



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

October 13, 2023

9:00 AM Board Meeting

Join the meeting in person in Room 101, Deering Building, 32 Blossom Lane, Augusta
Or

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 291 745 691 971

Passcode: N7iQhU

Or call in (audio only)

[+1 207-209-4724,,532739910#](tel:+12072094724532739910)

Phone Conference ID: 532 739 910#

AGENDA

1. Introductions of Board and Staff
2. Minutes of the September 1, 2023 Board Meeting

Presentation By: John Pietroski, Acting Director
Action Needed: Amend and/or approve
3. Workshop Session to Review the Rulemaking Record on the Proposed Amendments to Chapters 20, 31, 32, and 41

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

On August 9, 2023 a Notice of Agency Rulemaking Proposal was published in Maine's daily newspapers, opening the comment period on the proposed amendments to Chapters 20, 31, 32, and 41. A public hearing was held on September 1, 2023 by a hybrid meeting in Deering Building 101 at 90 Blossom Lane, Augusta and on the Microsoft Teams platform. The written comment period closed at 5:00 PM on September 11, 2023. Nine people spoke at the public hearing and six written comments were received by the close of the comment period. One additional comment was received after 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.

MEGAN PATTERSON, DIRECTOR
90 BLOSSOM LANE, DEERING BUILDING



PHONE: (207) 287-2731
WWW.THINKFIRSTSPRAYLAST.ORG

Presentation By: Karla Boyd, Policy & Regulations Specialist

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

4. LD 1770 Sales & Use Reporting

At the September 1, 2023 Board meeting, staff brought forward a memo regarding the implementation of LD 1770. Bohlen agreed to join staff for a meeting with developers and licensed applicators/dealers that use Maine Pesticide Enforcement, Registration, and Licensing Software (MEPERLS) to discuss changes that would be needed to simplify the data entry process for annual reports. Staff will provide an update from that meeting. In addition, the Board discussed potential rulemaking to require electronic submissions of records. Staff have provided potential amendments to Chapter 50: Recordkeeping that would implement these requirements. A report on the implementation of LD 1770 is due to the legislature by March 1, 2024.

Presentation By: John Pietroski, Acting Director

Action Needed: Discussion

5. Revised BPC Budget Review

Staff have prepared the budget for fiscal years 2024, 2025, and 2026 for the Board to review. Staff is requesting the Board's guidance on adjustments to the budget including adding funding to additional programs.

Presentation By: John Pietroski, Acting Director

Action Needed: Review and Discussion

6. Discussion About Registration of Repellent Clothing

At the September 1, 2023 meeting, the Board discussed potentially adding repellent clothing to registration requirements. Staff had requested the Board's guidance in developing a policy for registering or exempting pesticide-impregnated clothing and gear. During the discussion, Board members asked for additional information describing the greater context of this issue. Staff will present assembled documents, sample labels, and feedback from other states regarding impregnated clothing and gear.

Presentation By: Pamela Bryer, PhD, Pesticides Toxicologist

Action Needed: Discussion

7. Update on Agricultural Container Recycling in Maine

At the last Board meeting members expressed interest in receiving an update regarding the current landscape of agricultural container recycling in Maine. In response, staff spoke with Mark Hudson, Executive Director, of the Ag Container Recycling Council (ACRC). Hudson offered to attend the following Board meeting to give an update on agricultural container recycling. Additionally, material describing changes to state law regarding the new extended producer responsibility (EPR) container recycling program has been included in the board packet. The Department of

Environmental Protection facilitates the EPR program. This new program may affect pesticide manufacturers depending on several criteria as described in the included material. Successful implementation of the ACRC (or similar) recycling program has the potential to provide an exemption for pesticide manufacturers from EPR participation.

Presentation By: Staff
Action Needed: Discussion

8. Other Old and New Business

- a. EEE Press Release
- b. Press Release on Drone Use in Herbicide Applications in Maine
- c. Variance Permit for CMR01-26 Chapter 29, RCL Services, LLC
- d. Variance Permit for CMR01-26 Chapter 29, Midcoast Conservancy
- e. EPA Update: DCPA (Dacthal) Technical Product Suspended
- f. EPA Update: New Active Ingredient Fluazaindolizine Registered
- g. EPA Update: Proposes New Mitigations for TCVP
- h. EPA Update: Upcoming Webinar on Understanding Bulletins Live! Two November 9, 2023
- i. EPA Update: Approves New Mitigations for Cyantraniliprole as Part of ESA Protections
- j. EPA Update: Public Comment Period on Proposal to Register Novel Pesticide Technology for Potato Crops

9. Schedule of Future Meetings

December 1, 2023, January 10, 2024, February 23, 2024 and April 5, 2024 are the next scheduled Board meeting dates. The Board will decide whether to change and/or add dates.

Staff reserved Deering Room 101 for December 1, 2023 and January 10, 2024; Marquardt Room 118 for February 23, 2024; and Deering Room 101 for April 5, 2024.

Adjustments and/or Additional Dates?

10. 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 Board's office or pesticides@maine.gov. 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.