Region 5 Pre-SFIREG

May 8-9, 2019

Lake Superior Room (12th Floor)

Conference Call #: Conference Line/Code / Ex. 6

Wednesday, May 8, 2019	
10:00 am to 10:15 am	Welcome, Introductions and Sign In Brian Verhougstraete – Michigan Dept. of Ag. & Rural Development (MDARD) Estrella Calvo – EPA, Region 5 Julie MaGee – EPA Region 5
10:15 am to 11:45 am	State/Tribal/PSEP Major Issues and Discussion of National and Regional Interest. Each State/Tribe/PSEP to provide a brief update. Moderator: Verhougstraete Outcome: Information sharing
11:45 am to 12:45 pm	Lunch
12:45 pm to 1:15 pm	Potential 24(c) Changes Discussion Lead: Verhougstraete Outcome: Discussion Supporting Material: See attached AAPCO and NASDA letters
1:15 pm to 1:45 pm	25b Workgroup, POM, and EQI Updates Discussion Lead: Caffery, OISC, Sunseri, MDA, and Leach, OISC Outcome: Information sharing
1:45 pm to 2:45 pm	Dicamba – What did SLA's learn in 2018? What are they planning for 2019? What about 2,4-D/Enlist use in 2019? Discussion Lead: Verhougstraete Outcome: Information sharing and discussion
2:45 pm to 3:00 pm	Break
3:00 pm to 3:45 pm	Certification & Training Rule: Status of Region 5 Workshop, State Plan Submissions, etc. Discussion Lead: Don Baumgartner, EPA Region 5 Outcome: Information Sharing
3:45 pm to 4:45 pm	Risk Evaluation Discussion Lead: Frank Barretta, MDARD Outcome: Information Sharing
4:45 pm	Wrap-up and Adjourn – need to be out of the conference room by 5:00

Region 5 Pre-SFIREG

May 8-9, 2019

Lake Superior Room (12th Floor)

Conference Call #: **Conference Line/Code / Ex. 6**

Thursday, May 9, 2019	
8:00 am to 8:15 am	Welcome Back Verhougstraete/Calvo/MaGee
8:15 am to 8:45 am	EPA Region 5 Pesticide Programs and Enforcement Updates Discussion Lead: Calvo/Magee/Star Outcome: Information sharing and discussion
8:45 am to 9:00 am	FY2020 Focused WPS Inspections Discussion Lead: Don Baumgartner, EPA Region 5 Outcome: Information gathering and discussions
9:00 am to 9:10 am	FIFRA Continuing Environmental Program Grant (FCEPG) Application Discussion Lead: Seth Dibble, EPA Region 5 Outcome: Information sharing
9:10 am to 9:40 am	Inconsistent Label Interpretations Discussion Lead: Leo Reed, OISC Outcome: Discussion
9:40 am to 9:55 am	BREAK
9:55 am to 10:25 am	Enforcement Consistency: How do SLA's ensure consistency when it comes to issuing enforcement? Discussion Lead: Molly Mott, MDARD Outcome: Information sharing and Discussion
10:25 am to 10:40 am	CLEAR's National Certified Investigator & Inspector Training (NCIT): Are SLA's familiar with this organization? What are your experiences and opinions of this organization? Discussion Lead: Molly Mott, MDARD Outcome: Information sharing
10:40 am to 10:50 am	Glyphosate and Glufosinate Tank Mix: Legal uses of glyphosate on LLGT27 soybeans. Discussion Lead: Matt Beal, ODA Outcome: Information sharing
10:50 am to 11:10 am	UAV's – Update on UAV's for inspection purposes and update on regulating UAV's used for applications. Discussion Lead: Reed, OISC Outcome: Information Sharing
11:10 am to 11:15 am	Next Region 5 SFIREG representative and future meeting dates Discussion Lead: Verhougstraete Outcome: Decision
11:15 am	Wrap up/Adjourn – Safe travels

Region 5 Pre-SFIREG
May 8-9, 2019
Lake Superior Room (12th Floor)

Conference Call #: Conference Line/Code / Ex. 6

Parking Lot

November 2019 Pre-SFIREG Action Items

Meeting Materials

2,4-D/Enlist Article
LL GT27 and Glyphosate Article
AAPCO's 24c Letter to EPA
NASDA 24c Letter to EPA

