

EPA's Pesticide Program Hot Topics



May 2022

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U.S. Environmental Protection Agency



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We've Moved!

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





Guest Access to EPA Buildings

- EPA's Federal Triangle buildings are open to visitors.
- HQ Security requires that a completed Visitor Request Form.
- Guest(s) should have their contact's phone number on hand in case they encounter any issues entering the building.
- Currently, not all conference rooms are equipped for the combination of in-person and virtual meetings.
- At this time, OPP is not expecting to frequently host in-person meetings.



OPP-wide Priorities

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



Mission: Provide leadership in shaping an inclusive culture that drives excellence, innovation, achievement, creativity, and the employee work experience.

Strategic Objectives

- ***Create a High Performing Organization***
 - o Embrace Core Values
 - o Implement the Diversity, Equity, Inclusion and Accessibility Plan
 - o Align GP2W and the Performance Management System
 - o Ensure Scientific Integrity
 - o Improve Recruitment/Retention
- ***Enhance Employee Experience and Engagement***
 - o Convene the Employee Experience & Engagement Subcommittee
 - o Host OCSPP GP2W Café Series
 - o Promote Employee Ideas Platform
- ***Manage Emerging Issues***
 - o Return to the Workplace
 - o Implement Headquarters Consolidation



Employee Experience & Engagement Team

- Facilitate a positive and engaging work experience among OSCPP colleagues

Teamwork and Collaboration Team

- Find ways that our co-location can promote better and more effective teamwork and collaboration across OCSPP

Work-Life Balance Team

- Implement Assistant Administrator Freedhoff's Memo on Work Life Balance

Pulse Survey Team

- Capture the voices, ideas, and input of OCSPP staff as it relates to employee experience and employee engagement on a regular basis

