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STATE OF MAINE
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BOARD OF PESTICIDES CONTROL
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BOARD OF PESTICIDES CONTROL

November 4, 2016

**Room 118
Marquardt Building
32 Blossom Lane, Augusta, Maine**

**AGENDA
8:30 AM**

1. Introductions of Board and Staff
2. Minutes of the September 23, 2016 Board Meeting

Presentation By: Henry Jennings
Director

Action Needed: Amend and/or Approve

3. Update on the Browntail Moth Population Trends in Maine

Based on 2016 Maine Forest Service surveys, in 2017 browntail moth is projected to see a population surge across a broad swath of southern Maine. Staff from the Maine Forest Service Insect and Disease Laboratory will update the Board with the most recent information.

Presentation By: Charlene Donahue
Forest Entomologist

Action Needed: None – Informational Only

4. 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. The Board agreed with its Environmental Risk Advisory Committee recommendations on a list of acceptable products. Since that time, a number of newer chemistries are now registered for use and far more data is available

on the efficacy of many products. Consequently, the Maine Forest Service has suggested that it is appropriate to review the list of acceptable active ingredients.

Presentation By: Charlene Donahue
Forest Entomologist

Action Needed: Determine Which Products Are Acceptable for Browntail Moth Control

5. Discussion of Pesticide Sales and Use Data Submitted to the Board

At the September 23, 2016 Meeting, the Board watched two presentations related to Maine pesticide sales and use data reported to the Board. Gary Fish delivered a presentation explaining the methodology used by Board staff to estimate Maine lawn and landscape use trends. Megan Patterson delivered a presentation detailing current pesticide sales/use reports, current sales/use reporting requirements and the nature of the information that is received by the Board.

Presentation By: Henry Jennings
Director

Action Needed: Determine next steps

6. Consideration of Consent Agreement with Plants Unlimited, Inc., Rockport, Maine

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 a private applicator's failure to maintain sufficient application records, failure to provide Worker Protection Standard (WPS) training for agricultural workers, failure to post pesticide application information at a central location, and use of a pesticide in a manner inconsistent with its label directions.

Presentation By: Raymond Connors
Manager of Compliance

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

7. Consideration of Consent Agreement with TruGreen Lawncare, Westbrook, Maine

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 the failure of a commercial applicator to notify an individual listed on the registry prior to conducting an outdoor, non-agricultural pesticide application within 250 feet of the property boundary of the listed residence.

Presentation By: Raymond Connors
Manager of Compliance

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

8. Other Old or New Business
 - a. BPC Obsolete Collection Overview
 - b. Update on Homeowner Education Activities
 - c. City of South Portland Pesticide Use Ordinance

9. Schedule of Future Meetings

December 16, 2016; January 11, 2017; and February 17, 2017 are tentative Board meeting dates. The Board will decide whether to change and/or add dates.

Adjustments and/or Additional Dates?

10. 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.