Future Meeting Dates

Full SFIREG: June 3-4, 2019
Pre-SFIREG: November 6-7, 2019
Full SFIREG: December 2-3, 2019
Pre-SFIREG: May 2020

Homework Assignments

HOME & GARDEN

Last year it was dicamba, this year it's 2,4-D

By JOHNATHAN HETTINGER of Midwest Center for Investigative Reporting. Associated Press

MARCH 30, 2019 — 1:35AM

CHAMPAIGN, Ill. — A volatile weed killer linked to cancer and endocrine issues will likely be sprayed on millions more acres of soybeans and cotton across the Midwest and South starting this year.

In January, China approved imports of a new genetically modified soybean variety — Enlist E3 soybeans jointly made by Corteva Agriscience, a division of DowDupont and seed company MS Technologies — that can withstand the herbicide 2,4-D.

"This is great news for U.S. soybean growers," said Joseph Merschman, president of MS Technologies in a February press release. "This announcement clears the way for even more soybean growers to experience the high-yielding elite genetics and exceptional weed control offered by the Enlist E3 soybean system."

DowAgrosciences declined to comment for this story.

—

The nonprofit news outlet Midwest Center for Investigative Reporting provided this article to The Associated Press through a collaboration with Institute for Nonprofit News.

—

The herbicide — 2,4-D — was one of the active ingredients in Agent Orange and has been shown to drift miles away from where it's applied. The U.S. used Agent Orange during the Vietnam War to eliminate crops and forest covers for enemy troops.

The International Agency for Research on Cancer named the weed killer a possible human carcinogen. Studies have also linked 2,4-D to endocrine disruption, disturbing estrogen, androgen and thyroid hormones.

Over the past two decades, a growing number of weeds have become resistant to glyphosate, the most popular weed killer in the world, sold as Monsanto's Roundup.

In response, agribusiness companies, like Dow and Monsanto, have introduced new genetically modified varieties of soybeans that can be sprayed with other herbicides that kill glyphosate-resistant weeds.

The United States exports $14 billion worth of soybeans to China, or one of every four rows of soybeans, annually, according to the American Soybean Association, an organization of soybean producers. Trade tensions with China and higher import taxes on U.S. soybeans have thwarted imports recently.

The U.S. Department of Agriculture has projected that increased 2,4-D use due to the Enlist system would likely increase the amount of the weed killer sprayed between 200 and 600 percent by 2020.

Already, it's one of the most commonly used herbicides in the United States, used in conventional agriculture including corn and is one of the most commonly used home and garden herbicides. In 2016, the USDA estimated that farmers used 44.4 million pounds of 2,4-D on crops across the U.S.

"This is just going to absolutely be a disaster," said Nathan Donley, a senior scientist at the Center for Biological Diversity, a nonprofit organization that works to protect endangered species.

The Enlist approval gives farmers looking to manage glyphosate-resistant weeds a new tool at a time when the dominant soybean system — Monsanto's Roundup Ready 2 Xtend soybeans — has caused widespread issues in the Midwest and South.

Those soybeans are genetically engineered to withstand being sprayed by dicamba, a volatile herbicide that has drifted off target and damaged millions of acres of non-resistant soybeans, other crops and natural areas since the Environmental Protection Agency approved new versions of the weed killer for use on soybeans in November 2016.

More than 90 percent of soybeans grown in the United States are genetically modified, but there are only three major systems that are commonly used to combat glyphosate-resistant weeds: Monsanto's Xtend, DowDupont's Enlist and BASF's LibertyLink soybeans, which are resistant to glufosinate, another herbicide.

Enlist soybeans can also be sprayed with glufosinate.

The extent to which 2,4-d-resistant soybeans will be planted is unknown, largely because of the widespread market penetration by dicamba-resistant soybeans.

Company officials estimated the product will have at least 10 percent market share by 2020, which would be about 9 million acres in the United States.

In two years, dicamba went from being sprayed on zero acres of soybeans to more than 40 million acres.

Aaron Hager, an associate professor at the University of Illinois, said many farmers have adopted Monsanto's Xtend soybeans as a protection measure against drift from dicamba.

