dockets on December 23, 2022 with 75-day public comment periods that end on March 8, 2023 (see [87 FR 78957](https://www.federalregister.gov) for additional details).

EPA has therefore extended the comment period for the ESA Workplan Update appendix 15 days beyond the close of the original comment period, from January 30 to February 14, 2023. The 15-day extended timeframe provides stakeholders a total of 90 days to submit comments on the appendix, allowing the Agency time to review public comments and public feedback for upcoming decisions.

I look forward to talking with you at our meeting on February 14!

Best Regards,

*Melanie L. Biscoe*

Senior Regulatory Advisor, RMIB5  
Pesticide Re-evaluation Division  
US EPA Office of Pesticide Programs  
202-566-0701  
(She/Her/Hers)

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**From:** Bahr, Gary (AGR) <GBahr@agr.wa.gov>  
**Sent:** Tuesday, January 24, 2023 3:10 PM  
**To:** Emerson, Vanessa <emerson.vanessa@epa.gov>  
**Cc:** Biscoe, Melanie <Biscoe.Melanie@epa.gov>; Picone, Kaitlin <Picone.Kaitlin@epa.gov>; Wire, Cindy <Wire.Cindy@epa.gov>; Liza Fleeson <Liza.Fleeson@vdacs.virginia.gov>; Jones, Patrick <patrick.jones@ncagr.gov>; Megan Patterson <megan.l.patterson@maine.gov>; aapco.sfireg <aapco.sfireg@gmail.com>; Wijnja, Hotze (AGR) <hotze.wijnja@state.ma.us>; Brown, Amy <Amy.Brown@fdacs.gov>  
**Subject:** SFIREG letter requesting extension for the EPA ESA Workplan comment period

Hello,

I submitted the attached SFIREG letter requesting a sixty day extension for the EPA ESA Workplan comment period, that I posted to the Federal Register today - Comment Tracking Number: lda-nc2c-nl10.

Thanks for your consideration.

Gary

Gary Bahr  
SFIREG Chair  
Science Liaison  
Office of Director  
Washington State Department of Agriculture  
Olympia, Washington  
c-360-349-0522  
[gbahr@agr.wa.gov](mailto:gbahr@agr.wa.gov)