Committee and Liaison Reports

AAPSE Board of Directors Meeting

Madison, Wisconsin

August 14, 2005

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AAPSE LIAISON REPORTS

Committee: Articles of Incorporation and By-Laws
Report by: Roger Flashinski, Chair (CES)

Members: Carol Ramsay, CES
Carl Rew, SLA
Richard Pont, EPA
Ann Hazelrigg, CES

Activities: The committee has taken no action since submitting its last report to the BOD in August 2003. A table is included below for your convenience and reference which summarizes a member's eligibility to hold office and lists voting privilege by category of membership.

Issues for consideration: At this time the Committee is not aware of any issues that require consideration nor does it recommend any changes in either the Articles of Incorporation or the Bylaws.

MEMBERSHIP ELIGIBILITY FOR VARIOUS AAPSE ELECTED AND APPOINTED POSITIONS (based on 2002 amendments)

CATEGORIES OF MEMBERSHIP	PAY ANNUAL DUES[1]	OFFICERS2	EXECUTIVE COMMITTEE3	BOARD OF DIRECTORS4	REGIONAL REPRESENTATIVES5	STANDING COMMITTEES6	AD HOC COMMITTEES7
Full	Y	Y	Y	Y	Y	Y	Y
Associate	Y	N	N	N	N	Y	Y
International	Y	N	N	N	N	Y	Y
Life	N	Life membership may be given by the Board to any individual. If the individual is also a member in one of the four categories of membership listed above, that person would retain his/her eligibility for elected and appointed positions. If the individual is a nonmember, he/she may serve on ad hoc committees.					

[1] Annual membership dues must be paid by members to be in good standing; Life members are exempt from dues. Members whose dues are 6 months in arrears shall be removed from the rolls (and office, if applicable).

[2] President, President-Elect, Secretary, and Treasurer.

[3] President, President-Elect, Secretary, Treasurer, and immediate Past President. Executive Committee handles the daily matters of the Association.

[4] (4) officers, immediate past President, (2) regional Board representatives per region, and (3) ex-officio officers (USDA NPL for Pesticide Education (or equivalent), EPA Certification & Worker Protection Branch Chief (or equivalent), and an AAPCO rep). The Board sets the provisions of the Articles and By Laws, approves budgets, and formulates policies.

[5] Two regional Board representatives from each USDA region (Western, North Central, Southern, and Northeastern).

[6] There are two Standing Committees: Nominations & Elections Committee, and Issues & Evaluation Committee. The Board may approve additional Standing Committees.

[7] The President may appoint ad hoc Committees.

MEMBER VOTING PRIVILEGES

CATEGORIES OF MEMBERSHIP	EXECUTIVE COMMITTEE	BOARD OF DIRECTORS[1]	REGIONAL REPRESENTATIVES	STANDING COMMITTEES	AD HOC COMMITTEES	NATIONAL/REGIONAL MEETINGS ELECTIONS	GOVERNANCE	POSITION[3]
Full	Y	Y	Y	Y	Y	Y	Y	Y
Associate	NA	NA	NA	Y	Y	N	N	N
International	NA	NA	NA	Y	Y	N	N	N
Life	If a life member is also a member in one of the four categories of membership listed above, that person would retain his/her voting privileges as indicated here. If a nonmember, he/she may serve as a nonvoting member on ad hoc committees.							

[1] Ex-officio officers are non voting members.
[2] Governance issues refer to internal affairs of the Association.
[3] Position papers and policy statements refer to external affairs of the Association.

Robert's Rules of Order Newly Revised shall be the authority on all matters of procedure not otherwise covered in the Articles of Incorporation and By-Laws.

Prepared October 2002, University of Wisconsin

Committee: Committee on Committees
Report by: Catherine Daniels, Chair

Committee's Purpose: Liaison between the AAPSE President and AAPSE committee chairs and liaisons to relay requests for annual reports and other business.

Summary of activities: Compiled, edited, and emailed annual reports from committee chairs and liaisons to AAPSE Executive Board members before the Board of Director's meeting in Madison, Wisconsin.

Issues for consideration: Committee chair would be grateful for guidance on whether meeting minutes are acceptable as report material from liaisons.

Committee: E-Services
Report by: Larry Schulze, Chair

Members: Bob Bellinger, Gary Fish, Cindy Folck, Rich Pope, Carol Ramsay, Mike Weaver

Committee Charge: To serve as a sounding board and advisory body to the Executive Committee of the American Association of Pesticide Safety Educators (AAPSE) on manners relating to the web site, ListServ, potential on-line training, and other AAPSE-sponsored electronic initiatives.

Summary of Activities:

a. Since the creation and establishment of the AAPSE ListServ Policy and AAPSE Internet Link Policy, both approved by the Board of Directors, activities of this committee have been minimal.
b. The ListServ Policy was successfully used to evaluate, and ultimately support a request from Amy Brown for usage of the AAPSE listserv by a focus group.
c. The revised AAPSE membership application form has been placed on the AAPSE web site.
d. The "Financial Sustainability of State Cooperative Extension Pesticide Safety Education Programs and State Pesticide Certification and Training Programs" document was placed online in August 2004.

Issues for consideration by the AAPSE Executive Committee and/or Board of Directors:

a. A recommendation is made that AAPSE members periodically review their online personal information (email and postal address, telephone numbers, etc.) to determine whether the information is correct. Each AAPSE member bears the responsibility of keeping their email address current in the AAPSE listserv database. Any edits or changes should be forwarded to the Treasurer.
b. The Chair recommends the continuance of this committee. Although activity has been minimal in this reporting period, continued existence of an established committee will minimize any delays in responding to new issues or requests.

Committee: Issues and Evaluations

Report by: Joanne Kick-Raack, Chair

The President-elect serves as chair of this committee and draws on member expertise to form subcommittees to address specific issues. Two subcommittees were established this past year with members as indicated below. Comments on these issues were brought before the board for approval and approved comments submitted electronically to EPA before close of the public comment period. Comments were also emailed to the AAPSE list-serve and sent to Mike Weaver to post on the AAPSE website.

Issue #1--Mosquito Labeling

Subcommittee Members: Mary Grodner (chair), Carl Martin, Jim Wilson

Comments filed: July, 2005

The American Association of Pesticide Educators (AAPSE) has reviewed the Draft Pesticide Registration Notice 2004-XX "Labeling Statements on Products Used for Adult Mosquito Control" and offers the following comments for your consideration.

Recommendation 1. *"For use by federal, state, tribal or local government officials responsible for public health pest or vector control, or by persons certified in the appropriate category or otherwise authorized by the state or tribal lead pesticide agency to perform adult mosquito control applications, or persons under their direct supervision."*

Does this mean that federal, state, tribal or local government officials do not need to be trained and/or certified? Would classifying all adulticides as Restricted Use Pesticides solve a problem with unqualified persons applying these products? AAPSE recommends making all mosquito adulticides as Restricted Use Pesticides.

Recommendation 2. *Products labeled for wide-area adult mosquito control should not include container labeling for uses unrelated to mosquitoes. The standard terrestrial use water hazard statement should not appear on product containers labeled solely for mosquito control. If a container label includes non-mosquito use directions, those directions and associated precautions should be clearly distinguished from those applicable to mosquito. The terrestrial use statements on a mixed-use label should be followed by the statement "See separate directions and precautions for mosquito control applications."*

AAPSE fully supports the recommendation for separate mosquito-use labels. If this is untenable then the separate directions and precautions should be clearly delineated so that there can be no confusion.

Recommendation 3. *This pesticide is [toxic/extremely toxic[to aquatic organisms, including [insert types of organisms]. Runoff from treated areas or deposition of spray droplets into a body of water may be hazardous to [insert types of organisms].[If appropriate, insert any additional wildlife statements].] Bee precaution can be inserted here or as a third paragraph of this section of the label]. [Insert consultation with state/tribal agency statement].*

Do not apply over bodies of water (lakes, rivers, permanent streams, natural ponds, commercial fish ponds, swamps, marshes or estuaries), except to target areas where adult mosquitoes are present. Do not contaminate bodies of water when disposing of equipment washwaters.

Once the statement is made in reference to the product being toxic or extremely toxic organisms and in order not to become too wordy, a statement could be added along the line of: "When used according to all labeling instructions this product presents no unreasonable adverse effects on human or environmental health."

If the mosquito control officials are following an Integrated Mosquito management Plan, they will never spray without surveillance data showing the present of adult mosquitoes, therefore the second statement is superfluous.

Recommendation 4. *Before making the first application in a season, it is advisable to consult with the state or tribal agency with primary responsibility for pesticide regulation to determine if permits or other regulatory requirements exist."*

Wouldn't making all mosquito adulticides RUPs solve this problem? The State Lead Agency would be able to stay in touch with all mosquito control applicators.

If this statement remains, please do not use the word "permits", it has many negative connotations.

Recommendation 5. *Equipment should be calibrated so that no more than [percentage to be provided by the registrant] % of the spray volume is contained in droplets larger than 50 microns(μm) in diameter and nor more than [percentage to be provided by the registrant]% is contained in droplets larger than 100 microns in diameter. For aerial applications, directions from equipment manufacturers provide the best guidance and should be used for droplet size calibration. Droplet size measurements made by applicators using slides, paper, or other surfaces should not be used in lieu of the manufacturer's instructions for calibrating equipment to the required droplet size, but should be used regularly to ensure that equipment is performing consistently from application to application.*

This statement appears to be far too general and too specific at the same time; therefore, it becomes unenforceable from a regulatory perspective and makes an educational program more difficult.

Droplet size is variable depending the type of application and should be determined by the product manufacturer and the mosquito control professional.

Recommendation 6. *[when bees are visiting the treatment area], except when applications are made to prevent or control an imminent threat to public and/or animal health declared by state, tribal, or local health or vector control agency, or if specifically approved by the state or tribe during a natural disaster recovery effort.*

Label should clearly state that this refers to apiculture not wild bees.

Recommendation 7**.** *Do not retreat a site more than once [X hours/days; no more than [Y] applications should be made to a site in any [Z weeks/months]. More frequent treatments may be made to prevent or control an imminent threat to public and/or animal health declared by state, tribal or local health or vector control agency, or if specifically approved by the state or tribe during a natural disaster recovery effort.*

While understanding the Agency's need for data to conduct risk assessments, statements like this do not take into consideration the principles of Integrated Mosquito Management programs. Neither does it take into account the differences in biology and ecology among the various species of mosquitoes. The purpose might be best served by a statement informing the user to apply the product based on the principles of Integrated Mosquito Management and include a maximum amount not to be exceeded in a certain frame of time.

Thank you for allowing the membership of AAPSE to comment on the Draft Pesticide Registration (PR) Notice 2004-XX "Labeling Statements on Products Used for Adult Mosquito Control. AAPSE is dedicated to the safe and effective use of pesticides and to that end is very concerned about label language being clear, not ambiguous and enforceable.

Issue # 2--Global Harmonization System

Subcommittee Members: Candace Bartholomew (chair), Jim Criswell, Gary Fish, Carol Ramsay, Kerry Richards

Comments filed: December, 2005

The American Association of Pesticide Safety Educators (AAPSE) is submitting these comments as representative of its membership. Membership consists primarily of Pesticide Coordinators from Land Grant Universities who conduct pesticide safety education programs across the country and State Lead Agency personnel who are responsible for testing and certifying pesticide applicators, and enforcing pesticide regulations in the United States.

As the national network of pesticide safety educators/trainers and competency and enforcement personnel, the implementation of the GHS will significantly impact our programs. We have several concerns related to the proposed implementation plan and outreach activities and plans.

First we applaud EPA for adopting all GHS physical hazard classes and corresponding label elements including pictograms and signal words. These will provide the user or handler with substantially more information about pesticide products. We also commend the decision to maintain precautionary statements including first aid and storage and disposal statements. As to the question of requiring telephone numbers as part of supplier identifier information on labels we agree that telephone numbers should be required.

In considering implementation mechanisms, OPP has stated that it has two guiding principles; "the mechanisms used should be fair to the regulated community and should minimize the resource burden placed on OPP and on stakeholders to the extent possible." It is our view that the regulated community consists of a variety of stakeholders. Industry is one group of stakeholders including those who sell, handle or apply pesticides such as: retailers, dealers, applicators, consultants. Worker Protection Standard trainers, handlers and workers are also primary stakeholders. Additionally, those involved with training and regulating pesticide users

and handlers must be considered primary stakeholders for any implementation plan to function smoothly and to be effective.

AAPSE embraces proposed implementation option 2. Integrating GHS into ongoing registration and re-registration actions and label changes submitted by industry that come in for OPP review as part of routine business. This would keep costs down and allow more time for outreach to the user community which will facilitate a more smooth, safe transition at the user level.

Updating EPA's acute toxicity data base is well over due. A revised updated data base will facilitate reviewing new labels as GHS changes are made. This work should be completed before any new labels are issued.

AAPSE does not support the idea of a pilot project before final rule changes are in place. If a pilot project is launched and there has been little or no outreach material developed and few or no applicator/user trainings on signal words, symbols and pictograms, EPA is only testing how to get the labels into the market, and not determining whether the handler or end user will have any understanding of the new labels. Education must come before the labels are on the shelf.

It would be very beneficial to educators and regulatory personnel to have as many questions and situations answered on GHS, as possible, prior to implementation. Experience with other regulatory changes involving pesticides, such as the Worker Protection Standard and the Endangered Species program have demonstrated that when answers to questions are vague or information is not clearly conveyed, at or before the time of implementation, confidence and credibility of trainers and regulators is lost.

