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

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

Memorandum

To: Board of Pesticides Control
From: Alexander Peacock, Director
Subject: Registration Process, ERAC, MAC

November 13, 2026

Background:

The Board of Pesticides Control (BPC) has recently received comments from the Maine Water Accountability Project that raise concerns about pesticides that are classified as PFAS in Maine and their potential to break down into trifluoroacetic acid (TFA), which may pose a risk as water contaminants.

Purpose:

The purpose of this discussion is to outline the pesticide registration process and tools available to evaluate a particular federally registered pesticide if the Board has determined that use of this pesticide within the State of Maine may cause unreasonable adverse effects on the environment and/or human health.

Attached Documents for Reference:

Written Comment from the Maine Water Accountability Project
MRS Title 7, §607. REGISTRATION
MRS Title 7, §609. REFUSAL TO REGISTER; CANCELLATION; SUSPENSION; LEGAL RECOURSE
BPC Policy Relating to the Environmental Risk Advisory Committee (ERAC)
BPC Policy Relating to the Medical Advisory Committee

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Written Comment for the November 13, 2026 Meeting

PFAS in Pesticides, the Unpublished TFA Breakdown, and the Trefinti Renewal

Maine Board of Pesticides Control — submitted in writing for the meeting record

Maine Water Accountability Project · 515 Molunkus Rd, Cornville, ME 04976

For submission ahead of the Board's deadline for written communications: 8:00 AM, November 10, 2026 (Board policy, as provided by Director Peacock on October 14, 2026)

The Maine Water Accountability Project submits this comment in writing. We will not attend the November 13 meeting, and this comment is written to stand on its own in the record. Director Peacock has advised us (October 14, 2026) that our inquiries will be presented to the Board at this meeting. This comment covers three things: what the record now shows about how many Maine-registered pesticides meet Maine's PFAS definition; two parts of that record that remain unpublished or unknown — the Board's full report on trifluoroacetic acid (TFA) breakdown, and the inert ingredients in these products; and the renewal of one PFAS product, Trefinti, whose renewal period opened on November 1.

1. How many PFAS pesticides are registered in Maine — three counts, three sources

Three counts now sit in the record, each with its own date and source. They were built at different times by different methods, and they land in the same place.

Figure	Count	Date	Source
PFAS pesticidal active ingredients under the Department's interpretation of Maine's PFAS definition	about 90, raised from roughly 50	September 24, 2026	Memorandum to the Board from Doug Van Hoewyk, Board staff
Distinct PFAS active ingredients found in Maine-registered products	84	Catalog built October 26, 2026, from the Board's registration list generated September 18, 2026	Maine Water Accountability Project catalog of the Board's published list
Currently Active registered products containing a PFAS active ingredient	1,464 of 10,769 Active registrations (1,615 flagged across all statuses, of 12,195 registrations on the list)	Same catalog, October 26, 2026	Same
Products known to meet Maine's PFAS definition	approximately 1,600, and the number affected "may very well exceed" that	October 26, 2026	Director Alexander R. Peacock, in writing

Two things follow. First, the Board's own staff figure and an independent count of the Board's published list agree: the number of PFAS active ingredients in products registered in Maine is on the order of 84 to 90, not the roughly 50 counted before the Department's interpretation was better understood. Second, by the Director's own answer, the count of affected products — approximately 1,600 known, possibly more, out of more than 12,000 registered — has not finished moving. The renewals now open will be processed against a definition whose full product count the Department itself says is still being determined.

2. What the record does not yet contain

The full TFA breakdown report is unpublished, with no timeline. On October 5, 2026, Director Peacock wrote that the Board toxicologists' full report on TFA breakdown "will be available when complete." We asked on October 26 whether that report exists and when it is expected. The Director answered, in writing, on October 26, 2026:

> "We currently do not have a timeline for a full report on TFA breakdown."

The September 24, 2026 staff memorandum addresses which PFAS pesticides are known or predicted to degrade into trifluoroacetate, and it puts the yield of TFA from pesticides as "a great unknown," with estimates ranging from about 1% to 100%. Only the full report can narrow that range, and as of the Director's October 26 answer there is no date for it.

The inert ingredients are unknown. In the same October 26 answer, the Director wrote: "Although we know which active ingredients meet Maine's PFAS definition, the inerts are unknown." Every count in the record — the staff memorandum's, the Director's, and ours — is a count of active ingredients. What these products contain beyond their active ingredients, on the PFAS question, is not known to the Department.