Communications and Transparency Team

- Facilitate communications from GP2W/EEES to OCSPP staff

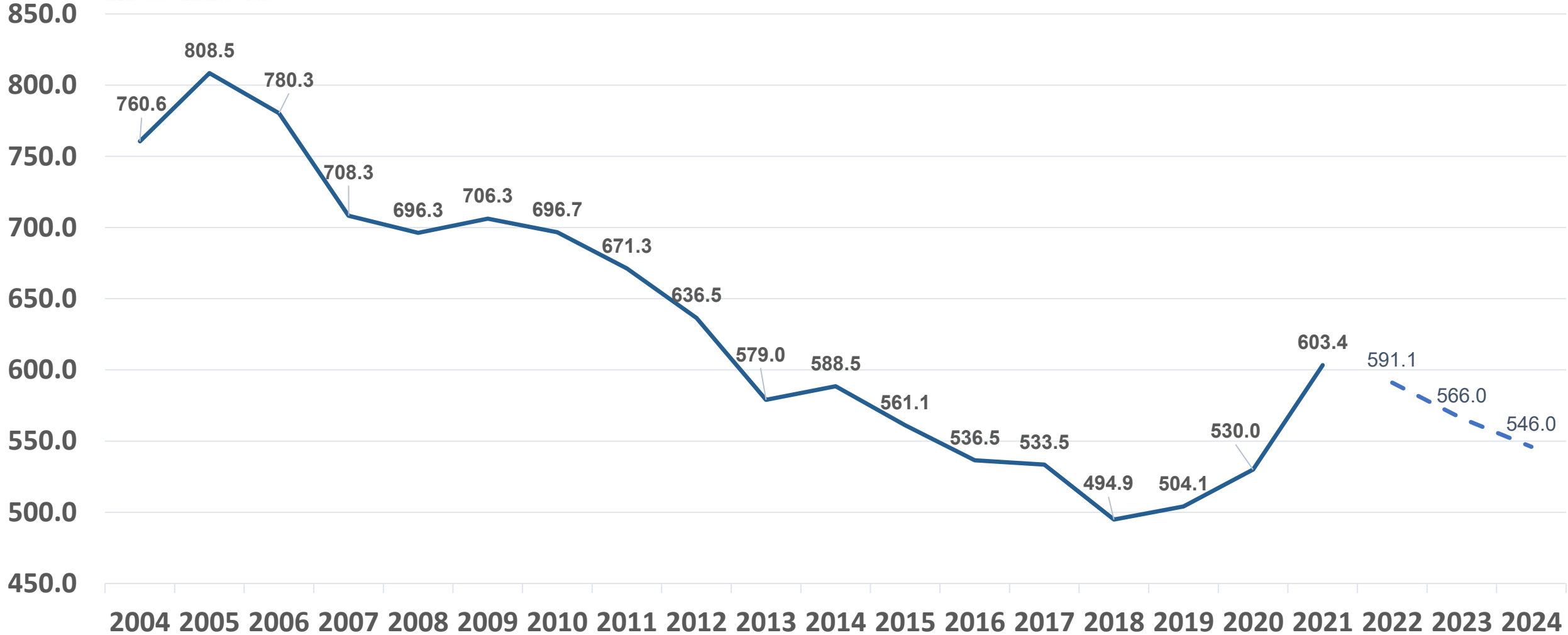


OPP FY21 Registration Highlights

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

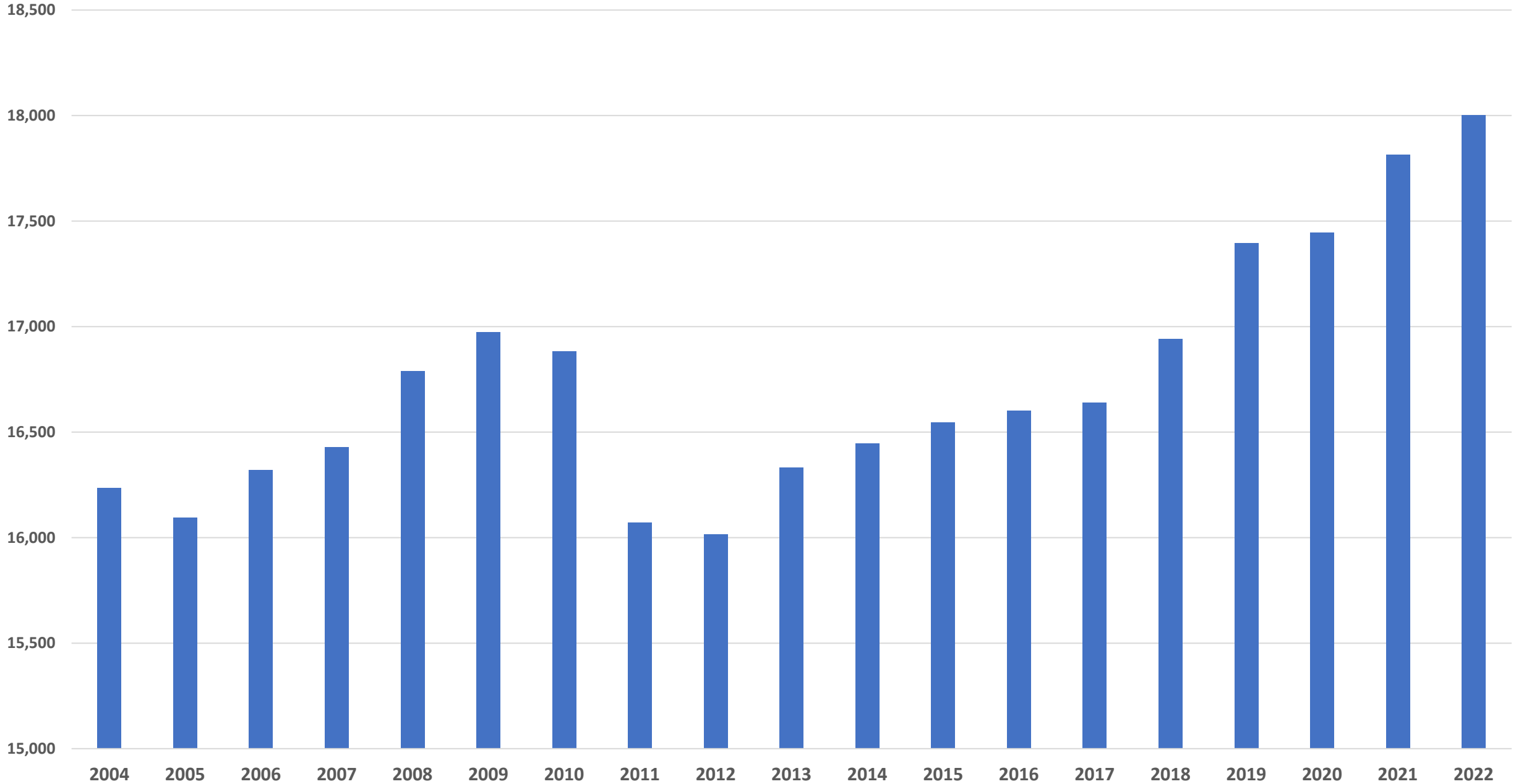


EOY Total FTE Usage for OPP from FY 2004 - FY 2024 (adjust contracts down scenario)



