

# THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



## Department of Agricultural Resources

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### **PESTICIDE ADVISORY COUNCIL MEETING MINUTES**

Minutes of the meeting held on September 5, 2019 at the Richard Cronin Building located at 1 Rabbit Hill Road in Westborough, MA.

#### **A. ROLL CALL**

Bob Leon, General Environmental Services & New England Pest Management Association	Present
George Williams, Univar	Present
Russ Bragg, Tree Tech	Present
Jared D. Bettencourt, Minute Man Pest Control	Absent
Bob Mann, National Landscape Association of Landscape Professionals	Absent

The Council did meet or exceed the minimum number (3) of members present to form a quorum and conduct business.

#### **OTHER INDIVIDUALS PRESENT:**

Taryn LaScola-Miner, Massachusetts Department of Agricultural Resources  
Ryan Petitti, TruGreen  
Kevin Moran, Forshaw Inc.

#### **DOCUMENT(S) PRESENTED:**

Agenda  
Draft minutes from the June 14<sup>th</sup>, 2019 meeting  
Bill H.3714 (provided by B. Leon)

#### **B. REVIEW OF MINUTES:**

**Motion:** G. Williams motioned to accept the minutes provided the Department

**Second:** R. Bragg

**In Favor:** All

**Opposed:** None

#### **C. PESTICIDE PROGRAM UPDATE**

T. LaScola-Miner provided program updates to the Council.

#### **Complaints Numbers since June 14<sup>th</sup>, 2019:**

26 complaints in total. That range between lawn/tree care, neighbor-neighbor complaints, pest control and mosquito control. The allegations range between drift, not following label directions, illness and wrong address.

B. Leon asked what happens when a company makes a “wrong address” application. T. LaScola-Miner explained that it depends on the situation. Factors include whether or not the company notified the Department, if the homeowner makes a complaint, and/or if it is a repeat offense. Enforcement actions range from Letter of Warning, Administrative Orders and License Suspension.

#### Aerial Mosquito Applications:

Two applications took place in the month of August. One was in Southeastern Massachusetts and one was in central Massachusetts. The Department believes that they went well. This has been a bad year for EEE. The season for EEE is not over yet, but the season is coming to an end.

-T. LaScola-Miner explained that the Department works with the Department of Public Health (DPH). DPH will declare a Public Health Hazard. The declaration then goes to the State Reclamation Board for Mosquito Control to determine if an aerial application needs to be done. DPH and MDAR are working through this whole process together. The SRB lies within the Department. DPH determines the area that is applied to and the risk levels.

-DPH housed the FAQ's and a lot of the other information relative to the aerial applications. The Department fielded hundreds of calls. The calls ranged from individuals that were happy the state was spraying to individuals that were against the application.

-The Department developed a map that showed which areas were sprayed each night so that the public could plan. Monitoring is a part of the operations. DEP monitors water, we monitored cranberries, and honey bee hive. Preliminary results don't show any red flags.

Anvil 10+10 was used during the application. 0.62 oz per acre was the application rate and the planes flew no lower than 300ft.

-The mosquito control projects work with DPH when they are conducting mosquito surveillance. DPH, the projects and the contractor conduct efficacy data on the application.

-The Department will be reviewing the operations and will see what kind of changes could be made for the future.

-The turn around time between the time when the declaration was made and when the planes were up in the air was approximately two days for the first application.

#### Online Product Renewals:

The Department extended the product renewal period to Dec. 1<sup>st</sup>. There has been challenges but seems to be going along pretty well.

#### Section 10 Regulations:

The final first draft is completed but it needs to be reviewed by in house staff before moving forward.

#### Section 14 Regulations:

Letters were sent out to school associations about making the change relative to listing larvicide on the plan. To date, the Department has not received any comments.

#### Neonicotinoids Study/Review:

The Department received funds to conduct the review. It has a short turn around time to conduct this and therefore it will be literature review.

#### Posting Enforcement Actions:

IT has told us that it is easy to post these types of things. T. LaScola-Miner put together a survey for the American Associations of Pest Control Officials asking a few questions about how other states publicize their enforcement actions.

#### Pesticide License Renewals:

-B. Leon wanted to know what the status is on the renewals and audits. If an applicator has received an audit and passes the audit notifications are not sent out. If someone does not pass, the Department reaches out to the applicator. If someone passes the audit they will be able to renew their license. If someone does not pass the audit, they will not be able to renew their license. If someone falls short on a particular category the person will

lose their license if it is the only category. If they have multiple categories and was audited on one category they will keep the category that was not audited.

#### **D. 25b PRODUCTS AND LICENSING REQUIREMENTS, B. LEON**

-The Council reiterated that they would like to see a licensing requirement for individuals that use 25b products.

-T. LaScola-Miner explained that if a license requirement when applying the 25b products was to be in the draft regulations, industry would need to notify their stakeholders. This would allow for the companies to be aware that this is a possibility and give them the opportunity to make comments at the hearing. Additionally, if the requirement would make it into the final regulations, the Department would conduct a lot of outreach to companies to ensure compliance.

-T. LaScola-Miner stated that if this was to be in the regulations it would not be ready in time for next spray season. She explained the process that regulations need to go through before promulgated.

#### **E. SUPERVISION OF UNLICENSED APPLICATORS, B. MANN**

Discussion was tabled as B. Mann was not present at the meeting. It was decided to put this on the agenda for the next meeting.

#### **F. NEW BUSINESS**

-B. Leon provided a copy of bill H.3714 to the council. This bill is relative to developing a special commission to study the effects of rat poison on wildlife. B. Leon pointed out that the Department was not listed as an entity to be on the commission. He asked if the Department would testify or reach out to legislators about this. T. LaScola-Miner stated that the Department does not comment on bills unless asked.

-There was a question relative to performing partial termite treatments on structures such as townhouses. B. Leon asked if there was any leeway around these types of situations. T. LaScola-Miner stated that the label is mainly the issue as it states continuous barrier, but that she would discuss further with enforcement.

#### **G. PROPOSED DATE OF NEXT MEETING**

Due to the fact that two council members were not present, a doodle poll will be sent out to determine the next meeting.

#### **H. ADJOURN**

**Motion:** R. Bragg motioned to adjourned

**Second:** G. Williams

**In Favor:** All

**Opposed:** None