

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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CONSERVATIONIST PESTICIDE ADVISORY COUNCIL

MEETING MINUTES

Date: October 14, 2022

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
Laura Mattei, Sudbury Valley Trustee	Absent
Rosemary Malfi, Northeast Organic Farming Association	Absent

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:

Minutes

B. REVIEW OF MINUTES FROM SEPTEMBER 9, 2022:

Motion: C. Richmond Approve the minutes with the change to remove the statement "the motion was made in error".

Second: R. LaRocque

In favor: All

C. PESTICIDE PROGRAM UPDATES

Vegetation Management Plan

T. LaScola provided an update on the status of the Eversource Vegetation Management Plan ("VMP"). The plan was posted online, and the hearing was scheduled for November 3rd. She explained that the Rights of Way Advisory Panel will meet after the hearing.

Discussion

K. Pearson wanted to discuss her concern that there was a fundamental flaw with how sensitive areas (specifically private drinking water wells) are identified, mapped, and listed on the plan. She indicated that the VMP lists a number of entities that are required to map and list private wells and then report them back to that Eversource so that they can then list the wells on their maps. She stated that last summer she contacted Eversource to ask about the process. The response she received was that Eversource contacts dig safe which does not line up with what is listed in the plan. T. LaScola suggested that if it is of concern then that should be brought up during the hearing process.

There was discussion as to whether comments should be sent to MDAR as a collective or individually and that a vote wasn't necessarily needed. R. LaRocque indicated that she believed comments should be submitted collectively as a Council. Both her and C. Richmond suggested that K. Pearson develop the comments.

K. Pearson then brought up the fact that the Cape had some new DEP regulations relative to water. She wanted to know if the Rights-of-Way ("ROW") applications are impacted by the NPDES watershed permit requirements. She stated that the towns did not have any way to factor the ROW applications into their NPDES permit. J. Burgess responded that she could not advise her in what to do relative to the NPDES permit and that she would need to discuss it with the entity requires the permits.

C. Richmond noted that the VMP did not mention the specific products that would be used. J. Burgess noted that the VMP is the broader five-year plan, and the Yearly Operational Plan ("YOP") would indicate the specific product. MDAR will review the plan to ensure that all the elements that are required to be in the plan are in the plan. C. Richmond then asked if there was a hearing process for the YOP's. J. Burgess stated that there is a public comment period where the public can submit written comments but there is not a hearing. He commented that he believes the VMP is flawed in that there is no summary of past applications in the plan. He believed that the VMP seemed to be "boiler plate" and did not have a lot of detailed information.

K. Pearson and C. Richmond requested that the ROW Advisory Panel have a public meeting when reviewing the VMP.

Pesticide Use Report Data Entry

MDAR did not receive an intern application to assist with entries of the pesticide use data, therefore MDAR has assigned two individuals to do it, but this is on top of their existing duties and therefore it will take time to complete the data entry.

D. REGULATION UPDATE

333 CMR 14.00 Amendment (Pesticide Use in/on School Property Regulations)

There was no further discussion about this.

E. MUNICIPAL OPT-OUT PROCESS FROM MOSQUITO CONTROL

This discussion was a continuation from the July 2022 meeting. C. Richmond stated that it appeared that none of the towns that were classified as moderate and high risk were not approved to opt-out. It was mentioned that the Opt-Out process sunsets at the end of 2022 unless the law was to change. He stated that one of the criticisms is that if a city/town is moderate/high risk then the bar was set very high for the plans. T. LaScola indicated that the opt-out process was run through the Executive Office of Energy and Environmental Affairs ("EEA"). There was discussion about the Council engaging with the Mosquito Control Task Force ("MCTF"). It was then explained that the MCTF no longer exists since the report was finalized and submitted.

R. LaRocque asked if the Council would want to reach out to the State Reclamation Mosquito Control Board ("SRB") to bring their concerns about the opt out process and the decisions that were made.

F. MOSQUITO CONTROL TASK FORCE RECOMMENDATIONS

This discussion was a continuation from the July 2022 meeting. The Council reviewed the other recommendations that were not discussed at the July meeting. There was discussion about who and how the Council would share their thoughts on the recommendations.

