



PAUL R. LEPAGE  
GOVERNOR

STATE OF MAINE  
MAINE DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY  
BOARD OF PESTICIDES CONTROL  
28 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0028

WALTER E. WHITCOMB  
COMMISSIONER  
HENRY S. JENNINGS  
DIRECTOR

**BOARD OF PESTICIDES CONTROL**

**March 28, 2014**

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

**MINUTES**

**8:30 AM**

Present: Jemison, Bohlen, Flewelling, Granger, Stevenson, Eckert, Morrill

1. Introductions of Board and Staff

- The Board, Staff and Assistant Attorney General Mark Randlett introduced themselves
- Staff Present: Jennings, Hicks, Tomlinson, Connors, Fish, Bills, Patterson

2. Minutes of the February 21, 2014, Board Meeting

Presentation By: Henry Jennings  
Director

Action Needed: Amend and/or Approve

The following amendments were requested:

- Introductions: add who was present
- Item 4, second bullet: change “and environmental group” to “an environmental group”
- Item 4, 11<sup>th</sup> bullet: change “won’t be for those people” to “won’t be a fit for those people”
- Item 4, 20<sup>th</sup> bullet: Bohlen misspelled
- Item 4, 21<sup>st</sup> bullet: Unclear, change “there were samples showing pesticides potentially caught in Maine” to “there were samples showing conflicting sample results in lobster caught in Maine”
- Under Other or New Business, add “The Board instructed Jennings to attend the workshop on the LD 1744 An Act To Protect Maine Lakes”
- Item 13, 6<sup>th</sup> bullet: after “Maine might be a good place for growing seed increase” add “(for out-of-state or out-of-country market),”
  - **Eckert/Bohlen: Moved and seconded to accept the minutes as amended**
  - **In favor: Unanimous**

3. Consideration of Complaint Filed by Donna Herczeg of Portland Concerning TruGreen Lawncare and Sterling Insect-Lawn Control

Chapter 90 of the Board’s rules (attached) allows citizens and organizations to submit complaints to the Director for the purpose of having the complaint placed on a Board Meeting agenda. While most complaints are not handled in this manner, Chapter 90 provides an alternate avenue to the public to

present concerns directly to the Board on matters in which the compliance staff is unable to address. The Board will review the complaint and determine if any action is warranted at this time.

