



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
MAINE DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
BOARD OF PESTICIDES CONTROL
28 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0028

WALTER E. WHITCOMB
COMMISSIONER
HENRY S. JENNINGS
DIRECTOR

BOARD OF PESTICIDES CONTROL

September 6, 2013

AMHI Complex, 90 Blossom Lane, Deering Building, Room 319, Augusta, Maine

AGENDA

8:30 AM

1. Introductions of Board and Staff
2. Minutes of the July 26, 2013, Board Meeting

Presentation By: Henry Jennings
Director

Action Needed: Amend and/or approve

3. Request for Renewal of DuPont Special Local Need [24(c)] Registration for Express[®] Herbicide with TotalSol for Control of Bunchberry in Lowbush Blueberries

In September of 2008, the Board approved a Special Local Need (SLN) registration for DuPont Express[®] Herbicide with TotalSol (EPA Reg. No. 352-632). The SLN expired in 2010 and subsequently was renewed through July of 2013. Consequently, the University of Maine Cooperative Extension and DuPont are now requesting to renew the SLN registration to make this product available to growers again to allow for selective postemergence control/suppression of certain broadleaf weeds, primarily bunchberry in lowbush blueberries. 2011 water quality testing did not reveal any tribenuron in 55 samples collected.

Presentation By: Mary Tomlinson
Pesticides Registrar

Action Needed: Approve/disapprove 24(c) registration request

4. Review of Draft Policy on Exclusion Areas for Potential Aerial, Public-Health-Related, Mosquito-Control Programs

At the May 24, 2013, meeting, the Board provisionally adopted amendments to Chapters 20, 22, and 51. The amendments were intended to allow for potential public-health-related, mosquito-control programs conducted by governmental entities. During the development of the Chapter 20 amendments, the Board determined it was preferable to define "exclusion areas," in the context of potential aerial applications, via policy, instead of codifying them in rule. Such a strategy allows the Board greater flexibility should

new concerns arise. The Board reviewed the first draft of the exclusion area policy at its July 26, 2013, meeting and offered a few suggestions for improving the language. The staff has revised the draft policy which the Board will now consider.

Presentation by: Henry Jennings
Director

Action Needed: Revise/amend draft policy and adopt, if appropriate

5. Review of the 2012 Complaints/Inquiries Summary

In 2007, the Stakeholders Committee on Drift recommended that the Board produce and review an annual summary of complaints received by the Board's office. Summaries from 2008 and 2009 led to Board recommendations for improving the report. The Board will now review the 2012 summary.

Presentation By: Raymond Connors
Manager of Compliance

Action Needed: None—informational only

6. Consideration of a Consent Agreement with Northeast Patients Group of Augusta

On June 3, 1998, the Board amended its Enforcement Protocol to authorize 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 use of pesticides on medical marijuana inconsistent with the label.

Presentation By: Raymond Connors
Manager of Compliance

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

7. Annual Planning Session

Periodically, the Board holds informal planning sessions with the entire staff to discuss concerns, trends, issues and priorities. The Board has developed a list of topics it wishes to discuss and it will review them as time allows.

8. Other Old or New Business

- a. Variances for RLC Services, LLC—H. Jennings
- b. Variance for MDOT for Wetland Mitigation—H. Jennings
- c. Variance for Aroostook Arboriculture, Inc.—H. Jennings
- d. Letter from Susan Moyer and Karen D'Antonio—H. Jennings
- f. Other?

9. Schedule of Future Meetings

October 18 and December 13, 2013; January 15 or 17, February 21, and March 28, 2014, are tentative Board meeting dates. The Board will decide whether to change and/or add dates.

Adjustments and/or Additional Dates?

10. 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.
- 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 Anne Bills, at the Board's office or anne.bills@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.



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July 26, 2013

**Maine Organic Farmers and Gardeners Association,
294 Crosby Brook Road, Unity, Maine, Main Building**

MINUTES

8:30 AM

Present: Stevenson, Eckert, Jemison, Bohlen, Granger, Flewelling

1. Introductions of Board and Staff

- The Board, Assistant Attorney General Randlett and staff introduced themselves.
- Staff present: Jennings, Tomlinson, Hicks, Fish, Connors, Bills

2. Minutes of the May 24, 2013, Board Meeting

Presentation By: Henry Jennings
Director

Action Needed: Amend and/or approve

- **Flewelling/Eckert: Moved and seconded to approve as written**
- **In favor: Unanimous**

3. Public Forum (limited to one hour)

At this time, the Board invites anyone interested to address its members with questions or concerns about any pesticide-related issues.

Presentation By: Henry Jennings
Director

Action Needed: None required

- Heather Spalding of the Maine Organic Farmers and Gardeners Association (MOFGA) welcomed the Board and staff. She said MOFGA has been concentrating their policy work on GMO labeling and that by working with a lot of diverse groups they were able to come up with a solution that they could agree on. She pointed out that this is a good model of how to work collaboratively that can be applied to pesticide issues and that they can promote a really respectful discussion. They will be

working again on notification in the near future. There was some discussion about the GMO law as passed, and Spalding answered some questions about specifics.

4. Final Adoption of Major Substantive Rule Amendments to Chapter 27, Standards for Pesticide Application and Public Notification in Schools

The Board held a public hearing on proposed amendments to Chapter 27 on September 7, 2012, and provisionally adopted the amendments on December 7, 2012. The Joint Standing Committee on Agricultural, Conservation and Forestry held a public hearing on the proposed amendments on February 7, 2013, and held work sessions on April 9 and May 22, 2013, before reporting the resolve out as ought-to-pass. Resolve 2013, Chapter 63 was enacted by the Legislature and became law on June 22. The Board will now decide whether to finally adopt the amendments.

Presentation By: Henry Jennings
Director

Action Needed: Final Adoption of the Rule, Basis Statement, Rulemaking Statement of Impact on Small Business, and Response to Comments for Chapter 27

- Jennings explained that the Legislature hadn't changed anything; the resolve allows the Board to finally adopt the rule as already provisionally adopted. The resolve also, however, instructs the BPC to work with the Commissioner of Education to develop standards or guidelines about construction of school grounds to minimize pest problems during planning/construction, and requires a report by March 15, 2014. He pointed out that the BPC has a strong relationship with the Department of Education (DOE), and the DOE is a strong advocate of school IPM. Pat Hinckley, involved with DOE facilities management, has attended many meetings, and her understanding of how schools function has helped significantly with drafting amendments. Jennings said the staff has already started work on the process.
 - **Eckert/Bohlen: Moved and seconded to adopt the rule as amended, the basis statement, the impact on small business, the summary of comments and responses for Chapter 27 as written**
 - **In favor: Unanimous**

5. Consideration of the Canyon Group's Special Local Need (FIFRA Section 24[c]) Registration Request for GWN 1715 (EPA #81880-4) to Control Mites and Whiteflies on Greenhouse Tomatoes

In 2008, the Board approved a Special Local Need (SLN) registration for the use of Nexter to control mites and whiteflies on greenhouse tomatoes. The 2008 registration expires this year. The Canyon Group is now requesting an SLN registration to allow use of GWN 1715, which has the same formulation as Nexter. Backyard Farms supports the use of this formulation. EPA has established a tolerance for the active ingredient pyridaben.

Presentation By: Mary Tomlinson
Registrar and Water Quality Specialist

Action Needed: Approve/disapprove 24(c) registration request

- Tomlinson said that in 2008 the Board approved an SLN for Nexter which is expiring. She explained that the Board needs to approve the parent product, because EPA will only approve SLNs on the parent product now. Nexter is a distributor version of GWN 1715, which means it has the same formulation, but the parent company licenses the distribution under their own label, in effect sub-

licensing. The primary product has a two-part registration number, whereas a distributor product has a three-part registration number. She said that disinfectants are good examples of this: a company produces the base product, but other companies use that and distribute under other names; often distributor products only utilize a portion of the allowable sites from the parent product label so they can have multiple distributor products that each have different sites. All the sites are on the parent product label, but each distributor label may have specific sites for marketing purposes.

- Eckert asked whether Backyard Farms was the only company using this product and Tomlinson said that currently they are, but that other greenhouses could use it. Eckert questioned if the reason this is an SLN is because tomatoes aren't listed on the label and Tomlinson said yes.
- Bohlen questioned whether the Board would also have to approve the distributor product and Randlett replied that they would not because it is the same formulation.
 - **Granger/Flewelling: Moved and seconded to approve the registration**
 - **In favor: Unanimous**

6. Review of Draft Policy on Exclusion Areas for Potential Aerial, Public-Health-Related Mosquito-Control Programs

At the May 24, 2013, meeting, the Board provisionally adopted amendments to Chapters 20, 22, and 51. The amendments were intended to allow for potential public-health-related mosquito-control programs conducted by governmental entities. During the development of the Chapter 20 amendments, the Board determined it was preferable to define “exclusion areas,” in the context of potential aerial applications, via policy, instead of codifying them in rule. Such a strategy allows the Board greater flexibility should new concerns arise. When the Board adopted the rule amendments, it directed the staff to bring a draft policy on exclusion areas to the next meeting in order to address concerns voiced by concerned parties. The staff has drafted a policy which the Board will now consider.

Presentation by: Henry Jennings
Director

Action Needed: Revise/amend draft policy and adopt, if appropriate

- Jennings said that the staff had looked at several states regarding exclusions. Some states do not exclude anything; Massachusetts seems to be on the conservative end, so we used that as a starting point. The staff also looked at the comments received during rulemaking. There might be agricultural producers, in addition to organic, that want to be excluded because of marketing issues in international markets. Some people were concerned about bees; there are approximately 1,000-1,200 beehives in the state. A 500-foot buffer, which is typical for aerial mosquito spraying, would require approximately a 23-acre exclusion zone for each point (hive), which seems impractical. Massachusetts' bee expert went around after spraying last year and did not find any abnormal mortality. Spraying is done at night, which helps protect bees. The proposed exclusion zones are based on Massachusetts as a starting point. The staff also presumed the state would want to exclude “great ponds,” because they are defined as greater than 10 acres, which allows them to be reasonably observed, mapped and excluded. In addition, the state will want to buffer marine waters. For all farmland, whether organic or not, the staff believes it's only practical for growers to provide digital maps. One thing of concern is that if people want to be obstructionists they could start putting very small farms in the center of a city like Portland, which could end up causing the entire city to be excluded. Spraying for WNV would likely occur near population centers. The Board should consider minimum standards for exclusion areas, whether they are based on area or economic impact. Jennings stated that the Farm Bureau had cited a ¼-acre garlic grower during the hearing on LD 292; if there were a lot of small plots in population centers we could end up with a pattern that doesn't cover much.

