

**MITIGATION MENU WEBSITE TO PROTECT NONTARGET SPECIES FROM PESTICIDE EXPOSURE
(60-minute webinar) 6/18/2024**

0:08

Hello, my name is Natalie Bray and I work in the Pesticide Reevaluation Division in the Office of Pesticide Programs.

0:18

I'll be moderating today's webinar. Today we have a speaker also from the Pesticide Reevaluation Division at EPA joining us to explain the mitigation menu website.

0:29

Christian Bongard is a Chemical Review Manager.

0:33

And in addition to his role as a chemical review manager and his work on this website, Christian is also working on the E-CSF and our efforts towards a digital label.

0:45

Before we begin, here are a few tips for viewing our webinar.

0:51

To toggle between a maximized and standard view of the presentation, click on the four corner symbol highlighted by the yellow area.

1:00

If you are having technical difficulties, please press the raise your hand icon highlighted with the blue arrow and we will do our best to help.

1:10

To download the PDF version of this presentation, press the paper icon highlighted in green.

1:17

The slides as well as the recording of this presentation will be posted to the mitigation menu website in a couple of weeks.

1:25

To pose a question, use the question box shown with the red arrow.

1:30

Please note that all participants will remain muted during this event.

1:36

We will hold most questions until the end of the presentation, but the moderators may pause the presentation if there is a relevant question that is best answered at that time.

1:47

I'm going to hand it over to Christian now.

1:52

Hello. Today we are here to present a webinar on EPA's mitigation menu website.

1:58

During this webinar, we will provide background on the site and instructions on how to navigate the mitigation menu, along with instructions on the physical label that will direct you to the website.

2:10

Additionally, we are showing how the website supports current BIFRA decisions and would like to get public feedback on the form and function of the mitigation menu website to inform its utility in future FIFRA actions.

2:24

That may include the application for upcoming strategies as EPA plans to use this website for that as well.

2:32

EPA intends to use the mitigation menu website to provide a flexibility by adding additional mitigation measures in the future.

2:41

Some of which may be added to address other pathways of exposure beyond runoff and erosion.

2:47

We want to say upfront that this specific version of the website you see today is designed specifically to illustrate the use of the website as it relates to FIFRA decisions that include interim ecological mitigation, or IEM.

3:02

A lot of you are probably aware that we are identifying mitigation measures that in the future might be added to the menu, as well as developing a point system that would provide identification of the number of points associated with the mitigation measure that could be used to achieve the total number of points specified on the physical label.

3:24

These efforts are still in process as we are developing the strategies announced in our work plan and its updates, such as the herbicide strategy that will be finalized later this year.

3:35

So today, our goal is to start getting you familiar with the website, our version 1.0, which at this point is designed to support FIFRA interim ecological measures in our FIFRA decisions this year.

3:50

Once finalized, we will meet again to discuss the applicability of the website to upcoming strategies.

4:00

Why a mitigation menu website?

4:02

A mitigation menu website allows the pesticide applicators flexibility in achieving required mitigation in directions for use on the product label.

4:13

By directing users to the website on the product label, new mitigation measures that fulfill the label requirements can be added over time without having to update physical product labels.

4:25

This menu maximizes the flexibility for pesticide applicators because they will always be able to choose the best mitigation measures for their situation.

4:35

EPA expects the menu to apply across many different pesticide products.

4:41

This menu should reduce the complexity associating with planning for the next growing season and the potential impacts on growers because mitigation measures provided in the menu will be consistent across various products.

4:59

Before we get to the website, let's cover a little bit of background.

5:02

On the mitigation menu website, we'll go through this very briefly, but in more detail content on the slides before reference.

5:11

The bottom line is twofold.

5:13

First, we developed the mitigation menu to address non-target impacts to wildlife, including species listed under the Endangered Species Act.

5:22

Second, since 2022, we have had a number of public comment processes where we've introduced the concept of a website to house this mitigation menu, proposed it as part of the pesticide reevaluation decisions and identified several additional mitigation measures to add to the menu through two public comment periods and a number of stakeholder meetings.

5:47

The menu is expected to undergo additional changes to include additional measures and a point system as noted in EPA's update on the herbicide strategy provided in April 2024 with more detail about what could be added to the mitigation menu website.

6:09

For now, this current website will be supporting the proposed interim decisions, PIDs, and interim decisions, IDs, we anticipate publishing this summer.

6:22

The mitigation menu website is our first version of this website, or version 1.0.

