



PAUL R. LEPAGE
GOVERNOR

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

WALTER E. WHITCOMB
COMMISSIONER
HENRY S. JENNINGS
DIRECTOR

BOARD OF PESTICIDES CONTROL

December 16, 2016

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

**AGENDA
9:00 AM**

1. Introductions of Board and Staff

Department Update on the Status of the Board Director Position

Presentation By: Ann Gibbs
Director, Animal and Plant Health

2. Minutes of the November 4, 2016 Board Meeting

Presentation By: Megan Patterson
Manager of Pesticide Programs

Action Needed: Amend and/or Approve

3. Presentation on Gulf of Maine Coastal Pesticide Study Update for 2015

In February 2014, the Environmental Risk Advisory Committee (ERAC) was convened to “examine whether current pesticide residues have the potential to affect the lobster industry in Maine directly or via impact on other marine organisms.” Concurrent with the formation of the ERAC, the Board initiated sampling of stormwater and sediment. Results from the 2014 sampling season were reviewed by the Board. Monitoring for the 2015 sampling season was completed in October 2015. The Board will now review the data presented.

Presentation By: Mary Tomlinson
Pesticide Registrar and Water Quality Specialist

Action Needed: Determine Next Steps

4. Discussion of the Current Environmental Risk Assessment Committee (ERAC) Membership Update

The ERAC has experienced recent vacancies, the environmental toxicologist and the environmental chemist, and the Maine Department of Marine Resources has hired a new lobster biologist. To compensate for these changes, the addition of two new members is proposed. The Board will now discuss these proposed membership changes.

Presentation By: Lebelle Hicks
Pesticide Toxicologist

Action Needed: Accept/Reject the Proposed Additions to the ERAC

5. 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. Since that time, a number of newer chemistries have been registered for use and far more data is available on the efficacy of many products. On November 4, 2016 the Board discussed browntail moth, the available products and the definition of “biological” pesticides. Subsequently, the staff was instructed to update the list of approved products for browntail moth control and propose an interpretation of biological. The Board will now consider the list and the definition of biological pesticide.

Presentation By: Megan Patterson
Manager of Pesticide Programs

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

6. Consideration of Consent Agreement with Jasper Wyman & Son, Milbridge, 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 unauthorized application of pesticides.

Presentation By: Raymond Connors
Manager of Compliance

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

7. Other Old or New Business

- a. Legislative Report re LD 1678
- b. Update on Homeowner Education Activities

8. Schedule of Future Meetings

January 11, 2017; and February 17, 2017 are tentative Board meeting dates. The Board will decide whether to change and/or add dates.

Adjustments and/or Additional Dates?

9. 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.