



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

December 2, 2022

9:00 a.m. Board Meeting—Hybrid

Join the meeting in person in Room 118, Marquardt Building, 32 Blossom Lane, Augusta
Or

Join the meeting remotely by video conference hosted in MS Teams:

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 229 700 878 808

Passcode: GgbJ2s

Or call in (audio only)

[+1 207-209-4724](#) United States, Portland

Phone Conference ID: 744 855 174#

AGENDA

1. Introductions of Board and Staff

2. Minutes of the October 21, 2022 Board Meeting

Presentation By: Megan Patterson, Director

Action Needed: Amend and/or approve

3. Request to Extend Special Local Need [24(c)] Registration for Callisto Herbicide (Syngenta Crop Protection, Inc.) for Broadleaf Weeds in Lowbush Blueberries in the Bearing and Nonbearing Years

Syngenta Crop Protection, Inc. is requesting extension of a Special Local Need [24(c)] Application to allow use of Callisto® herbicide for broadleaf weed control on low bush blueberries in the bearing and non-bearing years. This request is supported by Lily Calderwood, Maine Cooperative Extension Wild Blueberry Specialist. The expiring 24(c) for Callisto is for use in lowbush blueberries during the crop-bearing year. Because the additional applications will be made in the non-bearing year, residues are expected to be below the established tolerance.

MEGAN PATTERSON, DIRECTOR
90 BLOSSOM LANE, DEERING BUILDING



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Presentations By: Mary Tomlinson, Pesticides Registrar and Water Quality Specialist
Action Needed: Approve/Disapprove 24(c) Registration Request

4. Request to Extend Special Local Need [24(c)] Registration for Milestone Herbicide (Corteva Agrisciences) for Herbaceous Broadleaf Weeds and Woody Plants for Forest Site Preparation

The extension of this SLN has been requested on behalf of the Maine forest industry. Milestone Herbicide reduces competition by controlling herbaceous broadleaf weeds and woody plants, including native conifers. The industry is seeking to replace the use of glyphosate with aminopyralid.

Presentations By: Mary Tomlinson, Pesticides Registrar and Water Quality Specialist
Action Needed: Approve/Disapprove 24(c) Registration Request

5. Discussion of Progress on the Risk Assessment of Herbicide Use On School Grounds And Human Health Impacts As Proposed by the Medical Advisory Committee and Directed by the Board

At the July 16, 2021, meeting, the Board reviewed LD 519—An Act to Protect Children from Exposure to Toxic Chemicals, which directed the Board to convene the Medical Advisory Committee (MAC) to assess the human health impacts of herbicide use on school grounds. The Board agreed that the MAC should take up the LD 519 directive to evaluate the potential impact of herbicides used on school grounds on human health. The MAC met and staff prepared an interim report incorporating commentary from MAC members. This report was presented to the Board and the Legislature’s Agriculture, Conservation and Forestry Committee. Staff will provide an update on progress on and challenges to completing the MAC proposed projects.

Presentations By: Pam Bryer, PhD, Pesticides Toxicologist

Action Needed: Review/Discuss Provided Information, Provide Guidance

6. Discussion of Progress on Water Quality Monitoring Related to Aerially Applied Herbicides in Forestry

Executive Order 41 FY 20/21 directed the Board to develop a surface water quality monitoring effort to focus on the aerial application of herbicides in forestry to be conducted in 2022. In an effort to be responsive to this request and to accommodate what was a changing timeline for the completion of the EO request, staff conducted a small preliminary surface water quality monitoring pilot study in 2021. Staff proposed an expanded monitoring project for completion in 2022, but in the absence of additional funding chose to develop standard operating procedures and scout potential sampling sites. Staff will provide an update on the progress on and challenges to completing the EO 41 proposed water quality monitoring project.

