PESTICIDE BOARD SUBCOMMITTEE MEETING

MINUTES OF MEETING

February 25, 2020

100 Cambridge St, Boston, 2nd Floor, Conference Room C

MEMBERS PRESENT

- Michael Moore, Chairperson, Director of Food Protection Program
  - Department of Public Health
- Taryn LaScola., Alternate Designee for Commissioner John Lebeaux
  - Department of Agricultural Resources
- Marc Nascarella, Designee for Commissioner Monica Bharel
  - Department of Public Health
- Richard Berman
  - Commercial Applicator

ALSO PRESENT:

- Susie Reed, Department of Agricultural Resources
- Hotze Wijnja, Department of Agricultural Resources
- Kim Skyrm, Department of Agricultural Resources
- Brad Mitchell, Massachusetts Farm Bureau
- Kimberly O'Brien, Bayer Crop Science
- Kevin Grant, CropLife America

I. MINUTES

VOTED

That the Pesticide Board Subcommittee approves the summary notes for November 14, 2019 meetings.

Moved: Nascarella
Second: LaScola
Approved: 4-0

II. PRODUCT REGISTRATIONS

VOTED

That the Pesticide Board Subcommittee registers the pesticide products listed on the EIPAS PR February 25, 2020 Subcommittee cover letter with the exception of the following product:

1. Zeus XC Herbicide, EPA Reg. No.279-3220
2. Andiamo Advance, EPA Reg. No. 60063-79
3. Seed Shield Max Cereals, EPA Reg. No. 100-1647-5905
4. LV Max Fast-Acting Weed Killer, EPA Reg. No. 2217-1051

Moved: Berman
Second: LaScola
Approved: 4-0

STATE RESTRICTED USE MOTIONS

RESTRICTED USE AS DEFINED UNDER THE GROUNDWATER REGULATIONS

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

1. Zeus XC Herbicide, EPA Reg. No. 279-3220 containing ***Sulfentrazone***
2. Andiamo Advance, EPA Reg. No. 60063-79 containing ***Chlorothalonil***
3. Seed Shield Max Cereals, EPA Reg. No. 100-1647-5905 containing ***Sedaxane*** and ***Thiamethoxam***

may cause an unreasonable risk to man or the environment, taking into account the economic, social and environmental costs and benefits of 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 ***Sulfentrazone***, ***Chlorothalonil, Sedaxane*** and ***Thiamethoxam*** from general to restricted use for groundwater concerns.

Moved: Berman
Second: Nascarella
Approved: 4-0

2,4-dichlorophenoxyacetic Acid (2,4-D) MOTION

Move: That the Pesticide Board Subcommittee register the following products:

1. LV Max Fast-Acting Weed Killer, EPA Reg. No. 2217-1051

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: Berman
Second: LaScola
Approved: 4-0

III. Request for an Individual Review of Glyphosate:

Brad Mitchell, Deputy Executive Director of Massachusetts Farm Bureau presented on the developments related to the herbicide Glyphosate. Glyphosate is receiving substantial attention in media, particularly related to concerns for potential cancer risks. There are two bills being considered in the state legislator; one would make glyphosate a restricted-used pesticide and a second one would prohibit the use on public property. Mitchell pointed out that the classification of Glyphosate as a probable human carcinogen by IARC [International Agency for Research on Cancer, part of the World Health Organization] is viewed by many as a driving factor behind the public concern and thousands of lawsuits that have been filed. It was pointed out that many regulatory agencies have concluded that Glyphosate is not carcinogenic to humans. This contrast causes confusion and is a concern among Farm Bureau members. Farm Bureau believes that their members and state legislators need guidance. As a policy, Farm Bureau refers to state law and regulations and MDAR as the pesticide regulatory agency to conduct an assessment of the situation. Therefore, Mitchell suggested that Subcommittee to conduct an Individual Review. An Invidual Review would provide an science-based open forum rather than an evaluation driven by public opinion. Mitchell suggested that the review include assessments of carcinogenicity, groundwater exposure, and alternatives to glyphosate. Glyphosate is an commonly used product among Farm Bureau members and they would value the assessment and accept the conclusions that come out of a process guided by science and the law.

The Subcommittee discussed the request, considering the process and the type of assessment that would be needed. Mitchell made clear that Farm Bureau is interested in an assessment of the registration status of glyphosate following the regulatory process for evaluation of pesticide registration.

LaScola moved that the Subcommittee initiate an Individual Review of Glyphosate. The motion was second by Berman. LaScola pointed out that an Individual Review would provide

time and flexibility to collect data and information. The scope of individual review could include a monitoring study to collect state-specific information on the occurrence in water resources. The Subcommittee voted unanimously in support of the motion to conduct this individual review.