Outreach to the user and handler community and its associated costs must be considered as a primary part of the implementation of GHS for pesticides, not as secondary. Outreach is as important to successful and safe implementation as how the EPA Office of Pesticide Programs registration staff will handle approving new labels. In order to effect a smooth transition it will be necessary, early on in the implementation plan, to get basic information into the hands of the people who sell and handle pesticide products; retailers, dealers, applicators, consultants, master gardeners, Worker Protection Standard trainers, handlers, and workers. A mechanism to assist in funding the direct costs and person hours involved in revising all state/national certification exams, study materials, digital/video media and websites should be considered. Since signal words and labels are fundamental to pesticide certification and training, extensive changes will need to occur in a wide array of publications and media.

Based on reference points from the text of the white paper, the timeline which EPA would like to pursue is: rulemaking in 2004, rules in 2005, implementation in 2006 and full compliance in 2008. We believe that not one new label should be allowed on the market until initial outreach efforts and support materials are in place. AAPSE strongly suggests that by the time rulemaking is complete the rudimentary outreach of a simple fact sheet that addresses the new usage of signal words, symbols, and pictograms is in place and entered into the training arena, initially as awareness. Full incorporation into training manuals, exams and the long list of other resources which are currently in place should occur during GHS implementation.

On the question of timing on implementation AAPSE offers the following additions to the suggested time frames indicated in the white paper:

2004

Initiate rule making.

Initiate development of outreach materials, most particularly a fact sheet that can be utilized in training and added to study manuals as an addendum prior to manual revisions.

2005

Finalize rule.

Finalize development of outreach materials. Develop outreach material appropriate to move into trade outlets (attached to containers, including copies in shipping boxes). Work with retailers to provide these materials to customers.

Extension initiates work on updating training materials.

States prepare to decouple existing state regulations tied to the current classification system.

2006

EPA and educators initiate formal education campaign.

Fully include new signal words, symbols, and pictograms as formal portion of training programs for applicators, retailers, etc. Revision of existing pesticide safety outreach materials (study manuals, fact sheets, magnets, etc.) continues.

States re-write pesticide applicator certification exams to reflect GHS changes.

2007

States complete the process of decoupling existing state regulations tied to current pesticide classification system.

States begin to introduce new exams reflecting GHS label changes.

Extension continues to train applicators and handlers about GHS changes.

2008

Full implementation has been achieved.

OPP continues to revise incoming labels

Extension finalizes revisions of any materials that were not revised in 2006 and 2007 and continues outreach education for users and handlers of pesticides.

State implementation of new exams takes place.

AAPSE is willing and ready to work with the EPA GHS Implementation Work Group to facilitate a smooth transition to the new labeling program. It is our primary concern that users understand the hazards presented with the use of pesticides and have the knowledge and skills necessary to use them responsibly.

Committee: Membership and Public Relations

Report by: Carol Ramsay and Randy Rivera – Co-Chairs

Members: Bruce Williams, Dean Herzfeld, Mark Ferrell, Mark Shour

Committee's Purpose: The Membership & Public Relations Committee is to support and facilitate promotion of the Association and its members, and ways to maintain and increase membership.

2005 Year Memberships

Current Membership as of July 1, 2005	144
Northeast Region	43
North Central Region	36
Southern Region	31
Western Region	34
Life members	2
Full members	127
Associate members	13
International members	4
Supporting members ($100 dues)	12

2006 Year Memberships

22 Paid members and 5 Supporting members

2004-2005 Summary of Activities:

Success Stories: The membership committee had a drive to accept submissions of AAPSE Success Stories to showcase quality program activities by AAPSE members. Only three stories were submitted, even after repeated requests. The three stories were posted each month during Sept-Nov. 2005. This activity was terminated due to lack of interest in submitting stories for consideration.

Membership brochure: updated

New AAPSE Poster: With the 2005 Workshop slated, the membership committee drafted an updated poster. This poster will be mailed to anyone wishing to showcase AAPSE in the future.

Committee: Nominations and Elections

Report by: Andrew Thostenson (chair)

Members: Kerry Richards, PSU; Randy Rivera, TDA; and Mark Ferrell, Univ. of Wyoming.

Summary of Activities:
The committee was empanelled in late January. In March the committee began contacting prospective candidates. We encountered an unexpected number of individuals who declined to be nominated for office, particularly the President-Elect position. Ordinarily, and speaking as a veteran of the nominating committee, I have not found it difficult to find people who will accept the top job. That was not the case this term.

Generally the responses were an emphatic 'no'. Nearly everyone contacted cited the precarious nature of their programs vis-à-vis funding, in addition to the huge time commitment required to address the serious policy issues we are and will be facing over the next few years.

In May the N&E committee informed the Secretary that we would be submitting a slate with only one candidate for each position. We asked for nominations from the membership and received three. We followed up on all three and each declined. The nominations were closed in late June and the election was scheduled for late July.

At the time of this writing, the vast majority of AAPSE members have voted to endorse the following slate:

President Elect--Ples Spradley, University of Arkansas
Secretary--Bob Wolf, Kansas State University
Treasurer--Dean Herzfeld, U of Minnesota

This slate is made up of highly qualified people and we should all be thankful that they are investing their time and talent for AAPSE.

Issues for consideration:
I do not see any problem with the Nomination & Election process generally, but I worry that the burdens on our officers are becoming too great.

Committee: Non-English Language Materials for Pesticide Safety Education (NELMPSE)

Report by: Jennifer Weber

Members: (Active June 2004-2005) Gerald Kinro**,** Pesticide Specialist, State of Hawaii Department of Agriculture; Suzanne Snedeker**,** Associate Director for Translational Research, Cornell University; Sabina F. Swift**,** Farm Safety Coordinator, University of Hawaii at Manoa

Committee's Purpose: The AAPSE Committee on Non-English Language Materials for Pesticide Safety Education is working on several projects to assess and meet the linguistic needs of people who handle pesticides or work in areas where pesticides have been applied.

Summary of 2004 Activities:

- **JPSE article.** Committee members submitted an article on the Non-English Language Needs for Pesticide Safety Education to the Journal of Pesticide Safety Education (JPSE, volume 6, 2004).

  Article Abstract: Changes in the demographics of the United States agricultural workforce, specifically occupations requiring employees to handle pesticides, or work in areas where pesticides have been applied, have led to increased needs for non-English language training materials. A study was performed to assess the linguistic needs of these agricultural employees. Results of this study indicate a need for development of pesticide safety materials in many of the over 50 non-English languages spoken or read by agricultural workers.

- **Bilingual English/Spanish Pesticide Label Terminology Pamphlet.** In 2003, committee members developed a bilingual English/Spanish word bank that included approximately 750 pesticide-related terms pertaining to such topics as personal protective equipment, crops and crop pests, application equipment, environmental protection, and pesticide exposure. In 2005, Jennifer Weber used this word list to create a bilingual (English/Spanish) pesticide label terminology pamphlet that

pesticide handlers could use during WPS training activities and when reading pesticide labels at their worksites. Sabina Swift is working on a similar pamphlet for Lao- and Filipino-speaking pesticide handlers in Hawaii.

- **List of Pesticide Educational Resources in Non-English Languages.** The committee has begun work on a list of pesticide safety resources that are currently available in non-English languages. Committee members recognize that maintaining and updating such a list would be an ongoing process, but they would like to have a list available for distribution to AAPSE members and other pesticide safety educators by the end of the next reporting period. Completion of this list will be their primary focus in 2005 and they will seek input from other AAPSE members.

Issues for consideration: None at this time.

Committee: Recognitions and Resolutions Committee

Report by: Sandra McDonald, Chair (CO-Ext)

Members: Larry Olsen (MI-Ext), Dean Herzfeld (MN-Ext), Paul Baker (AZ-Ext), Larry Towle (DE-SLA), and Tom Delaney (Professional Lawn Care Assoc. of America).

Statement of the Committee's purpose: to make recommendations to the Board on parameters for AAPSE awards. In addition, the committee has defined a process for how decision-making, nominations, and applications for awards will be handled.

Summary of activities: The committee has proposed the following awards.

AAPSE Fellows
AAPSE Honorary Membership
AAPSE Distinguished Achievement in the Certification and Licensing Program Award
AAPSE Distinguished Achievement in Education and Training
AAPSE Distinguished Achievement in Pesticide Safety Education by Industry Award

AAPSE Education Materials Awards Program:
- Promotional Materials
- Short Publication
- Long Publication
- Newsletter
- Series of Articles
- Slide Set/Computerized Graphic Presentation
- Radio

Video/Video Disk/CD
Television/Video conference
Computer Software/Application
Web Page
Mixed Materials

ASAE Standards Committee on Pesticide Container Recycling

AAPSE Liaison: Larry Schulze, University of Nebraska - Lincoln

Members include about 25 people representing pesticide registrants, ASAE, AAPSE, AAPCO, EPA, USDA, Agricultural Container Recycling Council (ACRC), universities, and the Chemical Producers & Distributors Association

Committee Charge:
To develop a national engineering standard, through the American Society of Agricultural Engineers (ASAE) process, that includes the steps, fundamentals and best management practices for the storage, handling and recycling of non-refillable, high-density polyethylene containers for EPA-registered crop protection and other pest control products and non-registered products such as crop oils, surfactants and spreaders.

Summary and Plan of Activities:

i. May 24, 2005: First conference call to cover the logistical and background details, to start working on a draft recycling standard document.
ii. June 20-21, 2005: Committee meeting in Washington, D.C. to review, comment, edit draft recycling standard document.
iii. Summer 2005: Continuation of development of recycling standard document.
iv. Fall 2005: Committee meeting in Washington, D.C.

Issues for consideration: None

Certification and Training Advisory Group (CTAG)

AAPSE Liaison: Carol Ramsay

CTAG – Certification and Training Assessment Group - facilitate improvement in the national pesticide applicator certification and training program

Board Composition

- Carol Ramsay and Kevin Keaney – Co-Chairs through March 06, Gina Davis Past-Chair through March 06, Andrew Thostenson, Vice-Chair until March 06

- New members: Kerry Richards, Dean Herzfeld, Tim Drake, (SCDPR), Kathy Dictor, (VADACS), Henry Ghiotto (Quechan Tribe)
- Continuing members: Richard Pont, Jeaneanne Gettle, Jack Peterson, Monte Johnson; also Michelle Devaux to serve as permanent secretary
- Former board members (term ends during 2004/ 2005): Pat O'Connor Marer, Win Hock, Jeanne Kasai, Bill Tozer (AFPMB), Lori McKinnon (Yurok Tribe), Mary Ellen Settings (MDA), and Al Muench as secretary.

Communication Efforts Increased

- Updates to AAPSE BOD prior to and following each CTAG Board Meeting
- Participation and requests for input/comments through various listserves, including AAPSE's.
- Web site: http://pep.wsu.edu/ctag

Issues/Items Completed

1. Charter language slightly amended.
2. C&T Plan and Reporting Template for state lead agencies; mandatory state plan data input this year, mandatory reporting next year
3. CTAG Process and Tracking documents – a) process that CTAG uses to work through an issue; b) tracking document logs progress on CTAG issues/activities
4. Monitored, closed-book, written exam for initial certification – submitted CTAG-approved issue paper to EPA for consideration
5. Minimum age requirement (18-commercial applicators, 16 private applicators) to become a certified applicator – submitted CTAG-approved issue paper to EPA for consideration
6. Positive Identification for RUP Purchases -– submitted CTAG-approved issue paper to EPA for consideration
7. Exam Administration and Security Procedures Manual – final draft completed, printing expected by August 2005 for subsequent distribution – BMP document
8. Fumigation Management Plan – posted helpful tools on NDSU web site and linked it to the National PSP web site (under Resources).

Issues/Items under Assessment/Development

1. Core exam, manual, presentations – Manual and presentation should be completed by August 2005 Workshop. Exam is under going beta-testing in Ohio and Alberta
2. Positive Identification for Certification Exams – still conducting assessments, fact finding, and soliciting input.
3. Guidance document for recertification training – look for possible BMPs for managing recertification training efforts and assess how best to utilize the findings to assist states in their own programs.
4. Non-traditional funding options for CES and SLA – two presentations at August 2005 Workshop
5. Professional Development Training for Accountability Plans – assess need for this type of training, interest in training, and mechanisms to offer training to CES, SLA, and Tribe partners.
6. CTAG display for the August 2005 Workshop

Issues at Initial Fact-Finding Stage

- Ensuring Continued Competency of certified applicators – will look at variety of strategies used by states, including but not limited to photo identification of attendees at recertification meetings, mechanisms for approval of recertification courses, and recertification exam criteria
- Certification Reciprocity – assess issues that might be useful to include in a BMP document on handling/facilitating reciprocal certifications between/among states.
- Assessing possible topics to suggest for a joint SLA-CES PREP course.

Request to AAPSE BOD

- Does AAPSE membership feel they are represented on the CTAG Board? Does AAPSE have any suggestions regarding CTAG representation?
- Does the AAPSE EC and Board believe the communication strategy currently used by CTAG to reach AAPSE membership is sufficient? Are there any suggestions the EC or Board would like to make?
- Request AAPSE's support to write a letter to USDA to request NPL or state coordinators to add "new or revised resources" to PSP web site (http://pep.wsu.edu/psp), as well as update state URLs and contact information as part of the annual reporting process.
- Is there a need for an effort, initiated by either AAPSE or CTAG, to promote national/regional collaborations and implement specific program efficiencies?
- Is there a need for a speaker database (such as the previously underutilized one developed by Mike Weaver for AAPSE many years ago)?

EPA Endangered Species Program

Former AAPSE Liaison: Catherine Daniels, Washington State University

No activity took place during the reporting period as no opportunities to liaison were presented. The liaison resigned the position midway through the reporting year.

