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STATE OF MAINE
MAINE DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
BOARD OF PESTICIDES CONTROL
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BOARD OF PESTICIDES CONTROL

October 18, 2013

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 September 6, 2013, Board Meeting

Presentation By: Henry Jennings
Director

Action Needed: Amend and/or approve

3. Review of Ideas about Streamlining the Applicator Licensing Process

At the September 6, 2013, Planning Session, the Board discussed streamlining of the commercial applicator licensing process, identified as the highest priority topic, and debated several ideas to improve the system. Companies are trying to get new and seasonal employees licensed quickly in the spring and summer. The staff has reviewed some of the ideas from the Planning Session and is prepared to discuss them further with the Board.

Presentation By: Gary Fish
Manager of Pesticides Programs

Action Needed: Provide Guidance to the Staff about Potential Changes

4. Review of Ideas for Improving How the Board Addresses Variance Requests

At the September 6, 2013, Planning Session, the Board discussed improving how it addresses variance requests, which had been identified as its second highest priority topic. Concerns have been voiced about turnaround time, consistency, whether applicators are applying the most up-to-date best management practices, sustainability and whether variances are the most efficient regulatory approach. The staff has reviewed some of the ideas from the Planning Session and is prepared to discuss them further with the Board.

Presentation by: Henry Jennings
Director

Action Needed: Provide Guidance to the Staff about Potential Changes

5. Review of Ideas for Increasing the Availability of Online Continuing Education Options

At the September 6, 2013, Planning Session, the Board discussed increasing online continuing education options, which had been identified as its third highest priority topic. Current options and ideas for additional options were discussed. The staff has reviewed some of the ideas from the Planning Session and is prepared to discuss them further with the Board.

Presentation By: Gary Fish
Manager of Pesticide Programs

Action Needed: Provide Guidance to the Staff about Potential Changes

6. Review of the Board's Enforcement Protocol

At its September 6, 2013, meeting, concerns arose about the proposed fine imposed by a pending consent agreement. During the course of the discussion, there were questions about (1) whether the matter may have been more appropriately presented to the Board prior to negotiating a draft agreement, (2) the process by which the Board might alter an agreement, and (3) how the staff arrives at proposed penalties. Some of the questions relate to the Board's existing Enforcement Protocol. Consequently, the staff determined a review of the existing protocol may be a useful starting point.

Presentation By: Henry Jennings
Director

Action Needed: None—Informational Only

7. Consideration of a Consent Agreement with Lucas Tree Experts of Portland

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 and resolve the matter. This case involved an application of lawn care pesticides within 250 feet of a property listed on the Maine Pesticide Notification Registry. The registry participant did not receive advance notice.

Presentation By: Raymond Connors
Manager of Compliance

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

8. Other Old or New Business

9. Schedule of Future Meetings

December 13, 2013; January 7, 8 or 9, February 21, and March 28, 2014, are tentative Board meeting dates. The Board will decide whether to change and/or add dates.

Adjustments and/or Additional Dates?

10. 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 Anne Bills, at the Board's office or anne.bills@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.