



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

February 24, 2023

9:00 AM Board Meeting

Join the meeting in person in Room 101, Deering Building, 90 Blossom Lane, Augusta

Or

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 278 567 297 182

Passcode: qiNnJR

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[+1 207-209-4724.,729270331#](tel:+12072094724729270331) United States, Portland

Phone Conference ID: 729 270 331#

AGENDA

1. Introductions of Board and Staff
2. Minutes of the December 2, 2022 and January 11, 2023 Regular Board Meetings, and the January 20, 2023 Emergency Board Meeting

Presentation By: Megan Patterson, Director

Action Needed: Amend and/or approve

3. Report on 2022 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 2022 and requesting funds to assist with ongoing efforts for mosquito surveillance, identification, and continued outreach around vector-borne diseases.

Presentation By: Hillary Peterson, DACF IPM Specialist

MEGAN PATTERSON, DIRECTOR
90 BLOSSOM LANE, DEERING BUILDING



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

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

4. Staff Memo: Status of Commercial Category 7C in Chapter 31

Demand has recently increased for commercial applicator certification in category 7C and the related subcategories. As a result of this increased demand, staff have reviewed the subcategories and the types of applications conducted under this certification—primarily powered application of disinfectants for the management of human disease. Staff have identified ways by which the category 7C and the related subcategories may be reorganized to better address current approaches to pesticide application.

Presentation By: John Pietroski, Manager of Pesticide Programs

Action Needed: Discuss and determine next steps

5. Staff Memo: Residential Property

At its February 25, 2022 meeting, the Board discussed further defining the term “Residential Landscapes” in the context of Chapter 41, Section 6. Currently in rule, the term “sensitive areas likely to be occupied” includes residential properties, but residential is not defined. The Board requested information on all potential rulemaking concepts at its January 11, 2023 meeting. To aid in facilitating continued discussion of rulemaking concepts, staff have prepared a summary of definitions that could be used for “residential landscapes”.

Presentation By: Karla Boyd, Policy and Regulations Specialist

Action Needed: Discuss and determine next steps

6. Review and Discussion of Potential Rulemaking Topics

At the January 11, 2023 meeting the Board expressed interest in initiating rulemaking to incorporate existing Board policy and other potential rulemaking topics. Since rulemaking is expensive and time consuming the Board generally tries to group rulemaking initiatives. The staff will present a timetable of possible hearing dates and a list of rulemaking ideas which the Board or staff has previously identified.

Presentation By: Karla Boyd, Policy and Regulations Specialist

Action Needed: Determine whether to initiate rulemaking and schedule a hearing

7. Discussion of Staff Report Describing the Nature of Herbicide Applications on School Grounds in Maine

In 2021 and 2022, the Board of Pesticides Control collected records from all applicators who applied herbicides on school grounds for 2020 and 2021. The provided report is a continuation of work completed to support the Board’s Medical Advisory Committee and it further summarizes the data collected. Staff will present the report.

Presentation By: Pam Bryer, PhD, Pesticides Toxicologist

Action Needed: Review/discuss provided information, provide guidance

8. Staff Memo: Clarify the Definition of Adjuvants to Include/Exclude Colorants

In 2022, the Board's authority was expanded to include the regulation of spray adjuvants. Staff recently received a request for clarification of the definition of spray adjuvant and the inclusion or exclusion of colorants in that definition.

Presentation By: Megan Patterson, Director

Action Needed: Review/discuss provided information, provide guidance

9. Other Old and New Business

a. BPC Letter re LD 2019 and Container Rulemaking

b. Update on 2023 pesticide product registration renewal progress

c. Update on LD 8—An Act to Increase Support for the Modernization of the Board of Pesticides Control by Increasing the Annual Pesticide Registration Fee

d. Report from the University of Maine to BPC and ACF Committee on Pesticide Safety Education and Training in 2022

e. Other items?

10. Schedule of Future Meetings

April 7, 2023 is the next tentative Board meeting date. 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?

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.