



June, 2024

Region 5 Pre-SFIREG Spring 2024 Meeting Report



Roger Mackedanz, Region 5 Pre-SFIREG Chair
Minnesota Department of Agriculture

EPA Region 5 Pre-SFIREG Spring 2024 Meeting Report

Meeting Dates: April 24th and 25th, 2024

Meeting Location: Madison, Wisconsin plus Microsoft Teams Meeting teleconference

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

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

Full SFIREG Topics

Mike Strigel- Ast. Deputy Secretary, Wisconsin Department of Agriculture, Trade and Consumer Protection gave a welcome.

1) State Updates:

- Common themes among states
 - Staffing continues to be significant drain on resources.
 - Paraquat subpoenas
 - Implementing C&T plans are progressing.
 - ESA issues are taking a great deal of resources and time to plan for.

Wisconsin –

- Full staffing.
- Recently finished their state-wide survey, sampled 380 private wells-no statically significant increases.
- \$250,000 to clean sweep- 1 million dollars in grants each year.
- Dicamba- not a real issue
- Pesticide Misuse Investigation were up, close to 130
- Colorado potato beetle- new registration pesticide active ingredient that use RNA, narrowly targets a gene in the beetle
- ESA- rusty patch bumble bee, relieved to have some breathing room as it would affect a significant number of acres.
- Bees-livestock and poultry licensing category
- PSEP-
 - Steve is retiring who has managed to be able to update manuals every 5 years. Hiring a new extension person and are adapting to their region model

Ohio –

- Personnel changes, retirements and job changes happening with staff of various positions
- Developing a new database
- Dicamba- 5 complaints not very prevalent and really have not had very high numbers. Figure people are just not reporting the issues to them.
- Paraquat subpoenas- too many to count.
- Federal Credentialing-6-8 months ahead of time hoping to have progress by Oct. 1st, new inspectors submitted in December, still have not heard anything back from EPA
- Clean sweeps scheduled- 3 of them usually in August, had the highest return last year in the history of the program
- Enforcement- federal inspections done, 19 total complaints (3 are Ag), 1 drone complaint-CRP ground, mothball complaints, on human health complaint.

- C&T- new online portal for product registration- working with ACCLAIM Ag Enterprises - going to be a big test for them, really positive about it, 600 small agents that they are unsure if they will adopt this. License for hire and non-commercial RUP/General use products.
 - Study materials are now going through Ohio State Extension Services. Hard copies are still the biggest seller
 - Plan- administration and legal working to introduce that, will go through Ohio general assembly.
 - Database built in 2002- want to update licensing and enforcement platforms as well to go totally web based.
- PSEP-
 - North Central Regional meeting- Ohio next week
 - Concluded the busiest stretch of the program- 2,000 people self paced online course, another 1,000-1,500
 - 3500 private applicators
 - Aquatic pest management study guide- work in progress.

Minnesota –

- Raj Mann- New Assistant Director- Non-point pesticide and fertilizer issues.
- In the middle of the legislative session- very active even though it is a policy year. Dems have complete control
 - Nitrate levels- petition filed with EPA that we were not doing enough, legislators are throwing money at this and is a big topic
 - Convert all exams to Spanish-currently for just commercial exams (exams only)
 - C&T plan- statute changes are on track
 - Attention on neonics- did get the authority to regulate the treated seed last year. Still trying to understand what this means for us.
 - Recreational cannabis became legal- MDA was required to stand-up the office- still working with them on rule writing (pesticide use)
- Contracted with Metro to provide all applicator testing except private - having a few places opening in the next few weeks. Metro proposing to charge \$55 for a test. Discussion among the states about how Metro was working for them. Majority agrees that Metro has only benefited them.
- How do you do a proposal with someone who will not be giving the State any money.
- Chlorpyrifos- the decisions have caused us some work as we were aggressive on understanding these sales- starting to realize that we need to clam down a bit
 - Canceled the registrants in the last two years, did re-register it for 2024, required to provide BMPs with the sale of the product.
 - Is a surface water of concern in MN
- Paraquat- also have received numerous subpoenas
- In the process of getting a new database - will be for everything the department does. Did receive some funding for this from the legislature
- PFAS- report on PFAS in pesticides, final is due next year, draft is up on our website. Ban on intentional use of PFAS unless it is considered an unavoidable use. Registrants do have to notify the MDA if they are intentionally using PFAS and want to consider their product for currently unavoidable use. The Department is developing criteria for evaluations.
- PSEP
 - Fully staffed, 6 full time staff
 - Workshops-44 in person workshops, 2 zoom webinars, biggest process to proctor private applicator exams (17,000 people)
 - 18 in person workshops, 2 zoom webinars, 4 online pre-certification workshops, 1 in person workshop (commercial/non-commercial)
 - Brand new workshops- out in the field, setting up plots hands on in the field (crops, horticulture)

