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

October 2, 2026

9:00 AM Board Meeting

Join the meeting in person in Room 101, Deering Building, 90 Blossom Lane, Augusta
Or

Microsoft Teams meeting
Join: https://teams.microsoft.com/meet/264542631124158?p=qYRonwYYYjXvTY8M13
Meeting ID: 264 542 631 124 158
Passcode: iK6K3Em6

Dial in by phone
+1 207-209-4724,,804791308# United States, Portland
Find a local number
Phone conference ID: 804 791 308#

MINUTES

1. Introductions of Board and Staff

   - Adams, Carlton, Fanning, Gray, Neavyn
   - Boyd, Gayoso, Gustanski, Johnston-Fennell, Leibowitz, Peacock, Poisson, Richard, Steinman, Vacchiano, Van Hoewyk

2. Minutes of the August 21, 2026 Board Meeting

   Presentation By: Alexander Peacock, Director
   Action Needed: Amend and/or Adopt

   Carlton/Fanning: Moved and seconded to adopt August 21, 2026, meeting minutes
   In Favor: Unanimous

3. Experimental Use Permits (EUP)

Board staff has received several inquiries about obtaining experimental use permits to trial pesticides on off-label sites. The BPC previously had a statute, Title 7 § 608, which established the Board's ability to issue EUPs. This section was repealed by the legislature in 2005. This is an overview of current EPA regulations regarding EUPs and a discussion of the possible need for a policy to inform EUP requests of federal standards established by EPA.

Presentation By: Alexander Peacock, Director
Action Needed: None, Discussion

- Peacock told the Board about Experimental Use Permits and that the BPC had received a couple of inquiries to use specific pesticides on off-label sites. The BPC previously had the authority to issue EUPs, but this statute was repealed by the legislature in 2005. The Board historically wished to repeal the statute due to lack of resources. Maine has one toxicologist, and it would most likely take at least a full year's study to investigate the use of an off-label site. Peacock mentioned that at a recent conference, Washington state asked what other states used as criteria for EUPs around beehives. Most states in the room said they didn't have the capacity to conduct EUP studies.
- Peacock also brought up that if an applicator is applying to an area under 10 acres, they are exempt from needing an EUP if they work with the manufacturer. Peacock suggested creating a policy that requires applicators to inform the BPC about the specifics of any EUP usage. He said if the EPA issues an EUP permit, the BPC may not be informed about it; the proposed policy would address this gap.
- Carlton asked if the EUP requests were for research.
- Peacock said yes, and that if a weed is showing resistance to an herbicide, they might trial a different herbicide to control it. He also mentioned it raised concern about how many off-site trials were occurring in Maine without the BPC knowing.
- Gustanski asked what off-site meant.
- Peacock explained that labels list sites and crops where the pesticide can be used. Off-site means it is an area not listed on the label.
- Adams asked how applicators with EUPs report chemical use in the annual summary report
- Peacock said they are required to report the chemistry and the site applied. Now that it is required that the annual summary reports are submitted digitally, it will be easier to take a closer look at the data to figure out if a product and the site don't match.
- Adams said that he would be a fan of requiring applicators to have a Category 10 license and that they report their testing.
- Peacock added that even if an applicator falls under the exemption, they are required to destroy all crops or animals, so they are not eaten. In that respect, we shouldn't have any issue of potentially contaminated products going to market.
- Gayoso warned that if the BPC doesn't know where the exceptions are, though, we can't enforce the EPA requirements.
- Van Hoewyk added that he evaluated the AI for one of the proposed uses and it did present risks of leaching, so he understood why Alex brought it to the Board.

4. PFAS Pesticides Update

BPC Pesticide Toxicologist updates the Board about recent research in PFAS pesticides and their potential to degrade into trifluoroacetate and possible defluorination in the environment.

