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Region 5 Pre-SFIREG Fall 2023 Meeting Report



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Minnesota Department of Agriculture

EPA Region 5 Pre-SFIREG Fall 2023 Meeting Report

Meeting Dates: November 1st and 2nd, 2023

Meeting Location: Grand Rapids Michigan plus Microsoft Teams Meeting teleconference

Report Prepared By: Roger Mackedanz (MN)– Region 5 SFIREG Representative

In Attendance: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin, White Earth, and EPA Region 5

Full SFIREG Topics

Welcome to Michigan: Dr. Tim Boring, Director and Brian Verhougstraete

Tim Boring

Michigan is the most diverse agricultural state that has direct access to water, we are well posed in the midwest to be on the edge of climate change. There are many specialty crops in Michigan that pose unique challenges for the state, there is a need for us in the midwest to work on more resilient cropping systems, there must be a focus on improving resiliency and diversity, there are threats to what makes up the fabric of rural Michigan, diversity in who grows the crops as well and value in who grows/consumes the crops, the story of agriculture isn't just about who grows the crops but also a path to address income disparity, it has been fabulous to work with the folks in MDARD, there are many reasons for optimism, but there are many challenges as well.

Reliable access to water, well poised to be on the cutting edge of global changes. Wanting to take a Proactive approach on changes that are coming, not just the manufacturers and retailers, but also the agri-community. Michigan has a very diverse ag community, not just the traditional row crops. More resilient supply chains and cropping systems will be a must for the mid-west. External factors, international markets, labor force, global change and all threats to the ag-community and remaining sustainable for years to come. Folks in the pesticide world at MDARD have been very proactive and continue to have a great finger on the challenges that we will face in the future.

Brian Verhougstraete

Being the most diverse state with the greatest access to water. 1 in black bean and cranberries, tart cherries, asparagus, pickling cucumbers, potato chips. Ice Mountain Water is from Michigan, banana production is in the far UP, grow a lot of flowers (South part of the state), the thumb part of the state has the most fertile soil in the state, Christmas tree production actually starts now. Ginseng, producers up in the UP only a couple of growers,

1. State Updates:

- Common themes among states
 - Providing public comments to EPA is very time consuming and EPA's timelines are unrealistic for SLA's to get their comments through their internal reviews.
 - As co-regulators SLA's comments should be requested and received prior to the public comment period.
 - SLA's are taking a breathe after developing the C&T plans and getting approval from EPA as they start the implementation process
 - Continue to work on staff turnover.

Wisconsin

- Continue to work filling many Vacancies.
- WI has provided comments regarding ESA and the herbicide strategy which has taken quite a bit of time.
- C&T plan was approved on Sept 28th, happy to have it done.
- Two lab workshops, regional one and National one
- Supplemental grant- Statewide survey of ground water 408 samples, do these every 5 years, the last one was

- 7years ago. Report should be finalized in late spring or summer.
- Finalized their PFAS collection, received funding to collect firefighting foam, DNR administered it over 25,000 lbs collected by the end of March. Only at time funding, did have to return some of the funding.
 - State was under drought conditions, 5-6 complaints for dicamba none of which were over the top products.
 - Lab is undergoing a LIMs update, testing will happen in February through May
 - Ag Chemical Program Section- reimbursement for the neonic site in Nebreska, considering how they would reimburse for this if something like this occurred in WI.
 - looking at having all their program areas do online testing, applications. Registration is already done online
 - Testing through Pearson View, 1700 applicators, has been a success for them, 1/3 done through online system and it has been a success, very convenient for out of state applicators (\$45 per test)
 - WI does applications for spongy moth, the town of Casey has prohibited any pesticide application in the town without permitting from the city on both private and public land (won a US supreme court case 1991), the department was concerned about regulatory authority but the town granted verbal permission to make the application.

