

## WASHINGTON REPORT

December 31, 2023

Lee Van Wychen

### Science Policy Fellows Visit DC



*(Annu Kumari -left; Cynthia Sias- right)*

In October, the WSSA Science Policy Fellows Annu Kumari (right) and Cynthia Sias (left) visited Washington DC to meet with their Congressmen and Senators. Main issues included supporting appropriations for the USDA NIFA IR-4 Project and the Crop Protection and Pest Management (CPPM) program, as well as other key USDA research programs. Beyond our eight Congressional visits, we also met with eight different trade associations, commodity groups and other ag research stakeholders to get a better understanding of how these groups operate and how we can work together through coalitions to achieve common policy goals.

### APMS Leaders Seek Funds for Aquatic Plant Control Research and Management



*(Left to right: Cynthia Sias, Annu Kumari, Rob Richardson, Troy Goldsby, and Jason Ferrell)*

In November, Dr. Jason Ferrell, University of Florida, president of the Aquatic Plant Management Society (APMS); Mr. Troy Goldsby, Aqua Services, Inc, APMS Director; and Dr. Rob Richardson, North Carolina State University, APMS science policy rep traveled to Washington DC for 15 Congressional visits to discuss funding and cost share issues for the U.S. Army Corps of Engineers aquatic plant control research program (APCRP). WSSA's Science Policy Fellows Annu Kumari and Cynthia Sias also joined us. APCRP is the nation's only federally authorized program for research and development of effective, science-based strategies to manage invasive aquatic weed species.

### **Continuing Resolution Keeps Government Funded**

A second, relatively clean Continuing Resolution (CR) passed and was signed by President Biden prior to expiration of the first on November 17, 2023. This did not solve the funding problem, but it did prevent a government shutdown and gave Congress additional time to work toward a solution. All 12 appropriations bills must still be passed by both Houses and signed by the President. The current CR has two deadlines: January 19, 2024, for USDA and three other agencies, and February 2 for the other eight appropriation bills.

Both the House and the Senate are slated to return to session the week of January 8, meaning there is very limited time to reach the needed agreements. It seems likely that additional CRs will be needed if the government is to remain open.

The current CR did extend the Farm Bill to September 30, 2024, providing added time to work on this. House and Senate Ag Committee leaders expressed hope that it can be completed by the end of the first quarter or shortly after. However, no draft Farm Bill language has been released, and it does not appear the Speaker of the House has entered into negotiations with the Senate. This means it is likely to be an extended process and with 2024 being an election year, there is a 50-50 chance that a new Farm Bill might not be passed until 2025.

### **EPA Publishes Update on its Vulnerable Species Pilot (VSP)**

On November 21, EPA published an update on their VSP based on the 10,000 plus comments (200 unique comments) they received during the 45-day comment period. The following summarizes EPA's current thinking on revisions to the VSP framework:

- Narrow the areas within the endangered species range map to only include locations that are important to conserving a species.
- Clarify the scope of the VSP for non-agricultural uses;
- Clarify potential exemptions to the proposed mitigation and whether additional exemptions are needed;
- Revise some of the proposed mitigation and include additional mitigation options specific to non-agricultural uses and specialty crops;
- Revisit how EPA selected the pilot vulnerable species; and
- Develop a consistent approach to reduce pesticide exposure to listed species from spray drift and run-off.

EPA continues to consider the public comments, meet with stakeholders, and collaborate with the U.S. Fish and Wildlife Service, USDA, and state agencies. By fall 2024, EPA intends to provide additional updates on the VSP. The full update, along with additional details regarding the VSP project and mitigation proposals, are available in the public docket [EPA-HQ-OPP-2023-0327](https://www.regulations.gov/docket/EPA-HQ-OPP-2023-0327)

### **Weed Science Societies Comment on EPA's "Herbicide Strategy" for Endangered Species**

**Executive Summary-** The Weed Science Societies suggest nine additional ways to mitigate the impact of herbicides on listed species due to spray drift, which includes decreased buffers for ultra-coarse droplets, additional types of vegetation to intercept spray droplets and grower education.

We also suggest six additional ways to mitigate herbicide runoff and erosion, which also includes grower education, more specific terminology for agricultural vs specialty crops as well as assigning more compensatory mitigation points for fields with subsurface drainage or cover crop practices.

