

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

100 Cambridge Street, 9th Floor, Boston, MA 02114
www.mass.gov/agr



Maura T. Healey
GOVERNOR

Kimberley Driscoll
LIEUTENANT
GOVERNOR

Rebecca L. Tepper
SECRETARY

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COMMISSIONER

PESTICIDE BOARD SUBCOMMITTEE MEETING MINUTES

July 16, 2024

BOARD MEMBERS IN ATTENDANCE

Michael Moore, DPH, Food Protection Program	(Chair)	Present
Taryn LaScola, MDAR, Designee for Commissioner Randle		Present
Meg Blanchet, DPH, Designee for Commissioner Goldstein		Present
Nicole Keleher, DCR, Designee for Commissioner Arrigo		Absent
Richard Berman, Commercial Applicator		Present

The Board did meet or exceed the minimum number (3) of members present to form a quorum and conduct business.

A. REVIEW OF MINUTES FOR March 19, 2024, and April 23, 2024

Motion: R. Berman

Second: M. Blanchet

Discussion: None

In Favor: M. Blanchet, R. Berman, T. LaScola, M. Moore

Opposed: None

Abstained: None

B. PRODUCT REGISTRATIONS

Motion: That the Pesticide Board Subcommittee registers the pesticide products listed on the EIPAS PR July 16, 2024, Subcommittee cover sheet with the exception of the following products:

- Merit 0.5 G Insecticide, EPA Reg. No. 101563-63,
- Phalanx, EPA Reg. No. 45002-44-62719,
- Shaw's Turf Fertilizer with Allectus, EPA Reg. No. 101563-105-8378,
- Signature Merit .20 Plus Fertilizer 50PCU, EPA Reg. No. 101563-76-34704,
- Signature Brand Allectus .225G Plus Fertilizer 40PCU, EPA Reg. No. 101563-105-34704
- Troubadour 2F, EPA Reg. No. 5905-653,
- EndRun, EPA Reg. No. 2217-656-5905,
- Elliptica, EPA Reg. No. 100-941-228,
- Omni Brand S-Moc 82.4% Safened, EPA Reg. No. 5905-652,
- Turonyx Ultra FX, EPA Reg. No. 91234-297, and
- Enversa, EPA Reg. No. 62719-775.

Moved: R. Berman
Second: T. LaScola-Miner
Discussion: None
In Favor: T. LaScola-Miner, R. Berman, M. Blanchet, M. Moore
Opposed: None
Abstained: None

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

- Merit 0.5 G Insecticide, EPA Reg. No. 101563-63,
- Shaw's Turf Fertilizer with Allectus, EPA Reg. No. 101563-105-8378,
- Signature Merit .20 Plus Fertilizer 50PCU, EPA Reg. No. 101563-76-34704,
- Signature Brand Allectus .225G Plus Fertilizer 40PCU, EPA Reg. No. 101563-105-34704, and
- Turonyx Ultra FX, EPA Reg. No. 91234-297, all containing imidacloprid,

may pose unreasonable adverse effects to the environment as well as to pollinators, when taking into account the economic, social, and environmental costs and benefits of their use in the Commonwealth and are thereby restricted. This is pursuant to the Subcommittee's decision on March 1, 2021, to modify the registration classification of products containing neonicotinoids, including imidacloprid, that have outdoor non-structural uses or outdoor non-agricultural uses on the label from general to state restricted use.

Moved: R. Berman
Second: T. LaScola-Miner
Discussion: None
In Favor: T. LaScola-Miner, R. Berman, M. Blanchet, M. Moore
Opposed: None
Abstained: None

Motion: That the Pesticide Board Subcommittee has determined that the use of the following products may cause an unreasonable risk to man or the environment, when taking into account the economic, social, and environmental costs and benefits of their use. This determination is based upon the leaching potential and toxicological concern of these 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 thiamethoxam, methoxyfenozide, metolachlor, and acetochlor from general to restricted use for groundwater concerns.

- Phalanx, EPA Reg. No. 45002-44-62719, containing thiamethoxam,
- Troubadour 2F, EPA Reg. No. 5905-653, containing methoxyfenozide,
- Elliptica, EPA Reg. No. 100-941-228, containing thiamethoxam,
- Omni Brand S-Moc 82.4% Safened, EPA Reg. No. 5905-652, containing s-metolachlor, and
- Enversa, EPA Reg. No. 62719-775, containing acetochlor,

Moved: R. Berman

Second: T. LaScola-Miner

Discussion: None

In Favor: T. LaScola-Miner, R. Berman, M. Blanchet, M. Moore

Opposed: None

Abstained: None

Motion: That the Pesticide Board Subcommittee has determined that the use of the following product be categorized 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.

- EndRun, EPA Reg. No. 2217-656-5905, containing 2,4-D dimethylamine salt at 30.89%,

Moved: R. Berman

Second: T. LaScola-Miner

Discussion: None

In Favor: T. LaScola-Miner, R. Berman, M. Blanchet, M. Moore

Opposed: None

Abstained: None

C. Presentation of Information on Groundwater Protection and Product Registration: As a follow-up to the discussion of Salibro nematocide (EPA Reg. No. 352-932) containing the new active ingredient Fluazaindolizine during the April 23, 2024, meeting, the Pesticide Board Subcommittee will consider information presented by MDAR staff related to groundwater protection regulatory aspects.

