

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

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CONSERVATIONIST PESTICIDE ADVISORY COUNCIL

MEETING MINUTES

Date: March 8, 2024

A. ROLL CALL

Kimberly Pearson, Brewster Natural Resources Advisory Commission	Present
Clint Richmond, Sierra Club	Present
Regina LaRocque, MGH Center for Environment and Health	Absent
Rosemary Malfi, Xerces Society	Present
Kristin Andres, Association of Preserve Cape Cod	Present

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

DOCUMENT(S) PRESENTED:

Minutes

B. REVIEW OF MINUTES FROM DECEMBER 8, 2023 AND FEBRUARY 9, 2024:

C. Richmond asked that December minutes the term, "additional elements" be clarified to include acres, application method and crop). He also asked that the February minutes a statement about investigating the New York and California annual use report systems be added.

Motion: R. Malfi moved to approve the December minutes with C. Richmond suggested changes

Second: K. Pearson

In favor: R. Malfi, K. Pearson, C. Richmond

Abstention: K. Andres

Motion: R. Malfi moved to approve the February minutes with C. Richmond suggested changes

Second: K. Pearson

In favor: All

Abstention: None

C. Richmond asked if the letter the Council wrote to the Pesticide Board ("Board") was going to be posted with the minutes. Jessica Burgess, Legal Counsel, stated that typically attachments are not posted with the minutes but are readily available if someone requests them.

C. PESTICIDE ENFORCEMENT UPDATES, T. LASCOLA-MINER

Glyphosate Commission: T. LaScola stated that the Glyphosate Commission recently met. They reviewed the Phase 2 report. Some members of the Commission had comments. The report will be posted for the public to comment on.

D. PRE-NOTIFICATION REQUIREMENTS

R. Malfi stated that she had read through the pre-notification requirements relative to residential and commercial properties. She stated that she has heard that there is frustration with individuals not having the right to know what kind of pesticides and when pesticides are being used on the neighbor's property. She asked if the other Council members wanted to address this with the Board. She also asked if the pesticide program receives a lot of these complaints/calls as well.

T. LaScola stated that MDAR does receive these types of calls and when that happens, MDAR recommends that the individual speak with the neighbor or call the company that is performing the work. She also explained that while companies are not required to pre-notify neighbors, MDAR recommends that companies participate in this practice when requested and a lot of companies will try to accompany the request. She also explained that the yellow lawn care signs are not necessarily intended to warn the public in a residential setting. She also stated that MDAR does not allow a lot of information on the lawn care sign, because they do not want people to go onto the treated area to read the sign. R. Malfi asked if there could be a regulation change so that someone would be required to provide the information when requested. T. LaScola stated that there would need to be more research on this to determine if there would be any conflict with a privacy issue.

K. Pearson referenced the apiary map and asked if applicators looked at the map. K. Pearson suggested that there be a private well map that applicators could reference prior to making applications. T. LaScola responded that the apiary map had not gotten much traffic in recent years. J. Burgess responded that MDAR is not in the space of regulating private wells and that mapping private wells would need to be voluntary. K. Pearson asked where the information about the private well is located and if there is a data layer. T. LaScola stated that there is no data layer, and the information is provided when an applicator makes an inquiry about it during the development of a Vegetation Management Plan or Yearly Operational Plan.

K. Andres asked how many people know about the apiary map and who is promoting the map. T. LaScola responded that there was a lot of outreach to beekeepers and pesticide applicators about the map. She noted that she was not surprised that there was not a lot of pesticide applicators putting in their information because they are commercial entities that would not want to disclose that information for customer protection/privacy purposes. K. Andres stated that if the Council wanted to support the idea of the map, then it should be promoted.

There was discussion about how much the public would participate in putting their information on a map and what that would look like. K. Andres stated that she believed if the public knew a pesticide applicator would have to notify them if making an application to a neighboring property, people may be more willing to put their information out there.

R. Malfi brought up the Drift Watch platform. T. LaScola stated that she was familiar with this platform but when the map was being developed the secretariat's IT department felt they could develop the map which is why MDAR did not participate in Drift Watch.

C. Richmond referenced the mosquito application "opt-out" form as something that might be able to be used for people that wanted to be pre-notified. He brought up that people may be sensitive to pesticides and that there should be some consideration in that. He proposed that someone on the Council write a letter relative to the issues discussed that the Council is concerned about in regards to this topic. R. Malfi stated she would draft a letter for the Council to review.

T. LaScola stated that some of the best management practices that MDAR recommends include notifying when arrive at the job site. However, she pointed out that sometimes there are issues between neighbors and these types of activities can escalate any outside issues.

E. RODENTICIDES OVERVIEW

T. LaScola provided a review on the history and registration of rodenticides. K. Andres asked if MDAR receives a lot of rodenticide incident reports. T. LaScola stated that MDAR does not receive a lot of calls/notifications/reports of rodenticide incidents. She stated that MDAR would like to know this information regardless of whether there is an apparent violation. She stated it is important for MDAR to be involved so that it can determine if a death was due to rodenticide. There was discussion about the different types of incidents that occur. T. LaScola stated that MDAR should be contacted and will decide what can or cannot be done relative to a follow up. K. Pearson stated that Massachusetts Rhode Island Regional Center takes in calls relative to domestic and wildlife poisoning and MDAR should consider reading their daily/weekly reports.

There was discussion on how MDAR keeps this information and if EPA is made aware of any rodenticide poisoning. T. LaScola stated that all cases have a “case file” associated with it and that the information is reported to EPA. K. Andres raised her concern about the fact that she sees rodenticide bait being used in conservation areas.

R. Malfi asked if putting a buffer on where a rodenticide could be applied in relation to conservation land is within the Board or the Pesticide Board Subcommittee jurisdiction. T. LaScola stated it would be a regulator change and it would fall under the Board.

G. NEW BUSINESS

K. Pearson asked if the Council could discuss the pesticide reduction resource guide at an upcoming meeting. She noted that it was a very old document and should be updated. She asked if the Council update the document. T. LaScola stated that it doesn’t fall under the purview of the Council as it doesn’t involve regulation, policy, or procedures on how the pesticide program is run and is a document that was not developed by MDAR.

K. ADJOURN

Motion: K. Pearson

Second: R. Malfi

In Favor: All