

Region 7 Pre-SFIREG Meeting Minutes
May 6-7, 2024
Virtual Meeting – Microsoft TEAMS

On May 6-7, 2024, the Region 7 Pre-SFIREG Meeting was held virtually via Microsoft Teams. Those in attendance over the two-day meeting included the following:

Iowa Department of Agriculture and Land Stewardship (IDALS): Gretchen Paluch, Mark Smith, and Laura Castro.

Kansas Department of Agriculture (KDA): Kelly Navinsky-Wenzl, Josh Gillespie, Sara Liming, Shawn Plunkett, Cloey Burdick, Brandi Crubel, George Blush, Marty Wellington, and Buddhika Galkaduwa.

Missouri Department of Agriculture (MDA): Kory Hubbard, Emily Groner, and Megan Troesser.

Nebraska Department of Agriculture (NDA): Elizabeth Smith, Herbert Bates, Holly Hildebrand, Craig Romary, and Tammy Zimmerman.

Representatives from Region 7 Pesticide Safety Education Programs (PSEPs):

Iowa—Kathleen Wilson, Elizabeth Danielson, and Evan Alderman.

Kansas—Frannie Miller.

Missouri—Samuel Polly and Daniel Sjarpe.

Nebraska—Jennifer Weisbrod and Frank Bright.

EPA Representatives: John Smith, Wilfredo Rosado-Chaparro, Logan Smith, Shawn Hackett, Michael Daniels, Maren Taylor, Pamela Houston, Sharon Dobesh-Beckman, Jordan Galliher, Alexander Gareis, Candace Bednar, Mark Leshner, Kash Kruep, Marie Blankenship, and Brenton Jennings.

Updates from Region 7 States:

Region 7 States reported changes in personnel roles and/or vacancies including the following:

- Iowa was fully staffed;
- Kansas was in the process of bringing on new staff to fill vacancies;
- Missouri reported four vacancies; and
- Nebraska reported two vacancies.

It was reported that Region 7 States were not anticipating changes in budgetary resources for the upcoming fiscal years. Also, all Region 7 States were receiving incidents reports alleging misuse of pesticide products.

Iowa reported legislative changes that will result in the reduction of boards and commissions in Iowa, including two panels associated with the Department that were no longer in effect. Iowa is also waiting on a rule making package from Legislature to address requirements relating to certification and training. It was noted that Iowa had received a large number of incidents between 2017-2022 and that Iowa continues to work on enforcement cases. An additional areas of focus is WPS.

Kansas reported that House Bill 2607 was introduced in the Kansas Legislature to address revisions to the Kansas Pesticide Law relating to certification and training requirements. The bill was passed and approved, and Kansas is working toward implementation, including regulation drafting and implementation. Kansas is also focused on training new staff.

Missouri reported it is working to finalize rules relating to certification and training requirements. Missouri is also focused on outreach to the regulated community regarding changes and review of examination questions. It was also noted that there is a water quality project (floating treatment island pilot project) that will be installed soon which will test for biotreatment of pollutants in water.

Nebraska reported that pesticide applicators are recertifying under the revised certification plan. Applicators are also receiving an updated certification card with a QR code for recertification training. Nebraska is also interested in establishing a pesticide disposal program.

Updates from Region 7 PSEPs:

Iowa reported that the spring training season has wrapped up and they are working on developing fall programs along with manual updates. Additional areas of focus included working on asynchronous training options for certain categories along with WPS and ESA projects.

Kansas is working on updating manuals since the statutory revisions for the certification and training program had been approved, along with working to develop private applicator training. Additionally, it was reported that developing fall training programs is ongoing. It was also reported that WPS Train-the-Trainer presentations are being provided by representatives of K-State Research and Extension.

Missouri reported that the Regional AAPSE meeting occurred last week and a variety of Region 7 PSEPs attended and learned skills that will help build manuals and training programs. Missouri reported they are working on the Aerial and Animal Ag manuals along with a variety of other manuals. It was noted that Missouri and Nebraska had coordinated to produce a Best Management Practice Manual which is receiving strong, positive EPA and industry feedback. Additionally, canvas courses are being developed for the four private applicator categories.

Nebraska has introduced private applicator training in Spanish and is working to expand additional materials in Spanish. It was also reported that the right-of-way manual has been updated to include additional pollinator protection components, along with remaking the right-of-way training video. Nebraska reported seeing an increase in applicators participating in the online interactive environment for training.

