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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

WALTER E. WHITCOMB  
COMMISSIONER  
HENRY S. JENNINGS  
DIRECTOR

**BOARD OF PESTICIDES CONTROL**

**May 6, 2011**

***Important—please note meeting location:***

**AMHI Complex, 90 Blossom Lane, Deering Building, Room 319, Augusta, Maine**

**AGENDA**

**9:30 AM**

1. Introductions of Board and Staff
2. Minutes of the February 18, 2011, Board Meeting

Presentation By: Henry Jennings  
Director

Action Needed: Amend and/or approve

3. Request from Maine Migrant Health Program and Eastern Maine Development Corporation to Help Support a Worker Safety Training Program for Summer 2011

Since 1995, the Board has supported a Migrant and Seasonal Farmworker Safety Education Program. During 2010, 326 individuals received pesticide safety training. The Maine Migrant Health Program and Eastern Maine Development Corporation are planning to provide two health and safety outreach workers during the 2011 agricultural season. Funding to support this effort is being requested and the staff will point out that the total cost is down from last year and that funds have been budgeted in the Board's FY '11 work plan.

Presentation By: Chris Huh, Plan Manager, Eastern Maine Development Corporation  
Barbara Ginley, Executive Director, Maine Migrant Health Program

Action Needed: Discussion and determination if the members wish to fund this request

4. Consideration of a Variance Permit Request from DeAngelo Brothers, Inc., for Vegetation Control along the St. Lawrence and Atlantic Railroad

Chapter 22 of the Board's regulations allows applicators to seek a variance from any standards they feel are unreasonable for their type of operation. In addition, the Board can grant variances for the 25-foot setback required from surface water under Section 6 of Chapter 29. DeAngelo Brothers plans to treat weeds growing in the ballast and shoulder areas along the St. Lawrence and

Atlantic Railroad in 2011. They are seeking a variance from Chapter 22 so they do not have to record all sensitive areas within 500 feet of the target areas, and a variance from Chapter 29 so they can treat within 10 feet of water crossings. Instead, they propose using application strategies and chemical choices that will minimize the chances of pesticide drift and runoff.

Presentation By: Henry Jennings  
Director

Action Needed: Approve/disapprove the variance request

5. Consideration of a Variance Permit Request from RWC, Inc., for Vegetation Control along Several Maine Railroad Tracks and Industrial Sidings

Chapter 22 of the Board's regulations allows applicators to seek a variance from any standards they feel are unreasonable for their type of operation. In addition, the Board can grant variances for the 25-foot setback required from surface water under Section 6 of Chapter 29. RWC plans to treat weeds growing in the ballast and shoulder areas along several Maine railroads and industrial sidings in 2011. They are seeking a variance from Chapter 22 so they do not have to record all sensitive areas within 500 feet of the target areas, and a variance from Chapter 29 so they can treat within 10 feet of water crossings. Instead, they propose using application strategies and chemical choices that will minimize the chances of pesticide drift and runoff. Board policy dictates that the staff may renew repeat variances unless there have been complaints or incidents. Since several citizens recently voiced concern about spraying adjacent to the Gorham rail trail, this year's variance request will be reviewed again by the Board.

Presentation By: Henry Jennings  
Director

Action Needed: Approve/disapprove the variance request

6. Consideration of the Staff Negotiated Consent Agreement with Egbert's Lawncare, LLC, of Gorham, 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 application of pesticides onto a property without the authorization of the property owner.

Presentation By: Raymond Connors  
Manager of Compliance

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

7. Consideration of the Staff Negotiated Consent Agreement with Northeast Agricultural Sales, Inc. of Detroit, 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 documented pesticide drift to an adjoining residential property.

Presentation By: Raymond Connors  
Manager of Compliance

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

8. Review of Pesticide Legislation

Six bills potentially affecting Maine pesticide law are currently working their way through the Legislature. The staff will review the status of the pending bills with the Board.

Presentation By: Henry Jennings  
Director

Action Needed: Review pending bills

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

Action Needed: Nominations and election of officers

10. Other Old or New Business

- a. Request from Jasper Wyman & Son to repeal the Deblois Fish Hatchery Critical Pesticide Control Area designated in Chapter 60, Section 4(A)—H. Jennings
- b. Chapter 29 Variance Issued to the Woodlands Club—H. Jennings
- c. Other?

11. Schedule and Location of Future Meetings

June 3, July 15, and August 26, 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?

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 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.