



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

**July 24, 2020
9:00 AM**

Video conference hosted in Zoom
To join the meeting:

Web link for the Zoom meeting: <https://zoom.us/j/94976628725?pwd=b2crWGRpSTR0bXA4cmd4TkhhkbUhXdz09>
Meeting ID: 949 7662 8725
Password: 105419
Dial in phone number: 1 (312) 626-6799

MINUTES

Present: Adams, Bohlen, Flewelling, Granger, Morrill, Waterman

1. Introductions of Board and Staff

- The Board, Assistant Attorney General Randlett, and Staff introduced themselves
- Staff Present: Brown, Bryer, Connors, Couture, Nelson, Patterson, Peacock, Pietroski, Saucier, Tomlinson

2. Minutes of the June 5, 2020 Board Meeting

Presentation By: Megan Patterson, Director

Action Needed: Amend and/or Approve

- **Bohlen/Jemison: Moved and seconded to accept minutes as amended**
- **In Favor: Unanimous**

3. Report on Annual Funding to Maine CDC for Mosquito Monitoring

The Maine Center for Disease Control and Prevention (Maine CDC) coordinates state activities around preventing vector-borne diseases. As part of its responsibilities, the CDC

MEGAN PATTERSON, DIRECTOR
90 BLOSSOM LANE, DEERING BUILDING



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

coordinates mosquito and disease monitoring in Maine. The presence of mosquito-borne diseases and the species of vector mosquitoes present in Maine have been on the rise in recent years. Maine CDC and BPC entered into a Memorandum of Understanding in 2013 to establish cooperation to conduct surveillance for mosquito-borne diseases to protect public health. At the March 8, 2019 meeting Sara Robinson of the Maine CDC provided an overview of the trends and the state's monitoring program. At the April 19, 2019 meeting, the Board voted to approve funding in the amount of \$100,000 for Maine CDC's mosquito monitoring efforts. The Board will now review a report on work accomplished in the previous year and work projected for the current year.

Presentation By: Representative from Maine CDC or Maine Medical Research Institute

Action Needed: Review Work Accomplished and Approve/Disapprove Future Funding to CDC for Environmental Monitoring of Mosquitoes

- Sarah Robinson, of Maine CDC, sent a report to the Board pertaining to mosquito pools, traps, and the locations. She added that they tested 1,500 pools in 2019, which was the highest numbers in recent memory. In York County two mosquito pools were positive for Eastern Equine Encephalitis (EEE). There were no human detections of EEE.
- Robinson stated that they had to close the mosquito insectary because of the current pandemic but they were hoping to reopen in August.
- Morrill inquired whether there was an ask for funding.
- Patterson stated that the Memorandum of Understanding provides \$25,000 as a minimum. She added that CDC federal funding had remained flat from last year, and the BPC had sufficient funding to support provision of additional funding for Maine CDC.
- Morrill asked if the Board was projecting decreases in funding due to COVID-19.
- Patterson replied we do not expect funding to decrease but there may be an increase in requests for funds from the department.
- Morrill asked Robinson about funding sources and where their program needed funding.
- Robinson replied that the majority of funding is from the federal CDC and with the \$25,000 grant from BPC Maine CDC could maintain the bare minimum of mosquito testing. She added that any additional monies would be used to get the insectary running and conducting pesticide resistance testing.
- Morrill stated that mosquitoes are a threat to public health and our mission as a Board coincides with this.
 - **Morrill/Granger: Moved and seconded to approve \$50,000 grant to the Maine CDC**
 - **In Favor: Unanimous**

4. Request to Extend Special Local Need [24(c)] Registration for Milestone Herbicide (Corteva Agrisciences) for Herbaceous Broadleaf Weeds and Woody Plants for Forest Site Preparation

This SLN has been requested on behalf of the Maine forest industry. Milestone Herbicide reduces competition by controlling herbaceous broadleaf weeds and woody plants, including native conifers. The industry is seeking to replace the use of glyphosate with aminopyralid. This SLN has already been approved in eleven states indicating this is no longer a local need, but rather interregional or national in scope.

Presentation By: Mary Tomlinson, Pesticides Registrar and Water Quality Specialist
Action Needed: Approve/Disapprove 24(c) Registration Request