- Creating videos with Iowa and Nebraska
- CATTLE- meeting with EPA headquarters and other PSEPs
- Also had the paraquat subpoenas

Michigan –

- HPAI - is taking their time right now, they have cases in cattle and poultry. Most staff are being pulled into this
- Personnel- posting for 4 pesticide inspectors, hoping to have them start by the end of May. So many new staff, PDs are pretty specific for experience, most start at the inspector level- want to hire lead inspectors, however they have too many new staff. Recently went through a re-organization so they expect to lose more staff, do not want to post a supervisor position as they will pull folks out of the field.
- Bill that would change pesticide notification to those that are sensitive to pesticides. Need to have a doctor's note each year, properties would need to be adjacent or up to 100' feet and only for turf and ornamental. Change would be for mosquito sprays and up to 500' feet, eliminate the need for the doctor's note. This will create more work for the department, help from WI to determine what this would be.
- C & T- drafted legislation for updating their law. Next two months will focus on getting this up to the legislature, with hope to wrap it up in the next year to year and a half.
- 16 complaints so far this year- once weather turns nice get more complaints for outside applications. Last year received 108 complaints on target, not every complaint turns into an investigation, 14 complaints alleging 2,4-D or dicamba, more than half were related to lawn or not over the top applications.
- Continued growth and interest in UAV applications- users do not know a lot about pesticides, they know the equipment they are using.
- Paraquat- also had numerous subpoenas.
- Significant cases-
 - DNR wildlife lab- help in disposing of methomyl. DNR is investigate a timber wolf that was poisoned with this product. Trying to determine the exact product that was used. Appears to be one of the Federally restricted products. EPA Region 5 and headquarters is aware of the report.
 - Box store- complaint from a previous employee of dumping pesticides, marginally cooperative- turned out to be real and dealing with their attorneys.
 - Credential forgery case, Metro determined some cheating. Metro handled it really well.
 - 2024- Clean our House- taking care of administrative business that has been neglected for several years- Updating policies, website, guidance documents. Reduce the routine work assignments to get this completed.
 - Section 18 for Ultra Blazer as well, SLN for spotted lantern fly, outreach on ESA changes on labels for MI extension, bulletins live 2. Had their inspectors ask the questions and the applicators had no idea what this meant to them- serious eye opener for the groups that they have talked to already.
- UAVs- Has anyone separated this out to its own category?
 - MI is taking baby steps towards this, has not heard a lot of states doing this. Hold aerial applicators to a higher standard, which drones just can't meet.
 - IN- adding it to the current aerial category- air is air. Wouldn't you need to have a different category for ground use drones as well?
 - OH- going to leave it in the aerial category.
 - IL- leave it in the aerial category, actually had a complaint involving a drone. State rep that had their windshield sprayed. Applicator had the as applied maps that showed he was applying correctly; however the windshield did get sprayed.
 - WI- not looking at a change.
 - EPA- Is there consideration to changing the labels to fit UAVs better? Are starting to

split out directions for use- agricultural crops for ground and aerial. Drones they have not gotten quite there yet, no path forward.

- PSEP- how does recertification work, states should be working with PSEPs, MN is approving recertification workshops for drones specifically.

