THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

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MDAR MASSACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES

Maura T. Healey, GOVERNOR | Kimberley Driscoll, LIEUTENANT GOVERNOR | Rebecca L. Tepper, SECRETARY | Ashley E. Randle, COMMISSIONER

PESTICIDE BOARD MEETING MINUTES

January 29, 2025

BOARD MEMBERS IN ATTTENDANCE

Commissioner Ashely Randle, MDAR (Chair)	Present
Meg Blanchet, DPH, Designee for Commissioner Goldstein	Present
Michael Moore, DPH, Food Protection Program	Present
Misty Anne Marold, DFG, Designee for Commissioner O'Shea	Present
Sage Grace, DEP, Designee for Commissioner Heiple	Present
Nicole Keleher, DCR, Designee for Commissioner Arrigo	Present
Richard Berman, Commercial Applicator	Present
Steven Ward, Farmer	Present
Jack Looney, Public Member	Present
R. Christopher Brittan, Public Member	Present

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

A. REVIEW OF MINUTES FROM OCTOBER 29, 2024:

Motion: S. Ward
Second: J. Looney
Discussion: None
In Favor: All
Opposed: None

B. PESTICIDE PROGRAM UPDATES, TARYN LASCOLA

Pesticide Licenses: Renewal time has come and gone. People can renew 'late" but cannot make applications until they do so.

Pesticide Annual Use Report: Applicators were made aware that the annual use reporting period is now open, and they have until June to submit the information.

Regulations: 333 CMR 9.00 and 14 have been promulgated, and the updated version is on the website. A notice was sent out to licensed Dealers notifying them of the change.

Rodenticides: T. LaScola stated that she wanted to provide some background information as to how the pesticide regulatory structure works before providing an update on the rodenticide issue. She explained that MDAR is the regulatory agency over pesticides, but it cannot make changes/decisions about the regulatory structure it works within by itself. Any changes made must be approved by either the Pesticide Board or the Pesticide Board

Subcommittee. There are two ways that restrictions can be imposed on the application of pesticides. This is either through changing pesticide regulations/statute OR changing the registration status of a pesticide product.

M.G.L.c. 132B (MA Pesticide Control Act) provides the basic structure in which pesticides are to be regulated and used in the state. It covers product registration, licensing, the establishment of the Board, Subcommittee and broadly addresses the use of pesticides. Changes to M.G.L.c 132B are not performed by MDAR or EEA but must be done through the legislature. Changes to the regulations must be approved by the Board.

The registration of a product will determine whether the product can be used in the state, who can apply the pesticide and the licensing requirements. Changes and decisions about pesticide products must go through the Pesticide Subcommittee.

Changes and decisions to pesticides need information to support the change. In an ideal situation, information about the impacts of a pesticide would go through the regulatory agency. The regulatory agency often supplies this type of information because there are certain protocol and procedures that need to be followed to ensure the integrity of the information. These protocols/procedures are reviewed by and approved by EPA whom the states work with, and which are important because decisions about EPA registered products are being made. MDAR understand that given the uniqueness of rodenticides we need to adjust obtain as much information as we can or look at other options. In general, some of the types of information that would need to be obtained are:

- Lab Results
- Analyzing results
- Reason for exposure
- Risk/Benefits
- Other State/Federal Regulations

This is important when making regulatory decisions or decisions about product registration or regulatory changes as those decisions can be challenged and we need to make sure the information on which the decisions were made cannot be questioned.

During the Dec meeting, a motion was made and approved that would allow MDAR to contract with a third party to conduct a scientific review that would then be used in a larger individual review. She stated that a request for quotes was posted and would be open until February 18th.

S. Ward brough up the topic of Unmanned Aerial Vehicles and stated that in order to use them there are a number of exams that need to be taken. He asked if growers needed to take the Commercial Applicators license exam before taking the aerial application. T. LaScola stated she would check with the licensing program and find out for him.

J. Looney asked if there was a difference in aerial application and UAV application. She responded that if using a UAV an individual needs to have an aerial certification. She noted that while reviewing and updating 333 CMR 13.00 UAV applications will be addressed.

Pesticide Board Open Seat: T. LaScola stated that there are three open seats on the Board. The seats to be filled are for:

Conservation
Physician
Expertise with health effects of pesticides

A call for interest was sent out and there were individuals that were of interest. The call will be open until the first week of February.

C. COUNCIL MEMBER TERMS, VOTE REQUIRED TARYN LASCOLA

There are a few Pesticide Applicator Pesticide Advisory Council members whose terms are up. T. LaScola asked if the Board would like to open the seats or keep the current members. J. Looney responded that if the current members would like to continue to serve then he would recommend they stay. R. Berman and S. Ward agreed.

Motion: J. Looney, move to allow the current members to continue their service and request a letter of intent in writing. If a member does not want to continue to serve, then the seat should be opened and filled.
Second: M. Marold
In Favor: All
Oppose: None

D. COMMERCIAL CERTIFICATION WAITING PERIOD, B. LEON

B. Leon stated that the Pesticide Applicator Pesticide Advisory Council ("Council") has submitted a recommendation to the Board to consider eliminating or reducing the two-year waiting period to take the Commercial Certification exam. He explained that the Council felt that a two-year waiting period may be too much at this time and with the fact that the number of pesticides that are becoming restricted it is burdensome on the company and customer.

Discussion:
R. Berman stated that he agreed and thought it was a burden on companies. He stated that there are people that are competent and do need to wait for two years. He believes that it could be reduced to a year. M. Marold stated that in her research waiting periods can vary from 1 to 3 years. She believed that one year seemed to be more common.

T. LaScola noted that an individual can waive the two-year waiting period if they have past experience.

E. CONSERVATIONIST PESTICIDE ADVISORY COUNCIL UPDATE, C. RICHMOND

C. Richmond did not attend the meeting.

G. NEW BUSINESS

There was no new business

H. ADJOURN

Motion: J. Looney
Second: C. Brittan
Discussion: None
In Favor: All
Opposed: None