

MCTF Policy Structure Subcommittee Meeting Minutes 09 30 21

Minutes for the Mosquito Control for the Twenty-First Century (MCTF) Task Force Meeting

Subcommittee Meeting: Policy Structure

September 30, 2021, 12:00 p.m. via Zoom

Meeting Topics:

- Meeting Opening, Welcome and Roll Call (chair)
- Housekeeping Notes (EEA representatives)
- Introductions (facilitator)
- Clarify the Process for Recommendations Development: Stage 1—Review and Discuss Information
- Begin the Process of Developing Recommendations (if time allows)
- Wrap Up (Facilitator)
- Closing Remarks and Vote to Adjourn (facilitator and chair)

Chair Stephen Rich called the meeting to order at 12:00pm. Roll call was taken with subcommittee members: Stephen Rich (Chair), Brad Mitchell, Derek Brindisi (left meeting), Heidi Porter, Richard Pollack, Heidi Ricci. Julia Blatt was unable to attend. The ERG Facilitator was Diana Pietri, and state staff in attendance were Jessica Burgess and Alisha Bouchard. Additional meeting attendees included: Aubrey Paolino, Brian Farless, Cheryl Keenan, Jan Connery, Jennifer Forman Orth, Jenny Helmick, Ross Rossetti, Taryn LaScola-Miner, and Timothy Deschamps.

The subcommittee had a quorum present.

The agenda and a recap of the subcommittee guidance document was reviewed to ensure that all members were clear about subcommittee purpose, charge, process, and ground rules. The subcommittee agreed that it would meet every two weeks, attend monthly Mosquito Control Task Force (MCTF) meetings, and report on the subcommittee's progress. In addition, the subcommittee agreed to cover a wide area of topics related to assessing the need to update the composition of policy. Conversations can be expansive, doesn't need to be only about how many people are on the committee. The subcommittee agreed they would collaborate to identify challenges and make recommendations.

Jessica Burgess, SRB General Counsel and MDAR Legal Counsel, began the meeting with an overview of M.G.L. Chapter 252, which deals with the improvement of low land and swamps, stating that it has not been amended very frequently. Jessica Burgess explained the current structure doesn't address a lot of present-day concerns, and it might be helpful to have a more in-depth review of M.G.L. Chapter 252, as the existing legislation is narrow and outdated. M.G.L. Chapter 252 was a major talking point throughout the entirety of the meeting. There was an emphasis to review M.G.L. Chapter 252 to discuss and determine what mosquito control is and to determine what sections of M.G.L. Chapter 252 are most relevant to the present conversation.

Brad Mitchell suggested that the group should make recommendations as well as discuss statutes and potential changes. Heidi Ricci suggested a need to look beyond structure. Heidi Ricci also raised the question of what is the purpose and goal of mosquito control in Massachusetts? To protect people.

Heidi Ricci noted that we presently have a fragmented system that does not include Massachusetts Wildlife Agency (DFG). There was an emphasis that we need to look at the joint statement of the CDC and EPA.

Diana Pietri presented slides related to local engagement, mosquito control policy structure, and pesticide selection. Jessica Burgess explained one of the existing goals for the subcommittee is to address information sources, or might it be better tackled by a subcommittee who is getting into how mosquito control is done. There are two legislative avenues that control the structure: M.G.L. Chapter 252, has not been amended very frequently and is not very specific or relevant. The purpose behind M.G.L. Chapter 252 is reclaiming wetlands and controlling mosquitoes, nuisance, and disease; enabling legislation that establishes all but two of the Mosquito Control Districts (MCDs). We are reviewing how M.G.L. Chapter 252 set up mosquito control in Commonwealth, and then you have other legislation that the MCDs and the State Reclamation Board (SRB) provide services. Jessica Burgess explained it might be helpful to have a more in-depth review of policy and structure. The Subcommittee needs to identify existing legislative structure that would need to change to meet goals and objectives. There are existing legislative documents, but the legislative language is narrow and might not address everything. Brad Mitchell agreed with Heidi Ricci that mosquito control policy and structure is created through the statutes and there needs to be discussion if we should change those status and what those statutes should be.

