



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

April 16, 2021

9:00 AM Board Meeting

Video conference hosted in MS Teams, to join the meeting:
Web link for the Microsoft Teams meeting:
Join on your computer or mobile app

AGENDA

1. Introductions of Board and Staff

2. Minutes of the March 5, 2021 Board Meeting

Presentation By: Megan Patterson, Director

Action Needed: Amend and/or approve

3. Report on Annual Funding to Maine CDC for Mosquito Monitoring

The Maine Center for Disease Control and Prevention (Maine CDC) coordinates state activities around preventing vector-borne diseases. As part of its responsibilities, the CDC coordinates mosquito and disease monitoring in Maine. The presence of mosquito-borne diseases and the species of vector mosquitoes present in Maine have been on the rise in recent years. Maine CDC and BPC entered into a Memorandum of Understanding in 2013 to establish cooperation to conduct surveillance for mosquito-borne diseases to protect public health. At the July 24, 2020 meeting Sara Robinson of the Maine CDC provided an overview of the trends and the state's monitoring program. At the July 24, 2020 meeting, the Board voted to approve funding in the amount of \$50,000 for Maine CDC's mosquito monitoring efforts. The Board will now review a report on work accomplished in the previous year and work projected for the current year.

Presentation By: Sara Robinson, Infectious Disease Epidemiology Program Director

MEGAN PATTERSON, DIRECTOR
90 BLOSSOM LANE, DEERING BUILDING



PHONE: (207) 287-2731
WWW.THINKFIRSTSPRAYLAST.ORG

Action Needed: Review work accomplished and determine if the Board wishes to fund this request

4. Updated Reporting on Pesticide Poisonings in Maine

Staff have compiled data on the patterns of pesticide poisonings in Maine. Call data were collected from both the Northern New England Poison Control (NNEPC) and the National Pesticide Information (NPIC). NNEPC and NPIC submitted two years' worth of data from Maine callers with pesticide. Staff will now discuss summaries of those data.

Presentation By: Pam Bryer, Toxicologist

Action Needed: Information only

5. Discussion of Pesticide Applications to Saturated Soils

Staff have recently received inquiries from the public concerning lawn care applications made to saturated soils and in close proximity to standing water. This is a continuation of a discussion staff began in 2005 regarding soggy lawns. At that time a committee was formed to address the issue and guidance document was developed on best management practices for pesticide applications on turf. Staff will now discuss their proposed plan of action.

Presentation By: Megan Patterson, Director

Action Needed: Determine next steps

6. Review of Board Member Terms and Appointments

At the March 5, 2021 meeting of the Board, members elected officers. Board member term limits and reappointments were discussed. The Board requested a review of term limits and plans for reappointment and new appointment at the next meeting.

Presentation By: Megan Patterson, Director

Action Needed: Information only

7. Continuation of the BPC Budget Review with a Focus on the Cost of MePERLS Support, Maintenance, Hosting, and Licensing

At the January 20, 2021 meeting, the Board was provided information about the projected cost of MePERLS. This information was presented by State of Maine Office of Information Technology at the request of the Board. The State of Maine Office of Information Technology serves an essential role in negotiating contracts with both PegaSystems and Stratosphere and can provide a comprehensive overview of the technology and the relative

costs. The Board indicated that would like to continue the discussion about the ongoing costs of MePERLS.

Presentation By: Megan Patterson, Director

Action Needed: Determine next steps

8. Other Old and New Business

- a. LD 125—An Act to Prohibit the Aerial Spraying of Glyphosate and Other Synthetic Herbicides for the Purpose of Silviculture—possible work session week of April 26, 2021
- b. LD 155—Resolve, Directing the Board of Pesticides Control to Prohibit the Use of Certain Neonicotinoids for Outdoor Residential Use—divided report March 9, 2021
- c. LD 264—An Act to Prohibit Aerial Application of Perfluoroalkyl and Polyfluoroalkyl Substances—work session not scheduled
- d. LD 316—An Act to Prohibit the Use of Chlorpyrifos—work session April 20, 2021
- e. LD 519—An Act to Protect Children from Exposure to Toxic Chemicals—voted out of committee April 8, 2021—divided report
- f. LD 524—An Act to Require Schools to Submit Pest Management Activity Logs to the Board of Pesticides Control and the Posting of Inspection Results for the Purpose of Providing Information to the Public—tabled April 8, 2021 to be scheduled with the hearing for LR 1896—An Act To Provide Maine People with Access to Information Regarding the Use of Pesticides in Maine
- g. LD 808—An Act To Clarify the Funding for the University of Maine Cooperative Extension Diagnostic and Research Laboratory—hearing not scheduled
- h. LD 1158—An Act Regarding the Application of Certain Pesticides for Nonagricultural Use—hearing scheduled April 13, 2021
- i. LD 1159—An Act To Amend the Membership Requirements of the Board of Pesticides Control—hearing scheduled April 13, 2021
- j. Spruce budworm in Maine
- k. Policy Regarding Interpretation of CMR 01-01A, Chapter 26, Section 3(B) Notification and Posting in the Context of Powered Application of General Use Antimicrobial Pesticides for Routine Cleaning
- l. Update on EPA investigation of container fluorination, pesticides, and PFAS
- m. Proposed municipal ordinance—Westmanland
- n. Seresto collars

o. EPA proposed cancellation of pentachlorophenol

9. Schedule of Future Meetings

June 4, July 16, August 27, and October 8, 2021 are tentative Board meeting dates. The Board will decide whether to change and/or add dates.

Adjustments and/or Additional Dates?

10. 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.



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March 5, 2021

9:00 AM Board Meeting

Video conference hosted in MS Teams

MINUTES

Adams, Bohlen, Granger, Jemison, Morrill, Flewelling, Waterman

1. Introductions of Board and Staff

- The Board, Assistant Attorney General Randlett, and Staff introduced themselves
- Keith Brown, Pam Bryer, Ray Connors, Amanda Couture, Heidi Nelson, Megan Patterson John Pietroski, Lucien Saucier, Mary Tomlinson

2. Minutes of the January 20, 2021 Board Meeting

Presentation By: Megan Patterson, Director

Action Needed: Amend and/or approve

- **Jemison/Waterman: Moved and seconded to accept meeting minutes**
- **In Favor: Unanimous**

3. Report on 2020 Work Accomplished and Request for Funds for Mosquito Monitoring from the Integrated Pest Management Program

The Integrated Pest Management Program is reporting work accomplished in 2020 and requesting funds to assist with on-going efforts for mosquito surveillance, identification and continued outreach around vector-borne diseases.

Presentation By: Kathy Murray, DACF IPM Specialist

Action Needed: Discussion and determination if the Board wishes to fund this request



- Kathy Murray reviewed the results of the 2020 mosquito survey with the Board. She noted that since 2015 she has been able to hire, thanks to BPC funding, a summer assistant to set and monitor traps and test mosquitoes. Murray stated that she will be retiring at the end of April so will be unable to participate in the 2021 survey, but Karen Coluzzi has agreed to manage the project this year.
- Murray stated that the request for funding was \$10,780 for 600 hours of work. She added they were hoping to hire Autumn St. Pierre, the same assistant as last year, who would take on all mosquito monitoring. Murray said any extra hours would go towards assisting BPC staff.
- Murray stated that a notable contribution were the mapping capabilities adopted over the last few years. She added that the State of Maine has increased use of GIS and they have been able to better see patterns and where monitoring should be conducted. Murray said that the data for the 2020 maps had not yet been updated because Maine Medical Center Research Institute had not entered their data yet, but they have since added it and the maps can be updated. She noted that they were able to centralize all statewide data for the first time into one database called Redcap.
- Morrill asked Patterson if there was funding for this.
- Patterson replied that it was a planned for expenditure and there was funding.
 - **Bohlen/Jemison: Moved and seconded to approve the funding request in the amount of \$10,780**
 - **In Favor: Unanimous**

4. Draft Policy Regarding Interpretation of CMR 01-01A, Chapter 26, Section 3(B) Notification and Posting in the Context of Powered Application of General Use Antimicrobial Pesticides for Routine Cleaning

On December 31, 2021 Executive Order 7-A FY 20/21 was signed and expanded exemptions from commercial pesticide licensure to certain institutions implementing routine cleaning for SARS-CoV-2. Staff at hospitals, colleges, universities, municipal and county facilities are now exempted from commercial licensure for the powered application of general use antimicrobial pesticides. The EO did not provide exemptions from any other regulatory requirements—such as posting and record keeping. At the January 20, 2021 meeting of the Board staff asked for an interpretation of the applicability of existing posting requirements for facilities making multiple applications, to multiple locations, daily.

Presentation By: Megan Patterson, Director

Action Needed: Discuss and approve/disapprove the draft policy

- Patterson stated that the version of this policy sent in the board packet was replaced with an updated version that was emailed to board members and added to the website.

- There was discussion amongst the Board regarding how many days before an application was made that the sign should be posted. There was also concern that the posting be located in a central location where people would see it.
- Randlett suggested the policy could state that the sign must be posted before pesticide applications commence in a facility identified in EO 7 FY 20/21.
 - **Morrill/Flewelling: Moved and seconded to approve the policy with the amended language**
 - **In Favor: Unanimous**

5. Election of Officers

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

Presentation By: Megan Patterson, Director

Action Needed: Nominations and election of officers

- Currently Morrill is Chair of the Board and Bohlen is Vice Chair.
 - **Granger/Flewelling: Moved and seconded to nominate Morrill as Chair**
 - **In Favor: Unanimous**
 - **Morrill: Abstained**
- Jemison asked where members were in their terms.
- Patterson replied that a number of terms have expired, or will soon expire, and they have not been reconfirmed. She put this information forward to the Department and stressed that it was very important that these memberships be renewed but was not sure if it had made it to the Governor's office or not.
- Granger asked if the Board could elect officers again if a member's term was not renewed.
- Randlett replied that generally if an appointment was pending the Board member would remain in their position until a successor was appointed.
 - **Granger/Flewelling: Moved and seconded to nominate Adams as Vice Chair**
 - **In Favor: Unanimous**
 - **Adams: Abstained**

6. Other Old and New Business

a. Repetitive Overseeding for Ecological Management of Grass Playing. *Horticultural Science*. 2021.

b. LD 125—An Act to Prohibit the Aerial Spraying of Glyphosate and Other Synthetic Herbicides for the Purpose of Silviculture—hearing scheduled for March 2, 2021

c. LD 155—Resolve, Directing the Board of Pesticides Control to Prohibit the Use of Certain Neonicotinoids for Outdoor Residential Use—work session scheduled for March 2, 2021

d. LD 226—An Act to Limit the Use of Hydrofluorocarbons to Fight Climate Change

e. LD 264—An Act to Prohibit Aerial Application of Perfluoroalkyl and Polyfluoroalkyl Substances

f. LD 316—An Act to Prohibit the Use of Chlorpyrifos—hearing scheduled for March 2, 2021

g. LD 355—An Act to Require Pest Disclosure in All Real Estate Transactions

h. LD 519—An Act to Protect Children from Exposure to Toxic Chemicals

i. LD 524—An Act to Require Schools to Submit Pest Management Activity Logs to the Board of Pesticides Control and the Posting of Inspection Results for the Purpose of Providing Information to the Public

j. University of Maine Extension Pesticides Education Report 2021

- Patterson stated that the \$65,000 funding for Bernard’s work was now in statute and UMaine Extension was required to submit a report. The report, included in the Board packet, was prepared by Sam Warren.
- Bernard thanked the Board for their support and stated that she and BPC staff worked well together and the ability to collaborate had improved. She stated that throughout 2020 we focused on providing credit opportunities. Fall programs had 462 attendees and a total of 849 credits were issued. Since the beginning of 2021 we have hosted the Agricultural Trades show virtually, which attracted 1,650 applicators to credit programs who earned over 1,720 credits. She added that there were two credit programs coming up in April, titled “Environmental Considerations of Pesticides” and “Structural Pest Management”. Bernard stated that she would like to do more hybrid meetings in the future because there has been a lot of positive feedback on these options.
- Bernard shared the Pesticide Safety Education Program website to show the Board how much additional content had been added, including manual and credit descriptions. There is now a credit calendar with links to other UMaine Extension programs offering credits and a video training page. Bernard showed the disinfectant safety information she added in early 2020. She also translated into webpages the WPS respirator pamphlets she wrote. Bernard added info for homeowners on label interpretation and facts and myths of pesticides.
- Morrill commented that it looked fantastic and was greatly appreciated. He added that in the past the Board had wondered what exactly was being completed with the

funding but stated that Bernard has certainly expanded on this and done a great job. Morrill asked about specific goals for the upcoming year.

