

# *Pesticide Regulation Priority Areas in State Regulatory Programs*



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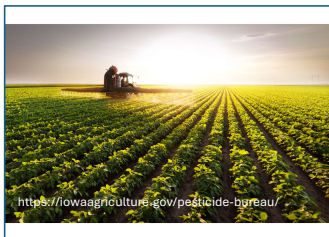
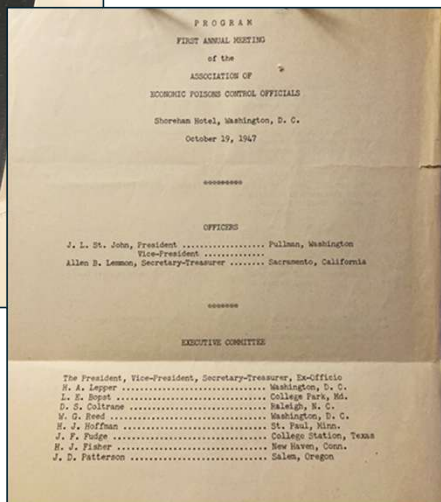
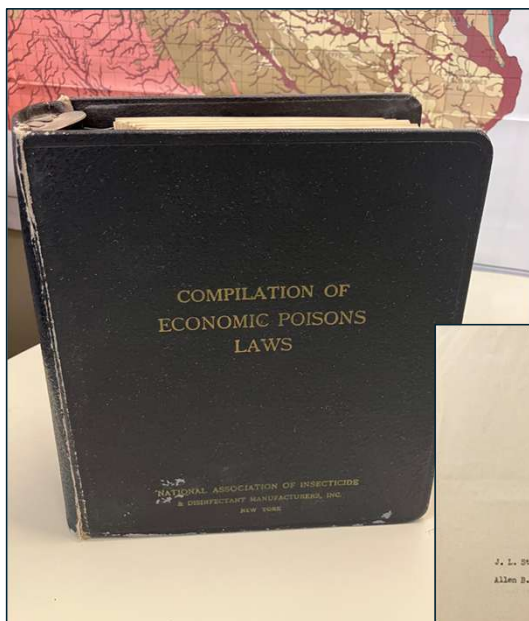


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The Association of American Pesticide Control Officials celebrated a **75<sup>th</sup>** anniversary in 2022.

Mission - to represent state SLAs in the development, implementation, and communication of sound public policies and programs related to the sale, use, transport, and disposal of pesticides.



The SLA programs provide checkpoints for applicators to maintain their certification and deliver a skilled labor market for agriculture, food security, professional pest control, public health, as well as a variety of other service sectors.

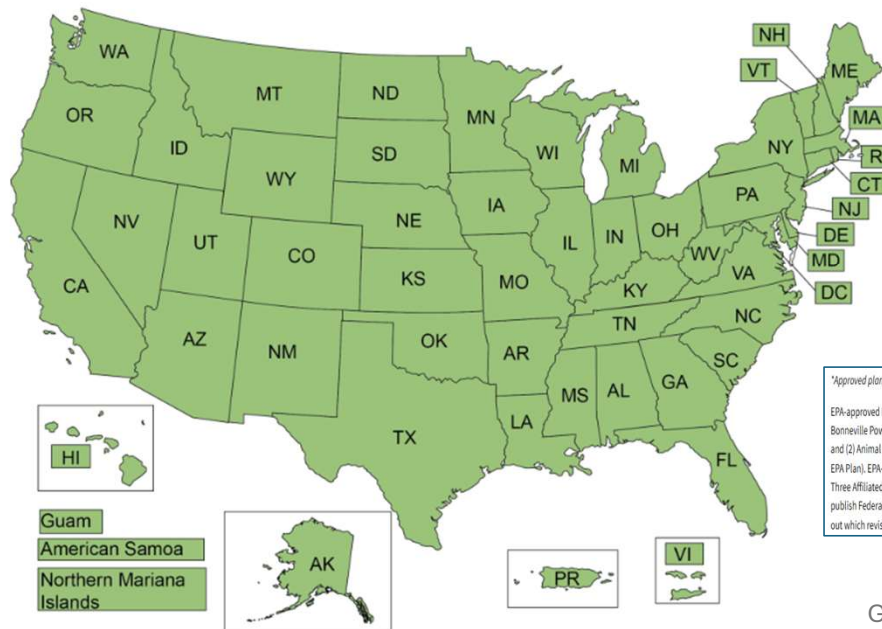
Applicator certification works in tandem with state product registration and enforcement programs to maintain markets, services, and instill public confidence in the use of pesticides that can be applied safely, with minimum risk to human health and the environment.

