

MCTF Pesticide Selection Subcommittee Meeting Minutes 11 02 21

Minutes for the Mosquito Control for the Twenty-First Century (MCTF) Task Force Meeting

Subcommittee Meeting: Pesticide Selection

November 2, 2021, 12:00 p.m. via Zoom

Subcommittee members in attendance include Bob Mann (Chair) Priscilla Matton, Brad Mitchell, Jennifer Pederson, Rich Pollack, Helen Poynton, and Nicole Keleher. Taryn LaScola (EEA Representative) provided standard opening comments. Bob initiated the subcommittee meeting with a welcome and roll call at 12:02 pm. All subcommittee members were in attendance for the meeting. Bob encouraged the group to participate, appreciated all the work the subcommittee has done to date. John (ERG Facilitator) shared his screen and provided an agenda review for the subcommittee group. John recommended identifying an alternate chair designated to step in if Bob was not available. Brad nominated Rich; however, Rich is already a chair for three different committees. Bob may not be available for future meetings due to travel. Nicole has offered to co-chair. There is a roll call vote conducted - motion was made for Nicole to co-chair and all subcommittee members voted aye.

John noted that this is an initial preliminary discussion amongst the subcommittee. This is all brainstorming to an extent, but John is looking for full participation for the three directives for the subcommittee.

Directive 1: Make recommendations regarding “identifying known ingredients in pesticide products used for mosquito control, analyzing the ability, or lack of ability, to identify such ingredients, and making recommendations for determining such ingredients.”

Brad expressed some concern about developing a process versus recommending product. John moved the group to identify any critical information gaps. Are there any information gaps from moving forward and identifying methods we want to utilize environmental impact for new chemical products? Bob noted that we may need to start thinking about methodology with pesticide products and referenced the genetically modified mosquitoes used in FL. Bob noted that we need to be open to ensure there is a conduit of sorts for future decision that can incorporate technologies that are experimental or have not been thought about yet

Brad noted that this conversation will rely to an extent on the policy process related to the SRB. He feels as through this needs to be meshed with the policy discussion. Whatever conversations come from this subcommittee will need to mesh with the recommendations that also come out of the policy structure subcommittee. Brad also noted that another topic which needs to be reviewed is the role that inert ingredients play. Interplay of inert ingredients and the State’s ability to protect Confidential Business Information (CBI).

Jennifer referenced looking back at the report that Rich had provided – chemicals breaking down transformation byproducts. Jennifer posed the question do any of the ingredients in the mosquito pesticides have the same effect? Also, the 25B products. Are they an issue? That is an area Jennifer noted she would like more information about. Need to know more about 25B and the process by which they are used. Brad responded regarding registration data. Pesticide registration does have a lot of information on various environmental conditions and metabolites in the human system. Brad noted that the data exists, but questions whether it is extensive enough or whether it is pertinent to the

various environments in MA. Brad is interested in the discussion on toxicology data related to the environmental impact. Jennifer noted that people were caught off guard that there were PFAS in products or concerns around PFAS in containers.

John moved the conversation to a discussion about the ingredients in 25B products. Taryn (EEA Representative) responded with information related to the EPA listing all the ingredients within 25B products and offered to distribute the applicable website to John for circulation to the subcommittee.

Rich posed a two-part question to the group. Rich agreed there are information gaps, but it does not prevent him from moving forward. We know what chemicals are in the products and he is less concerned about the inerts. Rich noted that PFAS is a good example of accidents. PFAS was not supposed to be in the pesticide but it found its way in. Rich reiterated that we have enough information to select pesticides and there shouldn't be limitation to stop us in choosing the pesticides.

Helen noted that future tech is an area that we should consider and seconded Brad's notion of including that content into policy conversations. John then listed the main action item related to EPA content and Taryn responded that the EPA content is in the Zoom chat. ERG noted that all shared information via Zoom chat will be made available to the subcommittee members. Priscilla added to the conversation to note that organized MCD in the State do not use 25B products. It would only be private companies that use 25B products as it relates to pesticide use.

Jennifer noted as a follow up related to a previous presentation that was provided to the subcommittee that EPA does not review the products that claim to be 25B. Specifically, there are requirements that EPA has but they are not policing whether or not the particular product meets EPA standards. Taryn responds regarding what EPA looks at. 25B is a bit different when it comes to registration. 25B's do not get registered by EPA if a product's active and inert ingredients all fall under the list that EPA has put forth via 152.25. There are 6 or 7 different label requirements. EPA prohibits product manufacturers and sellers from making any public health claims on their labels unless those claims have been approved by EPA. Rich noted that even when such explicit claims cannot be made, members of the public might wrongly infer that such products measurably reduce risks.

