



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

January 15, 2020

Augusta Civic Center, 76 Community Drive, Kennebec/Penobscot Room, Augusta, Maine

1:00 - 1:30 PM Board Meeting
1:30 - 2:00 PM Public Forum On Notification
2:00 – 4:00 PM Board Meeting Continued

MINUTES

Present: Adams, Bohlen, Jemison, Granger, Morrill, Waterman

1. Introductions of Board and Staff

- The Board, Assistant Attorney General Randlett, and Staff introduced themselves
- Staff Present: Bryer, Connors, Couture, Nelson, Patterson, Pietroski, Tomlinson, Saucier

2. Minutes of the November 8, 2019 Board Meeting

Presentation By: Megan Patterson, Director

Action Needed: Amend and/or Approve

- **Jemison/Granger: Moved and seconded to accept minutes**
- **In Favor: Unanimous**

3. Request for Financial Support from the Maine Mobile Health Program and the Eastern Maine Development Corporation

Since 1995 the Board has supported a Migrant and Seasonal Farmworker Safety Education program. The Maine Mobile Health Program (MMHP) and Eastern Maine Development Corporation (EMDC provided training to 315 migrant agricultural workers during the 2019 season). Funding to support this effort in 2020 is being requested in the amount of \$5,360, which is the same amount the Board provided in 2019. The funding has been accounted for in the Board's FY20 budget.

MEGAN PATTERSON, DIRECTOR
90 BLOSSOM LANE, DEERING BUILDING



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

Presentation By: Chris Huh, Program Manager, Farmworkers Jobs Program, Eastern Maine Development Corporation

Elizabeth Charles McGough, Director of Outreach, Maine Mobile Health Program

Action Needed: Discussion and Determination if the Board Wishes to Fund this Request

- Huh explained that he works for the Eastern Maine Development Corporation, which manages state-wide programs to provide support to those working in agriculture, as well as their family members. Huh also serves on the Board of the Association of Farmworker Opportunity Programs (AFOP), which receives its funding from EPA and OSHA to provide, among other services, Worker Protection Standard (WPS) training. The BPC matches funding received from AFOP so they can deploy this training in state.
- Charles-McGough stated that the MMHP hires a seasonal bilingual employee to provide WPS training to those throughout the state in English and Spanish. They also use interpretation services when necessary to provide training in additional languages.
- Charles-McGough explained that last year's trainer is now working full-time for the MMHP. She added that MMHP would additionally like to train a staff member they have who speaks English, Spanish, and Haitian creole.
- Huh thanked the Board for their past support.
- Jemison stated the he has been a big supporter of their program for many years.
 - **Jemison/Granger: Moved and seconded to fund request**
 - **In Favor: Unanimous**

4. Request for Financial Support from the Maine State Apiarist for CLEAR Training

Maine State Apiarist, Jennifer Lund, has requested funding to attend the National Certified Investigator & Inspector Basic Training held in Raleigh, North Carolina in March 2020. This course is designed to provide training in the basics of case development. Funding to support this effort in 2020 is being requested in the amount of \$2,000.

Presentation By: Jennifer Lund, State Apiarist

Action Needed: Discussion and Determination if the Board Wishes to Fund this Request

- Lund explained as the Maine State Apiarist she does all things bees, especially working with bee keepers on hive management issues, mandatory registration, and inspecting incoming agricultural hives to ensure no diseases are brought into the state that could affect resident bee populations.

- Patterson explained to the Board that this three-day course would help Lund investigate suspected pesticide related bee incidents and coordinate with BPC staff inspectors. The course covers interviewing, sample collection, report writing, and providing testimony.
 - **Jemison/Waterman: Moved and seconded to fund request**
 - **In Favor: Unanimous**

5. Request to Review Board Notification Requirements

For the November 2019 meeting of the Board, Representative Pluecker provided a letter asking the Board to convene a meeting of stakeholders to discuss strengths and potential weaknesses of the Board's current notification rules. Representative Pluecker was unable to attend the November meeting and the Board chose to table the discussion until the January 15, 2020 meeting. The Board will now continue the discussion.