"It's going to be difficult for (Enlist) to gain market penetration partially because of how well entrenched dicamba already is," Hager said.

The main question for farmers considering Enlist is whether drift from dicamba will damage Enlist soybeans, said Charles Benbrook, a visiting professor at the University of Newcastle who has spent decades studying pesticides at various institutions.

"One of the huge questions is, is there any cross resistance? Will they be any less vulnerable to damage from drifting dicamba and vice versa?" Benbrook said.

Benbrook said they may be able to coexist. Though 2,4-D and dicamba are different pesticides, their similarities might allow some cross-resistance in genetically modified soybeans, Benbrook said.

Both dicamba and 2,4-D have been used for decades on other crops but at a smaller scale. Both are broadleaf herbicides that kill plants in similar ways, mimicking natural plant hormones called auxins and causing abnormal growth.

Like the new version of dicamba, the new 2,4-D strain approved for usage on soybeans is designed to be less volatile than past versions.

If there is no cross-resistance, Benbrook projected that Corteva, a division of DowDupont, and Bayer, which owns Monsanto, will likely have to come up with a deal to put the resistant genes in both company's systems, increasing the price for farmers.

Donley said both herbicides, having similar modes of actions and a propensity to drift, will insert an element of doubt on what caused drift damage.

States across the Midwest and South have received a record number of pesticide misuse complaints from farmers since dicamba was allowed on soybeans.

Already, some scientists have speculated that 2,4-D is causing some of the alleged dicamba damage.

"Industry is going to use this to say, 'how do you know it's our product?'" Donley said. "It's going to enable the industry to do what they do best, which is sow doubt in the public."

Environmental groups argue the transition to 2,4-D-resistant soybeans, and the increased spraying that goes along with it, is indicative of the problems with industrial agriculture.

Jennifer Sass, senior scientist at the Natural Resource Defense Council, an environmental advocacy group, has researched the human health effects of 2,4-D, and said that the herbicide can cause disruptions in the endocrine system.

She said that the link to cancer isn't quite as established.

Though 2,4-D is considered a "possible carcinogen," the research isn't quite as strong, but that's because of the difficulties in collecting data, she said.

"Those are all data and red flags, but there's so many reasons to get off this treadmill. Waiting for more confidence in the cancers means waiting for more farmers and pesticide applicators to get cancer, and I don't think anyone wants to collect our data that way," Sass said.

In some places, some types of glyphosate-resistant weeds, like Palmer amaranth, are already becoming resistant to 2,4-D and dicamba.

Bill Freese, a senior scientist at the Center for Food Safety, which is a nonprofit group focused on the environmental effects of food production, said, in addition to human health issues, more spraying will lead to environmental issues, like the killing of pollinators and wild plants, he said.

Donley, at the Center for Biological Diversity, has documented those problems with glyphosate and dicamba, especially when it comes to monarch butterflies and milkweed. He said more spraying will lead to more resistance and new herbicides.

"It's a poor answer to a complex situation, and it's going to be getting worse," Donley said. "In five-to-10 years, we're going to be looking for the next herbicide. History tells us what's going to happen in this case. It's kind of crazy we're even considering going here."

The nonprofit news outlet Midwest Center for Investigative Reporting provided this article to The Associated Press through a collaboration with Institute for Nonprofit News.

ED_002642_00076107-00006

P[T1] D[728x90] M[320x50] OOP[F] ADUNIT[] T[]

LL GT27 and Glyphosate

Can I Apply Glyphosate to LL GT27 Crops This Year?

3/7/2019 | 4:34 PM CST

By Emily Unglesbee , DTN Staff Reporter

Connect with Emily:

@Emily_Unglesbee

Tricky label language means many glyphosate herbicides are not technically legal to apply to LL GT27 soybeans this year. (DTN photo by Emily Unglesbee)

ROCKVILLE, Md. (DTN) -- A new snafu has emerged for the upcoming 2019 soybean spray season. Some farmers signed up to grow LibertyLink GT27 soybeans this year, with the knowledge that they could spray glyphosate as well as glufosinate over the top of the beans -- a first for the industry.

Now it appears that spraying some glyphosate products over LL GT27 soybeans could be technically illegal this year.