The registrant affidavit answers are not published. The Board collects a PFAS affidavit from every registrant. The per-product answers are held by the Board and are not published. For this renewal cycle, Director Peacock confirmed (October 14, 2026) that "all registrants are required to answer the affidavit questions to complete registration." The answers will therefore exist, product by product, for every product renewed — the public simply cannot see them.

3. Trefinti and the November 1 renewal opening

Trefinti (active ingredient cyclobutrifluram; registrant Syngenta Crop Protection LLC; EPA Registration No. 100-1722; Maine State Registration No. 2025001269) is registered **Active** in Maine on the Board's list generated September 18, 2026. Our catalog verifies from the federal composition record that cyclobutrifluram, at 38.5% of the product, meets Maine's PFAS definition.

Director Peacock confirmed on October 14, 2026 that "the registration of Trefinti Nematicide/Fungicide, EPA Reg. No. 100-1722, was approved by Board staff pursuant to 7 MRS § 607 on December 22, 2025," and that the "registration renewal period opens November 1, 2026." (Both dates rest on Director Peacock's October 14, 2026 answers.) The renewal of a TFA-forming PFAS active — the September 24 staff memorandum treats TFA-forming PFAS pesticides as a class, and TFA as extremely persistent and increasingly detected in groundwater — therefore opened twelve days before this meeting, in the same season in which the Board's full TFA breakdown report remains unpublished and its own product count remains unfinished.

In that same October 14 answer, the Director noted that the Board may decide to convene the Environmental Risk Advisory Committee (ERAC) and/or the Medical Advisory Committee (MAC) to take a closer look at these chemistries. We ask the Board to do so during this renewal cycle, and to give TFA-forming products product-specific scrutiny at renewal under the authority the Director cited, 7 M.R.S. §609.

What we ask of the Board

1. **Set and announce a timeline** for the toxicologists' full report on TFA breakdown, and publish the report when it is complete.
2. **Publish the affidavit answers** collected in this renewal cycle — product by product, or in aggregate tallies — so the count of PFAS products rests on what registrants themselves certify.
3. **Convene the Environmental Risk Advisory Committee and/or the Medical Advisory Committee** to review TFA-forming active ingredients, including cyclobutrifluram, during the 2026–27 renewal cycle.
4. **State on the record** how the Board weighed its staff's September 24, 2026 analysis — approximately 90 PFAS active ingredients under the Department's interpretation — in the renewals that opened November 1.

Thank you for the Board's work on this record, and for taking this comment in writing.

Anthony Salisbury Maine Water Accountability Project

§607. Registration

1. Conditions requiring registration. A pesticide may not be distributed in this State unless it is registered with the board in accordance with the provisions of this subchapter, except that registration is not required if:

A. A pesticide is shipped from one plant or warehouse to another plant or warehouse operated by the same person and is used solely at that plant or warehouse as a constituent part to make a pesticide that is registered under the provisions of this subchapter; or [PL 2005, c. 620, §6 (NEW).]

B. A pesticide is distributed under the provisions of an experimental use permit issued by EPA. [PL 2005, c. 620, §6 (NEW).]

[PL 2005, c. 620, §6 (AMD).]

2. Contents of statement made by applicant. The applicant for registration shall file a statement with the board, which must include:

A. The name and address of the applicant and the name and address of the person whose name will appear on the label, if other than applicant's; [PL 1975, c. 382, §3 (NEW).]

B. The name of the pesticide; [PL 1975, c. 382, §3 (NEW).]

C. Other necessary information required by the board; and [PL 2005, c. 620, §6 (AMD).]

D. A complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it, including the directions for use and the use classification as provided for in FIFRA. [PL 1975, c. 382, §3 (NEW).]

[PL 2005, c. 620, §6 (AMD).]

3. Submission of formula. The board, when it determines it necessary in the administration of this subchapter, may require the submission of the complete formula of any pesticide, including the active and inert ingredients.

[PL 2005, c. 620, §6 (AMD).]

4. Test results. The board may require a full description of all tests made and the results of those tests on any pesticide not registered pursuant to FIFRA, Section 3 or on any pesticide on which restrictions are being considered by the board. In the case of renewal of registration, the board may require a statement only with respect to test result information that is different from that furnished when the pesticide was registered or last reregistered.