Presentation By: Henry Jennings  
Director

Action Needed: Determine Whether any Action Is Warranted

- Jennings explained that Ms. Herczeg has written to the Board with a number of concerns, mainly around a conversation she had with a supervisor at TruGreen. There isn't a public law around what someone says, so there was no good way to address her complaint. Jennings said Ms. Herczeg's mention of weather conditions and applying before heavy rains, reminded him of past activities, which led to the staff creating BMPs. The difficulty with BMPs is that they are advisory, difficult to enforce. There are two companies mentioned in the complaint: the conversation was with TruGreen, and complaint about signs is for Sterling.
- Ms. Herczeg said that she has two years of experience with spraying in her neighborhood. She wrote a letter to the *Portland Press Herald* last year, which is now on the Natural Resources Council of Maine website, which explains more about her concerns. She wrote because of the notification registry, which has only a two-month window to register, and at a time when people aren't thinking about their lawns. She read the letter to the Board, which described a series of concerns about pesticides, how certain species of dogs are especially prone to certain types of cancers, studies that link pesticide exposure to dog cancer, and a summary of the pesticide notification rule.
- Jemison thanked Ms. Herczeg for coming. He explained that there are spray drift rules in effect, but that you only have control over your own property; you can't control what your neighbor does. If she feels there is drift, she can file a complaint and the staff will sample her property. If the sample is more than one percent of the residue found on the target site, then that starts a process where that person can explain what they did and why the drift occurred. If the Board feels that the person didn't prevent drift to the maximum extent possible, they will be fined. The Board does want to have a discussion about signage.
- Ms. Herczeg replied that not every state has notification or signs, and only 13 states have a registry. But more can be done. Lucas will show her where they spray; she doesn't have an issue of drift anymore, but there is no protection for bees or birds that land in that yard. Bees can travel six miles. Spraying in a city causes even greater difficulty; there aren't safe corridors for all these creatures. To protect bees, large areas are needed. She understands boundary rules, but concerns run deeper. The notification registry isn't advertised in newspapers; many people don't know there is a registry. The registry is more for chemical companies and businesses than for us. Their attitude is: well, there are only 20 people on the registry. Herczeg said she was shocked that in Portland there is only one person on the registry. It's very hard for a lot of people to get on the registry; she doesn't understand the purpose of the \$20 fee; neighbors have balked at the fee. Why is the registry public? People on the registry are in a public way opposing pesticides; she is concerned about people being mad at them.
- Eckert noted that it would be impossible to have a complete discussion of all these issues at that meeting. She remarked that Ms. Herczeg is a person with zero tolerance for pesticides, and there are many like her, but others believe they get some benefit from them. The Board has to try to balance the needs of everyone. It can address whether regulations are violated, which are there to protect the public and provide information. The Board can't do more than that, but private citizens can. Some communities have ordinances against pesticide use.
- Fish pointed out the YardScaping Partnership was started by the Board and that it has been looking at the issue for a long time, trying to educate people about sustainable landscaping practices.
- Jemison noted that the Board is sympathetic, but people look at how they manage their property to be their right; it's a property rights issue. He suggested having a discussion about signage at a future meeting.

- Herczeg said that one of her chief concerns is that the companies are using signs for marketing. The signs from Sterling were turned away from the street; she couldn't read dates. She asked if there were guidelines for signs. Jemison replied that the sign contained all the required elements.
- Bohlen commented that the board understands that a lot of people agree with Herczeg's thinking on pesticides. The Board must adhere to its statutory mandates. Signs are consistent with that mandate. Do they do what they are supposed to do—warn people? The notification registry has been a contentious issue for a lot of years; there are deep disagreements. The fact that there are only 20 people on the registry is good evidence that it's not working. The Board is constrained by legislative mandates.
- Ms. Herczeg and her husband noted that when they talked to the person on the phone (not sure which company), he was threatening; they felt that if he was the spokesman for the company, he should be educating the public and they should be able to trust what he says.
- Morrill noted that the Board has spent a lot of years developing regulations around these issues. The company has to honor requests for notification. There are many other rules; if the Board doesn't know they're not being followed, they can't do anything. Fish noted that Maine goes to great lengths in its training, more than most states, to impress that communication, especially risk communication, is very important.
- There was a question about whether the person answering questions was licensed in Maine; Fish answered that the rule requires every company to have a licensed master applicator, but does not require that every employee be licensed. The licensed master is the supervisor of the others; companies may have management people who aren't licensed, but are answering questions. We would prefer they defer to people who had training, but it's not mandated.
  - **Jemison said that the Board would have a discussion on signage and would ensure that Ms. Herczeg was aware of the agenda.**

4. Consideration of a Request from Darin Hammond of Jasper Wyman & Son about Potential Rulemaking to Deregulate Hexazinone

Hexazinone is currently regulated under Chapter 41: Special Restrictions on Pesticide Use. The regulation requires anyone purchasing, using or supervising the use of any pesticide containing hexazinone to have a private or commercial applicator license. It has been suggested by a constituent that because all growers will have to have at least an Agricultural Basic license by April 15, 2015, there is no longer a need for this regulation.

