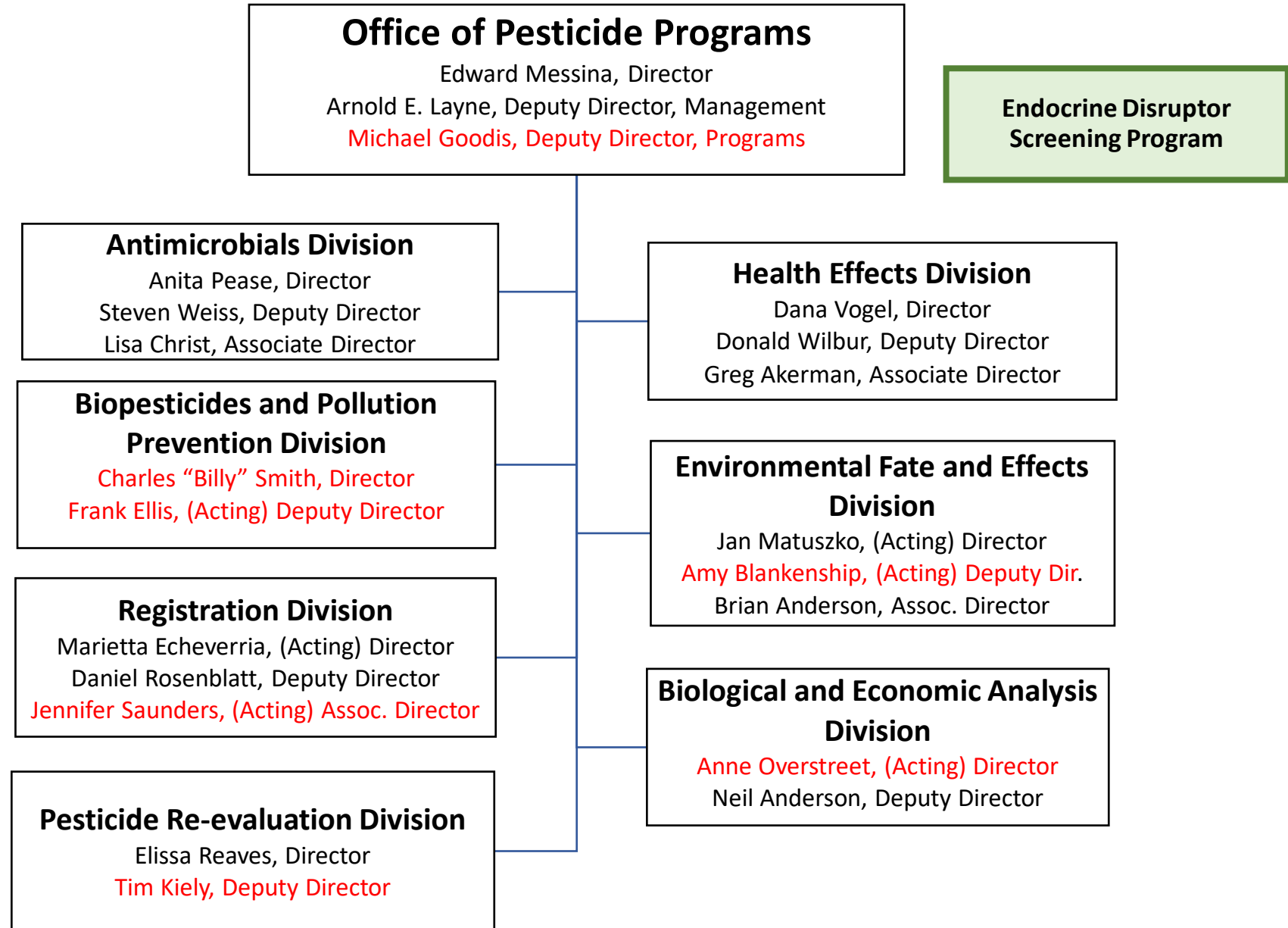


Office of Pesticide Programs (OPP) Update

**ASPCRO Meeting
August 17, 2022**

**Michal Goodis, Deputy Director
Office of Pesticide Programs
U.S. Environmental Protection Agency**







We've Moved!

- The move from Potomac Yard to Federal Triangle is complete.
- Senior managers have been in the building since end of February, supervisors since end of March, and staff started back the last week of April.
- Employees who relocated have been issued new telephone numbers.
- Websites are updated regularly with new contact information.
- Please be patient - there are a number of transitions underway (figuring out where everything is in a new building, unpacking, hybrid environment working).





