

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

Submitted December 5, 2024, by Amy Brown

The POM Working Committee is focused on registration, certification, and enforcement related pesticide issues of national or regional importance.

The fall Joint Working Committee (JWC) meeting was held, September 16-17, 2024, at the EPA Region 3 Headquarters, Philadelphia PA. This was the first meeting that included the new Endangered Species Strategy Implementation (ESI) Working Committee. The POM, EQI and ESI committees met together and had breakout sessions to discuss issues in detail within each committee. POM welcomed 4 new members Matt Cochran (OH) (2027), Joshua Ogawa (CA) (2027), Brittney Owen (OR) (2027) and Matt Sunseri (WA) (2027). Other POM Committee members in attendance were Amy Brown, Chair (FL), Jimmy Hughes (DE) (2024), Sarah Caffery (IN) (2025), Morgan Griffith (VT) (2025), Alexander Peacock (ME) (2026), Ernesto Lugo (AZ) (2026) and Patrick Farquhar (NC) (2026).

Topics Discussed and Presentations at the Fall 2024 JWC Meeting:

Special thanks to EPA Region 3, Courtenay Hoernemann for hosting our hybrid meeting.

Please refer to the meeting materials for papers, presentations and minutes from the Fall 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/ESI Joint Meeting – Day 1:

- AAPCO President Update (Gretchen Paluch, IA, AAPCO President)
- SFIREG Chair Update (Steve Dwinell, VT, SFIREG Chair)
- Office of Pesticide Programs (OPP) Update (Kaitlin Picone, US EPA)
- EPA Office of Enforcement and Compliance Assurance (OECA) Update (Kelly Engle, US EPA)

- **Welcome and Remarks from EPA Region 3**
 - Dave Campbell, Land, Chemicals, and Redevelopment Division Director
 - Courtenay Hoernemann, SFIREG Regional Representative, Chemicals Safety Section Chief

- **Pesticide Registration Improvement Act (PRIA) 5 – Bilingual labeling Update** (Hotze Wijnja, MA, Amy Brown, FL, Kevin Kern, MI Committee Chairs, and Linda Arrington EPA/OPP/ Pesticide Re-evaluation Division (PRD), Susan Bartow (PRD))
 - Linda Arrington EPA presented an update on the bilingual labeling implementation progress (presentation available on the website)
 - Dillion Gabbert, Director, State Regulatory Affairs CropLife America and Responsible Industry for a Sound Environment (RISE) gave an update on PRIA Coalition Bilingual labeling Workgroup activities (presentation available on the website)

- **Registration and Registration Review updates** (Hotze Wijnja, MA, Amy Brown, FL, Kevin Kern, MI Committee Chairs, and Anne Overstreet, EPA/OPP/PRD, Tim Kiely EPA/OPP/PRD Sarah Meadows, EPA/OPP/ Registration Division (RD))
 - Sarah Meadows, EPA gave an update on Dicamba.
 - Anne Overstreet, EPA gave updates on registration and registration review actions for the following: DCPA, Atrazine, Mancozeb, Chlorpyrifos, Acephate, Dimethoate, Malathion, Neonicotinoids, Glyphosate, Sulfuryl Fluoride, and Chlorothalonil

