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GOVERNOR

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

WALTER E. WHITCOMB
COMMISSIONER

HENRY S. JENNINGS
DIRECTOR

BOARD OF PESTICIDES CONTROL

October 26, 2012

Important—please note room change

AMHI Complex, 90 Blossom Lane, Deering Building, Room 170, Augusta, Maine

AGENDA

8:30 AM

1. Introductions of Board and Staff
2. Minutes of the September 7, 2012, Board Meeting

Presentation By: Henry Jennings
Director

Action Needed: Amend and/or approve

3. Workshop Session to Review the Rulemaking Record on the Proposed Amendments to Chapters 10, 27, and 50, and the Proposed Repeal of Chapter 21

(Note: No additional public comments may be accepted at this time.)

On August 15, 2012, a Notice of Agency Rulemaking Proposal was published in Maine's daily newspapers, opening the comment period on the proposed amendments to Chapters 10, 27, and 50, and the proposed repeal of Chapter 21. A public hearing was held on September 7, 2012, at the AMHI Complex, Deering Building, in Augusta, and the written comment period closed at 5:00 PM on September 28, 2012. Two people spoke at the public hearing and 29 written comments were received by the close of the comment period. The Board will now review the rulemaking comments and determine how it wishes to proceed with the rulemaking proposals.

Presentation by: Henry Jennings
Director

Action Needed: Discussion and determination on how the Board wishes to proceed with the rulemaking proposals

4. Update on 2012 Arboviral Activities

During 2012, Maine's arboviral surveillance network detected the presence of West Nile Virus (WNV) in mosquito pools earlier than in recent years. In addition, Eastern Equine Encephalitis (EEE) was detected in bird populations. These observations, coupled with the record-setting incidence of WNV across the entire continental United States, raised concerns about the possibility of an arboviral disease outbreak in Maine. In light of this concern, at its September 7, 2012, meeting, the Board adopted an emergency amendment to Chapter 20 of its rules to facilitate public health mosquito abatement efforts, in the event that the Maine Center for Disease Control and Prevention recommended spraying. Recent frosts have eliminated the threat of mosquito-borne disease for much of the state for this year, but the likelihood that Maine will face mosquito-borne illness threats in the coming years is high. As a result, the staff has been working with other agencies and organizations in an effort to be prepared for an arboviral disease threat in the future. The staff will update the Board on its recent efforts, including research done on mapping requirements for aerial spray programs and online tools being used in other states to protect sensitive sites. In addition, the Board will need to decide whether the recent emergency provisions should be reconsidered.

Presentation By: Paul Schlein, Public Education Specialist
Henry Jennings, Director

Action Needed: Provide direction to the staff

5. Consideration of a Consent Agreement with TruGreen Lawncare of Westbrook

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 in 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 two separate pesticide applications made to the same property, where an abutter was listed on the Maine Pesticide Notification Registry but was not notified.

Presentation By: Raymond Connors
Manager of Compliance

Action Needed: Approve/disapprove the consent agreement negotiated by staff

6. Other Old or New Business

- a. Request for pesticide notification registry for beekeepers—H. Jennings
- b. Other?

7. Schedule of Future Meetings

December 7, 2012, and January 25, March 1, April 12, and May 17, 2013, are tentative Board meeting dates. Additionally, there will be a public forum scheduled for one hour during the Maine Agricultural Trades Show, preferably on Wednesday, January 9, 2013. The Board will decide whether to change and/or add dates.

Adjustments and/or Additional Dates?

8. Adjourn

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 attention of Paul Schlein, Public Education Specialist, at the Board's office. 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.