Ohio

- Matt Beal retired on Sept. 10th.
- Backfilling positions, all back in the office 5 days a week.
- Clean sweep 3 locations, 205,000 lbs collected this year.
- Complaints 162 total, 5 dicamba complaints, 3 bee kills, 4 vineyard complaints-usually number fair amount of complaints for turf applications
- 169 federal inspections
- In beginning of October, with their PSEP all study materials are purchased through their PSEP either hard copy or PDF.
- Acclaim systems- USA plants, IT decided to go with them, database was built in 2002, everything is interconnected. Want to launch in early 2024.
- C&T plan was approved August 30th,
 - o 18 yr old will be a big change, if apply RUPs you will have to be licensed, currently only need to be a trained serviced person. Working on a laws and rule package currently
- Do except credit cards with an application form, do not do credit cards over the phone (no American Express)

PSEP

- Hosting a north Central regional meeting, April 30– May 2 (APSE conference).
- working on an aquatic manual and noxious weeds supplement, work through some other exams as well.
- Recertification has been fairly steady over the last few years.
- They develop the bank of questions and the state picks from there, cross reference those with the manuals.

Minnesota

- A lot of legislative changes
 - o Mn legalized recreational cannabis, the office can develop rules for cannabis use and they must comply with our statutes or rules.
 - o PFAs statute, our definition is much more extensive the Federal definition, potentially a few thousand products to be cancelled. Registration of pesticides containing intentionally added PFA's is prohibited in MN starting Jan 1, 2032, but for cleaning products the deadline is Jan 1, 2026, definition is very similar to the state of Maine, 90 active ingredients that will fall under the regulation (e.g. fomesafen, bifenthrin, etc.), all the products that include those actives will fall under the regulation unless the registrants seek an 'unavoidable use' determination (unavoidable use > essential to human health, etc.), for cleaning products it is based off being primarily a cleaning product, but the issue is that there are many products that have multiple uses and discussing with registrants based off classification of the product, asking the registrant if they are intentionally adding PFAs and once we get the list we will ask registrants further questions, working with Maine on this process, there is still some time to provide information, final submission Feb 4, 2024, and the

- o final report is due Feb 4, 2025, some guidance is already on the website
- o Authority to regulate treated seed in the pesticide control law (MN cannot allow the use, storage, distribution of treated seed that may cause adverse effect on the environment), have allocated some funding into a pollinator research account to determine what the adverse effect of treated seed is, this will be a slow process, timing with EPA requesting comments is very good for us.
- o MN does have preemption, but another bill was passed that will affect our preemption. A city of 'first class' status (4 in the state) may prohibit the use of pollinator lethal pesticides with exceptions (indoor, structural, mosquito, zoned agricultural, etc.), but the ordinance needs to be approved by the department and proposed to adhere to state/fed law, any product that has a pollinator warning label on the law is subject to the law (but it is up to the ordinance to enforce this within their borders), they cannot prohibit sale of the products
- o C&T plan is approved, seeking legislation that is needed to comply with the federal rule: 18 yr. olds, and the definition of use,
- hard time backfilling retirements and open positions.
- Dicamba complaints remain very low. MN takes the stance that individuals need to file complaints for the issue to be acknowledged by the department, from communicating with fruit/vegetable growers we are hearing about damage but there still aren't complaints being reported.
- Chlorpyrifos products continue to be used, we will be pursuing use of a state cancelled product, EPA has not been willing or cant take on these case files.

PSEP

- Increased staff, 6 full time employees and 1 part-time.
- Private applicator program- pretty much all in-person, not much participation with on-line, proctor exams are going to have a big impact of their program,
- cannot meet the requirements to recertify online (working through that currently), structural program hired a third party and are looking to meet those needs as well,
- held 50 in-person workshops for comm/non-commercial applicators, some zoom training, some precertification.
- 8 WPS webinars were offered-looking at doing those again, looking at doing more field day workshops.
- have toured 5 states about PSEP/private applicator program, did a tour of Washington State University, Nebraska, Iowa, Purdue, Wisconsin, and going to NC in the future, took tons of notes on this and it was eye opening for the PSEP/states involved.
- Linda is a co-chair for CTAG and NIPSE (?) and should have some funding from EPA for people to travel for manual development training.
- working on CTAG documents to update those to meet the new C&T reg, completing white paper on C&T manual training,

