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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

BOARD OF PESTICIDES CONTROL

October 26, 2012

AMHI Complex, 90 Blossom Lane, Deering Building, Room 170, Augusta, Maine

MINUTES

8:30 AM

Present: Jemison, Eckert, Bohlen, Flewelling, Granger, Morrill, Stevenson

1. Introductions of Board and Staff

- The Board, Assistant Attorney General Randlett and staff introduced themselves.
- Staff present: Jennings, Schlein, Fish, Hicks, Bills. Connors joined the meeting during agenda item 4.

2. Minutes of the September 7, 2012, Board Meeting

Presentation By: Henry Jennings  
Director

Action Needed: Amend and/or approve

- Jemison pointed out that on page 9, the word then should be replaced with the word than. Schlein noted that the word describe was misspelled on page 5.

- **Flewelling/Eckert: Moved and Seconded approval of the Minutes as amended.**
- **In favor: Unanimous**

3. Workshop Session to Review the Rulemaking Record on the 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, at the AMHI Complex, Deering Building, in Augusta, and the written comment period closed at 5:00 PM on September 28, 2012. Two people spoke at the public hearing and 29 written comments were received by

the close of the comment period. The Board will now review the rulemaking comments and determine how it wishes to proceed with the rulemaking proposals.

Presentation by: Henry Jennings  
Director

Action Needed: Discussion and determination on how the Board wishes to proceed with the rulemaking proposals

### **Chapter 10**

- Jennings stated that there were no comments received on Chapter 10 and that the only substantive change was requiring government employees who give recommendations on pesticides to be licensed. He pointed out that there might be a large number of governmental employees who will need to be licensed, but that the Board can phase in the requirement over time.
- Dave Struble pointed out that the Bureau of Forestry should be changed to the Division of Forestry.

### **Chapter 21**

- Jennings stated that no comments were received on Chapter 21 and there will be a plan to emphasize proper disposal of containers at training sessions.
- Jemison relayed that he had been approached by a distributor at the Potato Advisory Group meeting in Presque Isle who was concerned that growers would become complacent. This distributor was adamant that the Board needs to emphasize that burning is illegal and how to properly manage containers once the deposit is gone, because we don't want to go back to where we were.
- Tim Hobbs said the condition of the containers is the key to recycling programs in Maine, where the jugs are ground up. He said the number of restricted-use containers has been dwindling and we don't want the lack of a deposit to reduce recycling. He doesn't believe the deposit was the motivating factor, but rather that the containers are bulky and hard to get rid of.
- Jennings said that the staff would emphasize the importance of good stewardship at trainings, and that the five field inspectors, who touch base regularly with applicators, would also discuss container management during visits, and be on the lookout for improper practices. He said that overall, the staff believes that applicators are generally good stewards.
- Jemison asked about recycling facilities and Jennings said there is currently one in Frenchville and one in Dexter. There was one in Machias, but they dropped out. He also said that a lot of containers go into normal recycling, which is within the law, but that it is preferable for them to be recycled through a program specifically for pesticide containers, rather than being recycled through the general waste stream. The program is successful because of the agricultural chemical distributors who collect empty containers when they make deliveries and when they have enough they take a load to Dexter or Frenchville.

### **Chapter 50**

- Jennings said that no comments had been received on Chapter 50.

### **Chapter 27**

- **Section 1D(2)**—Jennings explained that the change was intended to clarify an interpretation because there has been some confusion about whether areas used by schools, such as a golf course which is used regularly by a school golf team, should be subject to Chapter 27. The rule should apply to a

private entity, such as a ball field, if it was built and maintained strictly for school activities, but for a piece of property that is sometimes used for school activities it doesn't make sense. He added that he was not sure the proposed amendment provides clarity, and asked the Board if it had suggestions to make it clearer. After some discussion, Randlett stated that he liked the way it is currently written in terms of stating primary use by other entities. Further discussion about trying to capture the idea of property the school has authority over, such as owned, leased, managed, but Randlett felt that it would be difficult to capture every contingency. Flewelling pointed out that there are other rules that would apply because the areas are open to the public.

