

EPA REGION 3
REPORT to Full SFIREG
State FIFIRA Issues, Research, and Evaluation Group Meeting
December 9-10, Alexandria, Virginia

The EPA Region 3 Pre-SFIREG Meeting was held November 6-7, 2024, at the West Virginia Department of Agriculture's field office in Inwood, WV. Attendees included: Christopher Wade and Jimmy Hughes (DE); Rob Hofstetter, Kelly Love, and Alex Lehmann (MD); Jessica Lenker and Daniel Emig (PA); Grant Bishop and Chad Carpenter (WV); Nicole Wilkins (VA); Courtenay Hoernemann, Debbie Moody, Christine Convery (EPA Region 3). Joining virtually was Megan Wilkerson (DC), Tim Young (WV), Camille Lukey, Hannah Bartling, Kyla Townsend-McIntyre, Aquanetta Dickens, Ralph Brogdon and Harry Daw (EPA Region 3).

As part of the meeting, EPA HQ staff provided an update on Ethylene Oxide. EPA Region 3 Staff provided updates on a wide variety of topics. The Land Chemicals and Redevelopment Division (LCRD) provided information on bed bug assistance, pollinator protection, the FGD, and grant reminders. The Enforcement and Compliance Assurance Division (ECAD) provided discussion on the upcoming WIRE training, the inspector workshop and state referred complaints/tips.

The following items were specifically requested from full SFIREG and discussed during the PreSFIREG meeting.

- C&T Plan Implementation
- AEZ Rule
- Water Quality Activities
- Web-Distributing Labeling
- ESA Workplan and Strategy Implementation
- Bulletins Live Two (BLT)
- Pesticide Registration Decisions
- New and Ongoing Issues

C&T Plan Implementation

States are working through updating manuals and exams as needed. Most states are planning to use the national core manual and exam and other national manuals and exams where appropriate. States have not encountered any delays and do not expect any moving forward. Region 3 states have included PSEPs in the update and implementation process thus far and will continue to do so. No changes in how we collaborate with our PSEPs as we all already have good relationships with our PSEPs.

AEZ Rule

States are requesting guidance information from EPA on the AEZ so we can provide appropriate outreach to the agricultural industry. Providing examples of relatable AEZ scenarios is needed to effectively communicate what the rule is and how to comply. Documenting violations with the AEZ is and will continue to be difficult as compliance issues will likely only arise if there is a complaint based on the AEZ. Routine inspections will rely on interviews with the facility and staff to determine compliance.

Water Quality Activities

Most of the Region 3 states either have water quality monitoring program contract or another state agency in their state does the monitoring and shares data when appropriate. DE has water quality data on their website for public information. Other states may share water quality data more freely if there was a mechanism to do so. Current efforts have not considered capturing information to reflect ESA mitigation effectiveness.

Web-Distributing Labeling

Region 3 states have little to no experience with web distributed labeling. The main question and concern is connectivity issues. There are many areas within our states that have little to no access to the internet. Registering products with labels that have portions that are only available in a digital format leaves some applicators without access to label information.

ESA Workplan and Strategy Implementation

Region 3 has incorporated ESA training into their annual inspector workshop this past year and plan to continue adding into the future workshops as needed. Some applicator outreach is starting to occur through SLA and PSEP efforts. Specific needs for ESA implementation continue to be simplified compliance information for applicators, including some scenario examples, and compliance/enforcement guidance for SLAs. No Region 3 states submitted comments on the Insecticide Strategy.

Bulletins Live! Two

All states would like to see some form of notification go out when a Bulletin is issued. It needs to be something unique from the other EPA notifications, so it does not get bunched in with the traditional communications. States have not noted any particular efforts to communicate bulletins to those without access to the internet.

Pesticide Registration Decisions

No major discussion or issues on this topic.

New and Ongoing Issues

No major discussion or issues on this topic.

