PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
MAINE DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
BOARD OF PESTICIDES CONTROL
28 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0028

WALTER E. WHITCOMB
COMMISSIONER

HENRY S. JENNINGS
DIRECTOR

BOARD OF PESTICIDES CONTROL

March 28, 2014

AMHI Complex, 90 Blossom Lane, Deering Building, Room 319, Augusta, Maine

AGENDA

8:30 AM

1. Introductions of Board and Staff

2. Minutes of the February 21, 2014, Board Meeting

   Presentation By: Henry Jennings
   Director

   Action Needed: Amend and/or Approve

3. Consideration of Complaint Filed by Donna Herczeg of Portland Concerning TruGreen Lawncare and Sterling Insect-Lawn Control

   Chapter 90 of the Board's rules (attached) allows citizens and organizations to submit complaints to the Director for the purpose of having the complaint placed on a Board Meeting agenda. While most complaints are not handled in this manner, Chapter 90 provides an alternate avenue to the public to present concerns directly to the Board on matters in which the compliance staff is unable to address. The Board will review the complaint and determine if any action is warranted at this time.

   Presentation By: Henry Jennings
   Director

   Action Needed: Determine Whether any Action Is Warranted

4. Consideration of a Request from Darin Hammond of Jasper Wyman's and Sons about Potential Rulemaking to Deregulate Hexazinone

   Hexazinone is currently regulated under Chapter 41: Special Restrictions on Pesticide Use. The regulation requires anyone purchasing, using or supervising the use of any pesticide containing hexazinone to have a private or commercial applicator license. It has been suggested by a constituent that because all growers will have to have at least an Agricultural Basic license by April 15, 2015, there is no longer a need for this regulation.

   Presentation By: Henry Jennings
   Director

   Action Needed: Determine Whether any Action Is Warranted

5. Consideration of a Request from Ian Yates of Scotts Lawn Service of Gorham about the Board's Policy Relating to Verifiable Authorization of Commercial Pesticide Application Services

The Board's Policy Relating to Verifiable Authorization of Commercial Pesticide Application Services lists several methods allowed for verification and allows the staff to approve other methods to provide a substantially equivalent degree of verification. Scotts Lawn Service of Gorham has submitted a proposed method which the staff would like the Board to review.

Presentation By: Henry Jennings
Director

Action Needed: Provide Guidance to Staff

6. Section 18 Emergency Registration Renewal Request for HopGuard to Control *Varroa* Mites in Managed Honey and Commercial Bee Colonies

The Division of Animal and Plant Health, in the Maine Department of Agriculture, Conservation and Forestry, is requesting that the Board recertify the petition to EPA for a FIFRA Section 18 specific exemption for use of HopGuard (potassium salt of hop beta acids) to control *Varroa* mites in managed bee colonies. State Apiarist Tony Jadczak is seeking approval to continue use of this product, which has provided consistent control against *Varro*a mites during the last two seasons, and is an important alternative in resistance management and organic honey production. He points out that a healthy bee keeping industry is needed to support Maine agriculture, and that this product is essential to honey production and commercial bee operators. The request is supported by the registrant, BetaTec Hop Products, a wholly owned subsidiary of John I. Haas, Inc.

Presentation By: Mary Tomlinson
Pesticides Registrar

Action Needed: Approve/Deny Request to Petition EPA for a Section 18 Specific Exemption Registration for HopGuard for Use with Bees.

7. Consideration of the Canyon Group's Special Local Need (FIFRA Section 24[c]) Registration Request for GWN 1715-O (EPA #81880-5) to Control Mites and Whiteflies on Greenhouse Tomatoes

The Canyon Group is requesting a Special Local Need (SLN) registration to allow use of the parent product, GWN 1715-O in Maine. In turn, Canyon Group has given permission to Gowan Company to seek a state supplemental SLN registration (as a sub-distributor) to allow the GWN 1715-0 to be sold under the Gowan Company trade name, Sanmite. Backyard Farms supports the use of this product. EPA has established a tolerance for the active ingredient pyridaben.

Presentation By: Mary Tomlinson
Registrar and Water Quality Specialist

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

8. Review of Revised Board Policy Relative to the Environmental Risk Advisory Committee

In 1999, the Board first created the Environmental Risk Advisory Committee (ERAC) as an analog to the Medical Advisory Committee (MAC), to assist the Board in evaluating and addressing state-specific

environmental concerns. At the February 2014 meeting, the Board reviewed the ERAC Policy and decided to revise the policy in recognition that the ERAC is not commissioned frequently enough to justify assigning standing members to the committee. The staff has revised the policy consistent with the Board instructions and the policy is now ready for Board review, revision, if necessary, and approval.

Presentation By: Henry Jennings, Director; Lebelle Hicks, Staff Toxicologist

Action Needed: Determine Whether the Revised Policy is Now Acceptable and Should Be Approved

9. Review of Current Rulemaking Ideas

Over the past several months, the Board has discussed a number of policy areas for which some additional refining of rules may be desirable. The staff summarized recent rulemaking ideas for the February 2014 meeting where the Board briefly reviewed the list but elected to table the discussion to next meeting. The staff is seeking guidance on whether and when to initiate any additional rulemaking.

Presentation By: Henry Jennings, Director

Action Needed: Provide Guidance to the Staff

10. Consideration of a Consent Agreement with Collins Lawn Insect Control, Inc., of Portland

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 on 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 drift from a mosquito treatment onto an adjoining property.

Presentation By: Raymond Connors, Manager of Compliance

Action Needed: Approve/Disapprove the Consent Agreement Negotiated by Staff

11. Other Old or New Business

a. Legislative Update—H. Jennings
b. Letter from the Joint Standing Committee on Agriculture, Conservation and Forestry—H. Jennings
c. ERAC update—L. Hicks

12. Schedule of Future Meetings

May 9, June 17, August 18, and September 12, 2014, are tentative Board meeting dates. The Board Chair has inquired whether the May 9 meeting could be rescheduled to May 16. The June 17 meeting is planned to be held in the Madison/Skowhegan area, following a tour of Backyard Farms. The Board will decide whether to change and/or add dates.

Adjustments and/or Additional Dates?

13. 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 Anne Bills, at the Board's office or anne.bills@maine.gov. 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.

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BOARD OF PESTICIDES CONTROL

February 21, 2014

AMHI Complex, 90 Blossom Lane, Deering Building, Room 319, Augusta, Maine

MINUTES

8:30 AM

1. Introductions of Board and Staff

2. Minutes of the January 8, 2014, Board Meeting

Presentation By: Henry Jennings
Director

Action Needed: Amend and/or Approve

- **Page 3, second bullet, fourth line, put a semicolon after the word "edge"**
- **Granger/Stevenson: Moved and seconded to approve as amended**
- **In favor: Unanimous**

3. Consideration of Complaint Filed by Donna Herczeg of Portland Concerning TruGreen Lawncare and Sterling Insect-Lawn Control

Chapter 90 of the Board's rules (attached) allows citizens and organizations to submit complaints to the Director for the purpose of having the complaint placed on a Board Meeting agenda. While most complaints are not handled in this manner, Chapter 90 provides an alternate avenue to the public to present concerns directly to the Board on matters in which the compliance staff is unable to address. The Board will review the complaint and demine if any action is warranted at this time.

Presentation By: Henry Jennings
Director

Action Needed: Determine whether any action is warranted

- **Tabled to next meeting because complainant did not attend due to bad weather.**

4. Review of Board Policy Relative to the Environmental Risk Advisory Committee

In 1999, the Board first created the Environmental Risk Advisory Committee (ERAC) as an analog to the Medical Advisory Committee (MAC), to assist the Board in evaluating and addressing state-specific environmental concerns. The ERAC has not been active since 2006, when it completed work relating to concerns about browntail moth spraying. Since the committee has no current membership, and it has not met in nearly eight years, the staff proposes that the Board review the ERAC policy to ensure that it best articulates the Board's goals, and decide whether the proposed membership still makes sense.

Presentation By:	Henry Jennings Director	Lebelle Hicks Staff Toxicologist

Action Needed: Provide Feedback to the Staff about the ERAC Policy and the Proposed Committee Membership

- Jennings explained that when the policy was developed the ERAC was fairly active and it made sense to have standing members to make it quicker to assemble. The ERAC has not met since 2006. It might be nice to be able to tailor membership around a particular issue. The section of statute describing the two public members as having a "demonstrated interest in environmental protection" has changed, so it needs to be changed in the policy also.
- Hicks remarked that the first paragraph of the policy is still relevant because it describes the credentials needed. The committee has never had anyone from and environmental group or from industry. If the committee comes back to the Board with recommendations for rulemaking then there would be a hearing process and that would be the appropriate place to hear from environmental and industry groups. This is the review for the scientific data.
- Hicks explained that the committee members are appointed by the Board, and the committee is usually chaired by a board member.
- Bohlen stated that he would like the committee to have a very clear charge. If the committee is to be ad hoc rather than standing, he would like to have something that says the Board will specify a purpose.
- Jennings noted there has been research in other parts of the country, mostly California, looking at pesticides in sediments; the research is raising concerns about potential toxicity to invertebrates that are sediment dwellers. Maine did stream sampling in 2008, 2009 and 2010, not far from the coast. The lobster research out of Connecticut from last year has been largely discredited. The bill that was introduced to the Legislature would have done nothing to protect the lobster industry, because the products specified to be banned are not used in Maine. Those products may be critical to saving lives in case of a mosquito-borne outbreak. Not a good idea to throw out without analysis. The Department of Marine Resources is anxious to work with the Board on this issue.
- Randlett pointed out that the Administrative Procedures Act (APA) gives authority for the Board to develop ad hoc committees as needed; there is no legal requirement for a policy.
- Bohlen said that, if there is a policy, the words "called with a specific charge from the board" should be included, otherwise the committee can take whatever action it chooses.
- Hicks said that, historically, when the Board begins discussing a committee, there are a number of volunteers; the policy clarifies that the committee members must be scientists from appropriate disciplines with no vested interest in the outcome.
- Jennings stated that is important for this committee to get started as soon as possible and suggested defining disciplines that the Board thinks are most important. The Board can identify people to the extent possible and then have Lebelle contact them to see if they are available. Hicks noted that if any of the suggested members are not available, they might be able to find someone else in their organization who meets the need.
- Bohlen noted that sampling in cold water needs to be done in the next two months and agreed the committee should get started as soon as possible. Jennings said that the ERAC needs to direct the sampling in order to answer the questions the committee is asking.
- Eckert said that, looking at the proposed list, there are a couple of people with general expertise or who work for state government or the university. Some have specific knowledge around this issue; there will be other issues in the future that won't be for those people, so we won't want them on the committee permanently.
- Bohlen said that he has worked with Kohl Kanwit from DMR on other issues; she is very sharp on public health and other issues related to the shellfish industry. Kohl knows what's going on with clams, not just lobsters, but all soft bottom dwellers. That kind of expertise is important, but we need

technical skills so we might need someone else from DMR. Jennings noted that she had been recommended by Carl Wilson at DMR. The logic was that probably the committee should focus more broadly than just lobsters—on all sediment dwellers. The Board should make sure there are other resources present for which the same questions may be important, such as clams and worms.

- Tim Hobbs opined that this was interesting in view of the proposed legislation. He noted that on the neonicotinoid bill, the Board took a position before convening an ERAC. There have been at least eight years of studies on neonicotinoid and pollinators and no definitive conclusion yet. Coming back next year with a position (on pesticides and lobsters) will be a huge responsibility. The Legislature will look at this Board and the ERAC; he wonders if the Board is getting in a position where it's going to be the judge and jury on these pesticides.
- Hicks replied that that can't be avoided.
- Granger remarked that with or without the ERAC, the Board is never going to have all the information; if it can demonstrate that a good faith effort has been made, he is comfortable with making a recommendation.
- Eckert noted that the ERAC process is slow and we're not going to get complete reports on two big issues in one year.
- Tim Hobbs said that the policy should include a statement of the reality of what the committee is being asked to do, without enough time and without enough resources. The statement would recognize constraints, and recognize that the Board is making the best recommendations that it can.
- Jemison suggested that in lieu of a policy the Board could set up ad hoc committees with directives.
- Jennings stated that the decision should not be around whether it's too much work; have to be sensitive to Lebelle's workload, but if we have to subcontract, we will. Have to figure out a way to do it.
- Eckert concurred with Bolen in that there should be a specific charge; if you're going to have a voluntary committee, it has to be clear what you're asking them to do.
- Bohlen said it needs to concentrate around lobster and sediment exposure issues around pesticides. History is relevant, there were samples showing pesticides potentially in lobster caught in Maine. The Board needs people on the committee who can look at what chemicals are of concern to these animals; look at every different angle. Sediment analysis is tricky; the committee needs someone who can look at the chemistry of sediments. Hicks noted that this is new science for EPA also and is very technical.
- Fish pointed out that we need to know what strata need to be sampled. The first year the Board did sediment sampling they went too deep and found nothing; the next year they did different strata and got different results. Tomlinson said that the sampling would be refined, based on research and what was done in the past and also based on the Montana lab protocols.
- Jemison noted that the Board needs to make a decision on a policy; the committee will do a better job if there isn't a formal policy, but there is a clear charge.
- Hicks suggested making the term the duration of the project.
- Morrill said that we need to be careful how the initial question is phrased. Is it sediment or is it water quality? What about mud, rock shoals? The Board doesn't want to narrow the charge so much that we limit the scope, or create public alarm where there is none.

    - **Consensus was reached to form an ERAC to "examine whether current pesticide residues have the potential to affect the lobster industry in Maine directly or via impact on other marine organisms."**

5. <u>Formation of an Environmental Risk Advisory Committee to Address Concerns about Potential Pesticide Impacts on Marine Invertebrates</u>

At the January 8, 2014, meeting, the Board reviewed pesticide-related bills currently being considered by the Maine Legislature. In the course of discussing LD 1678, An Act To Protect Maine's Lobster

Fishery, the staff highlighted some related emerging research which suggests that synthetic pyrethroids may have the potential to cause adverse effects on aquatic invertebrates. As a result of the discussion, the Board voted to direct the staff to form an Environmental Risk Advisory Committee (ERAC), intended to assess the potential impacts of insecticides on lobsters and other marine invertebrates. The staff will suggest members for the committee and seek Board input as well.

Presentation by:	Henry Jennings Director	Lebelle Hicks Staff Toxicologist

Action Needed: Provide Guidance to the Staff on the Scope and Membership of the ERAC

- Jennings said that Jim Dill has expressed an interest in serving on the ERAC. Flewelling asked if there would be a conflict of interest because he is a member of the Legislature. Jemison noted that Dill is a trained entomologist and would be a good person to look at the issue.
- Bohlen commented that the committee needs an aquatic entomologist; Leon Tsomides's expertise is on streams; he's not sure if it would be relevant for this issue. The Board doesn't necessarily need an entomologist, but someone with relevant marine expertise. If the committee needs someone from DEP then Leon is probably the right person.
- Jemison stated that if the avenue for pesticides is through streams, then it would be helpful to have someone with knowledge of stream ecology, and Bohlen agreed that Leon would be good for that. Fish noted that Leon has done biological monitoring so, if the committee decides it wants to do that, he would have the expertise.
- Bohlen noted that it might be helpful to look at the DEP's surface water ambient toxics programs staff, such as Barry Moore.
- Jennings suggested making a list of people the Board is comfortable with and, if they're not available, give the staff a directive to get in touch with the next best available scientist. He reiterated that it is important to get started quickly.
- Bohlen said that once the list of available people is complete there might need to be some rebalancing; not a lot of people in Maine have the necessary expertise.

    - **Consensus was reached to have the staff work with the current list or find the next best scientist. The Board will be notified as soon as the membership is finalized.**

6. Review of Current Rulemaking Ideas

Over the past several months, the Board has discussed a number of policy areas for which some additional refining of rules may be desirable. The staff will summarize recent rulemaking ideas and seek Board guidance on whether and when to initiate any additional rulemaking.

