

MASSACHUSETTS PESTICIDE BOARD MEETING

Minutes of the Board Meeting held at the Charles F. Hurley Building, 6th FL, Minihan Hall on Wednesday, June 7, 2017

The Meeting was called to order at approximately 10:07 A.M.

BOARD MEMBERS IN ATTENDANCE

Commissioner John Lebeaux (Chair)	Present
Marc Nascarella, DPH, Designee for Commissioner Bharel, M.D.	Present
Michael Moore, DPH, Food Protection Program	Present
Ken Simmons, DFG, Designee for Commissioner Peterson	Present
Kathy Romero, DEP, Designee for Commissioner Suuberg	Present
Ken Gooch, DCR, Designee for Commissioner Leo Roy	Absent
Richard Berman, Commercial Applicator	Absent
John Looney, Public Member	Present
Brian Magee, Toxicologist	Present
Laurell Farinon, Conservation	Present
R. Christopher Brittain, Public Member	Present
Steven Bird, M.D., Physician	Present
Steven Ward, Farmer	Present

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

OTHER INDIVIDUALS PRESENT:

Bob Mann, MALCP/Lawn Dawg; Natalia Von Hausen, VP of POCCA; Lauren Kelly, President of POCCA; Patrick Ellis, Town of Brewster; Bill Siegel, Orkin/NEPMA; Robert Leon, General Environmental Services/NEPMA; Galvin Murphy, Yankee Pest Control/NEPMA; Michael McClean, MDAR; Clayton Edwards, MDAR; Bruce Taub, Esq. Counsel for Towns Petitioning for Advisory Ruling; Jessica Burgess, Esq. Counsel for MDAR; Christopher Quinn, Target Specialty; Hotze Wijnja, Ph.D., MDAR; Taryn Lascola, MDAR; Steven Antunes-Kenyon, MDAR

DOCUMENT(S) PRESENTED

- Minutes from the Wednesday, March 1, 2017 Meeting of the Pesticide Board
- Minutes from the Friday, March 24, 2017 Meeting of the Pesticide Board
- The Massachusetts Pollinator Protection Plan as Prepared by the Apiary Program Working Group, Division of Crop and Pest Services
- Legal Summary Packet
 - Petition from Attorney Taub on behalf of the Towns of Brewster, Dennis, Eastham and Orleans: Prayer for Relief or in the alternative Request for an Advisory Ruling;

- Petition from Attorney Taub on behalf of the Towns of Brewster, Eastham and Orleans by and with their Boards of Selectmen and Town Water and Health Department Agents: Motion to Declare a one-year Moratorium on the Spraying or in the alternative Motion to Order an Expedited Adjudicatory Hearing
- State Pesticide Regulations, 333 CMR 11:00 Rights of Way Management
- Rights-of-Ways and Pesticides: A selection of Applicable Statutes

A. Approval of the Wednesday, March 1, 2017 and Friday, March 24, 2017 Meeting Minutes

Commissioner Lebeaux presented the Minutes from both the Wednesday, March 1, 2017 and Friday, March 24, 2017 Meetings for the Board’s consideration.

Voted: To accept the minutes with corrections to names and other spelling issues.

Moved: Steven Bird, M.D.

Second: John Looney

Approved: 11 - 0

B. Pesticide Board Advisory Decision – Submitted by Bruce Taub, Esq., on behalf of the Towns of Brewster, Dennis, Eastham and Orleans, seeking an advisory ruling and proposing a timeline in which action should be taken on future appeals of MDAR YOP approvals. (Vote Required)

Attorney Bruce Taub, Esq. apologized for the late submission of the supplemental data. At the last Meeting he made the argument that the adjudicatory hearing time frame was a charade. He went on to state that Attorney Jessica Burgess was very considerate with respect to this matter and the two parties agreed to obtain a magistrate’s ruling so that the next time we would not have to face this situation yet again.

Attorney Taub stated that he has two requests for the Board today. The first is that the Board institutes a one-year moratorium on spraying. The second request is that the Board reverses the decision of the Department to approve the Calendar Year 2017 Eversource Yearly Operational Plan (YOP). According to Attorney Taub, reversing the approval of the Eversource 2017 YOP allows the parties to focus on the issue of the Vegetation Management Plan (VMP), which expires at the end of the year.