The problem lies in herbicide label language, said Ohio State University Extension weed scientist Mark Loux.

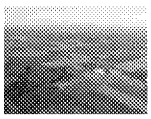
Many glyphosate labels specify that they can be used over the top of "Roundup Ready" or "Roundup Ready 2" crops. LL GT27 soybeans can tolerate glyphosate, but they do not contain the Roundup Ready gene. So, technically, glyphosate herbicides labeled for use only on Roundup Ready crops are not labeled for use on LL GT27.

However, if a glyphosate herbicide label does not specify "Roundup Ready" soybeans on its label and only mentions "glyphosate-tolerant" or "glyphosate-resistant" soybeans, then that herbicide would be legal for use on LL GT27 soybeans.

As EPA put it to DTN in an emailed statement: "If the label states the product is for over-the-top use on glyphosate-resistant soybeans, it can be used on any soybean that has a glyphosate-resistant trait, including the LL GT27 trait. However, if the label states it is for use on specific traits by name and does not include the LL GT27 as one of those traits, then it could only be used on the traits specifically listed on the label and it would not be permissible to be used on LL GT27 soybeans."

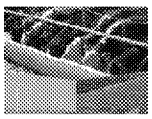
More Recommended for You

Stamp Farms Co-Defendants Sentenced
Becraft, Diekman Ordered to Pay More Than $1M Following Plea Agreements



2/19/2019 | 2:23 PM CST
Two Michigan men will serve prison time for their roles in helping Stamp Farms LLC falsely attain...

NFU Says No to Green New Deal
Climate Plan Proposed by Democrats Has Quickly Become Toxic in Rural America



3/6/2019 | 10:50 AM CST
The Green New Deal, a proposal by some Democrats in Congress, has set off a firestorm of...

This news could be a blow to LL GT27 growers, many of whom purchased these soybeans specifically to use both glufosinate and glyphosate herbicides in-season on their soybean fields. The LL GT27 soybean, which is a new acquisition for BASF, also tolerates ALITE 27, an HPPD herbicide not yet labeled for use by the EPA.

It is not clear just how many glyphosate herbicides have "Roundup Ready" versus "glyphosate-tolerant" or "glyphosate-resistant" on their labels. In Ohio, Loux has found that most glyphosate herbicides do contain "Roundup Ready" language and very few contain "glyphosate-tolerant" language, meaning most would not be legal for use on LL GT27 soybeans.

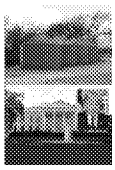
This label language has also called into question whether or not it is legal to apply many glyphosate herbicides to Enlist E3 soybeans, which -- like LL GT27 soybeans -- do not contain the Roundup Ready gene for glyphosate-tolerance. Although Enlist Duo, a pre-mix of glyphosate and 2,4-D, is labeled for use on Enlist E3 soybeans, other glyphosate herbicides are not. As of press time, Corteva Agriscience had not responded to DTN's inquiries on this issue.

The issue of brand-specific label language is frustrating for both growers and companies, said David Thompson, national marketing and sales director for Stine Seed, which sells LL GT27 soybeans. "EPA has said they intend to be brand-agnostic when they handle herbicide labels, but they've clearly allowed a brand to permeate the entire labeling business," he told DTN.

"One thing we can all agree on is it's getting harder and harder to kill a weed in soybeans," he added. "We're in the business of offering growers more options. And now we're arguing over a technicality? No one is questioning that if you spray glyphosate over LL GT27 soybeans, that they're going to live. That's a non-issue."

Recommended for You

Rub's Den
Sunk Revenues: Old-Crop Soybeans



Budget Plan Tightens Ag Spending
White House Wants Cuts to Crop Insurance, Other USDA Programs

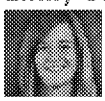
Todd's Take
What If Trade Talks Succeed?

Missouri River Corps Release
Flooding Expected to Continue as Dam Flows Raised

Neb. Livestock Disaster Losses Mounting
Agriculture Already Experiencing Disruptions from Road Closures

DIM[1x3] LBL[article-box] SEL[] IDX[] TMPL[standalone] T[]

Emily Unglesbee



About the Author

Connect with Emily:

@Emily_Unglesbee

Whether pesticide regulators will seriously monitor or enforce this type of herbicide use in 2019 is also uncertain. When queried by DTN on this topic, Bayer confirmed that "Roundup brand products are currently not approved for over-the-top use with GT27 crops," but added that "enforcement would be up to individual states."

