

# 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



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## **PESTICIDE BOARD MEETING MINUTES**

**Minutes of the Pesticide Board Meeting held at the McCormack Building, 1 Ashburton PL, Boston, Charles River Conference RM, on Tuesday, March 19, 2019**

### **BOARD MEMBERS IN ATTENDANCE**

Taryn LaScola-Miner, Designee for Commissioner Lebeaux (Chair)	Present
Marc Nascarella, DPH, Designee for Commissioner Bharel, MD	Present
Michael Moore, DPH, Food Protection Program	Absent
Peter Hazelton, DFG, Designee for Commissioner Amidon	Present
Kathy Romero, DEP, Designee for Commissioner Suuberg	Present
Ken Gooch, DCR, Designee for Commissioner Leo Roy	Present
Richard Berman, Commercial Applicator	Present
Brian Magee, Toxicologist	Absent
Laurell Farinon, Conservation	Present
Steven Ward, Farmer	Present
Jack Looney, Public Member	Present

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

### **OTHER INDIVIDUALS PRESENT:**

C. Whiting Rice, The Whiting Group  
Bob Mann, National Landscape Association  
Robert Leon, New England Pest Management/General Environmental Services  
Clayton Edwards, Dept. of Agricultural Resources  
Hotze Wijnja, Dept. of Agricultural Resources  
Jessica Burgess, Department of Agricultural Resources  
Robin Januszewski, Northeast Mosquito Control Project  
Michael McClean, Department of Agricultural Resources

### **REVIEW OF DECEMBER 11, 2018 MEETING MINUTES:**

**Motion:** Jack Looney motioned to approve the minutes

**Second:** Marc Nascarella

**Discussion:** Rights of Way herbicides, first bullet on page4, would like to change “has” to “had” and “is” to “was”

**Opposed:** None

**Abstained:** Brian Magee, Richard Berman, Laurell Farinon, Michael Moore, Kathy Romero, Taryn LaScola-Miner

### **PESTICIDE PROGRAM UPDATE**

T. LaScola-Miner provided a program update.

- End of Year enforcement numbers that were reported to EPA.
  - 348 inspections; 169 physical samples; 60 complaints
  - 33 Enforcement actions taken, but that does not take into account open cases at the time of reporting
  - Complaints included marijuana, mosquito/tick applications, drift, wrong address applications
- Pesticide Licensing
  - Individuals are still renewing. The Department waived the late fee for late renewals.
  - The license issuance process has gone from 31 days to 6 days using the new system.
  - The Department has been receiving compliments and positive feedback about the system this year.
- Pesticide Product Registration
  - The process to set up this system is ongoing. The system should be going live on April 19<sup>th</sup>. Letters will be sent to registrants notifying them of the change and webinars will be offered.
- Eversource Vegetation Management Plan (VMP)
  - Approved on Jan. 29<sup>th</sup> 2019
  - Yearly Operation Plan (YOP) was submitted shortly after; the YOP notice was published in the Environmental Monitor on February 20<sup>th</sup>. End of the public comment period is April 19<sup>th</sup>.

### **NORTHEAST MOSQUITO CONTROL PROJECT REQUEST OF THE DEPARTMENT**

T. LaScola-Miner explained that the Northeast Mosquito Control Project had approached the Department about the difficulties of getting the schools to update their Integrated Pest Management Plans (IPM) to include larvacide. This is despite the Project continuing to reach out to the school and town to ask that it be done. Without the product on the plan the application cannot take place. This is hindering their mosquito control in that it is leaving areas without any control. The Project asked the Department if larvacide could be exempted from having to be on the IPM plan.

The Department was considering reaching out to school stakeholders in order to determine if they had any concerns should the Department decide to change the requirement in the regulations. If a change would be made, the Department would make the exemption very narrow.

