

**Minutes of the
Barnstable County Ad-Hoc Committee on
Risk Analysis Vegetation Management**

The seventh and final meeting of the Barnstable County Ad-Hoc Committee on Risk Analysis Vegetation Management was held at the First District Court House in the Assembly of Delegates Chambers on the twenty-eighth day of January, 2011.

Members Present:

Steve Spear	USDA-NRCS
Gabrielle Sakolsky	Cape Cod Mosquito Control
Bill Clark	Cape Cod Cooperative Extension
Laura Kelley	Landscape Professionals
Charles Passios	Golf Course of Cape Cod
Kevin McCune	NSTAR
Lee Corte-Real	MA Department of Agriculture
Leo Cakounes	Cape & Islands Farm Bureau
Dennis Galvam	NSTAR
Allison Rescigno	MA Department of Environmental Protection
Mark Begley	Environmental Management Commission
Jared Collins	Cape Cod for a Truly Green NSTAR
Sue Phelan	GreenCape
Sheila Lyons	County Commissioner

Members Absent:

Sarah Peake	State Representative
Andrew Gottlieb	Cape Cod Water Protection Collaborative
Patty Daley	Cape Cod Commission

Others Present:

Roberta Clark	Cape Cod Cooperative Extension
Hotze Wijnja	MA Department of Agriculture
Sandra Larsen	GreenCape
Alan Schwartz	Citizen
David Still	Barnstable Patriot
Janet Kluever	Falmouth
Diane Suhm	Sandwich
Mary Pat Flynn	County Commissioner
Rich Eldredge	Cape Codder Newspaper
Sue Rohrbach	Senator Dan Wolf's Office

Chairman Sheila Lyons called the meeting to order at 9:11 a.m.

Ms. Lyons reviewed that the goal of the meeting was to come to a consensus and a list of 4-5 recommendations to move forward.

Ms. Lyons asked each committee member to take 10 minutes to review the information distributed to them, which included a proposed draft from her, a proposed draft from Leo Cakounes and recommended motions from Sue Phelan of GreenCape.

I. Approval of the December 3rd and 17th, 2010 Minutes

Motion made by Leo Cakounes to move the Minutes of December 17, 2010, 2nd by Bill Clark. Sheila Lyons asked for any comments or amendments to the draft minutes.

Sue Phelan asked the following amendment be made:

- Page 2, under Motion #1. Ms. Phelan asked that the record show that she objected to this motion based on the chemical **Krenite (fosamine ammonium) that has not been approved for residential use.**

Motion made by Charles Passios to approve the Minutes of December 17, 2010 as amended, 2nd by Dennis Galvam, approved 13-0-0

Motion made by Bill Clark to move the Minutes of December 3, 2010, 2nd by Leo Cakounes.

Sue Phelan asked the following amendment be made:

- Include presentation by Finbar Phelan of Safelawns on soil biology and natural vegetation management practice.

Motion made by Bill Clark to approve the Minutes of December 3, 2010 as amended, 2nd by Dennis Galvam, approved 12-0-1. Leo Cakounes abstained as he was not present at the meeting.

II. Discussion on proposed recommendations and motions

Sheila Lyons stated that in the best interest for residents of Cape Cod a recommendation to the County Commissioners should be made to continue studying the impacts of herbicide spraying by the Cape Cod Commission, Barnstable County Department of Health & Environment or an independent consultant. Ms. Lyons had drafted a proposed list of recommendations, dated 1/20/2011 that was revised by Leo Cakounes in his proposed draft, dated 1/21/2011, for the purpose of discussion.

- 1) The first document distributed for discussion was prepared by Hotze Wijnja of the MA Department of Agriculture on “Estimated Pesticide Use on Cape Cod for Vegetation Management”.

Mark Begley asked for clarification on what “cides” are being used on lawns in the bar graphs. Hotze Wijnja replied that pesticides are being used for residential, commercial and golf course properties.

Gabrielle Saklosky from the Cape Cod Mosquito Control stated the Cape Cod Mosquito Control Project does not use any herbicides in our program. Therefore, the information distributed by Hotze Wijnja may be misleading.

After general discussion it was agreed upon by committee consensus that the document would be put on the county website as a resource.

- 2) The second document distributed for discussion was a proposed draft, dated 1/21/2011, prepared by Leo Cakounes of the Cape Cod Farm Bureau.

Motion made by Leo Cakounes to approve the proposed draft, dated 1/21/2011. 2nd by Bill Clark.

Following discussion by committee members it was agreed upon consensus to make the following amendments to the draft:

Under Meetings Schedule (page 1):

Bullet #3: Add “unknown” before the word “effects” at the beginning of the statement.

Bullet #2: Add “area” in between the words “sensitive and materials”.

Bullet #7: Add “and benefits of herbicides as a tool in vegetation management” after the word “companies”.

Bullet # 5: Correct the spelling of Laura Kelley’s last name and company name.

Under, “The following items were discussed in length” (page 2):

Bullet #'s 13 & 15: Change “VS” to “in regards to”.

Bullet #12: Remove the word “all” in the beginning of the statement that reads “Analysis of ingredients”.

Bullet #4: Change the end of the statement from “necessary to use” to “acceptable to use”.

In the Heading: Remove the words “in length” at the end of the statement and add “and/or presented” after the word discussed.

Background (page 1):

Insert original mission statement that was voted and approved by the County Commissioners on page 1 under background.