Indiana –

- General Use pesticide- engaged in legislative process. No requirements in the state at are more stringent than Federal requirements, such confusion last year that they had to push legislative this year to seek clarification- removed the rule making ability.
 - 2022- rule package that put them in full compliance with C & T
 - 2024 this was completely reversed, RUPs follows the federal regulation, commercial use of general products was added back in. Diminished the technician program to a 30 minute video for training. Vast majority of the time is spent doing education and outreach.
- Same problem with subpoenas
- New vendor for licensing and certification
- Core Exam into Spanish- specialty crop farmer- farmer did not want to handle the hazardous material- that's why they hired the Spanish guy. doesn't cost what you think it would- pretty cheap
- Bulk storage requirements- were all repealed as of July 1st as well- requirements are also in the line with federal requirements- just ag products just over 500 gallons and only container structure compliance, no containment regulation
- Dicamba- drop significant, 21 total the same as any other A.I. June 12th cutoff date seemed to work for the state. All other AG dicamba products were classified as RUP and have a VAR as part of the tank mix (cutoff date was June 20)
 - IL- crop products increased in complaints as the OTT dicamba complaints decreased

Illinois –

- Personnel- 3 years in a row where they have lost their licensing personnel, have a new licensing supervisor. Containment and Laboratory manager have left. Posting for a bilingual position within WPS.
- C & T plan- got regulatory changes no statutory changes were needed, core exam translated into Spanish, work on turf to be translated. Requests for individual accommodations have been increasing. Environmental groups want to license volunteers, believe this is because of a number of tree complaints. Industry is pushing them to offer CEUs- this would require a statutory change.
 - Online training- really successful- 4,000 trainings and 5300 exams. 50/50 for online and in-person
- Major invest in Lab, updating instruments
- Misuse- 17 for this year. Dicamba dropped last year, June 12th really helped.
- Huge legislation session- 16 bills introduced. Bans on pesticides, increase fine for damage on trees, pre-emption, school notification.
- Tree complaints are the biggest issue that they will be dealing with, 102 complaints in '23 mostly involving Oak trees-have pesticide exposure symptomology-no source nearby. This has led to study's being done by the Natural Resources- preview of the study looking at 185 sites, visits 2 during spraying season. Do not account for disease or pest issues. 75% of samples came back positive for a pesticide, 1st herbicide and then insecticide. Atrazine was the most commonly detected, followed by 2,4-D and then glyphosate. Randomly selected the sites across the state. More correlation with soybeans fields than corn fields. No typical drift pattern in the areas. Foliage and soil samples did not really find anything in the soil. Release in July or August.

• PSEP

- 10 commercial and 9 private clinics held. Training and testing online as well. Have a new hire

- to help with calls and online training/testing.
 - New trainer coming on and losing another trainer.
 - Finishing up the general standards manual and then determine the needs for other manuals- do have the staff to update all that are needed.
 - Dealing with subpoenas as well
 - Newsletter is going to be paused until they are better staffed.
- Structural
 - Online testing is having some difficulties.
 - Lost two of their federal credential inspectors.
 - Program databases are having issues- so many things that the system cannot do that are required by EPA.

EPA –

- OCEA- fully staff with 6 full time staff. 50% have a year or less of experience.
 - TC were rotated again last year.
 - Compliance
 - 27 inspections, 20 refused entries recommend to Customs and Borders. Conducting PEIs and are extending invites for local inspectors to join them.
 - 4 of 7 inspections from states resulted in penalties- unregistered products, misbranded and record keeping, importation.
 - Funded through September, 9% decrease may see an impact on the program side of things, have yet to receive the allocations and will communicate those as soon as they learn of them.
- Program
 - New hire- now have 6 FTEs. Each participates in a specific program area (ESA, Tribes (36 tribes in Region 5), Pollinator).
 - Secured funding for the Upper Sioux water monitoring project.
 - Lab Directors Meeting-finally after 3 years, Ohio will host the upcoming workshop.
 - WPS-Don participating in a panel with Department of Labor
 - Special Project is Bed Bug outreach- 3 national webinars have been offered.
 - Budget has been cut by 8% across all regions, there really should not be a huge effect. This also should not affect the submittal for special projects.
 - FY25 grants are due to grants.gov by June 7th

2) Steve Dwinell, SFIREG Chair

Introduction- Incoming chair for SFIREG. Exists for states to bring up issues that are affecting states and collaborate with EPA on solutions.