Presentation By:	Henry Jennings Director

Action Needed: Provide Guidance to the Staff

- Jennings referred to the list of potential rulemaking.
- Chapter 20: companies are following the policy by and large, but it is not enforceable in court. If put in rule, it could be stated that applicators must positively identify application sites using methods approved by the Board, so the methods can be updated in policy. The Board might be able to take enforcement action using other sections of law such as careless, faulty and negligent. Because there was a pattern of problems, the Board identified this system specifically.
- The posting of signs in lieu of identifying sensitive areas affects two rules, Chapters 22 and 28. This makes sense because generally in a residential area you can assume everything is sensitive; there is

more public benefit from having a sign to alert the public that spraying was done. He noted this would be major substantive rulemaking.

- Chapter 27: not a big deal; made a small error in the record-keeping sections. The staff is instructing the schools to do it anyway and not getting pushback.
- Chapter 31: In a technical sense, if a teacher helps a student put repellent on, they become a commercial applicator. There is a policy, which may be enough because we're not looking to pursue enforcement anyway. If we open Chapter 31 for other things we might want to include it.
- Also in Chapter 31: Consider allowing reciprocal licenses for specific situations. It is difficult to get aerial applicators to come to the state during pest management emergencies, and going through the certification process is time-consuming. It would be important to have alternate ways to make sure they understand state-specific laws that are important, such as a meeting.
- Chapters 31 through 34: The logic behind a wait time before retaking exams was to try to get people to study before coming back. On the other hand, if people are just bad test takers, it may cause some hardship. The Board has questioned the propriety of this requirement.
- Chapter 41: Remove the restrictions around hexazinone because everyone who might be using it will be licensed under the new Ag Basic license.
- New Chapter: The idea was to have a license around people making pesticide recommendations. The Board determined this would be difficult to attach to an existing license. A lot of university people have the private license; there was some pushback trying to make them get a commercial license. It didn't really seem to fit.
- Jennings said that the Board needs to decide whether to do any rulemaking and, if so, when, and which chapters.
- Morrill said that if we're going to do rulemaking, we should just do them all. A lot of these items have been talked about over the years. Most are fairly straightforward and seem to be needed. He is not in favor of adding a category for those making recommendations.
- Stevenson asked how one would post for larger mosquito applications. Along a fenceline? Otherwise, it makes sense. Jennings agreed that it would be difficult to post for mosquitoes. Morrill said that the same is true for Category 6B; how do you post signs for a sidewalk application? Jennings said that linear treatments could be handled differently but, for a playground, for instance, you would want posting. Morrill said that the problem is the definition of what a 6B category is. Jennings said that in the rule the Board can customize the requirements. The linear ROWs don't make sense for posting; sidewalk treatments are generally going to be posted in the newspaper or on a website.
- Jemison said there may be some opinions about changing what the signs look like. Jennings agreed, saying that as we go through the process, the rule could be closely examined to see what changes should be made. Some of the rules would be major substantive, such as those pertaining to notification about outdoor pesticide applications. What constitutes major substantive is somewhat vague in statute.
- Bohlen suggested looking at the workload of the staff and what would be gained from the rulemaking. If there is a working solution in place now, does anything really need to be done? Jennings replied that if the Board feels something should be enforced, it can't be done in policy. For instance, the policy defining an occupied building is just for clarification; it doesn't need to be enforced.
- Randlett remarked that the policy about positive verification should be in rule. If anyone wanted to dispute it, it does not carry the force of law.
- Bohlen commented that he didn't see any urgent rulemaking that might have adverse impacts to public health or the environment, except maybe Chapter 20.
- Eckert said that the Board might want to have a philosophical conversation about notification: what's useful, what's just bureaucracy that doesn't really have significant real world impacts.

- Jennings noted that the staff is not really challenged to find things to do, but two of these suggestions came from constituents and the Board is generally very sensitive to those. Morrill agreed that we don't hear lot of constructive ideas from the public and we should be sensitive to that.
- Stevenson asked Eckert if she had had suggestions for effective ways of posting. She replied that she would have to study all the rules about posting and notification. With linear projects and long corridors, public notification is probably more useful than signs; it seems reasonable to use more public notification than signs. In other situations it makes sense to post, such as at an entrance to a playground or walking trail.
- Jennings asked if some signs have become so busy that they detract for the intent of the rule. Eckert agreed; the signs are fairly small and have a lot of advertising; do they do the job? Morrill said that the rule is very specific about the minimum size, font size; if the sign is just that, it's very clear and very precise. Bohlen said that in his experience people see the sign, but they don't read it.
- Stevenson said that he is on the fence about signs. They are not reusable or recyclable so a lot is going in the garbage.

  - **Granger/Flewelling: moved and seconded to table**
  - **In favor: Unanimous**

7. Consideration of a Consent Agreement with Atlantic Pest Solutions of Kennebunkport

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 on 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 drift from a mosquito/tick control operation into a brook.

Presentation By: Raymond Connors
Manager of Compliance

Action Needed: Approve/Disapprove the Consent Agreement Negotiated by Staff

- Connors noted that Ralph Blumenthal from Atlantic Pest Solutions was present. Connors summarized the case. The abutter to the customer's property called the Board because he had watched the application and believed that some pesticides had entered a small brook. The inspector met the parties on-site and took samples. Both samples came back positive for bifenthin. The abutter said the applicator wasn't entirely away from the brook. The person doing the application was an unlicensed applicator, which is legal, as long as a licensed applicator is on site.
- Ralph Blumenthal said that initially there was a dispute about the term "brook;" it had been rainy, and there is a high water table in that area. The technician had noted some standing water and instructed the unlicensed technician to stand with back to the water and spray away. It doesn't negate the fact that pesticides were found in the water, so they decided they weren't going to call the neighbor a liar and would agree to the consent agreement.
- Flewelling asked if it was an intermittent brook. Connors replied that according to the complainant, it has water except during a drought; there was water present at the time of application. There are plants indicating that it is a wet area.

  - **Morrill/Eckert: Moved and seconded to accept consent agreement**
  - **In favor: Unanimous**

8. Consideration of a Consent Agreement with Ramon Forestry Service, LLC, of Clinton

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 on 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 drift to a residential property from an application to an abutting blueberry field.

Presentation By: Raymond Connors
Manager of Compliance

Action Needed: Approve/Disapprove the Consent Agreement Negotiated by Staff

- Connors explained that this company provides commercial applicator services, including work on blueberry fields. They did an application in Palermo using an airblast sprayer. Residents in the house directly across the street thought the wind caused drift from the field toward the house. Two foliage samples near the house in turn came back positive for the active ingredient.
- Jennings noted that it is a difficult location, tough to spray with an airblast sprayer because the house is so close to the road.
- Connors said another application was done and the same neighbor complained, but no residue was found. The applicator had increased the buffer from 60 feet to 150 feet and adjusted the sprayer to point down more to avoid drift. The applicator is cooperative, acknowledged facts as presented, and is trying to ensure such incidents do not recur in the future.

  - **Morrill/Stevenson: Moved and seconded to accept consent agreement**
  - **In favor: Unanimous**

9. Consideration of a Consent Agreement with Gateway Inn of Medway

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 on 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 applications by an unlicensed applicator to areas open to the public.

Presentation By: Raymond Connors
Manager of Compliance

Action Needed: Approve/Disapprove the Consent Agreement Negotiated by Staff

- Connors summarized the case. The owner of the motel had purchased 180 cans of the aerosol product and acknowledged that if people had dogs she would spray their room while they were gone to kill fleas. She also sprayed the hallways. She denied using all of the inventory on the property. An inspector put a stop order on the product and she returned some of it to the distributor. The application should have been conducted by a commercial applicator; employees weren't notified; the treated areas are open to the public.
- Jemison asked if there was any training done for hotels around bedbugs, fleas, etc. Fish replied that there have been a few trainings in the Portland area, mostly with landlords, not with hotels, but that letters have been sent to them.
- Eckert asked whether the product she was using would be effective for what she was using it for. Connors said that they were on the label. Stevenson added that they would not be effective without the proper procedure.

- Eckert remarked that some outreach in this area might be helpful. Fish said that there is cross-training done every year with DHHS and food inspectors from DACF. If they cite them for pest problems they explain pesticide rules.

    - **Eckert/Granger: Moved and seconded to accept consent agreement**
    - **In favor: Unanimous**

10. Consideration of a Consent Agreement with Olde English Village, LLC, of South Portland

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 on 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 pesticide applications by an unlicensed applicator.

Presentation By: Raymond Connors
Manager of Compliance

Action Needed: Approve/Disapprove the Consent Agreement Negotiated by Staff

- Connors explained that this is a housing complex. There was a complaint that employees were making applications. The inspector found that they were using insecticides to control bedbugs and other pests; there were four products on site which were documented as being used. Also, there was a report of employees on a golf cart using a product from a container with a Roundup logo, and from an unmarked container, around walkways.
- Flewelling asked if the only issue was that they were unlicensed. Connors replied that there was no evidence of misapplication, but there was also the issue of the unmarked container.
- Jemison asked if it is okay to store pesticides in the boiler room. Connors replied that it may not be the best idea, but it's not against the rules. Not freezing, and probably locked.
- Jemison asked how effective these products would be used in this way. Stevenson replied that if the applicator isn't thorough, nothing is going to work against bedbugs. There is a lot of blame on the materials not working, but really it's the skill of the applicator that determines the success of the application.

    - **Eckert/Granger: Moved and seconded to accept consent agreement**
    - **In favor: Unanimous**

11. Consideration of a Consent Agreement with Jato Highlands Golf Course of Lincoln

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 on 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 pesticide applications by an unlicensed applicator.

Presentation By: Raymond Connors
Manager of Compliance

Action Needed: Approve/Disapprove the Consent Agreement Negotiated by Staff

- Connors explained that the application required a commercial license because it was in an area open to the public. They had had a master applicator, but he left the golf course in 2011. The inspector determined that there were applications made in 2012 when no one with a license was employed.

  - **Eckert/Granger: Moved and seconded to accept consent agreement**
  - **In favor: Unanimous**

12. Other Old or New Business

    a. Friends of Penobscot Bay Offer to Assist with Coastal Sediment Sampling—H. Jennings
    b. Risk Assessment of Mosquito Adulticides—L. Hicks
       - Hicks explained that she was working on a condensed version to post online.
    c. Report to the Joint Standing Committee on Agriculture, Conservation and Forestry Regarding Grants and the Adequacy of the Product Registration Fee—H. Jennings
    d. Legislative Update—H. Jennings
       - Jennings explained that both the neonicotinoid bill and the lobster bill had come out of committee ONTP. The medical marijuana bill was amended so that pesticides can be used consistent with the label. Training requirements remain. The bill came out of committee as OTP, as amended
    e. The Woodland Club Chapter 29 Variance—H. Jennings
    f. Central Maine Power Transmission Right-of-Way Vegetation Management Plan for 2014—H. Jennings
    g. Beekeeper Petition to Discourage Large Retailers from Selling Neonicotinoids—H. Jennings
    h. Other?

13. Discussion About the Approval Process Relating to a Registration Request for a *Bt* Soybean Product

Dow AgroSciences LLC, has submitted a request to register a *Bt* soybean product that may be used only for seed increase, breeding, research, and seed production in breeding nurseries and research stations. Since the Board has never registered a soybean plant incorporated protectant (PIP), the staff is seeking guidance about what sort of review process—if any—the Board would like to undertake before considering the registration request.

Presentation by: Lebelle Hicks
Staff Toxicologist

Action Needed: Provide Guidance to the Staff About the Review of the Registration Request

- Hicks explained that if a request is made to register a product and we don't do anything for 180 days, it automatically becomes registered. This product has similar proteins to the *Bt* corn. It is for seed production; there is a limitation on the number of acres that may be grown in any county, but seed grown on those acres must be sold outside the country. The staff is not aware of any seed producers currently in the state.
- Jemison said that there are 3,000–5,000 acres of soybeans grown in Maine most years, some years as much as 7,000 acres. Maine does not need this technology currently; we don't have western bean cutworm. If we don't have a problem, why are we approving a product?
- Hicks said that if this is a new product it would need a PIP review. Eckert remarked that that would be a poor use of time if there's no need for the product.
- Flewelling asked what the downside of approving the product is. Hicks said we wouldn't know until we reviewed it. Randlett said that if there is an application for registration, there are criteria to

consider, and one of the criteria is need. If you determine there is no need, the Board can save time; it can refuse to register the product just based on need.

- Stevenson asked what it means when it says for seed increase only. Hicks replied that they harvest the seed and sell it. If it was to be sold as food it would have to go through a complete review. However, it may be coming back into the country as imports.
- Granger said that if a farmer was approached with an opportunity to grow this product, and the product was registered, he could grow it. If we refuse to register it, that door is shut. Maine might be a good place for growing seed increase, we don't know. Morrill suggested that the Board shouldn't decide whether the product is needed; if they send an application we should consider it. Granger said the Board shouldn't make a decision based on the assumption that no one will want to grow this crop. Flewelling agreed that he wouldn't want to limit options.
- Hicks said the technical community would be looking at pollinating issues. Jemison said that it is self-pollinating so there is no issue of pollen drift.
- Based on this information, Hicks said there wouldn't need to be a technical committee review because pollination isn't an issue and insect resistant management has been dealt with by EPA by limiting the acreage that can be grown.
- Hicks noted that this label is only for seed production. Down the road we may be looking at a different label.

    - **Morrill/Granger: Moved and seconded to approve registration without a technical committee review**
    - **In Favor: Unanimous (Eckert not present for vote)**

14. Schedule of Future Meetings

March 28, May 9, June 17, August 18, and September 12, 2014, are tentative Board meeting dates. The June 17 meeting is planned to be held in the Madison/Skowhegan area, following a tour of Backyard Farms. The Board will decide whether to change and/or add dates.

Adjustments and/or Additional Dates?

15. Adjourn

    - **Morrill/Granger: Moved and seconded to adjourn at 12:21 PM**
    - **In favor: Unanimous (Eckert not present for vote)**

NOV 21 2013

November 19th, 2013

State of Maine
Dept of Agriculture, Conservation & Forestry
Board of Pesticides Control
28 State House Station
Augusta, Maine 04333-0028

Re: Complaint-Trugreen

Dear Henry Jennings, Director

This letter is a formal request to have the attached set of concerns placed on the Board of Pesticides agenda for review. As I would like to be present at that meeting, please notify me as soon as possible the date.

I have also included pictures of Sterling's Pesticide Application signage which I would like to present at this meeting. From the street the sign just looks like marketing signage and on the back is the pesticide caution sign. From the street there is no way to know that pesticides have been applied and from the back it is so small you can barely read the dates.

Thank you,

Donna Herczeg

Donna Herczeg
173 Longfellow St.
Portland, ME 04103

207-879-6366
donnaph@maine.rr.com

Donna Herczeg

From: Donna Herczeg <donnaph@maine.rr.com>
Sent: Tuesday, September 17, 2013 9:57 AM
To: 'raymond.g.connors@maine.gov'
Subject: Trugreen Complaint

Hi Raymond,

I am writing to you today to let you know about a conversation I had on September 12th with Anthony Terramagra, the Westbrook Service Manager at Trugreen.

As a neighbor who was called because I am on the Pesticide Information Registry, I wanted to know what was being sprayed that day and also discuss the weather conditions that were calling for heavy rainfall. This is what he told me after I requested the Materiel Data Sheet:

1) You can't go by what the MDS sheet says because that is the concentrated amount. After dilution "the sprays are less harmful than Windex".
2) He also said "the sprayed areas are safe to walk on after 2 hours and that he allows his children, dogs and cats to walk on the sprayed areas and they have never had an allergic reaction".
3) After my concerns about heavy rainfall being predicted the same day as spraying he said "only granular products leach from water penetration and that liquid sprays will not after 1 hour of application".
4) Said OSHA and the EPA have certified these products as safe.
5) Also informed me that after our discussion he called the Maine Board and spoke to Jan who said he was correct and that he could spray that day and that "they know who I am".
6) He also said I had better watch it or I would be facing litigation from my neighbors for harassment.

