

PESTICIDE REPORTS

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EPA TAKES NEXT STEP TO KEEP CHLORPYRIFOS OUT OF FOOD, PROTECTING FARMWORKERS AND CHILDREN'S HEALTH

Today, as part of the Biden-Harris Administration's commitment to protect human health, including that of children and farmworkers, the U.S. Environmental Protection Agency (EPA) is taking the next step to discontinue use of the pesticide chlorpyrifos on food by denying objections to EPA's rule revoking all chlorpyrifos tolerances.

"Today's action shows how EPA continues to put the health and safety of the public first, particularly that of children and farmworkers" **said Assistant Administrator for the Office of Chemical Safety and Pollution Prevention Michal Freedhoff.** "After more than a decade of studying a large body of science, EPA is taking the next step towards the cancellation of the use of chlorpyrifos on food."

[In August 2021](#), EPA issued a final rule revoking all tolerances — which establish an amount of a pesticide that is allowed on food — for chlorpyrifos. Previously, chlorpyrifos was used for a large variety of agricultural uses, including soybeans, fruit and nut trees, broccoli, cauliflower, and other row crops. It has been found to inhibit an enzyme, which leads to neurotoxicity, and has also been associated with potential neurodevelopmental effects in children.

EPA issued the August 2021 final rule in response to the [Ninth Circuit Court's order](#) directing the agency to issue a final rule in response to Pesticide Action Network North America and Natural Resources Defense Council's 2007 petition. This petition requested that EPA revoke all chlorpyrifos tolerances because they were not safe.

In issuing the final rule, EPA found it could not determine that there is a reasonable certainty of no harm from aggregate exposure to chlorpyrifos — including food, drinking water, and residential exposure — based on available data and considering its registered uses. EPA's evaluation indicated that registered uses of chlorpyrifos result in exposures exceeding the safe levels of exposure, and thus have the potential to result in adverse effects.

After issuing the August 2021 final rule and consistent with the Federal Food, Drug and Cosmetic Act, EPA provided an opportunity for any person to file an objection to any aspect of the final rule and request a hearing on those objections. The deadline for all objections and hearing requests was Oct. 29, 2021. The concerns raised in the objections include the scope of the revocation of tolerances, economic and environmental impacts of the revocation, and the implementation timeframe.

Under today's action and after careful consideration, EPA is denying all objections, hearing requests, and requests to stay the final rule filed during the period for submitting responses to the final rule. EPA will also provide a copy of its response to objections and the accompanying order in the chlorpyrifos final rule docket [EPA-HQ-OPP-2021-0523](#) at www.regulations.gov.

In addition to the response to objections, EPA has issued letters to the registrants of chlorpyrifos products with food uses confirming revocation of the tolerances and indicating cancellation and label amendment options. These options include the ability for registrants to submit registration amendments to remove food uses from product labels or submit a voluntary cancellation for products where all uses are subject to the tolerance revocation. For questions related to disposal of chlorpyrifos, please visit [Frequent Questions About the Chlorpyrifos 2021 Final Rule](#).

For registrations not voluntarily cancelled, EPA intends to issue a [Notice of Intent to Cancel](#) under the Federal Insecticide, Fungicide and Rodenticide Act to cancel registered food uses of chlorpyrifos associated with the revoked tolerances.

Chlorpyrifos use has been in decline due to reduced production and restrictions at the state level. A number of other countries, including Canada and the European Union, and some states, including California, Hawaii, New York, Maryland and Oregon, have taken similar actions to restrict the use of this pesticide on food. Additionally, alternative pesticides have been registered in recent years for most crops. There are also other insecticides and insect growth regulators available to control certain target pests. EPA is committed to reviewing replacements for and alternatives to chlorpyrifos.

This action will be incorporated into the ongoing registration review of chlorpyrifos. EPA is continuing to review the comments submitted on the chlorpyrifos [proposed interim decision](#), [draft revised human health risk assessment](#), and [draft ecological risk assessment](#). These documents are available in the chlorpyrifos registration review docket [EPA-HQ-OPP-2008-0850](#) at www.regulations.gov.

After considering public comments, EPA will proceed with registration review for the remaining non-food uses, which may propose additional measures to reduce human health and ecological risks. More information on the registration review process is available [here](#).

