



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

March 5, 2021

9:00 AM Board Meeting

Video conference hosted in MS Teams

MINUTES

Adams, Bohlen, Granger, Jemison, Morrill, Flewelling, Waterman

1. Introductions of Board and Staff

- The Board, Assistant Attorney General Randlett, and Staff introduced themselves
- Keith Brown, Pam Bryer, Ray Connors, Amanda Couture, Heidi Nelson, Megan Patterson John Pietroski, Lucien Saucier, Mary Tomlinson

2. Minutes of the January 20, 2021 Board Meeting

Presentation By: Megan Patterson, Director

Action Needed: Amend and/or approve

- **Jemison/Waterman: Moved and seconded to accept meeting minutes**
- **In Favor: Unanimous**

3. Report on 2020 Work Accomplished and Request for Funds for Mosquito Monitoring from the Integrated Pest Management Program

The Integrated Pest Management Program is reporting work accomplished in 2020 and requesting funds to assist with on-going efforts for mosquito surveillance, identification and continued outreach around vector-borne diseases.

Presentation By: Kathy Murray, DACF IPM Specialist

Action Needed: Discussion and determination if the Board wishes to fund this request

- Kathy Murray reviewed the results of the 2020 mosquito survey with the Board. She noted that since 2015 she has been able to hire, thanks to BPC funding, a summer assistant to set and monitor traps and test mosquitoes. Murray stated that she will be retiring at the end of April so will be unable to participate in the 2021 survey, but Karen Coluzzi has agreed to manage the project this year.
- Murray stated that the request for funding was \$10,780 for 600 hours of work. She added they were hoping to hire Autumn St. Pierre, the same assistant as last year, who would take on all mosquito monitoring. Murray said any extra hours would go towards assisting BPC staff.
- Murray stated that a notable contribution were the mapping capabilities adopted over the last few years. She added that the State of Maine has increased use of GIS and they have been able to better see patterns and where monitoring should be conducted. Murray said that the data for the 2020 maps had not yet been updated because Maine Medical Center Research Institute had not entered their data yet, but they have since added it and the maps can be updated. She noted that they were able to centralize all statewide data for the first time into one database called Redcap.
- Morrill asked Patterson if there was funding for this.
- Patterson replied that it was a planned for expenditure and there was funding.
 - **Bohlen/Jemison: Moved and seconded to approve the funding request in the amount of \$10,780**
 - **In Favor: Unanimous**

4. Draft Policy Regarding Interpretation of CMR 01-01A, Chapter 26, Section 3(B) Notification and Posting in the Context of Powered Application of General Use Antimicrobial Pesticides for Routine Cleaning

On December 31, 2021 Executive Order 7-A FY 20/21 was signed and expanded exemptions from commercial pesticide licensure to certain institutions implementing routine cleaning for SARS-CoV-2. Staff at hospitals, colleges, universities, municipal and county facilities are now exempted from commercial licensure for the powered application of general use antimicrobial pesticides. The EO did not provide exemptions from any other regulatory requirements—such as posting and record keeping. At the January 20, 2021 meeting of the Board staff asked for an interpretation of the applicability of existing posting requirements for facilities making multiple applications, to multiple locations, daily.

Presentation By: Megan Patterson, Director

Action Needed: Discuss and approve/disapprove the draft policy

- Patterson stated that the version of this policy sent in the board packet was replaced with an updated version that was emailed to board members and added to the website.
- There was discussion amongst the Board regarding how many days before an application was made that the sign should be posted. There was also concern that the posting be located in a central location where people would see it.

- Randlett suggested the policy could state that the sign must be posted before pesticide applications commence in a facility identified in EO 7 FY 20/21.
 - **Morrill/Flewelling: Moved and seconded to approve the policy with the amended language**
 - **In Favor: Unanimous**

5. Election of Officers

The Board's statute requires an annual election of officers. The members will choose a chair and vice-chair to serve for the coming year.

Presentation By: Megan Patterson, Director

Action Needed: Nominations and election of officers

- Currently Morrill is Chair of the Board and Bohlen is Vice Chair.
 - **Granger/Flewelling: Moved and seconded to nominate Morrill as Chair**
 - **In Favor: Unanimous**
 - **Morrill: Abstained**
- Jemison asked where members were in their terms.
- Patterson replied that a number of terms have expired, or will soon expire, and they have not been reconfirmed. She put this information forward to the Department and stressed that it was very important that these memberships be renewed but was not sure if it had made it to the Governor's office or not.
- Granger asked if the Board could elect officers again if a member's term was not renewed.
- Randlett replied that generally if an appointment was pending the Board member would remain in their position until a successor was appointed.
 - **Granger/Flewelling: Moved and seconded to nominate Adams as Vice Chair**
 - **In Favor: Unanimous**
 - **Adams: Abstained**

6. Other Old and New Business

a. Repetitive Overseeding for Ecological Management of Grass Playing. *Horticultural Science*. 2021.