Issues for consideration: As EPA's Endangered Species Program has no stand-alone advisory committee, nor working group, it is hard to envision how an AAPSE liaison could provide input other than in the form of a white paper if public comment should be invited on specific issues. If such a white paper were to be devised, it should represent more than one state's view, and should come from an ad-hoc committee of at least three states. My recommendation is that the Board of Directors approach EPA and ask specifically how a liaison might interact with Endangered Species Program staffers. If an opportunity truly exists or could be created, then an appointment should be made of an individual within easy commuting distance to encourage such interactions. If no real opportunity exists then my recommendation is to create a subcommittee within the Issues and Evaluations Committee when and if the opportunity for public comment arises.

National Pesticide Stewardship Alliance (NPSA)

AAPSE Liaison: Pat Hipkins (VA-ES)

The purpose of this liaison is to represent AAPSE's interests to—and channel input from—NPSA. NPSA is an organization of federal, state and local governmental agencies, educational and research institutions, public organizations, private corporations, and individuals that are actively involved in different aspects of pesticide stewardship. NPSA serves as a forum to facilitate cooperation and increase the effectiveness, efficiency, and longevity of various pesticide stewardship efforts. This organization fosters stewardship throughout the pesticide product life cycle—from product manufacture and formulation through commerce, storage and use, and the ultimate disposition of both unwanted products and emptied containers.

Summary of key activities (July 2004 – June 2005):

- Promoting and supporting container recycling and pesticide product disposal efforts in the states.
  - Completed Phase I of a "Pesticide Disposal Pilot Study" which:
    1) collected basic funding, operations, and state pesticide registration fee information from all states, and
    2) examined the characteristics of long-running, successful programs. This effort cataloged a wide range of funding options utilized to support pesticide collection programs. In addition, major national hazardous waste contractors gave their views re: successful disposal programs.

    CropLife America funded this project.

    Plans for Phase II are "in the works", and will focus on methods to improve and sustain disposal programs through the development and distribution of an audio/visual presentation and by the creation of a "help center".
  - Continuing to work with the SFIREG Water Quality and Pesticide Disposal Working Committee to effect changes to Chapter 13 of EPA's Label Review Manual; specifically, to improve label language statements regarding container management and product disposal.
  - Working with Earth-911 and three states (NC, PA, WA) to develop and pilot posting agricultural product container recycling and unusable pesticide collection information on the Earth-911 website, which is searchable by zip code (http:///earth911.org/).

    Eventually, NPSA intends to work with Earth 911 and pesticide safety educators to provide links to pesticide stewardship and safety education information.

- Updating NPSA's Pesticide Environmental Stewardship Program (PSEP) Strategy document. NPSA joined as a PESP Supporter on April 25, 2001, and submitted a

Strategy report describing two activities in 2002. The 2006 strategy describes six activities, a testament to NPSA's growth and development. When final, copies of the PESP Strategy will be posted on the NPSA website.

- Signed a formal partnership agreement with the North American Hazardous Materials Management Association (NAHMMA). The two organizations will integrate in several ways, including an information exchange (regarding common issues and projects), facilitated communication (via websites, e-mail, newsletters, and meeting announcements), and reduced meeting registration fees for partner organization members.

- Holding conferences for exchanging ideas and technical information, and discussing the impacts of emerging stewardship issues and other concerns:
  - 5th conference in Orlando, FL (November 7-10, 2004)
  - 6th conference in Austin, TX (February 12-15, 2006)

- Continuing to update and expand the NPSA website (http://npsalliance.org/). A members-only section will launch later this year.

Issues for consideration by the AAPSE Board:

- NPSA requests AAPSE's support in expressing concern to EPA regarding the current state of the container recycling program in CA, and the potential for this situation to affect all states' programs. (Letters should be addressed to Steve Johnson, EPA Administrator. NPSA's letter to EPA is included below for AAPSE's reference and use.)

- NPSA would like to continue to develop a working relationship with AAPSE, and to involve active/interested contributors in leadership roles, especially in projects dealing with outreach disseminating technical information

- If/when the AAPSE BOD has programs or efforts that involve the common interests of the two organizations, NPSA requests that AAPSE bring them to NPSA. NPSA hopes that interaction and partnership with AAPSE will continue to advance the goals of both organizations.

National Pesticide Stewardship Alliance

July 8, 2005

Stephen L. Johnson
EPA Administrator
U.S. EPA (1102A)
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Johnson:

It has come to the attention of the National Pesticide Stewardship Alliance (NPSA) that the future of state agricultural plastic pesticide container recycling programs could be in jeopardy. NPSA has been advised that Western Ag Plastics, Inc., an Ag Container Recycling Council (ACRC) granulation contractor, will cease granulating empty agricultural plastic pesticide containers on September 1, 2005 for the remainder of the year in California. It is also our understanding that this decision is due to Western Ag Plastics reaching their quota in regards to the amount of plastic that the ACRC will support in calendar year 2005. Recycling programs are growing annually, but I understand that ACRC is currently using budget figures from 2004.

The goals of NPSA are to increase the effectiveness, efficiency and longevity of various pesticide stewardship efforts. The agricultural plastic pesticide container recycling program is one pesticide stewardship effort that our alliance was formed to support by encouraging its development through state programs across the United States. It is of great concern to NPSA that the expansion of this program is at risk.

The success of these recycling programs is evidenced by the more than 80 million pounds of plastic that has not entered our country's landfills or been burned, contaminating our air with dioxins and particulate matter. With the impending halt to granulations in California, the pesticide end user will have no choice but to return to the environmentally damaging methods of disposal for their empty plastic pesticide containers. This will be a travesty for California agricultural pesticide users. But what about container recycling programs in other states? Is this the tip of the iceberg? Will more ACRC-supported granulation contractors have to cease their granulation activities?

Speaking as a past state manager of Virginia's plastic pesticide container recycling program, it took many years to get the agricultural community to accept the recycling option for their empty plastic pesticide containers as being the right thing to do, that it was in everybody's best interest to recycle pesticide containers. Now, the potential is there that those many years of promoting

and educating the agricultural community to embrace recycling will be gone. Pesticide applicators will be forced to revert to their old ways; the only ways left available for disposal.

Agricultural plastic pesticide container recycling is always a key topic at our annual conference. I recently sent an invitation to you to address the February 2006 annual conference in Austin, Texas as a keynote speaker and our membership would love to hear your and EPA's views on container recycling.

I am urging you and the Environmental Protection Agency to review the current ACRC situation and do whatever is necessary to insure that agricultural plastic pesticide container recycling programs continue to be available to all agricultural pesticide end users. Our Alliance is available to provide technical assistance or answer any questions concerning state agricultural plastic pesticide container recycling programs.

This is a success story that must not end. Future generations will bear the brunt of our decisions today.

Sincerely,

Daniel J. Schweitzer
President, NPSA

P.O. Box 5204, Takoma Park, MD 20913
Phone 1-877-920-NPSA Fax 1-877-922-NPSA www.npsalliance.org

Pesticides and National Strategies for Health Care Providers

Liaison: Amy Brown, University of Maryland

This project is a national initiative to improve the capability of primary health care providers to integrate pesticides into primary health care education and practice, with the goal of improved recognition and treatment of pesticide-related illnesses. The project was developed through a collaborative effort of EPA, USDA, the US Department of Health and Human Services, the US Department of Labor, and the National Environmental Education and Training Foundation (NEETF). AAPSE has been represented through its liaison, and through the service of additional AAPSE representatives on committees and review teams (see 2002 report for details on representation).

Summary of activities since June 2005: The collaborative effort of the four above-listed agencies appears to have become dormant, if not formally ended on this project. EPA continues to have an interest in educating health care providers about pesticides, and updates are provided through the Certification and Worker Protection Branch. The various parts of the original initiative are being handled through separate EPA grants.

During the 2004 AAPSE Board Meeting, the Board of Directors voted to endorse the NEETF Position Statement on the need for pesticide education for health care providers. The position statement is posted on the NEETF web site at http://www.neetf.org/Health/PositionStatement2.pdf. It is also reproduced below, following the Issues for Consideration section.

During the last BOD meeting, it was mentioned that there may be a need to form a committee, rather than a liaison. There are additional initiatives arising within other groups, such as the Agricultural Health Study (AHS). Three members of AAPSE (Julia Storm, Suzanne Snedeker, and Amy Brown) submitted recommendations to the Executive Board of AHS for strategies to enhance risk communication. AAPSE was recommended in the plan as a potential conduit for information and education of applicators, health care providers, and the general public.

Issues for consideration:

- Discuss AAPSE's future role, if any
  - is there a continuing need for a liaison, and if so, to what agency?
  - is there a need for a committee, or would this merely confuse what individuals are now doing?

Position Statement
Health Professionals and Environmental Health Education

With the widespread presence of environmental health hazards in our communities and in our world, health professionals must be prepared to diagnose, treat and prevent health conditions related to environmental exposures in their patients and communities. The public expects their health care providers to be prepared to deal with health problems related to environmental health hazards, but all too often providers are not equipped to respond effectively.

Environmental health is defined as "freedom from illness or injury related to exposure to toxic agents and other environmental conditions that are potentially detrimental to human health."[1] Poor environmental quality is estimated to be directly responsible for approximately 25% of all preventable ill health in the world.[2] In 1998 and 1999, 80% of crop farms and 74% of households used pesticides.[3] In 2001 nearly 40% of American children lived in counties that exceeded the eight-hour ozone standard at least one day.[4] In the U.S., the rates of asthma increased 73.9% during 1980-1996.[5] The total annual costs of environmentally-attributable diseases in American children are estimated at $54.9 billion annually.[6] To address the broad range of environmental health issues, such as outdoor and indoor air quality, water

quality, hazardous waste and toxics, Healthy People 2010 includes several environmental health objectives and highlights the critical
role of health care providers in health education and health promotion.[7]

The need for improvements in health professionals' environmental health knowledge has been expressed by leading health institutions. The Institute of Medicine recommends the integration of environmental health concepts into all levels of medical and nursing education.[8] The American Medical Association encourages physician educators in medical schools, residency programs, and continuing medical education sessions to devote more attention to environmental health issues and encourages physicians to educate themselves about pesticide-related illnesses.[9, 10] The American Academy of Pediatrics encourages pediatricians to become informed about air pollution problems in the community and published a book on the identification, prevention, and treatment of childhood environmental health problems.[11,12] The American College of Preventive Medicine has urged funding and support for the Agency for Toxic Substances and Disease Registry in their efforts to educate health care providers on toxic substances and how to prevent exposure to these substances.[13] The Ambulatory Pediatric Association has established the National Fellowship Program in Pediatric Environmental Health and proposed competencies for pediatric environmental health specialists.[14] The U.S. Department of Health and Human Services Division of Nursing has included the ability to recognize environmental health problems affecting patients and provide health protection interventions as one of the essential primary care nurse practitioner competencies.[15] Finally, the American Nurses Association has resolved to broaden its work in occupational and environmental health and apply the precautionary approach when an activity raises threats of harm to human health or the environment.[16]

A survey of environmental medicine content in U.S. medical schools found that 75% of medical schools require about seven hours of study in environmental medicine over four years, and a survey of Migrant Clinician Network clinicians found that approximately half had not had any training or courses related to environmental and/or occupational health.[17, 18] A survey of chief residents of U.S. pediatric residency programs found that fewer than half of pediatric programs routinely include pediatric environmental health issues in their curriculum, other than lead poisoning and environmental exacerbation of asthma.[19] A majority of nurse practitioner program directors stated there should be greater emphasis on environmental health in their programs; and a majority of medical school deans and family practice residency directors believed moderate emphasis on environmental health in their programs would be ideal.[20-22] Finally, after physicians attended an interactive asthma seminar, children seen by these physicians experienced fewer hospitalizations and fewer subsequent emergency department visits.[23]

Health professionals and other stakeholders participating in the National Forum for the *National Strategies for Health Care Providers: Pesticides Initiative,* organized by The National Environmental Education & Training Foundation, agreed that addressing environmental health conditions should be part of routine primary care and recommended the creation of a position statement on the need for environmental education for health care providers, especially for physicians, nurse practitioners, physician assistants, nurses, nurse midwives, and community health workers, who work at the frontline of the health care system.[24]

Therefore, The National Environmental Education & Training Foundation recommends that professional associations, decision-making bodies, academic institutions, and practice settings of health care providers endorse the need to address health conditions associated with environmental exposures, and:

- adopt environmental health education and practice skills standards so that health care providers learn and integrate information about environmental exposures in clinical, educational, and preventive health care activities
- incorporate clearly defined environmental exposure educational competencies and practice skills, including the ability to elicit an environmental exposure history, into health care provider education and practice
- use validated tools and resources available through an array of mechanisms, such as professional journals, newsletters, central internet sites, and professional meetings to recognize, manage, and prevent health effects from environmental exposures
- appoint an environmental health "faculty champion" at each medical and nursing school to ensure long-term integration of environmental health content into medical and nursing school curricula
- update requirements to include the recognition, management, and prevention of health effects related to environmental exposures in medical, nursing, and other health care provider education
- promote incentives for faculty to teach core competencies, including financial incentives in the form of grants, faculty development, curriculum development, and research, instructional teaching and training aids, expert consultants, clinical access, release time for faculty development, curricula development, and establishing appropriate clinical sites and teaching venues
- facilitate access to environmental health continuing education programs

January 13, 2004

The following organizations endorse The National Environmental Education & Training Foundation's Position Statement, Health Professionals and Environmental Health Education:

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Pesticide Program Dialogue Committee (PPDC)

Liaison: Amy Brown, University of Maryland PSEP Coordinator

The Pesticide Program Dialogue Committee (PPDC) functions as the national advisory committee for U.S. EPA's Office of Pesticide Programs (OPP). Forty-three members serve on the PPDC, representing interests classified as user/grower groups, food processors,

environmental/public interest groups, farmworkers, animal welfare, chemical industry/trade associations, biopesticide industry, public health/nutrition, state/tribal government, academia/education/public foundation, consultants/private sector, federal agencies, and EPA lead region. PPDC meets in the fall and spring of each year.