This same company told another neighbor that their products were organic and she asked that question every time they sprayed. It was not until I got the MDS sheets and showed her that she realized toxic chemicals were being sprayed on her lawn and discontinued the service.

Trugreen's marketing brochures states they are an "environmentally responsible lawn care" company, when in fact they are using toxic herbicides and pesticides. Their "Earthcare Program" states they use "organic-based" fertilizer treatments (a dubious claim at best), including pre and post crabgrass control, broadleaf weed control, and surface insect control, making it look like these products are environmentally safe as well. Even the front of one of these brochures says that dandelion's are a "harmful weed to a healthy lawn".

As a member of Beyond Pesticides and having personally done extensive research on lawn chemicals, I am extremely frustrated and concerned about the blatant disregard of the dangers these chemicals pose and the misleading negligent information this company is providing. These chemicals are proven to be toxic to wildlife, children and pets and are a major threat to aquatic wildlife and waterways.

I appreciate your help in this matter and hope you will take this letter seriously and investigate the claims that are being made by this company and employees.

Donna Herczeg
173 Longfellow St.
Portland 879-6366

REFFERAL SAVINGS
$25 OFF FOR YOU
$25 OFF FOR YOUR FRIEND
STERLING
CAUTION
PESTICIDE APPLICATION
KEEP OFF
207-767-5555

STERLING
207-787-5555

STERLING
207-767-5555

01 DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY

026 BOARD OF PESTICIDES CONTROL

Chapter 41: SPECIAL RESTRICTIONS ON PESTICIDE USE

SUMMARY: This chapter describes special limitations placed upon the use of (1) aldicarb (Temik 15G) in proximity to potable water bodies; (2) trichlorfon (Dylox, Proxol); (3) hexazinone (Velpar, Pronone), (4) aquatic herbicides in the State of Maine and (5) plant-incorporated protectants.

Section 1. ALDICARB (TEMIK®)

The registration of aldicarb (Temik 15G) is subject to the following buffer zone requirements:

A. Aldicarb (Temik 15G) shall not be applied within 50 feet of any potable water source if that water source has been tested and found to have an aldicarb concentration in the range of one to ten parts per billion (ppb). The 50 foot buffer would be mandatory for one year with a required retesting of the water at the end of the period.

B. Aldicarb (Temik 15G) shall not be applied within 100 feet of any potable water source if that water source has been tested and found to have an aldicarb concentration in excess of 10 ppb. The 100 foot buffer would be mandatory for one year with a required retesting of the water at the end of this period.

Section 2. TRICHLORFON (DYLOX, PROXOL)

The registration of trichlorfon (Dylox, Proxol) is subject to the following requirements:

A. Trichlorfon shall only be used for control of subsurface insects on turf.

B. Prior to application the target pest must be identified and the severity of the infestation must be determined, including the extent of the damage.

C. Only infested areas shall be treated with trichlorfon. Broadcast treatments of the entire turf area are prohibited.

D. Following application, the trichlorfon must be watered into the soil with at least ½ inch of water and according to the label directions. The applicator must assure that the appropriate watering will take place prior to re-entry by any unprotected person.

Section 3. HEXAZINONE (VELPAR, PRONONE)

The registration of hexazinone is subject to the following limitations and conditions.

A. **Prohibition of Certain Air-Carrier Application Equipment**

It shall be unlawful to apply any liquid pesticide mixture containing the active ingredient hexazinone with any application equipment that utilizes a mechanically generated airstream to propel the spray droplets unless the airstream is directed downward.

B. **Licenses Required**

I. No person shall purchase, use or supervise the use of any pesticide containing the active ingredient hexazinone unless they have obtained a private or commercial pesticide applicators license from the Board.

II. No person shall:

a. Distribute any pesticide containing the active ingredient hexazinone without a restricted use pesticide dealer's license from the Board; or

b. Distribute any pesticide containing the active ingredient hexazinone to any person who is not licensed as a private or commercial pesticide applicator by the Board.

C. **Records and Reporting**

Dealers distributing pesticides containing the active ingredient hexazinone shall keep records of such sales and provide reports to the Board as described in Chapter 50, "Record Keeping and Reporting Requirements."

Section 4. AQUATIC HERBICIDES

The registration of pesticides for which there is an aquatic herbicide use on the product label shall be subject to the following limitations and conditions.

A. **Board Publication of List**

The Board of Pesticides Control will publish by May 23, 2003 and by March 15th of each year thereafter a list of herbicide products registered in Maine for which the manufacturer has verified that there is an aquatic use on the pesticide label. Based on available information, the Board may exempt from this list pesticides that it determines are not for use in the control of aquatic vegetation. Pesticides labeled solely for use in aquariums and antifouling paints, are specifically exempt from this list.

B. **Licenses Required**

I. Unless exempted under Chapter 41, Section 4 (B) (III), no person shall purchase, use or supervise the use of any aquatic herbicides identified on the Board's

annual listing unless they have obtained a private or commercial pesticide applicator's license from the Board.

II. No person shall:

a. Distribute any aquatic herbicides identified on the Board's annual listing without a restricted use pesticide dealer's license from the Board; or

b. Unless exempted under Chapter 41, Section 4 (B) (III), distribute any aquatic herbicides identified on the Board's annual listing to any person who is not licensed as a private or commercial applicator by the Board.

III. Registered herbicides containing only the active ingredients erioglaucine (Acid Blue 9 or FD&C Number 1, CAS Registry No. 1934-21-0) and/or tartrazine (Acid Yellow 23 or FD&C Yellow Number 5, CAS Registry No. 2650-18-2 (trisodium salt) or 3844-45-9 (triammonium salt)) are exempt from the applicator licensing requirements described in Chapter 41, Section 4 (B) (I) and Chapter 41, Section 4 (B) (II) (b).

C. **Disclosure**

The Board will make a disclosure form available to dealers distributing any aquatic herbicides identified on the Board's annual listing. The Board requests that dealers present to customers the disclosure form that advises purchasers that, (1) an aquatic discharge license must be obtained from the Maine Department of Environmental Protection before any application may be made to any surface waters of the State as defined in 38 M.R.S.A. Section 361-A(7) including any private ponds that may flow into such a body of water at any time of year, (2) that Best Management Practices developed jointly by the Board and the Maine Department of Environmental Protection on the use of aquatic herbicides are available.

D. **Records and Reporting**

Dealers distributing any aquatic herbicides identified on the Board's annual listing shall keep records of such sales and provide reports to the Board as described for restricted use pesticides in Chapter 50, "Record Keeping and Reporting Requirements."

E. **Use of Best Management Practices**

Aquatic herbicides applied to private ponds and not subject to an aquatic discharge permit may only be applied consistent with Best Management Practices developed jointly by the Board and the Maine Department of Environmental Protection.

Section 5. PLANT-INCORPORATED PROTECTANTS

The registration, distribution and use of plant-incorporated protectants are subject to the following limitations and conditions:

A. **Definitions**

"Plant-incorporated protectant" means a pesticidal substance that is intended to be produced and used in a living plant, or in the produce thereof, and the genetic material necessary for the production of such a pesticidal substance.

B. **License Required**

No person shall distribute any plant-incorporated protectant without either a general use pesticide dealer license or a (restricted or limited use) pesticide dealer license from the Board.

C. **Dealer Requirements**

Dealers distributing plant-incorporated protectants are subject to the following requirements:

I. General use and (restricted or limited use) pesticide dealers shall notify the Board of their intent to distribute plant-incorporated protectants on all initial license and license renewal application forms provided by the Board.

II. General use and (restricted or limited use) pesticide dealers shall maintain sales records showing the list of the names and addresses of all purchasers of plants, plant parts or seeds containing plant-incorporated protectants. These records must be made available to representatives of the Board for inspection at reasonable times, upon request, and must be maintained for two calendar years from the date of sale.

III. Any general use and (restricted or limited use) pesticide dealer who discontinues the sale of plant-incorporated protectants shall notify the Board in writing and shall provide the Board, upon request, with all records required by Section 5(C)II of this chapter.

D. **Grower Requirements**

I. All users of plant-incorporated protectants shall maintain the records listed below for a period of two years from the date of planting. Such records shall be kept current by recording all the required information on the same day the crop is planted. These records shall be maintained at the primary place of business and shall be available for inspection by representatives of the Board at reasonable times, upon request.

a. Site and planting information, including town and field location, a map showing crop location and refuge configuration in relation to adjacent crops within 500 feet that may be susceptible to cross-pollination;

b. Total acres planted with the plant-incorporated protectant and seeding rate;

c. Total acres planted as refuge and seeding rate;

d. Detailed application information on any pesticide applied to the refuge as described in Section 1(A) of Chapter 50, "Record Keeping and Reporting Requirements"; and

e. Planting information for each distinct site including:

i. date and time of planting; and

ii. brand name of the plant-incorporated protectant used.

II. There are no annual reporting requirements for growers.

E. **Product-Specific Requirements**

I. Requirements for plant-incorporated protectant corn containing Bacillus thuringiensis (Bt) protein and the genetic material necessary for its production.

a. Prior to planting plant-incorporated protectant corn containing any Bacillus thuringiensis (Bt) protein and the genetic material necessary for its production, the grower must have completed a Board-approved training course and possess a valid product-specific training certificate.

b. Product-specific training certificates shall be issued following each Board-approved session. The certificates will remain valid until December 31 of the third year after issuance.

c. Non-Bt-corn growers whose crops are or will be located within 500 feet of a prospective Bt-corn planting site can request that the Bt-corn grower protect the non-Bt-corn crop from pollen drift.

i. the request must be made prior to planting of the Bt-corn crop;

ii. the request must identify the non-Bt-corn crop to be protected; and

iii. the growers may agree on any method for protection but, if an agreement cannot be reached,

1. the Bt-corn grower must plant any refuge required by the Bt-corn grower agreement, grower guide or product label in a configuration that provides maximum protection from pollen drift onto the adjacent non-Bt-corn crop; or

2. if no refuge is required, the Bt-corn grower shall maintain at least a 300-foot Bt-corn-free buffer to non-Bt-corn crops.

d. Bt-corn growers are encouraged to follow all best management practices developed by the Board or the Department of Agriculture, Conservation and Forestry.

II. Dealers distributing Bt-sweet corn shall only sell the seed in quantities large enough to plant one acre or more.

F. **Confidentiality**

Any person providing information to the Board in connection with the record-keeping and reporting requirements of Section 5 of this chapter may designate that information as confidential in accordance with 7 M.R.S.A. §20.

STATUTORY AUTHORITY: 5 M.R.S.A. §§ 8051 *et seq*.
7 M.R.S.A. §§ 601-610
22 M.R.S.A. §§ 1471-A, 1471-B, 1471-C, 1471-D, 1471-M

EFFECTIVE DATE:
March 8, 1981 (Captan)

AMENDED:
May 7, 1981 (Trichlorfon)
January 2, 1984 (Aldicarb)
May 8, 1988 (Trichlorfon)
August 5, 1990 (Captan)
August 17, 1996 (Hexazinone)
October 2, 1996

EFFECTIVE DATE (ELECTRONIC CONVERSION):
March 1, 1997

AMENDED:
May 7, 1997 - Section 3(B)(II)

CONVERTED TO MS WORD:
March 11, 2003

AMENDED:
May 12, 2003 - Section 4 added

NON-SUBSTANTIVE CORRECTIONS:
June 24, 2003 - summary only

AMENDED:
February 2, 2004 - Section 4, 1st paragraph and sub-section A, filing 2004-31
April 30, 2007 – filing 2007-154
February 3, 2008 – filing 2008-36
July 16, 2009 – filing 2009-253 (final adoption, major substantive)
May 3, 2012 – filing 2012-99 (final adoption, major substantive)

CORRECTIONS:
February, 2014 – agency names, formatting

Wyman's of Maine

RECOMMENDED BY FUTURE GENERATIONS.

February 18, 2014

Mr. Henry Jennings
Director:
Maine Board of Pesticide Control

Darin Hammond
Senior Manager of Farm Operations
Jasper Wyman and Son

RE: Hexazinone Registrations in Maine

Currently all of the registrations for Hexazinone Products (Velpar L, and Velossa) are considered Restricted Use Pesticides in Maine. The reason for this restricted label is the groundwater contamination issue that presented itself in the early 1980's. The reasoning for this restrictive label was to educate the applicators of the issues with the product, and to make sure that they attended continuing education classes in order to receive their recertification credits. With the passage of the legislation that requires licensing of all people who apply pesticides to a food crop by 2015, the reason for this Restricted Use Label has expired.

We request that the Maine Board of Pesticide Control start the process of labeling Velpar L, and Velossa as general use pesticides beginning with the 2015 season, which corresponds with new licensing requirement.

If you have any questions regarding this request please feel free to call me at any time at 207-638-2201.

Sincerely,

Darin Hammond

Darin Hammond
Senior Manager of Farm Operations
Jasper Wyman and Son

Jasper Wyman & Son
601 Route 193, Deblois, ME 04622 Ph: 207.638.2201 Fax: 207.638.2145
www.wymans.com

JOHN ELIAS BALDACCI
GOVERNOR

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

SETH H. BRADSTREET III
COMMISSIONER

HENRY JENNINGS
DIRECTOR

MAINE BOARD OF PESTICIDES CONTROL POLICY RELATING TO VERIFIABLE AUTHORIZATION OF COMMERCIAL PESTICIDE APPLICATION SERVICES

Adopted November 16, 2007

At the February 16, 2007, meeting, the Board adopted an amendment to Chapter 20 intended to ensure that persons contracting for ongoing, periodic pesticide applications fully understand the terms of the agreement that they are entering. Beginning in January of 2008, commercial applicators providing such services must now either enter into a written contract or utilize another system of verifiable authorization approved by the Board.

The Board approves the verifiable authorization methods listed below.

Stand-alone verification methods:

1. Prepayment of services, including electronic payments,
2. A customer signature authorizing service, including return postcards,
3. An audio-recorded authorization,
4. Electronic confirmation from the customer, such as an e-mail or fax, or
5. When an applicator can show evidence of at least five consecutive years of service with a commercial customer, a confirmation letter or e-mail that is sent in a separate and distinct mailing with the terms prominently positioned and a minimum 12-point font size may be used.

Combined methods (method one must be combined with method two or method three):

1. Telephone call or personal visit that is documented to include:
   - the date and time of the conversation,
   - the name of the person agreeing to the service,
   - the name of the company representative, and
   - a copy of the script read by the company representative in disclosing the terms of the agreement.

2. A confirmation letter or e-mail that is sent in a separate and distinct mailing with the terms prominently positioned and a minimum 12-point font size.

3. An automated telephone call reminder.

The Board Staff may approve other methods that are determined to provide a substantially equivalent degree of verification.

Jennings, Henry

From: Ian Yates <iyates@alumni.unity.edu>
Sent: Friday, February 21, 2014 1:17 PM
To: Jennings, Henry
Subject: Authorization for Commercial Pesticide Application Services

Good Afternoon Henry,

Here is the proposal of what we believe would be a comparable plan to ensure that customers know that we were continuing their services from season to season.

1. Letter in the second half of December showing customers what services they have scheduled for the upcoming season, with a prepay offer.

2. Second letter in the second half of January that is the same as the first letter.

3. Personal phone call from a Scotts Lawn Service representative stating that we have them set up for the same program as the previous year and offering to make any changes at this time. If no one is home we leave them a message stating that we have them set up for the same program as the previous year and to call to make any changes.

4. Automated phone call; the week that we start our services in the Spring; to all of our customers stating that they are set up for treatments and to expect us to visit their property within the next six weeks or else to call and make changes to their program.

5. Personal phone call from a Scotts Lawn Service representative the night before their first treatment of the season letting them know that we are coming to do their first application of the season.

We can date and time our conversations so that it is reflected onto their account.

