Field Crops Newsletter

Granville and Person County
Mikayla Berryhill

Agent Notes – I'm Traveling!

Field Crops Agent Mikayla Berryhill with mom (Tammy Graham) and dad (Tommy Graham) . *Photo by Mikayla Berryhill*

I will be in Ireland/Scotland from April 29th-May 11th. As of March 10th of this year, my parents have been married for 40 years! My parents have not done much traveling during their time being married, so I decided about a year and a half ago to plan a trip and travel with them to Ireland and Scotland this year in celebration of their anniversary. The Grahams (my maiden name) are Scotch-Irish, and my dad has always wanted to see where our ancestors are originally from.

I know that a lot of things are happening on the farm this time of year, so I have asked some neighboring extension agents to field calls from Granville and Person County growers. If you need anything in during the time while I am gone, please reach out to the agents below. They are both great and can take samples or give recommendations on anything I would be able to! They have similar positions as me, and both cover tobacco, corn, soybeans, and wheat.

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INSIDE

This newsletter is designed to give you up to date information on crops from NC State University and other sources. For more information:

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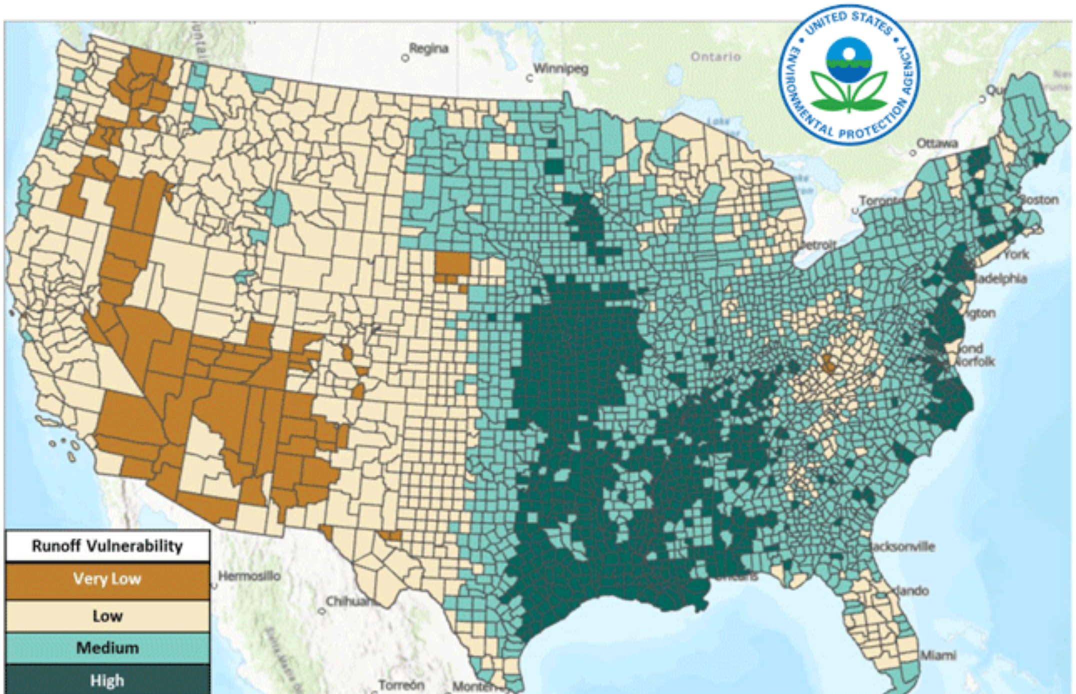
EPA Releases Herbicide Strategy Update

By Jason Jenkins, DTN Crops Editor

JEFFERSON CITY, Mo. (DTN) -- Farmers and pesticide applicators grappling with how to comply with EPA's impending Herbicide Strategy learned this week that new requirements may not be as stringent or widespread as the agency initially proposed in its draft strategy released last summer.

