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Happenings on the Hill by Glenn Luedke

LOOKING TO WHAT'S AHEAD FOR 2020

FIFRA educational efforts for Congressional staff and working closely with the House Ag Committee on upcoming pesticide restriction bills are key efforts that NAICC will tackle in 2020. It is also necessary to expand interaction with Natural Resource, Science and Energy committees in the Congress.

In late January, EPA and the U.S. Army Corps of Engineers announced the replacement of the 2015 Waters of the United States (WOTUS) regulation with a new Clean Water Act rule. The change brings much-needed clarity and certainty to the enforcement of the Clean Water Act. The new rule does not alter the federal jurisdiction of permanent waterways such as lakes, rivers, streams and other bodies that usually contain water. However, the new rule draws clear lines indicating that usually dry areas should no longer be considered federal waterways, but would continue to be subject to State jurisdictions.

In early January 2020, Rick Keigwin, EPA Director of Pesticide Programs announced several possible changes that would have an effect on agriculture. The possible changes include:

- Chlorpyrifos: EPA and registrants are discussing possible registration changes to better estimate runoff levels into water resources
- Glyphosate: EPA issued a final decision for registration -see additional information below. EPA concluded that the chemistry is not a carcinogen.
- Neonicotinoids: EPA will release its proposed decisions for public comment in early 2020.
- Pyrethroids: In late 2019, EPA released a proposed interim decision for five pyrethroids and an ecological risk mitigation strategy for all pyrethroids which addressed the potential risk to aquatic invertebrates. Public comment ended in mid-January 2020, but there will be other public comment periods announced. The plan is to have final decisions later this year.
- Atrazine: EPA doesn't plan much change for crop uses, but does propose to add protection equipment to protect workers, mandatory label directions for spray drift management and reduce weed resistance risk. EPA does plan to reduce the maximum rate for turf applications.
- Dicamba: EPA will decide in 2020 whether the registration for new dicamba products remain or are modified further for the 2021 season. Current registrations will expire at the end of this year if EPA doesn't renew them.
- Hemp: EPA approved 10 pesticides for use in hemp, nine biopesticides, and one that is considered conventional. The challenge now for EPA is to find data needed for approving the pesticides that require tolerance levels for potential use in hemp.

Application Exclusion Zone Requirements: The National Association State Departments of Agriculture (NASDA) submitted comments to EPA approving its revisions to Application Exclusion Zone Requirements. Comments outlined the importance of clearly defined regulations, flexibility

for farm operators and assured safety for farm workers. The proposed revisions are designed to clarify Application Exclusion Zone requirements and changes and in turn, create more consistency for pesticide operators.



EPA FINALIZES GLYPHOSATE MITIGATION

Heads up that EPA has concluded its regulatory review of glyphosate—the most widely used herbicide in the United States. After a thorough review of the best available science, as required under the Federal Insecticide, Fungicide, and Rodenticide Act, EPA has concluded that there are no risks of concern to human health when glyphosate is used according to the label and that it is not a carcinogen.

These findings on human health risk are consistent with the conclusions of science reviews by many other countries and other federal agencies, including the U.S. Department of Agriculture, the Canadian Pest Management Regulatory Agency, the Australian Pesticide and Veterinary Medicines Authority, the European Food Safety Authority, and the German Federal Institute for Occupational Safety and Health.

The agency is requiring additional mitigation measures to help farmers target pesticide sprays to the intended pest and reduce the problem of increasing glyphosate resistance in weeds.

Glyphosate has been studied for decades and the agency reviewed thousands of studies since its registration. Glyphosate is used on more than 100 food crops, including glyphosate-resistant corn, soybean, cotton, canola, and sugar beet. It is the leading herbicide for the management of invasive and noxious weeds and is used to manage pastures, rangeland, rights of ways, forests, public land, and residential areas. In addition, glyphosate has low residual soil toxicity and helps retain no-till and low-till farming operations.

More information on glyphosate and EPA's interim decision is available at www.epa.gov/ingredients-used-pesticide-products/glyphosate

Background

EPA uses interim decisions to finalize enforceable mitigation measures while conducting other longer-term assessments, such as an endangered species assessment. EPA will next complete a draft biological evaluation for glyphosate, which is anticipated for public comment in Fall 2020.

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