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BOARD OF PESTICIDES CONTROL
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BOARD OF PESTICIDES CONTROL

January 8, 2014

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

MINUTES

3:00–4:00 PM (BOARD MEETING)

4:00–5:00 PM OPEN FORUM (COSPONSORED BY THE IPM COUNCIL)

5:00–6:00 PM (BOARD MEETING CONTINUED)

Present: Flewelling, Jemison, Stevenson, Morrill, Granger, Eckert

1. Introductions of Board and Staff
 - The Board, staff, and Assistant Attorney General Randlett introduced themselves
 - Staff present: Jennings, Connors, Tomlinson, Fish, Bills
2. Minutes of the December 13, 2013, Board Meeting

Presentation By: Henry Jennings
Director

Action Needed: Amend and/or Approve

- On page 3, bullet 2, change “showed” to “should.”
- On page 6, last bullet, make “determination” plural.
 - **Granger/Eckert: Moved and seconded to accept the minutes as amended**
 - **In Favor: Unanimous**

3. Request from Maine Migrant Health Program and Eastern Maine Development Corporation to Help Support a Worker Safety Training Program for Summer 2014

Since 1995, the Board has supported a Migrant and Seasonal Farmworker Safety Education program. During 2013, 388 individuals received Worker Protection Standard training, 176 individuals received take-home exposure training and 260 received heat stress training. The Maine Migrant Health Program and Eastern Maine Development Corporation are proposing to provide one health and safety outreach worker during the 2014 agricultural season. Funding to support this effort is being requested in the same amount as last year, and funds have been budgeted in the Board’s FY’14 work plan.

Presentation By: Chris Huh, Program Manager, Farmworkers Jobs Program,
Eastern Maine Development Corporation
Elizabeth Charles, Enabling Services Coordinator, Maine Migrant Health
Program

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

- Charles explained that in 2013 the program transitioned from having two AmeriCorps members to having a single paid employee on the Maine Migrant Health Program staff. That person was able to meet with all the farms from previous years, and provided training for a total of 388 workers in the Midcoast, Aroostook and Downeast areas. There was a lot of concern about fruit flies in 2013 and the program was able to provide supplemental print material to answer questions. For 2014, the partnership has secured a grant of \$3,010 from farm worker opportunity programs, and, combined with the requested \$3,500 from the BPC, it would support the summer staff position.
- Huh explained that the plan for 2014 is similar to 2013: a goal of 350 workers trained on the WPS, and 175 individuals trained on family pesticide exposure. The partnership would also like to do some outreach to new farms and growers. Some of the grant money also goes for assistance for transportation which is needed, as well.
 - **Eckert/Flewelling: Moved and Seconded to Approve the Request**
 - **In Favor: Unanimous**

4. Continuing Discussion of Planning Session Topics

The Board discussed a variety of topics during its annual planning session as part of the September 6, 2013 Board meeting. Several topics were also discussed at the October 18 and December 13 meetings, and some decisions were made at the December 13 meeting. The Board will now review the status of the planning session topics and determine whether additional discussion and/or action is appropriate.

Presentation By: Henry Jennings
Director

Action Needed: Provide Guidance to the Staff about Planning Session Topics

- Jennings explained that the memo for this agenda item included a new column listing outcomes and discussions to date. He thought that in reviewing the memo a few things would jump out that still needed addressing, but that was not the case. Some items did not get discussed at the planning session.
- Morrill said that there had been tremendous progress on the streamlining of licensing. Stevenson noted that though there is a lot of online training available, people don't know about it. Jennings said that since the last meeting the staff had made efforts to make it more visible on the website and that it would be mentioned at training seminars.
- Eckert remarked that she would like presentations on Maine-grown commodities to be available, if we could get Cooperative Extension to make them.
- Granger noted that Board members could request a topic to be added to an agenda at any time, so if people aren't prepared to talk about specific topics today, they could bring them back later.
- Jennings suggested that the Board review potential rulemaking at the February meeting and draft concepts in preparation for rulemaking.

5. Water Quality Monitoring

The Board has a 20-plus year history of monitoring both ground and surface waters for pesticide residues. In 2005, the Maine Legislature reinforced the importance of the Board efforts by codifying the requirement for water residue surveys under 7 M.R.S. § 607-A (2-A). However, recently, sampling efforts have been curtailed due to difficulty contracting for competent laboratory services. The staff recently entered into an agreement with the Montana State Laboratory which utilizes cutting-edge pesticide analytical methodology. Consequently, plans are being made to resume water quality

monitoring. The staff will update the Board on the laboratory issues and seek Board input on water quality priorities.

