

Region 1 New England
Pre-SFIREG May 1, 2024
Meeting Report

The Region 1 New England pre-SFIREG meeting was held both on-line and in-person at the United States Environmental Protection Agency Laboratory office in Chelmsford, Massachusetts, on May 1, 2024, beginning at 9:30 a.m.

Region 1 - New England States:

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

Pre-SFIREG Attendance:

EPA: Maya Babu, Sharon Hayes, Kirsten Stemmler, Andrea Szylvian, Claire Willscher

Connecticut: Diane Jorsey

Maine: Alexander Peacock

Massachusetts: Taryn LaScola

New Hampshire: David Rousseau

Vermont: Steve Dwinell and David Huber

A. Agenda Item: EPA Update, Sharon Hayes, Claire Willscher, Andrea Szylvian providing updates for EPA Region 1:

Claire Willscher, US EPA, Land, Chemicals, and Redevelopment Division (LCARD):

- State funding allocations are under review
Discussion included STAG and education program funding

Sharon Hayes, US EPA, Enforcement and Compliance Assurance Division (ECAD):

- Region 1 Pesticide Related Staffing Update
 - Kirsten Stemmler joined the staff as pesticide and lead inspector in November 2023
 - Kelsey Sullivan, inspector, is on temporary assignment to assist with the Maui disaster
 - On-site inspections noted
 - Warning notices identified
 - Lack of reporting updates and settlement agreements noted

SLA inquiry relative to lab and Pesticide Safety Education Program funding. Follow up expected on lab funding. No PSEP funding for 2024 but may be funding for 2025.

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B. Agenda Item: State-by-State Report Out – Changes in Applicator Certification Status

No state reported a certification revocation or criminal pesticide incident relative to state-to-state reciprocity or interstate activity.

C. Agenda Item: State-by-State Information for SFIREG

The agenda included the following national topics for discussion:

- 1. Certification and Training Implementation & Related Feedback**
- 2. Endangered Species Act – ESA Workplan & Strategy Implementation**
- 3. Bulletins Live Two (BLT) – Feedback**
- 4. Chlorpyrifos Ruling – State Impacts of Decision**
- 5. Paraquat Training Fee – State Impacts or Feedback**
- 6. Bio-stimulant Registration Proposal – Feedback or Concerns**
- 7. Pesticide Registration Decisions**
- 8. Dicamba – Over the Top Existing Stock Order**

1. Certification and Training Implementation & Related Feedback

Steve Dwinell (Vermont) introduced the topic identifying the importance of exam material, including manual development and the relationship between states and Pesticide Safety Education Programs.

Consideration: Inviting Pesticide Safety Education Programs (PSEP) to pre-SFIREG for discussion of pesticide applicator education needs, particularly given recent activity and challenges (impacts) as a result of State Plan approvals relative to Pesticide Certification and Training requirements and label revisions in response to the Endangered Species Act (ESA)

A discussion ensued including identification of the number of different educational related agencies, specifically: Pesticide Safety Education Programs (PSEP), American Association of Pesticide Safety Educators (AAPSE), Certification Training & Assessment Group (CTAG), Pesticide Applicator Certification and Training (PACT), Certification and Training Leaders (CATL) and Pesticide Educational Resources Collaborative (PERC). Importance of exam manuals stressed. Recognizing the importance of each group, however, noting the potential for confusion given numerous groups.

Inviting education partners to pre-SFIREG meetings discussed.

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Region 1 States Action Item: Setup on-line SLA meeting to discuss communication with PSEP at a future pre-SFIREG(s); stressing the importance of review and/or development of educational material particularly in response to C&T and ESA activity. Rousseau, with help from Andrea Szylvian, agreed to coordinate.

Additional Discussion Points noted:

- The success and importance of Pesticide Applicator Certification and Training (PACT) events noted.
- Recent C&T Pesticide Regulatory Education Program (PREP) discussed noting that modification to C&T Plan Guidance is currently not available.
- Understanding the relationship between SLAs and PSEPs and the importance of pesticide exam study materials, particularly manuals, were discussed. The result was to coordinate discussion between SLAs and PSEPs.

2. Endangered Species Act

Steve Dwinell (Vermont) introduced the topic identifying that Endangered Species Act activity is a focus area of SFIREG.

An EPA/Natural Resource Conservation Services (NRCS) memorandum of understanding (MOU) was noted whereby NRCS agricultural practice (mitigation measures) definitions are available for use. The established NRCS definitions should be helpful regarding grower and conservation plans satisfying the intent of mitigation measures with consideration of endangered species.

Other Programs: Other programs that exist to address the concern were discussed, noting a list of potential activities that may satisfy ESA activity.

