

# 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:** November 22, 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                 | Absent  |

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 from August 9, 2024

Pesticide Advisory Council meeting minutes that pertain to 25b products

#### **B. REVIEW OF MINUTES FROM AUGUST 9, 2024:**

**Motion:** R. Malfi

**Second:** K. Pearson

**In favor:** All

**Abstention:** None

#### **C. PESTICIDE ENFORCEMENT UPDATES, T. LASCOLA**

**Pesticide License:** T. LaScola stated that it is renewal time for the pesticide licenses. She reminded the Council that licenses need to be renewed each year and continuing education units need to be obtained within three years. If an individual does not have those continuing education units they are not allowed to renew their license.

**2023 Annual Use Report:** MDAR has posted the 2023 annual use report information. She noted MDAR is only posting a list by product information. A list organized by company will no longer be posted. This is due to some language in M.G.L.c. 132B which limits information can be collected which includes location. Since applications can take place directly at a farms address, MDAR is taking a more cautious approach to ensure it is complying with the statute. She noted that if someone wants company specific information, they can submit a public information request, and it will be reviewed and determined if we can release the information depending on the ask.

Discussion:

C. Richmond stated that he believed that this decision took away from the utility of reporting from the public. He was concerned that this would add to MDAR's burden in fulfilling public records request. He also stated the different reasons that the public would want to know what a company, specifically farms, was using. T. LaScola reinforced that the public can still request the information through a public records request and the public records officer will determine what information we can provide based on the request.

K. Pearson asked T. LaScola asked if someone could request county data. T. LaScola stated that MDAR does not collect county information. She then asked if MDAR could provide a list of zip codes. T. LaScola stated that zip codes are collected. R. Malfi cautioned that zip codes are only related to the company/individual submitting the report, not where the use took place. K. Pearson responded that she realized that it wouldn't work for most areas of the state, but it would be more representative for Cape Cod.

R. Malfi stated that she wanted to renew the request that the Council made to the Pesticide Board ("Board") relative to adding geographical location. C. Richmond asked what the status was of the Council's request to include geographical data in the use reports. T. LaScola stated that the Pesticide Board ("Board") directed MDAR to explore what kind of resources would be needed to add this element. She also stated that a survey was sent out to the other states relative to this issue and she still needed to go through the results before reporting out to the Board.

A member from the public asked if the intent of posting the information was still being met by taking down the company information. T. LaScola stated that it was.

**Glyphosate Commission:** The scientific review has been completed. It was sent to the Pesticide Board Subcommittee ("Subcommittee"). At the October meeting, MDAR asked the Subcommittee members if they wanted any additional information as part of the individual review and they stated they were still going through the scientific review and would let MDAR know if they needed additional information.

**Rodenticides:** At the last Board meeting, Jane Newhouse presented to the Board relative to wildlife exposure to rodenticide. There were a lot of comments from the public addressing the need to ban anti-coagulants and supported the petition that was sent to the Subcommittee.

Discussion: R. Malfi asked if there was a way that MDAR could post the criteria that a lab would need to follow if samples were sent to a private lab from the public. T. LaScola stated given the unique challenges that rodenticide exposure poses, MDAR would still like to see lab results from an outside lab, but it would be better if samples were analyzed by the lab that MDAR's uses. She explained the role and the importance of issues getting vetted through the regulatory process when a larger and more impactful request is being made of entities such as the Subcommittee and the Environmental Protection Agency ("EPA")

R. Malfi asked how information is being sent to EPA. T. LaScola stated that if MDAR sees a consistent issue/trend with a product then it would report it to EPA. This may or may not include misuse as that is most likely not product related, but applicator related, in which the state can take measures to reduce the risk of misuse.

C. Richmond stated that the Harvard petition was discussed at the Subcommittee meetings. T. LaScola stated that during the October meeting, MDAR told the Subcommittee members that MDAR recognized there are gaps in the information that they are collecting and that they are looking at ways to bridge the gap. The Subcommittee decided to wait on discussing whether to conduct an individual review until MDAR can determine if it can bridge the gap. The Subcommittee also discussed that EPA still needs to come out with its decision about rodenticides.

T. LaScola explained that EPA conducted a review of rodenticides and issued a proposed interim decision. At the same time, EPA has been conducting a biological evaluation under the Endangered Species Act and therefore EPA is waiting to issue its final decision until the evaluation is done to issue one decision based on

both evaluations.

### **C. NOTIFICATION REQUIREMENTS, ROSEMARY MALFI**

R. Malfi stated that the Council has focused 333 CMR 13.06 and 333 CMR. 13.08. She noted that MDAR is reviewing and updated 333 CMR 13.00 as well. R. Malfi stated that she wanted the Council members to look at the rest of 333 CMR 13.00 and decide if there are other sections that should be address.

R. Malfi started to review the items that Council had agreed on:

- Notification of abutters: There was a discussion as to whether it should be a general recommendation or if the Council should be more specific. T. LaScola suggested that the recommendation could be general, and they could provide different of what that could look like. She also suggested that the Council in the reason that they are making the recommendation.
- Provide product information to customers prior to the application

### **D. 25 B MINIMUM USE PRODUCTS, CLINT RICHMOND**

The Council did not discuss this topic due to time constraints.

### **E. NEW BUSINESS**

There was no new business.

### **F. ADJOURN**

**Motion:** R. Malfi

**Second:** K. Pearson

**In Favor:** None