

1
2 U.S. ENVIRONMENTAL PROTECTION AGENCY

3
4 PESTICIDE PROGRAM DIALOGUE COMMITTEE MEETING

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6
7
8 Thursday, November 14, 2024

9 11:00 a.m.

10 DAY 2

PESTICIDE PROGRAM DIALOGUE COMMITTEE ROSTER

November 2024

NAME	AFFILIATION
User/Grower Groups/ Farmer Representatives	
Andrew Architect	National Pest Management Association
Bob Mann	National Association of Landscape Professionals
Claudia Arrieta	Cargill
Gary Prescher	National Corn Growers Association
George Parker	National Agricultural Aviation Association
Grant Morris	National Potato Council
Jill Schroeder	Weed Science Society of American
John Wise	IR-4 Project
Kim Brown	University of Tennessee
Patrick Johnson, Jr.	National Cotton Council
Robert Nielsen	Gold Course Superintendents Associations of America
Environmental/ Public Interest/ Animal Welfare Groups	
Alexis Temkin	Environmental Working Group

1	NAME	AFFILIATION
2	Anna van der Zalm	People for the Ethical
3		Treatment of Animals
4	David Shaw	Mississippi State University
5	Ed Hardy Kern	American Bird Conservancy
6	Nathan Donley	Center for Biological
7		Diversity
8	Rosemary Malfi	The Xerces Society for
9		Invertebrate Conservation
10		
11	Farmworker Representatives	
12	Becca Berkey	Northeastern University
13	Mily Treviño-Sauceda	Alianza Nacional de
14		Campesinas, Inc.
15		
16	Public Health Representatives	
17	Alanna Bares	California Environmental
18		Protection Agency
19	Joseph Grzywacz	San Jose State University
20	Marc Lame	Indiana University
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22	Chemical and Biopesticides Industry/Trade	
23	Associations	
24	Anastasia Swearingen	American Chemistry Council
25		

1	NAME	AFFILIATION
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3		Association
4	Karen Reardon	Responsible Industry for a
5		Sound Environment
6	Keith Jones	Biological Products Industry
7		Alliance
8	Ligia Duarte	Household & Commercials
9		Products Association
10	Lisa Dreilinger	Arxada
11	Manojit Basu	CropLife America
12	Terry Kippley	Council of Producers and
13		Distributors of
14		Agrotechnology
15		
16	State/Local/Tribal Government	
17	Brian Verhougstraete	Association of American
18		Pesticide Control Officials
19	Wendy Sue Wheeler	Washington State University
20		
21	Federal Agencies	
22	Ed Messina (Chair)	Office of Pesticide Programs
23		Environmental Protection
24		Agency
25		

1	NAME	AFFILIATION
2	Gina Shultz	Ecological Service
3		US Fish and Wildlife Service
4	Kimberly Nesci	Office of Pest Management
5		Policy
6		US Department of Agriculture
7	Walter Alarcon	National Institute for
8		Occupational Safety and
9		Health
10		Centers for Disease Control
11		and Prevention
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1 P R O C E E D I N G S

2 DAY TWO - NOVEMBER 14, 2024

3 HOUSEKEEPING

4 JEFFREY CHANG: So good morning. Welcome
5 back to Day 2 of the November Pesticide Program
6 Dialogue Committee Meeting. If you're just joining
7 us, we thank you for being here, and we will go over
8 the administrative and housekeeping items again. If
9 you participated yesterday, thank you for coming
10 back and I'll try to be as brief as possible.

11 Again, my name is Jeffrey Chang. I'm
12 joined by Ed Messina, Director of the Office of
13 Pesticide Programs and Chair of the PPDC.

14 Before we jump in, I want to draw your
15 attention to the Interpretation button on the bottom
16 panel of your Zoom window to the right of your
17 screen. We are providing Spanish interpretation for
18 this meeting, and regardless of your preferred
19 language, you need to click on that button and
20 either select English or Spanish to be able to fully
21 participate in the meeting. This will place you in
22 either the Spanish or English channel, and as we
23 anticipate a bilingual meeting today, it is
24 important that you choose one of these channels.

25 For Spanish-speaking colleagues, I will

1 now turn it over to our interpreter, Jackie, who
2 will provide these instructions in Spanish.

3 (Spanish instructions)

4 JEFFREY CHANG: Thank you, Jackie.

5 Closed captioning and live transcription
6 is available to those who use the service by
7 clicking the closed captioning button in the bottom
8 panel of your Zoom screen. We also have ASL and a
9 CART provider today. These services can also be
10 accessed through the Interpretation button used to
11 select Spanish translation.

12 If you're a member of the public, unless
13 you indicated interest in providing oral comments
14 when you registered for today's public meeting, you
15 will be in listening mode for the duration of the
16 event. If you did not preregister for comment, you
17 may still email me at chang.jeffrey@epa.gov or use
18 the "raise hand" function once we come to the public
19 comment period, at the end of the day.

20 PPDC and workgroup co-chairs are
21 designated as panelists in Zoom, meaning that they
22 can request to be recognized during the discussion
23 sessions by raising the "raise hand" function and
24 can unmute themselves after being called upon. It
25 is very important that you remain muted unless you

1 are recognized to speak.

2 Today's meeting is being recorded for the
3 purpose of having meeting transcripts produced. We
4 ask that all presenters speak slowly and clearly to
5 ensure that everyone can understand and participate
6 fully in the meeting. Conversations should take
7 place orally. The chat function should only be used
8 to contact the meeting host.

9 Let's take a minute to walk through
10 today's agenda. Our morning session kicks off with
11 an update on the Endangered Species Act activities.
12 We break for lunch from around 12:30 to 1:20. Then
13 we will hear about the progress made on the
14 Farmworker Workgroup; then reconvene with an update
15 on Drone Risk Assessments and Spot Treatments.

16 After that we have a session on Biocontrol
17 Including Jurisdiction Issues. We break quickly,
18 then we have an open discussion and topics moving
19 forward. We have a period for public comments and
20 then the meeting adjourns.

21 With that, Ed, would you like to share
22 anything with the group before we launch into our
23 first session?

24 ED MESSINA: Thanks, Jeffrey. Just
25 welcome everyone and look forward to a packed

1 agenda. Appreciate it.

2 ENDANGERED SPECIES ACT ACTIVITIES AND

3 OUTREACH UPDATE

4 JEFFREY CHANG: We're going to kick things
5 off with an update on Endangered Species Act
6 activities, for which I am joined by Jan Matuszko,
7 Director of Environmental Fate and Effects Division,
8 and Anne Overstreet, Director of Pesticide
9 Reevaluation Division. Welcome.

10 JAN MATUSZKO: Good morning, everybody.
11 It's always interesting to be the opening meeting in
12 a session -- I mean, the opening session in a
13 meeting. Thank you for joining us.

14 I'm going to give you an update on our ESA
15 activities and then Anne will talk about a lot of
16 our outreach efforts, then we're happy to take
17 questions.

18 I am also joined by my Associate Director,
19 Brian Anderson. He has been leading our efforts to
20 refine PULAs and I expected some questions on that
21 today. So he is also with us.

22 And with that, let me get going. I am
23 going to try to share my screen. I am not familiar
24 with Teams so we're going to see how this works.
25 Yeah, no, I'm not going to try to do this.

1 Brian, can you try to share your screen?

2 And I'll just start with the highlights
3 about the activities that we've completed since the
4 last PPDC. And they fall in a couple of different
5 buckets. So one bucket is our multi-species
6 activities that we have been working on. The second
7 bucket is just BEs that we committed to do as part
8 of settlement agreements or they're court-ordered.
9 The third bucket has to do with our PULA refinement
10 process. And then I just want to give you a heads-
11 up about a risk assessment workshop that we had with
12 the growers.

13 So let me start with our multi-species
14 efforts. In August, we finalized the herbicide
15 strategy.

16 Thank you, Brian.

17 We finalized the herbicide strategy which
18 is our first multi-species -- I mean, multi-species,
19 multi-chemical effort that we have finalized for the
20 Endangered Species Act. I think you all are aware,
21 but basically what the herbicide strategy is is a
22 framework to identify the potential for population
23 level impacts to species, to identify the level of
24 mitigation to address any identified population
25 level impacts, and then to determine the geographic

1 extent of where we need those mitigations.

2 And what I mean by that is sometimes we
3 think it is appropriate to put those mitigations on
4 the label or, you know, across a use for a label.
5 In other cases, we think it's appropriate to
6 identify geographically specific areas only where
7 those mitigations will take place.

8 The herbicide strategy was accompanied by
9 an ecological mitigation support report document.
10 That document identifies our review of a lot of
11 different types of information on various mitigation
12 approaches to reduce exposure to listed species from
13 runoff or spray drift. It was very much informed by
14 all of the outreach and workshops and comment
15 periods that we had between the draft herbicide
16 strategy and the final herbicide strategy.

17 And I'm really pleased to report that
18 because of all of that input and because we had data
19 to identify the efficacy of a lot of different
20 mitigation measures, the herbicide strategy includes
21 over 29 approaches for -- that pesticide applicators
22 can use to lower any identified buffer, spray drift
23 buffer, and it also identifies over 40 mitigation
24 approaches to achieve any identified runoff points.

25 We similarly released our draft

1 insecticide strategy in July, I believe, of last
2 year. You'll see -- if you've read those, you'll
3 see that all of our strategies are starting to
4 converge to a similar methodology, which is very,
5 very helpful. It also has a framework. The
6 framework is very similar. There are a few
7 differences because obviously the species that we
8 are looking at in the insecticide strategy are not
9 exactly the same as the herbicide strategy.

10 We also issued our Vulnerable Species
11 Action Plan in September. That is the culmination
12 of our Vulnerable Species pilot. If you've read
13 that document, you can see that it's a similar
14 approach as the herbicide strategy and the
15 insecticide strategy. It identifies a similar
16 framework. And we also explain how we're going to
17 incorporate the strategies in the Vulnerable Species
18 Action Plan.

19 Let me see, what else did we do along
20 those areas? I think that's the main one. Let me
21 look at my list real quick. Yes.

22 In the area of biological evaluations, we
23 issued final BEs for acetamiprid and dinotefuran.
24 That completes -- at this point, we have now
25 developed final BEs for five neonics and we have

1 initiated consultation on all five of those with the
2 services.

3 We also developed and issued draft BEs
4 for, let's see, benzovindiflupyr and bicyclopyrone,
5 and those we plan to issue final BEs next year.

6 And then the other area that we've been
7 doing a lot of work is in our PULA refinement. I
8 think you all are aware that the best available data
9 that we have for developing PULAs historically have
10 been the species range maps that the U.S. Fish and
11 Wildlife Service has generated. And we got a lot of
12 comments that those maps are not refined and that
13 they could identify areas that the species does not
14 need for survival and that it was overly impactful
15 to our pesticide users and our growers.

16 So we embarked on an action to develop a
17 process to refine -- to help develop refined PULAs,
18 which are our pesticide use limitation areas or
19 those geographically specific areas where listed
20 species mitigations would apply. We worked with the
21 USDA, we worked with the U.S. Fish and Wildlife
22 Service, and we were supported by the University of
23 Georgia.

24 We developed a draft process. We then had
25 a workshop on that, and then we beta-tested the

1 draft process with a wide range of stakeholders.
2 That input was invaluable to us. It helped us
3 refine the process. It also helped us to identify
4 areas where we might need to provide additional
5 information, and it helped us to develop a QA/QC
6 process.

7 Where we stand right now is that we plan
8 to release that PULA refinement process in December.
9 And along with that process, we have also been
10 developing refined PULAS for our vulnerable species
11 that are in our Vulnerable Species Action Plan. And
12 we also hope to complete those in December.

13 The other activity I would like to bring
14 to your attention is that we had a workshop this
15 fall with the -- that was focused on the growers and
16 it was a risk assessment workshop. It was a
17 workshop so we could better explain to the growers
18 our risk assessment process, particularly the
19 process, the three-step process, the three-step
20 framework that I spoke about earlier for the
21 various strategies. We helped them to understand
22 -- there was some misunderstandings about what
23 those frameworks were and what they weren't. So
24 we helped them to better understand that -- why
25 they are not screening level assessments, why they

1 actually include significant refinements, that type
2 of thing.

3 We had very good conversation with them
4 and I think they better understand what we do and
5 that much of what we do is limited or defined by the
6 data that's available, particularly on a -- when
7 you're looking at nationwide labels on various
8 pesticides.

9 The other thing we walked them through and
10 showed them was our runoff mitigation tool that we
11 released a month or two ago. We walked them through
12 that and we helped them to understand that what they
13 were basically doing when they used that runoff
14 mitigation tool was doing their own risk assessment
15 for their fields, because obviously they're able to
16 enter information in that mitigation tool that is
17 specific to their fields. And, of course, we do not
18 have that information at EPA. But that's basically,
19 in effect, what they're doing.

20 And with that, I think I have given the
21 highlights of the recent activities. I should
22 mention to you that, later this month, we will also
23 be releasing our final rodenticide BE that covers 11
24 rodenticides and the associated mitigation strategy.

25 Anne, do you want to take over and talk

1 about outreach?

2 ANNE OVERSTREET: Sure, I'm happy to do
3 that.

4 Good morning. I'm Anne Overstreet. I'm
5 the Director of the Pesticide Reevaluation Division.
6 I am going to share my screen or attempt to do so
7 here. Hang on just a second.

8 (Pause)

9 ANNE OVERSTREET: So I'll talk a little
10 bit about the Outreach and Education Update and some
11 of the materials that we've released to date and our
12 efforts.

13 So, Jeffrey, next slide.

14 Our workgroup consists of folks across the
15 divisions in OPP, as well as folks in our Office of
16 Enforcement and Compliance and the regional offices
17 as well. We are currently focused on a train-the-
18 trainer approach with a goal of getting these
19 outreach and education materials, as they're
20 developed, to the widest group of folks possible.
21 We're also releasing those in meeting with
22 stakeholders, as requested, to launch some of those
23 materials as well.

24 So next slide, Jeffrey.

25 So we've met with a number of folks,

1 including AAPCO, SFIREG, the Association of
2 Pesticide Safety Educators, our tribal folks through
3 TPPC, the Weed Science Society, many others, on
4 developing these materials and have coordinated with
5 them in the development of them.

6 So we've also reached out to states and
7 SLAs and tribes and we do have a workgroup specific
8 to those folks as well.

9 Next slide, Jeffrey.

10 Just to highlight some of the training
11 needs that we've heard, these are some of the top
12 ones that we've heard and we recognize that there
13 are additional gaps and we've been prioritizing
14 these based on the need that we've heard, as well as
15 the resources that we have here internally.

16 So you'll note some of these are
17 timelines, the walkthroughs on the strategies that
18 Jan mentioned, and we can highlight some of the
19 materials that are already out there and some of the
20 ones that we're planning coming up.

21 Next slide, Jeffrey.

22 So part of these -- and I mentioned the
23 prioritization of some of the items that we
24 mentioned. So we do have limited resources and a
25 number of folks across the program are working on

1 these updates, and we are cognizant of those
2 resource constraints, but we are working to
3 prioritize and I'm going to highlight some of the
4 things that we've already released.

5 Next slide, Jeffrey.

6 (Pause)

7 ANNE OVERSTREET: All right. So the
8 priorities that we received based on the feedback,
9 establishing those sources of information, the
10 webpages, the initial information and materials for
11 meetings and trainings, and to continue to reach out
12 to stakeholders to adjust those priorities. So I
13 think as additional information is released, some of
14 the things that you heard Jan mention, we are
15 working with folks to get information, flyers and
16 training material, out there as quickly as we can
17 after conferring with our group.

18 Next slide, Jeffrey.

19 So part of these -- and I know that's a
20 little bit harder to see there -- is that we did
21 work on and developed an ESA Toolbox webpage that
22 was released on October 11th, and it consolidated
23 existing materials from EPA's website, but also
24 serves as a repository for new materials as they're
25 developed. And this particular toolbox will be

1 updated often as additional resources become
2 available. So it serves as a really great
3 repository.

4 Next slide, Jeffrey.

5 So Bulletins Live! Two, this flyer was
6 developed and also released in late October, and it
7 can be used as needed by retailers, distributors or
8 anyone wanting information to share about the
9 Bulletins Live! Two with applicators and growers, in
10 particular. And that flyer contains a link also to
11 the additional resources.

12 All right, Jeffrey.

13 Mitigation Menu website was also released
14 in October. It included runoff points table, the
15 new mitigation measures, a crosswalk with the NRCS
16 practices and photos, and a runoff points calculator
17 with a user guide. And those have also been very
18 recently released.

19 Next slide, Jeffrey.

20 The runoff calculator I just mentioned was
21 also -- and we do recognize that there are a few
22 issues with this and we are updating that calculator
23 as we make those fixes as things are launched.

24 All right, Jeffrey.

25 That's it for slides. They were just a

1 few to show you what we've been doing and what we're
2 working on. I think we'll continue to prioritize
3 the materials we're doing.

4 I'll try to turn my video back on.

5 We are still prioritizing some of the next
6 outreach items. We're working on some additional
7 flyers that might better characterize the points
8 calculator and other outreach materials.

9 So let me stop there and you're welcome to
10 ask Jan and I any questions.

11 JEFFREY CHANG: Thank you. So we can turn
12 it over to the PPDC for discussion. Please raise
13 your hand to be recognized.

14 Nathan Donley?

15 NATHAN DONLEY: Great. Well, thanks.
16 Thanks, Anne and Jan. And, you know, first and
17 foremost, I really want to say thanks to you both
18 and particularly your team at EFED, the ones who are
19 doing the day-to-day grind. You know, I can't say
20 I'm happy with everything that's come out,
21 especially recently, and that's been a little hard
22 to stomach. But I recognize the work and the hours
23 and particularly the commitment from your team, and
24 I hope it's not lost on anyone here, you know, the
25 sheer determination it's taken to get to this point.

1 So thank you to everyone at EFED truly.

2 You know, lots of unknowns for the future,
3 but we'll take those as they come and we remain
4 ready to move in whatever direction we need to
5 moving forward. And, God, I really hate saying that
6 after all these years and all the time invested, but
7 hopefully it doesn't come to that. I'm told it's
8 good to stay optimistic in dark times.

9 But what I wanted to talk about really was
10 I think last PPDC, I raised some issues here
11 concerning the protectiveness, or lack thereof, of
12 some of the mitigations being proposed. And I want
13 to reiterate that concern and also just give a
14 little context, an explanation for why that is. You
15 know, over the past few years there's been a push by
16 many, including my employer, Center for Biological
17 Diversity, to more accurately target species range
18 maps so that they are not overbroad, as many of them
19 are. And the goal, at least on our part, was, you
20 know, to make sure that ESA implementation passed
21 the smell test and make sure, you know, everyone had
22 trust in this process because you don't build trust
23 with maps that, you know, include areas that don't
24 have or never will have endangered species present.

25 And so as part of that, we've developed

1 PULA maps for almost 200 priority species so far,
2 all of which are publicly available online, along
3 with the methodology we use. Many of these maps are
4 significantly reduced compared to the Fish and
5 Wildlife Service range maps. And these maps we've
6 made are certainly not range maps. These are
7 underestimates of where species exist, to be sure.
8 They're PULAs, okay?

9 And I've got to say that it makes us
10 incredibly uncomfortable making these maps because
11 of that. But until we get some decent maps out of
12 Fish and Wildlife, this is kind of where we are. So
13 we understand the need, as uncomfortable as making
14 these maps are.

