

Region 8 SFIREG Meeting Report

Submitted by Richard Weisz,
US EPA Region 8 SFIREG Representative
May 29, 2025

The Region 8 Pre-SFIREG meeting was held by zoom meeting on May 28, 2025.

There were 28 participants representing CO, MT, ND, SD, UT, WY, Tribal Nations, and EPA.

State Reports:

Colorado:

The only state updates we have are that we're just rolling out education and training on ESA and AEZ.

Our Ag folks are not happy and concerned how they'll be able to comply with the AEZs when a residential site refuses to vacate the residence as they make those passes, not to mention the impacts it has to their business if they have to leave these areas untreated. We're working on an AEZ educational flyer that applicators can utilize to gain cooperation from these folks, but we're hesitant...as we have concerns that it may increase awareness for folks to prevent applications by purposely entering the AEZ or filing complaints to just cause the applicator problems.

ESA, on first look with the Insecticide strategy, is getting more complicated on how folks will figure out what must be done prior to an application. I expect wide scale non-compliance due to the complexity of calculating points and mitigation measures. Hope I'm wrong on this, but this will be a multi-year education campaign to get folks to wrap their hands around these changes.

As it is for all of us...summer is here, complaint season is taking off.

Montana:

We are continuing to implement our approved C&T plan as resources allow and develop necessary materials in conjunction with our PSEP staff at Montana State. We are developing a new licensing/registration/certification database in conjunction with our Department of Labor & Industry and some of our new classifications will not go live until the next licensing period (January 1, 2026) when the new database is propped up. To date we've implemented all new recordkeeping requirements and continue to communicate with affected licensees. We've also fully implemented all classification changes that our current system, USAPlants, allows us to. Outstanding classification changes include; new non-soil fumigation for private & non-private licenses (RUP's only), private license aerial classification. Issues surrounding PERC funding and the 3rd edition of the national core have set us back on our timeline for adoption and we're seriously discussing sticking with the 2nd edition at this time and addressing deficiencies through our respective (private/non-

private) national core addendums. We may be looking at doing another large print run of 2nd edition core manuals to maintain a backstock for 3+ years and at that time we can re-evaluate national core materials if the 3rd edition is released. To maintain our current timelines we cannot make the necessary changes to our respective programs in time for the January 1, 2026 licensing period if the 3rd edition is not made available immediately. Our non-private applicator numbers finished 2024 on a 7 year high and we've seen a steady increase coming out of 2020 and covid. We're on track right now to eclipse last years total. With that increase in applicators and specifically new applicators we've seen an uptick in our requests for certification exams. We proctor our exams out of our 8 field offices so given staffing vacancies it's stretching our remaining staff thin to accommodate the increased volume in requests. We require an out of state exam for applicators applying for reciprocity and we're going live soon with a remote proctored option through metro for those individuals. If things go smoothly with remote proctoring for that subset of customers we may use that option to address some of our increased in-state testing pressure. Product registrations are steady and we do have our first product, Liberty Ultra, with ESA strategy label language/mitigations. Last week at our spring staff meeting we walked through ESA strategies and the Liberty Ultra Label with all of our pesticide program staff. We're continuing to increase staff knowledge/awareness and have planned recertification trainings this fall for applicators & producers focused on EPA's ESA program. Ag alerts and Newsletters continue to have information regarding the strategies but we are overall, taking a cautious approach to training our applicators. Between ESA label language and C&T changes there is a lot of change happening and we're trying not to overwhelm licensees (or staff)....

We are recruiting for a new plant science specialist (pesticide enforcement) position in our Billings field office. Our Bozeman office remains vacant and our Kalispell office will be coming vacant in the next couple of weeks. With season in full swing it has staff stretched across the state covering complaints and certification activities. Its been fairly wet in parts of the state and we're seeing quite a few rescue applications and pilots in the air. Our legislature wrapped up but the budget passed was 300 million over. Currently, funding is stable for our programs but that may be subject to change as the governors office endeavors to balance the budget.

Our waste pesticide disposal program has already held 3 events and has seven more planned through September. The program will be in the western side of the state in July and the far east in September (Plentywood, Glasgow, Glendive, Hardin). Pesticide groundwater sampling program is in full swing sampling wells across the state as well as drilling new wells and bringing new mesonet stations online. Our container recycling program is traveling the state making scheduled pick ups at high volume sites and scheduled drop of locations where applicators can bring their containers directly to the truck for grinding. We had an AmeriCorp position assisting the recycling program with events and education materials however we lost that in the recent program cuts.

North Dakota:

We are still searching for an Outreach Specialist for our division. Hoping to be fully staffed soon. Recently we've received an abundance of rain that has delayed farmers with planting and spraying but the ag outlook is looking promising from here.

