



EPA Updates: Tier 4 and Hemp

House Rural Development Council

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Susan Park, Agriculture Advisor
US EPA, Region 4

Tier 4 Background

- What is the Tier 4 Rule?
- Why are emissions reductions from nonroad diesel engines important?
 - Nitrogen Oxides (NO_x) and Particulate Matter (PM)
- Whom does the Tier 4 rule apply?

Tier 4 Issue in Georgia

- Issue
 - Blueberry Farmers
 - Frost protection
 - Timber Industry
 - Equipment design concerns



Tier 4 Issue in Georgia, cont.

- Updates
 - Meetings with equipment manufacturers;
 - Discussions between EPA Region 4 and Headquarters.

- Next Steps

Comment 1

- Industry believes that the decreased emissions of NOx and PM from Tier 4 vs Tier 3 is 'insignificant' for agriculture and/or forestry industries due to the intermittent equipment operations.
- **Response:** EPA regulates the engines, not the equipment. Equipment use is not taken into consideration.

Comment 2

- Overall 'net negative' environmental impact considering the nature of the *timber industry*-maintaining timber acreage and reforestation efforts. Giving 'credit' to the industry to offset emissions.
- **Response:** The total lifecycle greenhouse gas and criteria emissions impact for each industry/vocation that will use the equipment is not considered when setting standards.

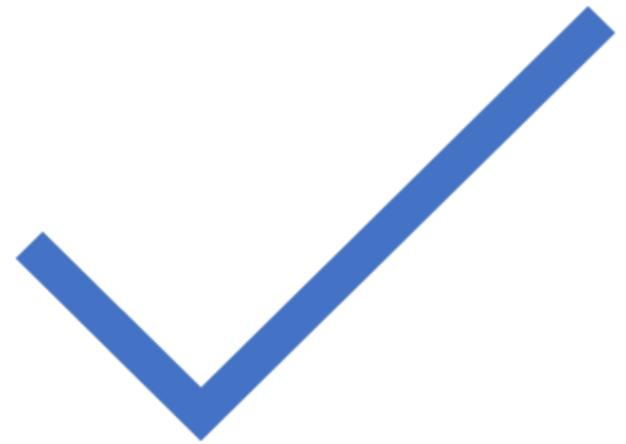
Comment 3

- Competitive market disadvantage (i.e. compared to Tier 3 equipment being manufactured in Mexico).
- **Response:** EPA's focus is on *feasible results* and *public health*, and EPA is concerned with best feasible technology available in the U.S.

Comment 4

- For wildfire situations, the *forestry industry* may be called upon to provide support because the industry has heavy equipment needed to help contain wildfires. Reliable operations of these equipment during emergency situations is critical.
- **Response:** Emission controls can be overridden when they impose a significant risk to human health. (Emergency Response Provision: 40 CFR Part 1039.665).

Questions?





Hemp

2018 Farm Bill

- The 2018 Farm Bill legalized hemp with a THC concentration of no more than 0.3%.
- It has also provided for expanded cultivation of hemp, not marijuana.
- The 2018 Farm Bill allows for EPA to work with pesticide registrants who submit pesticide registration applications for pesticide use on hemp- not marijuana.



EPA Authorities- FIFRA and FFDCA

- **Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)**- Before a pesticide can be marketed and used in the US, FIFRA requires that EPA evaluate the proposed pesticide to assure that its use will not pose unreasonable risks of harm to human health and the environment.
- **Federal Food, Drug, and Cosmetics Act (FFDCA)** - EPA also determines whether there is a reasonable certainty of no harm from pesticide residues in food or feed and sets tolerances, or exemptions from tolerances, for allowable residues of pesticides in food and animal feed.



Key Points:

- Currently, there are no EPA registered pesticides specifically for use on hemp (production).
 - **All registered pesticides can only be legally applied to sites (i.e. crops) for which they are labeled.**

Update- 10 Product Registration Requests under review!

- Currently, there are no food tolerances, or tolerance exemptions, for hemp.
 - **Registered pesticides may not be used on hemp that is being grown for consumption unless a food tolerance exemption exists.**

Update- Food tolerance exemptions exist for all 10 pesticide product requests under review.

Registered Pesticides with Hemp on the Label

- There are currently 6 EPA registered pesticides which list Hemp on the pesticide label.
- No food tolerances or exemptions exist for Hemp, thus these pesticides may not be used on Hemp that is being grown for consumption.

Pesticides which reference use on hemp or industrial hemp			
State/Federal Registration	Product Name	EPA Reg. No.	Use
Federal	Arcus FS	84846-13	Plant Growth Regulator
Both	Optify*	33270-37	Plant Growth Regulator
Both	Optify/Stretch	33270-40	Plant Growth Regulator
Both	PBO-8 Synergist	89459-33	Synergist (increases effectiveness of pesticide)
Both	Prentox PBO-8**	655-736	Synergist
Both	SynerPro PBO	53883-258	Insecticide Synergist
*Registered federally as Optify TM but marketed in Virginia as Optify			
**Product transferred and is in discontinuance. Same as PBO-8 Synergist.			

What Pesticide Options Do Growers Have?

Pesticide Options:

- 6 products currently registered for use on hemp.
- Registered pesticides that have labels that permit use on any crop;
- Pesticides that do not need to be registered and may be used on hemp.
 - FIFRA 25(b) Minimum risk pesticides
- FIFRA 24(c) Special Local Need
- Future *Potential* Option- New Product Registrations

Collaboration

Federal- EPA; USDA; FDA; and DOJ.

- Interregional Project #4 (IR-4)

State- State Agencies; State FIFRA Issues Research and Evaluation Group (SFIREG).

Stakeholders- Pesticide Program Dialogue Committee (PPDC)

International Engagement- Health Canada
Pest Management Regulatory Agency



Thank you.

Susan Park, Agriculture Advisor
(404) 562-9604
Park.Susan@epa.gov