Michigan

- Standardizing enforcement across the state. About 220 complaints looking at appropriate response for complaints.
- Law/Regs- bill introduced that will ban neonics on public land and preemption that would allow for local regulation of pesticides. Would have just been a mess, it appears to be tamped down quite a bit State/DNR did not support this as well as industry.
- New rules for wipes- do not flush wipes down the toilet, all about pesticides mandating containers and labeling and required the department to regulate this. Many of the pesticide wipes do say not to flush, which would be their responsibilities.
- Registry- if some have sensitives to pesticides they can register and then required to notify these people when pesticide applications were being done. Currently it is only adjacent properties, new draft legislation would remove the distance requirement. They must have a doctor's prescription; new legislation would also remove this. This is only for turf and ornamental. MI does define adjacent (75 feet). Have about 7 people on the registry. WI has a system that may be of assistance to MI.
- Has created an enforcement unit now, 2 folks that do all the federal inspections, and case file review.

- Created more consistency.
- Hired an IPM/public health coordinator.
- Antonio- WPS Coordinator and training, now just going back to WPS. Spending time learning the program. Looking for something new, something different. Target inspections- look who purchased products for 24-48 REIs, farming operations with migrant license gaps, H2A workers, labor contractors are the drivers for the training-are the licensed/qualified? Developing a website, also looking into schools that have greenhouses, vegetable gardens, grower plots (college and k-12 schools)
- Hiring a water quality specialist, use to be housed in another division, but have moved over to them. New lab Manager. Have a new PSEP coordinator as of today, great background and super excited to have on board. MI did provide a significant funding for the position.
- Currently going through a reorganization, expanding in a way, environmental and pesticide programs are going to be in the same division along with water programs. Will be a Bureau now, but will allow for better communication, doesn't take a affect until Jan. 1st. Bureau of Sustainability.
- 27 people got drifted now, 24 of them went to the hospital and spent days there. Most complaints are in regard to neighbors just not talking or are disputing. They are not taking these anymore. IF there is an intentional spraying of their property, they tell them to go to the cops
- Dicamba case, 3 that involved over the top, other 4-5 were corn applications, 6 cases involving Enlist.
- Trying hard to get their complaints down, mothball complainants send out a letter. Unlicensed business, handling it has a for cause inspection note it and then handle it later (3-4 weeks)

Indiana

- Trying to develop strategies for developing programs for general use pesticides, which they may not be regulating anymore. Nothing more stringent than the federal requirements, de-regulation swing. Possibly repealing/deleting some state regulations and adopting the federal requirements. Regulating a much smaller set of people. If this come true, ½ of what is regulated will go away, will probably be this way for 5 years or until the public has issues with non-credentialed applicators and misuse.
- Wood preservation and sewer root exams currently being developed. A lot of their exams and training have some items regarding state law and rule, which is all in flux right now. Responsibilities of a fully licensed supervisor and technician may be affected by these changes. All of this came into light with the rule package needed for the C&T plan.
- Fully certified turf applicators- completely gone. 2 day school that was a wonderful training opportunity ½ the people decided not to attend.
- Industry does support the regulation that they do, spent 2 years putting together the rule package that they put together. This is mainly around general use pesticides, not RUPs so they do not need to redo their C&T plan.
- 25b products, have reviewed all the products and with the deficiencies what do they do, they can not be more stringent than the federal law.
- Clean sweep, collected over 77,000 lbs. within 6 days, money is becoming an issue, has gone up .75 cents a lb. 30-40% are industry products, cleaned out a couple of farms.

Lab

- Formulation Sampling- sample of 25B products, an unregistered product decided to sample it and found section 3 products with the 25B, mosquito control product. Have worked with MI on a few PEI, helped with the work flow process. (All started with a complaint).
- Trying to develop methods to test for 25b products.

Illinois

- Another busy misuse season- around 250 complaints, 37 dicamba complaints, 384 last year (119 dicamba). Cut-off date and state regs. Plus, growers switching products, weather conditions were favorable. Did see an increase on the corn dicamba products. No new state regulation for dicamba, heard a few people were not filing complaints because of insurance issues.
- Aerial complaints- a huge increase in calls when the planes are flying, not necessarily file complaints. Had

