PESTICIDE BOARD SUBCOMMITTEE MEETING

MINUTES OF MEETING

November 16, 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
- Hotze Wijnja, Alternate Designee for Commissioner John Lebeaux
  - Department of Agricultural Resources
- Marc Nascarella, Designee for Commissioner Monica Bharel
  - Department of Public Health
- Richard Berman
  - Commercial Applicator

ALSO PRESENT:

- Susie Reed, Department of Agricultural Resources
- Katherine Ghantous, Research Assoc. UMass Cranberry Station
- Brian Wick, Cape Cod Cranberry Grower Assoc.

I. MINUTES

VOTED

That the Pesticide Board Subcommittee approves the summary notes for September 28, 2018 meetings.

Moved: Berman
Second: Wijnja
Approved: 3-0

II. PRODUCT REGISTRATIONS

a. Packet number 191111

VOTED

That the Pesticide Board Subcommittee registers the pesticide products in packet number 191111 with the exception of the following products:

1. Omni Brand Metribuzin 75 WDG, EPA Reg. No. 5905-611 (SRU)
2. Nativeklean, EPA Reg. No.62719-730 (SRU)

Moved: Berman
Second: Nascarella
Approved: 3-0

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. Omni Brand Metribuzin, EPA Reg. No. 5905-611 containing ***Metribuzin***

   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 ***Metribuzin*** from general to restricted use for groundwater concerns.

Moved: Berman
Second: Nascarella
Approved: 3-0

2,4-dichlorophenoxyacetic Acid (2,4-D) MOTION

Move: That the Pesticide Board Subcommittee register the following product:

1. Nativeklean, EPA Reg. No. 62719-730

as restricted use pursuant to the Subcommittee's decision on April 14, 1989, to register products containing 20% or more of **2,4-dichlorophenoxyacetic acid (2,4-D)** and/or its derivatives as state restricted use.

Moved: Berman

Second: Wijnja
Approved: 3-0

III. APPPLICATION FOR SECTION 18 EMERGENCY EXEMPTION

The Department received an application for a Section 18 Emergency Exemption for use of Kerb SC Herbicide (a.i. pronamide) in Massachusetts on cranberries to control the weed pest dodder. Staff from the UMass Cranberry Station and cranberry industry in Massachusetts prepared an application to request this emergency exemption to address the weed pest dodder. The application describes the situation for MA cranberry growers dealing with the increasingly more widespread and difficult-to-control weed pest and associated economic impacts. Katherine Ghantous from the UMass Cranberry Station and Brian Wick from the Cape Cod Cranberry Grower Assoc. were in attendance to support this application and answer questions. Wijnja briefly presented the history of Section 18 Exemption requests for Kerb Herbicide in cranberry. Most recently, a petition submitted to U.S. EPA in early 2017 was denied. Specifically, the Agency stated that the routine nature of dodder pest in cranberry bogs and the availability of currently registered herbicide products did not describe a situation that met the criteria for a Section 18 emergency exemption. However, according to many growers in MA, this weed pest is getting out of control and the availability of Kerb Herbicide is critically needed to address this situation. This resulted in the application under consideration. It was pointed out that, compared to the 2017 version, the petition was substantially reworked and updated to substantiate the need for this emergency exemption. The updated information highlights important factors, including the prevalence of dodder infestations on young plantings of new cranberry varieties, the chemical sensitivity of these new varieties and young plantings to currently registered herbicides, and economic loss impacts, particularly for growers with renovated bogs. The non-routine nature of the current situation is also described in detail as well as an updated significant economic loss analysis. The application also includes the letters of support and signatures from more than 40 cranberry growers. The registrant Dow Agrosciences is in process of obtaining a Section 3 label for the use of this product on cranberries. EPA-approval is expected in May 2019, however that would be too late to allow use during the 2019 growing season.

Ghantous presented on the importance of this Section 18 request and provided more details on the data and information that is included in the petition. She pointed out limited control options in new plantings due to chemically sensitivity of new varieties and/or growing stage of cranberry vines. She also highlighted the low threshold for losses in cranberry growing under the current market conditions. Wick described some examples of the difficulties with other control options. He also pointed out that the most recent surveys among growers showed that the dodder issue is more wide spread and growing. The urgency of effective dodder control is also substantiated by the fact that dodder is a prolific seed producer that will exacerbate the issue in coming years if not sufficiently controlled. The spreading of dodder seeds with water through the system is also challenging and costly to manage.