Presentation By: Doug Van Hoewyk, Ph.D., Pesticide Toxicologist
Action Needed: None, Informational/Discussion

- Van Hoewyk informed the Board of changes in how the Maine Department of Environmental Protection interprets the PFAS definition. The current interpretation of PFAS now includes some mono-fluorinated active ingredients if they meet the specific criteria. With the new definition, the number of active ingredients with PFAS increased from approximately 50 to about 90. Van Hoewyk spoke on the degradation of PFAS and how many (but not all) eventually degrade into trifluoroacetate (TFA), which is a groundwater contaminant. Studies that do not demonstrate the formation of trifluoroacetate during environmental fate studies are likely due to study limitations, particularly the short duration of the study. Van Hoewyk also found 3 cases of PFAS pesticides defluorinating as they degrade. These cases are exciting because they are the only confirmed cases of a PFAS not becoming trifluoroacetate, but they are rare.

5. Preliminary Crop Yield Data Following Neonicotinoid Restrictions in Quebec

Presentation and discussion of preliminary crop yield data following neonicotinoid use restrictions adopted by the province of Quebec, Canada, in 2019.

Presentation By: Doug Van Hoewyk, Ph.D., Pesticide Toxicologist
Action Needed: None, Informational/Discussion

- Van Hoewyk updated the Board on some of the research into neonicotinoid seed yields. Quebec implemented restrictions on neonicotinoid-treated seeds in 2019, so yield data was much easier to get a hold of from them than from the US. Van Hoewyk prefaced his study by saying some of the data interpretations should not be met with a strict one-to-one correlation. There are many reasons why yield would change. Acres not harvested could be due to weather, market demand, or crop failure. Those variables were not considered in this study.
- Van Hoewyk took data from seven years before the restriction and the years after and found a trend of decreased harvested acreage. He had tried to find a control to use in his data, but it is hard to use a different crop. In general, corn silage yield decreased after the restrictions, but not by a drastic amount.
- Adams asked if Van Hoewyk could separate how many acres were treated previously from those that weren't.
- Gray said it's not that removing neonicotinoids is crippling farmers; it is that they are having a tool removed. Farmers will find a new tool that may not be as good. Gray theorized that instead of a yield change, there would be an economic change for the farmer and an environmental change for the worse. They won't give up and let yields plummet but will find a new tool that may not be as efficient or effective instead.

- Adams said they may have left the crops because they weren't worth harvesting.
- Gray said that he would like to say the drop was because of the restrictions, but that it could be mother nature.
- Peacock added that at a corn growers meeting he went to, they all said last year was a bad year. They were able to get out early to plant, but the heavy spring rains were problematic.

6. Enforcement Case Pre-Review for Mainely Grass of Westbrook

In accordance with BPC enforcement protocol, this information is being brought to the Board's attention, identifying repeat violations of failure to notify a member of the Pesticide Notification Registry and notification requirements under Chapter 28, Section 1.

Presentation By: Jose Gayoso, Manager of Compliance
Action Needed: Discussion, Enforcement Guidance

- Gayoso presented the Board with a consent agreement from the April 2024 Board meeting that addressed many complaints. In May of 2024 a member of the Maine Pesticide Notification Registry was not notified in advance of an application. They were notified as the application was occurring. In May of this year, there was a person who was not on the notification registry, but who requested notification from Mainely Grass of Westbrook directly. The person was not notified, even though the company had awareness of the person's request. Gayoso said it seemed like there had been a misunderstanding of the Chapter 28, Section 1 requirements by Mainely Grass. Section 1 is less clear than the notification registry as there is no established list that the BPC keeps. Mainely Grass wants to meet and learn more about Chapter 28, Section 1. Those were the two incidents that occurred after the last consent agreement with the company in April 2024. Mainely Grass did submit a letter to the board for consideration. The May 2024 complaint has not yet been addressed, so the two incidents would be wrapped into one agreement.
- Adams asked what Gayoso's thoughts were on the request being made through a Facebook message.
- Gayoso said that during the inspection the company seemed to show they were aware of the request, but further discussions made it seem as if they were not sure of the requirements.
- Fanning asked if a Facebook notification qualified.
- Peacock answered that the request can be any form of communication, as long as it is effective.
- Gayoso said he appreciated that Mainely Grass reached out to explain their misunderstanding of Section 1 and that they are willing to have a discussion about the requirements.

