



JANET T. MILLS
GOVERNOR

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

AMANDA E. BEAL
COMMISSIONER

BOARD OF PESTICIDES CONTROL

April 25, 2025

9:00 AM Board Meeting

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

[Join the meeting now](#)

Meeting ID: 279 693 380 912 3

Passcode: Hi7nL753

Dial in by phone

[+1 207-209-4724,,292526228#](#) United States, Portland

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Phone conference ID: 292 526 228#

AGENDA

1. Introductions of Board and Staff
2. Minutes of the March 14, 2024 Board Meeting

Presentation By: Alex Peacock, Director
Action Needed: Amend and/or Adopt
3. Review of Board Responsibilities and Procedures

Carey Gustanski, Assistant Attorney, General, will review Board procedures and Board member responsibilities.

Presentation By: Carey Gustanski, Assistant Attorney General
Action Needed: None; Board procedural review

ALEXANDER PEACOCK, DIRECTOR
90 BLOSSOM LANE, DEERING BUILDING



PHONE: (207) 287-2731
WWW.THINKFIRSTSPRAYLAST.ORG

4. Request to Reestablish EPA FIFRA, Section 24(c), registration for the use of Asulox Herbicide

The Special Local Need (SLN) registration for Asulox Herbicide (EPA Reg. No. 70506-139) was first approved in 2010. The Board approved a five-year extension in January 2020, which expired on December 31, 2024. Dr. Lily Calderwood, blueberry specialist at the University of Maine Cooperative Extension, requests to reestablish this expired SLN. In the absence of other effective control measures for bracken fern, this product has proven to be effective, especially in newly cleared land and abandoned fields returned to production. The proposed SLN will expire on December 31, 2030. There are no changes to the SLN label or the application conditions.

Presentations By: Julia Vacchiano, Registrar and Water Quality Specialist
Action Needed: Discuss; Approve/Disapprove SLN

5. Consideration of a Request for Variance from CMR01-026 Chapter 29 from RWC. Inc, to Treat Railroad Rights-of-way in Maine

R WC, Inc is seeking a variance from Chapter 29, Section 6, Buffer Requirements, in order to treat the Canadian Pacific Kansas City rail tracks rights-of-way in Maine. Board policy indicates that first-time variance requests must be considered by the Board. The policy further stipulates that railroad variance requests need to be consistent with the Maine Department of Transportation standards. The last variance for this railroad was approved at the April 5, 2024 Board meeting.

Presentations By: Alex Peacock, Director
Action Needed: Discuss; Approve/Disapprove Variance Request

6. Application for Emergency Use Permit to use Neonicotinoids in Rockport, ME

Staff have received a request for an emergency use permit to use Safari 20 SG (Active ingredient: dinotefuran) to manage a bronze birch borer infestation in Rockport.

Presentations By: Julia Vacchiano, Registrar and Water Quality Specialist
Action Needed: Discuss; Approve/Disapprove SLN

7. Proposed Amendment to Policy on Determining Allowable Pesticide Applications Pursuant to CMR 01-026, Chapter 29, Section 6

On November 18, 2011, the Board approved an interim policy allowing staff to approve Chapter 29 requests for variances to control vegetation that poses a dermal toxicity hazard. On December 13, 2013 the Board revised this policy to give staff the authority to approve requests for variance from CMR 01-026 Chapter 29, Section 6, for the control of invasive plants. Many of these variance requests are for controlling Japanese Knotweed (*Fallopia japonica*, *syn. Polygonum cuspidatum*, *Reynoutria japonica*). Staff have had inquiries about types of applications that may require variances, and are asking for Board input on amending this policy to include requirements for cut/stump applications.

Presentations By: Alex Peacock, Director

Action Needed: Discuss; Approve/Disapprove Policy Amendment

8. 2025 Water Quality Project Update

Every year, BPC receives funds from EPA to complete water quality testing in Maine. In previous years, BPC has focused on water quality related to aerial forestry practices, near agriculture and population centers, and drift related to browntail moth applications, among other topics. Staff have been thinking about ideas for future water quality efforts and would like Board input on potential future programs.

Presentations By: Julia Vacchiano, Registrar and Water Quality Specialist

Action Needed: Discuss

9. Consideration of Consent Agreement with Emerald Valley Farms, LLC of Caribou

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 several incidents where records were not properly maintained, PPE requirements were not followed, a pesticide was used inconsistently with its label, WPS standards were not followed, and a prohibited pesticide was distributed within the state.

Presentation By: Alex Peacock, Director

Action Needed: Discuss; Approve/Disapprove

10. Legislative Update

Currently, the Maine State Legislature is in the 132nd First Special Session, where 6 pesticide-related bills have been published. These bills are LD 356: An Act to Require Notification of Certain Outdoor Pesticide Applications, LD 1132: An Act to Further Protect Low-impact Landscaping, LD 1201: An Act to Protect Maine Agriculture and Farms by Exempting Certain Pesticides from Regulation, LD 1323: An Act to Prohibit the Use of Neonicotinoid Pesticides and the Use and Sale of Neonicotinoid-treated Seeds, LD 1557: An Act to Ensure Uniformity in the Regulation of Perfluoroalkyl and Polyfluoroalkyl Substances in Pesticides, and LD 1697: An Act to Increase Penalties to Deter Violations of the Laws Regarding Improper Pesticide Use. Staff will give an update on the status of these bills.

Presentation By: Alex Peacock, Director

Action Needed: None; Informational purposes

11. Other Old and New Business

a. Amended Blue Hill Municipal Ordinance

b. Variance Letter and Permit for CMR01-026, Chapter 22, JBI Helicopters

c. New pesticide active ingredient registration submitted in Maine: PDHP 25279

d. EPA Announces Changes to Pesticide Data Submission Process to Increase Efficiency and Reduce Burden

e. EPA Announces Multiple Actions to Protect Endangered Species from Insecticide Carbaryl

12. Schedule of Future Meetings

The next scheduled Board meeting date is June 6, 2025, at the Deering Building, Room 101, Augusta

Future Meetings: July 18, 2025, August 29, 2025, and October 10, 2025

Adjustments and/or Additional Dates?

13. 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.