



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

PAUL R. LEPAGE
GOVERNOR

WALTER E. WHITCOMB
COMMISSIONER

BOARD OF PESTICIDES CONTROL

January 10, 2018

Ag Trade Show
Augusta, Maine

AGENDA
3:00 PM

1. Introductions of Board and Staff
2. Minutes of the October 27, 2017, Board Meeting

Presentation By: Cam Lay
Director

Action Needed: Amend and/or Approve
3. Request for Financial Support from the Maine Mobile Health Program and the Eastern Maine Development Corporation

Since 1995 the Board has supported a Migrant and Seasonal Farmworker Safety Education program. The MMHP and EMDC provided training to 385 migrant agricultural workers during the 2017 season. Funding to support this effort in 2018 is being requested in the amount of \$5,360. The funding has been accounted for in the Board's FY'17 budget.

Presentation By: Chris Huh, Program Manager, Farmworkers Jobs Program, Eastern Maine Development Corporation

Elizabeth Charles McGough, Director of Outreach, Maine Mobile Health Program

Action Needed: Discussion and Determination if the Board Wishes to Fund this Request

CAM LAY, DIRECTOR
90 BLOSSOM LANE, DEERING BUILDING



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4. Recent Staff Activities Highlights and Updates

- Ms. Megan Patterson received the William Twarog Manager of the Year Award for the Dept. of Agriculture in December.
- The staff has provided significant assistance to DEP and DHHS regarding pesticide use and pesticide residues on medical marijuana.
- Staff has determined through consultation with the deer program at IFW that the “4-Poster” automated pesticide dispensing system for treatment of deer for ticks is not legal in Maine because it is a baiting device.
- Users are rapidly adapting to the Pega system. As of last Tuesday morning, some 421 users were registered, with 84 more in progress. 2527 product registrations had been accomplished, and 220 license had been renewed.
- An offer has been made to a candidate for the toxicologist position.
- Dr. Jack Waterman of Waldoboro has submitted an application for the BPC medical seat. We have also had expressions of interest from four other physicians in the last couple of weeks.

Presentation By: Cam Lay
Director

Action Needed: Informational only.

5. Presentation from Monsanto and Dow AgroSciences Regarding Their Recent Registration Requests for Several New *Bt* Corn Products

At the last meeting the Board denied requests from Monsanto Company and Dow AgroSciences LLC for registrations of several new *Bt* corn products. Monsanto and Dow Agrosciences have requested time to present additional information to the Board regarding these requests.

Presentation By: Dow AgroSciences and Monsanto Company

Action Needed: Information only. Alternative: The Board should decide whether to entertain an amended request for registration of any or all of these products.

6. Constituent Request to Address the Board Regarding Right of Way Treatment Issues

Mr. Spencer Aitel requests time to address to the Board on the record (*i.e.* as an agenda item) regarding his concerns about the treatment of roadside rights of way adjacent to Two Loons Farm, an organic agriculture business owned and operated by Mr. Aitel. The Board currently has an open investigation concerning an application made by a Maine DOT contractor in June of 2017 along a right of way adjacent to Mr. Aitel’s property.

Presentation By: Spencer Aitel, Two Loons Farm

Action Needed: Information only

7. Discussion of Absorbing Fees for Credit Card Payments for Licenses and Product Registrations

License and product registration fees have typically been paid by check or by electronic funds transfer. Demand from the regulated community to be able to pay by credit card is considerable. There is not,

unfortunately, at this time a process in place to allow us to recover the fees associated with credit card payments. Raising the licensing or registration fees requires legislation, and affects all users of the system, whether they pay with credit cards or not. There is an effort underway to allow all state agencies to recoup the expense of credit card payments through “convenience fees,” as (for example) IFW does for hunting licenses. Until that system is in place we have been absorbing the fees for licensing and product registration. We would like the Board to agree that this is the proper course of action and approve the continuation of this process until the effort to allow convenience fees is either successful or withdrawn.

Presentation By: Cam Lay
Director

Action Needed: Approve or disapprove absorbing credit card fees.

8. Consideration of Consent Agreement with Service Master Elite of Saco, 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 an application of pesticides (disinfectants) to the interior of a structure in Lewiston by an unlicensed applicator during mold remediation work.

Presentation By: Raymond Connors
Manager of Compliance

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

9. Referral of Unresolved Consent Agreement with PLD Group of Augusta, 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 an application of pesticides for bed bug control to the interiors of structures in Augusta and the Augusta area by an unlicensed applicator. The company was offered a consent order in 2017 to resolve this case but has as yet failed to complete the settlement agreement.

Presentation By: Raymond Connors
Manager of Compliance

Action Needed: Approve/Disapprove referral of this case to the Office of the Attorney General for prosecution.

10. Other Old or New Business

- a. Articles and correspondence submitted by Board constituents:
- b. Variances approved (all Chapter 29, Section 6):
 - VanDusen, Maine DOT Environmental Office, invasive plants in remediated and constructed wetlands

11. Schedule of Future Meetings

February 23, 2018 and April 6, 2018 (at the Marquardt Building) are the next proposed 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 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.