

MAC ADVISORY COMMITTEE

December 15, 2021
2:00 PM Committee Meeting
DRAFT MINUTES

Present: Hicks, Neavyn, Poland, Waterman

BPC Staff: Boyd, Bryer, Couture, Patterson, Pietroski, Tomlinson

Department Staff: Gibbs

Asst Attorney General: Randlett

- Waterman opened the meeting, gave opening remarks, and stated that the committee needed to submit the report about herbicide use on school grounds. He noted that the legislature had passed a new law that prohibited glyphosate and dicamba within 75 feet of most school properties in Maine. As part of that law there was a separate ask to advise the ACF committee about potential risks of herbicides used on school grounds and to issue recommendations and suggest further legislation regarding herbicide use on school grounds. He added that he would like the MAC members to accept, reject, or modify the minutes and to each give a brief summary of where they thought they should go from here.
- Hicks asked about clarification from Neavyn on the September 10, 2021 minutes.
- Neavyn stated that what he was trying to say was that everything was considered a poison, so the question was whether the exposure was there. He had given the example of household bleach and how exploratory pediatric exposure was generally a small exposure. Neavyn said his thoughts about most of this topic was whether there was an exposure risk involved.
 - **Hicks/Neavyn motioned and seconded to approve minutes as amended for the September 10, 2021 and November 18, 2021 meetings.**
 - **In Favor: Unanimous**
- Randlett commented on the summary of minutes the MAC members received and that from a legal perspective they do not need to do anything with it. He stated that it was part of the record and could be used as a tool.
- Waterman asked if members had comments on the interim report provided by staff.
- Hicks stated that she had already forwarded her technical comments regarding formatting to Patterson.
- Poland stated that she was impressed with the interim report and agreed it needed to focus on MAC member comments and consensus-based recommendations. She had also added comments about the technical writing.
- Neavyn echoed Waterman's sentiment that this was a heroic effort on behalf of staff and thanked everyone. He noted that staff pulled all pesticide exposures from Northern New

England Poison Control Center, which were not many, and there were not any classified above a minor exposure. Neavyn stated that although they give recommendations it is mainly for acute exposures and management of overdoses. He said when talking about potential environmental exposures those were not commonly linked to an acute incident and were not something that people would call the poison center for. Neavyn stated that there had been no acute exposures or poisonings from herbicides on school grounds, but it did not necessarily mean it was not a problem because people generally would not call for a malignancy that arose from an exposure twenty years earlier.

- Waterman asked MAC members to put together their thoughts and recommendations on whether the report should be finalized, whether an interim report should be submitted, or whether more meetings were required.
- Hicks suggested that staff use numbers instead of percentages on the pie charts because percentages tended to imply that the numbers were much higher. Although she noted that more use and hazard data for herbicide use on school grounds could be collected she would stick with the interim report.
- Neavyn said he struggled with this and what was their actual recommendation. He said the problem was that there were so many chemicals and so much data to review about them it seemed premature to make an overarching recommendation. He recommended providing resources and time to review to come to a conclusion on whether specific herbicides should or should not be used on school grounds.
- Waterman suggested submitting the interim report and once the data Neavyn mentioned was collected then that could be forwarded to the legislature, rather than the MAC having to hash it over.
- Patterson stated that the MAC could request that staff collect additional information and report back to members via email and they still would not have to meet again. This would give the MAC an opportunity to sign off on the report before it was submitted to the legislature.
- Waterman commented that that was a potential way to satisfy various parties. He asked Neavyn his thoughts on sending an interim report.
- Neavyn stated he was on board with an interim report.
- Poland commented that proposing any legislation as part of this report would be premature and unwarranted. She asked if there should be an ongoing data collection effort for this purpose. Poland said that knowing there were IPM practices out there for schools already should we recommend the training of IPM practices be more robust instead of more legislation regarding specific products.
- Waterman said he thought the legislature had already spoken about their concern regarding the unknown risks of continuing to use herbicides on school grounds. He stated that in light of comments regarding acute versus chronic exposure he believed there was no safe lower level exposure to these cancer-causing agents, and that EPA reported that chemicals in soil and air can be absorbed by children. He said that the California Academy of Pediatrics recommended that the use of chlorpyrifos be banned and that was rejected by the EPA. Waterman stated that the EPA administration change last year was the only reason for the revocation of chlorpyrifos

food tolerances. He added that his point was he did not think we could know with 100% certainty what the effects of these pesticides would be and did not think we could trust the EPA to tell citizens the concerns. Waterman stated that the legislature should ban use of synthetic herbicides on Maine school grounds. He added that it sounded like Hicks had good grasp on additional data that should be collected