Attorney Taub is also seeking an expedited adjudicatory hearing. He asked for but was not granted an expedited hearing last year. In his estimation, the Towns will have their request for an adjudicatory hearing on the MDAR approved YOP by close of business next Monday, June 12, 2017. Attorney Taub emphasized that if the usual hearing process plays out, the Towns will lose again. The petitioners he represents are ready for a hearing tomorrow, but he acknowledges that the MDAR does need time for discovery and may need materials from the petitioners. He believes that such materials could be provided in short order and thus implores the Board’s assistance to provide the hearing.

Attorney Taub is concerned that the MDAR may state that the petitioners do not have standing. Not that the Towns are not aggrieved, but that they do not have the specificity for their claims. In that regard he has prepared an affidavit of the testimony from their expert ecotoxicologist, John Stark.

Before a hearing he would offer that on a number of grounds, this YOP is not acceptable. These grounds include the Precautionary Principle, the federal and state endangered species rules, and the question of protecting the aquifer on Cape Cod.

Attorney Taub believes their strongest argument is that the State's own regulations clearly indicate that rights-of-way (ROW) herbicide applications cannot be made within 50-feet of a well or a vernal pool and that the depth to ground water varies greatly on Cape Cod from as little as 8 feet to as much as 300 feet deep. Attorney Taub represented, that were the petitioners granted an expedited hearing, they would also call on their expert ecotoxicologist and their expert hydrologist.

As an alternative, Attorney Taub would ask that the Board order the Department to be ready for a hearing by the next Meeting and to order that no spraying occur in the municipalities he represents before that time.

Upon the petition of Commissioner Lebeaux, Attorney Burgess took the floor to speak on behalf of the Department. Attorney Burgess reminded the Board that they were faced with the request for an Advisory Ruling as was requested at the March 24, 2017 Meeting.

She explained that with respect to the new request for a moratorium on spraying, it was provided to the Department only yesterday, Tuesday, June 6, 2017 at approximately 3:30 p.m. Given the short notice, she emphasized that now was not the appropriate time or place to take up the new request as the MDAR was not given 24-hours to review and respond. In addition, she noted that it was not part of the Board's Agenda.

Attorney Burgess clarified that with respect to Advisory Rulings, they are non-binding on any party or person; therefore, any Advisory Ruling passed by the Board today, would also be non-binding. She further clarified that with respect to the hearings provided for such petitions, the Department uses the Division of Administrative Law Appeals (DALA) which is charged with hearings and administrative law appeals on behalf of other state agencies. She emphasized that the DALA magistrates does not work for the Department or for the Board and while the Department and other parties have respectfully requested certain time-frames, we are not in a position to tell them how quickly to conduct their business.

Attorney Burgess explained that as a relatively small Agency, the Department does not have the in-house resources to hear a matter of this nature. It would be a challenge for the Department to find a qualified in-house person who is neutral in the matter and able to satisfy all the statute and regulatory requirements of an adjudicatory hearing. Using the DALA gives all parties the opportunity for a full and fair hearing. The Department may of course ask that DALA move as expeditiously as possible; however, we cannot tell them to do so.

Attorney Burgess explained that in terms of the last DALA decision, the Magistrate did not find that they were an aggrieved party. In fact, the Magistrate specifically denied the appeal for a lack of standing. In his decision, the Magistrate only discussed how the Towns might potentially show that there was in fact harm suffered.

While the ROW controversy on Cape Cod has been ongoing for some years, with appeals repeatedly filed, the Department still has yet to receive any specific evidence of the harms alleged. During the public comment period for past YOPs, the MDAR has not received any science-based evidence to give

the Department pause and / or to deny approval. The comments that are received are very generic in nature and superficial--simply expressing concern with the application of certain herbicide products.

In support of the YOPs, the Department finds that not only are the products registered for such uses by U.S. EPA and the Commonwealth, they are listed on the Department's ROW "Sensitive Area Materials List". The Department has reviewed the concerns for leaching into groundwater and also taken into consideration the aquifer located on Cape Cod.

The Department would like to work with the Towns and anyone who is impacted by a decision of the Department--to hear their concerns. However for such parties to hold or save specific information, they claim supports their standing as a party aggrieved, but then request a public hearing to present such information is disingenuous. This behavior is not in compliance with the regulations. The parties claim that the regulation is a charade and that there is no opportunity for them to participate in the process. This is not true. There is a public comment period every year for the YOP. Those providing comments present the same concerns and issues year after year, but we still have yet to receive the specific information to support those concerns. The Department would respectfully state that saving that specific information for a hearing is not fair to everybody involved. If the Towns have that specific information, it should be shared during the public comment process.