Most importantly, the Weed Science Societies want to stress that grower education will be the most effective way to implement EPA's Herbicide Strategy. We recommend a minimum of a 3-5 year phase-in period for the herbicide strategy ESA mitigation practices, which corresponds to the 3-5 year interval that pesticide applicators must be recertified.

The Weed Science Societies also present the results of a survey of weed scientists from across the country that looked at the 13 crop scenarios for pesticide runoff and erosion mitigation points that the EPA provided, plus 2 additional crop scenarios. Alarming, only 2 of the 15 crop production scenarios, or 13%, could obtain the nine runoff/erosion mitigation points considered necessary to maintain existing weed control practices.

We provide additional information on conservation specialists and programs in different states as well as a rationale for why EPA should create a database of the mitigation points needed by crop, pesticide use limitation area (PULA), and herbicide. We also provide suggestions to enhance "Bulletins Live Two!" as well as a list of topics in dire need of research funding so we can best help protect threatened and endangered species and their critical habitat.

Finally, we have provided a list of suggested education and training activities to successfully launch the ESA mitigation practices for pesticides.

The Weed Science Societies comments and suggestions to improve **EPA's draft herbicide strategy** for endangered species are at: [https://wssa.net/wp-content/uploads/Weed-Science-Society-comments-on-EPA-Herbicide-Strategy\\_Final.pdf](https://wssa.net/wp-content/uploads/Weed-Science-Society-comments-on-EPA-Herbicide-Strategy_Final.pdf)

This was truly a national and regional effort! I'd like to especially acknowledge the members of WSSA's Endangered Species Act Committee for their tireless work on these issues:

### **EPA Pesticide Label Reform is Finally Happening**

On November 15, EPA released a white paper titled "[Benefits of the Adoption of Structured Content and Digital Pesticide Labels](#)" and is requesting feedback on its plan to adopt digital pesticide labels that will make labeling information clearer, more consistent, and more accessible to users.

EPA's plan for digital labels covers the creation of both a structured label—which would provide a framework for consistently placing and ordering label information—and a digital label, which would organize the label information as electronic data. Currently, the pesticide product label registration process is mostly manual, with EPA staff reading through long, detailed label submissions to pull out specific information, like application rate, to enter into the EPA's

[Pesticide Product and Label System](#). This has led to time-consuming reviews and high cost to registrants and regulators. Further, the increasing complexity of pesticide labels and lack of standardized label format and language can create challenges for pesticide users and the public seeking information about which products to use and how to use them.

Moving from traditional labels to digital labels and providing a database of accepted label language would make submitting label content simpler and more consistent for all pesticide registrants and would improve the Agency's ability to review and access submissions efficiently.

EPA is requesting public comment on all aspects of structured digital labels, including:

- anticipated benefits
- risks and challenges
- key information fields (such as pesticide use site, formulation, and maximum application rate), and
- potential phases of adoption.

The [whitepaper](#) will be open for comment until **March 14, 2024** on docket [EPA-HQ-OPP-2023-0562](#).

### **EPA Releases Final Report from FIFRA SAP Regarding the Use of 11 Controversial Atrazine Cosm Studies**

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel (SAP) provides independent scientific advice to the EPA on health and safety issues related to pesticides. The FIFRA SAP conducted on August 22-24, 2023 was titled: **“Examination of Microcosm/Mesocosm Studies for Evaluating the Effects of Atrazine on Aquatic Plant Communities”**. Many thanks to Aaron Hager, Jay Ferrell, John Madsen and Kurt Getsinger for their service and data review for this SAP.

To protect aquatic plant communities from the effects of atrazine, EPA developed an aquatic plant community-based concentration-equivalent level of concern (CE-LOC). The CE-LOC is determined using a combination of single-species aquatic plant toxicity studies and microcosm/mesocosm (cosm) studies. The cosm studies included in the CE-LOC calculation can be defined as complex experiments used to examine aquatic plant communities under semi-controlled conditions that simulate natural environments. Endpoints for these cosm studies were defined as single determinations of the response of one or more components of the aquatic plant community (e.g., phytoplankton, periphyton, macrophytes) for a defined individual atrazine test concentration as it relates to the controls in the study.

From 2002 to 2016, EPA considered over 70 cosm studies. However, a FIFRA SAP conducted in 2012 identified 11 of those studies as warranting further review because of concerns about study design or performance flaws, as well as EPA's interpretation of the results.

