



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 15, 2020

Augusta Civic Center, 76 Community Drive, Kennebec/Penobscot Room, Augusta, Maine

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

AGENDA

1. Introductions of Board and Staff
2. Minutes of the November 8, 2019 Board Meeting

Presentation By: Megan Patterson, Director
Action Needed: Amend and/or Approve
3. Request for Financial Support from the Maine Mobile Health Program and the Eastern Maine Development Corporation

Since 1995 the Board has supported a Migrant and Seasonal Farmworker Safety Education program. The Maine Mobile Health Program (MMHP) and Eastern Maine Development Corporation (EMDC provided training to 315 migrant agricultural workers during the 2019 season). Funding to support this effort in 2020 is being requested in the amount of \$5,360, which is the same amount the Board provided in 2019. The funding has been accounted for in the Board's FY20 budget.

Presentation By: Chris Huh, Program Manager, Farmworkers Jobs Program, Eastern Maine Development Corporation

Elizabeth Charles McGough, Director of Outreach, Maine Mobile Health Program

MEGAN PATTERSON, DIRECTOR
90 BLOSSOM LANE, DEERING BUILDING



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Action Needed: Discussion and Determination if the Board Wishes to Fund this Request

4. Request for Financial Support from the Maine State Apiarist for CLEAR Training

Maine State Apiarist, Jennifer Lund, has requested funding to attend the National Certified Investigator & Inspector Basic Training held in Raleigh, North Carolina in March 2020. This course is designed to provide training in the basics of case development. Funding to support this effort in 2020 is being requested in the amount of \$2,000.

Presentation By: Jennifer Lund, State Apiarist

Action Needed: Discussion and Determination if the Board Wishes to Fund this Request

5. Request to Review Board Notification Requirements

For the November 2019 meeting of the Board, Representative Pluecker provided a letter asking the Board to convene a meeting of stakeholders to discuss strengths and potential weaknesses of the Board's current notification rules. Representative Pluecker was unable to attend the November meeting and the Board chose to table the discussion until the January 15, 2020 meeting. The Board will now continue the discussion.

Presentation By: Megan Patterson, Director

Action Needed: None, Informational Only

6. Discussion of Board Approved Products for Control of Browntail Moth within 250 feet of Marine Waters

On January 25, 2008, the Board adopted Section 5 of Chapter 29 which regulates the use of insecticides used to control browntail moth within 250 feet of marine waters. Section 5 limits insecticide active ingredients to those approved by the Board. At its April 19, 2019 meeting the Board received inquiries about active ingredients for removal from and addition to the list. Subsequently, the staff was directed to update the list of approved active ingredients for browntail moth control. The Board will now consider the list.

Presentation By: Pam Bryer, Pesticide Toxicologist

Action Needed: Amend or Approve the List of Products for Browntail Moth Control

7. Request for Funding to Support an Americorps Steward

Staff are requesting funding to support the employment of an Americorp Steward. The individual in this position would help with editing pesticide applicator exam study manuals and reviewing applicator exams. This presents an opportunity to incorporate IPM scenarios and philosophy into these important educational tools. The applicant may also help with the

development of outreach materials that promote IPM and the proper and prudent use of pesticides. Funding to support this temporary position is being requested in the amount of \$11,000. The employment period for this position is April 20, 2020 to October 2, 2020.

Presentation By: John Pietroski, Manager of Pesticide Programs

Action Needed: Discussion and Determination if the Board Wishes to Fund this Request

8. Consideration of Consent Agreement with Triest Ag Group, Greenville, North Carolina

The Board's Enforcement Protocol authorizes 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 involves licensing, storage, training, and applications.

Presentation By: Raymond Connors, Manager of Compliance

Action Needed: Approve/Disapprove the Consent Agreement Negotiated by Staff

9. Consideration of Consent Agreement with TruGreen Lawncare, Westbrook

The Board's Enforcement Protocol authorizes 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 involves unauthorized applications, application in excessive winds, failure to post turf applications, no approved method for positive identification of the application site, failure to report applications to wrong properties, and failure to provide required notification to a registry member.

Presentation By: Raymond Connors, Manager of Compliance

Action Needed: Approve/Disapprove the Consent Agreement Negotiated by Staff

10. Correspondence

a. Email and article from Jody Spear

11. Other Items of Interest

a. LD 1888

12. Schedule of Future Meetings

February 28, 2020; April 17, 2020; June 5, 2020; and July 24, 2020 are proposed meeting dates.

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.
- 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. 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.