Summary of activities since June 2005: Notes from the October 2004 and May 2005 meetings were sent to AAPSE members (by me) via the Listserv. Highlights of particular interest to AAPSE over the past year include the following. Please see the individual reports for more complete information.

- EPA budget -- Jim Jones, OPP Director, asked for input from the PPDC on allocating the shrinking EPA OPP dollars. In October, the PPDC provided consensus that funding for PSEP should be restored to $1.88 M, but there was not necessarily consensus on where it should come from. In May, Kevin Keaney stated that we should anticipate $1.2 M again in 2006 for PSEP.

- Activity-based REIs – EPA laid out two options: multiple REIs vs. REI with exception/prohibition for certain tasks. The current plan is to continue a case-by-case approach. Mostly negative comment were voiced from PPDC members.

- Reviews of WPS and C&T programs -- Reports on (1) the 2004 PSEP review and (2) the national assessment of WPS and C&T were provided to the PPDC members and summarized by Kevin Keaney. There was dissatisfaction expressed that the documents were not released in time for PPDC members to read them prior to the meeting. Concern was expressed by members about the lack of adequate funding for the program, especially in view of the anticipated increased workload to address Global Harmonization and Endangered Species in the future.

- Environmental indicators & results – EPA needs to report on the impacts of its programs. A workgroup will be set up to help EPA identify and refine appropriate indicators. I volunteered to serve on the committee.

- Globally Harmonized System (GHS) for Classification & Labeling of Chemicals – There is concern among members of PPDC about whether implementing GHS will result in increased safety, especially given the cost of implementation for industry, educators and testers, etc.

- Consumer label workgroup -- Paula Bodey (Scott's), agreed to compile work group members' input on possible reformatting and new headings for consumer labels. Additional topics will be tackled successively rather than at the same time to avoid duplication and confusion.

Issues for consideration by the AAPSE Board of Directors:

- Are there any items the Board wants the liaison to bring to the attention of the PPDC at

their next meeting (fall 2005)? The topic, *Funding for PSEP from the multiplicity of potential sources*, was added to the fall agenda at the request of Lori Berger, California Minor Crops Council.

- Suggestions for the environmental indicators work group to consider would be welcome. The PPDC workgroup is charged with helping to identify indicators for EPA programs.

States FIFRA Issues Research and Evaluation Group (SFIREG) - Policy Operations and Management Committee

Liaison: Jim T. Criswell, Oklahoma State University

Three topics seemed to remain with POM.

Electronic labels: This issue involves several arenas. EPA has stated electronic labels are not viable labels and cannot be used except for educational purposes. This creates problems for SLAs as many states only accept electronic labels for registering products within the state. In addition, EPA's PPLS are electronic labels. States are utilizing electronic labels to release 24c and Section 18 labels for rapid dissemination. EPA has stated these labels are not legal labels. As for PSEP, this raises issues on referencing labels for informing applicators or rates, restrictions, safety, etc. Many PSEP personnel utilize various electronic sources for reference purposes.

One issue that all agree on is the problem of knowing which label is the most current and how to deal with two or more labels for the same product that were printed from an electronic source. Said another way, how does one know which label actually should go with a product at a specified period of time.

There is no disagreement that electronic labels can be used for education. AAPSE may wish to work with AAPCO and SFIREG in ascertaining way(s) that electronic labels can be utilized in a safe manner.

Mosquito Misting Systems: This issue has been in front of POM for about a year and a half. EPA has taken the position it is a state problem/issue. The states are very concerned about exposures, regulatory issues (i.e. appropriate applicators), resistance management, and the fact that most systems fly in the face of IPM.

Multiple REIs: For much of 2004, this was a major discussion topic. EPA has been strongly encouraged by industry and grower groups to implement multiple WPS REIs for certain crops. Most SLAs are against such label language due to the difficulty of enforcement and clear understanding by all parties involved.

States FIFRA Issues Research and Evaluation Group (SFIREG)-Water Quality and Pesticide Disposal Committee

Liaison: Richard Pope, Iowa State University

Please note that I have incorporated my comments from the meeting for each section into Phil Gray's report here and my comments are in dark red and are italicized. I have added emphasis on a few key points (to me) within my comments. – Rich Pope ropope@iastate.edu

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SFIREG Working Committee/Water Quality & Pesticide Disposal (WC/WQ&PD) Meeting

Doubletree Hotel - Arlington, VA - May 2-3, 2005

ATTACHMENTS

I. U.S.Code Provisions on "Actions Authorized Against Imminent and Substantial Endangerment to Health"
J. PowerPoint Presentation on Disposal Label Statements & FIFRA-RCRA Issues (Gary Bahr)
K. PowerPoint Presentation on Pesticide Container Recycling (Nancy Fitz, OPP/FEAD)
L. " " on Pesticide Product Security Measures (Gary Bahr, ID)
M. " " on Endangered Species (ES) Implementation Update (Arty Williams, FEAD)
N. **" "** on CA's ES Protection System - PRESCRIBE (Bob Rollins, CA)

MINUTES OF MEETING
SFIREG Working Committee on Water Quality & Pesticide Disposal (WC/WQ&PD)

Members Present: Dennis Howard, FL, Chair; Jimmy VandenBrook, WI; Gary Bahr, ID; Bob Rollins, CA; LuanneWhitbeck, NY; Joe Zachmann, MN; Craig Romary, NE; Roy Meyer, NJ; Henry Wade, NC; Richard Eyster, TX; and Judy Carlson, ND. **Others Present:** Sharron Stewart, NC, Chair, Full SFIREG; Paul Liemandt, MN, President, AAPCO; Richard Pope, American Association of Pesticide Safety Educators (AAPSE); Jim Roelofs, Field & External Affairs Division (FEAD), Office of Pesticide Programs (OPP), EPA; Jack Neylan, Office of Compliance (OC), EPA; Bruce Wilkinson, EPA Region V, repr. the EPA Regional Offices; and visitors. The following topics were covered:

I. New State Reporting System: Summary and Assessment

Joe Zachmann gave a PowerPoint presentation (see **ATTACHMENT A)** on the new reporting system. He noted the need for an overhaul of the old process which lacked a formal structure, and the need to develop a more interactive format with a new standard reporting form; also a need to tighten up what was being requested for a given reporting period. As of April 19, there were 31 states participating (a 60% response, which Dennis Howard praised), representing all the Regions except Regions I and VI.

Gary Bahr noted that Region X states liked the new format and were glad to participate. They would like to see the results of the reporting up on the AAPCO website. There was discussion of how this could best be accomplished prior to the WC meeting, since it would add to the work of Vicki Cassens and her staff. Henry Wade had reservations on pre-meeting posting, since there would inevitably be revisions of state submissions before the meeting. Richard Pope suggested distributing the results outside of just the SLAs; AAPSE reprs. would be interested. Howard noted the need to complete the survey well before the WC meeting in order that problems/projects identified could be placed on the meeting agenda. This calls for moving the time frame back Jeff Comstock wanted the key items identified in the survey to be discussed at the WC meeting to determine whether they needed to be considered as future agenda items by the WC or Full SFIREG. SFIREG Chair Sharron Stewart endorsed this so that the material could be used for the meetings with OPP which now take place immediately after Full SFIREG. Bob Rollins noted that the most useful part of the old reports was the issues that were raised; he suggested splitting the surveys into two areas: 1. issues; and 2. factual information.

In summarizing, Zachmann said he would like to continue with the new format, noting the need to get information back to the SLAs via the website or by some other means. There is also need for a verbal component at the WC meetings. Finally, whether this is a "survey" or a "report" should be clarified. Howard asked WC reprs. to prioritize salient issues.

This represents a feedback opportunity back to states.

Question: The new reporting system is going well, but it would be nice to have the information posted prior to the meeting.
Purdue is offering a website at a very low cost, so the reports could be posted (possibly).
What is the purpose of the survey results? Well, we are examining that. Dennis Howard commented that we need to survey the states, and see if there are problems that are arising; if there are, they can get airplay at the committee meeting. The process takes longer than first anticipated, but might have great value. ***Comment: This call for state reports and reporting system might make the input and discussion more accessible to Land Grant/AAPSE personnel, in conjunction with the SLA involved.***
Luanne (Whitbeck, NY) Question: Maybe we should add a question to the states for them to identify issues. This was generally taken to be a good point. Judy (Carlson, ND) : I thought we were trying to streamline state reports, if we are trying to streamline the reporting, we might be missing the message.

II. OPP/OECA Budget Cuts and Water Quality Program Restructuring

Bill Diamond, Director, Field & External Affairs Division (FEAD), OPP, gave a Power Point presentation (see **ATTACHMENT B**) that stressed the differences between the previous mode of operation of his Division and the new modus operandi being forced on all of OPP by a combination of budget cuts and the new OMB stress on performance standards and "outcomes". Diamond said that program success depended upon effective integration of the following: Clear Goals, Good Planning, Adequate Resources, Effective Implementation, and Meaningful Accountability. He noted the key components in the OPP mission of protecting public health and the environment as Risk Assessment, Risk Management, and Risk Mitigation, all leading to meaningful pesticide risk reduction.

Diamond discussed the December'04 reorganization decision in OPP to move the Endangered Species (ES) risk assessment effort in FEAD to the Environmental Fate & Effects Division (EFED) in order to meet upcoming scientific, policy, and program implementation demands. Some ES implementation of policy and support work will remain in FEAD. The focus will be on more effective management of resources. Thus, FEAD's Environmental Field Branch will be disbanded and the remaining ES work (as well as staff working on water quality issues) moved to Government & International Services Branch (GISB). EFB staff working on container/containment regulations and pesticide disposal issues would be relocated in the Certification and Worker Protection Branch. Diamond noted that the OMB Program Assessment Rating Tool (PART) analysis of pesticide field operations had resulted in a perceived redundancy by OMB of water quality programs in EPA, and, as an end result, a cut of $1M in the FY'06 budget request for such programs; OPP disagrees with this diagnosis. The challenges in the water quality program are:1. What are the most pressing issues for the SLAs and tribes? 2. What are the most effective roles of both? 3. How to best describe the unique contributions of SLAs and tribes in protecting water resources in combination with Office of Water (OW) programs/actions; and 4. What meaningful performance accountability measures can quantify the value of the public investment in water quality programs (e.g. reduced incidents, increased safety, etc.)?

Jack Neylan distributed an OC sheet entitled "History of Pesticide Enforcement Cooperative Agreement Funding - FY1998 - FY2006" (see **ATTACHMENT C**). The proposed cut in enforcement grants to SLAs from FY'05 to FY'06 is approximately $500K; it is necessary to plan how to take this cut. Anti-microbial testing appears to be waning; this program could be reduced. Another approach would be to reduce discretionary dollars going to the Regional Offices (ROs). Neylan said he would welcome state input on how to deal with this situation. Howard suggested that the WC/WQ&PD would be a good mechanism to use in gathering information on state water quality program assets and needs; Sharron Stewart suggested a conference call. In further discussion, Diamond noted the need for a comprehensive set of "straw man" documents that lay out the value of the field program. FEAD will be developing a narrative in the next 2 weeks for the FY'07 budget process, which is now starting. The case for restoration of the cuts needs to be buttressed by case studies and data. It will be valuable if SLA reprs. can speak to specific results, i.e. what is the public getting out of the program. In response to a question as to what OMB considered redundant in the water quality program, Diamond said OPP had not spent much time and effort in defending this program, and that the accusation of redundancy from OMB came as a surprise. It came down to the charge that the field presence is already large in the water program, and that what is there should be enough to cover pesticides. The OPP position is that there should be a role for both OW and OPP programs, and that OPP needs to go back and articulate this to OMB. In response to a question on OPP-OW cooperation on this issue, Diamond said that OPP Director Jim Jones had worked with OW to establish a joint effort two years ago at the office director level. The need to align risk assessment in both offices at the division director level was recognized; also, both offices have been collaborating on policies such as NPDES permits for mosquito applications. Diamond said OW was not eager to increase its pesticide related activities because it was losing dollars. It is a competitive environment, and OPP needs to make the case why the job can be done better with both offices working together. Diamond indicated that FEAD sees itself playing an advocate role for SLA programs, such as brokering policies within OPP and other EPA offices and assisting with questions and answers on emerging issues.

In answer to a question regarding water protection labeling requirements in Reregistration Eligibility Documents (REDs), Diamond noted the need to put REDs requirements on labels. OPP can't wait 15 years for the completion of registration review; labels have to be revised at the same time reg. review is ramping up. Rollins noted that in view of the failure of OPP to implement both the Pesticide Management Plan (PMP) scheme and the Groundwater Rule, state interests in federal water quality programs may be limited. Diamond said the federal program was not negligible in terms of funding. As for the Groundwater Rule, the thrust now is on state voluntary programs. However, the mandates in federal law are still there, but more efficiency is required to implement them. Even in lean years work can be done.

Bill Diamond: program restructuring and budget cuts. In the past the national program often was developed through a stovepipe process, leading to errors and communication problems on occasion. Most performance measures were outputs (which are easier to discern and submit) instead of outcomes. In the future, all players in the program reviews should have a common strategic goal in place. ***NOTE: This is a key issue, in my opinion. I am not sure that all the folks talking realize who all the players are (meaning land grant educators, et al.)***

Goals need to have consistent, clear and agreed upon content, and with strategic goals in place, there need to be adequate resources so that implementation is effective, folks can be held accountable, feeding back to refining new goals.
Provideing safe and available pesticides involves effective risk assessment, risk mitigation, and risk management; those three are strongly interconnected. We shouldn't have separate expectations and outcome standards for each, but rather have a common set of expectations for all elements.

