

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

July 30, 2021

Zoom Meeting at: <https://zoom.us/j/92526085006?pwd=NHJjdVpmOUZ4eDQ4b1dZSGJGR0RGUT09>

Meeting ID: 925 2608 5006

Passcode: 622948

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 Bharel, MD	Present
Nicole Keleher, 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.

A. REVIEW OF MINUTES FOR NOVEMBER 17, 2020, DECEMBER 15, 2020, FEBRUARY 16, 2021 AND MARCH 1, 2021

Motion: R. Berman

Second: M. Nascarella

Discussion: None

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

Opposed: None

Abstained: N. Keleher

B. PRODUCT REGISTRATIONS

Motion: That the Pesticide Board Subcommittee registers the pesticide products listed on the EIPAS PR July 20, 2021 Subcommittee cover sheet with the exception of the following products:

- Restraint herbicide, (EPA Reg. No. 71512-46-88783)
- Transtect 70WSP, (EPA Reg. No. 59639-170-74779)
- Transtect Infusible, (EPA Reg. No. 74779-15)
- Chorothalonil-ZN, (EPA Reg. No. 19713-709)
- Alucion 35 WG Insecticide, (EPA Reg. No. 7969-467)
- Drexel ME-TOO-Lachlor Herbicide (EPA Reg. No. 19713-548)

- Excalia Fungicide, (EPA Reg. No. 59639-230)
- Zeltera Fungicide, (EPA Reg. No. 59639-231)

Moved: R. Berman

Second: N. Keleher

Discussion: None

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

Opposed: None

Abstained: None

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

- Restraint herbicide, (EPA Reg. No. 71512-46-88783), containing Acetochlor,
- Chorothanil-ZN, (EPA Reg. No. 19713-709), containing Chlorothalonil,
- Transtect 70WSP, (EPA Reg. No. 59639-170-74779), containing Dinotefuran,
- Transtect Infusible, (EPA Reg. No. 74779-15), containing Dinotefuran,
- Alucion 35 WG Insecticide, (EPA Reg. No. 7969-467), containing Dinotefuran; and
- Drexel ME-TOO-Lachlor Herbicide, (EPA Reg. No. 19713-548), containing Metolachlor,

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 *acetochlor*, *chlorothalonil*, *dinotefuran* and *metolachlor* from general to restricted use for groundwater concerns.

Moved: R. Berman

Second: N. Keleher

Discussion: None

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

Opposed: None

Abstained: None

C. New Active Ingredient: INPYRFLUXAM

Wijnja provided an overview of the new active ingredient inpyrfluxam, fungicide formulated in two products Excalia Fungicide, EPA No. 59639-230, and Zeltera Fungicide, EPA No. 59639-231.

Inpyrfluxam was first registered by EPA in 2020. The meeting packet included EPA's registration decision document and the link to access additional supporting documents that are available in docket EPA-HQ-OPP-

2018-0038 at www.regulations.gov. A summary of the information was presented at the meeting.

Excalia Fungicide is labeled for foliar application on apple, soybean, and sugar beet. Zeltera Fungicide is labeled for seed treatment prior to planting.

Relative to the information on the product labels, it was pointed out that several risk mitigation measures are listed to address certain ecological risks that were identified with EPA's risk assessment. As part of the risk management, EPA required several mitigation measures, including rate reductions, spray drift management, setbacks from sensitive areas, and vegetative buffers.

Inpyrfluxam is a new pyrazole-carboxamide fungicide, its mode of action is a succinate dehydrogenase inhibitor (SDHI) that inhibits a key enzyme in the fungal respiratory chain. Foliar application rates 0.044 to

0.089 lbs ai/A, depending on crop and use site. Seed treatment application rates are in the range of 0.002 – 0.103 lbs/ 100 lbs seed.

The human health risk assessment did not identify risks based on the labeled use of the inpyrfluxam products. Inpyrfluxam's toxicity profile includes moderate acute toxicity by oral exposure, low dermal and inhalation acute toxicity, and not being an eye or dermal irritant, nor a dermal sensitizer. Sub-chronic and chronic studies showed liver and thyroid are the target organs. The acute neurotoxicity study showed decreased motor activity in female rats at certain doses. Sub-chronic neurotoxicity studies did not show motor activity effects. Developmental studies in rats showed decreased fetal weight, but no developmental toxicity was observed in rabbit studies. A two-generation reproductive study in rat did not show reproductive effects. Chronic studies in rats did not show evidence of carcinogenicity. EPA classified inpyrfluxam as "Not likely carcinogenic to humans". The uncertainty factor used in the risk assessment is 100x, the value that includes Food Quality Protection Act Safety Factor which was reduced to 1X based on the data for this active ingredient.

Dietary risk assessment based on food and drinking water exposures show below the level of concern. Occupational risk assessment for foliar/soil uses and seed treatment showed risk estimates that were below the level of concern. Post application exposure and risk was below the level of concern.

Environmental fate properties of this chemical include low volatility, moderate water solubility and moderate mobility in soils. It is persistent in soil with aerobic soil half-life values from 121 days to 1720 days in certain soils. In aquatic system it is relatively persistent with half-life of 319 days. Leaching studies with this chemical, one study showed it migrates down to depths of 35 inches, other studies show residues stay in the upper 6 inches of the soil profile. Bioconcentration studies showed rapid depuration with more than 90% depuration after 3 days with a steady state bioconcentration factor in the range of 170-190.

