



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

JANET T. MILLS
GOVERNOR

28 STATE HOUSE STATION
AUGUSTA, MAINE 04333

AMANDA E. BEAL
COMMISSIONER

BOARD OF PESTICIDES CONTROL

February 27, 2026

9:00 AM Adjudicatory Hearing

10:00 AM Board Meeting, resuming after the Public Hearing

10:30 AM Public Hearing

Join the meeting in person in Room 101, Deering Building, 90 Blossom Lane, Augusta
Or

[Join the meeting now](#)

Meeting ID: 263 693 709 752 20

Passcode: g9Mc3HW7

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Phone conference ID: 828 636 415#

AGENDA

1. Introductions of Board and Staff
2. Public hearing on Proposed Rule Amendments to Chapter 40: Maine Restricted and Limited-Use Pesticides, Section 1. Restricted Use Pesticides

The Board will hear testimony on the proposed amendments. The proposed amendments to Chapter 40, Section 1(B) include the addition of the 4 second-generation anticoagulant rodenticide active ingredients: brodifacoum, bromadiolone, difenacoum, difethialone, and the herbicide active ingredient: tebuthiuron.

3. Minutes of December 19, 2025, and January 14, 2026 Board Meetings

Presentation By: Alex Peacock, Director
Action Needed: Amend and/or Adopt

ALEXANDER PEACOCK, DIRECTOR
90 BLOSSOM LANE, DEERING BUILDING



PHONE: (207) 287-2731
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4. Consideration of a Request for Financial Support from Maine Mobile Health

Since 1995 the Board has supported the Migrant and Seasonal Farmworker Safety Education program. The Maine Mobile Health Program (MMHP) provided training to 250 farmworkers during the 2025 season. Funding to support the effort in 2026 is being requested in the amount of \$20,000.00 which is an increase in the funding amount provided by the Board in 2025. The funding has been accounted for in the Board's FY26 budget.

Presentations By: Hannah Miller, Director of Outreach, Maine Mobile Health
Action Needed: Discussion and Approve/Disapprove this Request.

5. Consideration of Consent Agreement with Stephen Antonson of Rockport

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 involved an application to a property without prior authorization.

Presentations By: Jose Gayoso, Compliance Manager
Action Needed: Discuss; Approve/Disapprove

6. Other Old and New Business

- a. Variance Permit for CMR01-026, Chapter 29, Wilkinson Ecological, Piper Shores, Scarborough, ME
- b. BPC Policy Concerning Denying Access to the Public for Seven Days to Areas "Open to Use by the Public" Adopted July 10, 2015
- c. USEPA Implements Strongest Protections in Agency History for Over-the-Top Dicamba Use on Cotton and Soybeans for Next Two Growing Seasons

7. Schedule of Future Meetings

The next scheduled Board meeting date is April 10, 2026, at the Deering Building, Room 101, Augusta

Future Meetings: May 29, 2026 (Marquardt Building Rm 118), July 10, 2026, August 21, 2026.

Adjustments and/or Additional Dates?

8. 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.

Board of Pesticides Control

CRITERIA FOR CONSIDERING PESTICIDE PRODUCTS FOR STATE RESTRICTED USE STATUS

The Board has established the following criteria as policy for considering placement of pesticides on the state restricted use list. Since the criteria are adopted as policy and not regulation, the Board may amend them as the need arises at future meetings.

1. Products that are classified by EPA as Federally Restricted Use.
2. Products that the Board determines have a high potential for exposure in the hands of a non-certified individual. For example, a product that has been reviewed by the Board and a determination made that personal protective equipment such as respirator, goggles, impermeable gloves is necessary to reduce exposure and long term risks.
3. Products that the Board determines have a history of misuse or accidents.
4. Products the Board determines have significant acute toxicity or chronic health effects identified at reasonably expected use patterns.
5. Products that the Board determines (a) have been confirmed at levels of concern or are widespread in ground and surface water as a result of routine uses or (b) have a high potential for leaching or surface runoff under normal expected use patterns.
6. Products that the Board determines are toxic to fish or wildlife or have other adverse environmental effects under normal expected use patterns.
7. Pesticide products which are no longer federally registered will not be included on the state restricted use list.

Chapter 40: MAINE RESTRICTED AND LIMITED USE PESTICIDES

SUMMARY: These regulations list the pesticides classified by the Board as restricted use or limited use and describe procedures governing their sale and use:

Section 1. RESTRICTED USE PESTICIDES

The products described under Section A and B below shall be classified as restricted use pesticides for the purposes of this chapter.

- A. All products classified for restricted use by the U.S. Environmental Protection Agency shall automatically be restricted use pesticides under this chapter.
- B. In addition, all products containing the following active ingredients and meeting the listed criteria shall be classified as restricted use pesticides in Maine:

| | |
|---|--|
| arsenic compounds (above 2%) | fenthion (Baytex) |
| azinphos-methyl (Guthion) | fonophos (Dyfonate, above 15%) |
| <u>brodifacoum</u> | formetanate hydrochloride (Carzol) |
| <u>bromadiolone</u> | mercury compounds |
| chlorfenvinphos (4072) | methomyl (Lannate-all uses except bait formulations less than 2% methomyl) |
| daminozide | nicotine alkaloid (above 40% expressed as alkaloid) |
| dichlorvos (Vapona, DDVP, above 25%) | oxamyl (Vydate) |
| <u>difenacoum</u> | paraquat (above 0.2%) |
| <u>difethialone</u> | phosphorus (white and yellow) |
| **disulfoton (Disyston, above 1%) | strychnine |
| DNOC (Sinox, above 2%) | <u>tebuthiuron</u> |
| ***EBDC fungicides (Maneb, Mancozeb | trichlorfon |
| Dithane, Polyram, Metiram, etc) | |
| except dry flowable and liquid formulations | |
| endosulfan (Thiodan, above 10%) | |
| endothall | |
| ethion (above 40%) | |

**Granular formulations of 10% and above are restricted.

***All dusts and wettable powder formulations restricted, regardless of concentration.

- C. Restricted use pesticides may be sold only by restricted use pesticide dealers licensed by the Board as provided in Chapter 34.
- D. Restricted use pesticides may be purchased and used only by applicators licensed by the Board as provided in Chapters 31 and 32.

