



**ENTOMOLOGICAL
SOCIETY OF AMERICA**
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Report: November and December 2023
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EPA Announcements of Interest to ESA Members

Sources: Regulations.gov, epa.gov, and EPA Weekly Digest Bulletin

EPA webinar on understanding Bulletins Live! Two system

- Bulletins Live! Two (BLT) is a tool to search for geographically specific pesticide use limitations to protect certain listed species. Under the Endangered Species Act (ESA), the BLT website provides information regarding specified mitigations for the intended pesticide application area. The objective is to ensure that pesticide registrations do not jeopardize the continued existence of federally listed species or adversely modify their designated critical habitats.
- A public webinar was held on November 2023, and provided an overview and access to the Bulletins Live! Two system.
- During the webinar, EPA staff described how Bulletins relate to pesticide labeling; explained the use of Bulletins Live! Two to determine if there are geographically specific mitigations for intended pesticide application areas; demonstrated Bulletins Live! Two using malathion as an example; and addressed frequently asked questions.
- The recording of the webinar can be accessed at: <https://www.youtube.com/watch?v=o0UQCTwifNI> and the slides and notes can be accessed at: <https://www.epa.gov/system/files/documents/2023-11/bulletins-live-two-slides.pdf> and <https://www.epa.gov/system/files/documents/2023-11/webinar-transcript.pdf>

Pesticide Program Dialogue Committee (PPDC) Meeting

- EPA held a public meeting on November 15-16, 2023, to receive feedback on issues related to pesticide regulations, policies, and programs. The meeting had representatives from environmental groups, pesticide manufacturers, trade associations, academia, and federal and state agencies.
- The PDF of the presentations can be found at <https://www.epa.gov/pesticide-advisory-committees-and-regulatory-partners/pesticide-program-dialogue-committee-14>
- Important to highlight the activities of the PPDC resistance management (RM) group, which has been working to promote the adoption and use of resistance management practices by pesticide users (<https://www.epa.gov/system/files/documents/2023-11/f1.-ppdc-resistance-mgmt-workgroup-update.pdf>) and the quantification of the risk of resistance and resistance

management (<https://www.epa.gov/system/files/documents/2023-11/f2.-ppdc-resistance-mgmt-workgroup-update-frisvold.pdf>)

EPA has published updated details of the Vulnerable Species Pilot (VSP)

- The VSP identified 27 federally threatened and listed species that are vulnerable to pesticides, the proposed mitigations to pesticide exposure, and the approach to future pesticide decisions.
- The update is based on the comments received by the agency and represents a framework for how EPA plans to include measures to mitigate risk to threatened and listed species. The agency listed the following topics that are under consideration: 1) narrow the areas within the endangered species range map to only include locations that are important to conserving a species; 2) clarify the scope of the VSP for non-agricultural uses; 3) clarify potential exemptions to the proposed mitigation and whether additional exemptions are needed; 4) revise some of the proposed mitigation and include additional mitigation options specific to non-agricultural uses and specialty crops; 5) develop a consistent approach to reduce pesticide exposure to listed species from spray drift and run-off.
- More details can be found at: <https://www.regulations.gov/document/EPA-HQ-OPP-2023-0327-0206>

Registration and registration review of insecticides

Public comment on petition for rulemaking to require efficacy data for systemic insecticides will be closed on January 23, 2024.

- A petition was submitted to EPA by Public Employees for Environmental Responsibility (PEER), the American Bird Conservancy (ABC), and 63 additional signatories to initiate a rulemaking for neonicotinoid and other systemic insecticides. The petition has requested that efficacy should be included in applications for registration or registration review by EPA. The efficacy data is requested to be included to support the evaluation if the benefits of the use outweigh the potential risks to non-target species and biodiversity.
- More details about the petition and for submission of comments, can be accessed at: <https://www.regulations.gov/docket/EPA-HQ-OPP-2023-0428/document>

EPA Update on Next Steps for Chlorpyrifos

- On November 2, 2023, the Eighth Circuit issued a ruling vacating EPA's final rule revoking all food tolerances of chlorpyrifos and remanding the matter to EPA for further proceedings. The Eighth Circuit's decision stated that EPA should have considered modification of tolerances in addition to complete revocation and noted that the Agency had "identified 11 specific candidates" of food and feed crop uses whose tolerances could be so modified in a Preliminary Interim Decision EPA issued in 2020. Consequently, the Agency expects to propose a new rule to revoke the tolerances associated with all, but the 11 uses referenced by the court. EPA is also engaged in discussions with the registrants to further reduce exposures associated with the 11 uses of chlorpyrifos that were referenced by the Eighth Circuit.
- Information about EPA actions and regulations history of chlorpyrifos can be found at: <https://www.epa.gov/ingredients-used-pesticide-products/chlorpyrifos>