Reorganization decision December 2004: FEAD endangered species risk assessment activities to move to Environmental Fate and Effects Decision. The trend slope on the budget is flat or somewhat down. FEAD Environmental Field Branch is disbanded. Remaining Endangered Species work has been moved to the Government and International services branch.
Water quality also moved to Certification and Worker Protection branch (Kevin Keaney)
So the Went from a 5-branch to 4 branches.
OPP water quality budget cut.
The President's budget contains a directed budget cut of $1 million for pesticide field program water quality activities. OMB determined there was a redundancy between OPP and OW (this was not agreed with by staff involved, but that is that).. Most targeted cuts were directed at HQ structuring and staffing. OPP and OW were to develop a plan by Jan. 31, 05 to ensure they meet pesticide field program needs. It has not gone back yet. OW/OPP will continue coordination on WQ issues. Where possible, OW will maximize efforts in WQ. QUESTION: What are meaningful performance accountability measures to quantifiably document value of public investment? OPP needs to do a better job of selling unique contribution in the protection of water resources in combination with other protective benefits. Is it reduction of risk, or reduced incidents? The big question remains: How do we meet the strategic goals of the program?
Jack Neylan (OECA) attachment 1… pesticide enforcement cooperative agreement funding. $19.9 M is the high, EPA has asked for that each year since 2000, but generally there was a tap for agency support. In 2005 Congress reduced the presidential budget request, and there was an agency tap. In 2006, the President has cut it by 1 Million.
OECA is looking at ways to trim around 500K, and might be reducing discretionary funds; some states use the money to issue grants, others use it to support other programs. This might be $200,000 across the country. Ideally, Congress would be convinced that the budget not be cut. Likely that isn't going to happen, of course.
Q: What was considered redundant in the OMB review. (the word water???)The OMB finding came as a surprise to OECA folks. OMB's logic was that you have a huge field presence in OW, with the Clean Water Act, et al. so they thought that that should be enough to also include pesticides. OECA thinks there are unique aspects that should be segregated but that view is not held across the board.
OMB called for a quick paper to articulate what the roles and functions of the two agency water programming. Note that when the $1M was cut from OECA, it didn't go to OW, so it was clearly a budget cut, justified by the statement of redundancy. So OW isn't anxious to picking up the ball and fulfilling traditional roles. Resources are limited, so we need to build the argument for efficiencies of partnering.
Q: A lot of products have not had risk mitigation components reach the label. How do we get there. A: EPA looks like the IREDs will meet the calendar deadlines, but a RED or IRED

does not mean that the label has changed. We really don't do a lot until the labels are changed, because label change is the real change.
Q: A lot of states look at this (regulatory support) in two parts… 1) fiscal 2) policy (i.e. the groundwater rule that was worked on interminably, and nothing happened except expending a lot or resources.
A: In the larger sense, there is not a lot of money on the table. However, that little money on a state level can make a large difference. This current administration favors voluntary programs, and not regulation. Yes, if the money goes away, the mandate still doesn't, so we need to work collectively better.

III. OMB PART Evaluation & Performance Measures (see **ATTACHMENT D** for Bill Diamond's PowerPoint presentation)

Diamond noted that the Government Performance and Results Act (GPRA), passed in 1993, is what is driving PART. OMB took over the role of accountability police when federal agencies didn't move fast enough. The principal focus now is on the existence of "Outcome Measures" which satisfy OMB. There has been a moving target of changing requirements, with short turn-around times. OMB has instituted a report card/score card process through the Performance Assessment Rating Tool (PART); average scores have been low (in the 40-60 range out of 100). Many submissions have been classified "Results Not Demonstrated", which, if successive, will result in budget cuts. OPP received a score of 36 on its field programs (Diamond said FEAD had scored itself with a 92!), a poor score attributed to lack of performance outcome measures and quantifiable data on the contribution of field program activities to strategic Agency goals. One problem FEAD has is with OMB's insistence that field program managers know in real time what unobligated balances they have. FEAD disagrees, and considers this micro-managing. Diamond said OPP had decided not to seek a re-PART of its field programs at this time, but rather to allow time for FEAD's Performance Measurement Improvement Project to develop and to strengthen its program justification. The actual re-PART schedule is subject to discussions with OMB. Diamond noted that Performance/Results data had multiple uses, including guidance for program management in decisions, priorities, and resource utilization; performance accountability; and communication with the outside world. He showed a series of matrices devoted to l. Value of certain concepts ranging from high to low; 2. Burden of certain concepts ranging from light to heavy; and 3. a Performance Measures Quadrant Analysis ranging from "High Value/Light Burden (Nirvana) down to "Low Value/Heavy Burden" (Hell). For the Performance Measures Improvement Project framework, a senior level steering committee has been established supervising a Coordinating Committee with a focus on 3 strategic goals: protection of human health, protection of the environment, and preserving the benefits of pesticides. Under the Coord. Committee are a series of program specific workgroups devoted to the following: Food Safety, Stewardship, Endangered Species, Water Quality, Strategic Agric. Initiative, and Worker Safety. Howard announced that Jimmy VandenBrook would be chairing the Water Quality measures workgroup for SFIREG.

Jack Neylan noted the high frustration level in OC with the results of being PARTed, including a score of F plus. Three performance measures have now been negotiated with SLAs which will appear in FY'06 grants. Thus, no data will be available until the end of '06. Neylan noted AAPCO's request that the results of the entire enforcement program be measured, instead

of pieces of it, but said OMB had "nixed" this idea. OC intends to hold a series of conference calls with individual SLAs within a month or so to discuss implementation efforts.

Howard asked if OMB expected to see state funding of field programs in EPA calculations. Neylan said that if such funding can be broken out, fine. As for efficiency measures (OC Measure #3), OMB will be looking at the federal contribution only for now. However, OC will be reviewing state contributions to efficiency as well as federal. In conclusion, Diamond noted that OPP needed to work toward a common performance measure with OW, and will explore with OW, using a common measure, to see if the difference between OW and OPP goals can be distinguished.

Bill Diamond *GPRA of 1993 a statute aimed at increasing accountability by requiring measurement of program results. OMB committed to audit all federally funded programs once each year. Program Assessment Rating Tool (PART) is a matrix of questions requiring succinct answers. A big problem is what is an outcome? And another thing, previous reviews are not relevant. There has been a moving target of performance measures. And there are short turn-around times.*

Average initial scores of programs have been very low, (40 to 60 out of 100). "Results not Demonstrated" is a common classification. Results are published each year with the federal budget. Programs not demonstration results will likely be cut.

OMB pesticide field audit (PART) score was 36. (Results not demonstrated) the self evaluation by OPP was 92.

OMB specifically said there was a lack of performance outcome measures and quantifiable data on positives program activities

To demonstrate specific questions is

Example: How do Field Program managers know in real time what unobligated balances they have or don't have. Whoa…

What WQ, ES and WP?CT specific spreadsheets or databases are there.

When you get a results not demonstrated, you can re-PART the next year. OECA will not re-PART as of now, the big thing is lack of performance outcomes.

OMB is the judge, jury and executioner.

Program performance and accountability.!!!

Measures guide program management and track program successes and progress. We live in an output world, and are rated by the outcome side. Problems with current system.. created at different times by different people and for different purposes, with little thought about connections, and they are complex. So there is little accountability. But we have accountability overload. All sorts of folks are crying for accountability, so how do we put it together.

WHAT IS A GOOD MEASURE? Should be of value vs. the burden to do it.

Value… meaningful from outcomes to beans
Understandable from Clear to Complex.
Use.. Wide use to narrow use
Reliable accurate to inconsistent
Burden… # of measures from Few to many
Difficulty of Collection Simple to complex
Data system costs Low to high

Expertise required…

Jack Neylan… If you get PARTed, there are 25 questions, and limited words you can use…. Difficult program OECA… also results not demonstrated. NOTE… it is really difficult to evaluate enforcement programs. If you are successful in enforcement violations go down, you sometimes get less money. But if you are not successful (poor outcome measures, then you likely get less money. Hmmmm..

The next set of grants will include specific measurement questions to respond to by the grantee. So they are a year from data, and that data has no foundation to compare it to.

OECA is still working on coming up with performance outcome statement needs, so as that gets refined, they will

SFIREG WQ/PD Committee May 2005 program restructuring and budget cuts. (Attachment 2)

When looking at performance issues, efficiencies are viewed as federal and state as separate entities.
Q: How will you coordinate NPoint contributions, and with WQ that get counted in different places federally. A: Discussion, but the message was the coordination was a goal and the answer is far from complete.

IV. EPA Interpretive Statement on NPDES Permits for Pesticide Applications

Bill Jordan, Senior Policy Advisor, OPP, introduced three division directors from the Office of Water as follows: Benita Best-Wong, Director, Assessment and Watershed Protection Division; Linda Boornazian, Director, Water Permit Division; and Denise Keehner, Director, Standards and Health Protection Division. Best-Wong distributed a one-page handout entitled "Clean Water Act Framework" (see **ATTACHMENT E**), and noted that all programs in the diagram had been "PARTed" except for Dredge and Fill. The non-point source program was PARTed three years ago, and failed the first two times: it recently passed with a score of 65. The primary thrust of Best-Wong's program is the restoration of impaired water bodies; the goal is to restore one-quarter of impaired bodies by 2012 (she noted that the Safe Water Drinking Act [SWDA] would not be covered in her presentation). The basic elements in the program are the state water quality standards, which are set by the individual states depending on their needs, e.g. fishing, swimming, etc. States are responsible for reporting on the progress made in meeting their standards. Best-Wong said it was important to distinguish between point source requirements, which are enforced, and non-point source programs, where compliance is voluntary. She noted that pesticides are among leading causes of water quality problems in lakes and estuaries, and her division has started efforts to work with OPP on non-point source problems. With respect to the PART process, Best-Wong mentioned the challenge OW had in accounting for the federal-state partnership. A shared measure (restore 25% of the nation's impaired waters by 2012) helped in this regard.

Denise Keehner noted the important role of the states in setting designated uses of waters and water quality standards and in ensuring that their water quality is not degraded. There is collaboration within EPA offices in the review and approval/disapproval of state standards.

Keehner's division works with OPP, as well as the ROs and SLAs, in ecological Risk Assessment (RA). Given the PART process and its effect on the budget, she noted the need for further inter-office coordination to minimize duplication of effort. As an example, she cited the atrazine effort where data are being shared with OPP. Both OW and OPP have been working on a comparison of RA methodology; the result will be publicized, though it is not ready yet. A new work group is being set up with OPP to determine how OW can make better use of OPP data. The idea is to get the results out to the SLAs for their use in setting water quality standards, but in the meantime, OW is looking at how to help the states in the interim before criteria for key pesticides are produced for SLAs to use. There was a brief discussion of the relationship of NPDES permitting to mosquito control applications and aquatic herbicides. Also, OW is working on characterizing the occurrence of bioaccumulation of persistent toxins, using archival samples from 500 water bodies. Keehner concluded by noting the good news, namely, that OW has actually started working together with OPP. Budget pressures are forcing the two offices to share resources and to cooperate more closely.

Bill Jordan noted the importance of recognizing that the two statutes, FIFRA and the Clean Water Act (CWA) must be made to fit together as closely as possible, both with regard to science, policy, and regulatory issues. Both laws are directed at the same regulatory goal, and pesticide users need to be regulated in a sensible way. Many stakeholders are involved in this effort, e.g. SLAs, farmers, registrants, etc. Because of this wide interest, there is need for an open participatory process; the fitting of NPDES participatory provisions with FIFRA continues to be a controversial, yet essential, topic. More opportunities for state involvement are on the horizon.

Linda Boornazian discussed EPA's interim guidance on pesticide use and NPDES permitting. 400 comments, covering many angles, had been received on the guidance. Following this, the proposed regulation was drafted in less than 3 weeks; its terms were broadened to include the term "near" in discussion of pesticide applications over water. Drift issues were not addressed at this point. Thus far, 1400 comments have been received on the proposed regulation; these are now being analyzed. Jeff Comstock noted Best-Wong's comments on the voluntary nature of non-point source compliance, and asked if there had been any discussions about realigning regulatory authority to take pressure off the permitting program. Best-Wong said there had been no such discussions in recent years; OW is still struggling with how to deal with non-point sources. There is no legal/regulatory hammer available to force non-point sources to install Best Management Practices (BMPs). There is a need to persuade pesticide users to recognize the potential impacts of their activities. Gary Bahr noted the integration being forced to take place at the state level to tackle water quality issues. Soil Conservation Services, State Agric. Depts, and others are taking over new duties. The states would like to see this integration recognized by EPA. Boornazian noted that all waters of the U.S. were not being monitored as yet. As this is done, the issue of pesticide impacts will become more important. In response to a question as to what the most important thing to be done was in order to get a passing PART score from OMB, Best-Wong said this was the development of a non-point source reporting program, including development of measures related to restoration. The goal of her division is to restore 700 water bodies impaired by non-point sources by 2012.

Paul Liemandt said he was "baffled" by Boornazian's comment that drift was not being addressed in the proposed rule. Pesticide drift is an illegal act. How does OW intend to deal with drift issues? Jordan answered the question, noting the need here for a common sense approach, i.e. worrying about "significant" drift as it impacts people, plants, wildlife, etc. This approach has

worked well over the years, yet in relation to the way labels are written, this is difficult. Now, lawsuits are being filed over <u>any</u> drift, e.g. two in the 9th circuit. EPA is still working through how to come up with a common sense approach within the framework of FIFRA and CWA that doesn't greatly encumber pesticide users. This is particularly difficult in the case of CWA.

