

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

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JOHN LEBEAUX
Commissioner

PESTICIDE BOARD MEETING MINUTES

February 3, 2021

BOARD MEMBERS IN ATTENDANCE

Commissioner John Lebeaux, MDAR (Chair)	Present
Marc Nascarella, DPH, Designee for Commissioner Bharel, MD	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
Nichole Keleher, DCR, Designee for Commissioner Montgomery	Present
Richard Berman, Commercial Applicator	Present
Brian Magee, Toxicologist	Present
Laurell Farinon, Conservation Commission	Present
Steven Ward, Farmer	Present
Jack Looney, Public Member	Present
R. Christopher Brittan, Public Member	Present
Steven Bird, Toxicologist	Absent

The Board did meet or exceed the minimum number (7) of members present to form a quorum and conduct business.

A. REVIEW OF MINUTES FROM October 5, 2020:

Motion: J. Looney

Second: C. Brittan

Discussion: None

In Favor: J. Lebeaux, M. Nascarella, M. Moore, K. Romero, N. Keleher, R. Berman, B. Magee, J. Looney, C. Brittan

Opposed: None

Abstained: M. Marold, L. Farinon, S. Ward

B. ONLINE PESTICIDE EXAM

T. LaScola-Miner reviewed the process that led up to the Department providing the pesticide exam online. She explained the registration process, requirements the exam taker must adhere to and the process in which the exams are monitored. The pesticide exam went live at the beginning of December. As of the date of the meeting there was 358 exam registrations and 105 exams taken. The Department has not heard a lot of feedback about the exam. T. LaScola provided a [demo video](#) to the Pesticide Advisory Council.

Board members complimented the Department on the new exam system and asked if the Department would be able to determine if all individuals that wanted to take the exam given internet restrictions in some parts of the state. T. LaScola-Miner indicated they should be able to find out this information if it feels the number of exams taken is not following the normal trend. Additionally, it was asked how easily it was to alter/update the exam when needed, which the response was that it was easy to update the exam when/if it is needed.

T. LaScola-Miner then reviewed the new method of providing Continuing Education Units (“CEUs”) during the renewal period. The Department has implemented a process in which during the license renewal process the applicator is prompted to upload and/or claim the number of the CEUs that they obtained during the year. If the applicators three-year cycle has ended the year they are renewing, they must claim/upload the required amount of CEUs. If the applicators three-year cycle has not ended the year they are renewing they can claim/upload their CEUs they obtained that year. The Department will then review the CEUs before moving the renewal along in the system. To date, one of the reasons for delays in approving a renewal is that the images are not clear. In these instances, an email is sent asking to resubmit the CEUs. An added benefit to this new process is that applicators will be able to upload CEUs as soon as they receive them. This will reduce the risk of applicators misplacing the CEUs.

At the time of the meeting there were approximately 9800 licenses eligible for renewal, 7800 had been renewed, and 1800 licenses that have not been renewed.

C. PESTICIDE ONLINE TRAININGS

T. LaScola-Miner informed the Board that the Department has reviewed its policy on how a virtual/online training can be provided and approved for CEUs to be issued. She explained that the Department reached out to entities that provide trainings and ran the draft policy by them to ensure that the requirements were able to be met given the current technology.

The policy breaks the trainings down into four different types of trainings. Each type of training has specific requirements to ensure that the participants identification can be verified, participation is taking place and the CEU is being issued to the individual that was taking the training.

The Department also reviewed how many virtual/online CEUs may be obtained to meet a pesticide applicators CEU requirement. The Department determined that an individual may obtain all their CEUs virtually/online but not more than half of the CEUs can be through an “On Demand” training. The reason for limiting the number of “On Demand” trainings is that these types of trainings have the least amount of participation and oversight.

D. PESTICIDE ADVISORY COUNCIL UPDATE

Bob Leon, Chair of the Pesticide Advisory Council (“Council”) updated the Pesticide Board on the last meeting. The following topics were discussed at the Council meeting:

- Licensing options for 25b applications and antimicrobial applications
- Restricted Use Pesticide sales online and how the Department may be able to regulate them more effectively
- The Council is losing a member and will need to fill the seat

S. Ward stated that the Cape Cod Cranberry Growers Association can recommend the name of an individual that may be able to fill the seat and represent the farming community. T. LaScola-Miner indicated that she will be sending out an email to all licensed applicators to announce that there is an open seat and to facilitate applications.

E. PFAS UPDATE

Chairman Lebeaux stated that in September of 2020 an environmental group found PFAS in Anvil 10+10. DEP and EPA were able to verify this and the Department is working with both agencies on this issue. EPA determined that PFAS was getting into the product through the container in which a coating is placed on.

B. Magee stated that he thought PFAS would commonly be found in coatings in other containers and that it is found everywhere. He stated that a risk benefit analysis would be beneficial if PFAS is continued to be found and it needed to be used for mosquito control.

M. Moore asked if the Pesticide Board Subcommittee would need to vote to use the product should Anvil need to be used. T. LaScola responded that they do not need to vote on it and explained that the manufacturer has stated they will be switching their containers to containers where there is no coating.

M. Harold pointed out that Anvil is used in ground spraying and asked if that is a concern along with the equipment that the product is sprayed out of. T. LaScola-Miner re-iterated that the manufacturer stated they would be switching containers and noted that currently EPA is only looking at the containers of the pesticides.

A member of the public asked if the product Duet is used in the same containers. T. LaScola-Miner stated that she believed the manufacturer will be replacing all containers that have had the coating that is posing the issue.

Chair Lebeaux reminded the Pesticide Board that this is an ongoing issue that is being worked on by EPA and that this is a national issue.

F. NEW BUSINESS

There was no new business brought forward.

ADJOURN

Motion: J. Looney

Second: K. Romero

In Favor: All

Opposed: None