- The example of state and federal water quality initiative programs implemented through on-farm conservation practices were noted; questioning whether such activities satisfy, or in part, qualify to satisfy ESA activity (label requirements).
- Other examples noted include the American Farmland Trust and Minor Crop Farmer Alliance.

A guidance plan for states was noted; particularly relative to program verification.

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The establishment of an ESA SFIREG Working Committee, in addition to the Pesticide Operations and Management (POM) Working Committee and the Environmental Quality Issues (EQI) Working Committee, to address ESA activity was noted.

The Vermont Water Quality program was referenced identifying required agricultural practices as an example of a program that could be considered to satisfy ESA activity; encouraging states to review existing programs (e.g., water quality regulations, plant nutrient regulations, etc.).

3. Bulletins Live Two (BLT)

Discussion Points Included:

- Pesticide Use Limitation Area (PULA)
- Bio-opinions, e.g., phosphate
- Applicator Check - Inspection of BLT check by applicator
- Insecticide strategy is on the way
- How to improve BLT?
 - Workshop on how to use BLT
 - Active Ingredient approach to BLT
 - The importance of notification of changes to BLT
 - Taryn LaScola Minor (MA) suggestion of “mock” label for states to practice compliance checks/enforcement response
- Species range maps; the question of what maps are actually used
- Relationship with “local” (state) fish and wildlife agencies; mechanism for SLA to work with fish and wildlife agencies
- Alexander Peacock (ME) identifying an endangered species (sturgeon), a pesticide (malathion), and mitigation possibilities relative to BLT.
- Implementation on individual products
- Reiteration of making BLT and BLT changes better.

4. Chlorpyrifos

Round table review of state-by-state use:

CT: Limited agricultural use available

ME: Product registration removed

MA: Limited agricultural use (cranberry noted)

NH: Recognize all available uses (current activity noted: agricultural, turf and tree)

VT: Product registration removed

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Lack of substitute product noted; noting a pest where chlorpyrifos is the best choice for control.

5. Paraquat Training Fee

A fee relative to required paraquat training was discussed. No state identified a problem. It was noted that a manufacturer is offering to cover the cost. Discussion included inspector verification of pesticide applicators as to whether the training requirement was satisfied; whether the verification counts as a check on use; and a record inspection.

6. Bio-stimulant Registration Proposal

None of the states reported a concern. It was noted that guidance is available, refinement is considered.

7. Pesticide Registration Decisions

A discussion on registration decisions identified the concern with a final rodenticide decision as some state legislation is moving forward.

Taryn LaScola (MA) noted the Massachusetts Glyphosate Commission Report.

Discussion: SLA inclusion, as pesticide regulator partner, with EPA in federal decision-making. Difficult given timeframes, public comment, FIFRA co-regulator, potential timeframe to allow for SLA involvement prior to public comment, SLA concern; spreadsheet of federal rulemaking activity noted; challenge to review and understand broad range of active topics; noted other means, that is prior to PID and fact sheet, offering information in digestible format, e.g., a “cheat sheet”, may need to be requested.

Including SLA on decision proposal prior to public comment; an opportunity for SLA to weigh in on proposal; e.g., comment on how a particular label (active ingredient) change proposal may address concern; an opportunity to identify potential impacts to change

8. Dicamba

None of the states reported a concern, New England use pattern differs from states with drift concerns.

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New and On-going Issues

- **Fly control products**, noted topic is under review by POM.
- **Isopropyl** use for maple lines discussed; industry promoting as available.
- **PFAS** definition by certain states and concern with scientific relevance to certain pesticides, e.g., Florpyrauxifen-benzyl
- **Neonic** - Vermont noted legislative activity similar to a New York bill with a prohibition on use
- **Drone** topic continues under AAPCO review, PREP note of the importance of proper use, discussion of WPS activity relative to drone use, such as, battery changing, examples of use in region include cranberry in Massachusetts, brown-tail moth control in Maine
- **Pre-emption:** Inquiry relative to pre-emption topic; appears it is not included in Farm Bill. Some states remain concerned and are challenged by local control issues.
- **E-commerce effort**, SLA work group meeting with EPA; discussion relative to e-commerce inspection as counting toward reportable enforcement activity (5700 form mentioned); possibly a “pick list” item.

Agenda Item: Issues for Full SFIREG Review

No new issue papers recommended at this time.

Report of SFIREG consideration items particularly, ESA activity and improving BLT.

Agenda Item: Wrap Up

Fall 2024 Region 1 pre-SFIREG meeting scheduled for November 6th to be held at the office of New Hampshire Department of Agriculture, Markets & Food, 1 Granite Place Suite 211, Concord, New Hampshire, to begin at 9:30 a.m.