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GOVERNOR

STATE OF MAINE
MAINE DEPARTMENT OF AGRICULTURE, FOOD & RURAL RESOURCES
BOARD OF PESTICIDES CONTROL
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DIRECTOR

BOARD OF PESTICIDES CONTROL

November 6, 2009

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 October 2, 2009, Board Meeting

Presentation By: Henry Jennings
Director

Action Needed: Amend and/or approve

3. Review of Comments on Proposed Amendments to Chapter 28

On September 9, 2009, a Notice of Agency Rulemaking Proposal was published in Maine's daily newspapers, opening the comment period on proposed amendments to Chapter 28 of the Board's rules—Notification Provisions for Outdoor Pesticide Applications. A public hearing was held on October 2, 2009, at the Hampton Inn in Waterville, and the written comment period closed at 5:00 PM on October 16, 2009. Fifteen people spoke at the public hearing and twenty-seven written comments were accepted by the close of the comment period. The Board will now review the rulemaking comments and determine whether to continue with the rulemaking effort and, if so, whether adjustments to proposed amendments are warranted.

Presentation by: Henry Jennings
Director

Action Needed: Determine whether to continue the rulemaking effort and, if so, whether adjustments are warranted

4. Consideration of Staff Negotiated Consent Agreement with Sterling Insect-Lawn Service of Gorham

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 a lawn care pesticide application in which the licensed applicator acknowledged that he did not wear the required personal protective equipment.

Presentation By: Raymond Connors
Manager of Compliance

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

5. Consideration of Staff Negotiated Consent Agreement with Commercial Property Real Estate Management Company of Portland

This case is similar to the preceding agenda topic 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. It involved the application of herbicides by a property management company that did not have the required firm license or any licensed applicators to do the work.

Presentation By: Raymond Connors
Manager of Compliance

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

6. Other Old or New Business

a. ?

7. Schedule and Location of Future Meetings

November 6 and December 18, 2009, and January 22, 2010, 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?

8. 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 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.