



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

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

BOARD OF PESTICIDES CONTROL

August 27, 2021

9:00 AM Board Meeting
9:15-10:45 AM Public Information Gathering on LD 155, LD 264, and LD 524
10:45 AM Continue Board Meeting

Video conference hosted in MS Teams, to join the meeting:

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

[1 207-209-4724](tel:12072094724) United States, Portland

Phone Conference ID: 440 033 928#

AGENDA

1. Introductions of Board and Staff
2. Minutes of the July 16, 2021 Board Meeting

Presentation By: Megan Patterson, Director

Action Needed: Amend and/or approve
3. Stakeholder Information Gathering Work Session on LD 155—Resolve, Directing the Board of Pesticides Control To Prohibit the Use of Certain Neonicotinoids for Outdoor Residential Use

On June 10, 2021 LD 155 was signed into Maine law. This resolve directs the Board to prohibit the use of any product containing the active ingredient dinotefuran, clothianidin, imidacloprid or thiamethoxam used for application in outdoor residential landscapes such as on lawn, turf, or ornamental vegetation. The resolve directs the Board to provide exemptions for certain applications related to wood preservation, structural pests, pets, and emerging invasive insects. The Board is now soliciting informal stakeholder input on its rulemaking

MEGAN PATTERSON, DIRECTOR
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concepts prior to formally initiating rulemaking. Written comments may be sent to the Board's main office at Maine Board of Pesticides Control, 28 State House Station, Augusta, ME 04333-0028, or e-mailed to megan.l.patterson@maine.gov.

Presentation By: Megan Patterson, Director

Action Needed: Determine what rule changes the Board wishes to pursue and how to implement those changes

4. Stakeholder Information Gathering Work Session on LD 264—Resolve, Directing the Board of Pesticides Control To Gather Information Relating to Perfluoroalkyl and Polyfluoroalkyl Substances in the State

On June 10, 2021 LD 264 was signed into Maine law. This resolve directs the Board to amend its rules governing pesticide product registration to require manufacturers and distributors to provide affidavits stating whether the registered pesticide has ever been stored, distributed, or packaged in a fluorinated high-density polyethylene container. It further directs the Board to require manufacturers to provide an affidavit stating whether a polyfluoroalkyl or polyfluoroalkyl substance is in the formulation of the registered pesticide. This resolve also directs the board to conduct a study and report back on the distribution and use of fluorinated adjuvants in Maine, how to regulate adjuvants, and how to prohibit distribution and use pesticides and adjuvants containing perfluoroalkyl or polyfluoroalkyl substances in Maine. The Board is now soliciting informal stakeholder input on its rulemaking concepts prior to formally initiating rulemaking. Written comments may be sent to the Board's main office at Maine Board of Pesticides Control, 28 State House Station, Augusta, ME 04333-0028, or e-mailed to megan.l.patterson@maine.gov.

Presentation By: Megan Patterson, Director

Action Needed: Determine what rule changes the Board wishes to pursue and how to implement those changes

5. Stakeholder Information Gathering Work Session on LD 524—Resolve, Directing the Board of Pesticides Control To Research Workable Methods To Collect Pesticide Sales and Use Records for the Purpose of Providing Information to the Public

On June 14, 2021 LD 524 was signed into law. The resolve directs the Board to research workable methods to collect pesticide sales and use records for the purpose of providing information to the public. The resolve also directs the Board to research the best methods for collecting information from schools, private applicators, and commercial applicators. The Board is further directed to research the best methods for collecting information on pesticide sales in the State. The Board is now soliciting informal stakeholder input on its rulemaking concepts prior to formally initiating rulemaking. Written comments may be sent to the

Board's main office at Maine Board of Pesticides Control, 28 State House Station, Augusta, ME 04333-0028, or e-mailed to megan.l.patterson@maine.gov.

Presentation By: Megan Patterson, Director

Action Needed: Determine what rule changes the Board wishes to pursue and how to implement those changes

6. Discussion of Powered Application of Disinfectants and Licensing Requirements

In 2020 and 2021 the Board discussed the use of powered equipment for the application of disinfectants. While the Board does not have the authority to allow unlicensed individuals to use powered equipment without a license, the Board did vote to support a Governor's Office executive order providing a license exemption for certain individuals conducting these types of applications in areas open to use by the public. That executive order, EO 7A FY20/21, has now expired and previously exempted individuals and others are inquiring about an extended or permanent licensing exemption. Staff have compiled relevant information for the Board's consideration.

Presentation By: Dr. Pam Bryer, Pesticides Toxicologist and
Megan Patterson, Director

Action Needed: Discussion

7. Review of Potential Rulemaking Concepts Pertaining to LD 316—An Act To Prohibit the Use of Chlorpyrifos

On June 8, 2021 LD 316 was signed into Maine law. This law prohibits, beginning January 1, 2022, the distribution of pesticides containing chlorpyrifos as an active ingredient. The law allows the Board to grant temporary permits from January 1, 2022 to December 31, 2022 authorizing licensed pesticide applicators to use pesticides containing chlorpyrifos, as long as the product was in the State and in the possession of the applicator before January 1, 2022. On July 16, 2021, the Board directed staff to return with a review of rulemaking concepts.

Presentation By: Megan Patterson, Director

Action Needed: Refine the rulemaking concepts and schedule a hearing

8. Proposed Ad Hoc Member of the Medical Advisory Committee

At the July 16, 2021 meeting, the Board revised its Medical Advisory Committee (MAC) policy. While the Board has identified a qualified individual to serve in the standing role formerly reserved for the State Toxicologist, the Board has not reviewed and approved any ad hoc members. This MAC is charged with assessing the human health risk posed by the application of herbicides on school grounds. The Board will now consider the appointment of a proposed ad hoc member.

Presentation By: Megan Patterson, Director

Action Needed: Discussion and approve/disapprove ad hoc member proposal

9. Consideration of Enforcement Action with Mosquito Squad of Southern Maine,

The Board has previously indicated an interest in determining the appropriate enforcement response in cases involving significant violations of pesticide laws and regulations. Typically, staff follows the Board's Enforcement Protocol which authorizes staff to work with the Attorney General to negotiate consent agreements in advance on matters not involving substantial threats to the environment or public health. Staff have identified this as a case involving significant violations of pesticides laws and regulations and will now present the case for Board deliberation and discussion of next steps.

Presentation By: Raymond Connors, Manager of Enforcement

Action Needed: Discussion and approve/disapprove next steps

10. Other Old and New Business

a. State Plan update (Pietroski)

b. Online Exams update (Pietroski)

c. Governor's Office Executive Order 41 FY 20/21 update (Patterson)

d. LD 808—An Act to Repeal the Pesticide Container Fee and Tick Laboratory and Pest management Fund

e. Final Remote Meeting Policy

f. Revised Medical Advisory Committee Policy

k. Other items?

11. Schedule of Future Meetings

October 8, 2021 is next tentative Board meeting date. The Board will decide whether to change and/or add dates.

Adjustments and/or Additional Dates?

12. Adjourn

NOTES

- The Board Meeting Agenda and most supporting documents are posted one week before the meeting on the Board website at www.thinkfirstspraylast.org.
- 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 Board's office or pesticides@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.