- Bernard replied she planned to finish updating the structural manual and add an online module for it because she had received several requests from people who do not learn well reading a manual and are looking for online modules. She would also like to update the core manual since it is one everyone uses. Bernard stated she wanted to record a core training to post online, and also add more video trainings to the website. Regarding other manuals that need updates Bernard will confer with Patterson and Pietroski.
- Morrill replied that it would really benefit the applicator community to create a training for the core exam. He asked if extension was still offering exams.
- Bernard replied that, per the university, they were not able to offer exams at this time.
- Patterson stated that BPC inspectors have been proctoring all private exams in cars, and master's exams are currently being offered in the Deering building. She added that staff are still in the process of working with DOL to offer exams online.
- Jemison stated his desire for a list of products deemed appropriate for use on hemp that growers could reference when they have a problem. He cited worries that without a list many novice growers would choose an improper product. He added that it was Extension's role to give recommendations but wants to be comfortable that staff has signed off on any recommendations.
- Patterson stated that BPC only recommends active ingredients. Staff have avoided making recommendations about products and try to talk about how to minimize reliance on pesticides to manage cannabis pests. Patterson added that general consumption patterns of this commodity are also not well understood.
- Jemison commented that although not federally legal, it is the leading cash crop in the state now and it would be nice to proactively provide some training for this grower group.

k. University of Maine Pesticide Container Fee Report 2021

- Patterson told the Board this bill is now law; it passed without the Governor's signature, but Maine Revenue Service (MRS) did not enforce it until June of the following year. She noted that paint stains and wood preservatives were exempt. Patterson was recently interviewed by Fox News I-Team investigating who was responsible for, who implements, and who receives the money generated from this new fee. Patterson said that most of the collected fee goes to the UMaine System. The role of the BPC is to post a list of registered pesticides to which the fee would apply. For this work and for responding to public inquiries about registered pesticides, the BPC can receive up to \$60,000—although the BPC has not yet requested any funds. MRS is also able to receive funds for their work associated with the fee. MRS has reported that \$84,000 has been collected so far.

l. Board of Pesticides Control Fund Report 2021

m. Environmental Specialist II direct hire bulletin

n. Environmental Risk Assessment Committee (ERAC) and Medical Advisory Committee (MAC) Policies

- Patterson told the Board that LD 519 recommended the formation of an ERAC and implied the formation of a MAC. She noted that the MAC has a standing membership which includes Waterman, the State Toxicologist, and the Medical Director for Northern New England Poison Control.
- Waterman stated he was honored to find out he was Chair of the MAC and was ready to serve. He added that he would will send a letter of introduction to Smith and the Northern New England Poison Control Center.
- Patterson thanked Waterman and added that there may be some benefit to holding a standing annual or biannual meeting to discuss issues in the pesticide community.

o. Update on EPA investigation of container fluorination

7. Schedule of Future Meetings

April 16, and June 4, 2021, are tentative Board meeting dates. The Board will decide whether to change and/or add dates

- The Board proposed to hold meetings on the following dates: July 16, August 27 and October 8, 2021.

8. Adjourn

- **Adams/Waterman: Moved and seconded to adjourn at 10:39 AM**
- **In Favor: Unanimous**

Pesticide exposure data of Maine residents

Pesticides are known toxicants purposely released into the environment and into human habitats. Only with careful use can human and pet injuries and environmental contamination be avoided. This report summarizes data from two sources to better understand what types of exposures might be occurring in Maine and the outcomes of those exposures. The Northern New England Poison Center (NNEPC) and the National Pesticide Information Center (NPIC) both maintain free platforms where anyone can call in for advice related to pesticides. The calls to these groups range from general questions to triage for life-threatening injuries. These data are important to understand as the BPC plans how to better serve the applicators and residents of Maine.

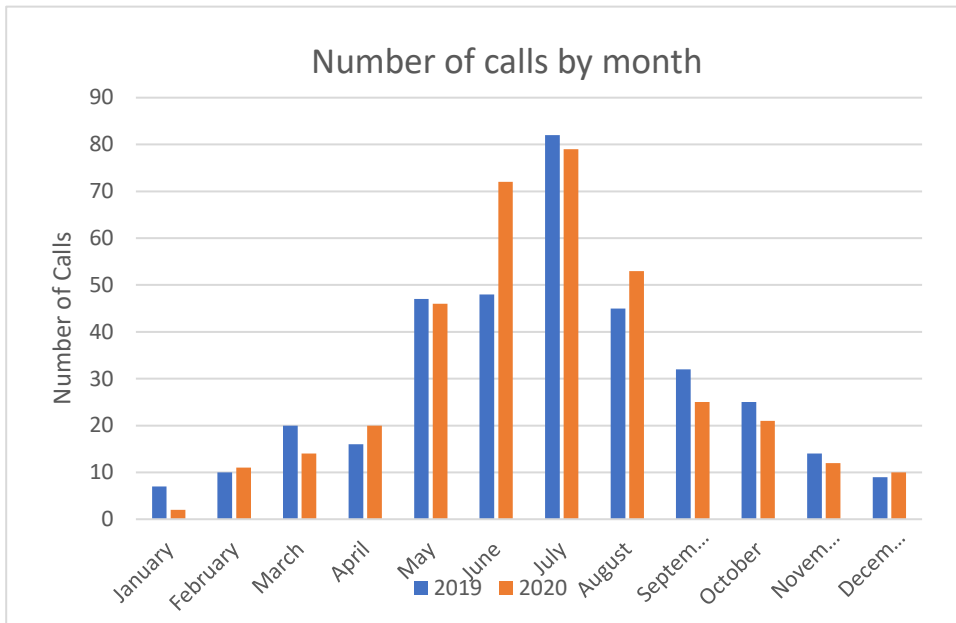
Overview of calls to the Northern New England Poison Center for the years 2019 and 2020

Northern New England Poison Center (NNEPC) is a Portland Maine based poison control center that handles calls from Maine, New Hampshire, and Vermont. The NNEPC calls-received database was queried for all pesticide related calls, including disinfectant related calls.

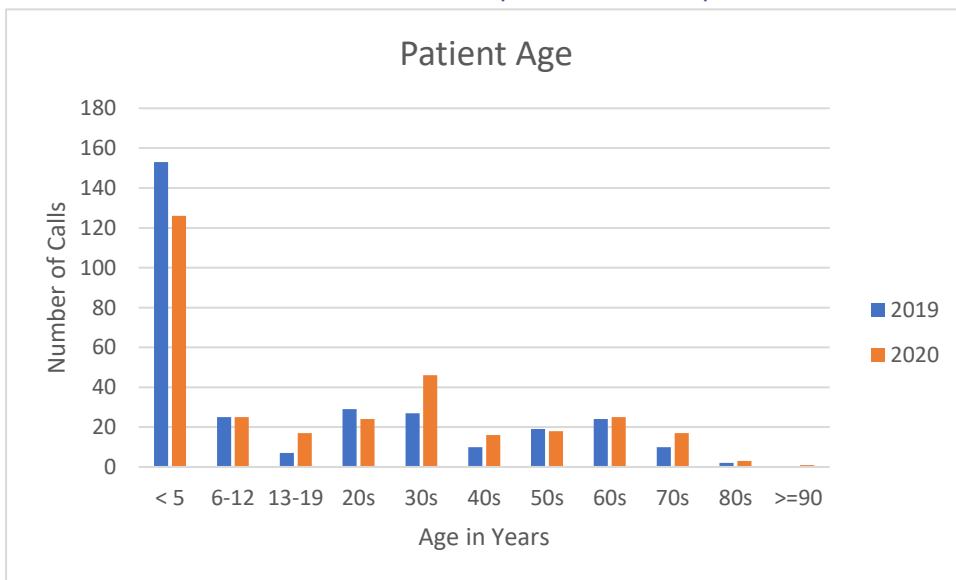
NNEPC receives calls that range from general information calls, like questions about the safety of insect repellants, to calls from emergency room staff intervening in acute poisoning events. These data are a window into the rate of injury caused by both accidental and intentional exposures to pesticides.

The structure of their call logging system categorizes disinfectants as cleaners not as pesticides. This division exists in this report; the first portion of the document the “pesticide” data is presented followed by another section of similar graphs displaying the “disinfectant” data. At the end of the NNEPC section a few select charts were made where these data were combined for an overview.

Pesticide call frequency throughout the year



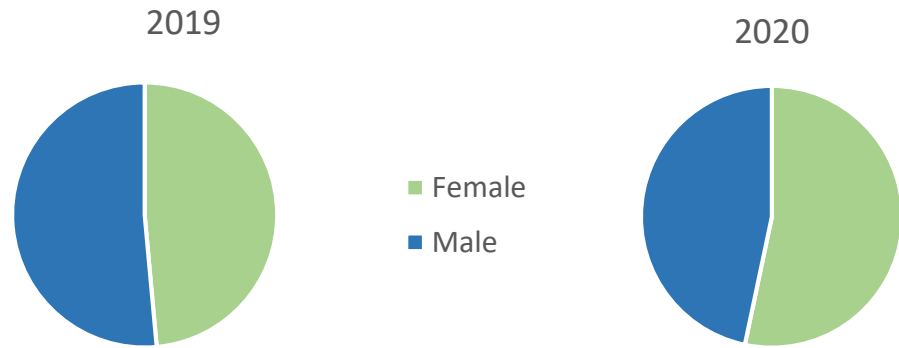
Age of the individual involved with pesticide exposure



Broad classification by pesticide type



Pesticide exposure calls by gender



Overview of severity of the pesticide exposure outcome

Medical Outcome	2019		2020	
	Number of Calls	Percent	Number of Calls	Percent
Major effect	3	0.6	2	0.5
Moderate effect	7	2.0	11	3.0
Minor effect	21	5.9	16	4.4
Unable to follow, judged as a potentially toxic exposure	9	2.5	9	2.5
Confirmed nonexposure			27	7.4
No effect	20	5.6	20	5.5
Not followed, judged as nontoxic exposure (clinical effects not expected)	5	1.4	6	1.6
Not followed, minimal clinical effects possible (no more than minor effect possible)	278	78.3	262	71.8
Unrelated effect, the exposure was probably not responsible for the effect(s)	12	3.4	12	3.3

