

Report to SFIREG (June 2024): Activities of the Environmental Quality Issues (EQI) Working Committee.

Hotze Wijnja, EQI Chair, Massachusetts Department of Agricultural Resources

Submitted May 30, 2024

EQI Committee Members

The EQI Working Committee is focused on issues related to water quality, human health and the environment, risk assessments, and technical aspects of the implementation of pesticide programs.

Current EQI committee members are Pam Bryer (ME) (2026), Beth Dittman (NC) (2024), James Cooper (FL) (2025), Rajinder Mann (MN) (2025), Kathryn Rifenburg (OR) (2025), David Scott (IN) (2024), Hotze Wijnja (MA) (2026) (Chair), and Christina Zimmerman (WA) (2026).

Summary of EQI Activities:

EQI met virtually several times to discuss the work on various topics related to the JWC and Full SFIREG meetings. The Spring Joint Working Committee (JWC) meeting was held on April 15-17, 2024, in Annapolis, MD. Meeting materials, including papers, presentations and detailed minutes are available on the AAPCO website <https://aapco.org/2015/07/29/working-committees/>.

The POM and EQI committees had joint sessions with topics of broad interest and a breakout session to discuss specific issues in detail within each committee. EQI action items and topics of interest and current status are described below, followed by an outline of the various topics/presentations covered during the recent JWC meeting.

EQI Action Items and Topics of Interest and their Status:

- **Issue Paper on Mosquito Control Mist Blower Use in Residential Settings:** Status: Share with Full SFIREG and consider follow-up with EPA
 - EPA issued a response to this issue paper in April just prior to the JWC meeting. Issue paper is available [here](#); EPA's response is available [here](#).
- **JWC meeting notes:**
 - EPA response to the issue paper was discussed. An action item that came out of that discussion is to bring to the attention of EPA that spraying and/or drifting on people with non-ag products is not illegal but should not be allowed (in contrast to ag products where WPS prohibits this exposure). Other aspects of EPA's response that EQI considered ineffective included the recommendation that product manufactures consider voluntarily adding/amending label use directions for mist blower applications, the suggestion to use FIFRA 24a option to impose additional restrictions for mosquito adulticide products.

- At the JWC meeting, it was suggested to share EQI’s concerns and suggestions with the Full SFIREG and consider next steps.
- **Treated Seed Regulation Issue Paper follow-up:** Status: Following developments
 - The Treated Seeds issue paper was submitted to EPA on August 31, 2022 ([Treated Seed Issue Paper](#) and [Cover Letter](#)). EPA response was issued on June 28, 2023 ([EPA-SFIREG Issue Paper Response](#)). On October 2nd, 2023, EPA issued the Advanced Notice of Proposed Rulemaking (ANPRM) for public comment to seek additional information on use of pesticide treated seed and paint. More info at: <https://www.regulations.gov/search/docket?filter=EPA-HQ-OPP-2023-0420>
 - EQI continues to follow the developments related to treated seed regulation.
 - At the recent JWC meeting, EQI discussed the aspect the dust-off with treated seeds as was highlighted in recent comments from [10 States’ attorneys general](#) (OR, MA, NY, HI, IL, MD, MN, NM, VT, WA). The comments highlighted the risks associated with dust-off exposure and risks associated with treated seeds/seed treatment. The AG comments highlight that risk, but it may be based on earlier reports of the issue with seed treatment. More recent efforts (e.g., BMPs and technology) to address the dust-off issue may already have had an impact and reduced the number of incidents.
 - EQI believes it could be useful to review and compile more recent information and data on this aspect of risks associated with treated seed. Some states may have more recent data on these types of incidents. It would be helpful to be able to assess whether this approach is effective in addressing dust-off exposures and risks.
 - At the JWC meeting, we learned of plans for research in VT related to dust-off and treated seeds. EQI will be updated on the progress with this research. The purpose of the research is to collect Vermont-specific data (VT-specific equipment, seed lubricants and seeds) to get a better understanding of the release and distribution of neonics with planting. This information could be helpful with explaining the disconnect between the lower number of beekill incident reports associated with treated-seed planting in recent years compared to earlier reports from 2010s.
- **Pesticides of Interest Tracking System (POINTS) follow-up:** Status: Finalizing effort to provide guidance for states to access and retrieval of historic data captured in the system.
 - EQI made the decision to make guidance available on the SFIREG website for states to access and use of data captured in the POINTS system. The guidance would include the [PREP Water Quality Webinar on POINTS](#) video.
 - EQI reached out to Washington State University and it was confirmed that WSU continues to support and maintain the POINTS system for the purpose of access to the historical data.