We feel that this plan would give our customers adequate notice that they are going to receive the same lawn and landscape treatments as the previous year. We feel that it would also give them many chances to contact us if they would like to cancel or change their services for the upcoming season. Please let me know what ideas the Maine Board of Pesticides would have to help us with this authorization process. We want to be able to meet all of the Boards expectations as well as create an efficient and easy system for our employees and customers.

Since 2008 we typically get 10% of our customers to mail authorization back to us and most of those are prepaying for the service. We hope to be able to come up with a better way to ensure that people do want their pesticide services season after season.

Thank you,

Ian Yates
Manager - Scotts Lawn Service
Gorham, ME
207-839-2811

PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
BOARD OF PESTICIDES CONTROL
28 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0028

To: Board of Pesticides Control Members
From: Mary Tomlinson, Pesticides Registrar/Water Quality Specialist
RE: FIFRA Section 18 recertification request for use of HopGuard to control Verroa mites in honey bee colonies
Date: March 20, 2014

****

This request to seek recertification of Maine's 2013 FIFRA Section 18, 13-ME-02, for the use of HopGuard (potassium salt of hop beta acids), to control Verroa mites in honey bee colonies, is submitted at the request of Tony Jadczak, State Apiarist. Varroa mites continue to be a major pest of honey bees in Maine.

Approval of this request will ensure beekeepers will continue to have another control option available in lieu of other products to which mites are resistant, as well as provide an organic alternative for use during honey production. HopGuard, extracted from hops (*Humulus lupulus*), has demonstrated miticidal activity. In vivo studies have shown that HopGuard strips are effective in killing Varroa mites without harming bees.

The Section 3 label for HopGuard is expected to be approved by the EPA in early 2015, according to the registrant.

The attached recertification package includes the following documents for your review. Please let me know if you have any questions.

1. Final Report – Section 18 HopGuard 2013
2. Letter of support from Lloyd Schantz, BetaTec Hop Products, Inc.
3. Letter of support from Tony, Jadzak, Maine State Apiarist
4. HopGuard container label
5. Draft Maine Section 18 label with use directions

2013 FIFRA SECTION 18 EMERGENCY SPECIFIC EXEMPTION FOR THE USE OF HOPGUARD TO CONTROL VARROA MITES IN HONEY BEE COLONIES IN MAINE

Final Report

File Symbol: 13-ME-02

Tony Jadczak, Maine State Apiarist
Mary Tomlinson, Maine Pesticides Registrar

Maine Board of Pesticides Control
Maine Department of Agriculture, Conservation and Forestry
State House Station 28
Augusta, Maine 04333-0028

March 1, 2014

2013 Section 18 Emergency Exemption Final Report
for Use of HopGuard (potassium salt of hop beta acids) to Control
Varroa Mite, *Varroa destructor*, in Honeybee Colonies in the State of Maine

This is a Section 18 Specific Exemption final report in compliance with § 166.32, Reporting and recordkeeping requirements for specific, quarantine, and public health exemptions.

The Varroa mite is a widespread pest in honeybee colonies, affecting adult bees and reducing honey production in Maine. HopGuard, containing potassium salt of hop beta acids, is an effective alternative among available control options, being an effective miticide while not affecting colony behavior.

(1) Total colonies treated and total quantity used under the exemption:

During the period of March, 2013 to December 31, 2013, approximately 4,975 honey bee colonies were treated with HopGuard (Beta acids) throughout Maine. This estimate is based upon the sale of 199 kits (9,950 strips) sold in the state during the period and an application rate of 2 HopGuard strips/hive. The total amount of active ingredient used was 19,104 grams (1.92 g ai/strip).

(2) Discussion of effectiveness of the pesticide in dealing with the emergency condition:

The efficacy of Hopguard for Varroa control was consistent with USDA and BetaTec reports. The material was lethal to exposed mites for approximately three days (while the beta acid soaked cardboard strips remained wet).

(3) A description of any unexpected adverse effects which resulted from use of the pesticide under the exemption:

There were no reports of adverse effects related to treatment of hives with Hopguard in 2013. Beekeepers were advised to refrain from treating hives in cold weather when bees are in tight cluster based on 2012 experience.

4) The results of any monitoring required and/or carried out under the exemption:

Random inspections immediately following HopGuard treatment verified good Varroa control. Subsequent treatments were warranted for hives actively rearing brood.

(5) A discussion of any enforcement actions taken in connection with the exemption:

No enforcement action was carried out under this exemption.

(6) Method(s) of disposition of a food crop, if required to be destroyed under an exemption:

No disposition was required.

(7) Any other information requested by the Administrator:

No other information was requested by the Administrator.

5185 MacArthur Boulevard, NW
Suite 300
Washington, DC 20016-3341
Tel: (202) 777-4800
Fax: (202) 777-4895

February 6, 2014

Mary E. Tomlinson
Pesticide Registrar/Water Quality Specialist
Maine Board of Pesticides Control
28 State House Station
Augusta, ME 04333

Dear Ms. Tomlinson

BetaTec Hop Products (a division of John I. Haas, Inc.) is actively working with USDA-ARS to bring to market HopGuard (a Beta Acids rich fraction) for the control of the Varroa mite in the beehive. We fully support the Maine Department of Agriculture's request for a Section 18 emergency exemption for the use of our product.

BetaTec Hop Products, Inc. has committed to provide sufficient product, properly labeled, for this emergency use when it is granted by the EPA. We have submitted a Section 3 application to the EPA and would expect approval in early 2015.

We thank both the Beekeepers Associations and the State of Maine for their support in this endeavor. If you have any questions of me, please do not hesitate to let me know.

Best regards,

Lloyd C. Schantz
Executive Vice President
BetaTec Hop Products, Inc.

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
DIVISION OF ANIMAL AND PLANT HEALTH
28 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0028

PAUL R. LEPAGE
GOVERNOR

WALTER E. WHITCOMB
COMMISSIONER

E. ANN GIBBS
ACTING DIRECTOR

March 19, 2014

Mary E. Tomlinson
Pesticide Registrar/Water Quality Specialist
Maine Board of Pesticide Control
28 State House Station
Augusta, ME 04333

Dear Ms. Tomlinson,

On behalf of Maine's beekeeping industry and the agricultural commodities that rely upon honey bees for crop pollination purposes, I support a repeat of the Section 18 Emergency Exemption for HopGuard (beta acids) that was granted by the US-EPA August 3, 2012 and expired December 31, 2013.

Hopguard is an effective Varroa mite treatment that provides control consistent with studies conducted by the USDA and registrant, BetaTec Hop Products. The product offers beekeepers an alternative mite control that is both valuable for resistance management and an organic Varroa treatment alternative.

A repeat of this Section 18 Emergency Exemption is necessary so beekeepers have an alternative Varroa control in lieu of materials that now have wide-spread mite resistance (Apistan, CheckMite) and alternative organic Varroa mite control option that can be used while bees are producing honey.

A healthy beekeeping industry is essential for agricultural production in Maine and the U.S. for pollination purposes. Thank you for considering this matter.

Sincerely,

Anthony M. Jadczak

Anthony Jadczak
State Apiarist

90 BLOSSOM LANE, DEERING BUILDING
PHONE: 207-287-3891 www.maine.gov/dacf FAX: 207-287-7548

EMERGENCY EXEMPTION USE DIRECTIONS

EPA FILE SYMBOL XX-ME-XX

STATE: **Maine**

CHEMICAL: **Potassium Salt of Hop Beta Acids (HopGuard®)**

CROP / SITE: **Honey Bees / All counties in the state of Maine**

PEST: ***Varroa destructor***

EFFECTIVE: **Month Day, 2014 to December 31, 2014**

PRECAUTIONARY STATEMENTS

Product may cause eye irritation – flood eyes with plenty of water if contact is made with eyes. Wearing protective eyewear when handling treated strips will reduce the potential for eye irritation. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum or smoking tobacco. Remove and wash contaminated clothing before reuse.

PERSONAL PROTECTIVE EQUIPMENT

Applicators must wear chemical-resistant gloves when handling treated strips.

DIRECTIONS FOR USE

Package - Strips must be applied at the rate of three half strips per 2 lb. or 3 lb. package of adult worker bees. Cut strips in half and attach three half strips to the top of package so that the strips are hanging within the package. Place bees in the package after the strips are attached. The bees should remain in contact with the strips for at least 48 hours.

Colony - Strips must be applied at the rate of one strip per five deep combs covered with bees in each brood super or for example two strips per ten frame brood super (chamber) when all the combs are covered with bees. Strips are to be placed only in the brood chamber (not in the honey super). Folded strips must be opened and hung over one of the center brood frame with one-half of the strip on each side of the frame. If using a second strip, apply it to an adjacent center frame about four inches away from the first strip. Strips must be placed hanging between frames, and within the colony cluster, and not laid on top of the frames. Leave the strips in the colony for four weeks.

A maximum of six applications per year (twelve strips or approximately 23.04 grams of potassium salt of hop beta acids) per ten frame brood super (chamber) is allowed. This limit includes all applications to the package (if applicable) and to the colony. Application timing (usually during spring, summer or fall) should be based on the levels of Varroa mites observed in the colony. Users may not take honey and wax from the brood chambers, only from the honey supers. For optimal results, apply HopGuard ® when little to no brood is present in the colony.

The use directions must be in the possession of the user at the time of application.

Any adverse effects resulting from the use of HopGuard® under this emergency exemption must be immediately reported to the Maine Board of Pesticides Control at 207-287-2731.

RESISTANCE MANAGEMENT

Using this product in rotation with another approved miticide with a different mode of action will decrease the potential for Varroa mites to develop resistance. If the strip remains in the hive more than 4 weeks remove.

Manufactured by: BetaTec Hop Products, Inc., A Division of John I. Haas, Inc., 1600 River Rd Yakima, WA 98902

efficient by nature™

HOPGUARD®

SECTION 18 SPECIFIC EXEMPTION

THIS IS AN UNREGISTERED PRODUCT AND MAY BE USED FOR DISTRIBUTION AND USE ONLY IN STATES WITH A VALID SECTION 18 EXEMPTION AUTHORIZATION. THE EXEMPTION IS EFFECTIVE FROM JANUARY 1, 2014 AND EXPIRES ON DECEMBER 31, 2014.

For use in beehives to control Varroa mites (*Varroa destructor*) on honey bees

ACTIVE INGREDIENTS:	BY WEIGHT
Potassium Salt of Hop Beta Acids	16.0%
INERT INGREDIENTS:	84.0%
TOTAL	100.0%

KEEP OUT OF REACH OF CHILDREN

PRECAUTIONARY STATEMENTS

Product may cause eye irritation – flood eyes with plenty of water if contact is made with eyes. Wearing protective eyewear when handling treated strips will reduce the potential for eye irritation. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum or smoking tobacco. Remove and wash contaminated clothing before reuse.

PERSONAL PROTECTIVE EQUIPMENT

Applicators must wear chemical-resistant gloves when handling treated strips.

DIRECTIONS FOR USE

Package - Strips must be applied at the rate of three half strips per 2 lb. or 3 lb. package of adult worker bees. Cut strips in half and attach three half strips to the top of package so that the strips are hanging within the package. Place bees in the package after the strips are attached. The bees should remain in contact with the strips for at least 48 hours.

Colony - Strips must be applied at the rate of one strip per five deep combs covered with bees in each brood super or for example two strips per ten frame brood super (chamber) when all the combs are covered with bees. Strips are to be placed only in the brood chamber (not in the honey super). Folded strips must be opened and hung over one of the center brood frame with one-half of the strip on each side of the frame. If using a second strip, apply it to an adjacent center frame about four inches away from the first strip. Strips must be placed hanging between frames, and within the colony cluster, and not laid on top of the frames. Leave the strips in the colony for four weeks. Retreat, as necessary, up to six times per year.

A maximum of six applications per year (twelve strips or approximately 23.04 grams of potassium salt of hop beta acids) per ten frame brood super (chamber) is allowed. This limit includes all applications to the package (if applicable) and to the colony. Application timing (usually during spring, summer or fall) should be based on the levels of Varroa mites observed in the colony. Users may not take honey and wax from the brood chambers, only from the honey supers. For optimal results, apply HopGuard when little to no brood is present in the hive.

Any adverse effects resulting from the use of HopGuard™ under this emergency exemption must be immediately reported to your State Department of Agriculture.

RESISTANCE MANAGEMENT

Using this product in rotation with another approved miticide with a different mode of action will decrease the potential for Varroa mites to develop resistance. If the strip remains in the hive more than 4 weeks remove.

STORAGE AND DISPOSAL

Unused strips should be stored in a tightly sealed, cool, dark area. Unused, unregistered product must either be returned to the manufacturer or distributor in unopened containers or disposed of in accordance with the Resource Conservation Recovery Act following the expiration of this emergency exemption.

NET CONTENTS

Each HopGuard™ kit contains 50 cardboard strips. Each strip is folded in half and contains 1.92 grams of potassium salt of hop beta acids, and the kit contains 96 grams (3.4 ounces) of potassium salt of hop beta acids.

Manufactured by: BetaTec Hop Products, Inc., A Division of John I. Haas, Inc., 1600 River Road, Yakima, WA 98902

efficient by nature™

PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
BOARD OF PESTICIDES CONTROL
28 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0028

WALTER E. WHITCOMB
COMMISSIONER

HENRY S. JENNINGS
DIRECTOR

To: Board of Pesticides Control Members
From: Mary Tomlinson, Pesticides Registrar/Water Quality Specialist
RE: EPA Special Local Need (SLN) [FIFRA, Section 24(c)] application to approve the use of GWN-1715-O, EPA Reg. No. 81880-5, to control mites and whiteflies in greenhouse tomatoes

State Supplemental Special Local Need (SLN) [FIFRA, Section 24(c)] application to approve the use of Sanmite, EPA Reg. No. 81880-5-10163, to control mites and whiteflies in greenhouse tomatoes

Date: March 20, 2013
****

Enclosed are the above referenced Special Local Needs (SLN) [FIFRA, Section 24(c)] application and supporting documents for your consideration.

In 2013, the Board of Pesticides Control approved a Section 24(c) for use of GWN-1715, active ingredient pyridaben, to control mites and whiteflies on greenhouse tomatoes. For marketing reasons, Canyon Group will be canceling that SLN. The company wishes to replace that SLN with an SLN for GWN-1715-O. The formulation and use directions are identical.

A state supplemental SLN for NeXter, based on the SLN for GWN-1715, was also issued by the Board in 2013. Cancellation of the parent SLN will render the state supplemental SLN void. Although the EPA only permits issuance of an SLN on a primary product registration, states are permitted to issue a state supplemental SLN for a supplementally distributed product, as long as an SLN for the primary product is first issued by the state and the basic registrant has approved the distributor's request for an SLN. Canyon Group has approved the supplemental SLN request, by Gowan Company, for the use of Sanmite, to control mites and whiteflies, on greenhouse tomatoes.

Backyard Farms previously employed the use of Nexter, to periodically reduce adult whitefly populations in order to regain the balance between beneficial insects and the whitefly larvae they parasitize. This product is also important in the control of mites for which there are no biological controls. Backyard Farms supports the issuance of a state supplemental SLN for Sanmite to replace NeXter in order to effectively control mites and whiteflies in the greenhouse tomatoes. A tolerance of 0.15 ppm has been established by the EPA for pyridaben.

Please review the attached documents and let me know if you have any questions.

