

Mosquito Control Task Force (MCTF) Meeting #20 – Minutes

January 13, 2022, 12:00 p.m. via Zoom

Meeting Topics:

- Call to order and introductions
- Routine business
- Calendar updates
- MCTF Subcommittee Updates – presentation on outline of recommendations
- Process Updates

Call to order and introductions:

The full task force meeting was initiated at 12:03 p.m. by Beth Card. Task force members in attendance included Kevin Cranston, John Lebeaux, Nicole Keleher, Eve Schluter, Heidi Porter, Julia Blatt, Anita Deeley, Russell Hopping, Kim LeBeau, Bob Mann, Priscilla Matton, Brad Mitchell, Jennifer Pederson, Richard Pollack, Helen Poynton, Heidi Ricci, Stephen Rich, and Richard Robinson.

Routine business – Vote on meeting minutes from 12/14/21:

A motion was made to approve meeting minutes by Richard Robinson. Seconded by John Lebeaux. A roll call was conducted. Kevin Cranston (aye), John Lebeaux (aye), Nicole Keleher (aye), Kathy Baskin (not present), Eve Schluter (aye), Heidi Porter (aye), Derek Brindisi (not present), Julia Blatt (aye) Tonya Colpitts (not present), Anita Deeley (aye), Russell Hopping (aye), Kim LeBeau (aye), Bob Mann (aye), Priscilla Matton (aye), Brad Mitchell (not present), Jennifer Pederson (aye), Richard Pollack (aye), Helen Poynton (aye), Heidi Ricci (aye), Stephen Rich (aye), Richard Robinson (aye), Sam Telford (not present)

Beth Card encouraged the group to attend subcommittee meetings to ensure quorums were met, as time was tight and rescheduling meetings would be a challenge to the group. Beth Card asked subcommittee members to complete the scheduling poll that ERG had distributed regarding the establishment of additional subcommittee meetings. It was noted that some subcommittee members were interested in discussing the general goal of mosquito control and that would be a topic of conversation at the task force meeting in March before the final report was drafted.

Calendar updates:

Caroline Higley presented the working calendar and gave an update on task force and public listening session timelines. Additional meeting times were noted through March to allow for completion of the task force by the deadline. Julia Blatt voiced her concern in relation to discussing goals in March and suggested that it would be helpful if the topic of a framework and goal be earlier in the schedule. Beth Card noted that the subcommittees have targeted tasks ahead of finalizing everything and she would look at the calendar to see if accommodations could be made. Heidi Ricci added that the struggle to come to consensus in subcommittees was because there wasn't a goal and framework. Beth Card commented that the opinions and information shared in the task force meeting by subcommittees was preliminary and recommendations continue to evolve as items are added and removed. It was noted that there were some discussion questions to assist in guiding conversation if needed.

MCTF Subcommittee Updates – presentation on outline of recommendations:

Pesticide Selection – Bob Mann

Bob Mann noted that the subcommittee had perfect attendance and good engagement and added that the recommendation material was a living document that was still under development. The first topic that was discussed was minimum risk pesticides. The subcommittee was looking towards formalizing the review of

mosquito control pesticides use and would like to see DEP more involved in the process, ensure the selection process considered the impact on drinking water, and avoided the use of PFAS containing pesticides. Bob Mann noted that the subcommittee was proposing to not make a recommendation on active ingredients due to EPA and FIFRA testing. It was added that there was no recommendation for inert disclosure; however, the subcommittee was looking at amending the pesticide control act and adding DEP to the pesticide board subcommittee. Bob Mann noted that the subcommittee was struggling with inerts and discussed the EPA regulation process and entrusting EPA to handle that registration process, in addition to the consideration of CBI and the fact that manufacturers would not be pleased and may choose to not register their product in MA.

Questions/Comments:

Julia Blatt commented on the material that was received and that potentially one product approved by the state may have an impact on aquatic ecosystems. Bob Mann noted that point may be addressed through adherence to the label direction but could take Julia Blatt's question back to the subcommittee for discussion. Heidi Ricci discussed the regulatory process and ongoing controversies regarding the Center for Biological Diversity filing a notice of intent to sue EPA for failure to comply with the endangered species act and asked if the subcommittee had taken that information into account. Bob Mann commented that the center was very vocal against the use of pesticides and used the court system as a means for checks and balances. Bob Mann discussed his perspective on holding the EPA accountable to make the process better and noted that he did not believe that the process was flawed.

