

The Commonwealth of Massachusetts

Executive Office of Energy and Environmental Affairs



Department of Agricultural Resources

225 Turnpike Road, Southborough, MA 01772

www.mass.gov/agr



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Governor

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PESTICIDE BOARD SUBCOMMITTEE MEETING MINUTES

March 1, 2021

Zoom Meeting at: <https://zoom.us/j/97856938691?pwd=K3JMR05BZ3NCZzNxaXJ1czlteUZ0Zz09>

Meeting ID: 978 5693 8691

Passcode: 000461

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. Individual Review of Neonicotinoids

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."

Moved: J. Lebeaux

Second: E. Seaborn

Discussion: see below

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

Opposed: None

Abstained: None

Moore provided a general introduction on the process and housekeeping items for the meeting. LaScola provided a general high-level overview of the Subcommittee and the process of pesticide product

registration. The Massachusetts Pesticide Control Act (M.G.L. Chapter 132B) establishes the Subcommittee, its membership, and the authority to register pesticides in the Commonwealth. Pesticide product registration at the national level is done by the EPA and subsequently at the state-level by the Subcommittee. Restricted use status of a pesticide product limits its availability and use to appropriately licensed applicators.

LaScola further reminded the Subcommittee on what it means if the motion passes in the current form, it will affect the uses as specified in the motion. Products will be restricted based on the uses specified on the product labels and will require a license to obtain and use the product. Homeowners will keep access to products that are labeled for home pest control. Farmers will not require a license for products that are labeled solely for agricultural use but would require a license for products that have dual use for both agricultural and ornamental uses. Regarding the timeline, it was pointed out that the effective date of July 1, 2022 allows the Department to reach out to registrants, retailers and applicators to prepare for the changes that are associated with the restricted use status of the affected products.

Wijnja presented information that addressed questions that were brought up during the discussion at the meeting on February 16, 2021 (see also meeting documents on meeting webpage).

Regarding the effect of the action on the reduction in use of neonicotinoids, Wijnja stated that there are no detailed data available to quantify the effect on use, but phasing out homeowner use is expected to reduce the overall use on residential properties. Professional use will continue to be allowed, but proposed EPA mitigation actions are also intended to reduce the use.

Regarding ecological benefits of proposed action, there are currently no comprehensive quantitative assessments of the overall effect from a combination of measures. However, general assessments of effects can be made. The Subcommittee action will be complementary to advisory label language proposed by EPA but goes a step further in that reclassification is enforceable and homeowners will not have access to the reclassified products.

Residential (homeowner) outdoor uses of neonicotinoid include high risk uses as identified by EPA, including uses on ornamental and trees, lawns, and gardens. The proposed action would reduce overall use and exposure. Professional use is expected to reduce misapplications and over-applications, and other label language restrictions and rate reduction will lower exposure.

Action to reclassify to state-restricted-use in Massachusetts is additional to various mitigation measures proposed by EPA. EPA utilizes a multi-faceted approach to reduce overall exposure to non-target organisms that were found to be at high risk, particularly risks to pollinators and aquatic invertebrates.

In summary, a reduction of use and exposure is expected, but cannot be quantified accurately at this time. The proposed state-restricted-use in Massachusetts is additional to various mitigation measures proposed by EPA. Furthermore, residential use makes up a substantial part of pesticide use in MA, and reduction in this use can be expected to have a positive impact in terms of lower total use and exposure.

Moore inquired about questions among Subcommittee members. Berman commented that he agreed with the overall assessment that pesticide use by trained professionals generally results in a reduction of total use compared to the situation where homeowners have access to the products. Seaborn sought clarification on how enforcement will be done following the change to state-restricted use classification of products. LaScola stated that the product use classification is an integral aspect of the current inspection

program. The reclassification of the many neonicotinoid products will increase the number of products that will have to be monitored for with inspections.

Moore restated the motion. Berman commented to indicate his support of the motion and pointed out that the action does not address important factors in pollinator health such as viruses and Varroa mites.

A roll call vote was held, and the Subcommittee unanimously voted to support the motion.

C. NEW BUSINESS

There was no new business brought forward.

ADJOURN

Motion: To adjourn the March 1, 2021 Subcommittee Meeting.

Moved: J. Lebeaux

Second: R. Berman

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

Opposed: None