



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
MAINE DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES
BOARD OF PESTICIDES CONTROL
28 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0028

WALTER E. WHITCOMB
COMMISSIONER
HENRY S. JENNINGS
DIRECTOR

BOARD OF PESTICIDES CONTROL

May 11, 2012

Important—please note meeting location & time:
AMHI Complex, 90 Blossom Lane, Deering Building, Room 319, Augusta, Maine

AGENDA

8:30 AM

1. Introductions of Board and Staff
2. Minutes of the February 24, March 12, and March 30, 2012, Board Meetings

Presentation By: Henry Jennings
Director

Action Needed: Amend and/or approve

3. Discussion of Potential Amendments to BPC Rules

Public Law 2011, Chapter 510, repealed the statutory mandate for the deposit system for restricted use pesticide containers. In order to implement the intent of the legislation, the Board will need to repeal Chapter 21 of its rules. In addition, after reviewing the Board's report pursuant to Resolve 2011, Chapter 59, covering the use of Integrated Pest Management at schools, the Joint Standing Committee on Agriculture, Conservation and Forestry encouraged the Board to pursue rule amendments recommended in the report. Finally, there are a variety of other minor rulemaking topics that the Board has discussed in recent years. The staff will briefly discuss repeal of Chapter 21, recommendations for updating Chapter 27, and other potential rulemaking changes. The Board will discuss its preferences and determine whether and when to hold Public Information Gathering Workshops.

Presentation By: Henry Jennings

Action Needed: Determine what rule changes the Board wishes to pursue this year

4. Discussion about Improving the Awareness and Operation of the Notification Provisions Contained in Chapter 28

At its February 24 and March 30, 2012, meetings, the Board decided not to pursue development of an expanded version of the pesticide notification registry. Instead, the Board favored attempting to improve

the awareness and operation of the existing notification provisions contained in Chapter 28. The staff is now seeking Board input on how it would like to proceed.

Presentation By: Paul Schlein
Public Education Specialist

Action Needed: Provide Guidance to the Staff

5. Consideration of a Consent Agreement with Prospect Hill Golf Course of Auburn

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 in 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 and resolve the matter. This case involved multiple instances of pesticide applications without having a licensed commercial applicator on staff.

Presentation By: Raymond Connors
Manager of Compliance

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

6. Consideration of a Consent Agreement with Atlantic Turf Care of Falmouth

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 in 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 and resolve the matter. This case involved a pesticide application on property without the permission of the landowner, and while wind speeds were in excess of acceptable limits.

Presentation By: Raymond Connors
Manager of Compliance

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

7. Consideration of a Consent Agreement with Tripp Middle School, MSAD 52, of Turner

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 in 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 and resolve the matter. This case involved the misuse of a pesticide in a school kitchen.

Presentation By: Raymond Connors
Manager of Compliance

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

8. Consideration of a Consent Agreement with Purely Organic Lawn Care, Inc., of York Harbor

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 in 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 and resolve the matter. This case involved fraudulent application of pesticides.

Presentation By: Raymond Connors
Manager of Compliance

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

9. Other Old or New Business

- a. Letter from Bangor Hydro regarding plan to hydraulically spray 50 electric substations—H. Jennings
- b. Variance Permit for Chapter 29 to The Woodlands Club—H. Jennings
- c. Variance Permits for Chapters 22 and 29 to RWC, Inc.—H. Jennings
- d. Variance Permit for Chapter 29 to RCL Services, LLC, for Giant Hogweed—H. Jennings
- e. Variance Permits for Chapter 22 and 29 to the Maine Department of Transportation—H. Jennings
- f. Variance Permit for Chapter 29 to Dubois Contracting—H. Jennings
- g. Update on Avipel—M. Tomlinson
- h. Update on Revus—M. Tomlinson
- i. Update on webcasting/audiocasting Board meetings—P. Schlein
- j. Update on Chapter 41—H. Jennings
- k. Other?

10. Schedule of Future Meetings

June 15, July 27, September 7, October 26, and December 7, 2012, are tentative Board meeting dates. The Board will decide whether to change and/or add dates. Board members have discussed holding the July 27 meeting in Presque Isle and the January 2013 meeting at the Maine Agricultural Trades Show. The dates for the upcoming show are January 8, 9, and 10. Does the Board want the staff to pursue this?

Adjustments and/or Additional Dates?

11. 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 Paul Schlein, Public Education Specialist, at the Board's office. 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.