



JANET T. MILLS
GOVERNOR

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

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AMANDA E. BEAL
COMMISSIONER

BOARD OF PESTICIDES CONTROL

June 6, 2025

9:00 AM Board Meeting

MINUTES

1. Introductions of Board and Staff
 - a. Board: Adams, Bohlen, Carlton, Fanning, Neavyn
 - b. Assistant Attorney General: Carey Gustanski
 - c. Staff: Boyd, Brown, Couture, Leibowitz, Peacock, Poisson, Richard, Saucier, Vacchiano

2. Minutes of the April 25, 2025 Board Meeting

Presentation By: Alex Peacock, Director
Action Needed: Amend and/or Adopt

- **Carlton/Fenning: Moved and seconded to adopt April 25, 2025 minutes as revised**
- **In favor: Unanimous**

3. Legislative Update

Currently, the Maine State Legislature is in the 132nd First Special Session, where 7 pesticide-related bills have been published. These bills are LD 356: An Act to Require Notification of Certain Outdoor Pesticide Applications, LD 1132: An Act to Further Protect Low-impact Landscaping, LD 1201: An Act to Protect Maine Agriculture and Farms by Exempting Certain Pesticides from Regulation, LD 1323: An Act to Prohibit the Use of Neonicotinoid Pesticides and the Use and Sale of Neonicotinoid-treated Seeds, LD 1557: An Act to Ensure Uniformity in the Regulation of Perfluoroalkyl and Polyfluoroalkyl Substances in Pesticides, and LD 1697: An Act to Increase Penalties to Deter Violations of the Laws Regarding Improper Pesticide Use. LD 1982: An Act to Ensure Uniformity in the Regulation of PFAS. Staff will give an update on the status of these bills.

ALEXANDER PEACOCK, DIRECTOR
90 BLOSSOM LANE, DEERING BUILDING



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Presentation By: Alex Peacock, Director
Action Needed: None; Informational purposes

Peacock brought the board up to date on the following pesticide-related bills that had been published

- LD 356: An Act to Require Notification of Certain Outdoor Pesticide Applications
 - Peacock mentioned the amendment to remove the emergency, as well as to direct the BPC to prohibit the use of rodenticides in outdoor settings. Certified applicators would be exempt from this prohibition. The board will be required to submit a report on the prohibition to the Joint Standing Committee by January 15, 2026.
 - Carlton commented on how the original language in the bill created alarm in the public hearing.
 - Peacock explained that the original bill required written notification to everyone in a 500-foot radius, 7 days prior to any application and has since shifted focus to rodenticide due to concern over secondary exposure. Peacock mentioned that the next Board meeting would include a rulemaking update.
 - Bohlen clarified the legislature will require the Board to report, not to have the rulemaking completed and Peacock confirmed.
- LD 1323: An Act to Prohibit the Use of Neonicotinoid Pesticides and the Use and Sale of Neonicotinoid-treated Seeds
 - Peacock addressed the amendment created to add an emergency preamble and clause. This amendment also requires the Board to conduct a study on the impact of neonicotinoids on pollinators, humans, and the environment. The Board would also be required to solicit feedback from the public, stakeholders, and interested parties. Findings, appropriations, and allocations to be initially reported in January 2026, with a final report in January 2027. Bohlen asked if this would require reestablishing the environmental risk advisory committee and Peacock confirmed that it would require the initiation of ERAC
- LD 1697: An Act to Increase Penalties to Deter Violations of the Laws Regarding Improper Pesticide Use
 - Peacock mentioned that an amendment was already made to reduce the maximum fine from \$25,000 to \$10,000. A penalty matrix will need to be developed.
 - Carlton asked what the public hearing was like. Peacock said people were mostly neutral or in favor, though it was not heavily attended. Concerns were raised about the impact on small businesses.
- Adams – Section 1a is commercial and unlicensed while section 2 is for private applicators. LD 1557 An Act to Ensure Uniformity in the Regulation of Perfluoroalkyl and Polyfluoroalkyl Substances in Pesticides
 - Peacock informed the Board this bill died on the floor.
- LD 1982 An Act to Ensure Uniformity in the Regulation of PFAs
 - Peacock informed the Board this bill was published May 20th. It had a public hearing and a work session on the same day. The bill died on the floor on June 4th.

4. Proposed 2025 Water Quality Assessment

Every year, BPC receives funds from EPA to complete water quality testing in Maine. In previous years, BPC has focused on water quality related to aerial forestry practices, near agriculture and population centers, and drift related to brown tail moth applications, among other topics. The board showed interest in pursuing a water quality project in 2025 related to invasive species management programs that have applied for Chapter 29 variance from buffer requirements. Staff have prepared a proposal for this project.