- **State Lead Agency (SLA) Comment Period Topic** (Steve Dwinell, VT, SFIREG Chair, Hotze Wijnja, MA, Amy Brown, FL, Kevin Kern, MI Committee Chairs and Anne Overstreet, EPA/OPP/PRD, Tim Kiely EPA/OPP/PRD))
 - Steve Dwinell, VT discussed the process for SLAs to comment to EPA
 - Anne Overstreet, EPA provided feedback on the topic
- **Implementing Chemical Specific Human Health Spray Drift Analysis for Pesticide Registration Actions** (Hotze Wijnja, MA, Amy Brown, FL, Kevin Kern, MI Committee Chairs, and Thomas Moriarty, EPA/OPP/ Health Effects Division (HED), Shalu Shelat, EPA/OPP/HED, Manjula Unnikrishnan, EPAOPP/RD))
 - Shalu Shelat, EPA provided an overview OPP's updated spray drift analysis process which will be utilized for new active ingredient registrations.
- **Digital Labeling** (Hotze Wijnja, MA, Amy Brown, FL, Kevin Kern, MI Committee Chairs, and Michelle Arling, EPA/OPP/ Immediate Office (IO), Dan Schoeff, EPA/OPP/IO)
 - Michelle Arling, and Dan Schoeff, EPA gave an update on Digital Labeling progress (presentation available on the website)
- **Rodenticides** (Hotze Wijnja, MA, Amy Brown, FL, Kevin Kern, MI Committee Chairs, and Dana Friedman, EPA/OPP/PRD and Anna Senninger, EPA/OPP/PRD)
 - Dana Friedman, EPA gave an update on the Biological Evaluation, Rodenticide strategy, and Amended PIDs
 - Susan Westra, Vice Chair gave an update on the activities of the Anticoagulant Rodenticide Task Force (presentation available on the website)
- **PFAS and Pesticides** (Hotze Wijnja, MA, Amy Brown, FL, Kevin Kern, MI, Committee Chairs, and Neil Anderson EPA/OPP/ Biological and Economic Analysis Division (BEAD), Ryan Schmit, EPA/OPP/IO))
 - Neil Anderson, EPA gave an update on the latest PFAS developments (presentation is available on the website)
- **ESI Committee Introduction and Workplan** (Kevin Kern, ESI Chair)
 - Kevin Kern, MI introduced the new ESI committee and workplan.
- **Endangered Species Act (ESA)** (Hotze Wijnja, MA, Amy Brown, FL, Kevin Kern, MI Committee Chairs, and Nicole Zinn PRD EPA/OPP/PRD, Steven R. Peterson EPA/OPP/PRD, Tiffany Green, EPA/OPP/PRD, Jan Matuszko, Environmental Fate and Effects Division (EFED))
 - Jan Matuszka, EPA gave an update on EPA's ESA Initiatives, including the Vulnerable Species Pilot and the various strategies.
 - Nicole Zinn, EPA gave an update EPA's ESA Outreach Materials Development
 - Elyssa Arnold, USDA Office of Pest Management Policy presented on their comments/concerns regarding EPA's Draft Insecticide Strategy which included, complexity for growers, air blast modeling improvement, conservation programs should receive full exemption and credit for pollinator habitat creation programs.
- **EPA Mitigation Website** (Hotze Wijnja, MA, Amy Brown, FL, Kevin Kern, MI Committee Chairs, and Khue Nguyen, EPA/OPP/PRD, Melanie Biscoe, EPA/OPP/PRD)
 - Khue Nguyen, EPA gave an overview of the mitigation website.

Concurrent POM/EQI/ESI Breakout Sessions

POM Session included:

