



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

**March 8, 2019
9:00 AM**

Room 118 Marquardt Building
32 Blossom Lane, Augusta, Maine

AGENDA

1. Introductions of Board and Staff
2. Public Hearing on Proposed Rule Amendments to Chapters 10, 26, 27, 31, 32, and 50 and Repeal of Chapter 36

The Board will hear testimony on the proposed amendments and repeal:

Chapter 10—Two amendments are proposed:

1. Amend the definition of “Aerial Applicator” to allow certification as a private applicator. Currently the rule requires applicators to hold a commercial license which prevents an individual from making applications on their own property. This is required by the new EPA C&T rules, and is in anticipation of potential applications by unmanned aircraft systems.

Chapter 26—One amendment is proposed:

1. Clarify the definition of “occupied buildings” to mean fully enclosed indoor spaces inside buildings and that roofed structures which are otherwise not enclosed are not buildings for the purpose of the rule.

Chapter 27—Three amendments are proposed:

1. Change wording to clarify that all pesticide applications, inside and outside, must be included in the pest management activity log.
2. Change wording to clarify that applications made to the exterior of buildings are included in the rule.
3. Add personal insect repellents to the list of products which do not require licensure.

Chapter 28—One amendment is proposed:

1. Clarify that the telephone number required on signs must be a working number.

Chapter 31—Eleven amendments are proposed:

1. Add requirement for a government-issued photo id for all exams (required by EPA C&T).
2. Establish annual training requirements for noncertified applicators of restricted use pesticides (required by EPA C&T).
3. Establish minimum age for individuals certified as commercial or private applicators (required by EPA C&T).
4. Describe the credentials which will be issued to each applicator verifying certification (required by EPA C&T).
5. Remove section on transitioning to revised licensing and certification requirements since the time frame has passed.
6. Update the names of certain categories to align with current exams.
7. Remove requirement to collect social security number.
8. Change cost of master exams from \$50 for both to \$10 for Master Regulations exam and \$40 for Master Oral exam.
9. Remove exemption for those certifying in the Post Harvest Treatment category from having to take the core exam.
10. Remove requirements for applicators to receive continuing education credits in specific categories as the Board doesn't categorize courses this way.
11. Remove fee for replacement and upgraded licenses as the Board no longer charges for these due to improved software.

Chapter 32—Six amendments are proposed:

1. Amend competency standards to include those required by EPA C&T: label comprehension; responsibilities for supervisors of noncertified applicators; stewardship; ability to read and understand pesticide labeling.
2. Remove option to provide oral exam as EPA C&T no longer allows non-reader accommodations.
3. Add supplemental private categories which can be obtained in addition to certification for private licensure: aerial application; soil fumigation; non-soil fumigation (required by EPA C&T).
4. Establish minimum age for individuals certified as commercial or private applicators (required by EPA C&T).
5. Describe the credentials which will be issued to each applicator verifying certification (required by EPA C&T).
6. Add requirement for a government-issued photo id for all exams (required by EPA C&T amendments).

Chapter 50—One amendment is proposed:

1. Add requirements to dealer records of sales (required by EPA C&T amendments):
 - a. customer address
 - b. issuing authority, certification expiration date, and categories of certification in addition to the applicator's certification number

Chapter 36—Repeal of chapter is proposed. Associated requirements were previously repealed because they are no longer necessary with the current technology used in aircraft.

3. Minutes of the January 16, 2019 Board Meeting

Presentation By: Megan Patterson, Director

Action Needed: Amend and/or Approve

4. Overview of Mosquito-borne Diseases and Monitoring in Maine

The Maine Center for Disease Control and Prevention (Maine CDC) coordinates state activities around preventing vector-borne diseases. As part of its responsibilities, the CDC coordinates mosquito and disease monitoring in Maine. The presence of mosquito-borne diseases and the species of vector mosquitoes present in Maine have been on the rise in recent years. Maine CDC and BPC entered into a Memorandum of Understanding in 2013 to establish cooperation to conduct surveillance for mosquito-borne diseases to protect public health. Sara Robinson of the Maine CDC will provide an overview of the trends and the state's monitoring program and discuss the possibility of increased BPC financial support for the 2019 season.