OPP-wide Priorities

- Registration
 - PRIA 5 Technical assistance
- Registration Review
- ESA Implementation
- Implementation of Agency Priorities
 - Environmental Justice
 - Climate Change
- Advancing State of the Art Science
- Rule-Making, Guidance, Litigation, OIG, and Petition Responses
- Employee Experience/Organizational Development /Process and IT Improvements (GP2W)(People, Processes, and Technology)

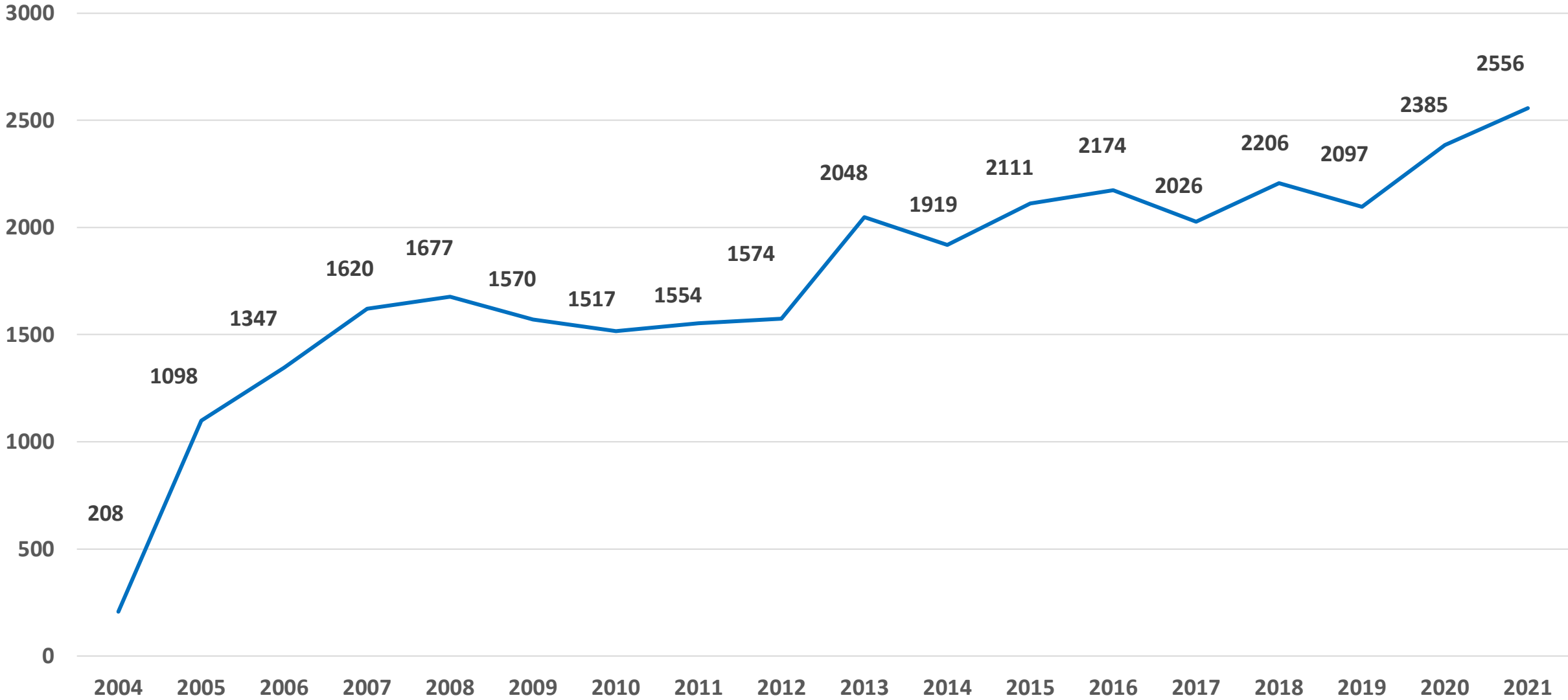


OPP FY21 Registration Highlights

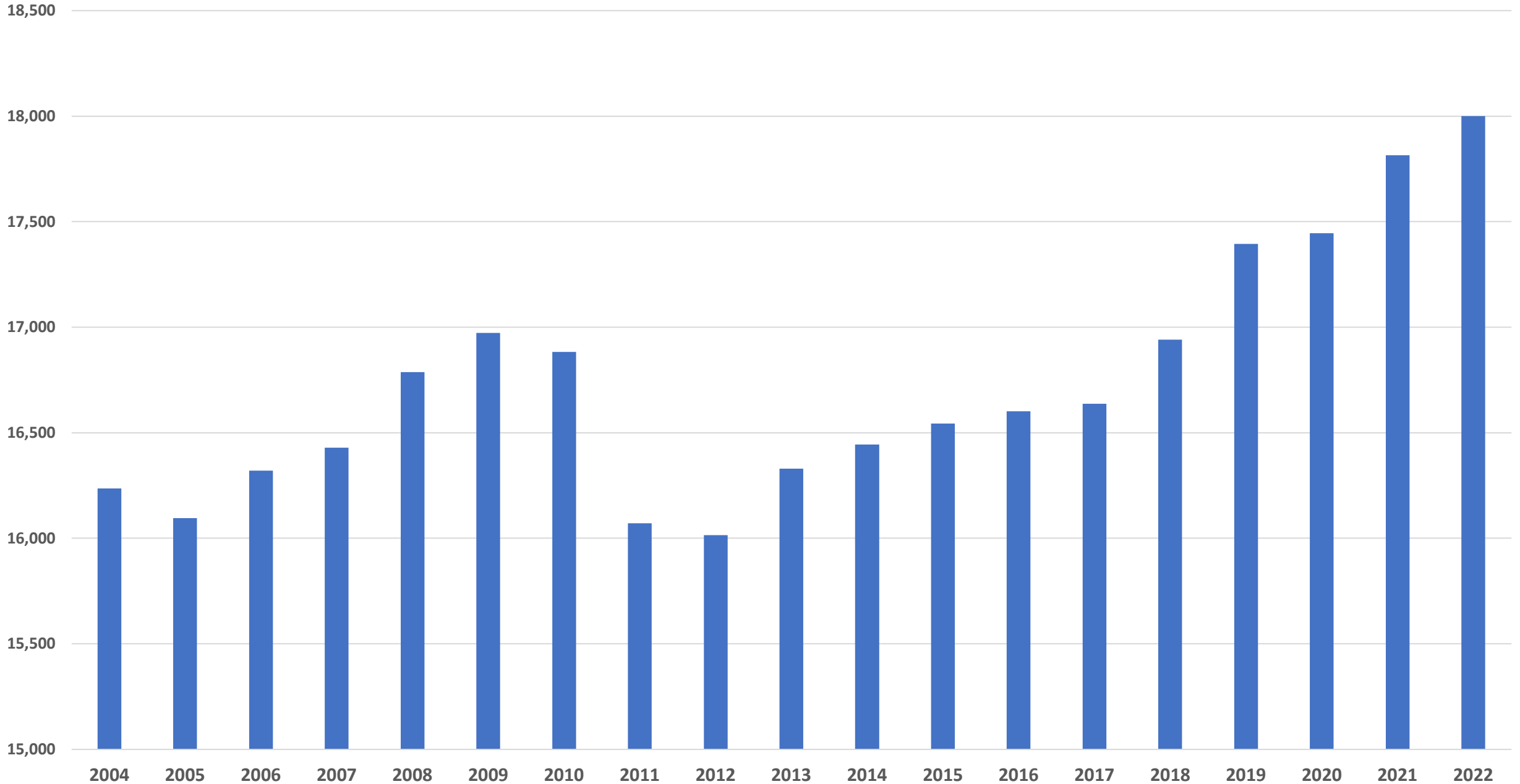
- Over **11,000** submissions via Portal
- Over **5,000** registration actions completed
- **2,556** PRIA applications completed
- Registered **14** new active ingredients
- Over **2,800** non-PRIA actions completed
- **60** Section 18 emergency exemption decisions (Asian citrus psyllid, foot and mouth disease, weedy rice, glyphosate-resistant palmer amaranth, coffee leaf rust, brown marmorated stink bug, and hemlock woolly adelgid)
- Responded to over **100** congressional inquiries.
- Responded to high volume of COVID-19 related inquiries congressional (**58**), ombudsman (**1,600**), devices (**700**), disinfectants list (**487**), efficacy (**251**), pre-application meetings (**48**).



