



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**

**October 2, 2009**

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

**AGENDA**

**9:30 AM**

**(Note: The Board may break for lunch sometime between 11:30 AM and 1:00 PM)**

1. Introductions of Board and Staff
2. Public Hearing on Proposed Amendments to Chapter 28, Notification Provisions for Outdoor Pesticide Applications

The Board will hear testimony on proposed amendments to Chapter 28 intended to implement the provisions of PL 2009, Chapter 378, LD 1293, An Act To Require Citizen Notification of Pesticide Applications Using Aerial Spray or Air-carrier Application Equipment. The proposed amendments clarify the circumstances under which mandatory disclosure to neighbors is required, and provide additional flexibility on how applicators can provide the mandatory notice. The amendments also establish the details for the notification registry required by LD 1293. Additional details of the proposed amendments were described in the public hearing notice published in the major newspapers on September 9, 2009. Copies of the proposed amendments are available upon request or may be viewed at the Board's website, [www.thinkfirstspraylast.org](http://www.thinkfirstspraylast.org).

Sign-up sheets will be available at the door for persons wishing to testify. Written comments may be submitted to the Board's address above until 5:00 PM on October 16, 2009.

3. Minutes of the August 28, 2009, Board Meeting

Presentation By: Henry Jennings  
Director

Action Needed: Amend and/or approve

4. Bayer Cropscience Request for FIFRA Section 24(c), Special Local Need Registration for Ethrel<sup>®</sup> Brand Ethephon Plant Regulator (EPA #264-267) on Greenhouse Tomatoes

At the January 23, 2009, meeting, the Board approved a request from Bayer Cropscience for a Special Local Need (SLN) registration to allow the use of Ethrel<sup>®</sup> Brand Ethephon Plant Regulator on greenhouse tomatoes. That request was later withdrawn when EPA indicated it would be rescinding all ethephon SLN registrations because the agency had not reviewed and approved studies submitted to address crop residues and worker safety. Those studies have now been reviewed and approved. Consequently, the Board will once again consider an SLN registration for this purpose. Use of this product would aid Backyard Farms in providing consistent tomato quality year-round, by accelerating ripening and minimizing crop loss due to softness, cracking, and other deformities.

Presentation By: Mary Tomlinson  
Pesticides Registrar

Action Needed: Approve/Disapprove SLN Registration Request

5. Consideration of Board Policy Describing Non-broadcast Pesticide Applications Allowed Under Chapter 29, Section 6

Chapter 29, Section 6, of the Board's rules prohibits most broadcast applications of pesticides within 25 feet of certain defined surface waters. Pesticide applications other than "broadcast" applications are not prohibited. The Board will consider adoption of a policy that clarifies what types of pesticide applications are not considered "broadcast" applications for the purposes of Chapter 29.

Presentation By: Raymond Connors  
Manager of Compliance

Action Needed: Approve/Disapprove the Draft Policy

6. Policy on Application of Insect Repellents by School Personnel to Students

Due to the unprecedented number of confirmed cases of Eastern Equine Encephalitis (EEE) in horses this year, Maine health officials are recommending heightened precautions against mosquito bites. One of the recommendations is for people to wear repellents when outdoors. Some schools are sending home permission requests to allow school staff to apply repellents for outdoor activities. Since public school employees are considered governmental employees, a technical reading of the Board's licensing laws would require school employees to have a commercial applicators license for that purpose. The staff would like Board input on how the public interest is best served and whether an interim enforcement policy should be adopted for this practice.

Presentation By: Gary Fish  
Manager of Pesticide Programs

Action Needed: Determine Board Position on Application of Repellents

7. Other Old or New Business

- a.     EEE Update            Lebelle Hicks  
                                  Pesticide Toxicologist
- b.     Registry Update       Paul Schlein  
                                  Public Information Officer
- c.     Bt Corn Update        Lebelle Hicks  
                                  Pesticides Toxicologist
- d.     Other?

8. Schedule and Location of Future Meetings

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

9. 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.