Presentation By: Sara Robinson, Program Director

Action Needed: Discussion and Determination if the Board Wishes to Increase Funding to CDC for Environmental Monitoring of Mosquitoes

5. Request from Integrated Pest Management Program for Funds for Mosquito Monitoring

The Integrated Pest Management Program is requesting funds to assist with on-going efforts for mosquito surveillance and identification, development of a GIS-based mosquito habitat mapping system, and continued outreach around vector-borne diseases.

Presentation By: Kathy Murray, DACF IPM Specialist

Action Needed: Discussion and Determination if the Board Wishes to Fund this Request

6. Request for Special Local Need [24(c)] Registration for Express® Herbicide with TotalSol (FMC Corporation) for Spot Application and Bunchberry Control in Lowbush Blueberries

In September 2008, the Board first approved a Section 24(c) registration for DuPont Express® Herbicide with TotalSol (EPA Reg. No. 352-632). The 24(c) was renewed in 2010 and 2013, but the registration expired December 31, 2018. The EPA Section 3 registration was recently transferred to FMC Corporation which supports the request by the University of Maine Cooperative Extension for a new 24(c) registration. This 24(c) has been expanded to allow for spot applications to control labeled weeds during the prune year and applications in the fall after harvest and in the spring of the noncrop year to control bunchberry.

Presentation By: Mary Tomlinson, Pesticides Registrar and Water Quality Specialist

Action Needed: Approve/disapprove 24(c) registration request

7. Review of Proposed Surface Water Testing for 2019

7 M.R.S. § 607-A, Section 2-A, directs the Board to conduct water residue surveys, for both ground and surface water, to prepare profiles of the kinds and amounts of pesticides present. At the November 2018 Board meeting, Board staff proposed a continuation of past water monitoring efforts. The Board asked that staff provide the Board with the proposed cost, purpose of the testing, and set objectives.

Presentation By: Mary Tomlinson, Registrar and Water Quality Specialist and Pam Bryer, Toxicologist

Action Needed: Approve or disapprove funding for the proposed monitoring effort

8. Request to Fund Development of Additional Functionality Within Existing MEPERLS Framework of Digital Inspection Flows and Digital Reports for Submission of Existing Annual Pesticide Use and Sales Reports

Board staff and constituents are now successfully working with the Maine Pesticide Enforcement, Registration and Licensing System (MEPERLS). Staff propose that there are opportunities to use the system to provide further benefit to constituents and further improve the efficiency of the Board's work. One suggestion is to incorporate required reporting within the system, allowing dealers and applicators to report sales/use using an online fillable form linked to the product registration data. This would force the data to be entered consistently and allow accurate reporting. These forms are currently submitted on paper or through email as static digital documents. A second improvement would be to replace the current digital, but static, fillable PDFs used for the inspection process with interactive flows within MEPERLS resulting in a fully searchable enforcement dataset.

Presentation By: Megan Patterson, Director

Action Needed: Approve or disapprove funding for the proposed development effort

9. Correspondence

- a. Letter from Linda Titus, Ag Matters

10. Other Items of Interest

- a. Montana Universal Pesticide Analysis (Water) June 2018
- b. LD 643 An Act To Provide Funding to Municipalities Severely Affected by Pest Infestations
- c. LD 785 Resolve, Directing the Board of Pesticides Control To Educate the Public on the Proper Use of Pesticides and To Promote Integrated Pest Management
- d. LD 796 An Act To Reestablish the Department of Agriculture, Food and Rural Resources and the Department of Conservation
- e. LD 889 An Act To Require the Labeling of Foods Made with Nanotechnology
- f. LD 908 An Act To Require Schools to Submit Pest Management Activity Logs and Inspection Results to the Board of Pesticides Control for the Purpose of Providing Information to the Public

11. Schedule of Future Meetings

April 19, 2019, and May 24, 2019 are proposed meeting 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.
- 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.