- **Digital Labeling topic** (Amy Brown, FL, Committee members, and Michelle Arling, EPA/OPP/IO, Dan Schoeff, EPA/OPP/IO, Mark Lewis, Caliper)
 - Mark Lewis, Caliper presented the “proof of concept” (POC) that being worked on with EPA.
 - Developed a data model that captures labeling data.
 - Data model – describes structure, manipulation, and integrity of data stored.
 - POC Purpose: evaluate the data model and the impact on real-life practical applicability of tools.
 - POC Goal: refine the existing data model to ensure it captures relevant information at the appropriate level of detail.
 - System is for reviewing new or changed labels.
 - System is for EPA, Registrants and SLAs making reviews faster and easier.
 - Includes people, processes, and technologies.
 - Would like to engage states specifically on their processes and needs in a digital labeling system.
 - Each piece of the label’s content is identified and can be read by a computer.
 - Computer readable means less time for review.
 - Reviewer can make comments and share document.
 - Advanced compare feature, new vs. revised
 - It’s all about data integrity, trust, and operational efficiencies.
 - EPA and Caliper would like to start having workshops with POM members, Amy Brown, FL will work with Michelle Arling, EPA regarding when to start and frequency of meetings.
- **(Closed session) Upcoming Ethylene Oxide (EtO) Decision Discussion** (Amy Brown, FL, Committee members, Eric Miederhoff, EPA/OPP/AD, Jessica Bailey EPA/OPP/AD, Susan Bartow EPA/OPP/PRD)
- **EPA Framework for Interagency Collaboration on the Review of Potential for Resistance from Antibacterial and Antifungal Pesticides** (Amy Brown, FL, Committee members, and Susan Jennings, OPP/IO)
 - Susan Jennings, EPA gave an update and provided reasoning for the framework.
 - The proposed framework applies to antibacterial and antifungal pesticides (but not antiviral and antiparasitic pesticides), with plant agricultural uses (e.g., crops, turf, or ornamentals) or non-agricultural uses (e.g., wood and paint preservation).
 - Because the potential to development of resistance in human or animal pathogens to antimicrobial drugs, this is considered an adverse effect of antibacterial or antifungal pesticides under FIFRA, the framework is creating a structured and coordinated approach to assess and manage the risks of resistance developing in these pathogens of concern to human and animal health.
 - There are 3 series for the framework.
 - Concept Note to gather initial feedback on the proposed framework (September 2023)
 - Draft framework (July 2024) – 30-day comment period
 - Final framework and response to questions, pending at the time of the meeting, were released October 9, 2024 <https://www.regulations.gov/docket/EPA-HQ-OPP-2023-0445/document>
 - The final framework takes a more collaborative approach.
 - EPA, in collaboration with its interagency partners, is establishing a new workgroup, the Interagency Drug and Pesticide Resistance and Efficacy Workgroup (IDPREW). IDPREW’s goal is to provide expert opinion, using a weight-of-evidence approach, on resistance issues involving antifungal or antibacterial pesticides, when requested by EPA, and potential interactions with medically important human or animal drugs. EPA will chair

this workgroup. Initially, the workgroup will be comprised of several members with appropriate subject matter expertise from EPA, CDC, FDA, and USDA. IDPREW will not make registration decisions, but it will be advisory to the EPA in its registration decision purview under FIFRA.

- Amy Brown, FL requested that Susan Jennings, EPA provide an update at the SFIREG meeting in December. She said if there was new information she would.
- **Feed and Pesticides Guidance** (Sarah Caffery, IN, Morgan Griffith, VT, and POM committee members)
 - Sarah Caffery, IN, and Morgan Griffith, VT, presented draft guidance.
 - They are working jointly with Association of American Feed Control Officials (AAFCO), FDA and EPA representatives.
 - Plans are to start meetings at the beginning of October.
 - POM members should send examples of compliant and non-compliant labels and any FAQs to Sarah and Morgan.
- **Non-Notification Topic** (Amy Brown, FL, Sarah Caffery, IN, and POM committee members)
 - Sarah Caffery, IN, presented non-notification label issues, concerns from SLAs, and opportunities for future collaborations.
 - Requested EPA allow SLAs to be a part of the PRN 98-10 revision conversation.
 - Open dialogue for specific questions related to certain elements.
 - Clarification on what is included in the different areas (non-notification, notification, amendment)
 - Non-notification includes non-pesticidal claims.
 - Notification includes graphics and symbols.
 - Amendments includes public health pests, certain uses.
 - SLAs can provide examples of what we are seeing in the marketplace.
 - Clarity on terms and consistency
 - Discussed inconsistencies in the <https://www.epa.gov/pesticide-labels/pesticide-labeling-questions-answers> in regard to distributor products, and showed examples.
 - Discussed issues with QR codes, SDS and Label vs. SDS.
 - Discussed issues with deleting use sites, language is still on the label but the directions for use was not.
 - Request for Consistent Terms/Definitions
 - Items to review:
 - Master Label
 - Approved Label
 - Supplemental Distributor
 - Basic Registrant
 - Parent Product
 - EPA requested a copy of the PowerPoint to review.
 - Linda Arrington, EPA said that they would review the PowerPoint and the schedule a follow-up meeting to continue the collaborations.
- **Paraquat certificate update** (Amy Brown, FL, and POM committee members)
 - Amy Brown, FL, updated committee members on the request for the Paraquat mandatory training certificates to have the training provider on the certificate, since now there are two providers. Syngenta had their information on the certificate. National Pesticide Safety Education Center (NPSEC) was contacted, and they added their logo to the certificate. This issue is completed.