State Reports – Select Highlights *(complete reports available upon request)*

Delaware

- **Staff Update** – Hired Marijuana Compliance Inspector to oversee WPS in cannabis facilities, investigate any suspected pesticide misuse in the cannabis industry and investigate any drift complaints involving cannabis plants (No outdoor grows yet). Hired a New Castle County inspector, Olivia Griffith.
- **Equipment/Technology** - DDA continues to support Fieldwatch/Driftwatch/BeeCheck website. LCMS/MS has been prepped to run broad residue scans, chemist worked to create method for residue testing for routine samples and marijuana enforcement samples. – this is the same from spring report, looking to have chemist receive more training from surrounding state labs, been a challenge. State of Delaware OMB is overhauling all payments services, this will impact our Salesforce database, our platform was selected as an “early adopter” for the new payment software, we are hopeful that services are not interrupted by these changes. Fall update – this change did cause some issues during the product registration period, but is now back in order and appears to be working correctly.
- **Statute/Regulatory Changes** - Marijuana was legalized in Delaware; no pesticides are allowed to be used currently but Marijuana commission created a position within the Pesticide Section. Adding an inspector position for residue sample/testing. – still working on this implementation.
- **Program Specific Issues**
 - ***Water Quality***: Hydrologist completed the reconditioning of the well network on 3/14/2024. This process involved air purges on the screens, first time this has been done in 30 plus years. Drexel noticed improved water flow during spring sampling. Sampling season was uneventful(thankfully), very few hits for compounds of interest. Hydrologist added Hobos (pressure transducer) to several wells in the state. These allow Drexel to record continuous water level data, which has been very useful during the extraordinarily dry period.
 - ***Endangered Species***: When requested, DDA provides pesticide analytical testing for wildlife cases involving endangered species. DDA continues to follow the ESA updates and is trying to stay on top of any new outreach/education to implement any changes involving ESA.
 - ***Disposal/Recycling***: Recycling is currently on hold in Delaware, current regional contractor was unsatisfactory in Delaware’s opinion. (Still true)
 - ***Obsolete Pesticide Disposal***: Spring pickup was completed in 2024 with no issues, vendor was MXI. Jimmy always keeps a running list of future pickup sites, if budget allows DDA will plan another pickup in the spring of 2025.
 - ***Certification and Training***: Amanda is also working to complete the new exams for the new aerial and private applicator categories. Fall update – The aerial exam is completed and will be issued in November. Amanda will work to schedule all of our aerial applicators to take the new test.
 - Amanda has reached out to PERC several times and gotten no response in regards to updating the registered service employee training to be compliant with the new federal guidelines and also customized to fit the needs of states that have the “No Service Employee apply RUP” in their regs. She emailed them in July, August and October – NO RESPONSE.
 - Amanda has worked to improve both the core pre-test review session and the Ornamental and Turf pre-test Review. The applicator community continues to praise

Amanda on her efforts. DDA hopes these training sessions improves the quality of applicators within the State of Delaware.

- **Enforcement Update** - DDA inspectors met all FY24 commitments and are on schedule with the FY25 commitments. Major issues this past season were unregistered employees, business license compliance, 2,4D drift on vineyards and other vegetable crops and 2,4D drift on residential areas. These issues were a focus point during our records inspections and outreach events, several presentations outlined the most common violations to educate applicators on ways to come into compliance. DDA has encountered a large increase in out of state companies not being compliant with the registered service employee rule. DDA has issued several civil penalties for these violations. – Already in 2024 calendar year DDA has stopped two out of state applicators that were having compliance issues. Fall Update – this was an issue all year, seems to have calmed down a little, we contacted many companies in the field and issued several Notice of Warnings and civil penalties, DDA will monitor progress in spring of 2025. DDA inspectors have seen many issues with inconsistent label messaging for many of the mosquito control products, mainly concerning PPE requirements. James Hughes is working through POM to potentially address some of these issues with EPA, which hopefully will trickle down to the registrants. DDA issued on civil penalty for WPS violations at a nursery in Sussex County, first WPS civil penalty in several years, violations occurred due to office staff change, new staff did not continue programs that had been in place. Hughes discovered these violations during a WPS inspection, Delaware Alcohol Tobacco Enforcement (DATE) was present during this inspection for a joint taskforce training exercise, so it turned out to be a good experience for them to learn from. DDA saw a slight increase in unregistered products in the marketplace, most companies registered products immediately after discovery.

