

Pesticide Inspector Residential Training

Compliance Workshop for EPA's Endangered Species Strategies

Sonesta Philadelphia Rittenhouse Square, 1800 Market St., Philadelphia, PA 19103

September 18-19, 2024

Overview of Workshop: Determining Compliance with Endangered Species Act (ESA) Strategy Requirements

Pesticide regulatory agencies' inspection and compliance programs will be responsible for determining how pesticide applicators are implementing and complying with the ESA Strategy pesticide use requirements. Guidance and information on how to conduct inspections and determine compliance is needed by EPA and co-regulators (states, territories, and Tribes) to ensure successful implementation of the ESA Strategies.

This workshop will be an initial step towards forming a consistent and robust approach for monitoring compliance with pesticide use requirements related to EPA's ESA Strategies. The workshop will focus on inspection processes for documenting pesticide applicators' compliance with the EPA ESA Strategies as they become implemented.

Participants will be asked to work together to identify issue areas and form recommendations for monitoring compliance with the run-off/erosion and drift mitigation measures, which are the core of the ESA Strategies. We will work in small groups with facilitators and note-takers. We will provide a report to SLAs and EPA after the workshop is complete. There will not be a virtual component to the workshop.

Participant Expectations

Participants will be asked to bring examples of cases and inspections that are pertinent to this issue. Experience with collecting evidence to monitor compliance with existing pesticide drift and runoff/erosion mitigations will be especially important in advancing workshop topics. Examples of state regulations that may assist or conflict with these inspections will also be important to discuss. Participants are encouraged to review existing Enlist Duo labels and proposed Dicamba labels (Pesticide Product Registration: Application for New Use, Dicamba and S-metolachlor, Docket Number EPA-HQ-OPP 2024-0154) prior to the workshop.

Participants are expected to review the Finalized Herbicide Strategy and Draft Insecticide Strategy prior to the workshop and identify types of documentation and inspection methods necessary to determine compliance with the measures established or proposed in the ESA Strategies. Familiarity with these provisions prior to the workshop will make the time we work together more productive. There are no plans for an overview or update on these strategies as part of the workshop agenda.

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Agenda Outline

Wednesday, September 18, 2024

- 8:00 am Welcome and Introductions
- 8:30 am Establish small groups and process of the workshop
- 9:00 am Brief overview: EPA's Office of Compliance approach to ESA Strategy Compliance Guidance Development
- 9:30 am Brief overview: EPA's Office of Civil Enforcement perspective on ESA Strategy Compliance Programs
- 10:00 am Break
- 10:30 am Topic 1: Runoff/Erosion Mitigation Measures
Determining compliance with Directions for Use that include surface water runoff or soil erosion mitigation requirements
- 12:00 noon Lunch (on your own)
- 1:00pm Resume and wrap up IEM
- 2:00 pm Topic 2: Drift Mitigation Measures
Determining compliance with drift mitigation measures being included on labels as part of the ESA Strategies
- 3:30 pm Break (snacks provided)
- 4:00 pm Resume and wrap up Drift Mitigation
- 5:00 pm Adjourn

Thursday, September 19, 2024

- 8:00 am Topic 3: Bulletins Live Two
Determining compliance with the requirement to review BLT and the requirements in place at the site and time of an application for use sites, and needed improvements to BLT
- 10:00 Break
- 10:30 Resume and wrap up BLT
- 11:00 Review, Workshop Conclusion, Evaluations
- 12:30 Adjourn

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Suggested questions to guide discussion

Topic 1: Runoff/Erosion Mitigation

- Are definitions establishing runoff/erosion mitigation measures sufficient?
- What information is needed to determine compliance?
- What documentation can be collected as part of an inspection for runoff/erosion measure implementation?
- What records can be collected to determine compliance?
- How to determine whether mitigation measures such as cover cropping were used.

Topic 2: Drift Mitigation

- Are drift mitigation definitions sufficient to be enforceable?
- What information is needed to determine compliance?
- What documentation can be collected as part of an inspection for these drift mitigation measures?
- What records can be collected to determine compliance?

Topic 3: BLT

- Is proposed BLT language consistent with label language?
- What documentation can be collected as part of an inspection for BLT requirements?
- What records can be collected to determine compliance?
- From a compliance standpoint, are there suggested improvements to BLT?