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STATE OF MAINE
MAINE DEPARTMENT OF AGRICULTURE, FOOD & RURAL RESOURCES
BOARD OF PESTICIDES CONTROL
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COMMISSIONER
HENRY S. JENNINGS
DIRECTOR

BOARD OF PESTICIDES CONTROL

July 1, 2009

University of Maine Cooperative Extension Pest Management Office, 491 College Avenue, Orono, Maine

MINUTES

1:00 PM

Present: Jemison and Qualey, Eckert, Simonds and Stevenson via Conference Call

1. Introductions of Board and Staff
- Board and Henry Jennings introduce themselves.
2. Adoption of Emergency Amendment to Chapter 31 to Allow Issuance of Reciprocal Licenses for Aerial Spraying of Potatoes

Extreme wet weather and the distribution of tomato plants infected with Late Blight, *Phytophthora infestans*, has resulted in conditions conducive to a severe outbreak of Late Blight that threatens Maine's 2009 potato crop. The situation is compounded because the ground in some areas is too wet for growers to get their tractors through to spray. These factors combine to create an extreme risk of a major outbreak of Late Blight. Consequently, the Board will consider whether to adopt an emergency amendment to Chapter 31 to allow issuance of reciprocal licenses to out-of-state applicators willing to help Maine applicators try to prevent a potentially devastating Late Blight outbreak.

Presentation By: Henry Jennings
Director

Action Needed: Adoption of Emergency Rule and Basis Statement

- Jemison acted as moderator for the meeting, since he was physically present and running the conference phone. He welcomed participants and explained the purpose of the meeting. Jennings explained that out-of-state aerial applicators who might be interested in assisting Maine potato growers are required to sign up for and pass a series of exams before they are eligible to become licensed to perform work in Maine. The entire process for a new company can take up to a month to complete. Given the urgency associated with a potential Late Blight outbreak, and the potential for saturated soils to prevent farmers from getting their tractors into the fields, the need to get aerial applicators into the state quickly may be paramount to preventing a catastrophic crop

failure. The proposed emergency rule amendment would allow out-of-state aerial applicators to be licensed in Maine based on their home state certification.

Eckert sought to confirm the emergency nature of the rulemaking effort. Board members discussed the emergency rulemaking process and how long it takes for the rule to become effective. Jennings stated the rule would be effective as soon as he filed the paperwork with the Secretary of State's Office and would last for 90 days, unless regular rulemaking followed to make the change permanent.

Qualey inquired if the rulemaking effort might be broadened to include canola. Jemison pointed out the possibility of an army worm infestation that may also need aerial application. Eckert again questioned whether these circumstances qualified as emergencies. Jennings stated that the entire draft basis statement was focused solely on potatoes and would need to be completely rewritten in order to broaden the scope of the emergency rule. He also pointed out that the two helicopter application companies that are already certified in Maine had indicated a willingness to help out in Maine if enough acreage needed to be sprayed. He suggested that the original scope of the rule be retained and that other aerial applicators who do not need a reciprocal license could be used if the need arises in other crops.

Jemison/Qualey: Moved and seconded adoption of the emergency rule amendment and the basis statement

In Favor: Unanimous

3. Adjourn

Jemison/Qualey: Moved and seconded that the meeting adjourn at 1:05 p.m.

In Favor: Unanimous