Want to hear from the Regions about issues and recommendations- ESA implementation, Kevin Kern, Michigan- APPCO co-chair for ESA work group.

3rd Working committee for SFIREG- ESA strategy implementation comments on education materials, BLT, PULAs . Details on the committee- 10 representative one from each region and a chair.

3) Endangered Species Act: EPA Update:

- Jennifer Dodds
 - Dates- do keep sliding.
 - Herbicide final due in August, large volume of public comments
 - Vulnerable species pilot plan September timeframe
 - Insecticide: July 30th, final sometime next March
 - Rodenticide: November for the final document
 - Hawaii workshop TBD
 - Fungicide: 2025
 - EPA Workgroup- Nicole Zinn focus is to develop the education and outreach materials to help the states.

- Develop a new website specific to ESA, information readily accessible-more of a toolbox approach to the website. Main focus will be for the states, but would like for it also be for applicators. Everything will have to be approved.
- Factsheets, one page that are easily shared.
- Presentations-powerpoint slide decks with a master list.
- Looking for state collaboration- each state should designate a lead person for ESA to help with this effort.
- PSEPs need to be a part of this as this is the work that they do.
- How do we get applicators and growers involved from the onset of these items. Instead of waiting until the labels come out. Reactive vs. proactive
- Michigan state on the leading edge of outreach on this topic

4) ESA Workplan and Strategy Implementation:

- Do other programs check to make sure folks are in compliance with their programs? Are SLAs going to be turned into the enforcement mechanism for these other programs? SLAs will just take their word and go from there, as they do not have the resources to enforce this as well.
 - If this is the approach, why even have this conversation and it cheapens the conversation. If we are just checking a box what is the purpose in doing this. Hesitant to develop an enforcement strategy.
 - These mitigation measures are not verifiable as dicamba is.
 - How deep will we go to prove this, will other government agencies provide these records to us.
 - Focus away from the applicator and putting it on the grower and land owner, something that SLAs and industry are not familiar with.
 - Need the data on the conservation practices that are in place, No/I don't know is still data.
 - Voluntary conversation practices for the last 50 years, now SLAs are looking to enforce voluntary conversation practices.
 - NRCS should be brought to the table, most state level NRCS folks don't even know about this.
 - Data practices make it harder and harder to share information between agencies.
 - EPA is going to have to do something-SLAs don't have any better ideas because this is hard.
 - Thought we were going to Bulletins Live 2 not having them on the specific label. If states cannot figure it out how can we expect applicators. How do we get industry folks to the table to be a part of the conversations.
 - Resources to do Endangered Species Act investigations- people, time. Most states do not have the right people in place to understand these conservation practices and soil types. Some states have inspectors that do not focus solely on pesticides as other states do.
 - As a state there may be the resources, but not specifically within the agency.
 - Joint working committee- field trips growers there, growers are going to want to do the right thing, their intention is not to harm the endangered species. Want the tools to be successful.
 - Talk about why it is important, not a lot of leverage on the enforcement side.
 - Growers were surprised by this regulation, but didn't hear the resistance.
 - Before June 1st get information/input on the spreadsheet to Roger. Document summarizing responses is attached.

5) Bulletins Live Two (BLT)

- Parts of the states that do not have internet.
 - Can the dealers provide this to them, as they know what products the growers are purchasing?
- Information has to be entered in a specific way, not flexible in data entry.
- Nice to use it in manner that would allow growers to decide what product to use in the area.
- List serve idea to update folks on updates to BLT
- Not meant to be used on the phone- even more of an inconvenience!

