



JOHN ELIAS BALDACCI  
GOVERNOR

STATE OF MAINE  
MAINE DEPARTMENT OF AGRICULTURE, FOOD & RURAL RESOURCES  
BOARD OF PESTICIDES CONTROL  
28 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0028

SETH H. BRADSTREET III  
COMMISSIONER  
HENRY S. JENNINGS  
DIRECTOR

**BOARD OF PESTICIDES CONTROL**

**October 17, 2008**

John E. Dority Safety & Performance Training Center (Conference Room, Lower Level)  
10 Mountain Avenue (off Route 201 going toward Skowhegan), Fairfield  
(Exit 133 from I-95)

**AGENDA**

**9:30 AM**

1. Introductions of Board and Staff
2. Minutes of the September 12, 2008, Board Meeting

Presentation By: Henry Jennings  
Director

Action Needed: Amend and/or approve

3. Draft Policy for Submission and Review of 24(c) Registration Requests

At the September 12, 2008, meeting, the Board and staff discussed the process for Special Local Need [24(c)] registration requests and how to ensure that adequate time is allowed for review, research, and possible requests for additional information before the application is submitted to the Board. The Board instructed the staff to draft a policy and bring it back to the next meeting. The policy will now be reviewed and considered for adoption.

Presentation By: Henry Jennings  
Director

Action Needed: Decide whether to adopt the policy

4. Consideration of Staff Negotiated Consent Agreement with P.R. Webster Professional Groundskeeping Inc.

On June 3, 1998, the Board amended its Enforcement Protocol to authorize the 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 the application of turf pesticides at a commercial site without a license. Further investigation also

determined that the correct type of label-required personal protective equipment was not worn and the records kept were not complete, as required.

Presentation By: Raymond Connors  
Manager of Compliance

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

5. Consideration of Staff Negotiated Consent Agreement with Snowmans Oil and Soil Inc.

This case is similar to the preceding agenda topic 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 commercial application of an herbicide without a license.

Presentation By: Raymond Connors  
Manager of Compliance

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

6. Review of Draft Rules on Aerial Spraying and Drift [Note: No public input may be received for this agenda item]

The Board held a Public Information Gathering Meeting on aerial spraying and spray drift at its December 2007 meeting, and has discussed issues and ideas at each of its meetings since then, including site planning, sensitive areas, standards of practice, buffers, and notification. At its September 12, 2008, meeting the Board reviewed and discussed a staff memo summarizing everything to date. Following lengthy discussion between Board, staff, and audience participants, the Board instructed the staff to prepare draft rules for Chapters 10, 22, and 28, and bring them back to the next meeting for review and approval, in preparation for rulemaking. The Board will now review these draft rules on aerial spraying and drift and decide whether to proceed with rulemaking.

Presentation By: Henry Jennings  
Director

Action Needed: Review the draft rules and decide whether to proceed with rulemaking

7. Other Old or New Business

- a. E-mail from Thomas Woodruff of Falmouth, Maine, regarding pesticide use and sign posting for lawn applications—G. Fish
- b. E-mail from Marsha Mongell of Rockport, Maine, regarding pesticide use and regulations—H. Jennings

- c. Review of the current Board policy for accepting public comments during non-rulemaking periods—P. Schlein
- d. Update on Bt Sweet Corn Registration Requests—H. Jennings
- e. Other?

8. Schedule and Location of Future Meetings

November 14 and December 12 are the tentative dates for the next Board meetings. Board members have discussed moving these dates back one week to allow for a public rulemaking hearing. The Board will decide whether to change and/or add dates.

Adjustments and/or Additional Dates?

9. 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](http://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 Information Officer, 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.