PRIA Completions: FY2004 - FY2021

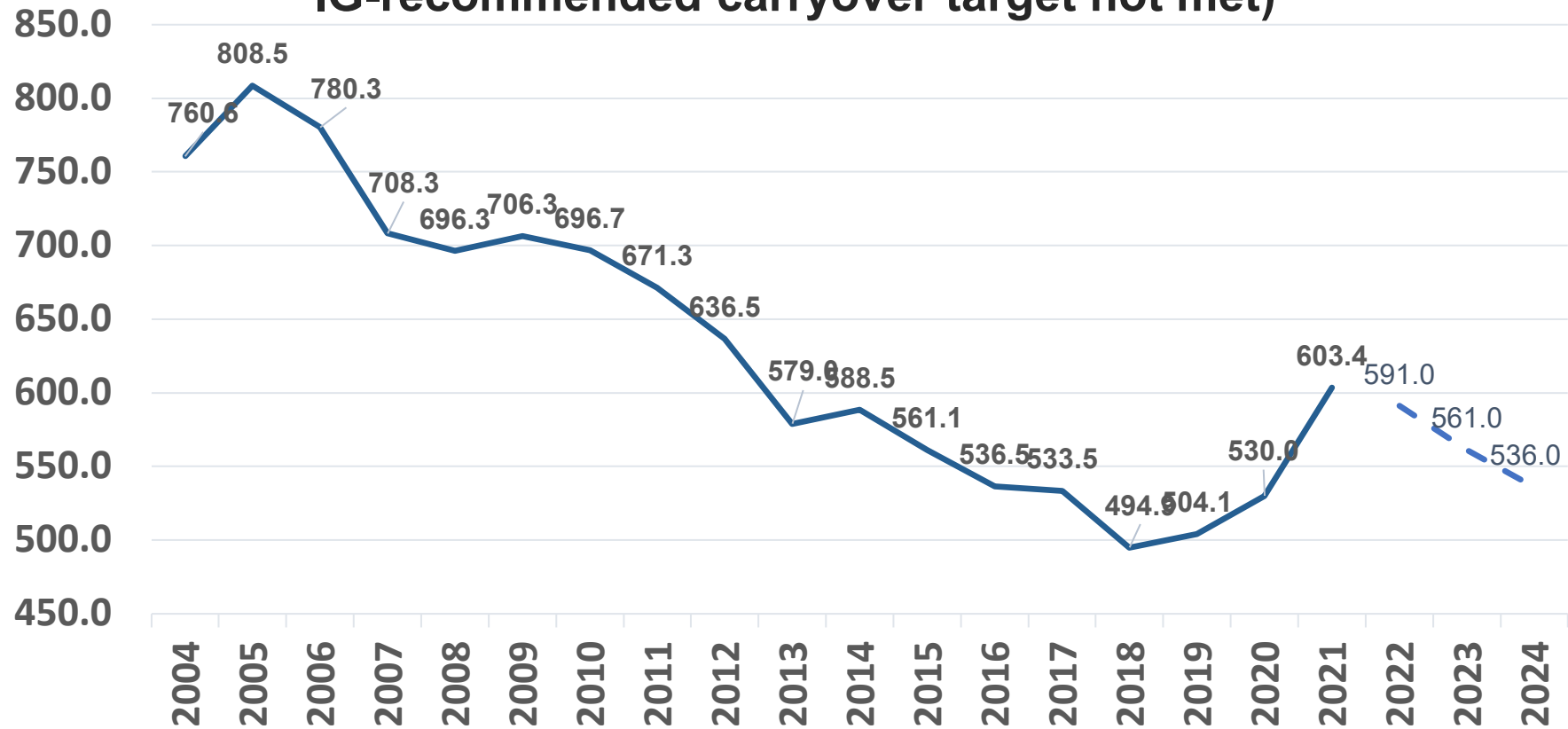


Section 3 Product Registrations, 2004-2022





EOY Total FTE Usage for OPP from FY 2004 - FY 2024 (Protect FTEs; Significant contracts reduction and IG-recommended carryover target not met)



95 FTE deducted from the OCSP Program funding levels to normalize the data to reflect OCSP Reorganization and those FTE being moved to OPS.



U.S. Pesticide Legislation

- **Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)**
 - Registration/Licensing, registration review
- **Federal Food, Drug, and Cosmetic Act (FFDCA)**
 - Tolerances/maximum residue levels (MRLs) for residues in food
- **Food Quality Protection Act (FQPA)**
 - Primarily amended FFDCA by establishing new standard
- **Pesticide Registration Improvement and Renewal Act (PRIA 1, 2, 3, & 4)**
 - Amended FIFRA by adding registration fees and decision review periods
- **Endangered Species Act**
 - Protect endangered wildlife and plants

What is Registration Review?