6:27

The website is intended to support reevaluation decisions that include FIFRA IEM and some registration actions include runoff and erosion mitigation.

6:37

For these decisions, unless certain field application conditions are in place, at least one runoff erosion mitigation measure is needed in U.S. counties that are highly vulnerable to runoff.

6:49

We will provide a detailed demonstration of this later in the presentation.

6:54

Also, for the rest of the presentation, I'll say runoff instead of runoff and erosion.

7:03

First, note that at this time, the website link doesn't appear on any actual labels.

7:08

So, for this website demonstration, we will go through a hypothetical example.

7:14

Existing product labels that require runoff mitigation without mentioning the mitigation menu website must be followed as written.

7:22

For this hypothetical example, the first question to ask yourself when approaching the mitigation menu website is, how do I know the runoff mitigation applies to me?

7:33

The first step is to check the label.

7:36

If the product label does not have the new runoff mitigation language, then no, you do not need to check the mitigation menu website.

7:44

If your product contains runoff mitigation language and directs you to the website, you must visit the website and review the application area parameters.

7:57

EPA's mitigation menu website is www.epa.gov/pesticides/mitigation-menu.

8:06

This website has a complete list of all the runoff menu measures we have developed at this time.

8:13

From there, a user can determine which one they may already have in place or choose another to implement.

8:24

For labels that would refer to the website, the agency has identified six parameters that, if they apply to your field, would not currently require FIFRA IEM runoff mitigation.

8:36

IEM runoff mitigation would not be needed if, one, EPA has determined the county is less prone to runoff, two, the soil is at least 50% sand, loamy sand, or sandy loam, three, the application occurs as a partial field treatment, such as a bandit treatment or spot treatment, four, the pesticide is applied via irrigation or soil incorporation.

9:03

Five, the field has subsurface or tile drainage installed with controlled drainage.

9:10

Six, the field slope is less than or equal to 3% or has a berm system at the time of application.

9:19

We will discuss a couple of these application parameters in a little more detail, starting with the counties EPA has determined are less prone to runoff.

9:28

This information is presented on the website and we'll walk you through how to find your county's runoff vulnerability.

9:38

The slide shows a runoff vulnerability map. This map is of the continental U.S. divided by counties and is for illustrative purposes only, but it shows EPA's current approach to county-level runoff vulnerability for FIFRA IEM.

9:53

For the labels that refer to the menu in the runoff mitigation measures, the counties in dark green would require runoff mitigation if the other field parameter characteristics don't apply.

10:07

Right now to determine if your county would have reduced runoff potential, the website includes Excel tables of the counties with reduced runoff vulnerability and counties with high runoff vulnerability.

10:19

Once you're on the website, scroll down to the runoff vulnerability map section and locate the two Excel files.

10:29

Once you open the Excel spreadsheet, you'll need to locate your county.

10:33

If your county is listed as a county that the EPA has determined has high runoff vulnerability, it may be subject to additional FIFRA runoff mitigation.

10:43

For the first set of registration review cases, only those counties in high runoff vulnerability category are subject to runoff mitigation.

10:53

However, there are still factors to consider that we will go over in subsequent slides.

10:59

If your county is listed as very low, low or medium runoff vulnerability, you won't be subject to any additional FIFRA IEM runoff mitigation in this first set of registration review cases.

11:12

This concludes how to determine your runoff mitigation based on your county.

11:18

We welcome any feedback on how this information is presented on the current mitigation menu website.

11:24

The next step is to review the remaining application area parameters to determine if you need runoff mitigation.

11:34

The next parameter to determine if runoff mitigation would not currently be needed for FIFRA IEM is soil texture.

11:43

If you do not know your soil texture, see USDA's Web Soil Link tool. The link is posted on this slide.

11:52

If your soil is at least 50% sand or loamy sand or sandy loam, you do not need additional runoff mitigation for these initial decisions.

12:02

Finally, we'll cover the remaining parameters that do not require additional runoff mitigation.

12:09

Runoff mitigation would not be needed if a partial field treatment applied via irrigation or soil incorporation, the field has subsurface drainage or tile drainage installed with controlled drainage, has a field slope of less than or equal to three percent, or has a berm perimeter system.

12:30

It's important to review these parameters if your county has high runoff vulnerability and does not have sandy soils.

12:41

If none of these field application parameters are in place, at least one additional on-field or field-adjacent runoff measure would be needed.

12:52

You can find runoff mitigation measures on the EPA's mitigation menu website.

13:00

To navigate the mitigation menu website and find runoff mitigation measures, click the runoff erosion mitigation measures link and scroll down to find it.

