



# Update on EPA's Pesticide Program Activities

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American Seed Trade Association  
Policy & Leadership Development Conference  
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# Discussion Topics

- Leadership and Organizational Changes
- PRIA Update
- Coordinating with Canada
- Residue Data Needs for Seed Treatment Uses
- Dicamba Update
- Registration Review Update
- Endangered Species Act
- Biostimulants



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# PRIA Update

- An omnibus was signed on 3/23/18 that includes language extending the expiration date of PRIA 3 until 10/1/18. All PRIA 3 authorities and provisions will continue for this duration.
- PRIA 4 is awaiting passage by the Senate. If passed, signed into law, and implemented before 10/1/18 it would supersede the provisions of PRIA 3 extended under the omnibus bill signed on 3/23/18



# Coordinating with Canada

- The US – Canada Regulatory Cooperation Council (RCC) was initiated in 2011 to promote economic growth, job creation, and benefits to consumers and businesses through increased regulatory transparency and coordination.
- Under the RCC, OPP works with Health Canada's Pest Management Regulatory Agency (PMRA) on a variety of projects including:
  - joint pesticide reviews
  - work sharing
  - development of information technology solutions for applicants to facilitate work flow
  - processing of pest control product applications submitted to both countries.



# Reduced Residue Chemistry Data Requirements for Seed-Treatment Uses

- Joint effort between EPA and the Health Canada Pest Management Regulatory Agency (PMRA)
- Performed a retrospective analysis of all seed-treatment residue data submitted to EPA and PMRA
- Developed a tiered approach for when residue data requirements for seed treatments can be reduced
  - All crops excluding potato seed-piece treatments
  - Potato seed-piece (PSP) treatments
- <https://www.epa.gov/pesticide-registration/determining-number-field-trials-required-register-seed-treatment-uses>

# EPA Dicamba Over-the-Top Uses

- New uses for dicamba-tolerant soybean and dicamba-tolerant cotton were registered in late 2016.
- Three products were approved for conditional registrations for use with 2-year expiration dates
  - Xtendimax with VaporGrip Technology (EPA Reg No. 524-617)
    - Registration Expires November 9, 2018
  - Engenia Herbicide (EPA Reg. No. 7969-345)
    - Registration Expires December 20, 2018
  - DuPont FeXapan Herbicide Plus VaporGrip Technology (EPA Reg. No. 352-913)
    - Registration Expires November 9, 2018

# **2017 Incidents/Complaints**

- May/June 2017, EPA started receiving reports of significant crop damage following applications of dicamba
- Early reports were reported in Bootheel area of Missouri
- As the season progressed, reports of soybean damage spread across southern states and northern Missouri, into the Midwest and Dakotas



# EPA 2018 Label Changes

- All three products are Restricted Use Pesticide products
- Dicamba-specific training is required for all applicators
- Limits applications to when maximum wind speeds are below 10 mph
- Applications may only occur between sunrise and sunset
- Tank clean-out language to prevent cross-contamination
- Susceptible/sensitive crop identification and record keeping with sensitive crop registries
- Maintain specific records regarding the use of these products



# Implementation of New Labels

- All registrants agreed to get the revised labels into the hands of farmers in time for the 2018 use season
- EPA, cooperatively with SLAs, will monitor the success of these changes to help inform regulatory decisions for the use of dicamba on tolerant soybean and cotton beyond 2018

# What is Registration Review?

- Statutory Mandate – FIFRA Section 3(g)
  - Requires review of each registered pesticide every 15 years
- Scope – ~725 “cases” encompassing over 1,100 pesticide active ingredients (A.I.)
  - Conventional, antimicrobial, and biopesticides
- Statutory Deadline – EPA must complete review of all pesticides by 10/1/2022



