



PAUL R. LEPAGE  
GOVERNOR

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

WALTER E. WHITCOMB  
COMMISSIONER  
HENRY S. JENNINGS  
DIRECTOR

**BOARD OF PESTICIDES CONTROL**

**September 6, 2013**

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

**AGENDA**

**8:30 AM**

1. Introductions of Board and Staff
2. Minutes of the July 26, 2013, Board Meeting

Presentation By: Henry Jennings  
Director

Action Needed: Amend and/or approve

3. Request for Renewal of DuPont Special Local Need [24(c)] Registration for Express<sup>®</sup> Herbicide with TotalSol for Control of Bunchberry in Lowbush Blueberries

In September of 2008, the Board approved a Special Local Need (SLN) registration for DuPont Express<sup>®</sup> Herbicide with TotalSol (EPA Reg. No. 352-632). The SLN expired in 2010 and subsequently was renewed through July of 2013. Consequently, the University of Maine Cooperative Extension and DuPont are now requesting to renew the SLN registration to make this product available to growers again to allow for selective postemergence control/suppression of certain broadleaf weeds, primarily bunchberry in lowbush blueberries. 2011 water quality testing did not reveal any tribenuron in 55 samples collected.

Presentation By: Mary Tomlinson  
Pesticides Registrar

Action Needed: Approve/disapprove 24(c) registration request

4. Review of Draft Policy on Exclusion Areas for Potential Aerial, Public-Health-Related, Mosquito-Control Programs

At the May 24, 2013, meeting, the Board provisionally adopted amendments to Chapters 20, 22, and 51. The amendments were intended to allow for potential public-health-related, mosquito-control programs conducted by governmental entities. During the development of the Chapter 20 amendments, the Board determined it was preferable to define "exclusion areas," in the context of potential aerial applications, via policy, instead of codifying them in rule. Such a strategy allows the Board greater flexibility should

new concerns arise. The Board reviewed the first draft of the exclusion area policy at its July 26, 2013, meeting and offered a few suggestions for improving the language. The staff has revised the draft policy which the Board will now consider.

Presentation by: Henry Jennings  
Director

Action Needed: Revise/amend draft policy and adopt, if appropriate

5. Review of the 2012 Complaints/Inquiries Summary

In 2007, the Stakeholders Committee on Drift recommended that the Board produce and review an annual summary of complaints received by the Board's office. Summaries from 2008 and 2009 led to Board recommendations for improving the report. The Board will now review the 2012 summary.

Presentation By: Raymond Connors  
Manager of Compliance

Action Needed: None—informational only

6. Consideration of a Consent Agreement with Northeast Patients Group of Augusta

On June 3, 1998, the Board amended its Enforcement Protocol to authorize staff to work with the Attorney General and negotiate consent agreements in advance in matters not involving substantial threats to the environment or public health. This procedure was designed for cases where there is no dispute of material facts or law, and the violator admits to the violation and acknowledges a willingness to pay a fine and resolve the matter. This case involved use of pesticides on medical marijuana inconsistent with the label.

Presentation By: Raymond Connors  
Manager of Compliance

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

7. Annual Planning Session

Periodically, the Board holds informal planning sessions with the entire staff to discuss concerns, trends, issues and priorities. The Board has developed a list of topics it wishes to discuss and it will review them as time allows.

8. Other Old or New Business

- a. Variances for RLC Services, LLC—H. Jennings
- b. Variance for MDOT for Wetland Mitigation—H. Jennings
- c. Variance for Aroostook Arboriculture, Inc.—H. Jennings
- d. Letter from Susan Moyer and Karen D'Antonio—H. Jennings
- f. Other?

9. Schedule of Future Meetings

October 18 and December 13, 2013; January 15 or 17, February 21, and March 28, 2014, 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](http://www.thinkfirstspraylast.org).
- Any person wishing to receive notices and agendas for meetings of the Board, Medical Advisory Committee, or Environmental Risk Advisory Committee must submit a request in writing to the Board's office. Any person with technical expertise who would like to volunteer for service on either committee is invited to submit their resume for future consideration.
- On November 16, 2007, the Board adopted the following policy for submission and distribution of comments and information when conducting routine business (product registration, variances, enforcement actions, etc.):
  - *For regular, non-rulemaking business*, the Board will accept pesticide-related letters, reports, and articles. Reports and articles must be from peer-reviewed journals. E-mail, hard copy, or fax should be sent to the attention of Anne Bills, at the Board's office or [anne.bills@maine.gov](mailto:anne.bills@maine.gov). In order for the Board to receive this information in time for distribution and consideration at its next meeting, all communications must be received by 8:00 AM, three days prior to the Board meeting date (e.g., if the meeting is on a Friday, the deadline would be Tuesday at 8:00 AM). Any information received after the deadline will be held over for the next meeting.
- During rulemaking, when proposing new or amending old regulations, the Board is subject to the requirements of the APA (Administrative Procedures Act), and comments must be taken according to the rules established by the Legislature.