13:11

On the slide, you're seeing the list of mitigation measures you would be able to choose from to achieve the mitigation required by the label.

13:20

Click on the link for the mitigation measure you're interested in, and you'll be directed to another page with the description of the practices that qualify.

13:30

In this demonstration, we chose contour farming.

13:36

Once you click on the mitigation measure you selected, the description will pop up and a new page will provide the description of what you selected.

13:45

On this slide, we clicked on contour farming and the description for contour farming pops up on the new page.

13:55

You can explore the mitigation measure options and determine if you have achieved the mitigation already or you will choose an additional mitigation measure to install.

14:08

We want to note that additional mitigation measures are being reviewed by the EPA and the website will be updated accordingly.

14:14

Please read your product labels and follow them carefully.

14:19

Additionally, in both the ESA work plan and draft herbicide comment periods, stakeholders requested that the EPA use the USDA's Natural Resources Conservation Service practices for mitigation menu descriptions.

14:35

In response to these requests, EPA has signed a memorandum of understanding with the USDA in February of 2024.

14:43

The MOU established core principles to guide cooperation between the two agencies and allows the EPA to reference and cite NRCS definitions of conservation practices and associated conservation data as part of the FIFRA Pesticide Regulatory Program.

15:03

EPA is currently working with the USDA to develop informational materials for growers who participate in voluntary USDA programs so that they can understand how those voluntary programs that utilize practices from NRCS or similar conservation programs can fulfill EPA label requirements.

15:24

While it's not ready in the current version of the website, we anticipate this information will be included later this year.

15:33

EPA anticipates updating the mitigation menu website to version 2.0 in the fall of 2024.

15:41

This version will likely include additional measures, a point system, a crosswalk of mitigation measures, and NRCS practice standards that I mentioned previously.

15:54

We also plan to include pictures of the mitigation measures and clarify some of the mitigation measure descriptions.

16:03

Moving forward, EPA will transition to pre-announced, regularly scheduled updates to the menu to ensure that updates are made well in advance of the following year's growing season.

16:15

The idea is to add, not subtract, any additional mitigation measures that we have determined to be effective for reducing runoff to provide additional flexibility to the applicators and growers.

16:30

These updates would also be an opportunity to clarify any descriptions based off the stakeholder comments submitted through the upcoming public comment periods.

16:44

To save rest of updates to the mitigation menu, EPA's major decisions, as well as strategies described in our ESA work plan, please sign up for OPP updates on OPP's main website.

16:58

The slide identifies a few different ways to sign up.

17:02

This ends my presentation portion, and I will hand it back to Natalie.

17:10

Thank you, Christian. We are going to stay on this slide for a few more seconds to give everyone the opportunity to sign up for OPP updates if you are interested and not already signed up.

17:34

Thank you again for attending this webinar. Now we would like to open the floor for feedback and questions.

17:42

The graphic on the slide shows you how to navigate to ask a question.

17:46

Additionally, if you think of feedback or questions over the next few weeks, please send them to pesticidequestions@epa.gov. That email is also on the slide.

18:02

For the question-and-answer portion of this webinar, I'd like to introduce Melanie Biscoe and Khue Nguyen, who are Senior Regulatory Advisors in the Pesticide Re-evaluation Division.

18:13

They'll be joining Christian to help answer questions today.

18:20

So the first question for Christian, participants are asking, can we get a copy of the slides from today's presentation?

18:30

Yes. To download the PDF version of the presentation, press the paper icon highlighted in green on your screen.

18:38

The slides as well as the recording of this presentation will be posted to the mitigation menu website itself in a few weeks.

18:49

Thanks, Christian.

18:50

Another question is, where can I find the mitigation menu website?

18:55

The link to the mitigation menu website is www.epa.gov/pesticides/mitigation-menu.

19:07

Thanks again, Christian.

19:09

The next question is for Melanie.

19:13

Since the mitigation measures are intended to be updated as needed, will there a form of date stamping to verify when mitigation measures were added, changed, or otherwise updated.

19:25

This will be important for verifying compliance with mitigation measures at the time of an application in investigation.

19:36

That's a really great question. And we also get the same question for the Bulletins Live! Two website. And that's something that we do there. And we definitely intend to do that here.

19:47

If you have suggestions on the best way to do that, we definitely welcome that.

19:54

I did just have a peek at the question, looked at the website right now, and there's actually two different date stamps on it, so we need to make sure that we're very clear about that and definitely welcome any thoughts on how to optimize that process.

