

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

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CONSERVATIONIST PESTICIDE ADVISORY COUNCIL

MEETING MINUTES

Date: December 9, 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	Present
Rosemary Malfi, Northeast Organic Farming Association	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:

Minutes

B. REVIEW OF MINUTES FROM October 14, 2022:

Motion: K. Pearson

Second: R. Malfi

In favor: All

C. PESTICIDE PROGRAM UPDATES

Eversource Vegetation Management Plan ("VMP")

The hearing for the VMP was held on November 3rd and was well attended. There will be an additional hearing held on December 15, 2022. The written comment period has been extended until December 23rd, 2022. There was discussion about the Rights of Way Advisory Panels role in the VMP and the process.

K. Pearson asked if there was any information relative to the NPDES permit requirements and Rights of Way applications. J. Burgess stated that the town would need to reach out to the appropriate entity that handles the NPDES permit requirements.

Posting Enforcement Actions Online

MDAR will begin posting limited information relative to companies and enforcement actions on the website. The Council members supported this decision.

Pesticide and Marijuana

MDAR updated its policy relative to the use of pesticides on marijuana. When the 2018 Farm Bill was passed, Hemp became federally legal. This allowed for pesticide manufacturers to begin adding hemp to labels. MDAR recognizes that hemp and marijuana are the same plant and that marijuana growers need tools when dealing with pest pressures. MDAR is allowing pesticides to be used on marijuana if the product and grower follows specific criteria.

C. Richmond expressed the concern relative to the fact that this could mean that marijuana may not be considered organic and how that will affect the public purchasing the products. T. LaScola-Miner stated that currently the products that are allowed for hemp are biologicals. She also indicated that just because a commodity is marketed or registered as organic it does not mean that pesticides are not used on the commodity. It was also noted that there are no organic standards for marijuana.

D. MOSQUITO CONTROL TASK FORCE RECOMMENDATIONS

The Council continued to review the recommendations that had a minority vote.

BP-2: Limited Ground Based Applications of Adulticide

R. Malfi indicated that she believed that the intent of this recommendation was relative to “nuisance” applications. The Council members agreed that this was a good recommendation but also expressed an interest to find out more about mosquito control. There was discussion as to the fact that this recommendation is one that cannot be addressed by the Pesticide Board as it is not relative to M.G.L.c. 132B and 333 CMR.

BP-6: Prohibit Aerial Applications of Adulticides

L. Mattei indicated that while she was not in favor of aerial applications she did not like the strictness of this recommendation.

BP-9: QA/QC Testing of Chemicals Used in Mosquito Control

There was no discussion on this recommendation.

BP-15: Agriculture Opt-Out

R. Malfi stated that there are many small growers that are farming organically but are not certified organic and this recommendation is trying to address that.

PS-3: Inert Ingredients (Option 2)

T. LaScola stated that this recommendation was relative to the concern that inert ingredients information is not disclosed to the public as it falls under Confidential Business Information (“CBI”). The intent of this recommendation was to allow MDAR to obtain the information and share it without having to contend with CBI restrictions.

There was discussion about the importance of the public being able to know information about the inert ingredients. K. Pearson indicated that treating physicians can get inert ingredient information from Poison Control.

E. INERT INGREDIENTS AND PFAS

C. Richmond wanted to know if MDAR had any reaction about recent research that indicated PFOS was found in pesticides and EPA no longer allowing a number of inert ingredients to be used. T. LaScola-Miner stated that MDAR was aware of the research and was working with DEP on understanding it. H. Wijnja indicated that EPA is aware of the research as well. H. Wijnja also spoke to EPA’s recent removal of allowable inert Ingredients because they fall under the definition of PFAS. EPA continues to review inert ingredients to determine if others need to be removed as well. EPA and industry is working on the issue with the containers.

R. LaRocque stated that while she was happy EPA is looking into the issues she wanted to know where the state was in all of this. T. LaScola-Miner noted that there a letter was sent to the Pesticide Board (“Board”) requesting third party testing of products for PFAS be required. The Board directed MDAR review the request and report

back to the Board. She asked H. Wijnja about the testing capabilities for PFAS. He responded that the effort to come up with testing capabilities is ongoing as there is only one approved method.

G. NEW BUSINESS

There was no new business.

K. ADJOURN

Motion: R.LaRoque

Second: R. Malfi

In Favor: All