

# 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 BOARD MEETING MINUTES**

June 15, 2023

### **BOARD MEMBERS IN ATTENDANCE**

Commissioner Ashley Randle, MDAR (Chair)	Present
Marc Nascarella, DPH, Designee for Commissioner Cook	Present
Michael Moore, DPH, Food Protection Program	Present
Misty Anne Marold, DFG, Designee for Commissioner O'Shea	Present
Kathy Romero, DEP, Designee for Commissioner Heiple	Present
Nicole Keleher, DCR, Designee for Commissioner Arrigo	Present
Richard Berman, Commercial Applicator	Present
Brian Magee, Toxicologist	Present
Steven Ward, Farmer	Absent
Jack Looney, Public Member	Present
R. Christopher Brittan, Public Member	Present
Steven Bird, Toxicologist	Absent

The Board did meet or exceed the minimum number (7) of members present to form a quorum and conduct business.

### **A. REVIEW OF MINUTES FROM MARCH 28, 2023:**

**Motion:** B. Magee

**Second:** J. Looney

**Discussion:** B. Magee asked how March minutes should reflect the correction that MDAR sent out relative to discussions about SB3181/HB4931 (An Act Relative to Pesticides) during the pesticide program update at the last meeting. Taryn LaScola indicated that she would include it in these minutes.

**In Favor:** All

**Opposed:** None

**Abstain:** K. Romero

### **B. PESTICIDE PROGRAM UPDATES, TARYN LASCOLA**

T. LaScola, Director for Crop and Pest Services provided a program update.

#### **Staff**

MDAR recently hired two new inspectors. One position backfills an inspector that left and the other position is a new position.

#### **National Training Summary**

Every year, EPA puts aside resources specifically to train pesticide inspectors and managers. The trainings come in the form of PREPS ("Pesticide Education Regulatory Program") or PIRTS ("Pesticide Inspector Residential

Training”). The PIRTS are hosted by volunteer states. In 2019, MDAR volunteered to host a PIRT for 2020. Due to COVID it was postponed and in May of 2023 MDAR was finally able to host the PIRT. Inspectors from all over the country attended and included several tribes, America Samoa and Guam. The agenda covered some of the following:

- Interview techniques
- Sampling integrity
- Pollinator inspections/updates
- Calibration

The highlight of the week was the mock inspection relative to a drift complaint.

#### Pesticide Use on Marijuana Policy

MDAR has conducted two webinars in March with the marijuana establishments. One webinar covered general information on how pesticides are regulated within the state, and the other was relative to the Worker Protection Standard. There was a Cannabis Control Commission (“CCC”) Inspector present as well to help answer any questions that came up in the CCC space. The webinars were well attended 150-200 people at each and seemed well received by industry.

#### Pesticide Applicator Advisory Council

A notice to Licensed Dealers (“Dealers”) announcing the open seat on the Pesticide Advisory Council was sent. Anyone interested has until July 14<sup>th</sup> to respond.

#### Neonicotinoid Products in the Marketplace

Enforcement has been conducting marketplace inspections and is not finding products on the shelves.

#### Pesticide Labeling in Spanish

Pesticide Improvement Act (PRIA 5) amended the Federal Insecticide Fungicide Rodenticide Act (“FIFRA”) to require bilingual labeling. It requires Spanish language translation for specific sections of the end-use pesticide product labels where translation is available in the Environmental Protection Agency (“EPA”) Spanish Translation Guide. The Spanish language translation must appear on the product container or a link to such translation via scannable technology or other electronic methods readily accessible on the product label. Antimicrobial pesticide products and non-agricultural/non-RUP pesticide products may, in lieu of including a translation or a link to the label translation, provide a link to the safety data sheets (SDS) in Spanish via scannable technology or other electronic methods readily accessible on the product label.

Discussion: R. Berman asked if the pesticide exam will be given in Spanish. T. LaScola responded that the state lead agencies across the country are asking the same question to EPA. State lead agencies have concerns with PRIA 5 in that the entire label is not required to be in Spanish and that the translations are not being reviewed by EPA.

