



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

**PAUL R. LEPAGE**  
 GOVERNOR

**WALTER E. WHITCOMB**  
 COMMISSIONER

To: Board of Pesticides Control Members.  
 From: Cam Lay, Director.  
 RE: Scheduled review of policy regarding staff approval of variances  
 Date: June 14, 2017

\*\*\*\*\*

On September 8, 1995, the Board adopted a policy authorizing the staff to approve repeat variance requests but did not define a “repeat variance.”

At the April 24, 2015 meeting the Board discussed allowing the staff to issue new variances from Chapter 29 for pesticide applications within 25 feet of surface water in railroad and DOT rights-of-way if they adhered to the criteria detailed in a memo from Henry Jennings and related Board discussions. The Board also requested that the issue be revisited in two years. The staff would like the Board to now provide guidance for creating a formal policy for initial variances and renewals. The original memo and minutes are attached for reference. Staff would like to know if flood-control levees and utility lines should be included in the policy as well.

Since April 2015 the staff has approved and reported to the Board the following variance renewals (applications attached):

- 1) Dubois Contracting, Fort Kent levee.
- 2) RWC, Inc., Railroad ROWs.
- 3) Asplundh Tree Expert Co, Railroad Division, Railroad ROWs.
- 4) Maine Department of Transportation, roadside ROWs.

For reference, the 2015 Variance Request for the Transmission line at the Kibby Wind Power Project (which was discussed and approved by the Board) is also attached.

**CAM LAY, DIRECTOR**  
 32 BLOSSOM LANE, MARQUARDT BUILDING



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