

MASSACHUSETTS PESTICIDE BOARD MEETING

Minutes of the Board Meeting held at the McCormick BLDG, 1 Ashburton Place, on Wednesday, September 5, 2012

The meeting was called to order at approximately 9:30 A.M.

BOARD MEMBERS ATTENDANCE

Lee Corte-Real, MDAR Designee for Commissioner Watson,	Present
Michael Moore, DPH, Food Protection Program	Present
Martha Steele, DPH, Designee for Commissioner Auerbach	Present
William Clark (Conservation/Environmental Protection Member)	Absent
Jack Buckley, DFG, Designee for Commissioner Griffin	Present
Kathy Romero, DEP, Designee for Commissioner Kimmell	Present
Ken Gooch, DCR, Designee for Commissioner Lambert	Present
Richard Berman	Present
Cheryl Barbanel, M.D.	Absent
Dr. John Looney	Present
Dr. Brian MaGee	Absent
Dr. Richard Bonanno	Present
Laurell Farinon	Present

The Board did meet or exceed the minimum number (7) of members present to form a quorum and conduct business.

OTHER INDIVIDUALS IN PRESENT:

Taryn Lascola, MDAR; Michael McClean, MDAR; Bill Siegel, NEPMA/Orcan; Sean Greenhow, NEPMA/Greenhow; Steve Oles, NEPMA; Robert Leon, NEPMA; Marillian Missiti, NEPMA; Mike Heffernan, MALCP/Lawn Management; Kathy Bell, Shanley Flemming Bousaski and Cahill; Ted Grayton, NEPMA; Stephen Certa, NEPMA.

DOCUMENTS PRESENTED

- Minutes from the June 6, 2012 Meeting
- Draft Regulations for Supervision of Non-Certified Applicators.

MEETING BUSINESS

A. Minutes

Discussion

The minutes from the June 6, 2012 Meeting were presented for consideration. The requested changes do not significantly change the content of the Minutes and are relatively minor correction in grammar or word choice.

Voted: To accept the minutes of the June 6, 2012 Meeting with minor corrections requested by.

Moved: Laurel Farinon

Second: Richard Bonanno

Approved: 8 - 0 - 2

Abstentions: J. Looney and J. Buckley

B. Consideration of Draft Regulations: 10.07 Standards for Supervision of Non-Certified Applicators

Lee Corte-Real opened the discussion and provided background information. He concluded by indicating that the guidance and supervision of RUP is very important it is for this reason that the Board is now considering these proposed regulations.

Richard Berman provided a background for the continued Subcommittee policy that reclassifies all liquid subsurface termiticides as State Restricted Use Pesticides. This policy was borne out of the use of the pesticide chlordane and similar chemicals and took shape in 1980's. Although these products are no longer used as subsurface termiticides, this policy of reclassification is still carried out today.

MDAR seeks the Boards approval to move the proposed regulations forward in the State required process:

- public hearings;
- collection of public comments,
- A small business impact report will be required for these draft regulation.
- draft of hearing officer report; and
- revisions to the draft regulations as deemed appropriate.

Dr. Looney provided some brief examples of his professional experience; whereby, the issue of direct supervision played a critical role. He explained that he does not support the current draft of these regulations. In summary he indicated that the protection of the applicator and the public would be better served by having "Direct Supervision" equate to presence of the supervisor on-site.

Taryn Lascola provided a summary of their survey of some 41-different companies who use Restricted Use Pesticides. The findings of this survey were outlined in an undated one-page memo to the Pesticide Board and provided at this Meeting.

The Board reviewed certain parts of the proposed regulations and had a lengthy discussion of the various related issues:

- Current practices of pest control companies;
- Impacts of the Subcommittee reclassification process;
- Impacts of labeling with both SRUP uses and other non SRUP uses;
- Methods used by other states to address these issues;
- Estimation of termiticide work done by representative companies and the potential impacts on industry from requiring on-site supervision;
- Penalties from violating current regulations;

Richard Berman and others suggested that the Department consider additional revisions, Draft Regulations 333 CMR 10.07 (5), 10.07 (7), and 10.07 (9), prior to moving them on to public hearing. These sections need additional discussion.

Richard Berman indicated that that there have been a number of suggested changes and that these should be made prior to going out to public hearing. He asked that the Board listen to public members attending the Meeting today.

Public Comments:

Mike Heffernan, MALCP: Section 10.07 (7) creates redundancy in paperwork.

Stephen Certa, NEPMA: Indicate that he believes these proposed regulations could have a significant burden on small businesses and asks that the Board consider revising these regulations to consolidate the record keeping and minimize the redundancy.

Sean Greenhow, Greenhow/NEPMA: Supports that the current regulations do seem to create some redundancy and put additional record keeping burdens on the applicator/industry.

VOTED: To support the Department's advance to a public hearing in the form that they are currently in.

Moved: Jack Buckley

Second: Richard Bonanno

Approved: 9 – 1 – 0

C. Emergency Response to Mosquito Borne Disease in 2012

Lee Corte-Real provided an overview of the interagency collaboration and operations of the aerial applications of mosquito adulticides in 2012.

No motions were made or votes taken.

D. Request for exemption from Dealer License exam under 333 CMR 9.05(2).

Lee Corte-Real presented a recent request for a Pesticide Dealer License without taking the Massachusetts Pesticide Dealer License Exam.

No motions were made or votes taken.

E. Use of Pediculocides

Dr. Looney engaged the Board in a discussion of the use of certain pesticide products for the control of headlice.

No motions were made or votes taken.

F. Meeting Adjourned

Voted: To adjourn the Pesticide Board Meeting.

Moved: Richard Berman

Second: Richard Bonanno

Approved: 9-0

The Meeting was adjourned.