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STATE OF MAINE
MAINE DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
BOARD OF PESTICIDES CONTROL
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BOARD OF PESTICIDES CONTROL

March 31, 2017

**Room 118
Marquardt Building
32 Blossom Lane, Augusta, Maine**

**AGENDA
9:00 AM**

1. Introductions of Board and Staff

2. Minutes of the February 17, 2017 Board Meeting

Presentation By: Megan Patterson
Manager of Pesticide Programs

Action Needed: Amend and/or Approve

2a. Board Director Appointment

Presentation By: Ann Gibbs
Director of Animal and Plant Health

Action Needed: Discussion by the Board

3. Continuing Discussion About the Board's Budget

At the last three meetings, the Board reviewed the budget with a goal of identifying potential resources that could be allocated to Board priorities. The Department has prepared additional documents per the Board's request to help illustrate the budget process and the current status of the Pesticide Control Fund.

Presentation By: Ann Gibbs
Director of Animal and Plant Health

Action Needed: None—Informational Only

4. Review of the Annual Grant to the University of Maine Cooperative Extension for Manual Development

Public Law 1987, Chapter 723 created a fiscal year 1988-89 state budget allocation of \$22,000 for the purpose of providing a grant to Cooperative Extension to develop and revise pesticide applicator training manuals. Over the subsequent years, Extension increased its funding request until it reached the current level of \$65,000 annually. Donald Barry, the Extension employee who worked on manuals, recently retired. James Dill from the Extension has proposed revising the job duties of this position and requested an opportunity to discuss the future of the position with the Board.

Presentation By: James Dill
University of Maine Cooperative Extension

Action Needed: Approve/Disapprove/Revise Grant

5. Discussion About the Board Subsidizing Speaker Costs to Help Contain the Costs of Jointly Sponsored Pesticide Applicator Training Seminars

Each year the Board and the University of Maine Cooperative Extension jointly sponsor a series of pesticide applicator training seminars. An effort is made to identify subjects and speakers that represent the latest developments in IPM. This often results in contracting with expert speakers from other states, which adds to the cost of hosting training sessions. One way to reduce the costs to the regulated community is for the Board to pay the costs of the speakers, either by contracting with them directly or by providing an annual grant—up to \$5,000—to Extension for that purpose. Before considering those expenditures, the Department believes it's appropriate for the Board to determine whether it supports this use of funds.

Presentation By: Megan Patterson
Manager of Pesticide Programs

Action Needed: Provide Guidance to the Department and Staff

6. Overview of Pesticide Laws that Currently Pertain the Use of Unmanned Aircraft for Pesticide Application

At the February 2017 meeting, the Board discussed the propriety of the using unmanned aircraft to apply pesticides. Following that discussion, the Board requested that the staff return to the next meeting with an overview of the current laws that would apply to the use of unmanned aircraft.

Presentation By: Megan Patterson
Manager of Pesticide Programs

Action Needed: None—Informational Only

7. Continuing Discussion of Rulemaking Priorities

At the last two meetings, the Board discussed pending rulemaking needs and subsequently requested that the staff organize the potential rulemaking topic areas by level of complexity and to provide a brief explanation of each item.

Presentation By: Anne Chamberlain
Policy & Regulations Specialist

Action Needed: Determine Whether to Initiate Rulemaking and Schedule a Hearing

8. Consideration of Consent Agreement with Greenscapes of Maine from Kennebunk, 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 commercial use of a pesticide by an unlicensed applicator.

Presentation By: Raymond Connors
Manager of Compliance

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

9a. Determination of whether Bt should be added to the list of biological pesticides pursuant to Chapter 29, Section 5

The Board received input from the Maine Forest Service and Stephen Nicholson at Valent Biosciences requesting that the Board consider adding Btk to the list of biologicals approved for application against browntail moth within 250 feet of the mean high water mark.

Presentation By: Lebelle Hicks
Toxicologist

Action Needed: Discussion of Policy Addition

9. Other Old or New Business

- b. Homeowner outreach update
- c. Email and article submitted by Paul Schlein
- d. Second email and article submitted by Paul Schlein
- e. Email submitted by Jody Spear
- f. LD 993 An Act To Protect Pollinators From Neonicotinoid Pesticides
- g. LD 594 An Act To Modify the Definition of "General Use Pesticide"
- h. LD 699 An Act To Enact the Toxic Chemicals in the Workplace Act
- i. LD 418 An Act To Educate the Public on the Proper Use of Pesticides and To Promote Integrated Pest management Using Existing Resources

10. Schedule of Future Meetings

May 12, 2017, June 23, 2017, and August 4, 2017 are tentative Board meeting dates. The Board will decide whether to change and/or add dates.

- The August 4, 2017 meeting will be held in Fairfield

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.