

# THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



## Department of Agricultural Resources

251 Causeway Street, Suite 500, Boston, MA 02114  
617-626-1700 fax: 617-626-1850 www.mass.gov/agr



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## PESTICIDE APPLICATOR PESTICIDE ADVISORY COUNCIL

### MEETING MINUTES

Date: September 24, 2021

#### A. ROLL CALL

Bob Leon, General Environmental Services & New England Pest Management Association	Present
George Williams, Vesperis	Present
Jeff Utley, Nutrien Ag Solutions	Present
Jared DeBettencourt, Minute Man Pest Control	Present
Bob Mann, National Landscape Association of Landscape Professionals	Present

The Pesticide Applicator Pesticide Advisory Council ("Council") did meet or exceed the minimum number three (3) of members present to form a quorum and conduct business.

#### DOCUMENT(S) PRESENTED:

Agenda  
Draft minutes from the meeting held on March 12, 2021

#### B. REVIEW OF MINUTES:

**Motion:** B. Mann  
**Second:** J. Debettencourt  
**In favor:** All  
**Abstention:** J. Utley

#### C. NEW MEMBER OF ADVISORY COUNCIL

Jeff Utley introduced himself to the rest of the Council members. He stated that he works for Nutrien Ag Solutions and is please to serve on the Council.

#### D. PESTICIDE PROGRAM UPDATES, T. LASCOLA

##### Chlorpyrifos

T. LaScola provided an update on the registration status of Chlorpyrifos. In August, the Environmental Protection Agency ("EPA") announced that it would be revoking all food tolerances for Chlorpyrifos. EPA will issue a Notice of Intent to cancel the registered food uses. They will continue the registration review for remaining use patterns and determine if there is any more action needed. She noted that she wasn't sure how this would work out relative to product availability and is waiting for more guidance from EPA. There are thirty (30) Products

registered in Massachusetts that contain Chlorpyrifos. Eleven (11) of the products are general use pesticides and the remaining are restricted use pesticides. She looked quickly at the use patterns on these products and determined that twenty-two (22) of the products had non-food uses and seventeen (17) had food uses. She also reviewed the licensed Dealers sales report (which only captures restricted use products) and was able to determine that majority of the uses were on turf.

### Glyphosate

There was language in the Fiscal Year 2022 budget that created a Glyphosate Commission and allotted \$50,000 to review Glyphosate and its common alternatives and their effects on the environment and public health. The Commission is made up the following:

- MA Department of Agricultural Resources
- MA Department of Fish and Wildlife
- MA Department of Environmental Protection, Chair
- MA Department of Public Health
- Representative of Land Trust or has expertise in land management

Once the review is conducted it is to be provided to the Pesticide Board Subcommittee as part of the Individual review process. The review and outcome of the Pesticide Board Subcommittee ruling needs to be presented to the Joint Committee of Environment and Natural Resources by December 31, 2021.

### Neonicotinoids

MDAR sent a notice about the classification change to manufacturers/registrants and the stakeholder associations. Individual emails to licensed applicators will be sent out after the first of the year.

### Webpage

MDAR developed a webpage that will have any notices that are relative to changes/announcements that the program makes posted.

### Continuing Education Units

T. LaScola explained that an applicator has three years to obtain their required amount of Continuing Education Units ("CEUs"). The program has changed the cycle end date from June 30<sup>th</sup> to December 31<sup>st</sup>.

### Conservationist Pesticide Advisory Council

At the last Pesticide Board ("Board") meeting, the Board voted to create another Pesticide Advisory Council that would fall under Conservationist title. MDAR will be sending out an announcement and request for members soon. T. LaScola stated that the Conservationist Pesticide Advisory Council will be run the same as the current Council.

### Questions

B. Leon asked how the online exams were going. T. LaScola indicated that they were going well. Any of the "glitches" are being worked out. She indicated that it appeared the major issues are bandwidth or not having the IT specifications that are needed to take the exam. B. Mann indicated that the regulated industry seems to be happy with the new system.

## **E. ITEMS FOR DISCUSSION, B. MANN**

### 25B

EPA put forth a public comment period relative to the 25b product process. He noted that Richard Berman had brought up the issue of 25b products at the Pesticide Board Subcommittee meeting and wanted them registered. B. Mann indicated that he is supportive of having additional regulation for 25b products and indicated that the Mosquito Control Task Force may have interest in this as some of the 25b products used are for mosquito control.

### Spotted Lantern Fly

B. Mann stated that he had heard that Spotted Lantern Fly ("SLF") was found in Massachusetts and that he brings in the context of individuals wanting to use pesticides to control SLF (homeowners/applicators). He would like education and outreach to be part of addressing pesticide use and SLF. T. LaScola mentioned that states including Massachusetts has been planning for the arrival of SLF. Part of the preparation will be to develop guidance documents for specific entities.

### **F. ITEMS FOR DISCUSSION, G. WILLIAMS**

#### Exam Retest Rules

G. Williams indicated that industry has concern over the exam retesting rules. He asked where the rule came from and whether this is something that they should be concerned about. T. LaScola stated she does know how and why the rules were set, but anecdotally she thought that one reason may be the concern of an individual seeing the same questions repeatedly when retaking the test. G. Williams stated that he believed it should be up to the company hiring the individual to make the determination if an individual who has failed the test repeatedly should be hired. There was discussion among the Council members about this idea. T. LaScola indicated that any changes that need to be made to this rule would need to be done through the regulatory process in Section 10 of the regulations.

B. Leon allowed the public to weigh in on the discussion. Wendy Preisly of Vegetation Control Service stated that not everyone is a good test taker or a good book learner. Natalia Clifton from the University of Massachusetts Extension Pesticide Education Program stated that she gets the sense during her prep courses that individuals do not study enough for the exam. She believes failing the first time and knowing that they could not retake the test for 3 months if they fail the second time is an incentive to study more. She is concerned that even though someone passes the exam it does not make them a good pesticide applicator and therefore there is concern that someone would need to repeatedly take the exam to pass. She noted that individuals that are working with larger companies have more support (training) than the smaller companies.

B. Leon asked if T. LaScola could find out how many people had to have untimed exams due to a learning disability.

#### Legislation

G. Williams reviewed 922 and SD 1201. 922 creates a special commission to study rat poison on wildlife. He noted that the commission does not include the Department. SD 1201 creates agricultural buffers and speaks to chemical trespass. He believes that there is some language that could affect the pest control industry. G. Williams asked what the Departments view was on it. T. LaScola indicated that the Department does not have an opinion on it but it is tracking the bills.

### **G. NEW BUSINESS**

There was no new business discussed.

### **K. ADJOURN**

**Motion:** G. Williams

**Second:** J. Debettencourt

**In Favor:** All