Presentation By: Henry Jennings  
Director

Action Needed: Determine Whether any Action Is Warranted

- Jennings explained that this section was added to Chapter 41 because of water quality concerns; it is a unique product with respect to water solubility. It had been found in both ground and surface water. Technically it's not restricted, because growers objected to the \$5 deposit on containers, so instead of making it restricted, it was put in rule that one has to be licensed to sell and use it. It was also put in rule that it couldn't be applied with an air sprayer. With the new Ag Basic license, anyone who might use it will be licensed, so there may not be a need for the Chapter 41 restrictions any more.
- Darin Hammond explained that the blueberry industry is unique; there is an older population of blueberry farmers. There were a few instances where they couldn't use Velpar L because they don't want someone else to do the application and the rule won't allow them to purchase or apply it themselves. If they have a friend who has a license, they can't purchase Velpar for them and be reimbursed because that would be distribution. Wyman's has an issue with a couple of farms which

are in trusts that have several family members. The family member with the license would have to purchase and apply and they couldn't be reimbursed. Hammond would like the Board to eliminate the restrictions in Chapter 41; everyone who sprays blueberries is going to have to be licensed soon. The point of having it in Chapter 41 was because of water contamination; Hammond advocated for addressing the concerns through continuing education.

- Eckert agreed that the Board wanted people to be aware of the water concerns. Jemison said he remembered giving a lot of talks about water concerns, making applicators aware that it is more leachable and understanding the principles. He noted that there has been a decline in use because there are more options available now.
- Hammond agreed that there are more options; growers use other products to prevent resistance. We have not seen an increase in water contamination. The EPA has done additional studies and found the danger to be low; it doesn't affect salmon.
- Bohlen said the existing use is clear, but in talking about changing the rule, is there a potential for a market to develop? Is there a risk to changing the rule? Jennings replied that it is used in other parts of the country for forestry, but not in Maine. Granger agreed, saying that there are not many plantations in Maine; there is a product containing hexazinone that can be used on Christmas trees, but its use is very limited. Jemison noted that it is expensive compared to other products; blueberry growers use it because the plant injury risk is low.
  - **Consensus was reached to include the proposal in rulemaking discussions.**

5. Consideration of a Request from Ian Yates of Scotts Lawn Service of Gorham about the Board's Policy Relating to Verifiable Authorization of Commercial Pesticide Application Services

The Board's Policy Relating to Verifiable Authorization of Commercial Pesticide Application Services lists several methods allowed for verification and allows the staff to approve other methods to provide a substantially equivalent degree of verification. Scotts Lawn Service of Gorham has submitted a proposed method which the staff would like the Board to review.

Presentation By: Henry Jennings  
Director

Action Needed: Provide Guidance to Staff

- Jennings explained that Board policy allows the staff to approve other methods that provide a substantially equivalent degree of verification. Scotts Lawn Service is struggling to get people to respond to their correspondence. Every method that has been approved included a response from the customer. This method would not require a response from the customer; is it verifiable?
- Eckert noted that there is no requirement that they have to reach somebody; they could leave five messages, but they could be left on the wrong phone. Bohlen noted that there are a lot of reasons why someone might be out of reach.
- Flewelling remarked that there is a lot of frustration in trying to get customers to respond and asked whether multi-year contracts were allowed. Jennings replied that they are, but most customers don't want to sign a multi-year contract. Randlett noted that the contract must have a specific end date. Morrill said that his understanding was that a multi-year contract would be verified each year. It used to be standard operating procedure to have a contract that automatically renewed unless the customer canceled. Jennings noted that the current policy requires a response from the homeowner. Randlett noted that Chapter 20, Section 6, allows for long-term contracts, provided certain conditions are met.
  - **Consensus reached that for a method to "provide a substantially equivalent degree of verification," as required by the policy, there would need to be contact with the customer.**

6. Section 18 Emergency Registration Renewal Request for HopGuard to Control *Varroa* Mites in Managed Honey and Commercial Bee Colonies

The Division of Animal and Plant Health, in the Maine Department of Agriculture, Conservation and Forestry, is requesting that the Board recertify the petition to EPA for a FIFRA Section 18 specific exemption for use of HopGuard (potassium salt of hop beta acids) to control *Varroa* mites in managed bee colonies. State Apiarist Tony Jadcak is seeking approval to continue use of this product, which has provided consistent control against *Varroa* mites during the last two seasons, and is an important alternative in resistance management and organic honey production. He points out that a healthy bee keeping industry is needed to support Maine agriculture, and that this product is essential to honey production and commercial bee operators. The request is supported by the registrant, BetaTec Hop Products, a wholly owned subsidiary of John I. Haas, Inc.