6) Update: Registration Review – “Early Warning System” Proposal

- Atrazine felt like a blindside- how do we get SLAs involved sooner and more collaborative manner.
- Labels with enforceable language
- Label review process with a deliberate involvement of SLAs
- Process improvement assessment?
- SLAs are going to help advance the goal of compliance in pesticide use.
- 60 day comment period- makes SLAs lose credibility in our regulations, do not trust that we did know. We are the face of EPA in our states!

7) Recap on the state inspector online workshop held in 2-28-2024

- Over 100 participants
- Want to hear from the states about what you like and did not like.
- Regionalize state Inspector training, offer in-person training as well.
- MI, WI, MN- supplemental proposal for training. Host and put something on as well.
- Anticipate funds to support a training opportunity- special project so it isn't tied to our grants as the grant timeline can get in the way.
- WI- will take a look into adding a supplemental to their grant, won't commit.
- Field Tours?
- WPS Training?
- Getting the travel paid for is the hassle for the states, if there is a way for EPA to handle the reimbursement and the state to just put on the training- Training is worth the time!!
- What topics do we want to hear about?
 - Just the basics-interviewing, narrative writing, evidence collection (pictures, application records, pesticide labels, etc.), not just sampling

8) C&T Plan Implementation Progress

- MN
 - The fun has just begun...we believe that we are going to be very successful with the statutory changes that are needed.
 - Industry was unaware with what was going on but are excepting of the changes.
 - How are folks going to handle the under-supervision portion? Not an issue in MN.
 - Mixer and loaders need to be licensed-how are other states handling this? This will be a major change in MN.
- MI
 - Drafting policies and procedures for exam administration
 - Just now getting into the legislation stuff, the PREP course is their kickoff.
 - Brand new coordinator, this is a bit of a concern as getting them up to speed is going to be a monumental task.
 - Do have concerns about what other changes will be introduced as they work through the legislation changes.
 - Private applicators can use an RUP under supervision, will get back to Roger on how they are going to handle this.
 - Mix/loaders- will get back to us on this.
- WI
 - Do have a mixer/loader category, EPA had a tuff time wrapping their heads around this category, so they are thinking about getting rid of this category.
 - Mixer/loaders could go to the federal level.
 - No under supervision
- IL
 - They do not have a problem with mixer/loader.
 - Do have under supervision.

- Training is identical to what is required under WPS.
- IN
 - Commercial applicators were the ones that were having most of the issues.
 - Federal level is an easier path, because it is the direct supervision and the training.
 - The applicator-annual training documentation, record is required.
 - no site-specific use directions required- private easier, commercial will be hard based on the volume that they do, not sure how they are going to implement this because no record is required.
- OH
 - Currently just at the begin of legislative changes and proposing them, definitions need to be changed.
 - Training and study materials will need to be change and that will be quite a process as well.
 - Do allow under the supervision.

Keeping EPA involved every step of the way and communicating what is going on, to have to submit another plan and reapproval again is just nuts. Anytime there is a deviation, are we really going to have to submit another plan and get approval??? Previously it did not seem as formal, we just had to let EPA know. EPA does have to have the official record, but they will work with the states the best that they can.

Indian Country- EPA will mimic what the individual state will be offering, do want states to mention in recertifications that if applicators are applying RUPs in Indian Country they must be credentialled Federally unless the tribe has their own requirements

9) Enlist label review

- MN- Enlist Questions Document used for purpose of discussion only.
 - No bulletins- applicators are still required to look, with no bulletin how do they document they checked?
 - Who is responsible for the label requirements?
 - Post application activities- pre-harvest interval or plant back. 2009- FIFRA strict liability statute- for any person to use the pesticide inconsistent with the label requirements
 - Case Law on some of these points- lack of knowledge do not provide a defensive to a noncompliance action-States can make their own determination on who they want to hold responsible, but they can hold a numerous level of people responsible. More important for the applicators to be having these conversations with all of those involved about what is required.
 - Not a unique issue, but states won't get involved unless something bad happens
 - States/OECA never get involved with label negotiations- it is always OPP and the Registrants, why not get those involved with enforcing it right away?? Enforcement should not be involved once it is complete- this is an historic issue.
 - EPA is working on change this issue-can't promise a formal process every time.
 - Will continue to engage in EPA/APPCO work group.
 - Going to be a lot of uncomfortable conversations but they do believe are heading in the right direction.
 - Enforcement difficulties- caution while enforcement discretion is an important tool, thought of not doing something until we have something better- if we collectively can't make this work there is the possibility that the products may not be available in the future.
 - Would EPA be willing to assist on the investigation of an ESA complaint- EPA inspector come out to see how it is done what the states need to get through?

