



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**

**July 16, 2021**

**9:00 AM Board Meeting**

Video conference hosted in MS Teams, to join the meeting:

Web link for the Microsoft Teams meeting:

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

+1 207-209-4724

Phone Conference ID: 440 033 928#

**AGENDA**

1. Introductions of Board and Staff
2. Minutes of the April 16, 2021 Board Meeting  
  
Presentation By: Megan Patterson, Director  
Action Needed: Amend and/or approve
3. LD 155—Resolve, Directing the Board of Pesticides Control To Prohibit the Use of Certain Neonicotinoids for Outdoor Residential Use

On June 10, 2021 LD 155 was signed into Maine law. This resolve directs the Board to prohibit the use of any product containing the active ingredient dinotefuran, clothianidin, imidacloprid or thiamethoxam used for application in outdoor residential landscapes such as on lawn, turf, or ornamental vegetation. The resolve directs the Board to provide exemptions for certain applications related to wood preservation, structural pests, pets, and emerging invasive insects.

MEGAN PATTERSON, DIRECTOR  
90 BLOSSOM LANE, DEERING BUILDING



PHONE: (207) 287-2731  
WWW.THINKFIRSTSPRAYLAST.ORG

Presentation By: Megan Patterson, Director

Action Needed: Information only

4. LD 264—Resolve, Directing the Board of Pesticides Control To Gather Information Relating to Perfluoroalkyl and Polyfluoroalkyl Substances in the State

On June 10, 2021 LD 264 was signed into Maine law. This resolve directs the Board to amend its rules governing pesticide product registration to require manufacturers and distributors to provide affidavits stating whether the registered pesticide has ever been stored, distributed, or packaged in a fluorinated high-density polyethylene container. It further directs the Board to require manufacturers to provide an affidavit stating whether a polyfluoroalkyl or polyfluoroalkyl substance is in the formulation of the registered pesticide. This resolve also directs the board to conduct a study and report back on the distribution and use of fluorinated adjuvants in Maine, how to regulate adjuvants, and how to prohibit distribution and use pesticides and adjuvants containing perfluoroalkyl or polyfluoroalkyl substances in Maine. A report back is required by January 15, 2022.

Presentation By: Megan Patterson, Director

Action Needed: Information only

5. LD 316—An Act To Prohibit the Use of Chlorpyrifos

On June 8, 2021 LD 316 was signed into Maine law. This law prohibits, beginning January 1, 2022, the distribution of pesticides containing chlorpyrifos as an active ingredient. The law allows the Board to grant temporary permits from January 1, 2022 to December 31, 2022 authorizing licensed pesticide applicators to use pesticides containing chlorpyrifos, as long as the product was in the State and in the possession of the applicator before January 1, 2022. The law directs the Board to post on its website a list of the temporary permits issued.

Presentation By: Megan Patterson, Director

Action Needed: Information only

6. LD 519—An Act To Protect Children from Exposure to Toxic Chemicals

On June 14, 2021 LD 519 was signed into law. This law prohibits the use of glyphosate and dicamba on school grounds and within 75 feet of school grounds. Exempted from this prohibition are residential property and land used for commercial farming. The law directs the Board to convene a medical advisory committee to evaluate the potential impact of

herbicides used on school grounds on human health. A report back is required by February 1, 2022.

Presentation By: Megan Patterson, Director

Action Needed: Information only

7. LD 524—Resolve, Directing the Board of Pesticides Control To Research Workable Methods To Collect Pesticide Sales and Use Records for the Purpose of Providing Information to the Public

On June 14, 2021 LD 524 was signed into law. The resolve directs the Board to research workable methods to collect pesticide sales and use records for the purpose of providing information to the public. The resolve also directs the Board to research the best methods for collecting information from schools, private applicators, and commercial applicators. The Board is further directed to research the best methods for collecting information on pesticide sales in the State. A report back is required by January 1, 2022.

Presentation By: Megan Patterson, Director

Action Needed: Information only

8. Executive Order 41 FY 2021

On June 30, 2021, the Governor issued Executive Order 41 FY 2021. This EO directs the Board, in consultation with the Maine Forest Service and other stakeholders and interested parties, to review and amend rules related to the aerial application of glyphosate and other synthetic herbicides for the purpose of silviculture. The EO identifies a specific process for this review which includes a review of existing BMPs for aerial application of herbicides, development of a water quality monitoring effort, a review of the existing regulatory framework related to buffers and sensitive areas, and a series of public meetings. A report back is required by January 2, 2022.

Presentation By: Megan Patterson, Director

Action Needed: Information only

9. Review of 2021 Legislative and Governor Directives

The Board has been tasked with responding to a number of new laws, resolves and an executive order. Staff have compiled these directives and are seeking the Board's guidance in prioritizing these efforts.

Presentation By: Megan Patterson, Director

Action Needed: Discussion and approve/disapprove next steps

10. Medical Advisory Committee Policy Revision

In 2008, the Board adopted its current policy related to the Medical Advisory Committee (MAC). This policy details the purpose of the MAC as well its standing membership. The present policy indicates that one standing member is the State Toxicologist or their designee. At this time, the State Toxicologist and his staff are unable to participate due to ongoing demands. While the State Toxicologist did suggest other individuals, who might serve in this role, if the State Toxicologist or their staff are not serving on the MAC, the current MAC policy is now out of date and should be revised.

Presentation By: Megan Patterson, Director

Action Needed: Discussion and approve/disapprove a policy revision

11. Consent Agreement

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 poisoning of a dog and a spray contracting firm directing an unlicensed/unsupervised applicator to make pesticide applications.

Presentation By: Raymond Connors, Manager of Compliance

Action Needed: Approve/disapprove the consent agreement negotiated by staff

12. Other Old and New Business

a. Email from Asher Putterman

- b. Letter from Conservation Law Foundation and Public Employees for Environmental Responsibility
  - c. Letter from Versant Power
  - d. Variance Permit for CMR 01-026 Chapter 29, Maine Department of Transportation, Bureau of Maintenance & Operations
  - e. Variance Permit for CMR 01-026 Chapter 29, RWC, Inc.
  - f. Variance Permit for CMR 01-026 Chapter 29, Asplundh Tree Expert Co.- Railroad Division
  - g. Variance permit for CMR 01-026 Chapter 29, Acadia National Park
  - h. LD 226—An Act To Limit the Use of Hydrofluorocarbons To Fight Climate Change
  - i. LD 771—An Act To Amend the Laws Governing Wastewater Treatment Plant Operator Certification
  - j. LD 1159—An Act to Amend the Membership Requirements of the Board of Pesticides Control
  - k. Other items?
13. Schedule of Future Meetings
- August 27, and October 8, 2021 are tentative Board meeting dates. The Board will decide whether to change and/or add dates.
- Adjustments and/or Additional Dates?
14. 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](http://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](mailto: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.