Presentation By: Mary Tomlinson  
Pesticides Registrar

Action Needed: Approve/Deny Request to Petition EPA for a Section 18 Specific Exemption Registration for HopGuard for Use with Bees.

- Tomlinson explained that this was a continuation of the use of HopGuard that was approved last year.
- Tony Jadcak, state apiarist, explained that there were no problems with the use of the product in 2013, unlike 2012, when there were problems associated with cold weather; hopefully this concern will be addressed on the new label when it comes out. The company is also working on a new version to add more molasses, more cardboard, more active ingredient. There are six other products for use against *Varroa* mites: four are approved for organic control, and one of the other two can be used while bees are making honey for human consumption. Researchers are looking at older products, which were resistant, but may not be anymore. There are pros and cons to all materials.
  - **Granger/Morrill: Moved and seconded to approve the Section 18 registration**
  - **In favor: Unanimous**

7. Consideration of the Canyon Group's Special Local Need (FIFRA Section 24[c]) Registration Request for GWN 1715-O (EPA #81880-5) to Control Mites and Whiteflies on Greenhouse Tomatoes

The Canyon Group is requesting a Special Local Need (SLN) registration to allow use of the parent product, GWN 1715-O in Maine. In turn, Canyon Group has given permission to Gowan Company to seek a state supplemental SLN registration (as a sub-distributor) to allow the GWN 1715-0 to be sold under the Gowan Company trade name, Sanmite. Backyard Farms supports the use of this product. EPA has established a tolerance for the active ingredient pyridaben.

Presentation By: Mary Tomlinson  
Registrar and Water Quality Specialist

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

- Tomlinson explained that the Board had previously approved Nexter for Backyard Farms. Gowan and Canyon Group have decided to no longer support the registration. This product is the same formulation. The Board needs to approve the primary SLN and then the supplemental SLN. Backyard Farms desperately needs this product to control mites. It is the same active ingredient, just a change of name and SLN, for marketing purposes.
- Bohlen pointed out that the label is unclear; it says do not apply more than eight ounces of product per crop cycle, but doesn't indicate area. Tomlinson replied that it is identical to what was approved before; a crop cycle is a specific number of weeks, then they replant. Jennings pointed out that the

area where Bohlen was looking is the “notes,” and is vague because there are two sets of rate instructions. Bohlen said that we should point out to them that the line in the notes section does not address area treated; labels are usually very clear about the area it applies to.

- Bohlen further noted that he hopes they get this off the SLN someday. Tomlinson replied that there is an issue with whiteflies because some products labeled cannot be used in greenhouses because of resistance concerns; this is the only product available for greenhouses. She pointed out that under general restrictions on the master label, there is a maximum per acre per year; it would probably be useful to have that on the SLN label.
  - **Flewelling/Bohlen: Moved and seconded to approve the SLN registration**
  - **In favor: Unanimous**

#### 8. Review of Revised Board Policy Relative to the Environmental Risk Advisory Committee

In 1999, the Board first created the Environmental Risk Advisory Committee (ERAC) as an analog to the Medical Advisory Committee (MAC), to assist the Board in evaluating and addressing state-specific environmental concerns. At the February 2014 meeting, the Board reviewed the ERAC Policy and decided to revise the policy in recognition that the ERAC is not commissioned frequently enough to justify assigning standing members to the committee. The staff has revised the policy consistent with the Board instructions and the policy is now ready for Board review, revision, if necessary, and approval.

