



JOHN ELIAS BALDACCI  
GOVERNOR

STATE OF MAINE  
MAINE DEPARTMENT OF AGRICULTURE, FOOD & RURAL RESOURCES  
BOARD OF PESTICIDES CONTROL  
28 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0028

SETH H. BRADSTREET III  
COMMISSIONER  
HENRY S. JENNINGS,  
ACTING DIRECTOR

**BOARD OF PESTICIDES CONTROL**

**April 13, 2007**

State of Maine Performance & Training Facility, Room 3 (Main Floor)  
10 Mountain Avenue (off Route 201 going toward Skowhegan), Fairfield  
(Exit 133 from I-95)

AGENDA

**9:30 A.M.**

1. Introductions of Board and Staff
2. Minutes of the March 16, 2006 Board Meeting

Presentation By: Henry Jennings  
Acting Director

Action Needed: Amend and/or approve

3. Bayer CropScience Request for a 24C Registration to Use a Lower Rate of Provado 1.6 Flowable Insecticide to Control Blueberry Maggot on Low Bush Blueberry

Bayer CropScience is requesting a Special Local Needs (24C) Registration to allow a lower rate of Provado (imidacloprid) on a low bush blueberries to control blueberry maggot. The product is currently registered for use on blueberries with a recommended rate of 6 to 8 fluid ounces per acre. This request would allow for the use of 4 ounces per acre when low to moderate pest pressure exists.

Presentation By: Wesley Smith  
Pesticides Registrar

Action Needed: Approve/Disapprove 24C Registration Request

4. City of Augusta Request for Variance for a Vegetation Management Program Along Sidewalks and Median Strips

The Board's drift regulations allow applicators to seek a variance from any standards they feel are unreasonable for their type of operation. The City of Augusta would like to treat weeds growing in cracks between the sidewalks and the streets and also cracks adjacent to median strips. They are seeking a variance so they do not have to record all sensitive areas within 500 feet of the target areas. Instead, they propose using a small

spray pattern, leaving a 50foot buffer to surface water, and publishing a notice in the Kennebec Journal.

Presentation By: Henry Jennings  
Acting Director

Action Needed: Approve/Deny the variance request

5. Consideration of Three Applications for Registration for Bt Field Corn Products

Pioneer Hi-Bred International, Inc., Dow AgroSciences and Monsanto have submitted applications to register Bt Field Corn products in the State of Maine. Pioneer and Dow have submitted applications for three separate products, while Monsanto is only applying to register one product. At its December 15, 2006 meeting, the Board discussed Plant Incorporated Pesticides and what information it would want to review in considering requests to register such products. The Board determined that it would want to review information relative to three different issues: (1) the need/benefit for the products, (2) the risks of insect resistance development, and (3) the risks of gene drift. At its March 16, 2007 meeting, the Board discussed the process for reviewing these issues. Jemison agreed to assemble a small committee for that purpose. The Board will begin the process of reviewing the three applications and invite comments from the applicants and the public.

Presentation By: Lebelle Hicks, Staff Toxicologist  
Representative(s) from the Applicants

Action Needed: Determination of Process for Considering the Application

6. Adoption of Amendments to Chapters 40 and 41

At its January 19, 2007, meeting, Board members reviewed two suggested rule changes relating to Chapters 40 and 41. First, they discussed the idea of exempting certain pond dyes from the licensing requirement to purchase and apply the products. Second, members discussed a proposal to reclassify trichlorfon from limited to restricted use so long as applicators adhere to certain risk reduction measures. The Board voted to direct the staff to initiate rulemaking on both proposals. A Notice of Agency Rulemaking Proposal was published on February 7, 2007 with a deadline for comments of March 9, 2007. No public hearing was scheduled, but three written comments were received. The Board reviewed the comments at its March 16, 2007 meetings and voted to direct the staff to prepare adoption documents for the April 13, 2007 meeting.

Presentation By: Henry Jennings  
Acting Director

Action Needed: Adoption of Amended Rules, Basis Statement and Response to Comments

7. Consideration of Staff Negotiated Consent Agreement with the Barren View Golf Course of Jonesboro

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 in 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 and resolve the matter. This case involved an employee of the club applying pesticides at the course during 2006. Golf courses are considered a place open to use by the public, which may only be sprayed by licensed commercial applicators. At the time of the applications, no person from the course was licensed as a commercial applicator. These actions constitute a violation of the Board's statute requiring that a licensed applicator be present whenever commercial applications are conducted.

Presentation By: Raymond Connors  
Acting Chief of Compliance

Action Needed: Approve/disapprove the consent agreement negotiated by staff

8. Discussion about Current Posting Requirements for Commercial Applicators and Whether the Board Should Considering Expanding the Requirements to Cover Additional Circumstances

At their March 16, 2007 Board Meeting, members reviewed a letter from Mary Dolan of Old Orchard Beach. In her letter, Dolan raised concerns about pesticide applications that are made in public areas such as parks, but are not covered by the Board's posting requirements. Examples include herbicide applications along walkways and parking lots, and mosquito and tick control applications. After discussing Dolan's letter, the Board directed the staff to place the matter on the next Board meeting agenda to determine whether minor rulemaking should be initiated.

Presentation By: Henry Jennings  
Acting Director

Action Needed: Determine whether to pursue minor rulemaking

9. Continued Discussion Concerning Potential Development of Buffer Zones to Protect Surface Water

At the July 21, 2006 Board Meeting, members reviewed their prioritization balloting for discretionary tasks discussed at their 2006 planning session in June. Development of buffer zones to protect water quality ranked as the Board's number four priority. The Board reviewed potential language and concepts at the January, February and March Board Meetings, and directed the staff to develop a summary of which types of surface

waters would be affected under the language discussed to date. The Board will review that summary and further discuss the buffer concepts.

10. Other Old or New Business

- a. Variance Permit Issued to RWC, Inc., of Westfield, MA
- b. Legislative Update H. Jennings
- c. Aerial Committee Updates
- d. Other

11. Schedule and Location of Future Meetings

May 11, 2007, and June 22, 2007 are the tentative dates for the next Board meetings. The conference room at Maple Hill Farm has been reserved for a planning session on October 26, 2007.

Adjustments and/or Additional Dates?

12. Adjourn

NOTE: The Board Meeting Agenda and most supporting documents are posted one week before the meeting on the Board website at <http://www.thinkfirstspraylast.org/>.

NOTE: Any person wishing to receive notices and agendas for meetings of either the Medical or Environmental Risk Advisory Committees 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.

NOTE: On March 27, 1998, the Board adopted the following policy on accepting written comments:

For regular business meetings, the staff will continue to reproduce letters and short reports delivered to the Augusta office prior to the day of the meeting. Persons sending faxes or electronic submissions should call to verify that their document was received in its entirety and in legible condition. Persons should also be aware that lengthy documents will have to be sent to the State's Central Printing Office which may require up to a three day lead time to get them back. If time is short, those people will be advised to make their own copies. At a minimum, fourteen copies are recommended so as to include the Board, the Assistant Attorney General, the Director, another staff member responsible for the topic, one for the person requesting the agenda article, and three extras for press and other interested parties.