Aquatic toxicity data show that inpyrfluxam is highly toxic to freshwater fish and estuarine/marine fish. Risk assessments for foliar and soil uses showed risk estimates that exceeded the level of concern. Risk estimates for seed treatment use were below the level of concern. Inpyrfluxam is moderately toxic to aquatic invertebrates; the risk estimates were below the level of concern. No risks to aquatic plants were identified.

Risk assessments for terrestrial organisms concluded that for birds in general there is low risk. Slight risk was identified for small birds feeding exclusively on short grass only, which is a highly conservative scenario and risk was only identified for the upper-bound exposure levels. Risk assessments for mammals in use scenarios relevant to Massachusetts did not identify risks.

Risk assessments for honeybees showed risk estimates below the level of concern for adult bees. For larvae, the acute risk was below the level of concern, but chronic exposures approached the level of concern at the highest foliar application rate. Based on additional considerations it is expected that the overall risk to larvae is low.

Relative to benefits of this new active ingredient, EPA states that it varies considerably under large scale commercial field conditions in different parts of the United States. There are high benefits anticipated for soybean and sugar beets for which it is a new mode of action for pest management. For other crops this active ingredient seems to be compatible to alternative fungicides but can be considered an additional useful tool in disease control and has value in resistance management. The active ingredient is considered to be valuable for minor crops where fewer tools are available.

UMass Extension has indicated that this is a valuable new tool for apple growers in MA, particularly with warmer winters that require earlier applications. It is very valuable for the control of apple scab.

EPA included a hazard comparison with eight alternative fungicides. The comparison of toxicity endpoints shows that inpyrfluxam has higher acute toxicity to freshwater fish than half of the alternatives and is similar in toxicity with several others. Relative to chronic toxicity to fish it is similar in toxicity. For terrestrial organisms, it has similar to greater toxicity to birds and mammals. Relative to bee toxicity it is similar to less toxic. It is noted that the hazard comparison does not necessarily represent risks. Furthermore, inpyrfluxam has lower application rates than other fungicides, thereby lowering exposure and risk.

EPA unconditionally registered this new active ingredient. The Agency finds low human health risk, the new mode of action along with risk mitigation measures outweigh the remaining potential risks. Required mitigation measures include reduced rates, spray drift management and buffers. New risk estimates were calculated based on the mitigation measures and showed reduced risk for a number of taxa. For apple, it no longer exceeds the acute level of concern for fish; chronic risk is reduced. For birds, risk estimates marginally exceeded the level of concern.

Relative to the MA ground water protection regulations (333 CMR 12.00), inpyrfluxam does not meet the overall criteria for potential groundwater pollutant. It does meet the leaching criterion but does not meet the toxicological criterion.

LaScola asked clarification about the ecological risks that were identified and how EPA evaluated the mitigation measures impact on the identified risks. Wijnja stated that EPA modeled the exposures again using the adjusted rates and application restrictions. The final risk estimates were based on the updated exposure levels. Furthermore, the conservative assumptions with risk assessments should also be taken into account with the consideration of slight or marginally exceedances for certain taxa.

Move that the Pesticide Board Subcommittee approve the product registration for Excalia Fungicide, EPA Reg. No. 59639-230, and Zeltera Fungicide, EPA Reg. No. 59639-231, containing the new active ingredient Inpyrfluxam and has never before been registered in Massachusetts.

Moved: R. Berman

Second: T. LaScola-Miner

Discussion: See above

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

Opposed: None

Abstained: None

D. PFAS in PESTICIDE UPDATES

LaScola provided an update on the PFAS detections in certain products used in mosquito control in MA. PFAS was first detected in Anvil 10 + 10 in testing that was done in 2020. The Department worked with MassDEP, EPA and the manufacturers to further look into this finding of PFAS in mosquito control products. It was determined that fluorinated containers are the source of PFAS residues that were detected in Anvil. The manufacturer recalled all Anvil product and changed the type of containers being used for this product. Subsequent testing of Anvil product packaged in non-fluorinated containers showed that there was no measurable PFAS present in this product. The Department worked with the mosquito control districts to test other products that are used. Most of the products did not contain measurable levels of PFAS. A few products tested positive for PFAS and districts stopped using those product and/or were able to switch to other products that tested negative for PFAS. To further assess the PFAS situation with mosquito control products, the Department worked with manufacturers to obtain empty containers for PFAS testing by MassDEP. The work is ongoing.

Moore asked if there were any impacts to the treatments done for mosquito control. LaScola stated that the use of Anvil 10+10 for aerial applications can go forward, if called for, since the new product tested negative for PFAS.

Relative to the topic of fluorinated pesticides that was on the agenda for April 20th meeting, LaScola stated that the Department has developed a notification that will be send out to registrants of fluorinated pesticides. Moore stated the importance of informing the registrants of products for which the discussion of this topic is relevant.

Berman brought the topic of minimum risk pesticides (25B products), which he had brought up at the April 20th meeting, suggesting that the Subcommittee consider registration of these products in MA. To illustrate the need for such a requirement, he described two examples of cases where applicators, who were not licensed and had been or were using 25B products, appeared to have very little understanding of proper application practices. He requested this topic to be on the agenda for next month's meeting. LaScola stated that the Pesticide Advisory Council has also discussed the 25B product topic and that she will prepare a summary to present at the next meeting.

ADJOURN

Motion: To adjourn the July 30, 2021 Subcommittee Meeting.

Moved: R. Berman

Second: T. LaScola-Miner

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

Opposed: None