



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 23, 2016

NOTE DIFFERENT LOCATION:
Conference Room
Maine DOT John E. Dority Training Center
10 Mountain Ave, Fairfield, Maine

AGENDA
8:30 AM

1. Introductions of Board and Staff

2. Minutes of the August 19, 2016 Board Meeting
Presentation By: Megan Patterson
Manager of Pesticide Programs

Action Needed: Amend and/or Approve

3. Consideration of Enforcement Action Against Stone Wall Farms, Lincoln, Maine

In matters involving substantial threats to the environment or the public health or other extraordinary circumstances, or in which there is dispute over the material facts or law, the Board's staff shall bring the matter to the attention of the Board. This case involves the use of a pesticide in a careless, negligent or faulty manner and the use of a pesticide in a manner inconsistent with product labeling, which resulted in the death of two dogs.

Presentation By: Raymond Connors
Manager of Compliance

Action Needed: Determine Appropriate Enforcement Response

4. Consideration of Enforcement Action Against Joseph Fazekas, Harpswell, Maine

In matters involving substantial threats to the environment or the public health or other extraordinary circumstances, or in which there is dispute over the material facts or law, the Board's staff shall bring the matter to the attention of the Board. This case involves an unauthorized pesticide application.

Presentation By: Raymond Connors
Manager of Compliance

Action Needed: Determine Appropriate Enforcement Response

5. Consideration of Consent Agreement with Granite Bay Care, Inc., Portland, Maine

The Board's Enforcement Protocol authorizes staff to work with the Attorney General and negotiate consent agreements in advance on matters not involving substantial threats to the environment or public health. This procedure was designed for cases where there is no dispute of material facts or law, and the violator admits to the violation and acknowledges a willingness to pay a fine to resolve the matter. This case involves the indoor application of an unregistered pesticide by an unlicensed applicator to an area open to use by the public.

Presentation By: Raymond Connors
Manager of Compliance

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

6. Overview of Historical Maine Lawn and Landscape Pesticide Use Estimates

At the August 19, 2016 meeting, the Board requested an explanation of the methodology used by Board staff to estimate Maine lawn and landscape pesticide use trends. The analysis utilized annual sales and use reports submitted to the Board by pesticide dealers and commercial applicators. Gary Fish, the State Horticulturist, will provide an overview of past estimates.

Presentation By: Gary Fish
State Horticulturist

Action Needed: None—Informational Only

7. Review and Discussion of Board Homeowner Education Efforts

At the August 19, 2016 meeting, the Board requested a presentation of an updated outreach plan at the following meeting and progress updates at all subsequent meetings. Over the last several months, the Board discussed various ideas and approaches for improving education of homeowners on the use of Integrated Pest Management and the proper use of pesticides. Staff will provide an update to the Board about activities planned for the winter and spring of 2016 and 2017.

Presentation By: Megan Patterson
Manager of Pesticide Programs

Action Needed: Determine next steps

8. Overview of Pesticide Sales and Use Data Submitted to the Board

At the August 19, 2016 Meeting, the Board requested a presentation detailing current pesticide sales and use reports. The staff will explain the current requirements and the nature of the information that is received by the Board.

Presentation By: Megan Patterson
Manager of Pesticide Programs

Action Needed: None—Informational Only

9. Other Old or New Business

- a. Chapter 29 Variance for Vegetation Control Service, Inc.
- b. Revision of Chapter 29 Variance for Vegetation Control Service, Inc.
- c. Chapter 29 Variance for Maine Coast Heritage Trust
- d. Chapter 29 Variance for Town of North Yarmouth

10. Schedule of Future Meetings

November 4 and December 16, 2016 are tentative Board meeting dates. The Board will decide whether to change and/or add dates.

Adjustments and/or Additional Dates?

11. 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.