

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: January 14, 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	Absent
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 September 24, 2021

B. REVIEW OF MINUTES:

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

C. PESTICIDE PROGRAM UPDATES, T. LASCOLA

Pesticide License Renewal

The pesticide renewal period began in October 2021 and closed December 31, 2021. Approximately 7400 individuals renewed their licenses and there were still some that were in 'queue'. The Department will continue to accept renewals under their late renewal policy.

Since the Department reset the cycle dates to end on December 31st, T. LaScola-Miner believed that it was helpful for individuals to renew in that they could obtain some last-minute credits.

Environmental Protection Agency ("EPA") EPA State Plan

T. LaScola-Miner provided a summary of the Federal Insecticide Fungicide Rodenticide ("FIFRA") updates and the fact that the State Plan had to be updated due to the changes in FIFRA. When the FIFRA updates were finalized, the plan needed to be updated. Fortunately Massachusetts did not need to update a lot in their plan or regulations, but it still needed to be updated and resubmitted. MDRA updated the plan accordingly and submitted to EPA in 2020. MDAR received comments back from EPA in March of 2021 and MDAR is currently working on responding to the comments/suggestions.

Conservationist Advisory Council

The Pesticide Board ("Board") approved the establishment of a Conservationist Advisory Council. MDAR sent out invitations/announcements for participants. Applications were received and will be presented at the next Board meeting. The Board will vote to appoint the applicants to the Conservationist Advisory Council. This meeting will be run similarly to the Pesticide Advisory Council meetings.

Neonicotinoids

Licensed Dealers will be receiving a notification about the classification change. MDAR is working with the manufacturers to create a list of products that will be switched over. Licensed applicators will begin to receive notices of this change as well. An FAQ has been developed to assist with the change. MDAR is planning on developing a list of the products that will be switched from General Use to Restricted Use.

T. LaScola-Miner explained that the Pesticide Subcommittee voted to change the classification from General Use to Restricted Use if the product contains a neonicotinoid and has turf, tree/shrub, ornamentals, vegetable gardens. She also explained this would affect products that have dual labeling on them as well.

Glyphosate Commission

The Commission met in October/November. The commission decided to contract out to conduct the scientific review. The request was posted but there were no bids submitted. This may have been due to the timeline the review had to be done in. The request has been reposted with some changes made to it.

D. MOSQUITO CONTROL TASK FORCE, B. MANN

The Task Force has been broken up into four subcommittees:

- Pesticide Selection
- Policy and Structure
- Best Practices
- Public Engagement

B. Mann explained that he sits on the Pesticide Selection subcommittee, and he is the Chair. He explained that the Task Force meets once a month, and the subcommittees meet twice a month. There will be a listening session about the recommendations, but a date had not been set at the time of the meeting.

Two items of relevance to this Advisory Councils is:

- The directives relative to PFAS in pesticides.
- Applications performed by the private industry vs. the Mosquito Control Districts has come up.

25b Licensing Requirements

In reference to mosquito control, B. Leon asked if this Council should bring the request to license for 25b products use to the Pesticide Board. T. LaScola-Miner explained that the Council can bring this up to the Board whenever they would like. She also explained the process of updating regulations. She did explain that MDAR is currently working on 333 CMR, section 10 (licensing). The updates are to come into compliance with the FIFRA changes and she noted that MDAR has heard that the Council would like to require a license for 25b products. She recommended that the Council could wait to see what the draft regulations look like before commenting on the 25b requirements, as there will be a lot of opportunities to comment on them.

B. Mann noted that there are other states that are concerned about the application of the 25b products (licensing and registration).

T. LaScola-Miner noted that there has been discussions by the Pesticide Subcommittee about the possibility of registering these products.

B. Leon allowed Richard Berman from the public comment as he sits on the Pesticide Board and Pesticide Subcommittee. R. Berman re-iterated what T. LaScola-Miner stated. G. Williams asked if it would be quicker to require the products be registered. T. LaScola-Miner acknowledged that the regulatory process is a lengthy process. If the Subcommittee was to determine that these products need to be registered, the Subcommittee would need to develop a process as to how the products would be registered. The process may be different than the existing process because EPA does not perform the same level detailed review for 25b products as they do for registered products, so the Subcommittee would need to determine what information they wanted, level of review etc. The American Association of Pest Control Officials ("AAPCO") did develop some guidance for states to use but every state is different.

E. PESTICIDE EXAM RE-TESTING, G. WILLIAMS

G. Williams indicated he wanted to discuss and vote about the current rule relative to retaking the pesticide exam. He believes that the current requirement is outdated and proves a hinderance. Other states have unlimited test taking or different requirements for re-taking the exam. He has heard from companies that they believe the decision to hire someone should be up to the company and not dictated by the MDAR via the restrictions on retaking the exam.

B. Leon asked N. Clifton from University of Massachusetts, Extension Services to speak as she indicated she had some additional information on this topic in the "chat" box. The rationale for the limitations on retaking the test was that with a limited number of chances to take the test would make people take the test more seriously.

T. LaScola-Miner asked Council members if they would want to know what the passing rates on first, second, third attempts. B. Leon stated he thought it would be useful information.

T. LaScola-Miner indicated that the exam re-testing requirements is part of the 333 CMR, Section 10 regulations as well and any changes would need to be made there.

B. Leon suggested that the Council members think about this more and discuss at the next meeting. A vote was not taken.

G. NEW BUSINESS

There was no new business discussed.

K. ADJOURN

Motion: B. Mann

Second: G. Williams

In Favor: All