EPA has approved and incentivized novel technologies to control mosquitos

- ZAP Males® are live male mosquitos infected with the bacteria *Wolbachia*, which suppress the production of viable offspring when mating with wild females of the species *Aedes albopictus* or Asian tiger mosquito. This invasive species is a public health pest and transmits dengue, zika, and chikungunya. Requirements for the use of this technology, include bi-annual reports with information on quality control regarding the fitness and viability of the male insects produced, monthly environmental monitoring of the infected female in the environment, and report to EPA, within 30 days in case any ZAP-infected female is detected.
- This registration expires on December 31, 2028, and it is allowed to be used in all U.S. states and territories.
- More information about this technology can be found at: https://ordspub.epa.gov/ords/pesticides/f?p=PPLS:8:3009266724533::NO::P8_PUID,P8_RINUM:520481,89668-4
- Information about the emerging technologies to control mosquitoes under EPA regulation can be found at: <https://www.epa.gov/regulation-biotechnology-under-tsca-and-fifra/emerging-mosquito-control-technologies>
- EPA has also launched a new program to incentivize the development of novel mosquito products. The Vector Expedited Review Voucher (VERV) Program. EPA will issue a voucher to the registrant of a new, qualifying pesticide product for mosquito control when it is successfully registered. Then, the EPA will expedite its review of the application, potentially allowing a shorter time to market for the product involved. Once issued, vouchers may be sold or transferred to other registrants.

Biological Evaluations (BE) of Dinotefuran and Acetamiprid Effects on Endangered Species.

- EPA opened for public comments the draft of the BE for the neonicotinoid insecticides dinotefuran and acetamiprid on listed endangered and threatened species. Both neonicotinoids are registered in several agricultural and non-agricultural systems.
- The draft of the BE and submitted comments (closed on December 26, 2023) for dinotefuran and acetamiprid can be found at: <https://www.regulations.gov/docket/EPA-HQ-OPP-2023-0506/document> and in <https://www.regulations.gov/docket/EPA-HQ-OPP-2023-0513/document>

EPA Releases Final Guidance for Pesticide Submissions for New Outdoor Uses that Require Endangered Species Act Reviews

- EPA have the goal to provide guidance to registrants for the analyses necessary to support the evaluation of potential adverse effects from new outdoor uses of pesticide products on listed species and designated critical habitat. The information published is similar to the content in the Pesticide Registration Improvement Act of 2022 (PRIA 5) guidance. The document is intended to support applicants to address the potential effects of listed species for new outdoor use of existing active ingredients of pesticides. Mitigations actions, such as identifying where a pesticide will be used, how species may be exposed to the pesticide, and how to select mitigation to reduce the exposure can be voluntarily adopted.

- More information can be found in the report from October and at:
<https://www.regulations.gov/docket/EPA-HQ-OPP-2023-0281>

Use of Pesticide treated seed and paint – EPA advanced notice for public comment on the use of pesticide-treated seed and paint products

- Pesticides are used to treat seeds and protect against diseases, insects, and other pests. Pesticides can also be used to protect dried paint against mold and/or algae growth.
- The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) exemption of registration for treated seed or treated paint is based on the criteria that the pesticide used in the treatment goes under a registration process (or during the review of the registration). During this process, the use of the “treating pesticide” is evaluated to ensure that it does not cause unreasonable adverse effects to human health or the environment.
- The following questions about the use of treated seeds have been submitted for public comment to guide future actions of EPA: 1) how treated seeds are stored, planted, and disposed of by growers; 2) How much treated seed products are used in the U.S.; 3) Other regulatory options should be considered, such as registration and reporting under FIFRA section 7 for manufacturers of treated seeds and treated paints; 4) How appropriate are these regulatory measures to ensure safe use of treated seeds and paint.
- More information about this topic and the comments submitted to EPA, can be found at:
<https://www.regulations.gov/docket/EPA-HQ-OPP-2023-0420/document>