



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

**April 19, 2019
9:00 AM**

Room 101 Deering Building
32 Blossom Lane, Augusta, Maine

DRAFT MINUTES

Present: Adams, Flewelling, Granger, Morrill, Waterman

1. Introductions of Board and Staff

- The Board and staff introduces themselves.
- Staff Present: Bryer, Chamberlain, Connors, Couture, Patterson, Pietroski

2. Minutes of the March 8, 2019 Board Meeting

Presentation By: Megan Patterson, Director

Action Needed: Amend and/or Approve

- Flewelling noted that Adams was at the meeting but was not listed as being present.
 - **Flewelling/Adams: Moved and seconded to approve the minutes as amended.**
 - **In Favor: Unanimous**

3. Continued Discussion of Funding to CDC for Mosquito Monitoring

The Maine Center for Disease Control and Prevention (Maine CDC) coordinates state activities around preventing vector-borne diseases. As part of its responsibilities, the CDC coordinates mosquito and disease monitoring in Maine. The presence of mosquito-borne diseases and the species of vector mosquitoes present in Maine have been on the rise in recent years. Maine CDC and BPC entered into a Memorandum of Understanding in 2013 to establish cooperation to conduct surveillance for mosquito-borne diseases to protect public

MEGAN PATTERSON, DIRECTOR
90 BLOSSOM LANE, DEERING BUILDING



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

health. At the March 8, 2019 meeting, Sara Robinson of the Maine CDC provided an overview of the trends and the state's monitoring program and the Board requested more information regarding funding. The Board will now discuss the information provided and discuss the possibility of increased BPC financial support for the 2019 season.

Presentation By: Sara Robinson, Program Director

Action Needed: Discussion and Determination if the Board Wishes to Increase Funding to CDC for Environmental Monitoring of Mosquitoes

- Patterson stated that Robinson could not make it to the Board meeting but she did provide the budget, description of work accomplished, and expected outcomes of the program, which the Board requested at the last meeting. Patterson reminded the Board of the memorandum of understanding with the Maine CDC, as well as the statutory obligation to provide at least \$25,000.
- Morrill asked how much the Board had previously granted the CDC.
- Patterson responded that in the previous year the grant was for \$50,000 and the year before that the Maine CDC received funding from federal CDC in response to Zika concerns so the Board was not asked to provide funding. She added that the Maine CDC tries not to rely solely on funding from the BPC but this year they are not receiving any federal monies.
- Morrill asked if they had a preference on an ask.
- Patterson replied that Robinson and she had discussed \$100,000.
- There was discussion about a couple bills currently before the legislature—LD 1518 and LD 908—and how those might impact the budget.
- Morrill commented that he would feel the Board was doing a disservice if they did not approve a grant in the amount of \$100,000 to the Maine CDC for mosquito monitoring.
- Flewelling asked if this amount would cover monitoring throughout the entire state.
- Patterson responded that it would cover sites from Augusta southward, but also sites that coincide with UMS campuses such as Fort Kent and Machias.
 - **Morrill/Adams: Moved and seconded to approve a grant to Maine CDC in the amount of \$100,000**
 - **In Favor: Unanimous**

4. Funding for University of Maine Extension Manual Writer/PSEP Position

At the October 27, 2017 meeting, the Board voted to approve a \$65,000 grant to the University of Maine Cooperative Extension for a combined Pesticide Safety Education Program and Pesticide Applicator Training position for one year. As part of the approval, the Board requested that it revisit the grant in June every year to ensure funding for the state fiscal year (October 1-September 30). The Board will now discuss whether to provide this grant for the upcoming year.

Presentation By: Megan Patterson, Director

Action Needed: Discuss and Determine if the Board Wants to Fund this Grant

- Patterson introduced Kerry Bernard, the University of Maine Cooperative Extension manual writer, to the Board. Patterson told the Board that Bernard had completed the entire work plan

proposed by the Board last year, as well as some additional work. Bernard has also provided a work plan and a proposal for the upcoming year.

