

FEDERAL AND STATE PESTICIDE MATTERS – NOVEMBER 2019

PISTACHIOS

Please review the following summary of current federal and state pesticide matters. Should you have any questions or concerns about anything, [contact us](#).

CURRENT TOPICS:

MAXIMUM RESIDUE LEVEL UPDATE

- **MAXIMUM RESIDUE LEVEL UPDATE – THAILAND**
 - Thailand has recently taken rapid action and voted to ban Glyphosate, Paraquat, and Chlorpyrifos. This vote classifies these three substances as “type 4.” Type 4 substances are banned for domestic sale and use, and residues of these substances are banned on food. **Specifically, the MRL for these three substances will drop to 0.00 ppm.** The Royal Thai Government set an implementation deadline of December 1, 2019.
 - The U.S. tolerance for the use of Glyphosate in Pistachios is 1.0ppm. The California Department of Pesticide Regulation reported that in 2017 Glyphosate and its salts were applied to 392,611 acres of Pistachios.
 - The U.S. tolerance for the use of Paraquat in Pistachios is 0.05ppm. The California Department of Pesticide Regulation reported that in 2017 Paraquat were applied to 84,066 acres of Pistachios.
 - The U.S. does not maintain a tolerance for the use of Chlorpyrifos in Pistachios.
- **MAXIMUM RESIDUE LEVEL UPDATE – KOREA**
 - Korea is proposing to establish a new MRL in Cyclaniliprole in the Tree Nut group of 0.04ppm. The U.S. tolerance for the use of this chemical in the Tree Nut Crop Group 14-12 is 0.03ppm. The California Department of Pesticide Regulation database did not report any usage for this chemical in 2017, the most recently available crop year.
- **MAXIMUM RESIDUE LEVEL UPDATE – EU**
 - The European Member States recently voted against the renewal of the authorization of Thiacloprid. The non-renewal will be finalized in the coming weeks. Currently, this non-renewal only applies to the use of the substance in the EU and does not change the MRLs. Historically, however, it is to be noted that following a

non-renewal of a substance, there has been significant lowering or deletion of MRLs for non-renewed substances. The U.S. tolerance does not maintain a tolerance for the use of Thiacloprid in pistachios.

FEDERAL

- **EPA Establishes Tolerances for Residues of Fenpyroximate**
 - In a December 5, 2019, *Federal Register* notice, EPA announced it was establishing tolerances for residues of the pesticide fenpyroximate in or on multiple commodities including **tree nut** (group 14-12) at 0.10 ppm as requested by Interregional Research Project Number 4.
 - Comments must be received on or before **February 3, 2020**.
 - Additional information is available by entering the Docket # EPA-HQ-OPP-2018-0162/ FRL-10002-00 in the "Search" box at www.regulations.gov.
 - To view the *Federal Register* notice, please click [here](#).

- **EPA Announces Preliminary Work Plans for Pyrimethanil and Saflufenacil**
 - In a November 20, 2019, *Federal Register* notice, EPA announced the availability of EPA's preliminary work plans for pyrimethanil and saflufenacil. EPA also announced the availability of EPA's draft ecological risk assessment for pyrimethanil with a 60-day public comment period on the draft risk assessment.
 - Comments must be received on or before **January 21, 2020**.
 - Additional information is available by entering the Docket # EPA-HQ-OPP-2017-0720 / FRL-10001-76 in the "Search" box at www.regulations.gov.
 - To view the *Federal Register* notice, please click [here](#).
 - In 2017, 51,756 acres of **pistachios** were treated with pyrimethanil.
 - In 2017, 139,040 acres of **pistachios** were treated with saflufenacil.

- **EPA Releases Draft Human Health & Ecological Risk Assessments for Several Pesticides**
 - In a November 18, 2019, *Federal Register* notice, EPA announced the availability of EPA's draft human health and/or ecological risk assessments for the registration review of several pesticides, including boscalid and s-metolachlor.
 - Comments must be received on or before **January 17, 2020**.
 - Additional information is available by entering the Docket # EPA-HQ-OPP-2017-0720 / FRL-10001-69 in the "Search" box at www.regulations.gov.
 - To view the *Federal Register* notice, please click [here](#).
 - In 2017, 8,859 acres of **pistachios** were treated with boscalid.