- **Consensus was reached to leave it as is.**
- **Section 1E**—Jennings explained that this definition was put in because there have been questions since the rule went into effect about what is meant by “normal school year.” The notification requirements seem to drive decisions because the five-day notification is cumbersome. But, because it is a five-day notification, weekends shouldn't get you out of notification, but a weeklong vacation should. He noted that comments received from Ed Antz seemed to indicate a misinterpretation, because Antz asked why a school couldn't do an application on a weekend if they did the notification, and the answer is that they can. Pat Hinckley suggested removing the word “normal” because there are a lot of changes happening in education and a “normal” school year may shift. Morrill said he liked the amendment because there are constantly questions around this issue. Bohlen said he felt that a week was good.
  - **Consensus was reached to remove the word normal, but otherwise leave as is.**
- **Sections 2B(1) and (2)**—Jennings stated that Ed Antz and Jody Spear both expressed concern about this, especially because it doesn't specify what the training is. Hicks pointed out that training can change over time. Jennings said that Antz was also concerned about the burden to schools and suggested some kind of online training. Jennings said there's no reason both initial training and continuing education couldn't be done online as they focus mostly on obligations under the rule, what is IPM and what the school can do in terms of sanitation and exclusion. Bohlen remarked that one of the things that was evident in the report to the Legislature was the lack of authority of IPM coordinators, that they weren't really making decisions, they were bookkeeping, going through the steps. Training in part will make this a professional role that requires training and not something that gets pushed down the line. One point of training is elevating the role within the school system. Understand that it's difficult within the first month, but doable if it's online, but if the purpose is to elevate the role then it must be substantive. Jennings said that he would not like to limit the training to online, as Gary Fish and Kathy Murray do excellent trainings. Pat Hinckley said her group is pushing for training, and that there needs to be a balance between in-person and online. Hicks suggested that training should go with a person if they change schools. After some discussion about the beginning of the school year being hectic, Pat Hinckley said she felt that the four-week time period was reasonable and that IPM coordinators needed to be ready when something came up, which could be early in the year. Bohlen suggested a three-tiered approach to training: (1) a quick overview within one month of appointment, (2) an in-depth training within one year of appointment and (3) an annual review thereafter.

- **Staff was directed to rewrite amendment to include the three tiers of training and to incorporate the idea that the training remains valid when employees move to a different school system.**
- **Section 2B(3)c**—Jennings explained that the idea is to incorporate record keeping into a single log. The requirement to include copies of MSDSs and labels was eliminated because they take up a lot of space, they are easily available on the Internet and they are rarely referenced, so there doesn't seem to be any value in keeping hard copies on hand. Jody Spear suggested putting monitoring information before pesticide application information in the log. Stevenson asked who would be using the information and Jennings replied that it was in case a staff member or parent was interested in what was done. Eckert said it was also good in case there was a question of when something happened, for example, if someone had an asthma attack.

After some discussion it was agreed that the records log in the logbook would be tabular, but that other documents could be appended. The staff was directed to bring some ideas (samples) to the next meeting. There was also discussion about what should be included, and it was agreed that the applicator name and license number, as well as the company name (if any) should be recorded. Morrill pointed out that recording all monitoring steps taken could be lengthy. Discussion ensued about the best way to identify a pest.

- **The Board agreed that the pest name and IPM steps taken should be recorded first, to change the description of pests to “specific name of the pest,” and retain the name of the applicator, adding the applicator’s license number and company name if applicable. The staff was directed to bring a sample log to the next meeting.**
- **Section 2B(4)**—Jennings said there seemed to be a lot of applications made to school grounds that IPM coordinators didn't know about. This is an attempt to increase the authority/status of the IPM coordinator, as well as to ensure that notification is happening if it is required. If they don't know about the application, how are they to do the notification?
  - **The Board agreed to leave the amendment as written.**
- **Section 2B(5)**—Jennings noted that this was required of the school anyway, but this clarifies that the responsibility is the IPM coordinator's. No comments were received on this amendment.
  - **The Board agreed to leave the amendment as written.**
- **Section 2C**—Jennings remarked that Ed Antz had concerns about this requirement and the timing of it. Although the Department of Education is collecting this data now, that might change; the beginning of the school year is hectic for schools. Jennings commented that this is really key for the Board because the staff had to know who to talk to.

Pat Hinckley said it is crucial that this person be identified at the beginning of the year. Bohlen suggested leaving the requirement, but add that it can be filled through a Board-approved mechanism, not specify. Eckert asked what happens with private schools and Hinckley replied that they are not required to report to the Department of Education, but many do.

Stevenson asked if there is a way for applicators to find out the name of the IPM coordinator and whether the information could be posted on the Internet. Jennings replied that it could, but that it didn't need to be specified in rule. Stevenson stated that it is really important for applicators to have that information; if there is no IPM coordinator then every application is a violation. He pointed out that it is specified in the registry rule. Jennings said that the Board can direct the staff to make it available. Randlett said that it shouldn't be in the rule.