- FIFRA, Section 24(c) application
- Two letters of support from Kyla Smith, Registration Specialist, Canyon Group/Gowan Company
- Letter of support from Erika Verrier, IPM Manager, Backyard Farms
- GWN-1715 draft Maine SLN label
- GWN-1715 EPA label
- Sanmite draft Maine SLN label
- Sanmite Section 3 label
- Sanmite MSDS

Form Approved. OMB No. 2070-0182 Approval expires 5-31-15

United States Environmental Protection Agency
Office of Pesticide Programs, Registration Division (7505C)
Washington, DC 20460

Application for/Notification of State Registration of a Pesticide To Meet a Special Local Need

(Pursuant to section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act, as Amended)

For State Use Only
Registration No. Assigned: ME-140001
Date Registration Issued:

1. Name and Address of Applicant for Registration

Canyon Group
C/O Gowan Company
P.O. Box 5569
Yuma, AZ 85366

2. Product is (Check one)

- [X] EPA-Registered — EPA Registration Number: 81880-5
- [ ] New (not EPA-registered) — Attach EPA Form 8570-4, Confidential Statement of Formula for new products. — EPA Company Number:

3. Active Ingredient(s) in Product

Pyridaben

4. Product Name

GWN-1715-O

5. If this is a food/feed use, a tolerance or other residue clearance is required. Cite appropriate regulations in 40 CFR Part 180, 185, and/or 186. 180.494

6. Type of Registration (Give details in Item 13 or on a separate page, properly identified and attached to this form):

- [ ] a. To permit use of a new product.
- [ ] b. To amend EPA registrations for one or more of the following purposes:
  - [X] (1) To permit use on additional crops or animals.
  - [ ] (2) To permit use at additional sites.
  - [ ] (3) To permit use against additional pests.
  - [ ] (4) To permit use of additional application techniques or equipment.
  - [ ] (5) To permit use at different application rates.
  - [ ] (6) Other (specify below)

7. Nature of Special Local Need (check one)

- [ ] There is no pesticide product registered by EPA for such use.
- [ ] There is no EPA-registered pesticide product which, under the conditions of use within the State, would be as safe and/or as efficacious for such use within the terms and conditions of EPA registration.
- [X] An appropriate EPA-registered pesticide product is not available.

8. If this registration is an amendment to an EPA-registered product, is it for a "new use" as defined in 40 CFR 152.3 ?

- [ ] Yes (discuss in Item 13 below)
- [X] No

9. Has an EPA Registration or Experimental Use Permit for this chemical ever been (check applicable box(es), if known):

- [ ] Sought
- [X] Issued
- [ ] Denied
- [ ] Cancelled
- [ ] Suspended
- [X] Registration
- [ ] Experimental Use Permit
- [ ] No Previous Permit Action

10. Has FIFRA section 24(c) registration for this use of the product ever, by another State, been (check appropriate box(es), if known):

- [ ] Sought
- [X] Issued
- [ ] Denied
- [ ] Revoked

If any of the above are checked, list States in Item 13 below.

- [ ] No FIFRA section 24(c) Action

11. Endangered Species Act: (Give details in Item 13 or on a separate page, properly identified and attached to this form)

Identify the counties where this pesticide will be used. If Statewide, indicate "all." Provide a list of Federally protected endangered/threatened species which occur in the areas of proposed use.

Certification

I certify that the statements I have made on this form and all attachments thereto are true, accurate, and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

12. Indicate use status of Special Local Need, i.e., planned dates of use:

From: NA To: NA

Signature of Applicant or Authorized Representative

Title

Agent for Canyon KYLA SMITH

Telephone Number	Date
928-819-1531	1-28-14

13. Comments (attach additional sheet, if needed)

Determination by State Agency

This registration is for a Special Local Need and is being issued in accordance with section 24(c) of FIFRA, as amended. To the best of our knowledge, the information above is correct, except as noted in "Comments" below or in attachments.

Name, Title, and Address of State Agency Official

Mary Tomlinson
Maine Board of Pesticides Control
28 State House Station
Augusta, ME 04333-0028

Title

Pesticides Registrar/Water Quality Specialist

Telephone Number	Date
207-287-2731	3-28-2013

Comments (by State Agency Only)

Received by EPA

Canyon Group LLC™
370 S. Main Street • Yuma, AZ 85364 • ph 928.783.8844 • fax 928.343.9255

January 28, 2014

Attention: Mary E. Tomlinson
Department of Agriculture
Maine Board of Pesticides Control
28 State House Station
Augusta, ME 04333

RE: GWN-1715-O, EPA Reg. No. 81880-5
SLN No. ME-14XXXX for Greenhouse Tomatoes

Dear Ms. Tomlinson:

Canyon Group is requesting SLN ME-14XXXX, for use of GWN-1715-O (active ingredient pyridaben) on greenhouse tomatoes.

Backyard Farms in Madison, Maine supports this SLN. Sanmite (a supplementally distributed product of the parent product GWN-1715-O) is a necessary product to fight mites and whitefly.

Canyon Group gives permission to Gowan Company to issue a supplemental SLN for Sanmite, EPA Reg. No. 81880-5-10163, and to distribute product to growers.

In support of this, I have enclosed the following:

1. EPA application for State Registration of a pesticide to meet a Special Local Need (8570-25)
2. Proposed SLN No ME-14XXXX

If you need any additional information, please feel free to contact me at kssmith@gowanco.com.

Sincerely,

Kyla S. Smith, Agent for Canyon

Gowan®
The Go To Company
P.O. Box 5569 ▲ Yuma, AZ 85366-5569 ▲ Phone (928) 783-8844 ▲ FAX (928) 343-9255

January 28, 2014

Attention: Mary E. Tomlinson
Department of Agriculture
Maine Board of Pesticides Control
28 State House Station
Augusta, ME 04333

RE: Samite, EPA Reg. No. 81880-5-10163
SLN No. ME-14XXXX for Greenhouse Tomatoes

Dear Ms. Tomlinson:

Gowan Company is requesting a supplemental label for Canyon Group's SLN for GWN-1715-O, EPA Reg. No. 81880-5, on greenhouse tomatoes. Sanmite is currently an EPA approved Section 3 supplemental distributor for this product.

If you need any additional information, please feel free to contact me at kssmith@gowanco.com.

Sincerely,

Kyla S. Smith,
Gowan Company

BACKYARD FARMS
ALWAYS TOMATO SEASON

January 28, 2014

Attention: Mary Tomlinson, Registrar
28 State House Station
Augusta, ME 04333-0028

RE: Sanmite EPA Reg. No. 81880-5-10163

Dear Ms. Tomlinson:

At Backyard Farms, we follow a biologically based integrated pest management program in managing all of our pests. We have successfully incorporated Nexter (EPA Reg. 81880-4-10163), a product manufactured by Gowan, to gain control over our whitefly and mite populations for several years through your support of a SLN label. We understand that this product is being replaced with Sanmite (EPA Reg. No. 81880-5-10163) and wish to maintain the use of this in place of Nexter.

The basis of our whitefly pest management program is the weekly introduction of the beneficial insects *Encarsia formosa* and *Eretmocerus eremicus*. These introductions do a good job curbing the whitefly life cycle. However, corrections are periodically needed to help keep the balance between pest and beneficial populations.

The insecticide has a very strong knock down of adult whiteflies with minimum residual effect and minimum residues. Because our beneficial insects parasitize the larval stages, this product complements our integrated pest management program by killing the adults and creating a situation where our beneficial insects are able to gain control of the problem again. Nexter also aids in the control of mites for which there is no effective biological control in tomatoes. In years prior to using Nexter, mites had affected nearly 15% of our growing area and many other measures taken to control mites decreased the efficacy of the beneficial insects working to control the whitefly- therefore causing significant interruption to our biological balance. With Nexter we have found a chemical that can help to effectively control both pests and allow us a smooth transition back to a biologically based IPM system. Now we realize the need to maintain Sanmite in its place.

Since our original request for the SLN for Nexter was approved, we have found it highly effective at controlling both whitefly and mites. We would like your continued support for the use of Sanmite in greenhouse tomatoes in Maine. Please continue to support this critical submission for Sanmite to be used at our greenhouse.

Sincerely,

Erika Verrier

IPM Manager
Backyard Farms
131 River Road
Madison, ME 04950
(T) 207-696-5200 Ext. 2148
(F) 207-696-5322
(C) 207-612-8911

FIFRA

Section 24(c) Special Local Need Label

FOR DISTRIBUTION AND USE ONLY WITHIN THE STATE OF MAINE

GWN-1715-O

EPA Reg. No 81880-5 / EPA SLN NO. ME-14XXXX
Expires 12-31-2019

For Control of Mites and Whiteflies on Greenhouse Tomatoes

	% By Wt.
ACTIVE INGREDIENT:	
[2-*tert*-butyl-5-(4-*tert*-butylbenzylthio)-4-chloropyridazin-3(2*H*)-one]	75.0%
OTHER INGREDIENTS:	25.0%
Total	100.0%

KEEP OUT OF REACH OF CHILDREN

WARNING/AVISO

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. (If you do not understand the label, find someone to explain it to you in detail.)

DIRECTIONS FOR USE

- **It is a violation of Federal law to use this labeling in a manner inconsistent with its labeling.**
- **All applicable directions, restrictions and precautions on the EPA-registered label are to be followed.**
- **This labeling must be in the possession of the user at the time of the pesticide application.**

CROP	RATE	PEST	COMMENTS
Greenhouse tomatoes	4 oz per 100 gallons of water Or 0.09 oz per 1000 sq. ft.	European red mite, Citrus red mite, Twospotted spider mite, Broad mite	Apply when mites first appear and before a threshold of five spider mites per leaf is reached.
	4–6 oz per 100 gallons of water Or 0.09 – 0.14 oz per 1000 sq. ft.	Whiteflies	
	• Do not apply within 2 day of harvest (PHI) • Do not make more than 2 applications per crop cycle • Do not apply more than 8 oz of product per crop cycle • Do not enter a treated greenhouse or a treated indoor area without protective equipment for **12 hours** unless one of the following items is completed: o 10 air exchanges o 2 hours of system ventilation o 4 hours of ventilation using vents, windows or other passive ventilation o All required PPE is worn. • Allow a minimum of 30 days between sequential applications of **GWN-1715-O** in crops that allow more than 1 application per season. • Do not apply this product through any type of irrigation system. • Do not apply this product aerially.		

Coverage: Apply GWN-1715-O in sufficient water to ensure thorough coverage of foliage and fruit. Thorough coverage is required for optimum control.

24(c) Registrant: Canyon Group
C/O Gowan Company
P.O. Box 5569
Yuma, AZ 85366-5569

81880-5 2/26/2010 1of8

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

FEB 26 2010

Kyla Smith
Canyon Group
c/o Gowan Company
P.O. Box 5569
Uma, AZ 85365-5569

Subject: Label Notification(s) for Pesticide Registration Notice 2007-4

Dear Ms. Smith:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notices (PRN) 2007-4 dated December 14, 2009 for:

EPA Registration 81880-5 GWN-1715-0

The Registration Division (RD) has conducted a review of the request(s) for applicability under 2007-4 and finds that the label changes requested fall within the scope of 2007-4. The label has been date-stamped "Notification" and will be placed in our records.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identify the batch of the pesticide distributed and sold be placed on nonrefillable containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions, please contact me directly at 703-305-6249 or Nicole Williams of my staff at 703-308-5551.

Sincerely,

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs

2058

Print Form

Please read instructions on reverse before o[illegible]leting form. Form Approv[illegible] OMB No. 2070-0060

EPA

United States
Environmental Protection Agency
Washington, DC 20460

[ ] Registration
[ ] Amendment
[X] Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number: 81880-5
2. EPA Product Manager: Richard Gebkin
3. Proposed Classification: [X] None [ ] Restricted
4. Company/Product (Name): GWN-1715-O
PM# 10
5. Name and Address of Applicant *(Include ZIP Code)*
Canyon Group C/O Gowan Company
P.O. Box 5569 Yuma, AZ 85366
[ ] *Check if this is a new address*
6. **Expedited Review.** In accordance with FIFRA Section 3(c)(3)(b)(i), my product is similar or identical in composition and labeling to:
EPA Reg. No. _____
Product Name _____

Section - II

[ ] Amendment - Explain below.
[ ] Resubmission in response to Agency letter dated _____
[X] Notification - Explain below.
[ ] Final printed labels in response to Agency letter dated _____
[ ] "Me Too" Application.
[ ] Other - Explain below.

NOTIFICATION
FEB 25 2010

Explanation: Use additional page(s) if necessary. (For section I and Section II.)
Updating Storage and Disposal

Section - III

1. Material This Product Will Be Packaged In:

Child-Resistant Packaging	Unit Packaging	Water Soluble Packaging	2. Type of Container
[ ] Yes* [X] No	[X] Yes [ ] No	[X] Yes [ ] No	[ ] Metal [X] Plastic [ ] Glass [ ] Paper [ ] Other (Specify) _____
* *Certification must be submitted*	If "Yes" Unit Packaging wgt. 0.25 lbs; No. per container 16	If "Yes" Package wgt 0.25 lbs; No. per container 4	

3. Location of Net Contents Information: [X] Label [ ] Container
4. Size(s) Retail Container: 4 lbs
5. Location of Label Directions: [X] On Label [ ] On Labeling accompanying product
6. Manner in Which Label is Affixed to Product: [X] Lithograph [ ] Paper glued [ ] Stenciled [ ] Other _____

Section - IV

1. Contact Point *(Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)*

Name	Title	Telephone No. (Include Area Code)
Kyla S. Smith	Registration Specialist	928-319-1531

Certification

I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

6. Date Application Received (Stamped)

2. Signature
3. Title: Registration Specialist
4. Typed Name: Kyla S. Smith
5. Date: 12-14-09

Gowan®
The Go To Company
P.O. Box 5569 ▲ Yuma, AZ 85366-5569 ▲ Phone (928) 783-8844 ▲ FAX (928) 343-9255

December 14, 2009

U.S. EPA, Office of Pesticide Programs (7505P)
Document Processing Desk (NOTIF)
Attention: Richard Gebkin
Room S-4900, One Potomac Yard (S. Bldg)
2777 S. Crystal Drive
Arlington, Virginia 22202-4501

RE: GWN-1715-O, EPA Reg. No. 81880-5 – Notification to update Storage and Disposal

Dear Mr. Gebkin:

Canyon Group submits the enclosed revised label. The above mentioned product has been updated in order to comply with the Storage and Disposal mandates per EPA PR Notice 2007-4. Enclosed are the following:

EPA form 8570-1, Application for Pesticide
GWN-1715-O label (2 copies)

Notification of label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for the product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if the amended label is not consistent with the requirements of 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

If you have any questions or concerns, please contact me via email at kssmithl@gowanco.com or via phone (928) 819-1531.

Sincerely,

Kyla Smith,
Agent for Canyon

Enclosures

GWN-1715-O

Miticide/Insecticide

A wettable powder for commercial use on ornamental plants grown in greenhouses and outdoors

NOTIFICATION

FEB 2 5 2010

ACTIVE INGREDIENT:	% By Wt.
[2-tert-butyl-5-(4-tert-butylbenzylithio)-4-chloropyridazin-3(2h-one]	75.0%
OTHER INGREDIENTS	25.0%
TOTAL:	100.0%

KEEP OUT OF REACH OF CHILDREN

WARNING/AVISO

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. (If you do not understand the label, find someone to explain it to you in detail.)

FIRST AID	
If inhaled	• Move person to fresh air. • If person is not breathing call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth, if possible. • Call a poison control center or doctor for further treatment advice.
If swallowed	• Call a poison control center or doctor immediately for treatment advice. • Have the person sip a glass of water if able to swallow. • Do not induce vomiting unless told to do so by a poison control center or doctor. • Do not give anything to an unconscious person.
If on skin or clothing	• Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15-20 minutes. • Call a poison control center or doctor for treatment advice.
If in eyes	• Hold eye open and rinse slowly and gently with water for 15-20 minutes. • Remove contact lenses, if present, after first 5 minutes, then continue rinsing eye. • Call a poison control center or doctor for treatment advice.
HOTLINE NUMBER	
Have the product container or label with you when calling a poison control center or doctor or going for treatment. **FOR MEDICAL EMERGENCIES INVOLVING THIS PRODUCT CALL 1-888-478-0798.**	

PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS
WARNING/AVISO

May be fatal if inhaled. Do not breathe dust or spray mist. For handling activities, use dust/mist-filtering respirator (MSHA/NIOSH approval numbers prefix TC-21C), or a NIOSH approved respirator with N, P, R, or HE pre-filter. Wear long-sleeved shirt and long pants, socks and shoes and waterproof gloves. Harmful if swallowed or absorbed through skin. Avoid contact with skin. Remove contaminated clothing and wash before reuse. Causes moderate eye irritation. Do not get in eyes or on clothing. Wear goggles, face shield, or safety glasses. Wash thoroughly with soap and water after handling.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Waterproof gloves
- Protective eyewear
- Shoes plus socks
- For handling activities, use dust/mist filtering respirator (MSHA/NIOSH approval numbers prefix TC-21C), or a NIOSH approved respirator with a N, P, R, or HE pre-filter.
- Chemical-resistant headgear for overhead exposure.

Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not re-use them. Follow manufacturer's instructions for cleaning and maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

Engineering Controls Statement: When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

NET CONTENTS ___ POUNDS

EPA Reg. No. 81880-5
EPA Est. No.

Gowan
The Go To Company

Canyon Group
C/O Gowan Company
P.O. Box 5569
Yuma, AZ 85366-5569

USER SAFETY RECOMMENDATIONS

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish and aquatic invertebrates. Do not apply directly to water or to areas where surface water is present or to intertidal areas below the mean high-water mark. Keep out of lakes, ponds, or streams. Do not contaminate water when disposing of equipment washwaters. Do not apply when weather conditions favor drift from target area. Drift or runoff from treated areas may be hazardous to fish in adjacent sites. This product is toxic to bees. Do not apply this product or allow it to drift to blooming crops or weeds while bees are actively visiting the treatment area. Application early in the morning or at dusk is suggested.

DIRECTIONS FOR USE

It is a violation of federal law to use this product in a manner inconsistent with its labeling. Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your state or tribe, consult the agency responsible for pesticide regulation.
For end use only. Do not repackage or reformulate without manufacturer's written approval.
All applicable directions, restrictions, precautions and **Notice of Conditions of Sale and Warranty and Liability Limitations** are to be followed. This labeling must be in the user's possession during application.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE), notification to workers, and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.
Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of **12 hours.**
PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is:

- Coveralls
- Waterproof gloves
- Shoes plus socks
- Protective eyewear
- For handling activities during handgun applications with direct overhead exposures, wear either a respirator with an organic vapor-removing cartridge with a pre-filter approved for pesticides (MSHA/NIOSH approval number prefix TC-23C) or a canister approved for pesticides (MSHA/NIOSH approval number prefix TC-21C).
- For all other exposures, wear a dust/mist-filtering respirator (MSHA/NIOSH approval number prefix TC-21C).

GENERAL INFORMATION

GWN-1715-O Miticide/Insecticide is intended for control of mites and whiteflies on ornamental plants, flowers, and foliage crops. GWN-1715-O provides excellent knockdown and residual control. A good evaluation of performance can generally be made 4-7 days after treatment.

Crop Tolerance

All crops listed in Table 2. Plant Species Tested for Tolerance to GWN-1715-O are tolerant to GWN-1715-O.

Mode of Action

GWN-1715-O works primarily through contact action. Treat plants when pests are immature or at a susceptible stage and populations are building, before crop damage occurs.

Resistance Management

Using GWN-1715-O in successive miticide applications is not recommended. Use GWN-1715-O as part of a sound resistance management program that includes rotation with other treatments having different modes of action.

Spray Coverage

Apply GWN-1715-O in sufficient water to ensure thorough coverage of foliage. Thorough coverage is required for optimum control. To achieve adequate coverage, use proper spray pressure, nozzles, nozzle spacing, and volume per acre. Consult spray nozzle and accessory guide for information pertaining to proper equipment calibration.

Cleaning Spray Equipment

Clean spray equipment thoroughly using a strong detergent or commercial sprayer cleaner according to the manufacturer's directions before and after applying this product.

APPLICATION INSTRUCTIONS

Apply GWN-1715-O Miticide/Insectide at rates recommended in Table 1. Application Rates. Avoid drift to all other crops and non-target areas.Table 1. Application Rates

Pest	Rate per 100 gallons of water
Broad mite European Red Mite Southern red mite Tumid mite Twospotted spider mite	4 bags (4 ounces)
Whiteflies	4 – 6 bags (4 – 6 ounces)

Table 2. Plant Species Tested for Tolerance to GWN-1715-O miticide/insecticide*

COMMON NAME	SCIENTIFIC NAME
Ageratum, Blue Blazer	*Ageratum houstonianum*
Alurrinum Plant	*Pilea cadierei*
Alyssum	*Lobularia maritima*
Andromeda, Japanese	*Pieris japonica* (Thumb) v 'Mountain Fire'
Anthurium	*Anthurium* spp.
Arborvitea, American	*Thuja occidentalis, smaragd*
Aster, Rainbow , Solidago	*Aster* spp.
Azalea	*Rhododendron* sp.
Baby's Breath	*Gypsophila paniculata*
Balloon Flower	*Platycodon grandiflora* v 'Sentimental Blue'
Barberry, Japanese Red Leaf	*Berberis thunbergii (atropurpureum)*
Begonia	*Begonia semperflorens*
Blanket Flower	*Gaillardia* sp. V 'Red Plume'
Bleeding Heart	*Dicentra spectabilis* (Lem.)
Boxwood, Japanese	*Buxus japonica*
Butterfly Bush	*Buddleia* sp. V 'White profusion'
Butterfly Bush	*Buddleia davidii* Franch.
Caladium	*Caladium* sp.
Camellia	*Camellia japonica*
Carnation, Pallas Londerga Carnation, Pink Candy	*Dianthus caryophyllus*
Celosia, Dwarf Mixed	*Celosia argenta*
Charnaedorea Palm	*Chamaedorea elegans*
Chrysanthemum	*Chrysanthemum* spp.
Christmas Cactus	*Schlumbergera bridgesii*
Cimmaron	*Medicago sativae*
Cinquefoil	*Potentilla fructicosa* spp. Including 'May white'
Coleus, Scarlet Wizard	*Coleus hybridus*
Coneflower	*Rudbeckia* sp. V 'Goldilocks'
Cosmos	*Cosmos* sp.
Cotoneaster	*Coloneaster dammeri* C.K. Schneid v 'Coral' Beauty'
Cotoneaster	*Cotoneaster apiculaius* Rehd & E.H. Wils
Croton, Pictum	*Codiaeum variegatum*
Cyclamen, Red , White	*Cyclamen persicum*
Dahlia	*Dahlia* spp.
Daisy, Shasta	*Chrysanthemum maximum* Ramond v 'Silver Princess'
Daylily	*Liemerocallis* spp.
Dianthus, Pink ,Telstar Lavender , Telstar White	*Dianthus* spp.
Dieffenbachia, Dumb cane	*Dieffenbachia* sp.
Dogwood, Cornelian Cherry	*Cornus* spp.
Dracaena	*Dracaena marginata*
Dusty Miller	*Centaurea cineraria*
Dwarf Winged Euonymus	*Euonymus alata* (Thumb.) Siebold v. 'Compacta'
Elm	*Ulmus* spp.
Euonymus	*Euonmymus* spp.
Euonymus, Winged	*Euonymus alata* (Thumb.) Siebold
Euonymus, Dwarf Winged	*Euonymus alata* (Thumb.) Siebold v ' *Compacta*
False Cypress	*Chamaccyparis pisifera*
Fern, Pteris	*Pteris biaurita*
Fern, Asparagus	*Asparagus setaceus*
Fern, Maidenhair	*Adiantum* sp.
Fir, Douglas	*Pseudotsuga menziesii* (Mirb) Franco
Fir, Fraser	*Abies fraseri*
Fir, Noble	*Abies porcera*
COMMON NAME	**SCIENTIFIC NAME**
Fire Thorn	*Pyracantha coccinea*
Fuchsia	*Fuchsiu* sp.
Gardenia, August Beauty	*Gardenia jsaminoides*
Geranium, Scarlet Orbit	*Geranium* sp.
Gerbera Daisy	*Gerbera* sp.
Gladiolus Gladiolus	*Gladiolus x hortulanus* L.H. Bailey *Gladiolus* sp. V 'Nova Lux'
Gloxinia	*Sinningia speciosa*
Gold Dust Plant	*Aucuba japonica*
Goldfish plant	*Alloplectus nummularia*
Hemlock	*Tsuga canadensis* Carriere
Hibiscus	*Hibiscus* spp.
Hollyhock	*Alcea rosea* v ' Apricot'
Holly, Chinese , Burford , Japanese	*Hex cornuta* *Hex cornuta* 'Burfordii' *Hex crenta*
Honeysuckle	*Lonicera* spp.
Hyacinth, Common	*Hyacinthus orientalis*
Hydrangea	*Hydrangea* spp.
Hydrangea-vine	*Schizophragma hydrangea*
Impatiens, New Guinea , hybrids , Celsia high energy , Sunshine	*Impatiens wallerano*
Iris, Miniature	*Iris* spp.
Ivy, Cascade , English , Spade	*Hedera helix*
Juniper	*Juniperus* spp.
Kalanchoe	*Kalanchoe* sp.
Lilac	*Syringa patula*
Lily, Easter , Calla , Peace , Mauna Loa , Orange pixie	*Lilium loniflorum* *Zantedeschia* sp. *Spathiphyllum* sp. *Spathiphyllum* sp. *Lilium longiflorum*
Lobelia	*Lobelia* spp.
Lupine	*Lupinus* sp. v 'Russell Blue w/White'
Magnolia	*Magnolia* spp.
Mandevilla, Pink	*Mandevilla* sp.
Maple, Sugar	*Acer saccharum* Marsh
Marigold	*Tagetes erecta*
Mock Orange	*Philedelphus coronaries*
Muscari, (Grape Hyancinth)	*Muscari* spp.
Oak, Pin	*Quercus palustris* Muenchh
Palm, Parlor (neantha Bella)	*Chamaedorea elegans*
Pansy	*Viola wittrockiana*
Pea, Sweet	*Lathyrus odoratus* v 'Explorer Mixed'
Pear, Bradford	*Pyrus calleryana* 'Bradford'
Peony	*Paeonia lactiflora* Pall.
Petunia, Harmony Boy , White Cascade , White Madness	*Petunia hybrida*
Phlox, Summer	*Phlox, paniculata*
Photinia, Red Tip	*Photinia x fraseri*
Piggyback plant	*Tolmiea menziesii*
Pine, Mugo	*Pinus mugo Turra*
Pinks (Dianthus)	*Dianthus* spp.
Pink Splash	*Hypoestes phyllostachya*
Pittosporum	*Pittosporum* spp.

Poinsettia	*Euphorbia pulcherrima*
Ponytail plant	*Reaucarnea recurvata*
Poppy	*Papaver* spp.
Pothos	*Epipremum aureum*
Prayer plant	*Maranta leuconeura*
Primrose	*Primula* sp.
Privet	*Ligustrum x vicaryi*
Redvein Enkianthus	*Enkianthus* spp.
COMMON NAME	**SCIENTIFIC NAME**
Rose	*Rosa* spp.
Rose moss	*Portulaca grandiflora*
Rhododendron, English Roseum	*Rhododendron* sp.
Salvia	*Salvia splendens*
Schefflera	*Schefflera actinophylla*
Snapdragon	*Antirrhinum* spp.
Spirea	*Spirea* spp.
Spruce, Norway Nest	*Picea abies nidiformis*
Sunflower, Minature	*Helianthus annuus*
Syngonium	*Synagonium podophyllum*

Tobacco, Ornamental	*Nicotiana* spp.
Trumpetcreeper	*Campsis grandiflora*
Tulips	*Tulipa* spp.
Viburnum, Snowball Bush	*Viburnum* spp.
COMMON NAME	**SCIENTIFIC NAME**
Verbena, Blaze , Garden , Lemon , Scarlet Romance	*Verbena hybrida*
Vinca, Little Blanche , Periwinkle	*Vinca* spp.
Violet, African	*Saintpaulia ionantha*
Wandering Jew	*Tradesacantia albiflora*
Wisteria	*Wisteria* spp.
Yew, Hicks	*Taxus x media* Rehd v 'Hicksii'
Zinnia, Scarlet Flame , Giant Cactus , Lilliput , Dreamland	*Zinnia elegans*

ADDITIVES

In general, no additives are necessary for effective use of GWN-1715-O miticide/insecticide.
However, in situations where local conditions such as hard water are a problem, adjuvants or wetting agents may be used to achieve thorough spray coverage.
Do not place water-soluble bags directly into dormant or summer-spray-type oils. PVA pouches are water soluble, not oil soluble. Do not use with nutritional sprays containing boron. Boron will prevent the bags from dissolving in water. Rinse the tank thoroughly before adding any material in PVA bags.

Mixing Order

1) **Water:** Begin by agitating a thoroughly clean sprayer tank half full of clean water.
2) **Products in PVA bags:** Determine the number of water-soluble bags to be used based on **Table 2**. Place the water-soluble bags into the mixing tank. The water-soluble bags dissolve in water and the contents will disperse Wait until all water-soluble PVA bags have fully dissolved and the product is evenly mixed in the spray tank before continuing.
3) **Water-dispersible products**: (dry flowables, wettable powders, suspension concentrates, or suspo-emulsions)
4) **Emulsifiable concentrates**
5) **Water Soluble Products**
6) **Water-soluble additives**
7) **Remaining quantity water**

Maintain constant agitation during application. For more information, refer to section **General Tank Mixing Information.**

GENERAL TANK MIXING INFORMATION

No tank mixes are specifically recommended with this product. The phytotoxic potential of GWN-1715-O has been assessed on a wide variety of common ornamental plants with no phytotoxicity observed. However, all plant species and their varieties and cultivars have not been tested with possible tank mix combinations, sequential pesticide treatments, and adjuvants and surfactants. Local conditions can also influence crop tolerance and may not match those under which testing has been conducted. Therefore, before using GWN-1715-O, test the product on a sample of the crop to be treated to ensure that a phytotoxic response will not occur as a result of applications.

GENERAL RESTRICTIONS AND LIMITATIONS – ALL CROPS

- **Maximum seasonal use rate:** Do not exceed **21.34 ounces** of GWN-1715-O miticide/insecticide per acre, per year.
- **Restricted Entry Interval (REI): 12 hours**
- Do not enter a treated greenhouse or a treated indoor area without protective equipment for **12 hours** unless one of the following items is completed:
  - 10 air exchanges
  - 2 hours of system ventilation
  - 4 hours of ventilation using vents, windows or other passive ventilation
  - All required PPE is worn.
- **Sequential Treatment:** Do not use GWN-1715-O in successive miticide applications. Use GWN-1715-O in rotation with other treatments having different modes of action.
- Do not apply this product through any type of irrigation system.
- Do not apply this product aerially.
- Do not use GWN-1715-O with nutritional sprays that contain boron.
- Do not apply this product as a smoke, mist, fog, or aerosol.
- Do not repackage or reformulate without manufacturer's written approval. For end use only.

CROPS

This product can be used on the following crops:

- **Ornamental plants**
- ***Foliage crops***

Pests
This product can be used on the following pests:

Common Name	Scientific Name
Broad Mite	*Polyphagotarsonemus latus*
European red mite	*Panonychus ulmi*
Southern red mite	*Oligonychus ilicis*
Tumid mite	*Tetranychus tumidus*
Twospotted spider mite	*Tetranychus urticea*
Whitefly, Silverleaf	*Benisia argentifolii*
Whitefly, Greenhouse	*Trialeurodes vaporariorum*

STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage or disposal.

Pesticide Storage: Store in a cool, dry place away from heat or open flame. This package contains water-soluble bags inside a foil liner (overwrap). Do not remove the water-soluble bags from the overwrap except for immediate use. If all the water-soluble bags are not used, carefully reseal the overwrap. The water-soluble bags may break if they are exposed to moisture, handled excessively, or handled with wet hands or wet gloves.

Pesticide Disposal: Pesticide wastes are acutely hazardous. Wastes resulting from this product may be disposed of on site or at an approved waste disposal facility. Improper disposal of excess pesticide, spray mix, or rinsate is a violation of federal law.

