

03.21.22 Mosquito Control Task Force (MCTF) Meeting #23 – Minutes

March 21, 2022, 12:00 p.m. via Zoom

Meeting Topics:

- Call to Order and Introductions
- Routine Business
- MCTF Recommendations
 - Discussion on recommendations

Call to Order and Introductions:

The task force meeting was called to order at 12:02 p.m. by Beth Card. An agenda update was provided. It was noted that ERG would continue taking the lead on meeting logistics. Task force members in attendance included Kevin Cranston, John Lebeaux, Kathy Baskin, Eve Schluter, Heidi Porter, Derek Brindisi, Julia Blatt, Anita Deeley, Russell Hopping, Kim LeBeau, Bob Mann, Priscilla Matton, Brad Mitchell, Jennifer Pederson, Richard Pollack, Helen Poynton, Heidi Ricci, Stephen Rich, Richard Robinson, and Sam Telford.

Routine Business:

A motion was entertained by Beth Card to approve the 3/03/22 task force meeting minutes as written. A motion was made by John Lebeaux. Seconded by Jennifer Pederson. A roll call was conducted. Kevin Cranston (aye), John Lebeaux (aye), Nicole Keleher (not present for vote), Kathy Baskin (aye), Eve Schluter (abstain), Heidi Porter (aye), Derek Brindisi (aye), Julia Blatt (aye) Tonya Colpitts (not present for vote), Anita Deeley (not present for vote), Russell Hopping (aye), Kim LeBeau (aye), Bob Mann (aye), Priscilla Matton (aye), Brad Mitchell (not present for vote), Jennifer Pederson (aye), Richard Pollack (aye), Helen Poynton (aye), Heidi Ricci (aye), Stephen Rich (abstain), Richard Robinson (aye), Sam Telford (aye).

MCTF Recommendations:

The agenda was shared with task force members. It was noted that the Friday 3/25 task force meeting would focus on completing discussion of tier 1 recommendations and that there would be an additional sixty minutes allotted for recommendations that task force members may want to discuss. It was added that the task force meeting on 3/29 would be held to conduct voting on all recommendations that were put forth by the subcommittees. Caroline Higley discussed the report structure and noted the aggregation of materials and the new addition of an appendix to include all of the meeting minutes and content that was voted on by task force members. It was noted that ERG copy editors were reviewing the report and would share a tracked changes copy before the task force meeting on Friday 3/25. Diana Pietri discussed the structure and goal for the task force meeting.

Discussion on Recommendations:

POL-1: Repeal and replace M.G.L. c. 252 and enabling MCD legislation or amend M.G.L. c. 252 and repeal MCD enabling legislation – (Continued): Diana Pietri commented that the recommendation was a continued discussion from the 3/3 task force meeting. Slides were presented to the group that provided a content overview of the recommendation language.

Questions/Comments:

Richard Robinson asked if the recommendation did not pass or if the legislature did not entertain it, were there other recommendations that would cover similar ground. Kevin Cranston noted that the recommendation had a lot of detail and discussed the legislative proposal process and noted that the legislature would act or not act on this recommendation as it so chooses. The group circled back to Richard Robinson's question and Stephen Rich

provided a response. Heidi Ricci added that she thought there were other recommendations that included similar content. Heidi Ricci noted that the Local Engagement subcommittee recommendation on a menu-based approach had the explicit statement that it would replace the current state authority with a municipal opt-in. Brad Mitchell noted that the existing legislation was out of date with norms, nomenclature, and goals and suggested that it would be much more efficient to rewrite the legislation and start from scratch.

PS-6: Consideration of Novel Risk/Exposure Scenarios: Diana Pietri presented slides to the group that provided an overview of recommendation content and task force member poll comments.

Questions/Comments:

Priscilla Matton commented that she voted against the recommendation but was not against research. Priscilla Matton noted that she felt that the recommendation was too broad related to who would be making decisions and how funding would be allocated. Priscilla Matton added that she supported the idea of research and risk analysis but not in this form. Heidi Ricci asked how the subcommittee defined novel risk exposure scenarios and if there were any considerations in regard to the registration system and things it did not capture. Brad Mitchell commented that the recommendation was meant for exposure scenarios and risks that were not captured by the registration standard. It was added that the subcommittee tried to broaden out the recommendation to address things that were raised by subcommittee members.

