

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

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PESTICIDE BOARD SUBCOMMITTEE MEETING MINUTES

August 15, 2023

Meeting to be held via remote participation: Join Zoom Meeting at:

<https://us06web.zoom.us/j/86843114982?pwd=Q3N5S0JIUXBQQXU5QVJLNW5FVIE1dz09>

Passcode 632573

BOARD MEMBERS IN ATTENDANCE

Michael Moore, DPH, Food Protection Program (Chair)	Present
Taryn LaScola, MDAR, Designee for Commissioner Randle	Present
Marc Nascarella, DPH, Designee for Commissioner Goldstein	Absent
Nicole Keleher, DCR, Designee for Commissioner Arrigo	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. PRODUCT REGISTRATIONS

Motion: That the Pesticide Board Subcommittee registers the pesticide products listed on the EIPAS PR August 15, 2023, Subcommittee cover sheet with the exception of the following products:

1. A23980 Herbicide, EPA Reg. No. 100-1735, and
2. NemaClean 10% WP, EPA Reg. No. 82074-16.

Moved: R. Berman

Second: N. Keleher

Discussion: None

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

Opposed: None

Abstained: None

B. STATE RESTRICTED USE MOTIONS

Restricted Use As Defined under the Groundwater Protection Regulations:

Move: That the Pesticide Board Subcommittee has determined that the use of the following product

1. A23980 Herbicide, EPA Reg. No. 100-1735, 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 its use. This determination is based upon the leaching potential and toxicological concern of these 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 *metolachlor* from general to state restricted use for groundwater concerns.

Moved: R. Berman

Second: N. Keleher

Discussion: None

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

Opposed: None

Abstained: None

C. NEW ACTIVE INGREDIENT

Discussion of registration approval for the product NemaClean™ 10% WP (EPA Reg. No. 82074-16) containing the new active ingredient *Purpureocillium lilacinum* strain PL11 and labeled for control of plant-parasitic nematodes to protect a wide range of crops, including fruits, vegetables, herbs, tobacco, and turf in agricultural and commercial settings.

Miller gave an overview of the NemaClean 10% WP labeling and the new active ingredient *Purpureocillium lilacinum* strain PL11, which is a common saprophytic fungus existing in a wide range of environments. This strain was isolated from root-knot nematode eggs found in soil. Its mode of action is egg parasitism, which reduces nematode rates of hatching and juvenile survival.

The primary human health concern from this strain is exposure that could result in allergic sensitization. Handling precautions in the label language require that handlers wear personal protective equipment (PPE) to cover skin, including waterproof gloves and specified NIOSH-approved particulate or air-purifying respirators. The Restricted Entry Interval (REI) is 12 hours unless the product is injected or incorporated into the soil, which would result in no contact with treated material. *Purpureocillium lilacinum* strain PL11 should not be applied directly to water or in areas where water is present at the surface. This product may be harmful to pollinating insects if they are exposed to direct treatments and the label prohibits applying this product while bees or other pollinating insects are actively visiting the treatment area.

The product is labeled for use on a wide range of indoor and outdoor crops, including fruits, vegetables, ornamentals, hemp, tobacco, and turf in agricultural and commercial settings. The pre-harvest interval (PHI) is zero days. For cranberries, users are instructed not to apply treatments when bogs or fields are flooded.

Drift management language directs users to minimize spray drift from the target area to reduce effects on non-target invertebrates. Application rates are typically 0.25 to 2 lbs. per acre and the product can be diluted in water alone or applied as part of a tank mixture with other compatible products as permitted by their labels.

The Environmental Protection Agency's human health risk assessment reports acute oral toxicity and primary dermal irritation are classified as Toxicity Category IV (the lowest category of concern). Both acute dermal and inhalation toxicity as well as eye irritation were classified as Category III. *Purpureocillium lilacinum* strain PL11 is classified as a skin sensitizer based on guinea pig studies. However, no toxicological endpoints of concern were

identified in the required animal studies. No toxicity, pathogenicity, or infectivity were observed and therefore quantitative exposure assessments could not be conducted.

