

Minutes for the Mosquito Control for the Twenty-First Century Task Force Meeting

July 27, 2021, 12:00 p.m. via Zoom.

Beth Card called the meeting to order at 12:04 p.m. She reminded participants that the meeting was being hosted as a Zoom webinar and that the agenda would include an update on the mosquito spraying opt-out program and on a proposal for the task force's steps moving forward.

The board then voted to approve the minutes from the last meeting taking a roll call vote as required. Voting in favor were: Kevin Cranston, John Lebeaux, Steve Doody, Eve Schulter, Heidi Porter, Anita Deeley, Russell Hopping, Priscilla Matton, Jennifer Pederson, Rich Pollock, Heidi Ricci, Steven Rich, and Richard Robinson. Sam Telford abstained, citing his absence from a previous meeting. No vote was recorded for: Kathy Baskin, Derek Brindisi, Julia Blatt, Tonya Colpitts, Kim LeBeau, Bob Mann, Brad Mitchell, or Helen Poynton.

Caroline Higley then provided an update on the spraying opt-out program.

- As of 6/1, EEA received 35 applications to opt out. Upon receipt of the submissions, EEA reviewed them all in consultation with DPH, MDAR, DFG, and DEP. Applications were assessed to determine the regional impact of exclusion from spraying, including the risk to public health, and overall strength of the submitted plan.
- It is important to evaluate regional impact to assess the potential risk; mosquitoes, birds, and relevant insects can't be confined to a particular municipality. Especially relevant because one opt-out request can affect several surrounding municipalities that don't wish to opt out. EEA took into account many historical factors dating back to 2003, including habitat, sampling, and cases in humans and animals, as well as plan quality.
- Range of regional risk included minimal, low, moderate, high, and very high. Minimal regional risk municipalities were without local (within the municipal boundary or within an adjacent municipal boundary) or regional evidence of a mosquito sample testing positive for EEE virus, or a human or animal case of EEE, regardless of suitable habitat and plan strength and ability to implement. Low regional risk municipalities were the same as minimal, but local only. Moderate risk municipalities had local evidence of a mosquito sample testing positive for EEE virus, or were with strong evidence of a locally infected human or animal case of EEE, that had local suitable mosquito habitat, and submitted a plan that did not effectively control mosquito populations, particularly on a regional basis.
- Of the 35 applications under consideration, 24 of the applications were rated as low/minimal risk and approved. 11 were rated as moderate risk and denied. None of applications were rated as high or very high risk.
- Overall would very much like to note that there were substantial opportunities for improvement in all submissions this year. As a reminder, opt out only applies to SRMCB-initiated spraying this calendar year. DPH has not determined that a high risk of arbovirus exists for this year or issued a public health advisement for spraying yet. Guidance will be forthcoming for the 2022 opt-out process. EEA expects to learn from this year's process and will account for feedback to make amendments for process next

year. This includes not only increasing resources to help municipalities develop plans, but also expanding the scope of the review process next year. Also, reminder that opt-out program intended to be temporary and is bridging the gap for this year and next year, until the task force can develop long term policy recommendations for mosquito policy in future seasons.

- We are looking forward to completion of the study due next month and the task force's recommendation process that will be initiated shortly thereafter, to pave the path forward after the opt out program sunsets next year.

Heidi Ricci asked to hear from legislators in the meeting.

Brian Rosman (Senator Comerford's office) then spoke and noted it appeared the criteria for opt out solely related to risk level and was not related to the content of application. He said a number of towns had a lot of concerns during the process of applying, had asked EEA several times what criteria would be used for applications and review and what things EEA wanted in applications, and got no response. After applications were denied, Senator Comerford wrote to EEA to ask for an opportunity for the municipalities to cure and was denied summarily by EEA. He asked to begin a discussion on that issue. If EEA's goal was to have better applications, and many were deficient, then letting the municipalities improve them and submit stronger applications that meet EEA's criteria would be a positive step forward in line with what we're looking for in the statutory requirements.

