

PESTICIDE BOARD SUBCOMMITTEE MEETING

MINUTES OF MEETING

November 17, 2017

**The Department of Agricultural Resource, 251 Causeway St., FL #5 Conference RM 1 Boston,
MA**

MEMBERS PRESENT

- Taryn LaScola, Designee for Commissioner John Lebeaux
 - Department of Agricultural Resources
- Marc Nascarella, Designee for Commissioner Monica Bharel
 - Department of Public Health
- Kenneth Gooch, Designee for Commissioner Leo Roy
 - Department of Conservation and Recreation
- Richard Berman
 - Commercial Applicator

ALSO PRESENT:

- Hotze Wijnja, Department of Agricultural Resources
- Susie Reed, Department of Agricultural Resources

I. MINUTES

VOTED

That the Pesticide Board Subcommittee approves the summary notes for October 20, 2017 meetings.

Moved: Berman

Second: Gooch

Approved: 4-2 (Note: Abstention by Taryn LaScola and Marc Nascarella)

II. PRODUCT REGISTRATIONS

a. Packet number 181116

VOTED

That the Pesticide Board Subcommittee registers the pesticide products in packets number 181116:

Moved: Berman

Second: Nascarella

Approved: 4-0

III. Request for re-evaluation of the Groundwater Protection Listing of the active ingredient Fluopyram. Due to the change in the EPA's carcinogenicity classification of Fluopyram, the registrant is requesting a re-evaluation of Fluopyram's state-restricted use classification based on regulatory criteria for potential groundwater pollutant

The Department received a letter from Bayer Crop Science requesting a re-evaluation of groundwater potential impact of the active ingredient fluopyram.

In 2012, the Pesticide Board Subcommittee registered three fungicide products containing fluopyram labeled for use on various crops. The information for this new active ingredient included the cancer classification as 'likely to be carcinogenic to humans'. Based on that information and its leaching properties, this compound met the regulatory criteria specified in 333 CMR 12.00 for potential groundwater pollutant. Following the Subcommittee's groundwater motions, these products were reclassified from general to state restricted use. Products containing fluopyram are included on the groundwater protection list and are not allowed to wide-area applications in regulated groundwater protection areas (Zone IIs and Individual Wellhead Protection Areas). The registrant request is based on change of cancer classification.

Fluopyram was first registered with EPA in 2009. The data submitted in support of the registration included the classification as 'likely to be carcinogenic to humans' based on the occurrence of thyroid tumor in male rats and liver tumors in female mice. The mode of action (MOA) data submitted by registrant in 2012 was found to be insufficient by the Cancer Assessment Review Commission (CARC). The commission recommended using a different model for estimating human carcinogenicity. In 2013 the registrant submitted new data to EPA to support of a postulated MOA for the tumors. The new information includes evidence of non-genotoxic mode of action for the liver tumors in rats and thyroid tumors in mice. The data also demonstrated that carcinogenic effects as a result of a MOA dependent on activation of certain receptors. Based on the new data and information, the CARC classified fluopyram as 'not likely to be carcinogenic to humans as does that do not induce cellular proliferation in the liver or thyroid glands. Quantification of risk is not required; the chronic reference dose is considered protective of carcinogenic effects based on a no observed adverse effect level (NOAEL) of 1.2 mg/kg/day, which is below the level of cell proliferation in the liver. In addition, fluopyram is not mutagenic. In 2015, EPA released an updated human health risk assessment in support for registration of new uses, including use turf.

The registrant requested a re-evaluation of fluopyram's groundwater protection listing based on the new cancer classification.

The meeting discussion included the consideration of the new data and updated cancer classification for fluopyram. The new information indicates that the toxicological criterion in groundwater protection regulations is not met. Therefore a reclassification from state-restricted use to general use could be considered.

However, the Subcommittee agreed that it would be useful to review the established groundwater motions and regulatory criteria for groundwater pollutant. It was therefore suggested to not change

active ingredient fluopyran from state restricted to general use until a further review of Subcommittee's policy for reclassification based on groundwater pollutant criteria.

IV. New Business

LaScola mentioned that she was copied on a letter from Ms. Toby Pearl addressed to Michael Moore. In the letter, Ms. Pearl requests the Subcommittee to consider the cancellation of all registered insecticide products in MA that contain the active ingredient chlorpyrifos. The context of this request is EPA's decision earlier this year to deny the petition to revoke all pesticide tolerances for chlorpyrifos and cancel all chlorpyrifos registrations. The Subcommittee decided to further discuss this request at a future meeting when Michael Moore is present. LaScola stated that the Department had collected information on chlorpyrifos in preparation for potential actions by the Attorney General's office efforts in challenging EPA's decision.

MOTION TO ADJOURN THE MEETING

It was moved, seconded and passed unanimously.

VOTED

To adjourn the November 17, 2017 Subcommittee Meeting.

Moved: Berman

Second: Nascarella

Approved: 4-0

Meeting adjourned at 9:35 a.m.