20:16

Okay, next question for Khue. For the parameters where runoff is not needed, do all six parameters need to be met or is one or more sufficient?

20:25

One or more of the six parameters is sufficient. You don't need all six.

20:35

Thank you. This question is open to anyone on the panel. Will Hawaii, Alaska, and the territories be on the map as well?

20:45

Also, is Hawaii based on the county-by-county basis? If yes, it may not be as effective since each island has one county for their island.

21:00

So I can help address this one since I kind of worked on the Hawaii strategy.

21:06

So we recognize that the needs of Hawaii are kind of unique and the topography in Hawaii is also unique.

21:13

We're working on the Hawaii strategy right now.

21:15

We held a workshop for the Hawaii strategy with a number of stakeholders back in March of this year. We expect to publish something for public comments later this year or early next year I'm not quite sure the timing on that yet, but that's in that strategy is in development. So once we have more to share we'll import stakeholders. And I imagine the other territories, Alaska, Juan, the other U.S. territories, will follow suit after Hawaii.

21:54

Okay great, thanks Khue. So this question again is open to anyone on the panel.

22:01

How does this all apply if treatments conducted are all natural areas or rangeland and not in agricultural fields where crops are grown?

22:13

That's a great question and one that's that's really good clarification here.

22:19

The FIFRA IEM measures and pretty much everything on the mitigation menu website to date or runoff and mitigation really only applies to agricultural fields where crops are grown. We plan on kind of providing a little bit more clarification on that in some upcoming documents that are being published, but in general we would not expect this menu to apply to natural areas, for example if there is some kind of treatment with regard to, you know, promoting conservation or invasives eradication, or for rangeland.

23:00

Khue, is there anything else you'd want to say about that?

23:20

Okay, I'm going to move on to the next question and we can revisit this one if needed.

23:27

Okay, the next question again, for anyone on the panel, what if your partial field treatment of the pesticide was right next to a water body?

23:47

That's a really good question.

23:49

And I'm gonna kind of share the question with Khue a little bit.

23:53

And I think in version 2.0, what you're going to see is a kind of a point system, right?

24:03

And so I think part of that partial field treatment issue is going to be resolved through the point system because as we expect additional strategies to come online, there's going to be kind of a range of expectations in terms of a level of mitigation.

24:28

And so it may be that a partial field treatment might be right next to a water body, but that's not going to necessarily be an issue in terms of the total mitigation needed because you might need another field condition or some other type of mitigation.

24:50

But that is a really good question and one we'll take back to, I think, to think a little more closely on.

24:57

Khue, did you have anything additional to add?

25:00

The only thing I would add is that that component was added in order to give credit for when you're using, when you're doing the spot treatment, right?

25:09

When you're using a backpack application, and you're doing a backpack application or some sort of like targeted handheld application, we expect that the environmental loading from those types of specialized applications would be less than a regular broadcast type of application in the field.

25:25

That's my, yeah, that's my only addition.

25:34

Great, thank you both.

25:36

The next question again for anyone, will applicators be required to visit both of the mitigation menu website and Bulletins Live! Two?

25:50

I can start that one off. It's a really good question.

25:55

So as you may know from previous webinars, EPA is working to ensure that the Bulletins Live! Two link appears on, I would say, most product labels.

26:07

And so moving forward, I think the expectation should be that when you look at a product, at least on the commercial and agricultural side that you would basically be required to go to the Bulletins Live! Two website, you know, within six months of your application.

26:30

So that's kind of, you know, think about that as kind of the default at this point.

26:35

You know, you're going to want to go to BLT.

26:37

And so, you know, there may be situations where this mitigation menu website is referred to on the general label and not in bulletins, and there may be situations where it's referred to in a bulletin.

26:54

And so, you know, I think that what we're trying to do is ensure that the label and website and bulletins all pretty much work in sync together to provide users with the information they need to make their application.

27:15

Khue did you have anything to add to that?

27:24

I'll just add that you know not every decision is going to have necessarily runoff mitigation particularly under FIFRA that references the website.

27:35

So I don't want to say here that absolutely all the time you will have to reference the mitigation menu website.

27:43

That's not necessarily going to be the case, but you would see definitely more decisions than not referencing it in some capacity, if not on the general label, then perhaps in the bulletin.

28:03

Thank you.

28:05

Since it's come up a couple times, and it's been a minute since we said it, Christian, can you please share the web address for the mitigation menu website once again?

28:16

I'm actually on it right now.