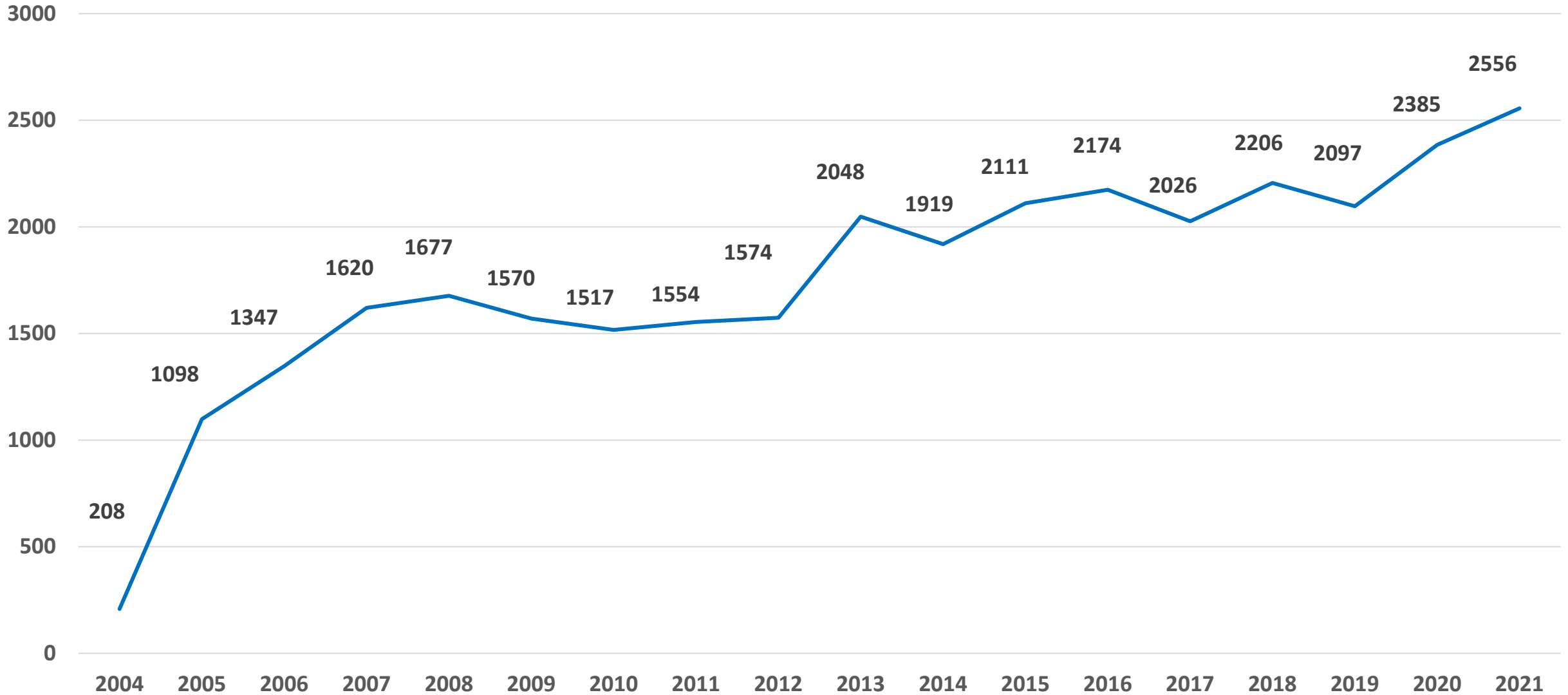
95 FTE deducted from the OCSP Program funding levels to normalize the data to reflect OCSP Reorganization and those FTE being moved to OPS.

