



MEMBER SERVICES

FEDERAL AND STATE PESTICIDE MATTERS – DECEMBER 2020

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

No new information to report.

FEDERAL

- **EPA Receives Petition to Establish Tolerances for Residues of Glufosinate Ammonium**
 - In a December 21, 2020, *Federal Register* notice, EPA announced receipt of several initial filings of pesticide petitions requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities, including a request to establish a tolerance for residues of the herbicide, glufosinate ammonium or on various crops, including **pistachio** at 0.10 ppm, as requested by Interregional Research Project No. 4 (IR-4).
 - Comments must be received on or before **January 20, 2021**.
 - Additional information is available at <http://www.regulations.gov> by entering Docket #EPA-HQ-OPP-2020-0053 / FRL-10016-93 in the "Search" box.
 - To view the Federal Register notice, please click [here](#).

- **EPA Releases Draft Biological Evaluation for Glyphosate**
 - In a November 27, 2020, *Federal Register* notice, EPA announced the availability of its interim registration review decision for glyphosate.
 - On January 12, 2021, EPA announced it was extending the public comment period an additional 45 days.
 - EPA is conducting its registration review of glyphosate pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Procedural Regulations for Registration Review, which require that the registrations of pesticides are to be reviewed every 15 years.
 - EPA followed its March 2020 Revised Method for National Level Listed Species Biological Evaluations of Conventional Pesticides to conduct this biological evaluation. As such, EPA used the best-available science, including advanced

exposure modeling techniques to estimate exposures to plants in various environments, such as wetlands.

- EPA's draft biological evaluation for glyphosate includes an effects determination for listed species and designated critical habitats and finds that glyphosate is likely to adversely affect a significant percent of endangered species and critical habitats. In order to make its "likely to adversely affect" determination, EPA evaluates whether an individual of a listed species is "reasonably expected" to be exposed to the pesticide at a sufficient level that it will have an effect, and whether that effect will be adverse. The agency will accept public comments on its draft evaluation for 60 days following its release and then will finalize the evaluation.
 - Comments must be received on or before **March 12, 2021**.
 - In its proposed interim registration review decision for glyphosate, EPA is proposing spray drift management measures (e.g., release height, droplet size, and wind speed restrictions) to reduce off-site exposure to non-target wildlife. EPA is also proposing weed resistance management labeling (e.g., information on mode of action, scouting instructions, and reporting instructions for weed resistance) to preserve glyphosate as a valuable tool for growers.
 - Additional information is available at <http://www.regulations.gov> by entering Docket # EPA-HQ-OPP-2020-0585 in the "Search" box.
 - To view a copy of the draft biological evaluation, please click [here](#).
 - To view the *Federal Register* notice, please click [here](#).
- **EPA Proposes New Safety Measures for Chlorpyrifos (Reminder)**
 - In a December 7, 2020, *Federal Register* notice, EPA announced the availability of EPA's proposed interim registration review decision for chlorpyrifos, revised draft human health risk assessment and ecological risk assessment for chlorpyrifos.
 - The draft risk assessments are an extensive evaluation of available data on chlorpyrifos's health and environmental impacts. EPA is proposing:
 - Label amendments limiting application to address potential drinking water risks of concern.
 - Additional personal protection equipment and application restrictions to address potential occupational handler risks of concern.
 - Spray drift mitigation, in combination with the use limitations and application restrictions identified to address drinking water and occupational risks, to reduce exposure to non-target organisms.
 - Comments must be received on or before **February 5, 2021**.
 - EPA will also consider the input and recommendations from the September 2020 FIFRA Scientific Advisory Panel (SAP) meeting once it releases the report in December 2020. Depending on the SAP's conclusions, EPA may further revise the human health risk assessment. After a review of the best available science and consideration scientific peer review and public comments, EPA will then determine next steps in the registration review process for chlorpyrifos.
 - Additional information is available by entering the Docket # EPA-HQ-OPP-2017-0725/ FRL-10017-13 in the "Search" box at www.regulations.gov.
 - To view the *Federal Register* notice, please click [here](#).

STATE

- **Section 3 Registration for Veto 30 SC Miticide (Acequinocyl)**
 - On January 13, 2021, DPR announced a Section 3 registration for Veto 30 SC Miticide, active ingredient acequinocyl, a miticide used for the control of mites such as pacific mites, two-spotted mites, and willamette spider mites on various crops including **tree nuts**. The Section 3 registration is made at the request of Arysta LifeScience North America, LLC.

- **CARB to Consider 2020 Area Designations for Ambient Air Quality Standards**
 - In a January 6, 2021 announcement, CARB will conduct a public hearing at the date and time noted below to consider adoption of the proposed 2020 amendments to the regulations designating areas of California as Attainment, Nonattainment, Nonattainment-Transitional, or Unclassified for pollutants with State ambient air quality standards.
 - During the annual review, CARB determines whether changes to the existing area designations are warranted based on an evaluation of recent air quality data. The proposed amendments to the area designations classify the air quality in communities as to whether it meets the State standards. Depending on the proposed changes to an area's designation, the local air quality management district or air pollution control district (district) may be required to adopt and submit a plan to correct for deficiencies in meeting the State standards for ozone, carbon monoxide, nitrogen dioxide, and sulfur dioxide.
 - The annual review and update of the area designations gives the public, businesses, and government an indication of whether the health-based standards are being met. This information allows the public to make more educated decisions regarding personal health and residency, as well as participation in outdoor activities. In addition, businesses and government are given the opportunity to make informed decisions regarding worker health and safety.
 - The meeting will be held on **February 25, 2021** at 9:00am.
 - Written comments not submitted during the hearing must be submitted on or after January 8, 2021 and received no later than **February 22, 2021**.
 - To view the CARB announcement, please click [here](#).

- **Newsom Proposes to Raise Pesticide Fees**
 - In Newsom's proposed budget, he proposes to amend the system to collect pesticide fees.
 - DPR proposes to replace the current flat-fee mill assessment on pesticide sales with a risk-based tiered mill assessment, where higher toxicity pesticides are assessed a higher fee.
 - The increased fees are proposed to be used to cover various pesticide programs, pesticide enforcement activities, pesticide air monitoring, community engagement and the DPR Fund.
 - The budget proposal may be found [here](#).

- **Kern County Agricultural Commissioner Opposes Shafter Community Notification Pilot Program**
 - In recent letters back and forth between the Director of the Department of Pesticide Regulation and the Kern County Agricultural Commissioner, a disagreement has arisen regarding the appropriateness of a community pesticide notification pilot program in Shafter.
 - DPR is requiring the Kern CAC to establish a pilot program that would inform the community of Shafter and those within 7 miles of Notices of Intent for the use of pesticide products containing 1,3-D, Chloropicrin, or MITC; this information would be required to be published online. DPR is also requiring the Kern CAC to submit regular reports to DPR of these notices.
 - The Kern CAC responded that he believes this pilot program is heavy handed and not an efficient method to provide the community with information regarding pesticide use. He cited a community notification pilot program in Monterey County. He additionally believes that the notifications to the community would cause confusion and additional enforcement and monitoring work for his office.
 - Growers are already required to provide grower to grower notification, and the Kern CAC believes there are better ways to inform the community other than online.
 - More information on this dispute may be found [here](#).