

The Commonwealth of Massachusetts

Executive Office of Energy and Environmental Affairs



Department of Agricultural Resources

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PESTICIDE BOARD SUBCOMMITTEE MEETING MINUTES

February 16, 2021

Zoom Meeting at: <https://us02web.zoom.us/j/7991372664?pwd=N2k4d0JTSWsyMzZDeIFlemZ0cXhIZz09>

Meeting ID: 799 137 2664

Passcode: 292099

BOARD MEMBERS IN ATTENDANCE

Michael Moore, DPH, Food Protection Program (Chair)	Present
John Lebeaux, MDAR Commissioner	Present
Marc Nascarella, DPH, Designee for Commissioner Bharel, MD	Present
Eric Seaborn, 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. PRODUCT REGISTRATIONS

Motion: That the Pesticide Board Subcommittee registers the pesticide products listed on the EIPAS PR February 16, 2021, Subcommittee cover sheet with the exception of the following products:

- Tigris MTZ 75 DF, EPA Reg. No. 92647-10, and
- Priority 8E, EPA Registration Number 42750-340.

Moved: R. Berman

Second: Lebeaux

Discussion: None

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

Opposed: None

Abstained: None

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

- Tigris MTZ 75 DF, EPA Reg. No. 92647-10, containing Metribuzin, and
- Priority 8E, EPA Registration Number 42750-340, 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 metolachlor and metribuzin from general to restricted use for groundwater concerns.

Moved: R. Berman

Second: J. Lebeaux

Discussion: None

In Favor: M. Moore, J. Lebeaux, M. Nascarella, E. Seaborn, R. Berman

Opposed: None

Abstained: None

B. INDIVIDUAL REVIEW OF NEONICOTINOIDS

Taryn LaScola-Miner, MDAR, provided a summary about an individual review in context of the regulations for registration of pesticides (333 CMR 8.0). LaScola pointed out that this review was initiated by the legislator. The Department hired a contractor Industrial Economics, Inc. (IEc) to conduct a literature review. This literature review was part the package provided to the Subcommittee and further included a summary of information EPA information on neonicotinoids, the MDAR review of neonicotinoids, and the hearing officer report and public comments received with the hearing on the IEC literature study.

Moore briefly outlined the process for an individual review, including the consideration potential actions. Wijnja provided a summary of the information in meeting package. The individual documents and summary document were also made available on the Pesticide Board Subcommittee webpage.¹

Following the summary presentation, Moore inquired about questions or comments from Subcommittee members. Berman expressed concern about the proposed advisory language for certain neonicotinoid products and uses. The language of 'intended for professional use' is advisory in nature and difficult to enforce. Seaborn sought clarification on EPA's proposals that included cancellation of certain residential uses while allowing other residential uses to continue. Wijnja clarified that the cancellation is proposed for specific neonicotinoids such as imidacloprid, while other residential uses will be allowed by professionals under the proposed label language with the intend to take it out of the hands of homeowners.

Moore asked further clarification about the process if the Subcommittee were to take action in terms of making products more restricted. LaScola stated that the Department would reach out to the product registrants, marketplaces, and applicators to provide notification about changes from Subcommittee action

¹ [Pesticide Board Subcommittee Meeting 2/16/21 | Mass.gov](#)

on neonicotinoids. Furthermore, registrants would have an opportunity to appeal the decisions and action to the Pesticide Board.

Moore inquired whether the Subcommittee member was prepared to consider a motion and take a vote at this time or if additional information and discussion was needed. Nascarella asked if the Department had considered the potential impact of an action on the anti-parasitic uses of neonicotinoids. Berman agreed with Nascarella's concern and also expressed concern about potential environmental justice impacts as neonicotinoids have many uses as indoor pest control and any restrictions on these types of products could disproportionately affects certain segments of the population.

Lebeaux indicated that he was prepared to make a motion and indicated that the motion may address some of the questions and concerns brought up by the Subcommittee during this meeting and therefore introducing the motion at this time could facilitate further discussion and clarification.

Lebeaux read the motion: *"That the Pesticide Board Subcommittee has determined that current uses of neonicotinoid pesticides used in outdoor non-structural uses or outdoor non-agricultural uses, may pose unreasonable adverse effects to the environment as well as pollinators, when taking into account the economic, social and environmental costs and benefits of their use in the Commonwealth. Therefore, the Subcommittee modifies the registration classification of pesticide products containing neonicotinoids that have outdoor non-structural uses or outdoor non-agricultural uses on the label from general use to state restricted use. These include, but are not limited to, uses on lawn and turf, trees and shrubs, ornamentals, and vegetable and flower gardens. The reclassification shall begin on July 1, 2022."*

The motion was seconded by Seaborn. Lebeaux provided some reasoning for arriving at this motion, including the notion that EPA recommends the use of the label language 'intended for professional use', which is advisory language and not enforceable, and EPA's intent to limit the use of neonicotinoids on ornamentals and lawn/turf on residential properties.

Berman suggested to modify the motion to focus on liquid formulations. Other types of formulations, such as granular formulations, generally pose less risk. Berman suggested to modify the motion to read 'liquid neonicotinoids used in surface outdoor non-structural uses' in the first sentence and addition of 'outdoor surfaces' in the second sentence. Berman moved that the motion is modified with the suggested language. The motion was not seconded and therefore did not carry.

Nascarella stated that it would be helpful to have additional information on the impact of proposed action before voting on the motion. Moore and Berman agreed that this type of information would be helpful to inform a decision and vote. Lebeaux brought up that, in the context of the open meeting law and MDAR's role relative to the Subcommittee and for efficiency's sake, it would be desirable to allow follow-up discussions to happen as much as possible during the current meeting or a next meeting. Based on these discussions, staff could then provide additional information, as needed.

LaScola provided additional clarification on the uses that would remain available to homeowner, such as uses for indoor pest control. Licensed application would be needed for outdoor uses on lawns and ornamentals. Agricultural uses would not require a license as long the product is labeled for agricultural use

only. Homeowners would keep access to flees and tick control products for use on pets and other animals. Seaborn asked if additional information could be made available on impact of the proposed action on the quantity of neonicotinoids used in the state. LaScola indicated that it is expected that limiting the access of many neonicotinoid products to only trained professionals is expected to reduce the total use compared to the situation where such products are widely available for use, including to untrained homeowners. Seaborn indicated that it would be helpful, if possible, to have a more quantitative assessment of the reduction of impacts to pollinators or ecological benefit of the action.

The Subcommittee decided to continue the discussion at the next meeting. This will allow Subcommittee members to go back to their departments to share and explain the considerations and proposed action.

C. NEW BUSINESS

There was no new business brought forward.

ADJOURN

Motion: To adjourn the February 16, 2021 Subcommittee Meeting.

Moved: R. Berman

Second: J. Lebeaux

In Favor: M. Moore, J. Lebeaux, M. Nascarella, E. Seaborn, R. Berman

Opposed: None