- their first drone complaint, legislator got drifted on by a drone while driving down a county road.
 - Legislation- Human exposure bill, supplement to the normal penalty matrix that they had. Allowing them to fine per person, \$500.00 person, \$750.00 per person, \$1200.00 per person, depends on the number of people involved.
 - C&T, online system has done really well, trained over 5,000 people online, testing 7,000 people online. Spanish general standards were offered, only around 30-40 people have taken the Spanish test. Looking at maybe doing a hybrid test, which is in both English and Spanish. Slowly working on some other translated exams.
 - Retirements- had some major retirements Certification and Training, key field inspector positions, have added 8 new people to their work force, starting to rebuild their programs and getting people where they need to be. Struggling to fill a bilingual position. Putting a lot of money back into their lab, getting new equipment, looking for a major investment. Fee increases, product registration, licensing, this should get them on a more solid footing moving forward.
 - Clean sweep- 14,000 lbs. of waste pesticides and 85,000 lbs. of container recycling.
- PSEP-
- 2023/24 Season of training getting started now. 2 open positions within their programs. Online course/administrator position, full time positions for trouble shooting and maintenance.

White Earth

- Renee just received her credentials in June.
- Very interesting case file, multiple human health exposure with several ending up in the hospital,
- working on getting their C&T approved. MOA with EPA and Minnesota Department of Ag.
- Did a water sampling project as well, looking to share the information with the Department of Ag.
- Biggest issue, trying to find the balance for all the various requirements,

EPA

- Enforcement has 6 people. Some will be taking on the TC roles.
- Did send out a recap of their year, actions > 1.8M in fines (18 of the 19 actions that were conducted were received from federally credentialed inspectors from the state), 13 of the 19 actions were related to distribution/sold unregistered pesticides.
- What case will they take from states, FY24 Unregistered pesticide, gross misbrandings, clean sweeps (up by the northern border, they will be doing actual clean sweeps themselves, they are screening products at the border to make sure that they are in compliance), and training.
- Every state has a number of inspections that they must complete, unregistered would be on the top of the list, if it is unregistered most go with a PEI, the information collected would be the most helpful. The type of product would also be a priority.
- Timeframes- TC to meet with everyone by November 30th, reviews need to be completed by the end of the calendar year, getting final reports by the end of March 30th. Will be something that they would like to
- Program-ecologist has been added to the team, has experience with ESA, expecting to add one more to their team

2. Endangered Species Act: Workplan, Vulnerable Species Pilot, Herbicide Strategy and other mitigation tactics, labels, and Bulletins Live!

WI- ban on pesticides for about 2 million acres, very inappropriate regulations with very restrictive measures.

MN- This is getting out of control, an applicator needs to check with 3-4 different people to see if they can apply a product, land use restrictions on an applicator that usually have no control of the land.

EPA- Jennifer Dodds, has done a lot of work with ESA, will be our point of contact of ESA issues, do agencies have points of contact so that she can share information with them. Share contacts with Roger and he will share with Jennifer.

States are getting wore out, we express the same thing over and over, states are being listened to, but not really being heard, MN not convinced that states opinions are going to really matter.

MI-does feel that EPA is hearing us, industry is saying that EPA is going to far, it is unworkable the way that it is, special interest groups will probably sue again as it is not going to work because it is unenforceable.

IN - one more thing that states are saying hang on, but it is going to happen anyway, just like the C&T in 3-4 years there will be another 5700 form that is geared to ESA inspections.

You are going to lose the force of the law; people are going to stop caring.

Doing this on a national basis makes it very unenforceable. Bulletins live 2- how do we train on this, if it isn't there, relies on habitat data from US Fish and Wildlife, which is not updated on a regular basis, none of which is identified on a species basis, you would not be able to regulate an illegal use, as you wouldn't know the specific species, local US Fish and Wildlife will be able to provide the information to us if we did need it.

The infrastructure is not there to regulate this, it is just not going to be an enforceable program, states are not going to want to go out there and regulate a hit and miss program.

No recognition on what states could spend on regulating this, WPS is the only other program like this, it is only other program that is at the same complexity level. Nobody is ready for this, EPA and states.

National priorities- ESA is not on that list, how can this not be a priority for EPA. States are spending a ton of time, with out getting any money from the grant for the work that is being done.