[PL 2005, c. 620, §6 (AMD).]

5. Power to require other information. The board may by rules adopted under section 610 require the submission of other necessary information.

[PL 2005, c. 620, §6 (AMD).]

5-A. Confidentiality. Notwithstanding Title 1, section 402, data submitted pursuant to subsections 3, 4 and 5 that have been determined confidential by the Administrator of the United States Environmental Protection Agency in accordance with 7 United States Code, Section 136h (2007) are confidential and may not be available for public inspection.

[PL 2007, c. 597, §8 (AMD).]

6. Registration fee; programs funded. The applicant desiring to register a pesticide must pay an annual registration fee of $215 for each pesticide registered for that applicant. Annual registration periods expire on December 31st or in a manner consistent with Title 5, section 10002, whichever is later.

The board shall monitor fee revenue and expenditures under this subsection to ensure that adequate funds are available to fund board and related department programs and, to the extent funds are available,

to provide grants to support stewardship programs. The board shall use funds received under this subsection to provide:

A. An annual grant of no less than $135,000 to the University of Maine Cooperative Extension, on or about April 1st, for development and implementation of integrated pest management programs; [PL 2019, c. 243, §1 (AMD).]

B. Funding for public health-related mosquito monitoring programs or other pesticide stewardship and integrated pest management programs, if designated at the discretion of the board, as funds allow after expenditures under paragraph A. The board may seek the advice of the Integrated Pest Management Council established in section 2404 in determining the most beneficial use of the funds, if available, under this subsection; and [PL 2019, c. 243, §1 (AMD).]

C. An annual grant of not less than $65,000 to the University of Maine Cooperative Extension, on or about April 1st, for the development and revision of training manuals for applicator certification, licensing and recertification and to perform other aspects of pesticide education programs. The University of Maine Cooperative Extension may seek the advice of the board in establishing the pesticide education programs and shall submit an annual report on the use of the funds under this paragraph, no later than January 15th, to the board and the joint standing committee of the Legislature having jurisdiction over pesticide education and certification matters. [PL 2019, c. 243, §1 (NEW).]

The University of Maine may not charge overhead costs against grants under this subsection.

By February 15th annually, the board shall submit a report to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters detailing the grants funded by the fee under this subsection. The annual report must include a recommendation by the board as to whether the amount of the fee is adequate to fund the programs described in this subsection. The joint standing committee may report out a bill to the Legislature based on the board's recommendations.
[PL 2023, c. 22, §1 (AMD).]

7. Renewal of registration. Registrations must be renewed annually prior to January 1st. The board shall mail forms for reregistration to registrants at least 30 days prior to the due date.
[PL 2005, c. 620, §6 (AMD).]

8. Approval of application for registration.

[PL 2005, c. 620, §6 (RP).]

8-A. Approval of application for registration. The processing of an application for registration is governed by this subsection.

A. The board shall consider the required information set forth under subsections 2, 3, 4 and 5 and shall register a pesticide if it determines that:

(1) Its composition warrants the proposed claims for it;

(2) Its labeling and other material required to be submitted comply with the requirements of this subchapter;

(3) It will perform its intended function without unreasonable adverse effects on the environment;

(4) When used in accordance with widespread and commonly recognized practice, it will not generally cause unreasonable adverse effects on the environment; and

(5) A need for the pesticide exists. [PL 2005, c. 620, §6 (NEW).]

B. If, within 180 days from the date the completed application for registration is submitted, the board fails to act upon an application for registration of a pesticide that has been certified by EPA, the pesticide is deemed registered under this chapter unless the board issues a written statement containing the reasons for the failure to act upon the application. The statement of the board is deemed a refusal to register pursuant to section 609. [PL 2005, c. 620, §6 (NEW).]

C. Paragraphs A and B do not apply if the registrant fails to provide any information required to be submitted under this subchapter or does not provide other information requested by the board in order to determine whether the pesticide should be registered.

Nothing in this paragraph affects the rights of the board to make further inquiry regarding the registration of a pesticide or to refuse reregistration, to suspend or revoke registration or to otherwise restrict or condition the use of pesticides in order to protect public health and the environment. [PL 2005, c. 620, §6 (NEW).]

