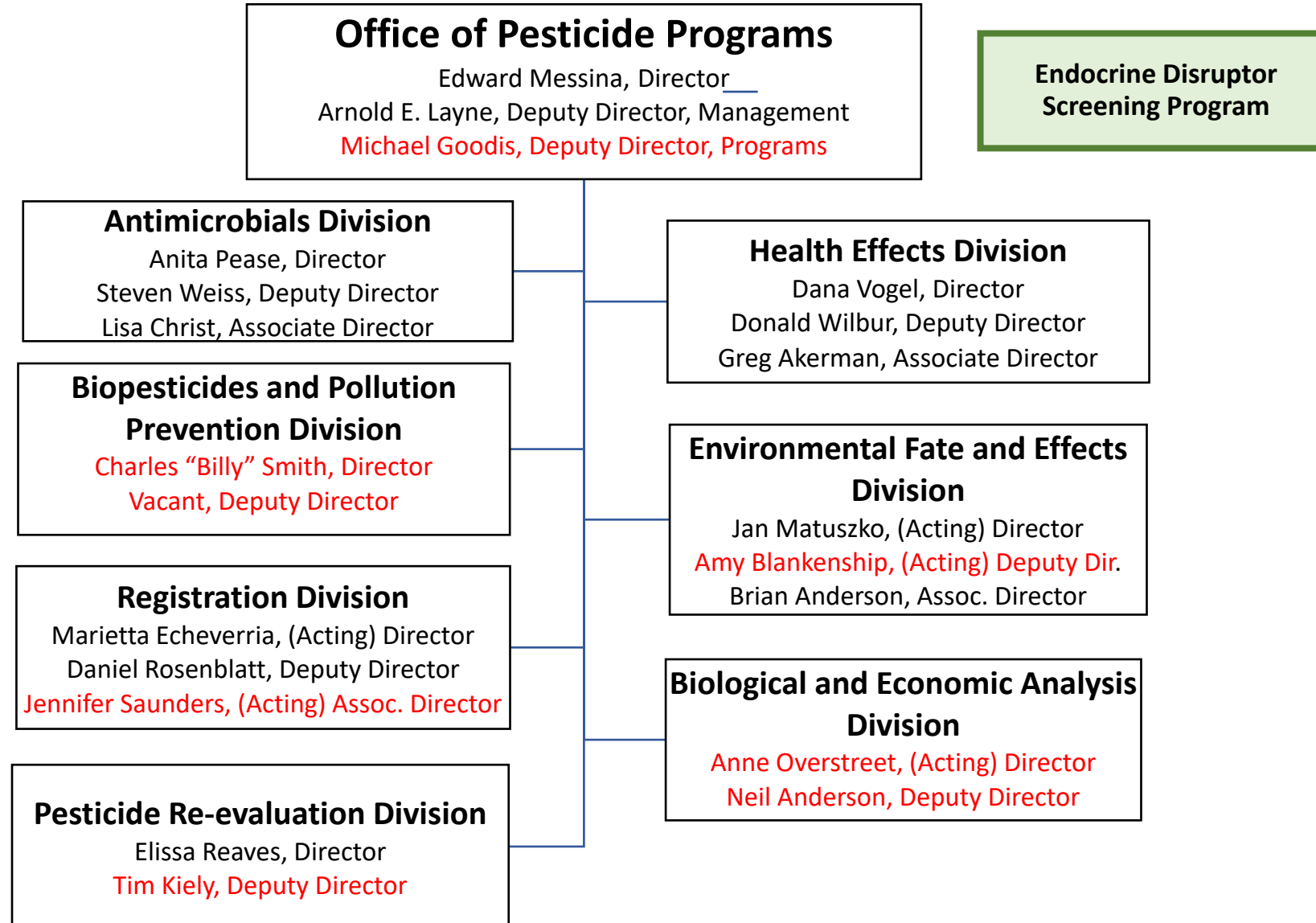


Office of Pesticide Programs (OPP) Update

**July 21, 2022
AAPSE Meeting**

**Ed Messina, Director
Office of Pesticide Programs
U.S. Environmental Protection Agency**







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**).