Miller presented state and federal regulatory background information on ground water protection from pesticide contaminants to inform consideration of the new active ingredient fluazaindolizine contained in the nematocide Salibro. Fluazaindolizine registration approval was held in abeyance at the April 23, 2024, meeting, pending additional discussion.

A summary of fluazaindolizine was provided. EPA has designated this AI a Reduced Risk Pesticide due to its favorable risk profile relative to the toxicity of existing pesticide alternatives. A table from the EPA registration docket compared these toxicity differences for aquatic organisms, terrestrial organisms, and plants. Persistence of fluazaindolizine and its major degrades in the environment was highlighted, along with known degradation pathways.

State regulatory criteria for inclusion on the Massachusetts Ground Water Protection list were reviewed; inclusion is required if both toxicological (e.g., based on carcinogenicity or an established Maximum Contaminant Level – MCL – less than or equal to 20 ppb) and chemical parameters consistent with MA's definition of leaching potential are met. The EPA process of evaluating unregulated pesticides for MCLs according to the Safe Drinking Water Act was explained. In short, few are selected and the timeline from inclusion on an announced Contaminant Candidate List to a final regulatory decision that results in a MCL is ~ decade.

Salibro® environmental hazards label language was explained within the context of EPA standards and criteria for ground and surface water advisories. The EPA label advisories for Salibro® are only based on leaching criteria, not toxicity. Examples of EPA label groundwater mitigation measures and label language for atrazine and acetochlor products, which are more extensive, were shared for comparison. Salibro® mitigation language focuses on measures (spray drift management, buffer zones) that enhance compliance with the Endangered Species Act to minimize exposure to non-target organisms, rather than being indicative of elevated ground water risk relative to pesticides with similar leaching potential. These directives are more numerous and explicit than found on labels in the past but are likely the new normal.

Discussion: Berman requested clarification that fluazindolizine has a reduced risk profile relative to alternatives and was answered in the affirmative.

No additional discussion.

D. Acknowledgement of Receipt of Rodenticide Petition

LaScola briefed the subcommittee on receipt of a petition prepared by the Animal Law & Policy Clinic of Harvard Law School for a suspension of second-generation anticoagulant rodenticide (SGAR) registrations in Massachusetts.

Berman noted that EPA expects to release its final biological evaluation of rodenticide effects determinations later this fall.”

E. Glyphosate Commission: Update on latest activities of the Commission

LaScola reported that the final report of the Glyphosate Commission is in its public comment period, which closes end of the day 7/22/2024. All public comments will be included as an appendix of the final version of the report. The report will be sent to the legislature and available for consideration by the Subcommittee in its ongoing individual review of glyphosate.

F. EPA Update on Registration Review of Three Organophosphate Pesticides. Staff will inform the Subcommittee on recent announcements and updates for Dicrotophos, Dimethoate, and Tetrachlorvinphos

Miller provided a summary of EPA’s June 18th update on three organophosphates: dicrotophos, dimethoate, and tetrachlorvinphos.

A Proposed Interim Decision (PID) has been released for dicrotophos. EPA is proposing label language describing various mitigation measures to address worker, bystander, and ecological risks. There are no currently registered products containing this active ingredient in MA and nationally the only crop with registered uses is cotton.

EPA also has announced a PID for dimethoate. There are three dimethoate products registered in MA for various field and vegetable crops. All three are general use though there was one mention of a small application in the 2022 restricted use pesticide applicator reports.

Proposed label updates would include canceling some low benefit uses on certain vegetables, more current PPE information, mitigation language for drift, such as buffers, runoff measures to protect surface waters, pollinator stewardship language, ‘Bulletins Live! Two’ link for ESA information, and guidance to users on how to report an ecological incident.

An Interim Decision was announced for tetrachlorvinphos (TCVP), which is used for control of fleas, ticks, lice, and flies on livestock and pets. There are ~36 products registered in MA, most being flea/tick collars for dogs and cats. Three are oral larvicides to manage flies in manure and three are sprays or powders for livestock.

EPA notes that the FQPA 10x safety factor remains in place. The ID requires new mitigation measures deemed necessary to reduce risks, including prohibiting foggers, electrostatic dusters, or any aerosolization application methods, no down-the-drain disposal, label statements for protection of water and non-target organisms, increased PPE requirements, ‘Bulletins Live! Two’ ESA language, and guidance on how to report an ecological incident.

There are also directions to registrants of pet products on how to submit enhanced incident reports and annual sales information. The aim is to improve the pet incident database.

G. New Business

There was no new business brought forward.

H. ADJOURN

Motion: To adjourn the July 16, 2024, Subcommittee Meeting.

Moved: R. Berman

Second: T. LaScola

In Favor: M. Blanchet, T. LaScola, R. Berman, M. Moore

Opposed: None