# Who We Are

The Association of American Pesticide Control Officials (AAPCO) members represent the officials charged by law with the execution of the state, territorial, provincial, and federal laws in the United States, including all its territories (hereafter referred to as states), and in Canada regulating the production, labeling, distribution, sale, use, and disposal of pesticides.

Status of State and Territory Certification Plan Review, Updated October 24, 2023

 Plan Under Review  Plan in Signature for Approval  Plan Approved  
<https://www.epa.gov/pesticide-worker-safety/certification-standards-pesticide-applicators>



# FEDERAL INSECTICIDE FUNGICIDE RODENTICIDE ACT (FIFRA)

## U.S. Code: Title 7 - AGRICULTURE

### Pesticide Product

#### REGISTRATION

§136a. Registration of pesticides  
§136v. Authority of States

- The classification of 'restricted use' pesticides under FIFRA registration sets forth applicator certification standards that are met largely through the state-approved certification plans across the U. S.
- Majority of applicator certifications are issued by the states (1 million certified pesticide applicators, skilled labor).

#### LABEL & LABELING

§136i. Use of restricted use pesticides; applicators  
§136e. Registration of establishments  
§136g. Inspection of establishments, etc.

- EPA has credentialed state inspectors to conduct pesticide producing establishment inspections.

#### USE, APPLICATION, HANDLING

§136j. Unlawful acts  
§136u. State Cooperation, aid, and training  
§136w-1. State primary enforcement responsibility  
§136q. Storage, disposal, and transportation.

- Unlawful acts include use of any registered pesticide in a manner inconsistent with its labeling.
- States shall have primary enforcement responsibility for pesticide use violations during any period for which the Administrator determines (see 136w-1 (a)).
- State cooperation, aid, and training, to reduce administrative costs, and provide flexibility to direct resources to FIFRA priorities.

☐ Both state and federal levels engaged

☐ Cooperation

☐ Federal funding

☐ State implementation

<https://aapco.org/2015/07/31/aapco-2/>

## Primacy Overview

### *State/Federal/Public Relationship*

In 1978 Congress enacted revisions to FIFRA, sections 26 and 27,

**“which together established a standard and procedure for according States the primary enforcement responsibility for pesticide use violations (primacy).”**

– EPA Final Interpretive Rule 1983, 40 CFR Part 173.

# What is Primacy?

- States have primary enforcement responsibility for pesticide use/misuse violations under sections 26 and 27 of the Federal Insecticide, Rodenticide and Fungicide Act (FIFRA).
- Under this system, states may refer potential use violations to EPA for enforcement action.
- States may obtain primacy by –
  - 1) demonstrating enforcement program or certification program elements
  - 2) entering into a cooperative agreement



# 2022-2025 FIFRA Cooperative Agreement Guidance

February 17, 2021



U.S. Environmental Protection Agency  
Office of Chemical Safety and Pollution Prevention  
Office of Enforcement and Compliance Assurance

<https://www.epa.gov/compliance/fiscal-year-2022-2025-fifra-cooperative-agreement-guidance>

National Program Goals

Framework

Work Plan and Reporting

EPA Oversight & Regional Project Officers

Administrative Requirements

Program Areas including Enforcement

# Program Areas – Basic



Program administration/  
management, including fiduciary  
and reporting requirements



Outreach, communication and  
trainings – new and emerging  
issues, rules, regulations, and  
registration and registration  
review decisions.



Response to pesticide  
inquiries and complaints from  
the public, including  
suspected pollinator incidents.



Routine monitors and  
compliance assistance



# Program Areas – WPS and C&T

- Outreach, education and monitor compliance
- Worker and handler training monitor, complaint follow-up
- C&T plans and all that follows, training, materials, tests, monitor 3<sup>rd</sup> parties, reporting
- Fumigants are a priority

# Program Areas-Pesticides in Water, Product Integrity, and Border Compliance

- Work with water agency
- Work with industry
- Help your state – Pesticides of Concern
- PEIs – Fumigants other Category 1 products
- Sample for product integrity
- Border Compliance at Regional request (not just the geographical border) – point of import – airports, warehouses etc.

