



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  
DIRECTOR

## BOARD OF PESTICIDES CONTROL

**August 1, 2008**

John E. Dority Safety & Performance Training Center (Conference Room, Lower Level)  
10 Mountain Avenue (off Route 201 going toward Skowhegan), Fairfield  
(Exit 133 from I-95)

### AGENDA

**9:30 AM**

1. Introductions of Board and Staff

2. Minutes of the June 13, 2008, Board Meeting

Presentation By: Henry Jennings  
Director

Action Needed: Amend and/or approve

3. Introduction of Tamas Peredy, Director of the Northern New England Poison Center

Tamas Peredy, MD, is the current Medical Director of the Northern New England Poison Center. Dr. Peredy will serve on the Medical Advisory Committee when it is reformed. He would like an opportunity to meet the Board, introduce himself, and discuss issues common to the BPC and the Poison Center.

Presentation By: Lebelle Hicks  
Staff Toxicologist

Action Needed: None, Informational

4. Revisions to the Board Policy for the Medical Advisory Committee

At its June 13, 2008, meeting, the Board reviewed its policy covering its Medical Advisory Committee. At that time, Board members decided it was appropriate to revise the current policy to call for three standing members, with a provision for adding ad hoc members as needed, and to eliminate the provision for terms. The staff toxicologist has prepared a draft revised policy for the Board's consideration.

Presentation By: Lebelle Hicks  
Staff Toxicologist

Action Needed: Approve/Amend Revised Policy

5. DuPont Request for 24(c) Registration for DuPont™ Express® Herbicide with TotalSol for Control of Bunchberry in Lowbush Blueberries

At the request of University of Maine Cooperative Extension Crops Specialist David Yarborough, E. I. DuPont de Nemours and Company is requesting a Special Local Need [24(c)] Registration to allow the use of DuPont™ Express® Herbicide with TotalSol (soluble granules) on lowbush blueberries. The Special Local Need label for Express Herbicide would allow for selective postemergence control/suppression of certain broadleaf weeds, primarily bunchberry.

Presentation By: Wesley Smith  
Pesticides Registrar

Action Needed: Approve/Disapprove 24(c) Registration Request

6. Discussion of Board Process for Reviewing Monsanto Company's Registration Request for MON 89034 and MON 89034 × MON 88017

Monsanto Company has submitted registration requests for MON 89034 and MON 89034 × MON 88017. The second-generation genetic event, MON 89034, codes for two not-yet-registered Cry proteins which may be sold in either field corn or sweet corn seeds. The MON 88017 genetic event was registered earlier this year in Yieldgard VT Rootworm and Yieldgard VT Triple corn varieties. Since Maine has not yet registered any Bt sweet corn products, the staff is seeking input on the appropriate course for reviewing these registration requests.

Presentation By: Lebelle Hicks  
Staff Toxicologist

Action Needed: Determine Appropriate Registration Review Approach

7. Continued Discussion About Approaches to Address Public Concerns About Aerial Spraying

The Board held a Public Information Gathering Meeting on aerial spraying and spray drift at its December 2007 meeting, and has discussed issues and ideas at each of its meetings since then, including site planning and sensitive areas. The Board has indicated that buffers will be the next topic for discussion, and the staff has prepared a memo to introduce this subject. The Board will now review the staff memo and continue its discussion about aerial spraying and drift.

Presentation By: Henry Jennings  
Director

Action Needed: Provide feedback to the staff about the information presented and determine the next steps

8. Consideration of Staff Negotiated Consent Agreement with Vaughn Rasar

On June 3, 1998, the Board amended its Enforcement Protocol to authorize the 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 the application of a restricted-use pesticide by a grower whose certification had expired years earlier.

Presentation By: Raymond Connors  
Manager of Compliance

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

9. Update on the Agricultural Health Study

Staff toxicologist Lebelle Hicks will provide an update on the Agricultural Health Study (AHS). AHS is a joint effort of the National Cancer Institute, the National Institute of Environmental Health Sciences, and the Environmental Protection Agency. Ninety thousand pesticide applicators and their spouses in Iowa and North Carolina have been followed from 1993 to 2008. The goal is to evaluate what factors around the farm are related to sickness in farmers and their families.

Presentation By: Lebelle Hicks  
Staff Toxicologist

Action Needed: None, Informational

10. Other Old or New Business

- a. Additional Variance Requests Approved for Chapters 22 and/or 29—H. Jennings
- b. Slide Show on the Back Cove Project—G. Fish
- c. Letter to Nancy Oden—H. Jennings
- d. Other?

11. Schedule and Location of Future Meetings

September 12 and October 17 are the tentative dates for the next Board meetings. The Board will decide whether to change and/or add dates.

Adjustments and/or Additional Dates?

12. 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](http://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 attention of Paul Schlein, Public Information Officer, at the Board's office. 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.