EPA determined that *Purpureocillium lilacinum* strain PL11 would not likely generate any effect like those of a natural occurring estrogenic substance in humans. EPA will consider in the future whether it will exempt this species from the requirements of the Endocrine Disruptor Screening Program.

Aggregate risk determinations by EPA note that this strain could be present on food commodities, but dietary exposure from treated crops is unlikely to exceed natural background levels due to normal washing and processing practices. Drinking water exposure might occur from runoff but is expected to be negligible since the strain would not likely survive municipal water treatments such as pH balancing and chlorination. Risks from occupational and any residential exposure from drift are expected to be minimal when label language is followed.

Terrestrial animals may be exposed to *Purpureocillium lilacinum* strain PL11 but the dilution of the product in water and the presence of soil as a buffer are expected to significantly mitigate dermal exposure risks for macroorganisms.

No hazards to mammals were identified. There is no evidence of toxicological effects on avian species and EPA notes that scientific literature has demonstrated this strain does not grow at avian body temperatures.

Potential for non-target insect exposure is expected to be the highest for soil-dwelling organisms. Existing studies identified no hazards for parasitic wasps or bees. However, adverse effects were found for ladybird beetles, including mortality and reproductive effects, at the highest study concentrations (LD50 > 3250 ppm). Given some of the existing uncertainties, end product labels do not permit aerial application and include spray drift minimization language. These are expected to limit exposure and risk to non-target insects.

No hazards have been identified for plants.

Based on submitted study data and scientific rationales, adverse effects to non-target organisms, including nontarget insects and honeybees, are not anticipated from the use of the 10% end product containing the active ingredient PL11.

Purpureocillium lilacinum strain PL11 does not meet the criteria for being classified as a potential groundwater contaminant in Massachusetts.

Move: that the Pesticide Board Subcommittee approve the product registration for NemaClean™ 10% WP, EPA Reg. No. 82074-16, containing the new active ingredient *Purpureocillium lilacinum strain PL11*, which has never before been registered in Massachusetts.

Moved: R. Berman

Second: T. LaScola

Discussion: None

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

Opposed: None

Abstained: None

D. Consideration of allowing Q&A with meeting attendees during Subcommittee meeting

LaScola provided some background related to a request to consider allowing the public to speak and participate in Subcommittee virtual meetings. In addition, there was also a request to have the ability for attendees to see who the other attendees are in a virtual meeting. Related to the attendees being able to view the list of other attendees, LaScola pointed out that it is the way the Zoom webinar platform is set up for attendees. The webinar platform is used given that it is more secure format for public meetings.

Regarding the request to allow for public participation, Moore asked if the Subcommittee is in violation of the open meeting law (OML) by not allowing the public to participate. LaScola stated that the open meeting law allows the chair to determine if public participation can happen during a meeting. It was further noted that the decision of not allowing the public to participate in Subcommittee meetings was made several years ago in the early days of virtual meetings. Moore pointed out that the standard procedure of a Subcommittee member having the ability to bring up a motion and vote on a motion to allow a public attendee to speak and participate if that is deemed useful. Berman mentioned that he thinks that the current system works well and allows the Subcommittee to fulfill its administrative function. The Subcommittee routinely allows input from technical experts to provide explanation of technical aspects to assist the Subcommittee's evaluation.

Burgess from MDAR legal services further clarified that the OML requires that the public can witness what the Subcommittee is discussing and deliberating on. Allowing public participation in the meeting is up to the chair of the public body. Burgess pointed out that certain public bodies, particularly municipal, have statutory requirements to allow public participation, and therefore public attendees may have such an expectation for Subcommittee meetings. The Subcommittee has the statutory administrative function to register pesticide products. The allowing of public participation is discretionary, and it is up to the Subcommittee and chair to determine if public input is useful when considering a given pesticide registration action. Regarding information on meeting attendees, that is available to other attendees by public information request.

Berman and Keleher provided statements in support of the current process, which includes the opportunity for the public to provide comments in writing.

E. NEW BUSINESS

There was no new business brought forward.

ADJOURN

Motion: To adjourn the August 15, 2023, Subcommittee Meeting.

Moved: R. Berman

Second: N. Keleher

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

Opposed: None