Section 2. PROHIBITED AND LIMITED USE PESTICIDES

- A. All products containing the following active ingredients shall be classified as limited use pesticides in Maine:

| | |
|------------|---|
| Aldrin | Methyl Parathion (Microencapsulated forms only) |
| Chlordane | Sodium monofluoroacetate (Compound 1080) |
| Heptachlor | Toxaphene |
| Lindane | |
- B. Limited use pesticides may be sold only by restricted use pesticide dealers licensed by the Board as provided in Chapter 34.
- C. Limited use pesticides may be purchased and used only by applicators licensed by the Board as provided in Chapters 31 and 32 and holding a permit from the Board as provided in subsections E and F below.
- D. An application to use any limited use pesticides shall be made to the Board in writing on such forms as may be provided by the Board. Applications shall include, at a minimum, the chemical to be used, the pest or pests which are the target of such chemical application, the vegetation to which it will be applied, the location and detailed description of the application site, and the amount of land to be covered by such application. When, in the opinion of the Board, any bona fide emergency prevents a written application to the Board, such application may be made orally to any member or employee of the Board. Failure of any applicator to exercise due diligence or to reasonably anticipate any situation which would create the need for the use of any limited use pesticide shall not be considered an emergency within the scope of this section.
- E. The Board may grant such applicant permission to use or apply any limited use pesticide if the Board determines that (1) the pesticide applicator is appropriately licensed, (2) an unusually heavy infestation of insects or other pests creates the prospect of a significant economic loss to the applicant or any other person or creates a public health hazard, (3) no suitable chemical, biological or other method is available to prevent or reduce the impact of such infestation to an acceptable level, (4) the use of such limited use pesticide will not create an undue risk to human life nor cause significant detrimental effects upon the environment, and (5) such use is in compliance with FIFRA and the rules and regulations promulgated thereunder. Permission to use such limited use pesticide may be granted upon such reasonable terms and conditions as the Board deems necessary to protect the health, safety and general welfare of the environment and the people of the State of Maine and to achieve the purpose of the statute. Permission to use any limited use pesticide during any bona fide emergency situation may be granted upon the oral consent of a majority of the Board given to the director or chairman of the Board or such other member of the Board who received the oral application. Such oral consent shall thereafter be confirmed in writing by such members to the director within ten (10) days.
- F. The outdoor use or application of benzene hexachloride (including lindane) for the purpose of controlling mosquitoes and other biting flies is hereby prohibited in the State of Maine on or after September 1, 1970.

STATUTORY AUTHORITY: Title 22 M.R.S.A., Chapter 258-A and 7 M.R.S.A., Chapter 103

EFFECTIVE DATE:

July 6, 1979

AMENDED:

December 8, 1985

June 22, 1986

May 8, 1988

June 14, 1989

June 20, 1989

December 24, 1991

March 28, 1992

EFFECTIVE DATE (ELECTRONIC CONVERSION):

March 1, 1997

CONVERTED TO MS WORD:

March 11, 2003

AMENDED:

April 30, 2007 – filing 2007-153

Corrections:

February, 2014 - agency names, formatting



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BOARD OF PESTICIDES CONTROL

28 STATE HOUSE STATION
AUGUSTA, MAINE 04333

AMANDA E. BEAL
COMMISSIONER

BOARD OF PESTICIDES CONTROL

December 19, 2025

9:00 AM Board Meeting

Join the meeting in person in Room 101, Deering Building, 90 Blossom Lane, Augusta
Or

[**Join the meeting now**](#)

Meeting ID: 276 462 955 907 74
Passcode: qu9fA6rd

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MINUTES

1. Introductions of Board and Staff

- Adams, Bohlen, Carlton, Fanning, Gray, Neavyn
- Boyd, Brown, Gayoso, Gustanski, Leibowitz, Peacock, Poisson, Richard, Saucier, Vacchiano, Van Hoewyk

2. Minutes of November 21, 2025, Board Meeting

Presentation By: Alex Peacock, Director

Action Needed: Amend and/or Adopt

- **Carlton/Gray: Moved and Seconded to adopt November 21st, 2025 meeting minutes.**
- **In Favor: Unanimous**

3. BPC Budget Update

Presentation By: Alex Peacock, Director

Action Needed: None, Informational

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- Peacock informed the Board of the Board of Pesticide Control's 2026 budget, including the extension of the Cooperative Agreement. Plans for the budget include the required neonicotinoid study, IPM outreach, and an additional staff member.
- Adams expressed concern in the projected decline in revenue.
- Peacock stated that the BPC was keeping an eye on it and that it currently is only a projection.

4. Pesticide Container Disposal Concerns

Recently, inspection staff have been alerted to the improper disposal of pesticide containers, including the burying and burning of containers. Staff are considering options to prevent this activity in the future, including potential rulemaking. Mark Hudson of the Ag Container Recycling Council and Frank Leavitt of Nutrien Ag Solutions will discuss current recycling activities.

Presentation By: Alex Peacock, Director
 Action Needed: None, Discussion

- Peacock introduced Mark Hudson of the Ag Container Recycling Council and Frank Leavitt of Nutrien Ag Solutions to discuss current recycling activities.
- Hudson gave a presentation on the work and history of ACRC. The ACRC not only collects containers through agricultural retailers and growers but also created free educational resources on proper container recycling.
- Leavitt explained his company's partnership with the ACRC and the setbacks involved in accepting customer containers. Approximately 30% of containers are rejected for pickup due to them not being properly rinsed. Leavitt believes the regulation and infrastructure in place is adequate, but recommended inspectors regularly check empty container storage. Word of mouth would encourage more applicators and farmers to properly rinse containers more frequently.
- Hudson reminded the Board of the resources the ACRC has to offer towards further education and training for applicators and farmers. The ACRC's experience across the country has shown positive results when keeping the information in front of growers on a regular basis.
- Carlton mentioned using the old container deposits as an incentive for growers to take rinsing more seriously.
- Leavitt explained that Nutrien picks up ready containers whenever they make a delivery. The ACRC provides them with waterproof bags for storage until recycling.
- Hudson also reminded the Board that many growers are correctly rinsing and disposing of containers. It is only a small portion who are not.
- Adams asked Gayoso when the label becomes enforceable.
- Gayoso did not believe there was a statute of limitation for labels.
- Peacock returned to the idea of an updated inspection method. Currently the inspection form has a spot for storage and disposal, but it is conducted as an interview. An adjustment to the form would need to be made, but a change of inspection practices could encourage the regulated community to properly rinse and dispose of containers .

- Neavyn brought up the focus on punishing those who do not properly rinse instead of rewarding those who do the correct thing. Possibly have a protocol checklist on the inspection form.
- Leavitt said that Nutrien is willing to help with education and collection.
- Gary Fish remarked that the only real leverage is public opinion and social marketing.
- Adams asked if there was any way to track who is properly rinsing and who isn't.
- Leavitt said that while they try to tag bags and bundles, tags can fall off. He knows when jugs aren't picked up as he gets calls from growers. Leavitt is willing to start sending rinsing procedures as a follow up email to those calls.
- Adams asked about the possibility of offering recertification credits for those who consistently rinse properly.
- Hudson mentioned ACRC already offers materials used for recertification throughout the country.
- Gray recommended announcing the change of inspection practices at the upcoming meetings.
- Adams asked Brown how many inspections he could do in a week.
- Brown said about five or six a week.
- Peacock reiterated the plan to enhance inspections and roll out new recertification courses. Peacock asked Leavitt if an inspector could come to a pickup to inspect containers.
- Leavitt said that at the time of pick up, the rejection would already occur. The best time to inspect would be at the time of application.
- Hillary Peterson asked about the possibility of a punch card system for when containers have been properly rinsed.
- Adams said the onus cannot be on Nutrien to enforce.