Diana Pietri reiterated the key focus of the meeting was to review task force subcommittee guidance: review purpose, charge, and ground rules. Ultimately, the whole task force will vote on subcommittee recommendations. The MCTF report is a primary source of information for the subcommittee, other materials and presentations may be introduced, however the schedule for drafting recommendations does not allow for time to be spent gathering or discussing additional info sources. Heidi Ricci asked if DPH or other agencies have a role in this, or are they available if there are questions and the subcommittee members want Agency information? Diana Pietri explained that other agencies have not been scheduled to be part of the subcommittee meetings, but that it can be talked through how to insert other info into the process if the subcommittee feels the need for other information.

A four-phase schedule was discussed with the group in relation to review, discussions, outlining recommendations, and development of final recommendations. The expectation is this can all happen in nine meetings, unless it is determined that there will be an extension of the deadline for recommendations. If this happens, the meeting schedule will be updated accordingly.

Diana Pietri addressed protocols for drafting recommendations and voting. Recommendations should take the form of one to two sentences that are clear and actionable, with two to three paragraphs of rationale and evidence. There was an option to include minority discussion (two to three paragraphs) that can be forwarded to the full task force. Heidi Ricci asked whether the subcommittee should check in with legislators and have them weigh in. Jessica Burgess replied that the current legislation says they can be invited to meetings but cannot participate in an official capacity and if they want to offer their services, if we recommend something with legislative language, it is up to them to outline/write it. Legislature is supposed to be aware and able to participate as needed. Brad Mitchell questioned if it was the work of this group or of the larger task force to draft legislation, since legislation requires a lot of time and consensus and seems beyond the scope of this group.

Stephen Rich noted the optional inclusion of minority discussion points. Do we vote on to carry those discussion points forward? When would a minor point not be carried forward? Diana Pietri wants to make sure that if there is a strong minority, the point can be moved forward, or if there is a recommendation that has options for goal language that could be presenting various options to the task force, they could do so. Diana Pietri explained that the subcommittee will be voting when to provide recommendations and when the voting is final. Members must be present, voting will happen by simple majority, and if a majority is reached, that recommendation is moved forward.

Diana Pietri communicated the rules and expectations for subcommittee members:

- Work constructively and respectfully
- Follow ground rules
- Follow Open Meeting Law (OML)
- Facilitator does not contribute to content discussions or the recommendations; prepares agenda; helps keep focused on the agenda and makes sure that there is opportunity for everyone to speak, captures additional notes for a detailed “parking lot”, and monitors meeting time and schedule in terms of progress. Facilitator also manages drafting of notes and recommendations, monitors for input during discussions on recommendations, and shape recommendations into draft text
- Chair may recognize other attendees and members of public may listen in. Members of public can provide comments via the comment portal
- Stay focused on meeting goals, make sure input is relevant to making recommendations on the assigned directives, ensure that any additional information is relevant to the recommendations, and that this information is presented as succinctly as possible
- Maintain positive, inclusive, solution-focused environment
- Work towards finding common ground
- Notify the chair if you would like to call on a meeting attendee that is not on the panel, and clearly state the purpose of that input
- No side conversations between subcommittee members due to OML

Diana Pietri asked the subcommittee members to confirm that they would follow these rules and expectations, all agreed.

Heidi Porter asked if the subcommittee would not be allowed to meet without a quorum, or if they could meet but just not be able to vote. Jessica Burgess responded that generally, when you have a quorum, that triggers OML, whereas if you do not have a quorum, the meeting would be informational only and no decisions or official discussions can occur. If a subcommittee is not expected to have a quorum for an upcoming meeting, that meeting will be rescheduled. From a best practices standpoint, it is better to have quorum whenever possible, so it can be an official meeting. Heidi Ricci asked if there is anything like the Mullin rule (the ability for municipal officials to review the minutes of a meeting they did not attend) applicable to state bodies. Jessica Burgess said it was her understanding that this is only for municipal boards, so that they can participate in a vote at a later meeting.