No complaints as of yet and inspections are going strong. Last year was average in reference to cases and the amount of inspections we conducted.

We did have a Sharda USA issue with Compensa product being misbranded. Things have not been settled and continues to be an ongoing issue.

Our ND legislating session has ended. Everything went smoothly and we are good on funding. Also, our water monitoring program is still ongoing. We are doing surface water samples six times per year. Levels over the past couple of years have been consistent and nothing of concern.

Our C&T plan is not finalized yet. We still have a section that needs amending through EPA.

We have been talking about ESA during our recertification trainings.

South Dakota:

Planting is 90% or more completed, sunflowers went in early to avoid the resistant red sunflower weevil. 24c for Malathion for sunflowers with application dates July 15-August 31. Pollinator protection language with specific application times and ESA language six counties with critical habitat for Dakota Skipper and Poweshiek Skipperling. Sharda USA issue with Compensa product being misbranded with the active ingredient imazapyr. Sharda has not been responding to DANR or SD Attorney General communications. SD is in year two of the new C&T plan. Implemented the non-soil fumigation category on Jan. 1, 2025. Currently, looking at remote proctoring for exams as a service to benefit out of state applicators, those who have limited time to get tested. Any other states have remote proctors? I am on ESI working committee, two working meetings this past year and monthly team meetings. Presented at grower & applicator meetings with SD Wheat, SD Corn and SD Soybean presenting on EPA Strategies and Endangered Species Act Mitigations. A portion of commercial and private applicator training covered EPA strategies and Mitigations as well. DANR met with Cyrus Western, Reg. 8 Admin; Mark Smith, Deputy Regional Administration and Rebecca Perrin, R8 Policy Advisor.

Utah:

The UDAF Plant Industry Division, including the Pesticide Program, have been working on a new web application to allow customers of all programs to create a central account and apply for licenses, permits and registrations online. It has been close to a year since we started with "discovery". As of May 1st it went into production and we are still working through the bugs.

This has been a frustrating and time consuming process, but once the bugs are worked out, it will save the department considerable time since the customer will enter the data on the application, make payment before submitting the application and most communication will be via email. Testing is also performed online with virtual proctoring options that the tester can pay for. This has been the main focus for the past year or so.

The program started enforcing the requirement that door to door (solicitors) pesticide salespeople must have a commercial pesticide applicator's license. This has increased our licensing numbers by about 2,000. We had several companies approach the department complaining about salespeople selling services that they know nothing about, promising potential customers that applicators would do certain treatments that labels didn't allow. There also appeared to be a lot of misinformation and ignorance shared with potential customers.

So far, ESA and the herbicide strategy have not impacted Utah in any negative way. We continue to provide education and outreach. We will see how the insecticide strategy will affect Utah growers once that is finalized. We expect more of an impact with insecticides.

With the new president and DOGE cuts, state legislators have been inspired to have all departments look at what regulations they can cut to make it easier for business. We expect in the coming months to get pressure to reduce state pesticide regulations. Currently, this is too new to know where it's going.

In general Utah does not have the agriculture that practically every state in the Union has. Utah is also the second driest state. Between those two facts, Utah does not have the pesticide related issues that most states do. As such, there aren't any other new issues or problems to report on. The team continues its day-to-day work effectively.

Wyoming:

Wyoming implemented our C&T plan starting on May 1st of this year. As of that date, the new plan, approved by the EPA, took effect and we have started licensing new applicators under it. Existing commercial and private applicators will be rolled into the new C&T plan as their current licenses expire and they renew and/or test. In 2024 and early 2025, the WDA investigated three complaints of pesticide misuse. Of those three, notices of violation were issued to two applicators under the Wyoming pesticide law and neither were forwarded to the EPA for further action or investigation. Of note for 2025, the Wyoming legislature approved \$50 million dollars for post-fire management of invasive annual grasses using herbicide treatments on roughly 85,000 acres of rangeland, we also expect the emergence of hot spots for grasshoppers and mormon crickets in various areas across the state. In addition with the state's ongoing Emergency Insect Management grants for mosquito vector management, we anticipate an increase in out-of-state applicators and an increase to aerial pesticide treatments with fixed wing, helicopters and drones this summer and next. The agency is working with the local weed and pest control districts and

municipalities to ensure contract applicators will be licensed in our state and are aware of our recordkeeping requirements.

The Agency has been in contact with the EPA Bulletins Live 2 team to express our concern over the PLUs in Wyoming related to black-footed ferrets, in addition to asking for clarification on the Section 3 rodenticide label compliance in relation to prairie dog management and the requirements to notify the "Black footed Ferret Coordinator" when non-target "take" occurs. This is problematic as the Black Footed Ferret Coordinator position is vacant at this time due to DOGE cuts in the Department of Interior.

