

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

Ashley E. Randle
COMMISSIONER

PESTICIDE BOARD SUBCOMMITTEE MEETING MINUTES

August 20, 2024

BOARD MEMBERS IN ATTENDANCE

Michael Moore, DPH, Food Protection Program	(Chair)	Present
Hotze Wijnja, Ph.D., MDAR, Designee for Commissioner Randle		Present
Meg Blanchet, DPH, Designee for Commissioner Goldstein		Absent
Nicole Keleher, DCR, Designee for Commissioner Arrigo		Present
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 August 20, 2024

Motion: R. Berman

Second: N. Keleher

Discussion: None

In Favor: M. Blanchet, R. Berman, H. Wijnja, M. Moore

Opposed: None

Abstained: N. Keleher

B. PRODUCT REGISTRATIONS

Motion That the Pesticide Board Subcommittee registers the pesticide products listed on the EIPAS PR August 20, 2024, Subcommittee cover sheet with the exception of the following products:

- MERIT® 0.2% Plus Turf Fertilizer, EPA Reg. No. 101563-76-10404,
- LESCO ALLECTUS® 0.225 Insecticide Plus Fertilizer, EPA Reg. No. 101563-105-10404,
- Lebanon Pro Brand Fertilizer with Allectus 0.225 G Insecticide, EPA Reg. No. 101563-105-961, and
- Lebanon Pro Brand Fertilizer with Merit 0.2% Grub Preventer, EPA Reg. No. 101563-76-961.

Moved: R. Berman

Second: H. Wijnja

Discussion: None

In Favor: H. Wijnja, N. Keleher, 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

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.

- MERIT® 0.2% Plus Turf Fertilizer, EPA Reg. No. 101563-76-10404,
- LESCO ALLECTUS® 0.225 Insecticide Plus Fertilizer, EPA Reg. No. 101563-105-10404,
- Lebanon Pro Brand Fertilizer with Allectus 0.225 G Insecticide, EPA Reg. No. 101563-105-961, and
- Lebanon Pro Brand Fertilizer with Merit 0.2% Grub Preventer, EPA Reg. No. 101563-76-961, all containing **imidacloprid**,

Moved: R. Berman

Second: N. Keleher

Discussion: None

In Favor: H. Wijnja, N. Keleher, R. Berman, M. Moore

Opposed: None

Abstained: None

C. EPA Announcement for the Emergency Order to Stop Use of Pesticide Dacthal. Staff will inform the Subcommittee on the recent announcement for the emergency suspension of all registrations of the pesticide dimethyl tetrachloroterephthalate (DCPA or Dacthal)

Wijnja provided a summary of information related to EPA announcements for an emergency order to stop the use of Dacthal also known as DCPA.

On August 6, 2024, EPA announced the emergency suspension of all registration of DCPA.

This was the first time in almost 40 years that the EPA used this type of emergency action following several years of efforts by EPA to require the submission of long overdue data and then assess and address the risks this pesticide poses, action was taken based on the risk to unborn babies whose pregnant Mothers were exposed to DCPA and experience changes in thyroid hormone levels, that can cause low birth weight, impair brain development, decreased IQ and impair motor skills later in life that's irreversible. Environmental Protection Agency.

Environmental Protection Agency news release highlights farmworker as a group and community that often faces exposure to harmful pesticides, also includes quotes from representatives from farmworker groups, that applaud this action by EPA to prioritize farmworker, health and safety, especially for pregnant women.

Background information why EPA took this emergency action. Dacthal has been registered since 1958, registered uses are weed control, agricultural, and various vegetables. It was particularly used on broccoli, Brussels sprout, cabbage and onion, also had nonagricultural uses on turf.

Any pesticide that has been registered for a long period of time, undergoes registration review, the 15-year cycle of review to ensure that a pesticide use does not cause unreasonable risk to human health and the environment and as part of this registration review, EPA determined in 2013 that more than 20 studies were required to be submitted to the agency to meet the current standards for registration of this pesticide, the studies that were required and included a comprehensive study of DCA effects on thyroid development and function.

The studies were due in 2016, several studies that registrant submitted during the years, we're determined to be insufficient of quality. While the thyroid study and some other studies were not submitted at all or a few years later, as a result, EPA issued a 2022 rarely used notice of intent to suspend EPA technical grade product,

In November of 2023, the technical grade suspension was lifted after submission of sufficient data and studies finally and the registrant agreed to voluntarily cancel the use on turf in December of 2023.

Once EPA received the thyroid study, they were able to do the risk assessment particularly the occupational and residential risk assessment. The assessment was released in 2023 following the analysis of the submitted thyroid study.

The assessment found health risks with the use of PPE, other protective measures were used both had a significant risk, most serious risks were identified to unborn babies of pregnant women, some situations pregnant women could be subjected to exposure that 4 to 20 times higher than what is considered safe for unborn babies. Since EPA's 2023 assessment, the registrant, proposed several changes to display product registration, including the cancelation of turf uses. Change to agricultural uses didn't address the serious health risks that EPA have identified. In April of this year, they issued a public warning regarding the significant risk to unborn, babies and EPA also noted that it would be pursuing regulatory actions as soon as possible, under FIFRA, EPA can take action to suspend or cancel pesticide registration.

Suspension of a registration is used to address an imminent hazard. Cancelation can then proceed, that's a process that takes time.

Environmental Protection Agency determined that immediately suspension was necessary for this issue. That was the order issue earlier this month.

Environmental Protection Agency plans to issue a notice to cancel within the next 90 days.

In Massachusetts, there were 2 products registered that contained this herbicide. It is a state restricted use product based on the groundwater protection list.

There was very little use of this herbicide in Massachusetts, the 2023 Use Reports only include one report application of the product. EPA called states lead agencies earlier this month, indicating it's working with registrants to work with growers to facilitate the product take back. The product is currently not legal to use anymore. Registrants are working to take back the products that previously purchased.

MDAR will notify dealers in Massachusetts about this announcement by EPA and the product that is out there, and to reach out to the registrants to take back the product.

D. NEW BUSINESS

There was no new business brought forward.

E. ADJOURN

Motion: To adjourn the August 20, 2024, Subcommittee Meeting.

Moved: R. Berman

Second: H. Wijnja

In Favor: H. Wijnja, N. Keleher, R. Berman, M. Moore

Opposed: None