Separately, on Feb. 9, 2022, the Food and Drug Administration (FDA) released specific guidance consistent with the channels of trade provision to address questions related to treated commodities with chlorpyrifos residues, including imported foods. [Visit FDA's website for additional information and to read the guidance.](#)

[More information about chlorpyrifos and the response to objections is available on EPA's website.](#) (EPA, February 25, 2022) <https://www.epa.gov/newsreleases/epa-takes-next-step-keep-chlorpyrifos-out-food-protecting-farmworkers-and-childrens>

EPA ISSUES NOTICE OF PROPOSED RULEMAKING TO FURTHER EXTEND CERTIFICATION OF PESTICIDE APPLICATORS RULE DEADLINE

Today, the U.S. Environmental Protection Agency (EPA) issued a proposed rule seeking public comment on the need to extend the deadline up to but no longer than November 4, 2024 for states, territories, tribes and federal agencies with existing certification plans to comply with the updated federal standards under the [2017 Certification of Pesticide Applicators rule](#).

The 2017 Certification of Pesticide Applicators final rule set stronger standards for people who apply restricted use pesticides (RUPs) and required that states, territories, tribes and federal agencies with existing certification plans submit proposed modifications by March 4, 2020, to comply with the updated federal standards. In December 2021, EPA issued an interim final rule [extending the existing plans' expiration deadline](#) from March 4, 2022, to November 4, 2022, due to the impact of the COVID-19 public health emergency, the complexity of plans, and the need for careful review of program-specific issues and questions.

EPA is requesting comments on the potential need to further extend the expiration date of existing certification plans which would allow for certifying authorities that need more time to respond to EPA comments and prepare approvable certification plans. Also, EPA will have more time to work with the certifying authorities to assure that their proposed certification plan modifications meet current federal standards without interruption to Federal, State, territory, and tribal certification programs or to those who are certified to use RUPs under those programs.

EPA has reviewed all proposed plan modifications and is making progress on sending agency comments to certifying authorities (states, territories, tribes and other federal agencies). To date, EPA has completed 55 final reviews of the 68 plans submitted by certifying authorities.

Comments submitted on the interim final rule and on this proposed rule will be used to inform a further extension. The comment period for the proposed rule is open for 30 days in docket [EPA-HQ-OPP-2021-0831](#) at www.regulations.gov.

(EPA, February, 7,2022)
<https://www.epa.gov/pesticides/epa-issues-notice-proposed-rulemaking-further-extend-certification-pesticide-applicators>

EPA IMPROVES ONLINE APPLICATION TO PROTECT ENDANGERED SPECIES

The U.S. Environmental Protection Agency (EPA) has released an improved version of Bulletins Live! Two (BLT), an online application for Endangered Species Protection Bulletins. BLT describes geographically specific pesticide use limitations to protect threatened and endangered species and their designated critical habitat.

Pesticide applicators are required to reference the BLT website when directed by a product label and follow the use limitations for the intended application area, pesticide active ingredient or product, and application month.

The updated BLT system offers the following new capabilities that enable users to more easily find the information they need for a particular pesticide product. The updates include:

- Faster load and search times by connecting directly to EPA's Pesticide Product Label System;
- A modernized user interface with higher resolution basemaps;
- Increased compatibility with more web browsers; and
- A simplified search function with clarified instructions for searching by registration number.

To learn more:

[Bulletins Live! Two Website](#)

[New Tutorial](#)

(EPA February 17, 2022)

<https://www.epa.gov/pesticides/epa-improves-online-application-protect-endangered-species>

GLYPHOSATE SUPPLY ALERT

Agrichemical giant Bayer is alerting retail partners the company may not be able to fill some glyphosate contracts this spring, due to a supplier's manufacturing problem.

According to letters sent from the company that DTN has obtained, Bayer is declaring this a "force majeure" event, a term used to describe an uncontrollable event that prevents a party from fulfilling a contract. The situation could leave some farmers who are awaiting glyphosate deliveries on shaky ground.

The letters, sent out late last week, are signed by Udo Schneider, global head of active ingredient manufacturing for Bayer. They state an undisclosed supplier of a key raw material for glyphosate production experienced a "mechanical failure" at its manufacturing plant. "As of now, given the supplier notification, we expect repairs of this production line to take around three months," Schneider wrote.

"As a result of this force majeure event, Bayer's ability to supply its customers with glyphosate or glyphosate-containing products as agreed upon in certain agreements or under accepted purchase orders has been impacted," the letter added.

