

Report to SFIREG (June 2024): Activities of the Pesticide Operations and Management (POM) Working Committee. Amy Brown, Chair, Florida Department of Agriculture and Consumer Services

Submitted May 29, 2024 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 Spring Joint Working Committee (JWC) meeting was held in person April 15-17, 2024, in Annapolis, MD. This was a unique meeting, with field tours incorporated with our focus being the Endangered Species Act mitigations and implementations. The POM and EQI committees also 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 Spring 2024 JWC Meeting:

Please refer to the meeting materials for papers, presentations and minutes from the April 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 – 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 a hooded sprayer presentation
- **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)
 - Gay 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 included:

- **Pass-Through Pesticides in Animal Feed** (Amy Brown, FL, Sarah Caffery, IN, Morgan Griffith, VT, POM committee members and Paul Di Salvo, EPA Registration Division (RD))
 - Sarah Caffery, IN, Morgan Griffith, VT gave Presentation of topic - problematic feed/pesticide products that establishments are identifying as medicated (regulated by FDA) but are pesticides
 - Feed-through pesticides are typically incorporated into animal food; however, they have no direct effect on the animal. They move through its digestive tract relatively unchanged and are deposited in the animal's manure. These products contain pesticides that do not harm the animals themselves, but the pesticides instead act on their targets in the manure.
 - This is not a new topic it was started by Vermont in 2017
 - Discussions started at Full SFIREG 2017
 - POM tasked with next steps
 - Conversations with FDA at JWC meeting 2019
 - Memo drafted to share with SLAs
 - Final SFIREG memo dated July 30, 2019 "Clarification Regarding Pass-Through Pesticides in Animal Feed"

- Issue brought up again by Indiana in 2024 - problematic feed/pesticide products that establishments are identifying as medicated (regulated by FDA) but are pesticides
- Presentation showed the issue is still prevalent and there is a need for further action by POM
- POM will Collaborate with FDA, EPA & SLAs for a joint Feed & Pesticide guidance (Morgan & Sarah will take the lead)
- **Certification & Training SLA survey** (Amy Brown, FL, POM committee members)
 - Amy Brown, FL presented survey results
 - **POM created a survey that was sent out through AAPCO, 26 SLAs responded.**

Background: EPA is currently working to develop a “modifications to approved plans” guidance that will assist states in determining which plan modifications will require notification, or EPA-approval (*i.e.*, what constitutes a “substantial modification” under 40 CFR 171.309(a)(3)). EPA is also considering a “non-notification” designation. EPA has indicated that they plan to build out the external guidance and put the draft out for public comment in Summer 2024.

Task: Generate a list of common and/or anticipated C&T plan modifications, evaluate whether such modifications, from a State Lead Agency (SLA) perspective, should be designated as one of the following:

- **Non-notification** – modification would be inconsequential; it would NOT require notification to EPA.
- **Notification** – modification would require notification to EPA within 90 days per 40 CFR 171.309(a)(2), but not EPA approval.
- **Substantial** – modification would require prior approval by EPA per 40 CFR 171.309(a)(3).

Discuss logistical considerations/concerns related to the notification/EPA-approval process. Examples of plan modifications may include modifying deadlines in the implementation timeline and addition of applicator categories.

- States were asked in the survey to List examples of common plan modifications that should be designated as a “non-notification, notification or substantial”?
- They could list as many examples as they wanted. It was interesting to see how states answered varied for example, some thought adding a category should be non-notification, others said notification, and another said substantial.
- States were also asked do you anticipate any modifications to your existing plan that should be designated as a “non-notification, notification or substantial”?
- States were also asked to list any other considerations, comments or concerns related to the notification or EPA approval process for plan modifications.
- Cindy Wire (EPA/PREP) and Carolyn Schroeder (EPA/PRD) were online for the session.
- Amy shared the survey results with Cindy Wire and Carolyn Schroeder to be used in the C & T PREP Course (Week of April 22nd) and by EPA for the guidance.

