



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**

**December 6, 2024**

**9:00 AM Board Meeting**

**MINUTES**

1. Introductions of Board and Staff

- Adams, Bohlen, Carlton, Fanning, Gray
- Assistant Attorney General, Carey Gustanski
- Boyd, Brown, Couture, Peacock, Pietroski, Poisson, Saucier, Vacchiano

2. Minutes of the October 25, 2024 Board Meeting

Presentation By: Alex Peacock, Director  
Action Needed: Amend and/or Approve

- **Carlton/Gray: Moved and seconded to approve the October 25, 2024 minutes**
- **In Favor: Unanimous**

3. Budget Review

Overview of BPC Budget.

Presentation By: Alex Peacock, Director  
Action Needed: Discussion

- Peacock stated that the budget appeared robust at the moment due to the increase in the registration fee, and because the BPC had not been fully staffed for over a year and a half. Staff are in the process of filling the empty positions. There are considerable concerns about a decrease in the EPA grant going forward. Any additional funds will allow BPC to increase our water quality programs and conduct more robust studies.
- Adams asked what fund the \$100,000 grant awarded to the Maine Center for Disease Control (CDC) and the \$46,540 granted to the DACF Integrated Pest Management Program came from.
- Peacock said he would verify which one it was with the resource department.

#### 4. Funding Request for DACF IPM Program

The Integrated Pest Management Program is requesting funds to assist with ongoing efforts for the advancement of IPM in Maine. The Maine IPM Program works closely with the BPC to educate and promote IPM across the entire State of Maine, including giving talks annually for applicator credits across several categories, updating the GotPests website with new factsheets and research and referring to the BPC website in all presentations and educational materials. While the IPM Program is supported, in part, by grant funding this funding is insufficient to support all outreach opportunities.

Presentation By: Hillary Peterson, Ph.D., IPM Specialist  
Action Needed: Approve/Disapprove Funding

- Peterson detailed how the funding from 2024 was spent and explained the ask for 2025. She stated that the extra funds would be used to keep on the temporary hire through the fall and winter. Peterson broke down the requested funds according to how they would be spent. She summarized of selected presentations, outreach and network marketing events and other IPM efforts. Peterson also spoke about the department's vector monitoring responsibilities and summarized the work conducted in 2024. Peterson presented a PowerPoint (posted on the BPC meetings page) that detailed the work planned for the program in 2025.
- There was discussion about the funding sources of, and relationships between, each entity that contributed to mosquito monitoring and testing in Maine.
- Adams said the Board had recently funded Maine CDC for an extra \$100,000, partly so they could extend their mosquito monitoring and testing. He stated that funding multiple groups rather than one concerted effort created potential for money to be wasted.
  - **Bohlen/Carlton: Moved and seconded to fund the DACF IPM program in the amount of \$46,540**
  - **In Favor: Unanimous**

#### 5. Case Background Summary, Herbicide Detections, Kittery

In September 2023, BPC staff investigated a case that involved the possible unauthorized application of herbicides in the Town of Kittery. This case involves destruction of trees and vegetation adjacent to coastal waters. As this case is unresolved, the BPC Enforcement Protocol provides for presentation to the Board for discussion and guidance.

Presentation By: Alex Peacock, Director  
Action Needed: Discussion/Guidance

- Peacock explained to the Board that this case involved possible unauthorized applications of herbicides spanning multiple years, possibly to create an ocean view, which was a highly sought after feature. He added that there was no direct evidence of who made the application, but photos from as far back as 2012 show dead trees with drill holes in them. The homeowner stated that a large tree would die every so often, and he did not think much of it, and then trees in a large swath began dying. Multiple soil and vegetation samples collected by BPC staff tested positive for tebuthiuron, and one was positive for triclopyr.

- The Board discussed unauthorized applications by an unlicensed individual and decided to refer this case to the Attorney General’s office.
  - **Carlton/Gray: Moved and seconded to refer this case to the Attorney General’s office**
  - **In Favor: Unanimous**

6. BPC Prohibited Acts

Upon the Board’s acceptance of the Administrative Consent Agreement with Arthur and Amelia Bond in July of 2023, staff have often been asked what can be done to deter violations of unauthorized pesticide applications in the future. MRS Title 7 §606. Prohibited Acts, outlines criteria of pesticide use that are recognized as violations in statute. Staff has prepared sample language that may enhance the prohibited acts provisions to create a greater deterrent for unauthorized applications of pesticides. This topic is brought to the board for input and discussion

Presentation By: Alex Peacock, Director  
 Action Needed: Discussion

- Peacock stated that the Board had previously discussed ways to deter unauthorized violations..
- Adams suggested going to the next agenda item and discussing prohibited acts in the context of the numeric penalty that may be associated with them.

