

**PESTICIDE BOARD SUBCOMMITTEE MEETING**

**MINUTES OF MEETING**

**February 16, 2018**

**The Department of Agricultural Resources, 251 Causeway St., Boston, MA**

**MEMBERS PRESENT**

- Michael Moore, Chairperson, Director of Food Protection Program
  - Department of Public Health
- Hotze Wijnja, Alternate Designee for Commissioner John Lebeaux
  - Department of Agricultural Resources
- Marc Nascarella, Designee for Commissioner Monica Bharel
  - Department of Public Health
- Richard Berman
  - Commercial Applicator

**ALSO PRESENT:**

- Susie Reed, Department of Agricultural Resources
- Annette Kirk, Monsanto
- Thomas Carter, Helena Chemical

**I. PRODUCT REGISTRATIONS**

**a. Packet number 130324-130326**

**VOTED**

**That** the Pesticide Board Subcommittee registers the pesticide products in packet number 180219 with the exception of the following product:

1. Tigris Sulfen 4 SC, EPA Reg. No. 92647-6

Moved: Berman  
Second: Nascarella  
Approved: 3-0

**STATE RESTRICTED USE MOTIONS**

**RESTRICTED USE AS DEFINED UNDER THE GROUNDWATER REGULATIONS**

**Move:** that the Pesticide Board Subcommittee has determined that the use of the following products:

1. Tigris Sulfen 4 SC, EPA Reg. No. 92647-6 containing *Sulfentrazone*

may cause an unreasonable risk to man or the environment, taking into account the economic, social and environmental costs and benefits of use. This determination is based upon the leaching potential and toxicological concern of this substance as defined in the "Protection of Groundwater Supplies from Non-Point Source Pesticide Contamination" Regulations. Therefore, the Subcommittee hereby modifies the registration classification of agricultural/commercial pesticide products containing *Sulfentrazone* from general to restricted use for groundwater concerns.

Moved: Berman  
Second: Wijnja  
Approved: 3-0

### III. SPECIAL LOCAL NEED REGISTRATION

**Discussion of renewal request for Special Local Need registrations of Gowan Malathion 8 Flowable (EPA Reg. No. 10163-21): SLN MA-130003 for Spotted Wing *Drosophila (Drosophila suzukii)* in Blueberries, and SLN MA-130004 for spotted wing *Drosophila* in Caneberries.**

The Environmental Protection Agency requires that all Special Local Need registrations expire within 5 years of approval date. Therefore, the registrant submitted a request for renewals of the SLN's referred to above for the use of Malathion 8 Flowable on blueberry and caneberry for control of Spotted Wing *Drosophila*, first registered in 2013. The spotted wing *drosophila* had become a problematic pest in these for small fruit growers without adequate control options. The SLNs expired in December 2017 and the registrant requested a renewal of the SLNs, indicating the special local needs situation still exists in the state. In a letter of support from Sonia Schloemann, of UMass Extension Fruit Team Leader, describes the that the pest situation continues to exist and these SLNs are needed to provided growers with sufficient control of this problematic pest, that has the potential to cause significant damage to these fruits.

Thomas Carter, Helena Chemical, provided additional information to describe the importance of malathion for small fruit growers. Spotted Wing *Drosophila* cause damage to the fruit until just about ripe as they lay eggs in the fruit, and the subsequent feeding of larvae on ripe fruit cause make the fruit unmarketable. The grower has a small window of opportunity to protect their crops, and malathion products allow the use in this situation by having a short pre-harvest and re-entry interval. Currently, there is no alternative product available that can be effectively used.

## VOTED

That the Pesticide Board Subcommittee hereby grants a renewal of Special Local Needs (24C) registration for Gowan Malathion 8 Flowable, EPA Reg. No. 10163-21; SLN MA-130003 for Spotted Wing Drosophila in Blueberries, and SLN MA-130004 for Spotted Wing Drosophila in Caneberries.