- Morrill commented that he would like staff at some point to consider conducting training for commercial applicators a couple times a year. He asked Bernard how the training at the Maine state prison went.
- Bernard responded that the training was a collaboration with Mark Hutchinson, who works closely with the inmates. Hutchinson thought applicator licensure might be a valuable addition to the inmates' resumes. Bernard added that they took the agricultural core and the vegetable exams.
- Morrill responded that he thought it was a great idea to provide that training.
 - **Adams/Flewelling: Moved and seconded to approve a \$65,000 grant to the University of Maine Cooperative Extension for a combined Pesticide Safety Education Program and Pesticide Applicator Training position for one year**
 - **In Favor: Unanimous**

5. Discussion About the Use of Permethrin to Control Browntail Moth Within 50-250 feet of Marine Waters

Chapter 29, Section 5B states that only products with active ingredients approved by the Board may be used to control browntail moth within 50-250 feet of marine waters. After discussions over several meetings, the Board adopted a policy with a list of approved active ingredients on January 11, 2017. Following a discussion with the Board Director, Jeffrey Gillis, President of Well Tree, Inc. submitted a letter to the Board on April 1, 2019 raising several questions about the current list. The Board will now discuss Mr. Gillis' letter and determine whether action is warranted.

Presentation By: Megan Patterson, Director

Action Needed: Discuss and Determine if Current Policy Requires Modification

- Patterson explained that she received a call from Gillis asking why the Board had chosen to exclude permethrin from the list of actives to use within 50-250 feet of marine waters. She told the Board they had made the decision based on a risk analysis conducted by the previous Board toxicologist. Patterson stated that imidacloprid's efficacy against browntail moth has come into question and the Board has been asked to consider it's inclusion on the list of actives for uses within 50-250 feet from marine waters. She added that the initial list took into consideration products reported to the Maine Forest Service by commercial applicators as being effective for browntail moth control.
- Morrill asked for Bryer's interpretation of the data.
- Bryer responded that the issue with the assessment is that it was conducted beginning in 2006 and that is quite a long time ago in respect to current modeling and technology. In 2019 the math and the numbers would be approached differently. She added that the risk evaluation was based on a worst-case scenario.
- Morrill asked if the numbers needed to be reevaluated.
- Bryer stated she would be happy to do that. She added that the model used for one of the numbers from the prior assessment is a model no longer supported by the EPA.

- Morrill noted that he recalled a lengthy conversation regarding whether to include permethrin, and at that time, given the data they had, the prudent decision was not to allow for its use.
- Gillis stated that bifenthrin is also a synthetic pyrethroid, and although it and permethrin have different properties, it could potentially present the same risk to water bodies if not used correctly. He added that permethrin is labeled for fruits and vegetables and browntail moth often attack apple and similar trees. He concluded that everyone is coming to the discussion from different areas of expertise and he would love opportunities in the future where they could collaborate.
- Morrill commented that this is not an issue that will be solved this season but he is in favor of taking another look at these products.
- Patterson suggested reviewing the list every October and possibly handle it as a public comment session and give people an opportunity to come forward with their thoughts and what products are being used.
- Bryer suggested that the Board avoid determining efficacy of active ingredients.
- Gillis commented that there is some confusion among his customers on what the role of the Board is versus the role of the Maine Forest Service (MFS). He added that he believes some information is not being presented to the public correctly. The public is looking to the BPC as the entity who is promoting these actives as effective.
- Morrill responded that the Board should talk to applicators and the MFS to find out what is missing and maybe come up with a revised list.
- Gillis agreed it would be very helpful to discuss this and the more info available from the BPC and the Forest Service, the more effective they can be at communicating with customers. He added that he would like to know why specific products are used and what the risks are.
- Allison Kanoti, State Entomologist, asked the Board if they could revisit including imidacloprid on the list as well, as it is not effective.
- Thomas Schmeelk, MFS, agreed and stated it is ineffective against browntail moth and should be struck from the list.
- Patterson responded that the original list came from MFS and suggested possibly working together with them on a revised list.
- Kanoti stated the MFS would not be in support of recommending imidacloprid.
- Patterson told the Board they could choose to make a motion to strike that from the list.
- Morrill commented that there was spirited discussion around the list and we should make sure we include interested parties in future discussions to develop the best possible list.