A few other notes, the agency issued a Section 18 label this year for Metamitron for use in sugar beets to help address Palmer Amaranth. At the annual recertification course the University of Wyoming hosted in January, we had roughly 200 individuals attend to recertify as commercial applicators. Finally, the WDA is currently fully staffed for our pesticide program, including our two inspector positions.

CSKT

They are working with drone training and looking into certification. There have been few complaints this year, which is typical. The PERT training in the fall will be attended. They have lost tribal inspectors with the current cuts being done. They currently have 6 inspectors now and lost 5 inspectors during the cuts. They water sampling is ongoing as well.

Specific SFIREG Topic Discussions:

1) Feed Through Pesticides:

- How will MAHA initiatives affect this in the future? Otherwise, no issues in MT, ND, CO, SD, UT, WY, or tribes. Tribes are finding a lot of 25b products that should be registered, but they are forwarding them to EPA regions.

2) EPA Label Amendment Cover/Acceptance Letters:

- CO rejects state applications that don't match the master label. The cover letters don't have an impact. No issues in MT. ND only reviews amendment labels when submitted. SD reviews amendments to labels, they do not track cover letters. UT and ND generally the same, otherwise no issues. Tribes don't register products, but they are upholding the rozo ban in a few small tribal areas and they stay in tune with fish and wildlife regulations.

3) General use pesticides that are reclassified RUP:

- CO has not had issues, they find out something has been reclassified, and it would be great to have a more formalized method of communication of these changes. MT, ND, WY, UT and SD agree that a formal process would be helpful. Tribes - are states able to add their own language to labels, or not?

4) Mosquito control back-pack mist blowers:

- CO has no issues with this over the last few years, they had one significant case 6-10 years ago, neighbor dispute. One making ULV applications and applying to air column and the neighbor sued. A CO judge ruled that the applicator trespassed and ended up awarding them, even though the applicator followed the label. No pesticide violations for this matter. A truck mounted ULV sprayer. They did have one mosquito backpack blower case 5 years ago. Issues: the product was encapsulated and the samples only found one of the ingredients, the backpack blowers for mosquito control issue is interesting, they recommend more work be put into this. These back blowers are blowing product out at 40-50 mpg and yet the label includes language NOT to apply product under certain wind events, this is a problem. MT no issues, but they have been getting lot of questions about this from their turf and ornamental facilities, they would like more information about their use that can be shared with regulated entities. Was this for trees (CO asked) No, mosquitos under decks and in ack yards. ND did have an incident in 2020 related to a backpack sprayer, and there has been heightened public awareness of public health applications. SD hasn't had any incidents regarding mosquito applications of any kind, they get annual calls about not wanting their properties sprayed and they direct them to city mosquito control. UT- over the last few years a lot more complaints doing this backpack mosquito control applications in Utah. Yes, they have had complaints regarding mosquito control using backpack blowers (2-5 annually). And if there is drift, it is chemical trespass and that is enough to enforce a violation. WY nor tribes have had no complaints regarding backpack sprayers in the last few years. Crow tribe is looking for mosquito control assistance there is only one applicator that does fogging for the county. Maybe the backpacks can be a n option for them.

5) ESA Work plan and Strategy Implementation:

- CO this is still new and they have done quite a bit of outreach (webinars) to lay the groundwork for compliance, they have not had problems to date, but it is still pretty new. Primary as the insecticide strategy rolls out, there are some concern about its complexity and how will applicators understand these new requirements? The Bulletin Live Maps- whether they have county wise bulletins or more detailed maps- they have not seen many for CO, and they are continuing to watch that. Are labels URSL accurate and directing to the newest data? MT echoes this and they are in the process of educating staff, and hope to assist with education to regulated entities in the fall. The data download feature seems to be reporting data that is not reflected in the Bulletins Live Maps, is there a disconnect? The spreadsheet that was created is not connected to the Bulletins Live maps, Rebecca Perrin will circle back with MT to determine these disconnects. Maybe the R8 spreadsheet needs updated -Rebecca will follow up. ND if the scales could be brought together it would help with applicator compliance (less confusion). Second bullet point, most of this is not on their radar and a lot of them only knew about this if they attended a training- the more