- Under FIFRA section 3(g), each pesticide is required to be reviewed every 15 years.
- Initial Registration Review represents chemicals registered prior to October 1, 2007:
 - Includes 726 “cases” encompassing over 1,100 pesticide active ingredients
 - Cases may include more than one active ingredient that are similar enough to rely on the same set of data.
 - Must be completed not later October 1, 2022
 - Work continues with Endangered Species Assessment and Endocrine Disruptors Screening Program



FY22 Q3 Registration Review Highlights

- 679 draft risk assessments completed (~94% complete!)
- 620 proposed interim decisions complete (~85% complete!)
- 577 final or interim decisions complete (~80% complete!)
- Reviewed ~700 Registration Review labels and approved ~550 labels in FY2022



Endangered Species Act (ESA)

- Implement newly issued ESA-FIFRA Workplan
- ESA implemented as part of registration and registration review consistent with Long-term Performance Goals in the FY2022-2026 Strategic Plan
- Implement Biological Opinions received from the Services, including Malathion and the salmonids
- Complete Biological Evaluations and/or Effects Determinations in accordance with Litigation Settlement Schedule
- Implement new policy for conventional and some biopesticide new active ingredients (next slide)



Endangered Species Act Protection Policy for New Pesticides

- On January 11, 2022, EPA announced Endangered Species Act Protection Policy for New Pesticides
- Policy will advance protection of federally listed threatened or endangered species before registering new conventional pesticide active ingredients
- Prior to registering any new conventional active ingredient (AI), EPA will:
 - evaluate the potential effects of the AI on federally threatened or endangered (listed) species and their designated critical habitats
 - initiate ESA consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (the Services), as appropriate



Sulfoxaflor

- On July 19th, EPA released its draft biological evaluation (BE) for the insecticide sulfoxaflor.
- This BE contains EPA's analysis of the potential effects of sulfoxaflor on federally listed endangered and threatened (listed) species and designated critical habitats.
- The draft BE will be available for comment for 60 days in docket [EPA-HQ-OPP-2010-0889](#).
- This evaluation is part of EPA's efforts to meet its obligations under the Endangered Species Act (ESA).
 - This work furthers the goals outlined in [EPA's April 2022 ESA Workplan](#) to provide practical protections from pesticides for listed species.



Sulfoxaflor

- As part of its assessment, EPA evaluated the effects of sulfoxaflor on over 1,700 listed species and over 800 designated critical habitats in the United States.
- The draft BE finds that sulfoxaflor is likely to adversely affect certain listed species and designated critical habitats.
 - The “likely to adversely affect” (LAA) determination means that EPA reasonably expects that at least one individual animal or plant, among a variety of listed species, may be exposed to sulfoxaflor at a sufficient level to have an adverse effect.
 - This is the case even if a species is almost recovered to a point where it may no longer need to be listed.



Sulfoxaflor

- In this BE, EPA also predicted the likelihood that sulfoxaflor use could lead to jeopardy for certain listed species or adverse modification of designated critical habitats.
- EPA determined that sulfoxaflor:
 - Will cause no effect to 35 percent of listed species and 52 percent of critical habitats;
 - May affect but is not likely to adversely affect 31 percent of listed species and 35 percent of critical habitats;
 - Is likely to adversely affect but EPA predicts the likelihood that use will not:
 - Cause jeopardy to 27 percent of listed species
 - Adversely modify 9 percent of critical habitats; and
 - Is likely to adversely affect and EPA predicts the likelihood that use may:
 - Cause jeopardy to 7 percent of listed species
 - Adversely modify 4 percent of critical habitats.



Sulfoxaflor

- EPA has begun discussions with the registrant to determine what additional mitigation measures could be implemented in the near term to further protect listed species and critical habitats.
- The registrant recently proposed additional amendments to sulfoxaflor product labels that include certain mitigation measures. EPA may consider mitigations in addition to those proposed by the registrant, such as adding or increasing buffers, imposing geographical use limits, or incorporating additional methods to reduce pesticide drift.
- EPA encourages public comments on the proposed label amendments and other mitigation measures that may be appropriate.
- After considering public comments on the draft BE and any additional mitigations that are agreed upon with the sulfoxaflor registrant, EPA will issue a final BE.