- **Cannabis Topic** (Amy Brown, FL, Matt Cochran, OH, POM committee members)
 - Background - Many states now allow medical marijuana and recreational marijuana usage. How are states handling pesticide label & usage questions received in relation to pesticide usage on cannabis (medical & recreational marijuana)? The group had a round robin on how their states are handling pesticide usage and enforcement.
 - Has EPA's stance changed on allowing the site/crop "cannabis" on Section 3 pesticide labels. Will there be any guidance on this topic in the future? Not currently, it is still federally illegal.
 - No action required on this topic.

- **Discussion about inconsistencies/differences SLAs are seeing in EPA cover letters with recent amended labels** (Sarah Caffery, IN, and POM committee members)
 - Sarah Caffery, IN, showed EPA cover letters from 3 recent label amendments, they vary with requirements for distribution of stock, relabeling requirements, timelines, etc.
 - ESA/BLT! and/or mitigation menu websites language are also inconsistent.
 - Oxadiazon moved from a GUP to a RUP and the states were not notified.
 - What are states supposed to do with the cover letters regarding enforcement? Kaitlin Picone, EPA will follow-up with OECA.

- **Opportunity for POM committee members to share and discuss topics and issues from their state and region**
 - **Jimmy Hughes, DE** brought up an issue with the 9.7% Lambda Cyhalothrin Labels asking the question:
 - AG vs non-Ag, some are GUP, and some are RUP, there is no label consistency, and he would like to know why.
 - The PID was published in 2020, Kaitlin Picone, EPA will follow up on the question.
 - Alexander Peacock (ME) brought up the issue of Pesticides in Water and how to report in the cooperative agreement, to receive credit for what they are already doing. This was an issue brought up in region 1.
 - This is an EQI topic, and that committee will follow-up on the issue.

- **POM Committee Breakout Session Report (Summary)**
 - Action Items
 - Digital Labeling
 - EPA and Caliper would like to start having workshops with POM members, Amy Brown, FL will work with Michelle Arling, EPA regarding when to start and frequency of meetings.
 - Ethylene Oxide (Closed Session)
 - Topic for PRE-SFIREG meetings
 - EPA Framework
 - Amy Brown, FL requested that Susan Jennings, EPA provide an update at the SFIREG meeting in December. She said if there was new information she would.
 - Issue requires consideration by Full SFIREG – to be included on the December agenda?
 - Feed and Pesticides Guidance
 - Plans are to start meetings with AAFCO, FDA and EPA representatives at the beginning of October to work on a joint guidance.
 - POM members should send examples of compliant and non-compliant labels and any FAQs to Sarah Caffery, IN, and Morgan Griffith, VT
 - Non-Notification Topic
 - EPA requested a copy of the PowerPoint to review.
 - Linda Arrington, EPA agreed EPA would review the PowerPoint and then we could schedule a follow-up meeting to continue the collaborations.

- EPA label amendment cover letters
 - What are states supposed to do with the cover letters regarding enforcement? Kaitlin Picone, EPA will follow-up with OECA.
- Lambda Cyhalothrin Labels
 - The PID was published in 2020, Kaitlin Picone, EPA will follow up on the consistency question.