District of Columbia

- **DOEE Pesticides Program Staff Updates** - Hired a new C&T Manager Brandon Ward (to replace Baldwin Williams).
- **C&T** - We are looking to hire a contractor to facilitate monthly pesticide safety courses (virtually). We also extended the pesticide licensing period for 60 days and we asked PEST-ed to update their recertification training courses.
- **Everblue** - By FY25 we aim to have all certifications exams online, we currently offer virtual testing for CORE, 3A (Ornamental), 3B (Turf), 3C (Interior), 11 (Miscellaneous), 7A (General) and 7E (Rodent).
- **DOEE Pesticide Branch Analytical laboratory** – In the District of Columbia, taxpayers can request a "Certificate of Clean Hands" demonstrating that they comply with their district financial obligations. Because of this condition, we regretfully cannot complete our contract with DCLS. Instead, we have secured a contract with TetraTech to provide laboratory analysis services.
- **Inspection and Enforcement** – We persist with in-person inspections and have adopted an equitable approach to ensure inspections are distributed evenly across every Ward. Our team organized multiple recertification presentations for auditing recertification conferences, seminars, and meetings. These sessions aimed to update our

stakeholders on upcoming regulatory changes and ensure compliance. We conducted the following:

- Seventy-nine inspections were completed (31 Market Place Inspections, 18 Use Inspections, 20 Pest Control Operator Inspections, and 10 Investigations (Including Referrals from EPA).
- **Regulations** - We are updating our regulations based on changes and feedback from our stakeholders.
- **Outreach/BeeCheck** – We continue to promote BeeCheck to beekeepers and have the instructions how to register on the colony registration forms. The Pesticides Branch facilitated the following outreach events:
 - We continue to promote BeeCheck to beekeepers and have instructions on registering on the colony registration forms.
 - Summer Peace Jam, July 13, 2024: This event was a tabling opportunity to bring health awareness to the community. We also provided pesticide and pollinator safety to Ward 7.
 - National Cherry Blossom Festival April 6, 2024: This event was a tabling opportunity at Yard Park in Ward 8. The main goal was to get attendees to understand that the district is home to many pollinators and that they can help them by planting native plants, using pesticides only when necessary, and following the label.
 - Pollinator Seed Giveaway April 19, 2024: The goal of this event was to celebrate pollinators. It was a tabling opportunity at Eastern Market Metro in Ward 6. Fun educational activities for children, such as Pollinator-friendly activity packets and coloring sheets, button makers, and pollinator seed giveaways, were also present.
 - Earth Day Heroes at National Academy of Sciences, April 20, 2024: This event was a tabling opportunity to share the importance of pollinators with youth in Ward 2.
 - Earth Day Fair at Mount Pleasant Library April 22, 2024: This event was a tabling opportunity at Mount Pleasant Library to promote sustainable practices while safeguarding human health in Ward 1.
 - Anacostia Park Late Skates September 28, 2024: This event was a tabling opportunity to share the importance of pollinator and pesticide safety to with youth in Ward 8.

Maryland

- **Staff and Budget** – MDA has been asked to cut 150 million from its FY 25 budget with more to come during the second half of the year and/or in FY 26. While PRS does not receive any General Fund money. The Department will throttle our Special Fund spending. Billy Carman joined our Inspection team over the summer. He is located on the Lower Shore and is responsible for Dorchester, Wicomico, Worcester and Somerset Counties. We have a vacant Office Secretary position that is expected to be filled before the end of this year.