- Hicks stated that addendum F went a long way to putting a spreadsheet together, and that they needed to look at data that is also in EPA regulatory documents on non-occupational exposure to children. Hicks added that they should also look at the other use patterns and if they cannot find that data in EPA documents then she would suggest a label review.
- Waterman asked Neavyn what he would suggest as action steps
- Neavyn responded that beyond reviewing individual chemicals he felt additional considerations brought up in the draft report suggesting modifying the existing rule to make IPM a requirement would fit with trying to control exposure risk in children. He said his main concern was evaluating the risk of exposure and emphasis on reducing exposure was the message the legislature should receive.
- Poland stated that she had thought that IPM was a requirement and if it was not then it should be.
- Waterman agreed and stated that he had not been aware of the nuance of the IPM principles and that they should be mandatory. He stated that while acknowledging the importance of more information, he thought the MAC should wrap it up today. Waterman said as he understood it they would request further data be collected as Hicks recommended, including preparation of a spreadsheet on childhood exposure and chemical toxicity.
- Hicks recommended that IPM coordinators be trained more thoroughly because it was disturbing that six products were used that should not have been.
- Waterman requested that staff send the interim report to the Board for their review along with a recommendation to make IPM mandatory in Chapter 27, and that steps should be taken to provide more comprehensive training for IPM coordinators.
 - **Waterman/Hicks motioned and seconded for staff to submit the interim report to the Board of Pesticides Control.**
 - **In Favor: Unanimous**
- Hicks stated there should also be applicator training on recordkeeping.
- Poland stated that making IPM mandatory should be moved up to the actual 'recommendation' portion of the report.
 - **Poland/Hicks motioned and seconded to make the use of IPM in schools mandatory.**
 - **In Favor: Unanimous**

- **Hicks/Poland motioned and seconded to forward the interim report to the legislature with the request that staff do more toxicity and exposure data gathering.**
- **In Favor: Unanimous**

- **Hicks/Waterman motioned and seconded to request that the Board of Pesticides Control reevaluate IPM coordinator training for content and legality of using certain products on school grounds.**
- **In Favor: Unanimous**

- Patterson noted the option that the MAC could weigh in on what other states' regulations were regarding herbicide use, including what the grounds were for how the regulations were decided. For example, if there was a study conducted.
- Hicks suggested that it would be better to go through EPA's Pesticides Operations and Management, POM, and Environmental Quality Issues, EQI, working committees.
- Patterson said staff could bring it forward as an issue paper to POM to let them know that this was something states were thinking about, and staff could obtain information about national regulations around pesticide use on school grounds.
 - **Hicks/Poland motioned and seconded to recommend to the Board of Pesticides Control that they request staff to conduct a survey of other states about pesticide use on school grounds.**
 - **In Favor: Unanimous**

- Patterson noted the best management practices included in the report and explained that an ad hoc committee was created to form them. She asked if MAC members would like staff to convene a committee similar to the original one to revisit the best management practices.
- Waterman stated that this seemed like it was straying a little far from the ask of the legislature.
- Patterson asked if members would like the best management practices struck from the report or left in there.
- Neavyn stated it seemed like they highlighted that the number one goal was to reduce pesticide exposure and thought it made sense to include them in the report.
- Poland and Hicks both commented that they could go either way on leaving or removing them.
- Waterman suggested that the MAC did not pursue updating the aforementioned best management practices.
- Patterson stated that she would send an invite to the MAC members for the next Board of Pesticides Control meeting.
 - **Waterman/Hicks motioned and seconded to adjourn at 12:12 PM**
 - **In Favor: Unanimous**