John wanted to get into preliminary thoughts on where the subcommittee group is heading towards recommendations. Start this part of the conversation by focusing on Directive 1 – Make recommendations regarding “identifying known ingredients in pesticide products used for mosquito control, analyzing the ability, or lack of ability to identify such ingredients, and making recommendations for determining such ingredients.” Rich commented on if this is known or unknown ingredients and suggests dialogue around removing the word “known”, as it is confusing. Nicole added thoughts on this and suggested to be inclusive we need to start by being restrictive. There is a need to identify specific application of products or protocols we want to discourage and leave us open to using future products and technology as.

John suggested a need for clarification for the process that is in place for identifying ingredients which stems from the registration process. John asked Taryn if there was anything, she could offer regarding what this directive is getting at. Taryn noted in the regulatory framework when there is discussion of ingredients within pesticide products, the active ingredients and inert ingredients are what make up the formulation of the product and suggested the directive calls for review of inert ingredients. Taryn's interpretation of this directive related to the subcommittee determining a process by which pesticide products for mosquito control are selected.

Brad noted that whatever group that chooses pesticides for use for mosquito control can be protected from CBI, and if we want to do this right, we need to have access to the full ingredients. State makes a

lot of recommendation about repellants and would recommend we include repellants in this subcommittee scope as well. Nicole built on the inert ingredient conversation by asking if we can come up with a list of products and ask companies if they use those products? Nicole noted that we would be looking for a yes or no answers from companies. This could get around full release but get at some information from manufacturers. Bob stated that inerts are known to EPA, so EPA has the ability to make that part of the decision-making process. Taryn included additional EPA information related to inerts. Jennifer noted there are some people that do not trust EPA is doing their job. Jennifer is not of that mindset but noted this is something to consider.

Priscilla commented that the state has a process with the pesticide board, and we should stick with using that process for products registered for use in MA. Priscilla reiterated that if we push too hard on inerts, companies will just not register pesticides in the State. Priscilla noted that in a normal year we are spending less than \$1 M on mosquito control and that is nothing in comparison to some agricultures. If we don't trust EPA who can we name as the person to say, "these are the things that we don't want". It is hard to find someone qualified to make a list and to say these are the products we don't want.

Brad added a point to the conversation that FL uses more pesticide in one day that we use in a year and we should keep that in mind when we ask for business information. Rich noted that he agreed with Priscilla. There is a process that is screened by EPA, and then MDAR, then the MCDs make the decision as to what is best to use. There are several layers of screening. Noted the issues on the unknowns: the list of inerts – there are millions of chemicals. If there are ingredients of concern, like PFAS, ask manufactures to certify they have less than the allowable amount. Rich also mentioned another thing to think about is spot testing by a third party.

Taryn noted the (school and families protection act – section 14 within CMR) products that are used outside cannot have inerts. Wanted to flag that for the subcommittee group. The URL related to this content is added to the Zoom chat for the subcommittee to review. Helen commented that the EU has banned Sumithrin. Helen noted that there are other scientists that disagree with EPA's approach. People are justified to be questioning the EPA registration process, as it is not perfect. Perhaps we can hire a chemist to test the inert products in pesticides.

John commented to the subcommittee group regarding any final thoughts or comments before moving on. Brad shared agreement with Helen's comments, thinks the State should address inert products. CBI should be accessible for this purpose. Rich noted that even if the full chemical composition of pesticide was known there would still be lingering questions about risk.

Directive 2: Make recommendations regarding "employing methods, including products disclosures or implementation of testing protocols and procedures, to avoid the use of pesticides containing per -and polyfluoroalkyl substances (PFAS)."

John asked the subcommittee group on their initial thoughts and recommendations regarding data gaps. Helen commented that she has no data gaps for this one. Rich also has no concerns regarding gaps. Jennifer noted that this legislation was before we knew how PFAS came into pesticides. We know now the PFAS was in the containers. Jennifer commented that we need a process of QA/QC to ensure we do not have PFAS coming into the pesticides. Taryn responded that the EPA did come out with a method for oily substances to test for PFAS. The link was put in the chat that references the EPA process and it is noted that currently this is for oily substances only.

Brad commented that PFAS has most basic data gap of all. We haven't figured out what PFAS is. Brad expressed concern that we are focusing on this one class of chemical. Brad asked the question if this

directive should be specific to PFAS or more general to persistent substances. Priscilla noted that she has no gaps preventing her to move forward. Bob wanted to be able to address this issue fully. Because of the way EPA is defining PFAS, it is important to note this a wide range of chemicals. This is a rather dynamic question that we need to pay attention to. Brad provides a link to a PowerPoint presentation, specifically page 6, and noted it as illuminating. Focus here should be on the real issue, persistence of chemicals.

