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GOVERNOR

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

WALTER E. WHITCOMB  
COMMISSIONER

**BOARD OF PESTICIDES CONTROL**

**May 18, 2018  
9:00 AM**

Room 118 Marquardt Building  
32 Blossom Lane, Augusta, Maine

**MINUTES**

Present: Granger, Morrill, Waterman

1. Introductions of Board and Staff

- The Board, and Staff introduced themselves
- Staff Present: Bryer, Connors, Couture, Patterson

Minutes of the April 6, 2018, Board Meeting

Presentation By: Megan Patterson, Manager of Pesticide Programs

Action Needed: Amend and/or Approve

- The Board will approve minutes at the next regular meeting due to lack of a quorum.
- Morrill commented that application acceptance for the director position closed on May 10. The initial round of interviews will begin next week. Morrill and Jemison will sit in on interviews, and the selected candidate will be brought before the Board for final consideration. Morrill added the Board would really prefer a candidate in place as soon as possible and the Board will hold a special meeting, if necessary, before the next regular Board meeting.

2. Request from Integrated Pest Management Program for Funds for Mosquito Monitoring

The Integrated Pest Management Program is requesting funds to assist with mosquito surveillance and identification, development of a GIS-based mosquito habitat mapping system, and continued outreach around vector-borne diseases.

Presentation By: Kathy Murray, IPM Specialist

## Action Needed: Approve or Deny Request

- Murray told the Board that a few years ago the state legislature directed the DACF to create an emergency response plan in case of a vector borne disease emergency involving mosquitoes. She added that the triggering event for this were two Eastern Equine Encephalitis (EEE) deaths in Vermont in an area the state had not been monitoring. She added that Maine is also not well prepared for area-wide applications to control EEE vectoring mosquitoes.
- Murray explained that she has been running a small monitoring program related to West Nile Virus (WNV) since 2009. However, EEE is the vector-borne disease of the greatest concern. There were two human cases in Maine in 2013. One case was fatal and the other person survived, but with complications. In 2015 another individual died from EEE in Maine.
- Murray stated that there are about 30-40 sites, mostly in southern Maine, that are currently being monitored. Some are monitored under contract by Maine Medical Research Institute with federal funding through Center for Disease Control (CDC). Murray posed the question of what would happen if the only monitoring capability was through contract and the contracted lab closed. Another issue is that the federal funding has also been questionable, and last year did not arrive in time to support the monitoring. She continued that if there is any federal funding available this year it will not arrive until August, which is too late.
- Murray stated she has been monitoring 10 sites in central Maine in the Unity area. She has been monitoring this area for the last three years. Murray explained to the Board that she had received funding the last two years from a couple of small grants that allowed her to set traps, capture mosquitoes, keep the mosquitoes on ice, and bring the mosquitoes to the lab for testing. She was able to employ an intern to assist with this. If funding was available this year she would like to hire this individual back, especially since he just finished an extra semester studying GIS. This is important because they have been looking at GIS ability to map mosquito habitat throughout the state in order to find the areas of most vulnerability in the state to help detect the most advantageous areas to monitor. Board staff has assisted with the mosquito response plan, mosquito habitat model and to help make some of the equipment for the monitoring.
- Murray concluded that some spots will not be monitored this summer if the funding is not made available. Last year she could not get federal funding in time and had to borrow money from the DACF.
- Granger asked Murray what amount she was asking for. Murray responded they would need \$6,762 in funding to cover the current monitoring sites.
- Waterman commented in support of this request. He added that with diseases such as EEE and WNV people experience symptoms similar to the flu or common cold so correct clinical diagnosis can be difficult. Waterman concluded that he saw the value of continuing this advance surveillance program because it can be used to alert the public and physicians to areas of concern.
- Morrill asked about funding for monitoring the BPC had given to the Maine CDC, what was the current funding status for this year, and will the Board be funding that as well. Patterson stated that the BPC is able to fund the MOU with Maine CDC and added that if Murray needs this type of funding it should come directly from the Board instead of requesting the money from CDC after CDC bills the BPC.

- Morrill asked if there were funds to do this. Patterson responded that there were funds available.
- Granger stated he would like to go on record in favor of this. Morrill stated he was also in favor.
- The Board members will table this for next meeting when they have a quorum from the Board.

### 3. Review of Pesticide Sign for Self-Service Areas

BPC Chapter 26 Section 7 requires that pesticide self-service sales areas include a “Board approved sign informing the public where to obtain additional information”. The staff has drafted a new version of the sign. The Board will now discuss and provide guidance to the staff.

Presentation by: Amanda Couture, Certification & Licensing Specialist

Action Needed: Approve and/or Amend Proposed Sign

- Dill stated that when individuals do call it is like a double-edged sword because they not only want to know the product, but they often want toxicology info as well so they are then directed to the Board.
- Patterson stated that the National Pesticide Information Center, NPIC, is a resource that is underutilized. She explained to the Board that NPIC’s whose whole mission is to communicate complicated pesticide info to consumers. Their funding has been cut so they are only open a few hours a day but their purpose and specialty is answering these types of questions and phone calls.
- Morrill questioned whether the Quick Response, QR code was needed on the self-service sign. There was discussion about whether anyone utilized QR codes. Morrill added he would like to mandate that the signs must be posted in color.
- Morrill stated that staff need to pick one phone number and put it on the sign.
- Heather Spaulding from the audience commented that she really liked the concept of think first spray last and that should be the takeaway from the sign, as well as ‘Always read the label’.
- Granger suggested “‘Always read the label’ should be on there but maybe not in huge letters.
- The Board asked staff to come to the next meeting with a couple drafts.
- Morrill stated that the cooperative extension number should be on the sign.

