

PESTICIDE BOARD SUBCOMMITTEE MEETING

MINUTES OF MEETING

February 17, 2017

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

MEMBERS PRESENT

- Michael Moore, Chairperson, Director of Food Protection Program
 - Department of Public Health
- Taryn LaScola, Alternate 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, Ph.D., Department of Agricultural Resources
- Susie Reed, Department of Agricultural Resources
- Dr. Hillary Sandler, UMass Cranberry Station

I. MINUTES

VOTED

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

Moved: Berman

Second: Gooch

Approved: 3-2 (Note: abstention by Nascarella, Berman)

II. PRODUCT REGISTRATIONS

a. Packet number 170222-170223

VOTED

That the Pesticide Board Subcommittee registers the pesticide products in packets numbers 170222-170223:

Moved: Berman
Second: LaScola
Approved: 5-0

III. EMERGENCY EXEMPTION

Discussion of Emergency Exemption petition for Kerb SC (a.i. Pronamide) to control of weed pest dodder in cranberries

Under consideration was a petition for an emergency exemption (Section 18) for the use of Kerb SC, EPA Reg. No. 62719-578, to control of dodder in cranberries. The meeting package included the petition package and supporting documentation. Wijnja introduced the petition and briefly reviewed some regulatory events that resulted in the petition under consideration as was also outlined in a memo to the Subcommittee.

The petition outlines the situation relative to the weed pest dodder (*Cuscuta gronovii*) which continues to be a problematic weed pest for Massachusetts cranberry growers and can cause significant yield loss when not adequately controlled. Currently available management options offer limited control due to various reasons, including limited and inconsistent efficacy of currently available herbicide products, fruit export limitations based on maximum residue levels (MRLs) for certain herbicides, and labor/equipment costs.

During 1999-2007, Section 18 Specific Exemptions were granted for the use of Kerb WSP. In 2008, EPA denied the annual renewal due to concerns for human health, in particular the potential carcinogenicity concerns. The process to establish a tolerance for pronamide and progress towards a Section 3 registration in cranberry was suspended due to limitations in the risk cup for pronamide.

In 2009, an Emergency Exemption was granted for a quinclorac-based herbicide QuinStar and was renewed in three subsequent years until cranberry use was included in the Section 3 labeling. However, growers have not experienced reliable efficacy of QuinStar on dodder. In addition, growers face limitations on the use of QuinStar due to MRL and export limitations.

Recent developments and regulatory updates have resulted in opportunities for new uses, such as on leaf lettuce, for pronamide-based products to be registered. A key development was the conclusion relative to

the cancer reclassification which changed from ‘probable human carcinogen’ to ‘not likely to be carcinogenic to humans’ at certain doses. The recent regulatory developments revived interactions between cranberry industry, the IR-4 project and the registrant regarding re-submitting a cranberry tolerance petition.

Hillary Sandler from the University of Massachusetts Cranberry Experiment Station, provided more details on the current situation with dodder weed control in cranberry operations. It was pointed out that the availability of Kerb under previous Section 18s has shown that it is an effective tool for dodder control. The current Section 18 request would provide a bridge to the anticipated full Section 3 registration of Kerb on cranberry. It is not expected that Kerb SC will have a wide spread use, but particularly for growers with heavy infestations, where current products ineffective and the immediate availability of Kerb SC would prevent a further build-up of soil seedbank for dodder and thereby improve weed management in upcoming years.

It was clarified that the proposed use of Kerb SC is as a pre-emergent herbicide and application will take place in the spring, most likely during May or early June. Therefore, this petitioned Section 18 is set to expire on June 30, 2017. If needed, a renewal would have to be requested in subsequent years.

Nascarella noted that information on the Kerb SC Safety Data Sheet (SDS) appear to be inconsistent with information in EPA’s Cancer Assessment Review Committee report on pronamide. Nascarella requested that the registrant be contacted to consider updates to the SDS statement on reproductive toxicity and the determination of ‘Not Likely to be Carcinogenic to Humans’.

Wijnja pointed out that pronamide is included on the groundwater protection list and Kerb SC is therefore subject to the Groundwater Protection Regulations (333 CMR 12.00) and its use in regulated primary recharge areas is prohibited.

Move: That due to the lack of currently registered pesticide products for the control of the emergency pest problem, the Pesticide Board Subcommittee approves of a FIFRA section 18 Emergency exemption petition for the use of Kerb SC, EPA Reg. No 62719-578, containing the active ingredient ***pronamide*** for the control of weed pest dodder in cranberries.

This motion also takes into account the following data provided by the Department, the University of Massachusetts Cooperative Extension, and product registrant:

- Application from the Department and/or the University of Massachusetts Cooperative Extension;
- Registrant’s letter of support;
- Proposed supplemental labeling;
- Pesticide residue data, if needed to support a FIFRA Section 3 registration;
- Any other data or conditions as included.
- The condition of the Subcommittee’s approval is that the issues brought up related to the information on SDS be addressed by the registrant.

Moved: Berman
Second: Nascarella
Approved: 5-0

IV. Discussion on planned project for testing of antifouling coatings on two US Navy Ships in dry docking facility at the Boston shipyard.

The subcommittee was provided with a project summary for the planned testing of a number of antifouling coatings on two US Navy ships in a dry docking facility in Boston. EPA determined that the proposed project meets the exemption for a federal Experimental Use Permit (EUP) based on the small scale of the proposed work. MDAR staff determined that the proposed project is also exempt from a state EUP based on criteria outlined in state regulations for EUPs (333 CMR 7.00).

The proposed project includes antifouling products that contain a new active ingredient copper pyrithione. Several of the products for the proposed use are currently not registered with US EPA. In addition, several products are restricted use products and therefore have additional licensing requirements.

The Department is in contact with Navy and contractors to make sure products used are covered by EPA's Experimental Use Permit exemption and licensing and certification requirements are met. The proposed work is scheduled begin during the spring of 2017.

MOTION TO ADJOURN THE MEETING

It was moved, seconded and passed unanimously.

VOTED

To adjourn the February 17, 2017 Subcommittee Meeting.

Moved: Berman

Second: Nascarella

Approved: 5-0

Meeting adjourned at 10:00 a.m.