THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

Department of Agricultural Resources
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MDAR
MASSACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES

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GOVERNOR	LIEUTENANT GOVERNOR	SECRETARY	COMMISSIONER

PESTICIDE BOARD SUBCOMMITTEE MEETING MINUTES

July 18, 2023

Zoom Meeting at:
https://us06web.zoom.us/w/86843114982?tk=G1k8WpiWreAw0zwbg6SnJDlsLe0v4I40iqQo4wcljzQ.DQMAAAAUOEDF5hZwa2RzMDdtY1NXcUFBTmp6VEpZMkRRAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA&pwd=Q3N5S0JIUXBQQXU5QVJLNW5FVlE1dz09 Passcode: 632573

BOARD MEMBERS IN ATTTENDANCE

Michael Moore, DPH, Food Protection Program (Chair)	Present
Taryn LaScola, MDAR, Designee for Commissioner Ashley Randle	Present
Marc Nascarella, DPH, Designee for Commissioner Cooke	Absent
Nicole Keleher, DCR, Designee for Commissioner Cooper	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 FROM the April 18, 2023, meeting

Motion: that the Pesticide Board Subcommittee approves the meeting minutes for the meeting on April 18, 2023.

Motion: R. Berman
Second: N. Keleher
Discussion: None
In Favor: R. Berman, T. LaScola, N. Keleher,
Opposed: None
Abstained:

B. PRODUCT REGISTRATIONS

Motion: That the Pesticide Board Subcommittee registers the pesticide products listed on the EIPAS PR March 21, 2023 Subcommittee cover sheet with the exception of the following products:

1. Sulfentrazone 4F Herbicide, EPA Reg. No. 42750-357-55467;
2. Dicamba/2,4-D DMA, EPA Reg. No. 66222-302;
3. Lalguard M52 GR, EPA Reg. No. 64137-31, and
4. Lalguard M52 OD, EPA Reg. No. 64137-33.

Motion: R. Berman
Second: N. Keleher
Discussion: None

In Favor: T, LaScola, R. Berman, N. Keleher
Opposed: None
Abstained:

STATE RESTRICTED USE MOTIONS:

Restricted Use As Defined under the Groundwater Protection Regulations:

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

1. QUALI-PRO Chlorothalonil 720 XL, EPA Reg. No. 53883-310-86064, containing chlorothalonil,
2. Priority GT, EPA Reg. No. 45002-62, containing metolachlor,
3. Armor Tech 4-Runner, EPA Reg. No. 228-747, containing MCPA and sulfentrazone, and
4. Triad Select Herbicide, EPA Reg. No. 89442-22-10404, containing MCPA

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 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 ***chlorothalonil, metolachlor, MCPA, and sulfentrazone*** from general to restricted use for groundwater concerns.

Motion: R. Berman
Second: T. LaScola
Discussion: None
In Favor: R. Berman, T. LaScola, N. Keleher
Opposed: None
Abstained:

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

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

1. Barrage EVO, EPA Reg. No. 5905-645, containing 2,4-D 2-ethylhexyl ester at 78.1%, and
2. Triad Select Herbicide, EPA Reg. No. 89442-22-10404, containing 2,4-D dimethylamine salt at 30.89%

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.

Motion: R. Berman
Second: T. LaScola
Discussion: None
In Favor: R. Berman, T. LaScola, N. Keleher
Opposed: None

Abstained:

C. Special Local Needs (SLN) Registration Request: The Pesticide Board Subcommittee will consider the request for a FIFRA Section 24 (c) Special Local Need registration for Dinotefuran Tree Care 70WSP (EPA Reg. No. 59639-170) to allow basal trunk spray for control of Spotted Lantern Fly on Tree-of Heaven.

Wijnja briefly introduced Special Local Need registration for the use of Transtect 70 WSP Insecticide (dinotefuran) as a basal trunk spray to control of Spotted Lantern Fly (SLF) on Tree-of-Heaven. The meeting package included SLN application form, product labels, and SLN initiation form along with supporting documents.

The target pest is the Spotted Lantern Fly, which is a new invasive species in Massachusetts. This species is currently present in 5 towns, 2 counties in Massachusetts encompassing about 1,500 acres.

The SLN form was completed by Erica Willey, Plant Protection Quarantine Supervisory Officer with USDA-APHIS, who was in attendance and provided additional information in support of this SLN request.

The SLN initiation form included a letter of support from Kate Aitkenhead, State Plant Heath Director, USDA-APHIS that provided a summary description of this invasive pest situation, including the history and biology of SLF, the important role of the tree of heaven host plant, the problems associated with this pest, including the impact to agriculture. In several other states in the Northeast where this pest has been present there is a contain-and-suppress plan in place that has been successful in lowering the local SLF population. The plan includes the treatment of tree-of-heaven with dinotefuran trunk spray in select areas.

Dinotefuran is considered the most effective insecticide in management of SLF with the lowest risk to non-target organisms compared to the alternative insecticides such as bifenthrin and imidacloprid.

The SLN label allows a higher maximum application rate of up to 1.62 lb active ingredient per acre per year, which allows effective treatment in areas with high-stem diameters of tree-of-heaven.

Erica Willey indicated that the use of dinotefuran in SLF has been very effective in other states. It is used as a one-time use per calendar year, and treatment is done after bloom.