15 But, you know, the problem that we're
16 seeing is that mitigations are, you know, really
17 getting less protective in the strategies and pilots
18 as the mitigation menu is getting longer, while at
19 the same time, we're very likely to see the land
20 subject to these mitigations dramatically decrease
21 with smaller PULAs. So you're getting less
22 protections on less land. And, you know, you don't
23 need to be particularly bright to see what that
24 means for conservation.

25 And just to give you an example of a

1 weakened mitigation, right now, half of Florida and
2 the entire state of California and almost the entire
3 Pacific Northwest are designated as having low to
4 very low runoff potential. And that means you get
5 three to six runoff mitigation points in those
6 places for doing absolutely nothing.

7 And, you know, just ask anyone at USGS or
8 CDPR, these are places that are finding tons of
9 pesticides in their surface water. So runoff is
10 happening extensively in California and Florida and
11 Oregon and Washington, whether you designate them as
12 low runoff potential or not.

13 A citrus grove in Florida in the Lake
14 Wales Ridge region, which is a biodiversity hotspot,
15 is going to get six runoff points for just existing
16 because they're designated as a low runoff potential
17 and it's a perennial crop that doesn't involve
18 tilling. And, actually, you know, add one more
19 point to that, because growers will get one point
20 for simply just writing down on a piece of paper
21 that they're doing nothing. So that's seven points
22 right there for doing nothing. This basically makes
23 Florida citrus growers basically exempt from any ESA
24 runoff mitigation whatsoever. And that's just not
25 right on so many levels.

1 And I know I don't need to remind EPA of
2 the vulnerability of species in the Lake Wales Ridge
3 region, but these are the types of examples I kind
4 of see happening more and more as the mitigation
5 menu gets bigger.

6 So I want to remain hopeful, you know, I
7 really do. But as we start to see reduced PULA maps
8 come out and they start to make their way into
9 bulletins, I would really urge the agency to
10 reassess the types and the number of mitigations
11 that it's requiring for bulletins for any given
12 pesticide because it just makes sense that the
13 mitigation calculus would change with changing maps.

14 And the giveaways, for lack of a better
15 word, in the mitigation menus are really just kind
16 of perpetuating the status quo. And I'm not at all
17 saying that this has to be burdensome or that it
18 even has to be particularly hard for anyone. That's
19 not the goal and it never has been. And I think
20 stakeholders involved in this know that to be true.
21 But doing nothing is business as usual. It's not
22 progress; it's not conservation.

23 So I guess that's a long-winded way of
24 saying, you know, I guess my plea here is to not put
25 this process that you've invested so much in in

1 peril because, you know, from our perspective,
2 you're losing your ESA coverage here, and if you do
3 that, you lose the regulatory certainty that
4 everyone here is hoping to achieve.

5 So, you know, I'll get off my high horse
6 here and let others speak. But thank you both for
7 your presentation.

8 JAN MATUSZKO: Thank you, Nathan. I want
9 to thank -- I appreciate the acknowledgment for the
10 EFED team and I want to extend that. It's not just
11 EFED. These strategy teams are across all of the
12 OPP offices. While we have more folks on it, it is
13 an OPP effort.

14 And I wanted to mention -- I wanted to
15 address, or at least to speak for a minute to your
16 concerns, particularly about the runoff
17 vulnerability. And really it comes back to the
18 models that we have. I think you know that, right?
19 When we do risk assessments, we're making
20 assumptions because we're doing them nationwide and
21 we're making assumptions about the runoff when we
22 put the information into those models. And when you
23 saw what you saw with the runoff vulnerability, the
24 credits, it's just an acknowledgment that not all
25 the United States is the same in terms of runoff

1 vulnerability. And if we were to put actual
2 data in for those different locations into our
3 models, we would come out with very different
4 answers in terms of population level impacts and the
5 level of mitigations needed.

6 So I just wanted to address that. I'm
7 happy to talk to you about our models, I'm happy to
8 talk to you about how we get there, but it really
9 was, you know, we're only as good as the models and
10 the data that we have and we can't make assumptions
11 about -- if we're going to make assumptions about
12 the entire United States, then we need to be able to
13 adjust those based on the reality of what's going
14 on, the reality of the weather and the soil in those
15 areas. And so that was the whole concept behind the
16 mitigation menu.

17 Anyway, like I said, happy to talk more
18 about those models or if you think there's something
19 that when we did the runoff vulnerability that we
20 just made a mistake or we missed something, happy to
21 have those conversations.

22 NATHAN DONLEY: Great. Thanks, Jan. And
23 are you all going to have a comment period for
24 additions to mitigation menus as they happen? I'm
25 just trying to think of the appropriate forum where

1 we can raise some of these issues.

2 JAN MATUSZKO: Anne, do you want to --
3 what I would say is, initially, it's the strategy.

4 ANNE OVERSTREET: Yeah.

5 JAN MATUSZKO: So, like, you know, we
6 released the herbicide strategy, that was final.
7 That doesn't mean we can't change. You know, it's a
8 framework. It's not a rule. It doesn't mean that
9 as we learn things, we can't adjust. And, of
10 course, the last one we put out is the insecticide
11 strategy. So we were hoping that if people had
12 comments on the -- you know, on the mitigation
13 support document or any of those, we would have
14 gotten them in the insecticide strategy. And then,
15 you know, we've got more strategies to come.

16 And, Anne, do you also want to address
17 the --

18 ANNE OVERSTREET: Sure, sure. Nate, so
19 how these will roll out, as Jan mentioned, is the
20 framework will be applied on a chemical-by-chemical
21 basis as they go through Registration Review. So
22 some of the first herbicides that will be coming
23 through this winter that we'll apply the herbicide
24 strategy, those are going to be proposed interim
25 decisions with that mitigation. And all of those

1 decisions will go out for a public comment period.

2 NATHAN DONLEY: Okay, thank you guys.

3 Thank you both so much.

4 ANNE OVERSTREET: Sure.

5 ED MESSINA: Grant Morris?

6 GRANT MORRIS: Hi, everybody. A couple
7 things I would say, the tours that you guys do, this
8 is a perfect example of why they're important. It
9 allows us and you guys to keep from just blanketly
10 saying an entire state or entire region is in danger
11 or a certain specific situation. It lets everybody
12 see what really is happening and what's not
13 happening. I know money is a problem, so that's
14 kind of a constraining factor there. But this is a
15 good example of why those tours are important.

16 I have a question on the outreach. You
17 mentioned a little bit about working with Fish and
18 Wildlife and USDA and maybe universities and some
19 growers. I'm just curious how much end user -- and
20 I mean the growers, I guess being the end user --
21 how much interaction have you had with them just
22 from an interface or usability factor of what you're
23 doing? Because that, from a grower standpoint, a
24 lot of this stuff, websites, they're all -- I think
25 they make sense to you guys because you live and

1 you're in this stuff all the time, but it's
2 difficult for the average grower to kind of
3 navigate.

4 And I know you guys have been working on
5 that and that's -- things are getting better for
6 sure from the first version of all this stuff. But
7 I'm just curious now or maybe going forward, how
8 much interaction you plan on having with that end
9 user?

10 ANNE OVERSTREET: That's a great question,
11 Grant. So I think many of you know Stanley
12 Culpepper, you may know other grower groups that we
13 -- we have a number -- we've reached out to a number
14 of growers and specialty crop folks that we've
15 worked with in some of the education and outreach
16 and through the states as well. But I think, you
17 know, there is a knowledge gap and, Grant, we're
18 going to acknowledge that. And I think going
19 forward it's going to be really important on a case-
20 by-case basis.

21 And I think that's going to be a really
22 important thing to note that as we roll these out,
23 we're going to have, you know, a specific case that
24 these are going to be applied to. And while all of
25 these more general education and outreach materials

1 are very, very useful, when we have one in hand that
2 we can share and do some of that groundwork, I think
3 it's going to be very helpful.

4 So we've done quite a bit. There's a lot
5 more to do. We understand that. And any
6 suggestions on who to reach out to and when we get
7 those ready would be helpful. I appreciate your
8 comment.

9 ED MESSINA: Jan, do you want to mention
10 some of the workshops, too, the association side had
11 on the mitigations? I know you presented that, but
12 we could reemphasize that. Thanks, Anne, for your
13 comments, too.

14 JAN MATUSZKO: Yes, I mean, over the last
15 year, we've had various workshops. We had workshops
16 with the growers specific to mitigations,
17 particularly for specialty crops, and also to hear
18 their concerns. Again, I mentioned we had the risk
19 assessment workshop specific to growers. We've also
20 been -- you are absolutely right. Those tours --
21 our crop tours are invaluable to our understanding
22 of things. And it's not just our understanding. It
23 helps us understand where we might be not
24 communicating to the growers in a way that they can
25 understand. I think that's important, too. And

1 then we regularly meet with grower groups.

2 But specific to the outreach materials,
3 Anne is right. We're not doing them just -- we're
4 not like putting them together and saying, okay,
5 that's it, we're putting them out. There are groups
6 that we are sharing with. Anne went through them.
7 Some of the extension agents, some of the
8 independent crop consultants, some of the states,
9 folks like that are the ones that are helping us, at
10 least in this short term, to try to develop
11 materials that speak to the growers a little bit
12 more and a little bit less using our, you know, EPA
13 speak.

14 GRANT MORRIS: Is it possible to request
15 participation in those workshops and groups, or is
16 it just you guys are seeking out groups to work
17 with? I don't know how that works.

18 JAN MATUSZKO: When we've done our
19 workshops -- I mean, Anne, can speak to the grower
20 part, but when we -- I mean, to the outreach part.
21 But when we've done our workshops, it's usually
22 focused on making sure that we have representatives
23 from a broad range of growers so we're hitting all
24 the crops. And we usually have -- in fact, in both
25 of those cases, the workshops I mentioned were --

1 USDA was very kind to cosponsor them with us and
2 they helped us identify the grower groups that we
3 invited.

4 ANNE OVERSTREET: Grant, that's similar
5 for outreach and education materials. We have a
6 number of representatives on that group. You're
7 welcome to reach out to me directly and I can put
8 you in touch with the folks that are working on some
9 of that outreach material and include you in some of
10 that communication if you like.

11 GRANT MORRIS: Okay. Yeah, that would be
12 great. Thank you.

13 ANNE OVERSTREET: Happy to do that. Sure.

14 JEFFREY CHANG: Wendy Sue Wheeler?

15 WENDY SUE WHEELER: I appreciate you all
16 being here and giving an update. Thank you so much
17 for focusing on and producing go-to areas where
18 people can access resources. I appreciate that.

19 Pesticide safety educators are on the
20 ground assisting with the digestion of all this
21 information and keeping up with the changes.
22 There's a lot of frustration and concern out there.
23 Education is so critical moving forward. I
24 appreciate the conversation that just occurred about
25 materials because one item our commodity groups and

1 grower groups are asking for is some slides to add
2 to their presentations as they go out and talk to
3 their groups to get the word out, you know, one to
4 two, three slides.

5 It would be very helpful if EPA could
6 provide this. So I was glad that you had a
7 conversation about that. So thank you again for
8 working on critical needs for education and outreach
9 materials.

10 ANNE OVERSTREET: Wendy, thanks for your
11 comment. We have also reviewed some materials -- I
12 mentioned Stanley Culpepper before. We had reviewed
13 some of the materials that he put together. We have
14 some comments on that. We're happy to provide some
15 input and some slides if that would be helpful.

16 WENDY SUE WHEELER: That would be very
17 helpful. Definitely what we're hearing. You know,
18 there's only so much of us to go around so if we
19 could share some information that they can talk
20 about, that's great. Thank you, Anne.

21 ANNE OVERSTREET: Sure. And, again, a lot
22 of it's changing as we update those, right? So they
23 are ever-changing. And so with that in mind, we're
24 -- at least the links -- a good starting point is
25 all of the resources that we just released within

1 the last three weeks. And we're working on sort of
2 one-page flyers to help folks navigate some of those
3 items as well. So happy to share those at some
4 point.

5 WENDY SUE WHEELER: Thank you.

6 JEFFREY CHANG: Brian?

7 BRIAN VERHOUGSTRAETE: Yeah, thank you.

8 So first of all, yeah, I want to echo thanks to Anne
9 and Jan for the update today. I really appreciate
10 you taking the time. I know you guys are really
11 busy, which actually brings me to my second point.

12 Just hats off to the whole EPA team on
13 this endangered species stuff. Huge undertaking,
14 really important stuff. Quite frankly, I don't know
15 how you guys are surviving, but do know that, you
16 know, it is not lost on folks all the work that's
17 being done in your team there. So thank you for
18 that.

19 Also, as you mentioned you've been
20 engaging with AAPCO and SFIREG, your co-regulators
21 at the state level. [Connection issue] really
22 appreciate. You know, this is a huge thing. This
23 is probably -- I've heard it said more than once
24 that this endangered species implementation is the
25 biggest thing in the pesticide regulatory space

1 since the Worker Protection Standard was
2 implemented. This is huge.

3 And, you know, I do understand that the
4 agency has limited resources. I think we all
5 recognize that. But if we want this thing to be
6 successful and we want it to protect endangered
7 species, we really need more resources at the state
8 level. You guys need more resources. PSEP needs
9 more resources. Extension needs more resources. If
10 we want this to be successful, we have got to find
11 either more resources or dedicate more resources.

12 Similar to what Grant and Wendy Sue said,
13 this is huge for growers, and if we don't get it
14 right the first time, I think it's going to be
15 really difficult to be successful going forward.

16 So again, I appreciate all you've done.
17 I just want to recognize that you guys may need more
18 resources and so do all the other partners and
19 stakeholders. So thank you.

20 ANNE OVERSTREET: Appreciate that, Brian.
21 I think that's one of the things we're -- we're
22 looking at partnering. You know, OPMP USDA has been
23 a wonderful partner and using their lead on this,
24 too, and helping us to get some of the word out and
25 really honing in the resources we do have to develop

1 just the resources and the priority list that we've
2 developed. So thank you for your comments.

3 JEFFREY CHANG: John Wise?

4 JOHN WISE: Good morning. Thank you, Jan
5 and Anne, for your excellent presentation and the
6 work that you're doing.

7 So we learned today the status of the
8 refinement of PULAs, the kind of reassurance that as
9 reviews and registrations occur now and into the
10 future is when most of the endangered species risks
11 will be determined for new AIs or AIs that are being
12 reviewed. We also know that there are vulnerable
13 species determinations that have already been made.

14 My question is related to what I would
15 call legacy cases where there are active ingredients
16 in endangered species that show up on the Bulletins!
17 Live Two website. There are PULAs that are there.
18 There are limitation actions that are listed there,
19 and they also show up on current insecticide labels.

20 And so my question is, when I look at
21 those, the PULAs are quite broad. They haven't been
22 refined. The limitation details don't line up with
23 what I've read with the draft insecticide strategy.
24 How are you intending to address those, independent
25 of the other processes that you've already

1 explained?

2 JAN MATUSZKO: So I'll get started, John,
3 and then, Anne, you can come in behind me.

4 You know, obviously, we can't do
5 everything all at once. Everybody knows that. So
6 we're really focused on a day-forward approach. And
7 so I think you know what that means. And
8 particularly so as a chemical comes up in
9 registration review, we'll be looking at it. You
10 know, if we need to adjust the level of mitigations,
11 we will. If we need to adjust the PULAs, we will.
12 And, of course, if there's something in particular
13 -- if there's, you know, something like this in
14 particular that you all want us to be made aware of,
15 I think that would be appropriate. And then Anne
16 can decide where it fits in our -- you know, our
17 registration review, and because there is some
18 flexibility in when we do things.

19 Anne, do you want to add anything to that?

20 ANNE OVERSTREET: So just to say that
21 we'll be updating the website with our plans through
22 2026 with which chemicals we'll be doing going
23 forward.

24 Jan, you're absolutely right. Just having
25 the resource constraints and doing the

1 straightforward approach that we will revisit these
2 according to the registration review cycle, that
3 they are applied going forward in our cases.

4 JOHN WISE: So there may be an active
5 ingredient that won't be reviewed for X number of
6 years, but because of its legacy status, labels and
7 Bulletins! Live PULAs, then become the enforceable
8 status until then or there is no regulatory status
9 until the review occurs?

10 ANNE OVERSTREET: Until the label
11 language, John, is added, until those labels are
12 stamped with a new language that's updated with the
13 Bulletins Live! Two and the requirements there, the
14 label is where it starts. So, again, it's a point
15 forward. And we have a robust schedule given the
16 resources that we have. You know, it's been
17 mentioned here, we're all under great resource
18 constraints and we're doing what we can to do as
19 many as we can. And there's a little bit of a lag
20 in that as we're working on the implementation
21 section and how we're going to implement this
22 because that's imperative to make sure -- you know,
23 as Grant and others said, getting it right the first
24 time is important.

25 So there's a little bit of a lag there.

1 But as we begin to implement them, we have a robust
2 schedule on moving forward to implementation.

3 JAN MATUSZKO: And just to be clear, the
4 current labels are enforceable. So if you're
5 talking about a label that has a bulletin and has
6 mitigations required for ESA now, that's
7 enforceable.

8 ANNE OVERSTREET: Certainly.

9 JOHN WISE: Okay, thank you. I will
10 probably follow up with the two of you just to make
11 sure I got it right. Thank you.

12 JEFFREY CHANG: Bob Mann?

13 BOB MANN: Good morning everybody. Bob
14 Mann with the National Association of Landscape
15 Professionals. And let me start by just thanking
16 Jan and Anne and everybody that is working on this
17 project at EPA for what has got to be the most
18 thankless job in government right now. You're just
19 trying to do something that's virtually impossible
20 and that hasn't been accomplished over the 50 years
21 since ESA was enacted, and this is a giant lift.

22 And while we're talking about giant lifts,
23 I had some very insightful, actually brilliant,
24 observations to share with you, but my fellow
25 committee members have stolen all my thunder. But I

1 will say please don't underestimate the lift that we
2 have with training individual applicators, whether
3 they be in the non-ag space that I deal with,
4 farmers, that type of thing.

5 And at the risk of being repetitious with
6 comments that I've made in other venues, Gary Barr
7 with the University of Washington had a series of
8 training workshops in the Pacific Northwest, both
9 Washington and Oregon. I think there were six of
10 them all. And one of them was close enough to one
11 of my members, a trusted person that I know very
12 well, that I asked him to attend, you know, this
13 particular training session. And this gentleman has
14 been in the business for his entire life. He's, you
15 know, 40-plus years as a certified applicator. And
16 he reported back to me with horror as to what he
17 learned there. And that's not a dis on Gary or
18 anyone else that was doing the workshop. It was
19 just the novelty of everything that he was being
20 taught.

21 So we have got to embark upon teaching
22 people something that's completely new, and we will
23 do this. You know, we're completely on board with
24 this at NALP and, you know, we'll incorporate this
25 into our training as we go out. You know, we're

1 just embarking upon the recertification conference
2 circuit now that winter's coming into -- you know,
3 coming at us. And we appreciate the new material
4 that you're providing to us. We'll certainly steal
5 the slides and incorporate it into our PowerPoints.
6 But this is going to be a big deal for us to do.

7 I would like to also emphasize that in
8 these recertification conferences that we put on,
9 that we actively reach out to the Cooperative
10 Extension Services, not only in the specific state
11 that these events are held, but also in neighboring
12 states. You know, these are people that taught us
13 when we were in college, we looked to them for
14 further instruction and trust them. And I would
15 like to see that emphasized more as far as, you
16 know, part of the train-the-trainer.