5. 2025 IPM Program Update and 2026 Funding Request

Annual report on 2025 IPM Program activities and funding request to continue mosquito monitoring and promote Integrated Pest Management (IPM) in 2026.

Presentation By: Hillary Peterson, Ph.D., IPM Specialist
 Action Needed: Discussion, Approve/Disapprove

- Peterson informed the Board of the IPM Program's use of their 2025 budget. Developments were made to the mosquito surveillance process as a new system to process species data was used. No sampled mosquitoes showed signs of the West Nile virus or EEE. New high-quality photos of mosquitoes have been taken to help with identification. The new hire in the IPM Program worked on updating the vacuum used for mosquito sampling.
- Peterson also informed the Board of outreach tactics and developments. A speaker database has been made to more easily find presentations for different meetings. Peterson mentioned plans for an IPM calendar project. The goal would be to have IPM task lists that sync with a homeowner's digital calendar.
- Peterson asked the Board for \$87,522.00 for the IPM Project's 2026 budget. This would include a study on SMART rodent boxes in schools. SMART rodent boxes have 24/7 logs of rodent activities. This would give data on where rodents enter schools and where IPM practices would be most effective.
- Carlton noticed the IPM Program's mosquito monitoring was localized in Kennebec and advocated for spreading south.

- Peterson pointed out that other agencies were covering southern monitoring.
- Bohlen asked if there was no detection of WNV and EEE from Peterson's study or from across the board.
- Peterson said it was just her studies.
- Fish mentioned the mosquito numbers were down during 2025 due to the dryness.
 - **Gray/Carlton: Moved and seconded to approve budget as presented.**
 - **In Favor: Unanimous.**

Adams called for a 5-minute break

6. LD 356: Resolve, Directing the Board of Pesticides Control to Prohibit the Use of Rodenticides in Outdoor Residential Settings

Continued discussion of LD 356 and review of the draft preliminary report due to the ACF committee on January 15, 2026. The Board has sought additional input from stakeholders. This item will include a dialogue with stakeholders present.

Presentation By: Alex Peacock, Director
 Action Needed: None, Discussion

- Peacock introduced Mike Peasley, a stakeholder who told Peacock about a new piece of legislature being discussed in New Hampshire which would restrict all rodenticides.
- Peacock noted that IFW's lead biologist was unavailable to join the meeting but is willing to come to future meetings.
- Adams asked the stakeholders to help the Board to understand the consequences that could come from restricting rodenticides.
- Peasley spoke about how other states have restricted use of rodenticides to professional applicators. He acknowledged that applicators could misapply, but that it is less likely than when homeowners apply themselves. He also brought up that applicators can be held accountable in ways homeowners cannot.
- Adams asked what the net impact on the rodent population would be if the unregulated community was restricted.
- Peasley thought that the less readily accessible the products are, the general population would increase. This would also create an inequality for those who cannot afford to hire an applicator.
- Adams asked if there would be a difference between interior use and exterior use.
- Peasley asked how they would enforce the proper use. It is more effective to use exterior as once a rodent enters the home; it will contaminate food and leave droppings. If a rodent is already in the home, though, it will not voluntarily leave.
- Carlton mentioned there was a woman who had to leave her home because of a rat infestation. He suggested they start with prevention and put onus on towns and homeowners to keep places clean.

- Peterson brought up her experience with the town of Howland's response to their rodent population. Howland doesn't have weekly trash pickups due to lack of funds, so they adopted a twice-per-year junk pickup to help. Peterson suggested creating a fund that towns can apply for to receive help.
- Cunningham from Tomcat spoke about the products they register for consumers. None of their products contain anti-coagulant agents and all bait must be sold with a station.
- Adams theorized restricting second-generation rodenticides wouldn't have a big effect on the general population.
- Van Hoewyk said that there is no real study on how a ban on rodenticides would effect rodent population. It is difficult to gather accurate information
- Gayoso asked if anyone had seen if there was an increase in diseases carried by rodents.
- Adams asked if it was true that consumers can't buy second-generation anti-coagulants.
- Peacock said that while they cannot be sold in hardware stores, they can be found at agricultural supply stores. Even if it is labeled for agricultural use, there is nothing in place to prevent stores from selling anti-coagulants to the general public.
- Adams summarized that the greatest risk is second-generation anti-coagulants and that it sounded like there wouldn't be a large negative impact on the general population.
- Peterson added that when someone goes to buy their usual rodenticide only to find it gone, it would be a great opportunity to display educational resources.
- Gray suggested the Board avoid blanket statements that can be used to restrict new developments in active ingredients.
- Vacchiano informed the Board that there are currently 8 baits and 1 birth control product under 25B.
- Adams reminded the Board of the discussion to have applicators leave identifying information on the bait stations they place.
- Peacock added that landscaping equipment can move weighed down bait stations and the identifying information would help with enforcement and accountability.
- Adams asked which chapter the rodenticide restriction would fall under.
- Boyd said that if the active ingredients themselves were listed, they would fall under Chapter 40.
- Adams asked the staff to bring a draft of the updated Chapter 40 to the next board meeting.

7. LD 1323: An Act to Prohibit the Use of Neonicotinoid Pesticides and the Use and Sale of Neonicotinoid-treated Seeds

Resolve, Directing the Board of Pesticides Control to Evaluate the Impact of Neonicotinoids on Pollinators, Humans, and the Environment. Update on current activities conducted by staff to satisfy this legislative directive and review of the draft preliminary report due to the ACF committee on January 15, 2026.

Presentation By: Alex Peacock, Director
 Action Needed: None; Discussion

- Peacock told the Board the RFP has been published.
- Boyd expected proposals to start coming in on December 29th
- Bohlen suggested that staff consider the target audience of the report when writing it as there are complex topics that may be hard to understand.
- Peacock planned to submit the report next week as required. The final report is due on January 15th, 2026.
- Bohlen thanked the staff for the work put into the two reports.

8. Overview of Newly Approved Active Ingredients by USEPA

Presentation about 7 new pesticide active ingredients recently approved for use by USEPA.