# Program Areas - Picklist

- Fumigants & Fumigation – monitor compliance
- Endangered Species Protection – O&E, work with wildlife agency, comment – use data
- Bed Bugs
- Pollinator Protection
- Integrated Pest Management
- Spray Drift
- State & Tribal Communication and Coordination
- Emerging Public Health Pesticide Issues

# Program Areas- Enforcement

“You, the public health official, have been employed by the public expressly for the purpose of assuring that public health laws, ordinances and regulations are complied with.”

*-Legal Aspects of Enforcement, U.S. Department of Health and Human Services, 1985*



<https://npic.orst.edu/>



<https://www.npr.org/sections/thesalt/2016/09/01/492081546/how-gmos-cut-the-use-of-pesticides-and-perhaps-boosted-them-again>

# Importance of State Programs

- We do the work.
- We have similar issues.
- Working together we can solve them.
  - Performance Measures
  - Bees
  - Groundwater management plans
  - C&T CEUs/category
  - Drones
  - Backyard foggers
  - Chlorine RUP
  - Long life pesticides
  - Dicamba

# AAPCO - Keeping it all on the radar



<https://aapco.org/>

- State & Tribal Assistance Grant (STAG) Funding
- Support for coordinated work with Pesticide Safety Education Programs (PSEPs)
- Certification and Training Plan Implementation
- EPA Endangered Species Strategies and Implementation
- Farm Bill – Pesticide Labeling Uniformity
- Digital Labeling vs Web-Distributed Labeling
- PRIA 5 – Bilingual Labeling
- Pesticide Registration Decisions



# Opportunities to Get Involved & How to Get Started

- I am scared – I don't want to embarrass myself or my agency.
- I don't know enough
- I don't have enough time
- We are all learning
- You learn by being involved
- You will learn new things
- Numbers (audit?), religion (memorials?), politics (advocacy?)



## SFIREG

### State FIFRA Issues Research and Evaluation Group

#### SFIREG Issue Paper:

#### Mosquito Adulticide Mist Blower Use in Residential Settings

#### Background:

Pesticide applications to manage mosquitos have been occurring in many states throughout the U.S. for decades. Many of these applications are made under the direction or guidance of state or local health departments.

SFIREG Issue Paper: Pollinator protection language conflicts between “Environmental Hazards” statements and “Directions for Use” instructions found on new neonicotinoid pesticide product labels

**Priority:** High

#### Issue:

USEPA recently established requirements for specific language on labels of foliar applied neonicotinoids (and selected other pesticides) to mitigate risk to bees. Some of these product labels also include prescriptive environmental hazard statements that can override the new directions for use. An example (among many product labels) is imidacloprid (Admire Pro).



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, DC 20460

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

April 11, 2024

Steve Dwinell, Chairperson  
State FIFRA Issues Research and Evaluation Group

Subject: Responses to September 1, 2023 SFIREG Issue Paper: Mosquito Adulticide Mist Blower Use in Residential Settings

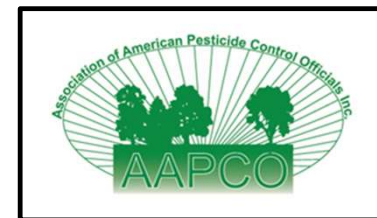
Dear AAPCO and SFIREG Colleagues,

Thank you for the submission of the State FIFRA Issues Research and Evaluation Group (SFIREG) Issue Paper: “Mosquito Adulticide Mist Blower Use in Residential Settings.” On April 12, 2022, SFIREG submitted a draft issue paper requesting clarification on EPA’s process for assessing residential bystander risk associated with the use of power mist blower mosquito adulticide applications and the Agency provided a response on October 11, 2022 (see attachment). On

## Visit AAPCO’s website for SFIREG documents

<https://aapco.org/documents/>

# AAPCO – 2025 Committees



<https://aapco.org/>

- **Check Sample Program** - *Ping Wan, OISC*
- **Laboratory Committee** - *Ashley Pierce, VA*
- **Nominations** – *Gretchen Paluch, IA*
- **PIRT Steering** – *Bob Blankenburg, AK*
- **PREP Steering** – *Kelly Friend, FL*
- **SFIREG** - *Steve Dwinell, VT*
- **Spring 2026 Meeting** – *Brian Verhougstraete, MI*
- **Worker Protection** - *Kelly Friend, FL and Patrick Farquhar, NC*
- **Life Membership & Memorials** - *Pat Jones, NC*