b. LD 125—An Act to Prohibit the Aerial Spraying of Glyphosate and Other Synthetic Herbicides for the Purpose of Silviculture—hearing scheduled for March 2, 2021

c. LD 155—Resolve, Directing the Board of Pesticides Control to Prohibit the Use of Certain Neonicotinoids for Outdoor Residential Use—work session scheduled for March 2, 2021

d. LD 226—An Act to Limit the Use of Hydrofluorocarbons to Fight Climate Change

e. LD 264—An Act to Prohibit Aerial Application of Perfluoroalkyl and Polyfluoroalkyl Substances

f. LD 316—An Act to Prohibit the Use of Chlorpyrifos—hearing scheduled for March 2, 2021

g. LD 355—An Act to Require Pest Disclosure in All Real Estate Transactions

h. LD 519—An Act to Protect Children from Exposure to Toxic Chemicals

i. LD 524—An Act to Require Schools to Submit Pest Management Activity Logs to the Board of Pesticides Control and the Posting of Inspection Results for the Purpose of Providing Information to the Public

j. University of Maine Extension Pesticides Education Report 2021

- Patterson stated that the \$65,000 funding for Bernard’s work was now in statute and UMaine Extension was required to submit a report. The report, included in the Board packet, was prepared by Sam Warren.
- Bernard thanked the Board for their support and stated that she and BPC staff worked well together and the ability to collaborate had improved. She stated that throughout 2020 we focused on providing credit opportunities. Fall programs had 462 attendees and a total of 849 credits were issued. Since the beginning of 2021 we have hosted the Agricultural Trades show virtually, which attracted 1,650 applicators to credit programs who earned over 1,720 credits. She added that there were two credit programs coming up in April, titled “Environmental Considerations of Pesticides” and “Structural Pest Management”. Bernard stated that she would like to do more hybrid meetings in the future because there has been a lot of positive feedback on these options.
- Bernard shared the Pesticide Safety Education Program website to show the Board how much additional content had been added, including manual and credit descriptions. There is now a credit calendar with links to other UMaine Extension programs offering credits and a video training page. Bernard showed the disinfectant safety information she added in early 2020. She also translated into webpages the WPS respirator pamphlets she wrote. Bernard added info for homeowners on label interpretation and facts and myths of pesticides.
- Morrill commented that it looked fantastic and was greatly appreciated. He added that in the past the Board had wondered what exactly was being completed with the funding but stated that Bernard has certainly expanded on this and done a great job. Morrill asked about specific goals for the upcoming year.
- Bernard replied she planned to finish updating the structural manual and add an online module for it because she had received several requests from people who do not learn

well reading a manual and are looking for online modules. She would also like to update the core manual since it is one everyone uses. Bernard stated she wanted to record a core training to post online, and also add more video trainings to the website. Regarding other manuals that need updates Bernard will confer with Patterson and Pietroski.

- Morrill replied that it would really benefit the applicator community to create a training for the core exam. He asked if extension was still offering exams.
- Bernard replied that, per the university, they were not able to offer exams at this time.
- Patterson stated that BPC inspectors have been proctoring all private exams in cars, and master's exams are currently being offered in the Deering building. She added that staff are still in the process of working with DOL to offer exams online.
- Jemison stated his desire for a list of products deemed appropriate for use on hemp that growers could reference when they have a problem. He cited worries that without a list many novice growers would choose an improper product. He added that it was Extension's role to give recommendations but wants to be comfortable that staff has signed off on any recommendations.
- Patterson stated that BPC only recommends active ingredients. Staff have avoided making recommendations about products and try to talk about how to minimize reliance on pesticides to manage cannabis pests. Patterson added that general consumption patterns of this commodity are also not well understood.
- Jemison commented that although not federally legal, it is the leading cash crop in the state now and it would be nice to proactively provide some training for this grower group.

k. University of Maine Pesticide Container Fee Report 2021

- Patterson told the Board this bill is now law; it passed without the Governor's signature, but Maine Revenue Service (MRS) did not enforce it until June of the following year. She noted that paint stains and wood preservatives were exempt. Patterson was recently interviewed by Fox News I-Team investigating who was responsible for, who implements, and who receives the money generated from this new fee. Patterson said that most of the collected fee goes to the UMaine System. The role of the BPC is to post a list of registered pesticides to which the fee would apply. For this work and for responding to public inquiries about registered pesticides, the BPC can receive up to \$60,000—although the BPC has not yet requested any funds. MRS is also able to receive funds for their work associated with the fee. MRS has reported that \$84,000 has been collected so far.

l. Board of Pesticides Control Fund Report 2021

m. Environmental Specialist II direct hire bulletin

n. Environmental Risk Assessment Committee (ERAC) and Medical Advisory Committee (MAC) Policies

- Patterson told the Board that LD 519 recommended the formation of an ERAC and implied the formation of a MAC. She noted that the MAC has a standing membership which includes Waterman, the State Toxicologist, and the Medical Director for Northern New England Poison Control.
 - Waterman stated he was honored to find out he was Chair of the MAC and was ready to serve. He added that he would will send a letter of introduction to Smith and the Northern New England Poison Control Center.
 - Patterson thanked Waterman and added that there may be some benefit to holding a standing annual or biannual meeting to discuss issues in the pesticide community.
- o. Update on EPA investigation of container fluorination

7. Schedule of Future Meetings

April 16, and June 4, 2021, are tentative Board meeting dates. The Board will decide whether to change and/or add dates

- The Board proposed to hold meetings on the following dates: July 16, August 27 and October 8, 2021.

8. Adjourn

- **Adams/Waterman: Moved and seconded to adjourn at 10:39 AM**
- **In Favor: Unanimous**