3. **C&T Plan Implementation Progress:**

Ed Nam- Director of the Land Chemicals for Region 5. 1st major revision on the C&T in over 40 years, resolved some inconsistencies across the nation. As of September 28th, the last two region 5 states were approved and entered in before the end of the year. We want to ensure that all pesticides are applied appropriate and consistent with label. C&T is the foundation for proper and legal use of pesticides. This is something that should be celebrated before we head into the next phase of implementation.

How did the approval process go? What potential issues and problem there might be with implementation.

IN- afraid this will bring so many complexities for applications under the supervision. Yearly training, required records, daily equipment inspections by the supervisor, site specific instructions (should be given that day to be really protective), giving them the information on the ESA, the ownness is going to on the ag industry.

MI- not sure that they have thought through all of the details yet, just needed to survive the approval process, only for private applicators.

IL- not really thought on this as well, Supervision for commercial and privates.

OH-proposed, applying RUP's need to be licensed, only direct supervision on the commercial side of things.

WI- does license mix/loaders, IN- also does run into problems on truck drivers delivering a hot load, can they handle the hose to connect to the spray rig?

Maybe a need for the SLAs to work together to come up with a consistent plan so that states are all on the same page.

With all the new stuff coming down, need to figure out a way that these will not create the states to get a new plan, there should be a way for states to update plans without having to create a new plan.

Significant and not significant updates should remain consistent across all states.

Renee Keezer (WE) – White Earth is the only tribe in R5 that has a plan and have we accepted the state's plan, for the other 34 tribes who does it fall under a state they're getting the training, commercial applicators on tribal land > 25 MI, 13 MN, 19 WI, and for private applicators 3 MI, 2 MN, 3 WI, who is responsible for getting them into compliance/certified? Roger Mackedanz (MN) – We don't have any authority on the reservation, so it should be the tribal government or EPA. Amy Mysz, EPA agreed to send out a slide to the states that can be put in states' C&T trainings about EPA covering certification for tribes.

4. **SAFHER database and other inspection database haves and have-nots**

SAFHER is not working with MN. However, MN is looking to improve their current system. SAFHER has the assumption that pesticide regulation is the same across the states.

Nobody is working with SAFHER. IN couldn't find a system that Transends client management system and inspections. Each state is so significantly different, it would be hard to build something across the nation.

5. **Inspector training, Region 5-specific training**

EPA- had some trouble with the survey that they sent out, then they had new folks join them. Have had two

meetings so far, offering a half day training for federal inspections, how to collect a sample, CIT do something on collecting evidence, case development once an inspection is completed. This training will count for the program specific training requirement in FedTalent. Virtual training so that it is most accessible for people.

Brian Verhougstraete (MI) – Region 3 has hosted an inspector training workshop for their state inspectors for many years, discussed with Liza Fleeson Trossbach (VA) about how they have been getting funding through the region (analogous from the PIRT), states in R3 seem to host the training round robin style, seems like a good opportunity to exchange skills and contacts amongst the region. Discussed with Liza that the states used stag dollars that they set aside; Estrella Calvo (EPA) – Discussed with Acquanetta that they use stag funding and then the state will get the supplemental funding and identify it as a supplemental project on grant (picklist/activity
Are states interest in a region 5 training?

Biggest hurdle would be the time commitment and funding, can states contribute people to brainstorm on this.

Expert investigator to conduct interviews, report writing, data collection, endangered species.

Funding coming for the enforcement side of things.

All states are interested. Brian and Roger will coordinate discussions on Inspector training.

6. Pesticides and eCommerce: SLA roles and activities with eCommerce; How shall SLAs work with EPA Regions and OECA (Trisha Leaf is going to want the information and guidance that comes from the other states)

IN- Virtual Marketplace Inspection for eCommerce, identifying a need from seeing it somewhere. Looking more at label claims-Human Health, including extra information. When the companies are out of State, the companies usually wont even talk to them, 25Bs are not a high interest from EPA, if they do not want to register in the state, they order them to put on clear blocks, they will attempt to reorder the product to ensure that the blocks are in place. They do register the devices and 25Bs. eCommerce would easily take 2-3 FTEs to do a full program.

Several states do some sort of eCommerce inspections. EPA indicated these inspections should include the same information that would be collected if the inspector was conducting an inspection on-site, identify the product and get screenshots, show distribution record either in screenshots or actual distribution records, MI has started doing investigation reports with their submission and that has been helpful EPA to follow up with.

