



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**

**January 19, 2007**

Colby Thomas Rooms, Hampton Inn  
425 Kennedy Memorial Drive, Waterville  
(Exit 127 from I-95)

AGENDA

**9:30 A.M.**

1. Introductions of Board and Staff
2. Minutes of the December 15, 2006 Board Meeting

Presentation By: Henry Jennings  
Acting Director

Action Needed: Amend and/or approve

3. Approval of 2007 Blueberry Pest Management Plan for Deblois Critical Pesticide Control Area

In March 1998, the Board adopted an amendment to Chapter 60 to protect the water supply for a state-owned fish hatchery in Deblois from pesticide drift and runoff from surrounding blueberry fields. This critical pesticide control area still encompasses all land within 1,000 feet of the hatchery and its rearing pools and the tributary water supplies to both facilities. The rule was restructured to require that pesticide applications be made according to a Board-approved pest management plan that may be updated on a regular basis without having to resort to rulemaking each time new products or technologies become available. In 2004, after three members visited the site, the Board approved a revised plan for the major landowner that only restricts specific pesticide use within a 500-foot radius of the spring pool and 250 feet from the stream. However, the plan also specifies the remaining land in the critical area will be treated according to Best Management Practices for Wild Blueberry Production. The Board has also conditioned plans for the past three years with a requirement that Jasper Wyman & Son submit a drift management plan for the entire area.

Presentation By: Henry Jennings  
Acting Director

Action Needed: Approve/disapprove pest management plan submitted for Jasper Wyman & Son

4. Presentation by Robert Moosmann of the Maine Department of Transportation on Possible Options for Weed/Brush Control Adjacent to Guardrails

In recent years, the Maine Department of Transportation (MDOT) has faced challenges arising from growth of vegetation adjacent to guardrails. Vegetation traps road sand and debris, resulting in blocked drainage. Robert Moosmann of MDOT will review various weed management options being considered at MDOT and seek Board input.

Presentation By: Robert Moosmann  
Vegetation Control Manager

Action Needed: Provide Input to MDOT

5. Workshop Session to Continue Reviewing Housekeeping Amendments to Chapters 10, 20, 21, 27, 28, 31, 40 and 41

A public hearing was held on November 17, 2006 on a series of minor housekeeping amendments to eight different rule chapters. Four people testified at the public hearing and 13 written comments were received prior to the December 1, 2006 deadline. The Board initially reviewed the rulemaking record at their December 15, 2006 and asked the staff to make minor revisions to a couple of the proposed amendments based on the rulemaking record. Members will continue the process of reviewing the revised language.

Presentation By: Henry Jennings  
Acting Director

Action Needed: Determine final regulatory language for approval at the next meeting

6. Discussion of Possible Rulemaking Effort to Exempt Certain Pond Dyes From Some Restrictions in Chapter 41

In May of 2003, the Board adopted Section 4 of Chapter 41 that placed restrictions on the sale of aquatic herbicides listed by the Board. This section was amended in 2004 so that the list only included herbicides (and algaecides) registered in Maine that contained label directions for aquatic uses. Since the rule was implemented, private pond owners have been left with essentially no options for controlling nuisance algal growth. The staff has held discussions with personnel involved with discharge permitting at the Maine Department of Environmental Protection (DEP). They do not object to the use of food-grade pond dyes in certain private ponds as long as they are carefully managed to minimize the chances that they will impact state waters. The Board will review a draft staff proposal that would allow registered pond dyes to be purchased by unlicensed applicators.

Presentations By: Henry Jennings  
Acting Director

Action Needed: Determine whether it is appropriate to proceed with rulemaking

7. Discussion of Possible Rulemaking Proposal to Reclassify Trichlorfon from State Limited Use to State Restricted Use

At the July 21, 2006 Board Meeting, members heard a request from the lawn care industry to reclassify trichlorfon from Limited to Restricted Use. Consequently, the Board directed the staff to include the proposal in the next round of rulemaking. A public hearing was held on November 17, 2006. No one testified about trichlorfon at the hearing; however, four people sent written comments supporting the proposed change, while one person submitted comments in opposition. The Board reviewed the rulemaking record at their December 15, 2006 meeting where a straw poll showed the proposal, as currently written, did not have sufficient support to be adopted. However, there was some indication that a revised proposal that included additional precautions to minimize the potential for exposure may get more support. As a result, the Board will review a revised proposal that includes risk minimization precautions.

Presentation By: Gary Fish  
Certification & Licensing Specialist

Action Needed: Determine whether it is appropriate to proceed with rulemaking

8. Election of Officers

The Board's statute requires an annual election of officers. The members will choose a chair and vice-chair to serve for the coming year.

Presentation By: Henry Jennings  
Acting Director

Action Needed: Nominations and election of officers

9. Discussion Concerning Potential Development of an Indoor Notification Registry

At its July 21, 2006 meeting, the Board reviewed a list of potential discretionary tasks that had been prioritized through a voting process. Development of an indoor notification registry was ranked as its sixth priority. The staff will lead a discussion seeking to determine whether there is consensus to move forward with this task and, if so, what the basic tenets might be.

Presentation By: Henry Jennings  
Acting Director

Action Needed: Determine whether it is appropriate to proceed with rulemaking

10. 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 staff has summarized

surface water data and researched other state requirements for buffer zones. They will now present their findings and preliminary concepts for a possible rulemaking effort.

Presentation by: Henry Jennings  
Acting Director

Action Needed: Determine whether it is appropriate to proceed with rulemaking

11. Other Old or New Business

- a. Announcement that Heather Jackson, staff Water Quality Specialist, has accepted a job at DEP
- b. Legislative Update

LD 1798 An Act To Provide for Public Notification of Indoor Pesticide Applications  
LD 329 An Act To Prohibit the Use of Deltamethrin or “DECA”  
LD 728 An Act to Require a Commercial Pesticide Applicator’s License in Food-handling Establishments  
LD 955 An Act To Prohibit Aerial Spraying of Pesticides Near Buildings, Roads and Bodies of Water

- c. Other ?

12. Schedule and Location of Future Meetings

February 16, 2007 in Waterville, March 16, 2007 and April 13, 2007 are the tentative dates for the next Board meetings.

Adjustments and/or Additional Dates?

13. 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.