Summary of POM activities and tasks accomplished since the SFIREG June 2024 Meeting:

- POM meet 4 times, July 17th, August 28th, September 17th, and November 13th to discuss our topics and actions items.
- **Paraquat certificates**
 - It was requested at the June SFIREG meeting that Paraquat mandatory training certificates have the training provider on the certificate, since now there are two providers. Syngenta had their information on the certificate. POM contacted the National Pesticide Safety Education Center (NPSEC) and they added their logo to the certificate too. This task is completed.
- **PRIA 5 Bilingual Labeling**
 - Bilingual Labeling FAQs
 - During the June SFIREG meeting, we requested a copy of EPA’s draft bilingual labeling FAQs to review and provide comments prior to the FAQs being launched on the EPA website. POM reviewed and provided feedback to EPA on June 14th. POM requested consistency between all FAQs and noted that non-notification information was inconsistent with EPA’s pesticide labeling Q&A website. EPA posted the Bilingual Labeling FAQs on their website August 28th. EPA is still working on FAQs regarding QR codes and enforcement issues and plans to incorporate those topics in the future.
 - On August 27th, POM meet with PRD leadership, to discuss concerns regarding PRIA 5 Bilingual labeling requirements, specifically how they affect the pesticide registration review process.
 - Spanish Translation Guide for Pesticide Labeling (STGPL)
 - EPA requested stakeholder feedback on the draft STGPL, POM reviewed and provided feedback on November 12th.
- **Digital Labeling**
 - In response to the request from EPA and the company to engage states specifically on their processes and needs in a digital labeling system. POM, EPA, and Caliper met on October 21st and are scheduled to meet again on December 5th. POM provided questions in advance that are to be discussed at the December meeting.
- **Ethylene Oxide (EtO) (Closed Session)**
 - As suggested by POM during the JWC POM breakout session, the topic was presented by EPA at Pre-SFIREG meetings.
- **EPA Framework – Antibacterial and Antifungal Resistance risks**
 - The draft Framework was presented during the JWC POM session. POM requested EPA provide an update at the SFIREG meeting in December. The final framework was completed on September 26, 2024. The topic is on the full SFIREG agenda.
 - [US EPA - Framework for Interagency Collaboration to Review Potential Antibacterial and Antifungal Resistance Risks Associated with Pesticide Use](#)

- **Feed and Pesticides Guidance**
 - POM members Sarah Caffery, IN, and Morgan Griffith, VT, started meeting with American Feed Control Officials (AAFCO), FDA and EPA representatives at the beginning of October to work on a joint guidance.
 - On November 18th they met and went through FDA comments on the draft guidance and reviewed a draft decision tree aimed at guiding field inspectors in determining what requirements and regulations apply to feed products they encounter during inspections.
 - Loren LaPointe, EPA is going to start the conversation with the EPA regions to ask what issues relevant to feed-through pesticides they are hearing about. The plan is to have the draft ready for the AAFCO meeting the week of Jan 20 where the workgroup is on the agenda to present the draft.

- **Non-Notification Topic**
 - EPA reviewed the PowerPoint presented during the JWC POM breakout session and decided it would be best to break the topic into two separate topics/meetings.
 - On November 19th POM met with PRD on non-notification related to bilingual labeling topic.
 - EPA agreed to update the Pesticide Labeling Q & A to reflect that when it comes to QR codes, only Spanish labeling can be done by non-notification. They are working with the EPA labeling committee to update the Q & A.
 - POM requested EPA share the draft Q & A prior to posting on the website.
 - On November 19th POM also met with RD on the Pesticide Registration Notice (PRN) 98-10: Notifications, Non-Notifications and Minor Formulation Amendments revisions topic.
 - EPA is planning to revise PRN 98-10 by the end of 2025. It will go out for public comment.
 - POM shared issues with the notice and requested EPA share draft and continue to engage POM with the revision process.