- The plan is to finalize this guidance and have it posted on the website within the next few months.
- **Water Quality Data and Pesticides: Reporting and Tracking of Progress:** Status: Ongoing Effort
 - Water quality program activities and reporting aspects continue to have EQI's attention. It is recognized that the need for tools to track management and progress with pesticides of concern is getting more important given the current regulatory developments.
 - At the JWC meeting, we discussed and considered opportunities for state and region-specific input on water quality program needs. The draft Cooperative Agreement Grant guidance process provides an opportunity to articulate the states' water quality program needs. These are important program aspects in the context of current regulatory developments. For example, it was brought up that the Water Quality – ESA nexus is becoming more relevant with the current regulatory developments. Cindy Wire (EPA) described the general process and timeline for the grant guidance. The discussion included the suggestion to have the SFIREG Working Committees review the portions of the draft guidance related to water quality in an early stage of the process (after review by regions) to provide an opportunity for review and feedback from EQI. EPA indicated that it would consider that suggestion.
- **ESA and Pesticides:** Status: Following developments
 - EQI continues to follow the developments related to ESA and pesticides and interact with SFIREG and AAPCO leadership on addressing issue and concerns related to proposed strategies and mitigation measures.
- **Cover crop and Plant Back Issue Paper follow-up**
 - EQI will consider an 'issue paper-refresh', and follow-up and revive efforts to meet with stakeholders. The 2019 issue paper is available [here](#) and EPA's response [here](#).
 - EQI has been following efforts by SFIREG to set up with meetings with USDA and other stakeholders regarding cover crop and plant back aspects as described in the issue paper. There have been efforts underway to exploring interactions with various stakeholders, such as USDA, the Weed Science Society of America (WSSA), to outline a path forward.
 - At the JWC meeting, representatives from several stakeholder groups (including WSSA and EPA) were in attendance and expressed interest in following up on earlier efforts to set up regular meetings. Gary Bahr (WA) has been leading the effort and will collaborate with EQI to move things forward.
 - EQI learned that there is also interest on among USDA staff to join meetings and assist with addressing cover crop related issues. EQI will work with stakeholders and interested parties to continue this effort.

- **PFAS and Pesticides:** Status: Following developments
 - EQI continues to follow the developments related to PFAS and pesticides, including regulatory aspects, pesticide products and containers, and method development for different types of product formulations.
 - At the JWC meeting, Neil Anderson (EPA) was in attendance and provided a brief update and responded to questions. The EPA lab continues with efforts to develop PFAS analytical methods for various different product matrices. Regarding the court action to vacate EPA order relative to fluorinated pesticide containers, EPA is in the process of identifying the best approach forward and may be able to provide an update at the Full SFIREG meeting.
 - EQI also follows the regulatory developments in certain states related to PFAS and pesticides.

- **Other topics of interest:**
 - Hooded Sprayer technology: At the JWC meeting, Becky Langer (Bayer US LLC) showed a video demonstrating the hooded sprayer technology. This topic was selected in the context of drift mitigation options that are part of proposed measures to reduce impacts to non-targets, including endangered species.
 - After the meeting, Becky Langer followed up and shared the following:

Questions from regulators:

1. How do you visibly check that a nozzle is working?
2. How fast can the sprayer move?
3. Is the width of fields in the Midwest a problem?
4. Can the sprayer be used on taller plants?
5. State regulators indicated they were asking for additional data. Link to presentation below.