A Bayer spokesperson confirmed in an email to DTN the letters are legitimate and are the result of a supplier's manufacturing problem, "which may have some short-term impacts on our production of the active ingredient to manufacture glyphosate." The Bayer statement stressed the situation should be temporary.

"Our supplier is on track to restore production, we've sourced additional materials and made other mitigation efforts to help best manage this situation," Bayer statement read. "We expect any impact to be marginal in terms of our annual glyphosate production."

The situation comes at a particularly challenging time for farmers as they approach the spring spray season, as glyphosate and other ag chemicals were already in extremely tight supply, with skyrocketing prices.

See more on that situation from DTN here: [https://www.dtnpf.com/...](https://www.dtnpf.com/)

DTN will continue to follow up on the situation and its impact on glyphosate deliveries this spring.

(Progressive Farmer, February 14, 2022)

<https://www.dtnpf.com/agriculture/web/ag/crops/article/2022/02/14/bayer-warns-retailers-glyphosate>

THE LURKING BED BUG DANGERS THE PANDEMIC HAS CREATED FOR THE RENTAL COMMUNITY

As part of the legislative protections that were passed to help citizens during COVID-19, The CARES Act was passed by Congress to ensure renters were not being evicted for failing to pay rent. Many states and local governments have similar companion legislative pieces that support the people in those jurisdictions.

But the fact that more people were staying at home, especially during 2020, may have helped bed bug infestations to increase in apartment settings because many renters during that period weren't comfortable with having someone in their home. The dangers of COVID-19 were relatively unknown at the start of the pandemic, so most families didn't have relatives visit, much less pest control technicians.

One of the biggest issues apartment management companies face throughout the pandemic is that the cost of bed bug treatments is not minimal, so not all tenants expect to be able to cover that fee when trouble arises.

Andrew Davitt, B.C.E, is the Corporate Commercial Pest Services Manager for Alabama-based Cook's Pest Control. One of the largest pest management firms in the country, Cook's does quite a bit of bed bug work in not only Alabama but also in Mississippi, Tennessee, Georgia, and Florida.

"Bed bug treatments can be pretty expensive and not every lease that people have covers it," Davitt says. "They will make the renter cover it and a lot of times the renter can't afford it. In the corners, on the walls, it can be pretty bad if left unchecked.

"That also definitely happens you get an apartment that nobody's been in for a while and the tenant leaves, and you can get some pretty intense infestations. Then you have to strip the room down and take all the furniture out.

Thomas Sieminski, M.A., is President of Sayville, New York-based Team Pest Control, which does a lot of bed bug work and has experience with rental units.

He says that educating the renters is tremendously important in ensuring a bed bug problem doesn't become a full-blown infestation. It feels natural to him as a former high school biology and chemistry teacher.

"Rent protection has been a double-edged sword," he says. "Not many people are moving and not many people are complaining about bed bug issues.

"When (rent protection) ends there will be an increase in work, no doubt. In order to be proactive, I offer property managers a free lecture on bed bug management protocols, strategies and overall knowledge to help them prepare for what's coming later."

According to Kyle Kromer, Multi-Housing Operations Manager for Minnesota-based Plunkett's Pest Control, bed bug issues can vary for a number of reasons.

"There is no surefire way to know at this time how many untreated infestations there are. One gauge is surrounding units in a multi-housing setting. We are very successful in finding 'source' units when inspecting our surrounding units as the 'source' unit is typically not the unit that reports the infestation(s) initially.

"In single-family home rentals, owners may end up with extensive infestations of pests that have gone unreported. Plunkett's firmly believes in implementing quarterly proactive bed bug inspections for sites that have ongoing or extensive bed bug infestations or are high-risk of non-reported bed bug issues; as well as move-in/move-out inspections."

(PCT Online February 17, 2022)

<https://www.pctonline.com/article/lurking-bed-bug-danger-pandemic-created/>

ONE LESS WEED CONTROL TOOL AVAILABLE TO FARMERS

In light of the Environmental Protection Agency's recently announced new policy and priorities for Endangered Species Act review of new conventional pesticide active ingredients, BASF submitted a voluntary request to cancel its Tirexor herbicide registrations on February 14, but plan to reapply in the near future. The EPA approved trifludimoxazin last year for nationwide use on corn, soy and many other fruit, nut and vegetable crops.

