



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

July 19, 2024

9:00 AM Board Meeting

MINUTES

Adams, Bohlen, Ianni, Neavyn

1. Introductions of Board and Staff

- Staff: Peacock, Boyd, Brown, Couture, Pietroski, Poisson, Vacchiano
- Assistant Attorney General, Carey Gustanski

2. Public Hearing on Request to Designate Eagle Lake Water District Wellheads as a Critical Pesticide Control Area

Staff have received a petition to designate Eagle Lake Water District Wellheads as a critical pesticide control area as outlined in Chapter 60: Designation of Critical Pesticide Control Areas. The Board shall conduct rulemaking according to 5 MRSA Ch. 375, subchapter II and allow for local representation on board decisions regarding the designation according to Title 22 § 1471-V. The purpose of this public hearing is to collect public comments related to the petition that may help the Board draft the proposed rule. The comment period for these amendments is open until July 29, 2024 at 11:59PM. All written comments may be submitted by emailing the BPC at pesticides@maine.gov.

The Board will hear testimony on this petition.

- Peacock gave the Board an overview of the request and the process for considering it. All comments must be received by July 29 at 11:59 PM. Peacock told the Board that requirements also stipulated that local participation be allowed. The Town of Eagle Lake had designated John Martin as their local participant. Martin had been invited to the Board to participate and vote on deliberations regarding this proposal.
- The Board opened the floor to public comment.
- Phil LeBeouf stated he was from Eagle Lake and was one of the landowners that would be affected by this decision. He noted that he used Northern Turf Management to care for his lawn. LeBeouf stated he could not find anything where products used for lawn care were



affecting water supplies. He said he did not see an issue with the products that were being used. He added that there were already a lot of rules in place to protect groundwater within 250 feet of the Shoreland Zone. LeBeouf concluded that if the Board found there was a product being used that they saw as an issue they would be happy to try and find an alternative product.

- John Martin stated that he was a Trustee and the Treasurer of the Lakewater Sewer System, which was not part of the town but functioned under a separate Board as trustees for the water district. He noted that in 2004 the Department of Human Services notified them that the source of their water supply was not suitable. At that time they were getting water from the river that flows into Eagle Lake. They began searching for other sources and eventually found one. The water is now sourced from an aquifer underneath the lake itself. Martin stated they were concerned that pesticide use could impact this water source. He concluded that their goal was to protect the water supply.
- Pat Vaillancourt, owner of Northern Turf Management, stated he had been maintaining LeBeouf's property for several years. He stated that the concerns about the water supply seemed valid and in good faith, but he felt the proper application of pesticides posed little risk to the water. Vaillancourt added that he would like to make the point of other chemicals, like gasoline, that could pose a risk. He said that placing a prohibition on all pesticides within 500 feet of the well would prohibit property owners from addressing problems like invasive species, turf issues, rodents and other pests. Vaillancourt concluded that if enacted this would only affect commercial licensed applicators because people would choose to do what they wanted on their own property.
- Adams thanked those who commented and stated that the public could still submit written comments until July 29 at 11:59 PM.

3. Minutes of the June 7, 2024 Board meeting and March 20, 2024 Emergency Board Meeting

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

- **Ianni/Bohlen: Moved and seconded to approve the June 7, 2024 minutes**
- **In Favor: Unanimous**

- **Bohlen/Ianni: Moved and seconded to approve the March 20, 2024 minutes**
- **In Favor: Unanimous**

4. Workshop Session to Review the Rulemaking Record on the Proposed Amendments to Chapters 31, 32, and 50

(Note: No additional public comments may be accepted at this time.)

A public hearing was held on June 7, 2024 via a hybrid meeting in Deering Building 101 at 90 Blossom Lane, Augusta and on the Microsoft Teams platform. The written comment period closed on June 17, 2024 at 11:59 PM. Two people spoke at the public hearing and no written comments were received by the close of the comment period. The Board will now review the rulemaking comments and determine how it wishes to proceed with the rulemaking proposals.

