



PAUL R. LEPAGE
GOVERNOR

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

WALTER E. WHITCOMB
COMMISSIONER

BOARD OF PESTICIDES CONTROL

November 16, 2018
9:00 AM

Room 118 Marquardt Building
32 Blossom Lane, Augusta, Maine

AGENDA

1. Introductions of Board and Staff

2. Minutes of the August 15, 2018 Board Meeting

Presentation By: Megan Patterson, Director

Action Needed: Amend and/or Approve

3. Review of Potential Rulemaking Concepts

Amendments to the Federal Certification and Training Requirements necessitate amendments to BPC Chapters 10, 31, 32, and 50. Previous Board discussions have indicated necessary amendments to Chapters 26, 27, 28, and 19, as well as the repeal of Chapter 36. The Board will now discuss the amendments.

Presentation By: Megan Patterson, Director

Action Needed: Refine the Rulemaking Concepts and Schedule a Public Hearing

4. Review of Pesticide Self-Service Sign

BPC Chapter 26 Section 7 required that pesticide self-service sales areas include a “Board approved sign informing the public where to obtain additional information.” The Board reviewed various drafts and discussed improvements at the May 18, 2018 and July 13, 2018

MEGAN PATTERSON, DIRECTOR
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meetings. At the August 15, 2018 meeting the Board authorized the staff to hire a graphic designer to improve the layout. The Board will now review the first drafts provided by the graphic designer.

Presentation By: Amanda Couture,

Action Needed: Provide Input

5. Discussion of Board Priorities Staff Planning Session

In recent years, there has been considerable turnover in Board membership and Board staff. Staff is currently juggling the usual tasks of Board operation, but is also working toward full public implementation of the Maine Pesticide Enforcement, Registration and Licensing System (MEPERLS), conducting water quality testing, updating licensing exams, conducting training for the revised Worker Protection Standard, and preparing for adoption of new federal Certification and Training requirements. In addition, the new Certification and Training requirements make it necessary to revise the State Plan and conduct rulemaking. Staff would like input on which future projects are most important to the Board when discretionary staff time arises. Staff held a planning session and discussed potential projects.

Presentation By: Megan Patterson, Director

Action Needed: Provide guidance to the staff on Board priorities

6. Review of Budget

In early 2017, the Board reviewed the budget with a goal of identifying potential resources that could be allocated to Board priorities. At that time the Board requested ongoing annual updates on the status of the Pesticide Control Fund.

Presentation By: Megan Patterson, Director

Action Needed: None—Informational Only

7. Consideration of Consent Agreement with Wise Acres Farm, Kenduskeag

The Board's Enforcement Protocol authorizes 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 using a pesticide in a manner inconsistent with the label, insufficient records, and lack of required information at central information display.

Presentation By: Raymond Connors, Manager of Compliance

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

8. Consideration of Consect Agreement with Paul Finden and Emily Rogals, Belfast

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Presentation By: Raymond Connors, Manager of Compliance

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

9. Correspondence

- a. Email and article from Jody Spear

10. Other Items of Interest

- a. Updated brochure *Licensing Requirements for Pesticide Applicators in the State of Maine*
- b. New BPC magnet
- c. Article *Field Evaluation of Commercially Available Small Unmanned Aircraft Crop Spray Systems*
- d. Press Release: EPA Announces Changes to Dicamba Registration
- e. *A National Road Map For Integrated Pest Management* Revised September 2, 2018, USDA, EPA
- f. Oregon Temporary Rule: Limitations on Pesticides Containing Aminocyclopyrachlor
- g. Chlorpyrifos Court Ruling
 - Ninth Circuit Court Opinion On Petition for Review of an Order of the Environmental Protection Agency—Chlorpyrifos Tolerances
 - Lulac v Wheeler – Petition for Rehearing
 - Summary

11. Schedule of Future Meetings

November 16, 2018 and January 16, 2019 are proposed meeting dates. The January meeting will be at the Agricultural Trades Show and will include a Public Listening Session.

Adjustments and/or Additional Dates?

12. 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.