7. Enforcement Case Pre-Review for TruGreen Lawncare of Westbrook

In accordance with BPC enforcement protocol, this information is being brought to the Board's attention, identifying repeat violations of failure to notify a member of the Pesticide

Notification Registry, failure to post an application site, unauthorized application, and applications by an unlicensed applicator.

Presentation By: Jose Gayoso, Manager of Compliance
Action Needed: Discussion, Enforcement Guidance

- Gayoso introduced repeat violations by the company TruGreen Lawncare of Westbrook. The last consent agreement with them was June 5, 2026 for a misapplication at the wrong address. On the same day, the BPC received a complaint from a member of the notification registry who was not notified of an application. On June 16, 2026, the BPC received a complaint from a homeowner that their lawn was treated without permission. In this instance, the applicator applied at the wrong address and did not post the application. The applicator knocked on the door, received no answer, and applied anyway. In July, there was a complaint about drift, and while the inspector was not able to confirm drift occurred, they learned that one of the company's applicators, Abraham Lincoln, had been making applications even though his license had been terminated by BPC. TruGreen did not understand why Mr. Lincoln's license was terminated but didn't correct the issue before he continued to apply. 30 applications were made with the company's knowledge of the terminated license before he left. Those were the 3 incidents that occurred after the last approved consent agreement. Gayoso concluded with reminding the board of the letter TruGreen submitted for their consideration
- Adams asked if Mr. Lincoln's applications were done under the same Master applicator.
- Poisson answered that there are multiple Master applicators at TruGreen. One Master had been there the entire time, another was not there for each incident, and a third received their license in 2025
- Gray said that some of the explanations in the letter TruGreen wrote were weak.
- Leibowitz informed the Board that the audit note on the terminated license said "Per Notice from Abraham Lincoln and employer – JB"
- Peacock added that the license was terminated in 2024 and that it would have expired a few months later and should have been renewed anyway.

8. <u>Other Old and New Business</u>

a. Written Stakeholder Comments regarding LD 1323, Resolve, Directing the Board of Pesticides Control to Evaluate the Impact of Neonicotinoids on Pollinators, Humans, and the Environment.

b. EPA Clears Outdated Pesticides from Marketplace to Protect Human Health & the Environment

- Gayoso told the Board that the update was a little misleading, as they make it seem like products are being removed from the marketplace. What this update was actually about was closing the book on the reevaluation process on the active ingredient (AI). The AIs in question don't have any registered labels under the EPA, so they closed them out. There could still be products that have these active ingredients. Typically, the EPA allows

continued sale of the product until they are all sold. Products aren't actually being removed from the marketplace.

c. EPA Releases Glyphosate Human Health Open Literature Search Document for Public Feedback

d. Variance Permit for CMR01-026, American Forest Management, Inc., Bowmantown.

e. Variance Permit for CMR01-026, American Forest Management, Inc., Oxbow.

f. Variance Permit for CMR01-026, ACPS, Chebeague Island

g. Variance Permit for CMR01-026, Basswood Environmental, Scarborough

h. Variance Permit for CMR01-026, Damariscotta Mills Consulting, Inc., Alna

i. Variance Permit for CMR01-026, Legacy Woodlot Services, Starks

j. Variance Permit for CMR01-026, Legacy Woodlot Services, Maine Rivers, Starks

k. Variance Permit for CMR01-026, Legacy Woodlot Services, Monroe

9. Schedule of Future Meetings

The next scheduled Board meeting date is November 13, 2026, at the Deering Building, Room 101, Augusta

Future Meetings: December 18, 2026, Wednesday, January 13, 2026 (ATS)

Adjustments and/or Additional Dates?

10. Adjourn
Carlton/Fanning: Moved and seconded to adjourn at 10:27 am
In Favor: Unanimous

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.