Updates from U.S. EPA Region 7:

Region 7 LCRD reported that with additional staff in place, EPA is able to re-establish coordinator roles for program areas including Certification and Training, Pollinator Protection, WPS, Water Quality, ESA, Training & Outreach, etc. It was noted that Region 7 has a representative that can provide Spanish-translation assistance. Region 7 ECAD reported four FIFRA enforcement staff persons and participation in training on import cases including partnering with U.S. Custom & Border Protection. An update was also provided regarding the joint inspection between EPA-KDA-MDA in the KC Metro area focused on products with Spanish labeling with alleged FIFRA violations. Pamela Houston, OCSPP Regional Coordinator, also provided a presentation discussing the budget, the process, and her role between Regions and EPA Headquarters.

Certification and Training Plan Implementation:

Updates from SLAs and PSEPs were discussed in State and PSEP Updates above.

ESA Workplan and Strategy Implementation:

It was discussed that ESA activities are continuing at a rapid pace and that this was not the first request for information on state run and non-governmental organization soil and water conservation programs. The AAPCO ESA Survey had requested additional information and several states had previously responded to the survey. The information provided by SLAs has been attached to these minutes. There was additional discussion that entities responsible for administering such conservation programs need to be brought to the table to provide perspective and input.

Bulletins Live Two (BLT):

Region 7 representatives discussed experiences with BLT, which was generally focused on exposure of BLT and training of pesticide applicators. It was noted that utilizing an EPA registration number may only provide the national label rather than state-specific labels. It was noted that EPA OPP updates are a useful method to receive updates, but a mechanism is needed to provide notification to states when changes are made.

Dicamba:

No incidents or investigations of note were discussed. Subsequent discussion focused on questions relating to invoicing and sales of over-the top dicamba products. It was noted that distributors are providing direction to applicators to use up the product. EPA encouraged reaching out regarding questions or clarifications.

Chlorpyrifos:

It was noted there was some difficulties explaining the chlorpyrifos ruling to the public and the appropriate uses of the products in light of the ruling. The USDA's "Memorandum to U.S. Growers on Use of Chlorpyrifos Insecticide Products in Food Crops for 2024" was identified as a helpful tool and that more outreach and education is helpful. It was discussed that some states have received inquiries regarding availability of funding for pesticide waste disposal.

Paraquat Label Mandated Training:

It was discussed that paraquat label mandated training was a requirement to be completed before use of the product and not required before purchase of the of the product. None of the Region 7 states had worked with PSEPs to develop an alternative training; however, it was noted that the Syngenta training provided by Syngenta is an approved paraquat label mandated training. Further discussion focused on certificates received by applicators upon completion, noting that currently there is no name of the trainer / EPA approval number similar to WPS presentations. Such additions may assist in confirming applicators participation in such required trainings.

Biostimulant registration:

Region 7 states have not adopted the Uniform Beneficial Substances Bill. This was identified as an area of concern since such biostimulants may not be included in definitions of existing state laws and therefore may fall be outside state regulation.

Pesticide Registration Decisions:

It was noted that EPA / SFIREG calls are helpful means of communicating information regarding pesticide registration decisions. It was also discussed that comments on registration decisions involved different coordination efforts within a state.

New and Ongoing Issues:

A new issue that was discussed a variety of times throughout the meeting was the open nominations for the SFIREG joint working committees, including the new ESA committee.

Region 7 Specific Presentations:**Quality Assurance Project Plan / Quality Management Plan presentation by Diane E. Harris, Regional QA Manager, U.S. EPA**

This presentation focused on quality assurance requirements, including a discussion on requirements for quality management plans and quality assurance project plans. It was noted that there is a new QMP Standard (Directive No: CIO 2105-S-01.0) and a new QAPP Standard (Directive No: CIO 2105-S-02.0). A QAPP template and QAPP checklist were also provided.

Endangered Species presentation by Sharon Doebesh, EPA Region 7; & Update on Efforts of the AAPCO ESA Workgroup by Kevin Kern and Gary Bahr, Co-Chairs of the AAPCO ESA Workgroup

The presentation from Ms. Doebesh provided an overview of EPA's ESA activities and a discussion on Bulletins Live Two. Subsequent discussion focused on recordkeeping components and enforcement concerns. It was noted that discussion between EPA and the states is important along with engagement with PSEPs. Region 7 also heard from Kevin Kern and Gary Bahr, Co-Chairs of the AAPCO ESA Workgroup, regarding activities of the Workgroup. It was noted that this is an important area where change is rapidly occurring with education and outreach needed. It was also noted that there are open nominations for the SFIREG joint working committees, including the new ESA committee.

