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GOVERNOR

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

WALTER E. WHITCOMB
COMMISSIONER
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DIRECTOR

BOARD OF PESTICIDES CONTROL

January 11, 2017

**Kennebec/Penobscot Room
Augusta Civic Center
76 Community Drive, Augusta, Maine**

AGENDA

BOARD MEETING 3:00-4:00 PM

PUBLIC FORUM 4:00-5:00 PM

BOARD MEETING 4:00-5:00 PM IF NEEDED

1. Introductions of Board and Staff

Department Update on the Status of the Board Director Position

Presentation By: Ann Gibbs
Director, Animal and Plant Health

2. Minutes of the December 16, 2016 Board Meeting

Presentation By: Megan Patterson
Manager of Pesticide Programs

Action Needed: Amend and/or Approve

3. Request from Maine Migrant Health Program and Eastern Maine Development Corporation to Help Support a Worker Safety Training Program for Summer 2017

Since 1995 the Board has supported a Migrant and Seasonal Farmworker Safety Education program. During 2016, 704 individuals received Worker Protection Standard training, 704 individuals received take-home exposure training, and 698 received heat stress training. This represents a 228% increase over the number of farm workers trained in 2015. Funding to support this effort is being requested in the amount of \$3,860, a 5% increase over the amount requested last year. The funding has been accounted for in the Board's FY'17 budget.

Presentation By: Chris Huh, Program Manager, Farmworkers Jobs Program,
Eastern Maine Development Corporation

Elizabeth Charles McGough, Director of Outreach, Maine Migrant Health Program

Action Needed: Discussion and Determination if the Board Wishes to Fund this Request

4. Discussion of a ‘Statute of Limitations’ on the Pursuit of Complaints by the Board

At the December 16, 2016 Meeting the Board ratified a consent agreement with Jasper Wyman & Son, of Milbridge, Maine. Darin Hammond, the Senior Manager of Farm Operations, attended the meeting as a representative for the company. On December 22, 2016 Hammond sent a letter to the Board expressing his concerns regarding the Board’s investigation of complaints associated with pesticide applications made more than a year before the complaint was filed.

Presentation By: Darin Hammond
Manager of Farm Operations, Jasper Wyman & Son

Action Needed: Discussion of a ‘Statute of Limitations’ for Investigation of Complaints

5. Discussion of Board Approved Products for Control of Browntail Moth within 250 feet of Marine Waters

On January 25, 2008, the Board adopted Section 5 of Chapter 29 which regulates the use of insecticides used to control browntail moth within 250 feet of marine waters. Section 5 limits insecticide active ingredients to those approved by the Board. Since that time, a number of newer chemistries have been registered for use and far more data is available on the efficacy of many products. On November 4, 2016 and December 16, 2016 the Board discussed the browntail moth populations and the available products. Subsequently, the staff was directed to update the list of approved products for browntail moth control. The Board will now consider the list.

Presentation By: Lebelle Hicks
Pesticide Toxicologist

Action Needed: Amend or Approve the List of Products for Browntail Moth Control

6. Discussion of Interpretation of the Definition of ‘Biological’ within Chapter 29

On January 25, 2008, the Board adopted Section 5 of Chapter 29 which regulates insecticides used to control browntail moth within 250 feet of marine waters. On November 4, 2016 and December 16, 2016 the Board discussed browntail moths and the definition of ‘biological’ pesticides. When the rule was originally written, strains of *Bacillus thuringiensis* (*Bt*) were the only ‘biological pesticide’ active ingredients available and labeled for use on browntail moth. Since that time, a number of questions have arisen relative to other products which may qualify as ‘biological’. Subsequently, the staff was directed to prepare an interpretation of ‘biological’ to clarify which products fall under that exemption.

Presentation By: Megan Patterson
Manager of Pesticide Programs

Action Needed: Accept/Reject the Proposed Interpretation of ‘Biological’

7. Review of BPC Budget

At the December 16, 2016 Meeting, the Board suggested that a review of the Board's annual operating budget may be timely. The staff will present information pertaining to the current budget and an overview of the budget process.

Presentation By: Megan Patterson
Manager of Pesticide Programs

Action Needed: Review of BPC Budget

8. Other Old or New Business

- a. Legislative Report on Water/Sediment Sampling
- b. Update on Homeowner Education Activities
- c. Updated Memo Detailing Sampling Results from Gulf of Maine Coastal Pesticide Study
- d. Letter from Jody Spear
- e. Letter from Paul Schlein

9. Schedule of Future Meetings

February 17, 2017; March 31, 2017; and May 12, 2017 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 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.