- Bohlen said we need to think about the determination of what constitutes economic risk; should there be some evidence? Is there a standard to apply that there is economic risk involved? It would be difficult to write.
- Jennings pointed out that the University is planning to do some residue research this year on synthetic pyrethroids likely to be used. The reason these products are used is that they are extremely short-lived.
- Granger asked whether Massachusetts experts have an opinion on whether the exclusion zones affect efficacy. Jennings replied that they don't seem to exclude much. In talking to the aerial applicator and the manufacturer of the pesticides used, efficacy is based on percent of target area reached; the more exclusions you do, the lower the efficacy. Agricultural areas are not the areas that need to be sprayed; the concern is if there are a lot of agricultural exclusions in densely populated areas.
- Bohlen remarked that he doesn't feel there is enough information. Where is spraying going to be valuable in terms of reducing disease risk and how does that overlap these areas (exclusion zones)? Talking about urban areas, we've heard about spraying around schools for events. Spraying downtown Portland is different from the outskirts of Gorham, Windham; suburban fringe. Efficacy is different in areas with trees, canopies. Hicks replied that it depends on which type of mosquito you're going after—those that transmit WNV or EEE. She noted that EPA gave blanket tolerance for all agricultural products.
- Stevenson said that he liked the idea of some sort of economic proof. He asked if there is any other way (than excluding) to protect small organic gardens, such as covers. Katy Green said she really didn't see how covers would be practical.
- Bohlen pointed out that getting the mapping information to the Board in the required format might be an economic constraint; big farms probably won't have any trouble, but small farmers might.
- Eli Berry from MOFGA pointed out that MOFGA members are mostly gardeners, not farmers. They are a large organization of small gardens, and their membership will want to see alternatives researched.
- Fish pointed out that in most situations the aerial application is going to provide less risk than ground-based spraying because the potential for residues is much greater for a ground-based application.
- Heather Spalding noted that a lot of people who sell produce as organic are below the \$5,000 threshold and therefore are not certified. Even though they are not certified, they would still not be able to sell produce as organic under the national guidelines.
- Hicks noted that spraying is not going to happen unless people are sick and dying. It won't be standard operating procedure. Struble added that if something happens it won't be a huge event; most likely a couple of municipalities spraying.
- Bohlen noted the wording "endangered species habitat" might cause an issue with Atlantic salmon because many small streams are considered habitat; depending on the product, there may a large part of the state that won't be able to be sprayed. Hicks said the products are highly toxic to fish, but the labels say do not get into water *except* in a public health emergency. The use rates are 18 to 100 times less than a lawn care application.
- Jennings said there is no mention of fish mortality because the rates are so low; there should be more concern about arthropods or insects.
- Heather Spalding asked about other products that could be used, such as the Essentria rosemary oil and geraniol product. Hicks answered that 25(b) products cannot be used for a public-health situation; those products can say they repel mosquitoes and ticks, but they cannot say they repel WNV-carrying mosquitoes or Lyme-carrying ticks, because no toxicology tests or efficacy tests are done on them.
- Bohlen said the exclusion zones seemed pretty good; reword number two a bit to get at what was discussed today. Jennings noted that we might want to put in something about timing of submissions; can't have someone requested to be excluded 10 minutes before spraying is due to

start. He said he would work with MOFGA on some language about those in the process of getting certified, and work with Randlett on incorporating what was said today.

- Heather Spalding asked, if there is no opposition and spraying occurs, is it really going to be effective? Jennings said that there are some peer-reviewed papers showing efficacy. It's complicated research to do, because you need to prove that spraying is effective against disease-carrying mosquitoes, and that it reduces incidence of disease. Bohlen said he is most concerned about efficacy over forested areas; it won't be done because it's effective, but because people are scared and doing something is better than doing nothing. Struble pointed out that it's difficult to prove a null. Eckert noted that the numbers are going to be so small; if the numbers go down, is it because of spraying or because of other factors? We may be able to tell whether it knocks down the number of mosquitoes, but not whether it reduces disease.
- Stevenson said that the Massachusetts data shows strong evidence that spraying reduces both mosquitoes and diseases. He pointed out that if there are too many steps to be taken it won't work in an emergency situation; the state needs to be prepared to work overnight. Bohlen suggested some things that could be done ahead of time including making sure products are registered for use in Maine and that applicators are licensed.

7. Consideration of a Chapter 29 Variance Request from Boyle Associates to Treat *Phragmites* in Jordan Park Marsh in Old Orchard Beach

Chapter 29 allows the Board to grant variances from the 25-foot setback required from surface water under Section 6 of Chapter 29. Boyle Associates of Gorham, Maine, has contracted to control two invasive *Phragmites* stands which are part of a wetland area at Jordan Marsh Park in Old Orchard Beach. The control plan calls for a late summer/early fall application of glyphosate and imazapyr, coupled with repeated mowing. Applications will take place when there is no standing water present. The Board will now consider the request

Presentation By: Anne Bills
Pesticides Safety Educator

Action Needed: Approve/disapprove variance request

- Jennings noted that he had not asked David Brennerman to attend the meeting, because it was a long drive. The application appears solid; obviously a lot of thought went into it. They plan to use multiple control strategies, including mowing and carefully timed herbicide applications. This application does not raise as many concerns as some that the Board has approved in which the applications were right on the edge of open water. The target area doesn't really look like a wetland. They are going to use two products labeled for aquatic use, and wait until late August and when there is no standing water. The applications will be made using non-powered backpacks or wick applicators. It sounds like a multi-year process to achieve control, integrating mowing with herbicides.
- Eckert asked what would fill in to replace the weeds. Bohlen said that, without looking at the site, sites dominated by *Phragmites* tend to have nothing else initially; the first year there will be resprouting, and it will be harder to spray in the next year because other wetland plants will be trying to emerge. It will take three years to achieve control. Bohlen pointed out that this is great mosquito habitat. Large stands of *Phragmites* are very robust, shade out everything else; poor bird habitat. Fish noted that it also prevents flushing of the area. If the wetland were functioning better it would get rid of the mosquito habitat.
- Stevenson asked what "weed wiping" is. Jemison replied that they are like hockey sticks with a wick on the bottom; wipe the weed, instead of spraying. Sometimes used on corn coming back in soybean fields. Bohlen said they are used a lot in wetland situations, trying to keep the pesticide out of the water.

- Heather Spalding asked if covering these areas with plastic to kill the weeds would be possible. Bohlen replied that the fluctuating water levels would make it difficult. He said they had financed a group trying to control *Phragmites* with hand cutting several times a year, trying to starve the plants to death. If you can control the water levels, you can mow, then raise the water level and drown them. Fish pointed out that these plants will grow through plastic, so it would have to be very heavy.
- Jemison commented that this plan seems to follow exactly the IPM prescription written for *Phragmites* by a colleague of his.
 - **Eckert/Flewelling: Moved and seconded to approve the variance request**
 - **In favor: Unanimous**

8. Consideration of a Consent Agreement with Sea Urchin Cottage of York

On June 3, 1998, the Board amended its Enforcement Protocol to authorize 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 application of pesticides to a rented cottage by an unlicensed applicator.

Presentation By: Raymond Connors
 Manager of Compliance

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

- Connors explained that the complainants originally called the Department of Health and Human Services (DHHS) and were referred to the Board. They had rented a cottage, arriving on Saturday; by Tuesday they were aware there were bedbugs; they talked to the owner who purchased and applied a ready-to-use product which was sprayed on the beds, floors, walls, etc., and a total-release aerosol product. The staff examined two issues: first, were the owners of this facility required to be licensed pesticide applicators; second, were the pesticide label directions followed. The inspector attempted to document the label based on the owner’s description of the product.
- Jemison asked if the cottage were empty for a week would they need to be licensed. Connors said no, if there was a seven-day lapse following application before the public is allowed in. He noted that this was not an isolated case; when the DHHS inspector visited, the owner was in the process of making another application.
- Eckert asked if the label was followed. Connors said the label was somewhat contradictory; it says do not apply as a spray indoors, but describes areas indoors that could be sprayed. The staff was unsure about exactly what product was used, so it is reluctant to cite label-specific label violations.
- Stevenson pointed out that his company does eight bedbug jobs per day, all heat treatment; they are scheduling two weeks out. He said heat treatment is more expensive up front, but better in the long run. They also apply pesticides because re-infestation can occur overnight.
- Fish said that the staff gets a lot of calls; landlords don’t want to have to do anything. Eckert asked whether we should be doing anything about getting licensing information to the lodging industry.
- Jennings said that the real problem is low-income rentals; really easy to introduce bedbugs on used furniture, etc. Fish said that he and Kathy Murray have been working with health officers across the state, part of the healthy home program.
 - **Flewelling/Stevenson: Moved and seconded to accept the consent agreement**
 - **In favor: Unanimous**

9. Consideration of a Consent Agreement with the Northeast Agricultural Sales, Inc., of Detroit

On June 3, 1998, the Board amended its Enforcement Protocol to authorize 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 operation of a major pesticide storage facility in Connor Township that did not conform to the Board's Chapter 24 rules and sales of restricted-use pesticides to unlicensed applicators.

Presentation By: Raymond Connors
Manager of Compliance

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

- Connors gave an overview of the case. The pesticide distributor was operating a major pesticide storage facility, as defined in regulation. There are siting, operating and structural requirements which were not met. They were using a section of a potato storage warehouse; there was also a business that was distributing potato bags in the building. The pesticide storage was petitioned off with plywood, which is a violation of the regulation. The rationale for the penalty is that the parent company, which is based in Vermont, operates a major storage facility in Detroit, Maine, which is compliant, so they clearly understand the rules. In 2004, the company moved into a facility in Wales, Maine, and was operating as a major storage facility with many of the same violations as in this situation, which led to a consent agreement. In that case they reduced the fine to \$2,000 because the company took corrective action. They clearly have knowledge of the regulations.
- Jemison asked whether the violations were a result of a random inspection. Connors replied that it would be difficult to stumble on this by accident; over the past years there have been rumors that this company was operating as a dealer in The County. The location of the facility was given to the inspector by an anonymous informant. We also were given letterhead which listed the address.
- Eckert asked what could be done to make sure this doesn't happen again, other than a bigger fine. Connors said that if it was within a four-year period the penalty could be increased substantially. He asked Randlett if it was possible to put language in the consent agreement that their license would be suspended if there were further violations. Randlett said the company is aware that if there is another violation the penalty will be higher and there is not much else to be done.
- Tim Hobbs noted that it is an embarrassment for the industry to have this kind of activity taking place. There are three distributors in The County who spent a lot more than \$15,000 to build compliant facilities. They support this fine or even something harsher. Connors agreed that it would take more than \$15,000 to make the facility compliant; they chose to move rather than do so.
- Eckert said that the Board spent a lot of time on these regulations, the idea being to prevent fires or spills where people get hurt. Connors said that the company's new facility in Fort Fairfield had been inspected by an engineer and deemed to meet requirements.
- It was suggested that the period of time to consider repeat offenses be lengthened from four years; Randlett said that would require a change in statute.
- Randlett noted that the inspectors did a fantastic job collecting evidence on this case. Connors said that there were two inspectors who worked on the case. They watched materials coming into the facility, documented the sale of a mini bulk container to a farmer and confirmed it with invoices. They looked at inventory and sales records to establish that it was a major storage facility. They talked to the salesman at the site who acknowledged that it was.
- Fish remarked that if they did it again it would be a knowing violation and they could get criminal charges; Randlett agreed. If there is a knowing violation, charges can be brought against whoever makes the decisions—with a maximum penalty of \$7,500 per violation, plus 30 days jail time.

- Connors noted that also included in the consent agreement were sales of restricted-use pesticides to unlicensed persons.
 - **Eckert/Stevenson: Moved and seconded to accept the consent agreement**
 - **In favor: Unanimous**

10. Other Old or New Business

a. Legislative Update—H. Jennings

- Jennings gave an overview of LD 903, which was passed by the Legislature, and signed by the Governor. As originally written, it was of concern, because it raised the question of whose fund it is, the Department's or the University's. If there's not enough money, who goes short? Our program, plus five other positions in the Department are paid for through this fund. The amendments made it clear that the first priority is the Department's needs and then—to the extent money is available—it will fund the grant to the University, and then, if there are funds available, could fund other IPM programs, including mosquito-monitoring programs. The best part is that it gives the Board the responsibility for monitoring the fund and reporting to the Legislature on the fund's solvency, which provides a mechanism for asking the Legislature to adjust the fund, if necessary. It provides for an annual review of the health of the fund, which is a great thing to have.

b. Legislative Hearing on Rule Amendments to Chapters 20, 22 and 51—H. Jennings

- Jennings explained that the ACF Committee had met to consider the amendments; they ended up carrying them over, which left the emergency amendments in place for now.

c. Staff Submission of Loveland Products Request for a 24(c) Registration Request for Malathion 8 Aquamul for Use on Lowbush Blueberries—M. Tomlinson

- Tomlinson explained that this was an SNL on an identical product that the Board had already approved, so the staff went ahead and submitted the registration.

d. Variance Permit for Green Thumb Lawn Service—H. Jennings

- Jennings noted that this was identical to what had been approved in previous years, so the staff issued the variance. However, Mike Legasse had asked that he not be required to publish in the newspapers, as he doesn't feel it's necessary. Jennings suggested putting this on the agenda for the Board planning session.

e. Other?