Presentation By: Julia Vacchiano, Pesticide Registrar & Doug Van Hoewyk, Ph.D., Pesticide Toxicologist

Action Needed: None; Discussion

- Vacchiano informed the Board of 7 proposed products up for registration that included a new active ingredient, isocycloseram. Vacchiano informed the board of multiple pesticide registrations under review. Products presented contain 7 active ingredients not previously registered in the state.
- Van Hoewyk presented the science behind isocycloseram, one active ingredient of particular interest included in 9 proposed registrations.
- Bohlen asked clarifying questions about the toxicology report and studies presented.
- Adams asked if the ingredient needed to be approved today.
- Vacchiano said it did not need to be approved today, but, without action from the board, the products would become registered automatically by statute after 90 days.
- Jenn Lund, the state apiarist, said that she had been presented research on the proposed miticide Norroa for control of varroa mites in hives, and had no concerns.
- Heather Spaulding representing MOFGA asked the Board to consider the fact that some of the active ingredients presented are considered to be PFAS compounds and felt that this discussion understated that aspect.
- Van Hoewyk said that by Maine's definition, it was considered a PFAS but not by the EPA's.
- Gray said he didn't see a reason not to approve them with the current rules.
 - **Gray/Fanning: Moved and seconded to approve active ingredient registration.**
 - **In Favor: Adams, Carlton, and Neavyn**
 - **Opposed: Bohlen**

9. Other Old and New Business

- a. Chapter 50: Record Keeping and Reporting Requirements, Annual Summary Report by Commercial Applicators and Annual Pesticide Sales Reports must now be submitted electronically.

b. Obsolete Pesticide Collections 2025

- Peacock informed the Board that over 6,000 pounds of materials were collected.
- Boyd told the Board that the BPC's contract with the collection service was up. A new RFP would be needed, and changes may be seen in future collections.

c. USEPA Updates Review on Potential Paraquat Volatilization and Plans to Request Additional Data from Manufacturers

d. Draft Policy regarding elements of Continuing Education Credit Classes

10. Schedule of Future Meetings

The next scheduled Board meeting date is January 14, 2025, at the Ag trade show, Augusta

Future Meetings: February 27, 2026, April 10, 2026, May 22, 2026 (Memorial Day Weekend), or May 29, 2026.

Adjustments and/or Additional Dates?

11. Adjourn

- **Bohlen/Carlton: Moved and seconded to adjourn at 12:06 pm**
- **In Favor: Unanimous**

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AUGUSTA, MAINE 04333

AMANDA E. BEAL
COMMISSIONER

BOARD OF PESTICIDES CONTROL

January 14, 2026

**1:00-1:30 PM Board Meeting—Hybrid
1:30-2:30 PM Public Forum
2:30-4:00 PM Board Meeting Continued as Necessary**

Join the meeting in person in the Kennebec/Penobscot Room at the Augusta Civic Center,
76 Community Dr. Augusta
Or

Join on your computer, mobile app, or room device
[**Join the meeting now**](#)
Meeting ID: 210 729 844 824 96
Passcode: Rs3zC7qk

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Phone conference ID: 773 369 648#

MINUTES

1. Introductions of Board and Staff
 - Adams, Carlton, Fanning, Gray
 - Boyd, Gayoso, Gustanski, Leibowitz, Nelson, Peacock, Poisson, Vacchiano, Van Hoewyk
2. Minutes of December 19, 2025, Board Meeting

Presentation By: Alex Peacock, Director
Action Needed: Amend and/or Adopt

- **Adams tabled the adoption of December 19, 2025, meeting minutes until the next board meeting due to new edits**

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3. Pesticide Container Disposal Concerns

Recently, inspection staff have been alerted to the improper disposal of pesticide containers, including the burying and burning of containers. Staff are considering options to prevent this activity in the future.

Presentation By: Alex Peacock, Director

Action Needed: Discussion

- Peacock began the discussion by offering steps that can be taken to help reduce the amount of burying and burning of containers. Inspections will change to include getting visuals of stored triple-rinsed containers. Providing educational materials to forest rangers on what to look for and how to report burned or buried containers. Peacock also mentioned informing municipal fire wardens on what to look out for when issuing burn permits.
- Adams asked what would happen if an intern finds an unrinsed container
- Peacock proposed that the intern report to the enforcement staff to investigate further
- Adams clarified he thought the intern was for educational purposes only and involving them with enforcement when they don't have the qualifications is risky.
- Peacock agreed the intern would go farm to farm, providing information and outreach. Peacock mentioned creating a specific protocol for them to follow.
- Adams asked Gayoso if the inspectors had been asked about the intern plan.
- Gayoso said he told the inspectors what might happen and received no pushback.
- Peacock reiterated that the intern position would not be an enforcement position. It would be to promote and achieve compliance before the containers leave the farm.

4. Complaint Overview for CY 2025

Historically, the Board has been updated on complaints and inquiries received by staff. This update provides a general overview of complaint and inquiry topics, along with brief descriptions, for the calendar year 2025.

Presentations By: Jose Gayoso, Manager of Compliance

Action Needed: Review/Discuss

- Gayoso went through the 2025 calendar year complaint graphs. Noticeable differences from the prior year included drift and non-target complaints going down, no pollinator or retailer-based complaints being made, and notification/posting complaints going up. Unauthorized application complaints are still being filed regularly.

5. Consideration of Proposed Administrative Consent Agreement with Province Lake Golf Enterprises, Inc., Parsonsfield, ME

This proposed administrative consent agreement involves a violation of pesticide applications on the golf course without a commercial master applicator employed by the company.

Presentations By: Jose Gayoso, Manager of Compliance
Action Needed: Approve/Disapprove

- Gayoso informed the Board of a recent consent agreement involving Province Lake Golf Club. There was a previous incident in 2022 where they came into compliance quickly after the BPC had a discussion with the club president. In 2025 they made 18 applications without a master applicator on staff. The consent agreement included a \$1,800.00 fee with \$1,300.00 of it suspended if they can stay in compliance for the next two years.

Gray/Fanning: Moved and Seconded to approve the Province Lake Golf Club consent agreement

In Favor: Unanimous

6. Potential Rulemaking on LD 356: Resolve, Directing the Board of Pesticides Control to Prohibit the Use of Rodenticides in Outdoor Residential Settings

As directed by the Board at the December 19, 2025, meeting, staff have drafted an update to Chapter 40: Restricted and Limited Use Pesticides, to include the four second-generation anti-coagulant rodenticides (brodifacoum, bromadiolone, difenacoum, and difethialone). This agenda item is for the Board to decide if they would like to enter rulemaking to adopt proposed changes to the rule. The proposed changes are not subject to discussion, and public comment will not be accepted on these changes at this time. There will be an opportunity for public comment during the rulemaking process.

Presentations By: Alex Peacock, Director
Action Needed: Approve/Disapprove Rulemaking

- Peacock reminded the Board that during the December meeting, a draft of the updates to Chapter 40 was requested and needed to be reviewed. The draft included adding four second-generation anti-coagulant rodenticides to Chapter 40 as restricted-use. Because they are low percentage active ingredients, specificizing the percentage in the rulemaking was not needed. Peacock also explained to the Board that he separated tebuthiuron into a separate agenda point because it involved different rule-making.
- Adams asked if there needed to be a separate vote.
- Gustanski told the Board it would be fine to vote for both topics as one.
- Boyd informed the Board of the expected timeline for rulemaking if it is entered. The BPC would post about the event in the news on February 4th, 2026. At the next board meeting on February 27, 2026, there would be a public hearing, where individuals would be able to give comments. The

deadline for comments would be March 9, 2026. The comments would be reviewed for the April 10, 2026, meeting. If nothing drastically changed since the public meeting, the Board would then be able to vote on the changes immediately.

- Gustanski suggested the public comment and rulemaking guidelines should be reviewed.