On Tuesday, EPA announced it had published an update regarding progress on the strategy -- the agency's plan to meet its obligations under the Endangered Species Act (ESA).



EPA published an update to its draft Herbicide Strategy, including a new map of county-level pesticide runoff vulnerability it intends to use to determine the mitigation burden for herbicide users. *Map courtesy of EPA.*

The update offered the first look at how public comments and stakeholder feedback have been used to revise the strategy, a final version of which is due by Aug. 30. In its update announcement, EPA noted it is making changes to make the strategy easier to understand, increase flexibility for growers to implement mitigation measures and reduce the amount of mitigation that may be needed.

The draft released in July 2023 required agricultural herbicide users -- namely farmers -- to implement mitigation measures, such as vegetative filter strips, grassed waterways, and field borders, to protect endangered species and their critical habitats from herbicide exposure through spray drift and/or runoff or soil erosion. Herbicide users would need to achieve a minimum number of "efficacy points," with EPA assigning one to three points to each option in its menu of mitigation measures. The number of points required would vary based on the herbicide and the location of the field.

In the 12-page update, EPA stated it expects changes to the strategy "would lead to improved flexibility and feasibility for growers to implement the mitigation measures while still providing protections to federally listed species." The agency provided a summary of major themes from the public comments and potential changes to the draft strategy under consideration:

-- Reduce the need for mitigation measures for areas with low annual precipitation or low runoff vulnerability.

EPA re-evaluated the potential for runoff and expects to describe runoff vulnerability at the county level rather than relying on Interstate 35 and U.S. Route 395. EPA also expects to increase the relief from mitigation requirements for growers in areas with lower potential for runoff. The update included a map showing where EPA considered runoff vulnerability to be high, medium, low and very low. The agency estimates these changes may reduce the mitigation "points" required for roughly 80% of cultivated agriculture acres and 95% of specialty and minor crop production acres.

-- Increase runoff mitigation options.

EPA expects to make at least seven changes to how it handles runoff mitigation. These include increasing the percent slope of "flat" fields from less than 2% to less than 3%; adding language to clarify how mitigation points are earned for reduced annual application rates; adding nine mitigation measures to expand options for growers; revisiting the efficacy rankings of mitigation measures; and clarifying that field with tile drainage without controlled outlets are eligible in the mitigation menu.

-- Refine pesticide use limitation areas (PULAs).

EPA acknowledged that for many listed species, the maps used in the draft strategy for determining where mitigation measures would apply were often too broad, covering areas not needed to conserve the species. Using input from USDA and U.S. Fish and Wildlife Service, the agency is refining PULAs to ensure they are limited to areas needed to protect listed species while minimizing impacts to pesticide users. Through this work, EPA expects land areas subject to pesticide restrictions under the final strategy could shrink for many species.

-- Spray drift mitigation.

EPA expects to update its aerial spray drift modeling, revise the mitigation measures to expand flexibility and simplify how buffer distances are determined in the field.

-- Herbicide Strategy decision framework.

EPA is considering a simpler approach to achieving mitigation level goals. Rather than requiring a certain number of runoff mitigation points, the agency is weighing a four-tiered approach that would define the need for mitigation as "high," "medium," "low" or "none."

News of the EPA's update was met with some optimism by members of the agricultural community, including the Agricultural Retailers Association.

"ARA is pleased to see EPA respond to stakeholder comment and propose some updates to its Herbicide Strategy to make it easier to use for applicators and growers," said ARA President & CEO Daren Coppock in a statement. "We look forward to continuing our work with them to achieve a workable solution that achieves the goal of ESA compliance."

In a phone interview with DTN, Richard Gupton, ARA senior vice president of public policy, said after a quick review of the update, it appears the agency is listening to the industry.

"They're listening and recognizing that it's not a one-size-fits-all approach," he said. "They seem to be making strides toward that, recognizing there are differing circumstances in the western part of the country versus the Southeast or the Midwest."