The Center for Food Safety and Center for Biological Diversity touted the action as a direct response to the conservation groups' December 2021 [filings](#) seeking to have the federal court overturn EPA's registration of the pesticide.

After the public comment period closes and the registrations are canceled by the EPA, BASF says it will apply for new Tirexor herbicide registrations. "This will allow Tirexor herbicide to be placed in the EPA priority queue for ESA review and the applications will go

through the EPA's new ESA policy,” says Miracle King-Wilson, spokesperson for BASF, in an email response. “The voluntary cancellations do not reflect any concerns by BASF about the safety or efficacy of Tirexor herbicide.”

BASF says it “remains committed to complete compliance with the law and to the health and safety of those who use and are exposed to our products. We view this process as the best way to assist EPA in meeting all legal requirements, particularly compliance with the ESA.”

In documents provided to EPA on the support of the new active ingredient trifludimoxazin, the American Soybean Association says trifludimoxazin is a Group 14, protoporphyrinogen-oxidase-inhibiting mode of action herbicide. While there are several documented weed varieties that have shown resistance to Group 14 herbicides, ASA was pleased to learn trifludimoxazin may have unique PPO-binding properties that would make it an effective management tool for weed populations that have developed resistance to other PPO-inhibiting chemistries.

“This effectiveness against other PPO-resistant weed populations, coupled with trifludimoxazin’s tank mix and rotational potential – allowing the layering of chemistries with multiple MOAs – would make this a useful chemistry for soybean growers,” their comments noted. “Of additional benefit is trifludimoxazin’s ability to control and suppress a variety of both broadleaf weeds and grass species. Some chemistries target one weed type or the other, but trifludimoxazin’s ability to control both could reduce the operational costs of growers who otherwise may need multiple chemicals to address both needs.”

Wendy Brannen, ASA spokesperson, adds that the new ingredient was not currently used on soy farmers, however it was seen as a potential solution to herbicide-resistant weeds controlling a broad spectrum of existing herbicide-resistant weed varieties, as well as protecting against the emergence of new ones.

“We are certainly disappointed with this news, as trifludimoxazin has unique properties that could have been exceptionally useful for growers in dealing with

herbicide-resistant weed populations, which can better help growers protect their crops and maintain vital conservation practices, such as reduced tillage,” Brannen says. “It is disturbing that pesticide opponents are so aggressive in their efforts that it undermines the environmental sustainability of agriculture by forcing these types of outcomes, but we understand and appreciate the difficult decision the registrant has made.”

BASF says it is disappointed that availability of this valuable crop protection tool is delayed because EPA did not incorporate its ESA assessment into the initial registration process but appreciates that under EPA’s new approach the needed ESA assessment will be conducted.

“Growers continue to need solutions and technologies to control their toughest weeds, and Tirexor herbicide will be a valuable resistance management tool used to control PPO-resistant weeds,” King-Wilson adds. “BASF believes in the value herbicides add to farming operations across the country, which is why we will continue to invest in bringing these solutions to market in accordance with EPA regulatory requirements.”

Meanwhile, the Center for Food Safety and Center for Biological Diversity claims, “The EPA’s greenlighting of use of this pesticide on millions of U.S. acres last year came despite the agency’s acknowledgment that spray drift and runoff of trifludimoxazin are likely to cause damage to wild plants and animals. The EPA’s own analysis found that the pesticide is highly toxic to aquatic and terrestrial plants, with likely drift damage to plants more than 1,000 feet from a field’s edge.”

“Trifludimoxazin should never have been approved to begin with, but we are gratified BASF has recognized our case’s merit, capitulated and will remove its product from the market without further litigation,” says George Kimbrell, CFS legal director and counsel in the case. “The EPA and the pesticide industry have suffered a string of losses in recent years, and they don’t seem to want to lose another.”

(Southwest FarmPress, February 24, 2022)
<https://www.farmprogress.com/farm-policy/one-less-weed-control-tool-available-farmers>

PRIVATE EQUITY FIRM CLOSING IN ON DEAL FOR BAYER'S PEST CONTROL UNIT, BLOOMBERG REPORTS

As reported by [Bloomberg News](#), private equity group [Cinven](#) is nearing a deal to acquire Bayer AG's pest control business, according to people with knowledge of the matter.