- Hicks said the Board had received a request from Syngenta to register three *Bt*-corn products. The products contain parts from two other products that are already registered, therefore it was determined that they met the criteria to register under policy without going to the Board.
- Fish mentioned that the staff has been working on training for IPM Coordinators as required under the amended Chapter 27. The intent is to make the initial training on-line and asked the Board how far it wanted to go to document that training. Jemison suggested limiting the initial training to three ideas that you really want them to remember. Fish noted that the more comprehensive training is still going to be available in person, so it can be a lot more in-depth. The Board agreed that just having the IPM Coordinators send something in saying they'd taken the initial training would be fine.

11. Schedule of Future Meetings

September 6, October 18 and December 6, 2013, are tentative Board meeting dates. The September 6 meeting is tentatively slated to include a planning session. The Board will decide whether to change and/or add dates.

Adjustments and/or Additional Dates?

- A planning session was scheduled for September 6; the IPM Council will be invited. Jennings will e-mail a list of possible topics for consideration. Suggestions should be e-mailed to him.
- The December meeting date was changed from the 6th to the 13th. The was discussion of having the January meeting during the Agricultural Trades Show (January 8–10); February 21 and March 28 were added as meeting dates.

12. Adjourn

- **Granger/Flewelling: moved and second to adjourn at 11:35 AM**
- **In favor: Unanimous**



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 JENNINGS
DIRECTOR

To: Board of Pesticides Control Members
From: Mary Tomlinson, Pesticides Registrar
Re: EPA Special Local Need (SLN) [24(c)] application to approve the use of Express Herbicide (EPA Reg. No. 352-632) for Bunchberry Control in Lowbush Blueberry (Wild Blueberry)
Date: May 3, 2010

Enclosed are the above-referenced SLN application and supplemental product label for your consideration. You approved an identical request in September of 2008, but stipulated a December 31, 2009, expiration date, due to ground water concerns. The application is for use of Express (EPA Reg. No. 352-632), for control of bunchberries and other weeds in lowbush blueberry (wild blueberry).



The request is to reapprove this product for use, as many growers never had the opportunity to use Express on all their fields, due to the fact that its use was not approved until late 2008. Blueberries are a biennial crop, and Express can only be applied 365 days prior to harvest, at the earliest.

Dr. David Yarborough, of the University of Maine Cooperative Extension, has provided, and will continue to provide, education for growers on timing of application and using spot treatments, when feasible. Water quality monitoring has not occurred due to staffing constraints, but will be considered when planning the next water quality monitoring phase.

Your package includes the additional following documents for your review:

- State product label and MSDS
- Letters of support from David Yarborough, dated November 17, 2009, and March 26, 2010

Please review these materials and let me know if you have any questions.

 United States Environmental Protection Agency Office of Pesticide Programs Registration Division (TS-767) Washington, DC 20460		For State Use Only	
		Registration No. Assigned ME-100002	
		Date Registration Issued	
Application for/Notification of State Registration of a Pesticide To Meet a Special Local Need (Pursuant to Section 24(C) of the Federal Insecticide, Fungicide, and Rodenticide Act, as Amended)			
1. Name and Address of Applicant for Registration		2. Product is (Check one)	
Ms. Miriam Carr E. I. du Pont de Nemours and Company DuPont Crop Protection Stine-Haskell Research Ctr., S300/427 P. O. Box 30, Elkton Road Newark, DE 19714-0030		<input checked="" type="checkbox"/> EPA Registered <input type="checkbox"/> New (not EPA-registered) <input type="checkbox"/> Attach EPA Form 8570-4, Confidential Statement of Formula, fix now products.	
		EPA Registration Number 352-632	
		EPA Company Number 352	
4. Product Name		3. Active Ingredient(s) in Product	
DuPont Express Herbicide (with TotalSol soluble granules)		Tribenuron methyl	
6. Type of Registration (Give details in Item 13 or on a separate page, property identified and attached to this form).		5. If this is a food/feed use, a tolerance or other residue clearance is required. Cite appropriate regulations in 40 CFR Part 180, 185, and/or 186.	
a. To permit use of a new product. b. To amend EPA registrations for one or more of the following purposes:		<input type="checkbox"/> There is no pesticide product registered by EPA for such use. <input checked="" type="checkbox"/> There is no EPA-registered pesticide product which, under the conditions of use within the State, would be as safe and/or as efficacious for use within the terms and condition of EPA registration <input type="checkbox"/> An appropriate EPA-registered pesticide product is not available.	
<input checked="" type="checkbox"/> (1) To permit use on additional crops or animals. <input type="checkbox"/> (2) To permit use at additional sites. <input type="checkbox"/> (3) To permit use against additional pests. <input type="checkbox"/> (4) To permit use of additional application techniques or equipment. <input type="checkbox"/> (5) To permit use at different application rates. <input type="checkbox"/> (6) Other (specify below).		Not a food/feed use	
10. Has FIFRA section 24(c) registration for this use of the product ever, by another State, been (check appropriate box(es), if known):		7. Nature of Special Local Need (check one)	
<input type="checkbox"/> Sought <input type="checkbox"/> Issued <input type="checkbox"/> Denied <input type="checkbox"/> Revoked If any of the above are checked, list States in item 13 below <input checked="" type="checkbox"/> No FIFRA section 24(c) Action		<input type="checkbox"/> There is no pesticide product registered by EPA for such use. <input checked="" type="checkbox"/> There is no EPA-registered pesticide product which, under the conditions of use within the State, would be as safe and/or as efficacious for use within the terms and condition of EPA registration <input type="checkbox"/> An appropriate EPA-registered pesticide product is not available.	
		8. If this registration is an amendment to an EPA-registered product, is it for a "new use" as defined in 40 CCFR 152.3?	
		<input type="checkbox"/> Yes (discuss in item 12 below) <input checked="" type="checkbox"/> No	
		9. Has an EPA Registration or Experimental Use Permit for this chemical ever been (check applicable box(es), if known):	
		<input type="checkbox"/> Sought <input checked="" type="checkbox"/> Issued <input type="checkbox"/> Denied <input type="checkbox"/> Canceled <input type="checkbox"/> Suspended <input checked="" type="checkbox"/> Registration <input type="checkbox"/> Experimental Use Permit <input type="checkbox"/> No Previous Permit Action	
		11. Endangered Species Act: (Give details in Item 13 or on a separate page, properly identified and attached to this form)	
		Identify the counties where this pesticide will be used. If Statewide, indicate "all". Provide a list of Federally protected endangered/threatened species which occur in the areas of proposed use.	
Certification		12. Indicate use statute of Special Local Need, i.e., planned dates of use:	
I certify that the statements I have made on this form and all attachments thereto are true, accurate, and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.		From: <u>July 19, 2013</u> To: <u>December 31, 2018</u>	
Signature of Applicant or Authorized Representative		13. Comments (attach additional sheet, if needed)	
		This is an amendment to extend the expiration date of SLN ME-100002 to December 31, 2018.	
Title		This SLN is for use in all counties.	
State Registration Specialist			
Telephone Number			
302-366-5702			
Date			
July 18, 2013			
Determination by State Agency			
This registration is for a Special Local Need and is being issued in accordance with section 24(c) of FIFRA as amended. To the best of our knowledge, the information above is correct, except as noted in "Comments" below or in attachments.			
Name, Title, and Address of State Agency Official		Comments (by State Agency Only)	Received by EPA
Mary Tomlinson Maine Board of Pesticides Control 28 State House Station Augusta, ME 04333			
Title			
Pesticides Registrar/Water Quality Specialist			
Telephone Number		Date	
(207-287-2731)		Sept. 6, 2013	

Tomlinson, Mary E

From: MIRIAM.CARR-1@dupont.com
Sent: Monday, July 22, 2013 7:25 AM
To: Tomlinson, Mary E
Subject: Express SLN Extension
Attachments: 20130719095138403.pdf; 20130719095153691.pdf; R-1359 Express Blueberry.PDF

Mary,

Thank you very much for taking time to discuss the renewal of the Special Local Need for Express on Blueberries (ME-100002). As discussed, please proceed with the cancellation of ME-080003 as this SLN has been replaced with ME-100002.

At this time we wish to renew ME-100002. Per your request, I have attached the following items in support of the renewal of ME-100002:

Proposed Label	R-1359 071913 (Revised ME-100002 to renew & include the expiration date)
Currently approved label	R-1359 041113
Application Form	EPA 8570-25

Should you require additional information, please let me know.
Thank you!

Miriam Carr
DuPont States Registration Specialist
(302) 366-5702



Wild Blueberry Office Deering Hall University of Maine, Orono 04469

August 20, 2013

Henry Jennings
Director
Maine Board of Pesticides Control
28 State House Station
Augusta, ME 04333

Dear Henry:

This letter is in support of the DuPont request to renew the 24C application for the use of Express Herbicide with Total Sol to control bunchberry and other weeds in wild blueberry fields in Maine. Wild blueberry growers have consistently indicated that bunchberry has been a major weed problem in their fields for many years and have requested a solution for this problem. I am still receiving requests from growers for the use of this material to control bunchberry. The label has lapsed and it is necessary to have it renewed by early September for them to use it effectively.

I will continue to provide educational programming on the fall timing and the spot treatment use of this herbicide in grower meetings and field days.

Please request that the board review this soon, so we do not have a late approval as we did in 2008.

Sincerely,

A handwritten signature in black ink that reads "Dave".

David Yarborough, PhD.
Blueberry Specialist
Professor of Horticulture
the University of Maine
5722 Deering Hall Rm. 414
Orono, ME 04469-5722

**SPECIAL LOCAL NEED
24(C)LABELING**

**DuPont Crop
Protection**

**DUPONT™ EXPRESS® HERBICIDE
(with TotalSol™ Soluble Granules)
FOR BUNCHBERRY CONTROL IN
LOWBUSH BLUEBERRY
IN THE STATE OF MAINE**

FOR DISTRIBUTION AND USE ONLY WITHIN THE STATE OF MAINE

**DUPONT™ EXPRESS® HERBICIDE
with TotalSol™ (soluble granules)**

EPA Reg. No. 352-632
SLN No. ME-100002

**FOR BUNCHBERRY CONTROL IN LOWBUSH BLUEBERRY ONLY IN
THE STATE OF MAINE**

This label is valid until December 31, 2018 or until otherwise revised, amended, cancelled or suspended.

GENERAL INFORMATION

DuPont™ EXPRESS® Herbicide (with TotalSol™ soluble granules) (EXPRESS®) is recommended for selective postemergence control/suppression of certain broadleaf weeds in lowbush blueberry (or also known as, wild blueberry).

EXPRESS® may be used on lowbush blueberry providing user accepts all risk of possible crop injury.

USE RATES AND APPLICATION TIMING

Apply EXPRESS® at 0.8 to 1.0 ounce per acre in the fall after blueberry harvest, until a killing frost occurs, after which bunchberry control will not occur.

EXPRESS® applied earlier in the fall will result in increased blueberry cover and increased bunchberry control in the following year. The degree and duration of effect are dependent upon the rate used, sensitivity and size of the target weeds, and environmental conditions at the time and following application.

WEEDS CONTROLLED

The following weeds are controlled in addition to the weeds listed on the EPA registered package label.

Bunchberry

Surfactant

Always use a nonionic surfactant of at least 80% active ingredient at the rate of 0.25% volume/volume (1 quart per 100 gallon of spray solution).

Precautions/Restrictions

The use of methylated seed oil (MSO) or crop oil is not recommended with EXPRESS® on lowbush blueberry as these adjuvants may produce unsatisfactory crop injury.

Do not apply more than 1.0 ounce of EXPRESS® per acre per growing season.

Do not graze or cut for hay, or feed associated by-products to livestock, after application.

Do not apply within 365 days of blueberry harvest.

Do not apply EXPRESS® in a tank mix with organophosphate insecticides as severe crop injury may occur.

Do not apply to lowbush blueberry that is under stress from severe weather conditions, drought, low fertility, water saturated soil, disease or insect damage, as crop injury may result. Under certain conditions such as prolonged cool weather (daily high temperature less than 50° F) or wide fluctuations in day/night temperatures just prior to or soon after treatment, temporary yellowing and/or crop stunting may occur.

