

Full SFIREG Sub-lead Regional Report December 9, 2024

- **C&T Plan Implementation**
 - Regions reporting that states are working through updating manuals and exams as needed; most are planning to use the national core manual and exam and other national manuals and exams when they are able. Regions seeing that most states have included PSEPs in the update and implementation process thus far and will continue to do so, and no major changes in how they collaborate with their PSEPs.
 - SLAs are awaiting OPP's C&T Plan Modification Guidance; especially the ones who have identified substantive Plan changes to make on account of recent legislation.
 - Regions reported in a few states, proposed rule language in approved plans is being altered during legislative rulemaking, often to the surprise of the SLA. Some Regions might need to conduct detailed reviews after rulemaking is finalized so they can approve all rule language deviations from the proposed approved language, according to the plan modification guidance.
- **AEZ Rule**
 - Regions reporting that states are requesting guidance information from EPA on the AEZ so they 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 may be difficult for states.
 - States are wrestling with "shelter-in-place" provisions that have been historically enforced for housing within the AEZ. There are several concerns about increasing exposure to housing residents, especially for pesticides where there are no re-entry restrictions on the labels.
- **Web-distributing Labeling**
 - Regions reporting the main question and concern is connectivity issues: what about the areas where there is 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 full label information.
- **ESA Workplan and Strategy Implementation**
 - Regions hearing that applicator outreach is starting to occur through their 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. In one Region they are figuring out areas to focus outreach where they know ESA mitigation will be necessary such as land in known important habitats. The states are coordinating efforts to ensure pesticides/ESA training courses are offered in agriculture areas

that overlap with ESA species. Some courses have been offered this fall with more planned for the spring before growing season. The OPP-developed Runoff Points Calculator will be a primary component of the training (along with the yet-to-be released Spray Drift Points Calculator).

- To elaborate on compliance/enforcement concerns with ESA label mitigations, SLAs remain concerned about how they will enforce compliance without (for example) recordkeeping requirements on the labels. For example, should inspectors ask the applicator for a copy of their Bulletins Live! Two printout (whether or not a PULA has been specified)? SLAs continue to express the need for additional resources to manage the training and compliance assistance needs related to ESA. Audiences include Extension educators, crop consultants, inspectors, growers, and applicators. Recognizing that additional resources may not be available, SLAs request a “who to go to” list for specific ESA topics including enforcement related questions. This would help with consistent enforcement across states.
- **Bulletins Live Two**
 - Regions received feedback from states that they 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 confused with the traditional communications. Still concerns with communicating bulletin to those without internet access.
- **EPA Standards and Methods**
 - Regions reporting State Lead Agencies (SLAs) Lab Directors in multiple states are concerned about the availability of standards and methods for various pesticides, which are needed from OPP to support both residue and formulation analyses. The National Pesticide Repository announced in November 2024 that due to staff shortages, fewer standards would be available to state FIFRA labs.
- **Drone Usage**
 - Drone (both airborne and land-based) applications are increasing in the agriculture sector. Regions are concerned state co-regulators still lack guidance from EPA on enforcement as well as relevant label language. In particular, some SLAs are concerned about Worker Protection with drone applications.
- **Supervision of Non-certified applicators**
 - One region reported that their states who allow supervision of non-certified applicators have asked for guidance on how state inspectors should determine/verify that non-certified applicators are sufficiently supervised.
- **Ethylene Oxide**
 - Depending on the specific features of the delegation from OSHA, assuring compliant use of Ethylene Oxide as a sterilant opens an all-new regulated sector for pesticide inspectors, especially for small clinics, dental and veterinary practices, as well as the large named facilities. This will require a notable training and compliance effort.