17 Leaving that for a second, I wanted to go
18 on to -- allow me to just to get onto my hobby horse
19 and just ride for a little bit. I appreciate the
20 commentary that, you know, the herbicide strategy
21 and insecticide strategy, we're starting to see
22 convergence there. The one that I'm interested in
23 because, you know, I'm in the non-ag space, along
24 with my pest control folks, mosquito control, sports
25 turf, golf, and any others that, that fall under

1 that umbrella, that the only place that we really
2 have seen anything that speaks directly to the non-
3 ag space is in the Hawaii strategy or the lead-up to
4 the Hawaii strategy.

5 So my question is -- well, I got to ask it
6 in a way that you're going to be able to answer. So
7 when the update -- when the Hawaii strategy is
8 actually released, will we see a little more
9 certainty as to where the agency intends to go in
10 the non-ag space?

11 JAN MATUSZKO: Hi, Bob, thanks for all
12 your comments. A couple of things, actually, the
13 Vulnerable Species Action Plan speaks to non-ag as
14 well. So I want to make sure that you're aware of
15 that.

16 We did talk in there about -- in the
17 Vulnerable Species Action plan about some of our
18 thoughts about mitigations there. But what we
19 really want to do is refine those PULAs and have a
20 better idea of where those species are overlapping
21 with the different non-ag uses so that we can focus
22 our efforts on those. And we also want to honestly
23 complete some more consultation with Fish and
24 Wildlife Service, in particular, to cover some non-
25 ag uses. You know, we've got a couple that we're

1 actively working on right now that cover some non-ag
2 uses. So that will inform things as well.

3 What I would say about Hawaii is you saw
4 it on my slide, we do plan to issue a draft in
5 calendar year 2025, which will be out for public
6 comment. You know, Hawaii is different. Hawaii is
7 different from the rest of the -- you know, the
8 continental, contiguous United States. We heard
9 that loud and clear when we were there. So I think
10 when we issue things for Hawaii, it will give you a
11 little bit more certainty for our thinking in
12 Hawaii.

13 But I wouldn't extend that. I wouldn't --
14 you know, there are some things that you know are
15 applicable, but there's a lot that's not. And so I
16 wouldn't assume that what we do for Hawaii is what
17 we're going to do elsewhere.

18 BOB MANN: Thank you, Jan.

19 JAN MATUSZKO: You're welcome.

20 JEFFREY CHANG: Daren?

21 DAREN COPPOCK: Good morning. Thank you.
22 Let me add my thanks to the team that's been working
23 so hard on this, especially the revisions that
24 you've done to PULAs and to the map areas. The
25 first round that came out was -- people kind of

1 looked at it and said, we can't do that, there's a
2 bunch of area that's protected that has no species
3 in there. So credit to all of you for going back,
4 for looking at the science, for listening to the
5 people that are trying to use the products on the
6 ground and refining those PULAs as the science will
7 permit and support so that we can have a practical
8 solution that we can all live with when we finish
9 here.

10 As I'm talking to our members, I'm
11 frequently telling people it's important that we get
12 this right because the access to the tools in the
13 toolbox is at stake. And so we're heavily invested
14 in making sure that we do this in a way that works
15 for everybody.

16 We're also really highly motivated on the
17 education front and, in particular, getting some
18 materials resources into the hands of our
19 agronomists and retailers as soon as possible. As
20 we start to look at planning for the spring season,
21 we need to have people trained and have resources in
22 their hands so that they're familiar with them
23 before they start the sprayers up and the clock is
24 ticking.

25 So we're part of the group that Anne

1 mentioned and looking forward to getting something
2 together that is practical, accessible, effective as
3 soon as we can and continuing to work on that.

4 I would say that I'd encourage you to try
5 to lock in those requirements at some point for a
6 period of time. And here's what I'm thinking is
7 that if we go out and train people in January, for
8 example, and here's what you need to do to comply,
9 these are the rules, this is the mitigation menu,
10 and then that thing becomes a moving target that
11 keeps changing throughout the spring, we're going to
12 have a disaster on our hands as far as education and
13 growers are going to throw up their hands in
14 frustration and so will our retailers and
15 agronomists.

16 So I'd encourage you to say, at some point
17 fairly soon, all right, this is the list for 2025.
18 If we're going to change it, then we'll look at
19 changes beyond that. But we've got to have some
20 certainty. Even now, people are making decisions
21 about what product they want to plan for and
22 purchase. And if the mitigation menu or some other
23 mitigation requirement changes over time, that
24 destroys the certainty that we're all after.

25 So again, I appreciate what we're trying

1 to do and we're here to help you succeed.

2 ANNE OVERSTREET: Great comment, Daren.

3 Thanks. We appreciate it. I understand the
4 certainty of having that locked in as early as
5 possible is most helpful. Also helpful in our
6 education and outreach, right? When reference
7 materials change, it makes it more difficult. So
8 thank you for that.

9 JAN MATUSZKO: Hey, Anne, do you want to
10 speak a little bit about labels and the reality of
11 like, you know, Daren was just talking about the
12 spring.

13 ANNE OVERSTREET: Right. And other than
14 the few new AIs that we are going to register or
15 like the one we just did, that mitigation menu and
16 the requirements won't be on labels in the short
17 term. So I think it's important for people to
18 understand how this works and that, you know, it's
19 not a self-implementing -- they're not self-
20 implementing.

21 ANNE OVERSTREET: Remember that discussion
22 about having these rolled out on a case-by-case
23 basis? Obviously, going through the public comment
24 period, developing that mitigation and finalizing
25 it, getting public comment, finishing up the interim

1 decision, and then getting labels in. So you're
2 looking at more than one growing season likely by
3 the time that we get that mitigation onto labels.
4 And, again, these decisions are snapshots in time.
5 They would contain the mitigation as, you know,
6 we're not planning to make swinging changes in that.
7 We would release it for public comment and then
8 propose the decision, ask for those labels, and then
9 stamp them. So best case scenario, probably 18
10 months from start to finish.

11 JAN MATUSZKO: For each active ingredient,
12 right?

13 ANNE OVERSTREET: Absolutely. As they're
14 rolled out, right? For each case that's going
15 through the registration review process.

16 JEFFREY CHANG: Nathan Donley?

17 NATHAN DONLEY: Great, thanks. After
18 hearing some of these comments, I wanted to say, you
19 know, some more on this and I really want to kind of
20 follow up on what Brian and Bob and others said
21 about training needs and resources. You know, I'm
22 coming at this from a very different perspective,
23 from a conservation perspective, not a grower, not
24 an applicator perspective, but it's just as
25 important, from a conservation perspective, to set

1 pesticide applicators up for success here and not
2 failure.

3 And, you know, the complexity of all this
4 is immense. And I think, you know, web materials
5 and handing out flyers and calculators, I just don't
6 think that's enough. You know, I'm probably more
7 familiar with these documents than just about anyone
8 else here and I would have difficulty implementing
9 this on my farm if I had one. I don't think my
10 backyard organic garden quite counts.

11 You know, but I truly believe that farmers
12 need one-on-one help here. Something like a 24-hour
13 hotline, maybe hosted by NPIC or something, you
14 know, where someone can call in and say, this is
15 where I live, this is what I want to apply, this is
16 what I grow, this is the topography of my field,
17 these are my neighbors, and then have an expert
18 that's well versed in this, guide them through it,
19 you know, take an hour and just figure it out.

20 I'm fully aware that OPP and state
21 governments don't have the budget for something like
22 this, but registrants do, and it needs to be on them
23 to ensure that their products can be used in
24 accordance with labeling requirements. And it pains
25 me to say that EPA hasn't done enough here because I

1 know how hard you have all worked these past however
2 many years. So I don't say this lightly, but the
3 complexity here, I think, necessitates one-on-one
4 help from someone who is trained in this. And
5 websites and flyers and calculators don't strike me
6 as the type of help that is needed to make this plan
7 succeed right now.

8 And I don't really know what EPA can do
9 here to compel registrants on this front. So this
10 may just be kind of pie in the sky. But, you know,
11 to the extent registrants want to see this work, you
12 should start investing in real help for people who
13 buy your products, because you are the only entities
14 here with the budget to do so.

15 So I just wanted to say that. It's been
16 something that's on my mind and I hear the
17 frustrations from pesticide applicators because I
18 know how complicated this is. It's something I
19 spend like 90 percent of my time on these days just
20 reading through. And, again, I want to thank you
21 all for your work. I'm not trying to knock anything
22 here, but I just hope that registrants can step up
23 and really help out with the needed resources here.

24 JEFFREY CHANG: Kim Brown?

25 KIM BROWN: Hey, Jan and Anne, thank you

1 all so much for your presentation. You all did a
2 great job. And I do really want to echo some of the
3 things that folks said. So I won't beat a dead
4 horse.

5 I just wanted to tell you all kind of
6 something that we're doing here in Tennessee. We do
7 have a large number of endangered species here. And
8 so like talking to Gary Barr out in Washington,
9 whenever you all came, Jan, for SFIREG a couple
10 years ago, and we had some of these discussions,
11 Gary said something that just kind of stuck with me,
12 and that was like getting to know your NRCS folks in
13 your state, your state agronomist.

14 And so what we did here -- what we've done
15 is we've created a Tennessee ESA Working Group. And
16 so we've pulled together extension specialists, you
17 know, Sebe Brown, who is our entomologist; Larry
18 Steckel, who is our weed scientist; as well as our
19 Farm Bureau, our grower groups, our NRCS
20 counterparts, our Fish and Wildlife counterparts,
21 and we've been meeting as well, as some of our
22 growers here in Tennessee, to kind of discuss
23 implementation and the best way to go about doing
24 this here in Tennessee so that we can have -- and
25 TDA is a part of that conversation as well, our

1 Department of Ag -- so that we can have a solid
2 conversation about how to do the best outreach so
3 that we get respect for these regulation changes,
4 and that we get good compliance here in the State of
5 Tennessee.

6 And that's just something that we've
7 really done here and just started these
8 conversations as we move into, you know, training
9 season and, you know, with the new glufosinate-P
10 herbicide that just came out and the new label
11 recommendations on that and following Bulletins
12 Live! Two. There are counties that will be impacted
13 here in Tennessee. So how do we start that
14 conversation so that we get compliance?

15 So education is going to be a really big
16 part of this, but I also think that we need to work
17 together as groups within states and working with
18 EPA and different things. And, also, as we're doing
19 training -- and everybody talks about training. I
20 guess one thing that I want to say is we need to
21 kind of -- as we're introducing it to applicators
22 and growers, you know, having a conversation on a
23 level in which they can understand and actually
24 implement is going to be critical so that we get
25 compliance long term.

1 So that's just a couple comments that I
2 had. Everybody else said great things that I
3 greatly agree with. I just wanted to make that one
4 little statement. So thank you, guys.

5 ANNE OVERSTREET: Thanks for your comment,
6 Kim. It would be really helpful to know, at some
7 point, how that's going. It sounds like a great
8 partnership within your state.

9 KIM BROWN: Yeah, yeah.

10 ANNE OVERSTREET: And what other tools --
11 because you're doing that outreach on a state level,
12 what other education and outreach materials might be
13 helpful as you're on the ground and working directly
14 with the growers. I mean, that's really good to
15 hear.

16 KIM BROWN: Yeah, I would be happy to
17 share. And I've talked to Nicole a little bit and
18 Cameron --

19 ANNE OVERSTREET: Right.

20 KIM BROWN: -- and we've been having some
21 of these conversations, because we really want to
22 make sure -- I mean, I was raised by a dad who was a
23 forester, so conservation and all that's really been
24 ingrained in me and then also growing up on a farm.
25 So we want to make sure that we do have good

1 compliance and we are protecting endangered species
2 and vulnerable habitats while still being able to
3 produce food and fiber across the country.

4 So, yeah, I mean, it seems to be going
5 really good. We're supposed to have another
6 conference call next week. It's just kind of in
7 its infancy. And the big thing that I wanted to do
8 is -- because I didn't even know who our state
9 agronomist was for NRCS here in Tennessee. I mean,
10 I'm new to Tennessee, I came from Louisiana, but
11 just developing that relationship. So as we get new
12 AIs that go on Bulletins Live! Two, and educating
13 our folks, like if you have an endangered species in
14 that area, what mitigation strategies do we need to
15 take in order to protect them? And just developing
16 that relationship so we can have a good conversation
17 at a local level so that we can get implementation
18 and compliance.

19 So I'm happy to share, Anne. Jan knows
20 how to get a hold of me.

21 ANNE OVERSTREET: Sounds great, Kim.
22 Thanks for that.

23 JAN MATUSZKO: I sure do. And, actually,
24 I'm also glad you brought this up because one of the
25 things that we've been hearing when we talk to

1 different folks is where our growers and where our
2 applicators get their information varies
3 considerably depending on where they are in the
4 country, right? So some do get their information
5 from NRCS. And I should have mentioned -- we should
6 have mentioned that earlier, Anne. We are
7 absolutely working with the USDA and the NRCS folks.
8 I think you all know we have a memorandum of
9 understanding with them.

10 And in some parts of the country, they're
11 very -- you know, that's where the growers are
12 getting their information. Some of them are getting
13 them from folks like you, Kim, the folks at the
14 extension agents and particularly from the
15 universities. Some of them are getting it from the
16 independent consultants. There's just a long list
17 and it varies considerably, and I think that makes
18 this a little bit more complicated.

19 But that's really what Anne and our groups
20 have been trying to figure out is who are those
21 people so we can try to work with them to better
22 educate our applicators about this.

23 JEFFREY CHANG: Hardy Kern?

24 KIM BROWN: Thank you all.

25 JEFFREY CHANG: Sorry. Hardy?

1 HARDY KERN: Thank you. Hey, everyone.

2 Sorry I missed the first little chunk there. I've
3 had a time and a half getting online this morning.
4 But I firstly want to start off echoing everything
5 that's been said in terms of thanking the agency. I
6 particularly want to thank you all for how involved
7 and transparent you have made a lot of this process,
8 a lot of comment periods, a lot of briefings, taking
9 a lot of meetings, wanting more information. That
10 is absolutely phenomenal. And we really, really
11 thank you.

12 I also really appreciate all the love that
13 birds have gotten in a lot of the material. So
14 thank you for that.

15 I do want to say in hearing a lot of these
16 comments and going to a lot of the briefings, the
17 reason why this whole process is happening is
18 because the agency is really trying hard to find
19 that delicate balance between making things flexible
20 enough for growers, but also making sure that
21 endangered species themselves are protected. That
22 is the number one underlying thing with all of
23 this.

24 And a lot of the comments that I've heard
25 at some of the listening sessions are that things

1 are not flexible enough or there's not enough
2 options when you start to get down to the lower
3 levels. And I hear that completely. But I'm also
4 hearing in today's conversation that we need things
5 that are more set in stone and things that are more
6 readily relied upon. And I think it's going to be
7 very hard to find a solution that truly works for
8 everyone when we're saying we need things to be
9 flexible, but we also need things that are highly
10 predictable and set in stone.

11 And I know this is not an easy thing to
12 do. So I just would like to implore everyone here
13 to keep having these conversations amongst
14 ourselves. And I love that everyone here is on
15 board and supportive of the agency and these
16 actions. But I also think we need to have these
17 conversations more outside of this group as well,
18 with our peers in relative spaces, whether it's the
19 wildlife community, human health community,
20 pesticide applicators, community, registrants
21 community. And like everyone is saying, the agency
22 certainly does need resources, but we're also here
23 because we are ambassadors from our respective
24 groups to have these conversations and that also has
25 to go back to the groups that we come from to help

1 them understand.

2 And the last thing that I'll say is, on a
3 more practical note, a lot of people aren't aware of
4 the Joint Venture System or JV System. If you live
5 in the United States, Continental United States, you
6 live inside of a migratory bird joint venture, JV.
7 There's tons of resources online. I'd be happy to
8 connect people. But these are partnerships set up
9 between NGOs, industries, state Departments of
10 Wildlife and Ag, and federal departments. And they
11 are private lands biologists that are well versed in
12 local species and conservation efforts and how to
13 hook growers up with resources and knowledge.

14 And that's actually something that we at
15 ABC have -- by we, I mean me -- I've started to
16 brief all the joint ventures about this process to
17 let them know growers may have questions and where
18 they can start to find these resources. But
19 especially for birds and the species that share
20 habitat with them, the Joint Venture System is a
21 fantastic resource because you already have locals
22 that are private lands biologists working on farms
23 and ranches and you name it, to help manage the
24 landscape for wildlife in a production-centric
25 setting.

1 So I'd like to give everybody more info
2 about that if anyone would like it. But yeah, yea,
3 species. Thank you, EPA, and let's keep getting
4 this message out.

5 JEFFREY CHANG: Gary?

6 GARY PRESCHER: Yes, good morning. Well,
7 thank you everyone for your comments and some great
8 questions. Sharing of information that's taken
9 place from the National Corn's perspective, I just
10 want to pass on thank yous for the different
11 feedback loops that we've been able to participate
12 in in terms of working with the different
13 stakeholders within the EPA and also in terms of
14 working within our own group.

15 Just my take on it personally, you know,
16 the first time I heard about this it was
17 interesting. But as I've come to understand it and
18 share back with my peers at National Corn and my
19 team, I think we've come to a better understanding
20 of the situation around us. So here, again, thank
21 you for taking time to educate us here. It is going
22 to be a heavy lift, that's for sure.

23 Speaking from a grower standpoint,
24 personally, when I bring this up with my neighbors
25 now and then, it is, you know, going to be a process

1 in the making. And my only comment here that I
2 personally would make on it is, you know, within our
3 state, within Minnesota, the recertification process
4 is probably the biggest area of penetration and
5 education. As a producer and applicator, you know,
6 we're required every three years to go through that
7 process.

8 So, you know, it's not going to happen
9 overnight. But eventually, you know, these types of
10 things will sink in and the resources that are
11 needed here, again, are huge. So, you know, I don't
12 know about the non-ag world. You know, that's a
13 whole different part of the equation here. But
14 within the ag world, over time, you know, between
15 extension and crop consultants and everybody who's
16 talked here, you know, it will start to happen out
17 there. So that's just some feedback from me
18 personally.

19 And thanks again from NCJ on taking time
20 to sit down and listen to us and working with us and
21 good luck down the road.

22 JEFFREY CHANG: Joe?

23 JOE GRZYWACZ: Yeah, thanks. I wanted to,
24 first of all, say thank you to everybody for this
25 great conversation. I really don't have bandwidth

1 in this particular space, but I want to amplify the
2 suggestion that Nathan gave about coming up with
3 alternative tools to support end users in being able
4 to effectively use some of the agents.

5 And I'll just simply throw out an
6 invitation to anyone on the call who might be
7 interested or anyone in the meeting who might be
8 interested in exploring, essentially perhaps playing
9 with some chatbots, some large language models,
10 natural language processing kinds of things where
11 we're not necessarily staffing, you know, a phone
12 line like Nathan had suggested, but perhaps we can
13 use, you know, some technologies to create some
14 intermediary tools that may not be as expensive as
15 human personnel.

16 So I just throw that out as an invitation
17 because we have a whole program in artificial
18 intelligence here at San Jose State University that
19 specializes in natural language processing and large
20 language models that this would make a really great
21 student project to at least get started with.

22 So I just throw that out as at least one
23 possibility for some of the questions that have been
24 raised and some of the problems that have arisen.
25 Thanks so much.

1 JEFFREY CHANG: Claudia?

2 CLAUDIA ARRIETA: Hi, everybody. I just
3 come in here with my applicator hat and I was
4 thinking about the continuing education credit that
5 everybody have to go through that I think Gary was
6 referring to that, too. So based on each state, we
7 will have starting now all these meetings to get in
8 our credit. So really EPA could work with the
9 Department of Ag for each state and really push that
10 in this meeting we will have the ECA talk about the
11 bulletin and how we want to be using it.

