



JOHN ELIAS BALDACCI  
GOVERNOR

STATE OF MAINE  
MAINE DEPARTMENT OF AGRICULTURE, FOOD & RURAL RESOURCES  
BOARD OF PESTICIDES CONTROL  
28 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0028

SETH H. BRADSTREET III  
COMMISSIONER  
HENRY S. JENNINGS  
DIRECTOR

**BOARD OF PESTICIDES CONTROL**

**December 18, 2009**

John E. Dority Safety & Performance Training Center (Conference Room, Lower Level)  
10 Mountain Avenue (off Route 201 going toward Skowhegan), Fairfield (Exit 133 from I-95)

**AGENDA**

**9:30 AM**

1. Introductions of Board and Staff
2. Minutes of the November 6, 2009, Board Meeting

Presentation By: Henry Jennings  
Director

Action Needed: Amend and/or approve

3. Consideration of Proposed Amendments to Chapter 28 for Provisional Adoption

On September 9, 2009, a Notice of Agency Rulemaking Proposal was published in Maine's daily newspapers, opening the comment period on proposed amendments to Chapter 28 of the Board's rules—Notification Provisions for Outdoor Pesticide Applications. A public hearing was held on October 2, 2009, at the Hampton Inn in Waterville, and the written comment period closed at 5:00 PM on October 16, 2009. Fifteen people spoke at the public hearing and twenty-seven written comments were accepted by the close of the comment period. At its November 6, 2009, meeting, the Board reviewed the comments and followed with discussion. Changes were made and the Board directed the staff to bring the revised rule back for adoption at the next meeting on December 18, 2009. The Board will now review the revised rule and consider its adoption.

Presentation By: Henry Jennings  
Director

Action Needed: Provisional Adoption of the Rule, Basis Statement, Rulemaking Statement of Impact on Small Business, and Response to Comments for Chapter 28

4. Consideration of the Medical Advisory Committee Final Report on *Bt*-Corn Proteins

The Board's Medical Advisory Committee (MAC) concluded its review of the dietary safety of *Bt*-corn proteins in July 2009. This fall, the final report was sent to the *Bt*-corn registrants—Dow AgroSciences, Monsanto, Pioneer, and Syngenta—for review and comments. The Board will now discuss the final report and decide if further review is necessary.

Presentation By: Lebelle Hicks  
Staff Toxicologist

Action Needed: Accept or reject the MAC report

5. Consideration of Syngenta's Applications to Register Its Vegetative Insecticidal Protein-Containing *Bt* Cultivars

Syngenta has submitted applications to register three Vegetative Insecticidal Protein (VIP)-containing *Bt* cultivars: MIR 162 Maize (EPA# 67979-14), Agrisure 2100 (EPA# 67979-12), and Agrisure 3100 (EPA# 67979-13). The Board will now consider these applications.

Presentation By: Lebelle Hicks  
Staff Toxicologist

Action Needed: Decide whether to register the *Bt*-corn products

6. Consideration of the Staff Negotiated Consent Agreement with Ralph Boynton of Lincoln, 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 in 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 and resolve the matter. This case involved the application of an herbicide to a neighbor's field without the neighbor's permission.

Presentation By: Raymond Connors  
Manager of Compliance

Action Needed: Approve/disapprove the consent agreement negotiated by staff

7. Update on Changes in the Pesticides Registration Process

The BPC pesticides registrar undertook a comprehensive review and overhaul of the pesticides registration process, resulting in a number of changes for the 2010 registration year. One significant change is the BPC has converted to an electronic document storage approach for pesticide labels and MSDSs. As part of this conversion, the staff is now participating in the Accepted Labels State Tracking and Repository (ALSTAR) pilot project and has expanded its access to the State Pesticide Information Retrieval System. Both of these systems are administered

through Purdue University. The pesticides registrar will now update the Board on the details of these developments.

Presentation By: Mary Tomlinson  
Pesticides Registrar/Water Quality Specialist

Action Needed: None required—informational only

8. Water Quality Monitoring Update

The BPC water quality program continues to collaborate with the Friends of Casco Bay (FOCB) on stormwater sampling for residential pesticides. In 2008, surface water samples were taken from golf course watershed areas and sediment samples were taken from two urban watersheds in Cumberland County. FOCB took three stormwater samples during 2009, but the lab analyses are not yet complete. The Board will now review and discuss the results of the 2008 sampling.

Presentation By: Mary Tomlinson  
Pesticides Registrar/Water Quality Specialist

Gary Fish  
Manager of Pesticide Programs

Action Needed: None required—informational only

9. Election of Officers

The Board's statute requires an annual election of officers. The members will choose a chair and vice-chair to serve for the coming year.

Presentation By: Henry Jennings  
Director

10. Other Old or New Business

- a. Outstanding *Bt*-Corn Issues—L. Hicks
- b. Other?

11. Schedule and Location of Future Meetings

January 22, March 5, and April 16, 2010, are the tentative dates for the next Board Meetings. January 29, 2010, has also been tentatively set as the date for a Board planning session. The Board will decide whether to change and/or add dates.

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](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 Paul Schlein, Public Information Officer, at the Board's office. 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.