Presentation By: Karla Boyd, Policy & Regulations Specialist
Action Needed: Vote on whether to provisionally adopt Chapters 31, 32, and 50

- Boyd stated that the Board heard public comments at the last meeting regarding changes to the three chapters. She noted that Chapters 31 and 32 were mostly related to the certification and training changes that were provisionally accepted by EPA. She said that a couple of small typos had been addressed. Boyd stated that the Basis Statement, the Impact on Small Business, and the Summary of Comments and Responses as written were also included in the Board packet.
- Adams stated that these have been before the Board three times, and there were no issues. He would like to entertain a motion to approve the rulemaking amendments.
 - **Ianni/Bohlen: Motioned and seconded to adopt Chapter 31, the Basis Statement, the Impact on Small Business, and the Summary of Comments and Responses as written.**
 - **In Favor: Unanimous**
 - **Bohlen/Neavyn: Motioned and seconded to adopt Chapter 32, the Basis Statement, the Impact on Small Business, and the Summary of Comments and Responses as written.**
 - **In Favor: Unanimous**
 - **Ianni/Bohlen: Motioned and seconded to adopt Chapter 50, the Basis Statement, the Impact on Small Business, and the Summary of Comments and Responses as written.**
 - **In Favor: Unanimous**

5. Draft Director Appointment Policy

At the April 5, 2024 Board meeting, members approved the appointment of Alex Peacock as BPC's new director. Further discussion led to a request from the Board to clarify the appointment procedure via policy. At the June 7, 2024 board meeting, the Board asked for changes to the draft policy. Staff have brought forward a draft policy for the Board to review.

Presentation By: Alex Peacock, Director
Action Needed: Discuss; Approve/Disapprove adoption of policy

- Peacock stated that staff made the revisions requested by the Board.

- **Bohlen/Neavyn: Moved and seconded to adopt the new Director Appointment Policy**
- **In Favor: Unanimous**

6. Consideration of a Request for Variance from CMR01-026 Chapter 29 from Green Thumb Lawn Service

Green Thumb Lawn Service is seeking a variance from CMR01-026 Chapter 29, Section 6, to treat a private property to prevent grub damage and broadleaf weeds. Board policy indicates that the Board must consider all first-time variance requests unrelated to invasive or noxious plants.

Presentation By: Alex Peacock, Director
 Action Needed: Discuss; Approve/Disapprove Variance Request

- Peacock explained the variance request to the Board.
- Bohlen stated that he had issues with this request and the poor design of having a strip of grass that was that close to the ocean. He added that the proposed active ingredient was toxic to aquatic invertebrates, but he may be open to finding an alternative that would be less hazardous to the marine environment.
- Ianni stated that this was an unnecessary application and that there were other integrated pest management methods that could be employed.
 - **Ianni/Bohlen: Moved and seconded to disapprove the variance request**
 - **In Favor: Unanimous**

7. Consideration of a Request for Variance from CMR01-026 Chapter 29 from Green Thumb Lawn Service

Green Thumb Lawn Service is seeking a variance from CMR01-026 Chapter 29, Section 6, to treat a private property to prevent grubs and crane fly larvae. Board policy indicates that the Board must consider all first-time variance requests unrelated to invasive or noxious plants.

Presentation By: Alex Peacock, Director
 Action Needed: Discuss; Approve/Disapprove Variance Request

- The Board had similar concerns with this variance request as the one in the previous agenda item.
 - **Ianni/Neavyn: Moved and seconded to disapprove the variance request**
 - **In Favor: Unanimous**

8. Other Old and New Business

- a. Variance Permit for CMR01-026 Chapter 29, RCL Services, LLC
- b. Variance Permit for CMR01-026 Chapter 29, Bartlett Tree Expert Co.

- c. Variance Permit for CMR01-026 Chapter 29, Bartlett Tree Expert Co.
- d. Variance Permit for CMR01-026 Chapter 29, Bartlett Tree Expert Co.
- e. Worcester Holdings Drone Spray Article
- f. Camden Pesticide Ordinance Discussion Article

9. Schedule of Future Meetings

The next scheduled Board meeting dates are September 6, October 25 and December 6. The Board will decide whether to change and/or add dates.

- Peacock thanked Ianni for her service to the Board.
- Ianni stated she had enjoyed her time serving on the Board and had solicited a few others who may apply to fill her position.

10. Adjourn

- **Neavyn/Bohlen: Moved and seconded to adjourn at 10:00 AM**
- **In Favor: Unanimous**