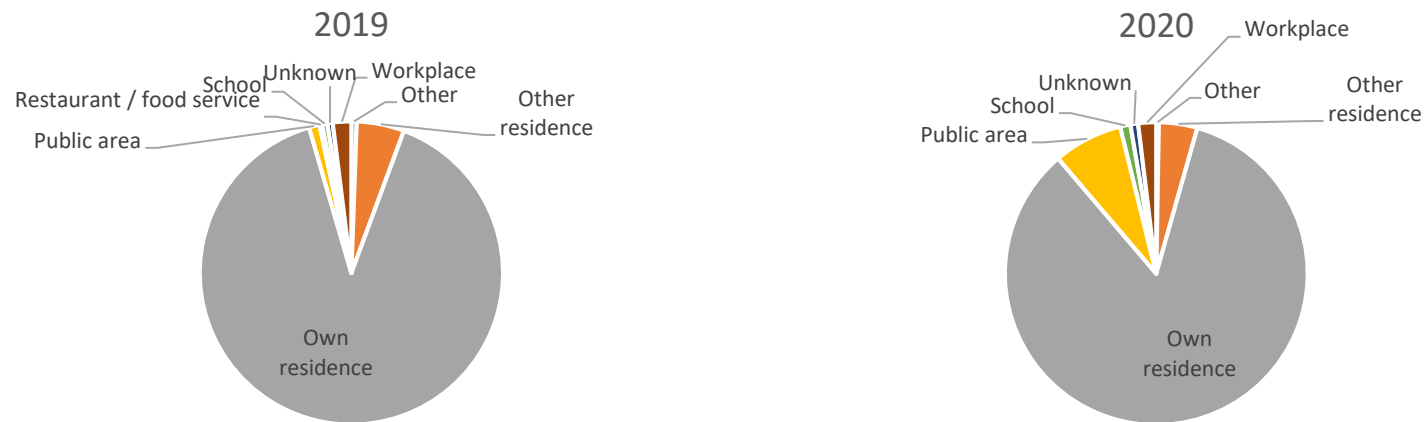
Minor effect – generally self-limiting symptoms

Moderate effect – more persistent or severe symptoms

Major effect – potentially life-threatening

Death

Location of exposure



Pesticide exposure reason

	2019	2020
Adverse reaction: Drug, Other	5	4
Intentional: Abuse, Misuse, Suspected Suicide, Contamination/ Tampering, Malicious	20	14
Unintentional: Bite / sting, Environmental, General, Misuse, Occupational, Therapeutic error	330	347
Grand Total	355	365

Pesticide call exposures organized by category and brand

Row Labels	2019	2020
Anticoagulant Rodenticide (Warfarin Type)	1	
D-Con Ready Mixed		
Bird, Dog, Deer or Other Mammal Repellent	1	1
Frontiersman Bear Attack Deterrent		
Havahart Critter Ridder		1
Borate/Boric Acid Pesticide	40	46
Ant Trap		
Bora-Care		
Borate/Boric Acid Pesticide		
Liquid Bait Ant Killer		
Terro Ant Killer II		
Terro Liquid Ant Bait		
Bromethalin	4	4
Bromethalin		
Just One Bite EX - Pellet Place Packs		
Tomcat Mouse Killer		
Carbamate Fungicide	2	
Manzate 200 Df Fungicide		
Thiram 42-S Fungicide & Repellent		
Carbamate Herbicide	1	
Chlorpropham		
Carbamate Only (Alone)	3	1
5% Sevin Dust		
Black Flag Wasp, Bee, And Hornet Killer		
Black Flag Wasp, Bee, Hornet Killer		
Gardentech Sevin-Ready-To-Use 5% Dust (TechPac LLC)		
Chlorinated Hydrocarbon Combined With Other Insecticide	4	
Bug Bomb		
Chlorophenoxy Herbicide	1	3
CHLOROPHENOXY COMPOUNDS		
Spectracide Weed Stop For Lawns		
Trimec 992 Broadleaf Herbicide		
Weed Beater Ultra Ready to Use		
Copper Compound Fungicide	1	2
Copper Compound Fungicide		
Copper Fungicide - Liquid		
Liquid Copper Fungicide Concentrate		

Diquat	1	
Spectracide Weed and Grass Killer		
Glyphosate	5	1
GLYPHOSATE		
GLYPHOSATE ISOPROPYLAMINE SALT		
Knock-Out Weed And Grass Killer		
Insect Growth Regulator		1
Spot On Flea Control For Cats And Kittens		1
Insect Repellent With Deet	52	35
Backwoods Cutter Insect Repellent		
Backwoods Cutter Insect Repellent Spray		
Ben's 100 Tick and Insect Repellent - Max Formula		
Ben's 30 Wilderness Formula		
Cutter All Family Insect Repellent		
Cutter Insect Repellent		
Deep Woods Off For Sportsmen		
Deep Woods Off For Sportsmen Insect Repellent IV - Unscented		
Deep Woods Off! For Sportsmen Insect Repellent IV		
Deet 100 Insect Repellent		
DIETHYLTOLUAMIDE-DEET		
Family Formula Repel Insect Block 23% Deet Scented		
Insect Repellent With Deet		
Off Active Insect Repellent I Spray		
Off Active Insect Repellent IV Sweat Resistant		
Off Deep Woods Insect Repellent V - Unscented		
Off Deep Woods Sportsmen Insect Repellent 1		
Off Deep Woods Sportsmen Insect Repellent II		
Off! Deep Woods Insect Repellent V		
Off! Deep Woods Insect Repellent VII		
Off! Deep Woods Sportsmen Insect Repellent II		
Off! Family Care Insect Repellent IV		
Repel 100 Insect Repellent		
Repel Insect Repellent Sportsmen Formula - 29% Deet		
Repel Insect Repellent Sportsmen Max Formula - 40% Deet		
Repel Insect Repellent Sportsmen Max Formula Spray Pump - 40% Deet		
Insect Repellent Without Deet	16	18
Bug Off Bracelet		
Citronella candle (Insect repellent) (General formulation)		
Cutter Lemon Eucalyptus Insect Repellent		
Insect Repellent Without Deet		
INSECT REPELLENTS - OTHER FORMULATIONS		
Natrapel Insect Repellent Eco-Spray With Aloe		
Natrapel Spray		
Off! Botanicals Insect Repellent		
Off! Botanicals Insect Repellent I		
Off! Familycare Insect Repellent II - Clean Feel		
PICARIDIN		
Repel Lemon Eucalyptus Insect Repellent Lotion And Spray Lotion		
Repel Permanone Permethrin Trigger Spray Clothing & Gear Insect Repellent		

Repel Plant-Based Lemon Eucalyptus Insect Repellent2 - Deet Free
 Skin So Soft Bug Guard Plus Ir3535 Expedition Insect Repellent
 Skin So Soft Bug Guard Plus Ir3535 Insect Repellent

Long-Acting Anticoagulant Rodenticide	5	11
ANTICOAGULANTS-LONG ACTING		
D-Cease Mouse & Rat Bait Pellets		
d-Con Bait Station - Refillable		
D-Con Rat And Mouse Bait Blocks II		
DIPHACINONE		
Just One Bite II - Bait Bar		
Long-Acting Anticoagulant Rodenticide		
Ramik Green		
Tomcat		
V Rat And Mouse Bait Pellets		
Wilson Tomcat Ultra Block Bait (Domestic)		
Naphthalene Moth Repellent	4	4
Enoz Old Fashioned Moth Balls		
NAPHTHALENE		
Nicotine (Excluding Tobacco Products)	1	1
Nicotine (Excluding Tobacco Products)		
Organophosphate	7	27
2 In 1 Flea & Tick Collar For Dogs With Deodorant		
ACEPHATE		
DICHLORVOS		
Hartz UltraGuard Flea And Tick Powder For Dogs		
MALATHION		
Malathion 50 Insect Spray		
Malathion 8 Flowable Agricultural Insecticide		
Organophosphate		
Ortho Home Defense		
Organophosphate And Other Insecticide		1
Hot Shot Fogger		
Other Herbicide	4	3
Other Herbicide		
Prodiamine		
PYRIDINE HERBICIDES		
Quinclorac		
Scotts Turf Builder Plus Halts 30-3-10		
Other Insecticide	60	49
Advantage II for Dogs - 11 to 20 pounds		
Advion Ant Gel		
Animal or poultry dip, nec, liquid (Poisonous liquid, n.o.s.) (Veterinary product)		
Avid 0.15 Emulsifiable Concentrate		
Azadirachtin		
Bayer Advanced 12-Month Tree and Shrub Protect and Feed Concentrate II		

CimeXa Insecticide Dust
 Combat Ant Killing Bait
 Combat Max Ant Killing Bait
 Dinotefuran
 Eliminator Fire Ant Killer Bait
 Enforcer 7-Month Flea Spray For Homes
 FIPRONIL
 Frontline Plus For Dogs And Cats
 Frontline Spray Treatment
 Garden Safe Fungicide 3
 Hot Shot Maxattract Ant Bait
 Hot Shot Maxattract Ant Bait 2
 Hot Shot Natural Wasp And Hornet Killer
 HYDRAMETHYLNON
 Imidacloprid
 Maxforce FC Professional Insect Control Ant Bait Stations
 Mosquito Dunks
 Natroba 0.9%
 NEONICOTINOID INSECTICIDES
 NexGard - 24.1 to 60 Pound Dogs
 NexGard - 4 to 10 Pound Dogs
 Other Insecticide
 PetArmor for Dogs
 Raid Ant Baits III
 Raid Double Control Ant Baits II
 Raid Max Double Control Ant Baits
 Raid Max Roach Bait V For Small Roaches
 Safer Brand Insect Killing Soap Soap With Seaweed Extract II
 Selamectin
 Sepresto 75 WS
 Spinosad (insecticide)
 Tropiclean Natural Flea & Tick Carpet & Pet Powder

Other Non-Medicinal Fungicide **3** **3**

CaviCide
 Eagle 20EW Fungicide
 Inspire Super
 Maxim 4FS
 Other Non-Medicinal Fungicide

Paraquat **1**

PARAQUAT

Pyrethrin **17** **19**

CareOne Lice Killing Shampoo - Step 1 Lice Control System - Maximum Strength
 Enforcer Bed Bug and Flea Fogger
 Equate Lice Killing Shampoo -Maximum Strength
 Garden Safe Houseplant And Garden
 Hot Shot Bedbug And Flea Fogger
 Hot Shot Fly And Mosquito Insect Killer Pressurized
 Ortho Tomato And Vegetable Insect Spray
 Pyrethrin
 PYRETHRINS

R7-M Ear Mite Treatment For Dogs And Cats
 Raid Flea Killer
 Rid Lice Elimination Treatment: Rid Lice Killing Shampoo
 Rid Lice Killing Shampoo

