

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, March 15, 2022

Zoom Meeting at: <https://us06web.zoom.us/j/88312731345>

Meeting ID: 883 1273 1345

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 JANUARY 18, 2022:

Motion: R. Berman

Second: N. Keleher

Discussion: None

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

Opposed: None

Abstained: None

B. PRODUCT REGISTRATIONS

Motion: That the Pesticide Board Subcommittee registers the pesticide products listed on the EIPAS PR February 15, 2022, Subcommittee cover sheet with the exception of the following products:

- Preview 2.1 SC Herbicide, (EPA Reg. No. 70506-394), containing Metribuzin and Sulfentrazone; and
- Ridgeback, (EPA Reg. No. 62719-749), containing Sulfoxaflor
- EH 1528 Herbicide, (EPA Reg. No. 2217-975)

Moved: R. Berman

Second: N. Keleher

Discussion: None

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

Opposed: None

Abstained: None

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

- Preview 2.1 SC Herbicide, (EPA Reg. No. 70506-394), containing Metribuzin and Sulfentrazone; and
- Ridgeback, (EPA Reg. No. 62719-749), containing Sulfoxaflor

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 Metribuzin, Sulfentrazone and Sulfoxaflor from general to restricted use for groundwater concerns.

Moved: R. Berman

Second: T. LaScola-Miner

Discussion: None

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

Opposed: None

Abstained: None

Motion: That the Pesticide Board Subcommittee has determined that the use of EH 1528 Herbicide, (EPA Reg. No. 2217-975), containing 2,4-D at 29.66% 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: R. Berman

Second: N. Keleher

Discussion: None

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

Opposed: None

Abstained: None

C. NEW ACTIVE INGREDIENT

Fluindapyr is formulated in Kalida Fungicide, EPA No. 279-3641, and labeled for use on turf in golf courses, lawns, landscape areas around public, institutional and commercial properties. The product is not labeled for use on residential turf or athletic fields. Kalida fungicide is co-formulated with another active ingredient flutriafol. It is intended to be used by professional applicators.

The product label carries the signal word 'caution' based on its low acute toxicity profile. The environmental hazards statement includes information that indicates that the product is toxic to fish and aquatic invertebrates, and may pose chronic risks to pollinators. It also includes a groundwater and surface water advisory. The product provides two modes of action which allows it to control a wide spectrum of fungal diseases. The label also includes language related to resistance management and spray drift management.

Applications can be done by chemigation, and ground application equipment. Application rates range from 0.18 to 0.27 lbs. of active ingredient per acre per application with up to four applications per season per year, total maximum application rate is 1.1 lbs. of active ingredient per acre.

Fluindapyr is a pyrazole-carboxamide fungicide. The mode of action is by succinate dehydrogenase inhibitor (SDHI) which impacts the mitochondria in a fungal cell. The target pests includes anthracnose, alternaria leaf spot, leaf rust, pink snow mold, powdery mildew, rot eastern filbert blight, and several other pathogenic fungi.

Relative to human health, the acute toxicity profile of this chemical is characterized by a low acute oral, dermal, inhalation toxicity. It is not an eye or skin irritant, but a moderate dermal sensitizer. The end- use product formulations all have a low acute toxicity; therefore, the labels have the signal word caution.

The target organs are the liver in dog's studies and thyroid in rat studies. Neurotoxicity study show a decrease in motor activities, but no pathological findings of nerves were observed. Developmental toxicity study showed no adverse effect in rats or rabbits and parent or fetuses. Reproductive studies showed adverse reproductive effects in offspring and parents, which were the basis for toxicity endpoints for incidental oral and dermal exposure assessments. Thyroid effects were the basis for retaining the 10x FQPA safety factor for all exposures, except acute and chronic dietary exposures. Fluindapyr is classified as "not likely to be a carcinogenic to human".

The dietary risk was determined to be below the level of concern. Occupational risk for handlers of the product was not of concern with the appropriate Personal protective Equipment (PPE) for the different uses. Post-application risks were determined to be below the level of concern. Residential exposure for golf course uses based on dermal exposure to youth and children assessment was below the level of concern. Aggregate exposures were below the level of concern.

Environmental fate profile of fluindapyr includes moderate solubility in water, being non-volatile, being slightly mobile in soils and persistent, half-life values between 200 to 300 days. The chemical has the potentials to leach into the soil.

The ecological risk assessment indicated that the parent compound is the residue of concern. Although fluindapyr is classified as being toxic to fish and aquatic invertebrates, the concentrations in water are expected to be below the level of concern. Potential risks were identified for certain class sizes of mammals, with the highest risk quotient determined for small mammals feeding on treated turf. Based on the conservative assumptions used in the risk assessment, real risk in the field is not expected to be significant. Risk to birds was below the level of concern based on low acute toxicity. Initial risk assessments for honey bees identified potential for chronic risk. Based on refined assessments and field study results, risk mitigation measures are required, including application timing restrictions and spray drift management measures.

Evaluation of benefits include the value as a tool in IPM and resistance management. A hazard comparison was also conducted and indicates that fluindapyr is less toxic to aquatic organisms than several other alternative fungicides. For terrestrial organisms, it shows similar toxicity for most taxa. Relative to bees, fluindapyr is not acutely toxic and bees are less sensitive to this new active ingredient than several of its alternatives.

EPA registered this active ingredient unconditionally registered based on the finding that it meets FIFRA standards. Identified risks are mitigated by various label statements.

Fluindapyr does not meet the regulatory criteria for potential groundwater pollutant as specified in 333 CMR 12.00.