At the session's conclusion, Howard expressed his appreciation for the participation of the 3 OW division directors, and noted the need to work "smarter" and more collaboratively.

OPP and OW Benita Best-Wang (Watershed Protection Division)

OW is being PARTed(Performance Assessment Rating Tool: the technique used for the Federal review process) in surface water, and for 106 grants (to states) ***attachment 3***

A challenging problem for them is to quantify the process where states and feds have a partnership. Their goal is to restore 25% of the nation's impaired water bodies by 2012. (My point and Joe Zachmann's: what does that really mean? Seems we are measuring against a shadow as in what constitutes restoration and what constitutes making the impaired list in the first place.)

The guidance of their program is state-chosen standards based on designated uses. States monitor waters and report to the Feds (305 reports). 303d reports are of impaired waters, and states are required to prepare TMDL plans to allow the impaired water body to have a allowable loading. Point source is permittable, non-[point is strictly voluntary, with encouragement provided to address np.

One of the leading causes of impairments to lakes and estuaries is from pesticides.

Denise Keehner Standards and (Health Protection Division), OW 304(a) criteria

OW and OPP are working together to use data to come up with revised criteria of which there is quite a backlog or need for more quick

Mosquitocides use is a big focus as is aquatic herbicides. Also, what are some of the top bioaccumulating compounds. OW and OPP are now working together on a number of fronts.

William Jordan OPP

Linda Boornazian Water Permit Division, OW. There was a regulation written in 2.5 weeks, with a policy interpretive statement (mosquitoes) the term 'near' has been added to the spraying over waters. The public is actively involved. OW is being sued under NPDES over ballast water. Permitting isn't the answer to all things. CWA looks at individual waters and the uses specific to them, while FIFRA et al. is of national import.

Q: from Jeff Comstock… their comments from 319 compliance with the voluntary participation. So how has this realigned thinking into the permitting process? A: in answer, in the past there has been reevaluation of some non point so that some of the issues are now point. Problem is, in some of the impaired situations, there are not hammers available to alter nonpoint-generating behaviors.. So, she said, how do you force farmers et al. to do the activities.

Q: just as in the Fed level, we at the state level are needing to become integrated, so remember that the states shouldn't be compartmentalized.

Q: Bonita…. Since you were successful in getting a passing PART score, how did you do it?, and also how important are water quality standards. A: a big one was the long-term monitoring program. For instance in nonpoint, we had a lot of activities in 319 that they didn't have

quantifiable measures available, so they established specific water quality. They had 700 impaired water bodies that were goaled to lose their impairment by 2010.

V. Implementation of New Active Ingredient Registration Reviews by State Lead Agencies

Jeff Comstock reported that 16 SLAs had responded to his March 28 letter (for a copy and for the interim results, see **ATTACHMENT F)** asking for volunteers to participate in reviewing new active ingredient registrations with potential for causing water quality problems. 14 had responded favorably; 2 said no. Some states had offered more than one person. Brad Wilkinson asked that the ROs be copied on any messages to this group.

VI. Pesticide Degradates: Water Quality Implications

Joe Zachmann gave a PowerPoint presentation (see **ATTACHMENT G**) entitled "Pesticide Degradate Detections & Challenges." Among the "known knowns" are the following: 1. Regional US degradate "profiles" in groundwater may differ based on use patterns; 2. triazine and chloracetanilide compounds have well-developed lab methods and cover several related products; 3. geographic distribution of use is wide; and 4. use volumes were/are relatively high. However, there is a large specter of many "unknown unknowns" involving other pesticide degradates on which there is little or no data. Much of the available data on degradates comes from the U.S. Geological Survey (USGS), and is focused on the corn belt. There is a significant increase in the number of detections when degradates are taken into consideration. In MN, there is degradate data from many counties, but the state hasn't determined, for the most part, whether to separate degradates from parent compounds. One question, for example, is whether all triazine degradates should be considered separately. All Cyanazine registrations have been cancelled, so there is no sense in asking the former registrant to develop degradate data. Among degradate analysis challenges are many laboratory issues, such as equipment capabilities, the fact that methods are not always available or quickly adopted, detection and reporting limits, and resources (seasonal, personnel). What does this all mean? Without risk information, we don't know. Are low concentrations problematic? Public perception is important here. Opposing arguments cite precaution and fear of the unknown; also the assumption that degradate toxicity is equivalent or less than parent toxicity. However, in most case, no one knows. Both SLAs and Water/Health Agencies have concerns.

Zachmann noted the differing nomenclature involved: breakdown products vs. metabolites v. degradates, and cited a December 2003 EPA document entitled "Criteria for Inclusion of Pesticide Metabolites and Degradates in Risk Assessments and Tolerance Expressions." Under the previous EPA review process, a Metabolite Assessment Review Committee (MARC) had been responsible for "making recommendations on the pesticide metabolites and environmental degradates that will be included in the human dietary exposure and risk assessments, and on the metabolites to be included in the tolerance expressions for foods and animal feeds." Zachmann went over the old process, then cited the new review process which went into effect April 15 and which resulted in MARC's disbanding in favor of creation of a Risk Assessment Review Committees (RARC), which now includes the Environmental Fate & Effects Division (EFED). The RARC meets twice, once at the beginning of the review process, and once again after additional review. Among the challenges the new process faces are: **A.**.lack of data: 1. registrations based on model estimates typically precede actual monitoring; 2. are the degradates

more or less toxic and more or less persistent than the parent? and 3. old (and some new) pesticides are "off radar"; **B.** Lack of health or eco standards, either federal or state; **C.** the need to respond to multiple viewpoints; and **D.** models and policy decisions involving uncertainty of risk and environmental fate models.

Zachmann cited four key issues for the states as follows: **A.** What can be done to: 1. improve EFED fate models to better predict outcomes of field use, thereby triggering likely need for degradate toxicity info early in the process?; and 2. improve prospective water quality studies? **B.** What additional measures can be taken during registration, labeling, or the enforcement process to protect against "false negative" conclusions on degradate importance, mobility, or toxicity? **C.** What can be done, outside of the reregistration process, to facilitate degradate toxicity evaluation for already-registered products where predictive efforts have failed? and **D.** What can be done to provide states with the necessary information to develop eco and health standards for degradates (easy access to all Data Evaluation Records (DERs), which are the final documents produced by EFED and HED on the various attributes of chemicals under registration or review; review industry studies; develop additional DERs)? In the interim, MN, WI, and other states have been working with EPA, registrants, and state health and water agencies to resolve as many degradate toxicity issues as possible.

Paula Deschamp, Chief, Registration Action Branch III, Health Effects Division (HED), OPP, and Co-Chair of the RARC, explained that the previous MARC in the degradate review process had been eliminated because it was found necessary to integrate hazard and exposure considerations earlier in the process. The process itself is alive and well, but now hazard and exposure experts are integrated into RARC to make one decision. One single document is created at the beginning of the process and is modified along the line. Another concept that has been dropped is the Drinking Water Level of Comparison (DWLOC). Deschamp said a new policy document which explained the changes is now in draft, and should be ready within 3 months.

Betsy Behl, Chief, Environmental Risk Branch IV, EFED, OPP, said EFED had also become accustomed to the old MARC process. The first question for EFED is: what are the degradates that need to be modeled and for which data need to be collected? Now, EFED meets early on with HED to identify degradates of concern. If specific environmental fate data are available, then determinations of quantity in the environment can be made, and degradates can be modeled. At the end, one needs to review monitoring data, if available (there won't be much for a new compound). Much refining of the risk assessment (RA) takes place, inasmuch as the initial screening yields much uncertainty. As more data becomes available, more goes into the model. Initially, OPP makes very conservative assumptions, and frequently the risks diminish as more data becomes available.

In response to a Q., Deschamp said that even though the DWLOC criterion was now lost as a trigger for SLA involvement in new active ingredient assessments, the basic information will still be available in the RA document. However, Howard noted the need to reconsider the criteria since DWLOC had been eliminated. Deschamp said the decision making process was the same for old and new pesticides; the RA depends on how much data are available on degradates. Zachmann noted the need for registrants to produce degradate data. He also raised the problem of getting lab methods for degradates. Behl said methods for analysis of degradates were available from EPA's Bay St. Louis lab. Howard noted the need for discussing method availability with state labs.

VII. Enantiomeric Pesticide Active Ingredients: Water Quality Considerations

Jim Hetrick, OPP/EFED, gave a PowerPoint presentation (see **ATTACHMENT H**), noting that in biological systems, one would expect the substituents to react differently. There are 3 different types of isomers: enantiomers, diasteriomers, and geometic isomers. It is necessary to have a complete data set for racemic compounds before bridging over to stereoisomers. Howard asked whether state labs were able to analyze the differences between racemic compounds and enantiomeric compounds. The answer was that it appeared state labs would need some help in this area. Howard noted all the uncertainty that was present, and asked if the testing being done was sufficient to protect public health and the environment. The cost factor was mentioned; it is much more expensive to analyze for residues of enantiomers. Rollins noted that for a long time, no distinction was made between metolachlor and S-metolachlor. Then, the need arose to make this distinction. He said it was necessary to note from the beginning if essentially two different compounds were involved.

Enantiomeric Pesticide Active Ingredients: Water Quality

There was a discussion of different enantiomer types and their impacts in pesticide regulation.

History: Isomers have been evaluated since the late 1980s, using different analytical methods depending on the type of isomer.

A problem is evaluating racemic to isomerically enriched mixtures a common issue .. The question is how do we deal with this fairly?

Interim policy:
Objective :Is the enrichment product posing a greater risk than currently registered product (racemic mixture)?

For example of issues, Indoxacarb
The S-enantiomer is the active one. There is no selective degradation in the soil.
Compare 50-50 mixes and 25-75 R::S ratios

VIII. Open Discussion: Committee Priorities for Region-OPP Water Quality Meeting

Jimmy VandenBrook presented an evaluation of BMP adoption for atrazine in WI. Atrazine restrictions had been imposed by rule in 1991 (the first state to do so). A University of WI mail survey of growers was conducted in 1992 to determine knowledge of the rule and compliance rate. A response rate of 51 % was achieved, which was good. The survey revealed that awareness of the rule and compliance with it was high, despite some confusion as regards rule details. VandenBrook noted a significant decline over time in detection of parent atrazine residues in private wells. The Total Chlorinated Residue (TCR) picture was clouded by the presence of simazine and cyanazine residues. However, the Dept. of Agric. argued nonetheless that the atrazine residue decline had occurred, and subsequently allowed the reintroduction of atrazine use on sandy sites because it wanted to see if such reintroduction could occur without heavy contamination. A long term commitment to analysis (which is now in its 6th year) has been made; thus far it reveals no serious contamination has taken place. Howard gave examples of similar performance measures being used in FL. Rollins noted that CA's measures were all output

related. In no case was more funding made available, therefore old data had to be used. The CA Dept of Pesticide Regulation (CDPR) had to talk other members of the committee responsible for the effort out of using many numbers because they were not outcomes. The most productive effort involved looking at outcomes in small restricted areas and hoping they were representative. Roy Meyer noted that in NJ there was a voluntary effort to generate data points, and some reduction in pesticide residues was found. Judy Carlson noted the need in ND to look more closely at priority watersheds. According to Gary Bahr, Region X states have had extensive discussions with the RO on performance measures. One measure involved the RO asking each state to consider 5 areas in detail, and these have been negotiated out in ID. Howard noted that most states probably don't have outcome measures, but all have data to review for developing such measures. He suggested looking outside the box, e.g. at pesticide use data. Bahr suggested basing measures on something the SLAs themselves, rather than other agencies, had control over.

Wisconsin and MN committee priorities for Region water quality meeting

Jim Vandenbrook, WI and Joe Zachmann

- *BMP adoptions in WI atrazine restrictions imposed by rule in 1991*
- *University mail survey of growers conducted in 1992 to determine rule knowledge and compliance rates*
- *Response rate 51%*
- *Awareness and compliance was high*
- *Some confusion on rule details*

Detections of atrazine declined fairly consistently from 1994 to 2000 (Attachment4)

Coarse soil sites: median TCT (trichloro triazines) slowly rose from sample quarter 3.4 to Q 20.22 upon removal of the restriction following atrazine ban.

IX. EPA Fumigant Cluster Evaluation Process (see also Item #VI, P. 7, of the Minutes of the April 4-5 WC/PO&M meeting, plus ATTACHMENT B to those Minutes.)

Margaret Rice, Special Review & Reregistration Division (SRRD), OPP, noted the need to ensure a level playing field for all registrants of soil fumigants, yet also the need to allow flexibility for individual states. She mentioned the request she had sent out via the AAPCO list server for information on state regulation of soil fumigant; such info should be submitted to OPP by the end of May. Phase 1 of the six phase evaluation process has been completed; SRRD is headed toward Phase 3 - public comment. In late June, there will possibly be a technical briefing for the public, probably in the Washington D.C. area, as a result of anxiety on the part of growers. The purpose of the briefing will be to frame the issues involved and discuss stewardship, training (and gaps therein), research, and new technologies. Phase 4 is scheduled for Oct/Nov, followed by another technical briefing with stakeholders (Phase 5). Phase 6, the risk management decision is due in Jan/Feb of 2006. The iodomethane decision will come about a month behind the 5 others, which include methyl bromide, chloropicrin, metam sodium, dazomet, and Telone. In response to a Q. regarding possible air monitoring, Rice said she was unsure, but that there would probably be more such monitoring since OPP's mitigation efforts are primarily directed at bystanders. **ACTION ITEM:** Howard indicated that he planned to confer with the Chairs of SFIREG and the WC/PO&M to clarify the role the WC/WQ&PD should play in fumigant issues.