Recommendation BP 10: Protection of Receptors Areas from Pesticide Run Off

R. LaRocque commented that she supports this recommendation and that it segways into the next agenda item which is to discuss the EPA releasing information about PFAS leaching from containers into pesticides.

J. Burgess indicated that the role of the Council is to advise the Pesticide Board. The Board is looking to the Councils for advice of things and concerns that the Council has should go to the Board. There was discussion on how best to present topics of concern to the Board.

Recommendation BP-12: Monitoring and Evaluations after Spraying

C. Richmond indicated he supported this recommendation.

Recommendation BP-13: Research of the Impacts of Pesticides on Vulnerable Populations

K. Pearson stated that she was trying to imagine what the study would look like and noted that exposure studies are challenging. R. LaRocque indicated that she believes that of more policy decisions based on existing information is needed versus more information relative to the impacts of pesticides. She does not believe it is a bad recommendation but does not believe it to be the most important.

Recommendation BP-18: Notification

C. Richmond asked if MDAR could provide this notification. T. LaScola responded that this type of notification has been done for the past two years under Section 2A. She stated that the decision to continue this type of notification has not been discussed yet. K. Pearson asked how an individual knows they have the right to request notification. She believes that 48-hour notification for aerial applications should be done for all people, not just for those who have requested it.

Recommendation LE-6: Increase in Sharing of Pesticide Application Locations

C. Richmond believed this to be a good idea and provided a level of transparency.

C. Richmond stated that due to the time left in the meeting, they would stop at this point and go over the minority recommendations at the next meeting.

G. PFAS LEACHING FROM FLUORINATED CONTAINERS

R. LaRocque stated that EPA released some additional information relative to fluorinated containers were leaching into pesticides. She indicated that she would like to have pesticides tested by a third-party independent verification of chemical contents of pesticides prior to registration. C. Richmond indicated that this would be something that the Council could recommend to the Pesticide Board.

T. LaScola added that the information EPA just released was not necessarily new but rather that EPA had concluded its previous testing and found that the longer a formulation is in a container and the type of formulation can impact how much can leach into the product.

Hotze Wijnja, chemist for MDAR also added that this is ongoing work that EPA is conducting. EPA recently stated that they are no longer allowing some inert ingredients that fall under PFAS definition and they continue to look at active ingredients. C. Richmond asked if fluorinated containers are used a lot in pesticide packaging. H. Wijnja responded that that is something that is still being looked at. He pointed out that there is only one validated method to look for PFAS. EPA is focusing on the containers versus the formulation.

T. LaScola and H. Wijnja pointed out that there are regulatory requirements for pesticide containers and that manufacturers must request any changes they would like to make to containers.

R. LaRocque commented that PFAS is a concern across the state and that they don't fully know where PFAS is coming from. Pesticides have been identified as a huge source of PFAS and that should be a concern of MDAR. She believes that PFAS is not only coming through container leaching but also through the inert ingredients. She appreciates that EPA is working on the issue but does not believe that relying on companies to report back to EPA is sufficient. Therefore, she is asking MDAR to take more aggressive steps. She would like MDAR to require companies to submit third party validation as to what is in their products. She asked MDAR staff if MDAR can do something more in Massachusetts

T. LaScola stated that she appreciates the topic and the question, but she cannot answer that now. She stated that there are a lot of things to consider when thinking about requiring something like this and it would be a big undertaking. R. LaRocque stated that she does not believe that EPA is doing enough and that she would like the Pesticide Board to look at this issue and request.

C. Richmond indicated that he would like to have the topic of inert ingredients on the next agenda.

H. NEW BUSINESS

H. Wijnja offered to provide the Council with a presentation about how the sensitive area material list is developed and review the past glyphosate monitoring projects that had been conducted. The Council was receptive to that, and K. Pearson asked if she could obtain the information about the monitoring projects prior to the close of the Cape Cod VMP comment period.

I. ADJORN

Motion to Adjourn: K. Pearson

Second: R. LaRocque

In Favor: All

Oppose: None