Enlist Product Registrations

- On January 11, 2022, EPA issued seven-year registrations for Enlist Duo and Enlist One, herbicides used to control weeds in conventional and genetically-modified corn, cotton, and soybean crops.
- The new product labels, which incorporate robust control measures to protect non-target plants and animals, meet FIFRA standards and comply with the ESA.
- Both products were set to expire in January 2022 if the Agency did not renew their product registrations.
- Based on EPA's thorough analysis of scientific data, evaluation of cost-benefit information, and discussions with industry stakeholders, the Agency has determined that Enlist products meet the standard for registration under FIFRA as well as comply with the ESA.
- On March 29, 2022, EPA approved the use of Enlist One and Enlist Duo in 134 additional counties.
- Enlist One and Enlist Duo can now be used in all counties of Arkansas, Kansas, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, and South Dakota.
- In Texas, Enlist products can now be used in Bowie, Cooke, Fannin, Grayson, Lamar, and Red River counties.



Dicamba

- On December 21, 2021, EPA provided a summary of dicamba-related incident reports from the 2021 growing season obtained from pesticide registrants, States, the general public, and non-governmental organizations.
- EPA received approximately 3,500 dicamba-related incident reports for the 2021 growing season. These incident reports indicate four major findings:
 - More than one million acres of non-dicamba-tolerant soybean crops were allegedly damaged by off-target movement of dicamba;
 - A range of non-target agricultural crops were allegedly affected by dicamba, such as sugarbeets, rice, sweet potatoes, peanuts, and grapes;
 - Dicamba allegedly damaged non-agricultural plants and trees, such as those that grow near homes and in wild areas, including a 160,000-acre wildlife refuge; and
 - More than 280 incident reports came from counties where additional restrictions are required to protect endangered species when dicamba is applied to dicamba-tolerant soybean and cotton crops.



Dicamba

- Based on prior research and numerous stakeholder meetings, EPA has reason to believe the number of incidents reported significantly understates the actual number of incidents related to dicamba use.
- Given the new information from the 2021 growing season, EPA is reviewing whether over-the-top dicamba can be used in a manner that does not pose unreasonable risks to non-target crops, other plants, or listed species and their designated critical habitats.
- The regulatory tools that the Agency could use to address the extent and severity of the alleged dicamba-related incidents are unlikely to be fully implemented by the 2022 growing season due to the statutory processes the Agency is required to follow.



Dicamba

- On May 16, 2022, EPA filed a report on the status of its ongoing evaluation of options for addressing future dicamba-related incidents relevant to any potential regulatory action related to the 2020 dicamba registrations.
- In the Court required report, EPA explained that it:
 - implemented state-specific restrictions in certain states
 - remains committed to working with states interested in addressing issues related to incidents in their jurisdictions
- For example, following registrant requests to amend their labeling in partnership with Iowa and Minnesota, the Agency implemented restrictions intended to reduce likelihood of volatility and offsite movement of over-the-top dicamba in those states.



Dicamba

- For the 2023 growing season and beyond, EPA will continue to review whether over-the-top dicamba can be used in a manner that does not pose unreasonable risks to non-target crops and other plants, or to listed species and their designated critical habitats.
- EPA is committed to evaluating the regulatory tools that it could use to address dicamba-related incidents and communicating with over-the-top dicamba registrants to discuss their proposals for addressing dicamba incidents.
- On March 18, 2022, EPA received a request from Registrant Bayer to amend the 2020 registration for Bayer's XtendiMax product.
- Currently, EPA is collecting information on the 2022 growing season from various stakeholders including state regulators, academics, and registrants. Information from stakeholders will continue to be important to EPA's decisions moving forward.
- In particular, EPA has been in regular communication with the Association of American Pesticide Control Officials and extension weed specialists who have been active on the dicamba issues.



Dicamba

- Registration review has been initiated for dicamba.
- Registration review considers all current dicamba registrations, not just those from the 2020 registration decision.
- The draft risk assessment is scheduled for publication this week and will be posted for a 60-day public comment period on [regulations.gov](https://www.regulations.gov).
- EPA welcomes your comments as we consider registration review for all uses of this active ingredient, including the OTT uses.



Atrazine

- On June 30, EPA released proposed revisions to the Agency's September 2020 atrazine interim decision (ID) for public comment.
- The ID in the registration review process allows EPA to begin implementing measures to mitigate risks of concern before a final decision is issued.
- EPA is now proposing additional mitigation to protect aquatic plant communities.
- EPA is proposing the following measures for all atrazine labels in order to decrease atrazine runoff from treated fields:
 - Prohibit application when soils are saturated or above field capacity (i.e., the soil's ability to retain water);
 - Prohibit application during rain or when a storm event, likely to produce runoff from the treated area, is forecasted to occur within 48 hours following application;
 - Prohibit aerial applications of all formulations; and
 - Restrict annual application rates to 2 pounds of active ingredient or less per acre per year or less for applications to sorghum, field corn, and sweet corn.