Section 3 Product Registrations, 2004-2022

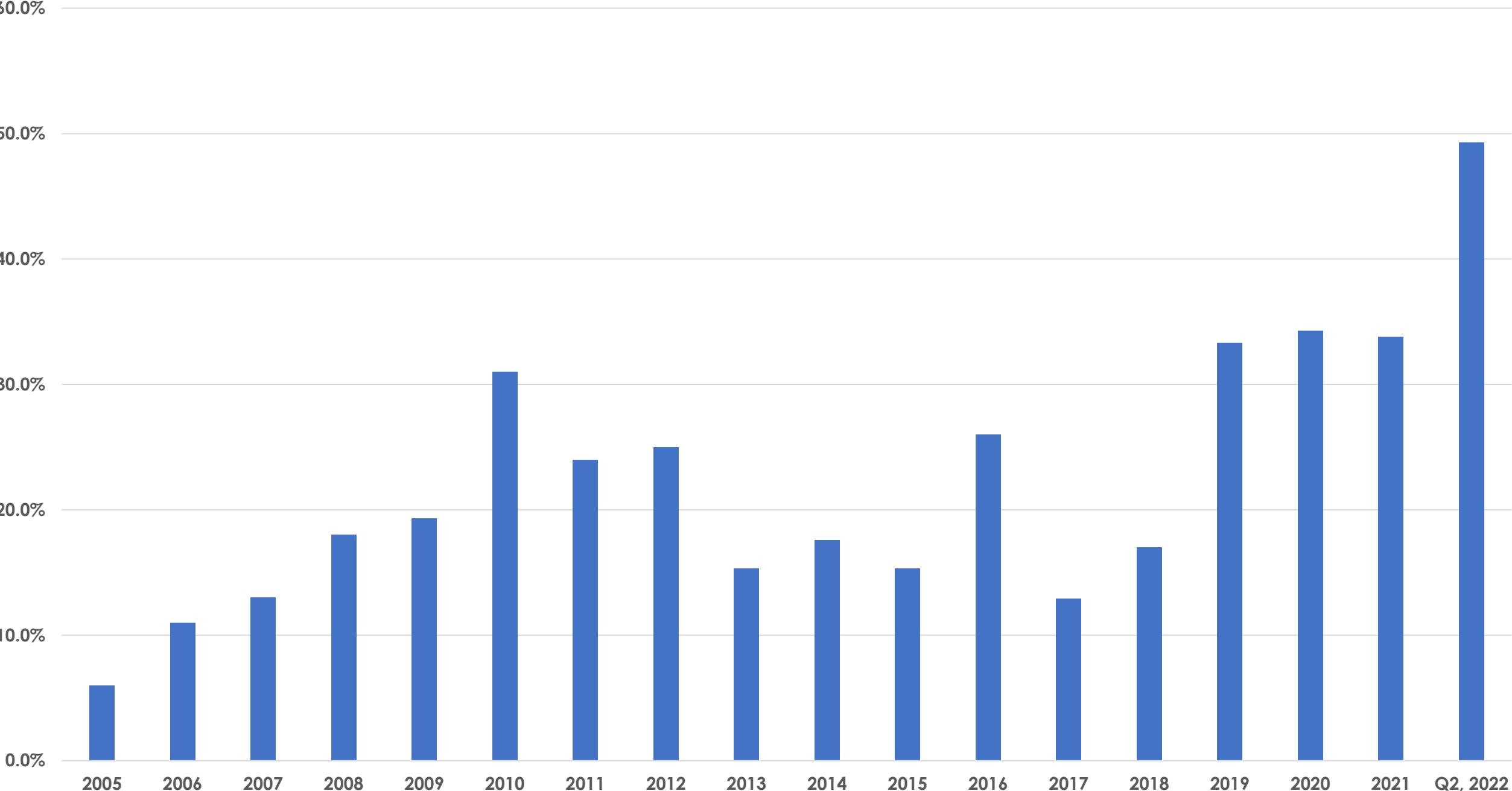




PRIA Completions: FY2004 - FY2021



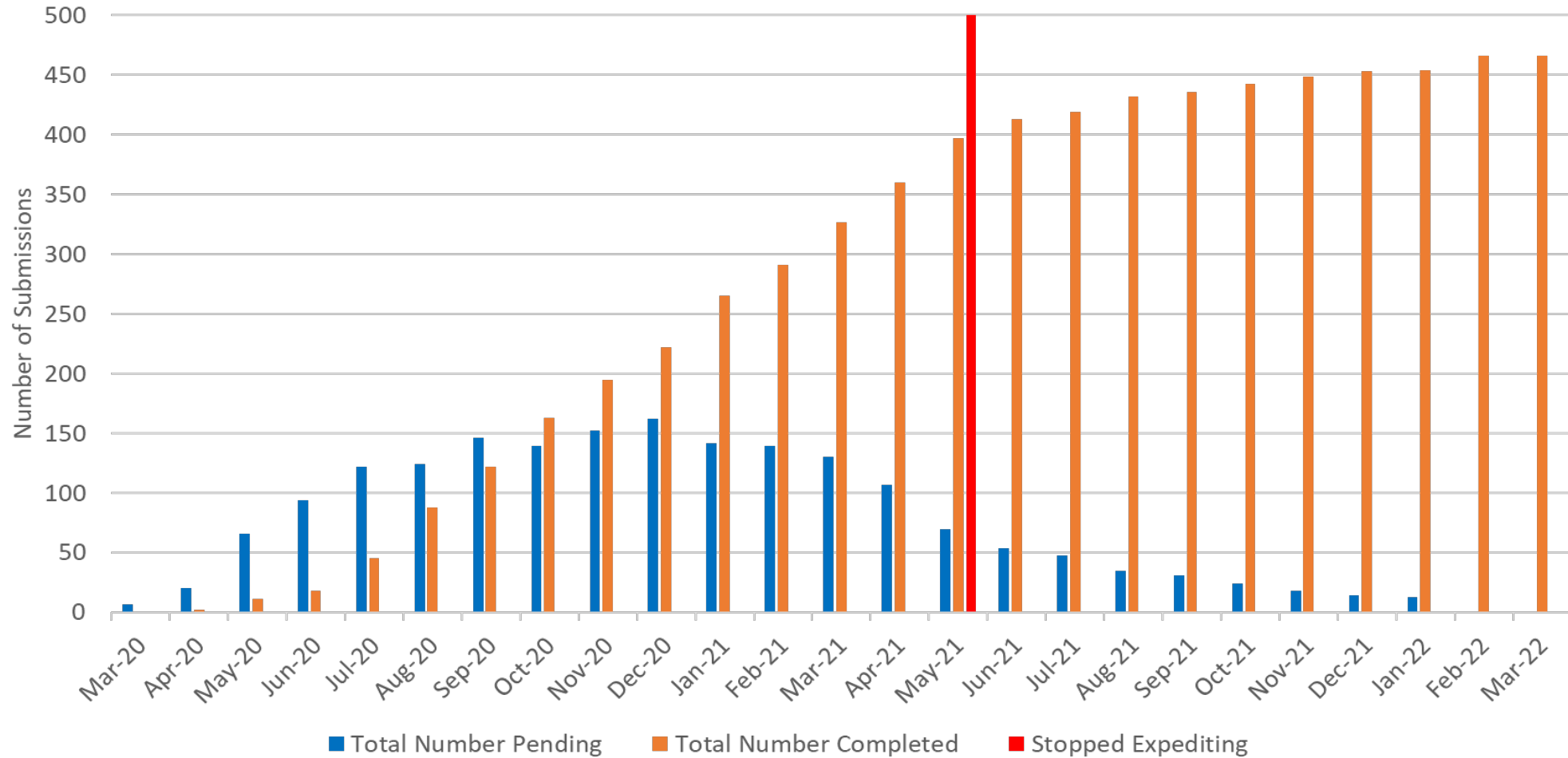
PRIA Renegotiation Rates, FY2004 to Mid-year FY2022





