

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



Maura T. Healey
GOVERNOR

Kimberley Driscoll
LIEUTENANT
GOVERNOR

Rebecca L. Tepper
SECRETARY

Ashley E. Randle
COMMISSIONER

CONSERVATIONIST PESTICIDE ADVISORY COUNCIL

MEETING MINUTES

Date: November 17, 2023

A. ROLL CALL

Kimberly Pearson, Brewster Natural Resources Advisory Commission	Present
Clint Richmond, Sierra Club	Present
Regina LaRocque, MGH Center for Environment and Health	Present
Rosemary Malfi, Xerces Society	Present

The Conservationist 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:

John Portnoy Documents

B. PESTICIDE ENFORCEMENT UPDATES, T. LASCOLA-MINER

Online complaint form: MDAR now has an online complaint form for individuals to submit complaints.

Enforcement actions posted online: Information about the enforcement actions have been posted online. The actions posted are the more egregious actions and include administrative orders, notice of assessments (fines), and license suspension/revocations. The information provided includes the individual/company name, date of issue, type of action and violations.

Annual Use Report Data: MDAR spoke with Pesticide Board ("Board") at the last meeting to discuss what kind of information should be posted on the website. The two main requests MDAR receives is individual use reports and reports relative to how much a particular product or active ingredient has been used in a year. The Board's concern was posting addresses of companies/individuals submitting the report and any security/safety issues that may be a result of that. MDAR is currently working on getting that information together to post online without the address of the entity submitting the report.

Discussion

There was discussion about the lack of searching capabilities for the information that is posted online as the information will be posted as a large list in a pdf format. Some Council members referenced that there were other government websites that post information in a format that is searchable. Jessica Burgess (MDAR Legal Counsel) stated that the information posted online must be done in a secure format (not able to be altered) and at this point, MDAR is unaware of a way it can post searchable information in a secure manner.

R. LaRocque stated that she believed MDAR should synthesize the data and asked when the information will be made available online. T. LaScola stated that MDAR is working on putting the information together to post it.

K. Pearson asked how she can respond if her constituency feels that MDAR is hiding the information. T. LaScola responded that there is no secrecy about the information. Despite the lack of resources, MDAR responded to the public's request to have this information be made available electronically and developed an electronic reporting method so the information could be made available more easily. MDAR is posting the information online for the public to access it, it is just not being posted in a manner that individual may want. She reiterated that the information is posted. She stated that she would explore any other possibilities on how to post the information that it could be searched and still secure.

D. ANNUAL PESTICIDE USE REPORT REQUEST

The Council discussed the conversation that the Board had relative to the request to add location to the annual use report. R. LaRocque stated she did not know if submitting a letter to the Board would be useful as MDAR and the Board have already heard their requests for additional information to be added to the annual use report. T. LaScola noted that she did not believe that the Board heard a clear request from the Council and that most of the discussion was relative on how to make the annual use reports public. She stated that she believed, the conversation about adding location to the use report was more generalized and that the Council had not come into agreement on what the exact location request would be but would continue to work on it and then make a request/recommendation for the Board to consider.

Motion: R. LaRocque moved to continue to work on the letter to include county information be included in the annual use report.

Second: R. Malfi

In favor: K. Pearson, R. Malfi, R. LaRocque

Abstention: C. Richmond

The Council worked on updating the letter accordingly and agreed to finalize it at the next meeting.

C. Richmond discussed the fact that there were some fields on the hard copy use report that were not on the online use report. He pointed out missing elements were acres, application method and crop. He asked why the fields were removed and if there was a discussion at the Board level. T. LaScola responded that the Board did not discuss this, and it was an MDAR decision based on the limitation of the online form, that those fields were not always representative of usage (ie: total acres was not specific to each product) and what the initial intent of the use reporting was for which was to provide high level information. C. Richmond stated that he believed those items should be added back in as they are important. T. LaScola stated that she would revisit this issue with MDAR staff.