There was an expressed interest of the group to hear from Hotze, MDAR chemist, to present on the PFAS content, Jennifer commented and asked the question could previous mosquito control spraying have contributed to PFAS in water – 20 parts per trillion of PFAS found in water supplies across the State. Nicole noted that seeing presentation from Hotze would be valuable and commented if it would be helpful to determine where in the supply chain PFAS could happen again related to other possible contamination points. Rich commented that the PFAS issue is tangential. We should strive to minimize it, but we are going off to far from the focus of this subcommittee, which is to determine a process. Brad agreed it is tangential but does think some general recommendations are in order due to the prevalence of PFAS.

Helen noted a recommendation on a PFAS free certification process and stated that his should be on the manufacturers. Rich commented that if we are going to focus on PFAS we should all be on the same page and proposed a motion to have Hotze present to the group Rich proposed to Helen do we focus on PFAS free or a PFAS threshold and asked, can we ever be PFAS free? This is an evolvable recommendation based on the subject matter. Jennifer noted PFAS drinking water standard, groundwater cleanup standard, and asked if the existing laws are sufficiently protective? The recommendation was made to have Hotze present at the main task force meeting versus just the subcommittee meeting.

Brad stated that our knowledge on PFAS is evolving so quickly that we need to be able to be flexible and dynamic to consider PFAS. Priscilla recommended that a line item be put into MDAR or DEP budget to pay for this – perhaps a third party approved lab would be more important. Money must be appropriated for this if we are asking for QC. Continued testing would be necessary, not just for mosquito control, but for all pesticide products registered in the State and used. Taryn confirmed MDAR and DEP involved with pesticide testing for PFAS, which was conducted. Bob noted that he had nothing more to add regarding this topic.

Nicole agreed with many of the other sentiments. Suggested as a group the need to identify resources going forward that can be used as a basis for people making decisions whether it be EPA development of a compound list or other resources as needed.

Directive 3: Make recommendations regarding “promoting the use of the safest or minimum risk pesticides available”

John opened the conversation to the group regarding thoughts and recommendations on directive three. Helen commented, what does safest and minimum risk mean – health, human, environmental/ecological risk? John asked Taryn for clarification and Taryn responds that there is an EPA resource that provides some information, based on registration number. Information can also be accessed from the manufacturer’s website. Bob noted that choosing the least toxic and most effective products is key. Efficacy is a key here regarding minimum risk maximum efficacy products. We can put together a long list of products for mosquito control, but if they do not meet the test of efficacy they should not be used. Products should not be chosen if they fail efficacy. Priscilla noted that it is hard to define safest, most effective, and minimum risk pesticide. This means different things to different

people. Hard to define specifically. Agreed with Bob's assessment. MCDs determine what they are going to use, and the formulation of that product related to mosquito control.

Brad noted the need to be consistent with terms in statute and law. Agreed safest and minimum risk is open to interpretation and there is a need to keep consistent terminology. Also, there is a need to recognize that there is some risk associated with using pesticides. We need to be consistent in our subjective terms. Jennifer commented that she is less concerned with the process the State uses in State based mosquito control. More concerned with private applicators. This is a place where perhaps more recommendation is needed for example, with private companies like mosquito guard, mosquito Mary, etc. Brad stated he has looked into these companies – they are not in the purview of subcommittee; however, making the recommendation that these companies should be looked at, is within the purview of the subcommittee.

Rich agreed with almost all the points brought up. Often challenged on IPM. With any pesticide use it is necessary to weigh the needs, benefits, and risks. To formalize that is a difficult process. Recommended leaving it to the regulators regarding what should be used and to the MCDs as to when it should be used. It should be asked if an insecticide is efficacious when deciding to use the product. It's not, but it should be in our purview to look at or make a recommendation on private mosquito control companies. Posed the question why we can't hold the private mosquito control companies to the same standard.

Helen agreed with the sentiments on private mosquito control companies. Helen noted that she is very impressed with the process behind MCDs and would like to see the State invest more money in the ecological impacts, water concentration, sediments. Concern in the use of the synergists, they can synergize with the pesticides that are already in the environment. Helen expressed concern with PBO and their ability to synergize with pesticides in the environment and cause toxicity to certain ecological receptors.

Brad agreed with Rich's comments, should be considered and evaluated, but too premature to take PBO out of the mix. Bob would like to look at the three directives. PFAS should be looked at separately. There is a need to look at directive one, go to directive three, then tackle directive two. John suggested that we do that. Directive one will be a focus for the 11/16 meeting. John asked for volunteers to share notes for the 11/16 subcommittee meeting. The goal for the 11/16 meeting is to dive into directive one. Seeing no further comments, a motion is made to adjourn the meeting. There is a motion to adjourn from Bob. Jennifer and Rich second the motion to adjourn and Rich agrees with motion to adjourn. There were no dissents from the group regarding adjournment. The meeting was adjourned at 2:01 pm.