The Department did issue approval of the 2017 Eversource YOP on May 22, 2017 and the 21-day comment period will soon be drawing to a close. One appeal was received from the Town of Chatham. This appeal was also written in very general terms and lacks any real specificity of harms.

Attorney Burgess further explained that the DALA Magistrate determined that the towns lacked standing in their 2017 appeal because they did not explain how they were harmed in a manner or way different from that of the general public. Each appeal filed by the Towns was identical. The appeals simply stated that our citizens will be harmed; our water sources will be harmed, etc. They did not indicate which specific water sources would be harmed or the specific wells that would be harmed, etc.; whereas the Department's ROW program does look at specific wells and seeks data on additional well locations. In order to have standing, parties must show that their harm is more than speculative.

The DALA Magistrate determined that while they might be a "person" as defined in the regulation, they were not an "aggrieved person". They were not able to show harm different from that of the general public. That is a regulatory requirement and it's also a generally understood legal requirement.

The Department has in the past extended the comment period beyond the 45-days to further engage the public. Comments are carefully reviewed upon receipt. Everyone who submits public comment is notified of the Department's decision to approve. The Department's staff is on site at hearings where they are working with other environmental agencies.

It appears that glyphosate containing herbicide products are one of the main issues in this controversy. These products are State and federally registered pesticide products. While there might be issues, concerns or claims about such products, they are legally registered and bear EPA approved labeling to indicate how they may be used. While the Department is well within its authority to allow these products to be used, it's not within its authority to change the labeling for such products. The State has a separate process, through the Massachusetts Pesticide Board Subcommittee, to review these labels and address such concerns. There is a significant amount of time and resources that are put into the

review of these products before they are approved for registration by the US EPA and the State. If glyphosate containing pesticide products are at the heart of this controversy, then it may be that the current appeal process is not the proper avenue for the Towns to address their concerns.

While acknowledging that the Cape Cod aquifer is vulnerable to many sources of contamination, Pesticide Board Member John Looney inquired as to what specific evidence or studies submitted by the Town cites actual harm to endangered species or contamination of groundwater or well water from the ROW herbicide applications. Upon review of the documentation submitted there does not appear to be any specific site or places where such contamination is alleged from these applications.

Attorney Taub described the dilemma as akin to waiting for cancer before discussing the toxicity of tobacco. He explained that at every submission what has been presented is expert opinion indicating that such ROW herbicide applications have a negative impact on health in comparable environments. While he does not have the specific well data to prove contamination, he also pointed out that the approved ROW plans rely upon studies that are 10 or 15 years old and do not represent the effects of different chemicals applied in combination. Attorney Taub added that the Towns do want the well data and asked why the Department does not order the production of more contemporary data.

Attorney Taub then explained that he had included, in the submission, a bill prepared by Senator Cyr that would give the municipalities power to negotiate vegetation management programs and he added that this bill would change the playing field on which everyone is now operating.

Attorney Taub also mentioned that the State of California recently ordered Monsanto to classify glyphosate as a carcinogen and that while this may be unrelated to Massachusetts; he believes that it should carry some weight in the Board's consideration. He understands that the Board cannot order DALA to comply with a specific hearing time frame; however, he does believe the Board has the power to order persons, including the Department, to comply with its Advisory Ruling. He believes that the statute is quite clear on that matter. What he is now seeking is a little relief, via a one-year moratorium, from the Eversource ROW applications now approved by the Department for 2017.

Attorney Burgess clarified the most recent submission by the Towns was just received less than 24-hours before; however, the Department's preliminary review already finds that it's still not specific enough and there exists scientific evidence to contradict some of the statements contained therein. The request before the Pesticide Board today is not the moratorium, but the request for an Advisory Ruling which is non-binding on any party.

Attorney Burgess reiterated that the request to have a Pesticide Board ordered moratorium on such ROW applications was only just submitted and that such a moratorium, if approved, would have significant implications for the Department. She pointed out that the Department does not have complete authority over utilities, but only the management of the ROWs. The utilities must comply with many other requirements from both federal and state government agencies. If such a moratorium were issued by the Board, it would likely give rise to legal actions from Eversource.

The Pesticide Board discussed and further clarified the request for an Advisory Ruling as was petitioned by Attorney Taub at the March 24, 2017 Meeting. Attorney Burgess clarified that a decision was needed today within the 90-day window of time on whether to provide an Advisory Ruling or to deny the request for such a ruling.

Attorney Burgess explained that such an Advisory Ruling does not need to be complicated. It could be that the Board is supportive of the parties working together to resolve the matters as quickly and efficiently as possible--recognizing that DALA is in charge of setting the timeline.