Presentation By: Megan Patterson, Director

Action Needed: None, Informational Only

- Morrill thanked Representative Pluecker for coming and hoped the Board can answer some of his questions.
- Pluecker is the state representative covering Warren, Hope, Appleton, and part of Union. He has a small organic farm that has been in operation for 16 years.
- Pluecker told the Board that one of the sites he was leasing was next to a conventional blueberry operation and one day while he was working on the land, they were spraying malathion next door. Pluecker stated that they could smell the malathion strongly from where they were, so he called the BPC and MOFGA and left the fields.
- Patterson noted that this was investigated by BPC staff.
- Pluecker added that the owner of the field he was leasing attempted to talk to the sub-contractor making the application and was told to contact the sub-contractor's employer. The contractor finished the application. Pluecker stated that BPC staff tested for drift and found less than 1% residue. He added that there were bees on the property and there was a bee kill.
- Pluecker told the Board that MOFGA also collected samples and found no residue. If they had he would have lost organic certification for three years. He realized that reporting this had not helped him at all and that he was the one to face the repercussions. Pluecker asked if there was anything he could do to help the process. He stated that it was cumbersome to get on the notification registry because there is a deadline and a fee. Also, he added, the final notification needs to come from the landowner and sometimes the landowner is several layers removed from those doing the spraying.
- Pluecker told the Board that he understands this is a complicated issue and conventional farmers need some of these chemicals, but they also need to respect the needs of abutting landowners. If we handle this with legislation it becomes combative and there are a lot of fears.

- Morrill thanked Pluecker for taking the time to come to the Board meeting to discuss this issue.
- Detectable levels found on Pluecker's crop were less than one percent of the level detected on the target site and less than five percent of the EPA tolerance level for the sampled crops. USDA National Organic Program allows this produce to still be marketed as organic. If there had been residue on a crop that did not have tolerance, then it would have not been saleable.
- Pluecker stated that he had a variety of crops in the field.
- Morrill commented that he was learning much more about the leasing and sub-leasing of farm fields and that the owner is sometimes not even present. He asked how the application was made.
- Patterson replied that it was applied by air blast, and if they had asked for notification, it would have been the landowner or land manager who would be responsible for notifying the organic farm.
- Jemison asked Pluecker if he was on the notification registry at the time.
- Pluecker replied that he was not.
- Jemison asked if Pluecker had signed up since the incident occurred.
- Pluecker replied that he had not.
- Carey Nash stated that under the rules any abutter who wants notification contacts the person managing the land or the landowner if they do not know who is managing the land. The landowner then contacts the lessee and then they are responsible for notification. He added that in his case, as the lessee, he has the responsibility of notifying, answering any questions, and bringing a copy of the labels to the abutter.
- Patterson responded that Nash was correct.
- Pluecker told the Board that he made the request to get us all in a room together to discuss what is and is not working and make it work most smoothly and efficiently for everyone.
- Morrill asked Pluecker what his vision of this would look like.
- Pluecker responded that he would like to work with Patterson on it and have stakeholders from the large industry groups, including forestry and organic.
- Randlett commented that how rulemaking will be accomplished may come into play as will rules for public meetings. This work will have to allow any interested party to attend, and the Board must take comment from all parties. Randlett indicated that the rulemaking process is covered under the Maine Administrative Procedures Act. There are strict standards that must be upheld when stakeholders are engaged in consensus-based rulemaking.
- There was discussion about whether any changes made to the notification rules would be considered major substantive and would therefore involve the legislature.
- Randlett stated that he believed this would be major substantive.

- Pluecker asked the Board if they would want their hand in a consensus-based process or if they wanted them to start at the legislature.
 - **Morrill/Adams: Moved and seconded to suspend Board meeting at 1:30 PM and open public listening session**
 - **In Favor: Unanimous**