- **EPA Receives Application for Registration of Indoxacarb**
 - In a December 11, 2019, *Federal Register* notice, EPA announced it received an application to register the insecticide indoxacarb on various commodities including **tree nut** group 14-12 as requested by FMC Corporation.
 - Comments must be received on or before **January 10, 2020**.

- Additional information is available by entering the Docket # EPA-HQ-OPP-2019-0045 / FRL-10002-31 in the “Search” box at www.regulations.gov.
 - To view the *Federal Register* notice, please click [here](#).
- **EPA Receives Application for Registration of Pseudomonas Fluorescens Strain (Reminder)**
 - In an October 25, 2019, *Federal Register* notice, EPA announced it received an application to register the herbicide *pseudomonas fluorescens* strain ACK55 at 100% for suppression of cheat grass, downy brome, medusahead, and jointed goat grass through use as a seed treatment or a spray in various areas including those with **tree nuts**.
 - This regulation is effective November 12, 2019. Objections and requests for hearings must be received on or before **January 13, 2020**.
 - Additional information is available by entering the Docket # EPA-HQ-OPP-2019-0039/ FRL-10001-13 in the “Search” box at www.regulations.gov.
 - To view the *Federal Register* notice, please click [here](#).
- **EPA Proposes Amendments to the Agricultural Worker Protection Standard (Reminder)**
 - In a November 1, 2019, *Federal Register* notice, EPA announced it was proposing changes to the Agricultural Worker Protection Standard (WPS) to simplify the application exclusion zone (AEZ) requirements. EPA is proposing to clarify and simplify the AEZ requirements based in part on input received as part of EPA's outreach efforts with state lead agencies and various stakeholders after the 2015 rule and through the Regulatory Reform Agenda process.
 - EPA is proposing to make the following revisions:
 - To amend the AEZ requirements in the 2015 WPS rule to limit the AEZ to the boundaries of the agricultural establishment;
 - To revise the provisions related to handlers suspending and resuming applications, and the presence of persons on the agricultural establishment during application who are not under the control of the owner or agricultural employer;
 - To simplify the criteria for determining the AEZ distances for outdoor applications based on application method; and
 - To amend the AEZ requirements for owners of agricultural establishments and their immediate family members by expanding the existing exemption.
 - Comments must be received on or before **January 30, 2020**.
 - Additional information is available by entering the Docket # EPA-HQ-OPP-2017-0543/FRL-9995-47 in the “Search” box at www.regulations.gov.
 - To view the *Federal Register* notice, please click [here](#).

STATE

- **Section 3 Registration for Sequoia CA (Sulfoxaflor)**

- On December 6, 2019, DPR announced a Section 3 registration for Sequoia CA, active ingredient sulfoxaflor, used for the control of insects such as aphids, leafhoppers, and silverleaf whitefly on various crops including **pistachios**.
- **Conditional Section 3 Registration for Employ (Harpin Protein)**
 - On November 22, 2019, DPR announced a proposed Conditional Section 3 Registration for Employ, active ingredient harpin protein, a nematicide and insect growth regulator for the suppression of nematode egg production in **tree nut** crops, as requested by Plant Health Care Incorporated.
- **CARB Meeting on Communities Selected for Community Air Protection Program**
 - On December 12, 2019, the California Air Resources Board (CARB) conducted a public meeting to consider selecting additional communities under the Community Air Protection Program, which requires CARB to annually consider selection of communities within which community air monitoring systems and/or community emissions reduction programs will be developed and implemented. In September 2018, CARB's Governing Board selected the first ten communities.
 - At this December public meeting, CARB considered staff's recommendations for additional communities for selection in 2019. CARB staff's recommendation is based on a number of factors including the Board's prior direction in 2018, community nominations received in 2019, lessons learned from the initial ten communities, and funding levels provided by the legislature for Program implementation.
 - Within one year after the selection of additional communities, air districts will be required to adopt community emissions reduction programs.
 - Additional information about the Community Air Protection Program is available at: <https://ww2.arb.ca.gov/our-work/programs/community-air-protection-program>.
 - A copy of this public notice is available [here](#).