28:18

I was looking up the partial field definition that we have on there, but it's epa.gov/pesticides/mitigation-menu.

28:29

And in terms of the partial field treatment definition that came up as a question.

28:36

I think we can, like in the 2.0, try to link more definitions over to that description page.

28:43

That's a good suggestion that we're seeing to add more definitions.

28:47

We have a little bit longer of a definition on the website now, it was in our presentation, but that would be a good source.

28:56

And that's something that presumably NRCS will also have broader definitions for more of these terms as well.

29:07

Great. Thank you, Christian.

29:08

And while Christian was speaking, I switched the slide back to the OPP updates, and I will leave that up for a few minutes just in case anyone else would like to sign up and did not get a chance the first time we showed the slides.

29:25

So moving on to the next question, again, for anyone on the panel, when will the mitigation measures be officially required for application?

29:39

So I would say that the mitigation measures are officially required when you have a label in your hand while applying the product that has those restrictions and those instructions.

29:51

And typically, EPA will issue an interim decision, registrars will have 60 days to submit amended labels to EPA for review and approval.

29:59

It takes the agency somewhere between months or a couple of years to review those labels depending on the number of labels for a case and depending on our workload and our priorities.

30:12

And then after EPA stands and reviews the label, then registrants typically have another 12 months to add those revised labels to products that go into the channels of trade.

30:25

So you will have some time between what you see in our decisions and what the labels out on actual products say.

30:35

There's a certain amount of lag time that occurs.

30:45

Thanks, Khue.

30:47

So I'm going to move on to the next question for Melanie.

30:50

If there is a change to an individual mitigation measure, will the older mitigation measure be archived for reference?

31:02

Yeah, I think that kind of goes back to the first question on, you know, record keeping and enforcement purposes of what was the expectation at the time of application, right?

31:13

And so I think, you know, it's incumbent upon us as the agency to make sure that type of is available to everybody.

31:23

So yes, I think that's that is our expectation as well as to make sure that that is available. Thank you. Back to Khue.

31:35

What about aerial applications? Are those included?

31:41

If the question is talking about FIFRA IEM measures, yes.

31:45

Both ground and area applications are covered as part of the of IAM measures.

31:53

Great, thanks, Khue.

31:54

Another one for you.

31:56

At the beginning of the presentation, you cite the PID for norflurazon as an example where you are referring to runoff erosion mitigation menus.

32:08

Will that and other PIDs be updated to reflect this updated guidance, specifically with reference to six conditions in which runoff erosion mitigation is not?

32:19

So, really, whether or not the proposed interim decision or the interim decision references the runoff mitigation menu depends on the case specifics, right?

32:29

It depends on whether or not that chemical has runoff risk of concern.

32:33

If we think that there are runoff risks of concern, then the label will have instructions referring to the runoff mitigation menu.

32:40

If that case, if a case doesn't have runoff concerns, we don't think that aquatic organisms are impacted, then, you know, we might decide not to require the runoff mitigation menu, if that makes sense.

32:51

So it really does depend on the case specifics.

32:58

Thank you.

32:59

Next question is for Melanie.

33:02

What will the pictures you expect to add in version 2.0 clarify?

33:10

Great question.

33:11

So we've gotten a lot of feedback and questions from stakeholders about how do we know that what we're doing for these mitigation measures is what you expect?

33:22

And so I think, you know, a picture says a thousand words, right?

33:26

So we're going to have, you know, the written descriptions there, kind of the baseline expectations for those mitigation measures.

33:36

But then also just like, you know, some examples, this is what this looks like.

33:41

There might be kind of some variations across the country on what these measures look like, and we want to be able to show those so folks across the country can kind of understand like what the expectation is and have more assurance that what they're doing actually does qualify as that mitigation measure.

34:05

Thank you.

34:07

A question open to anyone on the panel.

34:11

Do these IEMs apply anywhere in a state regardless of a PULA? This is a different set of things.

34:23

That's also a really good question, and I might share this with Khue as well.

34:29

So I'll speak from kind of the pesticide reevaluation perspective.

34:36

When we're doing, you know, reevaluating a specific pesticide case, we would be looking at kind of the FIFRA risk benefit side for ecological mitigation, and that's where IEM fully comes in.

34:53

But then if we are, you know, kind of dealing with, let's say a biological opinion that's specific to a species and not necessarily, you know, for everything in the chemical case.

35:09

So, for example, we have biological opinions that focus on salmonid species, right?

