

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: August 9, 2024

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
Rosemary Malfi, Xerces Society	Present
Kristin Andres, Association of Preserve Cape Cod	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 JULY 16, 2024:

Motion: R. Malfi

Second: K. Pearson

In favor: All

Abstention: None

C. NOTIFICATION REQUIREMENTS, ROSEMARY MALFI

R. Malfi stated what the Council reviewed at the last meeting. C. Richmond then confirmed with T. LaScola that the Pesticide Board could impose restrictions on the use of a specific product. T. LaScola confirmed that he was correct. The Council discussed the following notification items:

- Providing the product information to the contracting entity prior to the application: The members were supportive of providing that information.
- Notifying abutters: K. Pearson provided an example as to why it would be helpful to have the knowledge about what was used at her neighbor's house as it would have been helpful during an issue she was having with her plants. There was discussion about what an "abutter" would be defined as. T. LaScola and Jessica Burgess (MDAR legal counsel) stated that the Council should provide a description of who they would want to receive the pre-notification and if this requirement was going to be added to the regulations, then MDAR would develop the appropriate language to include those individuals. The Council discussed whether to include neighbors that were next door, across the street or diagonally located. T.

LaScola stated that most of the calls they received are from neighbors that are next to the application area. There was discussion about how far drift may occur and if that should be considered. T. LaScola cautioned the Council about taking that approach in that the product is not supposed to drift and that there shouldn't be an assumption that an application should drift. If drift does occur, then MDAR should be involved because it would be violation of the regulations. She noted that when following up on something like this the product information would be provided to MDAR and then ultimately provided to the complainant. It was suggested that the Council ask the question of why neighbors need to know this information as there will need to be a rationale as to why it should be added to the regulations. The Council members discussed other reasons to pre-notify abutters such as chemical sensitivity, gardens, pets etc. The Council agreed that notification should include active ingredients of products used or to be used and that it should be required. There was further discussion about providing the product information prior to the application or after the application and whether it should be upon request and whether it should be provided automatically to abutters or any member of the public is allowed to get the information.

- Lawn Care Signs: C. Richmond stated that he thought additional information should be included on the lawn care sign. He stated he has seen signs without the contact information. T. LaScola stated that would be a violation. She stated that the name and phone number of the company is required to be on the sign. C. Richmond stated he would like to see additional information on the sign such as product information. T. LaScola stated when looking at sign posting requirements, one needs to be careful about how much information is provided on the sign so that people don't walk onto the treated area to read the sign, people don't get blind to the sign, the sign is too big, the sign is so cumbersome that people take the sign down etc. The signs should be plain, simple and to the point. T. LaScola then stated that the signs are required to posted for at least 24 hours and no more than 72 hours. MDAR suggests to the companies that they put this 24 hour requirement on the information left behind for the customer. She also explained that the signs says "Keep Off" and while the sign is supposed to be up for 24 hours the label restrictions don't have that restriction on it so the sign requirement goes beyond what the label requires. She also stated that the signs are supposed to be posted at conspicuous points of entry and on large commercial properties posted every 200 ft apart.

D. NEW BUSINESS

K. Pearson asked to add the topic of fertilizers being used as pesticides to a future agenda. This is relative to applications of fertilizers to trees to beech trees for beech leaf disease.

C. Richmond would like to add the topic of adding restrictions to the use of pesticides that contain PFAS to a future agenda. He also stated that he wanted to have 25b as a topic on an upcoming agenda.

E. ADJOURN

Motion: K. Pearson

Second: K. Andres

In Favor: All