

The Commonwealth of Massachusetts

Executive Office of Energy and Environmental Affairs



Department of Agricultural Resources

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PESTICIDE BOARD SUBCOMMITTEE MEETING MINUTES

October 19, 2021

Zoom Meeting at:

<https://us06web.zoom.us/j/81394230672?pwd=VzJTVUdMVVNIRGo3NW4rS2VoS0JEdz09>

Meeting ID: 813 9423 0672; Passcode: 931229

BOARD MEMBERS IN ATTENDANCE

Michael Moore, DPH, Food Protection Program (Chair)	Present
Taryn LaScola-Miner, MDAR, Designee for Commissioner Lebeaux	Present
Marc Nascarella, DPH, Designee for Commissioner Cooke	Present
Nicole Keleher, DCR, Designee for Commissioner Montgomery	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.

B. REVIEW OF MINUTES FROM JULY 30, 2021

Motion: that the Pesticide Board Subcommittee approves the summary notes for the July 30, 2021 meeting.

Moved: R. Berman

Second: M.
Nascarella

Discussion: None

In Favor: M. Moore, T. LaScola-Miner, M. Nascarella, R. Berman, N.
Keleher **Opposed:** None

Abstained: None

C. PRODUCT REGISTRATIONS

Motion: That the Pesticide Board Subcommittee registers the pesticide products listed on the EIPAS PR October 19, 2021 Subcommittee cover sheet with the exception of the following products:

- Storm Herbicide, (EPA Reg. No. 70506-59), containing bentazon and acifluorfen;
- Ridesco WG Insecticide, (EPA Reg. No. 7969-470), containing dinotefuran;
- Helmet MTZ Herbicide, (EPA Reg. No. 74530-98), containing metribuzin and metolachlor;
- Latigo Bold, (EPA Reg. No. 5905-625), containing 2,4-D; and
- Sinister Intent, (EPA Reg. No. 5905-603), containing metolachlor.

Moved: R. Berman **Second:** T. LaScola-Miner

Discussion: None

In Favor: M. Moore, T. LaScola-Miner, M. Nascarella, N. Keleher, R. Berman

Opposed: None

Abstained: None

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

- Empyros, Storm Herbicide, (EPA Reg. No. 70506-59), containing bentazon and acifluorfen;
- Ridesco WG Insecticide, (EPA Reg. No. 7969-470), containing dinotefuran;
- Helmet MTZ Herbicide, (EPA Reg. No. 74530-98), containing metribuzin and metolachlor, and
- Sinister Intent, (EPA Reg. No. 5905-603), containing metolachlor

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 this 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 **Acifluorfen, Bentazon, Dinotefuran, Metribuzin, and Metolachlor** from general to restricted use for groundwater concerns.

Moved: R. Berman

Second: N. Keleher

Discussion: None

In Favor: M. Moore, T. LaScola-Miner, M. Nascarella, R. Berman, N. Keleher

Opposed: None

Abstained: None

Motion: That the Pesticide Board Subcommittee has determined that the use of Latigo Bold, (EPA Reg. No. 5905-625), containing 2,4-D at a concentration of 24.62% 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.

Moved: R. Berman

Second: T. LaScola-

Miner **Discussion:**

None

In Favor: M. Moore, T. LaScola, M. Nascarella, R. Berman, N. Keleher

Opposed: None

Abstained: None

D. SPECIAL LOCAL NEEDS (SLN) REGISTRATON RENEWAL REQUEST FOR THE EXISITING SLN MA-160002 REGARDING THE USE OF AVIPEL DRY (HOPPER BOX) IN MASSACHUSETTS CORN SEED TREATMENT.

This request for a renewal of existing SLN for the use of Avipel Dry (Hopper Box). The original SLN registration was approved in 2016 and renewed in 2019. Product used to treat planted corn to prevent consumption by various blackbirds and crows. SLN registrations require evaluation and renewal every 5 years.

After renewing the product in 2019 the registrant anticipated that the product was going to be registered by EPA, with a full Section 3 registration within the next year or two. However, the product had not been registered yet by EPA. Therefore, the registrant requested an extension of the SLN, so it will be available for use by Massachusetts growers for the next two growing seasons. The proposed expiration date for this SLN is June 2023.

In a communication with MDAR staff, Susan Scheufele from UMass Extension, who fulfilled the role as initiator with the initial SLN request, indicated that the special local need for this product still exists and continues to be a very important tool for Massachusetts growers.

