

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

Submitted November 28, 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.

The Fall Joint Working Committee (JWC) meeting was held in person September 18-19, 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), Jimmy Hughes (DE) (2024), Kristia Thomas (SD) (2024), Sarah Caffery (IN) (2025), and Morgan Griffith (VT) (2025), Patrick Farquhar (NC) (2026), Alexander Peacock (ME) (2026), Ernesto Lugo (AZ) (2026).

Topics Discussed and Presentations at the Fall 2023 JWC Meeting:

Please refer to the meeting materials for papers, presentations and detailed minutes from the September 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 (Gretchen Paluch, IA, AAPCO President-Elect)
- 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)

- **Pesticide Registration Improvement Act (PRIA) 5 – Bilingual labeling** (Hotze Wijnja, MA, Amy Brown, FL and Elissa Reaves, Sue Bartow, Linda Arrington, EPA Pesticide Re-evaluation Division (PRD) and Steve Schaible, (OPP IO)
 - Linda Arrington, EPA presented an update on the implementation progress
 - EPA provided a national pesticide labeling webinar on June 15, 2023 with over 380 participants and 31 speakers
 - Key recommendation areas included:
 - Consult farmworkers directly
 - Concern over literacy levels
 - Place printed materials/electronic links in common areas
 - Connectivity issues
 - Public feedback on accessibility public comment ended on August 21, 2023
 - Received 36 comments and they are currently reviewing and grouping them accordingly
 - **The docket can be found at <https://www.regulations.gov/docket/EPA-HQ-OPP-2023-0270>**
 - Kelly Friend, FL, Workgroup Chair & AAPCO Board Director gave an update on the activities of the AAPCO WPS Workgroup
 - Megan Provost, RISE, Chair PRIA Coalition, presented an update on the PRIA Coalition Bilingual labeling Workgroup

- **Endangered Species Act (ESA)** (Hotze Wijnja, MA, Amy Brown, FL, and Jan Matuszko, EPA Environmental Fate and Effects Division (EFED))
 - Jan Matuszko, EPA reported on the implementation and progress for:
 - Vulnerable Species Pilot Project (Received 10,000 comments, 200 Substantial)
 - Herbicide Strategy (Comment period ended October 22nd)
 - Regional species efforts with Hawaii and USFWS
 - Draft Biological Evaluation on Rodenticides scheduled for release November 2023 and Final BE will be published in November 2024
 - Irvin Huang, U.S. Fish & Wildlife Service (FWS) presented their perspective on ESA pilot projects
 - Elyssa Arnold, USDA Office of Pest Management Policy presented on their recent ESA activities
 - Gretchen Paluch, IA, Workgroup Co-chair & AAPCO President-Elect; Steve Dwinell, VT, Workgroup Co-chair presented an update on the workgroup’s activities
 - Kathryn Rifenburg, EQI and Oregon PSP, presented on the State’s Pesticide Stewardship Program
 - Taylor Randell Singleton, University of Georgia Extension presented on Georgia’s ESA pilot program results and refined mapping efforts

- **EPA and FDA Product Oversight** (Hotze Wijnja, MA, Amy Brown, FL and Billy Smith, EPA Registration Division (RD))
 - Billy Smith, EPA addressed “A Modern Approach to EPA and FDA Product Oversight – Whitepaper” topic
 - There were 64 substantial comments, and they are still working through them with FDA
 - They will address the question regarding what is being included for consideration for FDA oversight other than pet products, specifically products for livestock, including managed pollinators when they post the comment summary
 - Billy Smith, EPA gave a summary on the Seresto Pest Collars topic
 - There is a 5-year time limited Registration
 - IF products stay with EPA, they are looking into how can they better analyze the data, there are only 2 vets in EPA OPP and they are working with FDA
 - Registration review will address pet product uses and is the current schedule is on track

- **EPA’s Incident Data System (IDS)** (Hotze Wijnja, MA, Amy Brown, FL, and Susan Jennings (OPP-IO))
 - Susan Jennings, EPA presented on the new IDS
 - It contains raw data on pesticide exposure incidents such as the incident date, the reason for the report (e.g., adverse effect, product defect), and the severity of the incident
 - EPA has publicly stated they have limited confidence in its accuracy and validity, there is no quality control
 - Meredith Cocks, National Pesticide Information Center (NPIC) presented an overview of their role in incident reporting
 - They will provide regular data reports to States, per SLA requests

