



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
BOARD OF PESTICIDES CONTROL
28 STATE HOUSE STATION
AUGUSTA, MAINE 04333

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

BOARD OF PESTICIDES CONTROL

September 1, 2023

9:00 AM Board Meeting

Join the meeting in person in Room 101, Deering Building, 32 Blossom Lane, Augusta
Or

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 247 845 473 84

Passcode: QSdbb3

Or call in (audio only)

+1 207-209-4724

Phone Conference ID: 773 893 97#

AGENDA

1. Introductions of Board and Staff
2. Public Hearing on Proposed Rule Amendments to Chapters 20, 31, 32 and 41

The Board will hear testimony on the proposed amendments:

Chapter 20 – Two amendments are proposed

1. Adopting current policy language into rule to make “Proper Identification of Treatment Sites” methods enforceable. Adding language from this policy under subsection 1-4 and creating a new subsection 5 that allows master applicators to submit their own methods for identifying treatment sites.
2. Adding a section B that outlines penalties if violations occur over a 5-year period.

Chapter 31 – Two amendments are proposed

1. Combining categories 7C(1) Disinfectant and Biocide Treatments, 7C(2) Swimming Pool & Spa, and 7C(3) Mold Remediation into one category 7C Disinfectant and Biocide and retaining language from the other categories under this new category.

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2. Combining competency standards for 7C(1) Disinfectant and Biocide Treatments, 7C(2) Swimming Pool & Spa, and 7C(3) Mold Remediation into one competency standard 7C Disinfectant and Biocide and retaining language from the other competency standard categories to align with language from the category descriptions in Section 2.

Chapter 32 – One amendment is proposed

1. Adding requirements for certified applicators supervising noncertified applicators that align with federal standards outlined in 40 CFR 171.201 (2023). These standards are required by EPA for certification and training program updates.

Chapter 41 – One amendment is proposed

1. Amend grower requirements and product-specific requirements to broaden the scope from Bt corn to all plant incorporated protectants and delete or amend language regarding refuges that is not relevant to current plant incorporated protectant growing practices.

3. Minutes of the July 21, 2023 and July 27, 2023 Board Meetings

Presentation By: John Pietroski, Acting Director
Action Needed: Amend and/or approve

4. State of Maine Certification & Training Plan

Since 1974, the Maine Department of Agriculture has been receiving funds from EPA in the form of a program partnership grant. This money supports the regulation of pesticide use in the state. This is an update on efforts to obtain EPA approval for Maine's Certification and Training Plan. Maine recently received notice from EPA of plan approval.

Presentation By: John Pietroski, Acting Director
Action Needed: Information only

5. LD 1770 Sales & Use Reporting

At the May 10, 2023 work session the Agriculture, Conservation and Forestry Committee voted this bill ought to pass as amended as a resolve directing the Board to act to enter into rulemaking to require applicators and dealers to submit their annual use reports electronically. While Maine's plan was approved, EPA did provide remarks on the need for ongoing discussion of some plan details.

Presentation By: John Pietroski, Acting Director
Action Needed: Discussion

6. Funding Request for DACF IPM Program

The Integrated Pest Management Program is requesting funds to assist with ongoing efforts for the advancement of IPM in Maine. The Maine IPM Program works closely with the BPC to educate and promote IPM across the entire State of Maine, including giving talks annually for

applicator credits across several categories, updating the GotPests Website with new factsheets and research, and referring to the BPC website in all presentations and educational materials. While the IPM Program is supported, in part, by grant funding this funding is insufficient to support all outreach opportunities. The IPM Program is requesting a grant of \$24,521 to support outreach and education in calendar year 2024.

Presentation By: Hillary Peterson, Ph.D., IPM Specialist
Action Needed: Discussion and decision to amend/approve/disapprove funding

7. Endangered Species Act (ESA) Changes Approaching for Pesticide Registration and Labeling

In the past few months, EPA has released documents detailing upcoming changes to the Office of Pesticide Program's (OPP) handling of pesticide registration and subsequent labeling practices. OPP is moving to quickly incorporate ESA obligations in pesticide regulation. Presented here are the basic frameworks that describe two of OPP's new approaches: the Vulnerable Species Pilot (VS) and the Herbicide Strategy (HS).

Presentation By: Pamela Bryer, Ph.D., Pesticides Toxicologist
Action Needed: Discussion to determination of the need for ongoing conversation

8. Discussion About Registration of Repellent Clothing

Staff is requesting the Board's guidance in developing a policy for registering or exempting permethrin treated repellent products. Staff have prepared a memo outlining the history of the issue and two possible approaches.

Presentation By: Amanda Couture, Certification and Training Specialist
Action Needed: Discussion and determination of the need for registration

9. Other Old and New Business

- a. Revised BPC Budget
- b. Obsolete Pesticides Collection Press Release
- c. Update on 2023 Adjuvant Registration
- d. Variance Permit for CMR01-26 Chapter 29, Kennebec Estuary Land Trust
- e. Variance Permit for CMR01-26 Chapter 29, Top Leaf, LLC

10. Schedule of Future Meetings

October 13 and December 1 are the next scheduled Board meeting dates. The Board will decide whether to change and/or add dates.

The following reservation information is provided for Board reference only. Staff have tentatively reserved Deering Room 101 for January 10, 2024; Marquardt Room 118 for February 23, 2024; and Deering Room 101 for April 5, 2024. Should the Board decide to host meetings on days other than those identified here, staff can make additional room reservations.

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 Board's office or pesticides@maine.gov. 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.