



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
BOARD OF PESTICIDES CONTROL
28 STATE HOUSE STATION
AUGUSTA, MAINE 04333

PAUL R. LEPAGE
GOVERNOR

WALTER E. WHITCOMB
COMMISSIONER

BOARD OF PESTICIDES CONTROL

October 27, 2017

Room 118 Marquardt Building
32 Blossom Lane
Augusta, Maine

AGENDA

9:00 AM

1. Introductions of Board and Staff

2. Minutes of the June 23, 2017, Board Meetings

Presentation By: Cam Lay
Director

Action Needed: Amend and/or Approve

3. Consideration of Registration Requests for Several New *Bt* Corn Products

Monsanto Company and Dow AgroSciences LLC have requested registrations of several new *Bt* corn products. The Board must consider whether these products are dissimilar enough from previous registrations to be reviewed by the Technical Committee before registration, or can be registered now based on the information submitted.

Presentation By: Mary Tomlinson
Pesticides Registrar/Water Quality Specialist

Action Needed: Approve/Disapprove Registration Request or Refer to Technical Committee

CAM LAY, DIRECTOR
90 BLOSSOM LANE, DEERING BUILDING



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4. Inquiry and Complaint Summary

Summary of enforcement actions taken in 2015-2016.

Presentation By: Raymond Connors
Manager of Compliance

Action Needed: None—Informational Only

5. Continuing Discussion of Funding for University of Maine Cooperative Extension PSAT and PSEP Positions

At the May 12, 2017 meeting, the Board tabled discussion of a request from Dr. James Dill of the University of Maine Cooperative Extension for a one-year grant of \$65,000 for a combined Pesticide Safety Education Program and Pesticide Applicator Training position. The Board requested that staff meet with Dr. Dill to develop a list of deliverables for this funding. The Board will now discuss the proposed list.

Presentation By: Megan Patterson
Pesticide Program Manager

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

6. Consideration of Consent Agreement with Weyerhaeuser Company of Fairfield, Maine

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 multiple aerial applications of pesticides to sensitive sites (streams) and insufficient notification of an adjacent landowner prior to the application.

Presentation By: Raymond Connors
Manager of Compliance

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

7. Consideration of Consent Agreement with Town of Ogunquit, Maine

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 misapplication of rodent bait.

Presentation By: Raymond Connors
Manager of Compliance

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

8. Consideration of Consent Agreement with Green Thumb Lawn Service, Brewer, Maine

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 application of herbicide to the wrong property.

Presentation By: Raymond Connors
Manager of Compliance

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

9. Consideration of Consent Agreement with Frederick's Property Preservation of Dixmont, Maine

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 application of an herbicide in a manner inconsistent with its label, to an unauthorized property, by an unlicensed applicator.

Presentation By: Raymond Connors
Manager of Compliance

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

10. Consideration of Consent Agreement with Dependable Pest Solutions of Rochester, New Hampshire

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 multiple applications of pesticides in Maine by an unlicensed and unsupervised applicator.

Presentation By: Raymond Connors
Manager of Compliance

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

11. Other Old or New Business

- a. Manchester Municipal Ordinance
- b. Articles and correspondence submitted by Board constituents:

- Nancy Caudle Johnson email
 - Claire Adams, et al, *Lincoln County News* letter
 - Jody Spear, *Portland Press Herald* article
- c. Variances approved (all Chapter 29, Section 6):
- Farrell, knotweed on her own property along Carrabassett River
 - High Pine Environmental, LLC, *Phragmites* in Kittery
 - Burman Land and Tree, LLC, invasive plants in Vassalboro
 - Baxter State Park, invasive plants

12. Schedule of Future Meetings

December 8, 2017, and January 10, 2018, are tentative Board meeting dates. The Board will decide whether to change and/or add dates.

Adjustments and/or Additional Dates?

13. 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 Board's office or 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.