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STATE OF MAINE  
MAINE DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY  
BOARD OF PESTICIDES CONTROL  
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COMMISSIONER  
HENRY S. JENNINGS  
DIRECTOR

**BOARD OF PESTICIDES CONTROL**

**March 28, 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 February 21, 2014, Board Meeting

Presentation By: Henry Jennings  
Director

Action Needed: Amend and/or Approve

3. Consideration of Complaint Filed by Donna Herczeg of Portland Concerning TruGreen Lawncare and Sterling Insect-Lawn Control

Chapter 90 of the Board's rules (attached) allows citizens and organizations to submit complaints to the Director for the purpose of having the complaint placed on a Board Meeting agenda. While most complaints are not handled in this manner, Chapter 90 provides an alternate avenue to the public to present concerns directly to the Board on matters in which the compliance staff is unable to address. The Board will review the complaint and determine if any action is warranted at this time.

Presentation By: Henry Jennings  
Director

Action Needed: Determine Whether any Action Is Warranted

4. Consideration of a Request from Darin Hammond of Jasper Wyman's and Sons about Potential Rulemaking to Deregulate Hexazinone

Hexazinone is currently regulated under Chapter 41: Special Restrictions on Pesticide Use. The regulation requires anyone purchasing, using or supervising the use of any pesticide containing hexazinone to have a private or commercial applicator license. It has been suggested by a constituent that because all growers will have to have at least an Agricultural Basic license by April 15, 2015, there is no longer a need for this regulation.

Presentation By: Henry Jennings  
Director

Action Needed: Determine Whether any Action Is Warranted

5. Consideration of a Request from Ian Yates of Scotts Lawn Service of Gorham about the Board's Policy Relating to Verifiable Authorization of Commercial Pesticide Application Services

The Board's Policy Relating to Verifiable Authorization of Commercial Pesticide Application Services lists several methods allowed for verification and allows the staff to approve other methods to provide a substantially equivalent degree of verification. Scotts Lawn Service of Gorham has submitted a proposed method which the staff would like the Board to review.

Presentation By: Henry Jennings  
Director

Action Needed: Provide Guidance to Staff

6. Section 18 Emergency Registration Renewal Request for HopGuard to Control *Varroa* Mites in Managed Honey and Commercial Bee Colonies

The Division of Animal and Plant Health, in the Maine Department of Agriculture, Conservation and Forestry, is requesting that the Board recertify the petition to EPA for a FIFRA Section 18 specific exemption for use of HopGuard (potassium salt of hop beta acids) to control *Varroa* mites in managed bee colonies. State Apiarist Tony Jadczyk is seeking approval to continue use of this product, which has provided consistent control against *Varroa* mites during the last two seasons, and is an important alternative in resistance management and organic honey production. He points out that a healthy bee keeping industry is needed to support Maine agriculture, and that this product is essential to honey production and commercial bee operators. The request is supported by the registrant, BetaTec Hop Products, a wholly owned subsidiary of John I. Haas, Inc.

Presentation By: Mary Tomlinson  
Pesticides Registrar

Action Needed: Approve/Deny Request to Petition EPA for a Section 18 Specific Exemption Registration for HopGuard for Use with Bees.

7. Consideration of the Canyon Group's Special Local Need (FIFRA Section 24[c]) Registration Request for GWN 1715-O (EPA #81880-5) to Control Mites and Whiteflies on Greenhouse Tomatoes

The Canyon Group is requesting a Special Local Need (SLN) registration to allow use of the parent product, GWN 1715-O in Maine. In turn, Canyon Group has given permission to Gowan Company to seek a state supplemental SLN registration (as a sub-distributor) to allow the GWN 1715-0 to be sold under the Gowan Company trade name, Sanmite. Backyard Farms supports the use of this product. EPA has established a tolerance for the active ingredient pyridaben.

Presentation By: Mary Tomlinson  
Registrar and Water Quality Specialist

Action Needed: Approve/Disapprove 24(c) Registration Requests

8. Review of Revised Board Policy Relative to the Environmental Risk Advisory Committee

In 1999, the Board first created the Environmental Risk Advisory Committee (ERAC) as an analog to the Medical Advisory Committee (MAC), to assist the Board in evaluating and addressing state-specific



## NOTES

- The Board Meeting Agenda and most supporting documents are posted one week before the meeting on the Board website at [www.thinkfirstspraylast.org](http://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 Bills, at the Board's office or [anne.bills@maine.gov](mailto:anne.bills@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.