- **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 presented on the SFIREG processes to Follow-up on issue papers, white papers and EPA comments
- **PFAS and Pesticides** (Hotze Wijnja, MA, Amy Brown, FL, and Jeff Dawson, EPA Office of Chemical Safety and Pollution Prevention (OCSPP IO) and Thuy Nguyen (BEAD))
 - Jeff Dawson, EPA started the presentation giving an update on the latest developments
 - Thuy Nguyen, EPA gave an overview of completed and ongoing lab efforts
- **Rodenticides** (Hotze Wijnja, MA, Amy Brown, FL and Elissa Reaves and Dana Friedman (PRD))
 - Dana Friedman, EPA presented a status update focusing on the review of PIDs public comments, comment themes and the path forward
 - Draft Biological Evaluation (BE) scheduled for release on November 2023
 - Final BE expected to be completed in 2024
 - Katie Swift, Chair, Anticoagulant Rodenticide Task Force presented an update on the activities of the task force and their key concerns related to the PIDs
- **Chlorpyrifos and other Organophosphate’s (OP) Petition Updates; OP Registration Review Schedule** (Hotze Wijnja, MA, Amy Brown, FL and Elissa Reeves, Dana Friedman, Trish Biggio, and Anna Romanovsky)
 - Anna Romanovsky, EPA provided an update on chlorpyrifos and the OP Petition (See her update on the AAPCO website
 - Chlorpyrifos label amendment and final cancellation orders docket: EPA-HQ-OPP-2022-0223
 - Chlorpyrifos FAQs: <https://www.epa.gov/ingredients-used-pesticide-products/frequentquestions-about-chlorpyrifos-2021-final-rule>
 - OP Petition docket: EPA-HQ-OPP-2022-0490
 - OP FIFRA SAP docket: EPA-HQ-OPP-2020-0263
 - Registration Review Schedule: <https://www.epa.gov/pesticide-reevaluation/upcoming-registration-review-actions>
- **Chlorine Gas Products and RUP Designation** (Gary Bahr, WA, SFIREG Chair, Hotze Wijnja, MA, Amy Brown, FL and Eric Miederhoff, EPA Antimicrobials Division (AD))
 - Eric Miederhoff, EPA gave an update on the topic
 - What is EPA’s timeline for making a decision? An amended ID would have to address the RUP, ESA etc., with that level of complexity it will take a while, until then they will use the memo and move forward with other label mitigations
 - Memo “Reconsideration of Chlorine Gas Restricted Use Pesticide (RUP) Designation” can be found on the AAPCO website and the docket EPA-HQ-OPP-2010-0242
- **Certification & Training – Update** (Aiden Black and Isabel Gross, (PRD))
 - Aiden Black and Isabel Gross, EPA presented an update on C & T
- **Technology Workgroup – Update** (Dwight Seal, NC, Committee Chair)
 - Dwight Seal, NC presented on the AAPCO Technology Workgroup
- **Treated Seed Issue Paper-Response from EPA- JWC Committee Discussion**

POM Session included:

- **AAPCO 24c guidance revisions and Section 18 training updates** (Amy Brown, FL, Sarah Caffery, IN, Morgan Griffith, VT, POM committee members and Eric Bohnenblust (RD), Cindy Wire, Office of Program Support (OPS))
 - **Discussion of revised Draft document submitted to EPA for review on May 23, 2023**
 - POM submitted the AAPCO Draft 24c/Special local need registration guidance to EPA last May, Eric Bohnenblust, EPA stated they were reviewing and would send us their comments.
 - **Update since the Fall meeting** - EPA sent the comments to Amy Brown. Once finalized by POM it will be available for states on the AAPCO website.
 - **Section 18 updated training updates** – When will the updated training be available on the EPA website?
 - Cindy Wire, EPA reported that the Section 18 training module has been updated, they are internally reviewing it to make sure everything is working prior to going live on their website, no content has changed.
 - **Update since the Fall meeting** – EPA went live with the training, <https://www.epa.gov/pesticide-registration/fifra-section-18-emergency-exemption-program-information-and-training>
- **“Free of” Claims** (Sarah Caffery, IN, Amy Brown, FL, POM committee members and Ed Messina (OPP))
 - Ed Messina, EPA to provided background on “Free of” (e.g., Chlorine/Deet Free) Claims on FIFRA Section 3 products
 - EPA has allowed certain claims on Section 3 products that previously were not allowed, such as Deet Free, with a disclaimer that it does not speak to the safety of the product. They are currently reviewing this issue due to several arguments for and against the claims they have received from various industry stakeholders. POM expressed concerns due to this previously not being allowed and could be considered misbranding – see Advertising claims under the pesticide labeling Q & A on EPA’s website. <https://www.epa.gov/pesticide-labels/pesticide-labeling-questions-answers>
 - 25b workgroup discussion and how this may affect 25b products
 - Sarah Caffery, IN, AAPCO 25b workgroup chair, shared how this effected the workgroup and that they had created a guidance document based on EPA previously not allowing these claims due to the statements would be considered false or misleading.
 - POM will continue to follow this topic and may formally comment to EPA
 - **Update since the Fall meeting** – POM met and discussed the topic further
 - Currently POM not planning to issue a formal comment, but will continue to follow the issue
 - 25b workgroup will update their guidance once EPA updates the pesticide labeling Q & A on EPA’s website to reflect their position on the claims

- **CLA Registration Review Workgroup-Update (Sarah Caffery, IN)**
 - Sarah Caffery, IN, workgroup member reported on the current activities of the workgroup
- **Opportunity for POM committee members to share and discuss topics and issues from their state and region**
 - Pat Jones, NC brought up the issue of getting proper respirator statements onto labels. Many pesticide labels still have the old respirator language on them. Pat Farquhar, NC stated he could send the crosswalk done by Robin Tutor, NC Agromedicine Institute.
 - ***Update since the Fall meeting- Pat Farquhar, NC sent the respirator crosswalk information to EPA from Robin Tutor-Marcom, NC that was requested in order to update the label review manual. The documents are also posted on the AAPCO website, under the working committee's meeting materials***

Summary of POM activities and tasks accomplished since the SFIREG June 2023 Meeting:

- POM meet on July 24, 2023 to meet new members, discuss outstanding action items from the JWC April 2023 meeting and discuss new agenda items for the Fall JWC.
- POM met on November 11th 2023 to work on outstanding items from the Fall JWC, including 24(c) Guidance document.
- POM reviewed the Draft 24(c) guidance document with EPA's comments and incorporated their comments. Note: EPA provided comments on October 4, 2023
 - Pending finalization, planned to have ready for posting on the AAPCO website by late December or Early January
- 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, C &T, and "Free of Claims" issues raised in the Joint/POM Sessions.

There are many 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.