Asking EPA to pinpoint down what criteria they are looking for when passing a case file along to them. Region is continuously following up with Amazon on unregistered products.

7. Treated Seed: EPA Advance Notice of Proposed Rulemaking (ANPR) and Request for Comments

MN now has the authority in state law to regulate the use storage and distribution of treated seed under their pesticide law. MN will be submitting some comments to the EPA request. No idea of how much treated seed is out there in MN, what will the label allow the states to do.

EPA comment period is 60 days, closes on December 11.

EPA is also unsure on how much seed is treated-seed treatment products as part of the registration process do assess the environmental damage?

No other states are going to submit comments.

8. PRIA 5 Bilingual Label Language work and Implementation

MN- not translating the entire label only doing parts of it, nobody is approving the translation. Exams are not offered in different languages-have been pushed now to provide exams in Spanish.

OH-only enforce the English portion of the label, records need to be kept in English.

IN- having the national core manual translated into Spanish, spent the last 6 months translating the core manual.

In IL they have translated the exams and then also reverse translated them into English. They found errors because some words don't directly translate.

What happens with supplement labels, SDS, what needs to match the master label?? Supplemental distributors should not be able to add Spanish language or QR codes unless specifically stated on the master label.

MI- they have translated their exams and the passing rate is dismissal, different dialects, different education standards, more oral/visual education the reading education.

No word for word translation.

MI-Training is a very important part of it, translation is important but we need trainers that can train on the education level that the workers can understand, there are not many training resources available for this working population,

the PSEP aren't addressing this, we have some information in the schools but it's not everything, there is a very low pass rate with the exams when it is translated, EPA is planning on approving the Spanish label based on the Spanish guide, looked at the guide that EPA has, it looks pretty accurate, EPA needs to have someone to check that the Spanish labels are correct, if we don't have the resources to check them then we must assume that these labels are correct.

9. Registration Review – “Early Warning System” Proposal

Seth Dibblee (EPA) – Registration review decision must be enforceable, participation needs to be timely (earlier notification for SLAs), SLAs must have the ability to ground proof the regulations before they come from HQ, OPP needs reminders about how to deal with coregulators (half of their work is done by the state to ensure compliance, not just registration), created the idea of the ‘early warning system’, registration review > 15 years, workplan, data call ins, updated risk assessments, PID to mitigate risks, revised registrations/label language, proposal to identify high impact information to disseminate information to SLAs and identify potential actions, we want to remind chemical review managers what the states do, hosting crop tours and field days can be helpful for them, there was previously a week in residence program in OPP, could be helpful to provide a refresher for navigating dockets, it could also be helpful to differentiate the input between coregulators and stakeholders, FIFRA requires that EPA consults with major agencies so OPMO goes to IPM centers to acquire field data to add to the docket (sometimes this occurs later in the game), it could be helpful to get SLAs involved at an earlier step in the game, next steps include to discuss to Ed Nam (EPA) and get the other regions involved, Seth has also discussed with the registration division a bit. Trying it just on a regional level, so right now it is just Region 5, hopeful to have another Region on board with this. Region 7 and 4 may be interested.

Are any of us interested in earlier involvement? States have been fighting this for decades, it is a great idea and if he can get this done, we would be happy.

If states are truly co-regulators, then states should not be considered public. As soon as things go public, states get questions and they do not even know what is going on. States and EPA are all government. There should be summaries for states, if it is a data practices issue, then let's get that figured out.

Having the states provide comments against EPA's decision during the public comment period, it looks like regulator against regulator, when we are supposed to be on the same page.

10. FIFRA §25(b) Pesticides: Issues, False/Misleading Claims, and Solutions:

This all started with the “Deet free” claims. These claims can no longer be used on Section 3 products, how does this apply to 25B products. 25Bs are to be treated the same.

A registrant did push back, they said it was more of a safety claim. Is this a freedom of speech issue? - this really has the potential to get nasty. Some are seeing Section 3 labels that are stating the products are safe for kids.

This may be another situation where the program side is not talking with enforcement?