- Enforcement/Inspection Activities** - PRS exceeded all FY24 inspections conducting nearly 1000 inspections and complaint investigations. FY 25 should see similar numbers and possibly an increase (as long as we remain fully staffed. Neighbor vs Neighbor complaints are still increasing, and we continue to deal with a lot of mothball calls. As stated before, most mothball cases are issued a Notice of Warning and Cease order immediately with no site visit. In certain situations, we may have to make a site visit, which results in the issuance of a civil penalty. Still finding unregistered pesticide sales, online as well as RUP's being sold by unlicensed dealers. New ESA requirements are still not going over well with the ag community and UMD Extension (connectivity and ease of use with cellphone). Ran through an exercise with UMD Extension. Hoping they will take that exercise to the applicators. MD is not in bad shape when it comes to mitigation measures. I still expect possible enforcement challenges (time will tell). BLT site improvements welcome but still seem a little slow. As stated above, I think we may see a big problem with connectivity. My concern is if some of these bulletins are slow to load or fail to load, most growers will go about business as usual.
- Certification and Training** - As stated above, changes to our Statute because of the C&T Rule were submitted to the Governor's Office and forwarded to the Legislature for approval. Once approved, companion regulations will be drafted. PRS should be on track to meet its 2026 timeframe for implementation. More than 750 recertification meetings approved during FY24. PRS staff were present at, and/or provided updates at several in-person meetings. We are on track to approve the same amount for FY 25. Alex has updated all our presentations for this year. We have presented at several recertification sessions and expect this to increase as we head into the fall and winter. PRS meets with UMD Extension yearly. While we have discussed the new C&T changes for Maryland at past recertification meetings (since the Rule was published), we have asked Extension to make this part of the required training they provide to growers and applicators. We have also asked them to focus on ESA (BLT, Herbicide Strategy, Insecticide Strategy). UMD PSEP has put together a very basic exercise that can be used at grower meetings to help with mitigation measures. We are continuing our relationship with Everblue to provide online examinations at no cost to MDA (\$27.05 per exam paid by the applicant). In-person commercial and private examinations will still be offered, as usual, as we transition to online. The goal is not to necessarily eliminate in-person exams but to conduct them less frequently and at fewer sites.
- Enforcement/Certification Database** - Still no database upgrade. Current Oracle program ceases on December 31st.
- Legislative/Regulatory Update** - MDA's Pesticide Regulation Section receives no pesticide registration money. More than 75% of our budget is through fees which have not been increased in more than 20 years. We have sent legislation to the Governor's Office requesting an increase in our licensing and certification fees. It has been forwarded to the legislature. If approved Fees will increase as follows:

 - Pesticide business license - \$150/yr, increase to \$225
 - Certified Commercial Applicator - \$75/yr, increase to \$100
 - Certified Private Applicator - \$7/3yr, increase to \$15
 - RUP Dealer Permit - \$25/yr, increase to \$50

Registered Employee - \$30/yr, increase to \$35

Reprint of lost/stolen ID Card - \$20 per incident (This is a newly proposed fee)
C&T Statute changes have also been sent to the Governor's Office and forwarded to the legislature to be approved. Session officially starts in January. We expect a busy year with PFAS legislation, like what was discussed in our last report. Mandatory pesticide use reporting and changes to IPM in School Regulations may also be a hot topic for this year.