35:17

So, what we are trying to do in our re-evaluation decisions is kind of incorporate the pieces of process that we have, whether it be under our kind of routine FIFRA process, whether it be through bio-implementation from species-specific BiOps in the future, whether it be strategies, right, and kind of pull those together into something that really makes sense, whether it be, you know, for non-listed species or listed species and for growers.

35:58

And that's kind of really the goal is to hopefully make some of this seamless across these various expectations and legal requirements that we have under both FIFRA and ESA.

36:16

And so, you know, this is an evolving process, and it's going to take a little bit of time, I think, to work through what makes sense, but already we're starting to do that and hope to keep things together in a way that makes sense for the case.

36:34

If there are recommendations on ways that we can do that better, especially if looking at different cases as they're published, please let us know. We're definitely open to feedback on that.

36:51

Thanks, Melanie. So there has been a little bit of confusion about the address for the mitigation menu website, and we want to clarify that at the end when we say mitigation menu, it's mitigation-menu.

37:04

And so during the next question, I will move the slides back to a slide that shows the full URL with the website, just so that everyone has access to it.

37:16

So thanks everyone for pointing that out to us and we will give you the full address.

37:21

I know it's difficult when we say it out loud to put it in your browsers, but thank you for that comment.

37:30

The next question I'm gonna direct to Melanie, are there efforts to address the inability of pesticide applicators, particularly older farmers or rural America, to easily access the website? That's an excellent question. And we've been thinking about that for some time.

37:53

That is something that we're still working on.

37:55

And we have been discussing a lot of that with USDA and grower groups and stakeholders, you know, in states as well.

38:03

And I think that's one area that is, you know, we will need to kind of focus on in a certain degree as part of our education and outreach moving forward, because we do have limited tools to work with at EPA, so, you know, we don't have digital labeling, you know, we have physical labels, and then we have a bulletin system, and we have a website, and so, you know, and we know that this is inherently an imperfect system for folks.

38:36

So that's definitely something that we have an eye toward.

38:40

If there are thoughts about how we can best reach people who do not have internet access at their home, you know, or at their farm, then please let us provide suggestions about that.

38:59

I think we're welcome to hear ideas at this point.

39:07

One small thing I'd like to add in terms of both this and Bulletins Live! Two, these are measures to be done months ahead of planting and won't be changed dramatically from moment to moment.

39:21

So either through at the point of sale talking with the reps or at libraries or other locations where you can get data and services can be done months ahead of time and planned out that way. That's a good point question. Thank you.

39:43

And I'm going to revisit a question here just for clarity and we touched on this a little bit on how Bulletins Live! Two and this website interact but I think it's worth you know clarifying here. Melanie and Christian you can jump in, but the question is if the mitigation menu only involving erosion and runoff labeling and if Bulletins Live! Two only involving endangered species labeling. Do these programs interact in any way?

40:16

That's such a great question and I wish I had kind of a more visual example to provide to kind of integrate all of this, but sorry can you repeat the question really quick? I got a little off track.

40:40

I'll answer the first part. Right now it's just runoff erosion for this website, but something that we will do in near future as different plans get finalized, it's highly likely that additional measures will be added to this website.

40:57

And right now it's only being referred to on registration review and registration actions not pointed towards the ESA, but it's possible that ESA mitigation that is added to labels will also point to this website.

41:15

So a Venn diagram would definitely be helpful because there's definitely certain labels that are going to point to both, and then there are labels that will point to one or the other and not both.

41:25

It all just depends on the individual AI components that are on that label and where they are in the grade review cycle and how recently they were registered.

41:37

So kind of to address a couple, you know, the two kind of specific components there.

41:43

One thing that we are thinking about is adding, you know, some kind of drift language to the website that's kind of specific to reducing drift buffer distances because we know that kind of similar to the even more so than the runoff menu, we have additional data coming in on drift, and we're still working through that.

42:18

And so I think what we would like to do in order to provide flexibility, additional flexibility for growers is to say, hey, you know, across active ingredients, you can say go to the website and look up how much of a drift buffer reduction you could get for using a certain piece of technology, using an adjuvant in combination with a certain type of formulation, if you have a hooded sprayer, that kind of thing.

42:55

And so we're, that's kind of the thought process there.

43:02

It's definitely a premature thought process.

43:07

So if there are thoughts on that that you would like to provide to us as part of your feedback through the email, that would be really ideal to get a little bit more public feedback in that.

43:24

With regard to PULAs, the question there was, you know, is that specific to listed species?

43:31

And the answer is yes. We are mitigating only for listed species in PULAs.

