

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

251 Causeway Street, Suite 500, Boston, MA 02114
617-626-1700 fax: 617-626-1850 www.mass.gov/agr



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

KATHLEEN A. THEOHARIDES
Secretary

JOHN LEBEAUX
Commissioner

PESTICIDE BOARD MEETING MINUTES

September 29, 2021

BOARD MEMBERS IN ATTENDANCE

Ashley Randle, Designee for Commissioner John Lebeaux, MDAR (Chair)	Present
Marc Nascarella, DPH, Designee for Acting Commissioner Cook	Present
Michael Moore, DPH, Food Protection Program	Present
Misty Anne Marold, DFG, Designee for Commissioner Amidon	Present
Kathy Romero, DEP, Designee for Commissioner Suuberg	Present
Nicole Keleher, DCR, Designee for Commissioner Montgomery	Present
Richard Berman, Commercial Applicator	Present
Brian Magee, Toxicologist	Present
Steven Ward, Farmer	Absent
Jack Looney, Public Member	Present
R. Christopher Brittan, Public Member	Present
Steven Bird, Toxicologist	Present

The Board did meet or exceed the minimum number (7) of members present to form a quorum and conduct business. A. Randle noted that Laurel Farinon who represents the Conservation Commissions has resigned and MDAR will be looking to fill the spot.

A. REVIEW OF MINUTES FROM MARCH 23, 2021:

Motion: J. Looney

Second: N. Keleher

Discussion: None

In Favor: All

Opposed: None

Abstained: N. Keleher

B. PESTICIDE PROGRAM UPDATES

Chlorpyrifos

T. LaScola provided an update on the registration status of Chlorpyrifos. In August, the Environmental Protection Agency ("EPA") announced that it would be revoking all food tolerances for Chlorpyrifos. EPA will issue a Notice of Intent to cancel the registered food uses. They will continue the registration review for remaining use patterns and determine if there is any more action needed. She noted that she wasn't sure how this would work out relative to product availability and is waiting for more guidance from EPA. There are thirty (30) Products registered in Massachusetts that contain Chlorpyrifos. Eleven (11) of the products are general use pesticides and the remaining are restricted use pesticides. She looked quickly at the use patterns on these products and determined that twenty-two (22) of the products had non-food uses and seventeen (17) had food uses. She also

reviewed the licensed Dealers sales report (which only captures restricted use products) and was able to determine that majority of the uses were on turf.

Glyphosate

There was language in the Fiscal Year 2022 budget that created a Glyphosate Commission and allotted \$50,000 to review Glyphosate and its common alternatives and their effects on the environment and public health. The Commission is made up the following:

- MA Department of Agricultural Resources
- MA Department of Fish and Wildlife
- MA Department of Environmental Protection, Chair
- MA Department of Public Health
- Representative of Land Trust or has expertise in land management

Once the review is conducted it is to be provided to the Pesticide Board Subcommittee as part of the Individual review process. The review and outcome of the Pesticide Board Subcommittee ruling needs to be presented to the Joint Committee of Environment and Natural Resources by December 31, 2021.

J. Looney asked if the report that the Subcommittee receives will share it with the Board for comment. T. LaScola responded that it would not. The Subcommittee looks at the review as part of an individual review on Glyphosate.

Neonicotinoids

MDAR sent a notice about the classification change to manufacturers/registrants and the stakeholder associations. Individual emails to licensed applicators will be sent out after the first of the year.

Webpage

MDAR developed a webpage that will have any notices that are relative to changes/announcements that the program makes posted.

Continuing Education Units

T. LaScola explained that an applicator has three years to obtain their required amount of Continuing Education Units ("CEUs"). The program has changed the cycle end date from June 30th to December 31st.

Conservationist Pesticide Advisory Council

At the last Pesticide Board ("Board") meeting, the Board voted to create another Pesticide Advisory Council that would fall under Conservationist title. MDAR will be sending out an announcement and request for members soon. T. LaScola stated that the Conservationist Pesticide Advisory Council will be run the same as the current Council.

J. Looney asked if they were any categories established that would fall under this Conservationist category. T. LaScola stated that there was not. The current Advisory Council was created under the "Other" category and is made up of representatives to the pesticide applicators. She stated that in the past it was difficult to fill positions due to the lack of interest, but recently MDAR believed there would be interest for the Conservationist category.

She then explained that Advisory Councils support the Pesticide Board. The Board's role is to advise MDAR and approve regulations, while the Advisory Councils are more "boots on the ground" which advise the Board. Advisory Councils can participate in the recommendations of regulatory changes as well.

C. LEGAL UPDATES

J. Burgess provided legal updates on the following:

Cape/Island Yearly Operation Plan ("YOP")

The YOP was approved at the end of June. MDAR did not receive any appeals or request for hearings. Spraying began in August and as anticipated to end in October. MDAR staff has been monitoring these applications and to date there have not been any issues.

Town of Brewster

The town of Brewster filed a civil complaint in court against MDAR. Eversource and Lewis Tree were also named in the complaint. The complaint is alleging that the 2018-2022 Vegetation Management Plan ("VMP") should not have been approved by MDAR and should have been rejected. A request for preliminary injunction relief was filed to attempt to pause any work that would be conducted. A hearing was held on September 2nd and the request was denied. MDAR is represented by the Attorney Generals office in this matter.

Questions

R. Berman asked if there was any movement on the regulation updates for 333 CMR. J. Burgess indicated that they are moving along but there is nothing new to report.

G. PESTICIDE ADVISORY COUNCIL UPDATE

Bob Leon, Chair of the Pesticide Advisory Council ("Council") provided an update as to their last meeting.

25b

The Council discussed again that there should be a license requirement for the use of 25b products.

Spotted Lantern Fly ("SLF")

SLF was discussed.

Exam Retest

A discussion was held relative to the restrictions currently in place relative to an individual retaking the test. He noted that there were individuals that both agree and disagreed with the current policy. R. Berman indicated the restrictions is in the regulations but was unaware of why/how the time was chosen.

Legislative Bills

H922 establishes group to study the effects of rat poison and the effects on birds. The Council noted that MDAR was not on that group.

H. NEW BUSINESS

There was no new business brought forward. A. Randle asked if there were any comments from the public. There were no comments from the public.

ADJOURN

Motion: R. Berman

Second: J. Looney

In Favor: All

Opposed: None