For product information call 1-888-6-DUPONT

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**IMPORTANT
BEFORE USING EXPRESS®, READ AND
FOLLOW ALL APPLICABLE DIRECTIONS,
RESTRICTIONS AND PRECAUTIONS ON THE
EPA-REGISTERED LABEL.**

This bulletin contains new or supplemental instructions for use of this product which do not appear on the EPA-registered package label. Follow the instructions carefully.

This labeling must be in the possession of the user at the time of pesticide application.

Read the Limitation of Warranty and Liability on the Section 3 Federal product label before buying or using THIS product. If terms are not acceptable, return the unopened package at once to Seller for full refund of purchase price paid. Otherwise, use by Buyer or any other User constitutes acceptance of the terms of the Limitation of Warranty and Liability on the Section 3 Federal product label.

(Replaces: R-807 072408 09-15-08)



DuPont™ Express®

herbicide
(with TotalSol®
soluble granules)

Soluble Granule

Active Ingredient

Tribenuron methyl

Methyl 2-[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)

methylamino]carbonyl]amino]sulfonyl]benzoate 50%

Other Ingredients 50%

TOTAL 100%

EPA Reg. No. 352-632

EPA Est. 352-IL-001

KEEP OUT OF REACH OF CHILDREN CAUTION

Net 15 oz Nonrefillable Container

See back panel for additional Precautionary Statements.

ENVIRONMENTAL HAZARDS

Do not apply directly to water, or to areas where surface water is present, or to intertidal areas below the mean high water mark. Do not contaminate water when cleaning equipment or disposing of equipment washwaters.

Refer to accompanying labeling for additional precautions and complete directions for use.

Agricultural Use Requirements

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. Refer to supplemental labeling under "Agricultural Use Requirements" in the Directions for Use section for information about this standard.

Notice to Buyer: Purchase of this material does not confer any rights under patents of countries outside of the United States.



DuPont™ Express®
herbicide (with TotalSol® soluble granules)

FIRST AID

IF ON SKIN: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment advice. Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-441-3637 for emergency medical treatment information.

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. Avoid contact with skin, eyes or clothing.

For medical emergencies involving this product, call toll free 1-800-441-3637.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Some of the materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for Category A on an EPA chemical-resistance category selection chart.

Applicators and other handlers must wear:

Long-sleeved shirt and long pants.
Chemical resistant gloves made of any waterproof material such as polyethylene or polyvinyl chloride.
Shoes plus socks.

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

USER SAFETY RECOMMENDATIONS

USERS SHOULD: Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet. Users should remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. Users should remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

E. I. du Pont de Nemours and Company,
1007 Market Street, Wilmington, DE 19898 U.S.A.

A01552821
(SL-1600-1 061312 12-20-11)

DUPONT™ EXPRESS® HERBICIDE (WITH TOTALSOL® SOLUBLE GRANULES) HIGHLIGHTS

- For selective postemergence broadleaf weed control in wheat, barley, triticale, oats, burndown, DuPont™ ExpressSun® sunflowers, and grass grown for seed.
- In wheat, barley and triticale apply after the crop is in the 2-leaf stage, but before the flag leaf is visible. In spring oats, apply after the crop is in the 3-leaf stage, but before jointing. In ExpressSun® sunflowers, apply any time from the 2-leaf stage, but before bud formation.
- In burndown uses apply when the majority of weeds have emerged and are actively growing.
- Apply at the rate of 0.25 to 0.5 ounce per acre (see USE RATE).
- Unless otherwise specified, always add a surfactant (see SPRAY ADJUVANTS).
- May be applied by ground or by air.
- Use in tank mixtures with other registered herbicides for broader spectrum weed control (see Tank Mixtures).
- Consult label text for complete instructions. Always read and follow label "Directions For Use".

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DuPont™ Express®

herbicide (with TotalSol® soluble granules)

Soluble Granule

For Use on Cereals, ExpressSun® Sunflowers, Grass grown for seed, Fallow and as a Pre-plant or Post-harvest Burndown Herbicide

By Weight

Active Ingredient

Tribenuron methyl

Methyl 2-[[[[(4-methoxy-6-methyl

-1,3,5-triazin-2-yl)methylamino]carbonyl]

amino]sulfonyl]benzoate50%

Other Ingredients50%

TOTAL 100%

EPA Reg. No. 352-632

KEEP OUT OF REACH OF CHILDREN CAUTION FIRST AID

IF ON SKIN: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment advice.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment.

You may also contact 1-800-441-3637 for emergency medical treatment information.

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. Avoid contact with skin, eyes or clothing.

For medical emergencies involving this product, call toll free 1-800-441-3637.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Some of the materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for Category A on an EPA chemical-resistance category selection chart.

Applicators and other handlers must wear:

Long-sleeved shirt and long pants.

Chemical resistant gloves made of any waterproof material such as polyethylene or polyvinyl chloride.

Shoes plus socks.

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

USER SAFETY RECOMMENDATIONS

USERS SHOULD: Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet. Users should remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. Users should remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

Do not apply directly to water, or to areas where surface water is present, or to intertidal areas below the mean high water mark. Do not contaminate water when cleaning equipment or disposing of equipment washwaters.

PESTICIDE HANDLING

- Calibrate sprayers only with clean water away from well sites.
- Make scheduled checks of spray equipment.
- Ensure that all operation employees accurately measure pesticides.
- Mix only enough product for the job at hand.
- Avoid overfilling of spray tank.
- Do not discharge excess material on the soil at a single spot in the field, grove, or mixing/loading station.
- Dilute and agitate excess solution and apply at labeled rates or uses.
- Avoid storage of pesticides near well sites.
- When triple-rinsing the pesticide container, be sure to add the rinseate to the spray mix.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE) and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 12 hours. PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is:

Chemical resistant gloves made of any waterproof material.
Shoes plus socks.

DuPont™ EXPRESS® herbicide (with TotalSol® soluble granules), referred to below as EXPRESS®, must be used only in accordance with instructions on this label or in separately published DuPont instructions.

DuPont will not be responsible for losses or damages resulting from the use of this product in any manner not specified by DuPont.

EXPRESS® may be used on wheat, barley, triticale, oats, burndown, and DuPont™ ExpressSun® sunflowers in most states. Check with your state extension service or Department of Agriculture before use, to be certain EXPRESS® is registered in your state.

PRODUCT INFORMATION

EXPRESS® is a water soluble granule that is used for selective postemergence weed control in wheat (including durum), barley, triticale, oats and ExpressSun® sunflowers; and for post-harvest burndown, fallow, and pre-plant burndown weed control. The best control is obtained when EXPRESS® is applied to young, actively growing weeds. The use rate will depend on weed spectrum and size of weed at time of application. The degree and duration of control may depend on the following:

- weed spectrum and infestation intensity
- weed size at application
- environmental conditions at and following treatment
- EXPRESS® is noncorrosive, nonflammable, nonvolatile, and does not freeze. EXPRESS® should be mixed in water and applied as a uniform broadcast spray.

BIOLOGICAL ACTIVITY AND ENVIRONMENTAL CONDITIONS

EXPRESS® is absorbed through the foliage of broadleaf weeds, rapidly inhibiting their growth. Leaves of susceptible plants appear chlorotic from 1 to 3 weeks after application and the growing point subsequently dies.

EXPRESS® provides the best control in vigorously growing crops that shade competitive weeds. Weed control in areas of thin crop stand or seeding skips may not be as satisfactory. However, a crop canopy that is too dense at application can intercept spray and reduce weed control.

EXPRESS® may injure crops that are stressed from adverse environmental conditions (such as extreme temperatures or moisture), abnormal soil conditions, or cultural practices. In addition, different varieties of the crop may have differing levels of sensitivity to treatment with EXPRESS® under otherwise normal conditions.

Treatment of sensitive crop varieties may injure crops. To reduce the potential of crop injury to cereals, tank mix DuPont™ EXPRESS® with 2,4-D (ester formulations perform best—see the Tank Mixtures section of this label) and apply after the crop is in the tillering stage of growth.

In warm, moist conditions, the expression of herbicide symptoms is accelerated in weeds; in cold, dry conditions, expression of herbicide symptoms is delayed. In addition, weeds hardened-off by drought stress are less susceptible to EXPRESS®.

Weed control may be reduced if rainfall or snowfall occurs soon after application. Several hours of dry weather are needed to allow EXPRESS® to be sufficiently absorbed by weed foliage.

IMPORTANT USE RESTRICTIONS

- Do not apply to wheat, barley, oats or triticale underseeded with another crop.
- Injury to or loss of desirable trees or vegetation may result from failure to observe the following:
 - Do not apply, drain or flush equipment on or near desirable trees or other plants or on areas where their roots may extend, or in locations where the chemical may be washed or moved into contact with their roots.
 - Do not use on lawns, walks, driveways, tennis courts, or similar areas. Prevent drift of spray to desirable plants.
- When using EXPRESS® in tank mixes or sequential applications with other products containing tribenuron-methyl, do not exceed the following limits.

Use	Active Ingredient	Maximum oz ai per Single Application	Maximum oz ai per Use Period
wheat, barley triticale	tribenuron-methyl	0.25	0.25
oats	tribenuron-methyl	0.1	0.1
fallow, burndown, post harvest	tribenuron-methyl	0.25	0.25
DuPont™ ExpressSun® sunflowers, grass grown for seed	tribenuron-methyl	See "USE RATES". Do not use other products that contain tribenuron methyl.	

IMPORTANT USE PRECAUTIONS

- Injury to or loss of adjacent sensitive crops and vegetation may result from failure to observe the following:
 - Take all necessary precautions to avoid all direct or indirect contact (such as spray drift) with non-target plants or areas.
 - Carefully observe all sprayer cleanup instructions both prior to and after using this product, as spray tank residue may damage crops other than wheat or barley.
- Varieties of wheat (including durum), barley, oats and triticale may differ in their response to various herbicides. DuPont recommends that you first consult your state experiment station, university, or extension agent as to crop sensitivity to any herbicide. If no information is available, limit the initial use to a small area.
- Under certain conditions such as heavy rainfall, prolonged cold weather, or wide fluctuations in day/night temperatures prior to or soon after EXPRESS® application, temporary discoloration and/or crop injury may occur. To reduce the potential of crop injury, tank mix EXPRESS® with 2,4-D (ester formulations perform best - see the "TANK MIXTURES" section of this label) and apply after the crop is in the tillering stage of growth.
- EXPRESS® should not be applied to wheat, barley, oats or triticale that is stressed by severe weather conditions, drought, low fertility, water-saturated soil, disease, or insect damage, as crop injury may result. Risk of injury is greatest when crop is in the 2 to 5- leaf stage. Severe winter stress, drought, disease, or insect damage following application also may result in crop injury.
- Dry, dusty field conditions may result in reduced control in wheel track areas.

RESISTANCE

When herbicides that affect the same biological site of action are used repeatedly over several years to control the same weed species in the same field, naturally-occurring resistant biotypes may survive a correctly applied herbicide treatment, propagate, and become dominant in that field. Adequate control of these resistant weed biotypes cannot be expected. If weed control is unsatisfactory, it may be necessary to retreat the problem area using a product affecting a different site of action.

To better manage herbicide resistance through delaying the proliferation and possible dominance of herbicide resistant weed biotypes, it may be necessary to change cultural practices within and between crop seasons such as using a combination of tillage, retreatment, tank-mix partners and/or sequential herbicide applications that have a different site of action. Weed escapes that are allowed to go to seed will promote the spread of resistant biotypes.

If applicable, see the Weeds Controlled section of this label for additional information on managing herbicide resistant weed biotypes. It is advisable to keep accurate records of pesticides applied to individual fields to help obtain information on the spread and dispersal of resistant biotypes. Consult your agricultural dealer, consultant, applicator, and/or appropriate state agricultural extension service representative for specific alternative cultural practices or herbicide recommendations available in your area.

INTEGRATED PEST MANAGEMENT

This product may be used as part of an Integrated Pest Management (IPM) program that can include biological, cultural, and genetic practices aimed at preventing economic pest damage. IPM principles and practices include field scouting or other detection methods, correct target pest identification, population monitoring, and treating when target pest populations reach locally determined action thresholds. Consult your state cooperative extension service, professional consultants or other qualified authorities to determine appropriate action treatment threshold levels for treating specific pest/crop systems in your area.

