

# THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



## Department of Agricultural Resources

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## **PESTICIDE BOARD SUBCOMMITTEE MEETING MINUTES**

Tuesday, January 17, 2023

Zoom Meeting at:

<https://us06web.zoom.us/j/81005128274?pwd=OXRaTCtBbHNSVEZhbjhvREZuU0xJUT09>

Passcode: 956306

### **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 Cooke	Present
Nicole Keleher, DCR, Designee for Commissioner Rice	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 15, 2022:**

**Motion:** R. Berman

**Second:** N. Keleher

**Discussion:** None

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

**Opposed:** None

**Abstained:**

### **REVIEW OF MINUTES for December 20, 2022:**

**Motion:** R. Berman

**Second:** N. Keleher

**Discussion:** None

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

**Opposed:** None

**Abstained:** M. Moore

### **B. PRODUCT REGISTRATIONS**

**Motion:** That the Pesticide Board Subcommittee registers the pesticide products listed on the EIPAS PR January 17, 2023, Subcommittee cover sheet with the exception of the following products:

1. Kyro, EPA Reg. No. 62719-766,
2. 2,4-D Ester LV 6, EPA Reg. No. 94730-40,
3. Willowood Glyphosate 20% + Metolachlor 20% + Mesotrione 2% EC, EPA Reg. No. 92474-4,
4. GSC Acetochlor 7EC, EPA Reg. No. 94730-27,
5. GSC Metola Plus 8EC, EPA Reg. No. 94730-1,
6. GSC Methoxy 2F, EPA Reg. No. 94730-10, and
7. GSC Imazamide SC Herbicide, EPA Reg. No. 94730-11.

**Moved:** R. Berman

**Second:** T. LaScola-Miner

**Discussion:** None

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

**Opposed:** None

**Abstained:** None

#### **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 products

1. Kyro, EPA Reg. No. 62719-766, containing acetochlor
2. Willowood Glyphosate 20% + Metolachlor 20% + Mesotrione 2% EC, EPA Reg. No. 92474-4, containing metolachlor
3. GSC Acetochlor 7EC, EPA Reg. No. 94730-27, containing acetochlor
4. GSC Metola Plus 8EC, EPA Reg. No. 94730-1, containing metolachlor
5. GSC Methoxy 2F, EPA Reg. No. 94730-10, containing methoxyfenozide, and
6. GSC Imazamide SC Herbicide, EPA Reg. No. 94730-11, containing propyzamide, also known as pronamide,

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, metolachlor, methoxyfenozide, and pronamide* from general to restricted use for groundwater concerns.

**Moved:** R. Berman

**Second:** T. LaScola-Miner

**Discussion:** None

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

**Opposed:** None

**Abstained:** None

## 2,4-Dichlorophenoxyacetic Acid (2,4-D) Motion:

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

1. 2,4-D Ester LV 6, EPA Reg. No. 94730-40, containing 2,4-D 2-ethylhexyl ester at 88.3%

as restricted use pursuant to the Subcommittee's decision on April 14, 1989, to register products containing 20% or more of **2,4-dichlorophenoxyacetic acid (2,4-D)** and/or its derivatives as state restricted use.

**Moved:** R. Berman

**Second:** T. LaScola-Miner

**Discussion:** None

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

**Opposed:** None

**Abstained:** None

## C. SECTION 18 EMERGENCY EXEMPTION REQUEST

The Pesticide Board Subcommittee considered the Recertification Request for Pronamide (Kerb SC, 35.6% a.i., EPA 62719-578). MDAR received a recertification request for a Section 18 emergency exemption for the use of Kerb SC herbicide on cranberries to control Dodder for certain growers who have a very heavy infestation of dodder weed in cranberry bogs. Kerb herbicide is a critical tool for those growers to control and mitigate that pest.

The Environmental Protection Agency indicated in the approval letter from last year that this Section 18 was designated as being eligible for recertification in 2023. The agency is in the process of reviewing and adding cranberry use to the section 3 label.

The meeting package included;

- Request letter from Dr. Hillary Sandler, UMass Cranberry Station
- Support letter from registrant Corteva
- Support letter from Cranberry Institution
- Expedited Emergency Exemption Request
- Use report for the 2022 season
- Section 18 use instructions for Kerb SC Herbicide
- Reference to the time-limited tolerance for pronamide in cranberry that was extended to December 2025

Dr. Hillary Sandler, UMass Cranberry Station, was in attendance and provided additional information to support this request. Sandler indicated that the product is presently being reviewed by EPA for addition to the Section 3 label. Kerb SC Herbicide helps a small group of growers that face heavy infestations of dodder in their bogs. There is no alternative pesticide available to control this weed pest. Without the use of this pesticide certain growers face substantial impacts to the bottom line. In one example, a grower experienced a yield loss of 60 to 75% due to dodder infestation.

LaScola inquired about the mentioning other label changes for pronamide products that EPA may consider. Wijnja pointed out that pronamide is in the final stages of registration review and that process

typical results in various product label updates. This could be a reason why EPA is not making label changes in the interim. Sandler mentioned that this could also be a reason why the agency has been supporting Section 18 recertification in the interim. Moore asked about an observation of a decrease in dodder when discontinuing the use of a certain pesticide. a certain pesticide on naturally occurring fungus that impacts dodder. Sandler indicated that there are the observational data that suggest that discontinuing certain broadspectrum fungicides such as chlorothalonil could favor a naturally occurring fungus that attacks dodder. This is observational and has not been scientifically confirmed. As an example, this observation was associated with certain growers who stopped the use of chlorothalonil due to export limitations and noted a decrease in dodder.

## VOTED

**Move:** That due to the lack of currently registered pesticide products for the control of the emergency pest problem, the Pesticide Board Subcommittee approves of a FIFRA Section 18 Emergency exemption petition for the use of Kerb SC, EPA Reg. No 62719-578, containing the active ingredient *pronamide* for the control of weed pest dodder in cranberries.

This motion also takes into account the following data provided by the Department, the University of Massachusetts Cooperative Extension, and product registrant:

- Recertification Request from the University of Massachusetts Cooperative Extension;
- Registrant's letter of support;
- Proposed supplemental labeling; and
- Any other data or conditions as included.

**Moved:** R. Berman

**Second:** T. LaScola-Miner

**Discussion:** None

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

**Opposed:** None

**Abstained:** None

## E. NEW BUSINESS

No new business was brought forward.

## ADJOURN

**Motion:** To adjourn the January 17, 2023, Subcommittee Meeting.

**Moved:** R. Berman

**Second:** T. LaScola-Miner

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

**Opposed:** None