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## **SFIREG Joint-Working Committees**

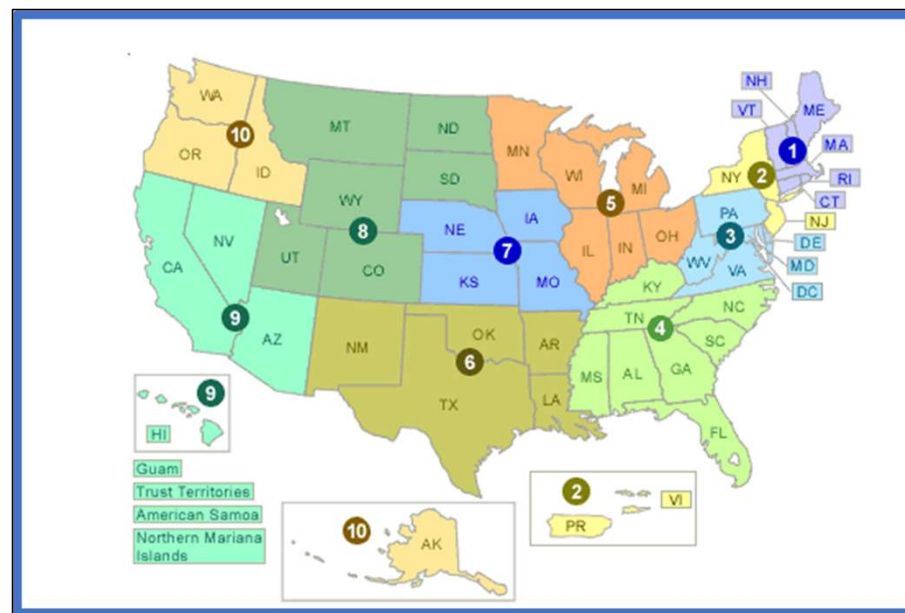
The State FIFRA Issues, Research, and Evaluation Group (SFIREG) is a Standing Committee of AAPCO that serves as the primary mechanism to address national pesticide concerns. States and Territories are represented by 10 Regional Representatives who are responsible for bringing issues to SFIREG.

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Full SFIREG discusses issues that have widespread significance and how best to resolve the issues, including seeking EPA's assistance.

Full SFIREG is supported by Working Committees:

- Pesticide Operations and Management (POM)
- Environmental Quality Issues (EQI)
- Endangered Species Implementation (ESI)





<https://aapco.org/2015/07/31/aapco-2/>



<https://aapco.org/>

# AAPCO – 2025 Workgroups



<https://aapco.org/>

- **Industry Relations** - *Derrick Lastinger, GA and Janet Hou, BASF*
- **Pollinator Protection** - *Pat Jones, NC*
- **25(b) Improvement** - *Daniel Duer, PA, Samantha Tochen, WA and Kim Nemeth, Procter & Gamble*
- **Technology** - *Nathan Davis, OISC*
- **Endangered Species** – *Harris Walters, FL and Kelly Navinsky-Wenzl, KS*
- **E-Commerce** - *Toby Primbs, OR*
- **Meeting Arrangements** – *Steve Dwinell, VT*
- **NEW! Devices** – *Jolynn Morris, CO and Kim Nemeth, Procter & Gamble*



## Activities & Outlook

- 2026 Annual Meeting, March 1-4<sup>th</sup>, Hilton Old Town Alexandria, VA
- SFIREG JWC Meeting, April 7-8, Austin, TX
- Full SFIREG Meeting, June 2-4 **VIRTUAL**

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- 2025 PREP Courses– Senior Executive Program Management, Comprehensive Combo, Endangered Species

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- Annual Review of AAPCO Policies and Financials
  - Support for SFIREG – grant, new JWC, issue papers
  - Multiple AAPCO Workgroups
  - Communication and Coordination Efforts – ongoing (!)
    - Associations (various; multiple liaisons)
    - Pesticide Regulatory Education Program (**PREP**)
    - State FIFRA Issues, Research, and Evaluation Group (**SFIREG**)
    - Pesticide Inspector Residential Training Program (**PIRT**)
    - Pesticide Safety Education Program (**PSEPs**)
    - Tribal Pesticide Program Council (**TPPC**)



GP

# THANK YOU!!!

## Please Place Questions in Chat

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