

# THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



## Department of Agricultural Resources

251 Causeway Street, Suite 500, Boston, MA 02114  
617-626-1700 fax: 617-626-1850 www.mass.gov/agr



Maura T. Healey  
GOVERNOR

Kimberley Driscoll  
LIEUTENANT  
GOVERNOR

Rebecca L. Tepper  
SECRETARY

Ashley E. Randle  
COMMISSIONER

## PESTICIDE APPLICATOR PESTICIDE ADVISORY COUNCIL

### MEETING MINUTES

Date: February 7, 2023

#### A. ROLL CALL

Bob Leon, Ecologic Entomology & New England Pest Management Association	Present
George Williams, Nisus Corporation	Present
Jeff Utley, Nutrien Ag Solutions	Present
Jared DeBettencourt, Minute Man Pest Control	Absent
Bob Mann, National Landscape Association of Landscape Professionals	Present

The Pesticide Applicator 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:

Draft minutes from the meeting held on August 5, 2022.

#### B. REVIEW OF MINUTES:

**Motion:** G. Williams

**Second:** J. Utley

**In favor:** All

**Abstention:** None

#### C. PESTICIDE PROGRAM UPDATES, T. LASCOLA

##### Pesticide and Marijuana Policy

T. LaScola explained that when marijuana first became legal in Massachusetts, MDAR issued a policy that pesticides were not allowed to be used on marijuana. When the 2018 Farm Bill legalized hemp, pesticide labels started to incorporate hemp into them. Chair Lebeaux stated that MDAR recognizes that hemp and marijuana are biologically the same and the only difference is a legal definition for THC. Therefore, MDAR is changing its policy which would allow the use of products labeled for hemp on marijuana. However, there will be some additional conditions such as:

Labeled for hemp and tobacco

If two different rates for hemp and tobacco must use the lower rate

If used inside greenhouse must be on the label

The active ingredient must be exempt from a food tolerance

The label cannot have any days to harvest on the label

333 CMR and 132B and the Worker Protection Standard (“WPS”) will now need to be adhered to by the marijuana industry.

#### Posting Enforcement Action

T. LaScola-Miner stated that MDAR will begin posting their enforcement actions on their webpage. MDAR will post the more egregious enforcement actions such as license revocations, administrative orders, and fines. Information posted online would include the company, violation, type of enforcement action and date of the action.

B. Leon asked when it was going to happen. T. LaScola-Miner stated that once it is posted she would let the associations, Board and Councils know.

#### Glyphosate Commission

Phase 1 has been completed and is posted on MassDEP’s website and Phase 2 is being worked on.

#### Chlorpyrifos

EPA has revoked the food tolerance for this active ingredient. T. LaScola noted that many manufacturers did not renew their products and EPA is working with manufacturers that have not voluntarily cancelled their product registration. EPA is still reviewing non-food uses. She noted that if there is dual labeling with food and non-food uses, then the applicator should be checking the registration status of the product.

#### Rodenticides

EPA conducted its registration review and has come out with its Proposed Interim Decision (“PID”). A high-level summary of the changes are as follows:

**FGAR:** First generation anti-coagulants: warifan, chlorophacinone, diphacinone

**SGAR:** Second generation: brodifacoum, bromadiolone, difenacoum, and difethialone.

- Restricting some rodenticides
  - SGAS, Strychnine and Zinc Phosphide
  - FGAR, bromethalin and cholecalferol in containers larger than 1lb
- Label Changes
  - Additional PPE for loose bait
  - Prohibition on spot and broadcast applications of some products in turf, lawn, parks, golf course, campsite, and other recreational areas
  - Post-application search, collection, and disposal of carcasses of target pests or non-target animals, cleanup of bait moved from its original placement location, and reporting of dead and dying non-target organisms; and
  - All RUP products include label language directing users to access the web-based *Bulletins Live! Two* and follow the measures contained in any Endangered Species Protection Bulletin(s) for the area in which the user is applying the product.
  - Restricting the method, timing and location of spot, broadcast, and below-ground applications of chlorophacinone and diphacinone in cropped areas, rangeland and pastureland

G. Williams asked if this is increased enforcement relative to online sales of these products and the retail level. T. LaScola stated that they would have to handle it like they are handling the recent change in classification for neonicotinoid products. She stated that if it happens, it could be a little easier as it would be federally restricted so the label would indicate that it is restricted use. She stated that they don’t often find federally restricted products being sold online.

#### Administration Change

A new Secretary has been appointed (Secretary Tepper) and Commissioner Lebeaux is still with the Department.

**D. COUNCIL MEMBER UPDATE, G. WILLIAMS**

G. Williams has changed companies that he works for. In his new capacity he is working for a distributor of pesticides versus being a Dealer and Licensed Applicator. He wanted to let the Council know if they would like someone else to take his place given his new job.

T. LaScola stated that she believed it is acceptable for him to stay on the Council as he is still involved in the industry. She noted that it is ultimately up to the Council and the Pesticide Board (“Board”) to decide. B. Leon stated that he is in favor of him remaining on the Council. He asked if five (5) Council members is required and if they could add another member. T. LaScola replied that that the Department determined the number to be 5 as three (3) can be too small and anything larger can be challenging to get a quorum. J. Utley is in favor of him staying on the Council as was B. Mann.

**E. WAITING PERIOD TO OBTAIN COMMERCIAL CERTIFICATION LICENSE, B. LEON**

B. Leon would like to request that the two-year waiting period for an individual to take the Commercial Certification exam. T. LaScola stated that this is not the first time that the Department has heard this request and she suggested that given 333 CMR, Section 10 is being updated, the Council and industry should make comments relative to this topic during the public hearing process.

B. Mann wanted to confirm that there was an alternative to the two-year waiting period. T. LaScola stated that if someone had an educational background or had a comparable category in another state, then someone can bypass the two-year waiting period.

**F. NEW BUSINESS**

There was no new business discussed.

**G. ADJOURN**

**Motion:** B. Mann

**Second:** J. Utley

**In Favor:** All