Presentation by: Mary Tomlinson
Water Quality Specialist

Action Needed: Provide Guidance to Staff on Water Quality Priorities

- Jemison remarked that the state has a history of doing a lot of water quality monitoring and that he finds the data very useful in his classes.
- Tomlinson explained that the Board now has a contract with the Montana Department of Agriculture lab for enforcement as well as water quality samples. It is a temporary arrangement until the Maine Health and Environmental Testing Lab (HETL) is able to handle the work. The Montana lab is on the cutting edge, they have developed a screening process for over 90 pesticides to subparts per billion. There will be only a two to three week turnaround instead of having to wait months for results. They can screen for newer pesticides that come on the market. We are also working with the Maine HETL lab so they can eventually take over the work; we need to have a Quality Assurance Project Plan (QAPP) and a memorandum of understanding, then we can transfer money from EPA for equipment.
- Jemison asked whether the Maine lab would eventually be able to do what the Montana lab is doing, and whether they have equipment the Maine lab doesn't have. Tomlinson said that the Maine lab is getting equipment from other grants. We are encouraging them to get EPA training, and one of their chemists did attend last year.
- Tomlinson explained that this year's testing is planned for late winter/early spring. Sediment sampling in the past was centered on Back Cove, but the staff will probably be redirecting the focus based on concerns across the country of pesticides affecting marine organisms; therefore, sampling will focus on the Maine coast.
- Granger asked if anything of concern had been found in Maine samples. Tomlinson said that the last sediment sampling in streams was done in 2010, and all results were substantially below human health limits, but close to aquatic limits. The methodology was not sensitive enough to detect compounds at ultra-low concentrations.
- Granger asked if other states are doing similar testing and if anyone is compiling the findings. Tomlinson said that USGS has a database and that EPA requires states to submit monitoring data and plans to use water and sediment data in risk assessments for re-registrations.
- Jemison asked what the role of the Board would be. Jennings said that in the past decisions had to be made about what to test for, but with the new lab in Montana they test for everything. A group will have to decide where to test, but there probably isn't time for the Board to approve a plan, since the testing should be done before the ground thaws. Tomlinson said the plan is to do 60 this year and 60 next year and that they would try to redo sites that have been done in the past.

6. Review of Pesticide Bills Before the Legislature

There are three bills concerning pesticides under considerations by the Agriculture, Conservation and Forestry Committee of the Maine Legislature: LD 1587 An Act To Temporarily Ban the Use of Neonicotinoid Pesticides; LD 1678 An Act To Protect Maine's Lobster Fishery; and LD 1674 An Act To Further Ensure the Provision of Safe Medical Marijuana to Maine Patients. The Board will discuss the bills and determine whether to take an official position and/or provide testimony on any of them.

Presentation By: Henry Jennings
Director

Action Needed: Determine Whether to Take a Position on any of the Three Bills

- Jennings summarized LD 1587, An Act To Temporarily Ban the Use of Neonicotinoid Pesticides, and explained that, in his opinion, science doesn't point to neonicotinoids as the cause of Colony Collapse Disorder. A discussion ensued about the stresses on bees, and concern was raised about what would be used in place of the banned products, as it might be more risky. This was expressed as a concern in both the landscape and the agricultural areas.
 - **Granger/Morrill: Moved and seconded to oppose the bill and direct the staff to testify against it**
 - **In favor: Unanimous**

[4:00—BREAK FOR LISTENING SESSION; 5:00—RECONVENE]

- Jennings summarized LD 1674, An Act To Further Ensure the Provision of Safe Medical Marijuana to Maine Patients. Last year a bill was passed allowing growers to use 25(b) pesticides, provided the label was broad enough; this bill expands the pesticides that would be allowed. The concern is that as written it allows pesticides that aren't registered in Maine, nor is there any language about whether the use is allowed by the label. A discussion ensued about the various products listed in the bill. It was pointed out that if the bill passes as written it would allow the use of certain pesticides under DHHS rules that would be illegal to use under pesticide rules.
 - **Morrill/Flewelling: Moved and seconded to oppose the bill as written and direct the staff to testify against it**
 - **In favor: Unanimous**
- Jennings summarized LD 1678 An Act To Protect Maine's Lobster Fishery, and explained that methoprene is used in some states to control mosquito larvae in catch basins, but not in Maine. Resmethrin is also not used for mosquito control in Maine. Methoprene is mostly used in flea and tick products for pets. The way the bill is written, it would be difficult to enforce; technically any product applied on a pet could end up in the water. If there were an outbreak of a mosquito-borne disease in Maine, government agencies might want to have these products available. There is a potential for any pesticide to affect lobsters, so why not look at the wider issue? Jennings suggested convening an Environmental Risk Advisory Committee.
 - **Eckert/Granger: Moved and seconded to oppose the bill as written and direct the staff to testify against it**
 - **In favor: Unanimous**

7. Other Old or New Business

- a. Other?

8. Schedule of Future Meetings

February 21, March 28, May 9, and June 27, 2014, are tentative Board meeting dates. The June 27 meeting includes a tour of Backyard Farms in Madison in the morning, with a Board meeting at Madison High School after lunch. The Board will decide whether to change and/or add dates.

Adjustments and/or Additional Dates?

- The Board added August 18 and September 12 as meeting dates.

9. Adjourn

- **Granger/Morrill: Moved and seconded to adjourn at 5:30 PM**
- **In favor: Unanimous**