Update on the Certification and Training PREP Course presentations by Shawn Hackett, EPA Region 7 and Mark Smith, Iowa Department of Agriculture & Land Stewardship

The presentations from Mr. Hackett and Mr. Smith discussed challenges facing co-regulators, including implementation concerns. Categories of plan changes were discussed along with areas where EPA may seek feedback from co-regulators (ex. how to submit notifications and what category of modifications should changes fall into). Available resources for manuals and exams were also discussed. It was also noted that various representatives from EPA Region 7, SLAs, and PSEPs, participated in a regional call in April 2024 to share updates on State Certification Plans and to discuss pesticide safety education resources that were being developed / available regionally and nationally.

Enforceable Methods for Laboratories presentation by Chris Muehlberger, U.S. EPA

This presentation focused on enforceable methods for laboratories and concerns that the enforceable method may not be readily available for state laboratories. It was noted that a key to enforceable methods discussions is communication with EPA regional representatives.

Grants Discussion Presentation by Maren Taylor, EPA Region 7

This presentation focused on steps and procedures involved with the grant application process including closing out a grant and beginning a new grant.

Pollinator Protection Update by EPA Region 7 Representatives

EPA representatives discussed reporting bee kills to the EPA via a dedicated email address beekill@epa.gov and during the required cooperative agreement reporting.

Environmental Justice Areas presentation by Amanda Berry, EPA Region 7

This presentation focused on the environmental justice tool, EJ Screen. Subsequent discussion focused on environmental justice grants and updates to the FIFRA cooperative agreement guidance document for future amendments regarding environmental justice responsibilities.

EPA Region 7 Migrant Farm Worker's Initiative Update by Jordan Galliher; & a presentation on The National Center for Farmworker Health Inc., Farm Labor Dashboard by Monica Espinosa and Josue Ruiz

These presentations provided an update on current activities within Region 7, and an overview of the Farm Labor Dashboard.

ESA Workplan and Strategy Implementation Attachment

Nebraska

- 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.
 - Are the listed programs still in operation to your knowledge?
 - **See separate spreadsheet with Nebraska programs filtered and highlighted.**
 - **See also: <https://www.rwbjv.org/wp-content/uploads/FactsheetPrograms2024.pdf>**
 - Please identify the state agency or other organization that is responsible for monitoring participation or implementation in these programs.
 - Does your program have any role in monitoring or implementing these programs?
 - **Yes.**
 - **The [Nebraska Buffer Strip Program](#) (NBSP) is co-administered by the Nebraska Department of Agriculture pesticide program and Nebraska's Natural Resources Districts, with technical assistance provided by USDA NRCS.**
 - **Both NRDs and NDA conduct status reviews periodically on active contracts, which can be from 5 to 10 years in length. Contracts can be renewed after submitting and approval of an application.**
 - **This is a voluntary program and participation is dependent on many factors. See attached summary of the program.**
 - How is participation or implementation in these programs monitored or verified?
 - **See above.**
 - 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?
 - Verification of participation or implementation of programs such as this will be important to the effectiveness of the ESA strategy and, potentially, important to the compliance efforts by SLAs.
 - How do you anticipate verifying participation in soil and water conservation programs?
 - **There will likely need to be some form of mutual agreement – an MOU - between NDA and the administrator of these programs to allow information sharing for verification purposes.**

- Do you have any recommendations on how to verify participation?
 - **A verification form could be developed and provided to program administrators for summarizing measures and verifying compliance.**
- Does your agency have any information on the efficacy of these programs in preventing pesticides or nutrients from entering surface water?
 - **For filter strips, these are the most complete bibliographies of efficiency and extent that we are aware of. The first is likely outdated.**
 - **Conservation Buffers to Reduce Pesticide Losses:**
<https://permanent.access.gpo.gov/lps9018/www.wcc.nrcs.usda.gov/water/quality/common/pestmgt/files/newconbuf.pdf>
 - **Quantifying the impacts of the Conservation Effects Assessment Project watershed assessments: The first fifteen years** <https://www.jswnonline.org/content/75/3/57A>
 - **USDA's Conservation Effects Assessment Project**
<https://www.nrcs.usda.gov/ceap/publications>
- One possible approach to this issue is to develop or leverage product stewardship programs.
- Do you participate in any existing product stewardship programs?
 - **Only peripherally as requested.**
- If so, how do you participate? What level of effort is involved (e.g. number of FTEs, etc.)