-
- **Morrill/Waterman: Moved and seconded to adjourn public listening session at 2:00 PM and resume Board meeting session**
 - **In Favor: Unanimous**
 - Morrill commented to Pluecker that notification is a tough topic and it appears the specific topic presented for consideration is agricultural notification. Morrill asked where the rest of the Board would wish to go. The Board could review the lessee/owner notification obligations.
 - Patterson asked the Board for clarification on how they would like to move forward—a stakeholder group, begin rulemaking, or begin with having discussion.
 - Bohlen stated that he was not sure the Board had enough conversation yet to identify the boundaries of what constitutes rulemaking. He noted that he was not comfortable stating what the scope is that he wants to discuss, and that the Board needs to have further conversation to decide whether to move forward with rulemaking or not. Bohlen commented that he did not even know which rule we are looking to change at this point.
 - Adams commented that what happened to Pluecker is unacceptable, but he did not understand how notification would have changed what happened. It's not going to stop what is already illegal. Notification would not have been relevant. He stated this issue requires further deliberation before conducting rulemaking.
 - Morrill stated that it seemed like the crux of the issue was drift. The drift rule is at 1% and when we wrote it that was because it was the number we could discern and make enforceable.
 - Bohlen commented that just because there was less than one percent does not mean it was allowed. It means the applicator had to show they had done their due diligence, had a drift plan.
 - Randlett stated that rule dictates that applicators must avoid off-target deposition to the maximum level practicable, so if off-target deposition exceeds 1% that is prima facie evidence that the drift rule has been broken.
 - Granger commented that there are no easy solutions to this issue. The Board has pretty good control over the licensed applicators, but the unlicensed applicators are something else. The Board also has no authority over local ordinances. It almost seems if the number of stakeholders is limited, there may be continued issues. Perhaps start with an open forum.
 - Randlett stated that whichever way the Board decides to proceed, it cannot hold a limited stakeholder meeting but must be open to anyone who wants to participate and provide feedback.

- Morrill asked who would facilitate the meeting.
- Randlett responded that the notice would be provided by the Board and the Chair would open the floor for discussion.
- Jemison commented that having been through this process once you'd think we would make gains, but we do not. He added that the one positive thing is that it has been eleven years and technology has improved. There may be a way we could do this much more efficiently that we did eleven years ago.
- Patricia Kontur, from the Wild Blueberry Commission, asked how many cases of drift violations occurred in the past year or two.
- Patterson responded that she could find the answer to that question and share it.
- Kontur commented on the outreach done by the BPC and Cooperative Extension to educate and direct agricultural producers to comply with rule. She added that she felt bad Pluecker had to deal with a violator but that this was not something which occurs consistently.
- Patterson stated that Pietroski is responsible for classes, which there are more of now than we have had in the past, and we do collaborate with Cooperative Extension.
- Pietroski stated that the BPC has done three annual updates during this Agricultural Trades Show and that drift control has been a part of each one.
- Kontur spoke about her involvement in revising the notification process ten years ago. She said that this one incident being discussed was a violation and she thought we would need to see more problems before entering into rulemaking. Kontur said they could be more aggressive in getting our notification out, but we also have been putting out brochures for the last ten years to assist our farmers in getting notification out to abutters, and development continues to increase in areas where wild blueberries are grown.
- Morrill stated that he was not quite sure which direction to go with this complex issue. He added that not only was drift of concern, but so was the reaction of the applicator when Pluecker came to him and he can understand Pluecker's desire to be notified of applications as well. Morrill added that the BPC does a good job of reaching applicators but a poor job of reaching the general public. General homeowners do not know who the BPC is, much less what notification requirements exist, and that speaks to the need for education.
- Jemison stated that he believed having an open session to see where people are might make sense.
- Waterman commented that technology has changed, and the public's psychology has also changed; there is a rising tide of curiosity about health risks. He stated that agricultural producers feel comfortable with what they are doing because they know the products and how to use them, but the public does not know that. Waterman said he agreed that the public does not know the BPC exists, and stated his support for a public meeting.
- Morrill asked the Board whether they would like to table this topic until next meeting and have time to think more about it or have an informational gathering session at next Board meeting.

- Granger stated that having a meeting might clarify how the Board would like to move forward.
- Bohlen commented that the Board had heard about online notification mechanisms such as Bee Watch and he would like to know what other technological options are out there. Bohlen stated he would like to have some information on this and what other states/groups have done.
- Patterson commented that the Drift Watch folks agreed to give a talk at our next meeting if the Board would like to hear from them. She added that she can also research what other states have done and get a quote from MEPERLS to see what it would take to build something into that system.
- Jemison said that would be great, and possibly Patterson could give the Board an update at the next Board meeting and give them some time to review it, unless we want to use that opportunity to tell everyone interested in the topic.
- Spaulding asked if the Board remembered the work Paul Schlein had done that was specifically designed to be a comprehensive system tied to maps and SDS sheets. She added that it seemed like a good thing then and that it should be considered.
- Jemison commented that possibly we could improve on that.
- Patterson responded that the system was never completed, or put into use, and is not usable at this point in time. She added that, depending on what documentation still exists, that information could possibly be used as a template.
- Bohlen stated that Representative Pluecker brought this to us and I know he has a schedule. He then asked Pluecker what the legislative timeline looked like.
- Pluecker stated this could not be completed before session ends and it would be laying the groundwork for future resolution.
 - **Jemison/Adams: Moved and seconded to include a public information gathering session at the next Board meeting**
 - **In Favor: Unanimous**

