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STATE OF MAINE  
MAINE DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY  
BOARD OF PESTICIDES CONTROL  
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COMMISSIONER  
HENRY S. JENNINGS  
DIRECTOR

**BOARD OF PESTICIDES CONTROL**

**November 13, 2015**

**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 August 28, 2015, Board Meeting

Presentation By: Henry Jennings  
Director

Action Needed: Amend and/or Approve

3. Draft Response to the Legislative Committee on Agriculture, Conservation and Forestry Concerning Rules for Public Parks and Playgrounds

On July 16, 2015, the Joint Standing Committee on Agriculture, Conservation and Forestry of the 127<sup>th</sup> Legislature sent a letter to the Board requesting a review of its rules “in order to determine whether the standards for pesticide application and public notification for public parks and playgrounds should be consistent with the standards that have been established for pesticide application and public notification in school buildings and on school grounds under CMR 01-026, Chapter 27.” The Board discussed the issue at the August 28 meeting and directed the staff to draft a response based on that discussion. The Board will now discuss the draft.

Presentation By: Henry Jennings  
Director

Action Needed: Review the draft response to the Joint Standing Committee on Agriculture, Conservation and Forestry and provide guidance to the staff

4. Letters from Various Constituents

Paul Schlein submitted comments and suggestions to the Board as part of the July 10, 2015 meeting packet in reaction to a letter from Justin Nichols recommending changes to the Board’s posting requirements. Schlein later submitted a revised version of his letter and asked that the Board review it. Related letters supporting Schlein’s views were also received from Maine Organic Farmers and Gardeners Association (MOFGA), Friends of Casco Bay, and Natural Resources Council of Maine (NRCM). The Board will now review and discuss the letters.

Presentation By: Henry Jennings  
Director

Action Needed: Discuss the letters received from constituents and determine what, if any, action is required

5. Review of BPC Budget

Board Chair Deven Morrill suggested that a review of the Board's annual operating budget might be timely since the Board is reviewing suggestions for additional educational efforts and because questions have arisen about the costs of pesticide continuing education programs.

Presentation By: Henry Jennings  
Director

Action Needed: Review the BPC budget

6. Consideration of a Consent Agreement with JBI Helicopters, Inc. of Exeter, New Hampshire

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 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 drift from an agricultural pesticide application that impacted a neighboring residential property.

Presentation By: Raymond Connors  
Manager of Compliance

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

7. Other Old or New Business

- a. Summary of Obsolete Pesticide Collection
- b. Update on transition plan to three year license/certification cycle
- c. Staff Update
- d. Variance Permit for control of Japanese knotweed in Minot
- e. Variance Permit for control of invasive plants in ROWs in Falmouth
- e. Other

8. Schedule of Future Meetings

December 18, 2015, and January 13, 2016 are tentative Board meeting dates. The Board will decide whether to change and/or add dates.

Adjustments and/or Additional Dates?

9. 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 attention of Anne Chamberlain, at the Board's office or [anne.chamberlain@maine.gov](mailto:anne.chamberlain@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.