Presentations By: Julia Vacchiano, Registrar and Water Quality Specialist
Action Needed: Discuss, Amend and/or Approve/Disapprove

- Vacchiano detailed that we got EPA funding, so she wanted to begin testing. The tests will include sediment and water samples from areas where variances have been approved.
 - Bohlen mentioned that the last water quality test found a fair number of pesticides in areas with no recorded pesticide use. He asked if Vacchiano had thought about field control tests in places without variances. Bohlen also mentioned that some of the active ingredients in the variances from 4-5 years ago had half lives of 30 days, so he was interested to see if any are found.
 - Carlton expressed interest in seeing the glyphosate data. He also asked how many sites she planned on testing.
 - Vacchiano had planned for 94 samples from 38 distinct sites.
 - Carlton mentioned that the invasives are very prevalent. The Japanese knotweed has taken over the Sandy River, so he was very interested in this study.
 - Adams asked if adjusting for the recommendations given would affect the cost. Vacchiano said that the only thing that would change the cost would be taking more samples. She asked if she should do less sampling. Bohlen mentioned that he didn't think duplicate samples would make that much of a difference. He thought the sediment samples would be more useful.
 - Adams said that he would rather do it right and increase the budget rather than have to cut things to fit inside the \$40k. He asked how it would look if we added 25 more samples to the study.
 - Peacock confirmed that this fiscal year's federal grant allocated \$41k for studies.
 - Van Hoewyk clarified if duplicate samples would still be used with the extra samples. Bohlen said that there is nothing wrong with having duplicate samples. Some studies do 20 or 10% of samples.
 - Adams motioned to accept the proposal as amended with an increase of budget to \$50k.
- **Adams/Carlton: Moved and Seconded proposal as amended with an increase of budget to \$50k**
 - **In favor: Unanimous**

5. Spruce Budworm Program Update

As the spruce budworm early intervention strategy has commenced. Staff will provide an update on the proposed treatment area and other information provided by the Maine Budworm Response Coalition (MRBC).

Presentation By: Alex Peacock, Director
Action Needed: None; Informational purposes

- Peacock informed the Board as of the day of the meeting, the project was 85% complete. The applicators responsible for this project have been on top of training, including workers who will be entering the application site within 30 days after the application as required under WPS. Peacock also thanked Jacob and Keith who did a pre-inspection of the aerial applicators and were on site conducting use inspections on what had already been applied. Follow up inspections will continue.

6. Tebufenozide and *Bacillus thuringiensis sub. Kurstaki* (Btk): Toxicity & Risk Assessment

BPC toxicologist provides an overview of the two active ingredients being used in the spruce budworm early intervention strategy.

Presentation By: Doug Van Hoewyk, PhD., Pesticide Toxicologist
Action Needed: None; Informational purposes

- Carlton commented on how we have a greater amount of quality information than what we had in the past. This application is necessary due to potential loss, but we are doing much better than 40 years ago. Peacock mentioned how many people still have memories of Sevin being used in the 70s/80s and that these new chemistries have lower risks.
- Van Hoewyk brought up several studies in Canada and Europe about how birds who prey upon caterpillars – how they fair when these pesticides are used. The vast majority shows no significant effect on clutch size. Carlton asked if Canada is using a similar strategy to us.
- Peacock clarified that we are modeling New Brunswick's Early Intervention Strategy.

7. Other Old and New Business

- a. Variance Permit for CMR01-026, Chapter 29, Parterre Ecological, Sea Spray, Biddeford
- b. Variance Permit for CMR01-026, Chapter 29, Parterre Ecological, Peaks Island
- c. Variance Permit for CMR01-026, Chapter 29, Wilkinson Ecological, Orcutt, Biddeford
- d. Variance Permit for CMR01-026, Chapter 29, Wilkinson Ecological, E. Point, Biddeford
- e. Variance Permit for CMR01-026, Chapter 29, Wilkinson Ecological, Abenakee Golf Club
- f. EPA Announces Proposed Registration of New Active Ingredient Isocycloseram
- g. EPA Releases Strategy to Better Protect Endangered Species from Insecticides Using Commonsense Practices, Provides Flexibilities to States and Growers

- Van Hoewyk commented that he believed it was considered PFAs according to Maine
- Vacchiano said that there were no current registrations for the ingredient, submitted or accepted.
 - Peacock said there was an EPA lawsuit for failure to properly analyze active ingredients, and a new review strategy was implemented because of it. Conservation programs may qualify for 9 points now. It also decreases buffers in language about drift. Refining pesticide use limitations to include endangered species habitats and not just based on the range. May create new hurdles where the internet needs to be an extension of the label. Mitigations often occur when application is being conducted so it will be hard to inspect.

8. Schedule of Future Meetings

The next scheduled Board meeting date is July 18, 2025, at the Deering Building, Room 101, Augusta

- Dr. Neavyn needs to leave the July 18, 2025, Board meeting by 10:30
- Adams asked to update the item description to include hybrid meeting

Future Meetings: August 29, 2025, and October 10, 2025

9. Adjourn

- **Carlton/Bohlen: Moved and seconded to adjourn at 10:30 AM**
- **In favor: Unanimous**