Katy Green asked who would make the decision to make an application, and wouldn't the IPM coordinator do that? Stevenson replied that that is the theory, but in practice, if there is no IPM coordinator then they provide the logbook and the record keeping. He said this amendment makes it more cooperative, with a shared logbook, shared responsibility, but in order to do anything they will need to know who the IPM coordinator is. Further, Stevenson said there is concern about where the logbook is stored. If it's shared for all applications, structural and outside, it could be an issue. It's crucial that the applicators be able to find the book.

Pat Hinckley suggested replacing the two-week period with a specific date, noting that they get better compliance that way. She suggested September 1.

- **The Board agreed to change the amendment to September 1 and add that the requirement can be fulfilled through a Board-approved reporting system.**
- **Section 3D**—Jennings commented that this is a policy which is currently in place. There were comments received, a number of which questioned why there wouldn't be notification about these applications, the answer to which is that most people don't go into those areas, so why should they have to be notified. He pointed out that there is notification by sign. A lot of people objected to the WPS training. Bohlen stated that the rule doesn't specify that these are areas separate from the school; they could be attached. Clearly the intent is to provide an exemption if these are isolated and kids have to sign up to take the classes, but the rule doesn't specify the areas need to be separated from the main part of the school. As for WPS, what does it mean to protect kids vs. protecting workers? Eckert said she felt that it is a valuable educational tool; if these students pursue a career in agriculture they will know the rules. Hicks pointed out that most of the comments objecting to the WPS training wanted more.
  - **Consensus was reached to retain the WPS requirement, to change “secondary school education center” to “school education facilities,” and to attempt to add some language clarifying that these are areas not normally used by the general school population.**
- **Section 4A**—Jennings stated that the staff had recommended eliminating the beginning of school year notice, but that the Board actually made it more burdensome. He pointed out that schools rarely do applications requiring notification. Eckert said that it would be interesting to see data on whether the rule caused a shift to less risky pesticides; they'd rather not send a notice home so they stay away from applications requiring notification. Stevenson said he can't recall an occasion (from his company) where notification was required, but that that is not really what concerns them. They are more concerned with posting, which is their responsibility, than notification, which is the school's responsibility. He did not feel that they received a lot of guidance on that from the schools.

Jennings said that this change increased the burden on schools and, if we're going to do that, we

should reduce the burden elsewhere. Bohlen suggested sending notification to everyone in the event of an application and eliminate the beginning of year notice and requiring signature. He pointed out that he has a problem with the beginning of year notice because it says parents will be notified if there is an application and, when they aren't notified, they assume none are happening, when in fact there are low risk pesticides being used, or pesticides when students aren't present.

- **Consensus was reached to eliminate the beginning of school year notice, require notice to all staff, parents and guardians in the case of higher risk applications, and include information on how to contact the school's IPM Coordinator in the school's policy manual or handbook.**
- **Section 5A**—Jennings pointed out that the first sentence is restating the mandate—no problem there. The second sentence received a lot of comment. It was suggested that cosmetic might be a better word than aesthetic. Some, including Morrill, suggested that the Board should not be making a statement like this. Randlett pointed out that this is unenforceable. Jennings said that one comment received said that it contradicts the rule where it talks about “aesthetic threshold.” Jemison stated that what we want is for kids to be safe on athletic fields and most people don't want unnecessary applications, and asked if there any way to make a statement specifying that applications be based on safety concerns on athletic fields.

Jesse O'Brien suggested that what we're trying to create is a functional turf and said it should say what we're trying to achieve instead of what we're trying to avoid.

Granger stated that he felt the Board was trying to exceed its authority. He noted that products are registered and labeled for certain uses and it should be up to the users to decide. If aesthetic purposes violate the interests of the school, they shouldn't use them, but the Board shouldn't decide for them.

Stevenson opined that if it's not enforceable, then it shouldn't be in the rule.

Eckert said that it is important that outdoor applications be part of this rule; parents should be aware that outdoor applications are being made, and the community should be aware. If they're not aware they can't decide if it's important to them. She stated that there should be an IPM standard for weeds as well as bugs and that wasn't being included.