Atrazine

- EPA is also proposing to add a “picklist” to labels that would require growers to select a combination of application rate reductions and/or runoff control measures when using atrazine in watersheds with atrazine concentrations that exceed the CE-LOC of 3.4 µg/L.
- The number of runoff control practices from the picklist that a grower would be required to implement depends on the:
 - estimated atrazine concentration in the watershed where the field is located and that watershed’s vulnerability to atrazine runoff, as well as the grower’s selected application rate.
- The higher the application rate and the higher the estimated atrazine concentration in the watershed, the greater the number of mitigation practices that may be necessary.
- The picklist approach provides growers with the flexibility to select the runoff control practices that would be least burdensome to adopt.
- The practices a grower selects may depend on a variety of factors including crop, geographic region, and field topography.
- The picklist mitigation requirements are tailored geographically, down to the watershed level, in order to focus the mitigation on the areas with the greatest risk and vulnerability.



Atrazine

- The public comment period is now open for the Proposed Revisions to the Atrazine Interim Registration Review Decision in the atrazine registration review docket at [regulations.gov](https://www.regulations.gov).
 - Public comments will be accepted for 60 days upon publication of the Federal Register notice.
- EPA also intends to seek external peer review of the risks to the aquatic plant community that underlies this proposed risk management strategy:
 - This is in line with the Agency's commitment to science and scientific integrity, and will incorporate the feedback it receives into its final revisions to the ID.



Chlorpyrifos

- In August 2021, EPA issued the final rule revoking all “tolerances” for chlorpyrifos, which establish an amount of a pesticide that is allowed on food.
- The rule was issued in response to the Ninth Circuit’s order directing EPA to issue a final rule in response to the 2007 petition filed by Pesticide Action Network North America and the Natural Resources Defense Council.
- After issuing the August 2021 final rule, EPA provided an opportunity for any person to file an objection to any aspect of the final rule and request a hearing on those objections.
 - The deadline for all objections and hearing requests was October 29, 2021.
- On February 25, 2022, EPA announced the denial of all objections, hearing requests, and requests to stay the final rule filed during the period for submitting responses to the final rule.
- On February 28, 2022, all chlorpyrifos tolerances expired. Also on that same day, EPA published the denial of all objections to its August 2021 rule. At this time, using chlorpyrifos on food and feed crops after this date will result in adulterated food, which cannot legally be shipped in interstate commerce.



Chlorpyrifos

- In March 2022, the 8th Circuit Court denied a motion to stay the tolerance rule and dismissed a petition seeking review of the chlorpyrifos final rule revoking tolerances for lack of jurisdiction. Two other petitions challenging EPA’s final rule and order denying objections were consolidated into a single action, which remains pending before the 8th Circuit Court.
- On July 22, EPA filed a brief in an 8th Circuit case, challenging the Agency’s August 2021 final rule revoking all tolerances for chlorpyrifos and its February 2022 order denying objections to the final rule and requests to stay the final rule.
- This brief explains that, under the FFDCA, EPA may only leave a tolerance in place if the Agency concludes that aggregate exposure to a pesticide chemical residue is “safe.”



Chlorpyrifos

- Continuing registration review of chlorpyrifos for remaining non-food uses.
- EPA is continuing to review the comments submitted on the chlorpyrifos proposed interim decision, draft revised human health risk assessment, and draft ecological risk assessment.
- After considering public comments, EPA will proceed with registration review for the remaining non-food uses, which may propose additional measures to reduce human health and ecological risks.
 - These documents are available in the chlorpyrifos registration review docket EPA-HQ-OPP-2008-0850 at www.regulations.gov.



Glyphosate and Prop 65

- On April 8, 2022, EPA responded to CA EPA, Office of Environmental Health Hazard Assessment's (OEHHA) proposed revised Proposition 65 safe harbor language for glyphosate pesticide products.
- EPA recognizes that the revised safe harbor language proposed by the Office of Environmental Health Hazard Assessment (OEHHA) acknowledges the EPA position.
 - *CALIFORNIA PROPOSITION 65 WARNING: Using this product can expose you to glyphosate. The International Agency for Research on Cancer classified glyphosate as probably carcinogenic to humans. US EPA has determined that glyphosate is not likely to be carcinogenic to humans; other authorities have made similar determinations. A wide variety of factors affect your potential risk, including the level and duration of exposure to the chemical. For more information, including ways to reduce your exposure, go to www.P65Warnings.ca.gov/glyphosate.*



Glyphosate Ninth Circuit's Ruling

- The Ninth Circuit's ruling vacated the human health portion of the glyphosate ID and remanded it to EPA for further analysis and explanation; but the scientific conclusions regarding the cancer classification and associated documents remain the same at this time. Therefore, EPA continues to have the same position on the proposed language for the Proposition 65 safe harbor warning expressed in the April 8, 2022 letter to OEHHA.
- The Court found that the ID triggered ESA requirements and granted EPA's motion for remand without vacatur on the ecological risk assessment but required a new ecological portion of the ID by the October 2022 registration review deadline.