BP-13: Research the Impacts of Pesticides on Vulnerable Populations: Diana Pietri presented slides to the group that provided an overview of recommendation content and task force member poll comments.

Questions/Comments:

Kevin Cranston reflected on the content from Dr. Nascarella's presentation to the task force related to the fundamental challenges in naming and evaluating size of populations and chemical sensitivities. It was added that this was a large undertaking to identify and quantify the populations at risk being identified by this recommendation. Richard Robinson pointed out that this was one of the few recommendations that actually addressed something that was in the enabling legislation that the task force was charged with. Beth Card provided a general comment related to funding and suggested caution with providing the burden on how to pay for things through this process. It was noted that the job of the task force was to make recommendations on what the group thought was the best approach. Heidi Ricci agreed with Richard Robinson that this was one of the few recommendations that began to get at a key charge of the task force. Richard Pollack commented on the mandate to discuss this issue and noted to the task force that this recommendation had been discussed and debated quite a bit.

BP-14: Criteria for Declaring a Public Health Hazard: Diana Pietri presented slides to the group that provided an overview of recommendation content and task force member poll comments.

Questions/Comments:

Julia Blatt asked if someone from the subcommittee could discuss what they saw as a gap in current practices. Priscilla Matton discussed her viewpoint and experience related to the information that went into the decision-making process and noted that transparency was more of what the subcommittee was trying to address. Richard Robinson added that there was much discussion and over the course of time the insistence on rigor of a published criteria to determine a public health hazard mellowed a bit.

POL-3: Revise the structure, function, and funding of MCDs to ensure a comprehensive and cohesive framework for mosquito control across Massachusetts that establishes baseline mosquito control services for all towns/municipalities in the commonwealth, allows towns to join MCDs at lower costs, and allows people/member towns to add services as they wish/as needed: Diana Pietri presented slides to the group that provided an overview of recommendation content and task force member poll comments.

Questions/Comments:

Priscilla Matton asked a question on funding for towns that were not part of an MCD and noted that how the funding from cities, towns, and the state would get divided up was a concern. Richard Pollack commented that Priscilla Matton raised a good point and that it was a bit beyond what the subcommittee reviewed. Richard Pollack added that the recommendation centralized services and was to an extent the status quo. Heidi Ricci noted that the thinking was that every community should have access to basic services without signing up for things that they didn't want, and education/surveillance would need to be coordinated and funded by the state and the MCDs could still use resources that were provided by the state. Richard Robinson noted that he liked the proposal since it put the menu-based approach in the purview of the towns. Richard Robinson added that he had concern regarding funding since the proposal was funding neutral but had the ability to disrupt the way mosquito control was done. Priscilla Matton discussed state-based education, surveillance, and who would be doing source reduction and water management. Kevin Cranston noted public health education as a DPH responsibility; however, mosquito management would fall outside of DPH scope. It was added that DPH had some limited roles with collection, but the full scale of collection fell on the MCDs.

BP-2: Limiting Ground-Based Applications of Adulticides: Diana Pietri presented slides to the group that provided an overview of recommendation content and task force member poll comments.

Questions/Comments:

Julia Blatt noted that she was the person who wanted to know why people voted against this recommendation and commented that she was interested in hearing the pros and cons of the debate. Richard Robinson responded that the subcommittee spent a lot of time on this recommendation and noted that the intent was to highlight the situations in which adulticiding would be acceptable, and by contrast, the situations in which it was not acceptable. Kevin Cranston asked if it was an intentional exclusion of mosquito infection data as one of the factors of the decision. Priscilla Matton commented that threshold had not officially been determined and it was left vague since it would be determined within the policy of the new mosquito management plan, which would be an aggregate of the GEIR and the state surveillance response plan. It was added that finding virus first was left out as a criteria because that was a more reactive than proactive action in terms of reducing risk. Priscilla Matton addressed Julia Blatt's question and noted that some of the comments on the task force had been related to concerns about spraying but that was not reflective of reality. Priscilla Matton added that her MCD gets 15,000 spray requests per year and she did not think that there was a dislike of the service from those towns that were part of an MCD. Russell Hopping noted that he did not vote for the recommendation because it didn't provide clarity in allowing for the aggregation of complaints and it didn't seem to change the status quo very much.

