



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

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COMMISSIONER
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BOARD OF PESTICIDES CONTROL

February 19, 2016

AMHI Complex, 90 Blossom Lane, Deering Building, Room 319, Augusta, Maine

MINUTES

8:30 AM

Present: Eckert, Flewelling, Granger, Jemison, Morrill, Stevenson

1. Introductions of Board and Staff

- The Board, Staff, and AAG Mark Randlett introduced themselves
- Staff Present: Chamberlain, Connors, Couture, Fish, Hicks, Patterson, Tomlinson

2. Minutes of the January 13, 2016 Board Meeting

Presentation By: Henry Jennings
Director

Action Needed: Amend and/or Approve

- Jemison suggested that in item 3, “provide training to one health-and-safety outreach worker” be changed to “provide training using one health-and-safety outreach worker”.
- Mark Randlett pointed out three typos on item 4.
 - **Granger/Stevenson: Moved and seconded to adopt as amended**
 - **In Favor: Unanimous**

3. Discussion of the Key Messages for Homeowner Outreach

At the last three meetings, the Board discussed public concerns about homeowner pesticide use and explored ideas for promoting Integrated Pest Management (IPM) to this audience. Before embarking on an outreach campaign the Board needs to clarify exactly which messages are to be promoted so that there is consistency between co-operators. The staff has drafted a memo for the Board’s consideration.

Presentation By: Megan Patterson
Pesticide Safety Educator

Action Needed: Provide Guidance to the Staff

- Patterson explained that the staff had been brainstorming, based on recent Board discussions, on what should be included in presentations, public meetings, etc. They came up with ideas that are fairly neutral around education for homeowners. Would like input from the Board on what we should be focusing on.
- Eckert said to emphasize the non-pesticide first and use the most effective combination. She asked for the context, noting the list looked like a good agenda for a talk. Patterson explained that this is the list of messages that could be included in talks, outreach materials, training to stores; what homeowners should know. Eckert noted that if using in a public service announcement it should be broken into pieces; no one would read this much.
- Hicks said it was implied, but should focus on the combination of toxicity and exposure—minimize risk. Also the risk from mechanical control—immediate risk vs. chronic risk.
- Jennings noted that the staff emphasizes the lowest risk pest management strategy which sometimes involves use of a pesticide. For example with poison ivy, you can pull it out, but for most people, that is not the lowest risk strategy. Using herbicides may be the lowest risk strategy if done properly. Granger noted that this can be the most effective as well.
- Hicks noted that we should look at the first four as defining the issue; answer those before determining risk and the risk of any strategy.
- Eckert noted that IPM is not mentioned. Jennings replied that that was by design. We don't want to talk over people's heads. The staff is trying to use words at a level where people don't need an entomology degree to understand the information.
- Kathy Murray commented that there's nothing on the list about biologicals—there are lots of natural things that work if pesticides aren't used. People are looking at a specific problem when they reach for pesticides. In Maryland they focused on mowing lawns high to reduce the use of herbicides and fertilizers. Educators advise conveying a simple, positive message of something they can do to reduce risks.
- Jemison noted that we know through surveys that weed and feed products are among the most used. Are there alternative approaches the Board can suggest that are more sustainable?
- Eckert suggested “weed not feed”. Fish said in the past we've used “Weed and seed”. Fill in open areas.
- Jemison asked if there are other issues that we know are going to have homeowners reaching for pesticides. Carpenter ants? Yellowjackets? Jennings noted that there was a very extensive survey done at the time GotPests was created and that's how the pests were chosen for that.
- Eckert noted that it would make a great newspaper series along with the garden section.
- Morrill asked if the staff was asking the Board to pare down the list. Patterson replied that they are trying to develop an overarching theme. Jennings said that we don't need to pare them. We would only use some of them as appropriate. Want to have a central message that everyone can support. The staff would pick and choose from this list. If the staff can get Tom Mather to come back and present a tick talk for the public, the message would be tailored around ticks. The staff needs to identify a series of messages that everyone can buy into that neither endorse nor discourage pesticide use.
- Granger said that we don't want to say don't use pesticides. Our job is to minimize reliance on pesticides and to regulate them. We don't want to send a message that we are opposed to using pesticides. We don't want to be perceived as not allowing their use. Agriculture and forestry need pesticides.
- Morrill suggested we target seasonal issues, while homeowners are dealing with those issues. A conversation around lawn care should be timed to homeowners when they're thinking about it.
- Stevenson asked what the original goal was. The list is good. There were a couple of things we wanted to accomplish. What sparked the conversation is what local towns are doing. The Board needs to do outreach so folks know this isn't the wild, wild west around lawn care. The goal is for homeowners to use products correctly. The Board also wants lawn care companies

to do the job right. The licensing and training process is designed to ensure that. What can we add so that folks know there are resources, the Board is there, directions about use of products, what rules/regulations are there. Is there more that we need to do? Is this list going to solve those things?