Rodenticides

- The draft risk assessments for the rodenticides were completed in 2020. The comment period has closed and comments are being considered in drafting the Proposed Interim Decisions, which EPA plans to issue later in 2022.
- The Interim Decisions for the rodenticides are scheduled for 2023.



Certification of Pesticide Applicators Rule

- EPA has thoroughly reviewed all 68 state, territory, tribal and federal agency certification plans. Agency feedback is being addressed.
- Prior to October 1, 2021, we were unable to take action on revising the certification rule because of a prohibition of such actions imposed by the Pesticide Registration Improvement Act of 2018 (PRIA 4).
- EPA issued a rule extending the date by which plans must be approved and ensure existing plans can remain in place to November 4, 2022.
- EPA also issued a [proposed rule for public comment on the need for extending the expiration date beyond November 4, 2022.](#)
- 22 comments were submitted to the docket regarding the extension.
- A final rule is being developed and anticipated this week.



Broad Efforts on PFAS

- Adm. Regan established an EPA Council on PFAS in April 2021
 - Whole of EPA approach for addressing PFAS Issues
 - Members from across National Programs and Regions
 - <https://www.epa.gov/pfas>
- Key council output is Strategic Roadmap which outlines principles, goals, activities, and commitments
 - Key Principles
 - Considering the lifecycle of PFAS, Getting upstream of problem, Holding polluters accountable, Science-based decision making, Prioritizing disadvantaged communities
 - <https://www.epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024#council> & https://www.epa.gov/system/files/documents/2021-10/pfas-roadmap_final-508.pdf
- National Testing Strategy is also a critical effort
 - <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/national-pfas-testing-strategy> & <https://www.epa.gov/system/files/documents/2021-10/pfas-natl-test-strategy.pdf>
- Within OCSPP there are many activities ongoing
 - OPPT
 - Initial test order under national testing plan issued, more coming soon
 - Toxic Release Inventory updates, 5 PFAS recently added
 - Efforts ongoing to ensure a robust review process for new PFAS and existing PFAS
 - Finalize new PFAS reporting under TSCA Section 8. Expected Winter 2022.
 - OPP
 - FDA opened a 90-day comment period on fluorinated polyethylene containers for food contact use citing EPA work.
 - Planned release in August of container leaching study.
 - Proposing to remove certain chemicals from the current list of approved inert ingredients with public comment period.



Climate Change

- Climate Change Adaptation Implementation Plan being developed
 - taking action to prepare for and adjust to both the current and projected impacts of climate change
- The Climate Adaptation Plan has five following priorities:
 - Integrate climate adaptation into EPA programs, policies, rulemaking processes, and enforcement activities
 - Consult and partner with states, tribes, territories, local governments, environmental justice organizations, community groups, businesses, and other federal agencies
 - Implement measures to protect the agency's workforce, facilities, critical infrastructure, supply chains and procurement processes from the risks posed by climate change
 - Measure and evaluate performance
 - Identify and address climate adaptation science needs
- OCSPP developed measures and beginning to implement actions to consider climate change.



Pollinator Activities

- Pesticides and Pollinators Outreach Efforts
 - OPP's Center for Integrated Pest Management/Region 3 webinar on IPM strategies for beekeepers
 - Partnership with SFIREG on pollinators and pesticides education materials
- August 2021 SFIREG Issue Paper on Pesticide Misuse and Managed Pollinators
 - OCSPP and OECA formed a working group in Fall 2021 to consider the issues raised. A draft response is in management review.
- National Pollinator Week June 20-26:
 - EPA and other federal agencies are developing approaches for identifying and implementing earlier mitigation measures for a dozen species that are particularly vulnerable to pesticides.
 - EPA's vulnerable species pilot, is an effort to identify and implement mitigations across broad groups of pesticides to protect a particular species.
 - EPA launched new webpage that provides resources to learn about pollinator protection activities.



Questions & Answers