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STATE OF MAINE
MAINE DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
BOARD OF PESTICIDES CONTROL
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BOARD OF PESTICIDES CONTROL

February 17, 2016

**Room 118
Marquardt Building
32 Blossom Lane, Augusta, Maine**

**AGENDA
9:00 AM**

1. Introductions of Board and Staff

2. Minutes of the January 11, 2017 Board Meeting

Presentation By: Megan Patterson
Manager of Pesticide Programs

Action Needed: Amend and/or Approve

3. Dow AgroSciences Request for 24(c) Registration for GoalTender™ Herbicide

At the request of Maine Cooperative Extension and broccoli growers, Dow AgroSciences is requesting an extension of the Special Local Need [24(c)] Registration ME090002 to continue the use GoalTender™ herbicide (oxyfluorfen, EPA #62719-447) for post-emergent weed control on broccoli. Where the number of herbicides available to manage weeds in broccoli is limited, this product remains the only alternative for post emergence control of broadleaf weeds that escape preemergent herbicide treatment.

Presentation By: Mary Tomlinson
Pesticides Registrar/Water Quality Specialist

Action Needed: Approve/Disapprove 24(c) Registration Request

4. Gowan Company, Inc., Request for FIFRA Section 24(c) Registration for Malathion 8 Flowable on Cane Berries

Gowan Company, Inc., is requesting a Special Local Need [24(c)] Registraton to increase the number of allowable applications of Gowan Malathion 8 Flowable agricultural insecticide to control spotted wing drosophila (SWD) on cane berries. This request is supported by University of Maine Blueberry Extension Specialists David Handley and David Yarborough. Research indicates

that Gowan Malathion 8 Flowable is highly effective against the SWD and the extra application will be critical to controlling this invasive pest. In addition, Gowan Malathion 8 Flowable offers growers the advantage of very short preharvest and reentry intervals. Available data indicate that residues are expected to be below the established tolerance.

Presentation By: Mary Tomlinson
Pesticides Registrar/Water Quality Specialist

Action Needed: Approve or disapprove the request

5. Board Discussion about the Use of Unmanned Aircraft to Conduct Aerial Pesticide Applications

The Board's staff has received an inquiry about the potential use of an unmanned aircraft (drone) to conduct aerial pesticide applications to control browntail moths. To date, drones have never been permitted to apply pesticides in Maine and the Federal Aviation Administration has only permitted use in a few locations nationwide. This is a completely new type of application equipment and many questions have arisen about the safety, efficacy and propriety of the use of drones. The Board will discuss the use of aerial drones to apply pesticides in Maine.

Presentation By: Megan Patterson
Manager of Pesticide Programs

Action Needed: Provide Direction to the Staff

6. Review of the BPC Budget

At the January 11, 2017 the Board discussed the annual operating budget. Several questions were raised that required further clarification. The staff will present information pertaining to those questions.

Presentation By: Ann Gibbs
Director, Division of Animal and Plant Health

Action Needed: None – Informational Only

7. Rulemaking Timeline and Potential Rulemaking Topics

At the December 16, 2017 meeting the Board expressed interest in initiating rulemaking around Chapter 29, Section 5 regarding browntail moth. Since rulemaking is expensive and time-consuming the Board generally tries to group rulemaking initiatives. The staff will present a timetable of possible hearing dates and a list of rulemaking idea which the Board or staff has previously identified.

Presentation By: Anne Chamberlain
Policy & Regulations Specialist

Action Needed: Determine Whether to Initiate Rulemaking and Schedule a Hearing

8. Consideration of Consent Agreement with Alfred Fugazzi, Stone Wall Farms of Lincoln, Maine

The Board's Enforcement Protocol authorizes staff to work with the Attorney General and negotiate consent agreements in advance on 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 to resolve the matter. This case involves the use of a pesticide to kill crows in a manner inconsistent with the label.

Presentation By: Raymond Connors
Manager of Compliance

Action Needed: Approve/Disapprove the Consent Agreement Negotiated by Staff

9. Other Old or New Business

- a. Policy—Definition of Biological Pesticide as it Relates to Chapter 29 Section 5
- b. Policy on Allowable Pesticides for the Control of Browntail Moth Within 250 feet of Marine Waters
- c. Variance for control of invasive plants on the Maine Audubon East Point Sanctuary property in Biddeford Pool.
- d. LD 174 An Act To Limit the Use of Pesticides on School Grounds
- e. LD 418 An Act To Educate the Public on the Proper Use of Pesticides and To Promote Promote Integrated Pest Management Using Existing Resources
- f. Email from Jody Spear
- g. Letter from Wendell Caler

10. Schedule of Future Meetings

March 31, 2017, May 12, 2017, June 23, 2017, and August 4, 2017 are tentative Board meeting dates. The Board will decide whether to change and/or add dates.

- The March 31, 2017 meeting will be at the Portland Flower Show
- Room 118 Marquardt is not available on August 4

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.