- Hicks replied that when dealing with the public, if somebody has their mind made up, they're not going to take in any information; people can be resistant to someone trying to modify their behavior. The people in the middle of it are the ones asking the questions. People ask what do they need to know to solve their problem. Answer: read the labels, don't buy anything you don't understand; don't buy anything you don't have the PPE for. I can do this one at a time, don't know how to do on a larger scale. If people are scared of the pest, they look for the chemical; if they are scared of the chemical, they look for other means of control.
- Jemison noted that Griffin Dill has been working with homeowner issues at the Pest Management Office. Collaboration could broaden some reach.
- Morrill said that part of the discussion that got us here is where do we spend our resources. Answer: on the regulated community. The Board should target its message to homeowners and homeowner uses and the products they're going to apply. People are going to use pesticides, maybe it's our job to show them how to do it properly. The Board should provide more broad outreach to those homeowners so they choose the right products, use them properly, understand that we're here and that there are resources available.
- Following up on comments by Stevenson, Katy Green, MOFGA, asked, what is the purpose of this discussion? Is it in response to ordinances being discussed in South Portland and Portland?
- Stevenson said that was partly true. A lot of times there is a gap of information. He has been to some council meetings where it's clear people don't have the information to fill in those gaps. People don't realize the Board exists. There is a huge gap between the Board and homeowners. They don't understand labels.
- Katy Green said she thought the discussion was in response to the multitude of letters the Board received.
- Murray agreed with Stevenson that we need to be able to get information out to people that the resources exist. How do you reach people? Social media; starting to see the value of that. Once we decide on the message have to work on different platforms to get it out.
- Flewelling noted that the trouble with social media is the credibility. How do you get a credible message out? Murray replied that because it's from us it will be credible. There will be a proportion of people that disregard it.
- Jennings noted that the conversation had transitioned from item 3 to item 4.
- Katy Green asked for examples of "reputable sources" referenced in bullet 4. Jennings replied that it has to be University or Governmental because so much information available on the internet is editorial in nature. It has to have a scientific basis and come from a source that has no particular agenda. Green noted that it should not be science paid for by chemical companies.
- Granger asked whether the local interest in municipal ordinances is an indictment of the Board's effectiveness. Is the Board missing something, not doing something? Is there no confidence in the Board's ability to regulate? What can be done to gain their confidence? Is there something missing from the list that they need to know? What is causing the feeling of need that is pushing concerned parties, is it some need that we are not meeting?
- Fish replied that everything on the list has already been done. The key is to have a concerted effort and do it over and over. People don't know who we are and what we do. Unless you put a lot of time and money into that, you won't reach them all. There are so many things for people to do, it takes a lot of effort and a lot of creativity to come up with ways to reach them and capture their attention. As Murray said, with social media you can reach a lot of people without spending a lot of money, but it must be done consistently; it's a very difficult place to get into effectively.

- Hicks said that we need to verify that the message is being effective, that we're not wasting money; focus groups, surveys. Fish replied that the staff had been doing that. There were focus groups looking at which messages were most effective. Social marketing techniques were also researched. As a government agency it's hard to develop a set of messages that everyone can buy into. Hicks said that we can't do risk communication en masse, only individually or in groups.
- Morrill suggested going back to what Granger had said about focusing on what we're trying to do. Over time, the message will change. New messages and ideas will emerge. The municipal ordinance issue does create concerns. Does the average homeowner in the state know we exist? The Board needs to get that message out.

4. Update on Actionable Strategies Developed by Board Staff for Promoting Integrated Pest Management with Homeowners

At the November 13, 2015 meeting, the Board discussed public concerns about homeowner pesticide use and explored ideas for promoting Integrated Pest Management (IPM) to this audience. At the December 18, 2015 meeting, the Board heard from invited recipients of pesticide registration revenues as they discussed their current activities related to homeowner IPM and whether there may be opportunities to expand their roles. At the January 13, 2016 meeting, the staff presented the actionable strategies list they created for promoting IPM to homeowners. The Board directed the staff to begin work on these strategies, to measure participation/success and give a progress update at the next Board meeting.