Gray/Fanning: Moved and seconded to enter rulemaking
In Favor: Unanimous

7. Potential Rulemaking on LD 1697: An Act to Increase Penalties to Deter Violations of the Laws Regarding Improper Pesticide Use

A component of LD 1697 directs the Board to classify the herbicide active ingredient tebuthiuron as a state-restricted-use pesticide. Staff have drafted an update to Chapter 40: Restricted and Limited Use Pesticides, to include tebuthiuron. This agenda item is for the Board to decide if they would like to enter into rulemaking to adopt proposed changes to the rule. The proposed changes are not subject to discussion, and public comment will not be accepted on these changes at this time. There will be an opportunity for public comment during the rulemaking process.

Presentations By: Alex Peacock, Director
Action Needed: Approve/Disapprove Rulemaking

Gray/ Fanning: Moved and seconded to enter rulemaking
In Favor: Unanimous

8. Other Old and New Business

- a. 2026 Agricultural Trade Show BPC Credit Meeting Schedule
- b. EPA Releases Final Guidance for Antimicrobial Pesticides that Require Endangered Species Act Reviews
 - Peacock mentioned the continued label changes happening to protect endangered species.

9. Schedule of Future Meetings

The next scheduled Board meeting date is Friday, February 27, 2026, at the Deering Building, Room 101, Augusta

Future Meetings: April 10, 2026, May 29, 2026, July 10, 2026

Adjustments and/or Additional Dates?

10. Adjourn

Adams/Gray: Moved and seconded to adjourn at 1:57 PM

In Favor: Unanimous

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.



Improving the health status of Maine's seasonal workers and their families by providing culturally appropriate care and services.

February 11, 2026

Alexander R. Peacock
Maine Board of Pesticides Control
28 State House Station
Augusta, ME 04333-0028

Dear Mr. Peacock,

I am contacting you on behalf of the Maine Mobile Health Program (MMHP) with a request for support from the Maine Board of Pesticides Control for a continued effort to deliver EPA Worker Protection Standard (WPS) education to Maine's farmworkers during the 2026 harvest season.

Throughout the 2025 season, the Maine Mobile Health Program worked to provide Pesticide Safety Training (PST) to farmworkers across the state. The program enrolled four staff as trainers, three who are bilingual in Spanish and English and one who is bilingual in Haitian Creole and English. This season we focused on expanding our collaborative efforts to reach more farmers and farmworkers, and to offer trainings directly in Haitian Creole. We trained workers at several vegetable farms and apple farms who had not received this training from MMHP in prior seasons. These workers shared how impactful it was to receive this training in a live format where the trainer was engaging, and the content was easily understandable. Similar to previous seasons, we experienced difficulties with farms continuing to hire fewer blueberry rakers as they increase their use of mechanized harvesting. The challenging labor market also made it difficult for us to hire trainers early in the season. Despite these challenges, our PST trainers were able to offer training to a broad audience of workers and successfully completed WPS training with 167 farmworkers across Maine. Our initial training goal for 2025 was 120 workers. Many of these sessions included material on heat stress and other occupational safety concerns.

Building on momentum from 2025, we plan to implement several new strategies in 2026 to increase our impact and ability to train more farmworkers. First, we



Improving the health status of Maine's seasonal workers and their families by providing culturally appropriate care and services.

plan to train more of our outreach staff on the material to increase access to trainers and offset concerns about the challenging labor market. Second, we plan to heavily promote our occupational safety trainings, especially those focused on pesticide safety and heat stress, to farm owners and managers to encourage increased participation. For example, we are conducting outreach at many farm-related events including the Maine Agricultural Trades Show and the Farmer to Farmer Conference. Finally, we intend to promote these trainings with farmworkers directly to encourage further engagement with the information. In total, our goal is to train a minimum of 250 farmworkers on WPS in 2026.

To achieve this goal, we request \$20,000 from the Maine Board of Pesticides Control. In prior years MMHP has received funding from the Association of Farmworker Opportunity Programs to support this work, but due to changes in federal priorities this funding is no longer available. We seek support from the Maine Board of Pesticides Control to close this critical gap to ensure Maine's farmworkers continue to access this vital training in a manner that is accessible to them. Funding will be used to support the multilingual staff positions who provide WPS trainings; including both the hourly wage and the travel and lodging required to reach farmworkers, growers and partners statewide, and the overhead of managing the grant and project.

We thank the Board for its past support and for considering this current proposal. To connect with us about this request or our activities, please contact me at hmiller@mainemobile.org or 207-441-1633.

All the best,

A handwritten signature in black ink that reads "Hannah A. Miller".

Hannah Miller
Director of Outreach
Maine Mobile Health Program

Proposed Administrative Consent Agreement
Background Summary
February 2026 Update

Subject: Stephen Antonson
9 Mechanic Street
Rockport, Maine 04856

Date of Incident(s): Autumn 2021 and Autumn 2023

Background Narrative: On October 13, 2022, The BPC was contacted by a Maine Forest Service Entomologist regarding observations of declining tree health and evidence of large drill holes and possible herbicide application to trees at the Graham property located at 11 Mechanic Street in Rockport, Maine. This evidence included leaf curling, bore holes, and impact limited to a distinct corridor of trees directly in line with the deck of the Antonson residence. On October 29, 2021, Board representatives conducted a site inspection at 11 Mechanic Street and collected samples of the liquid present in the bore holes of the affected trees. The samples were positive for Imazapic and Triclopyr. On October 23, 2023, the Chair of the Rockport Parks and Beautification contacted the BPC to report additional tree decline at the Graham property visible from Rockport Harbor. A Board representative returned to the property on October 23, 2023, and observed a distinct circular disturbance around the base of each newly affected tree. Three soil samples were collected for combined analysis and tested positive for Triclopyr at 360ppm. While Antonson denies any involvement in the herbicide applications to the trees at 11 Mechanic Street in Rockport, the Board finds that the positioning of the affected trees in addition to prior correspondence from the Antonson's to the Graham's requesting tree removal indicate that Antonson would have been the only one to benefit from the application of herbicides to the affected area.

Summary of Violations: CMR 01-026 Chapter 20 Section 6(D)2: No person may apply a pesticide to the property of another unless prior authorization for the pesticide application has been obtained from the owner, manager, or legal occupant of that property.

Rationale for Settlement: Antonson did not have authorization to apply pesticides at 11 Mechanic Street in Rockport. Imazapic and Triclopyr active ingredients detected in the samples from 2021 and Triclopyr detected in the samples from 2023 indicate that at least two applications of pesticides were made to trees at the 11 Mechanic Street location without authorization.

- **2026 Update:** A previous version of the Consent Agreement was presented to the Board on March 14, 2025. The Board voted unanimously to disapprove the Agreement due, in part, to language in the Agreement stating that Antonson did not admit to the violations and disputed the facts and conclusions of the BPC. In the subsequent discussions between BPC and Antonson's legal counsel, they agreed to update the Agreement with language indicating that, even though he continues to dispute the Board's conclusions and not admit guilt, "Antonson acknowledges that a court could find that he committed the violations and he agrees to enter into this Consent Agreement for the purpose of resolving

the alleged violations..." Additionally, Antonson submitted a check to BPC with full payment of the proposed \$3,000 fine.