# Registration Review Progress

- **Conventionals**
  - 277 draft risk assessments completed (~39% remaining)
  - 203 proposed interim decisions complete (~56% remaining)
  - 179 final or interim decisions complete (~61% remaining)
- **Antimicrobials**
  - 48 draft risk assessments completed (~66% remaining)
  - 44 proposed interim decisions complete (~68% remaining)
  - 39 final or interim decisions complete (~72% remaining)
- **Biopesticides**
  - 42 draft risk assessments completed (~67% remaining)
  - 42 proposed interim decisions complete (~67% remaining)
  - 37 final or interim decisions complete (~71% remaining)

# **Registration Review Status**

- **High Volume Registration Review Deliverables Across OPP:**
  - 70 Draft Risk Assessments anticipated in FY 18 (Mid-Year Progress = 35)
  - 55 Proposed interim Decisions anticipated in FY 18 (Mid-Year Progress = 22)
  - 58 Interim Decisions anticipated in FY 18 (Mid-Year Progress = 35)
- **2018 High Profile Draft Risk Assessments**
  - Glyphosate, atrazine, paraquat, soil fumigants, neonicotinoids (final pollinator)
- **2018 High Profile Proposed Interim Decisions**
  - Glyphosate, neonicotinoids



# Neonicotinoids

- **Imidacloprid**

- 2016: Preliminary pollinator-only assessment released
- 2017: Remaining risk assessments released

- **Clothianidin, Thiamethoxam and Dinotefuran**

- 2017: All risk assessments released

- **Next Steps**

- 2018: Consider public comments submitted
- 2019: Plan to issue final interim risk management decisions

# EPA Glyphosate

- 2009: Initiated Registration Review
- 2016: Consulted with the FIFRA Scientific Advisory Panel
- 2017: Draft human health and ecological risk assessments
  - Concludes that glyphosate is not likely to be carcinogenic



# Chlorpyrifos

- In September 2007, the Pesticide Action Network of North America and Natural Resources Defense Council submitted a petition seeking revocation of all tolerances and cancellation of all chlorpyrifos registrations.
- On March 29, 2017, to comply with a Ninth Circuit order (from an unreasonable delay lawsuit), the EPA issued an order denying the 2007 petition, requesting that the EPA revoke all tolerances and cancel all chlorpyrifos registrations under FIFRA. USDA scientists supported this determination.
- In July 2017, the Ninth Circuit found that EPA's order satisfied its obligation to respond to the petition. Petitioners have brought new litigation in the 9<sup>th</sup> Circuit (*LULAC v. Pruitt*) directly challenging the March 2017 denial order.
- Currently, chlorpyrifos remains registered and is being re-evaluated through EPA's re-evaluation program, registration review.
- EPA is currently working through the objections process
- EPA will continue to evaluate the potential risks posed by chlorpyrifos as part of the ongoing registration review and intends to complete the assessment by the statutory deadline of October 1, 2022.



# **Endangered Species Act**

- In January 2017, EPA initiated consultation, issuing Biological Evaluations for chlorpyrifos, diazinon, and malathion.
- On December 29, 2017, NMFS issued the final Biological Opinion on potential effects of chlorpyrifos, diazinon, and malathion.
- The BiOp reaches “jeopardy” and “adverse modification” conclusions for 38 federally listed threatened or endangered species and 37 critical habitat units.
- EPA has opened a public comment period on the NMFS’s Biological Opinion on chlorpyrifos, diazinon, and malathion. Comments are being accepted until July 23, 2018.

# **ESA Interagency Working Group**

- On January 31, 2018, a Memorandum of Agreement was signed by EPA, DOI (includes FWS), DOC, and NMFS, establishing an Interagency Working Group.
- The Working Group will provide recommendations to EPA, FWS and NMFS leadership on improving the ESA consultation process for pesticide registration and registration review.

# **Biostimulants**

- EPA recognizes the growing importance of plant biostimulants in environmentally sound agricultural practices
- We are developing guidance for plant biostimulant products and associated label claims that may be included in, or excluded from regulation under FIFRA.
- The guidance will provide clarity on label claims to assist industry and state regulatory partners. EPA plans to send it to OMB for review before the end of the FY.



**Thank You!**