D. Prior to registering a pesticide for a special local need, the board shall classify the uses of the pesticide for general or restricted use in conformity with FIFRA, Section 3(d). The board may not make any lack of essentiality a criterion for denying registration of any pesticide. When 2 pesticides meet the requirements of this paragraph, the board may not register one in preference to the other. [PL 2005, c. 620, §6 (NEW).]

E. The board may establish such other requirements by rule in accordance with section 610 as are necessary to carry out the provisions of this subsection. [PL 2005, c. 620, §6 (NEW).]

[PL 2005, c. 620, §6 (NEW).]

9. Adverse environmental effects. If, at any time after the registration of a pesticide, the registrant has additional factual information regarding unreasonable adverse effects of a pesticide on the environment, the registrant shall submit that information to the board.

[PL 2005, c. 620, §6 (AMD).]

SECTION HISTORY

PL 1975, c. 382, §3 (NEW). PL 1977, c. 694, §§52-55 (AMD). PL 1979, c. 644, §1 (AMD). PL 1981, c. 9 (AMD). PL 1983, c. 568, §1 (AMD). PL 1985, c. 592 (AMD). PL 1985, c. 627, §1 (AMD). PL 1987, c. 310, §1 (AMD). PL 1987, c. 723, §1 (AMD). PL 1989, c. 878, §E5 (AMD). PL 1993, c. 410, §S1 (AMD). PL 2001, c. 498, §1 (AMD). PL 2003, c. 282, §1 (AMD). PL 2005, c. 585, §1 (AMD). PL 2005, c. 620, §6 (AMD). PL 2007, c. 466, Pt. A, §25 (AMD). PL 2007, c. 597, §8 (AMD). PL 2013, c. 290, §1 (AMD). PL 2013, c. 290, §4 (AFF). PL 2019, c. 243, §1 (AMD). PL 2023, c. 22, §1 (AMD).

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§609. Refusal to register; cancellation; suspension; legal recourse

1. Procedure. The following provisions govern the board when refusing to register a pesticide, refusing to renew a pesticide registration, canceling a pesticide registration or suspending a pesticide registration.

A. If it does not appear to the board that a pesticide warrants the proposed claims for it or if the pesticide and its labeling and other material required to be submitted do not comply with the provisions of this subchapter or rules adopted under this subchapter, the board shall notify the applicant of the manner in which the pesticide, labeling or other material required to be submitted fails to comply with the provisions of this subchapter so as to afford the applicant an opportunity to make the necessary corrections. [RR 2005, c. 2, §7 (COR).]

B. When the board determines that a pesticide or its labeling does not comply with the provisions of this subchapter or rules adopted under this subchapter, the board may cancel or refuse to renew the registration of a pesticide or change its classification, after notice and opportunity for hearing has been provided in a manner consistent with the Maine Administrative Procedure Act. [PL 2005, c. 620, §9 (AMD).]

C. When the board determines that there is an imminent hazard, it may, on its own motion, suspend the registration of a pesticide in accordance with Title 5, section 10004. [PL 2005, c. 620, §9 (AMD).]

D. When the board becomes cognizant of any possible hazard or violation involving a registered product, it shall cause notice of the possible hazard or violation to be delivered by registered mail, return receipt requested, to the registrant and may cancel or refuse to renew the registration of the pesticide or change its classification after notice and opportunity for hearing has been provided in a manner consistent with the Maine Administrative Procedure Act. [PL 2005, c. 620, §9 (AMD).]

E. [PL 2005, c. 620, §9 (RP).]

[RR 2005, c. 2, §7 (COR).]

2. Federally registered pesticides. If the board determines that any federally registered pesticide, with respect to the use of such pesticide within this State, does not warrant the claims for it, or might cause unreasonable adverse effects on the environment, the board may refuse to register the pesticide as required in section 607 or, if the pesticide is registered under section 607, may cancel or suspend the registration in accordance with subsection 1. If the board believes the pesticide does not comply with the provisions of FIFRA or the regulations adopted by EPA pursuant to FIFRA, it shall advise EPA of the manner in which the pesticide, labeling or other material required to be submitted fails to comply with the provisions of FIFRA and suggest necessary corrections.

[PL 2005, c. 620, §9 (AMD).]