Resources for questions:

1. [WF-2022-62-Broadcast-Hood-Brochure.pdf \(willmarfab.com\)](#)
2. [PowerPoint Presentation \(willmarfab.com\)](#) – University presentation with trial data
3. [Redball® ATV Hooded Sprayer \(willmarfab.com\)](#) -Drift Risk Management Presentation
4. [Layout 1 \(willmarfab.com\)](#) – flyer which discusses 8 mph application speed
5. [WF-2014-44 Row Crop Spray Bar Manual.book \(willmarfab.com\)](#) – Nozzle visualization questions and calibration.

Outline and Notes on the April 15-17, 2024 Joint Working Committee Sessions:

POM/EQI Joint Meeting – Day 1:

- 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)

- **Welcome and Remarks from Maryland Department of Agriculture (MDA)**
 - Kevin Atticks, Secretary of Agriculture, MDA provided opening remarks welcoming us to Maryland

- **Chesapeake Bay Program History and Current Developments**
 - Mark Dubin, University of Maryland Extension, Senior Agricultural Advisor and Bo Williams, EPA Chesapeake Bay Program, Team Lead, Implementation & Evaluation Team both gave presentations about the Program and its importance.

- **Bilingual labeling, Registration and Registration Review updates** (Hotze Wijnja, MA, Amy Brown, FL and Tim Kiely, EPA Pesticide Re-Evaluation Division (PRD))
 - Tim Kiely, EPA gave an update on the bilingual labeling implementation progress
 - There is large bilingual labeling workgroup in EPA working on the implementation plan, including Accessibility, tracking, and the translation guide
 - The PRIA 5 website will be updated with Frequently Asked Questions
 - They are working with Crop Life America and They had a focus group with region 9 growers.
 - Tim Kiely, EPA also gave updates on registration and registration review actions for the following:
 - Dicamba
 - Vacated registration
 - Existing stocks order; was updated/revised
 - Working with registrants – 2 applications received for 2025 season
 - Notice of Receipts will come out soon
 - Trying to have products available for next year, but there is a lot to do, therefore may not be available
 - Chlormequat chloride
 - Request to register first FOOD uses
 - Over 40k comments to review

- Chlorpyrifos
 - <https://www.epa.gov/pesticide-worker-safety/epa-update-use-pesticide-chlorpyrifos-food>
 - Requests from registrants
 - ADAMA issued an amendment - conditions around this one will be consistent with others who request
 - Updating FAQ on website – hopefully soon
 - <https://www.epa.gov/ingredients-used-pesticide-products/chlorpyrifos>
- Diuron
 - <https://www.epa.gov/pesticides/epa-seeks-public-comment-measures-address-human-health-and-ecological-risks-posed-diuron>
 - <https://www.regulations.gov/docket/EPA-HQ-OPP-2015-0077>
 - Proposed interim Decision
 - Come out after herbicide strategy (early 2025 est.)
- Neonicotinoids
 - Amended Interim Decision will come out after the insecticide strategy
 - Estimated March 2025 for Insecticide Strategy
 - Estimated end of 2025 for Amended ID
- Atrazine
 - <https://www.epa.gov/ingredients-used-pesticide-products/atrazine>
 - Revised Interim Decision will come out Fall of 2024 in response to the EPA Science Advisory Panel (SAP)
 - Herbicide strategy will be incorporated later within the next year
- Glyphosate
 - No updates; waiting on the herbicide strategy
-
- Chlorothalonil
 - Interim Decision due this summer
- DCPA
 - <https://www.epa.gov/pesticides/epa-warns-farmworkers-about-risks-dacthal>
- Glyphosate
 - No updates; herbicide strategy
- **Endangered Species Act (ESA)** (Hotze Wijnja, MA, Amy Brown, FL, and Brian Anderson, EPA Environmental Fate and Effects Division (EFED))

