

PESTICIDE BOARD SUBCOMMITTEE MEETING

MINUTES OF MEETING

December 15, 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
- Richard Berman
 - Commercial Applicator

ALSO PRESENT:

- Hotze Wijnja, Department of Agricultural Resources
- Susie Reed, Department of Agricultural Resources
- Bob Mann, bob@landscapeprofessional.org

I. MINUTES

VOTED

That the Pesticide Board Subcommittee approves the summary notes for November 17, 2017 meetings.

Moved: Nascarella

Second: Berman

Approved: 3-0

II. PRODUCT REGISTRATIONS

a. Packet number 181217

VOTED

That the Pesticide Board Subcommittee registers the pesticide products in packet number 181217 with the exception of the following products:

1. Bravo ZN, EPA Reg. No. 66222-278 (SRU)
2. Bravo Weather Stik, EPA Reg. No. 66222-276 (SRU)

Moved: Berman

Second: LaScola

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. Bravo ZN, EPA Reg. No. 66222-278 and Bravo Weather Stik, EPA Reg. No. 66222-276 containing *Chlorothalonil*

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 *Chlorothalonil* from general to restricted use for groundwater concerns.

Moved: Berman

Second: LaScola

Approved: 3-0

III. Discussion of the new active ingredient Pyroxsulam formulated in PowerFlex HL Herbicide (EPA Reg. No. 62719-643), labeled for post-emergent weed control in winter wheat and triticale

The new active ingredient pyroxsulam formulated in Powerflex HL Herbicide, EPA Reg. No. 62719-643. The product is labeled for use on winter wheat and triticale as a post-emergent herbicide to control grass weeds and broadleaf weeds. The application rate is 2 oz. of product per acre. Pyroxsulam belongs to the class of tri-azolopyrimidine chemicals. The mode of action is acetolactate synthase inhibitor.

EPA registered this new active ingredient in 2008. The EPA-issued pesticide factsheet and supporting information was included in the meeting package and is also available at www.regulations.gov in docket ID 'EPA-HQ-OPP-2006-0785'. Wijnja summarized the information.

Human health risk information of pyroxsulam shows a low to moderate acute toxicity profile (classified in category IV); little toxicity was observed in sub-chronic and chronic studies. Metabolism studies in rats showed rapid absorption and excretion, it did not cause developmental or neurotoxicity. No acute endpoints could be determined in the risk assessment. Chronic reference dose was established based on effects observed in carcinogenicity studies. Pyroxsulam was classified as "not likely to be carcinogenic to human".

Dietary risk assessment for chronic exposures was less than 1 percent of the chronic population adjusted dosage, which was below level of concern. The occupational risk assessment based on short term use

pattern was estimated for mixer and handler and showed a margin of exposure (MOE) of greater than 100 and therefore was not of concern. Restricted-entry interval (REI) of 12 hours based on acute toxicity profile classified in III or IV.

Environmental fate of pyroxsulam is characterized by being soluble and non-volatile, weakly absorbing to soils (Koc values 7.1 – 68 L/kg) and therefore mobile, a short soil aerobic half-life of 2.6-14.6 days, slightly longer half-life in aquatic systems. Field dissipation half-life values were 4.6 day in top soil and 23 days in sub soil.

The ecotoxicity profile is favorable for pyroxsulam, being practically non-toxic to mammals, fish, fresh water invertebrates, and honey bees. As an herbicide it is highly toxic to plants. The risk to non-target plants is mitigated by label language to reduce exposure to non-target plants. Surface water advisory is included on the label to address potential run off. The label also specifies pre-harvest intervals, crop rotation, and plant back requirements to minimize risks.

This product does not meet the criteria for potential ground water pollutant as specified in the groundwater protection regulations 333 CMR 12.00.

It was noted that the product label does not contain a signal word. It was pointed out that this is consistent with the low acute toxicity of the active ingredient and product formulation.

Additional discussion was related to the use pattern on wheat and triticale and therefore the expectation that there will be little use of this product in the Massachusetts. It was brought up that the availability of such a product could potentially result in off-label use on other crops. However, it was pointed out that the Subcommittee has never used the relevance of specific use patterns as a criterion for registration. It has been observed with evaluations of various other product registration applications, but has not been a reason to reject a registration. It was pointed out that certain registrant prefer or require universal registration from a logistics and regulatory perspectives. The availability of certain products may also be important for certain emerging crops and growing systems.

Move that the Pesticide Board Subcommittee approve the product registrations for the following pesticide products. This product contains the active ingredient *pyroxsulam* and has never before been registered in Massachusetts.

1. PowerFlex HL Herbicide, EPA Reg. No. 62719-643

Moved: Berman
Second: LaScola
Approved: 3-0

IV. Continue discussion of the request for re-evaluation of the active ingredient

Fluopyram's inclusion on the Groundwater Protection List. Considering Subcommittee policies and criteria for reclassification of pesticides based on groundwater contamination potential.

Copies of standing motions related to groundwater protection and state restricted use, and 333 CMR 12.00 regulations were included in the meeting packet.

Discussion and considerations and clarifications for covered the reasons or purpose of the leaching criteria in the regulations. It was pointed out that the combination of leaching criteria and toxicological criteria address the potential for risk.

Leaching criteria seem to be setup to capture a lot of active ingredients. The toxicological criteria are such that only chemicals with relatively high toxicity concerns are captured. The question at the last meeting was if the evaluation for registration sufficiently addresses the leaching criteria. Considerations included the need for re-evaluation of these criteria.

Nascarella pointed out that regulatory criteria are set up to address the risk, which is a function of exposure and toxicity. Leaching criteria are related to exposure potential. The toxicity criteria listed in regulations, such as the MCL and ORS standard, are typically not established at the time that registration of new active ingredients is considered. It was noted that EPA registration information typically provides sufficient information to evaluate groundwater exposures and dietary risk assessments.

It was concluded that at this time there is no need to change the regulatory criteria. In addition, it was pointed out that current regulations and policies provide the Subcommittee with the ability to be more restrictive and reclassify pesticides when deemed necessary.

The request for reclassification of fluopyram was considered and motion was provided.

Move that the Pesticide Board Subcommittee reclassify Fluopyram-based products from state-restricted use to general use based on the fact that EPA has determined that it is no longer classified as being carcinogenic to humans.

Moved: LaScola

Second: Berman

Approved: 3-0

III. New Business

In a follow up to the letter from Ms. Toby Pearl to Michael Moore related to chlorpyrifos products that were shared with the Subcommittee at November meeting, Nascarella stated that DPH plans to return a call to Ms. Pearl to address the issue and follow up with MDAR to close the issue.

Berman brought up the news from U.S. EPA regarding plans to move forward with the implementation of new WPS and C&T rules. LaScola stated that the new rules will require some updates to the state program but that Massachusetts' program is relatively good shape given the current requirements that are in place.

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.