12 Just a thought that it could be really
13 implemented by each state and in a deep discussion
14 because everybody had to go through, you know, me as
15 a qualified supervisor, but also private applicator,
16 which will be in this case the farmers. So just a
17 thought on another way of sending information out.

18 Thank you everybody and very good
19 information from EPA. Thank you.

20 JEFFREY CHANG: Bob Mann?

21 BOB MANN: Thank you, Jeffrey.

22 First, Kim Brown, kudos to you for coming
23 up with the concept of setting up a working group.
24 That was a stroke of genius. I hope it's okay if I
25 reach out to you and pick your brain later.

1 I'd like to also just pick up on something
2 that Nathan said earlier. Obviously, if we go to
3 all this effort to, you know, come into compliance
4 with ESA and then don't really focus on making sure
5 that compliance is the end goal, then it was really
6 all for nothing. And I, you know, am fully on board
7 with that. But then we have to also imagine what it
8 looks like, you know, when we interact with our
9 applicators as to what they're going to do.

10 And I don't think that we need to look at
11 this in the sense that every single application that
12 they do is just going to be a white knuckle type of
13 endeavor, but rather get it to the point where
14 everyone, you know, through the recertification
15 process, understands that this is now a new part of
16 your responsibility as applicators, give you the
17 nuts and bolts of, you know, what's going on and
18 then, to the greatest degree possible, automate the
19 process.

20 And what I mean by that is that, you know,
21 as applicators, we already have a great deal of
22 record-keeping that we have to go through for each
23 application that we do. And we don't think anything
24 of that. You know, we use software in order to
25 accomplish that. And in the same way, we can take

1 all of the aspects of Endangered Species Act
2 compliance and bring as much automation to that as
3 possible, so that as PULAs change or are established
4 or whatever that case may be, new product labels and
5 so forth, that that interaction between the
6 applicator and ESA compliance is as automatic as it
7 possibly can be.

8 So I think that as we roll this out, I'll
9 be talking to the software providers that service
10 our industry and I'm sure that others will do the
11 same. I think the nuts and bolts are there.
12 Whether you're in the lawn care business or you're a
13 corn grower, we all have, you know, the basic nuts
14 and bolts of technology already in place and it's
15 probably not going to be that big a lift in order to
16 bring this as an adjunct to that. Thanks very much.

17 JEFFREY CHANG: Grant Morris? I think
18 that's a legacy hand, but you can correct me if I'm
19 wrong.

20 So the session ends at 12:30. Does anyone
21 have any other final comments?

22 (No response.)

23 JEFFREY CHANG: No? Okay.

24 ED MESSINA: Thanks, Jeffrey. Yeah, just
25 wonderful discussion. Really appreciate the

1 engagement that's happened over these last couple of
2 years. And you can tell that Jan and Anne have been
3 really thinking hard about these topics and trying
4 to make them successful. We will continue that.

5 I'd also point out that, you know, this
6 was a topic that was suggested by PPDC members and I
7 want to thank everyone for commenting, you know,
8 PPDC members. And it was good that we, you know,
9 carved out some time to have a discussion around
10 this. It seems like it worked out. And we've got
11 five minutes before the break, so it was really
12 helpful for me to hear all of the input.

13 Back to you, Jeffrey.

14 JEFFREY CHANG: Thank you. Yes, there are
15 some questions in the Q and A, too. If Jan or Anne
16 want to look at that later, you're welcome to.

17 So we can move forward and we can go to
18 lunch. So I'll give you some instructions on that.
19 Give me a second.

20 So let's break for lunch and reconvene at
21 1:20. Like yesterday, please do not leave the Zoom
22 meeting. Just put your camera and microphone on
23 mute so you can easily rejoin a few minutes before.
24 Thank you.

25 (Meeting recessed for lunch)

FARMWORKER WORKGROUP UPDATE

JEFFREY CHANG: So we can move forward with our next session, the Farmworker Workgroup Update, for which we are joined by Mily Trevino-Sauceda, Executive Director and Cofounder of Alianza Nacional de Campesinas, and Kaitlin Picone, Office of Pesticide Programs. Thank you.

KAITLIN PICONE: So good afternoon, everyone. My name is Kaitlin Picone. I'm a senior advisor in the Office of Pesticide Programs immediate office and also serving as co-chair of the PPDC Farmworker Workgroup.

I'm going to provide a high-level overview of the workgroup formation and meetings-to-date before I'll turn it over to our co-chair, PPDC member Mily Trevino-Sauceda, who will cover some of our discussion themes to date as well as who farmworkers are and some discussion questions for the group.

So just a quick recap, the PPDC voted to form this workgroup. That occurred last November at the 2023 November meeting. We began meeting in March of this year and presented charge questions at the June meeting that were approved by the PPDC. So we're really the new kids on the block as far as

1 PPDC workgroups and committees go.

2 And before I move on, I just want to
3 acknowledge that it was inspiring to hear yesterday
4 how much the other workgroups have accomplished in
5 the past few years, particularly for EPIC and the
6 Pesticide Resistance Management Workgroup, that were
7 able to provide final recommendations and sunset.
8 We are not close to that stage, but I think we're
9 far enough along to appreciate how much time, energy
10 and discussion goes into workgroup participation and
11 recommendation. So it was encouraging and, again,
12 inspiring to hear from them.

13 And just showing that I, also, of course,
14 want to thank our workgroup members who are listed
15 on this slide here. Issues surrounding pesticides
16 and farmworkers are complex, but we are fortunate to
17 have active participation from this impressively
18 talented and well respected group of individuals who
19 represent a range of subject matter expertise. So
20 thank you again to our workgroup for all that you do
21 and all of the great discussions that we've had to
22 date.

23 So moving on, just another refresher of
24 what our charge questions are, and I'm going to read
25 those aloud for you. Our first charge question is

1 how can EPA better collaborate with farmworker
2 organizations to seek input and relevant data from
3 farmworkers to help ensure the feasibility of risk
4 mitigation strategies for agricultural pesticides?
5 What are the best strategies for documenting and
6 evaluating the growth and maturation in that
7 essential collaboration?

8 Our second charge question, how does EPA
9 use information from farmworker organizations about
10 real-world scenarios of agricultural pesticide use
11 in shaping policies and strategies to meet its legal
12 mandate?

13 And our last charge question is, how is
14 EPA acknowledging and acting upon the
15 recommendations from previous workgroups and the
16 NEJAC, such as the PPDC Farmworkers & Clinicians
17 Workgroup and the NEJAC Farmworker Workgroup? And
18 what improvements could enhance EPA's responsiveness
19 to these recommendations, including transparency in
20 discussing recommendations that may not be acted
21 upon?

22 So again, we began meeting in March to
23 develop the charge questions that I just read to
24 you, but we've only started discussion, you know, in
25 earnest, I would say, since June, since we had those

1 charge questions approved at the June PPDC meeting.
2 We are now meeting with a frequency of about every
3 two weeks for an hour and a half. During this time,
4 we've also had two meetings dedicated to
5 presentations and Q&A discussion with EPA staff on
6 topics of interest to the workgroup.

7 So I also want to thank OPP's
8 Certification and Worker Protection Branch and EPA
9 Office of Enforcement and Compliance Assurance staff
10 for providing a joint overview of the Worker
11 Protection Standard in August, as well as OPP's
12 Health Effects Division and Pesticide Reevaluation
13 Division for providing an overview of the incident
14 data compilation and use management decision-making
15 last month.

16 We've kind of seen this stage as our
17 information-gathering stage and we have more
18 presentations and discussion that we're working to
19 get together, the last one being a discussion with
20 EPA staff on the relationship between EPA
21 headquarters, EPA regions, and state lead agencies.
22 But following that, we are kind of starting to
23 transition out of this information-gathering stage
24 into a more in-depth discussion of the reoccurring
25 themes that we've teased out of our discussions to

1 date.

2 So with that, I'm going to turn it over to
3 Mily and Emma Torres to provide an overview of who
4 farmworkers are and present some of our discussion
5 themes to date. Go ahead, Mily.

6 MILY TREVINO-SAUCEDA: Thank you, Kaitlin,
7 and good morning for people on the West Coast and
8 good afternoon with people in the either Midwest
9 and/or East Coast. I am Mily Trevino-Sauceda, here
10 with Emma Torres. We do come from -- we have a long
11 history being farmworkers ourselves, not only
12 working alongside our parents, but doing that work
13 by ourselves as very young -- as children and then
14 adolescents, and then young adults.

15 And I will always say myself I'm a
16 campesina, I'm a farmworker woman, because that's
17 what -- I learned a lot from all the different
18 experiences that I personally went through and part
19 of that -- and I think Emma also has her own
20 experiences with herself and her family -- and for
21 right now what we would like is I'm just going to go
22 through information here, not necessarily bringing
23 me to read what's here. It's for you if you have an
24 opportunity to be reading while we're talking.

25 But you know, farmworkers, there's

1 different kinds. I mean, we're human beings to
2 start with. We have always been very much
3 invisible. And for the same reason the invisibility
4 not only has carried on for many, many years, I
5 could say decades, decades or whatsoever, but if
6 people don't know agricultural workers have been
7 excluded from the Fair Labor Standards Act, which
8 means that most of the states, if there are no state
9 regulations that protect farmworkers, most states do
10 not have the protections for workers like any other
11 worker be it clerical, attorney, working at a fast
12 food place. Everybody has protections. But
13 farmworkers -- it does say in Fair Labor Standards
14 Act, there's a section that says all industries are
15 included except agricultural workers.

16 And I think because that was during the
17 '30s when we know that farmworkers -- or actually in
18 the East Coast, we know that because of the slavery
19 that had happened for several hundreds of years by
20 the 1900s, when we knew that there was no more
21 slavery, there was still that -- and we feel that
22 there's still that stigma about workers that are
23 doing work with the earth, the dirt and being
24 outside are seen as -- and I've heard this many
25 times -- "low-skill workers." Low-skill workers are

1 not necessarily -- I mean, I'm not understanding at
2 any point in time doing this work for many years
3 that the work that's done in agriculture is a low-
4 skill work. I will challenge anybody to go and
5 learn how to plant, how to work the plants, how to
6 make sure that everything's ready to be harvesting
7 the fruits and vegetables.

8 The whole -- there's a lot of processes
9 for, for whatever kind of product that's being
10 produced. Farmers know this, ranchers know this.
11 You know, so do farmworkers because they're the
12 laborers. The first time ever in the whole history
13 of -- here in the United States, I will just
14 concentrate here, we were -- finally, when COVID
15 happened, we were called essential workers.
16 Finally, we were noticed because we needed to
17 continue working while everybody was asked to stay
18 home so that we could try to stop the pandemic. But
19 farmworkers, agricultural workers were asked to
20 continue. Why? Because if farmers and farmworkers
21 would not continue the labor and producing the
22 fruits and vegetables, this country would have not
23 survived.

24 And so what I want to also share is how
25 important it is for our communities that do this

1 kind of labor to be able to sustain themselves and
2 always looking for a better future for their
3 children. That happened to my parents. They came
4 to the United States. Some of us were born here.
5 Myself and some of my siblings were born in the
6 United States. And they were looking for better
7 opportunities for us. And we did our best.

8 But at the same time, throughout the time
9 that we worked in agriculture, there were so many
10 different things happening because of the lack of
11 protections. And when I say lack of protections is
12 that many, many states do not -- because they don't
13 provide enough protections, like -- and not -- well,
14 different things, different things, just because
15 there are so many things that come into my mind.

16 But the pesticide issues that we are more concerned
17 within this kind of -- because of this council, this
18 committee that we're talking with, the pesticide
19 issues are issues that have, you know, because we're
20 the ones that work in the fields, are exposed,
21 exposed on a daily basis, laboring, everything, we
22 at risk most of the time because of these kind of
23 chemicals that are used, quote/unquote, to make sure
24 that there are no pests, no fungus, no weeds
25 whatsoever.

1 And because of the use of these chemicals,
2 I think the whole council understands that these
3 chemicals already are harmful. And, apparently,
4 there is only a certain amount of time for the
5 chemical to harm if it's -- if you are close to
6 being -- or when it's being sprayed or after it's
7 sprayed, the chemical dissolves at a point in time.

8 I beg to differ that. But what I do want
9 to share here is that we have found many, many
10 cases, because Alianza, the organization that Emma
11 and I are -- and have helped cofound, we are
12 representing in 20 different states, and we know and
13 we've seen so many different health issues that
14 farmworkers have gone through because of the use --
15 and not only the misuse, but the use of chemicals.

16 And many more times, we keep thinking that
17 this is an error. We're in 2024; we're about to
18 come in in 2025, and we still feel that our
19 communities are treated with so very little respect
20 in many cases. I'm not talking about all companies,
21 but many companies, you know, do not see our
22 communities, our farmworker communities as human
23 beings that need to have health protections, you
24 know, like health insurance or being able to have
25 opportunities to have a break. We have found many

1 companies that do not even provide water or even
2 rest periods or even restrooms. So all of these
3 kind of issues that farmworkers face and many, many
4 challenges that they have to go through as they work
5 and as they -- and many more times, we also have
6 found that there's a lot of wage theft.

7 See, I'm talking -- even though we're
8 talking about farmworkers as an environmental issue
9 here, because of the pesticides, aside from the
10 environment, farmworkers don't have like -- like it
11 says here, the healthcare and insurance. No, many
12 more times there's no access for them. And if some
13 of them get sick and ask to be away to go and go to
14 the doctor, they might be fired. So sometimes they
15 can't even -- and during COVID, that happened a lot.
16 Workers were afraid to be fired, so they kept
17 working even though they had COVID. And many
18 thousands of workers died because they were exposed
19 and they were not taken care of. We were not
20 treated as essential in the workplace.

21 There's many different things -- I don't
22 know, Emma, if you want to share anything, I mean,
23 I'm not sure if you can see what it's here, but the
24 pesticide labels has been a very strong issue
25 because the majority of the time workers that spray

1 are not trained. And if they're trained, they're
2 trained in a way that it's very confusing for them,
3 especially because many more times when they're
4 trying to mix the different pesticides to be used or
5 to be able to spray them in the fields, by the time
6 that the worker gets the different containers,
7 there's no labels at all. At all. And much less,
8 there are no -- if there are labels, they're not in
9 Spanish either. And we're talking about many more
10 times Latino communities that are faced with these
11 kind of issues.

12 Emma, did you want to add anything
13 meanwhile?

14 EMMA TORRES: No, Mily. I think you said
15 it. You know, I think that you mentioned about the
16 inequalities that we see among our target population
17 and that that is the reason why we continue
18 advocating for them. And, oftentimes, we think that
19 people know the population, but because they are
20 fairly, as you mentioned, you know, silent and not
21 really seen by the industries or by the community
22 that takes advantage of the harvest they have,
23 they're not known. So we, as advocates, have the
24 opportunity to have the ear of many other people and
25 explain about who are our people that we serve and

1 their needs. So I think you have done a really good
2 job in explaining. So I don't have a lot more to
3 say. Thank you.

4 MILY TREVINO-SAUCEDA: Yeah, thank you,
5 Emma.

6 Well, one thing that is written here and I
7 think people already read it, but I do want to bring
8 about two different -- well, actually two different
9 things. One is that there's very little knowledge
10 that farmworkers have about pesticides. Many more
11 times they keep being told, oh, don't worry, the
12 smell is strong, but it's medicine for the plants.
13 When you hear that, you don't think it's harming you
14 because it's medicine for the plants or people will
15 not have an idea what to do, much less to report an
16 incident or if they get injured or if they get
17 poisoned directly, when there's, you know, errors in
18 terms of communication where the spraying should be
19 happening and not where the workers are still
20 working.

21 The other is that many more times we have
22 found workers going to clinics and they are not
23 asked -- clinicians are not -- many more times are
24 not prepared or aware about pesticides and the
25 health effects and how to also even report

1 incidents. Because if a worker comes in and has a
2 rash, the first thing that workers are asked, the
3 patient is asked is, oh, well, what did you eat,
4 instead of okay, where are you working, what kind of
5 work are you doing with what kind of fruit or
6 vegetable whatsoever.

7 And the reason why I'm saying this is
8 because if they're not asking those questions, it's
9 because they don't have an idea as clinicians how to
10 connect with workers about, you know, let's do a
11 test and see what's in your blood. Because if
12 you're coming with headaches, if you're coming with
13 problems in your eyes and your skin and you can't
14 breathe or your children can't breathe whatsoever,
15 the issue here is that it's not going to be -- it's
16 not going to go further then and workers are not
17 going to get the kind of support or the kind of
18 representation that they need. So it's very hard.

19 And like, for example, with Emma and I --
20 and I will say about me, before I learned about what
21 pesticides were and how harmful they can be, my
22 family had been working in the fields and had been
23 sprayed by pesticide because, quote/unquote, oh,
24 there was an error in terms of they should have not
25 been spraying that citrus place. And all of a

1 sudden, the airplane that flew [connection issue]
2 the drift with pesticides started after it passed,
3 and throwing the pesticides, that person learned
4 that there were people there, but they had already
5 exposed all the workers and we didn't know.

6 And we have experiences -- and I
7 personally went through a very, very, very harsh
8 experience where there was a fatality. A woman who
9 was pregnant was working -- and if we had headaches
10 and we had all sorts of reactions happening to us,
11 imagine the pregnant woman that after several days
12 of -- continued working and then come coming back to
13 work, the woman ends up having a premature baby and
14 she passes away. Why? Because her body had gone
15 through so much already and it had caused so many
16 different issues in her health.

17 So what I can only say is -- and that was
18 just one incident of several others that, as a
19 farmworker, I faced. And I'm someone that's very
20 outspoken, very -- I mean, of course, because of
21 doing that I got fired for being a rabble-rouser
22 when we were not treated with respect and dignity.
23 But the only thing I can say is there -- this, you
24 say see it, oh, that was a long time ago, but we
25 still hear incidents that are happening in

1 agriculture where farmworkers are still having many
2 health issues.

3 We have found many farmworker women with
4 children with special needs or who did not
5 understand why they were having miscarriages or did
6 not understand why their children were being born in
7 a certain way when they had children before coming
8 to the United States and were healthy and
9 [connection issue] issues like this.

10 So I did want to bring this -- and I get
11 very passionate because of what we continue seeing
12 that's happening in the workplace and how
13 farmworkers, because of the lack of understanding
14 maybe -- of companies understanding that they are
15 not protecting the workers, that if they would be
16 healthy, they would produce even better. And if
17 farmworkers would be treated with respect and with
18 the dignity that they deserve, there wouldn't be
19 that many people having so many health issues.

20 So I'm not -- is this the last -- is this
21 the last one? Okay.

22 Okay. So for what we -- what we ended up
23 doing was within all these discussions that Kaitlin
24 shared with you that we ended up having these key
25 points. And I do want to read these and just in

1 case anyone from the group will want to share
2 information here.

3 It says pesticide labels are highly
4 complex legal documents that are difficult for users
5 to read and understand and often contain language
6 that is difficult for regulators to enforce. As a
7 result, incidents of pesticide misuse are
8 underreported and risks from use are likely greater
9 than modeling/assessments suggest. EPA has
10 discretion to change the terms of the registration
11 and labeling based on how the product may be
12 reasonably foreseen to be used. That's one of the
13 key points.

14 And the other one -- the next one, it says
15 incidents of a acute pesticide exposure are
16 underreported. And some of the examples that I gave
17 were very strong reasons. A lot of times if a
18 worker also complains, they're going to be
19 threatened, they're going to be told, okay, if you
20 don't like it, go somewhere else and or don't
21 complain. Nothing's going to be done, just keep
22 working.