Pyrethroid

74

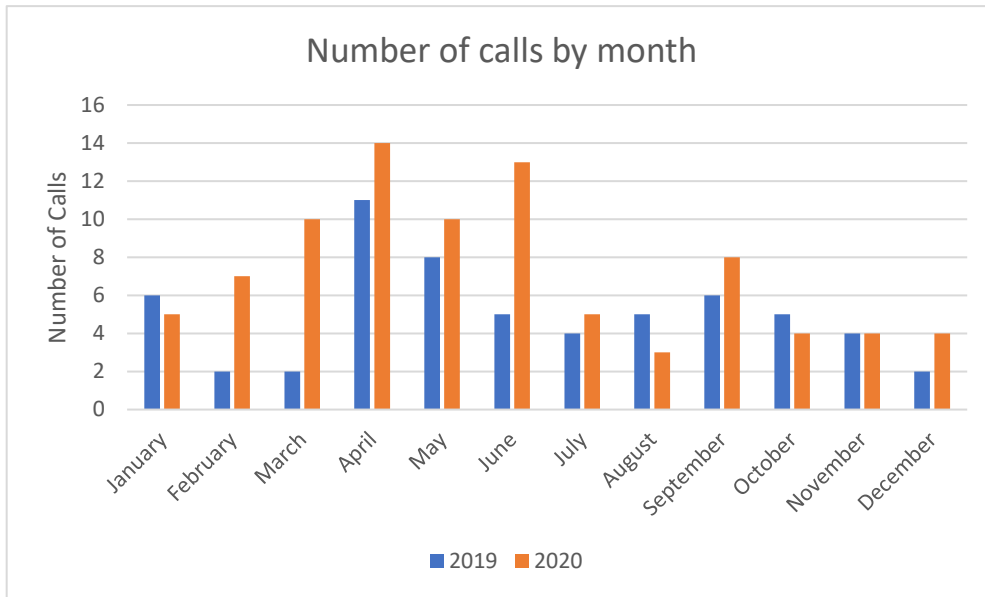
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Absorbine UltraShield EX Insecticide & Repellent
 Asana XI Insecticide
 Bayer Advanced Garden Lawn Powerforce Kills Bugs Fast Multi Insect Killer
 Ready To Spray
 Bayer Advanced Home Pest Plus Germ Killer Indoor and Outdoor Insect
 Killer Ready-To-Use
 Bedbug Spray
 Biflex Sfr Termiticide/Insecticide 1786
 Black Flag Flying Insect Killer
 Black Flag Holiday Bug Bomb I Pine
 Control Flea And Tick Conditioning Shampoo For Cats
 Cutter Backyard Bug Control Outdoor Fogger
 Cutter Backyard Bug Control Spray Concentrate
 Ethofenprox
 Flea & Tick Spray For Dogs II
 Gamma Cyhalothrin 150 CS Insecticide
 Hartz UltraGuard Plus Flea And Tick Home Spray
 Hot Shot Bedbug And Flea Killer2
 Hot Shot Flying Insect Killer 2
 Hot Shot Flying Insect Killer Plus
 Hot Shot Fogger5 With Odor Neutralizer
 Hot Shot Foggers With Odor Neutralizer
 Hot Shot No-Mess! Fogger With Odor Neutralizer
 Hot Shot Wasp And Hornet Killer 3
 Kill Zone Flying Insect Killer
 Liberty Spot-On For Biting Fly Protection
 Lice Treatment Creme Rinse
 Nix
 Nix Creme Rinse
 Nix Lice Control
 Ortho Ant Stop Ant Killer Spray
 Ortho Home Defense Max Hornet and Wasp Eliminator Spray
 Ortho Home Defense Max Perimeter & Indoor Insect Killer
 Ortho Home Defense Max Perimeter and Indoor Insect Control Ready-to-Use
 with Wand Applicator
 Ortho Home Defense Perimeter & Indoor Insect Killer - Ready to Use
 Ortho Homedefense Indoor And Outdoor Insect Killer 5
 Permethrin
 Permethrin 5%
 Pyrethroid
 PYRETHROIDS
 Raid Ant And Roach Killer 17
 Raid Ant and Roach Killer 26 - Outdoor Fresh
 Raid Concentrated Deep Reach Fogger
 Raid Flying Insect Killer Formula 6
 Raid House And Garden Bug Killer Formula 7
 Raid Max Concentrated Deep Reach Fogger
 Raid Max No Mess Dry Fogger

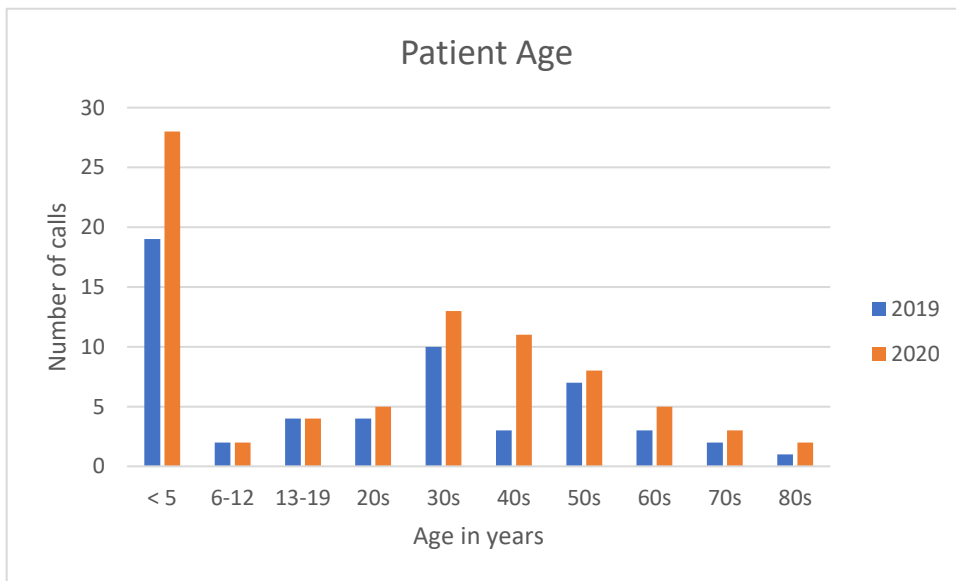
Raid Wasp And Hornet Killer 271		
Raid Wasp And Hornet Killer 33		
Raid Yard Guard Outdoor Fogger Formula VII		
Real-Kill Automatic Indoor Fogger		
Real-Kill Indoor Fogger		
Rid Lice Control Spray		
Sawyer Premium Insect Repellent Clothing		
Sawyer Premium Insect Repellent Clothing - Odorless Permethrin		
Spectracide Ant Shield Home Barrier Insect Killer4		
Spectracide Bug Stop		
Spectracide Bug Stop Home Barrier		
Spectracide Pro Wasp And Hornet Killer		
Spectracide Triazicide Insect Killer Once & Done!		
Spectracide Wasp & Hornet Killer		
Spectracide Wasp & Hornet Killer 3		
Suspend Polyzone		
Talstar Professional Insecticide		
Tempo 1% Dust Insecticide - Ready To Use		
Terro Ant Dust		
Transport Termiticide Insecticide		
Vectra 3D For Dogs		
Wasp And Hornet Killer – Aerosol		
Rodenticide: Cholecalciferol	5	1
d-Con Kills House Mice Refillable Bait Station		
Rodenticide: Cholecalciferol		
Rodenticide: Other	1	10
RatX		
Rodenticide: Other		
The Giant Destroyer		
Tomcat Glue Board		
Rodenticide: Unknown	6	13
Rodenticide, unknown		
Rodenticide: Unknown		
Tomcat Glue Board		
Strychnine Rodenticide		2
STRYCHNINE		
Unknown Herbicide	2	
Unknown Herbicide		
Unknown Insecticide	20	18
Pesticide (Unknown type)		
PESTICIDES		
Serenade Garden Disease Control Concentrate		
Unknown Insecticide		
Unknown Mothball or Moth Repellent	11	12
Moth balls (General formulation)		
Unknown Non-Medicinal Fungicide	1	1
Unknown Non-Medicinal Fungicide		
Unknown Types of Insect Repellent	2	2
Insect repellents (ingredients not specified)		
Wood Preservative		1
Waterguard Multisurface		

Disinfectants

Pesticide call frequency throughout the year



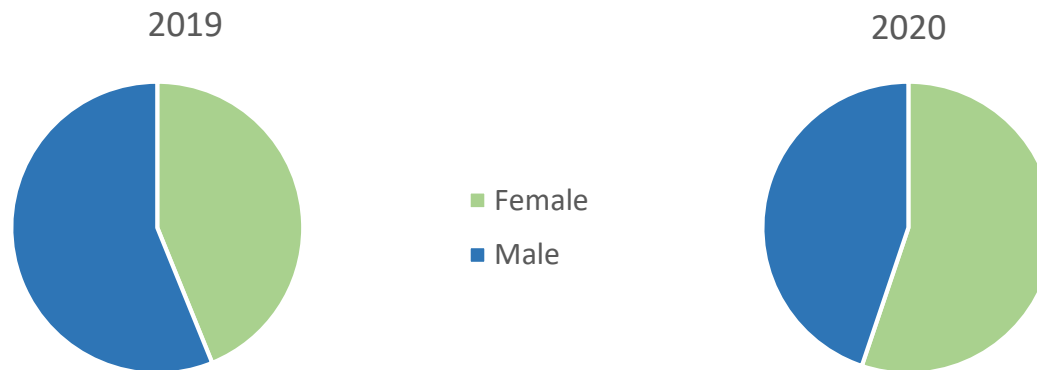
Age of the individual involved with pesticide exposure



Overview of severity of the pesticide exposure outcome

Medical Outcome	2019		2020	
	Number of Calls	Percent	Number of Calls	Percent
Moderate effect	3	5.0	3	3.4
Minor effect	15	25.0	14	16.1
Unable to follow, judged as a potentially toxic exposure	1	1.7	1	1.1
No effect	4	6.7	2	2.3
Not followed, judged as nontoxic exposure (clinical effects not expected)	1	1.7	3	3.4
Not followed, minimal clinical effects possible (no more than minor effect possible)	36	60.0	63	72.4
Unrelated effect, the exposure was probably not responsible for the effect(s)		0.0	1	1.1

Pesticide exposure calls by gender



Pesticide exposure reason

	2019	2020
Adverse reaction – Drug, Other	1	
Intentional – Abuse, Misuse, Suspected Suicide, Contamination/ Tampering, Malicious	12	8
Unintentional - Bite / sting, Environmental, General, Misuse, Occupational, Therapeutic error	47	77
Unknown reason		2
Grand Total	60	87

Location of exposure



Pesticide call exposures organized by category and brand

Row Labels	2019	2020
Disinfectant: Hypochlorite, Non-Bleach Product	15	9
Ajax Cleanser		
Disinfectant: Hypochlorite, Non-Bleach Product		
Kay 5 Sanitizer/Cleaner		
Lysol Brand Disinfectant All Purpose Cleaner With Bleach Trigger Spray		
Lysol Brand Laundry Sanitizer - No Phosphate		
SODIUM HYPOCHLORITE		
Disinfectant: Other/Unknown	36	64
Barbicide (General formulaton)		
Cleaning And Disinfecting Wipes		
Clorox Disinfecting Wipes - Fresh Scent		
Clorox Disinfecting Wipes - Lemon Fresh		
Clorox Disinfecting Wipes - Orange Scent		
Clorox Disinfecting Wipes Lavanda		
Disinfectant, solid, toxic, n.o.s.		
Disinfectant: Other/Unknown		
Disinfecting Cleaner Lysol-Type		
Disinfecting Spray Citrus Scent		
Disinfecting Wipes Bleach-Free Fresh Scent		
Disinfecting Wipes Bleach-Free Lemon Fresh Scent		
Germ-X		
Hibiclens		
Lysol Brand Disinfectant All Purpose Cleaner - All Scents - Trigger Spray Epa 777-66		
Lysol Brand Disinfectant Deodorizing All Purpose Cleaner - Lemon Scent		
Lysol Brand Disinfectant Direct Multi-Purpose Cleaner All Scents-Trigger Pump		
Lysol Brand I.C. Disinfectant Spray - Aerosol		
Lysol Brand I.C. Foaming Disinfectant Cleaner - Aerosol		
Lysol Brand I.C. II Disinfectant Spray - All Scents		
Lysol Brand II Disinfectant Spray - All Scents		
Lysol Brand III Disinfectant Spray (Aerosol) - Crisp Berry		
Lysol Brand III Disinfectant Spray (Aerosol) - Crisp Linen		
Lysol Brand III Disinfectant Spray (Aerosol) - Early Morning Breeze		
Lysol Brand Sanitizing Wipes - All Scents		
Lysol Brand Spray Disinfectant		
Lysol Disinfecting Wipes - Citrus		
Lysol Disinfecting Wipes - Lemon Lime To Go		
Lysol Disinfecting Wipes - Ocean Fresh		
Lysol IC - Disinfectant Wipes		
Lysol Spray Disinfectant		
Mold Armor Mold Remover and Disinfectant		
No Rinse Sanitizer Formula 362		
Sol-U-Guard Botanical Disinfectant		
Sss Dual Power Disinfectant No. 05180		
Surface Disinfectant and Deodorant		
Virex II 128 One-Step Disinfectant Cleaner And Deodorant		
Disinfectant: Phenol (Eg, Lysol)		4
Dettol		