Presentation By: Megan Patterson
Pesticide Safety Educator

Action Needed: None

- Patterson summarized the staff's activities so far. The staff has started drafting an article on ticks and started work on public presentations. The list of messages will be the foundation for everything. Having Tom Mather give a tick talk to homeowners in the Portland area is another idea the staff is pursuing. How many people will come to an event like that? Hopefully collaborators will help advertise events. The staff is pursuing a new domain name which is awaiting approval from the state. Healthymainelawns.org, will go under the GotPests site. The Staff has been reaching out to collaborators, brainstorming who should be included and what topics should be discussed. There have been discussions about use of their social media outlets and getting help through established outlets. The staff is trying to get approval to talk to municipalities. Rockport and Kennebunkport have asked us to talk about lawn care. The staff is working on a presentation. An outline for a presentation at garden centers is in the works also.
- Flewelling asked what the challenges are around municipalities. Jennings replied that the first job is to help them understand how and to what extent pesticides are regulated. Municipalities should be aware there is a Board, and there are state and federal regulations. The law around adopting municipal ordinances would be useful information. One of the key messages is, "what is a pesticide." Municipalities don't get that and tend to write ordinances that prohibit the use of any pesticides. They don't realize they've just outlawed repellents, pool chemicals and paints and stains, etc. Rockport wants a presentation on how to deal with lawn pests similar to the turf BMPs and school ground BMPs that we already have. The Board's role is primarily educational in nature. The staff does not take any kind of position on whether municipalities should have an ordinance, or if they do, what should be in it.

- Flewelling asked whether this has to be approved by the administration. Jennings replied that they are concerned about the policy area. As long as the staff steers clear of policy, it's okay. But it is a difficult balancing act because what happens is once a municipality consults the Board about an ordinance, over time it is sometimes construed as the BPC has approved and endorsed it. The staff is trying to be diligent about only providing education.
- Eckert suggested using collaborators to get more publicity for the Board's role as well as the collaborator's role. What government/state agencies already exist that are already thinking about this. People think there is no regulation of pesticides. With toxics reduction, they used the government agency as an example. If the town does a good job with IPM, then they are the leader and set the example. The state looked at reducing toxic chemicals for cleaning before asking other groups to do it.
- Jennings said the staff is trying to have all the activities coordinated and have some synergy between them. Every talk, article, advertisement, PSA, etc. will promote the resources that are already there. There is already a huge list of control recommendation sheets from government and universities, all selected based on use of IPM and a balanced viewpoint. If we can lure people into the websites, the information is all there. The staff is thinking about the garden insert in the Portland Press Herald in the spring and The Source. The Board staff openly invites other suggestions.
- Eckert noted that how people receive information is generational. Some are more comfortable with presentations, articles, magazines, but what Murray is saying is that there is a whole age-class that is more comfortable with other media. The Board should do both. Garden centers have presentations to draw people in and the Board should work with them.
- Patterson said that the plan is to link everything together. First have an article about ticks and the Tom Mather presentation, and all the collaborators could help promote the events and the websites. May is Lyme Disease Prevention Month, so the staff hopes to piggyback on CDC's media outreach.
- Eckert asked whether Tom Mather could be featured on Maine Calling on MPR.
- Jemison wondered if there are any really short—30 to 90 seconds—videos around ticks or other hot issues that are entertaining but really to the point. Patterson replied that she found some short ones, but she's not sure how entertaining they are. Jemison noted that you only have a short time to grab someone's attention.

5. Consideration of a Consent Agreement with Jacob Boyington of Appleton Ridge Construction of Appleton, ME

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 involves a lab-confirmed drift of Malathion to residential property during an application made to a blueberry field in Palermo.

Presentation By: Raymond Connors
Manager of Compliance

Action Needed: Approve/Disapprove the Consent Agreement Negotiated by Staff

- Connors explained that this was a drift incident when an insecticide was applied in Palermo. The owner across the street receives notification and leaves the premises when applications

take place. A neighbor saw pesticides drifting across the road. Samples on the residential property and on the untreated buffer tested positive as detailed in the Consent Agreement.

- Eckert asked why the residue was higher at the house than in the buffer. Jennings replied that the way very small droplets deposit is dependent on a lot of variables. Oftentimes, there is not going to be a clean residue gradient.
- Jemison noted that this is a classic example of what the Board was trying to achieve when the Drift Rule was developed. The wind was blowing the wrong way. Fine seems reasonable
 - **Jemison/Flewelling: Moved and seconded to approve the consent agreement negotiated by staff**
 - **In Favor: Unanimous**

6. Consideration of a Consent Agreement with Priority Real Estate Group, LLC of Topsham, ME

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 involves an employee of Priority Real Estate Group who made an unlicensed application of Roundup Weed and Grass Killer herbicide to curbs and sidewalks of a school in Brunswick while the school was in session.

