



PAUL R. LEPAGE
GOVERNOR

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

WALTER E. WHITCOMB
COMMISSIONER
HENRY S. JENNINGS
DIRECTOR

BOARD OF PESTICIDES CONTROL

October 24, 2014

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

AGENDA

8:30 AM

1. Introductions of Board and Staff
2. Minutes of the September 12, 2014, Board Meeting

Presentation By: Henry Jennings
Director

Action Needed: Amend and/or approve

3. Consideration of Enforcement Action against Daniel Brown of Blue Hill, Maine

In matters involving substantial threats to the environment or the public health, or in which there is dispute over material facts or law, the Board's enforcement protocol specifies that the matter be brought to the attention of the Board. This case involves the purchase and application of a Restricted Use Pesticide (Gramoxone) by an unlicensed applicator. The staff has been unable to resolve the violation. The Board's Enforcement Protocol specifies that such matters should be placed on the Board's agenda. Since all similar cases have resulted in a small penalty, the staff is recommending that the matter be referred to the Office of the Attorney General for enforcement.

Presentation By: Raymond Connors
Manager of Compliance

Action Needed: Determine appropriate enforcement response

4. Review and Potential Adoption of Proposed Amendments to Chapters 20, 22, 28, 31, 32, 33 and 41

(Note: No additional public comments may be accepted at this time.)

On July 16, 2014, a Notice of Agency Rulemaking Proposal was published in Maine's daily newspapers, opening the comment period on the proposed amendments to Chapters 20, 22, 28, 31, 32, 33 and 41. A public hearing was held on August 8, 2014, at the Deering Building. The Board reviewed the rulemaking record on September 12, 2014, addressed the comments and provided direction to the staff on appropriate revisions to the proposals. The Board will now review the changes to the proposed amendments, the Response to Comments, Basis Statements and the

Statement of Impact on Small Businesses and determine whether it is prepared to adopt the proposed amendments or whether further refining is warranted.

Presentation by: Henry Jennings
Director

Action Needed: Provide direction to the staff on further refinements or adopt the amendments

5. Consideration of a Consent Agreement with Province Lake Golf Club of Parsonsfield, 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 application of pesticides at the club without a valid certified and licensed applicator.

Presentation By: Raymond Connors
Manager of Compliance

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

6. Consideration of a Consent Agreement with Penobscot Cleaning Services Inc. of Brewer, 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 commercial application of mold control products with lapsed applicator and firm licenses.

Presentation By: Raymond Connors
Manager of Compliance

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

7. Review of Board Policy Limiting Continuing Education Video Credits

Current Board Policy limits the number of continuing education credits a certified applicator may receive from watching videos. Private applicators and commercial operators are limited to two credits per certification period while three credits are currently permitted for master certification. However, applicators may receive all of their credits through online courses. Consequently, the staff determined it was appropriate to review the Board policy.

Presentation By: Henry Jennings
Director

Action Needed: Provide guidance to the staff

8. Interpretation of Chapter 27, Section 2(B)(2) Requirements that IPM Coordinators Receive Comprehensive Training within One Year of Appointment

Chapter 27 of the Board's rules requires School IPM Coordinators to receive three types of IPM training: (1) overview, (2) comprehensive and (3) at least one hour of annual continuing education. The staff has received an inquiry about what the Board intended by way of the "comprehensive training." Consequently, the staff is seeking Board input on its interpretation of the requirement.

Presentation By: Kathy Murray
IPM Specialist

Action Needed: Provide guidance to the staff

9. Other Old or New Business

- a. Variance Permit to Boyle Associates for control of phragmites
- b. Variance Permit to The Lawn Dawg for control of invasive plants
- c. Other?

10. Schedule of Future Meetings

December 5, 2014, and January 14 (Maine Agricultural Trades Show) and March 13, 2015, are tentative Board meeting dates. The Board will decide whether to change and/or add dates.

Action Needed: Adjustments and/or additional dates?

11. 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 attention of Anne Chamberlain, at the Board's office or anne.chamberlain@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.