According to Bloomberg News, Cinven beat out other investment firms for the Environmental Science Professional unit, the people said, asking not to be identified discussing confidential information. A deal could be announced as soon as the coming week, the people said.

[Bayer announced last February](#) its intent to divest the company's Environmental Science Professional business (ES) as part of "plans to accelerate the strategy implementation of its Crop Science division."

PCT reached out to Bayer representatives for comment.

Bayer representatives did not immediately return PCT's calls. (PCT Online February 28, 2022)

<https://www.pctonline.com/article/private-equity-firm-cinven-nears-deal-acquire-bayer-pest-business/>

PESTICIDE SUPPLY OUTLOOK

Ohio farmer Keith Peters' herbicide bill is more than double what he paid last year. Oklahoma farmer Zack Rendel is eyeing Liberty (glufosinate) price quotes almost five-fold what he paid last winter for the same chemistry.

Iowa farmer Jay Magnussen, who also works as an agronomist and purchasing manager for Archer Co-op, has been allocated only 20% of the glufosinate he ordered for the co-op, at more than double the wholesale price he paid last year. Glyphosate is in slightly better

supply, but with prices around \$60 per gallon, he has customers cutting back on its use.

"Most of my farmers have backed Roundup out of their corn program," said Magnussen, who farms near Paullina, Iowa. "When it was a \$4/acre-decision, it was easy. When it's a \$14/acre-decision, they'll try to get by without it. They will spray their corn as if it's conventional [non-GM]."

The issues that led to these widespread pesticide shortages are complex. Analysts point to continued pandemic production disruptions, labor shortages, shipping costs and delays and lingering effects from severe weather last year. What does seem clear is that the pesticide shortages and their accompanying price spikes are here to stay in 2022, DTN found in interviews with analysts, farmers, retailers and agrichemical companies.

Glyphosate and glufosinate remain the most affected active ingredients. Both are in high demand, with glyphosate remaining the base of many weed control programs and glufosinate now a post-emergence spray option for all the major herbicide-tolerant soybean varieties on the market. But, overall, year-over-year prices are up for most ag chemical active ingredients, including fungicides and insecticides.

As growers head into the spring, the risk of pesticide prices drifting even higher appears greater than the chances of them falling, said Sam Taylor, executive director of RaboResearch.

"That's largely because the downside risk is predicated on something unpredictable like a weather event limiting acreage or demand," Taylor explained. Farmers and retailers holding on to or even hoarding ag chemicals in greater amounts than are known could also be a price softening factor. But the factors keeping prices high -- shipping backlogs, labor disruptions hitting the ports, trucking industry and production facilities, China's continued zero-COVID policy -- are simply "more plausible impacts at this point," Taylor concluded.

Where does it end? China's zero-COVID policy, which is aimed at eradicating the virus and could continue to force sudden production facility shutdowns, remains the biggest known risk to future supplies, Taylor noted.

But most likely, sometime in 2023, the acute nature of current shortages should ease, and we could see an abrupt "bullwhip" effect of swinging from scarcity to abundance, he said.

"If retailers keep buying things up, and farmers hoard what they can, then all of the sudden, there will be a massive fall-off in prices when farmers have enough," he noted. "And that could happen in 2023."

GLUFOSINATE CRUNCH

Liberty registrant BASF told DTN the company is working to increase production and keep up with growing demand, while struggling to overcome the same supply chain chaos entangling most major industries right now.

BASF expected a 30% year-over-year increase in demand for its Liberty herbicide, based on the growing adoption of Enlist E3 and XtendFlex soybean varieties, which both tolerate over-the-top applications of glufosinate. "But that has been challenged by global supply shortages and disruptions, much of which is far outside BASF's control," said Robbie Upton, BASF's director of marketing for the U.S. Crop. "Raw materials, transportation logistics, pandemic-related delays -- all these are factoring in. Even though we planned for that increased volume, we see that it won't be possible to deliver all that we had hoped for because of those disruptions."

BASF is investing \$260 million into North American production capacity, Upton noted, with \$150 million of that dedicated to herbicide formulation and production. Specifically, the company is adding a new domestic formulation production site, expected to come online in the spring, and recently used 300 planes to move ingredients to North America from overseas, bypassing the seaport backlog, the company said in a media release.

