

# THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



## Department of Agricultural Resources

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## **CONSERVATIONIST PESTICIDE ADVISORY COUNCIL**

### **MEETING MINUTES**

**Date:** March 4, 2022

#### **A. ROLL CALL**

Kimberly Pearson, Brewster Natural Resources Advisory Commission	Present
Clint Richmond, Sierra Club	Present
Regina LaRocque, MGH Center for Environment and Health	Present
Laura Mattei, Sudbury Valley Trustees	Present
Rosemary Malfi, Northeast Organic Farming Association	Present

The Conservationist 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:**

Summary of the Conflict of Interest Law for State Employees  
AGO Open Meeting Law Guide

#### **A. INTRODUCTIONS**

##### Clint Richmond

C. Richmond serves on the Executive Committee of the Sierra Club. He is an elected town meeting member of the town of Brookline and he also serves on the Solid Waste Advisory Committee.

##### Kimberly Pearson

K. Pearson lives in Brewster where she works with natural resources and the impacts on public health with regards to the management of natural resources.

##### Laura Mattei

L. Mattie works as the Director of Stewardship for the Sudbury Valley Trustees. She has been with the Trustees for 21 years and has spend most of her life in conservation work.

##### Regina LaRocque

R. LaRocque is a member of the town meeting in Wellesley. Has served 3 years as Natural Resources Commissioner. Physician and scientist with expertise in infectious diseases. Board member of Greater Boston Physicians for Social Responsibility which takes a special interest in ecological issues and human health.

## Rosemary Malifi

R. Malifi serves as Massachusetts Pollinator Network Coordinator for the Northeast Organic Farming Association. This is a new program focused on pollinator protection. Coordinates groups across the state that are trying to reduce pesticides in the communities. Decade of experience in pollinator health.

## **B. OPEN MEETING LAW (“OML”) REVIEW**

Taryn LaScola reference the OML documents that she sent to the Council members.

Jessica Burgess, Deputy General Counsel for MDAR provided an overview of the OML. She stated that the Council is considered public body as they serve another public body (the Pesticide Board). Since the Council is a public body, it means that they must meet in a public setting/meeting. Council members should not have any deliberations about Council matters with each other outside of a public meeting. She explained that a quorum is the majority of the members (3) and if a quorum had a deliberation about a Council matter outside of a public meeting, then it would be a violation of an OML. It is recommended that no one speaks to each other about Council matters, regardless of whether the conversation is with less than a quorum. This is because if one member then speaks to another member about the same topic, that could constitute a violation. If a Council member would like to discuss a matter or has information to share for an upcoming meeting, then it can be sent to T. LaScola and she will send to Council members without any commentary. Then it can be discussed at the next meeting.

The notice and agenda must be posted no less than 48 hours in advance of the meeting. This does not include holidays and weekends. Draft meeting minutes will be prepared by MDAR and voted on by the Council.

In the past, public meetings had to be held in person. However, there is temporary legislation (expires July 15, 2022) which allows for the meeting to be remote.

T. LaScola reminded the Council members that she is not part of the Council and therefore the members can communicate with her freely.

J. Burgess referenced the ethics packet that was sent and explained that serving on the Council makes them a special state employee.

## **C. ROLE OF THE CONSERVATIONIST ADVISORY COUNCIL**

T. LaScola explained that the Council is established within the statute and regulations. She explained that the regulations allow for different types of Pesticide Advisory Councils with Conservationist being one of them.

In 2018 one of the Pesticide Board (“Board”) members asked MDAR to revive the Pesticide Advisory Councils as they had dwindled in years past. MDAR established the Pesticide Applicator Advisory Council. They represent pesticide applicators. The Pesticide Applicator Advisory Council has five members which represent structural pest control company, landscapers, dealers, and farmers.

The role of the Council is to advise and make recommendations to the Board relative to the policies and regulations pertaining to pesticides. The Boards role is to advise the Department in its policies and regulations. Additionally, the Board must approve any new regulations or regulatory change.

## **D. REVIEW OF THE PESTICIDE PROGRAM**

T. LaScola provided an overview of the pesticide program through a power point presentation. She stated that pesticides are regulated under the Federal Insecticide Fungicide and Rodenticide Act (“FIFRA”), the Massachusetts Pesticide Control Act (“132B”) and its regulations (333 CMR). She reviewed the following:

- Entities that 132B establishes
- Pesticide products and their registration process
- Pesticide License requirements

- Exam process
- Continuing education
- Enforcement program
- Staff make up of the pesticide program
- General requirements of applicators

#### Questions from Council Members

R. LaRocque asked how many inspections MDAR conducts. T. LaScola indicated that it varies from year to year. She offered to look at the past few years and get an average.

R. Malfi asked if every person in a pest control company must be licensed. T. LaScola replied that they did.

K. Pearson asked T. LaScola to explain the registration review process and how that works with the state a little more. T. LaScola stated that the registration review performed by EPA is conducted every 15 years, but EPA can decide to begin the review earlier. The Pesticide Board ("Subcommittee") can conduct its' own individual review if they feel necessary.

As a follow up question, K. Pearson noted that on the Cape there is concern about groundwater and asked if there was a way for the Subcommittee to look specifically at the Cape issues when making decisions. T. LaScola responded that there are regulations that pertain specifically to groundwater. Additionally, when registering a product, the product is registered for its' use, not for location of use or how it can be used. T. LaScola used the neonicotinoid classification as an example. She stated that the concern of the Cape could have been brought up to the Subcommittee but to address her concern of location of use, any changes made, may have to be through regulations, but she noted that the regulates are not specific to geographic location.

R. LaRocque asked for clarification on the Subcommittee and Board roles relative to licensing and registration. T. LaScola explained that the Subcommittee is responsible for registering the products, MDAR is responsible for licensing and enforcing the laws and the Board is responsible for approving regulations and providing recommendations to the Department on how to run the program.

L. Mattei brought up the neonicotinoids reclassification and asked what it is meant to do. T. LaScola explained the difference between a General Use Pesticide ("GUP") and Restricted Use Pesticide ("RUP") in the context of the licensing. She explained that the reclassification it will require a license to apply and sell these products therefore taking it off the shelves of retail establishments that sell to homeowners. License applicators are trained and held to a high standard when applying therefore reducing risk.

C. Richmond asked how often licenses are revoked. T. LaScola stated that it depends. There are several types of enforcement actions that MDAR can do and it does not take violations lightly. There tends to be trends with violations. When MDAR notices this it is discussed in trainings to try to make individual more aware. MDAR tries to target trends it is seeing within the training.

R. LaRocque asked how many licensed individuals are in the state and if there was a limit on the number of licenses allowed. T. LaScola replied approximately 9500 and there was no limitation on the number of licenses allowed.

L. Mattei asked if MDAR has ever looked at the geographic use pattern of pesticides. T. LaScola explained the use data they collect is still in hard copy form, but MDAR is hopeful to transition to an online system so that data can be collected. C. Richmond stated that it would be helpful for the Council members to see what a record and an annual use report looks like. R. LaRocque stated that she believes that knowing how much pesticide is used in MA is something that people would like to know. She offered herself to assist in helping with the detail.

There was discussion about the neonic reclassification and what that will look like.

**D. SELECTION OF A CHAIR**

C. Richmond volunteered to be Chair of the Council.

**Motion to accept C. Richmond as Chair:** R. Malfi

**Second:** R. LaRocque

**All in Favor:** All

**E. NEW BUSINESS**

None

**E. ADJOURN**

**Motion:** L. Mattei

**Second:** C. Richmond

**In Favor:** All