3. Person adversely affected by board action. Any person adversely affected by a final action of the board under this section may obtain judicial review thereof by filing in the District Court, within 60 days after the entry of that final action, a petition praying that the action be set aside in whole or in part. A copy of the petition must be forthwith transmitted by the clerk of the court to the board and upon receipt the board shall file in the court the record of the proceedings on which it based its final action. The court has jurisdiction to affirm or set aside the final action complained of in whole or in part. The findings of the board with respect to questions of fact must be sustained if supported by substantial evidence when considered on the record as a whole. Upon application, the court may remand the matter to the board to take further testimony if there are reasonable grounds for the failure to adduce the evidence in the prior hearing. The board may modify its findings and final action by reason of the additional evidence and shall file the additional record and any modification of the findings or final action with the clerk of the court.

[PL 2005, c. 620, §9 (NEW).]

SECTION HISTORY

PL 1975, c. 382, §3 (NEW). PL 1977, c. 694, §§59-61 (AMD). PL 1989, c. 878, §E8 (AMD). PL 2005, c. 620, §9 (AMD). RR 2005, c. 2, §7 (COR).

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MAINE BOARD OF PESTICIDES CONTROL POLICY RELATING TO THE ENVIRONMENTAL RISK ADVISORY COMMITTEE (ERAC)

Adopted June 25, 1999
Amended September 29, 2000
Amended March 28, 2014

Background

The Maine BPC recognizes the potential impact of some pesticides on the environment from their federally approved label uses. Evaluation of risks specific to Maine situations and conditions is critical to reducing potential adverse effects on the environment. The Board needs impartial scientists, knowledgeable in the fields of biology, environmental toxicology, environmental chemistry, and ecology, who can provide expert assessments of environmental risks and provide guidance and recommendations to the Board.

Establishing an Environmental Risk Advisory Committee

The Board will select scientists with the appropriate expertise to serve voluntarily on the Board's Environmental Risk Advisory Committee (ERAC) on an ad hoc basis when the Board deems it is necessary to seek outside scientific expertise. The Board will provide a clear charge to the ERAC regarding the purpose and scope of the committee's work.

Membership

The ERAC will be chaired by a Board member. Additional committee members will be determined by the Board based on the current issue. The Board should appoint persons whose disciplines in aggregate are suitable for evaluating potential adverse environmental effects, and, where appropriate, for recommending courses of action to mitigate potential adverse effects.

Term

The committee will serve until it has issued a final report to the Board.

Meetings

The Committee will meet on an as needed basis at the invitation of the ERAC chair.

Compensation

The ERAC is voluntary and no compensation for services is available. However, all reasonable travel expenses will be reimbursed, subject to the approval of the staff director, in a manner consistent with State Travel Policy.

JOHN ELIAS BALDACCI
GOVERNOR

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MAINE BOARD OF PESTICIDES CONTROL POLICY RELATING TO THE MEDICAL ADVISORY COMMITTEE

Adopted August 1, 2008
Revised August 27, 2021

Background

The Maine Board of Pesticides Control recognizes the potential impact of some pesticides on human health, as well as the importance of protecting the beneficial uses of most pesticides when used carefully by responsible applicators. In order to separate potentially harmful chemicals from the essentially safe ones, the Board needs expert advisors, knowledgeable in the field of human health research or clinical practice, who can add their assessments to the economic and benefit recommendations of others prior to the Board initiating and ruling on pesticide restrictions.

These persons will be established as a volunteer Medical Advisory Committee to the Board of Pesticides Control.

Membership

The MAC will be composed of three standing members and *ad hoc* members. One standing member will be the Board member appointed with medical expertise. This member will also chair the committee. The other two standing members will be a scientist with clinical or human toxicology experience with preference for the State Toxicologist or their designee, from the Environmental Toxicology Program at the Maine Centers for Disease Control and the Medical Director of the Northern New England Poison Center or their designee. In addition, up to six members may be chosen *ad hoc* with expertise specific to the issue at hand. The Board will solicit and review resumes for positions on the MAC.

The Board should appoint as members persons whose disciplines in aggregate are suitable for identifying and evaluating health hazards or risks. Members are not required to be physicians, but should be qualified professionals in a related health care or medical research discipline.

Term

Ad hoc MAC members will be appointed by the Board for the duration of specific reviews.

Meetings

The Committee will meet on an as needed basis at the invitation of the MAC chairman.

Compensation

The MAC is voluntary and no compensation for services is available. However, all reasonable travel expenses will be reimbursed, subject the approval of the staff director, in a manner consistent with State Travel Policy.