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

BOARD OF PESTICIDES CONTROL

April 12, 2013

AMHI Complex, 90 Blossom Lane, Deering Building, Room 319, Augusta, Maine

AGENDA

8:30 AM

1. Introductions of Board and Staff
2. Minutes of the March 1, 2013, Board Meeting

Minutes will be available at the next meeting.

3. Request from Maine Migrant Health Program and Eastern Maine Development Corporation to Help Support a Worker Safety Training Program for Summer 2013

Since 1995, the Board has supported a Migrant and Seasonal Farmworker Safety Education program. During 2012, 411 individuals received pesticide safety training in addition to the other health-related training provided under the grant. The Maine Migrant Health Program and Eastern Maine Development Corporation are planning to provide one health and safety outreach worker during the 2013 agricultural season. Funding to support this effort is being requested in almost the same amount as last year, and funds have been budgeted in the Board's FY'13 work plan.

Presentation By: Chris Huh, Program Manager, Farmworkers Jobs Program,
Eastern Maine Development Corporation
Barbara Ginley, Executive Director, Maine Migrant Health Program

Action Needed: Discussion and determination if the members wish to fund this request

4. Gowan Company, Inc., Request for FIFRA Section 24(c) Registration for Malathion 8 Flowable on Low and High Bush Blueberries

Gowan Company, Inc. is requesting a Special Local Need [24(c)] Application to increase the maximum application rate of Malathion 8 Flowable agricultural insecticide to control spotted wing drosophila (SWD) on high and low bush blueberries. This request is supported by University of Maine Blueberry Extension Specialist, Frank Drummond. Research indicates that Gowan Malathion 8 Flowable is highly effective against the SWD at the higher application rates. In addition, Gowan Malathion 8 Flowable

offers growers the advantage of very short pre-harvest and re-entry intervals. Available data indicate that residues are expected to be below the established tolerance.

Presentation By: Henry Jennings
Director

Action Needed: Approve or disapprove the request

5. Workshop Session to Review the Rulemaking Record on the Proposed Amendments to Chapters 20, 22, and 51

(Note: No additional public comments may be accepted at this time.)

On February 13, 2013, a Notice of Agency Rulemaking Proposal was published in Maine's daily newspapers, opening the comment period on the proposed amendments to Chapters 20, 22, and 51. A public hearing was held on March 1, 2013, at the AMHI Complex, Deering Building, in Augusta, and the written comment period closed at 5:00 PM on March 15, 2013. Four people spoke at the public hearing and 88 written comments were received by the close of the comment period. The Board will now review the rulemaking comments and determine how it wishes to proceed with the rulemaking proposals.

Presentation by: Henry Jennings
Director

Action Needed: Discussion and determination on how the Board wishes to proceed with the rulemaking proposals

6. Consideration of a Consent Agreement with TRP Logging of East Machias

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 in 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 and resolve the matter. This case involved application of an herbicide by an unlicensed individual to the shrub and flower beds at the MacDonald's in Machias, Maine.

Presentation By: Raymond Connors
Manager of Compliance

Action Needed: Approve/disapprove the consent agreement negotiated by staff

7. Consideration of a Consent Agreement with Firehouse Property Maintenance of Falmouth

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 in 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 and resolve the matter. This case involved application of an herbicide by an unlicensed individual at the Bank of America in Gardiner.

Presentation By: Raymond Connors
Manager of Compliance

Action Needed: Approve/disapprove the consent agreement negotiated by staff

8. Discussion About Providing Support to Municipalities Considering Pesticide Ordinances and/or Policies

At the January 18 and March 1, 2013, meetings, the Board discussed the appropriate staff role for participating in meetings in which municipal ordinances and/or policies are being discussed. The Department and the staff favor a policy in which the staff provides technical information at a variety of venues but avoids meetings in which the merits of an ordinance or policy are being discussed. Following a discussion at the March 1 meeting, the staff agreed to prepare a memo describing its proposed educational/technical assistance approach.

Presentation By: Henry Jennings
Director

Action Needed: Provide guidance to the staff

9. Other Old or New Business

- a. Legislative Update—H. Jennings
- b. RWC Inc. Variance—H. Jennings
- c. DeAngelo Brothers Variance—H. Jennings
- d. other?

10. Schedule of Future Meetings

May 17, June 21, July 26, September 6, October 18 and December 6 are tentative Board meeting dates. The September 6 meeting is tentatively slated to include a planning session. The Board will decide whether to change and/or add dates.

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 attention of Anne Bills, at the Board's office or anne.bills@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.