



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

Date: December 8, 2016
To: Board Members
From: Staff
Subject: List of Active Ingredients Approved for Control of Browntail Moths

Chapter 29, Section 5 of the Board's rules regulates the use of pesticides to control browntail moths (BTM) within 250 feet of marine waters. Section 5 (B) (II) (a) limits the products that can be used between 50 and 250 feet of marine water to active ingredients approved by the Board. In light of the recent BTM population surge, the availability of newer chemistries, and the anticipated need for effective control options, the Maine Forest Service and licensed professionals are requesting an updated list.

During 2006, the Board's Environmental Risk Advisory Committee (ERAC) reviewed carbaryl, diflubenzuron (Dimilin) and 3 synthetic pyrethroids and recommended approval of the active ingredients diflubenzuron, permethrin, tau-fluvalinate and cyfluthrin. In the current ERAC review and in EPA's recent Ecological Risk assessment, the synthetic pyrethroids are being addressed as a chemical class rather than individually. If the Board determines it's appropriate to remain consistent with the 2006 ERAC assessment, then adding the other currently registered synthetic pyrethroid compounds is logical and defensible. Other synthetic pyrethroid active ingredients include bifenthrin, cyhalothrin-lambda, cypermethrin and deltamethrin.

If the Board determines the public interest is best served by approving additional active ingredients beyond the synthetic pyrethroids, one possibility would be to utilize EPA's most recently published environmental toxicity data along with use rate information (as a surrogate for and exposure assessment) to expand the list. This would require a detailed label review regarding the current use rates for moth control in ornamental trees

Section 5 (A) of Chapter 29 contains certain exemptions to the requirements including the use of "biological pesticides". "Biological pesticides" was never defined by the Board. When Section 5 of Chapter 29 was adopted, it was contemplated that biological pesticides would include organisms and their associated proteins such as commercial formulations of *Bt*. Since that time, questions have arisen about whether products that are derived from organisms, such as neem and spinosad, are also considered biological pesticides. EPA regulates neem as a biological pesticide and spinosad as a conventional chemical. In the short term, the Board could develop an interpretation of the term via Board policy, and then memorialize that definition through rulemaking in the future.

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