LABELED USES

WHEAT, BARLEY, OATS AND TRITICALE

APPLICATION TIMING

Apply DuPont™ EXPRESS® after the crop is in the 2-leaf stage, but before the flag leaf is visible.

For spring oats, make applications after the crop is in the 3-leaf stage, but before jointing. Do not use on "Ogle", "Porter" or "Premier" varieties as crop injury can occur.

Since EXPRESS® has very little or no soil activity, it controls only those weeds that have germinated; therefore, apply EXPRESS® when all or most of the weeds have germinated. Annual broadleaf weeds should be past the cotyledon stage, actively growing, and less than 4" tall or wide.

Do not harvest within 45 days of the last application.

CEREALS USE RATE

Use 0.5 oz EXPRESS® per acre (except oats) for heavy infestation of those weeds listed under the "WEEDS CONTROLLED" section of this label or when application timing and environmental conditions are marginal (see "BIOLOGICAL ACTIVITY AND ENVIRONMENTAL CONDITIONS").

Use 0.25 to 0.375 oz EXPRESS® per acre (except oats) for light infestation of the weeds listed under the "WEEDS CONTROLLED" section of this label. Conditions at application should be optimum for effective treatment of these weeds.

Two applications of EXPRESS® may be made per season provided the total amount does not exceed 0.5 oz per acre.

For oats, apply 0.2 oz of EXPRESS® per acre for control of light populations of the weeds listed in Weeds Controlled table. In oats, EXPRESS® must be tank mixed with another registered herbicide. Do not make more than one application of EXPRESS® per crop season on oats.

BURNDOWN - POST HARVEST, FALLOW, PRE-PLANT

APPLICATION TIMING

EXPRESS® may be used as a burndown treatment when the majority of weeds have emerged and are actively growing. EXPRESS® may be applied to crop stubble, as a fallow treatment, or as a pre-plant burndown prior to planting any crop. See "CROP ROTATION" for the minimum interval allowed between the burndown application and when a crop may be planted.

BURNDOWN USE RATE

Apply 0.25 to 0.5 oz EXPRESS® per acre as a burndown treatment prior to planting any crop (except cotton), or shortly after planting wheat (including durum), barley or triticale (prior to emergence). Use the 0.5 ounce per acre rate when weed infestation is heavy, or predominantly consists of those weeds listed under the "Weeds Partially Controlled" section of this label, or when application timing and environmental conditions are marginal.

See "CROP ROTATION" for the minimum interval allowed between the burndown application and when a crop may be planted.

Sequential treatments of EXPRESS® may also be made provided the total amount of EXPRESS® applied during one post harvest/fallow/pre-plant time period does not exceed 0.5 ounce per acre.

EXPRESS® should be applied in combination with other suitable registered burndown herbicides (See the "TANK MIXTURES" section of this label for additional information).

For cotton, apply 0.25 oz EXPRESS® per acre as a burndown treatment any time up to 14 days prior to planting. Seeding disease, nematodes, cold weather, deep planting (more than 2"), excessive moisture, high salt concentration, and/or drought may weaken cotton seedlings and increase the possibility of crop injury. Cotton resumes normal growth once favorable growing conditions return.

DUPONT™ EXPRESSUN® SUNFLOWERS

DuPont™ EXPRESS® is intended for application only to sunflowers with the ExpressSun® trait for tolerance to EXPRESS®. Apply only on sunflowers labeled ExpressSun® and warranted by the seed supplier to have tolerance to direct application of EXPRESS® herbicide. DO NOT apply EXPRESS® to sunflowers that lack tolerance/resistance to EXPRESS®.

APPLICATION TIMING

Apply EXPRESS® to ExpressSun® sunflowers any time from the 2-leaf stage of growth up to but not including the bud formation stage.

Temporary crop yellowing may be observed shortly after application of EXPRESS®, especially when applied to crops growing under environmentally stressful conditions.

Depending upon rainfall or other environmental conditions, annual weeds may have a second flush of germinating seedlings. To maximize control of such weeds, it may be necessary to apply EXPRESS® again, 14 or more days after the prior application. The combined rate of the postemergence applications cannot exceed 1.0 oz. EXPRESS® per acre per use season.

Avoid application to ExpressSun® sunflower fields in which germination is uneven (i.e., some plants are outside the specified leaf stage for application), as crop injury may result.

Application to ExpressSun® sunflowers that are, or have been, stressed by severe weather conditions, frost, abnormally hot or cold or wet or dry conditions, low fertility, drought, water saturated soil, disease and/or insect damage prior to application may result in crop injury. If the above stress conditions are expected to occur within 3 days after application of EXPRESS® to ExpressSun® sunflowers, crop injury may also occur.

Do not apply EXPRESS® within 70 days of sunflower harvest.

EXPRESSSUN® SUNFLOWER USE RATE

Apply EXPRESS® at a rate of 0.25 to 0.5 ounce per acre. Use the 0.5 ounce per acre rate when weed infestation is heavy or predominantly consists of those weeds listed under the "Weeds Partially Controlled" section of this label, or when application timing and environmental conditions are marginal. Do not apply more than 1.0 oz. EXPRESS® per acre postemergence during the same sunflower growing season.

CULTIVATION

A timely cultivation may be necessary to control suppressed weeds, weeds that were beyond the maximum size at application, and/or weeds that emerge after an application of EXPRESS®.

- Cultivation up to 7 days before the postemergence application of EXPRESS® may decrease weed control by pruning weed roots, placing the weeds under stress, and/or covering the weeds with soil and preventing coverage by EXPRESS®.
- To allow EXPRESS® to fully control treated weeds, cultivation is not recommended for 7 days after application.
- Optimum timing for cultivation is 7 – 14 days after a postemergence application of EXPRESS®.

GRASS GROWN FOR SEED

(in the states of ID, OR, UT, WA)

EXPRESS® may be used for selective postemergence control or suppression of certain broadleaf weeds in seedling and established stands of bentgrass, bluegrass, annual ryegrass, orchardgrass, tall fescue, and fine fescue grown for seed. EXPRESS® may be used on seedling and established perennial ryegrass providing user accepts all risk of possible crop injury and/or reduced seed yield. EXPRESS® may cause temporary yellowing and stunting of grass. Certain varieties of grass may be sensitive to EXPRESS®. When using EXPRESS® for the first time on a particular variety, limit use to a small area.

EXPRESS® should be applied in combination with other suitable registered herbicides (See the "TANK MIXTURES" section of this label for additional information). Always use a nontoxic surfactant of at least 80% active ingredient at the rate of 0.25% volume/volume (1 quart per 100 gallon of spray solution).

Do not apply more than 0.5 ounce of EXPRESS® per acre per growing season. Do not apply EXPRESS® in a tank mix with organophosphate insecticides as severe crop injury may occur.

Do not apply to grass that is under stress from severe weather conditions, drought, low fertility, water saturated soil, disease or insect damage, as crop injury may result. Under certain conditions such as prolonged cool weather (daily high temperature less than 50° F) or wide fluctuations in day/night temperatures just prior to or soon after treatment, temporary yellowing and/or crop stunting may occur.

BENTGRASS, BLUEGRASS, ANNUAL RYEGRASS, ORCHARDGRASS, FINE FESCUE AND TALL FESCUE

Seeding Stands: For use on annual ryegrass, orchard grass, tall fescue and fine fescue, apply at 0.25 oz per acre after stand is in 4-leaf stage. For use on bentgrass, apply at 0.25 oz per acre after stand is in 4-leaf stage. For use on bluegrass, apply at 0.25 to 0.5 oz per acre after stand is in 4-leaf stage.

Established Stands: For stands that have been established for at least one growing season (fall or spring), apply EXPRESS® at 0.25 to 0.5 oz per acre. Use the higher rate for larger weeds and hard to control weeds like wild carrot. Apply prior to jointing.

PERENNIAL RYEGRASS

Perennial ryegrass is more sensitive to DuPont™ EXPRESS® than other grass species. Crop injury in the form of stunting and possible reduced seed yield may occur. To minimize the risk of crop injury, use the 0.25 oz per acre rate and always use either 2,4-D or dicamba and liquid nitrogen with EXPRESS®.

Seeding Stands: Apply EXPRESS® at 0.25 oz per acre in a tank mix with another suitable broadleaf herbicide after grass is in 5- to 6-leaf stage.

Established Stands: For stands that have been established for one growing season (fall or spring) apply EXPRESS® at 0.25 to 0.5 oz per acre in a tank mix with another suitable broadleaf herbicide. Apply prior to jointing.

Note: The 0.5 oz rate of EXPRESS® should be used only for the control or suppression of problem weeds like wild carrot where the benefit of weed control can be offset by possible crop injury including possible yield reduction.

SPRAY ADJUVANTS - ALL CROPS OR USES

Include a spray adjuvant with applications of EXPRESS®. In addition, an ammonium nitrogen fertilizer may be used.

Consult your Ag dealer or applicator, local DuPont fact sheets and technical bulletins prior to using an adjuvant system. If another herbicide is tank mixed with EXPRESS®, select adjuvants authorized for use with both products. Products must contain only EPA-exempt ingredients.

NONIONIC SURFACTANT (NIS)

• Apply 0.06 to 0.50% volume/volume (0.5 pt to 4 pt per 100 gal of spray solution).

• Surfactant products must contain at least 60% nonionic surfactant with a hydrophilic/lipophilic balance (HLB) greater than 12.

CROP OIL CONCENTRATE (COC) - PETROLEUM OR MODIFIED SEED OIL (MSO)

• Apply at 1% v/v (1 gal per 100 gal spray solution) or 2% under arid conditions. MSO adjuvants may be used at 0.5% v/v if specified on local DuPont product literature or service policies.

• Oil adjuvants must contain at least 80% high quality, petroleum (mineral) or modified vegetable seed oil with at least 15% surfactant emulsifiers.

SPECIAL ADJUVANT TYPES

• Combination adjuvant products may be used at doses that provide the required amount of NIS, COC, MSO and/or ammonium nitrogen fertilizer. Consult product literature for use rates and restrictions.

• In addition to the adjuvants specified above, other adjuvant types may be used if they provide the same functionality and have been evaluated and approved by DuPont product management. Consult separate DuPont technical bulletins for detailed information before using adjuvant types not specified on this label.

AMMONIUM NITROGEN FERTILIZER

• Use 2 qt/acre of a high-quality urea ammonium nitrate (UAN), such as 28%N or 32%N, or 2 lb/acre of a spray-grade ammonium sulfate (AMS). Use 4 qt/acre UAN or 4 lb/acre AMS under arid conditions.

• See TANK MIXTURES With Liquid Nitrogen Fertilizer for instructions on using fertilizer as a carrier in place of water.

WEED CONTROL INFORMATION

WEEDS CONTROLLED

DuPont™ EXPRESS® effectively controls the following weeds when used according to label directions:

Black mustard	London Rocket
Blue/Purple mustard	Marestail***†
Bushy wallflower	Marshelder†
/Treacle mustard†	Mayweed chamomile/Stinking
Canada thistle**	chamomile/dog fennel
Coast fiddleneck	(Anthemis cotula L)**†
Common Chickweed†	Miners lettuce
Common Groundsel	Narrowleaf hawksbeard *** **
Common Lambsquarters†	Nightflowering catchfly
Common Purslane	Pineappleweed
Corn, Gromwell**	Poison hemlock***
Corn spurry	Prickly lettuce**†
Cowcockle	Puncturevine
Cressleaf groundsel ***	Purslane speedwell (@ 0.5 oz)**
(butterweed)	Redroot pigweed†
Curly Dock**	Russian thistle**†
Dandelion	Shepherd's-purse
Deadnettle††	Slimleaf lambsquarters
Early whitlowgrass	Small-flower buttercup (@ 0.5 oz)**
False chamomile/	Smallseed falseflax†
Wild chamomile/Scentless	Tansymustard
chamomile (Matricaria	Tarweed fiddleneck
maritima L.)	Turnble pigweed (@ 0.5 oz)
Field pennycress	Turnble/Jim Hill mustard**
Flaxweed†	White cockle (@ 0.5 oz)
Hairy buttercup	Wild mustard†
Kochia**†	

WEEDS PARTIALLY CONTROLLED*

EXPRESS® partially controls the following weeds when used according to label directions:

Annual sowthistle
Common cocklebur†
Common sunflower
(volunteer)††
Common vetch**
Eastern black nightshade†
Hairy nightshade
Hairy vetch**
Henbit

Narrowleaf hawksbeard
Pennsylvania smartweed
Prostrate knotweed
Redmaids
Redstem filaree ***
Wild buckwheat
Wild carrot
Wild garlic
Wild radish**

* Partially controlled weeds exhibit a visual reduction in numbers as well as a significant loss of vigor. For better results, use 0.375 to 0.5 oz EXPRESS® per acre and include a tankmix partner such as 2,4-D, MCP, bromoxynil or dicamba. See the "TANK MIXTURES" section of this label.

