

## **October 2013- NPMA Federal Update**

### **What is the Buzz All About?**

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Without question, the hottest pest management regulatory issue these days is protecting bees from unintended exposure to pesticides. Recently adopted and future public policy will impact pesticide use patterns for all user groups including pest management professionals (PMPs).

Honeybees and other pollinators are vital to an abundant food supply. Over the last several years, however, honeybees have been plagued by the mysterious Colony Collapse Disorder (CCD), and beekeepers throughout the world are now fighting for their livelihoods. Some have suggested that the primary culprit is pesticides, while others have stressed the complexity of the issue and the variety of factors involved.

### **Recent EPA Action**

Nothing better underscores the urgency of the bee health issue than the mid-August announcement by U.S. Environmental Protection Agency (EPA) that labels of some neonicotinoid pesticide products would be revised to prohibit applications where bees are present. The changes apply to all products that have outdoor foliar use directions (except granulars) containing the active ingredients imidacloprid, dinotefuran, clothianidin or thiamethoxam regardless of formulation, concentration, or intended user.

The new language that will appear in the Directions for Use section on non-agricultural product labels states "Do not apply [insert name of product] while bees are foraging. Do not apply [insert name of product] to plants that are flowering. Only apply after all flower petals have fallen off." A bee icon to highlight the significance of the label change will accompany the new language.

A Pollinator Advisory Box containing voluntary best management practices will also appear on product labels. Registrants must submit the label changes to EPA by September 30 and the new labels will

appear on products in early 2014. This label revision is likely the first in a series of label changes aimed at protecting bees.

While EPA's recent label change is perhaps the highest profile action to limit bee exposure to pesticides, it simply caps off a myriad of worldwide activity over the last several months.

### **Other Notable Recent Regulatory/Legislative Activity**

In early March, EPA and the U.S. Department of Agriculture (USDA) hosted a Pollinator Summit to bring stakeholders together and to learn about current research, new technologies, best practices and other stewardship activities to protect bees from unnecessary pesticide exposure. The discussion focused almost exclusively on agricultural pesticide use, especially dust in agricultural planting operations in which pesticide-coated seeds are used.

In late April, the European Commission adopted a moratorium on the use of three neonicotinoid insecticides – clothianidin, imidacloprid, and thiamethoxam – in the 27 European Union countries. The restrictions, which go into effect on December 1, prohibit seed treatments, soil applications and foliar treatments on bee-attractive plants and cereals. Manufacturers of the products have since lodged legal challenges against the suspensions.

Soon after the European Commission approved the moratorium, USDA and EPA issued a report finding that multiple factors are contributing to the declining honeybee population, including parasites, poor nutrition, a lack of genetic diversity, and pesticides. The study did not find sufficient evidence to warrant a ban on neonicotinoid pesticides in the United States and instead identified the Varroa mite as “the single most detrimental pest of honeybees.”

Until this summer, the bee health issue was almost completely agriculturally oriented with almost all of the discussion centered on how to better protect managed bee colonies. However, that changed one late June morning when an Oregon pesticide applicator used a dinotefuran product to treat 55 linden trees encircling a suburban Portland shopping center for black vine weevils and aphids, an

application that killed up to 59,000 bumblebees and other pollinators.

Almost immediately afterward the Oregon Department of Agriculture suspended for 180 days (from June 27-December 24) the use of 18 dinotefuran products labeled for applications on landscape trees and shrubs, nursery and greenhouse plants, turfgrass, forests and agricultural crops.

Media reports about the Oregon incident characterized the treatment as a “misapplication.” Yet, the label language in question states that the product should not be applied or allowed to drift to blooming crops or weeds if bees are visiting the treatment area. The application was performed very early in the day, before bees were active. So the question authorities and perhaps a judge must answer: are linden trees in a parking lot a crop or weed?

The Oregon incident precipitated a late July letter from EPA to all of the registrants of products containing imidacloprid, dinotefuran, clothianidin and thiamethoxam directing the submission of additional information about their products. The bee kill also triggered the introduction of legislation in the U.S. House of Representatives suspending the use of several neonicotinoid pesticides. Although introduced by liberal Democratic Congressmen John Conyers (D-MI) and Earl Blumenauer (D-OR), by late September the Save America’s Pollinators Act had attracted the support of almost 30 fellow House members including a conservative Tennessee Republican.

Additionally, a draft report accompanying legislation funding EPA’s operations for Fiscal Year 2014 directs EPA to adopt a comprehensive assessment process that considers the risk of pesticides to honey bees, bumble bees, and solitary bees in all life stages and encourages the Agency take appropriate regulatory action to protect bees from pesticides.

In other state level activity, the New Jersey Legislature is considering a measure that bans the use, sale, offer for sale or promotional purposes, or distribution of any neonicotinoid pesticide. The General Assembly of Puerto Rico is considering similar legislation. The Vermont Legislature previously debated such a bill. In July, the

Washington Department of Agriculture rejected a request from Thurston County commissioners – acting at the behest of the Olympia Beekeeper’s Association - to ban homeowners from purchasing neonicotinoid pesticides.

In mid September, Health Canada’s Pest Management Regulatory Agency announced protective measures it plans to implement before the 2014 growing season. Since few neonicotinoid pesticides are registered for PMP uses in Canada the recent announcement won’t have much immediate impact on Canadian PMPs, although the recent action probably decreases the likelihood of the registration of neonicotinoid products for perimeter treatments in the foreseen future.

Activist groups have termed the recent decline in bee health “a second Silent Spring” and have lobbied officials from President Obama to Members of Congress to EPA officials about the issue. The groups have sued EPA in federal district court alleging that the Agency failed to adequately protect pollinators from neonicotinoid pesticides and are also urging big box retailers to stop selling neonicotinoid pesticides.

### **NPMA Engagement**

Since late June, NPMA staff has been deeply engaged in the bee health issue and has taken a number of steps to raise awareness of the issue within the professional pest management industry while also working with federal and state regulatory officials to educate them about the importance of retaining key PMP use patterns. Specific actions include:

- Meeting with senior EPA officials in early August to provide them with information on important PMP uses and suggestions for label language that is both protective of bees, while allowing critical PMP uses to continue,
- Sending a stewardship email out to all NPMA members,
- Scheduling a webinar/conference call with the NPMA government affairs and technical committees and PPMA scientific advisory group for early September to further discuss the issue,

- Partnering with the Association of State Pest Control Regulatory Officials to plan and co-host an October educational workshop for EPA employees that highlight PMP use patterns that target bees that threaten human health and property, and
- Working with ASPCRO and the American Association of Pesticide Control Officials to clarify the intent of the recent label revisions.

### **Take Home Message**

So what is the meaning of all of the efforts to limit unintended exposure to bees for PMPs. Below are a few take home messages:

- 1.) The bee health issue is not a short-term issue and EPA's recent label changes should be viewed as the first of what will likely be multiple steps to safeguard bees from pesticide exposure.
- 2.) Regulatory action will eventually extend to non-neonicotinoid pesticides as well. In fact, in mid-July, the European Commission voted to restrict the use of fipronil. Expect the label language that will appear on neonicotinoid product labels early next year to eventually appear on other products as well.
- 3.) The public is deeply interested and concerned about pollinator health, so the story is likely to continue to receive widespread media coverage. Pesticides role in declining bee health was the subject of an August 19 Time Magazine cover story.
- 4.) Regardless of whether PMPs are using neonicotinoids or other pesticide products, they should avoid unnecessarily exposing bees to pesticides, unless bees are the intended target for structural or public health reasons.