23 And the question that we have is what
24 could be done to reduce barriers to reporting?
25 Workers are threatened many times that they're going

1 to be fired. And if they're undocumented, of
2 course, they're going to be told that they're going
3 to call ICE on them. But during the time they're
4 essential, so they keep the worker unless they start
5 complaining.

6 So another key point is farmworkers feel
7 unheard, perhaps because of many layers buffering
8 EPA/OPP, which is the Office of Pesticide Program,
9 from farmworkers' field experiences. Where in the
10 process is the disconnect occurring? Where is it?
11 Where is the disconnect? Are there ways to set up
12 feedback loops to provide information to EPA
13 directly? We'd like to have more discussion around
14 this.

15 What data exists that could provide
16 information on where policies might not be playing
17 out as intended (for example, incident data, Worker
18 Protection Standards inspections, et cetera)?

19 How can the PPDC workgroup, build upon the
20 NEJAC farmworker report and recommendations released
21 in July of 2024?

22 NEJAC -- and I was part of two years of
23 conversations with farmworkers in a working group
24 where we were able to provide all sorts of
25 experiences, all sorts of testimonies about the

1 different situations. And several women that were
2 part of these conversations were women that had had
3 not only miscarriages, but also have had children
4 with disabilities and because they were exposed by
5 the chemicals.

6 And there is this document that was put
7 together by a very notable person -- and I think
8 Becca will be able to give us the name -- Jill, I
9 just know her name is Jill -- and her last name.
10 Actually, she's a professor at a university here in
11 Colorado, which did a wonderful job in terms of
12 putting together all this information needed so that
13 EPA could understand why it was so important that
14 all these recommendations that are written in terms
15 of what EPA can be doing.

16 And the last is, where could interagency
17 collaboration be improved to expand upon existing
18 connections with the farmworker community?

19 So for us, it's a very long conversation
20 because pesticides is one and there's so many
21 different thousands of pesticides that are being
22 used. We are able to push to ban some of them, but
23 then chemical companies are always ready to find
24 others because it's a business. It's a business.
25 And many companies have been "indoctrinized" to

1 think that the only way that they can be able to
2 have a good product is by using chemicals.

3 Are there any other slides?

4 So now -- was someone else going to be
5 doing this or should I just continue, Kaitlin and
6 the team?

7 KAITLIN PICONE: I think you can go ahead
8 and get us started, and I think Becca was also going
9 to be on hand to help go through this.

10 MILY TREVINO-SAUCEDA: Becca, you want to
11 help here? Because I do have to do a presentation
12 -- and I really apologize -- somewhere else.

13 So anyway, Becca, can you help?

14 BECCA BERKEY: Sure. I'm happy to, Mily.
15 Thank you.

16 MILY TREVINO-SAUCEDA: Thank you.

17 BECCA BERKEY: Thank you for everything
18 that you shared and all the wisdom and insight that
19 you shared. Always so appreciated.

20 So, you know, really my role is to -- I
21 don't know how much time we have left for
22 discussion, but one of the things that this group
23 has really been thinking about -- and, hopefully, I
24 think this kind of came across in our charge
25 questions and some of the main discussion points

1 that Mily was just summarizing -- is really to open
2 it up for conversation with all of you who are in
3 the various working groups that are part of the PPDC
4 to really figure out how we, as a working group, can
5 work with each of you to ensure that farmworker
6 voice is integrated into all of the considerations
7 that are being taken, particularly in areas that
8 are, you know, obviously going to affect
9 farmworkers, but anything that I think is
10 happening in any of the working groups can impact
11 farmworkers.

12 And, you know, sometimes it feels like
13 it's once every six months when we have these
14 meetings when we're hearing from the working groups
15 and we're really able to kind of say, hey, you know,
16 did you think about this, did you think about this,
17 and bring that farmworker perspective into it.

18 And so the questions that we really wanted
19 to pose to all of you, you know, to give us kind of
20 insight and feedback on -- and, again, I will defer
21 to our EPA facilitators to see how long we actually
22 have for this conversation -- but threefold, how can
23 we ensure that farmworker voice is integrated into
24 PPDC workgroup activities in more consistent ways
25 than just every six months at these meetings; how

1 can our workgroup support the other PPDC working
2 groups in incorporating farmworker voices into their
3 work specifically. And so, you know, as you all are
4 doing those community engagement activities, so on
5 and so forth, are there ways that our group can be
6 helpful in activating that or helping that move
7 forward?

8 And then a third kind of question is,
9 could this workgroup develop guidelines for the role
10 of farmworker advocates that are participating in
11 PPDC working groups, knowing that they're all open
12 to anyone, and each of us can kind of serve in the
13 different working groups to kind of say like, hey,
14 if we're going to put this forward or center it in
15 different conversations, these are the ways we're
16 going to do it.

17 So again, we were hoping to get feedback
18 from folks today. Like I said, we'll defer to our
19 EPA facilitators to see how much of that's actually
20 possible. But I would say either way, even if we
21 don't have time for conversation right now, or even
22 if we do, please feel free to reach out to our group
23 through Kaitlin and Mily, who are our co-chairs, to
24 let us know your thoughts on these questions or just
25 ways that we can be working, like I said, more fully

1 throughout the year, you know, outside of these
2 meetings where we get these working group reports to
3 ensure that the farmworker voice is incorporated
4 into that.

5 KAITLIN PICONE: Thanks for that, Becca.
6 And I think that's all that we have for today. And
7 I know we're just about at time, Jeffrey, so, you
8 know, I'll leave it up to you. Or if anyone has
9 time or questions or comments on Becca's questions,
10 if we have time for those, Jeffrey, let us know.

11 JEFFREY CHANG: Yeah, we can take one or
12 two comments. And there's the session at 3:25,
13 Moving Forward, where we can talk about this more,
14 too. So does anyone -- I'm not sure if these are
15 legacy hands from lunch. Joe, Grant, Rosemary?

16 ROSEMARY MALFI: I'm not a legacy.

17 JEFFREY CHANG: Okay. Rosemary?

18 ROSEMARY MALFI: I'm driving you all. So
19 I apologize for being off camera, and if you lose
20 me, I'm somewhere in New Hampshire. I just wanted
21 to thank you very much for that overview and for
22 sharing, you know, so deeply about your own
23 experience.

24 I just wanted to put out there, I mean,
25 for your group and also for everyone else listening,

1 the incident reporting is, in my opinion, kind of
2 broken throughout. Whether it's wildlife or human
3 incidents, there seems to be a lot of confusion at
4 the state level about who should be reporting to
5 whom. So I think anything that can be done to
6 clarify what those protocols are and how they differ
7 from place to place would be extremely useful
8 [connection issue].

9 For example, we had a monarch kill in
10 Pacific Grove in California, and it was a pesticide-
11 related incident owing to pyrethroid exposure. This
12 was at an overwintering site. And it was very
13 confusing for the people on the ground. They didn't
14 know who to contact. And our organization at Xerces
15 ended up sort of facilitating that process and
16 figuring out like, oh, there's this local
17 agricultural, you know, contact that you're supposed
18 to report to and that's totally different from, you
19 know, how things operate where I live in
20 Massachusetts.

21 And what I'm finding, sitting on an
22 advisory council to our pesticide board, is that,
23 you know, our veterinary clinics are documenting all
24 of these incidents of rodenticide poisoning and
25 they're not getting through to our Department of Ag.

1 And this is just like -- just coming to light, you
2 know, like this year, even though it's been a
3 problem for so long.

4 So I just wanted to put out there that
5 it's -- I think it's a big issue both for human
6 health and for wildlife, and I think that is a
7 really worthy focus.

8 And thank you again so much for your work.
9 I appreciate it.

10 MILY TREVINO-SAUCEDA: Thank you so much
11 for your understanding and also for really seeing
12 the reality. Thank you.

13 JEFFREY CHANG: Yes, one more. Joseph,
14 final comment?

15 JOE GRYZWACZ: Thanks, Jeffrey. So this
16 is Joe Gryzwacz. I just wanted to add just, you
17 know, a couple of points to amplify some things that
18 were said.

19 I mean, you know, one is, you know,
20 farmworkers isn't sort of a single monolithic
21 community. Part of the reason why the slide deck
22 gave different examples of different occupational
23 trades was to help see the very diverse ways that
24 pesticides are manifest in different working
25 environments from nurseries that are under

1 plasticked-in areas so that they're shaded from the
2 direct sun, to wide open fields, to people crawling
3 up on trees like what is currently on the slide, to
4 individuals working in large-scale livestock kinds
5 of operations.

6 The point is when we think about
7 farmworkers, they are not a unique and monolithic
8 group. Instead, they are a multifaceted and widely
9 varying group. And so, therefore, part of the need
10 or part of the difficulty of being heard is that
11 there isn't sort of a single representation, even
12 though, you know, workers in the fields, you know,
13 are one of the largest segments.

14 The second point that I really wanted to
15 amplify, and it comes off of the comment that was
16 just raised, and that is one of the elements that's
17 becoming very clear, or at least seems to be very
18 clear, is the large number of opportunities for
19 miscommunication from one person to the next to the
20 next to the next. And what I mean by that is
21 appropriately so in a democratic government, you
22 know, EPA makes and partners with state lead
23 agencies in a wide variety of ways so that they can
24 implement procedures in ways that are appropriate
25 for their jurisdictions, right? So that's good

1 democratic process.

2 But in doing so, that also creates hiccups
3 and bumps regarding, well, who's reporting to whom
4 and who's reporting to whom and what consistency is
5 there in terms of meeting needs such as farmworker
6 groups and endangered species.

7 So I just wanted to throw those out
8 because I think they would benefit from
9 amplification because I think that those are really
10 critical elements for this particular discussion.

11 JEFFREY CHANG: Thank you.

12 DRONE RISK ASSESSMENTS AND SPOT TREATMENTS

13 JEFFREY CHANG: Okay. We can move on to
14 our next session, which is Drone Risk Assessments
15 and Spot Treatments. Amy Blankinship will be
16 leading this, Deputy Director for Environmental Fate
17 and Effects Division.

18 Welcome, Amy.

19 AMY BLANKINSHIP: Good afternoon. Yep.
20 So I'm going to be giving sort of an update on where
21 the agency is in discussing and evaluating drones
22 and other emerging technology, because I know there
23 was interest in sort of targeted applications and
24 also spot treatments. So I'm going to attempt to
25 share my slides. So bear with me as I do that.

1 (Pause)

2 AMY BLANKINSHIP: So again, good

3 afternoon, everybody. So I said I will be giving an
4 update on our drone work, as well as some other
5 emerging technology. Let me move to the next slide,
6 the next task.

7 So what you're seeing here is just some of
8 the highlights that I'm going to be hitting on
9 today. I'm going to be giving a little bit sort of
10 where we were previously with our PPDC Emerging
11 Technology Group, kind of where we're at currently
12 with our evaluation of drones, another sort of
13 initiative that we have stood up here at the agency
14 regarding drones, and then just sort of moving into
15 a little bit more broadly about some of the ways
16 that we think about drones with this sort of
17 emerging technology precision application as it
18 relates to some of our current activities.

19 So I'm going to go back a little bit and
20 talk about the Emerging Technology Workgroup that
21 was stood up under PPDC several years ago, and that
22 group really put out two major deliverables.

23 The first one was that it provided EPA
24 feedback on how to obtain a greater understanding of
25 emerging agricultural technology at large across

1 several different types of technologies, all the way
2 from sort of maps to remote sensing to nozzles to
3 very sophisticated pieces of equipment, you know,
4 and also sort of how can the agency think about that
5 as they evaluate the potential, you know, risks from
6 that technology, how they might consider it in a
7 framework, mitigations, and then all the way down to
8 maybe how we might consider it on a label.

9 And you can see there in blue, I have a
10 link to that report. But if you were to go to the
11 PPD website and look at the Emerging Technology
12 Workgroup, you would find all these materials there.

13 And then following on from that, the
14 workgroup sort of chose to select one type of those
15 technologies and do more of a deeper dive, sort of a
16 case study, if you will. And the one that they
17 focused on was the unmanned aerial systems or the
18 drones.

19 And they really used that as a case like
20 to kind of walk through, you know, what would that
21 platform and application look like, how might the
22 agency think about it in terms of what that means
23 for offsite drift, occupational exposure, you know,
24 thinking of it through like a spot treatment type,
25 you know, although I know this technology is

1 definitely growing and broadcast applications are
2 becoming more popular, and thinking about just sort
3 of start to finish some of the best practices and
4 management things that the agency could consider.
5 And again, there's a final report there that sort of
6 lays that all out.

7 So that was really a good foundation for
8 the agency to take into consideration and to build
9 into all the other initiatives and all the other
10 work that other stakeholders were doing, not only
11 domestically, but internationally as well, to help
12 us think about how to sort of incorporate drones
13 into our regulatory framework and really what that
14 means.

15 So I'm just kind of like continuing on
16 that Emerging Technology Workgroup. They really
17 presented us with some really broad categories of
18 emerging technologies. And you kind of see the big
19 headers here. And underneath that they had, you
20 know, several types of that technology underneath
21 that big heading, the things that we should maybe be
22 aware of, things that they were aware of that might
23 be coming onto the scene in an agricultural sort of
24 setting and even non-ag, to be clear.

25 And what you're seeing here is just really

1 a subset of those technologies. And I'm
2 highlighting those because those are some really
3 specific areas, where subsequent to the PPDC
4 workgroup and their deliverables, the agency has
5 been having very active engagement on some of these
6 topics. We've had engagement across all of the
7 different categories that the PPDC mentioned in
8 their reports.

9 One that we've spent a lot of time on and
10 is sort of the topic here today is sort of the
11 drones or the UAVs. You know, they go by lots of
12 different acronyms. But that's really not just the
13 only thing. We've, especially in recent months,
14 been engaged on other autonomous sprayers, be that
15 ground sprayers, be that airblast sprayers that are
16 used in orchards and other crops. We've had folks
17 come in and talk to us about very specific parts of
18 the spray system, be that, you know, nozzles,
19 different types of nozzles that maybe we weren't
20 aware of before, and just a real sort of array of
21 different types of technologies.

22 And so those are all being fed into how we
23 think about sort of our risk assessment, how we
24 think about mitigations, and what we may want to
25 ultimately sort of develop in terms of some policies

1 on these types of technologies.

2 So getting a little bit more specifically
3 to the topic at hand here, you know, drones or UAVs
4 systems considerations, so we've been operating
5 under an interim policy for some time, and we really
6 are still kind of at that place. And we recognize
7 that, you know, we have conversations with our
8 states, our EPA regions, you know, they're coming to
9 us and asking us questions, you know, about how a
10 particular label or maybe their state policy fits
11 into our larger, broad interim policy. You know,
12 some of the questions they have, they can be very
13 specific about like this label says nozzles should
14 be directed in a certain configuration, you know.
15 So when somebody wants to use a UAV with this label,
16 how would I sort of, you know, integrate that and
17 think about that.

18 PPE for somebody who may be near an
19 application site and things of that nature, or
20 applying these pesticides through this technology,
21 what should they consider with the label that they
22 have?

23 So we really recognize that, you know, our
24 interim policy, that we've been in this stance for a
25 little while, folks are really looking for us to

1 kind of update that, to give them some guidance and
2 feedback. You know, we're continuing to work
3 towards a standard policy to evaluate these
4 applications. You know, we really do want to
5 minimize adoption barriers to the benefit of both
6 that user community, but also to the EPA. And we
7 need to sort of make sure we understand that in
8 terms of any potential risks and also sort of
9 implementation and, you know, sort of enforcement-
10 type considerations.

11 And there's definitely some reasons why we
12 haven't really updated our interim policy here over
13 the last year, and there's a couple different
14 reasons for that. One of them is, like I've
15 mentioned here, our priority has always been to
16 sort of really understand the exposure
17 considerations and, you know, particularly how
18 they compare to the traditional technologies, the
19 conditional boom, you know, a manned airplane, a
20 helicopter in that sense.

21 And through several of the initiatives of
22 our stakeholders, they've really been really active
23 this last year in going out in the field, developing
24 data, running studies, particularly as it relates to
25 offsite drift. And so there's been several folks

1 who've been doing that, both from sort of an
2 industry side of that, but there are also other
3 partners in the federal agency who are also looking
4 into this issue and developing data. So they've
5 made a lot of headway this last year and so that's
6 going to be really helpful for us as we think about
7 how to update our policy.

8 Another aspect of it, another industry
9 group and some other folks have been compiling a
10 fairly comprehensive best management practices
11 document. You know, they were really looking at it
12 not only from a U.S. perspective, but also from a
13 global perspective and getting a lot of feedback on
14 that manual. And, you know, just recently they were
15 able to sort of release that. And so that's a
16 really, I think, valuable piece for the agency to
17 consider as we think about what's really important
18 to consider in any policy, any considerations for
19 any label language or just sort of in general
20 implementation.

21 So that's really one of the main reasons
22 why, over this year, we're kind of still in this
23 little bit of a holding pattern because we were
24 still really in a very large information gathering
25 stage. And also just to be -- you know, we've been

1 making a lot of headway on spray drift in general.

2 A lot of those initiatives are really centered
3 around ecological exposure and risks through our
4 endangered species assessment. So, you know, if you
5 were listening to PPDC earlier, you heard Jan and
6 others talk about sort of where we're at with that
7 status. And through those efforts, you know, we had
8 a lot of engagement, got a lot of feedback not only
9 on how we think about spray drift and, you know, how
10 to apply it to a risk assessment framework, but all
11 the different types of mitigation options and
12 measures that we could use to sort of help mitigate
13 that risk.

14 And precision technology was definitely
15 part of that conversation. We had folks come in and
16 talk to us about it. And in a few slides down, I'll
17 sort of highlight a few examples of where that
18 technology is played out and is part of our
19 mitigation measures.

20 And I just want to sort of say kind of in
21 the interim, you know, we don't really have an
22 active sort of process to add these to our Section 3
23 labels right now. We did get a couple of Section
24 18s or emergency use requests to use this technology
25 in very specific situations. So we worked with the

1 states on those, in particular. But in terms of
2 sort of standard policy, that's something that we're
3 still sort of working towards.

4 But one thing I do really kind of want to
5 highlight here, because there's something that we
6 did do here in this last year is we stood up a task
7 force using our Pesticide Education Resource
8 Collaborative, or PERC. So we stood up an Unmanned
9 Aerial Vehicle Task Force.

10 Now, this is meant to be a time-limited
11 task force and, you know, sort of their charge was
12 to identify sort of, you know, all the national
13 regulations that could be all the way from how FAA
14 licenses these folks to apply this equipment to sort
15 of what are states doing. You know, do they have
16 policies, do they have user manuals, things of that
17 nature? Are they considering that? Thinking about
18 all the sort of potential risks of concern, any
19 other best practices that they are aware of, and
20 kind of considering and compiling them all together
21 to really, again, kind of get a current state of the
22 status of where this technology is.

23 And then through sort of those
24 discussions, they're going to hopefully provide to
25 us some recommendations on what types of educational

1 materials, you know, maybe could be adopted by
2 states, tribes, territories, you know, and other
3 stakeholders and kind of what that content would
4 look like, what would be the material, but also sort
5 of the vehicle, you know, would that be something
6 like a video, sort of a digital pamphlet, some sort
7 of manual, those types of sort of things that the
8 PERC initiatives are generally really good at sort
9 of giving the EPA feedback on.

