

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

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Secretary

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Commissioner

PESTICIDE BOARD MEETING MINUTES

March 22, 2021

BOARD MEMBERS IN ATTENDANCE

Taryn LaScola-Miner, Designee for 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
Eric Seaborn, 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 FEBRUARY 3, 2021:

Motion: J. Looney

Second: M. Marold

Discussion: None

In Favor: All

Opposed: None

Abstained: None

B. PESTICIDE PROGRAM UPDATES

Online Exam: The online pesticide exams have been running smoothly. 390 individuals have taken the exam. There were a few individuals that were caught cheating. If an individual is found to be cheating on exam, the exam is disqualified, and the individual is prohibited from taking the exam for 6 months.

Mosquito/Tick Consumer Information Bulletin: Consumer Information Bulletins ("CIB") are required to be handed out to customers prior to pesticide applications. There are several CIB such as: structural, lawn care, termite etc. When the mosquito/tick industry began to grow, MDAR updated the existing CIB to include those application types. During previous Pesticide Advisory Council ("Advisory Council") meetings, the Advisory Council suggested mosquito/tick have its own CIB. MDAR has developed draft CIB. This CIB cannot be required to be handed out as it is not in the current regulations. MDAR will recommend companies use the CIB in addition to the required ones.

Several of the Pesticide Board (“Board”) members made suggestions. T. LaScola-Miner asked for any suggestions/edits to be sent to her after the meeting.

Pesticide Advisory Council: Several years ago, R. Berman had asked that MDAR create the Advisory Council under M.G.L.c. 132B and 333 CMR. The regulations allow for several different types of Advisory Councils. MDAR created the current Advisory Council under the “Other” category as it was difficult to fill a five (5) member council for each type of Advisory Council listed in the regulations. There is a Conservationist Advisory Council listed within the regulations and given the concerns and issues that have been increasing over the years relative to pesticides, MDAR would like to create a Conservationist Advisory Council. Their role would be the same as the current Advisory Council, but this Advisory Council will be representing environmental interest.

Motion to Support: J. Looney

Second: L. Farinon

In Favor: All

Opposed: None

Abstained: None

C. NEONICOTINOID RESTRICTION OVERVIEW

T. LaScola provided an update on the new neonicotinoid restriction. In 2018, per legislation, MDAR was directed to conduct a review of neonic and its impacts. A contractor was hired to do so. The Pesticide Subcommittee held a hearing/public comment period relative to the outcome of the neonic review. The review and the comments were provided to the Pesticide Board Subcommittee (“Subcommittee”) as part of its individual review of neonicotinoids to determine if further restrictions need to be placed on neonicotinoids.

The Subcommittee voted to make outdoor non-structural or outdoor agricultural uses state restricted. The uses included lawncare, turf, garden, trees/shrubs and ornamentals. The restriction takes place on July 1, 2022.

The Department will conduct outreach to the manufacturers and applicators throughout the next year. This will reduce the amount of “leftover” product that the retail stores, licensed applicators and homeowners will have when the classification changes.

D. PESTICIDE ADVISORY COUNCIL APPOINTEE

The Pesticide Advisory Council has an open seat. MDAR sent out a notice to licensed individuals announcing that there was an open seat that needed to be filled. MDAR received numerous applications which were reviewed and selected Jeff Utley as a possible candidate. T. LaScola-Miner reminded the Board that they must vote to approve this candidate.

Jeff Utley introduced himself and provided the Board with some information about himself.

Motion to appoint Jeff Utley to the Pesticide Advisory Council: S. Ward

Second: J. Looney

Discussion: None

In Favor: All

Opposed: None

Abstained: None

E. LAWN CARE/SIGN POSTING BEST MANAGEMENT PRACTICES FOR CONDOMINIUMS

At a recent Board meeting an individual had some concerns relative to lawn care sign posting and notification in his condominium complex. The Board suggested that MDAR develop some best management practices ("BMP") that apply to condominium complexes since the regulations do not specifically address those settings. MDAR provided a draft of the BMPs to the Board. T. LaScola-Miner asked that suggestion/edits be sent to her for review.

Board members indicated they were pleased with this document and that they believe it will be helpful.

F. NEW ENGLAND PEST MANAGMENT ASSOCIATION ("NEMPA")

Tom Drapeau, President of NEMPA addressed the Board relative to the recent changes to the exam. The Association recognized MDAR for the improvement in the exam procedures and presented MDAR with a plaque of recognition.

G. PESTICIDE ADVISORY COUNCIL UPDATE

B. Mann that he following topics were discussed at the Council meeting:

- Pesticide Program Updates
- Neonicotinoid Updates
- 25B applications
- Reviewed the Mosquito/Tick CIB
- Review the Lawn Care Sign BMPs
- Inaccessible/Accessible areas in pest control

H. NEW BUSINESS

There was no new business brought forward.

ADJOURN

Motion: J. Looney

Second: K. Romero

In Favor: All

Opposed: None