



STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY  
BOARD OF PESTICIDES CONTROL  
28 STATE HOUSE STATION  
AUGUSTA, MAINE 04333

JANET T. MILLS  
GOVERNOR

AMANDA E. BEAL  
COMMISSIONER

**BOARD OF PESTICIDES CONTROL**

**January 10, 2023**

**1:00 PM Board Meeting**  
**2:00-2:30 PM Public Forum**  
**2:30-4:00 PM Board Meeting Continued**

Join the meeting in person at the Augusta Civic Center, Kennebec/Penobscot Room, 76 Community Dr,  
Augusta

**Or**

**Join on your computer, mobile app or room device**

[Click here to join the meeting](#)

Meeting ID: 210 021 931 460

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**AGENDA**

1. Introductions of Board and Staff
2. Minutes of the December 1, 2023 Board Meeting

Presentation By: John Pietroski, Acting Director  
Action Needed: Amend and/or approve

3. Update on Implementation of LD 1770: Resolve, Directing the Board of Pesticides Control to Transition to Electronic Submission of Pesticides Sales and Use Data

At the September 1, 2023 Board meeting, staff brought forward a memo regarding the implementation of LD 1770. Bohlen agreed to join staff for a meeting with developers and licensed applicators/dealers that use Maine Pesticide Enforcement, Registration, and Licensing Software (MEPERLS) to discuss changes that would be needed to simplify the data entry process for annual reports. Staff will provide an update from these meetings. In addition, the Board discussed potential rulemaking to require electronic submissions of records. Staff will give a brief

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update on the discussions at the sales and use meetings. These discussions will be included in the report on the implementation of LD 1770 is due to the legislature by March 1, 2024.

Presentation By: John Pietroski, Acting Director  
Action Needed: Discussion

4. Draft Adjuvant Policy

At the February 24, 2023 Board meeting, the Board voted on developing a policy that excluded colorants as adjuvants following the implementation of PL 2022 c. 673 (130<sup>st</sup> Legislature LD 2019), which includes spray adjuvants in the definition of pesticides. At the July 21, 2023 Board meeting, the Board voted to implement a policy related to the distribution of adjuvants that were not previously registered in Maine. Additionally, there is a need to develop a policy regarding recordkeeping requirements for spray adjuvants. Staff have combined these concepts into one policy for consideration.

Presentation By: Karla Boyd, Policy & Regulations Specialist  
John Pietroski, Acting Director  
Action Needed: Discuss; approve/disapprove adoption by interim policy

5. Adjuvant Reporting Start Date

Staff are requesting guidance on when applicators and dealers must begin reporting annual use and sales data for adjuvants.

Presentation By: John Pietroski, Acting Director  
Action Needed: Discussion

6. Request for 24(c) Registration for Arsenal Herbicide Applicators Concentrate

At the request of Ronald Lemin, Jr. and the BASF Corporation supports the Special Local Need [24(c)] Registration (imazapyr, EPA Registration No. 241-299) and SLN NO. ME-040001 for the use of Arsenal Herbicide Applicators Concentrate to allow increased surfactant rate when used in combination with glyphosate for Jack pine, black spruce, red spruce, and white spruce release. This SLN was renewed in 2021 with a shorter expiration date with the expectation that this use would be added to the master label. According to BASF this use has yet to be incorporated into the label.

Presentation By: John Pietroski, Acting Director  
Action Needed: Review and/or Approve

7. Consideration of Consent Agreement for Certified Pest Management of Chelsea, Maine

On June 3, 1998, the Board amended its Enforcement Protocol to authorize staff to work with the Attorney General and negotiate consent agreements in advance on matters not involving substantial threats to the environment or public health. This procedure was designed for cases where there is no dispute of material facts or law, and the violator admits to the violation and acknowledges a willingness to pay a fine to resolve the matter. This case involved a false or fraudulent record and an unlicensed application.

Presentation By: Alex Peacock, Manager of Compliance  
Action Needed: Review and/or Approve

8. Consideration of Consent Agreement for Mosquito Squad of Southern Maine of Scarborough, Maine

On June 3, 1998, the Board amended its Enforcement Protocol to authorize staff to work with the Attorney General and negotiate consent agreements in advance on matters not involving substantial threats to the environment or public health. This procedure was designed for cases where there is no dispute of material facts or law, and the violator admits to the violation and acknowledges a willingness to pay a fine to resolve the matter. This case involved a violation of drift minimization and use of a pesticide inconsistent with its label.

Presentation By: Alex Peacock, Manager of Compliance  
Action Needed: Review and/or Approve

9. Consideration of Consent Agreement for TruGreen Lawncare of Westbrook, Maine

On June 3, 1998, the Board amended its Enforcement Protocol to authorize staff to work with the Attorney General and negotiate consent agreements in advance on matters not involving substantial threats to the environment or public health. This procedure was designed for cases where there is no dispute of material facts or law, and the violator admits to the violation and acknowledges a willingness to pay a fine to resolve the matter. This case involved failure to notify a property on the Notification Registry, use of a pesticide inconsistent with its label, and failure to cease spray activities near unprotected persons.

Presentation By: Alex Peacock, Manager of Compliance  
Action Needed: Review and/or Approve

10. Consideration of Consent Agreement Insight Pest Solutions Maine, LLC of Falmouth, Maine

On June 3, 1998, the Board amended its Enforcement Protocol to authorize staff to work with the Attorney General and negotiate consent agreements in advance on matters not involving substantial threats to the environment or public health. This procedure was designed for cases where there is no dispute of material facts or law, and the violator admits to the violation and acknowledges a willingness to pay a fine to resolve the matter. This case involved numerous unlicensed applications.

Presentation By: Alex Peacock, Manager of Compliance  
Action Needed: Review and/or Approve

11. Other Old and New Business

- a. EPA Update: EPA Takes Action to Protect People from PFAS that Leach from Plastic Containers into Pesticides and Other Products

12. Schedule of Future Meetings

February 23, 2024 and April 5, 2024 are the next scheduled Board meeting dates. The Board will decide whether to change and/or add dates.

Staff reserved Marquardt Room 118 for February 23, 2024; and Deering Room 101 for April 5, 2024.

Adjustments and/or Additional Dates?

13. Adjourn

## NOTES

- The Board Meeting Agenda and most supporting documents are posted one week before the meeting on the Board website at [www.thinkfirstspraylast.org](http://www.thinkfirstspraylast.org).
- Any person wishing to receive notices and agendas for meetings of the Board, Medical Advisory Committee, or Environmental Risk Advisory Committee must submit a request in writing to the Board's office. Any person with technical expertise who would like to volunteer for service on either committee is invited to submit their resume for future consideration.
- On November 16, 2007, the Board adopted the following policy for submission and distribution of comments and information when conducting routine business (product registration, variances, enforcement actions, etc.):
  - *For regular, non-rulemaking business*, the Board will accept pesticide-related letters, reports, and articles. Reports and articles must be from peer-reviewed journals. E-mail, hard copy, or fax should be sent to the Board's office or [pesticides@maine.gov](mailto:pesticides@maine.gov). In order for the Board to receive this information in time for distribution and consideration at its next meeting, all communications must be received by 8:00 AM, three days prior to the Board meeting date (e.g., if the meeting is on a Friday, the deadline would be Tuesday at 8:00 AM). Any information received after the deadline will be held over for the next meeting.
- During rulemaking, when proposing new or amending old regulations, the Board is subject to the requirements of the APA (Administrative Procedures Act), and comments must be taken according to the rules established by the Legislature.