



JOHN ELIAS BALDACCI
GOVERNOR

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

SETH H. BRADSTREET III
COMMISSIONER
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DIRECTOR

BOARD OF PESTICIDES CONTROL

October 1, 2010

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 August 27, 2010, Board Meeting

Presentation By: Henry Jennings
Director

Action Needed: Amend and/or approve

3. Interpretation of Requirements Set Forth in Chapter 41, Section 2, Trichlorfon (Dylox)

In 2008, the Board transferred trichlorfon from its Limited Use Pesticide List to its Restricted Use Pesticide list in Chapter 40. At the same time, the Board revised the special restrictions on trichlorfon contained in Chapter 41 to reflect the current use pattern which is limited to turf. Applicators who apply trichlorfon must first identify the pest, and then limit the application to infested areas. In addition, applicators must ensure that the trichlorfon is watered in with at least ½ inch of water, and is consistent with the label directions prior to reentry by unprotected persons. Michael Legasse of Green Thumb Lawn Service has asked for clarification on the Board's expectations of applicators using trichlorfon.

Presentation By: Gary Fish
Manager of Pesticide Programs

Action Needed: Provide Guidance on Board Expectations

4. Continuation of Board Discussions on the Development of a Comprehensive 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 Board hosted five Public

Information Gathering Sessions at different locations around the state and discussed the fundamental registry concepts at each of these meeting. At the August 24, 2010, meeting, the Board reviewed the latest working paper and provided additional input to the staff. The Board will now continue deliberations about development of a comprehensive registry, with emphasis on the following areas:

- a. Review of the non-agricultural registry, including the exemptions
- b. Review of the initial draft of the report to the Legislature
- c. Discussion of whether individuals accessing the registry should be required to register first

Presentations By: Henry Jennings
Director

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

5. Consideration of the Staff Negotiated Consent Agreement with Mainely Grass of Kennebunkport

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 pesticides at the wrong address.

Presentation By: Raymond Connors
Manager of Compliance

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

6. Consideration of the Staff Negotiated Consent Agreement with Tailor Done Lawn Care, Inc. of Old Orchard Beach

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 an unlicensed lawn care company making a commercial pesticide application.

Presentation By: Raymond Connors
Manager of Compliance

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

7. Preliminary Discussion of Automated Pesticide Dispensing Equipment

At the August 24, 2010, meeting, the Board approved an interpretative policy clarifying the applicability of Chapter 26. The policy was developed in response to an inquiry about regulatory requirements to operate automated bird-repellent dispensers located in the outdoor garden sections of some large retailers. At the August 27 meeting, Board members expressed concern about public and employee exposure to the airborne bird repellent. Staff observed there are other automated pesticide dispensers that raise concerns. Consequently, Board members asked to revisit the broader issue of automated dispensers at a later meeting.

Presentations By: Henry Jennings
Director

Action Needed: Determine Whether Additional Review Is Warranted

8. Review and Demonstration of the Upgraded *Got Pests?* Website

Public Law 1997, Chapter 389, directs the Board to promote IPM and educate the public about science-based technologies for controlling pests and minimizing pesticide use. As part of this effort, the staff has been developing an IPM website tailored to the lay person and focusing on the most common homeowner pest problems. A key tenet of the website is to simplify the pest identification process using images, and then provide a clearinghouse of pest management information with a focus on IPM. The staff will provide a brief overview of recent efforts to enhance the site.

Presentation by: Paul Schlein
Public Education Specialist

Action Needed: Provide Feedback to the Staff

9. Other Old or New Business

a. Other?

10. Schedule and Location of Future Meetings

November 5, 2010, December 10, 2010, and January 7, 2011, are the tentative dates for the next Board Meetings. The Board will decide whether to change and/or add dates.

Adjustments and/or Additional Dates?

11. 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.