- **25(b) Workgroup Update, 25(b) Rulemaking Topic and Possible Whitepaper (Sarah Caffery, IN)**
 - Sarah Caffery, IN, AAPCO 25b workgroup chair gave Presentation on the topics
 - **25b Workgroup Involvement**
 - Industry side:
 - 4 leaders have stepped up (Kim Nemeth, Chris Zemanek, Susan Lofton, Angus deWalt)
 - Monthly meetings; every other month with SLAs
 - SLA side:
 - Continue to communicate as needed
 - Meetings proposed for 2024
 - Guidance Document revisions scheduled
 - Absence of Ingredient Claims (Feb 2022)
 - EPA Issues Guidance on "Absence of an Ingredient" Claims (Feb 2024)
 - Include additional false or misleading claims
 - Label Guidance (Dec 2021)
 - Update for claims; SLA label reviews (ie: S&D)
 - State 25(b) Requirements with contact info (2020)
 - **25b Rulemaking update**
 - EPA Seeks Comments: Release January 19, 2021
 - Proposed Rule: Posted April 8, 2021
 - Comments Due: July 7, 2021
 - EPA is currently working on next steps
 - Gina Burnett, Jeannine Kausch, EPA BPPD provided an update on rulemaking next steps
 - Rule would have EPA review on products with Public Health Pest Claims
 - EPA will be presenting at the October 2024 Human Studies review board
 - Efficacy data requirement will involve human testing
 - EPA/BEAD will have to provide a benefits analysis
 - Final step would be to present Small Business Ethical Review Panel
 - EPA has public literature that will help with efficacy data requirement for rulemaking
 - EPA is actively working on the issue, POM will not submit a white paper at this time. EPA asked if states had good examples of efficacy data, please provide it to them
 - The process can take up to 2 years
- **Opportunity for POM committee members to share and discuss topics and issues from their state and region**
 - **Paraquat – charge for training was discussed**
 - Background – label requires paraquat training that is available through the National Pesticide Safety Education Center (NPSEC). It now costs \$25 and applicators are not happy that required training now has a charge.
 - Carroll Moseley, Syngenta was present and provided information on training that Syngenta was providing at no charge
 - There was discussion on whether Syngenta could provide the training. It has to be EPA approved training. Carroll confirmed that it is the EPA

approved training that is offered. Syngenta is also providing the list of trained applicators that complete their training to NPSEC

- POM will also review the Frequently Asked Questions document that is posted on the AAPCO website to make sure it is accurate regarding the required training
- Amy Sullivan, AAPCO Executive Secretary sent out the Syngenta schedule through the email list serve

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

- POM meet on January 31, 2024, to discuss ideas for the spring JWC meeting and the C & T survey.
- C & T survey Team met on February 26 and 27 to work on the survey. The survey went out AAPCO members on March 26th.
- POM completed the SFIREG FIFRA 24(c) guidance document on March 1, 2024 and it is now posted at https://aapco.org/wp-content/uploads/2024/03/aapco-sfireg-pom-section-24c-guidance_final.pdf
- POM meet on May 14, 2024, to discuss action items from the spring JWC meeting, which included reviewing the new draft Guidance for Feed & Pesticides and the Paraquat the Frequently Asked Questions document to make sure it was accurate regarding the required training (it was).
- POM continues to follow the Dicamba, Pet Products (A Modern Approach to EPA and FDA Product Oversight – Whitepaper), PFAS, Chlorpyrifos, Endangered Species Act implementation, 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 implementation, and feed & pesticide issues raised in the Joint/POM Sessions (any many others).

Other Comments:

- Nominations went out for the three working committees. Since, there will be three working committees under SFIREG, with the new ESI committee focusing on ESA implementation, POM can shift their focus back to normal POM issues. As a reminder these are registration, certification, and enforcement related pesticide issues of national or regional importance.
- One new topic we will bring up towards the end of the agenda is what EPA is allowing on distributor product labels via “Non notification” <https://www.epa.gov/pesticide-labels/pesticide-labeling-questions-answers#non-notifications>

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.