Motion: That the Pesticide Board Subcommittee approve the product registration for Kalida Fungicide, (EPA Reg. No. 279-3641), containing the new active ingredient *Fluindapyr*, and has never before been registered in Massachusetts.

Moved: R. Berman

Second: N. Keleher

Discussion: None

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

Opposed: None

Abstained: None

1-Aminocyclopropanecarboxylic acid (ACC): The applicant is seeking state registration approval for Accede Plant Growth Regulator, EPA Reg. No. 73049-517, containing the new active ingredient *1-Aminocyclopropanecarboxylic acid* (ACC), which is a new liquid biochemical pesticide product that is a naturally occurring compound.

Aminocyclopropanecarboxylic acid (ACC) is intended for use as a plant growth regulator for regulating fruit ripening, thinning on apples and stone fruits, and enhancing return bloom in apple trees. It is a natural, non-protein amino acid found in all plants.

In terms of labeling and handling precautions, this product is only sprayed in agricultural settings and the handling exposures of concern are inhalation and dermal contact. To mitigate these risks, basic Personal Protective Equipment (PPE) is required (including waterproof gloves). The Restricted Entry Interval for a treated area is 12 hours.

The product is applied to flowers, fruits, and foliage, with crop label uses for apples, peaches, and nectarines. Permitted application rates are of up to 5.3 oz per active ingredient per acre for apples, and up to 8 oz per acre for stone fruit. EPA suggests it as an alternative to the conventional pesticide carbaryl, which is better known as an insecticide but also is used for fruit thinning. Carbaryl's similarity to certain plant hormones also allows it to function as a plant growth regulator, but it has a higher toxicity profile (highly toxic to some fish, worms, bees, and aquatic invertebrates) than ACC.

ACC is classified as Toxicity Level IV (lowest, least toxic) for acute oral, dermal, and inhalation exposure. It is mildly irritating to the eyes, slightly irritating to the skin, and not a dermal sensitizer. No reproductive toxicity was observed in rats, and the bacterial study submitted indicates it is not mutagenic. Genotoxicity studies on mammalian in vitro cells produced negative results. From these, there is no current evidence ACC is carcinogenic.

There is a potential for some dietary exposure to ACC, but long-term exposure is not expected from use of this product. This product also has no residential uses. The residues of ACC are not anticipated to exceed the naturally occurring background levels to which humans are already accustomed. EPA only conducted a qualitative risk assessment because the ingredient is highly biodegradable (half-life less than 8.5 days).

Environmental risk assessments are based on the aerobic soil metabolic studies that observed degradation times ranging from a DT50 of 0.8 days for a sandy clay loam to 3.4 days in sandy loam. ACC is practically non-toxic on an acute basis. EPA determined there are no concerns for birds including endangered species when applying the product according to the label use directions. To protect aquatic life (algae, invertebrates), the product has label language prohibiting application of this product where surface water is present or to intertidal areas. It may not be added to irrigation systems. One must apply the product at least 8 hours before expected rainfall or planned irrigation. Plant studies show terrestrial plants were mostly unaffected by ACC and risk to plants is not anticipated from use of this ingredient. ACC is practically non-toxic to bees by contact or oral exposure. Overall, no adverse impacts to nontarget organisms are expected.

This chemical does not meet the criteria for classification as having leaching potential or being of toxicological concern.

Motion: That the Pesticide Board Subcommittee approve the product registration for Accede Plant Growth Regulator, EPA Reg. No. 73049-517, containing the new active ingredient *1-Aminocyclopropanecarboxylic acid* (ACC), and has never before been registered in Massachusetts.

Moved: R. Berman

Second: T. LaScola-Miner

Discussion: None

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

Opposed: None

Abstained: None

E. UPDATE ON THE GLYPHOSATE COMMISSION

LaScola-Miner provided update on Glyphosate Commission. At the previous meeting, the Commission voted to contract out the scientific review, and the request for a quote was posted. No bids were received during the first posting, and therefore it was reposted after some adjustments were made. A bid was received from the Eastern Research Group, Inc. (ERG). It was noted that the bid came in higher than the allotted amount funded for scientific review. The company provided a five-month timeline to complete work.

This review will be broken up into two different phases, one is information collection where they identify studies and reviews and stakeholders. Phase I would provide a plan for Phase 2 that would involve a deeper dive into the studies, assessments, and information.

Commission voted to go forward with the contract for Phase I, also explore additional sources for supplement the funding for Phase II.

F. UPDATES RELATED TO EPA's FINAL TOLERANCE RULE FOR CHLORPYRIFOS WHICH REVOKES ALL TOLERANCES FOR CHLORPYRIFOS

Wijnja provided an update on chlorpyrifos and developments relative to EPA's action. Chlorpyrifos is an old organophosphate insecticide that was first registered in 1965. It continued to have many uses, both agricultural and non-agricultural.

The EPA released a final rule last August for chlorpyrifos to rescind all tolerances, thereby removing all food and feed crops uses. This rule took effect on February 28, 2022. The action was in response to a court order.

The Environmental Protection Agency informed the registrants in writing about cancellation of food uses of this chemical, and also issued a notice of intent to cancel food uses. Non-food uses of this chemical would remain registered. The Food Drug Agency came out with a plan for phase-out of products that have residues from previously legal applications on food and feed crops.

G. NEW BUSINESS

Jessica Burgess provided information relative to current Executive Order that allows remote public meetings. The current provision expires on July 15, 2022. Legal will follow the developments and guidance relative to the provision that apply to public meeting in the Commonwealth.

ADJOURN

Motion: To adjourn the March 15, 2022 Subcommittee Meeting.

Moved T. LaScola-Miner

Second: N. Keleher

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

Opposed: None