

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

January 21, 2022

BOARD MEMBERS IN ATTENDANCE

Commissioner John Lebeaux, MDAR (Chair)	Present
Marc Nascarella, DPH, Designee for Acting Commissioner Cook	Absent
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 Acting Commissioner Cooper	Present
Richard Berman, Commercial Applicator	Present
Brian Magee, Toxicologist	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. It should be noted that R. Brittan arrived to the meeting after the roll call and vote to approve the minutes.

A. REVIEW OF MINUTES FROM MARCH 23, 2021:

Motion To Approve the Minutes: B. Magee

Second: J. Looney

Discussion: None

In Favor: M. Moore, M. Marold, K. Romero, N. Keleher, R. Berman, B. Magee, J. Looney

Opposed: None

Abstained: Commissioner Lebeaux, S. Ward

B. PESTICIDE PROGRAM UPDATES

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.

Neonicotinoids

T. LaScola-Miner explained that relative to neonicotinoids, the Pesticide Subcommittee voted to change the classification from General Use to Restricted Use if the product contains a neonicotinoid and has uses on turf, tree/shrub, ornamentals, or vegetable gardens. She also explained this would affect products that have dual labeling on them as well. Licensed dealers and manufacturers had already received 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. A FAQ has been developed to assist with the change. MDAR is also planning on developing a list of the products that will be switched from General Use to Restricted Use.

Glyphosate Commission

The Commission met in October/November. The commission decided to contract out to a company to conduct the scientific review. The request was posted but there were no bids submitted. The request was reposted with some changes made to it.

S. Ward indicated that the \$50,000 allocated for this was not enough to get a quality review. Commissioner Lebeaux stated that this concern has been flagged for the appropriate individuals.

Environmental Protection Agency (“EPA”) EPA State Plan

T. LaScola-Miner provided some background about the Federal Insecticide Fungicide Rodenticide (“FIFRA”) updates and the fact that MDAR’s State Plan had to be updated due to the changes made. When the FIFRA changes 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. MDAR 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.

C. PESTICIDE ADVISORY COUNCIL MEETING UPDATE (“PAC”)

Bob Mann reported out on the meeting that was held on January 14th.

25b Licensing Requirements

He stated that the topic of licensing for the use of 25b products was discussed. PAC still believes that there should be licensing requirements when using these types of products.

Pesticide Exam

George Williams, PAC member, wanted to revisit the restrictions put on retaking the exam.

R. Berman asked T. LaScola-Miner if the Board will see the updates to the regulations prior to it going to public hearing. T. LaScola explained that due to the EPA rule change MDAR needs to update the 333 CMR, Section 10. The Board must approve a draft before it goes to hearing and then will see them and need to approve them after the hearing. R. Berman pointed out the regulations require “written” exams and we no longer give written exams. R. Berman was in support of changing the restrictions on retaking the exam.

D. APPROVAL OF CONSERVATIONIST ADVISORY COUNCIL MEMBERS

Commissioner Lebeaux stated that MDAR received five applications for the Conservationist Advisory Council (“Council”). He called on each candidate and asked that they provide the Board their background and reason for wanting to be on the Council.

Dr. Regina LaRoque

She is an Infectious disease physician and scientist. She works at Mass General Hospital and is an Associate Professor of medicine at Harvard Medical School. She served as Natural Resources Commissioner for three years for the town of Wellesley. She is a member of the Wellesley town meeting and member of Public Health Committee of the Massachusetts Medical Society.

M. Marold asked if R. LaRoque had any experience looking at impacts of pesticides in fish and wildlife resources. She responded that she did.

Commissioner Lebeaux asked R. LaRoque what interested her in this Council. She responded that she feels that pesticide applications have impacts on health, in particular, to children, so she thought having a medical professional on the Council is important, and she brings the experience with natural resources to the Council. She also believes that her experience with infectious diseases is relevant to vector borne disease and important to the Board.

Rosemary Malfi

She currently serves as a Pollinator Coordinator for the Northeast Organic Farming Association. In that capacity she works with community groups working towards pollinator protection throughout the state. Prior to this position, she had a career in pollinator health. She has a Ph.D. degree in Environmental Science and her dissertation work was with native bee population health. Since then, she has occupied two post-doctorate positions that had similar focus. She is experienced with agriculture. She was interested in this because pesticide applications have implications for pollinator health and biodiversity.

M. Marold asked if she has done much on non-invertebrate groups. She responded that she had not, but that she would be able to examine the literature and interpret it accordingly.

Laura Mattei

She has been the Director of Stewardship for Sudbury Valley Trustees for 21 years. She has extensive background in habitat restoration which can include the use of herbicides. She is interested in serving on the Council to represent the land trust community in decisions made about the use of pesticides.

Kimberly Crocker-Pearson

She currently serves as the Chair of the Natural Resources Advisory Commission in Brewster, MA. She works with a number of land and wildlife conservation trusts, pond associations, environmental groups, coastal resources management groups, fisheries and private citizens in order to develop effective conservation policy based on the best available scientific information. She also serves on the Brewster Board of Health. She is initially trained as a Geochemist and is a board certified occupational environmental physician with a sub-specialty in toxicology. She just recently completed a degree in environmental science and policy with a specialization in conservation effectiveness. She has a background in toxicology of occupational chemicals. The theme throughout her career has been translating the best available science into effective health and environment policy. She recognized that there are nuances when it comes to this, especially relative to pesticides as it is as much about how the product is used as how toxic the product is.

Clint Richmond

He began by stating he was very happy that the Council was being formed. He serves on the executive committee of the Sierra Club and serves as the policy lead on pesticides and chemicals. He also is an elected town meeting member and chair of the environmental caucus. He works with the parks department, conservation commission, and school committee on pesticides. He has been attending the meetings of the Board and associated boards and commissions for several years. His focus is on conservation and preservation of habitat to promote ecological health and maintain species diversity. He believes the introduction of synthetic chemicals and their degradants are of concern relative to their impact on aquatic invertebrates. The bioaccumulation of chemicals affects all species

J. Looney stated that he was impressed with all the experiences of the five candidates. There is a geographical and occupational distribution within the applicants. He believes each will bring a great deal of experience to the group. He asked if there would be an official charge to the group. T. LaScola responded that her suggestion to the Council would be that it run similarly to the Pesticide Advisory Council meetings. She will be running the administration of the meetings and to provide support. There will be a standing agenda item on the Board's

agenda. Their role is to advise the Board on any items for which they have concerns. The role is the same for both the Council and Pesticide Advisory Council except that they are just representing a different interest.

R. Berman stated that he wanted to echo what J. Looney said.

M. Marold suggested that the Council develop its own scope.

Motion to accept and appoint the applicants to the Conservationist Council: J. Looney

Second: R. Brittan

In Favor: All

Oppose: None

E. NEW BUSINESS

There was no new business brought forward. Commissioner Lebeaux commented that even though the Baker administration will not be running for re-election, MDAR will continue to work on the important issues and will continue to come to the Pesticide Board with any concerns and updates.

R. Berman complimented the Commissioner for being so involved in the pesticide issues and his participation in the Pesticide Board. J. Looney agreed to R. Berman's comment.

ADJOURN

Motion: J.Looney

Second: K. Romero

In Favor: All

Opposed: None