

PESTICIDE BOARD SUBCOMMITTEE MEETING

MINUTES OF MEETING

August 17, 2018

The Department of Agricultural Resource, 251 Causeway St., FL#5 Conference RM 1 Boston, MA

MEMBERS PRESENT

- Michael Moore, Chairperson, Director of Food Protection Program
 - Department of Public Health
- Taryn LaScola, Alternate Designee for Commissioner John Lebeaux
 - Department of Agricultural Resources
- Marc Nascarella, Designee for Commissioner Monica Bharel
 - Department of Public Health
- Kenneth Gooch, Designee for Commissioner Leo Roy
 - Department of Conservation and Recreation
- Richard Berman
 - Commercial Applicator

I. PRODUCT REGISTRATIONS

a. Packet number 190806-190807

VOTED

That the Pesticide Board Subcommittee registers the pesticide products in packets numbers 190806-190807 with the exception of the following products:

1. Quali-Pro Chlorothalonil 720 SFT , EPA Reg. No. 53883-310 (SRU)

Moved: Berman

Second: Nascarella

Approved: 5-0

STATE RESTRICTED USE MOTIONS

RESTRICTED USE AS DEFINED UNDER THE GROUNDWATER REGULATIONS

Move: that the Pesticide Board Subcommittee has determined that the use of the following products:

1. Quali-Pro Chlorothalonil, EPA Reg. No. 53883-310 containing *Chlorothalonil*

may cause an unreasonable risk to man or the environment, taking into account the economic, social and environmental costs and benefits of use. This determination is based upon the leaching potential and toxicological concern of this substance as defined in the "Protection of Groundwater Supplies from Non-Point Source Pesticide Contamination" Regulations. Therefore, the Subcommittee hereby modifies the registration classification of agricultural/commercial pesticide products containing *Chlorothalonil* from general to restricted use for groundwater concerns.

Moved: Berman
Second: Gooch
Approved: 5-0

II. Chlorpyrifos, general update and discussion

LaScola provided an update relative to news items and a court decision related to chlorpyrifos. The Hawaiian legislator recently banned the use chlorpyrifos. Recently, the 9th U.S. Circuit Court of Appeals in San Francisco ordered the EPA to remove chlorpyrifos from sale in the United States within 60 days. As described in a recent Telegram Gazette newspaper article, a coalition of farmworkers and environmental groups sued last year after EPA reversed an effort by the previous administration to ban chlorpyrifos, which is widely sprayed on citrus fruit, apples and other crops. The attorneys general for several states joined the case against EPA, including California, New York and Massachusetts. This court decision was the latest action in efforts to ban chlorpyrifos that go back to a petition filed in 2007. LaScola briefly described the history and key developments in these efforts. The Hawaiian decision to ban chlorpyrifos seemed to have triggered an increased number of inquiries to the Governor's Office and EEA, and subsequently interactions with the Department. LaScola stated that it is not known at this time what EPA's response will be to this court decision. At this time, the Department is waiting to see how it will play out. The deadline for a final decision on the registration review of chlorpyrifos by EPA is 2022. The use of chlorpyrifos in MA was briefly discussed, including the number of products registered, sales data and use patterns. Developments in regulatory decisions related to chlorpyrifos will be followed closely and updates will be provided at upcoming meetings.

Another news item shared by LaScola was the recent decision in a court case related to glyphosate. A state court in San Francisco, CA ruled that Monsanto owed California school groundskeeper \$289 million in damages for reasons that the company's herbicides Roundup and Ranger Pro gave him terminal cancer and weren't adequately labeled to detail those risks.

As a lead-up to a suggestion to take a look at options to update and streamline the Subcommittee's product registration process, Moore presented on the history of Food Protection Program and the establishment of Pesticide Board Subcommittee. The presentation provided context for examples of regulatory requirements and processes that are currently viewed as being out-of-date and in need for updates and improvements. Specifically related to the Subcommittee's product registration process, Moore brought up the idea to have the routine product registration delegated to MDAR staff. The routine product registration does not involve any review by the Subcommittee and therefore could be done by staff in a more efficient and streamlined manner. Berman and Nascarella acknowledged that this is a worthwhile endeavor to look at. LaScola will discuss this with legal staff and look into what would be needed to make this possible under the existing regulatory structure and requirements.

III. MOTION TO ADJOURN THE MEETING

It was moved, seconded and passed unanimously.

VOTED

To adjourn August 17, 2018 Subcommittee Meeting.

Moved: LaScola

Second: Gooch

Approved: 5-0

Meeting adjourned at 9:10 a.m.