LE-6: Increased sharing of pesticide application locations: Diana Pietri presented slides to the group that provided an overview of recommendation content and task force member poll comments.

Questions/Comments:

Richard Robinson noted that this recommendation had some synergy with the *BP-7: Online Reporting for Commercial Applicators*, as a way to get data on where pesticides were being applied to an environment over the course of many seasons. Heidi Ricci added that the interest here was to better track for the purposes of measuring efficacy as there isn't a current mechanism for mapping applications and other activities being done related to surveillance data on mosquito populations. Heidi Ricci noted that it was about efficacy as much as it was about impacts and bringing mosquito control into the 21st century. Russell Hopping commented that the Trustees could not get an answer on how much of their salt marshes were applied with BTI and this recommendation was about doing a better job monitoring of where these products were applied. Brad Mitchell discussed prior legislation related to pesticide use in schools and school property and the provision related to reporting requirements. It was added that several other states have implemented similar programs and NY had spent several million dollars to collect this data and no one had used it. Brad Mitchell noted that there should be confirmation that the data is in

fact easy to collect and to confirm there is demand for the data. Bob Mann added to Brad Mitchell's commentary and noted that the last time he checked the state of NY was five years behind in compiling and publishing the information that they were required to collect. Heidi Ricci discussed MCDs spraying from trucks that had GPS and the ability to collect information via GIS. Heidi Ricci added that if it was not known where pesticide applications were being done then we would not be able to get a handle on efficacy and non-target impacts. Bob Mann commented that the state of NY collected information across all uses and noted if only mosquito control products were being evaluated then you were only getting part of the picture and the data would not be useful if you were not looking at the entirety of uses across the product.

BP-9: QA/QC testing of chemicals uses in mosquito control: Diana Pietri presented slides to the group that provided an overview of recommendation content and task force member poll comments.

Questions/Comments:

Richard Pollack provided an example of an aerial application process and noted it would be impossible to implement the recommendation unless there was a dedicated high-tech laboratory to analyze the material at the time of procurement or before delivery. Richard Pollack thought this needed to be left to the manufacturers and the EPA to review. Heidi Ricci noted that it was clear based on what happened with PFAS in containers that we would not have known about that issue if other individuals didn't take the initiative to get the testing done. Kim LeBeau noted that she drafted this recommendation based on her years of experience working in the drinking water industry and interactions with chemical manufacturers, distributors, and transporters. Kim LeBeau added through past experiences that there were possible avenues for contamination and vulnerabilities did exist. Kim LeBeau mentioned that when the state is placing orders for bulk chemicals there could be some review made in advance with plenty of time before orders are placed.

BP-15: Agricultural opt out: Diana Pietri presented slides to the group that provided an overview of recommendation content and task force member poll comments.

Questions/Comments:

Brad Mitchell discussed the need to weigh the risk to individual landowners and the general public and noted that he could not support the recommendation and that the risk of people dying or getting seriously ill needed to be considered here. John Lebeaux commented that this recommendation would cause so many exclusions that aerial spraying would become ineffective and it seemed like the recommendation was taking the tool of aerial spraying off the table. Heidi Ricci questioned the effectiveness of aerial spraying and commented on the public health trade-offs when you look at the medical doctor's comments about the public health risks of pesticides. Heidi Ricci noted that the recommendation was addressing that commercial farmers and individuals were using organic practices to grow their own food and it was a form of trespass to have the government overrule that. Richard Robinson commented that a lot of time was spent in the subcommittee discussing this recommendation and two acres seemed to be a reasonable threshold at which you might be a significant commercial operation producing food. It was noted that there were about 170-180 certified organic farms in the state and that beekeepers could not become certified organic because of the nature of their operation and that was why there was a special clause about beekeeping.