Pennsylvania

- **Staff Changes** - Agronomic Product Inspection Staff: 1 vacant inspector position. Pesticide Program Management/HQ Staff: Daniel Emig was hired as our Pesticide Enforcement Specialist on April 8, 2024. The Division Chief position, held by Jessica Lenker, will be vacant November 18.
- **Statute/Regulatory Changes** - C&T Plan: Certification Plan is approved. PDA has started the regulatory process. Hoping to have the regulation revision complete by end of 2025.
- **Certification and Training** - All things certification and training are business as usual. Exam sessions are performed in person and through third party testing opportunities through Metro Institute. There is no plan to permit online exams at this time. Recertification meetings are a mix of in person, virtual, and hybrids.
- **Worker Protection Standard** - PDA continues to contract with the Pennsylvania Office of Rural Health (PORH) to provide WPS compliance assistance to all Pennsylvania growers. The PORH has completed updating the WPS DVDs and have now moved to putting on flash drives. Commodities targeted in the training videos are greenhouse, nursery, orchard, vegetable, and mushroom. Any state, PSEP, professional association, or EPA funded organization can request the files to produce their own videos to distribute as needed.
- **Enforcement**- Mosquito application complaints and enforcement continue to be on the rise. Three Civil Penalties were appealed. Two were settled outside of an appeal hearing and one went to a hearing. Results of the hearing are still pending. Of our 20 Agronomic Product Inspectors and Supervisors, 17 are maintaining their EPA credentials, 7 are currently working through the process to become credentialed.
- **Water Quality (Ground Water Monitoring)** – A five-year joint funding agreement is in effect with USGS through December 2025 with continuing focus on sampling and analysis in the most vulnerable settings in PA. USGS samples 30 wells each season with additional wells repeated the following season at our request if higher levels of pesticides were detected. PDA has added to the five-year agreement sampling for PFAS at 10 sites each season since this is a chemical complex of major concern. Data for 2024 is not yet available. We will be working with USGS this winter on a new joint funding agreement for 2026 through 2030.

- **Pesticide Disposal/Container Recycling** - PDA continues to support the waste pesticide disposal stewardship program. For 2025, 15 counties are included for farm-to-farm collections and HHW events are tracking to be similar to this past season. PDA continues to offer the PPCR program to the agricultural and professional pesticide application industries. Single-use jugs and drums are collected and granulated from 125 locations across Pennsylvania. In 2024, the program has granulated 74,800 pounds of pesticide containers. Granulated plastic is sold to help offset operating costs.

Virginia

- **Regulatory** - VDACS submitted a regulatory action to amend pesticide fees. The package has undergone review by the Governor and will be published for public comment. If approved, the amendments will become effective on January 2, 2025. Fees will be decrease:
 - Commercial applicator fee reduced to \$25 from \$100
 - Registered technician fee reduced to \$25 from \$50
 - Business license fee reduced to \$75 from \$150
 Certification Plan undergoing implementation. NOIRA completed April 2024. Proposed amendments to regulations approved by Board of Agriculture on July 31, 2024 meeting. Now in stage 2 of the regulatory process: proposed amendments will undergo Executive Branch Review. VDACS will again be submitting the proposal for consideration for the 2025 General Assembly Sessions to grant VDACS the right to enter any public or private premises where it is necessary to conduct routine inspections and investigations of allegations related to compliance with the Pesticide Control Act (Act) and if refused, warrant authority.
- **Personnel** - Nicole Wilkins promoted to Program Manager (previously Senior Compliance Officer). Liza Fleeson Trossbach retired effective August 1, 2024. OPS has initiated the process to fill the now vacant Senior Compliance Officer. Expected to be filled by the end of the calendar year. Michelle Lee hired in April 2024 as Compliance Officer III. Enforcement: Currently vacant investigator position in North Region (previously held by Kasey Chambers). Expected to be filled by end of the month. For CLRT, VDACS added a Lead Coordinator for the Product Registration & Business Licensing Programs, Nateshia Mitchell and reclassified an existing position to serve as the Registration Compliance Specialist, Kimberly Thompson. There are now 3 coordinator positions (the new position plus the Worker Safety Coordinator which includes Certification & WPS; and the Recertification & Training Coordinator). This additional staffing better balances the workloads of each coordinator position.
- **Enforcement and Compliance** - FY24, Field Staff conducted 1,852 routine inspections and initiated 94 investigations. VDACS assessed \$32,220 in civil penalties, 9 stop sales, and 12 letters of cautions/advisory letters. These were contained within 48 unique cases.
- **Environmental Stewardship Programs** – Continued to support FieldWatch. Virginia now has 968 apiaries, and 4,869 beehives mapped in FieldWatch. In addition, 419 applicators have registered in Virginia. Information on FieldWatch continues to be available on the agency website and included in the required pesticide regulatory updates