Berman asked whether this product works as a systemic or contact insecticide, and whether it will it be used as preventative application on trees. Willey stated it is systemic insecticide and is only used if SLF are present.

Move: That the Pesticide Board Subcommittee hereby approves the FIFRA Section 24(c) Special Local Needs registration for the use of Dinotefuran Tree Care 70WSP (EPA Reg. No. 59639-170) to allow basal trunk spray for control of Spotted Lantern Fly on Tree-of-Heaven.

Motion: R. Berman
Second: N. Keleher
Discussion: None
In Favor: R. Berman, N. Keleher
Opposed: None
Abstained: T. LaScola

D. Individual Review: The Pesticide Board Subcommittee will consider the registration of the following product containing the active ingredient fenhexamid, formulated in Elevate 50 WDG Fungicide (EPA Reg. No. 70506-446) and labeled for post-emergent control of Botrytis and Monilinia diseases and suppression of powdery mildew in various crops.

Wijnja explained the rationale for conducting an individual review of Elevate 50 WDG Fungicide, EPA Reg. No. 70506-446, which was to ensure an established record of evaluation by the subcommittee for its active ingredient, fenhexamid.

Miller presented information for evaluating Elevate 50 WDG Fungicide. Fenhexamid makes up about 50% of the product, which is formulated as a water dispersible granule. Fenhexamid is classified as a Group 17 fungicide and is considered a useful tool in disease control and managing resistance to other fungicides. Its mode of action, ergosterol biosynthesis inhibition, interferes with fungal reproduction by affecting germ cell elongation, mycelial growth, and spore germination. Major targets are the Botrytis diseases gray mold and fruit rot, particularly in strawberry, caneberry, and grape crops.

The label signal word is 'caution.' Baseline personal protection equipment requirements consist of:

- Long-sleeved shirt and pants,
- socks and shoes, and
- chemical resistant gloves made of waterproof material.

Elevate 50 WDG fungicide is a protective fungicide only for agricultural and ornamental horticultural applications; there are no allowed residential uses. It can be applied to various fruit and vegetable crops as specified on the label as well as via foliar spray on ornamentals (including some flowers, as listed) and forestry conifers.

The product is mixed with water and generally sprayed on the ground, though it can be applied as an aerial spray. The restricted entry interval (REI) is 12 hours. There is label language to reduce spray drift.

Fenhexamid has a low risk profile, with acute toxicity via oral, dermal, and inhalation routes all classified as Toxicity Category IV. It is classified as minimally irritating to the eyes and is neither a dermal irritant nor a sensitizer. Fenhexamid has also been classified as "not likely" to be carcinogenic to humans. There is no evidence of immunotoxicity or neurotoxicity in the fenhexamid database and no evidence of susceptibility in rat and rabbit developmental studies. No acute dietary endpoints have been established since no points of departure were observed in even the highest dose acute exposure studies.

There are no current residential uses registered for fenhexamid, so residential risk was not assessed. EPA determined that the most likely possible exposure routes are chronic dietary exposure for infants and spray drift, but these risks were calculated to be lower than the level of concern.

Primary degradation routes of fenhexamid are aqueous and terrestrial aerobic metabolism. It is considered non-volatile from dry, non-absorbing surfaces, water, and moist soil. In soil fenhexamid is classified as moderately to slightly mobile. Its relatively high log octanol/water partition coefficient means it has potential to adsorb onto organic sediments. However, studies indicate bioaccumulation is limited by its relatively rapid degradation in the environment.

Fenhexamid is practically non-toxic to birds in the cases of acute oral and sub-acute dietary exposure. It is practically non-toxic to mammals on an acute oral exposure basis and to young adult honeybees on both an acute contact and oral exposure basis. EPA considers likelihood of adverse effects to terrestrial invertebrates from the use of fenhexamid to be low.

Plant studies of seedling emergence and vegetative vigor using Elevate showed no observed adverse effects near the maximum allowed single dose except for a modest height reduction in cucumbers.

Fenhexamid is moderately toxic to aquatic animals in cases of acute exposure. Chronic exposure indicated a No Observed Adverse Effect Level concentration of 0.1 mg a.i./L. It is slightly toxic to freshwater invertebrates but moderately toxic to marine organisms like the sheepshead minnow and mysid shrimp. There is required mitigation language on the label to prevent water contamination and its use is prohibited in intertidal areas.

Fenhexamid does not meet the criteria for classification as a groundwater contaminant as specified in 333 CMR 12.00.

Move: that the Pesticide Board Subcommittee approve the product registration for *Elevate 50 WDG s* (EPA Reg. No. 70506-446), and *Decree 50 WDG* (EPA Reg. No. 70506-446-67690) containing the active ingredient fenhexamid, which was individually reviewed.

Motion: R. Berman
Second: N. Keleher
Discussion: None
In Favor: M. Moore, R. Berman, T. LaScola, N. Keleher
Opposed: None
Abstained:

E. NEW BUSINESS

There was no new business brought forward.

ADJOURN
Motion: To adjourn the July 18, 2023, Subcommittee Meeting.
Moved: R. Berman
Second: T. LaScola
In Favor: M. Moore, T. LaScola, N. Keleher, R. Berman
Opposed: None