But these efforts are unlikely to affect production of Liberty in time for the 2022 spray season, Upton noted. "I think it would be too optimistic to promise any kind of volumes for this growing season," he said. "But our anticipation is that it will be ready to go for the 2023 season."

At issue is glufosinate's heavy supply chain exposure to China, Taylor noted. "The pricing in the Chinese market, at the manufacturer level, is 100% up year-over-year," he noted. Add to that the inflated costs of shipping, land freight, and scarcity, and the result is customers facing soaring farm-gate prices, from \$100 per gallon up to \$130 per gallon, according to DTN's reporting. "Local retailers and smaller co-ops without the big purchasing power will have the most shortage of availability," Taylor warned.

For its part, Upton said BASF has worked hard not to raise its prices, and even left them flat last year, although they did have to increase them this year to cover the increased costs of accessing ingredients and transportation. "BASF certainly does not set retail pricing," he said. "I think the extreme price increases people are seeing are very much a function of supply and demand ... We're definitely not increasing prices at that level."

Magnussen said for now, he is holding back his 20% glufosinate allotment from his wholesaler, in the hopes that it will be available for his customers who need emergency weed escape clean-up applications in June. "If I sold Liberty to the first three guys who walked in, they would have taken my supply entirely," he said. "I guess maybe more will shake loose, but I can't know when exactly."

WHERE GLYPHOSATE GOES, THE MARKET FOLLOWS

In an emailed statement to DTN, Bayer warned that the pandemic and severe weather events of the past two years are likely to continue to challenge their industry throughout 2022 and beyond, with Roundup prices at the mercy of those global whims. "We price our Roundup agricultural herbicide dynamically, meaning that at any time, the price can track upward, or downward, based on

prevailing market prices both in China and within the U.S.," the company's statement noted.

Glyphosate has seen one of the biggest price hikes in Chinese markets, Taylor noted, up 177% year-over-year, but those prices have flattened out recently.

"Production is picking up a little bit in the North American market," he noted, after disruptions from Hurricane Ida in 2021. Magnussen said he was pleasantly surprised to get a final shipment of ordered glyphosate from his wholesaler a month earlier than predicted.

But farmgate prices remain stubbornly high, ranging from \$45 per gallon to as high as \$80 per gallon, according to DTN's reporting. And glyphosate's scarcity is pushing up the demand for other herbicide active ingredients, as farmers work to find alternatives, or beef up their burndown and preemergence applications.

"Glyphosate remains the big beast in the global room," Taylor noted. "When it is up materially, that reflects throughout the industry."

For example, demand for clethodim (found in products like Select Max), is up substantially, as soybean farmers in particular add it to their program to battle grasses in the absence of glyphosate, Magnussen noted. That chemical's prices in the Chinese manufacturing market were up 125% year over year, Taylor noted.

Likewise, Chinese manufacturer prices for other pre and postemergence options have jumped, including atrazine (up 120%) dicamba and 2,4-D (up 75%), acetochlor (up 150%), paraquat and diquat (up 90%), metribuzin (up 10%) and mesotrione (up 10%), Taylor said.

Demand for fungicides and insecticides is a more fluid situation, as disease and insects aren't as predictable as weeds, Magnussen noted. But he stocks the co-op with some reliable active ingredients each year and has noticed a 10% to 15% price hike for most of them. High use insecticides such as bifenthrin and imidacloprid are up in the Chinese market, 75% and 110%, respectively, Taylor said. Fungicides were slightly lower, with actives such as azoxystrobin rising 50% at Chinese ports.

"It's just an overall inflationary environment," Taylor said. (Progressive Farmer, February 8, 2022) <https://www.dtnpf.com/agriculture/web/ag/crops/article/2022/02/08/pesticide-shortages-high-prices-ease>

WHEN ESA BUFFERS GET BIGGER, THE FARM GETS SMALLER

Georgia has 151 counties with federally listed endangered species. It has eight counties that don't have an endangered species within its border. Most Southern states are similar, with many counties home to an endangered species. It may be a plant, insect, fish or mammal, but it's something, and it's there.

The Endangered Species Act was born in 1973. A good year, and not a bad act. It provides a framework to conserve and protect endangered and threatened species and their habitats. The act has been the vehicle to do some good things and protects some good species.