### 4. Continuing Discussion of the Board’s Role in Public Education

At the April 6, 2018 meeting Jesse O’Brien spoke about municipal ordinances which led to a general discussion by the Board about public outreach. It was stated that the discussion should be continued at the next meeting.

Presentation By: Megan Patterson, Manager of Pesticide Programs

Action Needed: Provide Guidance to Staff

- There was much discussion about what other Board roles and responsibilities were and what their shortcomings may be.
- There was discussion about providing leave-behind cards to retailers. Dill has the Green Bug series and its 16 colored cards. Patterson detailed what could be included on these cards. Morrill stated that could move into the public education realm easily.
- Granger stated the Board does a lot of public education through all the programs and positions they fund.
- Granger asked if there was a sense among municipalities that they made requests and we did not honor them.
- Morrill responded that if the request was made from a town regarding gathering information about existing regulations and denied then that is something the Board should look into.
- Patterson stated that most requests came not from the town but other interested entities asking staff to attend the meeting. If the town themselves directly asked staff to be there they did attend.
- Morrill stated the Board can certainly be a resource to the towns but it is not in the business of writing ordinances or enforcing them.
- Dill suggested that staff and cooperative extension work together to produce a tri-fold card. There have been many discussions regarding how to get information to the general public in a way that is useful to them.
- Patterson suggested creating special space on website designed for municipalities and the general public that would house a summary of our rules based on topic areas.
- Bryer submitted an article and stated education is important to people to feel a sense of control.
- Granger responded he was intrigued by the article, said it was great Bryer provided it, and he looked forward to reading the article.
- Waterman responded that in context of what happened in the past with attempts to silence Rachel Carson, and the deception by the tobacco industry, with that background a lot of peoples' first thought is to distrust anyone in authority. It will be an uphill battle and he does not know what the Board could do to counteract that besides just keep giving accurate information.

## 5. Discussion about Use of Unmanned Aircraft Systems (UAS) for Agricultural Purposes

Following the April 6, 2018 meeting, the staff had a further discussion about the use of Unmanned Aircraft Systems (UAS) for agricultural purposes. We realized there is a gap caused by the BPC rules. The definition of "aerial applicator" in Chapter 10 states that all aerial applicators shall be considered commercial applicators. The definition of commercial applicator does not allow for applications to lands owned or leased by the applicator for the purposes of producing an agricultural commodity. Therefore, it appears that UAS applications to agricultural crops could be done by hiring a commercial applicator, but could not be done by the owner/lessee. The Board should consider whether to pursue creating a policy (if possible) or amending its rules.

Presentation By: Anne Chamberlain, Policy & Regulations Specialist

Action Needed: Provide Guidance to Staff

- Chamberlain explained to the Board that at last meeting it was said an agricultural producer could get a commercial license and apply to their own property. That was incorrect. After further review of rule, they would not be able to use their commercial license for agricultural production.
- There was discussion about what aerial applications are currently being made in Maine. Patterson responded it is mostly used in forestry.
- Morrill stated that this is a good thing to put on the hit list for rulemaking but until they have a specific ask for this he does not see it as an imminent issue.
- The Board would like to see more info about the physics of applications using UASs and what happens to the spray deposition. However, there is not much information currently available.

6. 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.

Presentation By: Megan Patterson, Manager of Pesticide Programs

Action Needed: Nominations and Election of Officers

Table until next meeting.

7. Other Old or New Business

- a. Is *Bt* toxic to lobsters? Staff response to question raised at April 8 meeting
- b. Letter from B.K. Keller, Northport, Maine
- c. Portland Flower Show brief
- d. Unmanned Aircraft Systems for Aerial Applications-Presentation from South Carolina
- e. Variance permit for control of invasive species in Biddeford to Vegetation Management Services, Inc.
- f. Variance permit for control of invasive species in Great Pond to Vegetation Management Services, Inc.
- g. Variance permit for control of weeds in rights-of-way to Department of Transportation
- h. Variance permit for control of weeds on the Fort Kent levee along the St. John and Fish Rivers to Dubois Contracting
- i. Job Posting: Pesticide Safety Education Program Professional, PSEP
  - There was discussion about the new job posting for a PSEP individual. The PSEP person would be liaising with staff and EPA and the duties they will be doing dovetail nicely with the work staff is doing. Morrill stated he liked the new job posting and that it is more comprehensive than before.
  - The Board plans to hold a special meeting to bring the selected director candidate before the Board and also vote on money for Kathy Murray's mosquito monitoring program as soon as possible.

8. Schedule of Future Meetings

- July 13, 2018 is a proposed Board meeting date in Augusta. August 24, 2018 has been proposed for a tour of Green Thumb Farm in Fryeburg and Weston's Christmas Tree Farm in Fryeburg followed by a Board meeting locally. The Board also indicated an interest in having a Public Information Gathering Session in the fall but a date was not determined. The Board will decide whether to change and/or add dates.
- Patterson has contacted Weston's but they were not interested at this busy time of year. Patterson asked the Board if they would like to entertain other topics or venues.
- It was proposed to visit a land trust or conservation land to see how they are dealing with invasive species. Wells Estuarine Reserve has issues with invasive species and ticks. The relationship between invasive species and ticks is currently being studied at the Wells Reserve by MMCRI.
- Morrill stated he is fine with whatever the Board decides, and there is always something useful that comes out all the field trips.
- Morrill gave Patterson permission to select a location and be in charge of the field trip.

Adjustments and/or Additional Dates?

9. Adjourn

- **Morrill/Granger: Moved and seconded to adjourn at 10:14 am**
- **In Favor: Unanimous**