For some states, this issue could be low priority, given the high number of dicamba injury claims that state regulators have dealt with recently.

"If this was a normal year, and we weren't a dicamba-response agency as we have been for the past two years, this is something we might monitor," said Dave Scott, pesticide program administrator with the Office of Indiana State Chemist. "We wouldn't enjoy doing it, because it's about protecting someone's brand, not an environmental issue -- but the label says what the label says," he added.

Brett Gates, deputy communication director for the Ohio Department of Agriculture told DTN the agency was still working with EPA to clarify which glyphosate labels registered in the state are legal for use on LL GT27 soybeans. As for enforcement, the ODA's Pesticide and Fertilizer Regulation Program will treat this issue like any other label violation, he said. "If we get a complaint on this, we will follow up on it," he said. "So we encourage applicators who have any questions about a product to contact us first."

As for Stine Seed, the company will work with its growers to let them know which glyphosate herbicides it believes are legal to apply to LL GT27 and which ones to avoid in 2019, Thompson said.

For more detail on how this label problem came about, and which glyphosate labels might be illegal to use on LL GT27 soybeans, see Loux's article from Ohio State University here: https://agcrops.osu.edu/. .

Emily Unglesbee can be reached at Emily.unglesbee@dtn.com

Follow her on Twitter @Emily_Unglesbee

(9355)

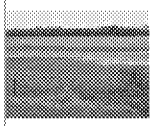
© Copyright 2019 DTN/The Progressive Farmer. All rights reserved.

DIM[1x3] LBL[] TMPL[feature] T[]

Related Content

DTN Field Roundup

Spring Interrupted: Planting, Fieldwork Stalled by Floods and Cool Weather



4/4/2019 | 2:35 PM CDT

As floods, rain and chilly soils have kept many farmers out of the field, anxiety over planting is starting to...

Listen to the Land - 14

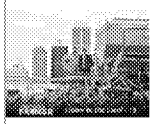
Pheasants Are Fair Game

4/12/2019 | 10:44 AM CDT

Conservation practices make this niche market fly.

Listen to the Land - 13

Diverse Rotation Builds Durable Soils



4/5/2019 | 7:51 AM CDT

Increased soil carbon fuels higher crop returns with more nutrients retained and recycled

Privacy Policy | Terms of Use | © 2019 DTN, all rights reserved. "DTN" and the degree symbol logo are trademarks of DTN. All other trademarks are the properties of their respective owners.

April 4, 2019

Rick P. Keigwin
Director of Office of Pesticide Programs
USEPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N. W.
Washington, DC 20460

Dear Mr. Keigwin,

This letter is in response to the notification posted on the Guidance on FIFRA 24(c) Registrations on 03/19/19, under: Important Information on Requests Under FIFRA 24(c). According to the notification, EPA is now re-evaluating its approach to reviewing 24(c) requests and the circumstances under which it will exercise its authority to disapprove those requests.

EPA stamps and accepts federal labels from registrants with one-size-fits-all mitigation measures. These mitigation measures do not take into account possible unique or special local conditions, which may increase risks. The most recent example of the need for a Section 24(c) registration is the use of dicamba for over-the-top applications to genetically modified soybeans and cotton. In order to maintain the technology to control herbicide resistant weeds, it has been necessary for states with unique or special local conditions to have the option to grant Sec. 24(c) registrations. These registrations allow for adequate weed control to occur, but also mitigate potential risks. State Lead Agencies (SLAs) are responding appropriately by granting Sec. 24(c) registrations. They are attempting to reduce risk and damage to non-target plants and the environment, while at the same time promoting co-existence.

AAPCO received a question, "Why don't these SLAs change the laws in their respective states, instead of utilizing the Sec. 24(c) process?" There are numerous reasons.

