

ESA SME Liaison to EPA OPP Report for September 15, 2022 - November 15, 2022
Submitted by Allan Felsot (afelsot@wsu.edu), Washington State University

Activities Highlights

After six years, this report is the last that I am submitting as EPA SME liaison. I appreciate the opportunity to serve our organization that was also a great learning experience for me. This position that was created in cooperation with the EPA Office of Pesticide Programs (specifically the BEAD, Biological and Economic Analysis Division) has engendered a much better appreciation for operations of the Office of Pesticide Programs and the agency's thorough analysis of every pesticide under registration review. I hope our constituents via my reporting of EPA activities appreciated the plethora of EPA efforts to carry out their statutory mandate to protecting human health and the environment while also ensuring pesticides were available as needed for crop and public health protection. I found the EPA scientists to work independently of outside influences but also willing to seek information from academic scientists, pesticide registrants, and the public. I learned that one of the biggest information gaps that EPA has but that ESA members can provide is data specifically about how pesticides are used in the field under real environmental conditions. I think the EPA SME program in partnership with OPP also enabled a series of public webinars about various topics in IPM that were oriented to communicating the problems in controlling pests in ways that were simultaneously effective while reducing the potential for adverse environmental and health impacts.

During the first 4 years of my service I was able to periodically travel to EPA OPP headquarters and interact directly with EPA scientists in the various divisions of OPP. The Pandemic protocols brought a halt to those 'in person' interactions but I was still able to interact via virtual conferencing, albeit covering a more limited scope than when attending the discussions with EPA staff at their headquarters. I was able to give a seminar to EPA staff on modern technologies for application of insecticides as well as a national webinar about how landscape diversity would enhance both biological control and conservation of pollinators. I was able to bring up concerns from ESA constituents and communicate them to EPA staff in BEAD, the OPP division that served as the contact point for the SME position.

Although I have turned 72 y, I still plan to continue in my faculty position at Washington State University and over the last decade have taken on an intensive teaching load of four classes a semester. Because my area of research interests overlap with the subject matter of some of the courses that I teach, I am always available to our ESA colleagues to answer questions about the chemistry and toxicology behind the pesticide controversies of the day and in the news. In addition to teaching, I continue to hold a partial appointment in the WSU Extension Service and speak at Pesticide Safety & Education workshops for recertification of pesticide application license holders. Thus, I am committed to continuing to be an independent voice for communicating about any pesticide issues and invite ESA colleagues to contact me for information and/or discussions.

EPA Announcements of Interest to ESA Members

EPA Webinar on Progress in Implementing Endangered Species Risk Analysis and Mitigation (October 21, 2022) (<https://www.epa.gov/pesticides/epa-hosting-webinar-protecting-species-through-pesticide-registration-review>)

On November 17, 2022, the EPA is holding a public webinar to update agency efforts to better protect non-target species, including federally listed endangered and threatened (listed) species, from registered conventional pesticides. This webinar is a follow-up to EPA's April 2022 Workplan outlining actions that will help EPA meet its obligations under the Endangered Species Act (ESA). The webinar will include information on practical protections for non-target organisms, including listed species that EPA expects to adopt as part of many future registration review decisions.

During the webinar, EPA staff will discuss:

- Efforts to develop mitigation measures to protect species during the registration review process for conventional pesticides.
- The continued use of Bulletins Live! Two as a tool to set forth geographically specific pesticide use limitations to protect certain listed species.
- Additional approaches for advancing the second and third strategies in the April 2022 Workplan: improving approaches to ESA mitigation and improving the interagency consultation process.
- Opportunities for public participation.

The Nov. 17 meeting will be held via webinar from 1-2:30 p.m. EST. A meeting link and agenda will be sent to everyone who registers for the event. To register and find out more about the meeting background, go to URL <https://www.epa.gov/pesticides/epa-hosting-webinar-protecting-species-through-pesticide-registration-review>.