Fumigants have great benefits, yet pose special human health risks. EPA is looking for infomred management decision-making tools. Phase one of the 6-part public process is done. It went to companies for their input; phase 3 will take place once risk assessments go public. They are thinking of having a public briefing to correspond roughly with full SFIREG. There is apprehension over what these say and what is meant by risk assessment and risk mitigation. Phase 4 is public hearings and phase 6 is the announcement of the risk management decision (likely in January 06).
To summarize, there is an opportunity for gathering use and use data with two formal comment periods. The overall goal of this process is to provide a level playing field, so that one isn't regulated, and another slipping through. Iodomethane is a new active iingredient.

X. Emergency Powers for Potable Well Cleanup

Alan Morrissey, Civil Attorney, Office of Enforcement (OE), EPA, noted that most statutes contained exceptions from federal emergency powers for agricultural activities, but this was not the case with FIFRA. The key legal term is "Imminent Substantial Endangerment" (ISE) which avoids use of the word 'emergency' since risks sometimes take time to materialize. The relevant U.S. Code provision (see **ATTACHMENT I**) has incredible breadth for protecting water, according to Morrissey. There is a jurisdictional hurdle to surmount in cases where state/local authorities have not acted. However, few limits to federal authority exist in practice; the feds can generally order whatever is necessary to protect public health. The most common federal orders in this area have dealt with microbiological contamination. The 3rd most common have dealt with nitrates. A Q. arose about the possible overlap with FIFRA. Morrissey said that despite the lack of any standard for federal action in FIFRA, federal authority was broad if a certain threshold involving danger to public health was crossed. There is no regulatory program or standards per se. The Government can order that remedial action be taken, and if such an order is not complied with, then a civil or even criminal action can result. There is only one ISE provision that states can use, and that is a citizen suit under RCRA (the state can be a "citizen"). All the IES provisions in RCRA are listed on the website of the Office of Solid Waste & Emergency Response (OSWER)

US Code Title 42 Chapter 6A Subchapter XII part D 300i (handout)
Allen Morrisey OECA civil enforcement. . . (an EPA lawyer) public nuisance is one of the oldest torts in history, and animal nuisance (agricultural nuisance) is right there as well.
In most statutes, Congress has inserted a "notwithstanding clauses" or, ISE clauses (stands for imminent substantial endangerment [to health of persons] (not emergency.. the risk is imminent)); something like a reasonable likelihood of increased cancer risk, etc. An example he cited was taconite disposal in Great Lakes. Notwithstanding is effectively a Congressional backdoor in legislation to cover contingencies they didn't think of, or akin to notwithstanding, we screwed up, etc. . . Considering use issues with underground sources of drinking water. . . ISEs are huge phrases. Drinking water could mean one single family well source. Almost all aquifers have been exempted east of the Mississippi, and many west of the Miss. Contaminant means essentially anything in the water except pure water.
ISEs cue the Feds to act where and when state and local officials haven't acted. The administrator can impress people by order to act to resolve a risk. ***This is a heck of a provision****, and in 1983 they started using it administratively, for example microbiological contamination and*

they administratively order a cleanup. Such could apply to nitrate contamination also. From this they also can issue orders for issues like CAFO regulations (Confined Animal Feeding Operations) … and these actions are not unprecedented. A typical situation would be high NO_3 levels in a well, and it is an unregulated homeowner. Region investigates, and on investigation, a small collection can be found. Then, look for the potential source, and possible plume detection. It used to more difficult; how do you blame NO_3 on anyone? The answer is that isotopic $^{14}N/^{15}N$ ratios can track source to more of a point location. What to do…?? Interim .. user is provided bottled water, and then steps are taken to rectify the situation. With the ' 86 (groundwater) amendment, they can ask for cleanup of the aquifer. So regulators can ask is there surface water involved and or is there groundwater? How does the pertinent issue connect with FIFRA, CWA, etc? That is where the notwithstanding clause comes in. The government can order you to do things.. (A 1431) It isn't regulatory, but if you don't follow the government order… then you are in violation. For example you don't need to have MCLs or HALs… but if it causes a situation that poses a threat to water quality, the ISE can kick in. A company may have met all the requirements to be permitted to kick out NO3 by permit under say CWA, but it doesn't matter if there is an ISE. So you can do things per government edict and still have to act to change. There is one ISE that states can use. In RCRA, 7002 allows an ISE by citizens, and a state can bring that action as a citizen. Every county, town, etc. board of health can use the powers, but a lot don't.
So this is where CAFOs might be affected. The agency can issue an order, without going to court. Any appeal of an administrative order goes directly to the Federal Court of Appeals.
The guidance is under the RCRA enforcement section

XI. State Water Quality Training Priorities

Luanne Whitbeck distributed a draft document entitled "Questionnaire for Training Needs for Ground and Surface Water Sampling". She plans to send the draft out by e-mail to the WC, and ask for comments within two weeks of receipt of the e-mail. Has the questionnaire been put together in the right way? Is this effort worth making? Whitbeck believes it is worthwhile in order to have a framework in place in case funding is ever made available.

TUESDAY MAY 3

Just as a note, Nancy Fitz and Jude Andreason formerly with EPA-FEAD are now placed under OPP under Kevin Keaney.

XII. Summary of Action Items

Howard summarized the previous day's action items as follows: **1. Reporting System -** This will be continued "with tweaks". The survey should be sent out well in advance of the WC meeting in order to frame agenda items. Roy Meyer and Henry Wade volunteered to help with the survey; **2. Budgetary -** The issue here is whether the WC should prioritize cuts in the Office of Compliance field program or let the individual states weigh in. There was no strong feeling expressed by WC representative for WC action on this. Howard said Bill Diamond had asked SLAs to identify actions taken by states to protect water quality. The responses here should be forthcoming following the meeting with OPP on water quality later in the day. The WC did agree that prioritizing pesticides for setting water quality standards was a good idea; **3. Registration**

Review Process - Comstock will continue trying to identify partners for this effort among the SLAs. The ROs need to be brought in per Bruce Wilkinson's request. The triggers for state review need to be adjusted in view of the elimination of the DWLOC trigger; **4. Degradates** - the action items here include the following: **a.**. replacing the DWLOC; **b**. reviewing the joint OW-OPP Risk Assessment report this Fall; and **c.** how to get information on analytical methodology out to the SLAs. The new SFIREG liaison for the labs, Kevin Armbrust, MS, needs to be brought into this effort; **5. Training -** Whitbeck will follow up on this.
Note: no additional comments by me here -rop

XIII. Pesticide Disposal: Label Statements, FIFRA-RCRA Issues

Gary Bahr gave a PowerPoint presentation on disposal label statements and FIFRA-RCRA issues (see **ATTACHMENT J**). Re: the former, Bahr referred to the Label Review Manual (LRM), Chapter 13 "Storage and Security", noting the need to review example labels and compare them to the LRM requirements and to the MSDS sheets. He cited as an example one RUP granular product. As regards FIFRA-RCRA issues, he noted the issue raised at the WC/PO&M meeting by Dave Scott, IN, regarding disposal of aluminum phosphide fumigant. People were being asked to dispose of products according to RCRA and EPA hazardous waste rules, and thus not necessarily following label directions. This is a potentially serious problem, and Bahr said he would follow up with a report at the Fall meeting of the WC/WQ&PD which would contain recommendations.

Howard asked for a discussion of RCRA-FIFRA conflicts. Liemandt noted that other states might have similar problems to those of Dave Scott in IN, and suggested a note to all the SLAs asking them to submit labels from other products; the issue needs to be viewed holistically. Bahr concurred with the idea of sending a request to the states for more problem labels.

- *Pesticide Disposal: label Treatments*
- *White paper… Disposal on site and open burning, and a statement about toxicity category (the RCRA/FIFRA thing)*
- *Also, labels for storage and homeland security need to be beefed up some.*
- *No new label language has progress; continuing the survey on open burning requirements state by state.*

Because of the move, their regulatory time has been limited.
New label statements are geared to fix as many things as they can regard mixing, washing, etc.
Gary Bahr..
Slide presentation…
Label statements
Product A, granular, RUP, Danger
Storage statements were keep in original container, well ventilated, temps less than 115F, KOOROC(out of the reach of children), away from domestic animals, Do not store or use in or around home
MSDS storage statement.
Dry cool, OOROC, animals, etc.

FIFRA-RCRA issues

- *SFIREG POM issue.. Indiana has an issue, especially partially used/spent phosphide materials, and how do deal with them when they have some potential value, but man need to dispose of them. Relates to pesticide label manual*
- *For Phosphide materials, Disposal of product, product outside container, product still inside container are separate issues.*
- *Label instructions generally provide good instructions.*
- *RCRA and EPA waste rules seem to dictate product as hazardous waste. The wet deactivation method seems to allow disposal of liquid by pouring on controlled soil area etc.*

We need to review more labels and chapter 13
OPP and RCRA staff should work together to develop acceptable disposal instruction language
RCRA E and F lists (which see)
Gary passes by out aluminum phosphide (Fumitoxin) label for illustration
Q: The disposal of liquid deactivated material may violate RCRA? So some say that rather than dispose of it according to label, it should be per. RCRA regulations.
This came up as a singular issue from IN but it would be surprising if there weren't other RCRA/FIFRA conflicts. Maybe a survey of labels with conflicting instructions sent to AAPSE?
Q: Judy Carlson… do the clean-sweep programs take Phostoxin? In NDak, the answer is yes. (This could vary from state to state or locality to locality)

XIV. Pesticide Container Recycling (for the states' position on container recycling, see Maureen Serafini's PowerPoint presentation at the Spring AAPCO Meeting. This is on the AAPCO website as ATTACHMENT S to the report on the Meeting)

Howard noted the background of the March breakfast meeting with CropLifeAmerica (CLA) reprs. where the lack of participation by many registrants in Ag Container Recycling Council (ACRC) activities was discussed. Nancy Fitz, FEAD, then gave a PowerPoint presentation (see **ATTACHMENT K**) which noted the CLA commitment to container recycling and the fact that CLA was developing a strategy to expand the number of companies that fund recycling beyond CLA. Currently, CropLife member companies world wide spend over $50M per year on container management. In the U.S., only CropLife pesticide registrants support ACRC's budget of $3.99M (the ACRC's primary mission is to support collection and see that the collected plastic is handled responsibly). At their March meeting, CLA's Board of Directors reaffirmed their commitment to ACRC and recycling. Fitz noted that successful recycling requires local industry, state, and extension help to build awareness about recycling in the farm community. Elements of CLA strategy to increase support for plastic recycling include the following: 1. asking all stakeholders to develop a consensus industry/government standard for recycling of one-way agric. plastic containers; 2. requesting all agric. pesticide registrants (one more time) to support voluntary recycling; and 3. if non-CLA registrants refuse to support recycling, then CLA will work with EPA to adopt recycling as a condition of registration. Currently, EPA and CLA, in an effort to develop a consensus standard for container recycling, are creating a committee including the American Society of Agricultural Engineers (ASAE), as well as AAPCO, ACRC, AAPSE, the National Pesticide Stewardship Alliance (NPSA) and others, to develop BMPs for safely recycling plastic agric. pesticide containers. The schedule calls for finalizing the committee in mid-May, a June meeting in Wash D.C.; development of a BMP standard via e-mail and

conference calls this Summer/Fall, and approval of the final standard through the ASAE process in December. Fitz said the committee wants to put the standard in place first, then review authority issues (e.g. FIFRA). Initially, the program will be voluntary.

Sharron Stewart noted that she had sent a series of Qs. to Full SFIREG members asking for a discussion at the June meeting. The first Q. was: Do states have authority to ask for recycling as a condition of registration. The overwhelming answer thus far is: No. In response to a Q. as to whether triple rinsing or pressure rinsing were acceptable to the ASAE, Fitz said these issues had not arisen as yet, but would be considered in connection with the standard. Many years of experience show that this approach is feasible. In response to a Q. as to whether the standard would apply to agric. product containers only, Fitz said the standard would apply initially to containers from 1 to 55 gals.; it might be expanded later to include other sizes and other containers. Henry Wade noted a problem in NC with people dumping trash into waste bins designed for pesticide containers. Some container collectors were dropping out because of this. Liemandt stressed the potential problem if 50 states were to go their own way as regards container collection. AAPCO does not want this to happen; rather, it desires a stewardship approach. Environmental problems will result if there is no stewardship. Stewart noted the patchwork progress that would result if there were no nationally scoped activities. Liemandt said he was impressed by the CLA/ACRC actions, and that there was no long drawn-out time frame involved. He said the proposed time-frame (see above) appeared to be realistic. **ACTION ITEM:** Howard asked Craig Romary to keep abreast of the issue and report back to the WC.

XV. Pesticide Product Security Measures

Bahr gave a PowerPoint presentation on Pesticide Security (see **ATTACHMENT L**), noting that there was little information on storage and disposal in the LRM Chapter 13. There are a number of potential water issues and potential security threats. Federal, state, and industry educational efforts are available. Bahr asked what else, if anything, should go into the LRM. Bahr went over the MN Dept. of Agric. list of actions to prevent security problems before they occur. He also reviewed similar lists sent to him from WA, FL, SC, and NC (NC has a Terrorism Threat Vulnerability Self Assessment Tool). The Armed Forces Pest Management Board's Technical Guide No. 7 is useful, as are a number of documents available on EPA websites. The Office of Emergency Management and the American Chemistry Council also provide material on product security. The Security Vulnerability Assessment Tool is available from a number of groups. Bahr asked where the WC should go next. Howard noted that of 5 highly toxic products he had reviewed, 4 of the 5 had no instructions as regards to product security (e.g., store in a locked location). He asked if either WC&PD or POM should look into this. There were no thoughts from WC members. However, the suggestion was made that issues regarding pesticide product security be sent to the WC/PO&M for further consideration. Stewart concurred.