** See the Specific Weed Instructions section of this label for more information.

***2,4-D LVE addition required.

† Naturally occurring resistant biotypes are known to occur.

†† 0.5 oz EXPRESS® only

SPECIFIC WEED INSTRUCTIONS

Canada thistle: For best results, apply 0.5 oz per acre when all thistles are 4" to 8" with 2" to 6" of new growth. Make the application in the spring.

Corn Gromwell : For best results, apply 0.5 oz of EXPRESS® per acre in combination with 2,4-D or MCP (refer to the Tank Mixtures section of this label).

Curly Dock: For best results, apply 0.375 to 0.5 oz of EXPRESS® per acre in combination with 2,4-D or MCP (refer to the Tank Mixtures section of this label).

Kochia: For best results, use EXPRESS® in a tank mix with Starane, Starane + Salvo, Starane + Sword, dicamba (such as "Banvel"/ "Clarity") and 2,4-D or MCP (ester or amine), or bromoxynil containing products (such as "Buctril", "Bison", "Bronate" or "Bronate Advanced").

EXPRESS® should be applied in the spring when kochia are less than 2" tall and are actively growing (refer to the Tank Mixtures section of this label for additional details on rates and restrictions).

Mayweed chamomile / Stinking Chamomile / dog fennel: For best results, apply 0.375 to 0.5 oz of EXPRESS® per acre.

Narrowleaf hawksbeard: During the post harvest, fallow, and/or pre-plant burn-down period, EXPRESS® may be used in a tank mix with 1 to 2 pints of glyphosate per acre (4 lb per gallon formulation or equivalent) for postemergence control of narrowleaf hawksbeard.

For wheat, DuPont™ EXPRESS® may be used in a tank mix with 2,4-D for postemergence control of narrowleaf hawksbeard. Add 2,4-D at 0.25 to 0.375 lb active ingredient per acre (such as 0.5 to 0.75 pt of a 4 lb/gal product). Apply this tank mix only in the spring when the wheat is fully tillered and before the jointing stage.

Russian thistle, Prickly lettuce: For best results, use EXPRESS® in a tank mix with dicamba (such as "Banvel"/ "Clarity") and 2,4-D or MCP (ester or amine), or bromoxynil containing products (such as "Buctril", "Bison", "Bronate" or "Bronate Advanced").

EXPRESS® should be applied in the spring when Russian thistle, and prickly lettuce are less than 2" tall or 2" across and are actively growing (refer to the Tank Mixtures section of this label for additional details on rates and restrictions).

Tumble/Jim Hill mustard: For best results, apply 0.5 oz of EXPRESS® per acre in combination with 2,4-D or MCP (refer to the Tank Mixtures section of this label).

Vetch (common and hairy): For best results, apply 0.375 to 0.5 oz of EXPRESS® per acre when vetch is less than 6" in length. For severe infestations of vetch, or when vetch is greater than 6" in length, apply EXPRESS® in combination with 2,4-D or MCP (refer to the Tank Mixtures section of this label).

Wild radish: For best results, apply 0.25 - 0.5 oz EXPRESS® per acre plus 0.25 - 0.375 lb active ingredient per acre MCP plus 0.25% v/v nonionic surfactant (1 qt per 100 gal of spray solution) to wild radish rosettes less than 6" diameter. Make the application either in the fall or spring. Applications made later than 30 days after weed emergence will result in partial control. Fall applications should be made before plants harden-off.

SU/IMI Tolerant Volunteer Sunflowers: Varieties resistant to SU and IMI products (like EXPRESS®, "Beyond", "Pursuit", "Raptor") are under development. For best results, use EXPRESS® in a tank mix with Starane, Starane + Salvo, Starane + Sword, dicamba (such as "Banvel"/ "Clarity") and 2,4-D or MCP (ester or amine), or bromoxynil containing products (such as "Buctril", "Bison", "Bronate" or "Bronate Advanced").

TANK MIXTURES

EXPRESS® may be tank mixed with other suitable registered herbicides to control weeds listed as partially controlled, weeds resistant to EXPRESS® or weeds not listed under the "WEEDS CONTROLLED" sections of this label.

Read and follow all manufacturers' label instructions for any companion herbicides, fungicides, and/or insecticides. If those instructions conflict with this label, do not tank mix that product with EXPRESS®. Read and follow all label instructions on timing, precautions, and warnings for any companion products before using these tank mixtures. Follow the most restrictive labeling.

WHEAT, BARLEY, OATS AND TRITICALE

With 2,4-D (amine or ester) or MCP (amine or ester)

EXPRESS® may be tank mixed with 2,4-D and MCP (preferably ester formulations) herbicides for use on wheat, barley, oats and triticale. For best results, add 2,4-D or MCP herbicides to the tank at 0.125 to 0.375 lb active ingredient per acre. In tank mixes containing 0.125 lb active ingredient 2,4-D or MCP per acre, add 1 to 2 pt of nonionic surfactant; in tank mixes containing 0.25 to 0.375 lb active ingredient 2,4-D or MCP per acre, add 1 pt of nonionic surfactant.

Higher rates of 2,4-D or MCP may be used, but do not exceed the highest rate allowed by those respective labels. When using rates of 0.375 lb ai per acre or higher, use of additional nonionic surfactant may not be needed, unless specified otherwise in the 2,4-D or MCP label, or local guidance.

With 2,4-D or MCP (amine or ester) and Dicamba (such as "Banvel"/"Clarity")
EXPRESS® may be applied in a 3-way tank mix with formulations of dicamba (such as "Banvel"/"Clarity") and 2,4-D or MCP.

Make applications at 0.25 - 0.5 oz of EXPRESS® + 1-1.5 oz active dicamba (such as "Banvel"/"Clarity") + 0.25 to 0.375 lb active ingredient of 2,4-D or MCP (ester or amine) per acre. Use higher rates when weed infestation is heavy. Add 1-2 pt of nonionic surfactant to the 3 way mixture, where necessary, as deemed by local guidance. Use of additional nonionic surfactant may not be needed with the higher phenoxy rates and ester phenoxy formulations. Consult the specific 2,4-D or MCP and dicamba labels, or local guidance for more information.

Apply this 3-way combination to winter wheat after the crop is tillering and prior to jointing (first node). In Spring Wheat (including Durum), apply after the crop is tillering and before it exceeds the 5-leaf stage.

Do not apply this 3-way mixture at high rates more than once a year, or more than twice per year at the low rates.

With Bromoxynil containing products (such as "Buctril", "Bison", "Bronate" or "Bronate Advanced")

EXPRESS® may be tank mixed with bromoxynil containing herbicides registered for use on wheat, barley or triticale. For best results, add bromoxynil containing herbicides to the tank at 3 to 6 oz active ingredient per acre (such as "Bronate" or "Bison" at 0.75 - 1.5 pt per acre). Tank mixes of EXPRESS® plus bromoxynil may result in reduced control of Canada thistle.

With fluoxypyr (such as "Starane" brands)

EXPRESS® may be tank mixed with fluoxypyr containing herbicides for improved control of Kochia (2-4" tall) and other broadleaf weeds. For best results, add fluoxypyr containing herbicides to the tank at 1 to 2 oz active ingredient per acre (such as "Starane" 0.33 to 0.67 pints per acre). 2,4-D and MCP herbicides (preferably ester formulations) may be tank mixed with EXPRESS® plus Starane.

With Other Broadleaf Control Products

DuPont™ EXPRESS® can be tank mixed with other broadleaf herbicides registered on cereals such as DuPont™ HARMONY® SG, DuPont™ ALLY® XP, "Widematch", "Aim", "Stinger", or "Curtail".

Tank mixes of EXPRESS® plus metribuzin may result in reduced control of wild garlic.

Tank mixes of EXPRESS® plus dicamba (such as "Banvel"/"Clarity") may result in reduced control of some broadleaf weeds.

With "Axial"

EXPRESS® can be tank mixed with "Axial" brand herbicides for improved control of wild oats and other grasses.

With "Discover" NG

EXPRESS® can be tank mixed with "Discover" NG herbicide for improved control of weeds in spring wheat.

With "Everest"

EXPRESS® can be tank mixed with "Everest" herbicide for improved control of weeds in spring wheat.

With "Assert" Herbicide or "Avenge" Herbicide

EXPRESS® can be tank mixed with "Avenge" or "Assert". When tank mixing EXPRESS® with "Assert", always include another broadleaf weed herbicide with a different mode of action (for example 2,4-D ester, MCP ester, or bromoxynil (such as "Buctril", "Bison", "Bronate" or "Bronate Advanced")). Applications of EXPRESS® plus "Assert" may cause temporary crop discoloration, stunting, or injury when heavy rainfall occurs shortly after application.

With Other Grass Control Products

EXPRESS® can be tank mixed with other grass control herbicides registered on cereals such as "Maverick", or "Puma".

Tank mixes of EXPRESS® with "Hoelon 3EC", may result in reduced grass control.

With Fungicides

EXPRESS® may be tank mixed or used sequentially with fungicides registered for use on cereal crops.

With Insecticides

EXPRESS® may be tank mixed or used sequentially with insecticides registered for use on cereal crops. However, under certain conditions (drought stress, or if the crop is in the 2-4 leaf stage), tank mixes or sequential applications of EXPRESS® with organophosphate insecticides (such as Lorsban) may produce temporary crop yellowing or, in severe cases, crop injury. The potential for crop injury is greatest when wide fluctuations in day/night temperatures occur just prior to or soon after application.

Test these mixtures in a small area before treating large areas.

Do not apply EXPRESS® within 60 days of crop emergence where an organophosphate insecticide has been applied as an in-furrow treatment because crop injury may result.

Do not use EXPRESS® plus Malathion because crop injury may result.

With Liquid Nitrogen Solution Fertilizer

Liquid nitrogen fertilizer solutions may be used as a carrier in place of water. Run a tank mix compatibility test before mixing EXPRESS® in fertilizer solution. EXPRESS® must first be slurried with water and then added to liquid nitrogen solutions (e.g., 28-0-0, 32-0-0). Ensure that the agitator is running while the EXPRESS® is added. Use of this mixture may result in temporary crop yellowing and stunting.

If using low rates of liquid nitrogen fertilizer in the spray solution (less than 50% of the spray solution volume), the addition of surfactant is necessary. Add surfactant at 0.5 pt - 1 qt per 100 gal of spray solution (0.06 - 0.25% v/v) based on local guidance.

When using high rates of liquid nitrogen fertilizer solution in the spray solution, adding surfactant increases the risk of crop injury. If 2,4-D or MCP is included with EXPRESS® and fertilizer mixture, ester formulations tend to be more compatible (see manufacturer's label). Additional surfactant may not be needed when using EXPRESS® in tank mix with 2,4-D ester or MCP ester and liquid nitrogen fertilizer solutions. Consult your agricultural dealer, consultant, field advisor, or DuPont representative for guidance before adding an adjuvant to these tank mixtures.

Note: In certain areas east of the Mississippi river unacceptable crop response may occur with use of straight or dilute nitrogen fertilizer carrier solutions where cold temperatures or widely fluctuating day/night temperatures exist. In these areas consult your agricultural dealer, consultant, field advisor, or DuPont representative for guidance before using nitrogen fertilizer carrier solutions. Do not use low rates of liquid nitrogen fertilizer solution as a substitute for a surfactant.