Bohlen commented on the futility of arguing over terminology; that these words had become part of a political controversy that has led to conflict, not clarity, and the Board isn't likely to resolve it. Dave Struble said that he thought what people wanted is for it to be a local decision and an informed decision. Bohlen said he thought a lot of the comments stated that that would not be adequate; people want the Board to push to reduce the use of pesticides regardless of what the local people want. Flewelling opined that strengthening the IPM coordinator would help; an involved and informed coordinator will make better decisions. Eckert pointed out that it depends on who the local person is who's deciding; an athletic director may make different choices than parents would. Fish suggested looking at the BMPs the Board approved for athletic fields and school grounds, pointing out that one of the recommendations is looking at whether there is an aesthetic importance; different levels of care based on priorities.

Eckert stated that in the indoor setting it is fairly clear that there are low-risk alternatives; in the

outdoor setting there are things that are going to be sprayed, which in her opinion is not low risk, and how are parents going to be aware of them? There is some public sentiment to not spray all athletic fields. How are we going to get that public discussion about what is right if we don't put something in the rule? Morrill said that pesticides are expensive and schools don't spray unnecessarily. He didn't see the value of a controversial statement in the middle of a lengthy rule. Eckert suggested eliminating the word aesthetic and referencing the BMPs. Fish said that aesthetic was included in the BMPs because schools have lawns that have no function beyond preventing fires and pests. In training they talk about setting a threshold on how pretty does it really need to be; set values.

Jemison reiterated that perhaps strengthening the IPM coordinator will help, although we can't force the IPM coordinator to get input. Bohlen agreed that there's no guarantee the IPM coordinator will have any say over decisions, but at least they'll have to be aware of what's happening. He provided the example of specific IPM requirements that have to be done; if this helps make sure they are done then it's a good thing. Bohlen also said that he was uncomfortable including a statement if it was unenforceable. Granger pointed out that it is the policy of the Board and state law to minimize pesticide use and there are many documents stating that.

- **Granger/Morrill: Moved and seconded to delete the sentence.**
  - **In Favor: Stevenson, Granger, Flewelling, Morrill**
  - **Opposed: Bohlen, Eckert, Jemison**
  
  - **The staff was directed to delete the second sentence from Section 5A, reference the BMPs for athletic fields and school grounds in the rule, and emphasize in the training that the condition of the playing surface is the priority.**
- **Section 6A(2)**—Jennings opined that licensed applicators are in a better position to know the rules and know what is required. At the last meeting, Randlett said that this sentence does not shift the responsibility, it creates a joint responsibility, but the IPM coordinator is ultimately the person responsible for ensuring notification requirements are met. Bohlen stated that if we're trying to give the IPM coordinator more credibility, then they should know the rule also; the goal of the rule is to make sure they know what they are doing. He said we should emphasize it in training and take it out of the rule. People who testified against this made a good argument.
- **Consensus was reached to strike Section 6A(2).**

#### 4. Update on 2012 Arboviral Activities

During 2012, Maine's arboviral surveillance network detected the presence of West Nile Virus (WNV) in mosquito pools earlier than in recent years. In addition, Eastern Equine Encephalitis (EEE) was detected in bird populations. These observations, coupled with the record-setting incidence of WNV across the entire continental United States, raised concerns about the possibility of an arboviral disease outbreak in Maine. In light of this concern, at its September 7, 2012, meeting, the Board adopted an emergency amendment to Chapter 20 of its rules to facilitate public health mosquito abatement efforts, in the event that the Maine Center for Disease Control and Prevention recommended spraying. Recent frosts have eliminated the threat of mosquito-borne disease for much of the state for this year, but the likelihood that Maine will face mosquito-borne illness threats in the coming years is high. As a result, the staff has been working with other agencies and organizations in an effort to be prepared for an arboviral disease threat in the future. The staff will update

the Board on its recent efforts, including research done on mapping requirements for aerial spray programs and online tools being used in other states to protect sensitive sites. In addition, the Board will need to decide whether the recent emergency provisions should be reconsidered.

Presentation By: Paul Schlein, Public Education Specialist  
Henry Jennings, Director