Conservation groups often go after EPA. That's nothing new. But recent court decisions and political shifts have given well-heeled conservation and environmental groups more fodder and powder to go harder after the agency, particularly how the agency reviews and determines how a chemistry may impact a federally endangered species. The argument is the agency has not maintained the spirit of Section 7 of the ESA. Called the 'Interagency Cooperation,' Section 7 is the mechanism to ensure the actions federal agencies take, including those they fund or authorize, do not jeopardize the continued existence of any listed endangered species.

The stage is set for conservation groups to fire more holes into the process and how pesticides are regulated and used, or not used, including ones important to agriculture.

Some essential agricultural products for the Southeast, just like the rest of the nation, include endangered species buffer zones to help keep the product on target

and away from natural areas and endangered species, and applicators are required by law to follow them.

ESA Buffer Zones

During the annual Southeast Fruit and Vegetable Conference in January, Stanley Culpepper, UGA Extension weed specialist, provided an example of how recently labeled ESA buffer requirements for an important herbicide would affect the percentage of acres the herbicide could legally be applied on a real-life Georgia farm. The buffers included a 310-foot down-wind buffer and a 57-foot omnidirectional buffer zone from wood lines. For a larger field on the farm, the herbicide could not be applied to a third of the acres around the field's edge. For a group of smaller fields on the farm, the herbicide could not be applied on as much as 50% of the fields' acreage. That's not sustainable agriculture.

The door is open now and forcing EPA to reexamine its decision process and buffer requirements for about 1,100 active ingredients.

Conservation groups acknowledge many species are endangered due to urban sprawl and lost habitat. But is anyone going to tell a homeowner to tear the house down or take a condo down? Likely not, but regulators can extend the ESA buffer zones, and that may make less of a farm legally available to apply the essential products needed to make sustainable decision for that farm. That's bad.

Whether in front of the scene or behind it, reasoned heads must make rational decisions as the slippery slope of legal actions breathes new life into the Endangered Species Act.

Actions to Watch

- On Jan. 6, the Center for Biological Diversity filed a formal notice of intent to sue the EPA for approving more than 300 pyrethroid products, the center says, "without considering their harm to endangered plants and animals."
- On Jan. 14, the EPA released a statement reversing decades of practices, saying it is now taking further actions to comply with the ESA

when evaluating and registering new pesticide active ingredients. Moving forward, when EPA registers any new conventional active ingredients, it will evaluate the potential effects of the AI on federally threatened or endangered species, and their designated habitats. In the statement, the agency said in the past it 'did not consistently assess the potential effects of conventional pesticides on listed species when registering new AIs.'

- Earlier this month, a federal interagency working group, which includes EPA and USDA, announced it will hold a public listening session on Jan. 27 to hear stakeholder viewpoints on ways to improve the ESA Section 7.
- On Jan. 11, EPA renewed Enlist Duo and Enlist One herbicides registrations for seven years but with an ESA qualification. EPA determined the uses of Enlist Duo and Enlist One "are likely to adversely affect listed species but will not lead to jeopardy of listed species or to the destruction or adverse modification of designated critical habitats." However, EPA will prohibit the use of Enlist Duo and Enlist One in counties where EPA identified risks to on-field listed species that use corn, cotton or soybean fields for diet or habitat. According to EPA, the counties where use will be prohibited by these new measures represents approximately 3% of corn acres, 8% of cotton acres, and 2% of soybean acres nationally.
- In November, U.S. Senator Cory Booker (D-NJ) introduced the *Protect America's Children from Toxic Pesticides Act of 2021*, specifically to change the current Federal Insecticide, Fungicide and Rodenticide Act of 1972, including banning organophosphate and neonicotinoid insecticides, and paraquat. The act would also allow local communities to enact protective legislation and other policies without being vetoed or preempted by state law. And if passed would suspend the use of pesticides deemed unsafe by the E.U. or Canada until they are 'thoroughly reviewed' by the EPA. (Southwest FarmPress, January 19, 2022) <https://www.farmprogress.com/commentary/wh-en-esa-buffers-get-bigger-farm-gets-smaller>

CEU Meetings

Please note that many of these meetings are now being done virtual. Please contact the meeting host directly if you have any questions.