Presentations By: Pam Bryer, PhD, Pesticides Toxicologist

Action Needed: Review/Discuss Provided Information, Provide Guidance

7. Discussion of Sales and Use Reporting

In 2019, the Board approved funding to develop functionality in MePERLS for the submission of annual use and sales reports. In 2020, staff worked with contractors to develop this functionality. In 2021, staff contracted a temporary employee to begin entering sales and use data from previously submitted records. Also in 2021, LD 524 (collection of pesticide sales and use information) was signed into law. The resolve directed the Board to research workable methods to collect pesticide sales and use records for the purpose of providing information to the public. Staff completed this work and provided a report and presentation to the Legislature's Agriculture, Conservation and Forestry Committee. In 2022, a similar bill was introduced but failed. Also in 2022, staff have spent additional time working with digitized sales and use data. Staff will now provide an update on the work accomplished and challenges encountered while attempting to provide meaningful analysis of sales and use information.

Presentations By: Pam Bryer, PhD, Pesticides Toxicologist

Action Needed: Review/Discuss Provided Information, Provide Guidance

8. Discussion of a Possible Board Planning Session

Prior to 2014 the Board periodically held planning sessions with the entire staff to review Board concerns, issues and priorities. In the past few years, staff have received numerous requests and directives to pursue projects and policy efforts—typically without the allocation of funds and/or staff. Staff would like to discuss the possibility of reviving planning sessions.

Presentations By: Megan Patterson, Director

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

9. Discussion of Pesticide Product Affidavit Submission and By Request Limited Duration Extensions

In 2021 and 2022, the Board conducted rulemaking in response to LD 264—Resolve, Directing the Board of Pesticides Control To Gather Information Relating to Perfluoroalkyl and Polyfluoroalkyl Substances in the State. This resolve directed the Board to amend its rules addressing product registration and require the submission of specific affidavits. The Board finally adopted these rules on April 1, 2022. Staff communicated these regulatory changes to pesticide product registrants. Staff also worked with contracted developers to create functionality to collect affidavits in the pesticide product registration and renewal process. This work was completed prior to the November 1 start of registration renewal season. However, some registrants have indicated that they need additional time to address confidential business and trade secret information. Staff are proposing a short extension of no greater than two months, to end on February 28, 2023. Staff will present the proposed requirements for registrants seeking an extension.

Presentations By: Megan Patterson, Director

Action Needed: Review/Discuss Provided Information, Provide Guidance

10. Discussion of Reciprocal Certification of Applicators Based On Certification Issued by Another State

Since 1974, the Maine Department of Agriculture has been receiving funds from EPA in the form of a program partnership grant. This money supports the regulation of pesticide use in the state. Upon the origination of this partnership, a “Plan for Certification of Pesticide

Applicators” was developed. Since 2018, staff have worked to revise the State Plan and incorporate federal changes to the section of FIFRA pertaining to certification and training rules. EPA has reviewed drafts of the Plan and requested additional clarification of the circumstances under which the Board will issue reciprocal certification. While the Board has broad authority to permit reciprocity, the rules describing the application of this authority are narrow in scope—pertaining primarily to aerial application in emergency situations. Staff will provide a description of the current circumstances under which reciprocity may be permitted and existing and proposed requirements applicators must meet to receive a temporary reciprocal license.

Presentations By: John Pietroski, Manager of Pesticide Programs

Action Needed: Review/Discuss Provided Information, Provide Guidance

11. Discussion of Guidelines for In-person, Virtual, Taped Video, and On-line Recertification Courses

As a part of the State Plan review process, EPA has requested additional information on the Board’s standards for recertification courses. Staff have compiled existing standards described in rule and previously approved by the Board. Additionally, in response to the increased interest in virtual trainings, staff have developed standards for these meetings that reflect the current practices in neighboring states as well as the practices of existing Maine-based training collaborators. Staff will present the proposed recertification meeting guidelines.

Presentations By: John Pietroski, Manager of Pesticide Programs

Action Needed: Review/Discuss Provided Information, Provide Guidance

12. Other Old and New Business

- a. EPA Federal Register Proposal—Proposed Removal of PFAS Chemicals from Approved Inert Ingredient List for Pesticide Products
- b. Civil Eats article
- c. Chlorpyrifos permit
- d. Other items?

13. Schedule of Future Meetings

January 11, 2023, February 24, 2023, and April 7, 2023 are the next tentative Board meeting dates. The Board will decide whether to change and/or add dates.

The Board will also decide if future meetings will be remote, in-person or hybrid.

Adjustments and/or Additional Dates?

14. 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.