

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

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PESTICIDE BOARD SUBCOMMITTEE MEETING MINUTES

March 16, 2021

[Zoom Meeting](#)

Meeting ID: 920 1940 7974; Passcode: 622983

BOARD MEMBERS IN ATTENDANCE

Michael Moore, DPH, Food Protection Program (Chair)	Present
Taryn LaScola-Miner, MDAR, Designee for Commissioner John Lebeaux	Present
Marc Nascarella, DPH, Designee for Commissioner Bharel, MD	Present
Eric Seaborn, 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 FROM the August 27, 2020 meeting and the September 22, 2020 meeting.

Motion: R. Berman

Second: M. Nascarella

Discussion: None

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

Opposed: None

Abstained: E. Seaborn

B. PRODUCT REGISTRATIONS

Motion: That the Pesticide Board Subcommittee registers the pesticide products listed on the EIPAS PR March 16, 2021 Subcommittee cover sheet with the exception of the following products:

- Inspirato 2 F (EPA Reg. No. 91234-62), and
- Panther MTZ Herbicide (EPA Reg. No. 71368-125).

Moved: R. Berman

Second: M. Nascarella

Discussion: LaScola brings up the email from Sierra Club to Subcommittee regarding their concerns about fluorinated pesticides. She clarifies that MDAR staff is preparing an analysis to address these concerns relative to this group of pesticides at the April 2021 meeting. Nascarella seeks clarification on whether the response will address the specific products only or fluorinated pesticides as a class. LaScola indicated that the plan is to address the group of fluorinated pesticides.

In Favor: M. Moore, T. LaScola, M. Nascarella, E. Seaborn, R. Berman

Opposed: None

Abstained: None

C. 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:

- Inspirato 2 F (EPA Reg. No. 91234-62) containing Methoxyfenozide; and
- Panther MTZ Herbicide (EPA Reg. No. 71368-125) containing Metribuzin.

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 methoxyfenozide and metribuzin from general to restricted use for groundwater concerns.

Moved: R. Berman

Second: M. Nascarella

Discussion: None

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

Opposed: None

Abstained: E. Seaborn

D. SECTION 18 EXEMPTION REQUEST:

Motion: That the Pesticide Board Subcommittee has this Section 18 request on the agenda for the next meeting pending the information that is going to be provided by DPH as discussed at this meeting.

Moved: T. LaScola-Miner

Second: E. Seaborn

Discussion: see below

In Favor: M. Moore, T. LaScola-Miner, M. Nascarella, E. Seaborn

Opposed: R. Berman

Abstained: None

The Subcommittee considered the request for public health emergency exemption pursuant to Section 18 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) for the use of triethylene glycol formulated as Grignard Pure, an unregistered product for air treatment in indoor spaces in Massachusetts to control the spread of the novel coronavirus (Severe Acute Respiratory Syndrome Coronavirus 2 or SARS-CoV-2).

The Department received a request for a Section 18 Emergency Exemption for use of Grignard Pure, an unregistered product for air treatment in indoor spaces in Massachusetts to control the the spread of the novel coronavirus (Severe Acute Respiratory Syndrome Coronavirus 2 or SARS-CoV-2).

The meeting packet included the application materials and Wijnja summarized the information in the application. The initial application had been received in November 2020. Since then, MDAR staff joined weekly calls with the applicant Grignard, EPA, and several states that were considering the same request. In January 2021, EPA granted a Section 18 for use of Grignard Pure in Georgia and Tennessee. EPA also indicated that Section 18s could be approved in other states if the same label was used. MDAR staff interacted with the Grignard team regarding updates to the initial application. The current application was received on March 4th.

It was pointed out that Grignard Pure does not contain a new active ingredient; several products are currently registered that contain the active ingredient triethylene glycol; however, none of those products are labeled for COVID-19. In addition, Grignard Pure has a higher concentration of 52.25%. The proposed label indicate that it is intended to be used as an antimicrobial air treatment that kills airborne viruses that causes COVID-19. It is labeled for indoor use in occupied and unoccupied spaces. The label also states that it is a supplemental treatment to other mitigation measures already in place to address COVID-19 infections.

