



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 8, 2021**

**9:00 AM Board Meeting**

Video conference hosted in MS Teams, to join the meeting:

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

+1 207-209-4724 United States, Portland

Phone Conference ID: 440 033 928#

**AGENDA**

1. Introductions of Board and Staff
2. Minutes of the August 27, 2021 Board Meeting  
Presentation By: Megan Patterson, Director  
Action Needed: Amend and/or approve
3. Introduction of Dr. Hillary Peterson, Integrated Pest Management Specialist with the Department of Agriculture, Conservation and Forestry

Following a competitive interview process, Dr. Hillary Peterson was hired in August of 2021. Dr. Peterson began serving as the Integrated Pest Management Specialist with the DACF on September 7th. This position was formerly held by Dr. Kathy Murray until April 30, 2021, when she retired after 22+ years of service.

MEGAN PATTERSON, DIRECTOR  
90 BLOSSOM LANE, DEERING BUILDING



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

Presentation By: Megan Patterson, Director

Action Needed: Information only

4. Staff Memo: Introduction of Laboratory Equipment for Pesticide Analyses

Periodically, EPA makes available funds for expansion of pesticide program laboratory capacity. In 2021, these funds were used to purchase equipment capable of conducting automated ELISA analysis. Staff will now introduce the equipment and its current and future capabilities.

Presentation By: Dr. Pam Bryer, Pesticides Toxicologist

Action Needed: Information only

5. Staff Memo: Feasible Definition of PFAS in Pesticide Products

LD 264 directs the Board to amend its rules governing registration of pesticides to require two affidavits pertaining to the product containment and product formulation. The first affidavit requires manufacturers and distributors to affirm that the pesticide product they are registering/reregistering has or has not been stored, distributed, or packaged in a fluorinated HDPE container. The second affidavit requires manufacturers to affirm that the pesticide they are registering/reregistering does or does not contain, as a part of its formulation, PFAS. For registrants to attest via these affidavits, the Board must define PFAS. Given the rapidly changing science related to PFAS, staff suggests adoption of a policy that may be referenced in rule.

Presentation By: Dr. Pam Bryer, Pesticides Toxicologist

Action Needed: Discuss and determine the next steps

6. Review of Potential Rulemaking Concepts Pertaining to LD 155 (neonicotinoids used in residential turf/landscape management) and LD 264 (registration affidavits related to PFAS and container fluorination)

On June 10, 2021 LD 155 and LD 264 were signed into Maine law. LD 155 is a resolve and directs that Board to prohibit the use of any product containing the active ingredients dinotefuran, clothianidin, imidacloprid or thiamethoxam used for application in outdoor

residential landscapes such as on lawn, turf, or ornamental vegetation. The resolve directs the Board to provide exemptions for certain applications related to wood preservation, structural pests, pets, and emerging invasive insects. LD 264 is a resolve and directs the Board to amend its rules governing pesticide product registration to require manufacturers and distributors to provide affidavits stating whether the registered pesticide has ever been stored, distributed, or packaged in a fluorinated high-density polyethylene container. It further directs the Board to require manufacturers to provide an affidavit stating whether a polyfluoroalkyl or polyfluoroalkyl substance is in the formulation of the registered pesticide. At its August 27, 2021 meeting, the Board held stakeholder information gathering sessions addressing these two bills. Following the August meeting, the Board directed staff to return with a review of rulemaking concepts.

Presentation By: Megan Patterson, Director

Action Needed: Refine the rulemaking concepts and schedule a hearing

7. 2021 Preliminary Water Quality Monitoring Related to Aerially Applied Herbicides in Forestry

Executive Order 41 FY 20/21 directed the Board to develop a surface water quality monitoring effort to focus on aerial application of herbicides in forestry to be conducted in 2022. In an effort to be responsive to this request and to accommodate what was a changing timeline for completion of the EO request, staff conducted a small preliminary surface water quality monitoring pilot in 2021. Sampling was limited and all samples were collected in advance of planned 2021 aerial applications of herbicides for site preparation and conifer release.

Presentation By: Mary Tomlinson, Pesticide Registrar and Water Quality Specialist

Action Needed: Discuss and provide feedback on results

8. Consideration of a Consent Agreement with Central Exterminating Services, Inc., Lincolnville, Maine

The Board's Enforcement Protocol authorizes staff to work with the Attorney General and negotiate consent agreements in advance on 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 to resolve the matter. This case involves an unauthorized application.

Presentation By: Raymond Connors, Manager of Enforcement

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

9. Other Old and New Business

- a. Obsolete Pesticide Collection Press Release
- b. LD 1503—An Act to Stop Perfluoroalkyl and Polyfluoroalkyl Substances Pollution
- c. EPA’s Analytical Chemistry Branch Method for the Analysis of PFAS in an Oily Matrix
- d. Comments in Response to LD 155 and 524 Received After the August Board Meeting
- e. Massachusetts Spotted Lanternfly Pest Alert
- f. Medical Advisory Committee Update
- g. Other items?

10. Schedule of Future Meetings

The board asked staff to return to the October 8 meeting with a proposal of tentative Board meeting dates. To accommodate the rulemaking agenda, staff propose November 19 and December 17 meeting dates. The Board will decide whether to change and/or add dates.

Adjustments and/or Additional Dates?

11. 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 Board’s office or [pesticides@maine.gov](mailto: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.