10 And so this Task Force is kind of -- their
11 charge is broken out into two phases. You know, the
12 first one is to scope the need and the resources and
13 then they're going to provide that to us hopefully
14 later this year and then we'll take that under
15 consideration. And then depending on what the
16 agency decides to do, that second phase would be
17 related to creating and distributing those
18 resources.

19 So the folks who are on that Task Force
20 now very much are engaged in this topic. We have
21 folks from the states, we have equipment
22 manufacturers, we have other researchers who are
23 doing research in this field. They're not only
24 involved in this Task Force here, but they have been
25 part of other workgroups, other task forces. So it

1 very much is a collaborative, well-informed group.

2 So we're looking forward to what they are going to
3 be bringing back to the agency later this year.

4 So in addition to the PERC Workgroup that
5 I just discussed, I always like to kind of keep
6 highlighting some of the more regular workgroups or
7 regular engagement that we do have at the agency,
8 because I and others probably here at the agency
9 have at least one meeting with some level of
10 precision application technology a month. Sometimes
11 it is on drones; sometimes it's on different types
12 of technology. But, again, it's something that the
13 agency is really engaged in, even though maybe at
14 this point you're not seeing sort of the product of
15 that, but just to say that we really are.

16 I did happen to mention that the industry
17 folks are out there and they developed some data to
18 help us understand sort of this off-target drift
19 that might be occurring from the use of this
20 technology. They've spent the last couple of years
21 developing a protocol, going out in the field, and
22 deriving and developing that data. So they are
23 really at a point where they've done several of
24 those studies. They're at a place now where they're
25 reaching back out to the agency and we are in

1 discussions with them currently about how they would
2 submit that data, what that would look like, and how
3 we would incorporate that into our regulatory
4 framework and different decision actions.

5 Similarly, CropLife America, they have a
6 drone workgroup. They developed, as I mentioned
7 before, this best management practice document for
8 applicators. The link in blue here is sort of a
9 link to that. But if you were just to Google CLA
10 drone BMPs, it pops right up for you. And that's a
11 really comprehensive look at all the different
12 activities that a drone applicator would go through,
13 right? Straight from sort of how to fly that, how
14 to mix the chemicals, how to apply it, for cleaning,
15 all the steps. And, again, that was an
16 international sort of effort and they got feedback
17 from many different entities. So it's a pretty
18 comprehensive document. So it's a really good
19 resource.

20 And sort of additionally to that, they
21 also had a project where building off of the OECD
22 subgroup on drones, where that group looked at open
23 literature to understand the current state of the
24 science at that point and what data gaps might be
25 happening and what we might need to look closer

1 into, the CLA group sort of took that initial report
2 and kind of did a deeper dive on it. You know, they
3 really went and got the raw data from the studies.
4 They had somebody look at that data very intensively
5 to really start to help build the foundations of
6 what offsite target would look like from kind of a
7 risk assessment, modeling perspective.

8 And so, you know, we are -- we have that
9 documentation and we're going to hopefully use that
10 as a good line of evidence to sort of really
11 understand how this technology, in particular,
12 compares to other existing documents.

13 And, finally, I did mention the OECD
14 subgroup on drones. It's something the agency has
15 been involved in for several years, building on that
16 state of science report that I think I and others
17 have reported out on in different drone venues. And
18 we're still working on that at an international
19 level because, obviously, sort of what may work here
20 in the U.S. may work quite well in Canada or Europe
21 or other parts of the country. And so we're just
22 trying to have -- with the limited resources we all
23 have, have a collaborative approach to and review of
24 this type of information.

25 And so what I presented here are some of

1 the really big workgroups, some of the really big
2 stakeholders we've been involved in, but that
3 doesn't really sort of just have the breadth of what
4 we've been doing. We've been participating in many
5 drone workshops, other precision application
6 technology workshops. There was a fabulous Modern
7 Ag on the Mall that was here in D.C. this summer.
8 We had several folks who participated and went and
9 talked to those folks and, subsequently, we've had
10 many one-on-one meetings with some of those
11 manufacturers since then.

12 So it's just to say that we've had quite a
13 bit of engagement around this arena and we still
14 continue to do that in the next year coming up.

15 Now, I'm just going to switch a little bit
16 here to some of the examples of where some of this
17 precision technology has really started to come to
18 fruition. I think if you've heard the ESA session,
19 you know, that's -- are strategies that maybe Jan
20 gave a status on, those are an outcome of our
21 workplan for ESA at the EPA. And, you know, so what
22 I see here is just sort of that website, but also
23 sort of, you know, the second one is some of the
24 specific strategies that we've finalized, the
25 Herbicide Vulnerable Species Action Plan, and we've

1 also released some draft strategies.

2 And in those strategies, we developed an
3 ecological mitigation support document. That is a
4 document that really laid out a menu of different
5 mitigation measures used to support those strategies
6 and to help define what ecological measures could be
7 used to help reduce offsite exposure.

8 Now, this document is meant to sort of be
9 a living document. We've translated the runoff part
10 of that into a website which is now available. And
11 you can kind of see all the different measures and
12 sort of the credits you would sort of get underneath
13 each of those measures. And I say this in regards
14 to precision application because there are some
15 discrete examples of where this technology
16 definitely could be applied with those measures.
17 But we are still having conversations where some
18 folks are being like, you know, I have this
19 technology, I have some data to support it, can we
20 come talk about it.

21 So we envision this suite of mitigation
22 measures to be sort of a living thing, to be
23 periodically updated as the data sort of comes in
24 and we get a chance to review it and it seems, you
25 know, like a good thing to pursue. And, you know,

1 this hopefully sort of just allows us to be flexible
2 and adaptable to include additional mitigation
3 measures, such as precision application technology
4 as it comes online.

5 And I just kind of want to highlight a
6 couple of those specific examples. So if you get a
7 chance to check out that mitigation support document
8 or the website with the measures on there, two that
9 really kind of come to my mind that sort of speak to
10 precision application technology is where we have a
11 reduction of the pesticides applied. This could be
12 done using that smart spray technology. It could be
13 done using some of these other things that we think
14 about, the spot treatment type scenario. And it
15 breaks down into two different types of measures.

16 Either there's a reduction in the area
17 treated or there was a reduction in the application
18 rate, you know, basically using less than the
19 maximum rate allowed on the labels. And so this is
20 the way that really some of those ground smart
21 sprayers can think about if they know a priori, you
22 know, I'm only going to apply to probably like a
23 tenth or a half of my field, you know, and so it's
24 not a broadcast application or I'm going to kind of
25 only apply it to this certain amount of area, they

1 can sort of think about what the label might have in
2 terms of, you know, a needed buffer or needed runoff
3 mitigations. And using the support document and the
4 website, they can get a credit for using less
5 pesticides.

6 Some of the other types of technologies
7 that are sort of on that mitigation menu are hooded
8 sprayers. Now, we had some data that really sort of
9 were to support some of the traditional ground boom
10 hooded sprayer-type technology. We've received some
11 information recently about other types of hooded
12 sprayers that might be for different types of
13 equipment, and so we're going to be taking a look at
14 that.

15 We do give credit for technologies that
16 would sort of increase the droplet size. So if you
17 have different types of nozzles, and particularly if
18 they can apply a more coarse droplet size, you get
19 some credit for that. And sort of, you know, like I
20 said, we're definitely looking to, where the data
21 supports it, add additional mitigation measures to
22 our suite of things that we have available to
23 farmers and to other applicators. But we do need at
24 least some data to help support that. We need to
25 know, you know, how effective are they at reducing,

1 you know, offsite movement or containing the
2 exposure. And so those are just kind of the things
3 I would sort of put out there for folks who are in
4 this space or thinking about this space.

5 And this goes to drones as well, too,
6 right? Like we know like some of those folks want
7 to use this technology more like a spot treatment or
8 a partial treatment. And so that's why we're trying
9 to really try to understand what that offsite drift
10 would look like, so we can sort of adequately and
11 appropriately place it in the continuum of what we
12 know about sort of a ground sprayer or a manned
13 airplane sort of exposure to give it the appropriate
14 credit or, I guess, reduction that it really needs.

15 But, again, we also recognize that this
16 technology is quickly growing and the ways that
17 people are using this information and using this
18 technology is growing. And so that's something that
19 we're always trying to be aware of is that,
20 ultimately, any policy, any label language, anything
21 that we develop, we need to make sure that it's
22 agile enough to grow with the technology. And I'm
23 not sure that's something we've totally figured out
24 yet, but that's definitely something that we sort of
25 keep an eye towards as we sort of look to

1 incorporate this technology into our framework.

2 And, you know, that's really sort of the
3 highlights that I wanted to present today, Jeffrey,
4 and I'll take any questions. I need to -- I'm not
5 sure if there's anything in the chat.

6 JEFFREY CHANG: Thank you, Amy. We can go
7 into discussion. Please raise your hands.

8 Any comments?

9 AMY BLANKINSHIP: I will say if folks have
10 questions, feel free to reach out to me. I'm a good
11 point of contact, at least as a start.

12 JEFFREY CHANG: Claudia?

13 CLAUDIA ARIETTA: Yes, hi. For me, this
14 is a new topic so I don't know much about it, but I
15 am curious about to know if for the new registration
16 on any pesticides, it will state on the label that
17 it can be used on drones application, how that would
18 work.

19 AMY BLANKINSHIP: Yeah, that's something
20 that we need to figure out. So I did sort of
21 mention that at this point currently, and we've been
22 kind of in this state, we're not actively putting
23 label language for drones onto new -- like a new use
24 or a new label that would come in. We do have an
25 interim policy that sort of, you know, we give some

1 deference to the states to decide whether or not
2 they would allow the use of that technology in their
3 states. And so we kind of give some general rules
4 for use of existing labels. You know, it shouldn't
5 prohibit aerial application. Users should follow
6 all label grades, all use instructions.

7 And so that's sort of our current stance,
8 but because there could be, we're not exactly sure,
9 different from what is already on a label that would
10 have aerial application directions, what would need
11 to be different, since we're not exactly sure what
12 that should be and we recognize the resources that
13 could be incurred by a label change in a rapidly
14 evolving technology area. We don't quite have that
15 nailed down yet.

16 So we've kind of had some conversations
17 and decisions with certain emergency uses, but not
18 at the larger, you know, Section 3 national level
19 labels. We're still working that out.

20 JEFFREY CHANG: George Parker?

21 GEORGE PARKER: Yes, good afternoon. I'd
22 just like to bring up one point on a couple of the
23 recent UAS reports that we've seen relating to spray
24 drift. And, of course, we recognize that, going
25 forward, we're going to need an AGDISP model for

1 spray drift risk assessment out of the UAS in order
2 to go forward with label language specific verbiage
3 to UAS.

4 But I'd like to point out that some of
5 them I've seen, you know, basically say that the UAS
6 has shown less drift than aerial. And I'd like to
7 point out that they're comparing the aerial AGDISP
8 model from the Tier 1, not the more recent Tier 3
9 that was accepted this summer past. So I would just
10 like to bring that forward that I think for the
11 future, we need to make sure that we're utilizing
12 the Tier 3 AgDRIFT modeling that was accepted this
13 year for all of the other platforms if we're going
14 to do direct comparison.

15 AMY BLANKINSHIP: So thank you, George. I
16 agree. And so that's sort of like we want to make
17 sure when we get the data, we want to do sort of
18 like -- we'll call it an apples-to-apples type
19 comparison because there are some assumptions that
20 are built into the modeling and we want to make sure
21 we're sort of adequately and appropriately comparing
22 things so there's more sort of just than that bit.
23 But I agree and thanks for highlighting the updated
24 Tier 3 aerial modeling.

25 So again, that was one of the things that

1 we had to work on last year because we were getting
2 a lot of feedback to make that aerial application
3 for manned aircraft more realistic according to, you
4 know, some of the folks out there who were doing
5 those applications.

6 JEFFREY CHANG: Anyone else?

7 (No response.)

8 JEFFREY CHANG: Well, thank you, Amy, for
9 leading the session.

10 Our next session is at 2:50, so we can
11 take a little bit of a break and return just a few
12 minutes before that if that works for everyone.

13 ED MESSINA: Thanks, Jeffrey.

14 (Brief break)

15 BIOCONTROL INCLUDING JURISDICTION ISSUES

16 JEFFREY CHANG: Okay. We'll move on to
17 our next session, Biocontrol Including Jurisdiction
18 Issues. We are joined by Elizabeth Milewski, Senior
19 Science Advisor, and Cody Kendrick, Senior
20 Regulatory Advisor, both in the Biopesticides and
21 Pollution Prevention Division.

22 Welcome.

23 CODY KENDRICK: Hey, everybody. Jeffrey,
24 is it okay to get started?

25 JEFFREY CHANG: Yes, thank you.

1 CODY KENDRICK: So Elizabeth and I are
2 going to present on the regulation of biocontrol
3 products at EPA. So we coregulate these biocontrol
4 products with FDA and USDA, and they are the
5 statutes that we all regulate under. For us, it's
6 FIFRA FFDCA and TOSCA and FQPA.

7 We regulate living biocontrol products.
8 Those fall under three basic categories:
9 Microorganisms, biochemicals, and our emerging tech
10 biocontrol organisms. Elizabeth is here, she
11 represents the emerging tech -- or used to. Now,
12 she's in our immediate office, but she's got a lot
13 of experience with the emerging tech, so can answer
14 all questions on those.

15 Our pesticide-related statutes from
16 Congress are FIFRA, FFDCA, FQPA, and PRIA. Their
17 regulations are how we implement those statutes and
18 those can be found in 40 CFR.

19 For pesticides, we have two primary
20 statutes, FIFRA and FFDCA. FIFRA regulates the
21 distribution, use, and sale of pesticides. It also
22 has everything on our reevaluation program,
23 registration review, and field testing and
24 experimental use permits, and biotech notifications.

25 And then under FFDCA, that's related to a

1 lot of the tolerances or exemption from tolerance,
2 maximum residue levels for chemicals. A lot of
3 biopesticides have exemptions from tolerance.
4 Microbial pesticides specifically are four different
5 types of things: Eucaryotes, procaryotes, viruses,
6 or genetically modified microorganisms. And the
7 data requirements that everyone's obligated to
8 fulfill to register a product are there on the
9 right.

10 And I think everyone from PPDC is probably
11 familiar with a lot of that. But it's generally
12 product analysis chemistry, tox, path studies, acute
13 tox studies, nontarget studies, and efficacy for
14 public health pests.

15 The benefits of biopesticides or one of
16 the main reasons that we're here, they're generally
17 less toxic than conventional chemicals, shorter
18 REIs. They can be exempt from tolerances, no or low
19 preharvest intervals. They can be really useful
20 just as tools in IPM to just offer more tools to
21 growers.

22 For biocontrol, this is really for live
23 microbes. This is our most active partner. We deal
24 a lot with USDA-APHIS-PPQ. They permit microbial
25 agents under their regulations. People will usually

1 go to them for PPQ526 permits for import, interstate
2 movement, and curation. The exemptions are just if
3 your product is registered or if there is an
4 exemption under FIFRA or if there's an EUP.

5 We do have, I want to highlight, a PRIA
6 fee category that can sometimes help with
7 jurisdiction-related questions, the M009. So when
8 people typically have questions about this, we
9 answer a lot of questions and review a lot of
10 proposals under that PRIA fee category that can help
11 with these types of determinations and help people
12 understand if their product should be regulated
13 under FIFRA or not.

14 The primary contact we have at USDA and
15 PPQ is listed there, Deric Picton. He's always
16 really helpful. Yeah, he's great if you ever need
17 someone to reach out to about permitting at PPQ.

18 And this is the ACIR. It's a database
19 that USDA maintains for interstate movement of
20 microbes and arthropods. The web page is there if
21 anyone needs it. And also if you ever go there,
22 you'll find that they host office hours. I'd
23 recommend those office hours if you have questions.

24 And here's where I'll turn it over to Dr.
25 Milewski.

1 ELIZABETH MILEWSKI: Thank you. Glad to
2 be here with everyone today.

3 Just to give you a little bit of a case
4 study of the type of cooperation that we have
5 between the agencies, so to begin that, I'd just
6 like to say that this is going to focus on modified
7 microorganisms. And so what USDA's Biotechnology
8 Regulatory Services does is also important in this
9 area. So they regulate importation, interstate
10 movement and environmental release of modified
11 microorganisms that may pose a plant pest risk,
12 modified arthropods that might pose such a risk, and
13 also modified plants that might pose a plant pest
14 risk.

15 So the group at EPA that interacts most
16 directly with BRS is the Emerging Technologies
17 Branch, which is in the Biopesticides and Pollution
18 Prevention Division of OPP. We regulate modified
19 microorganisms that are used as a biopesticide and
20 also the modification in plants that are used as a
21 biopesticide and animals that might have been
22 modified to be used as a pesticide.

23 So if could have the next slide, please,
24 Cody.

25 So this particular case study of

1 coordination came about because the Biden
2 Administration put out an Executive Order, 14801,
3 which authorized the agencies to build on an
4 existing website for information, which is called
5 the Unified Website for Biotechnology Regulation,
6 which is contributed to by the USDA, the EPA, and
7 the FDA on biotechnology issues.

8 And their direction to us was to further
9 provide plain language information on the regulatory
10 roles, responsibilities and processes of each of the
11 agencies. Because there is overlap in the way that
12 our laws are written and sometimes you'll fall under
13 more than one agency for regulation, particularly in
14 the biotechnology area, it's important that we be
15 able to communicate to the public what each of the
16 agencies is doing and how those agencies relate to
17 each other. So we are also to clarify and, as
18 possible, harmonize regulatory roles, processes and
19 information, data and authorization requirements for
20 modified microbes.

21 And we were also to provide a means by
22 which developers could submit inquiries about their
23 particular product and promptly receive a single
24 coordinated response that provides, to the extent
25 practicable, information, and when appropriate,

1 informal guidance regarding the processes that they
2 were going to have to follow in order to get their
3 product reviewed.

4 So, in part, in order to meet these goals,
5 we developed a Microbial Decision Tree, and we've
6 just recently released it within the past few weeks.
7 So we thought it might be good to bring to the PPDC.
8 And that Microbial Decision Tree is being housed at
9 the Unified Website.

10 If I could have the next slide please,
11 Cody.

12 So just to remind you that obviously
13 biotechnology pesticides are really an emerging
14 area. As with other microbial pesticides, it can be
15 bacteria, fungi, viruses, protozoa, or algae, whose
16 genetic material has been modified to express
17 pesticidal properties.

18 Currently, we've got four active
19 ingredients registered in six products. The
20 modified microorganism is generally viewed as the
21 pesticide's registered active ingredient. And,
22 generally, these types of products are typically
23 applied in a spray solution.

24 So next slide, please.

25 So this is actually where we begin to talk

1 about the interactive tool. This is the Welcome
2 page where you would enter into our tool in order to
3 gain information on how the U.S. Federal Government
4 regulates the genetically engineered microbial
5 pesticides.

6 So if I could have the next slide, please.

7 This is just a schematic of the web-based
8 logic. This is built on a Zingtree-type of
9 application. And so one of the first questions you
10 would be asked -- and it is based on questions --
11 and depending upon what the answer is to the
12 question you've been asked, you will be directed to
13 different parts of the website.

14 In some cases, as I mentioned earlier, as
15 a product developer, you might be covered by more
16 than one agency. And so this website provides the
17 means of being able to find out what the
18 requirements are of each of the agencies.

19 Since we're in pesticides, we would answer
20 that we're in agriculture and you have a choice
21 there. Are you doing pesticides? Are you doing
22 fertilizers, soil amendments or those types of
23 things that are used in agriculture?