Caroline Higley saying that overall, given the plan quality this year, EEA didn't believe municipalities would have enough time to make plan improvements before needing to implement them, which would have been right now. Beth Card added that EEA hears the comment and is certainly looking to provide additional guidance as we go into next season. She agreed that trying to do that this year would have been a scramble and they wouldn't have had time to do so before this spraying season, but she was taking the comment to heart to determine how to better prepare to help communities next year.

Brian Rosman said that since we don't know when spraying will start for this year, it's hard to say how much time EEA will need or how soon a decision would be made by the state. He also said it was hard for him to understand EEA saying there's not enough time when we're dealing with many unknowns. Caroline Higley acknowledged that in past years, the spraying started as early as mid-July and that it can go through early September. She reiterated that there would not be enough time for amendments to be made and review to happen in order to implement revised plans, in order to mitigate impact to regional risk. Brian Rosman asked if municipalities could have a deadline by the second week of August, would that be enough time, given we've seen no mosquito issue yet? Kevin Cranston then noted that EEE could happen at any time. Typically, we would start seeing first findings in July, which are often an indicator of a bad season, and it can emerge very rapidly. Just not having detected a positive mosquito as of today's data doesn't mean we might not see a positive finding imminently. He also said we might see a sequence of findings resulting in raising a community's risk level, even before the end of July. Brian Rosman reiterated his request for towns to use those two weeks to process applications with the hope there would be no need to spray before then, and then towns would be protected through August

and September? He also said it was concerning that EEA raised timing as an issue when the statute was passed months ago, it took considerable time for EEA to implement its process and judge applications, and now time has run out. From the towns' point of view, it is difficult to understand. Caroline Higley explained that EEA announced its process in mid-March, which gave towns two months to fill out an application that detailed all criteria to inform decision-making. Cities and towns were aware of all components that would be considered. In addition, EEA added an extension on top of that, which pushed EEA further into mosquito control season, and after which EEA evaluated applications. Municipalities had plenty of time to submit components they felt were necessary. Brian Rosman agreed, but said municipalities did not have criteria used to evaluate the applications. As days go by without any crisis, he felt EEA should allow towns to try and implement plans. Beth Card said EEA did appreciate that comment, and wasn't sure EEA had an answer today about next steps, but reiterated the focus continues to be providing as much information and assistance to towns as we can looking to next year, and that EEA hears the concerns being raised and was not dismissing them in any way.

Heidi Ricci then expressed her own concerns about transparency and substance. She explained the opt-out process scratches the surface of concerns more broadly across the entire mosquito control program. When task force learned decisions on opt-out had issued, she reached out to Caroline Higley for more information about evaluation criteria and the list of communities approved/denied. She said Caroline Higley pushed off a response and indicated that she'd give a summary at the next meeting. The next day, she got her hands on the document EEA issued. She didn't understand why that document was not immediately shared with the entire task force. She also thought the task force should have access to applications themselves so it can look at them, because they need to compare the standards being imposed on municipalities with what the districts are doing. She reiterated that there were really serious questions to be answered here, and that the state should be assisting communities in supporting them with what they need for public health and not imposing on them requirement that they don't want. She said the municipalities were working very hard under very difficult circumstances to try to meet state requirements without understanding what the criteria are. The task force does not have the criteria in writing, there's no information on how applications were actually ranked, who was involved in making those decisions, etc. The same sentiment applies with process on spraying, in which agencies meet behind closed doors to decide they're going to initiate spraying, after which it is announced. The entire system needs to be more objective and transparent. The task force needs real data about efficacy. She then sent an article relating to the denial of a local municipality plan to other members of the task force and public in the meeting chat.

Beth Card thanked Heidi for her comments and article. She noted that she appreciated the comments on transparency. This was the first time through this process and agencies are ultimately responsible for making these decisions. She certainly respects the task force wanting to provide input in that process, and how the task force thinks this should be shaped will be focal point of discussions.

