



Florida's Draft Pesticide Generic Permit

STATUS UPDATE

Generic Permit for Pollutant Discharges to
Surface Water of the State from the
Application of Pesticides



Background

- November 2006 USEPA Pesticides Rule – Exemption from NPDES permitting for pesticide application to surface water performed in accordance with FIFRA
- January 2009 Federal Court of Appeals - Invalidates EPA rule, NPDES permits required by April 2011
- June 2010 EPA Draft Pesticide General Permit (PGP) – EPA's final PGP expected February 2011
- April 9, 2011 NPDES authorized States – Must have a state PGP in place covering pesticide application to surface water



Background (continued)

- **2009-2010 - Interagency Workgroup**
 - DEP, DACS and FWC
 - Agencies worked together extensively to develop a viable Florida PGP
 - Numerous meetings in-state, teleconferences and face-to-face meetings with EPA and other states, EPA webinars on permit development
 - Five Rule Workshops in October 2010
 - Currently - continued cooperative work between agencies to finalize the Florida PGP



Background (continued)

Florida PGP Guiding Principles

- Utilize FWC and DACS expertise
- “Don’t re-invent the wheel”
- Build on existing programs
- Avoid creating conflicts
- Minimize administrative burden
- Recognize FWC/DACS incorporate IPM
- Recognize FWC/DACS already collect pesticide information



Background (continued)

- Key Items In Florida's Approach:
 - Following EPA's draft GP template, but tailoring to meet Florida's specific needs.
 - The GP structured by four pesticide use patterns:
 - Mosquito and Other Flying Insect Pest Control
 - Aquatic Weed and Algae Control
 - Aquatic Nuisance Animal Control
 - Forest Canopy or Other Area Wide Pest Control



Background (continued)

Key Items (continued):

Automatic Permit Coverage

- Federal regulations provide that in certain instances, a general permit can cover discharges without submission of an NOI, pursuant to 40 CFR 122.28(b)(2)(v)
- Florida will authorize automatic coverage except for those required to file NOIs



Background (continued)

Key Items:

Who needs to submit an NOI?

- Florida approach
- Entities that apply the largest amounts of pesticides to waters
- These are only a limited number of federal and state government entities identified in the permit



Background *(continued)*

Pesticide Use Pattern	Operators Required to Submit NOI
Mosquitoes and Other Flying Insect Pests	Mosquito Control programs and FDACS
Aquatic Weed and Algae Control	FWC, WMD, USACE, US Forestry Service, National Park Service, USFWS
Aquatic Nuisance Animal Control	FWC, WMD, USACE, US Forest Service, National Park Service, USFWS
Forest Canopy or Other Area Wide Pest Control	FDACS, USDA, USACE, US Forest Service, National Park Service, USFWS



Current Events

- December 23, 2010 – FDEP sends Draft Florida PGP to USEPA Region 4 Atlanta for review; Draft PGP includes revisions based on workshop comments
- Now
 - EPA is finalizing its PGP; has given states a heads-up on proposed changes
 - FDEP, DACS, FWC reviewing to determine which EPA changes are appropriate for Florida



More Information

- EPA

www.epa.gov/npdes/pesticides

- DEP

www.dep.state.fl.us/water/wastewater/iw/index.htm

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PRC Soil Fumigant Update

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Update: Soil Fumigant Label Review

- 2010 a challenge for everyone
 - Sweeping label changes
 - Wide-reaching mitigation measures
 - Ambitious Federal deadlines
 - Involves labels of 41 products in Florida

FL Primary and Distributor Labels Reviewed

	Methyl Bromide + Pic	Metam Sodium/Potassium	1,3-D + Pic	Pic only	Methyl Iodide + Pic	Dazomet
FL Primary	10	6	4	4	2	1
FL Distrib.	7	-	4	3	-	-

Implementation Schedule

- ◻ under development
- adopt

Risk Mitigation Measure	2010	2011
Good agricultural practices (GAPs)	●	●
Restricted use (new measure for metam sodium/ potassium & dazomet only)	●	●
New handler protections including changes to respiratory protection, tarp cutting/removal and worker reentry restrictions	●	●
Fumigant management plans and post application summaries	●/◻	●
Buffer zone distances, credits, and posting		●
Emergency preparedness measures		●
Difficult to evacuate sites		●
Notice to state lead agencies		●
Safe handling information	●	●
First responder, community outreach and certified applicator training	◻	●
Rate reductions and use site limitations	●	●

Adequate time is needed to:

- deal with unresolved issues in 2010 labels
- address new issues that may arise with field implementation of 2010 labels
- develop and review registrant and non-registrant training programs
- implement training before new requirements take effect
- allow growers to make informed decisions about fumigation choices in the coming season

Recommendations to EPA

- EPA should set timelines for review and implementation in consultation with states, registrants, user groups, and training program designers.
- If timelines slip on the front end, expectations should shift accordingly on the back end.

Soil Fumigation and Compliance Issues

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Soil Fumigant Label Changes

- EPA is requiring important new safety measures for soil fumigant pesticides to increase protections for agricultural workers and bystanders – people who live, work, or otherwise spend time near fields that are fumigated.
- As new soil fumigant product labels appear in the market place in 2010 and 2011, soil fumigant users will need to comply with these new requirements.

Soil Fumigation and Compliance

- New labeled soil fumigants are currently in the marketplace (December 31, 1010).
 - Inspectors will be conducting marketplace and producer establishment inspections for product label compliance.
 - All soil fumigants are now RUP's and dealers must maintain sales records for minimum of two years.

Challenges for the Applicator

- Applicators will be faced with many new label requirements when applying soil fumigants:
 - Good Agriculture Practices
 - Fumigant Management Plans
 - Post Application Reports
 - Additional Handler Training and PPE Requirements

In late 2011...

- Required Applicator Training by the Registrant
- Restrictions near difficult to evacuate sites
- Buffer Zone Requirements
- Buffer Zone Monitoring

Preparing the Applicator

- DACS along with University of Florida and FFVA have worked together developing training for DACS inspectors and applicators.
- Training modules are being developed by UF that will allow the applicators to go through a step by step review of the 2010 and 2011 label requirements.

EPA's Outreach Materials

- EPA has developed:
 - Fact sheets
 - Presentations
 - Tools and templates
- Visit . . .
www.epa.gov/oppsrrd1/reregistration/soil_fumigants
- Or search on-line for . . .
“soil fumigant implementation”

EPA's Tool Box



http://www.epa.gov/oppsrrd1/reregistration/soil_fumigants/

Preparing the Inspector

- Understanding the Labels:
 - FDACS hosted a national Pesticide Inspector Residential Training (PIRT) last April providing Inspectors training on soil fumigation label changes.
 - FDACS will again host another PIRT in April 2011 with emphasis on the 2011 label changes.

EPA's Guidance for Compliance and Enforcement

- Compliance assistance in 2011-2012. Work with users to help understand labeling and how to comply.
- Compliance monitoring in 2012-2013 to ensure compliance with labeling.
- Response to complaints/Label violations?
- Judgment needed

Questions