Endangered Species Act (ESA)

- Implement newly issued ESA-FIFRA Workplan
- ESA implemented as part of registration and registration review consistent with Long-term Performance Goals in the FY2022-2026 Strategic Plan
- 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
 - Final registration review BEs were completed for imidacloprid, thiamethoxam, and clothianidin in calendar year 2022
 - Expected draft or final effects determinations through 2023 include sulfoxaflor, inpyrfluxam, cyantraniliprole, dinotefuran, acetamiprid, and rodenticides
- Implement new policy for conventional and some biopesticide new a.i.s (see next slide)



Endangered Species Act Protection Policy for New Pesticides

- On January 11, 2022, EPA announced Endangered Species Act Protection Policy for New Pesticides
- Policy will advance protection of federally listed threatened or endangered species before registering new conventional pesticide active ingredients
- Prior to registering any new conventional active ingredient (AI), EPA will:
 - evaluate the potential effects of the AI on federally threatened or endangered (listed) species and their designated critical habitats
 - initiate ESA consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (the Services), as appropriate

Current Schedule of Selected ESA Activities

Green = completed; Red = expected/planned future work

Recent Biological Opinions from the Services that EPA is Working to Implement		
Chemical	FWS/NMFS	Final BiOp
1080	FWS	2021 ¹
M-44	FWS	2021 ¹
Metolachlor ²	NMFS	2021
Telone ²	NMFS	2021
Prometryn ²	NMFS	2021
Bromoxynil ²	NMFS	2021
Malathion	FWS	2022
Diazinon ³	NMFS	2022
Chlorpyrifos ³	NMFS	2022
Malathion ³	NMFS	2022

Current Schedule of Selected ESA Activities

Green = completed; Red = expected/planned future work

Chemical	EPA Draft BE ⁴	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 ⁵	2020	NA
Enlist One	NA ⁶	2022
Enlist Duo	NA	2022
Imidacloprid	2021	June 2022
Clothianidin	2021	June 2022
Thiamethoxam	2021	June 2022
Sulfoxaflor	NA	July 2022
Inpyrfluxam	NA	2023
Cyantraniliprole	NA	2023
Dinotefuran	2023	2024
Acetamiprid	2023	2024

Current Schedule of Selected ESA Activities

Green = completed; Red = expected/planned future work

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 ⁷
Benzovindiflupyr	2026	2027
Halauxifen-methyl	2026	2027

Current Schedule of Selected ESA Activities

Green = completed; Red = expected/planned future work

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

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

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 ⁸	TBD	TBD
Trifluralin	TBD	TBD



Sulfoxaflor

- On July 19th, EPA released its draft biological evaluation (BE) for the insecticide sulfoxaflor.
- This BE contains EPA's analysis of the potential effects of sulfoxaflor on federally listed endangered and threatened (listed) species and designated critical habitats.
- The draft BE will be available for comment for 60 days in docket [EPA-HQ-OPP-2010-0889](#).
- This evaluation is part of EPA's efforts to meet its obligations under the Endangered Species Act (ESA).
 - This work furthers the goals outlined in [EPA's April 2022 ESA Workplan](#) to provide practical protections from pesticides for listed species.



Sulfoxaflor

- As part of its assessment, EPA evaluated the effects of sulfoxaflor on over 1,700 listed species and over 800 designated critical habitats in the United States.
- The draft BE finds that sulfoxaflor is likely to adversely affect certain listed species and designated critical habitats.
 - The [“likely to adversely affect” \(LAA\) determination](#) means that EPA reasonably expects that at least one individual animal or plant, among a variety of listed species, may be exposed to sulfoxaflor at a sufficient level to have an adverse effect.
 - This is the case even if a species is almost recovered to a point where it may no longer need to be listed.