- **Lambda Cyhalothrin Labels**
 - From the JWC POM breakout session, the question was asked why there is not label consistency with products that have the same 9.7 % active ingredient? Ag vs. non-Ag, some are General Use, and some are RUPs., EPA provided the following responses:
 - On lambda cyhalothrin, PRD noted that there can be significant differences in the label requirements based on agricultural vs. residential use, even if the formulations are the same.
 - Some of the specific label statements noted from the Interim Decision (published in October 2021), a mitigation measure in the ID terminates the use on residential sites for lambda cyhalothrin due to potential residential post application exposures, requiring the following language to be deleted "Outdoor uses on residential lawns and turf in residential settings (e.g., homes, parks, schools, athletic fields or any other area frequented by the general public." For foliar spray treatment using a mechanically pressurized handgun on landscaping trees and shrubs, the language "mixers, loaders, and applicators must wear long-sleeved shirt, long pants, shoes and socks, coveralls, and gloves." A summary of the mitigation from the Interim Decision is as follows:
 - For residential risks: removing uses, prohibiting certain application methods, and adding mandatory and advisory spray drift management measures.
 - For occupational handler risks: prohibiting certain application methods (mostly the use of handheld equipment) and adding PPE (gloves, double layer clothing, and a PF10 respirator).
 - For occupational post-application risks: lowering application rates on specific crops and updating re-entry intervals for lambda-cyhalothrin.
 - For risks to bystander from spray drift: requiring an update to mandatory and advisory spray drift language.

- For example, the 5/7/2024 acceptance letter for EPA Reg. No. 52287-24 (a.i., oxydiazinon) required that any product sold or distributed must bear an approved amended labeling, a sticker, or supplemental label containing the new terms after 120 days of receipt of the letter. This requirement was due to the change from GUP to RUP, which has specific timelines for implementation set for in 40 CFR 152.167. The 9/27/23 acceptance letter for EPA Reg. Nos. 279-9614, 279-9615, and 279-9616 required the revised labeling for product distributed after 12 months, or 75 days after final state approval.
 - The terms and conditions of product registration and registration review decisions are always case-specific. However, EPA agrees that the examples provided include terms and conditions outside of the timeframe of 18 months for typical label amendments and 12 months for label amendments coming out of registration review (see 40 CFR 152.130). Unique case-specific decisions like these are likely to continue as EPA encounters unique situations and implements Biological Opinions. Registrants are required to comply with these terms and conditions that accompany the registration of their products.
 - No change in frequency or tracking of marketplace inspections is expected or requested of state lead agencies to address these specific circumstances. More broadly, EPA has no expectations beyond considering federal terms and conditions of registration as SLAs currently do through core activities.
- After discussing the follow-up from EPA with POM, there were additional questions regarding the topic, EPA did provide additional clarification to their response. We are currently reviewing the response and may have additional questions and/or request to have additional discussions with EPA.

There are many topics/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.

POM Resources

- Location on AAPCO website:
 - <https://aapco.org/documents/>
- **SFIREG Multiple Products Packaged Together (MPPT) Registration Review Guidance**
 - the term “MPPT” includes all versions of kits, co-packs and multipacks that contain at least one federally registered pesticide product. MPPT can contain one or more FIFRA-regulated products or in some cases, FIFRA-regulated products along with one or more non-FIFRA products.
 - <https://aapco.org/wp-content/uploads/2022/10/Oct-MPPT-Guidance-Documents-POM-revisions-08-08-22-2.pdf>
- **SFIREG FIFRA Section 24(c) Guidance**
 - https://aapco.org/wp-content/uploads/2024/03/aapco-sfireg-pom-section-24c-guidance_final.pdf
- **SFIREG New Requirements for Paraquat-Containing Products Frequently Asked Questions**
 - https://aapco.org/wp-content/uploads/2023/05/Paraquat-FAQ-Documents-5-22-23_rev_1.pdf

Save the Date:

Spring Joint Working Committee Meeting:

April 7-9, 2025

**Location: North Carolina Department of Agriculture and Consumer Services, Raleigh, NC
(tentative)**

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