If these wastes cannot be disposed of according to label instructions, contact the state agency responsible for pesticide regulation or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

Container Disposal:

Water-soluble packaging: Nonrefillable container. Do not reuse or refill this container. The outer case and inner overwrap packaging of the water-soluble bag should be incinerated or disposed of in a sanitary landfill, or if allowed by state and local authorities, by burning. If burned, stay out of smoke. Do not re-use the empty packaging.

FOR 24 HOUR EMERGENCY ASSISTANCE (SPILL, LEAK, OR FIRE). CALL CHEMTREC® (800) 424-9300

NOTICE OF CONDITIONS OF SALE AND WARRANTY AND LIABILITY LIMITATIONS

Important: Read the entire Directions for Use and Notice of Conditions of Sale and Warranty and Liability Limitations before using this product. If terms are not acceptable return the unopened container for a full refund.

Our recommendations for use of this product are based on tests believed to be reliable. However, it is impossible to eliminate all risk associated with the use of this product. Crop injury, inadequate performance, or other unintended consequences may result due to soil or weather conditions, off target movement, presence of other materials, method of use or application, and other factors, all of which are beyond the control of Canyon. All such risks shall be assumed by the Buyer and User.

Canyon warrants that this product conforms to the specifications on the label and is reasonably fit for the intended purpose referred to on the label when used in strict conformance with Direction for Use, subject to the above stated risk limitations. CANYON MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY

BUYER'S OR USER'S EXCLUSIVE REMEDY AND CANYON'S EXCLUSIVE LIABILITY FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT WHETHER IN CONTRACT, WARRANTY, TORT, NEGLIGENCE, OR ANY OTHER LEGAL THEORY IS STRICTLY LIMITED TO THE PURCHASE PRICE PAID OR REPLACEMENT OF PRODUCT, AT CANYON'S SOLE DISCRETION.

EPA Text Pending: GWN-1715-O (To EPA via Notf 12-14-09)

FIFRA

Section 24(c) Special Local Need Label

FOR DISTRIBUTION AND USE ONLY WITHIN THE STATE OF MAINE

Sanmite®

Miticide/Insecticide

EPA Reg. No 81880-5-10163 / EPA SLN NO. ME-14XXXXB
Expires 12-31-2019

For Control of Mites and Whiteflies on Greenhouse Tomatoes

	% By Wt.
ACTIVE INGREDIENT:	
[2-*tert*-butyl-5-(4-*tert*-butylbenzylthio)-4-chloropyridazin-3(2*H*)-one]	75.0%
OTHER INGREDIENTS:	25.0%
Total	100.0%

KEEP OUT OF REACH OF CHILDREN

WARNING/AVISO

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. (If you do not understand the label, find someone to explain it to you in detail.)

DIRECTIONS FOR USE

- **It is a violation of Federal law to use this labeling in a manner inconsistent with its labeling.**
- **All applicable directions, restrictions and precautions on the EPA-registered label are to be followed.**
- **This labeling must be in the possession of the user at the time of the pesticide application.**

CROP	RATE	PEST	COMMENTS
Greenhouse tomatoes	4 oz per 100 gallons of water Or 0.09 oz per 1000 sq. ft.	European red mite, Citrus red mite, Twospotted spider mite, Broad mite	Apply when mites first appear and before a threshold of five spider mites per leaf is reached.
	4–6 oz per 100 gallons of water Or 0.09 – 0.14 oz per 1000 sq. ft.	Whiteflies	
	• Do not apply within 2 day of harvest (PHI) • Do not make more than 2 applications per crop cycle • Do not apply more than 8 oz of product per crop cycle • Do not enter a treated greenhouse or a treated indoor area without protective equipment for **12 hours** unless one of the following items is completed: o 10 air exchanges o 2 hours of system ventilation o 4 hours of ventilation using vents, windows or other passive ventilation o All required PPE is worn. • Allow a minimum of 30 days between sequential applications of **SANMITE** in crops that allow more than 1 application per season. • Do not apply this product through any type of irrigation system. • Do not apply this product aerially.		

Coverage: Apply Sanmite in sufficient water to ensure thorough coverage of foliage and fruit. Thorough coverage is required for optimum control.

24(c) Registrant: Gowan Company
P.O. Box 5569
Yuma, AZ 85366-5569

SLN: ME-14XXXXB Sanmite Greenhouse tomatoes (approved X-X-14)

MATERIAL SAFETY DATA SHEET

1. PRODUCT AND COMPANY IDENTIFICATION

Formulator: Gowan Company
P.O. Box 5569
Yuma, Arizona 85366-5569
(800) 883-1844

For 24-Hour Emergency Assistance (Spill, Leak, Fire, or Exposure), Call CHEMTREC®:
Inside the U.S.: (800) 424-9300
Outside the U.S.: (703) 527-3887

For *Medical* Emergency: (888) 478-0798

Product:	**Sanmite®**		
EPA Signal Word:	Warning	**EPA Registration No.:**	81880-5-10163
Active Ingredient:	Pyridaben (75%)	**CAS No.:**	96489-71-3
Chemical Name:	2-tert-butyl-5-(4-tert-butylbenzylithio)-4-chloropyridazin-3(2H)-one		
Chemical Class:	Pyridazinone		

2. HAZARDS IDENTIFICATION

Physical Properties

Appearance: Light tan powder
Odor: Vanilla

Primary Routes of Exposure

May be fatal if inhaled. Do not breathe dust or spray mist. For handling activities, use dust/mist filtering respirator (MSHA/NIOSH approval numbers prefix TC-21 C), or a NIOSH approved respirator with a NPR, or HE prefilter. Wear long-sleeved shirt and long pants, socks and shoes and waterproof gloves. Harmful if swallowed or absorbed through skin. Avoid contact with skin. Remove contaminated clothing and wash before reuse. Causes moderate eye irritation. Do not get in eyes or on clothing. Wear goggles, face shield, or safety glasses. Wash thoroughly with soap and water after handling.

Medical Conditions Likely to be Aggravated by Exposure

No information found for this mixture.

Unusual Fire, Explosion, and Reactivity Hazards

Explosive dust/air mixtures can form in atmospheres as low as 9% oxygen. Ignition energy required is as low as 15 millijoules. Typical dust/air mixtures capable of exploding contain 40 g per cubic meter. Exotherm initiation temperature (Grewer oven): 394° C

3. COMPOSITION/INFORMATION ON INGREDIENTS

INGREDIENT NAME	OSHA – PEL	ACGIH – TLV	OTHER	NTP/IARC/OSHA CARCINOGEN
Pyridaben (75%)	0.01 mg/m^3*	Not Established	Not Established	None

*Manufacturer's recommendation

Only the identities of the active ingredient(s) and any *hazardous* inert ingredients are listed. Specific information on all of this product's ingredients can be obtained by the treating medical professional or spill emergency responder for the management of exposures, spills, or safety assessments.

4. FIRST AID MEASURES

If inhaled	• Move person to fresh air. • If person is not breathing call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth, if possible. • Call a poison control center or doctor for further treatment advice.
If swallowed	• Call a poison control center or doctor immediately for treatment advice. • Have the person sip a glass of water if able to swallow. • Do not induce vomiting unless told to do so by a poison control center or doctor. • Do not give anything to an unconscious person.
If on skin or clothing	• Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15-20 minutes. • Call a poison control center or doctor for treatment advice.
If in eyes	• Hold eye open and rinse slowly and gently with water for 15-20 minutes. • Remove contact lenses, if present, after first 5 minutes, then continue rinsing eye. • Call a poison control center or doctor for treatment advice.
Have the product container or label with you when calling a poison control center or doctor or going for treatment. **FOR MEDICAL EMERGENCIES INVOLVING THIS PRODUCT CALL 1-888-478-0798.**	

5. FIRE FIGHTING MEASURES

Flashpoint (test method): Not determined
Flammable Limits (% in air): Not determined
Autoignition Temperature: Exotherm initiation temperature (Grewer oven): 394° C
Flammability: Non flammable solid

Appropriate Extinguishing Media

Use water fog, foam, CO_2, or dry chemical extinguishing media.

Fire Fighting Guidance

Firefighters should be equipped with self-contained breathing apparatus and turnout gear. Care should be taken to decontaminate firefighters and equipment.

Unusual Fire, Explosion, and Reactivity Hazards

Explosive dust/air mixtures can form in atmospheres as low as 9% oxygen. Ignition energy required is as low as 15 millijoules. Typical dust/air mixtures capable of exploding contain 40 g per cubic meter. Exotherm initiation temperature (Grewer oven): 394° C

6. ACCIDENTAL RELEASE MEASURES

In Case of Spills or Leaks

Emergency response workers should wear a SCBA with Level B protection if dusts will be generated. If possible, keep spilled material dry and recover for use. Spilled material may be carefully swept up and returned to original container.

7. HANDLING AND STORAGE

May be fatal if inhaled. Do not breathe dust or spray mist. For handling activities, use dust/mist-filtering respirator (MSHA/NIOSH approval numbers prefix TC-21C), or a NIOSH approved respirator with N, P, R, or HE pre-filter. Wear long-sleeved shirt and long pants, socks and shoes and waterproof gloves. Harmful if swallowed or absorbed through skin. Avoid contact with skin. Remove contaminated clothing and wash before reuse. Causes moderate eye irritation. Do not get in eyes or on clothing. Wear goggles, face shield, or safety glasses. Wash thoroughly with soap and water after handling.

Precautions in storing

Do not contaminate water, food, or feed by storage or disposal.

Storage

Store in a cool, dry place away from heat or open flame. This package contains water-soluble bags inside a foil liner (overwrap). Do not remove the water-soluble bags from the overwrap except for immediate use. If all the water-soluble bags are not used, carefully reseal the overwrap. The water-soluble bags may break if they are exposed to moisture, handled excessively, or handled with wet hands or wet gloves.

8. EXPOSURE CONTROLS/PERSONAL PROTECTION

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Waterproof gloves
- Protective eyewear
- Shoes plus socks
- For handling activities, use dust/mist filtering respirator (MSHA/NIOSH approval numbers prefix TC-21C), or a NIOSH approved respirator with a N, P, R, or HE pre-filter.
- Chemical-resistant headgear for overhead exposure.

Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not re-use them. Follow manufacturer's instructions for cleaning and maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

Engineering Controls Statement: When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

9. PHYSICAL AND CHEMICAL PROPERTIES

Appearance:	Light tan powder
Melting Point:	N/A
Boiling Point:	N/A
Specific Gravity/ Density:	15.6 lb/ft(3) packed; 13.45 lb/ft(3) free fall
Solubility in H_2O:	Dispersible
Vapor Pressure:	Not determined

10. STABILITY AND REACTIVITY

Stability:	Stable under normal conditions; relatively unstable to light.
Hazardous Polymerization:	Does not occur
Decomposition Products:	HCl, NOx, SOx, CO
Hazardous Mixtures:	Pyridaben is a reducing agent – AVOID OXIDIZERS
Conditions To Avoid:	Not applicable

11. TOXICOLOGICAL INFORMATION

Acute Toxicity/Irritation Studies

Rat, Acute Oral LD_{50} = 1930 mg/kg
Rat, Acute Dermal LD_{50} > 2000 mg/kg
Rat, Acute Inhalation LC_{50} (4 hour) = 0.62 - 0.66 mg/L
Rabbit, Eye Irritation - not irritating
Rabbit, Skin Irritation - Non irritating to skin
Guinea pig, Dermal Sensitizer - Not sensitizing

Pyridaben was found not to be teratogenic in two species tested, but at a maternally toxic dose the compound did produce only slight non-specific developmental effects in one species.

12. ECOLOGICAL INFORMATION

This pesticide is toxic to fish and aquatic invertebrates. Do not apply directly to water or to areas where surface water is present or to intertidal areas below the mean high-water mark. Keep out of lakes, ponds, or streams. Do not contaminate water when disposing of equipment washwaters. Do not apply when weather conditions favor drift from target area. Drift or runoff from treated areas may be hazardous to fish in adjacent sites. This product is toxic to bees. Do not apply this product or allow it to drift to blooming crops or weeds while bees are actively visiting the treatment area. Application early in the morning or at dusk is suggested.

For the active ingredient:

Bluegill sunfish, LC_{50} (96-h):	1.8-3.3 3 μg/L
Rainbow trout, LC_{50} (96-h):	0.73 μg/L
Green algae, EC_{50} (48-h):	> 1 mg/L
Daphnia magna, EC_{50} (48-h):	0.38 μg/L
Bobwhite Quail, Oral LD_{50}:	> 2250 mg/kg
Mallard Duck, Oral LD_{50}:	> 2500 mg/kg
Honeybees, LD_{50} (contact):	0.024 μg/bee

13. DISPOSAL CONSIDERATION

Pesticide Disposal:

Pesticide wastes are acutely hazardous. Wastes resulting from this product may be disposed of on site or at an approved waste disposal facility. Improper disposal of excess pesticide, spray mix, or rinsate is a violation of federal law. If these wastes cannot be disposed of according to label instructions, contact the state agency responsible for pesticide regulation or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

Container Disposal:

Water-soluble packaging: The outer case and inner overwrap packaging of the water-soluble bag should be incinerated or disposed of in a sanitary landfill, or if allowed by state and local authorities, by burning. If burned, stay out of smoke. Do not re-use the empty packaging.

14. TRANSPORT INFORMATION

DOT Classification

UN 2588, Pesticides, solid, toxic, NOS (contains Pyridaben 75%), 6.1, PG II

International Maritime Organization

UN 2588, Pesticides, solid, toxic, NOS (contains Pyridaben 75%), 6.1, PG II, Marine Pollutant

International Civil Aviation Organization

UN 2588, Pesticides, solid, toxic, NOS (contains Pyridaben 75%), 6.1, PG II

15. REGULATORY INFORMATION

SARA Title III Classification

Section 302/304:	Not listed
Section 311/312:	Immediate (acute) health hazard Delayed (chronic) health hazard Fire hazard
Section 313 chemical(s):	Not listed

Proposition 65

Not applicable

CERCLA Reportable Quantity (RQ)

Not applicable

RCRA Classification

If discarded in its purchased form, this product would not be a hazardous waste either by listing or by characteristic. However, under RCRA, it is the responsibility of the product user to determine at the time of disposal, whether a material containing the product or derived from the product should be classified as a hazardous waste.

TSCA Status

Exempt from TSCA

16. OTHER INFORMATION

NFPA Hazard Ratings

Health:	4	0	Least
Flammability:	3	1	Slight
Reactivity:	1	2	Moderate
		3	High
		4	Severe

Prepared By:

Gowan Company
(800) 883-1844

Notice: The information and recommendations contained herein are provided in good faith and are based upon data believed to be correct. However, no guarantee or warranty of any kind, expressed or implied, is made with respect to the information herein.

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JOHN ELIAS BALDACCI
GOVERNOR

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

SETH H. BRADSTREET III
COMMISSIONER

HENRY JENNINGS
DIRECTOR

MAINE BOARD OF PESTICIDES CONTROL POLICY RELATING TO THE ENVIRONMENTAL RISK ADVISORY COMMITTEE (ERAC)

Adopted June 25, 1999
Amended September 29, 2000
DRAFT March 28, 2014

Background

The Maine BPC recognizes the potential impact of some pesticides on the environment from their federally approved label uses. Evaluation of risks specific Maine situations and conditions is critical to reducing potential adverse effects on the environment. The Board needs impartial scientists, knowledgeable in the fields of biology, environmental toxicology, environmental chemistry, and ecology, who can provide expert assessments of environmental risks and provide guidance and recommendations to the Board.

Establishing an Environmental Risk Advisory Committee

The Board will select scientists with the appropriate expertise to serve voluntarily on the Board's Environmental Risk Advisory Committee (ERAC) on an ad hoc basis when the Board deems it is necessary to seek outside scientific expertise. The Board will provide a clear charge to the ERAC regarding the purpose and scope of the committee's work.

