

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: July 12, 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 JUNE 14, 2024:

Motion: K. Andres

Second: K. Pearson

In favor: All

Abstention: None

C. PRENOTIFICATION REQUIREMENTS, ROSEMARY MALFI

R. Malfi stated that they were going to focus on the notification requirement relative to 333 CMR 13.06 (turf) and 333 CMR 13.08 (indoor). T. LaScola let the Council members know that MDAR had requested approval from the Pesticide Board ("Board") to review and update 333 CMR 13.00 which the Board approved.

333 CMR 13.06: Applications of Turf Pests

- Pre-notification:
 - Members discussed adding information relative to the product that is intended to be used so that the customer understands that they are receiving a pesticide application. It was noted that other sections in the regulations require a label be provided upon request (13.08(4)(c)(iii)). T. LaScola noted that this is requirement when an individual requests it versus it being provided automatically. She also noted that requiring a label or referencing a label could be difficult in that labels change, and it would be important to make sure that an individual received the label that was on the product that was applied during the time of the application. She also noted that the Safety Data Sheet ("SDS") is useful, but the label is more user friendly than the SDS and reflects

exactly what is being used which makes it easier for the average person to understand. There was discussion about incorporating the SDS into communication between the applicator and the customer. A member of the public asked if the EPA's Pesticide Product Labeling System ("PPLS") contained all the pesticide labels. T. LaScola responded that it does, but it may not be the most useful to the public as PPLS does not always contain the supplemental labels.

- There was discussion about the type of information that individuals that rent or live in a condominium/HOA receive. Currently, the requirement is that the information be left with the contracting entity. T. LaScola stated that MDAR developed a guidance document relative to pre-notification in these settings. It was suggested that the guidance become regulation.
- Information that is left behind after the application:
 - There was discussion about the waiver that allowed for single family homes to waive the requirement of the "leave behind" information. T. LaScola explained that the waiver applies to homes that people do not reside in everyday (such as second homes). She stated that there are certain elements that need to be in place for someone to be able to waive the requirement.

333 CMR 13.07: Protection of Honey Bees

- R. Malfi asked if T. LaScola knew how this regulation was developed, and she replied she did not. She noted that the regulation was irrelevant at this time given the active ingredient mention is no longer registered in MA and that bee language that is currently on labels now go beyond what is in regulation. There was discussion about how requirements can be placed on the use of products in the regulations but not the product itself.

333 CMR 13.08 (Applications to Indoor Settings)

- Notification in common areas: R. Malfi asked what kind of notification is given to applications performed in a common space. T. LaScola stated that the regulations are not clear on what needs to be done but that most companies will post something in a central location.
- There was discussion about how pre-notification is provided to tenants. T. LaScola indicated that it has been done in a hard copy format.
- R. Malfi asked how the sign posting waiver work. T. LaScola stated that the waiver was not used very often and was intended to assist with issues of individual taking the signs down after an applicator puts it up.
- There was discussion about the general exemptions that are located in this sections of the regulations when using certain types of pesticides and the Council had some concerns.
- T. LaScola recapped what she was hearing from the Council which was that the Council didn't have any concerns about pre-notification when an application is done in an apartment, but they are concerned about notification of applications in common areas (indoor and outdoor). The Council agreed. She also suggested that the Council reach out to the Pesticide Applicator Advisory Council to find out what industry standard is.

It was decided that T. LaScola will circulate the document that R. Malfi presented during the meeting and that there should be one more meeting to solidify the recommendations before meeting with the Pesticide Applicator Council.

D. NEW BUSINESS

C. Richmond asked T. LaScola what the status of Eastern Equine Encephalitis ("EEE") and West Nile Virus ("WNV") was. She responded that EEE and WNV has been found and it is too early to tell if an aerial application will be needed this year.

K. Pearson stated that she would like to discuss Beech Leaf Disease (“BLD”) at a future meeting. There was some discussion about products that may be available for use. T. LaScola noted that a special local need permit was approved for BLD. She explained that when a new pest is introduced, products that are allowed to be used are limited unless there is a 2ee label for the product/pest.

E. ADJOURN

Motion: K. Pearson

Second: K. Andres

In Favor: All