Liquid nitrogen fertilizer solutions that contain sulfur can increase crop response.

Do not use with liquid fertilizer solutions with a pH less than 3.0.

TANK MIXTURES IN BURNDOWN APPLICATIONS

EXPRESS® may be tank mixed with one or more herbicides that are registered for use at the appropriate burndown timing, including glyphosate, 2,4-D, and dicamba. Read and follow all label instructions on timing, precautions, and warnings for any companion products before using these tank mixtures.

TANK MIXTURES FOR DUPONT™ EXPRESSUN® SUNFLOWERS

For the control of annual grasses, apply a grass herbicide such as DuPont™ ASSURE® II (refer to the ASSURE® II product labeling for use rates, weed size, adjuvant selection, precautions, and restrictions). For maximum performance, apply ASSURE® II Herbicide at least one day before, or seven days after, the application of DuPont™ EXPRESS®.

TANK MIXTURES FOR GRASS GROWN FOR SEED

Always use EXPRESS® in a tank mix with another broadleaf herbicide such as 2,4-D, MCP or dicamba as these herbicides soften the effects of EXPRESS® on grasses while improving weed control performance on most broadleaf weeds. Testing has shown that 2,4-D and dicamba are more effective in a tank mix with EXPRESS® than MCP. Use a minimum of 0.25 to 0.5 lb. ai per acre of 2,4-D or MCP (8 to 16 fluid ounces of 4 lb/gal product). Use a minimum of 0.125 to 0.25 lb ai per acre of dicamba (such as 4 to 8 fluid ounces of "Banvel" or "Clarity"). EXPRESS® can be applied with liquid fertilizers. Liquid fertilizers (20%, 28%, 32% N at a minimum of 4 gallons/100 gallons of spray solution) enhance the performance of EXPRESS® and may improve crop safety. Always use a surfactant and another broadleaf herbicide when using liquid fertilizer with EXPRESS®.

GRAZING

Allow at least 7 days between application and grazing of treated forage. In addition, allow at least 7 days between application and feeding of forage (green chop) from treated areas to livestock. Allow at least 30 days between application and feeding of hay from treated areas to livestock. Allow at least 45 days between application and harvesting of grain. Harvested straw may be used for bedding and/or feed.

CROP ROTATION

Labeled crops may be planted at specified time intervals following application of labeled rates of EXPRESS®. Use the time intervals listed below to determine the required time interval before planting.

Time Interval Before Planting* (days after treatment with EXPRESS®)

Crop	Days
Barley, Rice, Triticale, ExpressSun® sunflowers and Wheat (including durum)	0
Oats and Soybeans (at EXPRESS® rate of 0.25 oz/a)	1**
Soybeans	7**
Cotton, Field Corn, and Grain/forage Sorghum	14**
Sugarbeets, Winter Rape, and Canola	60
Any other crop	45

* Refer to individual product labels to determine rotational crop restrictions when tank mixtures are used.

** Where EXPRESS® is used on light textured soils (such as sands and loamy sands) or on high pH soils (>7.9), extend time to planting by 7 additional days.

APPLICATION INFORMATION

PRODUCT MEASUREMENT

EXPRESS® can be measured using the EXPRESS® volumetric measuring cylinder provided by DuPont. The degree of accuracy of this cylinder varies by $\pm 7.5\%$. For more precise measurement, use scales calibrated in ounces.

MIXING INSTRUCTIONS

1. Fill the tank 1/4 to 1/3 full of water.
2. While agitating, add the required amount of EXPRESS®.
3. Continue agitation until the EXPRESS® is fully dispersed, at least 5 minutes.
4. Once the EXPRESS® is fully dispersed, maintain agitation and continue filling tank with water. EXPRESS® should be thoroughly mixed with water before adding any other material.
5. As the tank is filling, add tank mix partners (if desired) then add the required volume of spray adjuvant. Always add spray adjuvant last. Antifoaming agents may be used. Do not use with spray additives that alter the pH of the spray solution below pH 6.0 as rapid product degradation can occur. Spray solutions of pH 7.0 and higher allow for optimum stability of EXPRESS®.

6. If the mixture is not continuously agitated, settling will occur. If settling occurs, thoroughly re-agitate before using.
7. Apply EXPRESS® spray mixture within 24 hours of mixing to avoid product degradation.

8. If EXPRESS® and a tank mix partner are to be applied in multiple loads, pre-slurry the EXPRESS® in clean water prior to adding to the tank. This will prevent the tank mix partner from interfering with the dissolution of the EXPRESS®.

APPLICATION METHOD

GROUND APPLICATION

For optimum spray distribution and thorough coverage, use flat-fan or low-volume flood nozzles.

- Select nozzles and pressure that deliver medium spray droplets.
- Nozzles that deliver coarse spray droplets may be used to reduce drift, provided spray volume is increased to maintain coverage on small weeds. For optimal product performance and minimal spray drift, adjust the spray boom to the lowest possible spray height listed in manufacturers' specifications.
- Overlaps or starting, stopping, slowing, and turning while spraying may result in crop injury.
- For flat-fan nozzles, use a spray volume of at least 5 gal per acre (GPA).
- For flood nozzles on 30" spacing, use flood nozzles no larger than TK10 (or the equivalent), a pressure of at least 30 psi and a spray volume of at least 10 GPA only. For 40" nozzle spacing, use at least 13 GPA; for 60" spacing use at least 20 GPA. It is essential to overlap the nozzles 100% for all spacings.
- "Raindrop RA" nozzles are not recommended for DuPont™ EXPRESS® applications, as weed control performance may be reduced.
- Use screens that are 50-mesh or larger.

For application in California refer to the "CALIFORNIA APPLICATION REQUIREMENTS FOR PROTECTION OF SENSITIVE CROPS" section of this label for specific ground application requirements.

AERIAL APPLICATION

For aerial application, select nozzles and pressure that deliver medium or coarse spray and that provide optimum spray distribution and maximum coverage at 2 to 5 GPA.

Use at least 2 GPA. In Idaho, Oregon and Utah use at least 3 GPA.

Do not apply EXPRESS® by air in the state of New York.

For aerial applications, do not apply during a temperature inversion, when wind speed is less than 3 mph or above 10 mph, or when conditions favor poor coverage and/or off-target spray drift.

See the **Spray Drift Management** section of this label.

For application in California refer to the "CALIFORNIA APPLICATION REQUIREMENTS FOR PROTECTION OF SENSITIVE CROPS" section of this label for specific aerial application requirements.

CHEMIGATION

EXPRESS® may be applied through sprinkler irrigation systems in the State of Idaho for use in fall-seeded wheat, spring seeded barley and spring seeded wheat. Use 0.375 to 0.5 oz EXPRESS® per acre in combination with bromoxynil containing herbicides at 3 to 6 oz active ingredient per acre (such as "Bromate" or "Bison" at 0.75 - 1.5 pt per acre). Apply to wheat and barley after the 3-leaf stage but before the flag leaf is visible. Make only one chemigation application of this tank mixture per crop year. For best results, apply to broadleaf weeds up to the 4-leaf stage, or 2 inches in height or 1 inch in diameter, which ever comes first.

Apply this tank mix through sprinkler irrigation systems including center pivot, lateral move, side (wheel) roll, solid set or hand move irrigation systems only. Do not apply these herbicides through any other type of irrigation system.

Crop injury, lack of effectiveness, or illegal pesticide residues in the crop can result from non-uniform distribution of treated water. If you have questions about calibration, you should contact State Extension Service specialists, equipment manufacturers or other experts. Do not connect an irrigation system (including greenhouse systems) used for EXPRESS® application to any public water system. A person knowledgeable of the chemigation system and responsible for its operation, or under the supervision of the responsible person, shall shut the system down and make necessary adjustments should the need arise.

The sprinkler chemigation system must contain a functional check valve, vacuum relief valve, and low-pressure drain appropriately located on the irrigation pipeline to prevent water source contamination from back flow. The pesticide injection pipeline must contain a functional, automatic, quick-closing check valve to prevent the flow of fluid back toward the injection pump. The pesticide injection pipeline must also contain a functional, normally closed, solenoid-operated valve located on the intake side of the injection pump and connected to the system interlock to prevent fluid from being withdrawn from the supply tank when the irrigation system is either automatically or manually shut down. The system must contain functional interlocking controls to automatically shut off the pesticide injection pump when the water pump motor stops. The irrigation line or water pump must include a functional pressure switch, which will stop the water pump motor when the water pressure decreases to the point where pesticide distribution is adversely affected. Systems must use a metering pump, such as a positive displacement injection pump (e.g., diaphragm pump) effectively designed and constructed of materials that are compatible with pesticides and capable of being fitted with a system interlock. Do not apply when wind speed favors drift beyond the area intended for treatment.

CHEMIGATION REQUIREMENTS

1. In center pivot and continuous lateral move systems, EXPRESS® + bromoxynil containing herbicides should be applied continuously for the duration of the water application. In solid set systems, application of the tank mix should be made during the last 30 to 45 minutes of the irrigation.
2. Set the sprinkler system to deliver approximately 0.5 inch or less of water per acre for best product performance.
3. Fill the supply tank with half of the water amount desired, add the DuPont™ EXPRESS® and agitate it well. Add the bromoxynil containing herbicide and then add the remaining water amount with agitation. Bromoxynil containing herbicides require a dilution with at least 4 parts water to 1 part bromoxynil containing herbicide.
4. Agitation is recommended in the pesticide supply tank when applying this tank mix.
5. Inject the EXPRESS® + bromoxynil containing herbicides solution at least 8 feet ahead of a right angle turn of irrigation pipe to insure adequate mixing. Allow sufficient time for the herbicide mixture to be flushed through the lines before turning off irrigation water.
6. Follow both EXPRESS® and bromoxynil containing herbicides label instructions for spray tank cleanup both before and after application. Flush lines with clean water following application.
7. Do not apply when wind speed favors drift beyond the area intended for treatment. Avoiding spray drift is the responsibility of the applicator.

SPRAY EQUIPMENT

For specific application equipment, refer to the manufacturer's instructions for additional information on GPA, pressure, speed, nozzle types and arrangements, nozzle heights above the target canopy, etc.

Be sure to calibrate air or ground equipment properly before application. Select a spray volume and delivery system that will ensure thorough coverage and a uniform spray pattern with minimum drift. Use higher spray volumes to obtain better coverage when crop canopy is dense. Avoid swath overlapping, and shut off spray booms while starting, turning, slowing, or stopping, to avoid injury to the crop.

Do not make applications using equipment and/or spray volumes or during weather conditions that might cause spray to drift onto nontarget sites. For additional information on spray drift refer to Spray Drift Management section of label. Continuous agitation is not required to keep EXPRESS® in suspension but may be required to keep tank mix partners in solution or suspension. Refer to tank mix partner labels for additional information.

BEFORE SPRAYING EXPRESS®

The spray equipment must be clean before EXPRESS® is sprayed. Follow the cleanup procedures specified on the labels of the previously applied products. If no directions are provided, follow the six steps outlined in the After Spraying EXPRESS® section of this label.

AT THE END OF THE DAY

When multiple loads of EXPRESS® herbicide are applied, it is recommended that at the end of each day of spraying the interior of the tank be rinsed with fresh water and then partially filled, and the boom and hoses flushed. This will prevent the buildup of dried pesticide deposits which can accumulate in the application equipment.

AFTER SPRAYING EXPRESS® AND BEFORE SPRAYING CROPS OTHER THAN WHEAT, BARLEY, OATS, AND TRITICALE

To avoid subsequent injury to desirable crops, thoroughly clean all mixing and spray equipment immediately following applications of EXPRESS® as follows:

1. Empty the tank and drain the sump completely.
2. Spray the tank walls with clean water using a minimum volume of 10% of the tank volume. Circulate the water through the lines, including all by-pass lines, for at least two minutes. Flush the boom well and empty the sprayer. Completely drain the sump.