Roby Januszewski from the Northeast Mosquito Control project spoke about how this is affecting their mosquito control. She explained that this is an issue with all the mosquito control projects and they are at an 11% compliance rate with schools having larvacide listed on their plan. She explained that not being able to larvacide has really impacted communities and that not being able to apply larvacide to catch basins on schools affects other catch basins that are treated in that the larvacide becomes diluted when it moves throughout the system.

The Board discussed whether or not this exemption should be open to private companies and towns.

T. LaScola-Miner explained the regulatory process. She explained that if there was support for a change the Department would draft the regulator change. The draft would be presented to the Board for approval. If the draft was approved, the Department would then proceed with the public hearing process. If changes were made then drafts would be presented to the Board for approval again. The Board would see and vote on multiple drafts to ensure that the regulation is moving in a direction the Board would like before beginning the promulgation process.

P. Hazelton wanted to make sure that any changes made to the regulations would involve certified vernal pools or wetlands. T. LaScola-Miner responded that it would specific to catch basins. R. Januszewski stated that some catch basins can discharge to retention/detention basins and natural wetlands so that should be taken into consideration.

**Motion:** J. Looney moved to allow the Department to go forward with determining if an exemption for larvacide applications on school property should be made.

**Second:** S. Ward

**In Favor:** All

**Opposed:** None

#### **UPDATE ON CAPE COD MONITORING STUDY**

Hotze Wijnja updated the Board on the study. The study began in September of 2018. During the January sampling, one sample was positive for Imidacloprid. It was a very low level and thousands of times lower than the EPA bench mark. Imidacloprid is an insecticide that can be found in lawn care products for grubs. There are golf courses and residential properties in the area where the positive sample came from. The Department has been trying to add a few new wells to the study. He explained that the public water supply monitoring wells and the samples collected are of raw water.

S. Ward commented that he believed the wells were selected because they were higher risk for herbicide. Wijnja stated that the wells were selected because they are close to the rights of way corridor and the ground water flow. There are five wells being sampled, three in Dennis and one well in Orleans.

L. Farinon asked if the sampling was in addition to the samples that the water suppliers have to collect. Wijnja explained that the Department of Environmental Protection has to monitor for certain pesticides, but the pesticides that the Department is looking for with exception of one are not on the list.

M. Moore asked what happens if a pesticide is found. Wijnja explained that the pesticides that the Department is looking for are not required to be monitored and do not have a regulatory standard. If a pesticide is found, the Department would look at the benchmark that EPA sets to determine if anything additionally would need to be done. He reiterated that the levels of imidacloprid found were approximately 10,000 times below the benchmark.

### **LEGAL UPDATES**

J. Burgess restated that the Vegetation Management Plan was approved and the Yearly Operational Plan was submitted.

### **NEW BUSINESS**

S. Ward asked if the Department had a statement or was ready to make a statement about neonicotinoids given the fact that there is pending legislation banning them. He suggested that the Department should reach out and educate legislators about the process the Department has relative to pesticide products.

K. Gooch stated that neonicotinoids are the only tool they have to control invasive pests in the state forests.

B. Mann stated that one bill was changed to make the neonicotinoids restricted use versus a total ban.

### **PUBLIC COMMENT**

C. Whiting Rice stated that they had provided a document to the Board and hoped they would review it. He also stated that he reviewed Cape Cod school IPM plans and found that some schools had no chemicals listed and other schools had a large number of chemicals on them. He stated that he has spoken with Clayton Edwards on how the plans are developed and how they are enforced. He has concerns about the plans and how they are updated and developed.

C. Whiting Rice stated that almost every town on the Cape is considering instating a pesticide ban on municipal property. He explained that towns are upset that the Departments YOP notice states that if a town doesn't comment then they are considered to be "in favor" of the plan. J. Burgess explained that the Department does not look at a town as in favor if they don't comment and the Department can look at the language that was used and make adjustment needed.

### **ADJOURNED**

**Motion:** R. Berman

**Second:** K. Gooch

**In Favor:** All

**Opposed:** None