Action Needed: Provide direction to the staff

- Jennings stated that at the last meeting, when the Board adopted the emergency amendment to Chapter 20, there was a fair amount of angst about the possibility of spraying an organic farm. Bees and lobsters were also mentioned, but lobsters are probably not a concern because spraying can't occur near shore anyway, and the 0.6 ounces per acre probably wouldn't affect lobsters. Because there was so much concern about certified organic farmers losing the ability to market their products as organic the staff decided to research what had been done in Vermont and other states and what Maine would need to do to ensure organic farms were not sprayed. Schlein talked with a lot of people, including MOFGA. Jennings noted that there was a request from a bee keeper to create a registry for bees, and that there is a program called DriftWatch which is orchestrated through Purdue and is currently being used by eight states to protect sensitive sites. He also pointed out that the emergency amendment to Chapter 20 expires on December 13.
- Schlein explained that the current amendment requiring municipalities to avoid organic farms created a dilemma of how that would be accomplished. What exactly is needed and when would it be needed? He said that helicopter pilots would need digital maps that could be imported into their onboard mapping system. If digital data were already available, it would be a quick fix. He said he looked to USDA but they don't identify farms as being organic, and probably only larger farms (i.e., ones with nutrient management plans) would be on file with USDA anyway. He talked with MOFGA, and they do have paper maps of every farm they certify, but, until they are reviewed, it will not be clear if the quality and accuracy will be suitable for this purpose. There is also a question of availability because both the USDA and MOFGA maps are confidential. He said that in Cumberland and York counties there are 32 organic farms; there are 376 statewide certified by MOFGA, plus about a half dozen certified by other groups. He said that when frost came and the urgency passed, they decided to focus on a long-term solution. He talked with the Maine GIS office (MEGIS) and they could digitize maps, but it would be very expensive. Jennings mentioned that there might be cheaper places to get digitizing done, as well as collaborations with others, such as universities. Schlein said they discussed modifying the registry mapping system that had been previously developed by MEGIS, and it could be done, but it would not be inexpensive, and it could not be done until spring.
- Flewelling asked if the entire farms would be included, or just the production areas. Schlein said it would just be where the crops or livestock are, but that could be a large number of parcels. He said it is easy to locate the farms as a point, but that doesn't really help.
- Schlein said there are several other questions as well, such as who would be responsible for maps, and who would maintain them. Would they become public information? We probably would not want to have them in a public system. He gave an overview of the DriftWatch program, explaining that it is a ready-made solution.
- Bohlen remarked that he gets requests every year from students looking for GIS projects. He said, technically, this is not difficult, the challenge is institutional; privacy and maintenance. He said that the field locations are not private anyway, what's private is what's growing and whether it's organic.

- Schlein said that MOFGA was prepared to send out a request for permission to use their maps.
- Jennings stated that it makes the most sense for MOFGA to hold the data and maintain the confidentiality. Bohlen said he could connect someone with MOFGA to help. Schlein noted that MOFGA has only Mac computers and that there doesn't seem to be any Mac-based mapping software.
- Schlein said we also need to consider are what the Board's role should be and who will carry the cost.
- Schlein explained that in DriftWatch the farmers map their own sensitive areas by sketching polygons online and saving them. Every time a new parcel is added an e-mail gets sent to everyone who has signed up to receive information, including applicators. He pointed out that there is the question of accuracy with people marking their own boundaries. He said it would be more accurate to walk the boundaries with a GPS unit. The cost for DriftWatch is \$24,000 initially, and \$6,500 per year after for maintenance. It costs more for a state because of the contracts involved; if a non-governmental group wanted to do it, it would cost about 30 percent less. If all the New England states were to participate there would be significant savings.
- Granger pointed out that there are reasons other than economic for people not wanting to have their property sprayed and questioned whether there is a limit to how much can be exempted and still have effective spraying. Hicks replied that efficacy opinions are all over the place. Eckert suggested getting input from others, including Maine CDC. Granger said we should get answers before getting in too deeply. Flewelling asked if the CDC has the power to override whatever policy the Board sets. Randlett replied that the governor's office can override any policy in the case of an emergency. Eckert said they would be unlikely to recommend spraying as a state-wide policy and asked in what circumstances would the state ever consider or require spraying.
- Bohlen opined that one of the roles of the Board in the conversation is that there should be an awareness of the efficacy. Efficacy varies based on a lot of factors and the best thing for this is that we have a specific event and we're going to protect people, but spraying everywhere is not effective. Eckert pointed out that a couple of years ago they were talking about spraying at outdoor events.
- Fish remarked that it also depends on which disease and which species of mosquito. Hicks pointed out that there are new species of mosquitoes coming into Maine.
- Schlein remarked that it sounds like the Board is going to pursue a more permanent rule and asked, if there is an opt-out provision, what part should the Board play in facilitating this? Should they do the work? Help some other organizations? Also, what should the time line be? The staff is considering meeting with MOFGA, USDA, and getting more information. The staff would like some guidance from the Board on where should we go next.
- Eckert asked if there are other groups that should be involved, such as beekeepers. Schlein mentioned lobster pounds and water supplies.
- Dave Struble questioned, in dealing with arbovirus type issues, what is the statutory authority? What is the role of Maine CDC? What triggers what, what is the responsibility of the Board?
- Jemison suggested asking Dr. Stephen Sears to come to a Board meeting and explain how they make their decisions. He said we could make a huge effort, and they could say forget it, we're going to spray everywhere. This could be a completely wasted effort; we need a better picture.
- Bohlen agreed, saying we need to know the ground rules, and what the role of the Board would be.
- Hicks stated that the possible pesticides that would be used include 2 organophosphates and 4 synthetic pyrethroids. Eckert asked whether larvacides are important and Hicks replied that they are important in the integrated mosquito management program, along with reducing mosquito habitat, but that you need a permit from DEP, and there needs to be evidence of disease in the area.

