

The Commonwealth of Massachusetts

Executive Office of Energy and Environmental Affairs



Department of Agricultural Resources

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www.mass.gov/agr



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PESTICIDE BOARD SUBCOMMITTEE MEETING MINUTES

Tuesday, December 21, 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 Cooper	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 OCTOBER 19, 2021:

Motion: R. Berman

Second: N. Keleher

Discussion: None

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

Opposed: None

Abstained:

B. PRODUCT REGISTRATIONS

Motion: That the Pesticide Board Subcommittee registers the pesticide products listed on the EIPAS PR December 21, 2021, Subcommittee cover sheet with the exception of the following products:

- Daconil ZN Flowable Fungicide, (EPA Reg. No. 100-1696), containing chlorothalonil;
- Calibra, (EPA Reg. No. 100-1673), containing S-metolachlor,
- Tetrino, (EPA Reg. No. 432-1591); and
- Acceleron I-374 Insecticide Treatment, (EPA Reg. No. 264-1192)

Moved: R. Berman

Second: T. LaScola-Miner

Discussion: None

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

Opposed: None

Abstained: None

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

- Daconil ZN Flowable Fungicide, (EPA Reg. No. 100-1696), containing chlorothalonil;
- Calibra, (EPA Reg. No. 100-1673), containing S-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 ***Chlorothalonil and S-Metolachlor*** from general to restricted use for groundwater concerns.

Moved: R. Berman

Second: N. Keleher

Discussion: None

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

Opposed: None

Abstained: None

C. NEW ACTIVE INGREDIENT

Wijnja presented a summary of information on the new active ingredient Tetraniliprole. The Department received applications for two products containing this active ingredient: Tetrino, EPA Reg. No. 432-1591, labeled for insect control on turf, and Acceleron I-374 Insecticide treatment, EPA Reg. No. 264-1192, labeled for seed treatment on corn.

Tetrino is a product for use on turf to control various insects. The signal word is 'Caution', and the Environmental Hazard Statement section includes language to address toxicity to aquatic invertebrates, a groundwater advisory statement, and a surface water advisory statement. The label also includes language related to buffers around water bodies, and pollinator protection language indicating the active ingredient is toxic to pollinators. The label specifies several use restrictions that includes a 10-foot buffer of treat field, label has several use restrictions and information on resistance management.

The Acceleron I-374 Insecticide seed treatment product label carries the signal word is 'Caution', and the Environmental Hazard Statement includes information related to the toxicity of the product to birds and aquatic invertebrates. Restrictions on this product includes setbacks from waterbodies, and also language related to the storage and disposal of treated seed.

Wijnja summarized the information on tetraniliprole described in EPA's Registration Decision Document that was included in meeting packet¹. The active ingredient is an anthranilic diamide insecticide. The mode of action is to target the activation of ryanodine receptors of calcium channel of the insect cell, mammals are not sensitive to this MOA. The use profile of the active ingredient includes various vegetable and fruit crops. Application rates for Tetrino is 0.089 lbs. active ingredients per acre per application. Application rates for Acceleron I-347 insecticide is expressed in amounts of product per seed quantity.

The human health risk assessment information indicates a low toxicity profile, including no acute toxicity by dermal, oral or inhalation routes of exposure. No endpoints could be established and therefore a qualitative risk assessment approach was used. There were no indicators of neurotoxicity. The cancer assessment review committee classified this active ingredient as having "Suggestive Evidence of Carcinogenicity" and agreed with the qualitative risk assessment approach being appropriate and accounting for all toxicity effect, including carcinogenicity. The qualitative risk assessment approach was also found to be protective of potential risks to infants and children. Overall, EPA concluded that this active ingredient has a low risk to human health from exposure to diet, occupational, and residential exposures.

Cumulative risk show there was no common mechanism of toxicity finding for this active ingredient. A tolerance for this active ingredient was established, only for trade purposes.

The environmental fate profile for this active ingredient includes being slightly to moderately soluble in water, moderately mobile in soils, non-volatile, and susceptible to degradation by hydrolysis. In soil this compound was found to be slightly persistent, with half-life of 69 to 177 days. Field dissipation studies showed a half-life range from 30 to 359 days. In aquatic system, it tends to partition into sediments.

In addition to the parent compound, the main degradate was identified as a residue of concern for aquatic organisms. For terrestrial organisms, the parent only is the residue of concern. Tetraniliprole is systemic in plants and therefore can occur in nectar and pollen.

Ecological risk assessments identified risks to aquatic invertebrates. Risk mitigation measures are required to be on the label, including buffers around water bodies and spray drift management. Relative to terrestrial vertebrates (mammals and birds), risks were identified for medium and large birds consuming treated seeds. Mitigation language is required to be on the label to address this risk. The risk assessment for bees indicated that applications to orchard, vine and herbaceous crops may pose risk to individual bees. Label language is required to address this risk. The risk to honey bee colonies is considered low. Risk to earthworms was determined to be low.

Relative to the benefits, it is pointed out that tetraniliprole and other diamides have a low impact on natural enemies of insects, and therefore are recommended in IPM and resistance management. Diamides have a different mode of action than alternative such as pyrethroids, organophosphates and neonicotinoids. Tetraniliprole has a favorable hazard profile compared several of the alternatives. Tetraniliprole offers a new way to deliver effective diamide chemistry in various use scenario where existing diamides have limitations.

¹ This document and additional supporting documents are available at www.regulations.gov, in docket "EPA-HQ-OPP-2017-0233"

The EPA concluded that data and the risk assessments of this chemical meet the FIFRA standards for registration, the database is considered complete for risk assessment purposes. Various risk mitigation measures are required to be on product labels to address identified risks.

Relative to the Massachusetts groundwater protection regulations, tetraniliprole does not meet the criteria for potential groundwater pollutant.

D. EPA'S WORKING DEFINITION OF PFAS AND DISCUSSION OF FLUORINATED PESTICIDES

At the November 16th meeting, the Subcommittee had decided to postpone the discussion and voting on this item to allow all members to be present and have an opportunity to hear the information and weigh in. It was noted that no motions were put forward at the November meeting.

LaScola suggested to hold off with putting forward a motion at this time. She noted that EPA's proposed PFAS working definition has not been finalized. Furthermore, MDAR leadership would also like to consult with MassDEP on the consideration of a PFAS definition. This would allow the Subcommittee to base their discussion on the most current information. Moore asked about whether any deadline was associated with consideration of this agenda item. LaScola stated that there is no deadline but would look into the timeline for the process at EPA. The Subcommittee agreed that this topic will remain on forefront and should be considered again once new information has become available.

Nascarella mentioned that the PFAS definition in context of the Massachusetts Toxic Use Reduction Act (TURA) had recently been updated. Although this may not directly affect pesticide regulation, it would be worthwhile to look into the considerations associated with the update of the PFAS definition for this Massachusetts specific program.

E. NEW BUSINESS

Berman asked if there were any updates on the process for regulatory updates to require licensing for 25B products. LaScola stated that regulatory changes require review and approval by the Pesticide Board. Currently, the Department is reviewing EPA comments on the state plan in an effort to ensure that regulatory changes are in line with the EPA requirements. The process for regulatory changes will include a public hearing. Updating the certification and licensing regulations remains a high priority item for the Department.

ADJOURN

Motion: To adjourn the December 21, 2021, Subcommittee Meeting.

Moved: R. Berman

Second: T. LaScola-Miner

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

Opposed: None