

EPA Region 2 Pre-SFIREG Meeting Report

Submitted by Anthony Lamanno, EPA Region 2 SFIREG Representative.

The United States Environmental Protection Agency (EPA) Region 2 Pre-SFIREG meeting was held virtually on April 30, 2025. New York, New Jersey, Puerto Rico, the US Virgin Islands (Region 2 states and territories), and EPA Region 2 staff participated in the meeting. The Cornell Pesticide Safety Education Program (PSEP) also participated. The following topics were discussed during this meeting:

Feed-Through Pesticides:

The regulation of pesticides added to animal feed to control pests was a topic of discussion during this meeting. The regulatory status of these products has been identified as an issue by SFIREG. There have been questions as to whether these products are regulated by EPA or FDA. The SFIREG Pesticide Operations and Management (POM) working committee has created a decision tree to assist in determining if these products are regulated by FIFRA. This framework outlines when the product must meet EPA requirements or FDA requirements and provides information regarding the labeling requirements of FIFRA, including information on custom blends.

The Region 2 states and territories have not had any issues regarding these products. However, the decision tree will be helpful if they are observed in the future.

EPA Label Amendment Cover/Acceptance Letters:

To assist the POM working committee the Region 2 states and territories were asked about the use of the EPA label cover and registration acceptance letters. Many of these letters include terms and conditions related to pesticide product registration and the POM committee is researching what states are doing with these letters regarding enforcement.

The Region 2 states and territories have not been conducting enforcement using the EPA label cover or acceptance letters. In New York State the EPA cover and acceptance letters may be used during the pesticide product registration process, but many times the state reviewer may not know that a cover or acceptance letter exists. In the past, EPA would stamp labels as “accepted with comments” referring to the cover or acceptance letter. However, it seems that this stamp is not frequently used anymore. New York State would request that this stamp be used regularly when conditions are placed in these documents.

General Use Pesticides that are Reclassified as Restricted Use Pesticides:

The POM working committee has been working on the issue of state notification regarding EPA reclassification of pesticides from General Use to Restricted Use Pesticides. This reclassification may occur during the EPA’s registration review process. However, there doesn’t seem to be a way that states and territories are informed of

reclassifications. The EPA does produce a Restricted Use Pesticide Report, but it may not be updated on a regular basis.

EPA suggested that states can use EPA's Active Pesticide Product Registration Informational Listing which is updated daily to find this information by pesticide product. New York State also suggested that the National Pesticide Information Center's NPRO can be searched as well. This resource incorporates data into a searchable format.

Mosquito Control Back-pack Mist Blowers:

Pesticide drift associated with the use of back-pack mist blowers in residential settings for mosquito control was identified as an issue by SFIREG in 2023. The Environmental Quality Issues (EQI) working committee has been researching this issue and has identified that the pesticide product labels used for these applications may not have stringent enough label language to prevent drift and human exposure. The EQI committee has identified precautionary label information that may help with this issue. This label information is similar to the label language that EPA recommended for manufacturers to place on the product labels. EPA has not made the label statements mandatory since they believe that many of the concerns raised were already addressed in the Risk Assessments for these pesticides.

To assist EQI with this project, the Region 2 states and territories were asked if drift is still an issue seen with back-pack mist blowers used for residential mosquito control. New York has received some complaints in the last couple of years, but they have been difficult to substantiate. New Jersey still receives several complaints regarding this application method each season with the violations found are case specific. There were no complaints identified in Puerto Rico regarding this matter.

Endangered Species Act (ESA) Workplan and Strategy Implementation:

The Endangered Species Issues (ESI) working committee continues to engage with EPA and USDA regarding the implementation of the ESA Strategies. It appears that there may be differences in the mitigation point scale and values between US Fish and Wildlife Service (USFWS) and NOAA National Marine Fisheries Service (NMFS) which is causing label language that is confusing to applicators. These values were developed by EPA with each of the services independently. The ESI committee will continue to assist EPA, NMFS, and USFWS with this matter to make the ESA mitigation measures reasonable for regulators and applicators to comprehend.

ESI requested that this topic be discussed during the pre-SFIREG meetings to determine if this has been an issue that the states or territories have experienced directly or have been asked about. The Region 2 states and territories have not identified this matter regarding the ESA measures as being an issue at the time of the meeting.

Bulletins Live Two:

The Region 2 states and territories discussed the EPA's improvements to the Bulletins Live Two system. These improvements will make it easier for users to download Pesticide Use Limitation Area (PULA) information through a spreadsheet or Geographic Information System. The Region 2 states and territories believe that the enhancements to this system will be beneficial.

Final Biological Opinion on Carbaryl

Information regarding the final Biological Opinion for Carbaryl was provided to the Region 2 states and territories. This Biological Opinion from the NMFS determined that Carbaryl can impact endangered species and critical habitats. This Biological Opinion will result in label mitigation measures and PULA restrictions for both agricultural and non-agricultural users to reduce drift and runoff from treated areas. The mitigation measures may include application prohibitions, restrictions, and rate reductions. The Region 2 states and territories are not aware of any current issues regarding these mitigation measures and they were encouraged to reach out the POM committee with any concerns identified in the future.

Pesticide Registration Decisions:

The EPA schedule for pesticide registration and re-registration decisions was shared prior to the pre-SFIREG meeting for consideration. The Region 2 states and territories did not identify any decisions that needed to be discussed at the full SFIREG meeting.

New and Ongoing Issues

The concern of continued funding for pesticide education, including the Pesticide Educational Resources Collaborative, National Pesticide Information Center, Pesticide Inspector Residential Training, and Pesticide Regulatory Education Program was an issue identified at this meeting. These educational resources benefit the public, pesticide applicators, and the states and territories and have proven to be crucial in protecting the public and the environment. Without these resources it will be difficult to provide consistent messaging across the nation regarding pesticide safety and environmental protection.

Rescission of USDA Record Keeping Regulations:

Following the Region 2 pre-SFIREG meeting the SFIREG Chair requested that the regional representative reach out to the states and territories regarding the US Department of Agriculture's federal register notice rescinding the regulations pertaining to the record keeping requirements for restricted use pesticides by certified applicators. SFIREG is trying to determine if the states and territories can continue to require private applicator record keeping through statute or regulation.

Puerto Rico, the US Virgin Islands, New York, and New Jersey have private applicator record keeping requirements for restricted use pesticides. However, the individual state or territory record keeping requirements may not incorporate all the past USDA record keeping requirements.