10) Paraquat label mandated training

- Charging for label mandatory training is absurd...
- Most states do not have a lot of issues with this simply because there is not a lot of use.
- When there are issues- applicators are simply not taking the training- assumption is that most applicators are not even aware of the required training
- Syngenta worked with NPSEC and provided funding to develop the training. NPSEC is \$100,000 in the hole because of this training. NPSEC was very aware of how Syngenta was going to move forward and there are no hard feelings on this between NPSEC and Syngenta. Syngenta has now developed their own free training and are making it available to applicators.
- Training should have been more prominently displayed on the label and better notice to the SLAs

11) Bio stimulant Registration:

- Falls under the plant regulator definition, are claims regulated or not, managed out of BPPD
- WI
 - Mike Murray- fertilizer program, active ingredients that have multiple purposes. Depending on the claim is how they determine if it is a pesticide. Bleach is a good example. Do not deal with the use, they deal just with the registration, the use is another/ Syngenta reached out to them to see if they will be adopting the federal standard.
- OH
 - Dealing with determining based on the claims of the products. Syngenta also reached out to them.
- MN
 - Has them the same way, reviewing the claims.
- IL
 - Joint review between two divisions
- MI
 - Fertilizer, then pesticides. Cannabis is a big driver. Nothing that they had to send back to EPA, usually.
- IN
 - Still a question of where they belong, EPA Guidance is not just connected to the claims but also composition as well. Really a gray area and do have to have EPA weigh in on most of them to make a great decision.

12) Chlorpyrifos:

- EPA update: finish processing the voluntary cancellations, draft rule on the tolerances that will have a public comment period. Reviewing the labels, food vs. non-food uses. Food uses being stamped by the end of August. Sticking to 100% with the last decision, update human health risk assessment to come out early next year.
- MN
 - Initially canceled the products, did some sales inspections- orders were issued for sales, have had to rescind some of those order. Complicated communication issues.
- MI
 - A lot of questions from minor crop use, did not renew registration. Initially a lot of registrants did not want to move it out of state, did have one use investigation where the grower used it, weren't able to prove it.
- OH
 - Did not renew products, also did not cancel anything. Communication has been the biggest thing.
- WI
 - Hold on what you got, registration flagged all products with the AI contacted the registrants and asked for voluntary discontinued their products, it was required in '23. 4 products that are currently registered.

- IL
 - Really quiet on this
- IN
 - Similar to other states- USDA gave a memorandum with a table that outlines products that do include the food use and non-food uses very helpful.

13) Dicamba Update:

- MN
 - Still an issue, still have complaints, still sample- do not find dicamba. Haven't heard any concerns about product being available. Status quo for MN
- MI
 - Still see damage, do not get very many complaints, were asked to clarify or provide some guidance on the new decisions. With seed still being available what products are folks going to be using.
- EPA
 - Has gotten at least one OTT re-registrant, are going to put it out there for public comment.
- WI
 - Has not been a huge problem for them ever, seeing a full switch to enlist. Status quo with them, zero cases last year involving dicamba.
- IL
 - Seen a big switch as well, most applicators going to Enlist. Cut off dates really helped (June 12th). Interesting to see how this plays out with their tree complaints. Hopeful for a quiet year
- IN
 - Also seeing a switch to 2,4-D, cut-off dates were really helpful. The number of complaints are not being swapped between 2,4-D and dicamba. Consider the regulation a success.
- OH
 - Single digit complaints, hard to find the product when samples are taken and do believe that issues aren't getting reported.