Motion: for the subcommittee to initiate individual review on glyphosate.

Moved: Berman
Second: LaScola
Approved: 4-0

IV. Neonicotinoid Review

LaScola provided information on the upcoming neonicotinoid hearing scheduled for March 13, 2020. Procedures for this hearing were outlined. It was pointed out this will be a listening session with limited opportunity to respond to questions.

LaScola noted that at the current meeting, the Subcommittee can discuss matters related to this review, but a decision will be made after the summary information from public comments is included in the evaluation. Moore noted that the Subcommittee is generally considering recommendations from the MDAR with their evaluations. LaScola noted that MDAR is considered the contractor's review (Industrial Economic Inc. (IEc)) review and EPA's Interim Decision for Neonicotinoids as two key documents for evaluation by the Subcommittee. The IEc review is a literature review that focused on effect studies and does not assess risk. It does point out that more Massachusetts specific information to conduct a more specific risk assessment. EPA's review is more comprehensive and provides detailed risks assessments and risk mitigation measures. A summary of EPA's Interim Decision was provided to the Subcommittee in November, 2019. While IEc made reference to EPA's review, it did not present a detailed review. It did present findings presented in the Worldwide Integrated Assessment, a series of publications on neonicotinoids by an international task force group.

LaScola pointed out that the hearing will focus on the IEc document, although the other documents provided to the Subcommittee could also be available. Nascarella asked if MDAR will consider all the information of this review, including public comments, with an evaluation and possible recommendation for the Subcommittee. LaScola stated that the Department will consider all the information and will follow up regarding any recommendation.

Moore brought up the timeline of the Individual Review process and considered two sources of guidance: the regulatory language for Individual Review and the legislative mandate language. Another aspect is the evaluation whether the Subcommittee would like more information or not. Evaluation and decision making will require time and a specific date for a conclusion by the Subcommittee is uncertain at this time. LaScola pointed out that it recognized that completing the Subcommittee process requires time. For example, it was pointed out that there

is possibility that a second hearing may be necessary. Additional information needs would also require time.

Nascarella brought up the aspect of what a proper assessment would look like in the context of this request. The Subcommittee is familiar with the risk management approach used by EPA, but this may not be well known with the initiator of the special review request. LaScola noted that the few comments that were received so far provided no specific information and identified neonicotinoids as having high risks and therefore should to be banned from use. The details of the thought process among the initiators of the mandate are not known, but recognition of the lack of trust among the public in EPA's process is likely a factor.

Mitchell provide a comment and pointed out that EPA's proposed restrictions for neonicotinoids were for the most part related to revised workers exposure assessments, not for pollinators. The public may view this differently and this should be recognized by the Subcommittee. Mitchell also pointed out that Farm Bureau recognizes that neonicotinoids is a divisive issue and there is need for a science-based assessment. He also pointed out that the monitoring data from MDAR's apiary program seem to be particularly valuable for this review. LaScola pointed out that information was included in documents provided to Subcommittee in November, 2019.

Nascarella sought clarification on what the initiators expect from this special review. The discussion included a reference to the legislative mandate language that includes pollinators as a focus, but also environment in general, which thereby has relevance to public health. Nascarella mentioned the importance of assessing what approach is needed that makes most sense to the initiators of the legislative mandate.

O'Brien responded to a question if comments from industry had been received or are expected. O'Brien, representing Bayer Crop Science, stated that a coalition of registrants has been active in providing comments to pesticide regulatory actions relative to neonicotinoids, both at federal level and state level. The intent is to submit comments as part of this special review.

Grant provided comment relative to the considerations for the legislative mandate language. He pointed out that it was recognized that there is lack in trust of EPA's process among the public and that a scientific review by a body outside of pesticide regulatory agencies was considered to be an important part of the Individual Review. Including a public hearing as part of the process was also viewed as important to provide opportunity to the public and stakeholders to take part in this process. The outside review by IEc therefore should be considered as an import part of this Individual Review.

O'Brien brought up out that she interacted with UMass Extension on efforts to develop best management practices for neonicotinoids. This is part of a stewardship effort by registrants to contribute to education and outreach. The stewardship program is guided by EPA's mitigation efforts to address and exposure and risk reduction.

The meeting concluded with consideration of next meetings. The March meeting would be held to conduct routine business and an April meeting would include discussion of the neonic

special review.

MOTION TO ADJOURN THE MEETING

It was moved, seconded and passed unanimously.

VOTED
To adjourn the February 25, 2020 Subcommittee Meeting.

Moved: Berman
Second: Nascarella
Approved: 4-0
Meeting adjourned at 10:05 a.m.