

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

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Commissioner

PESTICIDE BOARD MEETING MINUTES

Minutes of the Pesticide Board Meeting held at The McCormack Building, 1 Ashburton PL, Boston, MA; Conference RM 2 on March 9, 2020

BOARD MEMBERS IN ATTENDANCE

Commissioner John Lebeaux (Chair)	Present
Marc Nascarella, DPH, Designee for Commissioner Bharel, MD	Present
Michael Moore, DPH, Food Protection Program	Absent
Peter Hazelton, DFG, Designee for Commissioner R. Amidon	Absent
Kathy Romero, DEP, Designee for Commissioner M. Suuberg	Absent
Nichole Keleher, DCR, Designee for Commissioner L. Roy	Present
Richard Berman, Commercial Applicator	Present
Brian Magee, Toxicologist	Absent
Laurell Farinon, Conservation	Absent
Steven Ward, Farmer	Present
Jack Looney, Public Member	Present
Richard C. Brittain, Public Member	Present

The Board did meet or exceed the minimum number (7) of members present to form a quorum and conduct business.

OTHER INDIVIDUALS PRESENT:

Taryn LaScola-Miner, Department of Agricultural Resources
Hotze Wijnja, Department of Agricultural Resources
Steve Antunes-Kenyon, Department of Agricultural Resources
Michael McClean, Department of Agricultural Resources
Ted Wales, Massachusetts Association of Lawn Care Professionals
Bob Leon, General Environmental Services, Pesticide Advisory Council
Timothy Sibicky, TruGreen

REVIEW OF MINUTES:

Motion: John Looney
Second: Steven Ward
Discussion: None
In Favor: J. Looney, S. Ward, R. Berman, N. Keleher, M. Nascarella, J. Lebeaux, R.C. Brittain
Opposed: None
Approved: 7 - 0

A. PESTICIDE PROGRAM UPDATES

T. LaScola-Miner provided a program update.

EPA Certification and Training Rule

The Department submitted its' State Plan to EPA for review and consideration. This plan was submitted in compliance with the new Certification and Training Rule under FIFRA. The Department has worked closely with EPA regional staff and with the regional states relative to the plan development and the overall changes that states will need to make to come into compliance.

The Department has completed its first draft of the 333 Section 10 (licensing section). It is currently under internal review.

License Renewals

There have been 7800 renewals completed with 1670 license renewals pending. The Department is receiving positive responses with the online renewal process.

Neonicotinoid Review

The Department received funds to conduct a neonicotinoid review which was to be presented to the Pesticide Board Subcommittee ("Subcommittee"). The Subcommittee is required to have a hearing relative to the neonicotinoid review that the Department conducted. The hearing is scheduled for March 13th, 2020 with the open comment period closing on March 20th, 2020. The Subcommittee is to incorporate the review into its own individual review of neonicotinoids where it will determine whether neonicotinoids pose an unreasonable adverse effect to the environment and pollinators and whether there needs to be restrictions put on them.

The review was a short literature review that compiled different pieces of literature. The conclusion was that most of the literature reviewed indicted that there was an effect on pollinators.

EPA has just completed its registration review of neonicotinoids. EPA is recommending label changes depending on the active ingredient. These label changes include things such as: additional personal protective equipment, buffers/set-backs, adding "intended for professional use" and more specific pollinator language.

Glyphosate Review

At the last Subcommittee meeting, the Massachusetts Farm Bureau attended and asked that the Subcommittee to conduct an individual review on glyphosate. The reason was due to the current controversy with glyphosate and that there are multiple legislative bills in place relative to glyphosate. Farm Bureau asked that the review focus on carcinogenicity and water contamination. The Department will be taking the lead and provide toxicological information to the Subcommittee.

B. Larvicide Exemption for School Property

In a previous Board meeting the Northeast Mosquito Control District ("District") indicated that there were issues relative to having schools update their Integrated Pest Management plans to include larvicide. This has led to the District not being able to conduct larvicide work in the catch basins. The Department had informed the Board that it would like to review 333 CMR 14.00 to explore the option of exempting larvicides being listed on the Integrated Pest Management Plans that schools are required to submit. The Department sent out letters to the school associations indicating this was an action the Department was thinking about conducting. The Department did not hear any responses back from the various associations. Since there were no oppositions, the Department will move forward to look at 333 Section 14 and begin drafting updates accordingly.

C. Use of EEA ePLACE Portal for Submission of Retraining / Recertification Certificates – Serving Purposes of Review, Approval, and Central Repository

Steven Antunes Kenyon explained that the Department would like to eliminate hard copy license audits and replace it with the ability for licensed applicators to upload their Continuing Education Units ("CEU") into their ePlace Portal account. It was explained that when a licensed applicator three year cycle is ending, the system would not allow them to renew their license until they upload the CEUs. This would in turn audit all individuals versus a portion of individuals whose cycle was due.

There was discussion amongst the Department and the Board members on how to check that individuals uploaded the correct documents and that the documents met the requirements.

John Looney motioned to approve the new system if the Department report the logistics of the review of the credits back to the Board

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Moved: John Looney
Second: Steve Ward
Discussion: R. Berman asked if someone did not upload the credits correctly would the Department contact the licensed applicator and notify them of the issue before not allowing the applicator to renew their license.
In Favor: J. Looney, S. Ward, R. Berman, N. Keleher, M. Nascarella, J. Lebeaux, R.C. Brittain
Opposed: None
Approved: 7 - 0

D. Pesticide Advisory Council Updates, Bob Leon

The Termite Consumer Information Bulletin (“CIB”) was updated at the last meeting. It was suggested that the Department create a CIB for mosquito applications.

The Council talked about an “apprenticeship” license and it was generally decided that it would most likely not work in Massachusetts

The Council also suggested to the Department that there be a license requirement for the 25b minimum risk products.

E. NEW BUSINESS

John Looney asked if the Pesticide Board should expect to be involved with the disinfectants that are registered with EPA given COVID-19. T. LaScola-Miner responded that disinfectants are making claims to kill viruses and therefore they need to be registered with the EPA. She explained that with COVID-19 being new it would not be on the label and any label changes would need to go through EPA and not the Pesticide Board.

Commissioner Lebeaux indicated that the Department has been working on preparing for the 2020 mosquito season. He also stated that the Departments office will be moving.

F. MEETING ADJOURNMENT

Motion to adjourn the meeting.

ADJOURN

Motion: John Looney
Second: Richard Berman
In Favor: J. Looney, S. Ward, R. Berman, N. Keleher, M. Nascarella, J. Lebeaux, R.C. Brittain
Opposed: None
Approved: 7 - 0