

# MASSACHUSETTS PESTICIDE BOARD MEETING

## ***Minutes of the Pesticide Board Meeting held at the Hurley Building, 19 Staniford ST, Boston, MA 02114 on Tuesday, September 17, 2019***

The Meeting was called to order at approximately 10:02 A.M.

### ***BOARD MEMBERS IN ATTENDANCE***

Taryn Lascola-Miner, DAR, Designee for Commissioner J. Lebeaux (Chair)	Present
Marc Nascarella, DPH, Designee for Commissioner M. Bharel, M.D.	Present
Michael Moore, DPH, Food Protection Program	Absent
Peter Hazelton, DFG, Designee for Commissioner R. Amidon	Present
Kathy Romero, DEP, Designee for Commissioner M. Suuberg	Absent
Nicole Keleher, DCR, Designee for Commissioner L. Roy	Present
Richard Berman, Commercial Applicator	Present
John Looney, Public Member	Present
Brian Magee, Toxicologist	Absent
Laurell Farinon, Conservation	Absent
R. Christopher Brittain, Public Member	Present
Steven Bird, M.D., Physician	Absent
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:***

State Representative Carolyn C. Dykema; David Melly, Chief of Staff; Bob Mann, NALP; Bob Leon, GES and Pesticide Advisory Council; Margaret Callanan, Esq., Legal Counsel for MDAR; Clint Richmond; Hotze Wijnja, Ph.D., MDAR; and Steven Antunes-Kenyon, MDAR

### ***DOCUMENT(S) PRESENTED***

- Minutes for Pesticide Board Meetings
  - March 19, 2019; and
  - June 27, 2019.

## **A. Roll Call and Introductions**

Noting that a quorum was present, Director Taryn Lascola-Miner opened the meeting by introducing herself and asking the Pesticide Board and all those present to identify themselves.

## **B. Review and Consideration of Meeting Minutes**

### **March 19, 2019 Meeting Minutes**

The Pesticide Board requested a few corrections whereby the Minutes would be deemed acceptable.

**Voted:** To accept the March 19, 2019 Meeting Minutes with requested corrections noted.  
**Moved:** Richard Berman  
**Second:** Steve Ward  
**Approved:** 8 – 0

### **June 27, 2019 Meeting Minutes**

The Pesticide Board made no requests for corrections or other changes.

**Voted:** To accept the June 27, 2019 Meeting Minutes as presented.  
**Moved:** John Looney  
**Second:** Steve Ward  
**Approved:** 8 – 0

## **C. Pesticide Program Updates Presented by Director Taryn Lascola-Miner:**

- **Letters sent to School and Municipal Officials Regarding Mosquito Larvicides Applied to Catch Basins on School Property:**
  - Mosquito Control Districts (MCDs) under the State Reclamation and Mosquito Control Board (SRMCB) faced a number of challenges seeking school cooperation to update *Outdoor IPM Plans*—to include the specific mosquito larvicides that may be applied to school catch basins.
  - The mosquito larvicides are exempt from the Standard Written Notification requirements; however, the MCDs asked if the Department would also consider an exemption from the being listed on the school *Outdoor IPM Plan*.
  - In the Spring of CY 2019, the MDAR sent out letters that sought comment from schools and municipal officials. No response was received by the MDAR. The MDAR is now seeking feedback from the Board on next steps—including regulatory changes to 333 CMR 14.00, to incorporate the MCD desired changes.
  - At the request of the Board, Director Lascola-Miner will bring a copy of the Spring 2019 letter to the next Pesticide Board Meeting.
  - At the suggestion of the Board, the Department will make plans to send out another letter to school and municipal officials—after the 2019 mosquito season is over.

- **Draft Changes to 333 CMR 10.00 Certification and Licensing of Pesticide Applicators:** The MDAR is still working to complete an internal review of the proposed changes.
  - Part of the driving force behind the proposed state pesticide regulatory changes are the revised U.S. EPA regulations 40 CFR Part 171 – Certification of Pesticide Applicators. The Department must submit a new State Plan for its Cooperative Agreement with U.S. EPA by March of 2020. As part of the new State Plan, the Department must describe how it will revise its regulations, where needed, to comply with requirements of the revised federal regulations.
- **Update on Complaints Received by the Pesticide Program:** The Pesticide Advisory Council requested an update on the number and types of complaints received by the Department. From the last Pesticide Advisory Council Meeting on June 27<sup>th</sup> to the current date, the Department received 26 complaints across a broad range of pesticide uses from agriculture, tree and lawn care applications, neighbor to neighbor issues, and mosquito control. The complaints range widely from not following label directions, drift, potential exposure / illness, and wrong address of application.
- **Product Registration and the New EIPAS PR System:** The Department and the EEA EIPAS Team Launched a new online Product Registration and renewal system known as EIPAS PR on Wednesday, April 24, 2019.
  - 2-separate pesticide registrant notification letters were mailed out to help inform and prepare registrants for use of the new system;
  - 3-step by step guidance documents were prepared and posted online to help guide registrants in their use of the new EIPAS PR;
  - 8,929 unique EPA Registration Numbers that are eligible for renewal;
    - 5,400 renewal applications submitted with 4,500 approved and 800 pending payment
    - 319 new product registration applications submitted with 208 approved; 16 in Administrative Review; 18 in Technical Review and 140 awaiting Subcommittee Review
- **Eversource Cape ROW Yearly Operational Plan (YOP) August 7, 2019:** Applications w
- **U.S. EPA Notification that 11 Products Registrations are Undergoing Proposed Label Changes to Include Industrial Hemp:** Pubic comment is not required, but due to public interest, U.S. EPA has published the notices. The MDAR has questions about the proposed labeling from how it will be worded and treat hemp grown for fiber vs. hemp grown for use in consumer health supplement products.
- **License Totals and Renewals:** The Department's latest number of approved pesticide credentials include the following:
  - 6,200 Applicator (core) Licenses
  - 2,200 Commercial Certification Licenses
  - 142 Dealer Licenses
  - 900 Private Certification Licenses
  - 12 Catch Basin Permits
- **License Recertification/Audits:** The Department sent out Audit Notifications via both email and U.S. Mail hard copy notification to some 981 individuals—including 570 Core Licenses, 368

