



PAUL R. LEPAGE
GOVERNOR

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

WALTER E. WHITCOMB
COMMISSIONER
HENRY S. JENNINGS
DIRECTOR

BOARD OF PESTICIDES CONTROL

July 15, 2011

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 June 3, 2011, Board Meeting

Presentation By: Henry Jennings
Director

Action Needed: Amend and/or approve

3. Request from Lauchlin Titus to Amend Chapter 41 to Repeal the Training Requirement for Purchasers of *Bt* Corn

Section 5(E)(I)(a) of Chapter 41 specifies that purchasers of *Bt* corn must possess a valid training certificate from the BPC. Certificates are valid for two years. Lauchlin Titus of AgMatters, LLC, contends that the “vast majority of farmers interested in using PIP trait technologies have been through two of the training and certification cycles.” Titus reasons that there are a number of ways that new information is being provided to farmers using *Bt* corn, and therefore biennial training is no longer warranted. Consequently, he is requesting that the Board consider amending Section 5 of Chapter 41 to repeal that training requirement for farmers.

Presentations By: Henry Jennings
Director

Action Needed: Determine if Chapter 41 should be amended

4. Consideration of a Chapter 29 Variance Permit Request from Green Thumb Lawn Service to Treat a Large Area of Poison Ivy Adjacent to Pushaw Lake

The Board can grant variances for the 25-foot setback required from surface water under Section 6 of Chapter 29. Green Thumb Lawn Service is seeking approval to treat a large contiguous area of poison ivy adjacent to Pushaw Lake. The applicator will direct sprays away from the water to avoid pesticide drift.

Presentation By: Henry Jennings
Director

Action Needed: Approve/disapprove the variance request

5. Review of 2011 Legislative Mandates and Staff Efforts to Date to Address Them

Three recently enacted laws require action on the part of the BPC prior to 2012. In addition, the Government Evaluation Act (GEA) Report is due in November of 2011. The staff will describe its efforts to date for each of the four mandates and seek Board input for moving forward.

a. LD 228—Requires that the Board amend Chapter 28 to allow for “by request” notification for up to 1,000 feet for aerial spraying. The staff has not begun rulemaking to amend Chapter 28 since the required change looks very straightforward. However, based on feedback from the June 3 meeting, the staff has drafted a memo to send to the participants of the air-carrier/aerial notification registry that was repealed by the Legislature. In addition, the Department of Agriculture, Food and Rural Resources is exploring whether a workgroup should be formed to evaluate future improvements to the notification system.

b. LD 837—Requires the Board to develop BMPs for the use of pesticides on school grounds and to assess compliance with Chapter 27 (school IPM) of the Board’s rules. The staff worked with Kathy Murray, the Department’s IPM entomologist, to send a preliminary announcement to schools alerting them about the bill and some simple points to keep in mind when managing pests on school grounds. In addition, the staff has compiled two years’ worth of school inspection data and is holding discussions on additional means of assessing pesticide use at schools and on school grounds. Finally, the staff has been signing up volunteers to work on developing BMPs for the school grounds and searching for similar efforts from other states.

c. LD 975— Requires the Board to amend its rules to provide for the licensing of farmers who use general-use pesticides to produce plants for direct human consumption. Based on Board feedback from the June 3 meeting, the staff met to brainstorm ideas for streamlining the certification process. The staff also discussed the structure of a rule amendment, as required by the bill.

d. GEA Report—The staff has been revising/updating the electronic version of the 2005 report with an eye toward presenting a preliminary draft at the August meeting.

Presentation By: Henry Jennings
Director

Action Needed: Provide feedback to the staff

6. Other Old or New Business

a. Chapter 22 variance permit issued to Green Thumb Lawn Service—H. Jennings

b. Follow-up to Chapter 29 variance permit granted to DuBois Contracting at the June 3, 2011, Board meeting—H. Jennings

c. Other?

7. Schedule and Location of Future Meetings

July 15, August 26, October 7, November 18, and December 16, 2011, are the tentative dates for future Board meetings. The Board will decide whether to change and/or add dates.

Adjustments and/or Additional Dates?

8. 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 attention of Paul Schlein, Public Education Specialist, 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.