Lysol Brand Concentrate Disinfectant

Disinfectant: Pine Oil

9 10

Dettol

Lestoil

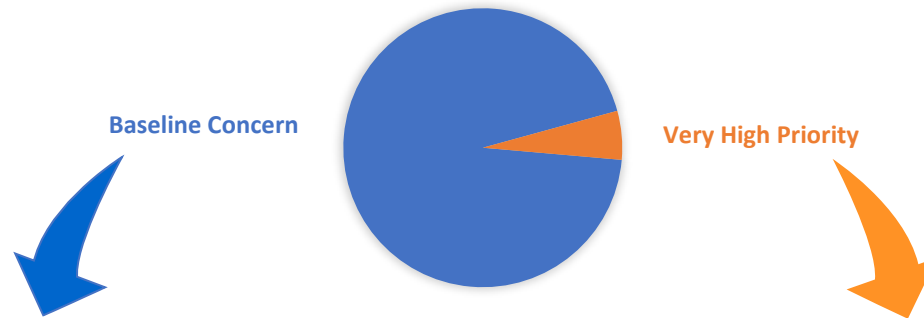
Lysol

Original Pine-Sol Brand Cleaner

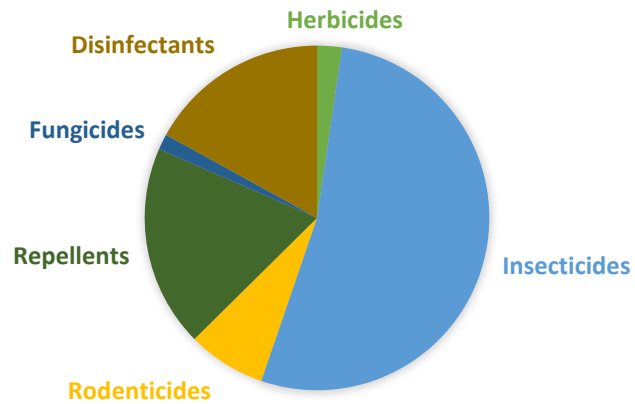
Original Pine-Sol Multi-Surface Cleaner

Pine-Sol

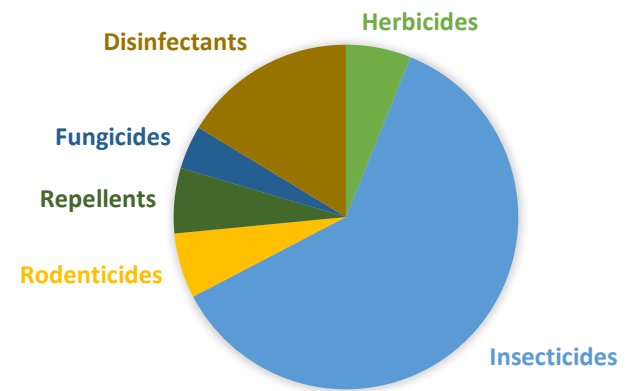
OUTCOMES GROUPED BY SEVERITY OF EXPOSURE PESTICIDES & DISINFECTANTS COMBINED



PESTICIDE CLASS INVOLVED WITH EXPOSURES OF MINOR, MINIMAL, OR NO EFFECTS



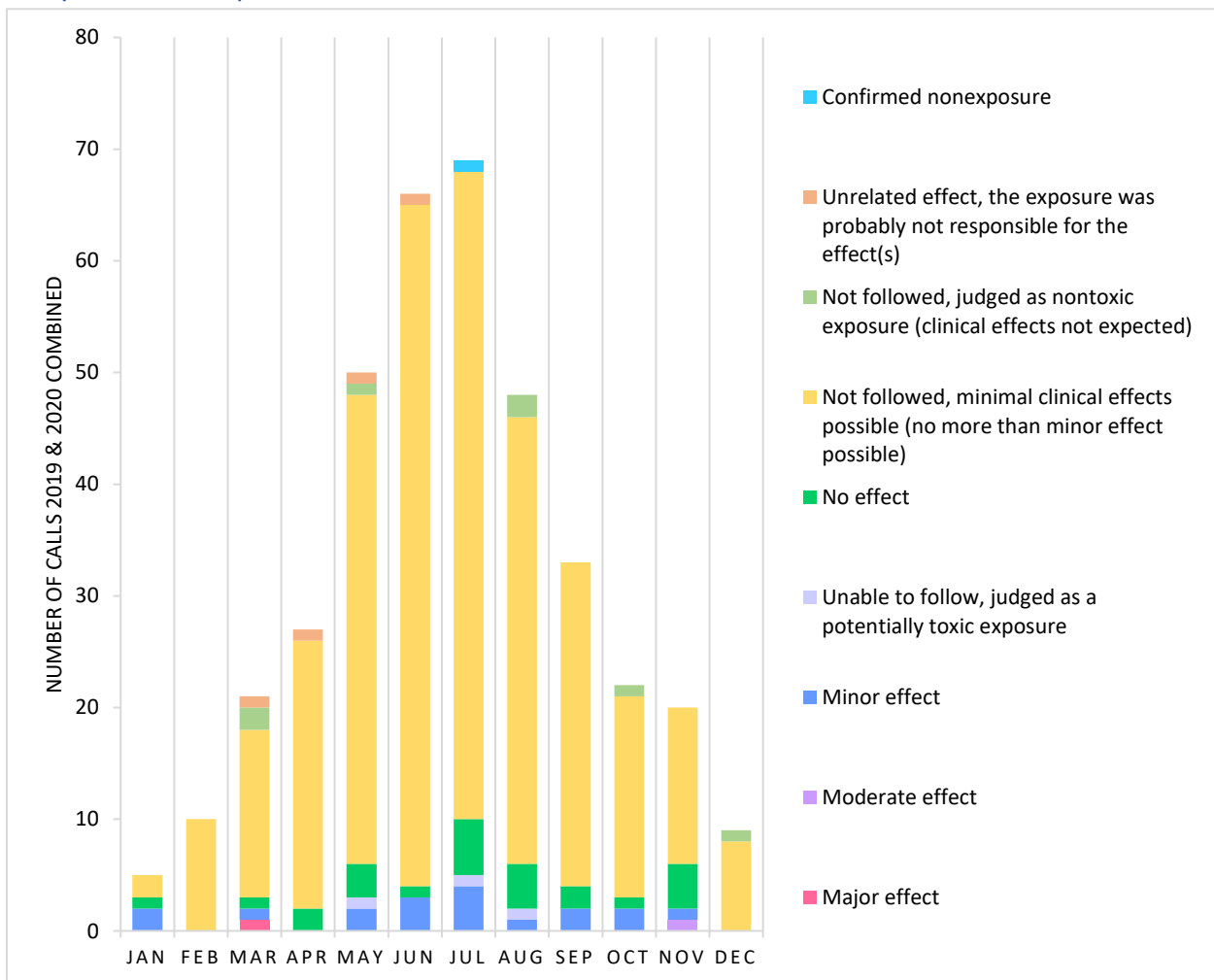
PESTICIDE CLASS INVOLVED WITH EXPOSURES OF MODERATE OR MAJOR EFFECTS OR DEATH



Pesticide products related to medical outcomes of major effects (potentially life threatening) and reason for exposure

Reason for exposure	Pesticide Product
Intentional - Misuse	Bedbug Spray
Intentional - Misuse	Black Flag Holiday Bug Bomb I Pine
Intentional - Suspected suicide	d-Con Kills House Mice Refillable Bait Station
Unknown reason	Glyphosate
Unintentional - Occupational	Other herbicide

Seasonal changes in incidence and medical outcome for children under 12 yrs old for pesticides and disinfectants in 2019 & 2020 combined



National Pesticide Information Center Call Data

The National Pesticide Information Center (NPIC) is funded by EPA to provide the nation with a dedicated resource for pesticide questions and general information for the public.

Volume

39 calls 2019

30 calls 2020 (not full reporting year; up to November 15)

Type

13 Incident calls (3 AI unknown)

56 Information calls

Number of Calls & Question Area

6 Application

12 Chemical (general, health, pest control)

2 Cleanup

2 Disposal/Storage

2 Food Safety

2 General

11 Health

9 Health human/domestic

1 Veterinary/Medical Treatment

2 NPIC Questions

2 Other

5 Pest Control

8 Regulation

1 Report an Incident

4 Thanks

NPIC Caller Questions

-Caller said she is growing marijuana for her personal use and asked if Green Cure fungicide could be used on marijuana in bud. Discussed that no pesticide is federally registered for marijuana. Discussed that some states have created pesticide lists for use on marijuana and Provided contact information for State Lead Pesticide Agency. Discussed that in caller's state, there is a State Office of Marijuana Policy, and provided contact information for same.

-Caller seeking information about shelf-life of a permethrin clothing treatment product.

-Caller seeking chemical information related to the upcoming use of active ingredient acephate to control brown-tail moths. Caller reported that the proposed treatment is due to occur in April or May (2020). Caller reported that the product is due to be injected into the trees. Caller asked about the potential for the active ingredient to leach into the garden from fallen leaves or dead moths.

-Caller seeking health and chemical information related to the use of EPA registration number 239-2491 (active ingredient triclopyr) outside to control poison ivy. Caller reported that yesterday (05/28/2019) she applied the product on a patch of poison ivy on her property. Caller reported that she is wanting to plant peach and pear saplings in the area but did not want to harm the trees she is going to plant. Caller reported that she was planning on planting the trees sometime next week.

-Caller reported she would be hiring a Pest Control Company to treat her home for an ant infestation and for mice. Caller reported she had a son with peanut, tree and egg allergies and asked about allergic risks from the products, which were active ingredients bifenthrin, deltamethrin, lambda-cyhalothrin and bromadiolone. Caller also asked about the risks of residues, such as giving anything off to the air, adding that the applications would be to cracks and crevices of the home.

-Caller seeking information about why the Safer Choice products they are using for cleaning their office are not on EPA List N Disinfectants for COVID-19. Caller said they are looking for products to disinfect surfaces but could not find an EPA registration number on their product. Discussed List N only includes disinfectants and Safer Choice may be cleaning products.

-Caller said they usually throws mothballs (unknown active ingredient) in their shed in the winter to deter mice. Caller said that they are planning on storing a gas grill and a lawnmower in the shed, and are concerned that the mothball vapors could explode, and wanted to check before tossing the mothballs in there this year.

-Caller seeking information on how to dispose of old pesticides.

-Caller seeking food safety, chemical, and health information related to the use of Talstar (active ingredient bifenthrin) along the perimeter of a property. Caller reported that three days ago (08/10/2019) a Pest Control Company came and treated her lawn with the product. Caller reported that she has a garden that is "10-15" feet away from the application site. Caller reported that she was concerned about the food safety risks related to vegetables in the garden. Caller reported that before the application, she removed her herbs that were in pots on her deck. Caller reported that she was unable to remove her strawberry and pepper plants from the area. Caller reported that the applicator treated under the deck. Caller reported that she thinks that the product drifted onto her plants during

the application. Caller asked about the food safety and health risks related to eating the plants. Caller asked if the active ingredient would absorb into plants in the garden.