Sulfoxaflor

- In this BE, EPA also predicted the likelihood that sulfoxaflor use could lead to jeopardy for certain listed species or adverse modification of designated critical habitats.
- EPA determined that sulfoxaflor:
 - Will cause no effect to 35 percent of listed species and 52 percent of critical habitats;
 - May affect but is not likely to adversely affect 31 percent of listed species and 35 percent of critical habitats;
 - Is likely to adversely affect but EPA predicts the likelihood that use will not:
 - Cause jeopardy to 27 percent of listed species
 - Adversely modify 9 percent of critical habitats; and
 - Is likely to adversely affect and EPA predicts the likelihood that use may:
 - Cause jeopardy to 7 percent of listed species
 - Adversely modify 4 percent of critical habitats.



Sulfoxaflor

- EPA has begun discussions with the registrant to determine what additional mitigation measures could be implemented in the near term to further protect listed species and critical habitats.
- The registrant recently proposed additional amendments to sulfoxaflor product labels that include certain mitigation measures. EPA may consider mitigations in addition to those proposed by the registrant, such as adding or increasing buffers, imposing geographical use limits, or incorporating additional methods to reduce pesticide drift.
- EPA encourages public comments on the proposed label amendments and other mitigation measures that may be appropriate.
- After considering public comments on the draft BE and any additional mitigations that are agreed upon with the sulfoxaflor registrant, EPA will issue a final BE.



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.



FY22 Mid-year Registration Review Highlights

- 679 draft risk assessments completed (~94% complete!)
- 620 proposed interim decisions complete (~85% complete!)
- 577 final or interim decisions complete (~80% complete!)
- Reviewed ~700 Registration Review labels and approved ~550 labels in FY2022

OPP Pesticide Updates: *April-July 2022*

July 13, 2022: EPA Issues Proposed Registration Review Decisions for Several Pesticides

- EPA is released the proposed interim decisions (PIDs) for pesticides undergoing registration review as part of fiscal year 2022 quarter 3 actions.

Biopesticides:

- 2-methyl-1-butanol
- Calcium acetate
- Candida oleophilal
- Cedarwood oil
- Citral
- Heptyl butyrate
- l-carvone

Conventional pesticides:

- Chlorflurenol methyl ester
- Sedaxane
- Tebuconazole
- Triadimefon and Triadimenol

- The PIDs are now available for public comment in each respective pesticide registration review docket at [regulations.gov](https://www.regulations.gov). Public comments will be accepted for 60 days.



Atrazine

- On June 30, EPA released proposed revisions to the Agency's September 2020 atrazine interim decision (ID) for public comment.
- The ID in the registration review process allows EPA to begin implementing measures to mitigate risks of concern before a final decision is issued.
- EPA is now proposing additional mitigation to protect aquatic plant communities.
- EPA is proposing the following measures for all atrazine labels in order to decrease atrazine runoff from treated fields:
 - Prohibit application when soils are saturated or above field capacity (i.e., the soil's ability to retain water);
 - Prohibit application during rain or when a storm event, likely to produce runoff from the treated area, is forecasted to occur within 48 hours following application;
 - Prohibit aerial applications of all formulations; and
 - Restrict annual application rates to 2 pounds of active ingredient or less per acre per year or less for applications to sorghum, field corn, and sweet corn.



Atrazine

- EPA is also proposing to add a “picklist” to labels that would require growers to select a combination of application rate reductions and/or runoff control measures when using atrazine in watersheds with atrazine concentrations that exceed the CE-LOC of 3.4 $\mu\text{g/L}$.
- The number of runoff control practices from the picklist that a grower would be required to implement depends on the:
 - estimated atrazine concentration in the watershed where the field is located and that watershed’s vulnerability to atrazine runoff, as well as the grower’s selected application rate.
- The higher the application rate and the higher the estimated atrazine concentration in the watershed, the greater the number of mitigation practices that may be necessary.
- The picklist approach provides growers with the flexibility to select the runoff control practices that would be least burdensome to adopt.
- The practices a grower selects may depend on a variety of factors including crop, geographic region, and field topography.
- The picklist mitigation requirements are tailored geographically, down to the watershed level, in order to focus the mitigation on the areas with the greatest risk and vulnerability.