Commercial Certification Licenses, 73 Private Certification Licenses, and 15 Dealer Licenses. Audits were due by September 1, 2019 and the Department is sending out both email and hardcopy audit failure notices. The Department has reviewed and approved the audit submissions for the following:

- 341 Applicator (core) Licensees
- 235 Commercial Certification Licensees
- 44 private Certification Licensees
- 13 Dealer Licensees

#### ***D. Pesticide Advisory Council Update by Bob Leon***

The Advisory Council last met on September 5, 2019 and discussed many of the same issues presented earlier in the Pesticide Program Updates.

The Council is asking the Department to make changes to its pesticide applicator licensing requirements. Specifically it seeking that the regulation be changed to require a license for those applicator using EPA Minimal Risk Pesticides under FIFRA 25B.

Many of the pesticides contain essential oils and can be problematic for certain individuals with allergies or other sensitivities.

#### ***E. Scientific Literature Review of Neonicotinoid Pesticides and their Impact on Pollinators***

Director Lascola-Miner described how the Department received a budget of \$100,000 to conduct the review and is now in the process of selecting a contractor to work with the Hotze Wijnja, Ph.D., MDAR Environmental Chemist to complete the work before the project end date of 12/31/2019. There is a requirement for at least one public hearing of the completed report and that it must be submitted to the Pesticide Board Subcommittee for their review.

State Representative Carolyn C. Dykema introduced herself to the Board thanked the Agencies present for their work on pollinator health and neonicotinoid issues; especially, given the current demands on resources related to public health concerns for the mosquito borne illness, EEEv. Below is a summary of the points made by Representative Dykema:

- That there is tremendous public interest in this issue;
- That there are currently 153 cosponsors of the legislation she filed in 2012—including Attorney General Maura Healey;
- That on behalf of the many stake holders, it's extremely important this work be completed in a timely, objective, deliberative manner that is based on science; such that, there is great public trust and confidence in the review.
- That funding was made available for the Department to hire additional staff and meet the time-frame for completing the report.
- That she is looking to have much of the review related work completed this winter in a manner that provides time for further legislative work before the end of the current legislative session.

## ***F. 2019 Aerial Applications of Mosquito Adulticides in Communities with Critical and High Risk of Infection from Eastern Equine Encephalitis Virus (EEEV)***

Director Lascola-Miner described how the Department is working closely with the Department Public Health to help carry out the aerial application of Anvil 10 + 10 mosquito adulticide to reduce the population of adult mosquitoes and the corresponding risk of infection from infected mosquitoes. She summarized the completed applications as noted below:

- August 8<sup>th</sup> - Round One of Aerial 370,000 acres
- August 21<sup>st</sup> - Round Two - 400,000
- August 27<sup>th</sup> - Round Three in Middlesex and Worcester Counties: Treated some 243,000
- September 10<sup>th</sup> Round 4 Middle worker part of Norfolk County

The operations team is working 7-days a week and has treated some 1.3 million acres combined treated at this point. Other areas where aerial operations will take place include western central mass. Last night, applications were started in parts of Hampden County and Pioneer Valley, but these operations were not completed last night due to changes in the weather. The next round of aerial applications will be down in southeast Massachusetts again.

The pesticide product being applied is again Anvil 10+10 registered and distributed by Clarke Mosquito Control Products, Inc. This product is applied at a rate of 0.62 fl. oz. per acre by planes flying no lower than 300 feet, but it cannot be applied at air temperatures below 50 degrees Fahrenheit. Based on their experience, the pilots from Dynamic Aviation prefer not to apply the product when temperatures drop below 55 to 53 degrees Fahrenheit.

The Massachusetts Department of Public Health leads the public information efforts and has a very good website with an excellent website that includes a section of frequently asked questions (FAQs).

While the MDAR (Department) maintains the website pages showing maps of areas treated, it is not possible to provide a guarantee that specific target areas will be treated on a specific night. There are many weather factors that impact these applications. Those variables require that the operations remain flexible. The planes are outfitted with weather equipment to provide real-time data and inform the pilot's in-flight decisions to continue the operations. With all this in-mind, individuals must wait until the website maps are updated each day to show those areas where applications were completed.

## ***G. New Business***

There was no new business introduced by any member of the Board.

## ***H. Meeting Adjournment***

**Voted:** To adjourn the Tuesday, September 17, 2019 Meeting.

Moved: John Looney  
Second: Peter Hazelton  
Approved: 8 – 0

The Meeting was adjourned at approximately 11:00 a.m.