



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
BOARD OF PESTICIDES CONTROL
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WALTER E. WHITCOMB
COMMISSIONER

HENRY S. JENNINGS
DIRECTOR

BOARD OF PESTICIDES CONTROL

December 7, 2012

Important—please note room change

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 October 26, 2012, Board Meeting

Presentation By: Henry Jennings
Director

Action Needed: Amend and/or approve

3. Overview of Likely Responses to Human Health Risks Arising from Mosquito-Borne Pathogens

At its September 7, 2012, meeting, the Board adopted an emergency amendment to Chapter 20 of its rules. The purpose of the amendment was to facilitate public-health-related mosquito-abatement programs, in the event that risks of a mosquito-borne-disease outbreak become critical. Following a staff update at the October 26, 2012, meeting, the Board requested that a representative from the Maine Center for Disease Control and Prevention attend a future Board meeting to provide an overview of the state's likely response to a critical mosquito-borne-disease threat. Dr. Stephen Sears, State Epidemiologist, agreed to attend the December 7 meeting and brief the Board.

Presentation by: Dr. Stephen Sears
State Epidemiologist

Action Needed: Provide guidance to staff

4. Adoption of Proposed Amendments to Chapters 10, 27, and 50, and the Proposed Repeal of Chapter 21

(Note: No additional public comments may be accepted at this time.)

On August 15, 2012, a Notice of Agency Rulemaking Proposal was published in Maine's daily newspapers, opening the comment period on the proposed amendments to Chapters 10, 27, and 50, and the proposed repeal of Chapter 21. A public hearing was held on September 7, 2012, and the written comment period closed at 5:00 PM on September 28, 2012. The Board reviewed the hearing record at its October 26, 2012, meeting and instructed the staff to make adjustments to the draft amendments to Chapter 27. The Board will now review the new draft amendments to Chapter 27 and the associated rulemaking documents for all four chapters, and determine whether it wishes to adopt any/all of the proposed amendments.

Presentation by: Henry Jennings
Director

Action Needed: Decision on whether to adopt the proposed amendments/repeal

5. Consideration of a Consent Agreement with TruGreen Lawncare of Westbrook

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 in 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 the application of a pesticide without prior authorization from the property owner.

Presentation By: Raymond Connors
Manager of Compliance

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

6. Consideration of a Consent Agreement with The Lawn Dawg 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 in 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 the application of a pesticide without prior authorization from the property owner and an application of pesticides within 250 feet of the property of an individual listed on the Maine Pesticide Notification Registry, without notification to that individual.

Presentation By: Raymond Connors
Manager of Compliance

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

7. Discussion of the Board's Homepage

The Board's staff needs to revise the Board's webpages to conform to updated standards. In addition, the staff believes it's appropriate to update and redesign the homepage. The staff will review the current homepage and navigation system and solicit Board input.

Presentation by: Paul Schlein
Public Education Specialist

Action Needed: Provide guidance to staff

8. Other Old or New Business

a. Other?

9. Schedule of Future Meetings

January 25, March 1, April 12, and May 17, 2013, 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 Paul Schlein, Public Education Specialist, at the Board's office. 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.