Atrazine

- The public comment period is now open for the Proposed Revisions to the Atrazine Interim Registration Review Decision in the atrazine registration review docket at [regulations.gov](https://www.regulations.gov).
 - Public comments will be accepted for 60 days upon publication of the Federal Register notice.
- EPA also intends to seek external peer review of the risks to the aquatic plant community that underlies this proposed risk management strategy:
 - This is in line with the Agency's commitment to science and scientific integrity, and will incorporate the feedback it receives into its final revisions to the ID.



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.



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.



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.*



Glyphosate Ninth Circuit's Ruling

- The Ninth Circuit's recent ruling vacated the human health portion of the glyphosate interim decision (ID) and remanded it to EPA for further analysis and explanation:
 - the scientific conclusions regarding the cancer classification and associated documents remain the same at this time.
- The Court found that the ID triggered ESA requirements and granted EPA's motion for remand without vacatur on the ecological risk assessment but required a new ecological portion of the ID by the October 2022 registration review deadline.



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.



Broad Efforts on PFAS

- Adm. Regan established an EPA Council on PFAS in April 2021
 - Whole of EPA approach for addressing PFAS Issues
 - Members from across National Programs and Regions
 - <https://www.epa.gov/pfas>
- Key council output is Strategic Roadmap which outlines principles, goals, activities, and commitments
 - Key Principles
 - Considering the lifecycle of PFAS, Getting upstream of problem, Holding polluters accountable, Science-based decision making, Prioritizing disadvantaged communities
 - <https://www.epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024#council> & https://www.epa.gov/system/files/documents/2021-10/pfas-roadmap_final-508.pdf
- National Testing Strategy is also a critical effort
 - <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/national-pfas-testing-strategy> & <https://www.epa.gov/system/files/documents/2021-10/pfas-natl-test-strategy.pdf>
- Within OCSPP there are many activities ongoing
 - OPPT
 - Initial test order under national testing plan issued, more coming soon
 - Toxic Release Inventory updates, 5 PFAS recently added
 - Efforts ongoing to ensure a robust review process for new PFAS and existing PFAS
 - Finalize new PFAS reporting under TSCA Section 8. Expected Winter 2022.
 - OPP
 - FDA opened a 90-day comment period on fluorinated polyethylene containers for food contact use citing EPA work.
 - Planned release in early August of container leaching study Related topic.
 - Proposing to remove certain chemicals from the current list of approved inert ingredients with public comment period.



Pollinator Activities

- Pesticides and Pollinators Outreach Efforts
 - OPP's Center for Integrated Pest Management/Region 3 webinar on IPM strategies for beekeepers
 - Partnership with SFIREG on pollinators and pesticides education materials
- August 2021 SFIREG Issue Paper on Pesticide Misuse and Managed Pollinators
 - OCSPP and OECA formed a working group in Fall 2021 to consider the issues raised. A draft response is in management review.
- National Pollinator Week June 20-26:
 - EPA and other federal agencies are developing approaches for identifying and implementing earlier mitigation measures for a dozen species that are particularly vulnerable to pesticides.
 - EPA's vulnerable species pilot, is an effort to identify and implement mitigations across broad groups of pesticides to protect a particular species.
 - EPA launched new webpage that provides resources to learn about pollinator protection activities.