6. Discussion of Board Approved Products for Control of Browntail Moth within 250 feet of Marine Waters

On January 25, 2008, the Board adopted Section 5 of Chapter 29 which regulates the use of insecticides used to control browntail moth within 250 feet of marine waters. Section 5 limits insecticide active ingredients to those approved by the Board. At its April 19, 2019 meeting the Board received inquiries about active ingredients for removal from and addition to the list. Subsequently, the staff was directed to update the list of approved active ingredients for browntail moth control. The Board will now consider the list.

Presentation By: Pam Bryer, Pesticide Toxicologist

Action Needed: Amend or Approve the List of Products for Browntail Moth Control

- Bryer told the Board that looking through these labels there were differing scenarios, for example, some of the active ingredients only allow for one application per year. Explaining to the Board how to read the chart, Bryer stated that if they saw green in both boxes, acute and chronic, that means the risk was at an acceptable level.
- Bryer noted that tree injection does not need to be on that list because when run through risk assessment models this application method has very low levels of risk. She noted that imidacloprid had been removed from the list by the Maine Forest Service because it is not thought to be effective against browntail moth.
- Bryer stated she wanted to look at risks for applications done at maximum label rates. To do this she used agricultural drift software, which also allowed her to calculate concentration at the moment of application.
- Morrill thanked Bryer for doing this and stated it was a very clearly explained risk assessment that even lay people can understand.
- Bohlen stated that he was unfamiliar with all of these active ingredients and asked if there were differing modes of action and if the proposed list provided for long term management of resistance.
- Bryer stated that she did not spend much time on this, but there were multiple modes of action.
- Bohlen responded that it made him feel more confident that there were multiple modes of action on the list.
- Morrill asked if any applicators had reviewed the new list.
- Bryer stated that she was concerned about the big changes, but the list was informed by applicators who are actually making the treatments.
- Morrill commented that a couple of years ago the Maine Forest Service was doing testing on bark applications and it would be interesting to know if there is any efficacy data on this we could access.
- Bohlen commented that it would be helpful to know if these are active ingredients that applicators will be able to access and if this policy change would make browntail moth management difficult.
- Bryer stated she did not know about all of them but that acephate is currently being used by applicators.
- Morrill stated that it is mid-January and application season will start in three months. People are signing up now for browntail moth treatments and applicators need to be able to purchase product. He asked what the ability of staff was to educate applicators on this change.
- Patterson stated that staff will amend the policy document and bring it back to the Board. She told the Board that staff could notify applicators immediately of this policy change and also send out a press release through the department.
- Morrill stated that Bryer did not look at biologicals and asked if she planned to go back and look at these in the future.

- Bryer said yes, the biologicals were not comparable to the synthetic chemistries and there is not as much data on them. She added that she could have a study on biologicals completed by next year at this time.
 - **Jemison/Granger: Moved and seconded to authorize staff to amend the policy document with the list of active ingredients presented today**
 - **In Favor: Unanimous**

7. Request for Funding to Support an AmeriCorps Steward

Staff are requesting funding to support the employment of an AmeriCorps Steward. The individual in this position would help with editing pesticide applicator exam study manuals and philosophy into these important educational tools. The applicant may also help with the development of outreach materials that promote IPM and the proper and prudent use of pesticides. Funding to support this temporary position is being requested in the amount of \$11,000. The employment period for this position is April 20, 2020 to October 2, 2020.

