



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

December 1, 2023

9:00 AM Board Meeting

Join the meeting in person in Room 101, Deering Building, 32 Blossom Lane, Augusta

Or

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 259 633 430 949

Passcode: NhSZ45

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Phone Conference ID: 845 900 067#

AGENDA

1. Introductions of Board and Staff
2. Minutes of the October 13, 2023 Board Meeting

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

3. Funding Request for DACF IPM Program

The Integrated Pest Management Program is requesting funds to assist with ongoing efforts for the advancement of IPM in Maine. The Maine IPM Program works closely with the BPC to educate and promote IPM across the entire State of Maine, including giving talks annually for applicator credits across several categories, updating the GotPests website with new factsheets and research, and referring to the BPC website in all presentations and educational materials. While the IPM Program is supported, in part, by grant funding this funding is insufficient to support all outreach opportunities. The Board originally heard this request at their September 1, 2023 meeting and decided to table it until the budget could be reviewed. The IPM Program is requesting a grant of \$38,911 to support outreach and education in calendar year 2024.

MEGAN PATTERSON, DIRECTOR
90 BLOSSOM LANE, DEERING BUILDING



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Presentation By: Hillary Peterson, Ph.D., IPM Specialist
Action Needed: Discussion and decision to amend/approve/disapprove funding

4. Workshop Session to Review the Rulemaking Record on the Proposed Amendments to Chapter 41

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

On August 9, 2023 a Notice of Agency Rulemaking Proposal was published in Maine's daily newspapers, opening the comment period on the proposed amendments to Chapter 20, 31, 32, 41. A public hearing was held on September 1, 2023 by a hybrid meeting in Deering Building 101 at 90 Blossom Lane, Augusta and on the Microsoft Teams platform. The written comment period closed at 5:00 PM on September 11, 2023. Nine people spoke at the public hearing and six written comments were received by the close of the comment period. The Board moved forward and voted to adopt Chapters 20, 31, and 32. The Board changed language in Chapter 41 related to acreage requirements for dealers and re-posted the proposed rulemaking to allow for public comment until November 24, 2023 at 11:59 PM. The Board will now review the rulemaking comments for Chapter 41 and determine how it wishes to proceed with the rulemaking proposals.

Presentation By: Karla Boyd, Policy & Regulations Specialist
Action Needed: Discussion and determination on how the Board wishes to proceed with the rulemaking proposals

5. Update on Implementation of LD 1770: Resolve, Directing the Board of Pesticides Control to Transition to Electronic Submission of Pesticides Sales and Use Data

At the September 1, 2023 Board meeting, staff brought forward a memo regarding the implementation of LD 1770. Bohlen agreed to join staff for a meeting with developers and licensed applicators/dealers that use Maine Pesticide Enforcement, Registration, and Licensing Software (MEPERLS) to discuss changes that would be needed to simplify the data entry process for annual reports. Staff will provide an update from these meetings. In addition, the Board discussed potential rulemaking to require electronic submissions of records. Staff will give a brief update on the discussions at the sales and use meetings. These discussions will be included in the report on the implementation of LD 1770 is due to the legislature by March 1, 2024.

Presentation By: John Pietroski, Acting Director
Action Needed: Discussion

6. Draft Adjuvant Policy

At the February 24, 2023 Board meeting, the Board voted on developing a policy that excluded colorants as adjuvants following the implementation of PL 2022 c. 673 (130th Legislature LD 2019), which includes spray adjuvants in the definition of pesticides. At the July 21, 2023 Board meeting, the Board voted to implement a policy related to the distribution of adjuvants that were not previously registered in Maine. Additionally, there is a need to develop a policy regarding recordkeeping requirements for spray adjuvants. Staff have combined these concepts into one policy for consideration.

Presentation By: Karla Boyd, Policy & Regulations Specialist
John Pietroski, Acting Director
Action Needed: Discuss; approve/disapprove adoption by interim policy

7. Pesticide Regulatory Changes Announced by EPA regarding Bulletins Live! Two and the Endocrine Disruptor Screening Program

Board staff received a request to bring forth a discussion of several recently released “EPA Update” press releases. Bulletins Live Two is a web map service run by EPA that instructs pesticide applicators about geographic areas where applications must be modified or avoided. Applicators in Maine have not needed to make changes to applications based on Bulletins Live! Two until very recently. Additional focus on Bulletins Live! Two comes from its proposed role in implementing the changes to pesticide registration that have been recently proposed due to changes brought on by the Endangered Species Program. EPA has also announced a revitalization of the Endocrine Disruptor Screening Program (EDSP). The EDSP covers all chemicals under EPA’s authority; changes in this program are likely to affect pesticide registration review and re-review.

Presentation By: Pamela Bryer, PhD, Pesticides Toxicologist
Karla Boyd, Policy & Regulations Specialist
Action Needed: Discussion

8. Update on Agricultural Container Recycling in Maine by Mark Hudson

At the September 1, 2023 Board meeting members expressed interest in receiving an update regarding the current landscape of agricultural container recycling in Maine. In response, staff spoke with Mark Hudson, Executive Director, of the Ag Container Recycling Council (ACRC). Hudson offered to give an update on agricultural container recycling.

Presentation By: Mark Hudson, Executive Director, Ag Container Recycling Council
Action Needed: Discussion

9. Consideration of Consent Agreement with Green Shield Pest Solutions Saco, 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, use of a pesticide inconsistent with the label and use of a pesticide in a negligent manner.

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

10. Other Old and New Business

- a. EPA request for comment on WHITE PAPER: Benefits of the Adoption of Structured Content and Digital Pesticide Labels
- b. EPA Update: EPA Issues Advanced Notice of Proposed Rulemaking for Public Comment to Seek Additional Information on Use of Pesticide Treated Seed and Paint
- c. EPA Update: EPA Releases Draft Biological Evaluations of Dinotefuran and Acetamiprid Effects on Endangered Species
- d. EPA Update: EPA Publishes New Webpage to Answer Frequently Asked Questions on the EPA/FDA Whitepaper on Modernizing Oversight of Products for Animals Regulated as Pesticides or New Animal Drugs
- e. EPA Update: The Coordinated Framework for the Regulation of Biotechnology
- f. EPA Update: EPA Proposes Updates to Strengthen the Safer Choice Standard
- g. EPA Update: EPA Approves Strengthened Pesticide Safety Plans for Certifying Applicators
- h. Article: Federal appeals court sides with agriculture on chlorpyrifos

9. Schedule of Future Meetings

January 10, 2024, February 23, 2024 and April 5, 2024 are the next scheduled Board meeting dates. The Board will decide whether to change and/or add dates.

Staff reserved Deering Room 101 for January 10, 2024; Marquardt Room 118 for February 23, 2024; and Deering Room 101 for April 5, 2024.

Adjustments and/or Additional Dates?

10. 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.