

**Proposed Administrative Consent Agreement
Background Summary**

Subject: B D Grass & Sons
117 Grass Road
Blaine, ME 04734

Date of Incident(s): August 17, 2021

Background Narrative: On August 17, 2021, the BPC was contacted by Maine DEP regarding an anonymous report they received about stained pavement on the Chapman Road in Chapman, ME that was determined to be a pesticide released from a vehicle owned by B D Grass & Sons. The agricultural follow-up use inspection conducted determined that Makaze herbicide (EPA Reg.#34704-890) had been applied to a fallow field adjacent to the pesticide release area where a partly open valve on the spray support truck released undiluted Makaze herbicide along 1,940+/- ft. combined length of field road and Chapman Road (a paved public way), upon leaving the application area.

Summary of Violations: CMR 01-026, Chapter 50, Section 2 (C)(I) requires that applicators call the Board to report a spray incident as soon as practicable after emergency health care has been obtained for injured parties and efforts have been initiated to contain any spills.

Rationale for Settlement: B D Grass & Sons, upon taking action and responding to the spill did not subsequently notify the Board about the spray incident as required.

Attachments: Proposed Consent Agreement

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

IAN 27 2023

In the Matter of:
B D Grass & Sons
117 Grass Road
Blaine, Maine 04734

ADMINISTRATIVE CONSENT
AGREEMENT
AND
FINDINGS OF FACT

Ck# 27680
Date: 1-24-23
Amt: \$1000-

This Agreement by and between B D Grass & Sons (hereinafter called the "Grower") and the State of Maine Board of Pesticides Control (hereinafter called the "Board") is entered into pursuant to 22 M.R.S. §1471-M (2)(D) and in accordance with the Enforcement Protocol amended by the Board on December 13, 2013.

The parties to this Agreement agree as follows:


1. That the Grower produces agricultural crops for commercial purposes at a business that utilizes pesticides.
2. That a Board inspector received a call from Jesse Clark, Oil & Hazardous Materials Responder II, Maine Department of Environmental Protection on August 17, 2021, regarding a report from an anonymous caller of stained pavement on the Chapman Road in Chapman that was determined to be a pesticide from a vehicle owned by B D Grass Farms of Monticello, Maine.
3. That a Board inspector conducted an agricultural follow-up use inspection at the Grower's facility on August 19, 2021, in response to an accidental release of pesticide on the Chapman Road in Chapman, Maine on or about August 17, 2021.
4. That from the inspection described in paragraph three, it was determined that Makaze herbicide (EPA Reg.#34704-890) had been applied to a fallow field adjacent to the pesticide release area where a partly open valve on the spray support truck released undiluted Makaze herbicide along 1,940+/- ft. combined length of field road and Chapman Road (a paved public way), upon leaving the application area.
5. That the Grower confirmed that his sprayer support truck had accidentally released Makaze herbicide, EPA Reg.#34704-890 creating the stain from a pesticide tote on the truck.
6. That CMR 01-026, Chapter 50, Section 2 (C)(I) requires that applicators call the Board to report a spray incident report as soon as practicable after emergency health care has been obtained for injured parties and efforts have been initiated to contain any spills.
7. That the incident on August 17, 2021, is a reportable spray incident per CMR 01-026, Chapter 50, Section 2 (C)(II).
8. That the circumstances described in paragraphs one through seven constitute a violation of CMR 01-026, Chapter 50, Section 2 (C) (I).
9. That the Grower expressly waives:
 - A. Notice of or opportunity for hearing;
 - B. Any and all further procedural steps before the Board; and
 - C. The making of any further findings of fact before the Board.

10. That this Agreement shall not become effective unless and until the Board accepts it.

That in consideration for the release by the Board of the cause of action which the Board has against the Grower resulting from the violation referred to in paragraphs eight, the Grower agrees to pay a penalty to the State of Maine in the sum of \$1,000.00. (Please make checks payable to Treasurer, State of Maine).

IN WITNESS WHEREOF, the parties have executed this Agreement of two pages.

B D GRASS & SONS

By:  Date: 1/24/23

Type or Print Name: Neil A. Grass

BOARD OF PESTICIDES CONTROL

By: _____ Date: _____
Megan Patterson, Director

APPROVED:

By: _____ Date: _____
Mark Randlett, Assistant Attorney General



JANET MILLS
GOVERNOR

STATE OF MAINE
MAINE DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
BOARD OF PESTICIDES CONTROL
28 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0028

MEGAN PATTERSON
DIRECTOR

Compliance Verification Statement

1-3-2023

Individual	Brent Grass	Inspection	210817KRB03
Company		Numbers	210819KRB01
or Store	B D Grass and Sons	Inspection	8-17-21
Name		Dates	8-19-21
Address	117 Grass Road		
Town	Blaine	State	ME
		Zip	04734

I verify that I have taken steps to correct the violations of:

- Failure to report pesticide spill/ spray incident.

B-D Grass
Owner or Company Representative Signature

1/24/23
Date:

[Signature]
Print Name

The above **Compliance Verification Statement** should be signed and returned with the **signed Consent Agreement** to verify that steps have been taken to prevent violations in the future.