Presentation By: John Pietroski, Manager of Pesticide Programs

Action Needed: Discussion and Determination if the Board Wishes to Fund this Request

- Pietroski told the Board that staff has well over 30 manuals to maintain and many of them need updating, especially after implementing EPA's new Certification and Training rules. He added that he and Couture recently attended a two-day training on composing exam questions and there is much work to be done updating our current exams.
- Pietroski stated that the AmeriCorps Steward would work with BPC staff for 900 hours from April to October. The role of the individual would be to help with manuals and exam questions, as well as increase outreach to the general public about the BPC.
- Morrill commented that the person's wage would be \$12.22 per hour and asked what Pietroski's goal was for the position. He added that it was his understanding that UMaine Cooperative Extension was responsible for writing the manuals and asked if we are duplicating work that should be done by Cooperative Extension.
- Pietroski replied that he had spoken to Bernard about this and she is doing a great job. He feels staff are not able to keep manuals sufficiently current. Pietroski added that it takes a long time to review these manuals and there are some that need considerable work.
- Jemison commented that it would be difficult to find a recently graduated college student who would have the knowledge base to do this kind of work.
- Pietroski responded that there is a lot of editing to do as well and he was not expecting someone to come in and understand that content.
- Adams commented that the fumigation manuals are so old and dated that they have nothing to do with what applicators are currently doing. He added that the forestry manuals and exam also need work because the manuals have so little to do with what applicators are doing today that the content is irrelevant.

- Pietroski stated that he was hoping to conduct more outreach to applicators to truly understand what work they are doing and what knowledge is essential to that work.
- Morrill commented that he was leery this person would not have enough knowledge and expertise to write a manual.
- Pietroski responded that he did not plan to ask them to write a manual, but rather help to gather information.
- Patterson stated that several manuals are a combination of fact sheets and sometimes a section of a manual that was pertinent to Maine. She stated that Chapter 31 gives us structure and guidelines on exactly what content is pertinent to each category. In some cases, the Board has developed agreements with other states to sell their manuals in Maine. Maine has used different approaches with different categories depending on the applications that fall within that category.
- Morrill stated that he wanted to make sure we get measurable results and asked if there was a list of what staff wanted to accomplish, such as exams and/or manuals that need to be tackled right out of the gate.
- Patterson responded that staff does keep a list of each manual/exam and the last time they have been revised.
- Jemison had to exit the Board meeting to give a previously scheduled presentation at the Agricultural Trades Show.
- Bohlen stated that he thought there was a risk considering the age and the knowledge and skill level of the potential employee.
- Morrill stated that at the conclusion of the season the Board would like a report on how this employee's time was used and if the educational level was there.
 - **Adams/Bohlen: Moved and seconded to accept request to fund request for employment of an AmeriCorps Steward**
 - **In Favor: Adams, Bohlen, Morrill, Waterman**
 - **Opposed: Granger**

8. Consideration of Consent Agreement with Triest Ag Group, Greenville, North Carolina

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 licensing, storage, training, and applications.

Presentation By: Raymond Connors, Manager of Compliance

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

- Connors stated that in 2015 there were two Triest Ag Group employees who were not certified and were conducting and supervising fumigation applications. There was also no master applicator with the company at the time. Fumigation applications were made in Presque Isle, Limestone, and Washburn.
- In 2017 there was an incident where an application was made to a potato field in Washburn and the material moved off site. The employees did not complete the EPA Soil Fumigation Training or field preparation as directed by the Strike 85CP Fumigant label. There were clumps of soil and residue from a previous crop present in the target site, allowing the product to escape and move approximately 400' off the property. Two individuals experienced symptoms related to picloram poisoning, including burning eyes and nausea.
- Connors told the Board that there was a separate incident where another state employee noticed there were also 18 picloram containers at that site, and 28 at two other sites, for a total of 46 containers.
- Morrill asked what the gallon capacity of the tanks was.
- Connors responded that it looks kind of like a larger propane tank on its side with a bonnet on it. Each label includes a storage component stipulating tanks be stored in dry, cool, well ventilated area under lock and key. Triest's containers were stored outside in the elements from September 2018 until June 2019. Connors added that they were originally intended for use in fall of 2018 but were not used due to inclement weather.
- Connors informed the Board that he sent a consent agreement to Triest Ag Group in early September. The company countered that the bonnet on the container was protective enough, but they ultimately signed the agreement and sent it back, but without a check. The consent agreement went back to them with some revisions and they did pay and said they would take steps to prevent this from occurring again.
- Morrill asked what steps the company planned to take.
- Connors responded that they have since licensed staff and taken the required online training.
- Morrill asked if Triest Ag Group was still operating in the State of Maine.
- Connors responded that the season is currently over, but it is likely they will operate here in the future, hopefully with much better practices.
- Morrill asked if there were plans to do some field inspections this spring and summer.
- Connors replied yes, and Inspector Keith Brown has inspected other companies conducting fumigation applications because it is new to the state and staff wants to ensure they are made in compliance.
 - **Waterman/Granger: Moved and seconded to approve the consent agreement**
 - **In Favor: Bohlen, Granger, Morrill, Waterman**
 - **Abstained: Adams**