43:42

And I, you know, if there have been conversations about that ever changing, I have not heard that.

43:50

But as far as I am aware, that is really the purpose of the PULA is to focus on the listed species and ensure that the protections are there specifically for species.

44:10

Thanks.

44:11

And I'm going to just provide one more kind of follow-up question that goes along with your request, Melanie, for people to provide feedback on this.

44:22

And the question is, is there a goal to combine all these pesticide use requirement resources into one platform, such as individual Excel spreadsheets, BLT, mitigation menu, etc? A lot of different things to check to be compliant.

44:51

I think that's really the ideal. What we really want to go for is digital labeling. You know, and Christian could probably fill up the rest of the hour talking about that.

45:07

But you know, we have long-term goals and resources and short, very short-term needs as an agency to be, you know, compliant, you know, with both FIFRA and ESA obligations.

45:25

And so, you know, I think, as you've seen over the past couple of years, we're really kind of ramping up on the eco side of mitigation, and what we're trying to do, you know, we're trying to provide the best way we can, given the resources we have to do that.

45:43

So yes, it's a lot of places to check. We're aware of that, and to that point, we've gotten a lot of feedback that we need more webinars like this. We need education and outreach, things like internet accessibility.

46:03

And so these are all things that we're taking back and trying to think through in terms of how we're moving forward with interacting with stakeholders, making sure that pesticide users get what they need to be compliant and certainly recognize the need there.

46:21

So yes, it is a lot and to the extent we can, we want to be able to try to help facilitate compliance given the complexity here.

46:37

One thing I would like to add in is that although this adds complexity, it does increase flexibility to the grower much more so. Like our labels before in our modeling, it's easy to write on the label, you must have a 300-foot buffer or 100-foot buffer. And that is the simpler approach.

46:57

But if you have these other mitigation measures already on your field and other best manager practices and things that you're doing for other federal programs, that does provide that same level of benefit.

47:11

So we're trying to reflect the reality of the situation on the ground through our labels.

47:17

And yes, it'll be easier with the digital label and all this stuff being integrated together, but like we're trying to meet our obligations, our regulatory obligations and still have as much flexibility and reflect the real world as possible.

47:35

And so I think that's important for people to remember that the alternative is just a prescriptive one size fits all, written on all labels.

47:48

Great, thank you both.

47:50

The next question can be for Christian or Khue.

47:55

What types of practices are considered as applied pesticide is incorporated via irrigation? Would this be a drench drip chemigation or micro sprinkler?

48:16

I think we'll have to revisit and clarify that component of the labeling, But I do think it does include drip irrigation, micro sprinklers, and other very targeted types of irrigation equipment.

48:33

Yeah, I think overall, I think having more hyperlinks to what we were calling internally the glossary page or the descriptions page, I think these are the types of things we can start adding those definitions to, as well as I'm sure a lot of the resources from NRCS will help clarify this.

48:52

And these is definitely part of the feedback that in between launches as we add to the descriptions and add photos, these are the type of clarifications and adjustments we would like to make.

49:08

Thank you.

49:10

I'm going to follow up with a couple of questions about when we can expect to see labels change.

49:19

So again, the first one is, when is the earliest if you can expect labels with either BLT or a mitigation menu language to enter into the market?

49:36

That's a great question.

49:40

So, entering the market is really the key, right?

49:43

And so EPA is one step of that process.

49:47

Then it has to go back to the registrants for rolling out, actually it has to go to the states first to approve the labels after EPA, and then the registrants have to actually place those labels on products.

50:04

And so that can in itself can be a lengthy process.

50:09

And so I can't speak as much to that specifically.

50:14

But what I can say is that on the EPA end, you know, like I had mentioned, once an interim decision goes out, it's 60 days that we give registrants to submit their labels.

50:29

And then after that, generally it would be within and I think an 18 month period-ish that we would have those labels approved.

50:42

And so, there are some variations on that.

50:47

It kind of depends on how many labels there are for a case, it depends on other labeling needs.

50:55

If we have a biological opinion come in and we need to get, or required to get certain labels approved in a certain time, then we have to shift things around in terms of our label stamping resources.

51:09

But on the whole, we would expect probably within two years, or after ID, or there to be that process internally, you know, to get registrants what they need in terms of a stamp label to go forward and go to the states.

51:36

Okay, a question about labeling.

51:41

For a matter of convenience, will the BLT and the mitigation menu requirements appear only in the environmental hazard sections of pesticide labels with these referenced requirements?

51:55

That's an interesting question.