State	Entity	Program Name	Link	Category	Notes
NE	Nebraska Department of Agriculture	Nebraska Buffer Strip Program	https://nda.nebraska.gov/pesticide/buffer_strip.html	5 to 10-year contracts	Contracts for filter strips (NRCS 393) and riparian forest buffer strips (391) only; annual rental payments; no cost-share. Program can be used as an incentive for CCRP and EQIP or as a stand-alone program. Technical assistance provided by NRCS; landowner contracts written with NRDs; NDA and NRDs provide follow-up status reviews
NE	Nebraska Department of Environment and Energy	Nonpoint Source 319 Program	http://dee.ne.gov/NDEQProg.nsf/OnWeb/NSWQG	Competitive BMP Cost-Share	Small projects and watershed-based grants for addressing NPS pollution, often partnered with NRCS projects.
NE	Nebraska Natural Resource Commission	Nebraska Soil & Water Conservation Program	https://nrc.nebraska.gov/soil-and-water-conservation-program	Competitive BMP Cost-Share	voluntary state program led through local Natural Resource Districts. Eligible practices at link to left. w/ NRCS technical assistance.
NE	Ducks Unlimited	Conservation Easements & Heartland Heritage and Habitat	https://www.ducks.org/nebraska#contacts	Long-term easements	mainly targeting wetlands and surrounding areas, but could serve as drift buffers and runoff filters to terrestrial ES habitat
NE	Pheasants Forever	Corners For Wildlife & Pathway For Wildlife	https://nebraskapf.com/habitat/	Short-term contracts	Provides additional incentives for CRP practices. Habitat areas could serve as drift buffers and runoff filters for ES habitat.
NE	Nebraska's NRDs	Conservation Trees and Windbreaks	https://www.nrdnet.org/nrds/find-your-nrd	BMP cost-share	could be used as drift buffers/setbacks and possibly runoff filters
NE	National Wild Turkey Federation	Waterways for Wildlife	https://www.nwtf.org/programs/waterways-for-wildlife		develop and implement riparian enhancement projects including fencing, planting trees, shrubs, and grasses, removing invasive species, etc. All of which could serve to protect ES habitat adjacent to cropland.
NE	World Wildlife Fund	Ranching Systems and Viability Planning	https://www.worldwildlife.org/pages/ranch-systems-and-viability-planning-rsvp	Planning and cost-share for BMPs	assist livestock producers located in the Northern Great Plains of Montana, South Dakota, and Nebraska to create and implement ranch and grazing management systems that benefit both the ranch's bottom line and our grassland ecosystem. Could be used for American burying beetle protection and other species, possibly.

Kansas

- 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.
 - Are the listed programs still in operation to your knowledge?
 - **Yes**
 - **The Kansas Department of Agriculture Division of Conservation (KDA-DOC), has a cost-share program called the Kansas Reservoir Sediment & Nutrient Reduction Program which is targeted in certain high priority watersheds above specific lakes and streams.**
 - **The Kansas Department of Health and Environment's (KDHE) WRAPS (Watershed Restoration and Protection Strategy) Program provides cost-share for best management practices.**
 - **The Kansas Water Office (KWO) has a Resource Conservation Partnership Program (RCPP) project with NRCS in the Milford Reservoir area, and there are other types of these RCPP water quality projects around the state being operated by various entities around the state that would be difficult to identify (may need to coordinate such a request through NRCS).**
 - **As far as NGOs, the potential list could be pretty large and it is difficult to determine all projects available at any time.**
 - Please identify the state agency or other organization that is responsible for monitoring participation or implementation in these programs.
 - **See above.**
 - Does your program have any role in monitoring or implementing these programs?
 - How is participation or implementation in these programs monitored or verified?
 - **KDA-DOC requires very strict design and installation standards on 100+ conservation cost-share practices that are offered and records of funding contracts are maintained.**
 - 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?
 - **Information is not readily available.**
 - Verification of participation or implementation of programs such as this will be important to the effectiveness of the ESA strategy and, potentially, important to the compliance efforts by SLAs.

- How do you anticipate verifying participation in soil and water conservation programs?
 - **At the KDA-DOC, KDHE and KWO levels, there are landowner contract records.**
- Do you have any recommendations on how to verify participation?
- Does your agency have any information on the efficacy of these programs in preventing pesticides or nutrients from entering surface water?
 - **KDHE is the gatekeeper for this type of data, especially as it pertains to monitoring contaminate levels in public water supplies and other water bodies, and total maximum daily loads.**
- One possible approach to this issue is to develop or leverage product stewardship programs.
- Do you participate in any existing product stewardship programs?
- If so, how do you participate? What level of effort is involved (e.g. number of FTEs, etc.)