Heidi Ricci requested a presentation on underlying laws and structure, with an explanation of how some districts differ in terms of the services they provide. Brad Mitchell noted that mosquito control projects

often take different approaches to mosquito control, for example the Cape Cod district doesn't use adulticide. Examples of where MCD's differ in their practices would be helpful and that is something that should be highlighted. Jessica noted that could be covered, and to let us know and we can do our best to answer those questions and explain them.

Brad Mitchell said that we may see a push for organic control and that topic might cross over into the pesticide selection committee, as that falls under structure and practices. Diana Pietri encouraged all members to review the subcommittee directives, and if there is overlap, it can be discussed at a future subcommittee meeting or task force meeting.

Diana Pietri presented detailed context and suggested an approach regarding the process for recommendations development; stage one—discuss information relevant to recommendations. During this stage, identify information that is relevant to each directive, other sources, and critical data gaps.

Schedule and timeframe - Three meetings (six hours total) to complete review and discussion information relevant to the directives, with three hours per directive. For this subcommittee, the directives are strongly linked and need to be considered in tandem, as that will be the most useful way to guide the discussion. There will be a need for people to do work in between meetings.

Subcommittee members should read and consider the understory questions that were provided, and read the sections of report relevant to the directives. ERG will provide cross walk of the report sections that are most relevant to the directives, in order to guide members to the subsections that are most relevant. Subcommittee members should think about critical data gaps that exist for developing recommendations, and if they can provide sources to close those gaps. They should also assess the overall strength of information in the MCTF report and additional information/knowledge that can be provided and determine whether this is sufficient to use to make recommendations.

Heidi Ricci asked for clarification on understory question: what are the goals, existing goals, and what the statement should be? Diana Pietri noted that there is room to discuss both. It is important that what the group wants to move forward as a recommendation is discussed. Heidi noted that there are data gaps that can't be filled.

Brad Mitchell noted Heidi Ricci brought up a good point about identifying goals and purpose of mosquito control. To create a structure around mosquito control, one needs to know what the goals are. Stephen Rich noted that it is imperative that the subcommittee have an idea of what the goals are in order to discuss policy, and that it is important to get agenda items ahead of time, as these are the guidelines of how the meeting will take place and will guide the process in terms of the time constraints but also what we think is most important. Jessica Burgess noted the goal is to keep agenda as broad as possible but keep in compliance with OML.

Heidi Ricci wondered about an iterative process and coordinating across subcommittees and the full task force; Diana Pietri noted that the MCTF will have monthly meetings and there will be presentations from chair of each committee on progress updates and those meeting. Additionally, every subcommittee has meeting minutes posted. If there is overlap from another subcommittee meeting, it should be brought up. Richard Pollack noted that as the subcommittee strives to set goals for what might happen in the future, it would be helpful to reread M.G.L. 252 and associated documents, so members are on the same page as to what mosquito control was all about to begin with.

Next agenda topics:

- Hearing more about policy so the subcommittee can be clear about that (presentation from Jessica Burgess)
- Overlap with other subcommittees

Stephen Rich said that he hoped the subcommittee could incorporate as many agenda items as people feel should be brought forward, and that he looked forward to working with everyone.

Diana Pietri asked for additional agenda topics to consider for next meeting. None were raised.

The next meeting was confirmed for October 14th. Discuss Information Relevant to Developing Recommendations. Closing Remarks (Facilitator and Chair) were made at 1:55 pm.

Chair Rich entertained a motion to adjourn. Brad Mitchell made a motion to adjourn. The motion was seconded by Richard Pollack. The motion to adjourn was approved via roll call vote at 2:00pm.