Gupton added that identifying more defined PULAs was an important change, as was the clarification concerning fields with tile drainage without controlled outlets and the update to aerial spray drift modeling.

"It has to be workable and make sense for applicators who are going to be on the front lines applying these products," he said. "Really, the rubber is going to meet the road when they have their first label registrations under this new framework."

In a statement sent to DTN, the American Soybean Association also acknowledged positive changes to the updated strategy.

"EPA has clearly heard the points we raised about the complexity of the proposal, the need for additional compliance measures and other issues and is taking steps to address those challenges," said Alan Meadows, a soybean farmer from Tennessee and ASA director. "While we have some remaining concerns with the Herbicide Strategy, particularly the underlying ways in which EPA assesses risk to species, soy farmers welcome this update. We look forward to continuing to work with EPA to address the remaining challenges and ensure these strategies can help the agency meet its Endangered Species Act requirements while being workable for agriculture."

In its announcement, EPA clarified that the Herbicide Strategy itself does not impose any requirements or restrictions on pesticide use. Rather, the agency will use it to inform mitigations for new active ingredient registrations and registration reviews of conventional herbicides.

"Thus, for any herbicide, mitigations from the strategy will not become effective until EPA adopts labels (following public comment) for that herbicide as part of a new active ingredient registration or registration review decision," the agency stated.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Coming Regulatory Changes in Drone Pesticide Application

Esther Morris – NC State Horticultural Science Extension Associate

DJI Agras T40 Spray drone. *Photo by DJI.*

Interest in the use of unmanned aerial vehicles (UAVs), or drones as they are more commonly known, for pesticide application has exploded across the country, and North Carolina is no exception. Growing pains associated with regulating the industry have been outpaced by the rapid advancement of technology, but changes are coming. While commercial aerial application regulations were adapted to include UAVs, current regulations allow private pesticide applicators to use drones to apply pesticides on their own property. However, regulations affecting both current and future aerial pesticide applicators are expected to be implemented in the coming year which will impact both private and commercial applicators.

Overview of Regulations

There are currently several regulations and a license required to apply pesticides by drones commercially. This includes compliance with FAA certification (14 CFR Part 107) for drones under 55 pounds, or with waivers for heavier drones, and a certificate (14 CFR Part 137) for dispensing "economic poisons" (as pesticides are referred to in the regulations). Additionally, drone operators must pass a skills and knowledge test, register their UAV with the FAA, and in North Carolina, pass the NCDOT's Unmanned Aircraft System Operator's Knowledge Test for a state permit.

Prospective licensed (commercial) aerial applicators must pass three exams: the North Carolina Pesticide Applicator Core exam, the Aerial Methods exam, and one specialty category exam relevant to their work. If you are a new drone applicator, you must first hold an aerial apprentice license, requiring supervision by a licensed pilot, documenting 125 hours of operation, and one year of flying experience. There is a $25 annual inspection fee per aircraft. The North Carolina Department of Agriculture and Consumer Services (NCDA&CS) provides the examinations (available as both in-person and online exams), with links available for registration, exam sites, fees, and study materials. Commercial application of pesticides without proper licensing can lead to civil penalties, emphasizing the importance of adhering to regulatory requirements.

Upcoming Changes

Recent changes to the federal regulations concerning aerial application will require private applicators to meet the same certification and documentation criteria as those required of commercial applicators. The NCDA&CS has published a document "Guidance on How to Become a Licensed UAV Pesticide Applicator," to help both commercial and private applicators navigate the process. You can find this guidance on the NCDA&CS website listed in the "Structural Pest Control and Pesticides Division" under Additional Pesticide Information "How to Become a Licensed UAV Pesticide Applicator" OR under "Licensing & Certification" on the same page. Contact the NCDA&CS at 984-236-4627 if you have questions regarding pesticide applicator certification and licensing.