EPA Provides Annual Notification of Updates to the Environmental Chemistry Methods Index for Monitoring Pesticide Residues (October 27, 2022) (<https://www.epa.gov/pesticides/epa-provides-annual-notification-updates-environmental-chemistry-methods-index>)

The U.S. Environmental Protection Agency (EPA) is providing an annual summary of additions to the Environmental Chemistry Methods (ECM) Index made during FY 2022. The ECM Index is a list which currently includes 889 analytical methods for monitoring pesticide residues, primarily in soil or water.

ECMs may be used in conjunction with Aquatic Life Benchmarks and Ecological Risk Assessments for Registered Pesticides, which are estimated concentrations below which pesticides are not expected to present a risk of concern for freshwater organisms. Comparing concentrations of a pesticide in water using ECMs to Aquatic Life Benchmarks can be helpful in interpreting monitoring data and in identifying and prioritizing monitoring sites for further investigation.

EPA Responds to Petition and Releases Revised Human Health Risk Assessment for Tetrachlorvinphos (October 12, 2022) (<https://www.epa.gov/pesticides/epa-responds-petition-and-releases-revised-human-health-risk-assessment>)

EPA released a revised human health risk assessment for the pesticide tetrachlorvinphos (TCVP) and its registered pet uses to control various insects including public health pests such as fleas, ticks, flies, lice, and pest larvae. Based on this assessment, the Agency is issuing a partial grant / partial denial of the Natural Resources Defense Council's (NRDC) 2009 petition to cancel all pet uses of TCVP and is moving to draft a proposed Notice of Intent to Cancel (NOIC) the TCVP pet collars registrations. Having conducted an extensive evaluation of available data on TCVP's potential human health impacts, EPA finds that there are unacceptable risks from pet collars for children exposed when contacting pets wearing collars and is granting the petition as to pet collars containing TCVP. However, it is EPA's understanding that the registrant is currently working on two studies related to the risks of TCVP from pet collars and plans to submit that data to EPA by the end of the year.

EPA Proposes Early Mitigation to Help Protect Endangered Species from Methomyl (September 30, 2022) (<https://www.epa.gov/pesticides/epa-proposes-early-mitigation-help-protect-endangered-species-methomyl>)

EPA is proposing revisions to the 2020 Proposed Interim Decision (PID) for methomyl insecticide. The revised methomyl PID is a pilot case for identifying and proposing early mitigation for vulnerable endangered species through the registration review process while formal endangered species consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (the Services) is ongoing. This effort initiates one of four strategies EPA identified in its comprehensive 2022 Endangered Species Act (ESA) workplan that aims to improve protection for listed species meet the Agency's ESA obligations.

Proposed mitigation measures include prohibition of methomyl use in some areas, and measures that minimize methomyl spray drift and runoff in areas that extend over the pilot species' range and critical habitat.

EPA Updates Aquatic Life Benchmarks for Registered Pesticides and Antimicrobial Chemicals (September 29, 2022) (<https://www.epa.gov/pesticides/epa-updates-aquatic-life-benchmarks-registered-pesticides-and-antimicrobial-chemicals>)

The U.S. Environmental Protection Agency (EPA), in collaboration with the California Department of Pesticide Regulation and the U.S. Geological Survey, has released an updated version of the Aquatic Life Benchmarks. These benchmarks are estimates of the concentrations below which pesticides (including conventional pesticides and antimicrobial chemicals) are not expected to present a risk of concern for freshwater organisms. The lists of updates is located at URL <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/summary-september-2022-updates-aquatic-life>. The updated and modified lists include a number of older and newer insecticides/acaricides.