Moved: Berman  
Second: Wijnja  
Approved: 3-0

(Moore had joined the meeting)

**IV. Removal of Acetochlor State Limited Use Permit. The Acetochlor Registration Partnership (ARP) is requesting the removal of the requirement for a state-limited use permit prior to the application of any acetochlor product. This request is based on updates regarding pesticide regulatory information, monitoring data, and steward program efforts to ensure protection of ground and surface water resources.**

Wijnja described the history of this request, including information related to Subcommittee decision in 1996 to require a state-limited use permit for acetochlor products in MA. The decision was based the toxicity characteristics of acetochlor (classified as a probable human carcinogen) and concerns for ground contamination. Wijnja stated that during the first few years following the registration, permits were requested and approved, but none have been requested for last the 10 years. About 30 acetochlor-containing products are currently registered in MA. During recent years, representatives of the Acetochlor Registration Partnership (ARP), a partnership between Monsanto and DOW AgroSciences, have interacted with the Department to discuss the possibility to re-evaluate the requirement of a state-limited use permit for acetochlor. In November 2017, the Department received a letter from ARP with the request to remove the state-limited use permit for acetochlor. The letter states that current restrictions required by EPA on the label of every acetochlor product, along with the use of appropriate voluntary best management practices, serve to effectively reduce the potential for acetochlor to be found in surface and ground water following product applications. By removing the permit requirement, growers in Massachusetts would have greater access to a valuable weed management tool.

Annette Kirk, Monsanto, was in attendance to support the request. Kirk presented on the history of acetochlor registration and changes during the last 10 years. Kirk pointed out the unique and onerous conditions of the federal registration in 1994, including the multi-year water monitoring program. The efforts by ARP resulted in that all registration conditions were satisfied. An in-depth drinking water exposure assessment was conducted in as part of the Tolerance Re-assessment Eligibility Decision (TRED) in 2006. In 2007, EPA updated the cancer classification to ‘suggestive evidence’ and conducted a health risk reassessment, based on which the “restricted use product” classification was lifted. In 2016, EPA initiated registration review of acetochlor. The water monitoring efforts resulted in an extensive dataset for evaluation of groundwater exposure assessment. Conclusions of all groundwater monitoring programs were that the parent compound acetochlor has very low leaching potential, one degradate was seen in low ppb levels in shallow groundwater, another degradate was rarely detected. Kirk also reviewed ARP’s Product Stewardship Program ([www.ARPinfo.com](http://www.ARPinfo.com)), which includes

Carter provided a perspective on local and regional situation of corn herbicide use and needs. He pointed out that the current approach with herbicide selection in corn growing is a short-term, prescriptive type environment that considers the conditions close to the time of planting. Carter stated that current herbicide use on corn is relying much on metolachlor. There is a need to break up the reliance on metolachlor products to prevent weed resistance. Acetochlor is a good fit to address this issue. Carter states that growers in surrounding states have good experiences with the use of acetochlor, particularly in early-planted sweet corn where metolachlor is problematic. In Massachusetts, however, the state limited use permit requirement is difficult to fit in the short-term prescriptive approach.

Additional discussion included considerations of the groundwater protection label language and consequences of the permit removal these requirement. It was clarified that the permit removal would not remove the label requirements related to groundwater protection. Furthermore, it was pointed out that the lifting of the Restricted Use Product status by EPA did not affect the label requirements for groundwater protection. Nascarella pointed out that the change in cancer classification addresses a major concern that the Subcommittee had with the consideration of acetochlor registration in 1996. The updated exposure assessments also address Subcommittee concerns for groundwater contamination. Carter asked if acetochlor would still be included on the groundwater protection list. Wijnja stated that this is still an aspect that would need to be considered. The request being considered at this time is for removal of the state-limited use permit. Considerations of state restricted use status can include the status of related herbicides such as metolachlor, but should also include the regulatory criteria for groundwater pollutant.

Berman offers a motion to approve the request for removal of the requirement for a state limited use permit for any acetochlor product based on the updated regulatory information, monitoring data, and stewardship program efforts to ensure protection of ground and surface water resources.

Moore inquired about the groundwater sampling as described in the meeting minutes of the March 15, 1996. The minutes indicate that the Department would conduct a groundwater survey program as part of the Generic State Management Plan development for the EPA. The Department would add an additional 25 to 50 samples to test for potential acetochlor contamination. Wijnja stated that he is not aware of any reports or data from monitoring studies under this plan but agreed to follow up on this inquiry. The Subcommittee agreed that an effort to follow-up on this inquiry as part of the discussion is reasonable and would serve to close out the file. This could be done as a note-to-file to supplement to the meeting minutes.

## **VOTED**

Move that the Pesticide Board Subcommittee remove the requirement for a state limited use permit prior to any application of acetochlor products. This change is based on the updated regulatory information, monitoring data, and stewardship program efforts to ensure protection of ground and surface water resources.

Moved: Berman  
Second: Wijnja  
Approved: 4-0

## **V. MOTION TO ADJOURN THE MEETING**

It was moved, seconded and passed unanimously.

**VOTED**

To adjourn the February 16, 2018 Subcommittee Meeting.

Moved: Moore

Second: Wijnja

Approved: 4-0

Meeting adjourned at 10:15 a.m.