PRIA Expedited COVID Submissions

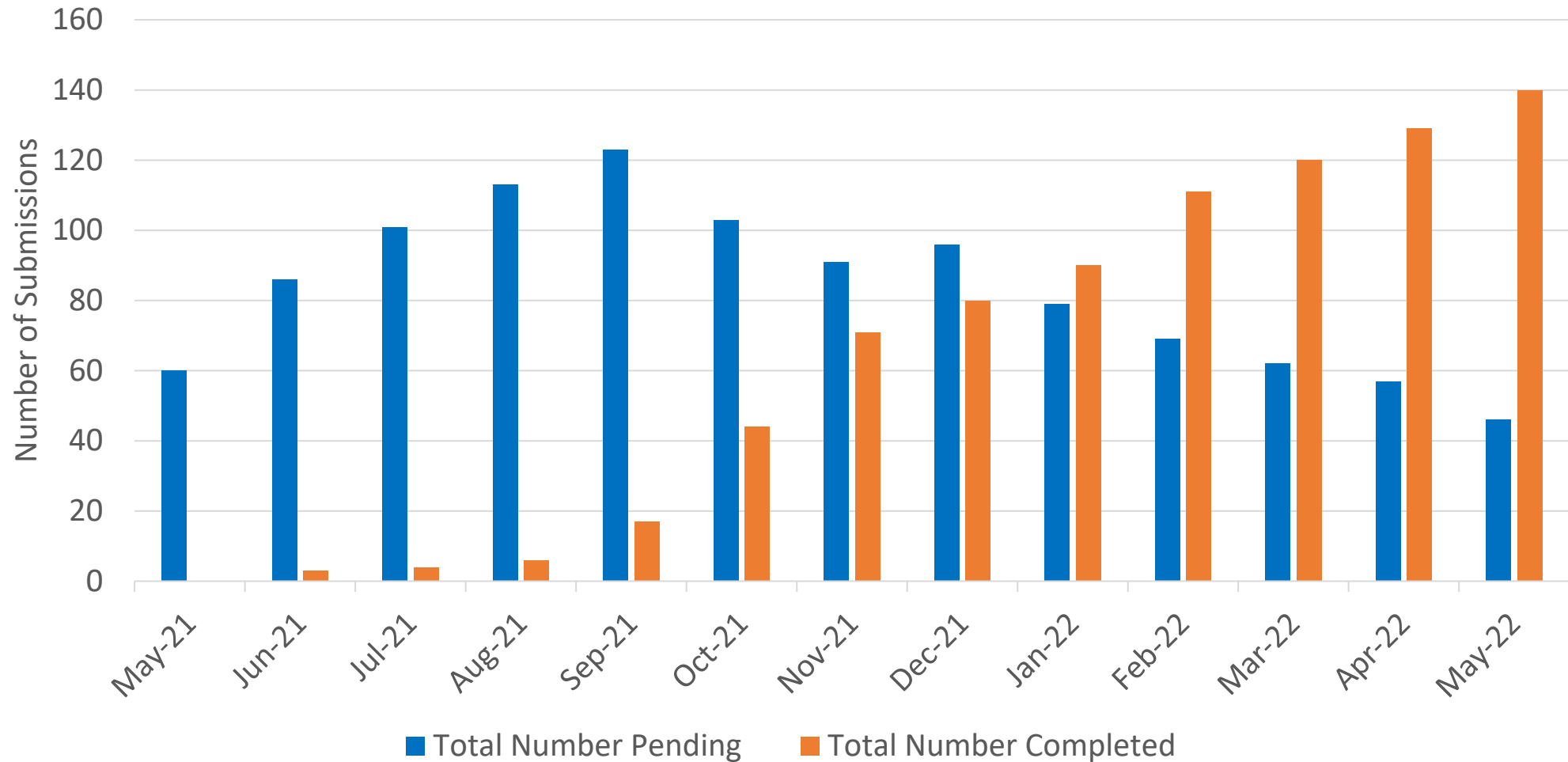
EXPEDITED LIST N PRIA SUBMISSIONS





PRIA Non-expedited COVID Submissions

Non-Expedited List N PRIA Submission Totals



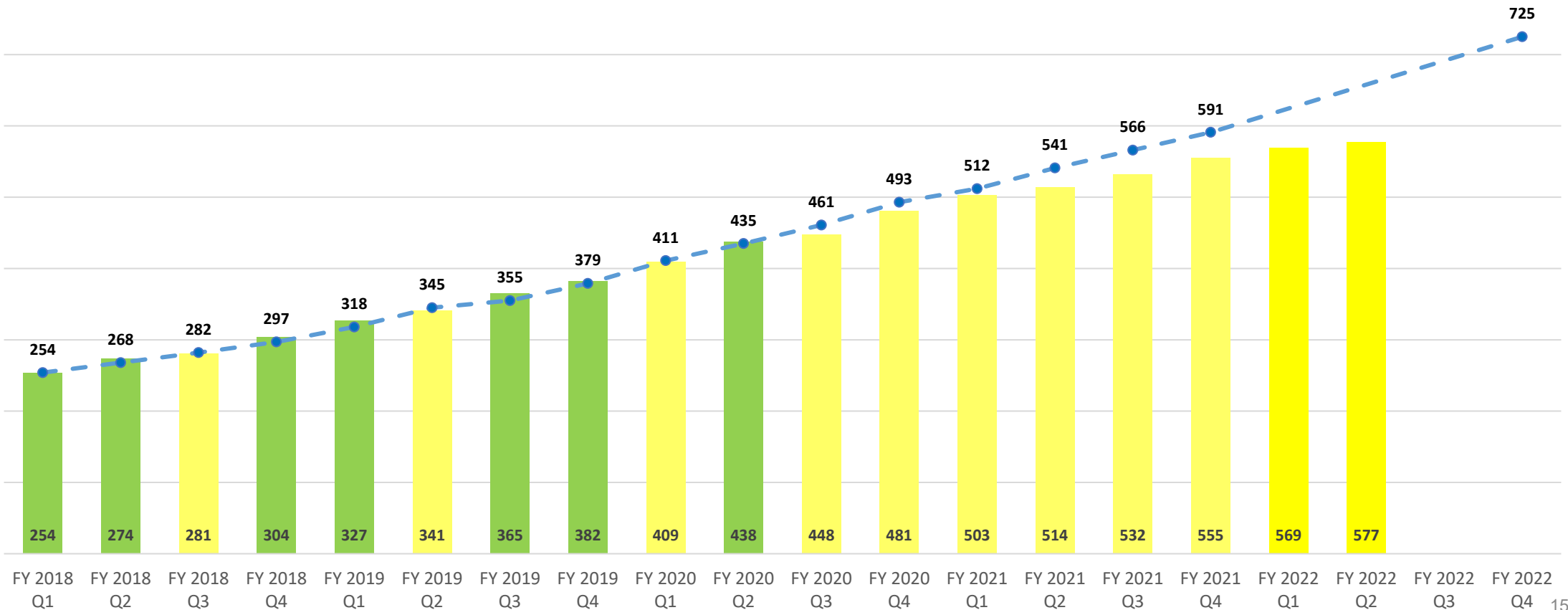


Number of FIFRA Decisions Completed Through Pesticides Registration Review

1.4.4



Preferred Direction: *Higher Than Target*





Endangered Species Act (ESA)

- ESA implemented as part of registration and registration review consistent with Long-term Performance Goals in the FY2022-2026 Strategic Plan
- Implement new policy for conventional and some biopesticide new a.i.s
- Implement newly issued ESA-FIFRA Workplan
- Implement Biological Opinions received from the Services, including Malathion and the salmonids
- Complete Biological Evaluations and/or Effects Determinations in accordance with Litigation Settlement Schedule (6 final BEs (atrazine, simazine, glyphosate, imidacloprid, thiamethoxam, clothianidin) and 2 effects determinations (sulfoxaflor, inpyrfluxam))

Current Schedule of Selected ESA Activities

Green = completed; Red = expected/planned future work; Yellow = expected/planned future work (no litigation)

Chemical	EPA Draft BE	EPA Final BE
Court Enforceable or Court Committed Dates		
Methomyl	2020	2021
Carbaryl	2020	2021
Atrazine	2020	2021
Simazine	2020	2021
Glyphosate	2020	2021
Propazine ¹	2020	NA
Enlist One	NA	2022
Enlist Duo	NA	2022
Imidacloprid	2021	June 2022
Clothianidin	2021	June 2022
Thiamethoxam	2021	June 2022
Sulfoxaflor	NA	Spring 2022
Inpyrfluxam	NA	2023
Dinotefuran	2023	2024
Acetamiprid	2023	2024