Jennifer Pederson posed a follow-up question to Heidi; are you suggesting the task force should be evaluating applications? Heidi responded that the task force needs to understand the review

process, how applications were ranked and what criteria was used, so it can compare against what the districts do in how they evaluate their own efficacy. Jennifer Pederson noted we're all up against tight time frames and trying to figure out the best path forward, and as Caroline Higley said, this is intended to be a stop gap ahead of finding permanent solutions to what the control program will be going forward. She said she could certainly understand Heidi's concerns, but did not think they needed that level of review as task force members. She also said she heard Brian Rosman's concerns and felt improvements could be made but didn't think the task force can get into these weeds on this year's program. Heidi Ricci reiterated that her concerns were not so much for this year's program but related to larger concerns about control. She said she has been hearing for decades from towns wanting education from the state about community surveillance and would like to better understand what towns thought they could do on their own and compare to what the districts are doing so the task force can identify gaps that could be recommended for reformed programs going forward. She didn't expect everybody to review all those materials but did think the task force should have access to them if it wanted to look at them. Beth Card thanked them for this conversation.

Caroline Higley then flagged a public comment questioning how EEA defined "region," about the science analyzing how far mosquitoes carry arbovirus after hatching, and about opt out questions more generally. She said the regional risk was defined/evaluated by EEA according to the statute and that she was happy to follow up on more specific questions after the call.

Russell Hopping followed up on Heidi Ricci's question and asked if there was a legal reason the task force couldn't see applications at this point. Beth Card said she had not consulted with counsel on whether there's a legal reason and was happy to do it outside of the conversation here. She did think that they will use information from this year about how proposals were evaluated and how agencies worked together in conversations going forward.

Beth Card then turned to the proposal for the task force's upcoming actions. Caroline Higley walked through a PowerPoint presentation outlining ideas and areas to focus on going forward:

1. Creating four subcommittees on policy structure, local engagement, pesticide selection, and best practices.
2. Meeting twice per month. Full task force still meeting once per month for full discussions.
3. All meetings would be open to the public and she proposed hosting several additional windows of targeted written public comment periods to align with the recommendations process, plus a listening session and process to incorporate comments into final recommendations.
4. Each subcommittee has at least five* members, plus chair. All task force members could attend all subcommittee meetings but only official subcommittee members could vote.
5. EEA would send survey to assess interest in each subcommittee and distribute the results and proposal ahead of the August meeting, where the whole task force can vote on whole proposal.
6. Intent is to keep subcommittees small to facilitate progress. EEA is working to secure administrative support for subcommittees. That could include scheduling and sending

notice of meetings, drafting recommendations on behalf of the subcommittee, and finalizing recommendations on behalf of the subcommittee, supporting the subcommittee in developing materials for the full task force, and aggregating public comments and ensuring opportunities for public engagement to support task force.

7. Subcommittees organized by recommendation, as required by statute. Four subcommittees' subject matter areas outlined in greater detail.

Jen Pederson thanked Caroline Higley for the work that went into this and agreed with structure proposed.

Heidi Ricci saw a real effort here to divide task force areas into topical buckets to have focused effort around them. She noted that there would be interaction between these different things, so coming together as a whole to share updates and discuss intersections is important. She also thought that, in particular, it was interesting how the proposal was reordered from the legislation, which first talks about consultant report and determining efficacy and cost effectiveness, and then goes into recommendations. In terms of structure here, Heidi Ricci thought the subcommittee working on future mosquito control policy and organizational structure is unable to accomplish enough until it had at least gotten a first pass through all the other recommendations. It is hard to make recommendations to restructure until we have a handle on the other issues. Caroline Higley said the study was due 8/15 and the task force will have two weeks to review before ERG presents it and then the task force can dive into the concepts in the subcommittees. She emphasized the tight timeline and wanting to move forward as much as possible as quickly as possible. Beth Card noted she heard Heidi Ricci's concern about getting a better grip on the issues before proceeding, and thought the process Caroline Higley outlined allows for that to happen. Heidi Ricci reiterated that as the action items have been reorganized, the task force should still closely track the language in the legislation but she saw a couple places where there was different wording used and they should stick with their charge. Caroline Higley said she was fairly positive she copied and pasted the language but if there had been accidental deviation, she gave her apologies and agreed with Heidi Ricci's sentiment.