6. Continued Discussion About Development of Additional Functionality Within Existing MEPERLS Framework of Digital Inspection Flows and Digital Reports for Submission of Existing Applicator and Dealer End of Year Reports

At the March 8, 2019, the board discussed a request by staff for additional funding for the Maine Pesticide Enforcement, Registration and Licensing System (MEPERLS). Recommended enhancements include incorporating required reporting within the system, allowing dealers and applicators to report sales/use using in an online fillable with some capacity for auto-filling data; and replacing the current digital, but static, fillable PDFs used for the inspection process with tablet compatible interactive flows. The Board requested more information. The Board will now discuss the information provided by staff and determine whether to approve funding.

Presentation By: Megan Patterson, Director

Action Needed: Approve or disapprove funding for the proposed development effort

- Patterson explained that staff had interest in developing further functionality with MEPERLS and the public was very interested in obtaining information about annual use patterns. She added they would like to add framework that would allow applicators to log in and fill in their annual use reports. Patterson stated the second function would be to streamline the enforcement process so that there are fillable inspection forms directly in the flow allowing inspection data to be easily searched and compiled. She added that the cost for development is approximately \$38,000 for the inspection forms.
- Morrill asked if this is what inspectors would use in the field.
- Patterson replied that current inspections can involve several forms and this would compile forms in a single location so staff would be able to use the forms and contained information more dynamically.
- Connors explained the current inspection process.
- Adams asked if this would work in real time or if they would need internet.
- Patterson responded that the inspectors currently have hot spots.
- Morrill commented that a lot of these programs are locally stored on a device and then synced when there is service.
- Chamberlain stated that that is what they are looking into this, but could also rely on the hot spots.
- Adams asked if there would be a cost savings to upgrade.
- Patterson replied that there is an unknown time savings because currently information is being entered multiple times and this upgrade would change that.
- Chamberlain commented that currently Connors has to spend a lot of time gleaning through PDFs trying to find data and he would not have to do that after the this change. She added that the inspectors already have tablets so those would not need to be purchased.
- Morrill asked if it was the consensus that this company could bring this project in under budget.
- Patterson stated in this case, yes.
 - **Morrill/Adams: Moved and seconded to approve funding for the MEPERLS development project.**
 - **In Favor: Unanimous**

7. Discussion About Funding an Education Campaign Around IPM

Interest has been expressed in expanding public awareness of the Board and its function. An advertisement campaign has been suggested as a reasonable approach to this request. Given the breadth of directions this type of campaign might pursue, staff would like the Board to provide feedback on the type information it sees as valuable for the public. Staff would also like the Board to discuss potential avenues for education (i.e. electronic media, radio pieces, articles, etc).

Presentation By: Megan Patterson, Director

Action Needed: Discuss and provide guidance to staff

- Patterson explained that the Board continues to revisit the topic of conducting more public education around integrated pest management and safe pesticide use. She added that staff is already taking steps to improve public outreach such as using push notifications on Facebook, which involves paying a small amount to get information to a larger audience
- Morrill stated he would like to begin reviewing the FY 2020 budget in July and asked what there was for a surplus after the bills are paid.
- Patterson responded most of the revenue is from pesticide registration so in December there was a balance forward of \$2 million and we typically like to have \$300,000 at that time of year.
- Morrill asked why salaries are \$45,000 more in December.
- Patterson stated she was not sure but would find out. [Follow up research indicated that the twice annual increased monthly salary costs are the result of months containing three pay periods rather than the typical two.] She added that in total it takes the program approximately \$1.7 million to function every year.
- Morrill asked if the current figures reflect the grant of \$100,000 to CDC.
- Patterson stated that they do and also the PSEP position, Kathy Murray's mosquito testing, and the water quality projects.
- Morrill thanked Patterson for summarizing that.
- Adams commented that it feels like at every meeting someone in the audience states we need to do more education and asked how we could get the general public to attend meetings.
- Morrill stated that a substantial portion of the general public do not know about us, the IPM Council, or several other resources that are out there. He suggested doing something other than talks, such as some targeted media campaigns, Facebook ads, and/or media buys.
- Gillis commented that he felt the GPD sign that is in most stores is an effective tool that goes directly to the source of who we want to be reaching out to. He added that the storm drains and rubber ducky ads were also very relevant.
- Granger said we need to endorse the concept but I think we need some real expertise to assist in implementing it.
- Bryer stated that many people do not know the Board exists, even on a basic level, like applicator licensing and registration.
- Patterson suggested considering the resources of Kathy Murray and the IPM Council as well.
- Mary Cerullo, Director for Friend of Casco Bay, commented that there are communities that are working on ordinances that would love the Board's input. She added that working with communities as an advisor would be a great way to renew the Board's visibility, and Cerullo applauds any effort at this and would be happy to assist.
- Jody Spear stated that she thought there was a problem with making an assumption that there are no experts in communities that have or are developing ordinances. She added that they have their own expert and are trying to practice organic pest management rather than IPM. Spear said some communities would not necessarily welcome all of the expertise the Board purports to be offering.
- Morrill asked Patterson what direction staff would like from the Board and if funding was needed for a media campaign. He suggested that staff reach out to a few groups and get ideas on how to reach people and bring the Board's message to the public.
- Patterson explained how an approach using social media, infographics, and artwork was employed to Portland, Oregon to share information with the public about gypsy moth control.
- Morrill replied that he is in favor of spending some of the surplus funds on an education campaign.
- Patterson replied that staff will bring some concrete ideas back to a future meeting.