streamlined the better. The last bullet point, not at this time, possibly a list serve would be helpful. SD echoes the comments, one thing that ESA implementation committee is focused on recently is scheduled meeting with National Marine's Fisheries Service, EPA, Fish and Wildlife to get everyone on the same page as far as points system. As far as PULAS go R8 is not in as bad of shape as CA or FL – discrepancies in points. Bullet 2, there are some inconsistencies in the educational components and it is getting updated and changed all the time, but eventually they see it as a useful tool. The simpler the better. Flow charts are not useful. UT- for bullet point one, no one has come with concerns. Bullet point 2 UT has used some of the tools and the spreadsheet comes up with a point value that is very useful. They are recreating a 10–15-minute instructional video to inform applicators about using the tool. The flow charts are very comprehensive, but there are a lot of steps that seem unnecessary. UT will make these available to others and add to their CEU. Third bullet, they agree with SD, it is new and not sure what issues will pop up once more products have this requirement on the label. WY- their concerns with the ESA are not addressed within these questions, and WY has pretty low point requirements. One county has a bit higher. They are not aware of website inconsistencies and they agree that things should be as simple as possible. Bullet point one, no one, bullet point two, simple as possible. It is too busy on the website. And Bullet point three, what is the purpose of the listserv? Could be to let folks know about additional actives to Bulletins Live, if the purpose is to share that information, they could be useful. Tribes- the website does not seem very user friendly for inspectors or applicators. They would like notification of new actives and PULAs. They have concerns over the new chemistries and the risk assessments. Again, what is the purpose of the listserv? Tribes are supportive and promoting it, not sure about understanding.

6) Bulletins Live Two:

- CO- Huge blocks that don't specify specific areas. MT- when are they getting updated? SD- more precise PULAs and concerns about what is getting added to Bulletins Live two? California has a good system and the knowledge on this topic. SD is looking for more clear direction from EPA on enforcement and mitigations/new regulation. UT- nothing to add. WY same concerns as CO and SD, the large polygons are not reflective of reality and too large. Why don't Department of Ag, wildlife, or other state agencies allowed to comment? WY was not informed about the new species being added that affects WY, no notification. Also, no notification to the Fish and Wildlife Office that is referred to in the PULA. WY still has problems with black footed ferret, for using rodenticides, and PULAs indicate that applicators cannot do something when these species have a 10J status. There is no system for state agencies to discuss these polygons or blocks that have been designated. Why is this such secretive information what species are being targeted with the PULAs? Why can't this information be shared? What species are we trying to protect? Tribes don't even know who to contact if they wanted to proposed layers for maps, they would like

to be able to add suggestions. Fish and Wildlife does have information, but it is not always accurate. Tribes use drones LDAR technologies for all sorts of things, so they have useful data, but where to send it? When they speak to tribal wildlife biologists, they brought up the timing of products, for instance there may be an endangered species in a certain area that might only be super sensitive at a specified time...why is there no time frame related to these PULAs, why are they so non specific?

7) Implementation of the Final Biological Opinion on Carbaryl:

- CO- nothing jumps out as a concern, there is a lot of use (pine beetle) the only PULAs they have are for rozol and kaput, no PULAs address carbaryl for CO. MT- same as CO. ND felt that Entomologists and no adverse impacts related to these label changes. SD nothing to add. UT- nothing to add. WY- nothing to add. They anticipate future calls, but nothing at this time. Tribes- nothing to add.

8) Pesticide Registration Decisions:

- CO- no comments. MT- no comments. ND- dicamba OTT products, glyphosate, atrazine. SD- dicamba products – Pending registrations for 2026 growing season labels need to be consistent for enforcement reasons. There were some discrepancies. They are worried about generics getting used. UT- nothing to add. WY- Nothing to add. Tribes- nothing to add.

9) Federal Private Applicator Record Keeping:

- CO- they have a reference to the USDA provisions in CO law. They sent a message to Ed Messina asking if EPA plans to incorporate this recordkeeping requirement in Part 171. MT- does not have private record keeping. ND- requires private, public, and commercial applicators to keep records of applications of RUPS in addition to dealers, commercial applicators and public applicators keeping records of sales and purchases of RUPS. These are required to be kept for three years after the date of sale, purchase, or application. SD- requires all applications to be recorded. UT- does have record keeping requirements for all license types. Some of the requirements vary. WY- added RUP for private through the C&T process. Tribes- they propose they will only accept commercial certification so everyone is licensed. Still trying to figure things out and aren't happy with the current situation.

New and Ongoing Issues:

1) Spray Drones:

- a. States and Tribes have seen a tremendous growth in that industry in their areas. Creating a drone spray category was heavily discussed. This topic was brought up to see what everyone else is doing and how things are being handled.

2) Pesticide Managers Meeting Location:

- a. Looking at possibly moving meeting location. Seeing the interest in doing so. A survey will be sent out to observe people's preferences.