In reference to Julia Blatt's comments, Helen Poynton asked Julia Blatt for more information about her concerns, as Helen serves as the representative for ecological risk assessment as an ecotoxicologist on the subcommittee. Julia Blatt noted that what she read may not have been from the pesticide subcommittee, and detailed that her reading related to what was safe for aquatic ecosystems and there was enough concern and doubt if the product was safe. Julia Blatt added that she was not feeling very confident that was being addressed. Richard Robinson made general points about the process and noted that he thought the legislature had the responsibility of determining if what was recommended was cost-effective and he was interested in recommending things that do the best towards the charge the subcommittee was focused on.

John Lebeaux discussed the documenting of a transparent selection process and as the chair of the SRB had a few questions. John Lebeaux mentioned that if the SRB or subcommittee of the SRB would further review pesticide products and asked about the review itself in terms of what would it look like and what was being reviewed. It was also noted that because of the review, if the SRB had a concern about a product, what would the outcome of the review result in. John Lebeaux commented on the suggestion to develop an outreach campaign and noted that resources would be necessary. Bob Mann commented that those questions would be taken back to the subcommittee for consideration.

Richard Robinson discussed inert ingredients and lack of state information. Bob Mann noted that there were opportunities for improvement related to equal access and the ability to integrate IPM more successfully so the necessity for aerial spraying would be greatly reduced and the selection process for products for aerial spraying would be done in a better way. Bob Mann pointed out that inerts are a known universe by EPA and EPA considered those inert ingredients as part of a registration process. It was added that the process may lack transparency and perhaps that would change. There was a suggestion made that added costs associated with change in existing process should be pointed out to the legislature so they can make an informed decision.

Best Practices – Richard Robinson

Richard Robinson presented seven recommendations to the task force. Recommendations under Directive I, facilitating use of IPM, were introduced which included recommendations on statewide mosquito surveillance, improved consistency on the implementation of IPM, and limiting truck-based application of pesticides. There was discussion on establishing clear thresholds and objective data. Directive VI was presented, and it was noted that

the first recommendation on vulnerable population and non-target species would be split into two recommendation. Richard Robinson commented on the online reporting for private applicators recommendation and added this was developed to capture and provide data to inform on better ways to conduct mosquito control. Richard Robinson commented on recommendations under Directive IV, protecting organic agriculture from pesticide use, and touched on the agricultural opt-out recommendation and discussed the protected status of certified organic farms in the context of adding protection against aerial spraying through legislation and not just policy. It was noted the subcommittee was discussing criteria for the declaration of aerial spraying, education, and protection of arborvirus as statewide responsibility, and a multi part recommendation on protecting public water bodies.

Questions/Comments:

Kevin Cranston noted that conceptually DPH would welcome statewide mosquito control surveillance and commented on the detailed legal requirements. Criteria for a public health emergency was discussed and it was noted as challenge related to objectivity and application in a consistent way in a changing ecology. Kevin Cranston asked a question about thresholds related to truck-based application and what the subcommittee was focused on. Richard Robinson commented that the subcommittee was looking at thresholds for current practices. John Lebeaux noted that to implement would require resources not just for MCDs but for the SRB and DPH. John Lebeaux added that MCDs currently utilize IPM and called out that if MCDs aren't spraying for nuisance then private industry would be doing it. It was noted that MDAR receives a fair number of complaints related to private applicators making applications for mosquitoes but rarely does MDAR receive complaints about the MCDs. Richard Robinson commented on the IPM question and the limiting of truck-based spraying. It was also noted that it was not lost on the subcommittee that there was risk for having more private sector spraying. It was not currently part of the recommendation, but it was suggested standards should also exist for the private sector. Heidi Ricci commented that some of the practices that currently take place are not IPM and referenced nuisance spraying.

John Lebeaux discussed vulnerable populations and non-target species and asked what those terms meant. He also commented on the feasibility of removing all agriculture from pesticide application related to the difficulty of effectively conducting an aerial spray operation. He added that organic farms are excluded to protect their business model (so they could continue to sell their product as organic) and not because of any risk the application posed. Heidi Ricci mentioned that there are organic farms that are not certified that use organic farming practice and there could be impacts to the soils, not just impacts on the crops for that year.

Mosquito Control Policy Structure – Co-Chair Julia Blatt presenting on behalf of Chair Stephen Rich

Julia Blatt noted subcommittee Directives V and X. Julia Blatt discussed the subcommittee recommendation related to the repeal and revision of MGL 252 and enabling legislation. Julia Blatt commented that the legislation was enacted in 1918 and parts of the legislation are out of date. There was discussion about the creation of a new mosquito control oversight board that would include other state agencies. In addition, there was recommendation to change and modernize funding mechanisms for membership to unify and make mosquito control more consistent across the state. Julia Blatt discussed the recommendation to amend the stormwater handbook and relevant building codes was still being discussed and could potentially belong on another subcommittee.

