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

MDAR MASSACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES

Maura T. Healey	Kimberley Driscoll	Rebecca L. Tepper	Ashley E. Randle
GOVERNOR	LIEUTENANT GOVERNOR	SECRETARY	COMMISSIONER

CONSERVATIONIST PESTICIDE ADVISORY COUNCIL
MEETING MINUTES

Date: April 14, 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	Absent
Laura Mattei, Sudbury Valley Trustee	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.

B. PESTICIDE ENFORCEMENT UPDATES, T. LASCOLA-MINER

Administration
Ashley Randle is our new Commissioner. She has served as our Deputy for four years.

Glyphosate Commission
No update as the Commission has not met since our last meeting.

Eversource VMP
The ROW Panel met but did not complete their meeting, so it was continued. MDAR is working to set up something with them.

333 CMR 9 and 14 Hearing
The hearing for the regulations was held in February. There was not much attendance/participation. The Sierra Club was the only entity that submitted comments. The next step is for MDAR to write a hearing officers report and present that to the Pesticide Board.

Online Pesticide Annual Use/Restricted Use Sales Report
The online reporting system was launched on the May 13th, 2023. MDAR is working on sending out notification to the applicators. Applicators will have until September to submit their reports.

Discussion
C. Richmond asked what the public access to the system would be. T. LaScola replied that she is waiting to see how the data is coming in and make sure it is working. Once she can confirm that the form is working, there can

be other discussions as to how and when to make the information public. She reminded the Council that the information is still available through a public information request.

K. Pearson stated that due to conservation and other right to know laws where abutters are required or allowed to know what is happening on abutting property, MDAR should consider having the information up on the website for immediate access. C. Richmond responded that location isn't part of the information collected and the information is from the previous year.

L. Mattei asked why locations wasn't included in the online report when she knows that applicators record location when they make an application. T. LaScola responded that the online report is the annual use report and that MDAR does not collect the individual records of applications. If MDAR was to require the location to be reporting on the annual use report, it would need to go in front of the Board. L. Mattie stated that she believed that location and the individual records should be collected and maintained by MDAR.

R. Malfi asked if the individual records are all kept the same way. T. LaScola stated that there is required information that must be listed on the record, but the way in which the records are kept differ. She agreed with L. Mattei that this information should be collected and kept by MDAR.

EPA Proposed Interim Decision ("PID"), Rodenticides

EPA conducted its registration review of rodenticides and has issued its PID which includes the following changes:

- Restricting some rodenticides
  - Second Generation Anti-Coagulants ("SGAR"), Strychnine and Zinc Phosphide
  - First Generation Anti-coagulants ("FGAR"), Bromethalin and Cholecalferol in containers larger than 1lb

- Label Changes
  - Additional PPE for loose bait
  - Prohibition on spot and broadcast applications of some products in turf, lawn, parks, golf course, campsite and other recreational areas
  - Post-application search, collection and disposal of carcasses of target pests or non-target animals, cleanup of bait moved from its original placement location, and reporting of dead and dying non-target organisms; and
  - All RUP products include label language directing users to access the web-based *Bulletins Live! Two* and follow the measures contained in any Endangered Species Protection Bulletin(s) for the area in which the user is applying the product.

Discussion

L. Mattei asked what the difference was between first-generation and second-generation rodenticides. T. LaScola explained the difference between first- and second-generation are the modes of action and how quickly they work.

R. Malfi asked if states could put further restrictions on rodenticides. T. LaScola stated that they could.

SB3181/HB4931 (An Act Relative to Pesticides)

At the last Pesticide Board meeting, T. LaScola reported out that this bill had been signed by the Governor. This bill would do the following:

- Require MDAR to have an online use reporting system
- Requires public institutions of higher education to have an IPM plan
- Adds limitations to what can be used outside of a school

Shortly after the Board meeting, T. LaScola was contacted and questioned as to whether the bill was signed. After further research, MDAR found that the bill had in fact not been signed.

C. OVERVIEW OF 333 CMR 14.00, REGULATIONS REGARDING PESTICIDE APPLICATIONS TO SCHOOL PROPRETY

T. LaScola provided an overview of the regulations. 333 CMR does the following:

- Requires schools to have an Integrated Pest Management ("IPM") Plan
- Limits what kinds of pesticides can be used on the inside and outside of a school
- Requires notification for outdoor applications

She pointed out that there are responsibilities specifically for the pesticide applicator and responsibilities specifically for the school. For both parties to comply with the regulations they need to speak with each other.

Discussion

R. Malfi asked what kind of oversight done to ensure that the IPM plans are submitted and followed. T. LaScola explained that Inspectors will conduct routine inspections to review the plan and application records. She stated they also conduct routine inspections with the applicators. R. Malfi asked if the SB3181/HB4931 bill was passed whether additional schools would be required to fall under the requirements. T. LaScola stated that they would be required to have a plan and would be included in the outdoor restrictions and hardship waiver.

G. NEW BUSINESS

C. Richmond suggested that the Fresh Water Fish Consumption Advisory ("Advisory") be an agenda item in the future. He noted that there were some pesticides on the Advisory.

R. Malfi suggested that neonicotinoid and seed treatments be an agenda item in the future.

K. ADJOURN

Motion: K. Pearson
Second: L. Mattei
In Favor: All