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## REGION 8 // MOUNTAINS & PLAINS \ pre-SFIREG MEETING

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APRIL 30, 2024 – 9:30am – 4:30pm Central

*-via Microsoft Teams-*

### **ATTENDANCE:**

#### **Colorado:**

John Scott – Matt Lopez – Jolynn Morris – Mira McBroome

#### **Cheyenne River Sioux Tribe:**

Delbert Longbrake

#### **Confederated Salish and Kootenai Tribes:**

Jasmine Courville – Brittani Clairmont

#### **Fort Peck Assiniboine and Sioux Tribes:**

Martina Wilson – Destiny Eder

#### **Mandan, Hidatsa, and Arikara:**

Jim Mossett

#### **Montana:**

Kima Traynham – Matthew Deaton

#### **North Dakota:**

Luke Wagner – Richard Weisz – Andrew Thostenson – Dylan Zubke

#### **Rosebud Sioux Tribe:**

not in attendance

#### **Standing Rock:**

Jake Luger

#### **South Dakota:**

Tom Gere – JD Farley – Valerie Mitchell – Katie Hinsefold

#### **Utah:**

Henry Nahalewski – Jared Vernon

#### **Wyoming:**

Dale Heggem

#### **EPA:**

Rebecca Perrin – Kimberly Pardue-Welch – Kevin Martin – Blake Huff – Maye Lin – Clyde Wilson – John Lozano – David Cobb – Christine Tokarz – Amy Hensley – Patricia Biggio

The meeting began with introductions and a kick-start from the incoming SFIREG Chairperson, Steven Dwinell. This was followed by State & Tribal updates on pertinent topics and a break for lunch. Picking up after lunch, Rebecca Perrin gave an EPA project update, the group discussed training needs and engaged in a best practices/idea exchange. The afternoon consisted of some EPA OPP topic reports, a break for conflicting EPA meeting, and finished with a State & Tribe C&T Implementation Plan update.

**LISTED SUMMARY OF CONCERNS:**

**ESA IMPLEMENTATION:** Resources and Time are needed. Enforcement will be a challenge. Unreliable and inaccurate mapping. Staff, applicator, and producer/grower education and expertise lacking. Disconnect between agencies and burden falling to SLAs.

**ENFORCEMENT:** Tough spot to be in when considering portions of strategy are unrealistic and not enforceable. Ties the hands of the applicators and the good ones will suffer and be put in challenging and ethical dilemmas.

**STAFFING:** Most are understaffed or have experienced a degree of turnover. A couple are not experiencing this at level of others, but majority agrees the expertise, education, and vetting required to adequately accommodate the strategy with the budget/pay available to staff will be a significant pinch point carrying a weight many agencies are not able to cope with in the current environment.

**AVAILABLE RESOURCES:** Lacking for all.

**RODENTICIDE:** Not all rodents are the same in travel and territory. Some hope in EPA members on site review connecting the intent with the reality of the strategy logistics.

**BULLETINS LIVE! TWO:** Unreliable and inaccurate whether trying to determine application limitations and seeking to protect a species from highway development.

**PARAQUAT SUBPEONAS:** Massively disruptive, confusion, and huge time waster for a few.

**DICAMBA:** Troubling for a few, but when weighted for those few the load is large. Those affected would prefer a definitive yes or no.

**CHLORPYRIFOS:** Pivotal for a few in both food, non-food, and other products.

*Please see pages 3-7 for more detailed statements per state and tribe provided during the meeting.*

# >Region 8- Meeting<

from: pre-SFIREG Meeting on April 30, 2024

## SFIREG CHAIR:

**ESA:** We need resources to do this. Together we have made progress on the language side, but with the implementation we are going to need to work together again with more time devoted to adding some functionality to it for those in compliance and their purposes. As it sits currently it falls short on helping growers/producers - - may need to take the form of a PREP and a meeting about it specifically in every single region. Finally, a hard look at how this is going to work out for a producer vs custom applicator when it comes to solving for mitigation credits.