Presentation By:      Henry Jennings                      Lebelle Hicks  
   Director    Staff Toxicologist

Action Needed:      Determine Whether the Revised Policy is Now Acceptable and Should Be Approved

- Jennings said that he wasn't sure whether there was consensus on the Board on whether to have a policy or not. There is no legal need for a policy. The Board may want the committee to be ad hoc, assembled to address a specific concern, then disbanded when concern has been addressed to the satisfaction of the Board. Should there be a policy, and if so, what should it be? The reason for the policy originally was that the Board wanted to be sure the committee was comprised of scientists without a vested interest.
- Bohlen noted that for this particular ERAC (lobster), the word scientist might be too narrow a word; the Board might need economists or other kinds of expertise; people that aren't really considered scientists. Jennings suggested the term “technical experts” could be added. Eckert pointed out that, if scientists are people that want to use verifiable, repeatable evidence, then economists can be scientists, too. Bohlen agreed to leave as is.
- Jemison noted that the advantage of a policy is that it gives a framework by which to select people; the Board doesn't want lobbyists. A policy gives a framework, grounds to stand on.
  - **Eckert/Bohlen: Moved and seconded to adopt as amended**
  - **In favor: Unanimous**

#### 9. Review of Current Rulemaking Ideas

Over the past several months, the Board has discussed a number of policy areas for which some additional refining of rules may be desirable. The staff summarized recent rulemaking ideas for the February 2014 meeting where the Board briefly reviewed the list but elected to table the discussion to next meeting. The staff is seeking guidance on whether and when to initiate any additional rulemaking.

Presentation By:      Henry Jennings  
   Director

Action Needed: Provide Guidance to the Staff

- Jennings explained that two of the rulemaking suggestions were from constituents: removing restrictions on hexazinone and posting signs in lieu of identifying and mapping sensitive areas for mosquito- and tick-control applications. In addition, there are a couple of policies that should be put into rule because policies aren't enforceable.
- Eckert asked if some time could be set aside to talk about signage. What is good signage, what is it good for? There are situations where signs are better; signage requirements are scattered throughout several chapters. Jemison agreed, adding that there is sure to be a diversity of opinion and it is worth spending some time on it. Should the rules be more restrictive so the message doesn't get lost? Put on the agenda a long discussion about signage, particularly turf.
- Fish asked if there was any message he should be giving to turf and ornamental applicators at upcoming meetings. Bohlen said that there should not be advertising on signs, but he was uncomfortable about sending a message that was not supported by the rule. Flewelling said that he is okay with advertising. Granger said the signs should definitely be pointed toward the road. Bohlen noted that they are technically following the rules. Stevenson said there should be some consideration given to the risks and benefits of putting plastics into the environment. Jemison asked whether any research had been done on what effect they have on the public, if any.
- Jennings commented that any rulemaking around signs would be major substantive, and will take some time.
- Jennings explained the suggested amendments to Chapter 31
  - (1) the Board has faced emergency situations with potatoes when it was so wet the tractors couldn't get in. The Board went through emergency rulemaking three times to allow for reciprocal licenses, so it might make sense to put an emergency provision in rule.
  - (2) The waiting period after failing the exam: is it really serving the purpose of ensuring there is an incentive for applicants to study? Other licensing rules have the same issue.
  - Jennings said that over a year ago the Board had discussed creating a new licensing category for those making pesticide recommendations.
- Bohlen suggested the staff come up with ideas based on conversations that have already happened. Jennings pointed out that the Board can discuss concepts, but can't actually review draft amendments until rulemaking is started.
- Bohlen noted that signage would not be easy. Morrill said that changing the requirements for 7E would be easier because the industry is already doing it. Other categories might be more difficult, e.g., 6B: how do you post a sidewalk? Jennings suggested it could be based on projects that are linear.
- Consensus was reached to look at chapters 20, 22, 28, 31, and 41.
- Jennings noted that Nicholas Hahn from CMP was present and was interested in opening up a discussion around Chapter 22. Hahn explained that it has to do with spraying inside substations—mapping the sensitive areas around a substation is a burden; the area can be one-quarter of an acre, up to several acres. It's all bare ground; they do pre- and post-emergent applications annually. Fish noted that access is controlled. Hahn agreed—it is all fenced in; outside the fence is a gravel area treated with a backpack sprayer. Granger remarked that they only have to map 500 feet around the substation, and is that really a big deal? Hahn said that it is updating the maps from year-to-year and keeping records that is the issue. They are doing the mapping, but think it's interesting that turf and ornamental don't have to. What is the reason?
- Granger noted that what they are doing is akin to what farmers do, and they have to update maps annually; no more work than for agricultural users.
- Bohlen noted that most of the exemptions are for specific kinds of applications. Is there something unique about this kind of application? Does it fall under some other box already? A fixed site in an urban setting where you have to pay attention to what's around it.

