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STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
BOARD OF PESTICIDES CONTROL
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WALTER E. WHITCOMB
COMMISSIONER

HENRY S. JENNINGS
DIRECTOR

BOARD OF PESTICIDES CONTROL

January 18, 2013

Note: January 25, 2013 is the Snow Date for this Meeting

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

AGENDA

8:30 AM

1. Introductions of Board and Staff
2. Minutes of the December 7, 2012, Board Meeting

Presentation By: Henry Jennings
Director

Action Needed: Amend and/or approve

3. Adoption of Proposed Amendments to Chapter 10
(*Note: No additional public comments may be accepted at this time.*)

On August 15, 2012, a Notice of Agency Rulemaking Proposal was published in Maine's daily newspapers, opening the comment period on the proposed amendments to Chapters 10, 27, and 50, and the proposed repeal of Chapter 21. A public hearing was held on September 7, 2012, and the written comment period closed at 5:00 PM on September 28, 2012. The Board reviewed the merits of the proposed amendments to Chapter 10 at the October 27 and December 7, 2012 meetings, and instructed the staff to make changes based on Board findings. The Board will now determine whether it is appropriate to adopt the revised amendments.

Presentation by: Henry Jennings
Director

Action Needed: Decision on whether to adopt the proposed amendments

4. Consideration of the Plant Incorporated Protectants (PIP) Technical Committee Report

Syngenta Seeds, Inc., submitted registration applications for two new *Bt*-field-corn seed products that feature a reduced spatial refuge requirement. Since the PIP Technical Committee had not evaluated the reduced spatial refuge products, a review of this technology was warranted. The Board's PIP Technical

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Committee met on December 4, 2012, to discuss risks and benefits associated with the new requests. The Board will now review the Committee's report.

Presentation By: Lebelle Hicks
Staff Toxicologist

John Jemison
Board Chair and PIP Technical Committee Chair

Action Needed: Evaluate the risks and benefits of the reduced spatial refuge products

5. Consideration of Registration Requests for Two New *Bt*-corn Products

Syngenta Seeds, Inc., has submitted registration requests for two new *Bt*-corn products—Agrisure Viptera 3220 Refuge Renew Corn (EPA No. 67979-15), and Agrisure 3122 (EPA No. 67979-17). Both products feature a 5% spatial refuge. The Board will now decide whether these new products meet the criteria for registration in Maine.

Presentation By: Mary Tomlinson
Pesticides Registrar/Water Quality Specialist

Action Needed: Decide whether to approve/disapprove the registration requests

6. Discussion about Potential Amendments to Chapter 20 in Order to Facilitate Public Health Mosquito Abatement Programs

At its September 7, 2012, meeting, the Board adopted an emergency amendment to Chapter 20 of its rules. The purpose of the amendment was to facilitate public-health-related mosquito-abatement programs, in the event that risks of a mosquito-borne-disease outbreak become critical. The emergency amendment expired on December 12, 2012. Dr. Stephen Sears, State Epidemiologist, provided an overview of the state's likely response to a critical mosquito-borne-disease threat to the Board at its December 7, 2012, meeting. Following the overview, the Board directed the staff to prepare information for discussion of a permanent rule amendment at the January 2013 meeting.

Presentation by: Henry Jennings
Director

Action Needed: Determine the appropriate concepts to include in a draft rule amendment

7. Discussion of Board Priorities

The staff is currently juggling a variety of important tasks which include a mandate to convert its webpages to a new template, a mandate to conduct training for the new Agricultural Basic licensees, a need to convert its licensing database to an enterprise software platform that allows for electronic transactions, and the need to convert the current master exam to a written format. In addition, there is the potential rulemaking effort to facilitate public health mosquito abatement programs and there may be several pesticide-related bills in front of the Legislature. However, the staff would like input on which future projects, including any remaining

priorities from the March 2012 planning session, are most important to the Board when discretionary staff time arises.

Presentation By: Henry Jennings
Director

Action Needed: Provide guidance to the staff on Board priorities

8. 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

9. Other Old or New Business

a. Central Maine Power Company's 2013 Vegetation Management Plan

b. Other?

10. Schedule of Future Meetings

March 1, April 12, May 17, June 21, and July 26, 2013, are tentative Board meeting dates. The Board will decide whether to change and/or add dates. The July 26 meeting is slated to take place in Unity.

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 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.