7. BPC Penalties

During presentation and ratification of administrative consent agreements, the subject of insufficient penalties to deter future violations has often been raised. BPC penalties have also received attention in the media in connection with recent fines that have been assessed. MRS Title 7 §616-A. Penalties, outlines the BPC’s penalty structure in statute. Staff has prepared sample language that may enhance the penalty provisions. This topic is brought to the board for input and discussion.

Presentation By: Alex Peacock, Director  
 Action Needed: Discussion

- Peacock stated that there had been Board discussion about increasing the ceiling of penalties to greater deter violations. He reminded the Board that this would be a statutory change and also noted that staff had prepared sample language for discussion purposes. Peacock said that a larger penalty ceiling would allow staff to put a penalty matrix into policy that would increase transparency on how fines are reached and how we go to that.
- Bohlen stated that the monetary penalties had been the same since 2003 while the consumer price index had nearly doubled since then. He added there was a strong case for a significant increase. Bohlen said he would like to see them doubled, just in terms of keeping up with inflation.
- The Board members agreed. Adams said to add language that specifically stated an ‘unlicensed applicator’ since it was not currently in there.
- Peacock said that staff would do that.

- Representative Pluecker said he was working on a bill and would be happy to work with the Board to add details from the discussion today.
- The Board agreed.

8. Service Container Labeling Policy

At the October 25, 2024, meeting, staff proposed a policy regarding labeling of service and secondary containers for pesticides. Upon taking into consideration the feedback during the discussion at the meeting, staff has revised the proposed policy.

- Peacock told the Board that this policy was brought back from the last meeting.
- Bohlen stated that the policy seemed restricted to concentrates and asked how that term was defined.
- Peacock stated that Board feedback suggested that the language may be too complicated, so staff decided to begin with just concentrates. He added that staff could return with language about batch tanks and a definition for secondary service containers.
- Gray noted that if ratios were required, applicators would need to do quite a bit of math to determine the dilution rate as a percentage, depending on the product.
- Peacock said if the policy at least contains the brand name, product name and EPA registration number, then a label could be tracked down so individuals would know what hazards they were dealing with.
- Carlton agreed and said not to make it too complicated.
- There was a question about the inclusion of pesticides that were not in liquid form.
- Peacock replied that pesticides in solid form could also be moved to service containers, but their inclusion in the policy could certainly be discussed further.
- Adams directed staff to please do the wordsmithing and bring it back to the Board at the next meeting.

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

9. 2023 Aerial Forestry Report

In 2021, the 131<sup>st</sup> Maine legislature voted to pass LD 125, An Act to Prohibit Aerial Spraying of Glyphosate and Other Synthetic Herbicides for the Purpose of Silviculture. Governor Mills vetoed the bill and issued an executive order requiring state agencies to review the best management practices, rules and regulations, and potential consequences of aerial glyphosate application. One of the key provisions of this executive order was the establishment of a surface water quality study specifically focused on the impact of aerial herbicide spraying in forestry. The Maine Board of Pesticides Control (BPC) was tasked with conducting this study.

Presentation By: Julia Vacchiano, Pesticide Registrar & Water Quality Specialist  
 Action Needed: Discussion

- Vacchiano explained the surface water quality study staff had completed and that plans for additional work would be presented at a future Board meeting. Vacchiano and Bohlen have been working on the collected data to determine what questions could be answered with it, and what

questions the Board wanted to answer with future efforts. Bohlen thanks the staff for all of their work on this study.

10. Other Old and New Business

- a. EPA Releases Rodenticide Strategy, Including Final Biological Evaluation on the Effects of 11 Rodenticides on Endangered Species and Associated Mitigation
- b. Municipal Ordinance, Town of Camden
- c. Groundwater Monitoring Plan Revision
- d. EPA Releases Draft Guidance to Support Registration of Pre-saturated Disinfecting Wipes
- Adams stated that Pietroski did an amazing job presenting the Endangered Species Act information.
- e. EPA Makes Thousands of Records on the Agency's Review of Studies on Pesticides Publicly Available

11. Schedule of Future Meetings

Tentative future meeting dates: April 11, 2025, May 23, 2025, July 11, 2025

12. Adjourn

- **Adams/Carlton: Moved and seconded to adjourn at 11:15 AM**
- **In Favor: Unanimous**