## COLORADO:

### **Same concerns as SFIREG CHAIR:**

How will it unfold for enforcement specifically that staff will now need to either be vetted for competence in, or trained in, Land Management practices among other disciplines related specifically to the strategy. How it is being managed is very complicated for the applicators, educators, state lead agency - - everyone will have to know a lot more about all of this and how it is to be interpreted now and as it develops.

### **Rodenticide:**

How will it affect end users when ALL are considered RUPs?

Also understanding that rodents move differently, and some have larger territory than 5 feet from a building. What may be feasible for one species may not be effective with others spanning larger areas and people must be able to treat larger boundaries/spaces than 5 feet.

### **Bulletins Live! Two:**

Maps and affected areas cover large sections of the state and broadly sweep restrictions across counties when certain species are only in small areas of the state and counties.

Disconnect between Fish & Wildlife who have the information but understandably don't want the species' locations falling into the wrong hands, but withholding said information really ties the hands of the applicators.

Strongly encourage Fish & Wildlife go back with EPA to pinpoint the areas and disclose that information in a way that still protects the species but doesn't cut the legs out from under applicators or overly burdens regulators. Having them wonder if they have an obligation to confirm in advance there are no species that will be affected and if using their discretion will open them up to liability in the form of an environmental group alleging, they aren't properly enforcing or doing their due diligence the way they want it done.

CHEYENNE RIVER SIOUX TRIBE (CRST):

Concerned with getting approval for their C&T plans in time.

CONFEDERATED SALISH & KOOTENAI TRIBES (CSKT):

Funding is always an issue, but recent partnership will help some.

Requests for consistency with certain sampling for water quality and others from partner tribes.

Concerns when working towards education and outreach when there are only a handful or few applicators on the reservation to work with and the rest come from outside and they never get a chance get to work with/educate/make aware of changes and the specific goals and necessary protocols for the reservation.

Better seasonality/variables on the Bulletins map would be good as certain fungicides are only effective in a narrow window of time.

Lack of internet access and lack of reliable internet is a concern.

FORT PECK ASSINIBOINE & SIOUX TRIBES:

Working on credentialing for new staff and new role.

A lot of applicators that do pesticide work in the reservation don't live within the reservation and difficult to do outreach and education when they aren't readily accessible or don't have any ties to the area and the important initiatives and goals they have as an organization.

MANDAN, HIDATSA, ARIKARA (MHA):

When attempting to enforce or assist with the protection an endangered species from a road construction project the maps they sought to plead their case to the Fish & Wildlife; which was ready to give approval to the construction company that their road plan and mitigation measures were sufficient; were ineffective due to the maps inaccuracy, not actually showing the species was in fact where it was and that it would be right next to the new highway to be constructed and the company's plan and mitigation strategy would fall extremely short of the mark and in fact not be sufficient.

Concerned with getting approval for their C&T plans in time.

MONTANA:**Same concerns as COLORADO & SFIREG CHAIR on ESA:**

Specifically, the enforcement and training of current and new inspectors. Also, applicator education and outreach and them needing to know what questions to ask producers, furthermore, how to ask them.

And more consideration that the producers will now need to know and provide more information than ever before.

MT is a big state with a small staff, and this will make some products completely unusable which will lead more people to misuse and saddle the agency with the burden of chasing them down while juggling other responsibilities alongside building sufficient cases against more people than ever to ensure enforcement is taken seriously throughout the state, making this a daunting undertaking for the agency.

**Bulletins Live! Two:**

Actual impacted areas are tough to confirm, therefore making it difficult to be definitive with the public. This leaves the agency with little more than fear mongering to get the point across, which is not helpful or effective over the long haul.

Active ingredients of importance are 2-4-D – Glyphosate – Neonics – Rodenticides.

NORTH DAKOTA:**Similar concerns to COLORADO & SFIREG CHAIR:****Additional consideration:**

When it comes to the added burden placed on enforcement, it puts all the responsibility on the applicator. For example, when the good ones say NO and the consequence for doing the right thing is, “either you do it or I’ll find someone that will” it becomes a real lose-lose, putting people in bad situations with difficult choices causing addition damage to business and outreach relationships and creating more challenging enforcement scenarios.

