

# 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**

March 31, 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	Absent
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.

### **A. REVIEW OF MINUTES FROM JANUARY 21, 2021:**

**Motion To Approve the Minutes:** J. Looney

**Discussion:** S. Ward

**In Favor:** All

**Opposed:** None

### **B. PESTICIDE PROGRAM UPDATES**

T. LaScola provided Pesticide Program updates.

#### **Glyphosate Commission and Scientific Review**

After posting the RFQ twice, a company called ERG submitted a quote/bid. The quote was three times more than what was provided to the Commission to complete the review. Therefore, the Commission decided to have ERG complete Phase I of the project while additional funds would be looked at to fund Phase II. Phase I is the information collection phase of the project and Phase II is the evaluation of all the information collection.

#### **Neonicotinoid Classification Change Outreach**

T. LaScola stated that she had provided several presentations where the change was discussed. MDAR is receiving questions relative to Direct Supervision and therefore MDAR is putting together a Frequently Asked Question document. Outreach was and continues to be performed with the manufacturers. MDAR has created an initial list of products that will have their classification changed. MDAR will compare their list with the list developed from lists that product manufacturers sent us. Once there is a "solid" list, it will be posted online. She explained

that she wanted to make sure the list is solid because there is concern about applicators only checking the list once and the list will most likely change.

J. Looney asked if there would be consequences if the manufacturers were not forth coming with their list of products. She responded that there would not be, given that the information MDAR has can be of a third party registering the products.

S. Ward mentioned that there is an Ag exemption that goes with this classification change. T. LaScola stated that it is true, but if there were multiple uses on the label then it could be restricted.

#### Chlorpyrifos

EPA had made the decision to revoke food uses on products containing Chlorpyrifos on Feb. 28<sup>th</sup>. MDAR sent out a notice to stakeholders describing the change. EPA provided guidance to applicators as to how they can handle left over stock. The advice included using a state's disposal program which T. LaScola noted MDAR does not have.

#### Pesticide Exams

T. LaScola stated that this is the time of year that the exam rate is higher and that MDAR is seeing an increase in issues with individuals taking the exam. This includes:

Technical Issues: Bandwidth, RAM, etc., there are warnings given to the applicant, but many seem to ignore it

Not Following Protocol: Positioning of face  
Behavior

MDAR looks at the videos that have been flagged and determines what the issue was and if disqualification is necessary. This process takes a considerable amount of time, so MDAR has sent out notices to the stakeholders in an attempt to reduce the frequency of these things happening. Additionally, Everblue has implemented an additional fee when an individual has to retake the test due to an issue of this nature.

#### Certification and Training Rule ("Rule")

T. LaScola had sent out a link to EPA description of the rule and the changes to the Board members as she thought it provided a good summary. The Rule affected MA in the following ways:

- MA must update the State's plan
- Update their exams
- Add exams
- Record keeping requirements
- Safety training

### **C. PESTICIDE APPLICATOR PESTICIDE ADVISORY COUNCIL MEETING UPDATE ("PAPAC")**

Bob Leon provided an update on discussions the members had at the last meeting.

#### Certification Exams

B. Leon stated that there was discussion about the need for more individuals having to get their certification license given the neonicotinoid classification change. The members discussed whether there still needs to be a two-year waiting period.

#### Exam Retesting

Discussions were had about the time an applicant has between taking the exams. T. LaScola was going to investigate whether it required a regulatory change or statutory change.

#### 25b Products

The PAPAC hopes that soon they will be coming to the Board to ask them to require licensing to apply 25b products.

#### **D. CONSERVATIONIST PESTICIDE ADVISORY COUNCIL MEETING UPDATE ("CPAC")**

Clint Richmond provided an update on the last meeting of the CPAC. Most of the meeting was understanding more about the pesticide program. One of the topics that came up was the ability to measure pesticide use and the challenges it poses. There was interest by the members as to how and what can be measured.

#### **E. LEGAL UPDATES**

Jessica Burgess provided an update on legal items.

#### **Open Meeting Law**

The Governor extended the ability to continue to have remote meetings through July 15<sup>th</sup>, 2022.

#### **F. NEW BUSINESS**

Chair Lebeaux wanted to address the question in the chat which was asking if "in- person" exams were still being offered. T. LaScola responded that an in-person exam is allowed if the individual had a disability that would require them to take the exam in person.

Chair Lebeaux informed the Board that the report from the Mosquito Control Task Force was being submitted that day. He indicated that there were some recommendations that are related to pesticides and once the report is made public, a link will be sent to the Board members and that this topic may be on future agendas.

B. Magee asked if any of the recommendations are things that the Department can do now or if some of them are need a legislative mandate/change. T. LaScola indicated that there are some things MDAR could do and provided the example of the recommendation to put the annual use reports online which was something MDAR was already planning on doing.

#### **ADJOURN**

**Motion:** J. Looney

**Second:** K. Romero

**In Favor:** All

**Opposed:** None