



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

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

BOARD OF PESTICIDES CONTROL

August 5, 2022

9:00 a.m. Board Meeting

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

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

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

Phone Conference ID: 828 502 102#

AGENDA

1. Introductions of Board and Staff

2. Minutes of the June 17, 2022 Board Meeting

Presentation By: Henry Jennings

Action Needed: Amend and/or approve

3. Continuing Discussion on Annual Funding to Maine CDC for Mosquito Monitoring

At its June 17, 2022 meeting, the Board entertained a report from the Maine CDC relative to its use of mosquito monitoring funds for 2021 and its plans for the use of funds in 2022. Board members had questions about the status of the insectary and efforts to monitor for insect resistance to insecticides. The Maine CDC agreed to research the Board's questions and report back at the next meeting.

Presentation By: Sara Robinson, Infectious Disease Epidemiology Program Director

Action Needed: Report Back Relative to Board questions; Determine Grant Funding for 2022

MEGAN PATTERSON, DIRECTOR
90 BLOSSOM LANE, DEERING BUILDING



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

4. LD 2019—An Act To Require the Registration of Adjuvants in the State and To Regulate the Distribution of Pesticides with Perfluoroalkyl and Polyfluoroalkyl Substances

At its June 17, 2022 meeting, the Board reviewed/discussed LD 2019. It requested that the staff provide information on existing regulations relative to pesticide containers and to research options relative to defining what “contamination” means in the context of the bill.

Presentations By: Andrew Smith, State Toxicologist, Department of Health and Human Services

Action Needed: Review/Discuss Provided Information, Determine Next Steps

5. Adoption of Proposed Rule Amendments to Chapter 41

On June 17, 2022, the Board held a public hearing to solicit comments relative to proposed amendments to Chapter 41 of its rules. No comments were received on the proposal. The Board will consider whether to adopt the proposed amendments, together with the basis statement, response to comments, and the statement of impact on small business.

Presentation By: Karla Boyd

Action Needed: Determine Whether to Adopt Amendments to Chapter 41

6. Consideration of a Consent Agreement with Nervous Ticks, Edgecomb, Maine

On June 3, 1998, the Board amended its Enforcement Protocol to authorize staff to work with the Attorney General and negotiate consent agreements in advance on matters not involving substantial threats to the environment or public health. This procedure was designed for cases where there is no dispute of material facts or law, and the violator admits to the violation and acknowledges a willingness to pay a fine to resolve the matter. This case involved an unlicensed company making commercial applications of a FIFRA Section 25B exempt pesticide to residential properties.

Presentation By: Ray Connors, Manager of Compliance

Action Needed: Review and/or Approve

7. Board Discussion/Review of Penalties and Assessment Rationale

At its June 17, 2022 meeting, Board members voiced questions relative to how fines are calculated and whether some fines should be higher. The Board requested that the matter be placed on a future agenda for discussion and review.

Presentation By: Raymond Connors/Henry Jennings

Action Needed: Provide Guidance to the Staff

8. Consideration/Adoption of Board Policies Relative to Invasive Invertebrate Pests and Emergency Uses of Neonicotinoids

Recent amendments to the Board's statutes required the Board to conduct rulemaking to place limitations on the use of certain neonicotinoid active ingredients on residential landscapes. Once the Board finally adopts those rule amendments, it will need to adopt two policies relative to the operation of the rule, including: 1) a list of invasive invertebrate pests; and 2) a policy on the issuance of emergency use permits. The staff has developed two policies and a draft permit application form for the Board's consideration.

Presentation By: Karla Boyd

Action Needed: Amend and/or approve

9. Other Old and New Business

a. Variance Permit Issued to Basswood Environmental, LLC.

b. Variance Permit Issued to Midcoast Conservancy

c. Variance Permit Issued to Dubois Contracting

d. Other items?

10. Schedule of Future Meetings

September 9, 2022 and October 21, 2022 are the next tentative Board meeting dates. The Board will decide whether to change and/or add dates.

The Board will also decide if there is a continuing need to meet remotely.

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.