14) Catch-All

- Bee Keeper compliance advisory – Naomi Morgan, EPA
- Mitigation measures for, chlorpyrifos, malathion, and diazinon. No additional thoughts.
- Are there any pending or upcoming registration decisions that are of particular interest or importance to your state? Nothing other than what we have already discussed.
- Are there any new Issues or ongoing issues that might develop into White Papers or Issue Papers? None at this time.

15) Future Region 5 Pre-SFIREG Meeting Dates:

- Wisconsin's Ryan Berzinski will take over Chair after the spring meeting.
Fall meeting dates have not been confirmed.
OH- is a potential host for the fall meeting.

Please review the attached list of state led soil and water conservation programs known to be active. Are there any other programs that you are aware of that should be on this list? Please include programs such as Ducks Unlimited, etc.

Michigan

The MDARD pesticide section is not aware of any additional state-led soil or water conservation programs that should be included on the list. MDARD would require more time to evaluate programs such as Ducks Unlimited to determine if these programs are active and verify participation.

Wisconsin

Added to spreadsheet

Indiana

None at this time

Minnesota

Added to spreadsheet

Are the listed programs still in operation to your knowledge?

Michigan

YES

Wisconsin

CREP, Farmland Preservation, Soil and Water Resource Management Grants, Conservation Engineering, Producer Led programs, Nutrient Management

Indiana

Yes

Minnesota

Yes

Please identify the state agency or other organization that is responsible for monitoring participation or implementation in these programs.

Michigan

MDARD administers the Michigan Agricultural Environmental Assurance Program (MAEAP) .

Wisconsin

Wisconsin DNR, DATCP, and NRCS-Wisconsin

Indiana

Minnesota

MDA administers the MAWQCP <https://www.mda.state.mn.us/environment-sustainability/minnesota-agricultural-water-quality-certification-program>

Does your program have any role in monitoring or implementing these programs?

Michigan

No, the MDARD pesticide program does not have any role in monitoring or implementing the MAEAP program.

Wisconsin

Yes – DNR monitors this via their CAFO and nonpoint runoff programs and DATCP via Farmland Preservation and Nutrient Management Farmer Education.

Indiana

No, other than manure and commercial fertilizer applicators are required to be trained and certified on nutrient management and conservation. <https://oisc.purdue.edu/pesticide/14.html>

Minnesota

Yes, MDA does follow up on a periodic basis (5 years) see <https://www.mda.state.mn.us/environment-sustainability/minnesota-agricultural-water-quality-certification-program>

How is participation or implementation in these programs monitored or verified?

Michigan

Unknown

Wisconsin

County Land Conservation Departments work on behalf of the agency to implement these programs. Verification through Farmland Preservation includes annual certification that the landowner is meeting the conservation compliance portions of the program.

Indiana

Voluntary reporting.

Minnesota

See <https://www.mda.state.mn.us/environment-sustainability/minnesota-agricultural-water-quality-certification-program>

Do you have any information on the degree of participation in these programs among crop producers/growers/ranchers in your state, or do you know where such information can be obtained?

Michigan

As of fiscal year 2023, 949,988 (12.0%) of Michigan's 7,924,480 acres of cropland (USDA 2017 Census of Agriculture) were verified under MEAEP.

Wisconsin

DATCP publishes an annual Nutrient Management report that includes county reported acres in Nutrient Management. Other agencies may collect and report that or other similar data. As of 2023, there are roughly 3.5 million acres of harvested cropland covered by Nutrient Management Plans in WI

Indiana

Not sure, but ISDA link above would be the starting place.

Minnesota

MDA administers the MAWQCP

How do you anticipate verifying participation in soil and water conservation programs?

Michigan

If a grower indicates they are enrolled we will verify with the MDARD MEAEP program staff and review records to verify if they are participating in the program.

Wisconsin

DATCP does this via our Soil and Water Resource Management grant program as well as Farmland Preservation and NMFE already.

Indiana

Asking program leaders if they can share data and asking applicators involved in investigations pointed and specific questions about implementation of conservation practices

Minnesota

No way of verifying

Do you have any recommendations on how to verify participation?