Amend language in paragraph 2 from “stakeholders committee” to “committee of stakeholders”.

Add a period after the word “matter” in the second paragraph and delete the language, “and evaluate the Management Plan put forth by NSTAR for their Rite of Ways”.

Recommendations of the Committee (page 3):

Remove the heading, “Herbicide application review board”.

Motion made by Leo Cakounes to approve the proposed draft as amended, 2nd by Bill Clark. 10-3-0.

- 3) The third document distributed for discussion was a proposed list of motions submitted by Sue Phelan of GreenCape.

Motion made by Sue Phelan to discuss the first motion presented by GreenCape and if passed be included in the whitepaper as motion #5. 2nd by Lee Corte-Real.

Sue Phelan read the following motion:

“Due to concerns that fosamine ammonium is not approved for residential use and therefore neither a residential exposure assessment nor an aggregate exposure assessment has been performed, and knowing further that many of the NSTAR easements are located on residential property where residents will be exposed to this pesticide, the committee recommends that this pesticide not be utilized on residential or publicly owned or maintained land in order to protect the health and well being of Cape Cod residents”.

Kevin McCune of NSTAR stated the statement was not applicable to NSTAR because they spray for professional use and not residential use. He also stated that risk assessments have been done on professionals.

General discussion between Roberta Clark, Sue Phelan, Steve Spears, Lee Corte-Real, Kevin McCune and Hotze Wijnja on general use products, identifying sites on labels, and who can use the products.

Approved-3, opposed-10, abstention-1. Dennis Galvam abstained. Motion did not pass.

Motion made by Sue Phelan to discuss the second motion presented by GreenCape and if passed be included in the whitepaper as motion #5, 2nd by Lee Corte-Real.

“In light of the peer reviewed scientific studies that have found that triclopyr and glyphosate in combination with state approved surfactants exhibit endocrine disrupting effects and because of the federal legislation passed in 1995 that requires that these effects be taken into account when analyzing pesticides for use, and further that the Endocrine Society has stated in their first statement on endocrine disruptions published in 2009 that:

- Effects of endocrine disrupting chemicals may be transmitted to further generations through germline epigenetic modifications or from continued exposure of offspring to the environmental insult.
- The evidence for adverse reproductive outcomes (infertility, cancers, malformation) from exposure to endocrine disrupting chemicals is strong, and there is mounting evidence for effects on the other endocrine systems, including thyroid, neuroendocrine, obesity and metabolism, and insulin and glucose homeostasis.
- The Precautionary Principle is key to enhancing endocrine and reproductive health, and should be used to inform decisions about exposure to, and risk from, potential endocrine disruptors.

The Ad Hoc Committee therefore, strongly recommends that advice of the Endocrine Society to utilize the precautionary principle be followed and these

pesticides not be utilized on Cape Cod easements in order to protect the health and well being of Cape Cod residents”.

Committee members Leo Cakounes, Steven Spears, Kevin McCune, Lee Corte-Real, and Bill Clark stated they would not be comfortable supporting this motion as the committee never heard from the Endocrine Society directly and has not had the opportunity to read and understand the advise or Precautionary Principle referred to in the motion.

Committee came to a general consensus that it will be suggested to any new committee formed to look into this item.

Approved-3, Opposed-9, Abstention-1. Motion not passed.

Motion made by Sue Phelan to discuss the third motion presented by GreenCape and if passed be included in the whitepaper as motion #5, 2nd by Lee Corte-Real.

“In the spirit of community with the 12 Cape Cod towns who have already passed this resolution, the Ad Hoc Committee requests that NSTAR abandon its current plan to use herbicides along rights-of-way on Cape Cod and commit to a no-spray, pesticide-free policy of vegetation management on Cape Cod and the Islands”.

Question moved by Bill Clark. Approved-3, opposed 8, abstained-2. Motion did not pass.

Dennis Galvam left at 11:35 a.m.

4) Motion #1 presented by Leo Cakounes

The following motion was made by Leo Cakounes, 2nd by Bill Clark:

“After months of testimony and review of all presentations made to this Committee and along with the County’s moving forward with the previous suggestions made by this committee, described as “Motions 1, 2, 3, 4” moved and approved December 17, 2010 and the completion of the Cape Cod Commissions update of the well locations within the treatment area. The Committee supports implementation of the Integrated Pest Management Plan as here in presented by NSTAR. For the power line Rite of Ways on Cape Cod”.

Committee members discussed motion and the following amendments were made:

- 1st paragraph, end of 3rd line, delete the word “the” and replace with “upon”.
- Change from motion #1 to motion #5 and add to whitepaper.

Motion made by Bill Clark to accept the motion as amended, 2nd by Kevin McCune, approved 8-3-2 with Jared Collins, Laura Kelley and Sue Phelan opposing and Steve Spear and Lee Corte-Real abstaining.

Motion made by Leo Cakounes to forward the third motion presented by GreenCape to the next committee formed. 2nd by Gabrielle Sakolsky, approved 13-0-0.

Motion to adjourn made by Sheila Lyons, 2nd by Bill Clark.

Adjourned at 11:42 a.m.

Materials provided at meeting:

Proposed list of recommendations, dated 1/20/11, by Sheila Lyons

Proposed whitepaper, by Leo Cakounes

GreenCape proposed Ad Hoc Committee Motions, dated 1/27/11, by Sue Phelan