24 In our case, we would say we're doing
25 pesticides. So then we would go to the next

1 question, which would ask us what stage of
2 development are you interested in. Are you
3 interested in R&D, what your responsibilities are to
4 EPA in R&D? Are you doing small-scale testing? Are
5 you doing large scale testing under an experimental
6 use permit or are you interested in
7 commercialization? And depending upon the answer,
8 you would be sent to the next page which would give
9 you information on what your responsibilities were
10 for the particular type of activity you wanted to
11 undertake.

12 You would probably also be wise to take a
13 look at whether your genetically modified
14 microorganism is a plant pests or an organism used
15 to control weeds for plant pests. Since being a
16 biopesticide, you might also fall under USDA
17 regulation. And then from there you would go
18 through the questions that are asked by the USDA.
19 And here it's very short. I haven't familiarized
20 myself so much with what happens after you go to
21 USDA and their Plant Pest Act. But if you said yes,
22 they would give you information and links on
23 regulatory processes, data requirements, and
24 relevant agency content contacts for that agency.

25 So if I could have the next slide, please.

1 So this is your QR code. If any of you
2 are interested in looking further into the tool. In
3 the future, we plan to expand the tool's utility,
4 its scope, and its user base. We've also got a
5 built in function at this point in time where we can
6 give feedback. All stakeholders will be able to
7 submit feedback directly to the agencies. We're
8 hoping that that will help us to improve the tool.

9 We've also got additional work that we're
10 going to try to do and include some of that into the
11 tool. For example, aligning USDA and EPA data
12 requirements to improve data transferability and to
13 reduce duplicative reviews. And the USDA has
14 recently issued a request for information to explore
15 less burdensome pathways to commercializing
16 genetically modified microbes. We're still going
17 through the responses to that particular request for
18 information.

19 So I think the next slide is my next-to-
20 last slide.

21 So looking forward, we expect to see
22 heightened interest in biopesticides as a whole. In
23 fact, in the past few years we have seen greater
24 amounts of interest in them. Our top priority is
25 focusing on providing timely evaluation of new

1 biopesticide AIs, uses, and products.

2 We would like to increase communication
3 and guidance to regulated entities and explore
4 opportunities to implement continuous improvement to
5 streamline our regulatory processes, ensure
6 consistency and predictability in decision-making,
7 and gain efficiencies.

8 We would also like to increase regulatory
9 harmonization across the U.S. and we've also been
10 working to do so internationally and will continue
11 to do so.

12 So I think the very last slide, if Cody
13 can flash it up, is just some useful websites.

14 So that's the end of our presentation for
15 today. So I guess we're available for questions.

16 JEFFREY CHANG: Thank you, Cody and
17 Elizabeth. We can open it up for discussion.
18 Please raise your hands.

19 Joseph? Joe?

20 (No response.)

21 JEFFREY CHANG: Nathan?

22 NATHAN DONLEY: Thank you for that
23 presentation. I appreciate there's a lot going on
24 there in a very new type of pesticide I think that
25 we're going to be seeing a lot more of and I

1 appreciate the thought that's going into a lot of
2 this.

3 And while I agree that, in general,
4 biopesticides, you know, can be viewed as preferable
5 to conventionals in many cases, I would urge a
6 little caution on that thinking. You know, the oils
7 and the extracts and such are not as worrisome, but
8 there's really a lot of unknowns when you're
9 introducing a novel living thing into an
10 environment, things that cannot necessarily be
11 anticipated. And history is littered with
12 cautionary tales there.

13 And, you know, we're really in kind of a
14 brave new world right now with genetic engineering
15 and what I would characterize as the deregulatory
16 atmosphere that's kind of overtaken this realm,
17 particularly at USDA. So there's that.

18 And what also worries me here are the ESA,
19 Endangered Species Act, implications. You know,
20 while a biopesticide may have fewer effects on
21 humans and some nontarget animals than a
22 conventional does, listed species of the same taxa
23 as the target pest could really get hit just as
24 harder or even harder with a conventional.

25 So for example, if you're using something

1 that's highly targeted to lepidopterans, say, like a
2 double-stranded RNA or an engineered organism, and
3 you approve it for use in Fender's blue habitat,
4 that's a problem and could get a registration
5 vacated very quickly.

6 So I want to be sure that EPA or USDA -- I
7 don't really know who is taking responsibility for
8 consulting on engineered organisms now, but at least
9 when it comes to biopesticides, you know, EPA's
10 current policy is only to initiate consultation on
11 new conventionals, not biopesticides, and I think
12 this does present a problem. I know there's kind of
13 some wishy-washy guidance on what EPA should do for
14 biopesticides in this realm, but as of yet, EPA does
15 not consult on biopesticides. And so there's no
16 checks and balances with Fish and Wildlife or NMFS.

17 So I think -- you know, with biopesticides
18 at least, I think some targeted precautionary PULAs,
19 where they are warranted, could really go a long way
20 in preventing some major headaches for these
21 biopesticide registrations down the line.

22 Thank you.

23 ED MESSINA: Elizabeth or Cody, do you
24 want to address the ESA question? I can kind of
25 speak to it if you'd like.

1 ELIZABETH MILEWSKI: I think you might be
2 in better position to speak to it, Ed, than I. My
3 knowledge of it is that we're working actively in
4 that area. I know that it's both across the
5 biopesticides and the conventionals, but please, Ed,
6 add additional info to that.

7 ED MESSINA: Yeah. So, Nathan, we are
8 working on that topic, and without getting too far
9 ahead of ourselves, some of the thinking and
10 conversations we've been having with the services
11 is, you know, potentially doing some programmatic
12 consultation around this for types of pesticides in
13 the biopesticide space. So I just didn't want to
14 leave you with the impression that we hadn't been
15 thinking about this at all. We have been and it's
16 obviously part of our longer term plan. And, you
17 know, as Jan said, we're not going to be able to fix
18 everything today, but the team is working on those
19 thoughts. So thanks for raising it.

20 Other questions for the group?

21 (No response.)

22 ED MESSINA: Well, thanks, Elizabeth and
23 Cody. Appreciate all the work you guys do on a
24 daily basis and for providing information to the
25 PPDC. As you know, they had requested more

1 information on this topic. So great job.

2 ELIZABETH MILEWSKI: Thank you.

3 JEFFREY CHANG: Ed, our next session is at
4 3:25. Do you want to push it up earlier or we can
5 give everyone a break?

6 ED MESSINA: Yeah, do we want to give
7 folks maybe -- we could start earlier with the next
8 session and then we'll have more time for
9 discussion.

10 JEFFREY CHANG: Okay.

11 ED MESSINA: So you want to like give
12 folks a 10-minute break, something like that?

13 JEFFREY CHANG: Sure. Yep. So we can
14 return at 3:20 then, everyone.

15 THE DEFENDANT: Thanks.

16 JEFFREY CHANG: Thank you.

17 (Brief break)

18 MOVING FORWARD AND MEETING CLOSING

19 JEFFREY CHANG: So we are nearing the end
20 of the PPDC's agenda. Our next session will be an
21 open discussion and kind of moving forward looking
22 at the next six months of OPP activities. This will
23 be led by Ed Messina, the Director of the Office of
24 Pesticide Programs and PPDC Chair. And Kaitlin
25 Picone will be on as our note taker.

1 ED MESSINA: Thanks, Jeffrey. Yes, and
2 Kaitlin will take notes. We wanted to use this
3 session to continue any discussions that the PPDC
4 group wanted to continue. I think as we look
5 towards the next PPDC meeting, also surface any
6 topics or questions that we think would be -- the
7 group thinks would be beneficial for the next
8 meeting.

9 So with that, I'll open up the floor and
10 it looks like we already have some raised hands.
11 Those could be legacy hands, but please raise your
12 hand and Jeffrey will call on you.

13 JEFFREY CHANG: Wendy Sue Wheeler.

14 (No response.)

15 JEFFREY CHANG: Kelly Bills?

16 (No response.)

17 JEFFREY CHANG: Grant Morris?

18 (No response.)

19 JEFFREY CHANG: Joe?

20 JOE GRYZWACZ: Yeah, thanks so much for
21 that. And Ed and the EPA group, thanks so much for
22 all the work you did to pulling this meeting
23 together.

24 I want to kind of throw out something that
25 frankly, Nate was -- or Nathan was brave enough to

1 do at the very beginning of the meeting. And it's
2 all in the context of really saying, is there a need
3 for a different working group, recognizing that we
4 have sunsetted two of them. And the thinking behind
5 this working group is essentially, you know, kind of
6 in the context of, well, golly, you know,
7 historically, you've been underfunded, you're
8 understaffed.

9 Ed, as you outlined in the very beginning
10 of the session, you know, the budget outlook doesn't
11 look particularly good for the agency, you know,
12 with the unfolding and implementation of the new
13 administration. If it does things that it did the
14 last time around, we're likely going to be seeing
15 more cuts, perhaps some exodus of critical staff and
16 maybe even some impediments into the work that EPA
17 is responsible for.

18 So it's in that context that I really ask
19 the question. I wonder if it would be worthwhile to
20 have a working group that's sort of a cross-sectoral
21 working group that sort of focused on surfacing
22 challenges and developing actionable, prioritized
23 recommendations on the behalf of constituents and
24 stakeholders, you know, that they can provide those
25 things to EPA to kind of help EPA, you know, make

1 its way through whatever the future is going to
2 bring.

3 Some example kinds of charge questions --
4 and I've got some things written up here and I'll
5 drop them in the chat once I'm done presenting them.
6 But the first example of a charge question could be
7 something like what resources, in terms of staffing
8 or contract dollars or grant dollars, are really
9 needed by the agency to meet the statutory
10 obligations of processing applications for
11 registration, amended registration within the time
12 frame that's required, as well as all the reviews of
13 pesticides within the appropriate time frames.

14 Then the second possible charge question
15 could be something like how can existing tools,
16 resources and initiatives like the PPDC or perhaps
17 some of the EPA state lead agency agreements for
18 support, training and outreach and that kind of
19 thing, how might those be able to be refined
20 strengthened or otherwise made stronger.

21 And then a third possible charge question
22 could be something along the lines of what
23 partnership strategies can be built or alternative
24 funding and resources could be leveraged to expand
25 the agency's capacity to meet its requirements.

1 Again, I'll drop all of this that I just
2 pointed out in the chat, but I just can't help but
3 think that, you know, there's going to be a row to
4 hoe coming forward and it just strikes me that a
5 working group might be helpful to EPA to get some of
6 that accomplished.

7 ED MESSINA: Thanks, Joe. Reactions or
8 other topics?

9 JEFFREY CHANG: Becca Berkey?

10 BECCA BERKEY: Yeah, I mean I want to put
11 some support out there for what Joe just put out. I
12 do think that, again, with the work of a couple of
13 groups being sunset so successfully at this meeting
14 -- and I've just really appreciated learning about
15 all of the hard work being done -- I think if there
16 is anything that we can do to organize ourselves in
17 ways that are going to be in service of moving
18 forward infrastructurally and making really concrete
19 recommendations about resource needs to, again, live
20 up to the different charges and to be able to enact
21 the different things that have been proposed, I just
22 want to echo and add support to Joe's suggestion.

23 JEFFREY CHANG: Hardy Kern?

24 HARDY KERN: Ditto for me on all of that.
25 I think there's been a ton of work that's been done

1 to really position a lot of cooperation across a lot
2 of different types of groups with seemingly
3 different goals. But we all want the same thing,
4 which is a really well-functioning EPA regulatory
5 system and some major changes from how things have
6 been done in the past. The agency has done a great
7 job of setting that up. And, yeah, I really like
8 this idea. I think this could be really helpful.

9 JEFFREY CHANG: Grant Morris?

10 (No response.)

11 JEFFREY CHANG: Gary?

12 GARY PRESCHER: Yeah, this may or may not
13 fall into this same bucket, but could you give us or
14 give me a little more enlightenment on -- for
15 example, you're talking about cutting back on
16 contract or consultants going forward. What kind of
17 an internal process do you use when you're looking
18 at prioritizing, you know, where the dollars are
19 going to be spent and would this offer some
20 additional support that way? I guess that's my
21 question/comment.

22 ED MESSINA: Yeah, well, we did an
23 internal process, the division directors and myself
24 and, you know, looked at the priorities, working
25 with our Office of Program Support as well in terms

1 of the amount of money we've projected. And just to
2 clarify, to make sure everyone understands the '25
3 budget right now is based on a continuing resolution
4 assumption going forward based on the '24 budget
5 with a 5 percent cushion for increase in
6 administrative costs and salaries. If the, you
7 know, continuing resolution is supplanted by a full-
8 year budget, we would account and adjust the '25
9 numbers to account for any increase or decrease in
10 that budget.

11 And the decisions were made, tough
12 decisions, to cut the science contracts first to
13 save as many FTE support as we could to make sure we
14 were paying our employees and retaining our
15 employees because that is one of the, you know,
16 largest priorities, and we built-in normally what
17 attrition could be.

18 In terms of looking at the actual
19 contracts, you know, there's a balance between all
20 the different science contracts and all the
21 different needs of each of the divisions, including
22 the IT. As I mentioned, we did not put any new
23 additional money into the IT contracts so we could
24 save as much money for the science contracts. And
25 those science contracts are instrumental in helping

1 the staff with the initial review of the science as
2 it comes in, arraying that information in a way that
3 the staff, you know, can aid in their review. And
4 there's a lot of value in the, you know, amount of
5 money that we put into those science contracts and
6 they are sort of indispensable. But that was also a
7 forced decision to cut those contracts, which will
8 be putting more burden on the staff who do those
9 reviews.

10 So that was the analysis over, say -- it's
11 usually over a couple months. It's also iterative.
12 So we adjust along the way as, you know, some money
13 doesn't get spent in one area or, you know, things
14 get de-obligated where my deputy for management is
15 constantly looking for areas where there's
16 potentially unused money, you know, travel so we can
17 use that money to the best of our abilities and the
18 most efficient.

19 And I'm not sure what -- without a lot of
20 education to PPDC about all of the different
21 contracts and vehicles and what staff are working
22 on, you know, that would really be a deep dive that
23 I'm not sure that -- for me, personally, I'm not
24 sure that that would add value.

25 We are, I'll point out, looking at having

1 a third-party contractor come in and look at our
2 processes and looking at process improvements and
3 then surfacing a public document around that. So I
4 think there will be, you know, some information
5 provided about OPP's internal processes about how we
6 do our work. So I think that's probably something
7 for a future meeting in terms of surfacing what that
8 contractor found.

9 And then also as part of PRIA 5, there's a
10 requirement that we implement the recommendations
11 that the contractor [connection issue] process
12 improvements.

13 Thanks for the question.

14 GARY PRESCHER: Yeah, thanks for playing
15 that back for me.

16 ED MESSINA: Mm-hmm.

17 JEFFREY CHANG: Kimberly?

18 KIMBERLY NESCI: Yes. Hi. Sorry, my hand
19 keeps going up and down because I'm trying to put
20 words around what I want to say.

21 Ed, I think you nicely addressed sort of
22 the first question I had around the proposal, which
23 is it seems like in order for the PPDC to do what
24 Joe is proposing, which I think is very well-
25 intentioned, the workgroup would need a lot of

1 background information from the agency. So what you
2 said on contracts, Ed, but also the hours to
3 complete various actions and things like that.

4 But what I'm wondering is whether the PPDC
5 could get at something similar, not so much by
6 telling EPA how to spend its resources, because I'm
7 not sure that's our role, but talking about what are
8 the priorities to all stakeholder groups. So if
9 there are things that all stakeholder groups have in
10 common -- and I think that there are, like, of
11 course, compliance with the law, ESA compliance,
12 clear communication to users to make sure that
13 pesticides remain safe when used in accordance with
14 the label, that's a big baseline expectation of
15 pesticide users to make sure that they are safe and
16 things like that. Maybe there should be a side
17 conversation on what do we all think is most
18 important, so those things that everybody agrees are
19 most important don't get lost in the resource
20 contraction.

21 Does that make sense?

22 ED MESSINA: Yeah, I think that's a -- I
23 would welcome that, I think. If maybe there's a --
24 if the suggestion is a workgroup for the PPDC to
25 recommend priorities for the agency, I think that's,

1 you know, certainly well within the wheelhouse of
2 this group. That is the purpose of a FACA, which is
3 to gain consensus among stakeholders as well.
4 That's the place you can do that. So that sounds
5 constructive to me.

6 KIMBERLY NESCI: Joe, I see your hand up.
7 I'm curious as to what you think because it sort of
8 builds off of your original idea.

9 JOE GRYZWACZ: Yeah, that's exactly why I
10 raised my hand is you really amplified the critical
11 point, that is, being able to identify frankly some
12 of pain points of all the stakeholders, recognizing
13 that EPA is under the gun in many, many ways, that
14 being able to bring different stakeholder groups
15 together to be able to identify, as I say, those
16 pain points just has an extra voice to help
17 prioritize the work of the agency.

18 So you hit right on it, Kimberly. So
19 thanks for being much more succinct than I am.

20 JEFFREY CHANG: Jill?

21 JILL SCHROEDER: You said Jill, correct?

22 JEFFREY CHANG: Yes, Jill, yes.

23 JILL SCHROEDER: I'd like to follow up on
24 what Kimberly said, and I agree with her comments
25 and her suggestions. I'm wondering if, as part of

1 that, at the next PPDC meeting, if we could get an
2 update from EPA on where some of these workgroup
3 recommendations -- we've had two reports accepted
4 this time; there's been reports accepted in the
5 recent past -- and with updates on where EPA stands
6 on understanding or implementing some of the
7 recommendations from those proposals. Would that
8 help us refine and make suggestions on where we have
9 agreement across the PPDC on priorities from the
10 stakeholders?

11 Thank you and thank you for everything.
12 It's been a very helpful set of sessions these last
13 two days.

14 ED MESSINA: Thank you for those comments.
15 Any other hands?

16 (No response.)

17 ED MESSINA: So you can see that Kaitlin's
18 been taking some notes down -- oh, Marc?

19 MARC LAME: Yes, I think it's been a
20 couple of good days. I just want to, you know, give
21 my best wishes to all you guys. I've been through a
22 number of these things. I think this is my fifth
23 two-year term. And I've been through a few
24 administrations and, and I just thank you. I just
25 want to wish you guys the best and hope things keep

1 going the way they can keep going as far as
2 protecting human health and the environment.

3 I guess I would like to second and maybe
4 expand on the last bullet point on updating where
5 EPA stands on recommendations. We tend to
6 concentrate on regulatory policy, but we don't often
7 weigh in on nonregulatory policy. In, you know,
8 integrated pest management and resistance management
9 policies, we made a lot of recommendations and we
10 typically see the regulatory policy stuff either say
11 well, you know, we can do it or we can't do it. And
12 I think in the near future, it's going to be really
13 tough because we're going to see an era, like I did
14 a few terms ago, of regulatory reduction. So that
15 leaves a little bit more room for nonregulatory
16 policy. And I would like to see if we can
17 concentrate on some of the nonregulatory policy and
18 hope beyond hope that we can actually get funding
19 for that. Because what we typically hear with
20 nonregulatory policy, like integrated pest
21 management or resistance management, that there's
22 just no budget there.

23 One of the policies, for instance, is the
24 Pesticide Environmental Stewardship Program, which I
25 have asked several times, is it indeed functional

1 anymore? I looked at it this morning. There hasn't
2 been any new members since 2021. And when you ask
3 about some of their programs they go, well, we just
4 don't have funding. So I would like to see if -- we
5 can't really concentrate on some of that stuff when
6 and if we're told, we can't do anything about
7 regulatory policy.

8 So I hope that makes some sense and I hope
9 it allows us to take advantage of possible windows
10 of opportunity. Thank you.