Sign-up for OPP Pesticide Updates

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



Appendix



Table Notes

- ¹ EPA re-initiated consultation on these two predacides in 2011; a biological opinion was not necessary because the action was changed during the consultation process to avoid jeopardy. Consultation was completed in December 2021.
- ² Consultation was limited to salmonid species in the Pacific Northwest
- ³ BiOp dates are for re-issued BiOps resulting from a re-initiation process.
- ⁴ In some cases, this column denotes when consultation was initiated or re-initiated, which may not have included a formal final BE (e.g., informal consultation).
- ⁵ Propazine was cancelled after the draft BE was issued; therefore, a final BE was not necessary
- ⁶ NA = not applicable. NA either denotes that one of the Services was not involved in the consultation or that a formal draft BE was not issued for public comments.
- ⁷ No sooner than Fall 2026
- ⁸ Trifludimoxazin registrations are going through a voluntary cancellation process.
- Many of the dates in this table are part of various settlement agreements and subject to change depending on the terms of those agreements. Some dates are not associated with settlement agreements and are subject to change pending resources and prioritization.



OPP Pesticide Updates: April-July 2022

April 7, 2022: EPA Takes Next Step in the Review of Anthraquinone

- EPA is taking the next step in the registration review process for the pesticide anthraquinone by releasing the final work plan (FWP) and draft human health and ecological risk assessments (DRAs).
- Anthraquinone is registered for use as an avian repellent in both agricultural and non-agricultural settings.
- A 60-day public comment period was opened and closed on June 7, 2022.

OPP Pesticide Updates: April-July 2022

April 12, 2022: EPA Announces Plan to Protect Endangered Species and Support Sustainable Agriculture

- EPA released its first-ever comprehensive workplan to address the decades-old challenge of protecting endangered species from pesticides.
- The plan establishes four overall strategies and dozens of actions to adopt those protections while providing farmers, public health authorities, and others with access to pesticides.
 - for EPA to meet its ESA obligations for all FIFRA actions that invoke ESA.
 - to improve approaches to identifying and requiring ESA protections, especially for species facing the greatest risk from pesticides.
 - to improve the efficiency and timeliness of the ESA consultation process for pesticides, in coordination with other federal agencies.
 - to engage stakeholders more effectively, to better understand their pest control practices and implement species protection measures.



OPP Pesticide Updates: *April-July 2022*

April 15, 2022: EPA Finalizes Certain Pesticide Product Performance Data Requirements to Improve Clarity and Reduce Burden for Registrants

- EPA announced final product performance data requirements for products claiming efficacy against certain pests. This action officially incorporates EPA's product performance standards requirements for certain invertebrate pests into the Code of Federal Regulations (CFR), increases the efficiency of the Agency's approval process, and saves registrants time and money.
- This final rule codifies product performance data requirements to support registration of products claiming efficacy against three categories of invertebrate pests:
 - Those identified to be of significant public health importance (e.g., ticks, mosquitoes, cockroaches, etc.),
 - Wood-destroying insects (e.g., termites), and
 - Certain invasive invertebrate species (e.g., Asian long-horned beetle).

April 27, 2022: EPA Holds Virtual Pesticide Program Dialogue Committee Meeting in May

- Virtual public meeting of the Pesticide Program Dialogue Committee (PPDC) held May 25-26.

OPP Pesticide Updates: *April-July 2022*

April 28, 2022: EPA Issues Notice of Intent to Suspend the Herbicide DCPA

- EPA issued a notice of intent to suspend (NOITS), which when effective, will prevent the sale, distribution, and use of the technical-grade product containing the pesticide dimethyl tetrachloroterephthalate (DCPA). EPA is issuing this NOITS for DCPA because AMVAC, the sole registrant, has not provided the full complement of data the Agency required it to submit over nine years ago.
- DCPA is an herbicide applied to control grasses and certain broadleaf weeds in both agricultural and non-agricultural settings.
- In accordance with FIFRA, the registrant requested a hearing to contest the proposed suspension. A hearing must be held and a determination on the suspension issued within 75 days after receipt of a hearing request, unless all parties stipulate to such an extension.
- Once the suspension is in effect it will be illegal for the registrant to distribute, use, or sell its technical-grade DCPA pesticide product until EPA lifts the suspension. If the registrant submits the missing data after the suspension becomes effective, EPA can lift the suspension.