Date: March 1-2, 2022

Title: 2022 Spring OKVMA Conference & Trade Show
Location: The Champion Convention Center Oklahoma City OK

Contact: Kathy Markham (918) 256-9302
<https://okvma.com/conferences/>

CEU's:	Category(s):
6	3A
6	5
6	6
6	10

Date: March 15-16, 2022

Title: KPCA Spring Conference & Exhibition
Location: Drury Plaza Hotel & Conference Center Wichita, KS

Contact: Spencer (785) 271-9220
<https://kpcawildapricot.org/event-4638396>

CEU's:	Category(s):
6	3A
6	7A
5	7B

Date: March 24, 2022

Title: 2022 Spring Pecan Workshop
Location: Gordon Cooper Technology Center Shawnee OK

Contact: Becky L Carroll (405) 744-6139
https://okstatecasnr.az1.qualtrics.com/jfe/form/SV_7Q9kOktKIXCtNZQ

CEU's:	Category(s):
4	1A
4	10

Date: March 30, 2022

Title: BWI CEU Workshop
Location: Edmond Convention Center Edmond OK
Contact: Tim Ruminer 405-227-2485 or 405-227-2985
timruminer@bwicompanies.com

CEU's:	Category(s):
TBD	7A
TBD	7B

Date: March 31, 2022

Title: Target Specialty CEU Workshop
Location: Reed Convention Center Midwest City OK
Contact: OKC office 800-522-9701 or Jennifer Gonzalez 800-352-3870

CEU's:	Category(s):
TBD	7A
TBD	7B

Date: April 21, 2022

Title: Vesperis 2022 Annual CEU Workshop
Location: Stoney Creek Hotel & Conference Center Broken Arrow, OK
Contact: Deb Chambers (918) 622-2048
https://www.ok-pca.com/uploads/forms_11_325371235.pdf

CEU's:	Category(s):
1	3A
3	7A
2	7B
1	8

Date: September 28, 2022

Title: ENSYSTEX 2022 CEU Workshop
Location: Hilton Garden Inn Oklahoma City OK
Contact: Don Stetler (281) 217-2965
<https://ceuworkshop.com/>

CEU's:	Category(s):
4	1A
4	10

ODAFF Approved Online CEU Course Links

Online Pest Control Courses

<https://www.onlinepestcontrolcourses.com/>

PestED.com

<https://www.pested.com/>

Certified Training Institute

<https://www.certifiedtraininginstitute.com/>

WSU URBAN IPM AND PESTICIDE SAFETY EDUCATION PROGRAM

<https://pep.wsu.edu/rct/recertonline/>

CEU University

<http://www.ceuschool.org/>

Technical Learning College

<http://www.abctlc.com/>

All Star Pro Training

www.allstarce.com

Wood Destroying Organism Inspection Course

www.nachi.org/wdocourse.htm

CTN Educational Services Inc

http://ctnedu.com/oklahoma_applicator_enroll.html

Pest Network

<http://www.pestnetwork.com/>

Veseris

<http://www.pestweb.com/>

AG CEU Online

<https://agceuonline.com/courses/state/37>

Target Specialty Products Online Training

<https://www.target-specialty.com/training/online-training>

For more information and an updated list of CEU meetings, click on this link:

<http://www.kellysolutions.com/OK/applicators/courses/searchCourseTitle.asp>

ODAFF Test Information

Testing will be done at testing centers in multiple locations around the state by PSI Services LLC.

For more information and instructions, please go to <https://bit.ly/3sF4y0x>.

Reservation must be made in advance at www.psiexams.com/ or call **855-579-4643**

PSI locations.

Oklahoma City 3800 N Classen Blvd, Ste C-20, Oklahoma City, OK 73118

Tulsa 2816 East 51st Street, Suite 101, Tulsa, OK 74105

McAlester 21 East Carl Albert Parkway (US Hwy 270), McAlester, Oklahoma 74501

Woodward 1915 Oklahoma Ave, Suite 3, Woodward, OK 73801

Lawton Great Plains Technology Center, 4500 West Lee Blvd Building 300- RM 308, Lawton, OK 73505

Enid Autry Technology Center, 1201 W. Willow Rd, Enid, OK 73703

Ponca City Pioneer Technology Center, 2101 N Ash, Ponca City, OK 74601

Norman Moore Norman Technology Center, 4701 12th Ave NW, Norman, Oklahoma, 73070

If you have questions on pesticide certification. Please email or call:

Kevin Shelton
405-744-1060 kevin.shelton@okstate.edu or

Charles Luper
405-744-5808 charles.luper@okstate.edu
Find us on Twitter at @OkstatePestEd