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GOVERNOR

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

WALTER E. WHITCOMB
COMMISSIONER

BOARD OF PESTICIDES CONTROL

**July 13, 2018
9:00 AM**

Room 118 Marquardt Building
32 Blossom Lane, Augusta, Maine

AGENDA

1. Introductions of Board and Staff
2. Minutes of the April 6, 2018, May 18, 2018, and June 1, 2018 Board Meetings

Presentation By: Megan Patterson, Director

Action Needed: Amend and/or Approve

3. Review of Pesticide Sign for Self-Service Areas

BPC Chapter 26 Section 7 requires that pesticide self-service sales areas include a “Board approved sign informing the public where to obtain additional information.” At the May 18, 2018 meeting the Board discussed some draft versions of an updated sign and asked the staff to provide additional drafts. The Board will now discuss and provide guidance to the staff on the revisions.

Presentation by: Amanda Couture, Certification and Licensing Specialist

Action Needed: Approve and/or Amend Proposed Sign

4. State Plan with EPA

Since 1974, the Maine Department of Agriculture has been receiving funds from EPA in the form of a program partnership grant. This money supports the regulation of pesticide use in the state. Upon origination of this partnership, a “Plan for Certification of Pesticide Applicators” was developed. It is now necessary to revisit and revise this document, in part

to incorporate federal changes to the section of FIFRA pertaining to certification and training rules. The most recent version of the plan is provided for consideration.

Presentation By: Megan Patterson, Director

Action Needed: None, Informational Only

5. Review of Website

The Board's website contains a lot of very helpful information, but it can be difficult to navigate. The Board will now be given an overview of the website and some of the information available thereon.

Presentation by: Anne Chamberlain, Policy and Regulations Specialist

Action Needed: None, Informational Only

6. Annual Report to the Eastern Plant Board

The Division of Plant Health provides an annual report to the Eastern Plant Board. This report summarizes program-wide outreach, education, licensing, enforcement, and regulatory development. A portion of pesticide registration fees are used to support these efforts. The most recent report is provided for review.

Presentation By: Ann Gibbs, Director, Animal and Plant Health

Action Needed: None, Informational Only

7. Consideration of Consent Agreement with Roof Cleaning Solutions of Oakland

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 application of a pesticide by an unlicensed individual and in a manner inconsistent with the product labeling.

Presentation By: Raymond Connors, Manager of Compliance

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

8. Consideration of Consent Agreement with Witherly's Green House & Garden Center of Hermon

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 sale of unregistered pesticides.

Presentation By: Raymond Connors, Manager of Compliance

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

9. Correspondence

- a. Email from Melissa Gugliotti re South Portland Pesticide Ordinance
- b. Letter from Mark Aranson, MD to Willian Shane, Town Manager, Cumberland re Brown Tail Moth Infestation

10. Other Items of Interest

- a. Variance permit issued to Ron Lemin, Jr. for control of Japan.se barberry and honeysuckle on Nautilus Island in Castine Harbor.
- b. Variance permit issued to Acadia National Park for control of several invasive plants at multiple locations within the park.
- c. Variance permit issued to Andrew Powers for control of invasive plants in Cape Elizabeth.
- d. Variance permit issued to the Town of Newport for control of poison ivy along the Durham Bridge.
- e. FAA Presentation at Pre-SIFREG Meeting May 15, 2018

11. Schedule of Future Meetings

Wednesday, August 15, 2018 the Board will meet at Laudholm Farm in Wells. The Board will hear presentations on tick management and invasive plant control beginning at 9:00 am. These will take place outdoors, so dress appropriately. The Board meeting will begin at 2:00 pm. Directions and details about lunch will be sent via email.

The Board also indicated an interest in having a Public Information Gathering Session in the fall but a date was not determined. 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.