- Flewelling remarked that the reason the posting was done in place of mapping in urban areas is because everything in an urban area is a sensitive area. If a substation is in an urban area, it should be posted, if it's in the middle of nowhere, they should be mapping sensitive areas. Morrill noted that like with 7E, current practice is to do both because posting makes more sense. Hahn commented that posting is an internal requirement at CMP. Eckert noted that people do use the land for recreational purposes, e.g., atvs, snowmobiles, so posting might be a more useful requirement. Hahn said that he is more concerned with inside the area where they do the high-volume spraying.

10. Consideration of a Consent Agreement with Collins Lawn Insect Control, Inc., of Portland

On June 3, 1998, the Board amended its Enforcement Protocol to authorize 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 and resolve the matter. This case involved drift from a mosquito treatment onto an adjoining property.

Presentation By: Raymond Connors  
Manager of Compliance

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

- Connors gave the details of the complaint. The death of a dog was attributed to a mosquito-tick application. The inspector followed up, took samples of the target area and the complainant's property; the samples were positive for bifenthrin. No autopsy was done on the dog. Lebel Hicks evaluated what was known including symptoms and, in her opinion, could not attribute cause and effect. In the process of investigating the complaint about the death of the dog, it was determined that drift had occurred; the off-target residues were 16% of those found in the target area. PPE requirements were also not followed.
- Jemison asked how it was known whether PPE was used. Connors replied that the inspector asked the question as part of the investigation and the applicator answered.
- Connors explained that the situation was complicated by the fact that, at the same time as the incident, the uncle and the wife gave three dogs flea and tick baths using an expired 25(b) product.
- Flewelling asked how far off the boundary line the samples were taken; Connors said that the properties were separated by a stockade fence and the samples were taken within a foot on either side of the fence.
- Morrill noted that the addresses were 84 and 85, and asked whether they were on the same side of the road; Connors replied that they were on the same side of the road.
  - **Bohlen/Eckert: Moved and seconded to accept consent agreement as written**
  - **In Favor: Unanimous**

11. Other Old or New Business

- a. Legislative Update—H. Jennings
  - Jennings explained that the only bill to reach passage was the medical marijuana bill. The lates bill originally had a pesticide setback, but the pesticide piece was taken out altogether.
- b. Letter from the Joint Standing Committee on Agriculture, Conservation and Forestry—H. Jennings
  - Jennings pointed out the letter received regarding the lobster study. He noted that the Board had spent some time crafting the wording of the ERAC charge, but wondered if the word

“industry” should be in there. Bohlen replied that the advantage of saying industry is that it gets away from worrying about the health effects on individual lobsters; the committee can talk about a low risk of affecting the overall population, instead of individual lobsters. Changing from “industry” to “resource” takes away from an economic threshold and into an environmental threshold.

