



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

June 9, 2023

9:00 AM Board Meeting

Join the meeting in person in Room 118, Marquardt Building, 32 Blossom Lane, Augusta

Or

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 246 908 275 489

Passcode: DSg4Xf

Or call in (audio only)

[+1 207-209-4724,,293485210#](#)

Phone Conference ID: 293 485 210#

AGENDA

1. Introductions of Board and Staff
2. Minutes of the April 7, 2023 Board Meeting

Presentation By: John Pietroski, Acting Director
Action Needed: Amend and/or approve

3. Review of Board Responsibilities and Procedures

Mark Randlett, Assistant Attorney General, will review Board procedures and Board member responsibilities.

Presentation By: Mark Randlett, Assistant Attorney General
Action Needed: Board procedural review

4. Election of Officers

The Board's statute requires an annual election of officers. The members will choose a chair and vice-chair to serve for the coming year.

MEGAN PATTERSON, DIRECTOR
90 BLOSSOM LANE, DEERING BUILDING



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

Presentation By: John Pietroski, Acting Director
Action Needed: Nomination and election of officers

5. Review of the Board Budget

At the April 7, 2023 meeting, the Board held its annual review of the Pesticide Control Fund. The goal of the annual budget update is to identify potential resources that could be allocated to Board priorities. The Board asked for additional discussion during this meeting to help clarify potential budget forecasting.

Presentation By: Megan Patterson, Division Director
Action Needed: Provide guidance to the staff on Board budget priorities

6. LD 1770 Sales & Use Reporting

At the May 10, 2023 work session the Agriculture, Conservation and Forestry Committee voted this bill ought to pass as amended as a resolve directing the Board to act to enter into rulemaking to require applicators and dealers to submit their annual use reports electronically via MePERLS.

Presentation By: Karla Boyd, Policy and Regulations Specialist
Action Needed: Discussion

7. Discussion and Update on Container Fluorination

Understanding changes in pesticide container fluorination activities is relevant for the Board's ongoing discussions on fluorinated containers. Staff have reached out to EPA for updates on container fluorination actions at the federal level. Staff have also summarized existing federal and Maine rules in an attempt to clarify what is allowed in pesticide products as of spring 2023.

Presentation By: Pam Bryer, PhD, Pesticides Toxicologist
Action Needed: Discussion and consideration of container regulations

8. Staff Memo on Possible Addition of Balsam Woolly Adelgid to the Board's Policy on *Approved Invasive Invertebrate Pests On Ornamental Vegetation In Outdoor Residential Landscapes For Neonicotinoids Exemption*

Staff have received a request to add Balsam Woolly Adelgid to the Board's existing policy on the use of neonicotinoids for the management of invasive invertebrate pests in outdoor residential landscapes.

Presentation By: John Pietroski, Acting Director
Action Needed: Discuss the memo; approve/disapprove amendment of the interim policy

9. Consideration of a Consent Agreement with Davey Tree Expert Company Gorham, Maine

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 an unauthorized application and failure to positively identify the application site.

Presentation By: Alex Peacock, Manager of Compliance
Action Needed Review and/or Approve

10. Consideration of Consent Agreement with Osmose Utilities Services, Inc

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 a vehicle accident resulting in the jettisoning of canisters of restricted use pesticides that were left unattended subsequently leading to an acute human exposure at a later date.

Presentation By: Alex Peacock, Manager of Compliance
Action Needed Review and/or Approve

11. Consideration of Consent Agreement with Cannabis Culture

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 unlicensed applications and improper disposal of pesticides.

Presentation By: Alex Peacock, Manager of Compliance
Action Needed Review and/or Approve

12. Consideration of Consent Agreement with Cunningham Cultivation

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 unlicensed applications and improper disposal of pesticides.

Presentation By: Alex Peacock, Manager of Compliance
Action Needed Review and/or Approve

13. Other Old and New Business

- a. Policy on Clarification of Distribution
- b. Letter from Xavier Asbridge of IPM Of New Hampshire on the use of neonicotinoids in residential landscapes for invasive species management
- c. Email and article from Heather Spaulding, Maine Organic Farmer's and Growers' Association
- d. LD 1960: "An Act to Support Farming in Maine by Extending the Deadline for Manufacturers of Products Containing Perfluoroalkyl and Polyfluoroalkyl Substances to Report on Those Products"
- e. EPA Update: "EPA Completes Scientific Testing of Pesticide Products for PFAS"
- f. Center for Biological Diversity: PFAS contamination of pesticide products
- g. Other?

14. Schedule of Future Meetings

July 21 is the next scheduled Board meeting date. The Board will decide whether to change and/or add dates.

The Board will also decide if future meetings will be remote, in-person or hybrid.

Adjustments and/or Additional Dates?

Staff have scheduled meeting rooms scheduled for: September 1, September 22, October 13, November 3, December 15

15. 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.