Michigan

Records that show or support that the grower is in good standing and in compliance with the applicable requirements of the program.

Wisconsin

Landowners are required to submit 590 checklists to counties typically on an annual basis. Some counties are on a different schedule.

Indiana

Self-reporting during investigations, sort of how we do so many other label requirement investigations, and taking environmental samples for exceedances of some EPA standard or guidance that can be indicative of compliance or not with prescribed practices.

Does your agency have any information on the efficacy of these programs in preventing pesticides or nutrients from entering surface water?

Michigan

MDARD's pesticide section is not aware of any information on the efficacy of the MAEAP program in preventing pesticides or nutrients from entering surface water.

Wisconsin

See the interagency Nutrient Reduction Strategy.

Indiana

No

Minnesota

See <https://www.mda.state.mn.us/environment-sustainability/minnesota-agricultural-water-quality-certification-program>

Do you participate in any existing product stewardship programs?

Michigan

No

Wisconsin

Indiana

No

From: [Oemig, Otto W - DATCP](#)
To: [Mackedanz, Roger \(MDA\)](#); [Kern, Kevin \(MDARD\)](#)
Cc: [Berzinski, Ryan L - DATCP](#); [Personette, Robby E - DATCP](#); [Foss, Alyssa - DATCP](#)
Subject: Bulletins Live! Two Comments
Date: Wednesday, May 8, 2024 8:51:46 AM
Attachments: [Bulletins Live! Two – Madison, Wisconsin Example.docx](#)
[Madison Dicamba Bulletin 2024.pdf](#)
[Madison Dicamba and Cyantraniliprole Bulletin 2024.pdf](#)

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Hello Roger and Kevin,

Following up on our discussion from Pre-SFIREG. Here are my comments regarding Wisconsin's experience with Bulletins Live! Two.

Bulletins Success Story

Prior to 2015, Wisconsin only had pesticide use limitation areas (PULA) for the active ingredient methoxyfenozide in areas near habitat of the endangered Karner Blue Butterfly or Hines Emerald Dragonfly. Wisconsin was very successful in raising awareness and maintaining compliance with these PULAs for a number of reasons.

1. High quality maps. Stakeholders in Wisconsin largely agreed that the mapping used for the PULA's developed for Karner Blue Butterfly (KBB) appeared accurate and reflected areas where KBB can be found in Wisconsin.
2. Cooperation with a strong grower organization and crop consultants. These PULAs primarily impacted the Wisconsin cranberry industry as cranberry growers are the primary users of methoxyfenozide in Wisconsin. DATCP partnered with the Wisconsin State Cranberry Growers Association and several of the Cranberry crop consultants over many years to raise awareness of the PULA on this product. Through these partnerships, awareness of and compliance with the PULA for methoxyfenozide was very good in Wisconsin amongst cranberry growers. Partnerships with grower organization and consultants was critical in raising awareness and compliance.

WI DATCP Concerns with Many PULAs on Bulletins Live! Two in the Future

Wisconsin currently has concerns of multiple layers of bulletins making the system difficult to navigate and growers to understand. Already with 3 unique product PULA's the mapping layers appear very complicated and there has been a notable increase in how fast the webpage loads. Wisconsin is concerned that the current Bulletins Live! Two website is not optimized to adequately handle the addition of dozens of additional PULA's will add dozens of layers to the map, worsening these issues. Wisconsin suggests EPA take steps to ensure that the current Bulletins Live! Two can handle the planned for addition of dozens of additional PULAs or make changes to improve the system.

WI DATCP Concerns with Poor Quality Maps

Wisconsin is concerned by the poor quality of maps that certain PULA's currently display in Wisconsin. See the attached example of Madison Wisconsin where the quality of the map is obviously incorrect. Having obviously incorrect mapping layers leads to additional restrictions on areas that do not require protections and leaves areas that do require restrictions unprotected. Additionally, poor quality maps make it very challenging to obtain buy in from the regulated industry. Wisconsin suggests EPA ensure that only high quality maps are used in the creation of PULA's.

Thank you,

Otto Oemig

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