- Brian Anderson, EPA gave a presentation on their Endangered Species and Pesticide Initiatives (See presentation on website)
 - Vulnerable Species Pilot Project
 - Provided update to public on VSP - December 2023
 - Provide additional updates on VSP by September 2024
 - Herbicide Strategy
 - Final Strategy extended to August 2024
 - Hawaii Strategy
 - Release draft Strategy for comment date TBD
 - Rodenticide strategy – Covers 11 rodenticides
 - Draft strategy released on 12/1/23 • Final strategy by 11/2024
 - Insecticide strategy
 - Draft strategy by 7/30/2024 – currently working on it • Final strategy by 3/31/2025
 - Fungicide strategy – Scope TBD • Draft date TBD
- Irvin Huang, U.S. Fish & Wildlife Service (FWS) gave an update on their recent activities
- Elyssa Arnold, USDA Office of Pest Management Policy presented on their recent FIFRA-ESA Work
- Ryan DeWitt, National Marine Fisheries Service gave a presentation on their recent ESA activities
- Gretchen Paluch, IA, Workgroup Co-chair & AAPCO President; Steve Dwinell, VT, ESA Workgroup Co-chair & SFIREG Chair, presented an update on the workgroup’s activities

• **Field tours overview - DAY 1 and 2:**

- United States Naval Academy Golf Club
 - Eric David, Golf Course Superintendent and his team gave an overview and tour of conservation and best management practices to protect the Chesapeake Bay
- Wye Research & Education Center, University of Maryland
 - Dr. Kenneth Staver presented “Lessons learned from 40 years of water quality research at the Wye Research and Education Center”
- Chesapeake Farms
 - Reuben Baris, Corteva and the farm team showed a variety of conservation practices and management techniques being applied at this agricultural research center. The focus was on the aspects and practices that had relevance to proposed ESA mitigation measures.

POM/EQI Joint Meeting – Day 3:

- **Drift Mitigation Options** (Becky Langer, Bayer US LLC)
 - Becky Langer showed video demonstrating the hooded sprayer technology
- **Joint Working Committee ESA discussion, lessons learned from field tours**
 - The committees discussed what was learned on the field tours
- **Overview of the Oregon and Washington ESA Workshops** (Gary Bahr, WA, SFIREG Past Chair)
 - Gary Bahr presented on what Oregon and Washington States are doing to educate their growers and prepare them for ESA
- **Certification & Training – Update and POM survey results** (Amy Brown, FL, POM committee members and Carolyn Schroeder, PRD)
 - Carolyn Schroeder, EPA gave an update on C & T
 - Amy Brown presented the POM survey results
- **Technology Workgroup – Update** (Dwight Seal, NC, Committee Chair)
 - Dwight Seal, NC presented on the AAPCO Technology Workgroup
- **SFIREG Public Comment Process and Issue Paper Follow-up** (Steve Dwinell, VT, SFIREG Chair, Gary Bahr, WA, Hotze Wijnja, MA, Amy Brown, FL,)
 - Steve Dwinell, VT, SFIREG Chair presented on the SFIREG processes to Follow-up on issue papers, white papers and EPA comments
- **Other Emerging Topics** (Hotze Wijnja, MA, Amy Brown, FL, Steve Dwinell, VT, SFIREG Chair, and Committee Members)
 - Steve Dwinell, VT, SFIREG Chair, presented on the SFIREG ESA Working Committee
 - There will still be the AAPCO ESA workgroup, but there will also be a third SFIREG working group for ESA. It is the Endangered Species Strategy Implementation (ESI) Working Committee. This will allow POM and EQI to work on all the other issues. ESA has dominated the work and topics for the past two years.

POM Session: See POM report