Richard Pollack said this proposal was a great first start. He was leery about some of the language in describing some of the tasks here and thought it might be good to have an opportunity to tweak this a bit. He wondered if the task force would have a chance to do that or if the subcommittees will do it. Beth Card said this is the proposal for the task force to consider and her instinct was that EEA didn't want the subcommittees to do it on their own; rather, EEA would want the whole group on the same page for what each subcommittee's focus will be. Her expectation was to get feedback from the task force on the overall plan and at the follow up meeting on 8/10, the task force can vote to create all the subcommittees to make sure they're in place before needing to make progress looking ahead. Richard Pollack sought clarification on whether, if he has minor comments, it was better to address now or should he send those comments around later and distribute them to others? Caroline Higley said any comments would best be raised once subcommittees were created so they can take into account recommendations with which they're tasked, but if anyone thinks reorganization of recommendations into

subcommittees should happen, it would be better to do it now. Richard Pollack said he would hold off, and said the scope was fine but the flavor of the language was a little cause of concern.

Richard Robinson noted that it struck him that without analyzing more carefully, he wasn't sure that each group would have an equivalent amount of work to do. He highlighted the pesticide selection, which seemed straightforward compared to some others, and suggested that this group be smaller or its scope be expanded. He further noted the risk that each subcommittee self-selects, rather than the makeup representing a wider range of approaches. There is also a risk that the subcommittees will make recommendations too in depth or too broad in approach, which may not meet the approval of the larger committee and ultimately the legislature. It would be great if there were a wide range of potential approaches, in order to avoid losing time and interest and in order to develop a set of recommendations that will meet final approval. Caroline Higley said she did consider the issue of different workloads, noted it was challenging to balance exactly between all these things, and said this was why people can attend multiple subcommittee meetings even if they don't sit on them. As for scope, this is something each subcommittee can define as it starts its work, and it's also why it would be good to have the full task force meeting each month so it can discuss ideas before each subcommittee develops recommendations.

Beth Card then asked Caroline Higley to run through next steps. Heidi Ricci had one final point of clarification; she reiterated starting from the language in the legislation. She agreed with Richard Pollack that there were certain aspects to some of these phrases that needed further work. She also requested that this presentation be up on the website soon and circulated.

Caroline Higley agreed to both and, hearing no widespread objections to the proposal, said she would share it along with the survey to assess interest in various subcommittees and to discuss procedures on how the next meeting will work. At the 8/10 meeting, the full task force should expect to vote on subcommittees and the assignments to each subcommittee. It would be great for as many task force members as possible to attend. Shortly thereafter, the study is due 8/15 and will immediately be distributed to task force members for review. The task force will have an associated presentation at the 9/2 task force meeting. ERG will present on the full study at that time. EEA will also formally put a wall between comments received prior to 9/2 and after to aggregate all public comments associated with the study itself. Public comment will also be available to the task force to assess when making its recommendations.

Jennifer Pederson asked for clarification about the public comment period; would the study be released and then would there be 30 days for the public to reply? Caroline Higley explained the portal will be open for comments to be made. Jennifer Pederson also asked about posting the recorded meetings. Caroline Higley said they have not been recording meetings for a while now but could consider that going forward, especially in anticipation of ERG's study presentation.

Seeing no other comments, Beth Card sought a motion to adjourn. Jennifer Pederson made the motion which was seconded. The meeting was adjourned at 1:03 p.m.

**Correction: Four members, plus chair*