Pesticide Board Member Steven Bird inquired about the lack of additional and more specific well contamination data that was supposed to be submitted by the Towns as outlined in the March 24, 2017 Minutes. He pointed out that the Town's most recent submission cites data from the USGS and dates back to the 1990's. He emphasized that having such additional and more contemporary data was critical. He also inquired about any data related to the assessment of pesticide usage on Cape Cod.

Hotze Wjijna, Ph.D., MDAR Environmental Chemist, who works on reviews of the Department's ROW "Sensitive Area Materials List", explained that the Department has made an assessment of the amount of pesticides use on Cape Cod. Based on this work, the Department estimates that the ROW uses makes up approximately 1% of the total pesticide use on Cape Cod. Hotze also stated that another organization, the Cape Cod Commission, also completed an overview of pesticide use and reached a similar general conclusion on the distribution of pesticide use. Most of the pesticides used on Cape Cod are from residential uses. Hotze then explained that while pesticides used along ROWs on Cape Cod include glyphosate products, that there are other products that are more widely used.

Michael McClean, MDAR Chief Pesticide Inspector and former ROW Coordinator, explained that based on use observations of Eversource hired pesticide applicators working on Cape Cod, that glyphosate containing products are used primarily on cut stump treatments. According to Michael foliar plant herbicide applications are typically made using a mixture of products, including Krenite, Arsenal, PowerLine, and Escort or Oust; which, do NOT contain glyphosate. Michael indicated that foliar ROW applications made off of Cape Cod usually do include a glyphosate containing products. Foliar applications make-up a much larger area of ROW herbicide applications as compared to cut-stump applications which are limited to plants that have grown too large, e.g. above 12-feet, and must be cut down and treated.

Initiated by Pesticide Board Member Michael Moore, the Board, with assistance from Attorney Burgess engaged in a brief discussion to clarify the documents and data that may be considered or provided to Board with respect to the issues and concerns presented by Attorney Taub.

Board Member John Looney then presented a motion to engage the Board in its discussion for an Advisory Ruling.

Motion: That the Pesticide Board continues to work toward a satisfactory solution of this ROW matter and within the 90-day requirement.

The above motion did not receive a second.

Attorney Burgess reiterated that for purposes of addressing the concerns, the Advisory Ruling should also advise the Department on how quickly it should move on an adjudicatory hearing.

As permitted by Commissioner Lebeaux, Laura Kelly, a resident on Cape Cod and representative of the organization titled Protect Our Cape Cod Aquifer (POCCA), explained that for five years she and her group have worked to help educate residents and others about these issues. She inquired about the scientific data used by the Department to assess the impacts of herbicide mixtures on sandy soils. She

pointed out that many of the pesticide product labels prohibit applications “near water” and asks how that language is to be interpreted on Cape Cod where there are lots of different sources of water to consider. Her group has been reaching out to hydrologists and eco-toxicologists to provide more information on the science of these concerns. She explained that State Representatives and Senators, in conjunction with all 15-towns on the Cape and 6-towns of Martha’s Vineyard, are opposed to these ROW herbicide applications on both municipal and private property. She thanked the Pesticide Board for their time and reiterated that her group and the Towns just want to take care of the environment.

For purposes of clarification and progress forward, Commissioner Lebeaux clarified that Attorney Taub had presented two requests before the Board. The first being the Advisory Ruling as requested in March moratorium and the second being the petition submitted just a day prior to the Meeting. He stated, in agreement with point made earlier, that the moratorium request was not in compliance with State Open Meeting Laws and could not be considered in order for the Board’s consideration. He requested that the Board consider the request for an expedited adjudicatory hearing. The Department has maintained that it does not have the resources to handle the matter of a hearing internally; which, is why it relies upon the resources of the DALA. In this particular matter where the Pesticide Board is being asked to consider actions of the Department and as it relates to the Advisory Ruling Commissioner Lebeaux indicated that he would abstain and respect the wishes of the Pesticide Board.

Seeking to explore all options open to the Pesticide Board as it made its deliberations, Brian McGee pointed to certain regulations and outlined one potential course of action whereby the Board did not have to make a substantive Advisory Ruling, but could instead make a decision, within 90-days of the petition, whether or not it would render an Advisory Ruling.

Attorney Burgess stated that it was her understanding that a decision to render an Advisory Ruling was decided at the March 24, 2017 Pesticide Board Meeting. While indicating that the Board could use its discretion, she recommended that because the Board did not deny the request for an Advisory Ruling at the last Meeting, it should come to some agreement today. Any additional delays would further constrict the time frame under which the Towns seek to press their case.

