THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

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MDAR MASSACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES

CHARLES D. BAKER Governor | KARYN E. POLITO Lt. Governor | KATHLEEN A. THEOHARIDES Secretary | JOHN LEBEAUX Commissioner

PESTICIDE BOARD SUBCOMMITTEE MEETING MINUTES

October 18, 2022
https://us06web.zoom.us/j/81005128274?pwd=OXRaTCtBbHNSVEZhbjhvREZuU0xJUT09
Passcode: 956306

BOARD MEMBERS IN ATTTENDANCE

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 August 23, 2022:

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

B. PRODUCT REGISTRATIONS

Motion: That the Pesticide Board Subcommittee registers the pesticide products listed on the EIPAS PR October 18, 2022, Subcommittee cover sheet with the exception of the following products:

1. MetalliS, EPA Reg. No. 91234-52;
2. Bristol, EPA Reg. No. 83529-168; and
3. Trico, EPA Reg. No.: 71637-2

Moved: R. Berman

Second: N. Keleher
Discussion: None
In Favor: M. Moore, T. LaScola-Miner, R. Berman, N. Keleher, M. Nascarella
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. MetalliS, EPA Reg. No. 91234-52, containing *S*-metolachlor, and
2. Bristol, EPA Reg. No. 83529-168, containing Bromacil

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 ***S-metolachlor and Bromacil*** from general to restricted use for groundwater concerns.

Moved: R. Berman
Second: N. Keleher
Discussion: None
In Favor: M. Moore, T. LaScola-Miner, R. Berman, N. Keleher, M. Nascarella
Opposed: None
Abstained: None

C. **NEW ACTIVE INGREDIENTS**

Miller gave an overview of the new active ingredient *Sheep Fat* in Trico and Trico Pro, EPA Reg. No. 71637-2, a repellent for preventing deer, rabbit, elk, and moose damage in field crops, vegetables, berries, orchards, and vineyards.

Trico and Trico Pro are vertebrate repellents containing the new biochemical active ingredient *sheep fat* technical. *Sheep fat* constitutes approximately 6.4% of both formulations by weight, with the other 93.6% classified as a trade secret. Other named components on the safety data sheet (SDS) are 0.1-0.5% glycerin and several trace organic molecules commonly used as food additives and preservatives.

Handling precautions state the signal word is “caution”. Label language requires handlers wear Personal Protective Equipment (PPE) and users are advised to avoid eye, skin, and respiratory contact with the product. The Restricted Entry Interval (REI) for treated areas is 12 hours with all Trico Pro uses and Trico when used in agricultural applications. Children and pets are to be kept out of treated areas until the product has dried.

These products should not be applied to water directly or in areas where surface water is present. Applications should only occur when temperatures are between 35 and 85 degrees Fahrenheit; freezing temperatures will render the product unusable. It can only be applied under dry conditions and not within a week before or after other products. More restrictions are listed for specific crops that pertain to application frequency and timing relative to harvest. Users are warned *Sheep Fat* may increase the effects of other pesticides.

For residential and agricultural applications, the Trico formulation is a liquid concentrate to be mixed and diluted according to label instructions. It is labeled for foliar spray use on field crops, vegetable plants, vineyards, orchards, strawberry plants, and blueberry bushes. It can be used with a handheld, knapsack, or garden sprayer with a flat fan or cone nozzle. The maximum application rate is 0.57 lbs. of active ingredient per acre for a single application.

Trico Pro, the commercial version, is a ready-to-use spray product. Applications to the terminal shoots of stems or trunk of seedlings, trees, and shrubs are intended to protect the plants from rubbing and debarking. The label claims it provides effective control for up to 6 months to promote the undisturbed growth of young plants.

The Environmental Protection Agency considers *Sheep Fat* risks to human health low; dietary exposures are not of major concern and there is already a tolerance exemption for edible fats, which includes sheep fat. The Food and Drug Administration (FDA) has granted various acid components of *Sheet Fat* GRAS (Generally Recognized as Safe) status for certain uses.

Only Tier 1 studies were conducted and *Sheep Fat* was found to have low acute oral toxicity. The agency waived sub-chronic toxicity data requirements for 90-day oral, dermal, and inhalation toxicity, as well as for prenatal developmental and genetic toxicity. Trico is considered to have low toxicity (Category III to IV) for acute oral, dermal, and inhalation exposures as well as eye irritation. It is considered minimally irritating to the skin (Category IV), though a few acid components can be dermal sensitizers and protective language exists on the labels to address this.

