

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

July 1, 2020

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
Peter Hazelton, DFG, Designee for Commissioner Amidon	Absent
Kathy Romero, DEP, Designee for Commissioner Suuberg	Present
Nichole Kelher, DCR, Designee for Commissioner Leo Roy	Present
Richard Berman, Commercial Applicator	Present
Brian Magee, Toxicologist	Present
Laurell Farinon, Conservation Commission	Present
Steven Ward, Farmer	Absent
Jack Looney, Public Member	Present
R. Christopher Brittan, Public Member	Present

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 MARCH 20, 2020:

Motion: J. Looney

Second: R. Berman

Discussion: None

In Favor: J. Lebeaux, M. Nascarella, N. Kelher, R. Berman, J. Looney, C. Brittan

Opposed: None

Abstained: M. Moore, K. Romero, B. Magee, L. Farinon

B. PESTICIDE PROGRAM UPDATE

T. LaScola-Miner provided updates to the Board

Pesticide Exams: Due to COVID-19, the Department cancelled pesticides exams beginning March 13, 2020 and closed future exam dates. During the week of June 16th, the Department began giving exams to work on the backlog of exams in which people had signed up for. Exams are given in vehicles twice a week with two sessions each day. The Department is working on getting a venue set up so that new exams can be offered in July.

The Department has been looking at a long-term solution which would be to put the exams online with online proctors. The Department put an RFP out for this type of service and is currently reviewing the responses.

Pesticide License Renewal: The late renewal period ended June 30, 2020.

Continuing Education Units: Due to COVID-19, the Department ended the CEU cycle to the end of December and waived the policy relative to online CEU's. For this year, the Department will allow for all CEU's to be obtained online.

Enforcement: The enforcement team is currently following up on complaints/investigations but has scaled back the routine inspections. This will be changing now that the state "phases" are changing.

C. 333 CMR, SECTION 9 DEALER REGULATION UPDATES

T. LaScola-Miner provided an update on the Dealer regulations. Due to the new Federal Certification and Training Rule, the Department had to update the dealer regulations. The Rule requires that individuals that sell Restricted Use Pesticides ("Dealer") keep records. The current Massachusetts regulations also require that Dealers keep records. When comparing the state and federal requirements, the address of the individual or company that was purchasing the product was missing from the state requirements. The Department is asking that the Board vote to approve the draft of the regulations so that they could move forward to a public hearing.

Motion: J. Looney, motioned to approve the draft regulations and move to a public hearing

Second: R. Berman

Discussion: None

In Favor: B. Magee, M. Moore, J. Looney, R. Berman, C. Brittan, N. Kelher, M. Nascrella, L. Farinon, K. Romero, J. Lebeaux

Oppose: None

D. PESTICIDE ADVISORY COUNCIL UPDATES

Bob Leon, Chair of the Pesticide Advisory Council provided an update on the last meeting. He stated that T. LaScola-Miner provided enforcement updates and that B. Mann brought up the Arbovirus bill for discussion. Additionally, there was discussion about anti-microbial/disinfectant services and whether there should be a license requirement.

E. LAWN CARE POSTING AND NOTIFICATION

J. Lebeaux indicated that he believed that Mr. Schwartz was going to be presenting at the meeting relative to this issue, but that Mr. Schwartz was not at the meeting. J. Lebeaux indicated that Mr. Schwartz had sent a letter to the Board relative to some of his concerns. He asked T. LaScola-Miner to brief the Board. T. LaScola-Miner explained that Mr. Schwartz had contacted the Department relative to the lack of sign posting at his housing complex and the lack of information left after the application. He was upset with the what the current requirements are relative to this. He was requesting that the Board consider requiring the following:

- Signs be posted every 50ft around the treated area.
- Signs have start and end time on them.
- Require the property owner to remove the signs after two days
- Require the management company to pre- notify residents of the application via email and entrances.

F. NEW BUSINESS

R. Berman asked for the status on the 333 CMR 14.00 updates reflecting a larvicide exemption for schools and their Integrated Pest Management Plans. T. LaScola-Miner stated that there has not been any work done on that section at this time. R. Berman suggested that having two sets of regulations for one hearing might be more efficient.

R. Berman also asked for an update on the status of the Departments offices. J. Lebeaux stated that the office space is expected to be ready for occupancy in July, but the Department is not ready to move yet due to COVID.

R. Berman asked about the status of Agricultural Pursuits. J. Lebeaux indicated that at this point there was the Apiary Program and that due to schedules there has not been another one.

L. Farinon indicated that there has been question relative to herbicide use within ground water district areas. She asked if there were any measures being used that limits the use of herbicides within ground water areas. She was looking for some assistance. T. LaScola-Miner indicated that there was a set of pesticide regulations relative to ground water.

ADJOURN

Motion: J. Looney

Second: L. Farinon

In Favor: All

Opposed: None

DRAFT