Current Schedule of Selected ESA Activities

Green = completed; Red = expected/planned future work; Yellow = expected/planned future work (no litigation)

Chemical	EPA Draft BE	EPA Final BE
Court Enforceable or Court Committed Dates		
Brodifacoum	2023	2024
Warfarin	2023	2024
Bromadiolone	2023	2024
Zinc phosphide	2023	2024
Chlorophacinone	2023	2024
Diphacinone	2023	2024
Difenacoum	2023	2024
Bromethalin	2023	2024
Difethialone	2023	2024
Cholecalciferol	2023	2024
Cyantraniliprole	2023	2023
Flupyradifurone	2024	2025
Bicyclopyrone	2024	2025
Streptomycin	2025	2026 ²
Benzovindiflupyr	2026	2027
Halauxifen-methyl	2026	2027

Current Schedule of Selected ESA Activities

Green = completed; Red = expected/planned future work; Yellow = expected/planned future work (no litigation)

Chemical	EPA Draft BE	EPA Final BE
Expected BE Completion Dates		
Approximately 10 new active ingredients	2022/2023	2022/2023
Acephate	2026	2026
Dimethoate	2026	2026
Naled	2026	2026
Tribufos	2026	2026
Bensulide	2027	2027
Ethoprop	2027	2027
Phorate	2027	2027
Phosmet	2027	2027

Current Schedule of Selected ESA Activities

Green = completed; Red = expected/planned future work; Yellow = expected/planned future work (no litigation)

Chemical	EPA Draft BE	EPA Final BE
Active Ingredients in Pending Litigation Without Current Commitments		
1,3-D (Telone)	TBD	TBD
2,4-D	TBD	TBD
Captan	TBD	TBD
Chlorothalonil	TBD	TBD
Dicamba	TBD	TBD
Diuron	TBD	TBD
MCPA	TBD	TBD
Mancozeb	TBD	TBD
Metolachlor	TBD	TBD
Metribuzin	TBD	TBD

Current Schedule of Selected ESA Activities

Green = completed; Red = expected/planned future work; Yellow = expected/planned future work (no litigation)

Chemical	EPA Draft BE	EPA Final BE
Active Ingredients in Pending Litigation Without Current Commitments		
Oxyfluorfen	TBD	TBD
Paraquat	TBD	TBD
Pendimethalin	TBD	TBD
Propanil	TBD	TBD
Propargite	TBD	TBD
Phosphorotrithioate	TBD	TBD
Thiobencarb	TBD	TBD
Trifludimoxazin ³	TBD	TBD
Trifluralin	TBD	TBD

Current Schedule of Selected ESA Activities

Green = completed; Red = expected/planned future work; Yellow = expected/planned future work (no litigation)

Recent Biological Opinions from the Services that EPA is Working to Implement		
Chemical	FWS/NMFS	Final BiOp
1080	FWS	2021 ⁴
M-44	FWS	2021 ⁴
Metolachlor ⁵	NMFS	2021
Telone ⁵	NMFS	2021
Prometryn ⁵	NMFS	2021
Bromoxynil ⁵	NMFS	2021
Malathion	FWS	2022
Diazinon ⁶	NMFS	2022
Chlorpyrifos ⁶	NMFS	2022
Malathion ⁶	NMFS	2022



Enlist Product Registrations

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



Dicamba

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



Dicamba

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



Dicamba

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



Dicamba

- For the 2023 growing season and beyond, EPA will continue to review whether over-the-top dicamba can be used in a manner that does not pose unreasonable risks to non-target crops and other plants, or to listed species and their designated critical habitats.
- EPA is committed to evaluating the regulatory tools that it could use to address dicamba-related incidents and communicating with over-the-top dicamba registrants to discuss their proposals for addressing dicamba incidents.
- On March 18, 2022, EPA received a request from Registrant Bayer to amend the 2020 registration for Bayer's XtendiMax product by adding additional use restrictions that would be applicable in counties where there are certain federally-listed endangered or threatened plant species.



Chlorpyrifos

- In August 2021, EPA issued the final rule revoking all “tolerances” for chlorpyrifos, which establish an amount of a pesticide that is allowed on food.
- The rule was issued in response to the Ninth Circuit’s order directing EPA to issue a final rule in response to the 2007 petition filed by Pesticide Action Network North America and the Natural Resources Defense Council.
- After issuing the August 2021 final rule, EPA provided an opportunity for any person to file an objection to any aspect of the final rule and request a hearing on those objections.
 - The deadline for all objections and hearing requests was October 29, 2021.
- On February 25, 2022, EPA announced the denial of all objections, hearing requests, and requests to stay the final rule filed during the period for submitting responses to the final rule.
- On February 28, 2022, all chlorpyrifos tolerances expired. Also on that same day, EPA published the denial of all objections to its August 2021 rule. At this time, using chlorpyrifos on food and feed crops after this date will result in adulterated food, which cannot legally be shipped in interstate commerce.
- In March 2022, the 8th Circuit Court denied a motion to stay the tolerance rule and dismissed a petition seeking review of the chlorpyrifos final rule revoking tolerances for lack of jurisdiction. Two other petitions challenging EPA’s final rule and order denying objections were consolidated into a single action, which remains pending before the 8th Circuit Court.