- Ron Lemin, pesticide dealer and forest management consultant, submitted a request for control of broadleaf weeds and woody undergrowth for forest site preparation which is not on the original Milestone Herbicide label. He added that in terms of groundwater concerns they had not detected it in Maine since 2014 and that the product is approved for conifer stands in other states.
- Jemison asked how much would be applied via air versus ground applications. He added that there have been issues with items treated with Milestone Herbicide that ended up in compost that went into vegetable operations which resulted in quite a bit of damage in broadleaf vegetables.
- Lemin replied that has been the biggest concern with these pass-through products. He added that he did not know of any forest sites that are also used to graze cattle or for hay or compost production. Lemin stated he did not see a danger with the site preparation application in Maine. He added that this SLN request was strictly for site preparation, not release, so there would not be significant biomass on site.
- Jemison asked how much total acreage would be treated with Milestone.
- Lemin responded that total acreage would likely be between 4,000-5,000 if every landowner used this product instead of glyphosate. He noted that most landowners will continue to use glyphosate because it gives better control of brush and it is less expensive. Lemin added that he was just looking at it as an alternative option.
- Morrill asked if this request was to provide an alternative to use products other than glyphosate largely due to public pressure.
- Lemin responded that it was.
- Morrill asked why the manufacturers left this use off the label and if there were intentions to add forestry preparation as a labelled site in the future.
- Lemin responded that he spoke with Corteva and they did not add it to the label because they felt at that point not enough testing had been done. He added that it was his understanding that Milestone was going under re-registration next year and hoped the new label would have the site on label.
 - **Morrill/Granger: Moved and seconded to approve the 24(c) registration request for two years, through until the end of the 2022 growing season**
 - **In Favor: Unanimous**

5. Review of Biological Pesticides for Treatment of Browntail Moth Near Marine Waters

On January 25, 2008, the Board adopted Section 5 of Chapter 29 which regulates the use of insecticides used to control browntail moth within 250 feet of marine waters. Section 5 limits insecticide active ingredients to those approved by the Board. At the April 19, 2019 meeting of the Board inquiries were received about active ingredients for removal from and addition to the list.

Subsequently, the staff was directed to update the list of approved active ingredients for browntail moth control. Due to the differences in performing the risk assessments biological pesticides were assess separately from conventional products. This submission provides the remainder of the active ingredients to be reviewed and focuses solely on biological pesticides. The Board will now consider the list.

Presentation By: Pam Bryer, Toxicologist

Action Needed: Review and Approve/Disapprove the Draft Policy

- Bryer stated that this was a continuation of the assessment of active ingredients allowed for the management of browntail moth near the ocean. She added that in January the Board updated the active ingredients allowed in the 50'-250' zone, and today they will be discussing allowable products in the 25'-50' zone. Bryer noted that tree injections, which are a popular application method, are always allowed in this area.
- Bryer explained to the board that the purpose of the risk assessment was to figure out the concentration of active ingredient that would be in the environment from legal use and how that would affect or cause harm to the most sensitive aquatic organisms. She looked at a total of eight potential active ingredients for use in this area and seven actives were proposed for inclusion in the revised policy. Azadirachtin was not included due to its high acute toxicity to marine organisms.
- Morrill stated that he appreciated Bryer's accurate and accessible summary.
 - **Waterman/Flewelling: Moved and seconded to revise the current policy to include the two new active ingredients**
 - **In Favor: Unanimous**

6. Proposed Minimum Standards for Live and Pre-recorded Online Recertification Courses

Due to the ongoing pandemic, in person recertification training meetings have become difficult to both host and attend. Applicators are seeking, and will likely continue to seek, alternatives to in person, live events. Board staff have developed minimum standards for online courses.

Presentation By: John Pietroski, Manager of Pesticide Programs

Action Needed: Review and Approve/Disapprove the Draft Policy

- Pietroski stated the purpose of the proposed minimum standards was to help clarify what applicators can take for online options, while also providing a method to demonstrate that attendees are engaged.
- Jemison asked if Pietroski would want visual verification of all participants if he was doing a webinar on pest management. He added that was a difficult ask and would require a second and possibly even third person monitoring these people, who are already required to pass a quiz at the end showing they paid attention to what was presented.

- Morrill agreed with Jemison regarding the visual verification and stated that he was not sure if it was realistic in a remote setting. He added that visual verification takes a lot of bandwidth on a virtual meeting. Morrill stated that we could already record entire meetings and pull a log of participants at the end, including how long they were logged in for, and asked who would be responsible for sending and correcting the quiz. He added that he did not want to make this process a hindrance during this time.
- Granger agreed with Morrill and added that in areas where internet connection is spotty the idea of a quiz seemed silly. He added that these applicators had already been licensed and therefore deemed competent, and it seemed like a quiz was overkill and superfluous.
- Patterson told the Board that this policy matched the standards set in other New England states and was created to help protect our reciprocity with these other states; not meeting this level could put our reciprocity at risk.
- There was further discussion amongst the Board regarding whether this was holding people to a higher standard than in-person recertification meetings, whether certification and licensure already deemed a person competent, and the possibility of grandfathering applicators' whose licenses were expiring this year.
- Morrill commented that he would approve additional policies but strike out section 1 subsection B and section 2 subsection C. He also recommended striking out the requirement for an email address because it is a dual entry.
- Jemison stated he would not support the policy as is because there are plenty of opportunities available for online credits. He asked who would be responsible for administering the test and that his biggest complaint was the visual verification.
- Granger commented that there are a lot of people who do not use technology and the internet connectivity in this state is nothing like it is in Massachusetts and some other New England states. He added that these changes could put his own license in jeopardy and that there are likely others in this same boat.
- Patterson stated that staff is sensitive to internet issues outside the I-95 corridor but noted that there is a strong trend toward hosting trainings online—particularly given the current pandemic.
- Bohlen stated that he does a lot of online training on many topics and was not sure there was any way to force someone to pay attention. He added that this should be about steering people towards paying attention.
- Morrill suggested and Board members agreed that this topic be tabled for now and brought back at the next Board meeting.