-Caller (age 62) seeking health information related to the use of EPA registration number 67702-2-4 (active ingredient octanoic acid, copper salt). Caller reported that she is a professional gardener. Caller reported that twenty minutes ago (09/16/2019) while working, she was outside using the product on a job when she had a problem with the sprayer. Caller reported that while adjusting the sprayer, some of the mixed product sprayed onto her hands. Caller reported that she finished the job she was doing and then went and washed her hands off.

-Caller seeking health information about whether she can use EPA registration number 6218-76 (active ingredient permethrin) in a fenced area where her dogs spend time. Caller reported she has ticks. Caller reported she knows that permethrin is used in products for dogs so it might be okay.

-Caller seeking health information related to the potential use of active ingredient alkaline copper quaternary in raised garden beds. Caller reported that she was considering using the active ingredient but asked what the risks were related to using it.

-Caller asking about how to find more information about long term effects of chronic exposure to various pesticides. Caller reported he and his twin brother both worked as applicators for their careers. Caller reported that they had not family history of diabetes, but that both he and his brother developed diabetes and neuropathy and other neurological conditions around the same time, and that they both has the same exposures. Callers asked about active ingredient glyphosate; active ingredient triclopyr; active ingredient 2,4-D; Tordon (active ingredient picloram) which he frequently applied throughout his career. Caller asked about the exposure of 2,4-D and Agent Orange.

-Caller seeking information about what to do after her dog ate Fastkill Mouse Bait (active ingredient bromethalin).

-Caller seeking information about if EPA Registration number 2192 is effective against COVID-19.

-Caller seeking information on how to tell if the insect she found in her office is a kissing bug.

-Caller, a certified applicator, seeking information about getting certification renewal forms sent to him.

-Caller reported he believes the neighboring property is using RoundUp (active ingredient unknown) in a concerning way and wishes to have someone look into it.

-Caller, calling on behalf of a licensed applicator, trying to ask about how many course credits are necessary for pesticide applicator license.

-Caller seeking regulatory information related to a recent legal ruling. Caller reported that following the revocation of the Waters of the United States rule, caller reported that he was concerned about the regulations related to water. Caller reported that he was concerned about how water contamination would be effected by the ruling.

-Caller seeking regulatory information related to the notification of pesticide applications. Caller reported that she wanted to know if a landlord was required to inform her of an upcoming application.

-Caller (applicator) seeking information on the current number of CEUs he has acquired for his license.

All of the following content was copied directly from the webpage:

<https://www.aspc.org/news/official-top-10-pet-toxins-2020>

The Official Top 10 Pet Toxins of 2020

March 25, 2021

ASPCA | (888) 426-4435
Animal Poison Control Center

Top Toxins of 2020

1 Over-the-Counter Medications 	2 Human Prescription Medications 
3 Human Foods 	4 Chocolate 
5 Bouquets and Plants 	6 Household Toxicants 
7 Rodenticide 	8 Veterinary Products 
9 Insecticide 	10 Garden Products 

For more information, please visit [aspc.org/apcc](https://www.aspc.org/apcc)

Every year, the ASPCA Animal Poison Control Center (APCC) compiles a list of the top toxins commonly reported that year. In 2020 alone, APCC helped more than 370,500 animals, providing their pet parents with lifesaving information and easy-to-use safety guides.

1. Over-the-counter (OTC) medications ranks as the number one top toxin for the third year in a row, making up about 17 percent of APCC's total case volume. Ibuprofen, acetaminophen, cold and flu medicine, vitamins and supplements and joint rubs all fall within this category. These items are often found in homes and in all sorts of hiding places like backpacks and purses.
2. Human prescription medications including, and most commonly seen, antidepressant, anticonvulsant and cardiac medications. Always make sure your prescription medications—and OTC medications—are in closed cabinets that your pet cannot reach.
3. Human Food makes up 13 percent of 2020's total cases. APCC received most of their calls about grapes, raisins, xylitol, onions, garlic and protein and snack bars. Be vigilant about any human food that may be lying around for hungry pets to get to.
4. Chocolate comes in at number four. APCC handles almost 76 cases per day of chocolate exposure. Dogs seem to love chocolate and if they get into it, could eat enough to get themselves into some serious trouble.
5. Bouquets and plants jumped from number eight to number five in just one year, with 9,000 more calls than in 2019. Both indoor and outdoor plants can cause a threat to our four-legged friends, so make sure to check out our list of toxic and non-toxic plants before bringing a new plant into your home or garden.
6. Household toxicants, like cleaning, beauty and home repair products, remained at number six in 2020. With more people home due to the COVID-19 pandemic, many took to home improvement projects using paint, adhesives or spackle, all of which are hazardous to pets.
7. Rodenticide is very common in the winter months when rodents, like mice and rats, come looking for warmth. The ingredients that make rodenticide so appealing to rodents, has the same effect on cats and dogs. If your pet ingests rodenticide, it can cause bleeding, kidney failure, seizures or even death.
8. Veterinary products moved down on the list this year, but is still very much so a risk. Chewable medications, like calming chews, are super tasty to pets, which means once they try it, they may try to get into the entire container. Make sure these products stay out of paw's reach!
9. Insecticide like ant baits, bug sprays and other yard products can be enticing to pets just as much as bugs. Try using pet-safe product alternatives!
10. Garden products remain at number 10 for the third year in a row. Fertilizers, especially those made from organic products, are delicious to dogs, however, are toxic. Make sure your pets steer clear of the garden or freshly fertilized lawn!

If you suspect your pet may have ingested something toxic, please contact your veterinarian or the ASPCA Animal Poison Control Center at (888) 426-4435 immediately.



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

5

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

4/9/2021

TO: Board Members

FROM: Megan Patterson

SUBJECT: Proposal to Address Lawn Care and Tick Applications During Early Spring and Wet Periods

In 2005, staff received a number of inquiries from lawn care applicators and the public about the efficacy and appropriateness of lawn pesticide applications during a spring season with consistently heavy rainfall. Because of those inquiries, staff decided to call in application records from all the major lawn care companies in the Bangor, Augusta and Portland areas. According to the application logs, a few companies had not curtailed their application frequency during this time.

A committee was convened to develop lawn care best management practices (BMPs) to protect water quality. This committee identified major concerns and referenced BMPs developed in other states. In 2009, this committee finalized the guidance document, Best Management Practices for the Application of Turf Pesticides and Fertilizers (attached).

In 2021, staff have again received inquiries about lawn care applications possibly beginning as early as March. Staff are concerned that applications are being made to saturated soil, frozen ground, and in close proximity to standing water. We also have reason to believe that tick control applications are being made in very early spring.

We propose addressing the immediate lawn care concern by sending an updated version of existing BMPs to all commercial applicators who hold the turf certification category. We also propose convening a committee to more thoroughly update the BMPs and to create new BMPs for tick and mosquito applications.

Are these approaches appropriate? Should additional efforts be considered? We look forward to your comments.

MEGAN PATTERNSON, DIRECTOR
90 BLOSSOM LANE, DEERING BUILDING



PHONE: (207) 287-2731
WWW.THINKFIRSTSPRAYLAST.ORG

Operating Standards, *Application*, continued

- ☼ Use a drop spreader instead of rotary type spreader near sensitive areas.
- ☼ Leave a minimum twenty-five-foot buffer zone of untreated grasses or other vegetation around water bodies or areas that lead directly to them, i.e., streams, rivers, lakes, estuaries, bays, coastal areas, vernal pools, wetlands, culverts, storm drains, or drainageways, etc. and around wellheads.
- ☼ Manage pest problems with spot applications—avoid broadcast applications.

Customer/Neighbor Relations

Notification

- ☼ Remind the customer annually about their right to request copies of pesticide and fertilizer labels and Material Safety Data Sheets.
- ☼ When requested, always provide copies of pesticide labels and Material Safety Data Sheets prior to application of pesticides or fertilizers.
- ☼ When requested, always notify customers and/or neighbors at least 24 hours before any pesticide application.
- ☼ After application, always inform customers about the treatment, e.g., fertilizer, insect control, weed control, disease control, etc.
- ☼ Assure that customers know when they must water in fertilizer or pesticide applications and how much water to apply
- ☼ Assure that customers and/or neighbors are aware of the reentry period for any pesticide application.

Customer Education

The BPC believes that customer education is the

foundation for informed decision-making regarding the application of pesticides and fertilizers to turf grass areas. It often is the key to customer satisfaction. Customers and mowing or irrigation contractors often control factors that are critical to the success of any turf management program. The need for, and/or efficacy of, applied materials is either enhanced or diminished by customer decisions and practices.

Customers must know when their expectations may be too high and when their cultural practices are affecting the health of their turf. Therefore, prior to using fertilizers and pesticides, practitioners must inform and educate their customers about proper lawn maintenance (www.yardscaping.org/lawn/index.htm) and the following topics:

- ☼ soil depth and texture
- ☼ soil pH and nutrient imbalances
- ☼ grass species selection in relation to soil and shade conditions and intensity of use
- ☼ grass species selection in relation to fertilizer need and pest resistance
- ☼ proper mowing height and frequency, mower maintenance, and clipping management
- ☼ proper watering techniques
- ☼ soil compaction or thatch development problems
- ☼ need for buffers around wells and water bodies
- ☼ options for use of low-risk controls, e.g., natural, biological, mechanical, or physical controls
- ☼ options for use of composts or other slow-release fertilizers
- ☼ options for use of phosphorus-free fertilizers

Turf Best Management Practices Committee Members

Mary Ellen Dennis, Maine DEP
Mary Gilbertson, Portland Water District
Dan Holmquist, Lucas Tree Experts
Patricia Ianni, Portland, Maine (Public Member)
John Jemison, Water Quality and Soil Specialist, University of Maine (BPC Board Member)

Jesse O'Brien, Down East Turf Farms
Harris Parnell, Toxics Action Center
Charles Ravis, Country Club Lawns
Dan Simonds, Forester, SGS North America (BPC Board Member)

Comments or Questions? Contact Gary Fish, Manager, Pesticide Programs, 207-287-7545, or e-mail gary.fish@maine.gov.



Why Best Management Practices?

Studies confirm that loss of pesticides to ground and surface waters continues to threaten water resources in the Northeast.¹ Applying pesticides to saturated lawns or when wet weather is predicted greatly increases the risk of loss. It is evident that lawn care companies and homeowners need to better understand the risks of applying fertilizers and pesticides under unfavorable conditions to slopes, drainage areas, storm drains, saturated soils, near wells or just prior to heavy rain events. In 2005, despite these known risks, some Maine lawn care companies made hundreds of applications during a week when it rained over 3 inches, and this was preceded by a five-week period when more than 8½ inches of rain was recorded.

Because of these inappropriate practices, the Maine Board of Pesticides Control (BPC) convened a committee to develop these Best Management Practices (BMPs). Heavy rains can easily wash away applications of fertilizers and pesticides from turf areas and move them into our precious and still somewhat pristine water resources. Surface water sampling done by Friends of Casco Bay has detected multiple herbicides and at least one insecticide and fungicide in waters leaving Southern Maine residential developments.² Some of the concentrations found in these samples have exceeded

aquatic life criteria, violating State and Federal water quality law and may be adversely impacting aquatic invertebrates and fish species. Industry professionals and the BPC agree these BMPs will improve the practices of commercial lawn care operations, golf course superintendents, athletic field managers, sod growers, and home lawn enthusiasts.