OPP Pesticide Updates: *April-July 2022*

April 28, 2022: EPA Seeks Public Comment on Measures to Address Human Health and Ecological Risks Posed by Diuron

- EPA released the proposed interim decision (PID) for the pesticide diuron.
- Diuron is used as an herbicide to control annual and perennial broadleaf and grassy weeds in a variety of agricultural sites and non-agricultural sites as well as a harvest aid (defoliant) and an algaecide. The pesticide also has antimicrobial uses as a mildewcide and materials preservative.
- Based on the revised draft risk assessments and feedback submitted during the public comment period, EPA is proposing several new measures to mitigate the ecological, dietary, and aggregate cancer risks of concern.
- EPA also identified risks of concern for occupational painters, and the Agency is proposing several measures to mitigate these risks.



OPP Pesticide Updates: *April-July 2022*

May 6, 2022: EPA Shares Data on Chitosan Salts for Public Comment

- EPA is making available for comment two aquatic toxicity reports related to the ongoing rulemaking in response to a petition to add chitosan to the minimum risk pesticide exemption list.
- Chitosan is a naturally occurring substance that is currently registered with EPA under FIFRA as a fungicide, antimicrobial agent, and plant growth regulator. Chitosan is currently widely available to the public for non-pesticidal uses.
- A 30-day public comment period was opened and closed on June 6, 2022.

OPP Pesticide Updates: *April-July 2022*

May 10, 2022: EPA Announces Virtual Environmental Modeling Public Meeting on Endangered Species; Calls for Abstracts

- On June 23, 2022, EPA held a virtual Environmental Modeling Public Meeting (EMPM) to engage with stakeholders on EPA's recently released Endangered Species Act Workplan, with a focus on mitigation strategies.
- The EMPM is a public forum held as needed for pesticide registrants and other stakeholders to discuss regulatory issues with EPA, when environmental modeling topics are identified. Meetings cover issues related to modeling pesticide fate, transport, and exposure for risk assessments.



OPP Pesticide Updates: *April-July 2022*

May 11, 2022: EPA Launches Modernized Design for the Environment Logo for Disinfectant and Other Antimicrobial Products

- EPA launched a new, modern 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 required by FIFRA as well as other rigorous criteria required by the agency.
- EPA has seen a surge of engagement in the last few years from consumers, schools, and other organizations. Companies who make products carrying the DfE logo have invested heavily in research and reformulation to ensure that their products meet the DfE certification requirements.
- The updated logo should make DfE-certified products easier for purchasers to find, which in turn will encourage companies to seek certification for their products.





OPP Pesticide Updates: *April-July 2022*

May 26, 2022: EPA Releases List of Disinfectants for Emerging Viral Pathogens (EVPs) Including Monkeypox

- On Monday, May 23, EPA triggered its emerging viral pathogen (EVP) [guidance](#) in response to recent cases of monkeypox in the United States.
- EPA expects products on its [List of Disinfectants for Emerging Viral Pathogens](#) to kill monkeypox when used according to the label directions.
- The EVP guidance allows disinfectant manufacturers to submit data to EPA demonstrating a product's efficacy against difficult-to-inactivate viruses.



OPP Pesticide Updates: *April-July 2022*

May 31, 2022: EPA Supports New Funding Opportunity from the Pesticide Educational Resources Collaborative for Pesticide Safety in Agricultural Communities

- Through a five-year cooperative agreement funded by EPA, the Pesticide Educational Resources Collaborative (PERC) is making \$200,000 in funding available for 2022-2023 to non-profit organizations for community-based projects. These grants will help fund efforts supporting the health and safety of farmworkers, agricultural pesticide handlers, their families and communities.
- PERC helps increase the reach and scope of pesticide safety educational materials to farmworkers and their families in rural agricultural areas.
- Through this new opportunity, PERC anticipates funding two to four agricultural community-based projects. The desired outcomes include educating farmworkers and/or agricultural pesticide handlers on the safe use of pesticides, enhancing the capabilities of partners to develop and implement programs/activities that prevent and reduce pesticide risks to farmworker communities, and protecting human health and ecosystems from exposure to pesticides.
- PERC accepted applications through July 1, 2022.