Board Member Brian Magee then pointed out and described some potential confusion with the language submitted by Attorney Taub seeking the Advisory Ruling or the moratorium.

Relative to the request for a moratorium, Attorney Taub stated that he would be pleased if the Board would simply acknowledge that the request was received today and within 90-days render a ruling or choose not to render a ruling. As such the request for a moratorium would be placed on the Agenda for the next Pesticide Board Meeting.

Relative to the request for an Advisory Ruling, he would be pleased if the Board would simply say that to the extent that it’s possible, it urges the DALA to expedite the adjudicatory hearing. Attorney Taub also stated that as a result of what he is hearing at today’s Meeting, it’s his understanding that he has the right to go forward to the civil superior court and seek an injunction. In his estimation, there is no doubt that the water supply is within the bounds that are not permissible for such pesticide applications and that the Department is breaching its own regulations.

Commissioner Lebeaux indicated that the Board would perform its due diligence to consider the question of a moratorium. Should that request come under the Board's authority, it would then be considered at that time. The other matters are for the Board's consideration today.

Board Member John Looney initiated a motion to further engage the Board in its deliberations.

Motion: That the Board consider the request for an expedited hearing and put on hold any summer spraying or application for at least the summer spraying season.

The above motion did not receive a second; moreover, Pesticide Board Member Brian Magee indicated he could not support such a motion until he had reviewed the specific data on specific claims put forth by the Towns. The Board then engaged in a discussion of the need to take action and of any implications for delaying a decision beyond the 90-day time frame.

Commissioner Lebeaux and Attorney Burgess reiterated that a Pesticide Board Advisory Ruling was non-binding on any party. The Advisory Ruling does however have influence in the message conveyed to the public, interested parties, and the Department. They explained that what will be decided today has an impact on both sides of the issue and other agencies; moreover, the Department prefers not to be at odds with the Pesticide Board.

Pesticide Board Member Steven Bird expressed his appreciation for the difficult spot the Towns were in with respect having their case heard; however, he also pointed out that this did not negate the fact that the Board remains without the data promised in March. Since he has yet to see any data that would shape the case for the Towns as aggrieved persons, it remains unclear as to how an expedited hearing changes matters.

Pesticide Board Member Michael Moore outlined the petitioner's requests as submitted and the time-frame outlined therein. To further discussion on the issues presently before the Board, he then proposed the following as a motion for an Advisory Ruling:

Motion: That the Department be prepared to respond to a new and improved request for an Advisory Hearing following the road map outlined in Magistrate Rooney's Decision in a manner such that the matter may be argued before a Magistrate by August of 2017.

Second: John Looney

Pesticide Board Member Brian Magee then made a motion to amend the motion proposed by Michael Moore. Magee proposed the below amendment which removes the reference to the "...road map outlined in Magistrate Rooney's Decision" and makes other simplifications:

Motion: That the Department be prepared to respond to a new adjudicatory hearing in a manner such that it can be argued before a Magistrate by August of 2017.

Second: John Looney

As noted Pesticide Board Member John Looney seconded the motion on condition that Pesticide Board Member Michael Moore accepts the friendly amendment as presented by Pesticide Board Member Brian Magee and Michael Moore did accept the friendly amendment as presented.

Pesticide Board Member Richard (Christopher) Brittain recused himself due to a conflict that he disclosed to the appointing authority.

Voted: That the Department is prepared to respond to a new adjudicatory hearing in a manner such that it can be argued before a Magistrate by August of 2017.

Moved: Brian Magee

Second: John Looney

Abstentions: John Lebeaux and R. Christopher Brittain

Opposed: Steven Bird

Approved: 8 - 1 - 2

C. State Pollinator Protection Plan

Taryn Lascola provided a brief review of how the State Pollinator Protection Plan was written and revised. On April 21, 2017, the current final version was released and posted on the Department's website. The resources contained therein are provided to help improve protection of these important agricultural resources within the Commonwealth.

Board Member John Looney complemented the Department on the Plan and commented that it appeared to be data driven and contained much specificity in terms of pollinator species, issues, and locations.

Board Member Steven Ward also complemented the Department on the Plan. He also commented that the recommended notification for spraying within a 2 1/2 -mile radius of apiaries might be a bit much and could bother some beekeepers receiving a few too many notifications. With this in mind, one alternative might be to create a list or registry of apiaries that do want such notifications for applications within a 2 1/2 -mile radius of their apiaries.