Adding to this concern is the dramatic increase in distribution and use of lawn and garden pesticides in the State of Maine. BPC distribution and use reports show a sharp rise from 800,000 pounds in 1995 to 3,000,000 pounds in 2004.³ Most of this material was a combination of fertilizers and pesticides (weed & feed products) applied to residential and commercial lawns. Another purpose for these BMPs is to demonstrate the BPC's desire for turf managers to minimize reliance on pesticides.

The Board recognizes that homeowners who apply pesticides under unfavorable conditions can also threaten water quality. But, our hope is the use of these BMPs by commercial lawn care operators, golf course superintendents, athletic field managers, and sod growers will help reach the ultimate goal of reducing human and environmental risks and set the example for do-it-yourselfers.

¹USGS Circular 1291 and Friends of Casco Bay surface water sampling results.

²Friends of Casco Bay surface water sampling results.

³Data derived from sales and distribution reports provided by pesticide manufacturers and distributors and commercial applicator summary reports provided annually to the Maine Board of Pesticides Control.

Recommended BMPs

Site Assessment

Initial Site Visit

- ☼ Determine customer expectations.
- ☼ Assess weed, insect, or disease problems to determine pest management needs.
- ☼ Make a site plan showing turf areas and determine square footage to be treated.
- ☼ Determine soil texture and structure, thatch depth, rooting depth, compaction, and erosion
- ☼ Do a soil test on new sites to determine Phosphorus (P), Potassium (K), Calcium (Ca), Magnesium (Mg) levels, pH, and Cation Exchange Capacity.
- ☼ Note presence of sensitive areas on and off site, e.g., sandy/gravelly soils, shallow water table, drinking water wells, surface water storm drains, etc. Observe slope/grade, culverts and storm drains to determine where water runs off turf area.
- ☼ Determine grass species mix.
- ☼ Evaluate intensity of use.
- ☼ Note turf sun exposure.
- ☼ Keep records including the assessor's name and date of assessment.

Turf Assessment Prior to Treatment

- ☼ Check soil conditions, e.g., compaction, erosion, frozen ground, shallow soils, exposed ledge or bedrock, saturated with water, etc.
- ☼ Identify incidence and severity of weed, insect, or disease problems.
- ☼ Determine current health of turf.
- ☼ Determine watering frequency and intensity.

Thorough Periodic Assessments

- ☼ Annually
 - ◇ Reassess the criteria under the initial site visit (*see above*).
 - ◇ Check customer expectations.

- ◇ Assure customer still wants the service.
- ◇ Review records of all management measures.
- ☼ Every Three to Five Years
 - ◇ Test soil pH and nutrient levels.
 - ◇ Consider monitoring ground water for nitrates and pesticides at golf courses, sod farms, or other intensively managed areas.

Informed Product Choice

Pesticides

- ☼ Read labels and Material Safety Data Sheets thoroughly prior to making a choice.
- ☼ Choose least-toxic and least-persistent products with the lowest exposure potential.
- ☼ Choose products with the lowest pesticide leaching potential.⁴
- ☼ Choose products with the lowest pesticide solution runoff potential.⁴
- ☼ Choose products with the lowest pesticide adsorbed runoff potential.⁴
- ☼ Choose products with the lowest exposure adjusted toxicity for humans (EATHuman).⁴
- ☼ Choose products with the lowest exposure adjusted toxicity maximum acceptable toxicant concentration for fish (EATMATC).⁴
- ☼ Choose products with the lowest exposure adjusted toxicity sediment toxicity value for fish (EATSTV).⁴
- ☼ Choose products that are not highly toxic to bees or other pollinators.
- ☼ Choose products that are selective and that affect the narrowest range of organisms.
- ☼ Choose products that are separate from fertilizers and that can be used for spot treatments.
- ☼ Choose products with low drift potential and low volatility.

⁴See separate Windows Pesticide Screening Tool chart or go to www.thinkfirstspraylast.org/turf_bmps/index.htm.

Fertilizers

- ☼ Choose fertilizers with slow- or timed-release nitrogen, e.g., WIN (water insoluble nitrogen), resin-coated urea, methylene ureas, or composted organic materials.
- ☼ Do not apply slow- or timed-release nitrogen at rates above 1 pound per 1,000 square feet.
- ☼ Avoid inorganic fertilizers, e.g., ammonium nitrate, calcium nitrate, or ammonium sulfate.
- ☼ Do not apply quick-release nitrogen at rates above ½ pound per 1,000 square feet.
- ☼ Use phosphorus-free fertilizer, unless a soil test indicates a low phosphorus level, or when establishing a new lawn from seed.

Operating Standards

Prior to Application

- ☼ Check for presence of people or pets.
- ☼ Check for sensitive individuals nearby, e.g., daycare, nursing home, school, hospital, etc.
- ☼ Check for presence of non-target articles, e.g., toys, sandboxes, pet dishes, etc., and remove from treatment area or cover.
- ☼ Check for open windows in areas adjacent to treatment and have them closed.
- ☼ Check 24-hour weather forecast.
- ☼ Record current weather conditions.
- ☼ Calibrate application equipment frequently.

Application

- ☼ Base nutrient and pesticide applications on soil structure, conditions, pH, and existing nutrient levels.
- ☼ Never apply fertilizer or pesticides when there is standing water on any part of the area to be treated.
- ☼ Never apply fertilizer or pesticides to saturated soils.
- ☼ Never apply fertilizer or pesticides to frozen ground.
- ☼ Never apply pesticides when surface temperatures exceed 85 degrees Fahrenheit.

- ☼ Follow any other label requirements regarding maximum surface temperatures.
- ☼ Never apply fertilizer or pesticides until the turf naturally greens up in the spring (approximately 50–55 degrees Fahrenheit at a three-inch soil depth).
- ☼ Do not apply fertilizer or pesticides between December 1 and April 1 (except for fungicide applications to control snow mold diseases).
- ☼ Always consider weather forecasts for moderate to heavy rain and its effect on efficacy and potential environmental contamination.
- ☼ Avoid applying liquid products using powered application equipment when wind speeds are below 3 miles per hour or exceed 10 miles per hour.
- ☼ Do not apply pesticides if rain or irrigation is imminent, unless specified by the label.
- ☼ Do not apply fertilizer or pesticides if moderate to heavy rain is imminent, regardless of label statements.
- ☼ Never apply fertilizers or pesticides to impervious surfaces, e.g., compacted paths, eroded areas, steep slopes, asphalt, or other paving materials.
- ☼ Never apply fertilizer or pesticides near areas that are prone to runoff, i.e., culverts, storm drains, drainageways, etc. or near wellheads.
- ☼ Never apply fertilizers or pesticides to bare ground, unless it is to help establish new seed.
- ☼ Cover seeded areas with straw or another appropriate mulch to prevent erosion.
- ☼ Always clean up spills or misapplied product immediately.
- ☼ Never leave misapplied products on driveways, roads, sidewalks, or other hard surfaces.
- ☼ To reduce nitrogen or phosphorus loss, assure that fertilizers are lightly watered in (¼–½ inch) following application.
- ☼ When the label directs, assure that pesticides are watered in as directed.
- ☼ Always fill fertilizer spreaders on a hard surface, where any spills can be easily cleaned up.

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Date: (Filing No. H-)

AGRICULTURE, CONSERVATION AND FORESTRY

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 111, L.D. 155, “Resolve, Directing the Board of Pesticides Control To Prohibit the Use of Certain Neonicotinoids for Outdoor Residential Use”

Amend the resolve by striking out the title and substituting the following:

'Resolve, Directing the Board of Pesticides Control To Restrict the Use of Certain Neonicotinoids for Outdoor Residential Use'

Amend the resolve by striking out everything after the title and inserting the following:

'Sec. 1. Restrict the use of certain neonicotinoids for outdoor use. Resolved: That, pursuant to the Maine Revised Statutes, Title 7, section 610, the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control shall change the classification 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 to restricted use. Products used for preserving wood, controlling or treating indoor insects, controlling or treating insects outside around structural foundations and other parts of structures and treating pets, as defined under Title 7, section 712, subsection 16, are specifically exempt from the classification change to restricted use under this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2 A.'

Amend the resolve by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment directs the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control to change the classification of any product containing certain neonicotinoids used for application in outdoor residential landscapes such as on lawn, turf or ornamental vegetation from general use to restricted use. The amendment adds products used for controlling or treating insects outside around structural foundations and other parts

COMMITTEE AMENDMENT “ ” to H.P. 111, L.D. 155

1 of structures to the list of products specifically exempt from the change to restricted use
2 classification.

3

FISCAL NOTE REQUIRED

4

(See attached)

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Date: (Filing No. H-)

AGRICULTURE, CONSERVATION AND FORESTRY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 111, L.D. 155, “Resolve, Directing the Board of Pesticides Control To Prohibit the Use of Certain Neonicotinoids for Outdoor Residential Use”

Amend the resolve by striking out everything after the title and inserting the following:

'Sec. 1. Prohibit the use of certain neonicotinoids for outdoor use.
Resolved: That, pursuant to the Maine Revised Statutes, Title 7, section 610, the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control shall 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. Products used for preserving wood, controlling or treating indoor pests, controlling or treating insects outside around structural foundations and other parts of structures and treating pets, as defined under Title 7, section 712, subsection 16, are specifically exempt from the prohibition under this section. The board shall allow the use of any product containing the active ingredient dinotefuran, clothianidin, imidacloprid or thiamethoxam by certified applicators as defined under Title 22, section 1471-C, subsection 4 on ornamental vegetation to manage emerging invasive insect pests, including but not limited to the Asian long-horned beetle, emerald ash borer and hemlock wooly adelgid in order to safeguard the public health, safety and welfare of the State and to protect the natural resources of the State. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.'

Amend the resolve by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

The bill directs the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control to prohibit the use of any product containing certain neonicotinoids used for application in outdoor residential landscapes such as on lawn, turf or ornamental vegetation. The amendment adds products used for controlling or treating insects outside around structural foundations and other parts of structures to the list of products specifically

1 exempt from the prohibition. The amendment also requires the board to allow the use of
2 certain neonicotinoids by certified applicators on ornamental vegetation to manage
3 emerging invasive insect pests, including but not limited to the Asian long-horned beetle,
4 emerald ash borer and hemlock wooly adelgid in order to safeguard the public health, safety
5 and welfare of the State and to protect the natural resources of the State.

6 **FISCAL NOTE REQUIRED**

7 **(See attached)**



130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 808

S.P. 141

In Senate, March 5, 2021

**An Act To Clarify the Funding for the University of Maine
Cooperative Extension Diagnostic and Research Laboratory**

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator FARRIN of Somerset.
Cosponsored by Representative KINNEY of Knox and
Senators: BLACK of Franklin, STEWART of Aroostook, TIMBERLAKE of Androscoggin.



130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 1158

H.P. 836

House of Representatives, March 22, 2021

**An Act Regarding the Application of Certain Pesticides for
Nonagricultural Use**

Received by the Clerk of the House on March 18, 2021. Referred to the Committee on Agriculture, Conservation and Forestry pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative COLLINGS of Portland.

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

2 **Sec. 1. 7 MRSA §606, sub-§3** is enacted to read:

3 **3. Persistent synthetic pesticides.** Except for pesticides that are used in the
4 production of agricultural products, a person may not use persistent synthetic pesticides.
5 For purposes of this subsection, the following terms have the following meanings.

6 A. "Agricultural products" has the same meaning as in section 152, subsection 2.

7 B. "Pesticide" means a substance used to control pests, including but not limited to
8 harmful insects, disease and weeds.