OPP Pesticide Updates: *April-July 2022*

June 1, 2022: EPA Solicits Applications for Cooperative Agreement for the Pesticide Inspector Residential Training (PIRT) Program

- EPA is soliciting applications to implement the Pesticide Residential Inspector Training (PIRT) Program for FY 2023 through FY 2027.
- Eligible applicants include states, federally recognized Indian tribes, Alaska Native Villages, inter-tribal consortia, and state and tribal institutions.
- Under this program, EPA will provide financial assistance on an annual basis to carry out a pesticide inspector residential training program.
- EPA is accepting proposals until July 16, 2022.



OPP Pesticide Updates: *April-July 2022*

June 16, 2022: EPA Finalizes Biological Evaluations Assessing Potential Effects of Three Neonicotinoid Pesticides on Endangered Species)

- EPA released its final biological evaluations (BEs) for clothianidin, imidacloprid, and thiamethoxam and its responses to comments received on the draft BEs.
- These BEs were evaluated to determine whether they may affect one or more federally listed endangered or threatened (listed) species or their designated critical habitats.
- These evaluations, which encompass all registered uses and approved product labels for pesticide products containing these chemicals, are part of EPA's efforts to meet its obligations under the Endangered Species Act (ESA).

OPP Pesticide Updates: *April-July 2022*

June 30, 2022: EPA Takes Steps to Protect Vulnerable Species from Three Organophosphate Insecticides

- EPA takes steps to implement the National Marine Fisheries Service's (NMFS) nationwide final biological opinion (BiOp) for the organophosphate insecticides: malathion, chlorpyrifos and diazinon.
- In the final BiOp, NMFS considered the agreed-upon mitigation measures and determined that, once implemented, they will reduce the potential effects of malathion, chlorpyrifos and diazinon products and will avoid jeopardy to listed species and adverse modification of designated critical habitat.
- This final revised BiOp is the last part of EPA's formal consultation process with NMFS on malathion, chlorpyrifos and diazinon. EPA's next step is to implement the BiOp and address the reasonable and prudent measures and agreed-upon mitigations to protect listed species.

OPP Pesticide Updates: *April-July 2022*

June 30, 2022: EPA Seeks Public Comment on Additional Ecological Mitigation Measures for Atrazine

- EPA released proposed revisions to the Agency's September 2020 atrazine interim decision (ID) for public comment.
- EPA is now proposing additional mitigation to protect aquatic plant communities.
- EPA is proposing the following measures for all atrazine labels in order to decrease atrazine runoff from treated fields:
 - Prohibit application when soils are saturated or above field capacity (i.e., the soil's ability to retain water);
 - Prohibit application during rain or when a storm event, likely to produce runoff from the treated area, is forecasted to occur within 48 hours following application;
 - Prohibit aerial applications of all formulations; and
 - Restrict annual application rates to 2 pounds of active ingredient or less per acre per year or less for applications to sorghum, field corn, and sweet corn.

OPP Pesticide Updates: *April-July 2022*

July 19, 2022: EPA Releases Draft Assessment of Effects of Sulfoxaflor on Endangered Species for Public Comment

- EPA released its draft biological evaluation that contains EPA's analysis of the potential effects of the insecticide sulfoxaflor on federally listed endangered and threatened (listed) species and designated critical habitats. The draft BE will be available for comment for 60 days.
- This BE contains EPA's analysis of the potential effects of sulfoxaflor on federally listed endangered and threatened (listed) species and designated critical habitats.
- The draft BE will be available for comment for 60 days in docket [EPA-HQ-OPP-2010-0889](#).
- This evaluation is part of EPA's efforts to meet its obligations under the Endangered Species Act (ESA).
 - This work furthers the goals outlined in [EPA's April 2022 ESA Workplan](#) to provide practical protections from pesticides for listed species.