9. Consideration of Consent Agreement with TruGreen Lawncare, Westbrook

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 unauthorized applications, application in excessive winds, failure to post turf applications, no approved method for positive identification of the application site, failure to report applications to wrong properties, and failure to provide required notification to a registry member.

Presentation By: Raymond Connors, Manager of Compliance

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

- Connors stated that TruGreen bought out Scott's, and the complaint concerned a customer who was not happy with their service and cancelled it. The complainant stated they told TruGreen on two occasions that they no longer wanted service, yet another unauthorized application was made.
- Connors stated that the company also made an application in Scarborough and there was a complaint that it was made in high winds. The application records reported very low wind speeds. The inspector checked the National Oceanic and Atmospheric Administration (NOAA), record for that time and it showed 20-21 miles per hour winds, with gusts of 30-31 miles per hour.
- Connors stated that in May of 2019 TruGreen was hired to spray a condo complex with multiple roads and cul-de-sacs. The applicator did not receive sufficient direction on where to spray, and he sprayed a different cul-de-sac. Many condos were sprayed in error. There were other single-family homes in the same area for which lawns were treated and the applications were not posted.
- In July 2019, in Cape Elizabeth, TruGreen failed to notify an individual on the notification registry. TruGreen stated that it was the new Hampshire office that had made that application.
- Connors concluded that all these violations were in a four-year cycle, making the company a repeat offender.
- Morrill commented that it seemed like a lot of work went into this case and he was impressed with staff and their diligence to uncover all these violations.
- Patterson commented that it was worth noting that these are very large fines.
- Morrill agreed that a \$21,000 fine was uncommonly large for the BPC and asked how the Board can be sure this company will not make these same violations again.
- Connors responded that \$5,000 of the consent agreement was suspended with the requirement that TruGreen train current and all new employees about these violations up until the 2020 season. They also sent in details of remedial steps they would take to prevent a recurrence of these violations. Connors stated that staff focused on how the

company was going to ensure they were treating the correct sites in the future, as well as informing those on the registry of impending applications.

- Morrill inquired about the company implementing a positive identification requirement.
- Patterson responded that TruGreen was going to use a GPS-based system and Geo code all addresses at time of sale. At a future date they will include photos of the property in account files.
- Connors stated that the company will not only download the most recent registry from the BPC website but has agreed to extend registry notifications beyond 250 yards.
- Connors stated they plan to use a system that would not allow the company to schedule a job and provide notification the same day
- Morrill suggested inspectors follow up to see how the new system is operating.
 - **Granger/Adams: Moved and seconded approve consent agreement**
 - **In Favor: Unanimous**

10. Correspondence

a. Emails and articles from Jody Spear

- Spear is asking the Board to begin a discussion of chlorothalonil.
- Morrill encouraged all Board members to read the articles submitted.
- Bohlen commented that this was a question that has come up repeatedly and he was uncertain about the statutory authority of the Board to review registered products.
- Morrill stated that the Board has done environmental risk assessments in the past and would have that avenue available, but he does not know enough about the topic yet to suggest one way or the other.

11. Other Items of Interest

a. LD 1888

- Morrill inquired about this bill being scheduled for public hearing.
- Patterson replied that the hearing would be sometime in February. She added that currently the wording is somewhat ambiguous as to the extent of the buildings and facilities covered by the proposed language. There is also the issue of how to manage enforcement and who the Board would take enforcement action against, as well as who is responsible for notification and what types of applications are included. Patterson stated that at this point, the way it is written, it would be very hard to enforce, and work needs to be done to provide clarification.
- Morrill stated that staff need to point out regulations the Board already has in place regarding applications on school grounds.

12. Schedule of Future Meetings

February 28, 2020; April 17, 2020; June 5, 2020; and July 24, 2020 are proposed meeting dates.

13. Adjourn

- **Bohlen/Granger: Moved and seconded to adjourn at 4:00 PM**
- **In Favor: Unanimous**