

PESTICIDE BOARD SUBCOMMITTEE MEETING

MINUTES OF MEETING

November 15, 2019

**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
- Nicole Keleher, Designee for Commissioner Jim Montgomery
 - Department of Conservation and Recreation
- Richard Berman
 - Commercial Applicator

ALSO PRESENT:

- Susie Reed, Department of Agricultural Resources
- Hotze Wijnja, Ph.D., Department of Agricultural Resources
- Alisha Bouchard, Department of Agricultural Resources
- Ashley, Randle, Department of Agricultural Resources
- Kim Skyrn, Department of Agricultural Resources

I. MINUTES

VOTED

That the Pesticide Board Subcommittee approves the summary notes for August 19, 2019 meetings.

Moved: Berman

Second: Nascarella

Approved: 3-1 (abstention by LaScola)

II. PRODUCT REGISTRATIONS

VOTED

That the Pesticide Board Subcommittee registers the pesticide products listed on the EIPAS PR November 15, 2019 Subcommittee cover sheet:

Moved: Berman
Second: Keleher
Approved: 4-0

III. NEW ACTIVE INGREDIENTS

Continued discussion of the new active ingredient **Pyrimisulfan**:

At the meeting on September 17, 2019 the Massachusetts Pesticide Board Subcommittee considered the product application for SEDGE STOP NUTSEDGE WEED KILLER (EPA Reg. No. 2217-1021) containing the new active ingredient Pyrimisulfan. The Subcommittee tabled the motion to approve the registration application. This was based on a discussion related to the SDS for this product. The Subcommittee requested clarification relative to the toxicity information, specifically related to the information on carcinogenicity.

MDAR staff had provided the Subcommittee with the registrant's response that pointed out the differences exist between the EPA and OSHA/GHS in the approach used to classify risks and/or hazards. These create an environment where discrepancies may exist. It was acknowledged that this is not unique to the product under consideration and it exists across the pesticide industry, and likely other industries as well. The registrant's response points out that the between they follow the guidance in EPA PR Notice 2012-1. This guidance was issued to address confusion about the discrepancies in the EPA label and the OSHA/GHS SDS. Following this guidance, the SDS for the product includes a paragraph that briefly explains these discrepancies in section 15 of the SDS document. Furthermore, registrant response pointed out that the SDS includes information that distinguishes between the product vs. the components. The carcinogenicity information listed on the SDS refers to one of the formulation components (other ingredients), not the active ingredient.

While the Subcommittee acknowledged that the SDS seems to follow EPA guidance, it was also pointed out that it would not be considered to be in compliance with general OSHA/GHS criteria. The Subcommittee acknowledged that this SDS is an example of the differences in SDS requirements under FIFRA compared to the requirements for other products under OSHA/GHS. However, it was concluded that this aspect of the SDS does not rise to the level that would be a reason hold up the registration of the product. The Subcommittee did express interest to learn how other states reconcile these differences in label vs. SDS. LaScola indicated that the Department will look into opportunities to survey other state agencies for this information.

Move that the Pesticide Board Subcommittee approve the product registrations for the following pesticide products. These products contain the active ingredient **Pyrimisulfan** and have never before been registered in Massachusetts.

- Sedge Stop Nutsedge Weed Killer (EPA Reg. No. 2217-1021), and labeled for use on turf to control sedges and several broadleaf weeds.

Moved: Berman

Second: LaScola

Approved: 4-1 (abstention by Moore)

IV. Neonicotinoid Review Update and Discussion

LaScola provided an update relative to neonicotinoid review. The legislator included funding in the budget for the Department to conduct scientific review of the potential impact of neonicotinoids insecticide on pollinators. The earmark language also specifies that the Subcommittee shall use the special review as part of an individual review and hold a public hearing on findings of the scientific review. The Subcommittee is directed to submit a final report to the joint committee on environment, natural resources and agriculture by December 31, 2019.

As part of the meeting documents for this meeting, the Subcommittee was provided with two documents from MDAR that describe a compilation of information related to neonicotinoids in MA. These documents provide the Subcommittee with a general overview of related to neonicotinoid use in MA, monitoring results, pollinator risk information and regulatory information. These documents can be part of the information to be considered in an individual review. LaScola stated that the Department secured a contractor that will conduct the scientific review. The contractor's report is scheduled to be delivered on December 19.

LaScola asked for input from other Subcommittee members on how to proceed with the current request. It was pointed out that previous reviews were based literature review and reports and data from pesticide registrants. A public hearing was not part of or associated with previous individual reviews. LaScola pointed out that for the current request, the results of a public hearing will be forwarded to the Subcommittee such that it can be considered with the individual review. Nascarella inquired if there is a possibility that stakeholder provide input on the scope and process of the scientific review. LaScola stated that given the timeline, there is not much room for flexibility. The legislative language directs the process. Some flexibility may exist in the review at the Subcommittee level, where the various sources of information can be considered, including MDAR documents and EPA registration decisions that may become available.

The timeline and scheduling of meetings was discussed. It was suggested that additional meeting may be necessary to facilitate the requirements for this individual review.

V. **Consideration of Remote Participation Policy. Follow up on previous discussions of remote participation at meetings, the Subcommittee relative to consider adopting a remote participation policy based on the Open Meeting Law Guide**

At this time, the Subcommittee cannot come to a resolution regarding a remote participation policy. Therefore, it was proposed to consider a different day of the week for Subcommittee meetings. Tuesday looked like the best option and will be considered for scheduling of future Subcommittee meetings.

MOTION TO ADJOURN THE MEETING

It was moved, seconded and passed unanimously.

VOTED

To adjourn the November 15, 2019 Subcommittee Meeting.

Moved: Moore

Second: Nascarella

Approved: 5-0

Meeting adjourned at 9:56 a.m.