- Flewelling asked if the Board was going to be speaking with towns who are in the process of creating ordinances.
- Patterson responded that the current attitude is that we should be reaching out more to municipalities and letting them know we're available to provide information and feedback. She added that she believed the current Director of DACF would be supportive of sending a memo stating that to towns and the Maine Municipal Association.

8. Correspondence

- a. Email and article from Jody Spear

9. Other Items of Interest

- a. Update of certification activities—John Pietroski, Manager of Licensing and Certification
- Pietroski gave the Board a summary of outreach and meeting performed by staff last year and in recent months.
 - 2019 Agricultural Trade Show: 34 presentations, 29 credits available, issued 1200 credits. Core Training: 46 took the exam, 34 passed.
 - 2018: 97 recertification programs, 239 credits available
- b. [Variance requests, use of certain active ingredients within 25 feet of water
- [Variances and associated questions were retained for future Board discussion.]
- c. Status of Rulemaking—no public comments were received
- d. Status of LD 908— An Act To Require Schools To Submit Pest Management Activity Logs and Inspection Results to the Board of Pesticides Control for the Purpose of Providing Information to the Public
- e. LD 1273—An Act To Ensure Funding for Certain Essential Functions of the University of Maine Cooperative Extension Pesticide Safety Education Program
- f. LD 1518— An Act To Establish a Fund for Portions of the Operations and Outreach Activities of the University of Maine Cooperative Extension Diagnostic and Research Laboratory and To Increase Statewide Enforcement of Pesticide Use
- Patterson stated that there are multiple components of this bill, including a tax based on Board staff collecting and distributing universal product codes for all pesticides sold in Maine. All funding would go to the University of Maine Cooperative Extension and a panel would determine how that funding would be spent. Patterson added that another component of this bill would require Board staff to enforce the requirements of municipal ordinances and to conduct product-by-product risk assessments for each municipality. The bill is unclear on the applicability of the resulting risk assessments. It is possible that the Board would conduct this work and a municipality could choose to disregard it.
 - Morrill asked if the Board would receive any funds for participating in this.
 - Patterson replied that they would not.
 - Morrill asked what the Department's position was.
 - Patterson stated that the Department is likely to testify as 'neither for nor against'.
 - Granger suggested the Board weigh in on the bill.
 - Morrill stated another option would be to oppose it as written.

- Granger replied that neither for nor against provides input to the committee but also registers your concerns. He added that he felt the Board should show some leadership here.
 - **Morrill/Adams: Moved and seconded to oppose the bill as it is worded at this time**
 - **In Favor: Unanimous**

10. Schedule of Future Meetings

- May 24, 2019 and June 28, 2019 were previously proposed meeting dates. The Board has canceled the May meeting and moved the June meeting to June 7, 2019.
- Patterson stated the Board had expressed interest in taking a forestry focused trip and observing aerial application. She has tentatively schedule this for July 12th in the Greenville area.
- The Board agreed with this date.

11. Adjourn

- **Flewelling/Adams: Moved and seconded to adjourn meeting at 11:15am.**
- **In Favor: Unanimous**