7. Updating the Notification Process to Facilitate Improved Communication

At the February 28, 2020 meeting of the Board, staff was directed to follow up on approaches to identifying the party responsible for notification. Staff have identified numerous ways in which the notification process could be streamlined. These approaches have been divided into two groups, those best addressed through policy and those that may

be accomplished through routine staff efforts. Two documents detailing this information have been provided for the Board's consideration.

Presentation By: Megan Patterson, Director

Action Needed: Approve/Disapprove the Proposed Policy and Approaches

- Patterson explained to the Board that she reached out to Pluecker about what other regulations could have been in place for him to have had better notification about applications being made around his property.
- Patterson added that suggestions discussed included the following:
 - waving the fee for the urban notification registry,
 - making optional the inclusion of names for adjacent landowners; just identify addresses since owners can often change,
 - producing public assistance doorhangers that could be used by applicators or those seeking notification, as well as fillable postcards that could be mailed to help facilitate notification,
 - developing a web hosted fillable form for notification on our website,
 - sending email rather than a letter regarding notification so they would not have to mail anything back to us,
 - developing and delivering notification specific training to applicators.
- Jemison commented that this was a good approach and especially liked the idea that folks could sign up online.
- Flewelling asked how this would apply to agriculture.
- Patterson responded that this was for the urban notification registry and did not apply to agriculture. She added that the door hangers and the post cards could apply to agriculture to help facilitate communication between farmers and their neighbors.
- Randlett suggested staff come back with an actual policy including language that is voted on at next meeting. He also recommended that rule change be done at some point to make clear the Board was removing the fee.

8. Review of Budget

In early 2017, the Board reviewed the budget with a goal of identifying potential resources that could be allocated to Board priorities. At that time the Board requested ongoing annual updates on the status of the Pesticide Control Fund.

Presentation By: Megan Patterson, Director

Action Needed: Provide Guidance to the Staff on Board Budget Priorities

- Patterson told the Board that this reflected all expenditures of the state fiscal year 2020, which runs from July 1 to June 30. She added that they were now on state fiscal year 2021.
- Patterson reviewed available revenue with Board members.
- Morrill asked if the board could provide grants to improve educational recertification opportunities.
- Patterson replied that one consideration for recertification meetings might include public access—Board supported meetings are typically open to the public. She added that this type of grant had not occurred before, but she did not see any barrier to it.
- Morrill stated that a culmination of six to seven years’ work from Megan and Henry has allow the budget to be opened up to include the Board in decisions and opens eyes on what the overhead is at the state level.
- Morrill asked if Patterson could come back next meeting with projections.
- Patterson responded that she would bring back projections for next year as well additional expenses not budgeted for in FY 2021.

9. Water Quality Monitoring Proposal

7 M.R.S. § 607-A, Section 2-A, directs the Board to conduct water residue surveys, for both ground and surface water, to prepare profiles of the kinds and amounts of pesticides present. At the November 2018 Board meeting, Board staff proposed a continuation of past groundwater monitoring efforts. Due to multiple staff vacancies, ground water monitoring work planned for 2019 was scheduled for 2020. In 2020, this work was underway and unexpectedly terminated by issues related to the ongoing pandemic. Staff will now provide a review of the work completed in 2020 and a proposal and budget for ground water monitoring work tentatively planned for 2021.

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

Action Needed: Approve/Disapprove Funding the Proposed Water Quality Projects

- Tomlinson stated that they began water sampling at the beginning of February but encountered several hurdles, the largest being COVID-19, resulting in only about 30% of samples being collected. Staff decided the best option would be to resample wells sampled this year and recontinue from there next year. Tomlinson stated that resampling would provide us with an opportunity to compare wells over two consecutive years, which we have not been able to do before.
- Tomlinson told the board that study objectives would remain the same as this year, but would also add sites associated with blueberry fields, and staff would ask residents to collect samples rather than entering the homes themselves. She added that there would be no increase in the cost for groundwater analysis, but they were anticipating an extra \$20,000 for duplicate testing.

- Tomlinson stated that the total cost would be approximately \$114,210 for approval of both projects.
 - **Jemison/Bohlen: Moved and seconded to approve both sampling projects as presented.**
 - **In Favor: Unanimous**

10. Other Old and New Business

a. Variance Permit for Taylor's Invasive Plant Control

b. Future Format for Board Meetings

- Patterson explained to the Board Microsoft Teams has been adopted by the Department for online meetings and the Board would be using it for the next meeting. Staff would be happy to help folks become familiar with the new platform.
- Morrill thanked staff for their operation during the pandemic.

11. Schedule of Future Meetings

September 18, 2020 and November 6, 2020 are proposed meeting dates.

Adjustments and/or Additional Dates?

12. Adjourn

- **Granger/Adams: Moved and seconded to adjourn at 11:55pm**
- **In Favor: Unanimous**