11 ED MESSINA: Thank you, Mark.

12 JEFFREY CHANG: Ed? Hardy?

13 HARDY KERN: Thank you. Yeah, sorry,
14 fellow Ed here. I just hide it sometimes. I would
15 just like to -- this is likely already going to be
16 on the agenda, but if there's any way at the next
17 PPDC we could get an update on any ESA, you know,
18 workshops that have been happening regionally again.

19 Or, Kim, to put you completely on the
20 spot, if you'd maybe be willing to give a more
21 formal update about your group in Tennessee and what
22 you've seen be really successful, I think that could
23 be a productive thing to hear about, especially as
24 we get closer to insecticide strategy and whatnot.

25 ED MESSINA: Thanks.

1 HARDY KERN: And sorry, Jan, probably
2 making more work for you, too, and your team.

3 ED MESSINA: Yes. Well, Hardy, I heard
4 you not just reference our team, but -- and I'm
5 making sure that Kaitlin captures if there are other
6 sort of state or local ESA workshops that are
7 happening as well.

8 HARDY KERN: Yes.

9 ED MESSINA: I just want to make sure to
10 capture that, yes.

11 HARDY KERN: Yeah, I definitely would love
12 to hear, you know, what folks have been doing, what
13 they've found works well, and maybe what could be
14 tweaked or what else needs to get out there. That
15 would be awesome. Thank you.

16 ED MESSINA: Thanks for the
17 recommendation.

18 KIMBERLY NESCI: Hardy, did you mean me,
19 Kim, or the other Kim? Because I'm not sure ours
20 are in Tennessee.

21 HARDY KERN: Really, you know, all the
22 Kim.

23 KIMBERLY NESCI: All of them, okay.

24 HARDY KERN: Any Kim who wants to jump in,
25 that would be great. I was thinking Tennessee Kim,

1 but USDA Kim's great, too.

2 KIMBERLY NESCI: Okay, right. Because
3 we're putting some money towards some workgroups
4 similar to what was done in the Pacific Northwest.
5 So, yeah --

6 HARDY KERN: Oh, fabulous.

7 KIMBERLY NESCI: -- we could absolutely do
8 an update on that.

9 HARDY KERN: Yeah, that would be awesome.
10 Thank you.

11 JEFFREY CHANG: Marc? Marc Lame?

12 MARC LAME: I'm sorry. On. On the bullet
13 point with mine, I meant for it to have a
14 concentration on nonregulatory policies.

15 Yeah, because the first sentence says
16 concentration on regulatory policy. Yeah, right.
17 Okay, thank you.

18 ED MESSINA: Thanks, Kaitlin. That's why
19 we put the whiteboard up, so folks could see how we
20 were capturing ideas. Of course, there'll be a full
21 transcript of this proceeding that folks can
22 reference back as well.

23 Other hands?

24 (No response.)

25 ED MESSINA: All right. Jeffrey, I think

1 we've come to the end of our discussion. Are we
2 going to have any public requesters for the next
3 session that have provided their names, Jeffrey?

4 JEFFREY CHANG: Yes, there is.

5 ED MESSINA: Okay. And then we'll close
6 out the -- I'll say some final remarks after the
7 public session, or do you want me to, you know,
8 close it out now and when that public session is
9 over, we'll be done.

10 JEFFREY CHANG: Whatever you want.
11 Whatever you prefer. Whatever you prefer, Ed.
12 Okay.

13 ED MESSINA: And I see that Joe has raised
14 his hand again, so we can call on Joe.

15 JOE GRYZWACZ: Yeah, sorry about that.
16 I'm just curious. I don't know if it's procedurally
17 really appropriate or not, but, you know, I recall
18 when we established the Farmworker Working Group or
19 renewed it, that there needed to be sort of an
20 official motion and voting and all that kind of
21 thing. Is such a thing necessary here today for
22 some of the ideas that were put forward?

23 ED MESSINA: If someone would like to
24 create a new workgroup, we can certainly entertain
25 that, Joe, if you'd like to make a motion and then

1 we'll have a second and then we can vote on it.

2 JOE GRYZWACZ: Sure. I mean, I'm happy to
3 make that motion. Again, just in the broad
4 parameters of the discussion and the questions that
5 I dropped into the chat, I'll put that forward as a
6 motion.

7 ED MESSINA: Well, if you could state it,
8 we won't be collecting things --

9 JOE GRYZWACZ: Let's see if I can do my
10 best to -- so I'm going to try to amend this on the
11 fly, you know, just based on what the conversation
12 was in my memory as well as the discussion
13 thereafter. And that is to propose a cross-sectoral
14 working group focused on surfacing challenges and
15 developing and assisting EPA in better understanding
16 stakeholders' pain points and strategizing as it
17 moves forward. That's sort of the general
18 recommendation.

19 The key ideas, some of which were in the
20 notes, are things like trying to find consensus
21 among stakeholders that EPA can rely upon in order
22 to make -- at least consider some of its
23 prioritizing decisions. And that's the best I can
24 remember.

25 ED MESSINA: Yeah, Joe, and that's great.

1 And I think just for help, you know, assuming the
2 group does form, you can then work on charge
3 questions for, you know, consideration for PPDC as
4 well. So there will be time to work out language.

5 But is there anybody who would like to
6 second Joe's proposal?

7 BOB MANN: I'm happy to second it. Bob
8 Mann.

9 ED MESSINA: Bob Mann, okay. And, Bob,
10 did you have anything else to add or was that your
11 hand going up?

12 BOB MANN: Ed, I have lots of things to
13 talk about. I'm not going to bother you with them
14 right now.

15 ED MESSINA: Okay. But this is the time
16 to bother me, though.

17 All right. So we have a second. Time for
18 discussion?

19 ED MESSINA: Daren?

20 DAREN COPPOCK: So this may be a sophomore
21 question, but it's kind of hard for me to vote on
22 forming a workgroup when I don't know what the
23 charge questions are. Would it be appropriate for
24 that to be fleshed out a little bit so we have a
25 much clearer picture of what we're trying to

1 accomplish with this workgroup before we ask the
2 committee to approve it?

3 ED MESSINA: Yes. So, I mean, there's two
4 options. One would be to have the workgroup flesh
5 out some charge questions for the PPDC to consider.
6 That would be the charge of the workgroup. If you
7 wanted to modify the current proposal, that would be
8 one way to do that. Or if, you know, we can talk
9 here in the time we have left about what some
10 possible charge questions would be for the group.
11 It's up to you guys how you'd like to proceed.

12 Joe, do you want to respond to Darren's
13 question? Marc? Marc's hand is up as well, so
14 we'll go to Marc.

15 MARC LAME: Yes, I think in the past we
16 typically form a workgroup and then we develop
17 charge questions after that. Although I certainly
18 am sympathetic with the idea that this is kind of
19 nebulous out there, but I think considering what the
20 near future is going to look like, we probably need
21 to be really flexible and take on things on the fly,
22 just as it was put in the language that was proposed
23 and seconded. There's going to be things emerging
24 without a doubt, and we should be nimble enough, as
25 a FACA group that's advising on policy, to be able

1 to do that.

2 Although I am sympathetic, I think I like
3 it the way it was worded right now.

4 THE COURT: And the way it was worded, are
5 you including what was worded in the chat or the way
6 that Joe had articulated it verbally?

7 MARC LAME: I'd have to look at both of
8 them again to really compare them. But I would say,
9 you know, I think there is a need for a new tri-
10 sectoral workgroup and Joe's language is good enough
11 for now.

12 ED MESSINA: Okay, thanks, Marc.

13 Bob?

14 BOB MANN: Thank you, Ed. I was wondering
15 if it would be appropriate to go forward with
16 forming the workgroup with the understanding that
17 the workgroup would bring back formalized charge
18 questions for the spring meeting and then have the
19 group, as a whole, endorse those charge questions at
20 that time.

21 ED MESSINA: Yeah, hopefully, that was
22 clear in what I was saying before. That is an
23 appropriate way to handle this as well. The other
24 way is to develop charge questions. It's whatever
25 the group would like to do.

1 BOB MANN: Thank you.

2 ED MESSINA: Joe?

3 JOE GRYZWACZ: Yeah, thank you so much.

4 And I appreciate everybody's, you know, additions
5 and putting up with my lack of articulateness, but I
6 would really appreciate -- or I appreciate the
7 comments made about it's hard to vote on something
8 that's not clear, and I'll just simply apologize for
9 that.

10 You know, one thing that I would throw out
11 is sort of two additional points. You know, one is
12 we might label this thing as sort of the common
13 stakeholder priorities workgroup, right? You know,
14 something along that line. You know, that's, at
15 best, sort of the spirit of the idea that's at play.

16 One of the elements that I didn't say very
17 clearly, but I'll slow down and try to say it better
18 now, and that is, you know, Ed, you and your group
19 have got a lot of competing and sometimes
20 conflicting responsibilities that you need to attend
21 to. And so while you're trying to navigate all
22 those things, you're also doing the things that your
23 bosses in Washington, D.C. expect for you to do.

24 So my thinking on this is just sort of
25 this idea of how can the stakeholders kind of come

1 together in a way that's, useful, you know, still
2 represent their appropriate groups, but, you know,
3 also, you know, recognize that we're operating, you
4 know, in at least somewhat of a new terrain for a
5 period of time that we want to be, to use Mark's
6 language, nimble and flexible to be able to respond
7 to at least some of the things that are going on to
8 help make decisions that work for the most people in
9 as strained of an environment as possible.

10 Again, I don't know if that helps clarify,
11 but that's sort of the spirit that's behind the
12 overall goal, even though it's not articulated very
13 clearly.

14 ED MESSINA: Any other discussion before
15 we go to a vote?

16 (No response.)

17 ED MESSINA: Okay. Seeing no hands
18 raised, we can vote on Joe's proposal. All in
19 favor, please indicate by raising your hand.

20 Jeffrey, if you can do the count.

21 JEFFREY CHANG: Yes. Please leave your
22 hands up. Twenty-two, 24. Twenty-four.

23 ED MESSINA: Okay. So it looks like the
24 motion passes.

25 Joe, can we assume that you are happy to

1 be the chair and convene this group?

2 JOE GRYZWACZ: Sure, I'm happy to do that.

3 Thank you very much.

4 ED MESSINA: Okay. And then Jeffrey can
5 facilitate -- and you have the email group of the
6 folks that are on the PPDC group -- to set something
7 up. We can think about who from EPA, we can help be
8 a resource to staff this. We'll go back and talk
9 about it after the meeting.

10 JOE GRYZWACZ: Great. Thank you for that,
11 Ed.

12 ED MESSINA: And what's the official
13 title, Joe, of this group? It's the Multi-
14 Stakeholder Priority Setting Group?

15 JOE GRYZWACZ: Yeah, that sounds like a
16 great title for now. And we'll call it "SWAP."

17 ED MESSINA: All right. Because we need
18 an acronym because we are in D.C.

19 JOE GRYZWACZ: Indeed.

20 ED MESSINA: Appreciate it.

21 Okay. Jeffrey, over to you. I think
22 we've got maybe five minutes. I could do a
23 closeout, and then when we go to the end of the
24 public comment period, folks can sort of jump off.

25 JEFFREY CHANG: Sounds good. Thank you.

1 ED MESSINA: Well, thanks again, everyone,
2 for really, I would say, sticking it out through
3 these two days. Long online meetings are hard to
4 stay engaged in. I am aware of that. But I think
5 this team did an amazing job. Lots of great
6 discussion, lots of great topics that were suggested
7 by PPDC members.

8 So hopefully you got a lot out of it. I
9 certainly did. And I appreciate all the thoughts
10 for -- and thanks for the teams that did present.
11 I'll echo those thoughts and thanks and look forward
12 to our next session.

13 I want to thank Jeffrey, who is -- and if
14 we could start with the claps across the screen for
15 all the work he's done not only at this meeting, but
16 in the background in preparation for this meeting.
17 It's a pretty heavy lift.

18 Thanks to our translators and all the
19 administrative staff that made this meeting
20 successful.

21 I look forward and really earnestly enjoy
22 this meeting in that it really brings together folks
23 with different perspectives, with different goals,
24 but each and every one of you really bring an
25 important lens for us to consider as we strive to do

1 our work here in the Office of Pesticide Programs.

2 So I can't thank you enough for the time that you
3 have invested in this group as well.

4 So we will continue to have these sessions
5 going forward. Hopefully, one day, we'll be back in
6 person again like we were a couple of sessions ago.
7 That is my goal. It is preferred for me as well.
8 And we'll see if we can make that happen. And
9 thanks for your time.

10 And with that, we'll go to the public
11 comment session and then we will end the meeting
12 with Jeffrey's bang of the gavel.

13 JEFFREY CHANG: Thank you, Ed.

14 PUBLIC COMMENTS

15 JEFFREY CHANG: Yes. So it is the end of
16 the day and we're going to go into the public
17 comment section. People who have registered to
18 comment will be listed on the screen. And please
19 raise your hand so that we can unmute your line.

20 So we have B. Kelly Crosby. Are you on
21 the line?

22 (No response.)

23 JEFFREY CHANG: Lewis Ross Brown?

24 (No response.)

25 JEFFREY CHANG: Virna Stillwaugh?

1 (No response.)

2 JEFFREY CHANG: Bill Jordan? Okay, here
3 you go, Bill. Bill, you should be able to unmute
4 your line and speak. Bill, are you there?

5 BILL JORDAN: Thank you for --

6 ED MESSINA: Bill got to -- oh, Bill, you
7 there? Because I was going to say Bill got to make
8 his comments because I saw him at a retirement party
9 after yesterday's meeting. So I did get to hear
10 some of Bill's comments, but I'm glad you're putting
11 them here for the record, Bill.

12 BILL JORDAN: Thank you, Ed. I appreciate
13 the opportunity to comment. I want to join the many
14 PPDC members who complimented you and the Office of
15 Pesticide Programs and all of your accomplishments
16 over the last year.

17 And I know that your presentation didn't
18 list a lot of other things that I and my
19 organization cared about, but I was particularly
20 struck by two facts in your presentation. The first
21 is that resources are shrinking for OPP and the
22 backlog of PRIA actions is growing. And your
23 presentation pointed at the reality that OPP is
24 probably not going to finish performing the
25 registration review work that is scheduled to happen

1 by the statutory deadline put in the new Farm Bill,
2 in the new Omnibus Bill.

3 So given that reality and given that
4 you're looking at \$152 million next year and you
5 probably need at least \$200 million, maybe even \$300
6 million to do everything you're required to do, I
7 think that the workgroup that Joe is going to be
8 leading should maybe tackle the question of how much
9 money, how much resources does OPP need to do
10 everything that you're required to do and that
11 people would like you to do.

12 In addition to thinking about the real
13 resource needs of OPP, I want to make a suggestion
14 that the workgroups should consider in terms of
15 priority setting. This is an idea that goes back to
16 the days before Congress passed the Pesticide
17 Registration Improvement Act. At that time, the
18 Pesticide Office was facing a situation similar to
19 what you've got now, that is to say, huge backlogs
20 of applications for registration and amended
21 registration that just weren't getting through as
22 fast as the regulated community wanted.

23 And what EPA did and what I think you
24 should consider doing going forward is ask companies
25 to set their top five priorities and then to do the

1 best that they can to -- EPA do the best that they
2 can to act on as many of the applications that are
3 the top one, two, or three priorities for the
4 companies. That way, they get something. Everybody
5 would get something. Not everybody would be happy,
6 but I hope that folks would be less unhappy with
7 that kind of priority setting mechanism.

8 When you can't do everything, you should
9 at least try to distribute the joy that you can
10 deliver in your registration decisions across the
11 regulated community.

12 The last thing I want to say is on an
13 unrelated topic, EPA needs to spend more time
14 thinking about and developing a policy with regard
15 to the application of FIFRA Section 2EE and
16 application methods that are not specified on the
17 label. As you appreciate, 2EE allows application
18 methods unless there's a specific prohibition
19 against using them. So anybody can use a drone
20 unless there's a statement on the label that that's
21 not allowed. And EPA has not come to grips with
22 that and needs to pay more attention to it.

23 Thank you.

24 JEFFREY CHANG: Thank you, Bill.

25 ED MESSINA: Thanks, Bill.

1 JEFFREY CHANG: Anyone else from the
2 public? I see an Audette, Alexander. I'm not sure
3 if this is a legacy hand. I feel like I've seen it
4 up for a while, but if you wanted to talk, you are
5 able to now.

6 (No response.)

7 JEFFREY CHANG: Okay. With that, we have
8 made it through the full slate of public comments
9 today.

10 A sincere thank you to those who presented
11 today and yesterday, to our PPDC members, members of
12 the public who listened in and shared their views,
13 and to all the support staff that made this two day
14 session possible.

15 ED MESSINA: Hey, Jeffrey. Is Terry's
16 hand a legacy hand? Terry Kippley?

17 (No response.)

18 ED MESSINA: Thanks. It looks like it
19 was.

20 JEFFREY CHANG: No, that's okay.

21 ED MESSINA: Sorry to interrupt, Jeffrey.
22 Just before you were closing it out, I wanted to
23 make sure Terry had his opportunity.

24 JEFFREY CHANG: How about Mano?

25 MANOJIT BASU: I did raise my hand, Ed and

1 others. Just a logistical question for the
2 workgroups, in general, we do open it up to non-PPDC
3 members as well. We just proposed a workgroup here.
4 I am not sure if we are opening this up for non-PPDC
5 members as well, because in cases where we do open
6 it up for non-PPDC members, we do provide a charge
7 question. But in this case we have not provided a
8 charge question and approved the workgroup. Thank
9 you.

10 ED MESSINA: Yeah, great question. In
11 fact, the workgroup should be made up primarily of
12 non-PPDC members. So the answer is, Jeffrey, I
13 believe we would be opening it up to non-PPDC
14 members, correct?

15 JEFFREY CHANG: Yes.

16 ED MESSINA: I think the answer to the
17 question, if you're interested, is sending a note to
18 Joe, Mano. That's one way to do it. So anybody who
19 was on this call -- or Jeffrey and they can get your
20 information to Joe. So, yes, it would be open to
21 non-PPDC members.

22 MANOJIT BASU: Yeah, no, that is fine.
23 I'll be part of the workgroup and we can share other
24 members as well. But I just feel that, from an
25 efficiency point of way, if there is a workgroup

1 with no charge question and 20, 30, 40 members, it
2 could -- you know, what the outcome is and what the
3 discussion is, it's just so much open ended. In the
4 past, each and every workgroup had a charge question
5 to begin with. So this just puts us in a place
6 where we don't have any direction with several other
7 members from non-PPDC members joining. I wanted to
8 raise that.

9 ED MESSINA: Yeah, that's okay. We've
10 done it both ways, Mano. So I think we've had sub-
11 workgroups be tasked with developing charge
12 questions, as this workgroup has. And so you could
13 choose to participate in that development, and then,
14 ultimately, you know, the group would bring back to
15 the larger PPDC the charge questions they developed
16 that would begin exploring. So I think that's how I
17 would answer your question there. Hopefully, that
18 answered it.

19 MANOJIT BASU: Thank you. Jeffrey, sorry
20 for cutting you off. I just saw a hand go up.

21 JEFFREY CHANG: Nope. Anyone else?

22 (No response.)

23 JEFFREY CHANG: Okay. So, yes, thank you
24 all again for attending and I hope you have a
25 wonderful holiday season. And that's it. Thank

1 you.

2 ED MESSINA: Thanks again, everyone.

3 Thanks again, Jeffrey.

4 (Day 2 adjourned.)

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