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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

June 25, 2010

University of Maine at Machias, Sennett Hall, Clipper Lounge
34 Downeast Drive, Machias

AGENDA

9:30 AM

1. Introductions of Board and Staff
2. Minutes of the May 14, 2010, Board Meeting

Presentation By: Henry Jennings
Director

Action Needed: Amend and/or Approve
3. Public Information Gathering Session About Development of a Comprehensive Pesticide Notification Registry

On April 1, 2010, Governor Baldacci signed Public Law 2009, Chapter 584, LD 1547, An Act To Revise Notification Requirements for Pesticide Applications Using Aircraft or Air-carrier Equipment. Among other things, the new law directs the Maine Board of Pesticides Control to establish a comprehensive pesticide notification registry which encompasses both existing registries and is expanded to include other types of pesticide application equipment. The new law further directs the Board to report its progress to the Legislature by next February. Thoughtful comments are welcome from the public about any aspect of the registry development. Written comments may be sent to the Board's main office at Maine Board of Pesticides Control, 28 State House Station, Augusta, ME 04333-0028, or e-mailed to henry.jennings@maine.gov.

4. Board Discussion About Development of the Comprehensive Notification Registry

Public Law 2009, Chapter 584, LD 1547, directs the Board to work to develop a comprehensive notification registry. Initial Board discussions have identified appropriate notification distances and the difficulty of applying the new registry format to residential and urban settings as the most challenging components of a comprehensive notification registry. The Board will discuss these and other issues and the basis for making its determinations.

Presentation by: Henry Jennings
Director

Action Needed: Provide Input to the Staff on the Registry Development

5. Update on Staff Activities Related to Development and Administration of the Agricultural Pesticide Notification Registry

Public Law 2009, Chapter 584, provided for a second sign-up period for the 2010 agricultural notification registry, with a second version to be provided to pesticide applicators by July 1, 2010. Chapter 584 also directed the Board to initiate a public awareness campaign about the registry and allocated \$25,000 from the Board's dedicated account for that purpose. The staff will report on these and other activities related to development and administration of the registry.

Presentation by: Paul Schlein/Henry Jennings

Action Needed: None—Informational Only

6. Discussion of Concerns About Unlicensed Commercial Agricultural Producers

At the recent Board Planning Session, concerns were raised about the evolution of state and federal pesticide laws which now allow many commercial growers to apply pesticides to their crops and/or livestock without a pesticide applicator's license or any formal training. The basic standard for requiring a private pesticide applicator's license—triggered by the use of a restricted pesticide—was established in the early 1970s, and has never been updated by the federal EPA. Since that standard was established, a number of legal requirements have been imposed and a series of public health and environmental risks have been identified that were not well documented in the 1970s. Some members of the agricultural community have questioned whether the existing standard is still appropriate.

Presentation by: Henry Jennings
Director

Action Needed: None—Discussion Only

7. Other Old or New Business

- a. Variances Issued Since Last Meeting—H. Jennings
 - o MDOT Roadside Program
 - o RWC
 - o Green Thumb Lawn Services
 - o MDOT Wetlands Mitigation
- b. Request from Mary Ellen Valentine of Gorham for Designation of Critical Pesticide Control Area—H. Jennings
- c. Other?

8. Schedule and Location of Future Meetings

On July 23, the Board meeting will be held in Portland, and will be combined with a Public Information Gathering Meeting. The Board will decide whether to change and/or add dates.

Adjustments and/or Additional Dates?

9. 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 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.