- It can take several years for a state to enact or adopt a law. In the meantime, unacceptable non-target damage could occur, and the technology option could be lost.
- SLAs have determined that, by requiring certain mitigation measures, they can maintain a technology which controls a pest.
- Using dicamba as an example, SLAs are continuing to learn about what may influence primary and secondary drift, and the training needs of applicators. With labels changing annually and a short two-year registration period of the dicamba containing products, SLAs have not been able to consistently identify the mitigation measures needed beyond the Section 3 label. **Utilizing the Sec. 24(c) process allows SLAs to be nimble, timely, practical and appropriately responsive.**

- The Sec. 24(c) process has been very successful, as it identifies needed mitigation measures each year. For example, since 2017, the dicamba federal product labels have gone through many edits as a result of states' Sec. 24(c) registrations. The additional requirements provided on Sec. 24(c) labels include: a wind speed restriction of less than 10 mph, the need for training, completing records within 72 hours, the introduction of cut-off dates, and many others that have been successful in reducing adverse effects and mitigating risks. If states had not used the Sec. 24(c) process, SLAs would still be in the initial stages of identifying individual mitigation measures.

Historically, SLAs have granted a wide variety of Sec. 24(c) registrations. The EPA policy of not disapproving more restrictive Sec. 24(c) registrations has been in place for nearly 30 years. The current process has allowed SLAs to continue the use of various pesticides, within their individual jurisdictions, with additional safeguards.

AAPCO takes this issue very seriously, and strongly supports a state's right to grant a Section 24(c) pesticide registration to reduce risk. We look forward to working with the USEPA, and the continued dialog.

This letter is being provided to the US EPA by the AAPCO Board of Directors, on behalf of the members of AAPCO. Should you need additional information, please do not hesitate to contact me or any of the members of the AAPCO Board.

Sincerely,

Rose Kachadoorian
AAPCO President
Pesticides Program Manager,
Registration, Licensing and Certification
Natural Resource Policy Area
Oregon Department of Agriculture
635 Capitol Street NE, Salem, Oregon 97301
Phone: (503) 986-4651
Email: rkachadoorian@oda.state.or.us

and

Leo A. Reed
AAPCO President-Elect
Manager, Certification and Licensing
Office of Indiana State Chemist
175 S. University
West Lafayette, IN 47907
Phone: 765-494-1588
reedla@purdue.edu

cc: AAPCO Board of Directors
SFIREG Chair
NASDA

National Association of State Departments of Agriculture
4350 North Fairfax Drive
Suite 910
Arlington, VA 22203
Tel: 202-296-9680
www.nasda.org

April 5th, 2019

The Honorable Andrew Wheeler
EPA Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Dear Administrator Wheeler,

The National Association of State Departments of Agriculture (NASDA) represents the Commissioners, Secretaries, and Directors of the state departments of agriculture in all fifty states and four U.S. territories. NASDA members are co-regulators with the Environmental Protection Agency (EPA) in the implementation of FIFRA in the states and work closely with EPA to regulate more than 900 active ingredients contained in as many as 40,000 formulated products used nationwide that are registered under FIFRA.

In the past few weeks, NASDA became aware that EPA will be re-evaluating its approach to reviewing the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) 24(c) requests. We are concerned that a different interpretation could significantly impact the way states meet their local needs. In fact, NASDA has already raised this issue with EPA late last year. In a letter submitted to EPA on September 12, 2018, NASDA stated that "*state flexibility is increasingly important*" when approving new crop protection products. States are considering restrictions under 24(c) requests to address geographical and local conditions needed for certain products, while also providing the best selection of crop protection tools for growers. NASDA believes that providing a wide range of crop protection options to American farmers and ranchers is essential to their economic viability.

We hope EPA recognizes that states are not stakeholders but co-regulatory partners under FIFRA and, therefore, must be consulted on any FIFRA regulatory or policy initiative. We appreciate the opportunity to work with EPA as the process of 24(c) requests is reviewed. Individually, regionally and collectively, NASDA members have knowledge and expertise that may offer an additional or perhaps unique perspective on this topic. So, if at any time we can be of assistance, please don't hesitate to contact NASDA staff (Aline DeLucia, aline.delucia@nasda.org).

Sincerely,

Barbara P. Glenn

Barbara P. Glenn, Ph.D.
Chief Executive Officer

ED_002642_00076107-00011