Nascarella asked how to food tolerances of pronamide in currently registered crops compared with the proposed tolerance level in cranberry. He noted that data included in the petition show highest residue levels in cranberry that are close to proposed tolerance level of 1 ppm. Ghantos pointed out that the reported residues can be considered high-end values of what would be expected in a typical use situation, particularly since Kerb Herbicide will be used early in the growing season as a pre-emergent tool presented in included in the petition. Wijnja pointed out

that the food tolerance evaluation is part of the review for the Section 3 label approval that is currently underway at EPA. Nascarella requested that staff review the tolerance information for pronamide to make sure that the final tolerance is within the boundary of existing tolerances for other food commodities, such as other fruit and berry crops. Staff indicated to review that information once the final approval is issued by EPA.

Move: That due to the lack of currently registered pesticide products for the control of the emergency pest problem, the Pesticide Board Subcommittee approves of a FIFRA section 18 Emergency exemption petition for the use of Kerb SC, EPA Reg. No 62719-578, containing the active ingredient ***pronamide*** for the control of weed pest dodder in cranberries.

This motion also takes into account the following data provided by the Department, the University of Massachusetts Cooperative Extension, and product registrant:

- Application from the Department and/or the University of Massachusetts Cooperative Extension;
- Registrant's letter of support;
- Proposed supplemental labeling;
- Pesticide residue data, if needed to support a FIFRA section 3 registrations;
- And any other data or conditions as included.

Moved: Berman
Second: Wijnja
Approved: 4-0

IV. NEW ACITIVE INGREDIENTS

Discussion of the new active ingredient Active Ingredient ***Streptomyces lydicus WYEC 108*** formulated in Actinovate Fungicide/Nematicide, EPA Reg. No. 524-643.

Streptomyces lydicus WYEC108 is a biopesticide that is used as a seed treatment and functions as a fungicide as well as nematicide. The product is labeled for use on various crops, and can be used in organic growing production.

This chemical is used as a dry coating on seeds or applied as a slurry during planting or in commercial seed-treatment facilities. It can be used on all agricultural commodity crops for suppression of various diseases. It also controls certain types of nematodes in soybeans.

The active ingredient was first registered by U.S. EPA in 2004 for the use in greenhouses and nurseries and turf, later amended for use on field-grown food and ornamental crops. In 2007, the use as a seed treatment was added. The Bio-Pesticide Registration Action Document issued in 2004 provides comprehensive information for this active ingredient based on the assessment for greenhouse uses. This document was included in the meeting package. Wijnja summarized the information at the meeting.

Streptomyce lydicus is a naturally occurring bacterium commonly found in soils, it was isolated from an agricultural soil in England. This strain was studied for use as a fungicide. The mode of action is by colonizing the growing root tips, and acting as a mycoprasite of fungal root

pathogens. Excretion of antifungal substances may also add to the protection of the growing plant.

Human health risk assessment information for Streptomyces lydicus WYE 108 indicate low acute toxicity, category IV, by oral toxicity. It was found not to be infective and non-irritating. Some studies were waived based on low toxicity finding in available studies. Tolerances exemption was established for all agricultural commodity crops. No toxicity end-points indicated in the acute toxicity studies. No acute, (sub)chronic, immune, endocrine, or non-dietary exposure issues have been identified that have adverse effects on children and the general population. The transfer and exposure of this bacterium to humans is unlikely, as is the exposure via drinking water.

Occupational risk assessment determined that based on labeled use, the use of Personal Protective Equipment (PPE), and Restricted Entry Interval (REI) of 4 hours, there is no unreasonable risk expected from the use of this product. This is a seed treatment with a limited use pattern.

Environmental exposure and risk information indicates many of the non-targets toxicity studies were waived based on the acute toxicity studies that were available. A fresh water fish study indicated that this active ingredient is not toxic to this group of organisms. The low risk to non-target organisms was further substantiated by the fact that this biopesticide belongs to a group of a naturally occurring organisms. The use pattern of seed treatment is also associated with a low exposure to most organisms.

Overall there is no risk expected based on labeled use of this bio-pesticide. This product was unconditional registered by EPA.

Relative to the Massachusetts groundwater protectection regulations, it was determined that it does not meet the regulatory criteria for potential groundwater contaminant.

Move that the Pesticide Board Subcommittee approve the product registrations for the following pesticide products. These products contain the active ingredient **Streptomyces lydicus WYEC 108** and have never before been registered in Massachusetts.

1. Actinovate Fungicide/Nematicide, EPA Reg. No. 524-643

Moved: Berman
Second: Wijnja
Approved: 4-0

MOTION TO ADJOURN THE MEETING

It was moved, seconded and passed unanimously.

VOTED
To adjourn the November 16, 2018, Subcommittee Meeting.

Moved: Berman
Second: Nascarella
Approved: 4-0
Meeting adjourned at 10:00 a.m.