E. DISCUSSION OF JOHN PORTNOY LETTER, ROSEMARY MALFI

R. Malfi read the initial letter from J. Portnoy that expressed his concerns relative to mosquito/tick control products that are used and his recent bee colony loss. R. Malfi explained that she had spoken with MDAR about this issue and that it was reported that while, but drift could have been a possibility another likely source could have been that the bees fed on flowers that had been sprayed with something. She stated that pyrethrins are used by mosquito control companies, but pyrethroids have become more common. Pyrethrins are derived by a flower and pyrethroids are a synthetic version of that. She pointed out that while pyrethrins are sometimes marketed as all natural, but they are still a pesticide and pose risk. She stated that the Pesticide Advisory Council has been requesting that MDAR require a license for the use of 25b Minimum Risk Products ("25b products"). She asked for some clarification on licensing requirements of these types of application.

T. LaScola responded that MDAR has always recommended that someone has a license if applying the 25b products. She added that when speaking with pesticide applicators, she reiterates that regardless of whether something is considered/marketed as organic, all natural, or green, these products are pesticides and should be treated as such.

Hotze Wijnja, MDAR Chemist, stated that pyrethrins are not considered 25b Minimum Risk Products but some are considered OMNRI products. He added that labels on these products include language indicating that the products are toxic to bees and other insects. He stated that it is MDAR's understanding is pyrethrins are not as commonly used in mosquito/tick control. H. Wijnja pointed out that the effects in the hives was likely due to the combination of the health of the bees and pesticide exposure. R. Malfi stated that there is research that shows that exposure to pesticides can cause the bees to more susceptible to diseases.

C. Richmond asked for clarification on pyrethrins and pyrethroids. H. Wijnja explained that pyrethrins are naturally derived and registered, and pyrethroid are the synthetic.

K. Pearson asked if the levels found could have been found naturally and if there enough information in the results to parse out the specific type of pyrethrins. H. Wijnja responded that to his knowledge "local" levels of flowers have ever been link to an exposure issue. Pyrethrins are extracted from a certain type of Chrysanthemum flower that is more tropical. The lab analyzes for four pyrethrins which make up most of the pyrethrin products. K. Pearsons questioned whether MDAR could track down the type of active ingredient and what product was used by looking in retail areas. T. LaScola responded that bee complaints are difficult to investigate given the fact that sometimes there is no direct correlation between the bee decline and a pesticide application. She stated that MDAR would not be able to track down who made an application by going to retail stores.

C. Richmond asked if there were any monitoring/surveys being conducted for native species of pollinators. R. Malfi responded that there is some monitoring, but it is not associated with pesticides. T. LaScola added that the MDAR Apiary Program participates in the USDA Honeybee Survey and there is some pesticide testing that is done. In past years, the results have shown very low levels off pesticides found.

G. NEW BUSINESS

C. Richmond asked T. LaScola if she could clarify an item on the Pesticide Subcommittee ("Subcommittee") agenda. T. LaScola stated that given the fact that this item is for another public entity and the Subcommittee had not met yet she could not clarify before the Subcommittee meets. He responded that he believes it brings up a larger issue relative to the coordination of the Board and Councils and that he would like to know how the Council can raise issues to the Subcommittee. T. LaScola explained that the Council cannot raise issues to the Subcommittee. The Councils role is to advise with the Board. She explained that Council members individually can comment and raise concerns to the Subcommittee, but the Council cannot.

C. Richmond stated that he still thinks there should be more collaboration and noted that no one from the Subcommittee attends the Councils meeting and expressed the challenges of meetings scheduled and agenda notices being sent out. He asked about joint meetings with all the groups and for some creative thinking on how all the groups can collaborate better. T. LaScola stated that all the meetings are open to the public so that individuals from the different groups could attend the different meetings if they chose. She also pointed out that there is a standing agenda item for Council updates when the Board meets. She stated that given the processes in place now for the groups to keep up to date on items/discussions, there would need to be a specific topic of discussion and end goal in place if there would be an attempt to gather the Councils and Board together.

K. ADJOURN

Motion: K. Pearson

Second: R. Malfi

In Favor: All