



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

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

BOARD OF PESTICIDES CONTROL

Emergency Meeting

**August 17, 2020
7:45 AM**

Video conference hosted in Microsoft Teams, to join the meeting:

Web link for the Microsoft Teams meeting:

[Join Microsoft Teams Meeting](#)

Dial in phone number: 1 (207) 209-4724

Conference ID: 119 200 904#

MINUTES

Present: Adams, Bohlen, Flewelling, Granger, Jemison, Morrill, Waterman

1. Introductions of Board and Staff
 - The Board, Assistant Attorney General Randlett, and Staff introduced themselves
 - Staff Present: Brown, Bryer, Connors, Couture, Nelson, Patterson, Pietroski, Tomlinson, Tourtelotte
2. Proposed Limited Duration Exemption from Commercial Certification/Licensure Requirements for School Custodial Staff Applying General Use Antimicrobials with Powered Application Equipment for the Purposes of Routine Cleaning in Schools

Board staff have received numerous inquiries from concerned school custodial staff regarding the use of powered application equipment for the application of disinfectants in schools. Under current rule, these applications require a commercial applicator license. On August 6, Facilities and Transportation Directors of over forty schools convened a meeting to discuss the issue and subsequently submitted a letter to the Board requesting an exemption from the certification and licensing requirements. Due to the timing of this request, should the Board support this request, there are limited options by which exemptions could be provided. The Board will now discuss those options, possible approaches to an exemption and next steps.

Presentation By: Megan Patterson, Director

MEGAN PATTERSON, DIRECTOR
90 BLOSSOM LANE, DEERING BUILDING



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Action Needed: Discussion and determination on how the Board wishes to proceed with the requested exemption

- Morrill thanked everyone for joining the meeting on such short notice and asked Patterson for an overview of the situation.
- Patterson stated that the reason for the Emergency Board Meeting was to discuss an exemption for school custodial staff that were planning to apply disinfectants with powered equipment. She added that beginning a couple of weeks ago staff started receiving inquiries from the schools about using powered application equipment to apply sanitizers and disinfectants.
- Patterson explained to the Board that this type of application would require a commercial pesticide applicator license under Chapter 10, and that Chapter 27, Section 5 mandated implementing Integrated Pest Management, IPM, as well as five days notification, and posting. The IPM requirement would mean that school employees would have to monitor, identify a specific pest, and make record of it in the IPM logbook before any application could be made. Patterson stated that documentation of the IPM process seemed superfluous since the applications made pertain to the ongoing pandemic and IPM measures taken include mask wearing, hand washing, social distancing, etc. Patterson added that without exemption from Section 5 of Chapter 27, the schools would also be required to notify parents daily and postings would have to remain in place continuously.
- Patterson stated that staff would need to provide exams to issue approximately 500 commercial applicator licenses across all schools, which is not feasible as schools are already scrambling to do more with the staff they have in place. She added that the schools felt that powered application of disinfectants was an essential component of keeping students and staff safe.
- Patterson told the Board that, in an effort to provide certification training to school staff, Kathy Murray and Board staff assembled a four-hour training that was conducted live and recorded August 13. The training was meant to assist with preparation for the core and microbial management exams.
- Patterson explained to the Board that the Department had tentatively agreed to support a request to the Governor's office for an order, which appeared to be the only way to facilitate an immediate exemption.
- Randlett commented that the Board's power to create an exemption for this seemed limited by statute to only applications involving non-powered equipment. He added that the Governor's order was the safest way to go.
- Morrill asked if school employees would be required to maintain an applicator log for these applications.
- Patterson stated that they would be required to because the applications were made with powered equipment.
- Randlett counseled the Board to, if they wished, approve the concepts of the requirements and that the language could be worked out prior to submission of the request.
- Morrill asked if staff could shorten, or make more specific, the four-hour training.
- Patterson replied that she thought staff could, and added that the training would focus on topics relevant to efficacy and risk reduction such as dwell time, application equipment, restricted entry intervals, the caustic nature of the pesticides, respiratory hazards, etc. Patterson stated that the exemption would not allow applications to be made when people were present.

- Jemison asked how many products they could use and the possible adverse reactions, especially between bleach and ammonia products.
- Patterson responded that that piece of the training was very important and added that she thought most schools were adopting one product to use. She added that EPA was now evaluating products for use with powered application equipment.
- Patterson told the Board that a restriction was added to the proposed exemption for Board consideration. She stated that it limited school employees to only using products registered by both EPA and Maine, and also only products labelled for use with powered application equipment.
- Waterman commented that this made sense and advocated that the Board not let the perfect be the enemy of the good. He added with time and resources of course we would want everyone to be licensed but that it is not feasible at this point in time.
- Granger stated that he was in total support of what had been discussed so far.
- Adams asked about Chapter 27, Section 5 and if school employees would be required to identify the pest and prove it was there before making an application.
- Patterson responded that was a piece she was proposing to exempt for this virus since it presented a demonstrated public health risk.
- Patterson asked the Board how long the duration of the exemption should be.
- Randlett recommended that the exemption end date should be made consistent with the Governor's emergency order for COVID-19.

- **Morrill/Jemison: Moved and seconded to authorize staff to put forward a request to the Governor's office for an emergency order to create an exemption for unlicensed school staff to use powered equipment and an exemption from Chapter 27, Section 5**
- **In Favor: Unanimous**

3. Adjourn

- **Jemison/Granger: Moved and seconded to adjourn at 8:12am**
- **In Favor: Unanimous**