LaScola-Miner asked why Section 3 registration was taking so long and how frequently growers use this product. Wijnja indicated that EPA requested an additional study from the registrant to fulfill the Section 3 requirements.

Richard Berman asked about the active ingredient in product. Wijnja responded that it was anthraquinone, which causes regurgitation and discomfort upon ingestion by birds and discourages further feeding.

Motion: That the Pesticide Board Subcommittee hereby grants a renewal of the Special Local Needs registration (SLN MA -160002) for Avipel Dry (Hopper Box) Corn Seed Treatment for the protection of field and sweet corn seed against consumption by various blackbirds species and crows. The renewal is for an additional two growing seasons and the new SLN label expires on June 15, 2023.

Moved: R. Berman

Second: N. Keleher **Discussion:**

In Favor: M. Moore, T. LaScola-Miner, M. Nascarella, R. Berman, N. Keleher

Opposed: None

Abstained: None

E. DISCUSSION OF FLUROINATED PESTICIDES

Hotze Wijnja, environmental chemist with MDAR, presented an overview of fluorinated compounds in the context of the Sierra Club information that was submitted to Subcommittee. The presentation provided a general overview of fluorinated compounds, both naturally occurring and man-made. Relative to man-made (synthetic) compounds, the distinction between per- and

polyfluoroalkyl substances (PFAS) and fluorinated pesticides and pharmaceuticals was highlighted. EPA's working definition for PFAS was presented and context was provided to with respect to other PFAS listings and classifications. Based on their perspective of fluorinated compounds, as described in the document submitted to the Subcommittee, the MA Sierra Club generated a list of fluorinated pesticides for which recommend the registration to be suspended and not approve any new registrations. Based on EPA's working definition for PFAS, one active ingredient on the list of fluorinated pesticides generated by MA Sierra Club meets EPA's working definition. There are two products registered in MA that contain this active ingredient pyriproxyfen. Wijnja also shared a summary slide relative to EPA's recently released Strategic PFAS Roadmap.

The Subcommittee considered a path forward based on the presented information and the Sierra Club document and recommendations. Several members indicated that they would like to have some time to review the information and take it back to their agencies for considerations. What emerged at the meeting as the most immediate aspect and issue that would need to be addressed is whether the Subcommittee would accept EPA's working definition for evaluation of pesticides registered in MA. In the case the Subcommittee votes to adopt EPA's working definition, the next immediate issue to be addressed would be the evaluation of the two products that are registered in Massachusetts and fall under the working definition. It was pointed out that it is currently unclear what the action would be, also because it is currently unclear what EPA's position is on this issue.

However, the Subcommittee agreed to put the consideration of accepting EPA's working definition on the agenda for the next meeting. It will then have to be decided what the evaluation and possible action would be for the two products and any future products that fall under the definition. The Subcommittee indicated that it would like to receive the product information and a summary of the presentation given at today's meeting.

F. 25-B MINIMUM RISK PESTICIDE UPDATE

LaScola followed up on the discussion on this topic at the last meeting and provided an overview of what the registration process for 25-B products would involve if the Subcommittee would vote to register these products in MA. LaScola indicated that it would be a significant workload for MDAR staff to implement and conduct this process given that EPA is not reviewing and registering these products. It is also unclear how this process can fit in the existing online registration that the MDAR uses. Relative to the aspect of requiring licensing for the use of 25-B products, LaScola pointed that it is considered as part of the update of Section 13 of the 333 CMR regulations which is currently underway.

Berman shared his view of the state registration process and expects it not to be such a heavy workload. He provided a few examples of product labels that illustrate the need for registration but would not require review of additional data since labels already contain language that address the potential risks from the use of these products.

Moore inquired about the prospect of using the existing product registration system for these products. LaScola indicated that she would have to check the system support team.

Berman inquired about the status of updating the regulations for licensing and certification of pesticide applicators. LaScola responded that these are being drafted and subject to review by the Pesticide Board, public comment, and final approval by the Pesticide Board. Moving these updated regulations through this process is a high priority item for the department. Berman would like to continue the discussion on this topic and provide updates at the next meeting.

ADJOURN

Motion: To adjourn the October 19, 2021 Subcommittee Meeting.

Moved: R. Berman

Second: T. LaScola-Miner

In Favor: M. Moore, T. LaScola, M. Nascarella, E. Seaborn, R. Berman

Opposed: None