#### **C. CONSERVATIONIST PESTICIDE ADVISORY COUNCIL UPDATE, ROSEMARY MALFI**

R. Malfi, Conservationist Pesticide Advisory Council member, provided the update. She stated that the Council has been having discussions on the following:

- Second Generation Anti-Coagulant Rodenticides (“SGARS’s”): The Council was pleased to hear about the actions EPA may be taking relative to SGAR’s. She also noted that there was a large attendance at the meeting which she believed was because SGARs were on the agenda and shows that the public has concerns over these products.
- Annual Use Report: The Council is concerned with the limited amount of detail that the use reports provide.
- 25b Minimum Risk Products: There has been some reports of plant damage from the use of these products when being used for mosquito/tick control.

#### **D. ONLINE ANNUAL PESTICIDE USE AND SALES REPORTING, STEVE KENYON**

S. Kenyon, Pesticide Licensing Program Coordinator, provided an update on the new electronic way of submitting the annual use reports and annual sales reports. He stated that both reports are submitted using a web form called Formstack.

#### Use Report

This report is based on the use of a product. A company is allowed to submit one report for all the individuals' that work for the company, or an individual can submit their own use. The form only allows for 25 products to be listed at a time, so if the reporter must submit another report if they are reporting more than 25 products. The form allows the individual to search for a product by EPA Registration Number, select the product, enter the total amount used and the site treated. After the form is submitted the individual will receive an email with confirmation and a pdf copy of the form.

Discussion: R. Berman asked how the public will be able to use the data. S. Kenyon responded that the mining of the data will have to be done on the back end. T. LaScola also responded once the first reporting season is completed, MDAR will review the data to see if this system works the way MDAR wants it and then determine what to do with the information and if it will make it public versus requesting a public information request. public.

R. Malfi wanted to confirm that the user is not reporting the specific crop and S. Kenyon confirmed. She also asked what happens if someone makes a mistake on the report. S. Kenyon stated that the individual would have to reach out to MDAR to fix any mistakes.

#### Restricted Use Sales Report

This report is based on who purchased a particular product. The report requires a Dealer to submit the names of individuals that purchased a particular product. The system allows for an individual to report up to 25 people that purchased a product. If there are more than 25 individuals that purchased the product, then the licensed dealer will need to submit another form for that product. Similarly, to the Use Report, the individual submitting the information will receive an email confirmation with a copy of the report.

Discussion: B. Magee asked if a dealer had to submit each sale. S. Kenyon explained that the report is for aggregate sales. C. Britan asked if this information is available under a public information request. S. Kenyon stated that it would be.

#### **E. EPA SCIENTIFIC TESTING FOR PFAS IN PESTICIDES, HOTZE WIJNJA**

H. Wijnja, MDAR Chemist, provided a presentation relative to PFAS and pesticides. This included the following:

- Summary of EPA's Updates on PFAS Action Plan
  - PFAS background information
  - Roadmap and accomplishments
  - Key activities across Office of Chemical Safety and Pollution Prevention (OCSPP)
  - Packaging
  - Updated PFAS Definition
  - Pesticide Active Ingredients and Inerts
- Completed Lab Efforts
- Ongoing Testing and Verification of Published Study Data

Discussion: J. Looney asked if there was a standard that was published for amount of contamination. H. Wijnja replied that EPA has enforceable standards for two compounds and the Massachusetts Department of Environmental Protection ("DEP") regulates and has standards for six PFAS compounds.

M. Marold asked for clarification on his statement that there were four pesticide products that meet the definition of PFAS and that there is a robust database. H. Wijnja explained that prior to the registration of a pesticides over 100 studies needs to be performed and reported to EPA. EPA then conducts risk assessments on

the information provided. The four compounds that fall under the definition have already gone through this process versus the other PFAS compounds which have not been through this thorough of a regulatory process.

#### **F. NEW BUSINESS**

Chair Randle asked T. LaScola to discuss the updated relative to SB3181/HB4931, An Act Relative to Pesticides ("Bill"). T. LaScola explained that this Bill would have amended M.G.L.c 132B relative to the types of application that can take on school property, waivers and requiring state universities/colleges to have an Integrated Pest Management Plan. At the March 2023 meeting, she had reported to the Board that the Bill had passed and MDAR was currently reviewing the Bill to determine how to implement the changes. However, shortly after that meeting, she was contacted by several people inquiring if the Bill had been signed because they did not believe it had been. After looking into it further, MDAR determined that the Bill had not been signed.

Discussion: B. Magee asked if the bill would be brought back up again. She responded that she it had been re-filed.

#### **G. ADJOURN**

**Motion:** J. Looney

**Second:** K. Romero

**Discussion:** None

**In Favor:** All

**Opposed:** None