- Jemison asked what the next step should be. Hicks replied that the Board needs to look at its rules and make sure that if we end up in an emergency situation there is nothing in the rules to prevent control efforts.
- Bohlen pointed out that we need to set a time line to be sure to get rulemaking done in time.
  - **Consensus was reached to invite Dr. Sears to the next Board meeting to provide an overview of potential actions in the event of an arboviral disease outbreak.**

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 two separate pesticide applications made to the same property, where an abutter was listed on the Maine Pesticide Notification Registry but was not notified.

Presentation By: Raymond Connors  
Manager of Compliance

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

- Ray Connors summarized the case. He explained that the base penalty for failure to notify is \$500, and that there were other violations by this company. In 2009 there were three, involving self-initiated requests, not a registry person. They were fined \$1,500 dollars in 2009 and \$2,500 this time.
- Eckert asked what the Board could do to make them stop.
- Tim Hobbs said that it was odd that there was one complaint during the first part of May and another during the first part of June and suggested that if there had been contact from the Board there might not have been a second incident. Connors replied that after the first complaint they were contacted the following day and that the second incident took place on a Friday and the inspector went out on Monday.
- Flewelling asked how close the properties were and Connors said that they were across the street from each other. He also said that it was a different applicator, although the same property.
- Morrill asked what the company's process is for checking the registry and for verifying addresses. Connors replied that he doesn't know their process. He pointed out that they did have the right address and said they have an automated message to notify customers that someone is coming to do the application. In the first case, the applicator thought the automated message notified registry people. After that incident the company added the registry names to the database so they would show up on the work order. In this case, the individual on the registry was not entered into the database.
- Eckert asked if there was anything the Board could do to help them improve. Flewelling remarked that \$2,500 should help. Connors said that Board inspector Eugene Meserve had spoken to the manager, who said he thinks the Board is being hard on them. Jennings indicated he could offer to meet with the manager.
  - **Granger/Flewelling: Moved and seconded to approve the consent agreement as written.**
  - **In Favor: Unanimous**

- Jemison said the staff should consider fines in relationship to what an effective treatment would have cost. We don't want to make it seem like if they get caught it's still cheaper than doing it right in the first place. He referred to the consent agreement in the September minutes.
- Connors said that in the case where the property owner did his own bedbug treatment, we were able to see what the cost would have been; they were quoted \$500 for a treatment, and the fine was \$750. The other consent agreement from the September meeting was for a weed and feed application to a town office in southern Maine. In that case, we were able to determine what the applicator charged for the job, and the penalty was higher. Connors agreed that the cost of doing things incorrectly shouldn't be cheaper than the cost of doing it correctly.

6. Other Old or New Business

- a. Request for pesticide notification registry for beekeepers—H. Jennings
- Jennings said that a beekeeper called and asked how to get notified about all applications. He explained how he could get notified by all neighbors within 500 feet, but the man said he needed miles.
- b. Other
- Letter from Russell Libby, MOFGA. Jennings said the Board should make careful and thoughtful decisions around mosquito abatement provisions. He said the federal CDC is not questioning the use of adulticides to prevent disease, and if EEE becomes established as a health threat in Maine, they're going to be encouraging spraying. He agreed that many people have a problem with risk-benefit analyses.

7. Schedule of Future Meetings

December 7, 2012, and January 25, March 1, April 12, and May 17, 2013, are tentative Board meeting dates. Additionally, there will be a public forum scheduled for one hour during the Maine Agricultural Trades Show, preferably on Wednesday, January 9, 2013. The Board will decide whether to change and/or add dates.

Adjustments and/or Additional Dates?

- **No new meeting dates were set.**

8. Adjourn

- **Bohlen/Flewelling: Moved and seconded to adjourn at 12:02 PM.**
- **In Favor: Unanimous**