Commissioner Lebeaux also commented that he was very pleased with the Plan and the accomplishments of the working group that incorporated suggestions and comments received throughout the process. The first draft to the Plan received over 2,000 comments. The Department does consider the Plan a working and "living document" that will evolve over time as the sciences of related matters and practices also changes.

Commissioner Lebeaux also commented that the Department's Apiary Program is doing a lot of great work. In June of 2016, the Department opened its first State Apiary at the University of Massachusetts in Amherst. Within a few weeks the Department will open a second apiary at Essex Technical High School.

With permission from Commissioner Lebeaux, Ms. Laura Kelley spoke to the Board on the matter of pollinator protection. Ms. Kelley stated that she was a beekeeper on Cape Cod for 17-years. She then asked how the State might ban neonicotinoid pesticides as has been done in some other countries.

Commissioner Lebeaux replied that the science of sublethal effects on apiaries is still being investigated; however, there is State legislation that seeks to further restrict the use of such pesticides in Massachusetts.

D. Pesticide Program Updates and Status Reports

Pesticide Program Advisory Council

Director Taryn Lascola provided a brief overview of the current effort to reform a Pesticide Advisory Council as is permitted under State Pesticide Regulations. The Department mailed a letter to all licensed pesticide applicators and interested parties seeking applications for participants on the Advisory Council. At this time the Department has received 4-applications and a number of inquiries. Given the very busy time of year that the letter was sent out, the Department will look to solidify this effort in the fall.

While pointing out that some of the proposed Advisory Council activities appeared to be work that would otherwise be completed by the Department's staff, Pesticide Board Member Steven Ward expressed his concern that the Department might then become reliant upon those volunteers as Agency staffing shortages may remain a constant issue.

Director Taryn Lascola explained that the objective of the Advisory Councils was to provide support and advise the Pesticide Board when it comes to policies or the review of legislation or regulations. Using their perspective as applicators, it's hoped that the Advisory Councils would provide information to the Pesticide Board for its consideration and deliberation.

Federal Regulations 40 CFR Part 171 – Delays to the Effective Date

Director Taryn Lascola explained that the effective date, for the new Federal Regulations, 40 CFR Part 171, Certification of Pesticide Applicators, was pushed back yet again from March 20, 2017 to May 22, 2018.

eLicensing: A “sneak peek” by industry representatives and current User Acceptability Testing (UAT) of the Environmental Information and Public Access System (EIPAS)

Steven Antunes-Kenyon provided a brief overview of the undergoing work to complete the new online examination and licensing data system. Steven explained that for the most part, the application development was complete and that the Department was working with the EEA and contractor GCOM to test all parts of the system to be sure it is working as expected.

Board Member John Looney inquired as to whether or not the new system would provide examination services and if so, what measures were in place to assure compliance with the Departments examination rules and procedures.

Steven explained that the current system only facilitated registration for the examinations but did not provide the actual examination. The exams will continue to be administered in-person and by the Department; however, it's hoped that the use of third-party computer based testing centers, as is done by many other states, will indeed be part of Pesticide Program in the future.

Board Member Steven Ward commented that he participated in the external stakeholder “sneak peek” and testing event and found a number of small glitches and a few larger ones that needed attention. He shared these with staff who are working to address them.

Participants of the “sneak peek” event included the following:

- Commissioner John Lebeaux
- Steven Ward, Board Member and Farmer

- Richard Berman, Board Member and Commercial Applicator
- Robert Mann, MALCP and Lawn Dawg
- Staff members from New England Grows

Robert Mann an agronomist who represents MALCP and Lawn Dawg explained that he also noted some of the glitches, but did find that the system did provide its function. He did receive immediate email notifications to confirm his testing activities including exam registration, exam results, and license application. He was also able to upload his proof of insurance during his license application and received the license as an email attachment upon completion. Robert estimated, overall, that the system could save as much as 3-weeks from the entire process of examination and licensing.

E. Legal Updates

Attorney Burgess indicated that beyond the previous discussions, no additional legal updates were needed at this time.

F. New Business

The Pesticide Board did not have any new business to discuss.

G. Meeting Adjournment

The Pesticide Board briefly discussed the need to schedule the next meeting during the first week of September, shortly after Labor Day.

Voted: To adjourn Wednesday, June 7, 2017 Meeting.

Moved: John Looney
Second: Michael Moore
Approved: 11 – 0

Meeting adjourned at approximately 11:54 a.m.