The EPA pesticide label manual chapter 13 has little information on storage and disposal There are potential water and security issues. Fed, state and industry educational efforts are available.

Examples (with handouts) were passed around: found mostly from looking at materials found on the web… industry, state programs, federal programs….

- *Minnesota Department of Agriculture*
  - *From a brochure on security…*

- *Washington State DOA…*
- *Florida Jefferson County Extension*
- *Clemson Extension*
- *NC Dept of Ag*
- *U of Illinois Extension*
    - *http://www.afonb,irg/oubs/time/TG7/tg7.htm armed forces pesticide security issues*

Thought: should we send out something about storage in light of fungicide use and related storage for soybean rust management. This is especially true now since we have(so far) had later than anticipated development of soybean rust infections in the soybean production areas of the United States, and some larger producers have stockpiled product that now will likely have to be stored overwinter. Another issue is the temptation to locally remarket product without knowledge of or care about relevant regulations that prohibit it. This is a potential issue to be addressed through PSEP efforts in soybean producing states.

XVI. Pesticide Container & Containment Rule

Jude Andreassen, FEAD, noted that the major question addressed in comments on the revised proposed Rule dealt with on-farm bulk storage. The vast majority of commenters urged that the rule be expanded to include such storage (currently the proposal covers only retailers, etc.). EPA has looked into this question, and management will consider it in the final Rule. Currently, 20 states have rules governing bulk storage, of which 14 include on-farm storage. This is an option, and OPP has made no decision on it as yet. However, it is difficult to justify expanding the Rule's scope because there is no data to support this. Pesticide dealers don't know if big truck rigs are being used to transport pesticides (or what else) for on-farm storage. The schedule for the Rule now calls for sending it to OMB in September, and to publish the final Rule in Jan/Feb 2006. In response to a question on FEAD priorities in this area, Andreassen said the Rule had the highest priority, with recycling probably coming 2nd. Labeling issues (e.g., open burning, dispose on site) would be No. 3. Fitz noted there would be more time to devote to other issues once the Rule went up the line. The Q. arose whether the 14 states (see above) had data on in-bulk storage on farms. Andreassen said that despite FEAD's request to states, surprisingly little data were available. She noted that farms were not subject to many complex rules.

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*"Successful container recycling requires local industry, state and **extension** (emphasis added) help to build awareness about recycling in the farm economy."*

General Question: It is a concern that if there is not a good functional container recycling program, and/or CLA folks are inefficient, then label mandates about fates of containers become problematic.

Q: There was an uproar when triple rinsing was brought up and if done properly, works well, then the pressure rinse indicated requirement on some labels. As it is now, triple-rinsed and or pressure-rinsed with visual inspection is the standard.
Now registrants are formulating to allow for better container sanitation, relative to when the rinsing issue first came up

Q: Will the standard apply to non-ag materials. The containers under ACRC are high-density plastic that is 1 to 55 gallon in size.
Q: How bout golf course/ROW/even some PCO (commercial and some home) applications where there are materials that are generating large volumes of plastic. How about presenting them for recycling? Also once they are collected and who inspects and signs off that they are properly disposed?

The specter may be raised that if nothing is done, there might be 50 states each with their own nightmare regulatory web that is unsupported Federally. AAPCO does not want that to happen…unsecured, unassembled and monitored container caches can constitute water quality hazards. CLA sees this as a current critical issue. The schedule that Nancy posted is well targeted—if it can be accomplished.

ADDITIONAL COMMENTS: When you get to the label, a lot of things tend to overlap, so the container containment rule will be a priority. There is not data to support rule expansion to farms, although there are anecdotal reports of large suppliers. 14 of the 20 states that have state control include farm site.

XVII. Endangered Species (ES) Implementation Update

Arty Williams, FEAD/OPP, gave a PowerPoint presentation (see **ATTACHMENT M**) which first presented the realignment of offices concerned with ES. FEAD's Environmental Fate Branch is being dissolved, with its personnel going to other branches. The reorganization must be finally approved by EPA's Office of Human Resources Management and by the labor union, steps which will take about 2 months. Then, most of the ES staff will move physically to EFED.

Williams explained the new Counterpart Regulations (CRs), which have been approved by both the Fisheries & Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS). Alternative approaches to consultation with the two Services involve EPA drafting the components of a Biological Opinion (BO) for a Likely to Adverse Affect (LAA) finding as called for in the Endangered Species Act (ESA). EPA may make a Not Likely to Adverse Affect (NLAA) finding without any further consultation obligations. Section 18 exemptions may be handled via emergency consultation provisions under the ESA. The so-called Alternative Consultation Agreement (ASA) with the Services describe how to use the Counterpart Regs. including how EPA officials will be trained to make NLAA determinations and how the Services will exert periodic oversight. NLAA findings must be assessed consistent with the overview document, must assess indirect as well as direct effects on ES, must use public literature, and must assess effects to critical habitat. Use of the ecotox database will be important here.

Progress in Counterpart Rule implementation has involved training of 30 OPP staff and managers for NLAA determinations. New ecotox risk assessments are being made consistent with the overview document wherever possible (on-going assessments may not necessarily be consistent). Development of internal processes and procedures is ongoing. With new assessments, the overall approach is to incorporate ES work into the assessments for registration and reregistration actions. Williams described FY'05 and '06 as "ramp up" years. In '05, OPP intends to work with 12 active ingredients to do what it can as regards ES from beginning to end. As for ongoing consultations with the Services, OPP is in consultation with the NMFS on a subset of 54 pesticides, uses of which are currently in litigation in the Pacific Northwest. A number of assessments were being conducted prior to passage of the Counterpart Regs. and development of the overview document. As regards Section 18s, the CRs allow emergency consultations. The procedure is for OPP to notify the Services, move forward with the "action", and consult at the earliest opportunity. The EPA position is to address ES issues in Section 18s up front as much as feasible. Repeat exemptions are likely to be difficult if ES issues have not been addressed. Williams stressed that states/tribes are not responsible for consultation with the Services, but OPP will appreciate any info it can get on ES from the field. As for field implementation of the program, an FR Notice explaining this is expected in June. The county bulletin approach will be used to allow geographically specific limits where needed. The major distributive mechanism will, for financial reasons, be web-based. OPP has made a public participation commitment to stakeholders, but it is still under development. SLAs will be tapped for crop info and how pesticides are being used. States/tribes will also be asked to provide info on potential risk mitigation measures, and input to maps (which will be downloadable). As for potential issues, Williams said it would be necessary to establish policies and processes to: 1. balance the minimizing of limitations with timely registration decisions; 2. ensure bulletins are ready when the label hits the market; and 3. identify and implement efficiencies to move over 250 actions thru the process in a timely manner.

In response to a Q. on "ground truthing", Williams said OPP would provide maps and limits to SLAs and ask if the language and graphics made sense. Obvious flaws will be corrected. Most importantly, the growers must understand the materials involved in the program. Williams noted that consultations with the Services on Section 18s will only be

required if an LAA is made pursuant to the overview document. She said the registrant would have "huge" roles in the program. Several companies are providing their own assessment of effects on ES. Registrants will be heavily involved in development of mitigation measures. Labels will have to be changed, if necessary. EPA will try to ensure registrant compliance with the ESA, but in a minimal way. Labeling provisions will be enforceable through reference to the county bulletins.

She again mentioned the Realignment within OPP BRANCHES under FEAD

- *PRSB (Policy and Regulatory Services Branch)*
- *Government and International Service Branch*
- *Certification and Worker Protection Branch*
- *Communications Branch.*

Counterpart regulations for the endangered species act allow different agencies to issue regulations directed toward a given part of government. Alternatives to consultation (with FWB) work the "normal old-fashioned way."
Section 18s may be handled via emergency consultation provisions under ESA and "NLAA" determinations.. not likely to adversely affect.

More on Section 18s… Section 18s for public health emergencies…they are fas- tracked to get them out the door in light of ESA
Others…under emergency consultations (not a pass)

Emergency consultation..
They have to notify the service (FWS)
Then they can move forward with an "action" and then consult at earliest opportunity. So if an 18 is issued without consultation, they better get to consultation by year 2. States should address as much as they can about ES up front, prior to submission of 18 applications. i.e., where species are, what counties will be affected and how, and use mitigation potentials. IF ES isn't addressed, a follow up 18 is likely to be difficult. States and tribes are NOT responsible for consultation.
Arty's group is the one that makes the consultation. For them, the more information the better.

Field implementation. Scheduled for June.
Using a bulletin approach (not new) to allow geographically specific limitations where needed
Major distribution of brochures is web-based.
Participation commitment is coming, but under development.

Overview document (on ESA)t.

- *Assess direct and indirect effects*
- *Use public literature*
- *Assess effects to critical habitats.*

Herbicides are included in that they may indirectly affect habitat of animals.

Currently, over 30 staff are trained to make NLAA determinations
New ecorisk assessments to be done wherever they can. This depends on where in the process they are in the review of a product.
Ongoing ecorisk assessments may not be consistent with the overview document
Now to incorporate endangered species into assessments for registration, re-registration and reviews
'05 and '06 are ram- up years
'05 = what can be done when it can be done for 12 actives (soup to nuts) 11 old products and one new… that pose some risk to endangered species
Q: (Gary B.) What are the plans to doing the ground truthing.. A: doesn't mean a state has to tell that it is there. What it is is, the bulletin that is in place to meet label guidelines functions.
Q: Section 18s: Can the agency make the NLAA determination and not have more consultations. A: if the assessment is done according to the overview document (risk assessment) and won't be done in 52 days. Which is onerous, otherwise they need to consult.
Q: What is the registrant's role? A: Huge, several are doing up-front work and that will be brought along. Development of mitigation efforts for a product would be a change in registration, and the registrant would be involved.
Q: Do the state ESA bulletins carry the status of labels? A; Once they are listed on labels, then they are enforceable as part of the label.

XVIII. California's PRESCRIBE System for Endangered Species Restrictions

Bob Rollins gave a PowerPoint presentation (see **ATTACHMENT N**) on the CA system. PRESCRIBE is an on-line database application for protection of ES; Leopoldo Moreno is CDPR's ES project specialist. Rollins noted that the draft Interim Measures Bulletins, each of which is 40-55 pages, are hard to keep current and cumbersome to use. PRESCRIBE can be accessed via CDPR's website at: http://www.cdpr.ca.gov/es/prescribe Rollins went over the several steps available in PRESCRIBE. He noted that RUP users must get a permit from the county, and that this was the ideal time for getting ES information to them. He hopes that EPA will take advantage of the CA database, and that it will impact LAA/NLAA determinations. The system is available to other states free if they wish to use it. Rollins said PRESCRIBE had been funded out of program grant funds within the SLA. Two FTEs have operated the system over a few years.

My comment to AAPSE people:
California's PRESCRIBE is interesting to view. Go see it.
http://calpip.cdpr.ca.gov/calpip/prod/county.cfm?ds=PRESCIBE

XIX. Office of Compliance Update

Jack Neylan reviewed the following topics: **1. Cooperative Agreement Guidance** - There will be no amendments this FY except for addition of the 3 enforcement performance measures; **2. PIRT** - Two training courses are scheduled this Fall in VA and NC; and **3. OECA Web Pages** - OECA is putting out more information on three websites: www.epa.gov/agriculture (for national agriculture); www.epa.gov/pesticides

and www.epa.gov/compliance (various appendices covering WPS inspections, FIFRA Inspection Manual, Inspector Checklists, etc.).

XX. Office of Pesticide Programs Update

Jim Roelofs reviewed the following topics: **1. Sealants Study -** A study by EPA and the Consumer Product Safety Commission (CPSC) is supposed to be ready shortly. There will be Qs and As with recommendations and guidance for the public; **2. Pyrethrins and Piperonyl Butoxide -** The Phase 3 Risk Assessments for these compounds went up on April 27. No information on automatic misters has been posted, but internally OPP is working on an approach on how to deal with the misters; **3. Label Review Manual -** OPP is forming a permanent committee including division directors to come up with a method for continual review of the LRM. The labeling policy issues effort does not currently have a home, its personnel having been taken away for higher priority projects. However, OPP recognizes that the LRM needs a higher profile and requires regular review; **4. Pesticide Program Dialogue Committee (PPDC) Meeting -** This is scheduled for the week of May 9 - 13. A short update on mosquito labeling changes may flag the automatic misters issue; this topic may be on a future agenda; and **5. PPDC Workgroup on Consumer Labeling Initiative -** This group is scheduled to meet in conjunction with the PPDC meeting.

In the wrap-up, Howard asked for Qs. or comments, but received none. He announced the next meeting would be Oct 31-Nov 1, and concluded by praising the WC for its hard work.

They are having the two enforcement training classes offered in the fall

They have been working on the OECA website; three good sites are as follows. www.epa.gov/agriculture, and www.epa.gov/pesticides is OPP and www.epa.gov/compliance OECA

Jim: EPA and Cons. Product Safety is coming out with a new document on sealants with Qs and Answerss concerning CCA and safety. That is targeted for May 4.
Risk Assessments for piperonyl butoxide and (time release mosquito management) There is no assessment of misters in the document, but they are working on it. No data currently available

Label review manual, originally managed by a team.

PPDC meeting next week (In Msy). PR notice (final) is out now for mosquito issue.
After PPDC meeting, the workgroup (for consumer products) on label language will be held.

The meeting adjourned at 12 p.m.