51:56

So the environmental hazard section of the label is intended for like advisories and environmental hazard warnings.

52:05

That's a section of the label that's not intended for mandatory mitigation.

52:11

We generally put the mitigation menu requirements under the runoff labeling section of the label under the directions for use which is the directions for use are intended for more mandatory measures.

52:26

So no, these mitigation menu requirements will not be underneath the environmental hazards section nor will there be BLT requirements if any.

52:36

The late the Section 3 label will include a reference to the BLT website and then users visit the BLT website to check if there are any bulletins available for their product in that area that we're using the product.

52:53

Yeah, just to clarify on that point, for both the bulletins language and the runoff language associated with the website that we're talking about here, both of those would be mandatory in terms of mitigation.

53:11

So it wouldn't be like, oh, if I decide to go to bulletins, I'll check it. It's a requirement, right, to check the bulletins.

53:22

And bulletins are an extension of the label. So from that thread, that's a requirement.

53:28

Similarly, you know, the website is also labeling, right?

53:34

And so that's kind of a mandatory requirement, which is why it would be in the directions for use.

53:42

So just wanted to clarify that the environmental hazards are more of kind of typically, it might be a little bit of a mixture, but more for awareness of, you know, what the applicator needs to be generally aware of with regard to environmental hazards.

54:03

Thank you.

54:04

The next question can be for anyone on the panel.

54:08

Are the mitigations you went over also including non-agricultural applications?

54:19

So right now, right now that the IEM measures only apply to agricultural uses.

54:30

I think there's discussion about EPA developing other strategies to cover like the non-agricultural uses like residential uses and forestry and like other specialized types of applications.

54:45

When more information is available for those different efforts, we'll share that with the stakeholders. For now, it's just covering agricultural uses.

54:57

Thanks, Khue. The next question I'm going to direct to Melanie.

55:01

Are there plans to expand their requirements to other areas other than just the areas with high risk of runoff? It seems there are full states that would not need to care about the mitigation.

55:19

That's a really good question, again.

55:25

So right, kind of a couple things encompassed here. So it is a little bit complex.

55:30

But the first thing I would say is I would refer you to the herbicide strategy update that is available on [regulations.gov](https://www.regulations.gov) and was announced in an OPP update, I believe, I want to say in April.

55:50

And so that goes into a bit more detail on the runoff vulnerability map itself and the concept and how that would be considered moving forward for ESA strategies.

56:03

At this point, what we've been trying to do with that runoff vulnerability concept is say, okay, well, how could that fit into the FIFRA IEM concept.

56:16

And so what we're trying to do, and this is kind of on a broader scale than runoff vulnerability is say, okay, well, how's the current menu going to match up with a point system, for example?

56:29

And so the current decisions, at least the ones that have gone out or planning to go out, they're referencing one mitigation measure.

56:42

Well, that, you know, given all that we know about what's been published on the strategies, that's roughly going to equate to one point on a point system.

56:52

And so we're trying to kind of align those things in advance, which is kind of why you see the high runoff mobility and then everybody else right now, so that once we start moving forward on the strategies, you know, you could still have that, you know, decision that's coming out this year applied, it would just be a matter of instead of one mitigation measure, it would be one point, and it wouldn't be, you know, it wouldn't be regulating beyond what we would have proposed.

57:29

So that's, it's a little bit complex, but the bottom line is that we're trying to make things as streamlined as possible and anticipate possible changes based on strategies that will be coming out this year.

57:47

So stay tuned.

57:49

Version 2.0, I think it'll be a lot easier to see and think through once we get there.

57:57

Right now is a little bit of awkward time and it's great questions and we're trying to get you familiar with everything, and, you know, we'll get there.

58:12

Thanks, Melanie.

58:13

We are going to wrap up the question and the answer portion of this webinar, and I'm going to provide some final reminders of things we discussed today during the webinar.

58:27

If you are not signed up for the OPP updates yet, we recommend signing up.

58:35

This slide right now will show you how to do that.

58:37

And I will stay on this slide for a few more seconds.

58:50

And of course, another reminder is, please, we noted all of your questions that were posed today that we were not able to answer.

59:00

If you have any additional feedback or questions, please send them to pesticidequestions.epa.gov.

59:09

This concludes our webinar for today.

59:12

Thank you all for your attendance.

59:14

I would like to thank our presenter, Christian Bongard, and our moderators, Melanie Biscoe and Khue Nguyen, for answering questions.

59:23

Thank you all again for joining us, and have a great day.