EPA received additional public comments about the 11 controversial atrazine cosm studies in its 2022 Proposed Revisions to the Atrazine Interim Registration Review Decision where they used

a CE-LOC of 3.4 ppb. The CE-LOC for atrazine was previously 15 ppb. When the atrazine CE-LOC is exceeded, it triggers additional monitoring and/or mitigation to protect aquatic plant communities.

After EPA issued the 3.4 ppb CE-LOC last year, many stakeholder groups, including WSSA, asked the EPA to conduct this independent FIFRA SAP on the use of the 11 controversial atrazine cosm studies in calculating the CE-LOC.

To EPA's credit, they published an excellent [white paper](#) earlier this year that presents EPA's reevaluation of the 11 controversial atrazine cosm studies. The [white paper](#) also provides an overview of atrazine, its history as it relates to the cosm studies, and the "Charge Questions" (pg 16) for the 2023 FIFRA SAP that met in August.

On November 16, the [FIFRA SAP final report on the use of the 11 atrazine cosm studies](#) was released. Based on the SAP's discussions, most of the 11 atrazine cosm studies in question did suffer from various flaws and should not be used to calculate a CE-LOC for atrazine. There are nearly 50 other cosm studies that meet EPA's criteria for inclusion in its cosm database. If EPA follows the 2023 FIFRA SAP's recommendations, they would be using the best available science to calculate the CE-LOC for atrazine, which would likely mean a higher atrazine CE-LOC.

**NISAW 2024 Scheduled for February 26 – March 3, 2024 in Washington DC (but may change).**

Planning for the 25th anniversary of [National Invasive Species Awareness Week](#) (NISAW) is ongoing. Please note that the date may change due to Congress just changing their work schedule. The House and Senate are always in session the week after President's day when NISAW is held, but that will not occur in 2024 due the House being in session for 10 weeks straight after Labor Day. Please stay tuned. My hope is that all the invasive species stakeholder groups traveling to Washington DC will make establishing an invasive species management fund their #1 priority.

This year we are spotlighting the urgent need to protect North American Biodiversity. With webinars from our partners during NISAW that include the following topics:

**NISAW is February 26 – March 3, 2024.**

The 25th anniversary of [National Invasive Species Awareness Week](#) (NISAW) will occur from Feb. 26 – Mar. 3, 2024. The 2024 NISAW webinar series is listed below. Get more information and [NISAW events page](#).

- February 26, 2024 – [Annual USGS Invasive Species Research Forum](#)
- February 27, 2024 – [The Invasive Species Language Workshop in partnership with the National Sea Grant Law Center](#)
- February 28, 2024 – [The Federal Interagency Committee on the Management of Noxious and Exotic Weeds \(FICMNEW\)](#)
- February 29, 2024 – [Opportunities and Challenges for Preventing the Next Plant Invasion](#)  
(NOTE: this is a Council for Agricultural Science and Technology (CAST) white paper that was

developed by the following representatives from WSSA and NIASMA: Jacob Barney, David Coyle, Erik Lehnhoff, Daniel Tekiela, and Paul Tseng.)

- March 1, 2024 – [Protecting North American Biodiversity from Invasive Species](#)

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#### **National and Regional Weed Science Society Meetings**

Dec. 11 - 14, 2023 North Central Weed Science Society (NCWSS), Minneapolis, MN [www.ncwss.org](http://www.ncwss.org)

Jan. 8 - 11, 2024 Northeastern Weed Science Society (NEWSS), Boston, MA [www.newss.org](http://www.newss.org)

Jan. 22 - 25, 2024 Southern Weed Science Society (SWSS), San Antonio, TX [www.swss.ws](http://www.swss.ws)

Jan. 22 - 25, 2024 Weed Science Society of America (WSSA), San Antonio, TX [www.wssa.net](http://www.wssa.net)

Feb. 26–Mar. 3, 2024, 25<sup>th</sup> National Invasive Species Awareness Week, Washington DC [www.nisaw.org](http://www.nisaw.org)

Mar 4 - 7, 2024 Western Society of Weed Science (WSWS), Denver, CO [www.wsweedscience.org](http://www.wsweedscience.org)

Jul. 14 - 18, 2024 Aquatic Plant Management Society (APMS), St. Petersburg, FL [www.apms.org](http://www.apms.org)