**NDSU Extension on Paraquat:**

Paraquat subpoena was a massive time, resource, and funding waster for them. It created a lot of confusion, massive amounts of documents to be transferred, people and departments were mobilized, and added stress onto staff.

ROSEBUD SIOUX TRIBE:

Not in attendance –

STANDING ROCK:**Bulletins Live! Two & Fish and Wildlife Issues:**

Very frustrating to have inaccurate maps for the purposes of protecting threatened and endangered species by having them not support the actual locations of species when trying to protect them from outside entities and their projects.

SOUTH DAKOTA:**Dicamba:**

Tired of talking about it and implores the EPA to decide; can or can't use it. Because the in between is opening the door for more off-label-generic use and more liability in potential legal issues for SLAs that don't have the resources to spare. Something needs to be done in the realm of yes or no.

**Chlorpyrifos:**

Sunflower seeding and seed sales are down significantly due to the resistance issue and no one wanting to plant because of weevil resistance. The only other product that might work neglected to include seed weevil on their section 3 request, so we'll see how it plays out.

**Paraquat:**

Answering subpoena requests for anything application, certification related since 1950 has been a giant burden and waste of everyone's time.

UTAH:

Staffing concerns – retention concerns – understaffed and spread thin as it is.

No national resources for uniformity and standards in training and educating inspectors on how to handle the situations that have been and will be created by all of this among other issues within general enforcement.

Testing centers don't want to deal with upset applicators and their attitudes with all the change, so it fell to an already understaffed agency to find a solution and was able to get a testing platform created which has helped.

**Paraquat:**

Over 300hrs spent on Paraquat subpoenas.

**ESA:**

ESA is difficult due to limited Ag production, and it focuses so broadly and answers little while providing limited information and limited access.

Feels it was a major shortcut that is causing a lot of trouble for smaller organizations and the disconnect between agencies doesn't foster an educational environment so it falls to those in enforcement to handle the knowledge, training, and enforcement which essentially is asking multiple disciplines, specialties, and careers be baked into 1 job while no resources or education material is being provided and ultimately hurting the growers/producers significantly.

Feels NASDA is more focused on PFAS than the Herbicide Strategy.

Essentially asking for them to do more, know more, and enforce more outside of their wheelhouse.

Will need a lot of training for everyone involved, from directors, inspectors, to the educators, the applicators, and the growers.

**WYOMING:**

Fully staffed but worried long term as training is an issue and not a standard set of trainings exists.

**Rodenticide:**

Prairie dog existence threshold – when ALL are moving as ONE toward utilizing the same tool in the toolkit when each species reacts differently --meanwhile there may well be an effective tool taken away that has had no secondary poisoning characteristics at all.

Carcass retrieval proving difficult and quite ineffective at finding any issues and being problematic for regulators, users, and producers.

**Chlorpyrifos:**

Used quite a bit in non-food see like grasses, alfalfa, ear tags for livestock and other products so unsure the full scope of it but will continue to be a mess.

**ESA:**

Same as other concerns mentioned.

Add'l Notes from Kimberly Pardue-Welch with EPA

**C&T Plan Implementation Session:**

Some states invited their PSEP colleagues to attend the meeting this year. Andrew Thostenson updated the group on the status of PERC's Pesticide Applicator Certification Core Manual development. EPA reached out to confirm the Core Manual will be complete by December 2024. Updates are available here: [https://www.pesticideresources.org/training-material/updated\\_core\\_manual/](https://www.pesticideresources.org/training-material/updated_core_manual/).

The Region 8 States and Tribes indicated it would be useful to invite the PSEPs to the R8 Pre-SFIREG/Manager's Meeting moving forward.

We also discussed the draft Modification Guidance and briefly discussed the proposed process for States and Tribes to submit requests for modification to their C&T Plans moving forward. R8 expects that the draft modification guidance will be presented in a future SFIREG venue (national meeting or Special Purpose call).