Questions/Comments:

Kevin Cranston noted the concern about legislation that was over 100 years old and urged members to make rationale, clear, and convincing recommendations for legislative consideration. A question was posed in relation to revising the structure and function of the MCDs and would baseline mosquito control surveillance be part of that process. Julia Blatt commented on the MCD survey results and the concern in the variation across districts as coherent policy for the state. Julia Blatt added that the subcommittee recommendation would make it so everyone could join an MCD and have baseline services with menu-based items included as well.

John Lebeaux commented that as chair of the SRB, he needed to note that the Repeal of MGL 252 would eliminate the SRB and MCDs. He emphasized that those organizations must be preserved or recreated in this new structure. John Lebeaux added that it would be much easier to have a state agency or division be responsible for mosquito control and there was a need to think about transitioning staff from their current system to the state system. It was added there would also need to be thought about regional MCD commissioners. John Lebeaux suggested looking at the Pesticide Board and how it was organized as a potential example.

Local Engagement – Heidi Ricci

Heidi Ricci commented that there was a lack of a municipal perspective on the subcommittee and noted the group has done the best that they can in Derek Brindisi's absence. Heidi Ricci mentioned that they had ten recommendations under three directives and the subcommittee had reached a conceptual consensus on some of the recommendations. Heidi Ricci noted that the subcommittee's first recommendation for an online pesticide use reporting system had strong consensus. It was mentioned that the second recommendation related to marking methods could be modernized with GPS technology and the two recommendations are linked and would need funding. Heidi Ricci discussed the next two recommendations as being related to a new mosquito control management plan that would be based in science and have public input. Heidi Ricci noted that the subcommittee recognized that there would need to be plans in place for the transition to a new process where the MCDs would still exist.

Heidi Ricci noted that there was not consensus on the next set of recommendations on things like pesticide application and how that would link back to an IPM based approach. There were discussions about a municipal survey or other processes for public input. The next recommendation looked at the municipal opt-out process and it was mentioned that there had been some comments from the public and legislators regarding what the process would be for this year. Additional recommendations were discussed regarding the pilot evaluation of environmental impacts, increased sharing of data on pesticide application location, and increased transparency on operational exclusions for rare species and sensitive habitat.

Questions/Comments:

John Lebeaux commented on the first two recommendations related to an online system and requesting property exclusion and discussed the current process related to opting out. It was noted that AGR had not received many complaints about the current opt out system. Relative to the marking methods recommendation, he noted that not all MCDs may have the ability to use GIS coordinates for spraying. It was added that current marking methods for landowners may provide additional options to ensure spraying does not impact properties. Heidi Ricci appreciated the feedback and noted that the current system works well for small landowners but for large landowners it was not a great process and could take up to one whole day to input information.

Process Updates:

Beth Card asked the subcommittees, generally, if they were encountering any problems throughout their efforts to develop recommendations. Richard Robinson noted OML requirements as a challenge and referenced supreme judicial court documentation that may be pertinent to the conversation of what could be posted for review under OML as a potential solution. Jessica Burgess noted the nuance in the interpretation of OML and discussed that there have been different opinions from the AGO. Jessica Burgess noted that she consults with a number of attorneys and discussed that opportunities to share information in advance to ensure productivity and efficiency would be reviewed.

Heidi Ricci thanked ERG and agency staff for the work that had been done. Heidi Ricci noted some concern on the lack of municipal representation in Derek Brindisi's absence and added a request that EEA provide some further information and guidance on this year's opt out process. Beth Card discussed Derek Brindisi's future availability and noted the opt out was still being worked on.

Caroline Higley asked the group if there were any policy challenges the full task force should be considering ahead of draft recommendations. Some members of the task force discussed complexities and that the science was still evolving. A question was asked about recommendation submission timeline for the public listening session. Caroline Higley provided clarification on the timeline. It was noted that there was one opt out question in the Q&A that was flagged and addressed. Priscilla Matton asked about providing comments on other subcommittee recommendations that were presented. Caroline Higley noted that comments could be filtered through ERG and then to the subcommittees.

Vote to adjourn:

Beth took a motion to adjourn from Richard Robinson. Seconded by John Lebeaux. All in favor said aye. The meeting was adjourned at 1:50 p.m.