Agriculture Worker Protection Standard

- In October 2020, EPA finalized updates to the Application Exclusion Zone (AEZ) provisions under the WPS regulation.
- In December 2020, lawsuits were filed challenging the 2020 AEZ Final Rule.
- A preliminary injunction is in effect until August 22, 2022 (could be extended further by court).
- Until further notice, the 2015 WPS remains in effect with no changes to the AEZ provisions.
- On May 16, 2022, EPA published a notice in the Federal Register ([85 FR 68760](#)) explaining the ongoing litigation and stay of the effective date of the 2020 AEZ Rule.
- EPA has initiated rulemaking to reconsider parts of the 2020 Rule in keeping with EO 13990 concerning the protection of public health and the environment and restoring science to tackle the climate.



Certification of Pesticide Applicators Rule

- EPA has thoroughly reviewed all 68 state, territory, tribal and federal agency certification plans. Agency feedback is being addressed.
- Plans are being approved on a rolling basis; as of today, 1 state and 2 federal plans are approved.
- Prior to October 1, 2021, we were unable to take action on revising the certification rule because of a prohibition of such actions imposed by the Pesticide Registration Improvement Act of 2018 (PRIA 4).
- EPA issued a rule extending the date by which plans must be approved and ensure existing plans can remain in place to November 4, 2022.
- EPA also issued a [proposed rule for public comment on the need for extending the expiration date beyond November 4, 2022.](#)
- 22 comments were submitted to the docket regarding the extension.
- A final rule is currently under development and anticipated by September.



Glyphosate and Prop 65

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



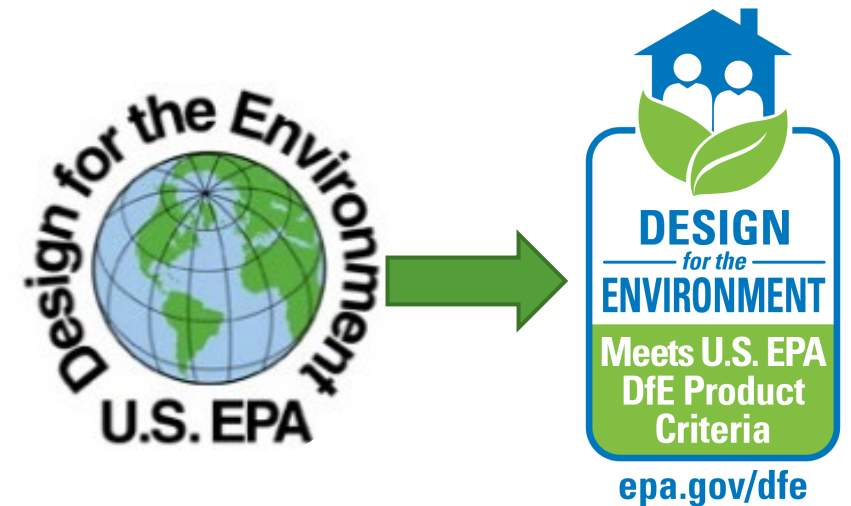
Efficacy Guidelines and Product Performance Rule

- The bed bugs, premises, fire ants, and pests of pets guidelines have been created/updated as per the schedule listed in PRIA 4.
- The product performance final rule was published on 4/15/22 and goes into effect on 6/14/22.
- The rule mainly codifies our current efficacy practices regarding product performance standards and invertebrate pests to test to support labeling claims.
- FAQs are being created to help with the transition and will include information such as how to submit a waiver for the requirements.
- Questions can be sent to: OPP_RD_INVERT_EFFICACY@epa.gov



Design for the Environment logo

- On May 11, EPA launched a new Design for the Environment (DfE) logo that will appear on antimicrobial products like disinfectants and sanitizers within the next year.
- EPA's DfE logo helps consumers and commercial buyers identify antimicrobial products that meet the health and safety standards of the normal pesticide registration process.
- DfE products meet criteria that evaluate human health, environmental effects, product performance, packaging, and ingredients. The requirements are intended to:
 - minimize any possible risks to human health by excluding ingredients that might have the potential to negatively impact young children, cause cancer, or have other negative effects;
 - further protect fish and other aquatic life;
 - minimize pollution of air or waterways and prevent harmful chemicals from being added to the land; and
 - ensure products have no unresolved compliance, enforcement, or efficacy issues.



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Get pesticide news story updates by email:

- Go to epa.gov/pesticides
- Go to the “Recent Highlights and Pesticide News” box in the right corner
- Click on “View more pesticide news” at the end
- Go to the “Other Resources” box at the right
- Under, “Get pesticide updates by email,” enter your email address



Questions & Answers