Presentation By: Raymond Connors
Manager of Compliance

Action Needed: Approve/Disapprove the Consent Agreement Negotiated by Staff

- Connors explained that this violation concerned a property that is rented to an accredited school and is managed by a management company. The school's IPM Coordinator called Kathy Murray because she noticed a person using a hand can to apply pesticides to the curb and sidewalk while school was in session. The inspector found the person was an employee of the maintenance company and he acknowledged he was applying Roundup. The IPM Coordinator had spoken to him on previous occasions and told him that a commercial applicator's license was required for any application at a school and that he had to give her advance notice. When the inspector talked to him he said he didn't realize Roundup was a pesticide.
- Morrill noted that both the employee and the company are not licensed; Connors said that is correct.
- Eckert pointed out that the IPM Coordinator did a great job.
 - **Eckert/Stevenson: Moved and seconded to approve the consent agreement negotiated by staff**
 - **In Favor: Unanimous**

7. Consideration of a Consent Agreement with Joseph Lemar of Dresden, ME

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 involves an unlicensed application of Roundup Herbicide made to a blueberry field.

Presentation By: Raymond Connors
Manager of Compliance

Action Needed: Approve/Disapprove the Consent Agreement Negotiated by Staff

- Connors explained that this homeowner asked an adjoining landowner to manage her property. The itemized bill she received including a line for “poison”, so she called BPC. Lemar admitted to the inspector that he had used Roundup on the field.
- Flewelling asked if it was active agricultural land. Connors replied that it was a blueberry field that had been subdivided into lots. Something happened which prevented most of the lots from being built on and they reverted back to Lemar, but this lady still owned her lot and it has a well on it.
 - **Flewelling/Stevenson: Moved and seconded to approve the consent agreement negotiated by staff**
 - **In Favor: Unanimous**

8. Other Old or New Business

- a. Central Maine Power Company’s Transmission Right-of-Way Drift Plan for 2016
 - Nicholas Hahn from CMP said the plan was basically the same as last year. Using the standard foliar mix that they use every year.
 - Jennings noted that CMP sends it voluntarily; it’s good for the Board to understand what they’re doing to try to be good stewards of transmission lines.
 - Hahn said they started using pre-mixed products a couple of years ago and in 2016 they are starting a closed chain of custody process to track containers for recycling.
- b. Email from Nancy Oden
- c. Email from Carol Laboissonniere
 - Eckert noted that it’s probably the fact that grass is Roundup ready that concerns her. The other features of the grass look good.
 - Flewelling asked Hicks if Roundup is less toxic than other products. Hicks said it depends. She would have to review the toxicity database of both compounds.
 - Granger pointed out that all pesticides have pluses and minuses. One of the nice things about Roundup is that it doesn’t get into other plants; breaks down almost immediately on contact with most soils. If you single out one chemical you just reduce choice. The Board shouldn’t take a position for or against this particular use. Instead, the Board should try to get people to use the one that is most suitable.
 - Jemison said you would have to consider when developing a Roundup ready grass whether it would cross-pollinate into other annual bluegrasses. If the trait crosses it will make other grasses more difficult to control.
 - Katy Green asked if this would come before the Board if it came on the market. Hicks replied that it would not, because Roundup ready means they’ve taken a gene from a Roundup resistant plant and inserted it into the turf grass. It is not a pesticide because it does not produce a pesticidal compound.
- d. Letter from Physicians for Social Responsibility Maine Chapter
 - Eckert noted that this is a fairly liberal group that she respects although she is not a member. She asked why they say glyphosate is probably carcinogenic. Hicks said that she would share the article from the IRAC website.

9. Schedule of Future Meetings

March 25, and May 6, 2016 are tentative Board meeting dates. The Board will decide whether to change and/or add dates.

Adjustments and/or Additional Dates?

- The Board agreed to change the May date from the 6th to the 13th. The Board also added July 1 as a meeting date, and August 19 as the date for a field trip, perhaps looking at a turf farm, greenhouse, or apple orchard.

10. Adjourn

- **Granger/Jemison: Moved and seconded to adjourn at 10:07 am**
- **In Favor: Unanimous**