

# THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



## Department of Agricultural Resources

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## **PESTICIDE APPLICATOR PESTICIDE ADVISORY COUNCIL**

### **MEETING MINUTES**

**Date:** March 18, 2022

#### **A. ROLL CALL**

Bob Leon, General Environmental Services & New England Pest Management Association	Present
George Williams, Vesperis	Present
Jeff Utley, Nutrien Ag Solutions	Present
Jared DeBettencourt, Minute Man Pest Control	Present
Bob Mann, National Landscape Association of Landscape Professionals	Present

The Pesticide Applicator Pesticide Advisory Council ("Council") did meet or exceed the minimum number three (3) of members present to form a quorum and conduct business.

#### **DOCUMENT(S) PRESENTED:**

Agenda  
Draft minutes from the meeting held on January 14, 2022

#### **B. REVIEW OF MINUTES:**

**Motion:** G. Williams  
**Second:** B. Mann  
**In favor:** All  
**Abstention:** None

#### **C. PESTICIDE PROGRAM UPDATES**

T. LaScola provided Pesticide Program updates.

##### **Conservationist Pesticide Advisory Council**

The first meeting was held. The members want to meet monthly, so they are able to learn about the program quickly.

##### **Glyphosate Commission and Scientific Review**

After posting the RFQ twice, a company called ERG submitted a quote/bid. The quote was three times more than what was provided to the Commission to complete the review. Therefore, the Commission decided to have ERG complete Phase I of the project while additional funds would be looked at to fund Phase II. Phase I is the information collection phase of the project and Phase II is the evaluation of all the information collection.

B. Mann asked if there was a mailing list for the Commission meetings. T. LaScola responded that she believed there was and would send the website link to the members.

#### Neonicotinoid Classification Change Outreach

T. LaScola stated that she had provided several presentations where the change was discussed. MDAR is receiving questions relative to Direct Supervision and therefore MDAR is putting together a Frequently Asked Question document. Outreach was and continues to be performed with the manufacturers. MDAR has created an initial list of products that will have their classification changed. MDAR will compare their list with the list developed from lists that products manufacture sent us. Once there is a “solid” list it will be posted online. She explained that she wanted to make sure the list is solid because there is concern about applicators only checking the list once and the list will most likely change.

G. Williams suggested that having a recorded presentation about the direct supervision requirements would be helpful for applicators.

#### Chlorpyrifos

EPA had made the decision to revoke food uses on products containing Chlorpyrifos on Feb. 28<sup>th</sup>. MDAR will be sending out a notice to stakeholders describing the change. EPA is working with the manufacturers on cancelling registration. If a product has non-food uses and food uses on the label, then it can still be used but only for non-food uses. EPA provided guidance to applicators as to how they can handle left over stock. The advice included using a state’s disposal program which T. LaScola noted MDAR does not have.

#### Pesticide Exams

T. LaScola stated that this is the time of year that the exam rate is higher and that MDAR is seeing an increase in issues with individuals taking the exam. This includes:

- Technical Issues: Bandwidth, RAM, etc., there are warnings given to the applicant, but many seem to ignore it
- Not Following Protocol: Positioning of face
- Behavior

MDAR looks at the videos that have been flagged and determines what the issue was and if disqualification is necessary. This process takes a considerable amount of time, so MDAR has sent out notices to the stakeholders in an attempt to reduce the frequency of these things happening. Additionally, Everblue has implemented an additional fee when an individual has to retake the test due to an issue of this nature.

B. Mann noted that when MDAR went to online pesticide licensing there was some initial complaints and issues. He asked how much of the issues are due to the learning curve is and how much are due things that MDAR actions. T. LaScola responded that the main issues she is noticing is that individuals are not paying attention to the directions on how to take the test. T. LaScola stated that MDAR would be open to suggestions from industry on how to improve things if they are seeing problems.

#### Certification and Training Rule (“Rule”)

T. LaScola had sent out a link to EPA description of the rule and the changes to the members as she thought it provided a good summary. The Rule affected MA in the following ways:

- MA must update it states plan
- Update their exams
- Add exams
- Record keeping requirements
- Safety training

T. LaScola provide more details about the safety training requirement for those individuals making applications under the direct supervision of someone with a Commercial Certification. She stated that there is an annual training requirement and that the training has already been developed and it is online.

B. Mann asked if there is any overlap between the safety training and what MDAR already requires. T. LaScola stated that she believed the training was directed more towards worker safety. He and G. Williams asked if the training could qualify for continuing education units. T. LaScola answered that it would not given that it is required by the federal government.

#### **D. COMMERCIAL CERTIFICATION EXAM**

##### **Two Year Waiting Period**

B. Leon stated that there has been a lot of conversation about the requirement of having a Core license for 2 years before being allowed to take and hold a Certification license. He asked if MDAR had thought about or discussed the idea of reducing the two-year time given the neonicotinoid classification change. T. LaScola referenced the past Pesticide Board Subcommittee policy relative to termiticides classification as something that is similar to what neonicotinoids will go through. Given the similarity and the fact that the 2-year time did not change, she did not think it would be a consideration.

B. Mann asked if there was a way to bypass the two-year waiting period through education or training. T. LaScola responded that MDAR does allow someone to bypass the two-year period if they have equivalent experience. She stated she did not know where the two-year requirement originated from, but she knew it was in the regulation. G. Williams noted that in the past when an individual could take the Core exam and Certification exam at the same time, people were passing the Certification exam and not the Core exam and perhaps that is where the requirement originated from.

##### **Pesticide License Numbers**

T. LaScola provided some numbers on the pass/fail rate based on the number of attempts an individual takes the exam.

T. LaScola noted that a member of the public, Richard Berman wanted to speak. B. Leon allowed this. R. Berman stated that he provides coaching for individuals that want to take the exam. He stated that he is surprised by the number of individuals that show up without the study materials. B. Leon asked if R. Berman shared this information with the New England Pest Management Association. He said that he had not had a chance to yet but believed that as the information about how the exam is run get to companies there will be less issues.

#### **G. NEW BUSINESS**

G. Williams wanted to discuss the waiting period between the tests. He said that he had checked with other states on what they allowed and noted that unlimited testing may not work given the technology (online exam). He would suggest that the regulations be changed to requiring one month after failing the test twice and waiting three months after failing the test the third time.

B. Mann asked if G. Williams knew the percentage the waiting period affects business. G. Williams did not have an answer. T. LaScola indicated that they would have to think about how many people retested after failing when trying to answer that question.

#### **K. ADJOURN**

**Motion:** G. Williams

**Second:** J. Utley

**In Favor:** All