

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

225 Turnpike Road, 3rd Floor, Southborough, MA 01772
www.mass.gov/agr



Maura T. Healey
GOVERNOR

Kimberley Driscoll
LIEUTENANT
GOVERNOR

Rebecca L. Tepper
SECRETARY

Ashley E. Randle
COMMISSIONER

CONSERVATIONIST PESTICIDE ADVISORY COUNCIL

MEETING MINUTES

Date: September 12, 2025

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
Kristin Andres, Association of Preserve Cape Cod	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:

Draft minutes of the July 25, 2025 meeting

B. REVIEW OF MINUTES FROM JULY 25, 2025:

Motion to Accept the Minutes: K. Pearson

Second: K. Andres

In favor: All

Abstention: None

C. PESTICIDE ENFORCEMENT UPDATES, T. LASCOLA

Rodenticide Scientific Review: The draft Phase 2 of the review has been completed. It is posted online for the public to review and provide comments on. The comment period closes Oct. 1st.

Open Council Member Seat: The call to fill in the open seat was sent out on August 6th. To date, we have not had any applications. We allowed until September 26th for applications to be sent.

Biodiversity Goals: The Biodiversity Goal Report recommends:

- Conduct a scientific and individual review of second-generation anti-coagulant rodenticides (SGARs),
- Ensure reporting of application to protect public health and wildlife.
- Encourage integrated pest management on state, municipal, and private property
- Educate the public impacts of pesticides on pollinators and reduce their use.

T. LaScola stated that MDAR currently does these things but will evaluate things to determine if it can increase the amount of work that is being done in these spaces given limited resources.

C. Richmond asked the Council to look at the report/goals and further discussions may be held in the future.

D. PRE-EMPTION, JESSICA BURGESS

MDAR is identified as the authority of pesticides in the Commonwealth in the Massachusetts Pesticide Control Act (M.G.L.c. 132B). This provides MDAR the pre-emption over pesticides. The means that when a municipality tries to regulate in this space, they are disapproved because of MDAR's preemption.

Relative to how states preemption on the federal level. If preemption is expressed, then it will specifically state what the authority is. If preemption is implied it can be because of a conflict or a field preemption. Courts can play a significant role in preemption. There are split circuit decisions on the Federal Insecticide Fungicide Insecticide Act ("FIFRA") preemption. FIFRA is not seen as preempting everything but can be looked at as preempting registration and labeling decisions/requirements. She noted that while a state can change its own state laws to be more robust, the federal government could always change their laws as well and the state is bound to comply with federal law.

T. LaScola stated that FIFRA address products and registration and address some licensing requirements regarding restricted use pesticide. The Massachusetts Pesticide Subcommittee (Subcommittee) does not amend a pesticide label because FIFRA has preemption of it. It does not really address the end use of a product and the actions an applicant needs to take when using the product (other than following the label). FIFRA specifically allows states to regulate the end use of pesticide.

Discussion: K. Pearson asked what happens when there is an intersection of state laws that involve pesticides. J. Burgess responded that a lot of times, while the laws may intersect, they are not different. She also stated that she and T. LaScola have met with municipalities and other state agencies to discuss these instances.

Specific scenarios, such as the Board of Health authority, were brought up and asked J. Burgess if preemption would apply. J. Burgess stated that she couldn't really comment on a hypothetical because every decision is different. T. LaScola stated that this presentation was a general presentation, and the takeaway should be that MDAR has preemption. If someone would like to put restrictions on pesticides in place, they should be mindful that they are not repetitive to what state law already states and MDAR has preemption. They should reach out to their town counsel and/or they can reach out to MDAR to discuss.

C. Richmond asked if the state's licensing requirements are their own or under FIFRA. T. LaScola explained that all states have different licensing requirements. The state regulations require a license when someone is using a general use pesticide on someone else's property and FIFRA requires the license for the use of a restricted use pesticides.

E. NEW BUSINESS

None

F. ADJOURN

Motion to Adjourn: K. Andres

Second: K. Pearson

In Favor: All

Any documents referenced in these minutes may be obtained through a Public Records Request. To make a request, please go to [AGR Public Records Requests | Mass.gov](https://agr.mass.gov/public-records-requests).