Board staff believes that this updated language and submission of the maximum penalty amount allowed at the time of the violation provide the public with a reasonably agreeable resolution to this matter, given the constraints of state regulations at the time the violation was committed, as well as considerations of BPC staff resources spent on this matter. Furthermore, the updated Agreement does not shield Mr. Antonson from possible civil action.

Board staff believes that recent state legislation that greatly increased fines for committing similar violations should help deter anyone else from this manner of pesticide misuse.

Attachments: Proposed Consent Agreement, Updated 2026

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

In the Matter of:) ADMINISTRATIVE CONSENT
Stephen Antonson) AGREEMENT
9 Mechanic Street) AND
Rockport, Maine 04856) FINDINGS OF FACT

This Agreement by and between Stephen Antonson (hereinafter referred to as "Antonson") and the State of Maine Board of Pesticides Control (hereinafter referred to as the "Board"), as approved by the Office of the Attorney General ("OAG"), is entered into pursuant to 22 M.R.S. § 1471 M(2)(D), and in accordance with the Enforcement Protocol, as amended by the Board on December 13, 2013.

The Board of Pesticides Control alleges as follows:

- 1) That Antonson owns the residence located at 9 Mechanic Street in Rockport, Maine.
- 2) That 9 Mechanic Street is located near Rockport Harbor. The residence does not have ocean frontage, and there is no direct view of the ocean due to trees growing on the property of Ruth Graham, located at 11 Mechanic Street in Rockport, Maine.
- 3) That, prior to 2021, Antonson approached Ruth Graham on multiple occasions about purchasing harbor frontage or removing trees that impede the harbor view from 9 Mechanic Street.
- 4) That Graham stated she would not sell harbor frontage or remove trees from her property in response to the inquiries described in paragraph three.
- 5) That on October 12, 2021, Ruth Graham contacted the Maine Forest Service requesting a second opinion relative to multiple trees on her property that were declining unexpectedly. Graham had previously contacted an arborist company that was unable to determine the cause of decline.
- 6) That on October 13, 2021, an entomologist from the Maine Forest Service conducted a field visit to observe the declining trees. The entomologist observed:
 - a) disturbances of the ground cover around the base of the affected trees;
 - b) leaf curling on herbaceous plants remaining at the base of the affected trees;
 - c) a series of perfectly round one-inch holes bored into the root collar of the affected trees;

- d) that the affected trees were directly within a narrow corridor that would allow a view of the harbor from the deck attached to the Antonson residence; and
- e) that the combination of observations relating to the declining trees was indicative of herbicide use.

7) That on October 13, 2021, the entomologist contacted the Board to relay his observations because he believed that matter fell within the Board's regulatory purview.

8) That representatives from the Board conducted site inspections at the Graham property on October 14 and 29, 2021.

9) That during the October 29, 2021, site inspection, Board representatives collected liquid present in some of the bore holes drilled in the affected trees.

10) That the liquid described in paragraph nine was sent to the University of Montana Analytical Laboratory for analysis.

11) That on December 8, 2021, the University of Montana Analytical Laboratory submitted a report to the Board indicating the pesticide active ingredient imazapic was detected at 660 parts per billion and the pesticide active ingredient triclopyr was detected at 8,200,000 parts per billion in the bore hole liquid.

12) That on October 17, 2023, Douglas Cole, Chair of the Rockport Parks and Beautification Committee, contacted the Board to report that additional tree decline on the Graham property had been observed from Rockport Harbor.

13) That in response to the concern expressed by Cole, a Board inspector returned to the Graham's property on October 23, 2023, to assess and document site conditions.

14) That during the course of the inspection described in Paragraph 13, the inspector documented additional tree mortality that was not observed in 2021.

15) That the inspector observed and documented that the recent tree mortality aligned with harbor view sight lines from the Antonson property.

16) That the inspector observed and documented a distinct circle surrounding each recently affected tree in which the ground cover was dead.

17) That the inspector collected three soil samples from the base of newly affected trees.

18) That laboratory analysis of the (combined) soil samples described in Paragraph 17 disclosed the presence of triclopyr at a concentration of 360 parts per million.

19) That the visual and laboratory evidence described in this agreement demonstrate that the decline observed in trees on the Graham property was caused by the deliberate application of

herbicides to the root collar and/or root zone of the affected trees.

- 20) That Antonson had motive to apply the herbicides to the trees on the Graham property in order to improve the ocean view from their property.
- 21) That the circumstances described in this agreement support a Board finding that Antonson either applied or caused the application of herbicides to the affected trees.
- 22) That 01-026 C.M.R. ch. 20, § 6 (2024) requires prior authorization from the legal occupant before pesticides may be applied on the property of another.
- 23) That Antonson did not have prior authorization to apply herbicides to the affected trees on the Graham property.
- 24) The Board believes the facts alleged in Paragraphs 1 through 23 above constitute multiple violations of 01-026 C.M.R. ch. 20, § 6 of the Board's rules.
- 25) Antonson does not admit the alleged violations, and he disputes the facts and conclusions alleged by the Board in Paragraphs 1 through 24 above. However, Antonson acknowledges that a court could find that he committed the violations and he agrees to enter into this Consent Agreement for the purpose of resolving the alleged violations, and to an assessment of the maximum penalties under the law in effect at the time of the alleged violation.
- 26) That Antonson expressly waives the following with respect to the above violations:
 - A. Notice of or opportunity for hearing;
 - B. Any and all further procedural steps before the Board; and
 - C. The making of any further findings of fact before the Board.
- 27) That this Agreement shall not become effective unless and until the Board accepts it.
- 28) That in consideration for the release by the Board of the causes of action which the Board may have against Antonson resulting from the alleged violations referred to in Paragraph 24, Antonson agrees to pay a penalty to the State of Maine in the sum of \$3,000.00. (Please make checks payable to Treasurer, State of Maine.)
- 29) The Board and OAG grant a release of their causes of actions against Antonson for the specific violations cited in the immediately preceding paragraph (Paragraph 28) on the express condition that all actions listed in Paragraph 28 of this Agreement are completed in accordance with the express terms and conditions of this Agreement and to the satisfaction of the Board and the OAG. The release shall not become effective until Antonson has completed the obligations pursuant to Paragraph 28.

- 30) Any non-compliance with any term or condition of this Agreement, as determined by the Board and OAG in their sole discretion, voids the release set forth in Paragraph 29 of this Agreement and may lead to an enforcement, suspension/revocation, equitable, and/or civil violation action pursuant to Titles 7 and 22 of the Maine Revised Statutes.
- 31) Nothing in this Agreement shall be construed to be a relinquishment of the Board's or OAG's powers under Titles 7 and 22 of the Maine Revised Statutes against Antonson for any other violations other than those expressly listed in this Agreement.
- 32) This instrument contains the entire agreement between the parties, and no statements, promises, or inducements made by either party or agent of either party that are not contained in this written contract shall be valid or binding; this contract may not be enlarged, modified, or altered except in writing signed by the parties and indorsed on this Agreement.
- 33) The provisions of this Agreement shall apply to, and be binding on, the parties and their officers, agents, servants, employees, successors, and assigns, and upon those persons in active concert or participation with them who receive actual notice of this Agreement.
- 34) Provided this Agreement is accepted by the Board, by signing and executing this Agreement, Antonson knowingly, intentionally, permanently, and irrevocably waives any and all defenses he has or may have with respect to the enforcement of this Agreement, including the enforcement of this Agreement as a final administrative order and a money judgment pursuant to 14 M.R.S. § 3138.