Membership

The ERAC will be chaired by a Board member. Additional committee members will be determined by the Board based on the current issue. The Board should appoint persons whose disciplines in aggregate are suitable for evaluating potential adverse environmental effects, and, where appropriate, for recommending courses of action to mitigate potential adverse effects.

Term

The committee will serve until it has issued a final report to the Board.

Meetings

The Committee will meet on an as needed basis at the invitation of the ERAC chair.

Compensation

The ERAC is voluntary and no compensation for services is available. However, all reasonable travel expenses will be reimbursed, subject to the approval of the staff director, in a manner consistent with State Travel Policy.

Potential Rulemaking Items for Board Consideration

BPC Rule	Potential Change	Reason for Change
20	Incorporate Positive Identification of Proper Treatment Site by Commercial Applicators into rule (see policy)	Clarity; policies are not enforceable
22 Section 2D	Exempt "linear" (ROW) projects from the Identifying and Recording Sensitive Areas requirement.	Because it is impractical to identify all sensitive areas within 500 feet of a ROW, the staff routinely grants variances from this requirement. Since the Board always grants variances with the same conditions, does it make sense to codify the de facto standard in rule?
22 Section 2D	Exempt the requirement for Identifying and Recording Sensitive Areas for category 7E (Biting Fly and other Arthropod Vectors (ticks)) as it is for 3B (turf), 3A (ornamental tree and plant) and 7A (structural)	Since all areas in a residential area are technically sensitive areas, there is no point in mapping them. Requiring signs serves a more useful purpose of alerting people entering a treated area.
22 Section 2D	Exempt the requirement for Identifying and Recording Sensitive Areas for category 6B (Industrial/Commercial/Municipal Vegetation Management) as it is for 3B (turf), 3A (ornamental tree and plant) and 7A (structural)	Since all areas in a residential area are technically sensitive areas, there is no point in mapping them. Requiring signs serves a more useful purpose of alerting people entering a treated area.
28 Section 3	Add category 7E to those required to post signs.	see above
28 Section 3	Add category 6B to those required to post signs.	see above
26 Section 1	Change the definition of "occupied buildings" to mean fully enclosed indoor spaces inside buildings	To clarify the intent of the rule and eliminate the need for the policy which states that open air structures are not buildings for the purpose of the rule.
27 Section 2B(4)ii	Add the words "in school buildings" to make it clear that all application records are required to be maintained	Fix a mistake from the last rulemaking and clarify the requirement
29 Section 6	Incorporate the policies around plants with a dermal toxicity hazard and invasive plants into rule.	Clarity; policies are not enforceable; eliminate the need for variances
31 Section 1E	Exempt employees and volunteers who supervise children from licensing requirements for the use of insect repellents to those children	Clarity
31 Section 4	Allow for reciprocal licenses for aerial applicators in the event of a vector-borne disease threat or other emergency	Eliminate the bottleneck of getting aerial applicators licensed in an emergency situation.
31 Section 5A(V)a,b	Revise the waiting periods for re-taking exams after failing	Some Board members questioned the propriety of the 15 and then 30 day (after failing twice) wait periods
32 Section 2A(4)a,b	Revise the waiting periods for re-taking exams after failing	Some Board members questioned the propriety of the 15 and then 30 day (after failing twice) wait periods

33 Section 2A(4)a,b	Revise the waiting periods for re-taking exams after failing	Some Board members questioned the propriety of the 15 and then 30 day (after failing twice) wait periods
41 Section 3	Remove hexazinone from Chapter	Was originally included so that only licensed applicators would have access to it; because farmers are now required to have an AgBasic License, there is no need for the special requirements.
New chapter	Create licensing and certification requirements for those who make pesticide recommendations as part of their job	To ensure that people making pesticide recommendations are aware of key laws about proper pesticide use.

Proposed Administrative Consent Agreement
Background Summary

Subject: Bruce Coulombe
Collins Insect Control Inc.
326 Presumpscot Street
Portland, Maine 04103

Date of Incident(s): July 17, 2013

Background Narrative: The Board received a call from a Westbrook resident alleging that a commercial application of pesticide to control mosquitoes on their next door neighbor's property, led to the death of one of their dogs.

Summary of Violation(s):

- 7 U.S.C. § 136j (a)(2)(G), 7 M.R.S.A. § 606 (2)(B) and 22 M.R.S.A § 1471-D(8)(F), use of a pesticide inconsistent with the product labeling. (applicator failed to wear chemical resistant gloves)

- CMR 01-026 Chapter 22 section 4(B)I. **General Standard**. Pesticide applications shall be undertaken in a manner which minimizes pesticide drift to the maximum extent practicable, having due regard for prevailing weather conditions, toxicity and propensity to drift of the pesticide, presence of Sensitive Areas in the vicinity, type of application equipment and other pertinent factors.

Rationale for Settlement: The active ingredient in Lesco Cross Check plus, the pesticide used in the commercial application, is bifenthrin. Sample results from the caller's property were positive for bifenthrin at 0.144 ppm (16% of the target property sample) and the sample from the customer's property was positive for bifenthrin at 0.887 ppm. Evidence indicated that the application was made without taking sufficient precautions to keep the pesticide from drifting onto the caller's property. The evidence did not support the claim that the commercial application led to the dog's death.

Attachments: Proposed Consent Agreement

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION, AND FORESTRY
BOARD OF PESTICIDES CONTROL

In the Matter of:	)	
Bruce Coulombe	)	ADMINISTRATIVE CONSENT AGREEMENT
Collins Insect Control Inc.	)	AND
326 Presumpscot Street	)	FINDINGS OF FACT
Portland, Maine 04103	)	

This Agreement by and between Collins Insect Control Inc. (hereinafter called the "Company") and the State of Maine Board of Pesticides Control (hereinafter called the "Board") is entered into pursuant to 22 M.R.S.A. §1471-M (2)(D) and in accordance with the Enforcement Protocol amended by the Board on June 3, 1998.

The parties to this Agreement agree as follows:

1. That the Company provides commercial pesticide application services for compensation.

2. That the Company is a licensed spray contracting firm holding license number SCF 15005 issued by the Board pursuant to 22 M.R.S. § 1471-D(1)(2).

3. That Bruce Coulombe (CMA 16725) is a licensed commercial applicator as well as the owner of the Company.

4. That on July 18, 2013, the Board received a call from a Westbrook resident who resides at 85 Huntress Avenue. The caller complained that the Company sprayed an abutting property, located at 84 Huntress Avenue, for mosquitoes the previous day. The caller expressed a belief that exposure to pesticide drift onto his property from the application had caused one of his dogs to die, although the Board's subsequent inspection did not produce any evidence to support this claim.

5. That on July 18, 2013, a Board inspector conducted a follow-up investigation with the caller's wife about this incident. During this inspection, the inspector collected a vegetation sample along the stockade fence line on the caller's property (sample no. 130718EPM01A).

6. That on July 18, the inspector also contacted Coulombe and did a pesticide inspection for the application described in paragraph four. From this inspection the inspector determined that on July 17, 2013, Coulombe applied Cross X Check Plus Multi-Insecticide with a motorized backpack sprayer to part of the front yard and all of the back yard of a customer's property at 84 Huntress Avenue in Westbrook. The inspector obtained a copy of the Cross X Check Plus Multi-Insecticide label (sample # 130718EPM02A).

7. That on July 18, 2013, the Board inspector met with the owner of 84 Huntress Avenue, the property treated by the Company for mosquitoes as described in paragraphs 4 and 6. The

inspector collected a vegetation sample from the property in the back corner of the stockade fence. The sample was identified as 130718EPM03A.

8. That the Board sent the vegetation samples described in paragraphs 5 and 7 to a lab for analyses and requested tests for bifenthrin, the active ingredient in Cross X Check Plus Multi-Insecticide.

9. That the lab results were positive for bifenthrin for the sample collected from the caller's property at 0.144 ppm and positive for bifenthrin for the sample collected from 84 Huntress Avenue (the target property) at 0.887 ppm.

10. That CMR 01-026 Chapter 22 section 4(B)I requires that pesticide applications be made in a manner such as to minimizes pesticide drift to the maximum extent practicable.

11. That CMR 01-026 Chapter 22 section 4(B)II provides that evidence of pesticide residues in or on any off-target Sensitive Area Likely to Be Occupied resulting from off-target drift of pesticides from a nearby application in an amount 1% or greater of the residue in the target area is prima facie evidence that the application was not conducted in a manner to minimize drift to the maximum extent practicable.

12. That in CMR 01-026 Chapter 10 (2) BBB defines a Sensitive Area Likely to Be Occupied as an area where humans are likely to be present and includes residential buildings, together with any associated maintained areas likely to be occupied by humans, such as lawns, gardens, recreational areas and livestock management and housing areas.

13. That the caller's property is a Sensitive Area Likely to Be Occupied.

14. That based on the lab results described in paragraph nine, drift from the application described in paragraphs 4 and 6 resulted in pesticide residue on a Sensitive Area Likely to Be Occupied at a rate greater than 1% of the residue found in the target area (16% of the target area).

15. That, based on the prima facie evidence, the application described in paragraphs 4 and 6 was not made in a manner that minimized pesticide drift to the maximum extent practicable in violation of CMR 01-026 Chapter 22 section 4(B)I.

16. That the labeling for Cross X Check Plus Multi-Insecticide requires applicators to wear chemical-resistant gloves.

17. That Coulombe acknowledged to the inspector that he did not wear chemical-resistant gloves when making the application described in paragraphs 4 and 6.

18. That the failure to wear chemical-resistant gloves when making the application described in paragraphs 4 and 6 constitutes the use of a pesticide inconsistent with its product labeling in violation of 7 U.S.C. § 136j (a)(2)(G), 7 M.R.S. § 606 (2)(B) and 22 M.R.S. § 1471D (8)(F).

19. That the Board has regulatory authority over the activities described herein.

CK# 14394
Date 3-6-14
$400.00

20. That the Grower expressly waives:

    a. Notice of or opportunity for hearing;

    b. Any and all further procedural steps before the Board; and

    c. The making of any further findings of fact before the Board.

21. That this Agreement shall not become effective unless and until the Board accepts it.

22. That in consideration for the release by the Board of the causes of action which the Board has against the Company resulting from the violations referred to in paragraphs fifteen and eighteen, the Company agrees to pay to the State of Maine the sum of $400 at the same time the Company signs and submits this Consent Agreement to the Board. (Please make checks payable to Treasurer, State of Maine).

IN WITNESS WHEREOF, the parties have executed this Agreement of three pages.

COLLINS INSECT CONTROL INC.

By: Bruce Coulombe Date: 3/6/14

Type or Print Name: Bruce Coulombe

BOARD OF PESTICIDES CONTROL

By: _____ Date: _____
Henry Jennings, Director

APPROVED:

By: _____ Date: _____
Mark Randlett, Assistant Attorney General

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND AND FOURTEEN

S.P. 641 - L.D. 1674

An Act To Further Ensure the Provision of Safe Medical Marijuana to Maine Patients

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the people of Maine voted in support of access for patients to legal and safe medical marijuana in both 1999 and 2009; and

Whereas, the First Regular Session of the 126th Legislature enacted a law to restrict the use of pesticides in the cultivation of marijuana to those exempt from federal registration requirements and registered with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control; and

Whereas, the effect of this law has been to severely restrict the options available to persons cultivating marijuana for medical purposes; and

Whereas, immediate enactment of this Act is necessary to ensure continued access to safe medical marijuana for the thousands of Maine patients currently recommended this medicine; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §2423-A, sub-§2, ¶J, as reallocated by RR 2013, c. 1, §39, is amended to read:

J. Use a pesticide in the cultivation of marijuana if the pesticide is ~~exempt from the federal registration requirements pursuant to 7 United States Code, Section 136w(b)~~ used consistent with federal labeling requirements, is registered with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control pursuant to

Title 7, section 607 and is used consistent with best management practices for pest management approved by the Commissioner of Agriculture, Conservation and Forestry. A registered primary caregiver may not in the cultivation of marijuana use a pesticide ~~exempt from the federal registration requirements and that is registered with the Board of Pesticides Control~~ unless the registered primary caregiver or the registered primary caregiver's employee is certified in the application of the pesticide pursuant to section 1471-D and any employee who has direct contact with treated plants has completed safety training pursuant to 40 Code of Federal Regulations, ~~Part~~ Section 170.130. An employee of the registered primary caregiver who is not certified pursuant to section 1471-D and who is involved in the application of the pesticide or handling of the pesticide or equipment must first complete safety training described in 40 Code of Federal Regulations, ~~Part~~ Section 170.230.

Sec. 2. 22 MRSA §2428, sub-§9, ¶G, as enacted by PL 2013, c. 371, §4, is amended to read:

G. A registered dispensary may not use a pesticide on marijuana except a pesticide that is ~~exempt from the federal registration requirements pursuant to 7 United States Code, Section 136w(b)~~ used consistent with federal labeling requirements, is registered with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control pursuant to Title 7, section 607 and is used consistent with best management practices for pest management approved by the Commissioner of Agriculture, Conservation and Forestry. A registered dispensary may not in the cultivation of marijuana use a pesticide ~~exempt from federal registration requirements and registered with the Board of Pesticides Control~~ unless at least one registered dispensary employee involved in the application of the pesticide is certified pursuant to section 1471-D and all other registered dispensary employees who have direct contact with treated plants have completed safety training pursuant to 40 Code of Federal Regulations, ~~Part~~ Section 170.130. A registered dispensary employee who is not certified pursuant to section 1471-D and who is involved in the application of the pesticide or handling of the pesticide or equipment must first complete safety training described in 40 Code of Federal Regulations, ~~Part~~ Section 170.230.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SENATE

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JAMES A. BOYLE, District 6
ROGER L. SHERMAN, District 34

KAREN NADEAU-DRILLEN, Legislative Analyst
NATASHA IRVING, Committee Clerk

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State of Maine
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY

March 18, 2014

Henry Jennings, Director, Board of Pesticides Control
Department of Agriculture, Conservation and Forestry
28 State House Station
Augusta, ME 04333-0028

Dear Mr. Jennings,

Earlier this session, the Joint Standing Committee on Agriculture, Conservation and Forestry (ACF) voted unanimously "ought not to pass" on the above referenced bill. LD 1678 proposed to prohibit the use of methoprene and resmethrin, two chemicals used for mosquito control, in any body of water that drains into the Gulf of Maine or on land from which runoff could enter into any such waterway. While the ACF Committee did not agree with the proposed course of this legislation, we commend the sponsor for bringing this issue forward.

In written testimony, the sponsor of LD 1678, Representative Kumiega, expressed concerned about the negative impact methoprene and resmethrin may have on lobster populations. According to the University of Maine's Lobster Institute, Maine is the nation's largest lobster producer – bringing in over three-quarters of the nation's catch. The total impact of Maine's lobster industry on the state economy is approximately $1.7 billion.

It is our understanding that the Board of Pesticides Control (BPC) has volunteered to convene an Environmental Risk Advisory Committee (ERAC) to look at all pesticides and assess potential adverse impacts of pesticide use on the state's lobster resource. We also understand that BPC, in collaboration with the Department of Marine Resources (DMR), will begin identifying high priority areas for sampling to identify which pesticides are most prevalent in the marine environment.

We respectfully request that BPC provide the ACF Committee an interim report by January 2015 and a final report by January 2017 on the work of the ERAC and on the results of BPC and DMR sampling efforts. Thank you for your efforts on this important issue.

Sincerely,

Eloise A. Vitelli

Sen. Eloise A. Vitelli, Senate Chair

James F. Dill

Rep. James F. Dill, House Chair

Cc: Members, Joint Standing Committee on Agriculture, Conservation and Forestry
Members, Joint Standing Committee on Marine Resources
Hon. Walter Whitcomb, Commissioner, DACF
Patrick C. Keliher, Commissioner, DMR
Representative Walter Kumiega

100 STATE HOUSE STATION, AUGUSTA, MAINE 04333-0100 TELEPHONE 207-287-1312