9 C. "Synthetic," with respect to a substance, means that the substance is formulated or
10 manufactured by a chemical process or by a process that chemically changes a
11 substance extracted from naturally occurring plant, animal or mineral sources, except
12 that "synthetic" does not apply to substances created by naturally occurring biological
13 processes.

14 **Sec. 2. Composition of the Board of Pesticides Control; working group.**

15 The Commissioner of Agriculture, Conservation and Forestry shall convene a working
16 group to review the composition of the Board of Pesticides Control. The working group
17 shall evaluate whether the composition of the board equitably represents public,
18 environmental and industry interests and shall identify whether the service of any of the
19 board members gives the appearance of a financial conflict of interest. The commissioner
20 shall present findings and recommendations to the Joint Standing Committee on
21 Agriculture, Conservation and Forestry no later than December 1, 2021. The joint standing
22 committee may submit a bill relating to the subject matter of the report to the Second
23 Regular Session of the 130th Legislature.

24 **SUMMARY**

25 This bill prohibits the use of persistent synthetic pesticides except pesticides that are
26 used in the production of agricultural products. The bill also directs the Commissioner of
27 Agriculture, Conservation and Forestry to convene a working group to review the
28 composition of the Board of Pesticides Control with respect to whether the board equitably
29 represents public, environmental and industry interests and to identify whether the service
30 of any of the board members gives the appearance of a financial conflict of interest. The
31 commissioner is required to report to the Joint Standing Committee on Agriculture,
32 Conservation and Forestry with findings and recommendations.



130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 1159

H.P. 837

House of Representatives, March 22, 2021

An Act To Amend the Membership Requirements of the Board of Pesticides Control

Received by the Clerk of the House on March 18, 2021. Referred to the Committee on Agriculture, Conservation and Forestry pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in black ink that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative OSHER of Orono.

Cosponsored by Representatives: GROHOSKI of Ellsworth, O'NEIL of Saco, SACHS of Freeport, WARREN of Scarborough, Senators: BRENNER of Cumberland, MAXMIN of Lincoln.

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

2 **Sec. 1. 22 MRSA §1471-B, sub-§1**, as amended by PL 2019, c. 192, §1, is further
3 amended to read:

4 **1. Board established.** The Board of Pesticides Control is established by Title 5,
5 section 12004-D, subsection 3, within the Department of Agriculture, Conservation and
6 Forestry. Except as provided in this chapter, the board must be composed of 7 members,
7 appointed by the Governor, subject to approval by the joint standing committee of the
8 Legislature having jurisdiction over agricultural matters and confirmation by the Senate.
9 To provide the knowledge and experience necessary for carrying out the duties of the board,
10 the board must consist of the following members: one person with practical experience
11 and knowledge regarding the agricultural use of chemicals; one person who has practical
12 experience and knowledge regarding the use of chemicals in forest management; one
13 person from the medical community; a scientist from the University of Maine System
14 having practical experience and expertise in integrated pest management; one commercial
15 applicator; and 2 persons appointed to represent the public. ~~One of the~~ The 2 members
16 appointed to represent the public must have ~~practical experience and knowledge of methods~~
17 ~~of sustainable management of indoor or outdoor pests~~ a demonstrated interest in
18 environmental protection and represent different geographic areas of the State. The term
19 must be for 4 years, except that of the initial appointees, 2 serve 4-year terms, 2 serve 3-
20 year terms, 2 serve 2-year terms and one serves a one-year term. Any vacancy must be
21 filled by an appointment for the remainder of the unexpired term.

22 **Sec. 2. Transition.** The Governor shall appoint members of the board representing
23 the public who meet the criteria of this Act within 60 days of the effective date of this Act.
24 Notwithstanding the term limits of members of the board in section 1, a member of the
25 board representing the public who does not meet the criteria for a member representing the
26 public under section 1 serving on the effective date of this Act serves until the member's
27 replacement has been confirmed by the Senate.

28 **SUMMARY**

29 This bill amends the membership requirements of the Department of Agriculture,
30 Conservation and Forestry, Board of Pesticides Control pertaining to the 2 public members
31 to return them to the requirements that existed before being amended by Public Law 2011,
32 chapter 119.



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

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

MAINE BOARD OF PESTICIDES CONTROL
POLICY CONCERNING POSTING REQUIREMENTS FOR FACILITY STAFF
EXEMPTED FROM LICENSURE BY EO 7-A FY 20/21 WHO ARE MAKING
FREQUENT POWERED APPLICATIONS OF GENERAL USE DISINFECTANTS FOR
THE PURPOSES OF ROUTINE CLEANING
AS REQUIRED BY CHAPTER 26, SECTION 3(B)

Adopted March 5, 2021

BACKGROUND

At its January 20, 2021 meeting, the Board discussed Executive Order 7-A FY 20/21. This Executive Order (EO) amended EO 7 FY 20/21 (pertaining to K-12 schools) and expanded the exemption from commercial licensure for powered application of general use antimicrobial pesticides to the following institutional settings:

- hospitals,
- municipal and county government facilities and vehicles, and
- universities and colleges.

All other relevant regulations remain in effect, including posting and notification requirements detailed in CMR 012-026, Chapter 26, Standards For Indoor Pesticide Applications And Notification For All Occupied Buildings Except K - 12 Schools, Section 3(B). Chapter 26.03(B) requires advanced posting at least 24 hours and no more than seven days prior to each indoor application at institutions. The Board approved written notice must remain posted for at least 48 hours following the application. The posting must be in in a conspicuous place or places where notices to employees are customarily posted.

This policy identifies approved locations, frequency, advance timing and duration of posting which may be used by employees of facilities identified by EO 7-A FY 20/21.

MEGAN PATTERNSON, DIRECTOR
90 BLOSSOM LANE, DEERING BUILDING



PHONE: (207) 287-2731
WWW.THINKFIRSTSPRAYLAST.ORG

POLICY

For the purposes of EO 7-A FY 20/21 the posting required by Chapter 26, Section 2(B), may be made in the following manner:

Before pesticide applications commence in a facility identified in EO 7-A FY 20/21, staff conducting powered applications of general use disinfectants must post or cause to be posted a Board approved written notice (see attached) in a conspicuous place or places where notices to employees are customarily posted. The notice must inform employees of the planned application and about their right to ask for and receive more specific information, as described in Chapter 26.03(D). The Board approved written notice or a sign with equivalent written content must remain posted for at least 48 hours following the application.

Where multiple applications will occur over an extended period of time a single notice conforming with the attached Board approved example may be posted. The notice must include a date range for the applications to be made.

All other relevant sections of Chapter 26 and all other regulations remain in effect.

This policy will expire concurrent with the expiration of EO 7-A FY 20/21

Notice of Pesticide Application

Disinfectants May Be Applied in this Building as Part of an Integrated Pest Management Program on (date/date range) _____

To request information about the use of disinfectants in this building contact:

Primary Contact: _____

Phone/E-mail: _____

This sign must remain posted for at least 48 hours after the application is completed.

Date Posted or Provided: _____
Person Providing Notice: _____
Date/Time Completed: _____
Remove sign on: _____

For general information on pesticides and regulations contact:
Maine Board of Pesticides Control
287-2731, or visit
www.thinkfirstspraylast.org



MAR 11 2021

TOWN OF WESTMANLAND

1157 Westmanland Road
Westmanland, ME 04783
(207) 896-3019

8m

Brian Raynes, Selectman
Erich Margeson, Selectman
Kenneth Hixon, Selectman

Patricia Anderson
Clerk/Treasurer/Registrar of Voters

March 6, 2021

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

To Whom It May Concern:

Pursuant to Title 22 M.R.S.A. §1471-U, (3) *New Ordinances*, this letter and attached copy of a proposed ordinance to prohibit aerial spraying of herbicides in the Town of Westmanland shall serve as the required seven (7) day notice of intent. The Town Meeting to vote on the proposed ordinance is scheduled for March 18, 2021.

Should the proposed ordinance pass by majority vote of the residents of Westmanland, a subsequent notification shall be sent within the requisite thirty (30) day period following the vote.

Thank you.

Patricia Anderson

Patricia Anderson, Town Clerk
Town of Westmanland

Attachment enclosed

EXHIBIT A

TOWN OF WESTMANLAND

Forest Herbicide Ordinance

Section 1. Summary. The purpose of this ordinance, titled **Forest Herbicide Ordinance**, is to safeguard the public's health, safety, and welfare, as well as to protect the natural resources of the Town of Westmanland (hereinafter the Town) by prohibiting the aerial application of herbicides for forestry purposes.

Section 2. Definitions. When used in this ordinance the following terms shall have the following meanings.

1. **Aerial Application.** "Aerial Application" means any application (of herbicide) by airplane, helicopter, or any vehicle, manned or unmanned, not in contact with the ground.
2. **Herbicide.** "Herbicide" means any substance, or mixture of substances, intended to inhibit, repel, desiccate, defoliate, or otherwise cause injury or death to plants.
3. **Forestry Purposes.** "Forestry Purposes" means the management of wooded land or land intended to be wooded, either mixed forest or plantation, for the production of forest products, including but not limited to, sawlogs, pulpwood, or firewood.

Section 3. Authority. This ordinance is adopted pursuant to Title 30-A M.R.S.A. §3001 and Title 22 M.R.S.A. §1471-U, and after filing the required notice with the Board of Pesticides Control.

Section 4. Prohibited Activities. The aerial application of herbicides for forestry purposes is prohibited at all times throughout the Town except as outlined below.

Section 5. Exceptions. Proposed variances or exemptions to the above prohibited activities must be approved by a two-thirds majority vote by registered voters of the Town.

Section 6. Enforcement and Penalties. This ordinance shall be enforced by the Town's Code Enforcement Officer according to policies governing municipal ordinances of the Town. The Town may apply to any court of competent jurisdiction to enjoin any planned, anticipated or threatened violation of this ordinance.

Section 7. Effective Date. This ordinance shall take effect on the date upon which it has received the required approval by a majority vote at a Town Meeting or by majority vote of registered voters in the Town. This ordinance shall remain in effect unless or until terminated or amended by a two-thirds majority vote by registered voters of the Town.

Certification Date:

Brian Raynes, Selectman

Erich Margeson, Selectman

Kenneth Hixon, Selectmen

Witness to all: Patricia Anderson, Town Clerk

An official website of the United States government.



EPA Takes Action to Protect Public Health by Proposing Cancellation of Pentachlorophenol

For Release: March 5, 2021

In support of the Biden-Harris Administration's commitment to making evidence-based decisions to protect human health, U.S. Environmental Protection Agency (EPA) is taking an important step by proposing the cancellation of the registration of pentachlorophenol. Pentachlorophenol is a heavy-duty wood preservative used primarily on utility poles.

After completing a risk assessment, EPA determined that pentachlorophenol poses significant human health risks to workers. To address this issue, EPA is proposing to cancel all uses of pentachlorophenol through the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) registration review process. The agency will accept public comments on this proposed interim decision (PID) for 60 days in docket EPA-HQ-OPP-2014-0653 at [regulations.gov](https://www.regulations.gov).

EPA's proposed action would align the United States with the United Nation's Stockholm Convention on Persistent Organic Pollutants, which has banned the use of pentachlorophenol. EPA has worked with industry stakeholders to identify a number of viable, safer alternatives such as copper naphthenate and DCOIT, along with well-established wood preservatives such as chromated arsenicals and creosote.

This proposed interim decision (PID) is the next step in the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) registration review process that EPA conducts at least every 15 years. After considering any comments concerning the PID, EPA will issue an interim decision, which would finalize the cancellation of pentachlorophenol.

LAST UPDATED ON MARCH 5, 2021