IN WITNESS WHEREOF, the parties have executed this Agreement of four pages.

STEPHEN ANTONSON

s. antonson

Date: 2/2/26

BOARD OF PESTICIDES CONTROL

By: _____ Date: _____
Alexander Peacock, Director

APPROVED:
By: _____ Date: _____
Carey Gustanski, Assistant Attorney General



JANET T. MILLS
GOVERNOR

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

AMANDA E. BEAL
COMMISSIONER

February 10, 2026

Wilkinson Ecological Design, Inc.
Dylan Brown
28 Lots Hollow Rd.
Orleans, MA 02653

RE: Variance permit for CMR 01-026 Chapter 29, Wilkinson Ecological Design, Inc., Piper Shores, 15 Piper Rd., Scarborough

Greetings,

The Board of Pesticides Control considered your application for a variance from Chapter 29. The variance is approved, provided that all products to be used are currently registered in the State of Maine or were registered at the time of purchase and that any application is made above the high-water line.

The Board authorizes the issuance of up to three-year permits for Chapter 29; therefore, this permit is valid until December 31, 2028, provided that the applications are consistent with the information provided in the variance request. Please notify the Board in advance of changes, particularly if you plan to use a different product from those listed.

Please bear in mind that your permit is based upon your company adhering to the precautions listed in Section X of your Chapter 29 variance request.

I will alert the Board at its next meeting that the variance permit has been issued. If you have any questions regarding this matter, please do not hesitate to contact me at (207) 287-2731.

Sincerely,

Alexander Peacock

Alexander Peacock
Director

ALEXANDER PEACOCK, DIRECTOR
90 BLOSSOM LANE, DEERING BUILDING



PHONE: (207) 287-2731
THINKFIRSTSPRAYLAST.ORG

**BOARD OF PESTICIDES CONTROL
APPLICATION FOR VARIANCE PERMIT
(Pursuant to Chapter 29, Section 6 of the Board's Regulations)**

I. **Dylan Brown** (508) 246-7087
Name Telephone Number

Wilkinson Ecological SCF-2735
Company Name

| | | | |
|---------------------|---------|-------|-------|
| 28 Lots Hollow Road | Orleans | MA | 02653 |
| Address | City | State | Zip |

II. **Dylan Brown** CMA-6433
Master Applicator (if applicable) License Number

| | | | |
|---------------------|---------|-------|-------|
| 28 Lots Hollow Road | Orleans | MA | 02653 |
| Address | City | State | Zip |

III. **As part of your application, please send a revegetation plan and digital photos showing the target site and/or plants and the surrounding area, particularly showing proximity to wetlands and water bodies, to pesticides@maine.gov**

IV. Area(s) where pesticide will be applied:

V. Pesticide(s) to be applied:(Including EPA Registration Number)

VI. Purpose of pesticide application:

VII. Approximate dates of spray application:

VIII. Application Equipment:

IX. Standard(s) to be varied from:

X. Method to ensure equivalent protection:

XI. Revegetation Plan (attach separately if necessary)

Signed: Dylan Brown Date: _____

Return completed form to: **Board of Pesticides Control, 28 State House Station, Augusta, ME 04333-0028**
OR E-mail to: pesticides@maine.gov



| Area Name | Area # |
|------------------------|--------|
| Settergren Lane | 1 |
| Oceanside Swale | 3 |
| Bigelow | 4 |
| Bigelow Retention Pond | 5 |
| Orchard Meadow | 6 |
| Homer Cottage Wetland | 7 |
| Piper Retention Pond | 8 |
| Pumpkin Patch | 9 |
| Drake Lane | 10 |
| Piper Road Wetland | 11 |
| Wood Shop | 12 |



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
BOARD OF PESTICIDES CONTROL
28 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0028

WALTER E. WHITCOMB
COMMISSIONER
HENRY S. JENNINGS
DIRECTOR

MAINE BOARD OF PESTICIDES CONTROL

POLICY CONCERNING DENYING ACCESS TO THE PUBLIC FOR SEVEN DAYS TO AREAS “OPEN TO USE BY THE PUBLIC”

ADOPTED July 10, 2015

Background

At the December, 2014, and the April and June, 2015 meetings, the Board had discussions regarding pesticide applications to private lands which are held open for public use. State statutes define pesticide applications made to property open to use by the public as “custom applications” which may only be conducted by a licensed commercial applicator.

Section 2 (P) (2) of Chapter 10 defines “property open to use by the public.” Property is deemed to be open to use by the public where its owner, lessee or other lawful occupant operates, maintains or holds the property open or allows access for routine use by members of the public. The rule also defines when those areas are NOT considered open to the public.

One of those exemptions includes areas, “where the public has not been permitted upon the property at any time within seven days of when the property received a pesticide application.”

The Board discussed what the term “property” means in the context of this exemption and whether or not to interpret it in a way that allows land trusts and other land owners to control invasive plants or other vegetation and then close off only the area that was treated instead of the entire property.

Board Policy

The Board determined that because pesticide applications to recreational areas, trails and parks pose minimal risks, the exemption from consideration as a “property open to use by the public” is appropriate when the public is excluded from treated areas for seven days. Therefore pesticide applications under those circumstances will not require supervision by a licensed commercial applicator.



Pesticide Update

EPA's Office of Chemical Safety and Pollution Prevention

EPA Implements Strongest Protections in Agency History for Over-the-Top Dicamba Use on Cotton and Soybeans for Next Two Growing Seasons

February 6, 2026

Contact Information

EPA Press Office (press@epa.gov)

WASHINGTON -- Today, U.S. Environmental Protection Agency (EPA) established the [strongest protections in agency history for over-the-top \(OTT\) dicamba application on dicamba-tolerant cotton and soybean crops](#). This decision responds directly to the strong advocacy of America's cotton and soybean farmers, particularly growers across the Cotton Belt, who have been clear and consistent about the critical challenges they face without access to this tool for controlling resistant weeds in their growing crops. Dicamba has already been on the market and available for sale and in wide, continuous use on farms across the United States regardless of and prior to today's announcement, which is specifically focused on OTT application.

President Trump has remained deeply committed to supporting America's farmers and rural communities. This action reflects his administration's commitment to ensuring farmers have the tools they need to succeed while protecting the environment with the strongest safeguards ever imposed on OTT dicamba use. Cotton farmers across the southern United States have been particularly vocal about why they need OTT dicamba as herbicide-resistant weeds like Palmer amaranth have become nearly impossible to control with other available tools, threatening crop yields and farm viability. These "super weeds" can grow 3 inches per day and destroy entire fields. Without effective weed management during the growing season, these producers face devastating economic losses. This temporary approval reflects the voices of farmers who depend on this tool using informed restrictions and safety measures.

