



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

January 20, 2021

1:00-2:00 PM Board Meeting
2:00-2:30 PM Public Forum
2:30-4:00 PM Board Meeting Continued

Video conference hosted in MS Teams, to join the meeting:

Web link for the Microsoft Teams meeting:

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

1-207-209-4724 United States, Portland

Phone Conference ID: 975 585 846#

AGENDA

1. Introductions of Board and Staff

2. Minutes of the November 6, 2020 Board Meeting

Presentation By: Megan Patterson, Director

Action Needed: Amend and/or approve

3. Request for Financial Support from the Maine Mobile Health Program and the Eastern Maine Development Corporation

Since 1995 the Board has supported the Migrant and Seasonal Farmworker Safety Education program. The Maine Mobile Health Program (MMHP) and the Eastern Maine Development Corporation (EMDC provided training to 123 migrant agricultural workers during the 2020 season). Funding to support the effort in 2021 is being requested in the amount of \$6,432, which is 20% increase over the funding amount the Board provided in 2020. The funding has been accounted for in the Board's FY21 budget.

MEGAN PATTERSON, DIRECTOR
90 BLOSSOM LANE, DEERING BUILDING



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

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

Action Needed: Discussion and determination if the Board wishes to fund this request

4. Continuation of the BPC Budget Review with a Focus on the Cost of MEPERLS Support, Maintenance, Hosting, and Licensing

During the September 18, 2020 Board review of the its projected 2023 budget, the increasing cost of MEPERLS was discussed. Following a robust discussion of MEPERLS and the projected costs, staff was asked to invite representatives from Pegasystems and Stratosphere to a future Board meeting. The State of Maine Office of Information Technology serves an essential role in negotiating contracts with both Pegasystems and Stratosphere and can provide a comprehensive overview of the technology and the relative costs. The Maine Office of Information Technology will now provide an overview of the proposed ongoing costs of MEPERLS.

Presentation By: Bill Mason, Applications Director, Maine Office of Information Technology

Action Needed: Determine next steps

5. Request for Special Local Need [24(c)] Registration for Express® Herbicide with TotalSol (FMC Corporation) for Spot Application and Bunchberry Control in Lowbush Blueberries

In September 2008, the Board first approved a Section 24(c) registration for DuPont Express® Herbicide with TotalSol (EPA Reg. No. 352-632). The 24(c) was renewed in 2010, 2013 and 2019, but the registration expired December 31, 2020. In 2019, a two-year extension for this SLN was approved with the stipulation that University of Maine Cooperative Extension conduct groundwater testing. This 24(c) allows for spot applications to control labeled weeds during the prune year and applications in the fall after harvest and in the spring of the non-crop year to control bunchberry.

Presentation By: Mary Tomlinson, Pesticides Registrar and Water Quality Specialist

Action Needed: Approve/disapprove 24(c) registration request

6. Interpretation of CMR 01-01A, Chapter 26, Section 3(B) in the Context of Powered Application of General Use Antimicrobial Pesticides for Routine Cleaning

On December 31, 2021 Executive Order 7-A FY 20/21 was signed and expanded exemptions from commercial pesticide licensure to certain institutions implementing routine cleaning for

SARS-CoV-2. Staff at hospitals, colleges, universities, municipal and county facilities are now exempted from commercial licensure for the powered application of general use antimicrobial pesticides. The EO did not provide exemptions from any other regulatory requirements—such as posting and record keeping. The staff are asking the Board to interpret the applicability of existing posting requirements for facilities making multiple applications, to multiple locations, daily.

Presentation By: Megan Patterson, Director

Action Needed: Discuss and approve/disapprove the development of a policy

7. Consideration of a Consent Agreement with Daley Green Services DBA Green Home Solutions, Belfast, Maine

The Board's Enforcement Protocol authorizes 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 involves unlicensed applications, use inconsistent with the pesticide label, and record keeping.

Presentation By: Raymond Connors, Manager of Compliance

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

8. Other Old and New Business

a. Executive Order Update—M. Patterson

b. Exam Administration Update—J. Pietroski

c. Legislative Update—M. Patterson

d. 2021 Agricultural Trades Show agenda

e. Environmental Specialist III direct hire bulletin

f. Recent Activity Related to Aerial Application in Massachusetts—M. Patterson

9. Schedule of Future Meetings

March 5, April 16, and June 4, 2021, 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.