Residential handler and post-application exposure risk assessments were not conducted due to negligible concern for any risk posed by *Sheep Fat* products when used according to label instructions. A qualitative risk assessment was conducted in lieu of a quantitative assessment for occupational handlers. Exposure upon re-entry to a treated area is considered the most likely case and its risk is determined to be low due to the low toxicity of *Sheep Fat*.

Avian acute and dietary exposure studies were waived because *Sheep Fat* is often used in suet feeders and fatty acids are considered important parts of the normal diet of birds and other animals. No adverse effects were observed to mammals or freshwater fish at the highest concentrations studied. *Sheep Fat* is practically nontoxic to aquatic invertebrates. Studies on nontarget plants showed no effects on seedling emergence, though *Sheep Fat* was noted to significantly affect the vegetative vigor of a few plant species, including rapeseed. Honey bee and parasitic wasp acute contact and oral toxicity studies indicated *Sheep Fat* is practically non-toxic via oral exposure when the end products are used in accordance with labels.

Sheep Fat is expected to have low mobility in the environment; it is hydrophilic and has low water solubility. It degrades at a moderate rate via biodegradation and photolysis, and it has low volatility. *Sheep Fat* is also expected to bind to soil; both its persistence and bioaccumulation in the environment are expected to be low.

Sheep Fat does not meet the regulatory criteria for classification as a potential groundwater contaminant as specified in 333 CMR 12.00.

Move that the Pesticide Board Subcommittee approve the product registration for Trico, EPA Reg. No.: 71637-2, containing the new active ingredient *Sheep Fat* and has never before been registered in Massachusetts.

Moved: R. Berman
Second: N. Keleher
Discussion: None
In Favor: T. LaScola-Miner, R. Berman, M. Moore, N. Keleher, M. Nascarella
Opposed: None
Abstained:

D. Recent EPA announcements: Staff will inform the Subcommittee on the following:

a. Glyphosate: EPA's withdrawal of the interim registration review decision for glyphosate.

On September 23rd, EPA announced the withdrawal of all remaining portions of the Interim Registration Review Decision (ID) for Glyphosate.[1] Pesticide products containing glyphosate continue to remain on the market and be used according to the product label and are unaffected by this action. Wijnja summarized the information at the meeting.

The ID withdrawal was related to litigation and court decisions following the publishing of the interim decision position for Glyphosate in February 2020. EPA determined that withdrawal of the glyphosate ID was the best approach to move forward and complete the registration review requirements under FIFRA and also continue the efforts to satisfy the Endangered Species Act (ESA) requirements.

[1] EPA Announcement: https://www.epa.gov/pesticides/epa-withdraws-glyphosate-interim-decision

Moore asked if this EPA decision would affect Subcommittee meeting activities. Wijnja indicated that it will not directly impact Subcommittee activities at this time.

LaScola-Miner asked if the EPA's decision to remove their interim decision was based on the fact that they couldn't complete the review process in the timeline given by the Ninth Circuit court, or if EPA pulled back because they had concerns about what they put forward. Wijnja stated that EPA information indicates that the agency was unable to meet the Court's deadline of October 1, 2022

b. PFAS: Release of new data on leaching of PFAS in fluorinated HDPE containers used for packaging pesticide products.

Wijnja summarized information from the EPA announcement on research data of PFAS leaching from fluorinated HDPE containers.[2]
The new data are following up on research data released In March 2021 that preliminarily determined PFAS was most likely formed from a chemical reaction during the container fluorination process, which then leached into the pesticide product. On September 8, 2022, EPA released results from its evaluation on the leaching potential of PFAS from the walls of certain fluorinated HDPE containers into the liquids stored in those containers. Results from this study indicate that PFAS present in the inside walls of the fluorinated HDPE containers can be readily leached into formulated liquid products, with higher total amounts seen for products formulated in organic solvents such as methanol compared with water-based products. For both solvents tested (methanol and water), the study also shows continued gradual leaching of PFAS over time. It is unclear at this time if PFAS would be present in all fluorinated containers treated by different fluorination technologies. EPA continues to work with stakeholder groups, including industry groups, to raise awareness on the issue of fluorination of containers that can result in PFAS leaching into products in those containers.

E. New Business

ADJOURN
Motion: To adjourn the October 18, 2022, Subcommittee Meeting.
Moved T. LaScola-Miner
Second: N. Keleher
In Favor: M. Moore, T. LaScola-Miner, R. Berman, N. Keleher, M. Nascarella
Opposed: None

[2] EPA webpage on PFAS and Pesticide Packaging: Per- and Polyfluoroalkyl Substances (PFAS) in Pesticide and Other Packaging | US EPA; and https://www.epa.gov/pesticides/epa-releases-data-leaching-pfas-fluorinated-packaging