From day one of this review, EPA committed to gold-standard science and radical transparency. We conducted a thorough pesticide evaluation, using the best available data and reviewing hundreds of publicly available independent, peer-reviewed studies and real-world field results to conduct a comprehensive human health and ecological risk assessment. To be clear, these studies involved pesticide applicators with decades of intensive exposure, not typical consumers. EPA took these studies seriously, carefully considered them in our risk assessments, and built extra protections into the registration to reduce worker contact with the product.

Additionally, the ecological risks associated with dicamba drift and volatility are real. If not carefully mitigated, off-target movement of dicamba can damage sensitive plants and impact neighboring farms and natural ecosystems. These concerns are exactly why the strongest safeguards ever are essential.

When applied according to the new label instructions, EPA's analysis found no unreasonable risk to human health and the environment from OTT dicamba use. EPA recognizes that previous drift issues created legitimate concerns, and designed these new label restrictions to directly address them, including cutting the amount of dicamba that can be used annually in half, doubling required safety agents, requiring conservation practices to protect endangered species, and restricting applications during high temperatures when exposure and volatility risks increase. This determination supports a time limited approval covering only the next two growing seasons and will be subject to further review.

We will continue to track real-world outcomes, and adjust course quickly if new information emerges. EPA's commitment is clear: protect communities and ecosystems with uncompromising science while providing farmers the tools they need to succeed responsibly.

EPA is requiring an extensive suite of mitigation measures, each designed to reduce drift, minimize volatility, and protect ecosystems:

New Restrictions for 2026 Registration

- Maximum application rate cut in half: A maximum of two applications of 0.5 lbs. of dicamba per acre may be made annually, for a maximum of 1.0 lb. of all dicamba products annually.* This directly reduces the total amount of dicamba in the environment and limits potential exposure to sensitive species.
- Doubled volatility reduction agents: 40 oz./acre of approved Volatility Reduction Agent (VRA) must be added to every application.** This significantly reduces the likelihood that dicamba will volatilize (turn into vapor) after application and drift off-target hours or days later—one of the primary pathways for environmental damage.
- Mandatory conservation practices: Growers must achieve 3 runoff/erosion mitigation points from EPA's certified conservation practices menu on each treated field to protect endangered and threatened species. In some geographically-specific pesticide use limitation areas (PULAs) where especially vulnerable species require additional safeguards, 6 points are required. These

practices—such as vegetative buffers, contour farming, and cover crops—physically prevent dicamba from moving off-field in runoff or eroded soil, protecting waterways and habitats.

- Temperature-based application limits: For applications occurring on a day with a forecasted temperature between 85-95°F on the day of or the day after application, a user may only treat up to 50% of their untreated dicamba-tolerant (DT) cotton and soybean acres in a county. Remaining DT cotton and soybean acres may not be treated until at least two days after the initial application. This reduces risk during conditions when volatility and drift are elevated. No applications may occur if the temperature is forecasted to be at or above 95°F on the day of or the day after a planned application, eliminating applications during the highest-risk conditions.

*The 2020 registration permitted up to four applications of 0.5 lbs./acre (only two could be over-the-top) for a total of 2.0 lbs. of dicamba annually.

Legacy Restrictions Retained on the 2026 Registration

- Restricted Use Pesticide designation: Only certified applicators may use this product, ensuring applications are made by trained professionals who understand the risks.
- Annual mandatory training: Certified applicators must complete annual training specific to OTT dicamba use, keeping users informed of label requirements, best practices, and environmental protection guidelines.
- Personal protective equipment (PPE): Several products require loaders, mixers, handlers, and applicators to wear label-approved PPE, directly reducing worker exposure.
- 24-hour Restricted Entry Interval (REI): No one may re-enter a treated field within 24 hours of application, protecting workers and the public from exposure.
- Mandatory Drift Reduction Agent (DRA): An approved DRA must be added to every tank mix, creating larger, heavier droplets that are less likely to drift off-target.
- 240-ft. downwind spray drift buffer: A substantial physical buffer must be maintained during applications to protect adjacent areas. This distance may be decreased only if additional label-approved mitigations (hooded sprayers, downwind windbreaks, etc.) are used, ensuring protection is maintained.
- Strict application timing restrictions: Applications may not be made during a temperature inversion (when atmospheric conditions trap pesticides near the ground and increase drift risk), within 48 hours ahead of forecasted rainfall (which can wash dicamba off-target), if soil is saturated with water, or within one hour after sunrise or after two hours before sunset (when inversions are most likely). These timing restrictions target the specific weather conditions that have historically led to drift problems.

- Proximity restrictions: Applications are prohibited if dicamba-sensitive crops or plants are in downwind areas,**** preventing direct harm to vulnerable species and neighboring crops.
- Wind speed requirements: Applications must take place when wind speed is between 3-10 mph—strong enough to prevent inversions but not so strong as to cause excessive drift.
- Droplet size requirements: Applications must use coarse or coarser spray droplets, which are heavier and less prone to drift than fine droplets.
- Low spray height: Spray release height must be no higher than 2 feet above the ground or crop canopy, minimizing the distance droplets can drift before reaching their target.
- Aerial application prohibition: Aerial application is completely prohibited, eliminating a higher-risk application method.
- Tank mixing prohibition: Tank mixing with ammonium sulfate-containing products is prohibited because these products can increase volatility.
- Mandatory record keeping: Specific records must be kept of every application to ensure consistency with all label requirements and enable enforcement.

***The distance of downwind spray drift buffers may be decreased if other label-approved mitigations are used (use of a hooded sprayer, a downwind windbreak, etc.)

****A list of dicamba-sensitive plants and crops is provided on the label.

EPA is making clear that these restrictions are not optional suggestions. They are enforceable legal requirements. Applicators who fail to follow label directions are subject to significant penalties under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), including civil fines and, in cases of knowing violations, criminal prosecution. EPA will work with state enforcement to actively monitor compliance, and violations will be met with serious consequences.

We will continue to track real-world outcomes, require manufacturers to provide additional data if necessary, and will not hesitate to adjust restrictions or revoke approvals quickly if new information emerges showing risks are not being adequately controlled. This two-season limited approval provides a critical checkpoint. EPA will comprehensively review performance data, incident reports, and environmental monitoring results before considering any future approvals.

Throughout the review process, farmers, workers, environmental organizations, and the public submitted thousands of comments, all of which EPA carefully considered. This decision reflects a careful balance between protecting ecological health and community well-being and supporting farmers' pressing need for effective weed-control tools.

EPA's highest priority remains safeguarding human health and the environment. This registration marks an important milestone in the agency's ongoing work to strengthen

pesticide oversight, enhance safety through transparency, and ensure that all regulatory decisions are guided by the best available science.