○ **Consensus reached to change “industry” to “resource” in the ERAC description**

c. ERAC update—L. Hicks

- Jennings explained that DMR is concerned about other invertebrates, mainly clams, because clams are sediment dwellers. Bohlen noted that clams are a food source for lobsters, so they are addressed. If the focus were on clams, it would be a different group of pesticides. Focus on those most likely to have an impact on arthropods, not on a broad suite of organisms. The choice of pesticides to test for will be the subject of the first meeting. A discussion ensued about choosing pesticides for the first round of sampling. The first meeting is scheduled for April 18 in Room 319, Deering.

d. Other

- Eckert noted that she had recently read an article about the increase in celiac disease being related to glyphosate. If anyone sees any research on this topic, she'd like to see it. Jemison noted that the allowable levels of glyphosate in food have increased over time. FDA has basically said it is an herbicide and shouldn't affect humans the same way. However, our gut microbes do have the shikimate pathway; glyphosate residues can shift microbial populations in chickens and pigs. Eckert agreed it was plausible, but there is no proof of correlation.
- Granger commented that at the last meeting the Board had instructed Jennings to go to the work session on the lakes bill. Jennings was asked by the Administration not to get involved. Granger and Morrill were at the work session, and could have spoken to clarify things if they had been authorized by the Board, but had not requested authorization because they thought Jennings would be there. Morrill agreed that they were put in an awkward position, because legislators asked them if there would be a representative from the Board, and they thought Jennings would be there to answer questions.
- Jennings explained that such decisions are made at the Governor's office; they assign it to a department, in this case, DEP. He exchanged a couple e-mails with Heather Parent, and sent her copies of BPC rules. Senator Saviello had sent an e-mail requesting that Jennings be at the work session; it was forwarded to Legislative Liaison, who spoke to the Governor's office, and they gave approval, but later they said it wasn't necessary for him to go, that he could answer Saviello's questions via e-mail.
- Granger said that the BPC rules were not clear to the Committee. He suspected Saviello didn't want to answer questions, he wanted someone from the Board to answer them. This is a precedent; if the Board asks staff to do something, it needs to know the Administration isn't going to override. Should the Board bring this up with the Administration?
- Stevenson suggested having Randlett look at it and clarify.
- Eckert noted that there is no mechanism for authorizing Board members to speak on behalf of the Board.
- Tim Hobbs remarked that this was not the first time this had happened; expertise is helpful, we have a concern if expertise is not being made available.
- Jennings said that the answer that the Board got from Randlett before was that the Board is allowed to make policy decisions, not allowed to direct the staff.
- Stevenson asked what are the Board's options for interacting with the Legislature? He thought that Jennings going to the work session was the best way for input; that didn't work.

If the Department was the lead agency, it wouldn't be an issue. Fish said that there is a difference between testifying and a work session. Bohlen stated that this is not about a Board position, but staff with relevant information that the committee needs should be available. If it were testifying, a Board member could go; if we know the Administration doesn't want the staff to take a position, the Board can send a representative to state the consensus opinion. Technical support, which Board members don't have, is being withheld. If the Governor's office says that a staff member can't go, is that okay?

- Jennings noted that the quick pace of the Legislative process is difficult for a public Board that meets monthly—you have to be able to see it coming, and take a vote. Randlett is not going to okay Board members talking to each other via e-mail and taking a position.

12. Schedule of Future Meetings

May 9, June 27, August 8, and September 12, 2014, are tentative Board meeting dates. The Board Chair has inquired whether the May 9 meeting could be rescheduled to May 16. The June 27 meeting is planned to be held in the Madison/Skowhegan area, following a tour of Backyard Farms. The Board will decide whether to change and/or add dates.

Adjustments and/or Additional Dates?

- **Change May 9 to May 16.**

13. Adjourn

- **Granger/Morrill: Moved and seconded to adjourn at 12:29 PM**
- **In favor: Unanimous**