Richard Pollack noted that he would argue with comments made by a task force member that there was no efficacy in aerial application of adulticides. Richard Pollack added that there was aerial efficacy data, and this was discussed in detail during various subcommittee meetings. Richard Pollack noted that the way the recommendation was written many more properties could be excluded from the use of adulticides from an aerial platform and that was one item of concern. Priscilla Matton discussed her concern on the inclusion of apiary information which would make it very difficult to provide an aerial application. John Lebeaux added that if there were criteria to establish a farm that was two acres or more in size that produced food for sale or donation that it would need to be verified. It was added that the creation of so many exclusions would make an aerial application

ineffective. Anita Deeley noted that in the public listening session that there were a number of small farmers that wanted to be opted out that were not certified organic. Anita Deeley commented that pesticides do impact bees, and the recommendation would opt-out beekeepers that have hives on properties of two acres or more. Richard Robinson discussed the opt-out process for organic farms and the attestation of those who apply. Priscilla Matton commented that the recommendation language did not make any reference of an apiary needing to be part of a two-acre farm. Richard Robinson noted that this could use some clarification and added that it would apply if you were using generally accepted organic practices on two or more acres and producing goods for sale or donation.

Diana Pietri noted that based on Anita Deeley's comments, clarification may be needed on recommendation language related to apiaries on two or more acres of land. Anita Deeley clarified that the recommendation language related to apiaries was for commercial beekeepers and not hobbyist beekeepers. Priscilla Matton noted that she would need to know how a commercial beekeeper was defined. Brad Mitchell provided an overview of the registry process for beekeepers and that there was still a need to determine a commercial versus non-commercial operation. Anita Deeley added that there was currently no way for beekeepers to become certified organic and that was another reason for the additional recommendation language. Brad Mitchell discussed the rationale for the reason why beekeepers could not become certified organic. Anita Deeley commented that it was not just about the foraging bees and that it was about protecting beehives from spraying.

Caroline Higley and Richard Robinson discussed the possibility of collecting additional information from the subcommittee on this topic so it could be discussed at the 3/25 task force meeting. John Lebeaux discussed the beekeeper registration process and noted that it was difficult for MDAR to know where hives were located. Anita Deeley added that she would be ok if there was a registration process for MDAR to know where hives were located.

LE - 5a: Comprehensive Evaluation Program: Diana Pietri presented slides to the group that provided an overview of recommendation content. It was noted that as a tier 2 recommendation there were no poll comments collected.

Questions/Comments:

Heidi Ricci commented that there was no quantifiable way to measure efficacy and non-target impacts and that the recommendation was addressing that there needed to be a systematic consistent approach across the MCDs and the state so things could be analyzed in a more quantifiable fashion. Russell Hopping asked a question on how the recommendation started and noted that there was very little data on non-target impacts and there was value to be able to answer questions related to non-target impacts. Heidi Ricci discussed the recommendation and noted that this was a more comprehensive recommendation on non-target impacts and efficacy. Heidi Ricci added that this recommendation was a split vote, and that the Local Engagement subcommittee did not have municipal representation in the subcommittee at the time of the vote. Caroline Higley noted that for the next meeting perhaps it made sense to review this recommendation language further.

Meeting Close and Vote to Adjourn:

Diana Pietri discussed process for the upcoming 3/25 task force meeting. Heidi Ricci inquired if the slides with recommendation overview and poll commentary that were discussed in the meeting would be distributed to task force members. Caroline Higley commented that the slide content that was reviewed in the session would be distributed to task force members to recap what was discussed. Jennifer Pederson asked if the remaining subcommittee meeting minutes would be distributed as well. Caroline Higley noted that the remaining subcommittee meeting minutes would be distributed ahead of the last task force meeting on 3/29 so they could be voted on. Jennifer Pederson commented that it would be helpful to have the meeting minutes to reflect and look back on subcommittee content. Seeing no additional commentary from the group Beth Card entertained a motion to adjourn the meeting from John Lebeaux. Seconded by Richard Robinson. All in favor said aye. The task force meeting was adjourned at 1:59 p.m.