



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

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

BOARD OF PESTICIDES CONTROL

February 9, 2024

9:00 AM Board Meeting
9:30-10:00 AM Public Forum
10:00 AM Board Meeting Continued

Join the meeting in person at Marquardt Building, Rm. 118, 32 Blossom Ln, Augusta (side door entrance D7)

Or

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Meeting ID: 294 956 118 612

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AGENDA

1. Introductions of Board and Staff
2. Minutes of the December 1, 2023 Board Meeting

Presentation By: John Pietroski, Acting Director

Action Needed: Amend and/or approve

3. Introduction of New Registrar, Julia Vacchiano
4. Consideration of a Request for Financial Support from Maine Mobile Health

Since 1995 the Board has supported the Migrant and Seasonal Farmworker Safety Education program. The Maine Mobile Health Program (MMHP) provided training to 101 farmworkers during the 2023 season. Funding to support the effort in 2024 is being requested in the amount of \$6,432, which is the same funding amount provided by the Board in 2023. The funding has been accounted for in the Board's FY24 budget.

Presentations By: Hannah Miller, Director of Outreach, Maine Mobile Health

Action Needed: Discussion and determination if the Board wishes to find this request

5. Update on Implementation of LD 1770: Resolve, Directing the Board of Pesticides Control to Transition to Electronic Submission of Pesticides Sales and Use Data

At the September 1, 2023 Board meeting, staff brought forward a memo regarding the implementation of LD 1770. Bohlen agreed to join staff for a meeting with developers and licensed applicators/dealers that use Maine Pesticide Enforcement, Registration, and Licensing Software (MEPERLS) to discuss changes that would be needed to simplify the data entry process for annual reports. Staff will provide an update from these meetings. In addition, the Board discussed potential rulemaking to require electronic submissions of records. Staff will give a brief update on the discussions at the sales and use meetings. These discussions will be included in the report on the implementation of LD 1770 is due to the legislature by March 1, 2024. The report will be presented at the February 23, 2024 board meeting.

Presentation By: John Pietroski, Acting Director
Action Needed: Discussion

6. Potential Rulemaking on 1770: Resolve, Directing the Board of Pesticides Control to Transition to Electronic Submission of Pesticides Sales and Use Data

At the December 1, 2023 Board meeting, the Board discussed LD 1770 and what issues might be addressed in rulemaking. There is a need for the Board to discuss rulemaking to implement LD 1770. Staff have compiled a memo with draft language for the Board to consider.

Presentation By: Karla Boyd, Policy & Regulations Specialist
Action Needed: Discussion and amend/approve rulemaking

7. Draft Adjuvant Policy

At the February 24, 2023 Board meeting, the Board voted on developing a policy that excluded colorants as adjuvants following the implementation of PL 2022 c. 673 (130th Legislature LD 2019), which includes spray adjuvants in the definition of pesticides. At the July 21, 2023 Board meeting, the Board voted to implement a policy related to the distribution of adjuvants that were not previously registered in Maine. Additionally, there is a need to develop a policy regarding recordkeeping requirements for spray adjuvants. Staff have combined these concepts into one policy for consideration.

Presentation By: Karla Boyd, Policy & Regulations Specialist
John Pietroski, Acting Director
Action Needed: Discuss; approve/disapprove adoption by interim policy

8. Adjuvant Reporting Start Date

Staff are requesting guidance on when applicators and dealers must begin reporting annual use and sales data for adjuvants. Staff are requesting guidance and a decision on the start date for reporting adjuvants in order to educate applicators and dealers on these new requirements. Staff are proposing a start date of January 1, 2024.

Presentation By: John Pietroski, Acting Director
Action Needed: Discussion

9. Update to Plant-Incorporated Protectant Technical Committee Policy

In 2009, the Board established a policy on forming a technical committee (TC) that would review new plant-incorporated protectant (PIP) registrations. The Board has received several new PIP registrations for 2024, therefore there may be a need for the Board to review these registrations. The Board may need to also revise their PIP TC policy to ensure that all of the required parties are appointed. Staff have provided the existing PIP TC policy for review.

Presentation By: John Pietroski, Acting Director
Action Needed: Discussion & potential revision to current policy

10. Board Representation Discussion

Overview of engagement of Board members in public meetings outside of Board of Pesticides Control meetings.

Presentation By: John Pietroski, Acting Director
Carey Gustanski, Assistant Attorney General
Action Needed: None

11. Request for 24(c) Registration for Arsenal Herbicide Applicators Concentrate

At the request of Ronald Lemin, Jr. and the BASF Corporation supports the Special Local Need [24(c)] Registration (imazapyr, EPA Registration No. 241-299) and SLN NO. ME-040001 for the use of Arsenal Herbicide Applicators Concentrate to allow increased surfactant rate when used in combination with glyphosate for Jack pine, black spruce, red spruce, and white spruce release. This SLN was renewed in 2021 with a shorter expiration date with the expectation that this use would be added to the master label. According to BASF this use has yet to be incorporated into the label.

Presentation By: John Pietroski, Acting Director
Julia Vacchiano, Registrar
Action Needed: Review and/or Approve

12. Consideration of Consent Agreement for Certified Pest Management of Chelsea, Maine

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 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 involved a false or fraudulent record and an unlicensed application.

Presentation By: Alex Peacock, Manager of Compliance
Action Needed: Review and/or Approve

13. Consideration of Consent Agreement for Mosquito Squad of Southern Maine of Scarborough, Maine

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 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 involved a violation of drift minimization and use of a pesticide inconsistent with its label.

Presentation By: Alex Peacock, Manager of Compliance
Action Needed: Review and/or Approve

14. Consideration of Consent Agreement for TruGreen Lawncare of Westbrook, Maine

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 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 involved failure to notify a property on the Notification Registry, use of a pesticide inconsistent with its label, and failure to cease spray activities near unprotected persons.

Presentation By: Alex Peacock, Manager of Compliance
Action Needed: Review and/or Approve

15. Consideration of Consent Agreement for Insight Pest Solutions Maine, LLC of Falmouth, Maine

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 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 involved numerous unlicensed applications.

Presentation By: Alex Peacock, Manager of Compliance
Action Needed: Review and/or Approve

16. Consideration of Consent Agreement for Prime Cut Landscaping of Scarborough, Maine

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 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 involved the application of pesticides by an applicator that did not hold the proper category for the work performed.

17. Other Old and New Business

- a. EPA Update: EPA Takes Action to Protect People from PFAS that Leach from Plastic Containers into Pesticides and Other Products

18. Schedule of Future Meetings

February 23, 2024 and April 5, 2024 are the next scheduled Board meeting dates. The Board will decide whether to change and/or add dates.

Staff reserved Marquardt Room 118 for February 23, 2024; and Deering Room 101 for April 5, 2024.

Adjustments and/or Additional Dates?

19. 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.