



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

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

BOARD OF PESTICIDES CONTROL

July 21, 2023

9:00 AM Board Meeting

Join the meeting in person in Room 101, Deering Building, 32 Blossom Lane, Augusta
Or

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 246 908 275 489

Passcode: DSg4Xf

Or call in (audio only)

[+1 207-209-4724,,293485210#](#)

Phone Conference ID: 293 485 210#

AGENDA

1. Introductions of Board and Staff
2. Minutes of the June 9, 2023 Board Meeting

Presentation By: John Pietroski, Acting Director
Action Needed: Amend and/or approve

3. Policy for Distribution of Adjuvant Products

LD 2019 “An Act To Require the Registration of Adjuvants in the State and To Regulate the Distribution of Pesticides with Perfluoroalkyl and Polyfluoroalkyl Substances” was approved by the Maine legislature in 2022. Dealers and growers have approached staff regarding the ability to use adjuvant products that were in their possession prior to or after the effective date of August 8, 2022. Staff are seeking guidance on enforcement discretion regarding this issue.

Presentation By: John Pietroski, Acting Director
Action Needed: Provide guidance to staff on distribution of adjuvants

MEGAN PATTERSON, DIRECTOR
90 BLOSSOM LANE, DEERING BUILDING



PHONE: (207) 287-2731
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4. LD 1770 Sales & Use Reporting

At the May 10, 2023 work session the Agriculture, Conservation and Forestry Committee voted this bill ought to pass as amended as a resolve directing the Board to act to enter into rulemaking to require applicators and dealers to submit their annual use reports electronically.

Presentation By: John Pietroski, Acting Director
Action Needed: Discussion

5. Review and Discussion of Potential Rulemaking Topics

At the January 11, 2023 meeting the Board expressed interest in initiating rulemaking to incorporate existing Board policy and other potential rulemaking topics. At the February 24, 2023 Board meeting, the Board discussed several rulemaking topics that had been identified by staff. At the March 25, 2023 Board meeting, the Board narrowed the rulemaking initiatives to more urgent items that needed to be addressed in rule. At the April 7, 2023 Board meeting, the Board discussed interest in moving forward with rulemaking concepts, but decided to postpone rulemaking until the legislature had adjourned given that some additional rulemaking initiatives were likely to pass. Staff have compiled the Board's responses to rulemaking concepts that had interest in moving forward in addition to a timetable of possible hearing dates for Board consideration. The Board will need to vote to move rulemaking forward to initiate this process. *Note: No public comments on rulemaking are being accepted at this time.*

Presentation By: Karla Boyd, Policy & Regulations Specialist
Action Needed: Discuss rulemaking concepts and possibly vote to schedule a hearing

6. Maine State Certification and Training Plan for EPA

Update on continued efforts to receive EPA approval for Maine's Certification and Training Plan and implications of not receiving approval.

Presentation By: John Pietroski, Acting Director
Action Needed: Discussion

7. Consideration of a Consent Agreement with Starbucks Bangor, Maine

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 unlicensed application and use of a pesticide inconsistent with its label.

Presentation By: Alex Peacock, Manager of Compliance
Action Needed: Review and/or Approve

8. Consideration of Consent Agreement with Amelia and Arthur Bond of St. Louis, MO

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 unauthorized application, use of a pesticide inconsistent with the label and use of a pesticide in a negligent manner.

Presentation By: Alex Peacock, Manager of Compliance
Action Needed: Review and/or Approve

9. Other Old and New Business

- a. Email From Chantal Longo-Guess
- b. LD 258- “An Act Making Unified Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2023, June 30, 2024 and June 30, 2025”
- c. EPA Press Release, July 13, 2023: “EPA Requires Additional Mitigation Measures for Seresto Pet Collars”

10. Schedule of Future Meetings

September 1 and October 13 are the next scheduled Board meeting dates. The Board will decide whether to change and/or add dates.

Adjustments and/or Additional Dates?

Staff have scheduled meeting rooms for: November 3, December 15

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 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.