

MASSACHUSETTS PESTICIDE BOARD MEETING

Minutes of the Board Meeting held at the McCormack Building, 1 Ashburton Place on Wednesday, September 16, 2015

The Meeting was called to order at approximately 10:00 A.M.

BOARD MEMBERS IN ATTENDANCE

Jason Wentworth, MDAR Assistant Commissioner	Present
Michael Moore, DPH, Food Protection Program	Absent
Marc Nascarella, DPH, Designee for Commissioner Bharel, M.D.	Absent
William Clark (Conservation/Environmental Protection Member)	Present
Ken Simmons, DFG, Designee for Commissioner Peterson	Absent
Kathy Romero, DEP, Designee for Commissioner Suuberg	Absent
Ken Gooch, DCR, Designee for Commissioner Sanchez	Present
Richard Berman	Present
John Looney	Present
Brian Magee	Present
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 PRESENT:

Bill Siegel, NEPMA; Mark Weaver, NEPMA and MD Weaver Co.; Galvin Murphy, NEPMA and Yankee Pest Control; Clifford Youse, Plymouth County Beekeepers Association; Martha Sylvia, UMEXT Cranberry Station; Taryn Lascola, MDAR; Jessica Burgess, Esq., MDAR; Hotze Wijnja Ph.D., MDAR; and Steven Antunes-Kenyon, MDAR

DOCUMENT(S) PRESENTED

- Minutes from the Thursday, June 4, 2015 Board Meeting
- Summary Fact Sheet (1 page) Proposal to Revise the Certification of Pesticide Applicators Rule
- Summary Comparison (1 page) of Major New Proposed Protections to the Existing Protections
- Website Guidance Sheet (1 page) for EPA Proposed Regulatory Changes Docket Number EPA-HQ-OPP-2011-0183 at regulations.gov

A. Minutes from the Thursday, June 4, 2015 Board Meeting

Jason Wentworth presented the Minutes from the Thursday, June 4, 2015 Board Meeting for the Board's consideration.

Voted: To accept the minutes as prepared for the Thursday, June 4, 2015 Board Meeting as written.

Moved: John Looney
Second: Richard Berman

Opposed: 0
Abstentions: 1 (Laurell Farinon)
Approved¹: 6 – 1 – 0

B. Proposed changes to Federal Regulations on Certification and Training of Pesticide Applicators Who Apply Restricted Use Pesticides (40 CFR Part 171 Certification of Pesticide Applicators) – a 90-day Open Comment Period Opened on August 24 and will close on November 23, 2015

Steven Antunes-Kenyon provided background information on the existing regulations which are nearly 40 years old. He indicated that the proposed changes seek to strengthen the competency standards for users of Restricted Use Pesticides (RUPs). Many of changes would bring parts of the Federal regulations up to a higher standard—that which is already being practiced here in Massachusetts and many other states.

- Increase minimum age for certification - 18
- Require closed book exams
- Require I.D. to take exams
- Eliminate special processes for non-readers
- Standardize maximum 3-year retraining periods
- Add categories (e.g. soil and non-soil) and increase competency standards

Although the Department’s Pesticide Program currently complies with many of the proposed changes, he indicated that the proposed regulations would have some impact on Massachusetts users of Restricted Use Pesticides (RUPs). The regulations would create work for staff in the Pesticide Program; whom, would be required to bring the Department’s program into compliance.

- Require the MDAR to re-write its Cooperative Agreement with U.S. EPA
- Increase annual reporting requirements
- Require new certification categories and related exams
- Require changes to the training process for “retraining” or “recertification”

The proposed regulations are part of a response to an Executive Order from the Obama Administration to review and reform federal regulations. The EPA does well to describe how these regulatory changes are necessary to support the existing risk assessment processes and product registration program which makes such RUP products available to applicators in both agricultural and non-agricultural sectors. The proposed regulations also include language for the protection of pollinators.

***C. Pesticide Program updates on the following:
Executive Order for Regulatory Review and Listening Sessions***

¹ Member Richard Bonanno, Ph.D. joined the Meeting just after the vote on the Minutes.

Jessica Burgess, Esq. provided a brief update on the Department’s work as part of the Regulatory Review. It’s the Department intention to move the “Direct Supervision” regulations forward through a process to include re-posting them through the regulatory track process. MDAR Legal is waiting for additional information in order to navigate the next step and properly promulgate these Board approved regulations. It’s possible that the process may require them to go out for one more public comment period.

The Department is also scheduling “listening sessions” to get a general idea on how the Department’s regulations impact its constituents. The hearing scheduled is proposed for September 28th in Northampton, October 1st in Westborough and October 6th in Cambridge. The dates will be posted to the MDAR website.

Pollinator Protection

The pollinator stewardship group led by the Massachusetts Farm Bureau Federation has asked for public comments on the Pollinator Protection Plan Framework by the November 15th.

The MDAR has hired Kim Skyrn, Ph.D. as the full-time Apiary Program Coordinator.

Plant Nutrient Regulations, 330 CMR 31.00 Plant Nutrient Application Requirements for Agricultural Land and Land Not Used for Agricultural Purposes

Jessica Burgess, Esq. explained that the Plant Nutrient Regulations were promulgated on June 5, 2015. Education and outreach are the primary tools being utilized to provide awareness and assistance to all sectors affected by these regulations. Jessica expressed the need for constituents to communicate with the Department on any section of the new regulations that is not working well. The Department and UMASS Extension continue to work together in the development of associated guidelines; which, are cited in the regulations.

D. Meeting Adjournment

Voted: To adjourn Wednesday, September 16, 2015 Meeting.

Moved: John Looney
Second: Richard Bonanno

Approved: 8 – 0

Meeting adjourned at 11:30 a.m.