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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

January 14, 2015

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

AGENDA

3:00 – 4:00 PM BOARD MEETING

4:00 – 5:00 PM OPEN FORUM

5:00 – 6:00 PM BOARD MEETING CONTINUED IF NECESSARY

1. Introductions of Board and Staff
2. Minutes of the December 5, 2014 Board Meeting

Presentation By: Henry Jennings
Director

Action Needed: Amend and/or Approve

3. Request from Maine Migrant Health Program and Eastern Maine Development Corporation to Help Support a Worker Safety Training Program for Summer 2015

Since 1995, the Board has supported a Migrant and Seasonal Farmworker Safety Education program. During 2014, 274 individuals received Worker Protection Standard training, 218 individuals received take-home exposure training, and 278 received heat stress training. The Maine Migrant Health Program and Eastern Maine Development Corporation are proposing to provide one health-and-safety outreach worker training during the 2015 agricultural season. Funding to support this effort is being requested in the same amount as last year and funding has been accounted for in the Board's FY'15 budget

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 Board Wishes to Fund this Request

4. United Phosphorus, Inc., Request to Renew Its FIFRA Section 24(c), Special Local Need Registration for Asulox[®] Herbicide (EPA# 70506-139) for Control of Bracken Fern on Low Bush Blueberries

At its November 5, 2010, meeting, the Board approved a Special Local Needs [24(c)] registration for the use of Asulox Herbicide (EPA# 70506-139) for bracken fern control in wild blueberries. This label allows for spot treatment of bracken fern only during the non-bearing year. That registration expired November 5, 2014; University of Maine Blueberry Extension Specialist Dr. David Yarborough, and the product registrant, United Phosphorus, Inc. are requesting a five-year renewal of the 24(c) registration.

Presentations By: Mary Tomlinson
Pesticides Registrar and Water Quality Specialist

Action Needed: Approve/Disapprove 24(c) Registration Request

5. Consideration of a Staff Request to Refer an Enforcement Matter to the Office of the Attorney General

The Enforcement Protocol describes the Board's recommended procedures for resolving violations of pesticide law of sufficient public consequence to warrant a formal enforcement response. In matters where the alleged violator and the Board staff cannot agree on a resolution, the protocol specifies that the case be placed on a meeting agenda for Board consideration. The staff is presenting a case in which an unlicensed company advertised for and conducted mosquito control services.

Presentation By: Raymond Connors
Manager of Compliance

Action Needed: Determine Appropriate Enforcement Response

6. Consideration of a Consent Agreement with Charles A. Dean Hospital of Greenville

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 unlicensed application of an ant control product on multiple occasions by the maintenance staff at a hospital.

Presentation By: Raymond Connors
Manager of Compliance

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

7. Consideration of a Consent Agreement with Dan Davis of Corinna

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 purchase of a restricted-use pesticide by an unlicensed applicator.

Presentation By: Raymond Connors
Manager of Compliance

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

8. Update on Water Quality Monitoring Activities

7 M.R.S. § 607-A, Section 2-A, directs the Board to conduct water residue surveys, for both ground and surface water, in order to prepare profiles of the kinds and amounts of pesticides present. Over the last 12 months, the Board's staff has been involved in both ground water sampling and marine sediment sampling. The staff will update the Board on those activities and the sampling results.

Presentations By: Mary Tomlinson
Pesticides Registrar and Water Quality Specialist

Action Needed: None – Informational Only

9. Update on Managed Pollinator Protection Plans

At the December 5, 2014, meeting, the staff provided the Board with an overview of Managed Pollinator Protection Plans which are being promoted by the federal Environmental Protection Agency (EPA) as part of its overall strategy for reducing pesticide risks to pollinators. EPA guidelines had not yet been published, but states were being encouraged to start working on state-specific plans. After some discussion the Board reached consensus that because pollinator protection consists of more than pesticides alone, the Department, or the Bureau of Agriculture, Food and Rural Resources should take the lead role on a state plan. The Board requested an update once the EPA guidance is publicly available.

Presentation By: Henry Jennings
Director

Action Needed: None – Informational Only

10. Other Old or New Business

a. Other?

11. Schedule of Future Meetings

March 13, April 24, and June 5, 2015, are tentative Board meeting dates. The Board will decide whether to change and/or add dates.

Adjustments and/or Additional Dates?

12. 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.