EPA Responds to Treated Seed Petition (September 28, 2022) (<https://www.epa.gov/pesticides/epa-responds-treated-seed-petition>)

EPA responded to a petition filed by the Center for Food Safety (CFS) with and on behalf of beekeeper, farmer, and public interest groups. The petitioners asked the Agency to interpret or amend the treated article exemption at 40 C.F.R. §152.25(a) so that it does not cover seeds treated with systemic pesticides, and to aggressively enforce registration and labeling requirements for such treated seed. The petition filed in April 2017 by CFS claims that EPA did not adequately assess the risks from use of seed treatment pesticides that have systemic properties and use of the seed treated by such pesticides. The petition also claims that the treated article exemption may not cover treated seed without an adequate assessment of the risks.

EPA does not agree with the petition claims as to the treated article exemption and thus is not granting the petition requests to either interpret or amend the regulatory text for the exemption to categorically exclude seed treated with systemic pesticides from the exemption. However, EPA agrees with the petitioners' concerns on clearly communicating the labeling instructions to the users of the treating pesticide and the treated seed. The Agency has been reviewing labeling instructions for pesticides registered for seed treatment use(s) in registration and registration review to ensure there are complete and appropriate instructions for the distribution, sale, and use of both the treating pesticide and the treated seed. EPA intends to issue an advanced notice of proposed rulemaking (ANPRM) to seek additional information on whether or to what extent pesticide-treated seed is being distributed, sold, or used in a manner inconsistent with treating pesticide labeling.

Pesticide Registration Review Deadline: Status Update and Plans for Remaining Work (September 25, 2022) (<https://www.epa.gov/pesticides/pesticide-registration-review-deadline-status-update-and-plans-remaining-work>)

EPA has updated its progress in meeting the Oct. 1, 2022, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) pesticide registration review deadline for the 726 pesticide cases registered before October 2007. Pesticides without finalized review as of this deadline can remain on the market and be used according to the product label. EPA affirms its aggressive plan to review all remaining pesticide cases and issue decisions to protect humans, endangered species, and the environment, while providing pesticide users with predictability about the legal status of pesticides in registration review.

EPA Finalizes Revisions to Several Pesticide Crop Groupings (September 21, 2022) (<https://www.epa.gov/pesticides/epa-finalizes-revisions-several-pesticide-crop-groupings>)

The U.S. Environmental Protection Agency (EPA) released the sixth final rule in an ongoing series of revisions to the pesticide crop grouping regulations. EPA is expanding the number of commodities in several crop groups, which benefits legume vegetable growers, cereal grain growers, and pesticide registrants while maintaining protections for human health and the environment.

In January 2022, EPA issued a proposed rule for public comment to improve several pesticide crop groupings including amendments to Crop Group 6: Legume Vegetables; Crop Group 7: Foliage of Legume Vegetables; Crop Group 15: Cereal Grains; and Crop Group 16: Forage, Fodder, and Straw of Cereal Grains. This final rule incorporates comments received on the proposed rule and includes adding crop subgroups, changes to representative commodities and terminology, and the addition of commodities and modifications that increase efficiencies in assessing the risks of pesticides used on crops grown in and outside of the United States. Before this final rule, 168 commodities were part of these crop groups. Through this crop group expansion, 248 commodities will now be covered by tolerances for the new crop groups.

EPA Awards Grants to Advance Smart, Sensible, and Sustainable Pest Control in Agriculture (September 15, 2022) (<https://www.epa.gov/newsreleases/epa-awards-grants-advance-smart-sensible-and-sustainable-pest-control-agriculture>)

EPA announced the selection of six recipients that will receive a total of \$780,000 from the Pesticide Environmental Stewardship Program (PESP) grant competition. The selected grantees will explore the use of Integrated Pest Management (IPM) in agriculture over the course of two years to reduce the risk of pests and pesticides. Universities garnering grants include: Oregon State University, Purdue University, University of Florida, University of Tennessee, University of Vermont, and West Virginia University. Other than Oregon State University's project, which is herbicide resistance oriented, the other universities are carrying on projects related to combined integrated pest management and pollinator protection activities.