The specific use sites on the label include health facilities, public transportation vehicles, food processing areas, and indoor space where people conducting activities deemed essential by the state.

The equipment for the application of this material must be certified by Grignard and is either integrated into a HVAC system or applied through a portable device. The label includes language to address measurement of proper product concentration levels, by sensor or visual observation.

The application follows the EPA's outline for Section 18 requests. This includes a description of the emergency in the context of the proposed use and the urgency of making this tool available in the effort to address COVID-19. Further, there is information on alternative methods and their limitations. The efficacy and safety of the product is described, and there is a discussion of risk information. The product stewardship program is described, including the certification of systems, and installer and end-user qualification programs.

Upon request of Moore, Wijnja explained what a Section 18 emergence exemption is. LaScola pointed out that this request is different from other Section 18 requests that have come before the Subcommittee. Typically, Section 18 requests are initiated by a local user group in collaboration with a registrant. This request is different in that it is initiated by the manufacturer/registrant. Berman noted that there was not end-date indicated in the documents. LaScola responded by stating that a Section 18 can be granted for up to one year.

Team members from Grignard Company, LLC were in attendance of the meeting were available to answer questions and provide additional information.

Etienne Grignard provided additional information on the product, including its 20-year history of use in lighting shows at sport venues, theaters, and houses of worship. The health and safety of this and similar products is well established. Other Grignard team members addressed various aspects of the product, including the uniqueness of this product as an air treatment for COVID-19, the approval of Section 18's in other states, the low human toxicity of the product, and the process with EPA to obtain a regular Section 3 registration.

LaScola brought up the aspect of why this product is needed in Massachusetts specifically at this time. There are no user groups that have requested this product to address the public health emergency associated with COVID-19. In the context of the national pandemic issue, one needs to consider the Massachusetts' specific perspective.

Etienne Grignard indicated that the product is of interest to several groups in Massachusetts, including the dental care community, mass transit, medical clinics, and funeral homes. The use in bus systems was highlighted.

Furthermore, there are uses for treatment of unoccupied spaces, such as hotel rooms and rental cars. Although the use in schools had been considered, this was not included for reasons of concerns among the general public relative to this treatment method and risks to children.

Additional questions that were addressed by the Grignard team included clarification of the posting requirement, the anticipation of a full registration being approved fairly quickly, and that chronic exposures from the uses of this product are not expected to pose risks to children.

LaScola brought up a question that would be best answered by the Department of Public Health. The question is where this request fits in with the current effort to address the pandemic given that vaccination programs have been implemented and that the product is on a path for full registration by EPA. It is considered an interesting and good tool, but the question is whether this product currently needed in Massachusetts to address the emergency situation. Moore responded by recognizing that it is an interesting technology but would like to check with DPH leadership and experts on this question.

Berman viewed the request as described in the meeting materials and the testimony provided at this meeting sufficient to move forward with a vote and not further delay the process to make this product available in Massachusetts. Moore preferred to consult with DPH leadership before taking a vote on a motion. Also discussed were the approval of use sites, aspects relative to school IPM programs, and clarification on that this product is not considered a device in the context of pesticide regulation. Options for an extra meeting were discussed to have a vote on this request in a timely manner.

Berman indicated that he was ready to make a motion. He moved to approve the request as submitted. The motion was seconded by Seaborn. Moore considered the option to vote at the next meeting. LaScola indicated that the input from DPH leadership and experts is needed to assess whether this product would meet an unmet need in the current emergency.

A vote was taken on the motion that was on the table. Berman and Seaborn were in favor, LaScola, Moore and Nascarella were opposed. The motion did not carry.

LaScola moved to have this Section 18 request on the agenda for the next meeting pending the information that is going to be provided by DPH as discussed at this meeting. The motion was seconded by Nascarella. A vote was taken; LaScola, Seaborn, Moore and Nascarella were in favor; Berman was opposed.

The date for the next meeting was scheduled on April 6th.

E. NEW BUSINESS

There was no new business brought forward.

ADJOURN

Motion: To adjourn the March 16, 2021 Subcommittee Meeting

Moved: R. Berman

Second: T. LaScola

In Favor: M. Moore, T. LaScola, M. Nascarella, E. Seaborn, R. Berman

Opposed: None