at applicator recertification courses. VDACS created a Spanish Flyer to promote Bee check and Fieldwatch, the flyer is in the final stages and should be printed over the next few weeks to promote the services to applicators. For FY24, the Pesticide Plastic Container Recycling Program collected 107,803 pounds of pesticide containers statewide. The program started the fall collection in sites who currently have a Memorandum of Agreement with the localities and Virginia Cooperative Extension. The 2024, Pesticide Collection Program concluded on October 30. VDACS completed the RFP process earlier this year and was able to secure a contract for 5 years with MXI LLC, based out of Abington, VA. A total of five collection events took place in Southwest Virginia and two special farm pickups were completed in the service area. A total of 73,080 lbs of pesticides collected. The planning for the 2025 season has started, the pesticide collection will be serving the Southeast part of the state.

- **Program Updates** - Revisions to the Spanish core manual have been completed and are in the final steps of completion. Agreement signed with Virginia Tech for the translation of additional training resources for pesticide applicators into Spanish. VDACS also continues to work with the Department of Motor Vehicles to make Spanish Registered Tech Exam available. Through a grant from VDACS, Telamon provided training to a total of 712 farmworkers (worker & handler trainings combined) at 40 agricultural establishments. The training is offered in Spanish, English as well as Haitian Creole.

West Virginia

- **Personnel** – Hannah Gorrell was hired in July for the Compliance Assistance Specialist position in Charleston. Benjamin Gibson was hired on October 8 for the Pesticide Regulatory Officer position in Beckley. Interviews for vacant Pesticide Regulatory Officer (Teays Valley) have concluded and recommendation for hire has been made.
- **WPS Outreach/Ag Safety Days**- WPS outreach continues statewide. Ag Health and Safety Coordinator has been training and contacting growers to offer site visits to determine compliance and to provide all WPS required training including respiratory protection and farm equipment safety training. An Ag Safety Days event hosted on February 5th-8th with 84 total attendees. To date, a total of 65 workers and 60 handlers have been WPS trained. Ag Health and Safety Coordinator is now a CPR/First Aid/AED instructor.
- **WV Plants** - Renewal season is November 1- April 01 for Pesticide Business/Dealer/Applicator/Technician licensing/Products. Miscellaneous categories have been added to CSR and will be updated in WVPlants Program. Currently working with Acclaim to on programming and testing.
- **Container Recycling/Disposal** - 9 sites available for collecting plastic pesticide containers for recycling. WVDA has purchased and rented sea containers set up at WVDA field offices, grower locations, custom applicator sites and golf courses. WVDA continues traveling to sites to give proper rising training with growers. This has drastically reduced rejection rate from Ag Plastic Solutions.

- **Waste and Unwanted Pesticides** - 5024.5 lbs. of liquid and 6103 lbs. of dry waste pesticides collected to date during 4 collection events. WVDA received a recent phone call from person in Detroit, MI stated 30 of WVDA labeled drums with waste pesticides were discovered in his warehouse. WVDA contacted Northward Environmental, still waiting for answers.
- **C&T** - Rules revised effective April 15, 2024: 61CSR12 A Certified Pesticide Applicator Rule, 61CSR12B Licensing of Pesticide Businesses. Implementation goals: Proctored Exams for Private Applicators by January 1, 2025. Categories updated by July 1, 2025 (WVPlants programming).
- **Inspections and Enforcement** - WVDA performed work with 3 inspectors for the past 9 months. No dicamba complaints or bee kill investigations during FY 2024. Most common violations are IPM in schools and day care centers. Noteworthy enforcement action, IPM inspection at a daycare facility by Mike Jennings resulted in an Enforcement Action against the pest control company resulting in a civil penalty of \$4900.

Next Meeting – The Region 3 Spring Pre-SFIREG Meeting is scheduled for February 25-26, 2025. The meeting will be held at the EPA Region 3 office in Philadelphia, PA.

Rob Hofstetter is filling in at the SFIREG representative for the December 2024 meeting. The current representation is to be filled by Pennsylvania Pesticide Program Administrator, but the position is currently vacant. Once filled, the individual will serve through June 30, 2026.