

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: July 14, 2023

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.

DOCUMENT(S) PRESENTED:

Minutes from January 13, 2023 and April 14, 2023

A. REVIEW OF MINUTES FROM JANUARY 13, 2023 AND APRIL 14, 2023:

Motion: R. Malfi

Second: K. Pearson

In favor: All

Abstention: None

B. PESTICIDE ENFORCEMENT UPDATES, T. LASCOLA-MINER

Eversource Vegetation Management Plan ("VMP"): The VMP was approved. The Yearly Operation Plan ("YOP") is open for public comment which closes on August 7th. K. Pearson asked where she could view the Glyphosate Monitoring that was mentioned during the Rights of Way Panel meeting. H. Wijnja stated that this was performed over a two-year period that began in the fall of 2018. There were four wells in the Cape Cod that were sampled monthly and then a bi-monthly/quarterly basis in 2020. The samples were analyzed for products used on Rights of Way and landscape. The information has been shared in other context but was never placed on the website, but individuals can request the information through a public information request. The Council encouraged that MDAR post the report.

K. Pearson stated that she was concerned that the Rights of Way Advisory Panel members did not understand what a single source aquifer was.

Staff updates: MDAR added two new inspectors to the enforcement team.

Pesticide Applicator Advisory Council Open Seat Update: There is an open seat on the Pesticide Applicator Advisory Council. A call for applicants was sent out and MDAR will review the applications and present to the Board at the next Board meeting for them to select.

Neonicotinoid Products in the Marketplace: The enforcement team is conducting marketplace inspections and are not finding many neonicotinoid products in the marketplace.

Online Pesticide Use Reports: There had not been a lot of complaints with the new reporting system. Some Dealers are concerned with the system due to how their sales data is collected. T. LaScola explained that the Dealer reports are for Restricted Use Pesticide (“RUP”) sales and that they are required to report how much of a particular RUP product is sold to an individual.

C. Richmond asked if MDAR had ever considered requiring them to report General Use Pesticide (“GUP”) sales. T. LaScola explained that this requirement is linked to having a Dealers license. The regulations/statute does not address the sale of GUP’s. A pesticide license is required when an individual applies a pesticide to someone else’s property. If there was a requirement to report GUP sales then it would include cleaning products, flea/tick products etc. and any type of store that sold a GUP would be subject to the reporting requirements. She also explained that because anyone can purchase GUP the Dealer is not required to ask for a license.

There was discussion about the different license requirements and the Continuing Education Unit (“CEU”) requirements. T. LaScola reviewed the different licenses and the CEU process.

C. Richmond asked if there was discussion about summarizing the data. T. LaScola stated she would like to wait to see how the reporting goes for the first year before discussing summarizing data and posting it online.

Glyphosate Commission: There were no updates.

C. EPA SCIENTIFIC TESTING FOR PFAS IN PESTICIDES, HOTZE WIJNJA

H. Wijnja provided a presentation relative to PFAS and pesticides. This included the following:

- Summary of EPA’s Updates on PFAS Action Plan
 - PFAS background information
 - Roadmap and accomplishments
 - Key activities across Office of Chemical Safety and Pollution Prevention (OCSPP)
 - Packaging
 - Updated PFAS Definition
 - Pesticide Active Ingredients and Inerts
- Completed Lab Efforts
- Ongoing Testing and Verification of Published Study Data

C. Richmond noted that with the EPA’s new definition there are now four active ingredients that fall under the definition of PFAS. He also noted that Maines definition is different and asked if EPA is aware of Maines definition. H. Wijnja responded that EPA hasn’t mentioned Maine specifically but is aware of what is happening in the European Union, which is that the EU has exemptions from its definition which includes pesticides. This is because of the strict regulatory programs that are already in place to review these products.

D. PRE-NOTIFICATION REQUIREMENTS, T. LASCOLA

T. LaScola presented an overview of the pre-notification requirements for the following types of applications:

- Aerial

- Indoor (Structural)
- Lawn/Turf
- Golf Courses
- Schools
- Agriculture

C. Richmond read a question from the public which asked how the pre-notification process for an apartment building with two/three units. T. LaScola indicated that if a pest control company is hired then the pre-notification is required but if the landlord lives in the building then a license is not required and therefore the regulations do not apply.

R. Malfi asked what a neighbor of someone receiving an application has the right to know. T. LaScola stated that there are no requirements that the neighbor receive information. She stated that MDAR recommends that the individual with a concern contact the company/neighbor to find out any information.

C. Richmond asked if there were any requirements for pre-notification for individuals with respiratory issues. T. LaScola stated there was not. He also asked if there were pre-notification requirements for indoor application of schools. T. LaScola responded that there is not and the reason for that may be because that the applicator is limited to certain types of formulations (that don't include liquid) and therefore the risk to exposure is less.

G. NEW BUSINESS

L. Mattei stated that she needed to resign from the Council due to a shift in her work responsibilities. T. LaScola stated that she will send out a notice to organizations letting them know that there is an open seat that needs to be filled.

K. ADJOURN

Motion: K. Pearson

Second: L. Mattei

In Favor: All