No specific questions to bring forward to SFIREG or of an FYI situation for all the states in the Region

11. Agricultural Fumigation and Clean Air Act:

EPA-Got a call from companies that were looking to add ProFume SLN to the label (Exponent), rather than doing an Sect. 18. HQ thought that this would be better as a Sect. 24c, so this went to IL for two additional crop uses, Illinois EPA called it to R5's attention that this type of application would need permitting under the Clean Air Act, they had said that fumigation of commodity/storage/soil are all emissions that need to be permitted under IL's implementation under the Clean Air Act. Not talking about huge emissions, except if there is a large backup of railcars. Still left that permits were needed.

Do our labels take into consideration emissions for fumigants? Do our air program folks realize this assessment has been done? Do our certified applicators need to get permits? Is it possible for our air programs issue a general permit, like with aquatics?

Have any other states come across this? This is only for grain fumigants. OH, has a logging fumigant issue, but Seth is talking only about grain at this point. On the logging side of things this should no longer be considered an SLN, because this has been an issue for many years, registrants should be able to clear up their label.

There are broad exemptions in the Clean Air Act, they want them to get a permit just so they know what is going on, not that they necessarily are looking to reduce the emissions. Air programs do not know about the emissions

mitigation already built into the labels and are requirements.

12. Spotted Lanternfly

Presentation by Jim Jasinski, Ohio State University and Jonathan Shields, Ohio Department of Agriculture regarding their response to Spotted Lanternfly:

Education effort had posters attached to food trucks, 10 food trucks per specific location. QR codes put on poster to help with tracking.

First outreach was to reach kids in school classrooms and then went to zoos. This outreach is being done by the OH department of Agriculture

13. Update: Tree Damage in Illinois

Presentation by Brad Beaver IL – 100-150 misuse complaints, complaints did skyrocket with dicamba coming on the market. IL is having a trend where more and more complaints are specific to trees being damaged. Tree line alongside the edge of the field, typically was what they saw. Now they see complaints where trees are showing growth regulator issues, there is no pattern and not necessarily near a typical application site, more at the canopy level, can have two trees next to each other and one is smoked while the other isn't. Oaks and Sycamores seem to have been affected more. Haven't been able to collect samples based on number of complaints and on the other hand without a source what good are the results going to be.

Samples mostly are coming back positive (2,4-D, dicamba, and glufosinate) IL want to dive deeper into these results, understand that it is not very many. Also need to decide what they are going to do with sample, sample or not sample. IL has tried to expand it out more depending on the region, but then there are so many different options that you run into. IL believes that they will see some sort of push at the legislative level.

IN- we are not set-up to do environmental studies, they may stumble into them based on eliminating any other source. This becomes more of a registration issue and something EPA will have to look into.

MN, OH- starting to see this with vineyards.

MN, MI has not seen this in their states. IL environmental groups are saying that yes, the trees are dying, what they are seeing are not to the extreme of emerald ash bore

14. Chlorpyrifos

EPA is processing label amendments and cancellations, the federal register (EPA-OPP-2022-0223) has some updates, Feb 2022 we saw the revocation/cancellation of many labels, continued sale of registered food and non-food for animal food are currently considered misbranded unless covered by a cancellation order. Currently misbranded and cannot be sold or moved.

MN - Had a case this summer where a facility commercially applied chlorpyrifos to a corn crop, it was not adulterated (based on sampling the crop), information from Region that it was not distribution of a commercial product, in MN when the tolerances were revoked we cancelled all of the products containing chlorpyrifos registered in MN (not federally cancelled just in MN), will continue to proceed with use of a state unregistered product, if the statement was made that it can't even be moved for disposal then how can an application not be considered misbranded? EPA will further review.

This may all be changed by the 8th circuit court decision.

15. Dicamba

No updates from the states other than what was listed in the state reviews.

IN- Active court case regarding dicamba. Is there any update on this? Does EPA have any plan if the product gets cancelled. Bayer is thinking that it would affect the 2024 season and asking several states what their plan is if the product gets cancelled.

16. Catch All: Atrazine, Rodenticides, etc

States are just waiting for any updates from EPA regarding actual label language.

17. Future Region 5 Pre-SFIREG Meeting Dates:

April 24 & 25, 2024 - Madison Wisconsin - Wisconsin will take over Chair after the spring meeting.