

Juice Grape Industry Updates: EPA and ESA Changes to Pesticide Use

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The EPA has released its final decision regarding herbicide use mitigation measures and changes to the re-registration and labeling process. In addition, the EPA has recently released a similar report for ALL insecticide registrations and registration reviews that are similar in scope and execution to the herbicide strategy. While the EPA has backtracked on some of the more complicated aspects of these new policies, several significant changes will remain, specifically the requirement to check their Bulletins Live! 2 website before all herbicide and insecticide applications (when required by the label) and the requirement to include documented mitigation strategies when applying herbicides within a Pesticide Use Limitation Area (PULA), i.e., critical habitat for one or more endangered species.

These label changes are already going into effect: as pesticides come up for review and re-registration, they will be applied to the updated label. Growers can expect to see these requirements becoming more common each growing season, and they need to become accustomed to looking for the requirements and checking online sources as indicated.

A toolbox with information, webinars, guides, and calculators for meeting these new pesticide use requirements has been developed and released. Remember: these changes are occurring on a federal level, and ALL growers are subject to these new use requirements.

The toolbox can be found here: <https://www.epa.gov/endangered-species/pesticides-and-endangered-species-educational-resources-toolbox>

These changes to pesticide use requirements require additional record-keeping and research before every pesticide application.

Key takeaways:

- Checking the Bulletins Live! website is mandatory if listed on the pesticide label
- The EPA is working with the U.S. Fish and Wildlife Service to create maps of every endangered and protected species in the USA and their critical habitat.
 - Currently, 8 total regions in the USA are designated as Pesticide Use Limitation Areas (PULAs), and this number and the ranges of these designated areas are subject to change.

- Every new herbicide and every herbicide due for re-registration will have a mitigation requirement added to the label
 - Herbicides and insecticides deemed higher risk may require more mitigation tactics to be in place at the time of use
 - Farmers MUST demonstrate commensurate mitigation practices to the requirement on the label and/or the Bulletins Live! website (if located within a PULA) to USE THE HERBICIDE
- All current information on PULAs and mitigation practices will be hosted EXCLUSIVELY on the website
- If your farming operation is within a PULA, you will be required to demonstrate compliance with “mitigation measures” as defined by the EPA
 - Mitigation measures are outlined in a special bulletin on the EPA’s Bulletins Live! website and are required by law as an addendum to the pesticide label
 - Measures will include practices such as cover cropping, conservation tillage, drift reduction practices, contour farming, etc.
 - New buffer zone requirements will be implemented specific to PULA and the associated risk of the product in use
 - In some cases, specific measures MUST be employed and clearly described. In other cases, a farmer may demonstrate compliance by utilizing various methods specific to their operation AND recognized by the EPA as impactful.
- Methods of enforcing these measures have not been widely discussed, and at this time, compliance will be checked as part of routine state government agency inspections.

Full Herbicide strategy can be found here*:

<https://www.regulations.gov/docket/EPA-HQ-OPP-2023-0365>

Full Insecticide strategy can be found here*:

<https://www.regulations.gov/docket/EPA-HQ-OPP-2024-0299>

EPA’s Bulletin Live! 2 website can be found here: <https://www.epa.gov/endangered-species/bulletins-live-two-view-bulletins>

EPA’s Mitigation Menu website can be found here:

<https://www.epa.gov/pesticides/mitigation-menu>