3. Repeat step 2.

4. Remove the nozzles and screens and clean separately in a bucket containing water. The rinsate solution may be applied back to the crop(s) specified on this label. Do not exceed the maximum-labeled use rate. If cleaners are used, consult the cleaner label for rinsate disposal instructions. If no instructions are given, dispose of the rinsate on site or at an approved waste disposal facility.

Notes:

1. Steam-cleaning aerial spray tanks is recommended to facilitate the removal of any caked deposits.
2. When EXPRESS® is tank mixed with other pesticides, all cleanup procedures for each product should be examined and the most rigorous procedure should be followed.
3. Follow any pre-cleanup guidelines recommended on other product labels.

SPRAY DRIFT MANAGEMENT

The interaction of many equipment and weather-related factors determines the potential for spray drift. The applicator is responsible for considering all these factors when making application decisions.

AVOIDING SPRAY DRIFT IS THE RESPONSIBILITY OF THE APPLICATOR.

IMPORTANCE OF DROPLET SIZE

The most effective way to reduce drift potential is to apply large droplets. The best drift management strategy is to apply the largest droplets that provide sufficient coverage and control. The presence of sensitive species nearby, the environmental conditions, and pest pressure may affect how an applicator balances drift control and coverage. APPLYING LARGER DROPLETS REDUCES DRIFT POTENTIAL, BUT WILL NOT PREVENT DRIFT IF APPLICATIONS ARE MADE IMPROPERLY OR UNDER UNFAVORABLE ENVIRONMENTAL CONDITIONS! See **Wind, Temperature and Humidity**, and **Surface Temperature Inversions** sections of this label.

CONTROLLING DROPLET SIZE - GENERAL TECHNIQUES

- **Volume** - Use high flow rate nozzles to apply the highest practical spray volume. Nozzles with higher rated flows produce larger droplets.
- **Pressure** - Use the lower spray pressures recommended for the nozzle. Higher pressure reduces droplet size and does not improve canopy penetration. WHEN HIGHER FLOW RATES ARE NEEDED, USE A HIGHER-CAPACITY NOZZLE INSTEAD OF INCREASING PRESSURE.

- **Nozzle Type** - Use a nozzle type that is designed for the intended application. With most nozzle types, narrower spray angles produce larger droplets. Consider using low-drift nozzles.

CONTROLLING DROPLET SIZE - AIRCRAFT

- **Number of Nozzles** - Use the minimum number of nozzles with the highest flow rate that provide uniform coverage.
- **Nozzle Orientation** - Orienting nozzles so that the spray is emitted backwards, parallel to the airstream will produce larger droplets than other orientations.
- **Nozzle Type** - Solid stream nozzles (such as disc and core with swirl plate removed) oriented straight back produce larger droplets than other nozzle types.

BOOM LENGTH AND HEIGHT

- **Boom Length (aircraft)** - The boom length should not exceed 3/4 of the wing length, using shorter booms decreases drift potential. For helicopters use a boom length and position that prevents droplets from entering the rotor vortices.

- **Boom Height (aircraft)** - Application more than 10 ft above the canopy increases the potential for spray drift.

- **Boom Height (ground)** Setting the boom at the lowest height which provides uniform coverage reduces the exposure of droplets to evaporation and wind. The boom should remain level with the crop and have minimal bounce.

WIND

Drift potential increases at wind speeds of less than 3 mph (due to variable direction and inversion potential) or more than 10 mph. However, many factors, including droplet size and equipment type determine drift potential at any given wind speed. For aerial application, do not apply when wind speed is less than 3 mph or above 10 mph.

Note: Local terrain can influence wind patterns. Every applicator should be familiar with local wind patterns and how they effect spray drift.

TEMPERATURE AND HUMIDITY

When making applications in hot and dry conditions, set up equipment to produce larger droplets to reduce effects of evaporation.

SURFACE TEMPERATURE INVERSIONS

Drift potential is high during a surface temperature inversion. Surface inversions restrict vertical air mixing, which causes small suspended droplets to remain close to the ground and move laterally in a concentrated cloud. Surface inversions are characterized by increasing temperature with altitude and are common on nights with limited cloud cover and light to no wind. They begin to form as the sun sets and often continue into the morning. Their presence can be indicated by ground fog; however, if fog is not present, inversions can also be identified by the movement of smoke from a ground source or an aircraft smoke generator. Smoke that layers and moves laterally in a concentrated cloud (under low wind conditions) indicates a surface inversion, while smoke that moves upward and rapidly dissipates indicates good vertical air mixing.

SHIELDED SPRAYERS

Shielding the boom or individual nozzles can reduce the effects of wind. However, it is the responsibility of the applicator to verify that the shields are preventing drift and not interfering with uniform deposition of the product.

CALIFORNIA APPLICATION REQUIREMENTS FOR PROTECTION OF SENSITIVE CROPS

The following drift management requirements must be followed to minimize the potential for exposure of sensitive crops.

Determine the prevailing wind speed and direction before application.

Spray quality

Apply with nozzles that give a coarse droplet size spectrum (volume median diameter (VMD) of 350-400 microns) and minimize droplets that are less than 200 microns.

For aerial application:

- **Nozzle orientation:** Solid stream nozzles oriented straight back produce the largest droplet size spectrum and the lowest drift.
- **Spray volume:** Apply a spray volume between 5 and 10 GPA
- **Wind speed:** Avoid spraying when sustained wind speeds approach or exceed 10 mph. Avoid applications in gusty wind conditions.
- **Aircraft equipment:** Boom length should be 75 percent or less of wing span. For helicopters, use a boom length and position that prevents droplets from entering the rotor vortices.
- **Application height:** Application at more than 10 ft. above the canopy increases the potential for spray drift. Applications must be made at the lowest application height that provides uniform coverage and should be consistent with safe operation of the aircraft.

For ground application,

- **Wind Speed:** Avoid spraying when sustained wind speeds approach or exceed 10 mph. Avoid applications in gusty wind conditions.
- **Boom height – ground sprayers:** Apply with a boom height no greater than 4 feet above the top of the largest plants. The buffer zones may be reduced when application is made with a low boom (20 inches) above the top of the crop canopy. The boom should remain level with the crop and have minimal bounce.

California Buffer Zones

The following buffer zones between the treated area and sensitive crops are required when these sensitive crops are downwind of the application site.

Sensitive crop	Ground application low boom	Ground high boom	Aerial application
Tomato, cucumber, sugarbeet	350 ft	500 ft	1300 ft
Other broadleaf crops	50 ft	50 ft	500 ft

(continued)

California Buffer Zones (continued)

Sensitive crop	Ground application low boom	Ground high boom	Aerial application
Tree and vine crops	50 ft	50 ft	500 ft
Dormant tree and vine	No buffer zone required		
Tree and vine crops do not require buffer zones when crops are dormant.			

PESTICIDE STORAGE AND DISPOSAL

Pesticide Storage: Store the product in original container only. Do not contaminate water, other pesticides, fertilizer, food, or feed in storage. Store in a cool, dry place.

Product Disposal: Do not contaminate water, food, or feed by disposal. Wastes resulting from the use of this product must be disposed of on site or at an approved waste disposal facility.

CONTAINER HANDLING:

Refer to the Net Contents section of this product's labeling for the applicable "Nonrefillable Container" or "Refillable Container" designation.

Nonrefillable Plastic and Metal Containers (Capacity Equal to or Less Than 50 Pounds): Nonrefillable container. Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinse into application equipment or a mix tank or store rinse for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Then, for Plastic Containers, offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration. Do not burn, unless allowed by state and local ordinances. For Metal Containers, offer for recycling if available or reconditioning if appropriate, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

(continued)

Nonrefillable Plastic and Metal Containers (Capacity Greater Than 50 Pounds): Nonrefillable container. Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinse into application equipment or a mix tank or store rinse for later use or disposal. Repeat this procedure two more times. Then, for Plastic Containers, offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration. Do not burn, unless allowed by state and local ordinances. For Metal Containers, offer for recycling if available or reconditioning if appropriate, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

Nonrefillable Plastic and Metal Containers, e.g., Intermediate Bulk Containers (IBC) (Size or Shape Too Large to be Tipped, Rolled or Turned Upside Down): Nonrefillable container. Do not reuse or refill this container. Clean container promptly after emptying the contents from this container into application equipment or mix tank and before final disposal using the following pressure rinsing procedure. Insert a lance fitted with a suitable tank cleaning nozzle into the container and ensure that the water spray thoroughly covers the top, bottom and all sides inside the container. The nozzle manufacturer generally provides instructions for the appropriate spray pressure, spray duration and/or spray volume. If the manufacturer's instructions are not available, pressure rinse the container for at least 60 seconds using a minimum pressure of 30 PSI with a minimum rinse volume of 10% of the container volume. Drain, pour or pump rinse into application equipment or rinse collection system. Repeat this pressure rinsing procedure two more times. Then, for Plastic Containers, offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration. For Metal Containers, offer for recycling if available or reconditioning if appropriate, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

(continued)

Nonrefillable Paper or Plastic Bags, Fiber Sacks including Flexible Intermediate Bulk Containers (FIBC) or Fiber Drums With Liners: Nonrefillable container. Do not reuse or refill this container. Completely empty paper or plastic bag, fiber sack or drum liner by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into application or manufacturing equipment. Then offer for recycling if available or dispose of empty paper or plastic bag, fiber sack or fiber drum and liner in a sanitary landfill, or by incineration. Do not burn, unless allowed by state and local ordinances.

Refillable Fiber Drums With Liners: Refillable container (fiber drum only). Refilling Fiber Drum: Refill this fiber drum with DuPont™ EXPRESS® herbicide (with TOTALSOL® soluble granules) containing tribenuron methyl only. Do not reuse this fiber drum for any other purpose. Cleaning before refilling is the responsibility of the refiller. Completely empty liner by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into application or manufacturing equipment. Disposing of Fiber Drum and/or Liner: Do not reuse this fiber drum for any other purpose other than refilling (see preceding). Cleaning the container (liner and/or fiber drum) before final disposal is the responsibility of the person disposing of the container. Offer the liner for recycling if available or dispose of liner in a sanitary landfill, or by incineration. Do not burn, unless allowed by state and local ordinances. If drum is contaminated and cannot be reused, dispose of it in the manner required for its liner. To clean the fiber drum before final disposal, completely empty the fiber drum by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into application or manufacturing equipment. Then offer the fiber drum for recycling if available or dispose of in a sanitary landfill, or by incineration. Do not burn, unless allowed by state and local ordinances.

All Other Refillable Containers: Refillable container. Refilling Container: Refill this container with DuPont™ EXPRESS® herbicide (with TOTALSOL® soluble granules) containing tribenuron methyl only. Do not reuse this container for any other purpose. Cleaning before refilling is the responsibility of the refiller. Prior to refilling, inspect carefully for damage such as cracks, punctures, abrasions, worn out threads and closure devices. If damage is found, do not use the container, contact DuPont at the number below for instructions. Check for leaks after refilling and before transporting. If leaks are found, do not reuse or transport container, contact DuPont at the number below for instructions. Disposing of Container: Do not reuse this container for any other purpose other than refilling (see preceding). Cleaning the container before final disposal is the responsibility of the person disposing of the container.

(continued)

To clean the container before final disposal, use the following pressure rinsing procedure. Insert a lance fitted with a suitable tank cleaning nozzle into the container and ensure that the water spray thoroughly covers the top, bottom and all sides inside the container. The nozzle manufacturer generally provides instructions for the appropriate spray pressure, spray duration and/or spray volume. If the manufacturer's instructions are not available, pressure rinse the container for at least 60 seconds using a minimum pressure of 30 PSI with a minimum rinse volume of 10% of the container volume. Drain, pour or pump rinsate into application equipment or rinsate collection system. Repeat this pressure rinsing procedure two more times. Then, for Plastic Containers, offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration. Do not burn, unless allowed by state and local ordinances. For Metal Containers, offer for recycling if available or reconditioning if appropriate, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

Outer Foil Pouches of Water Soluble Packets (WSP): Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available or, dispose of the empty outer foil pouch in the trash as long as WSP is unbroken. If the outer pouch contacts the formulated product in any way, the pouch must be triple rinsed with clean water. Add the rinsate to the spray tank and dispose of the outer pouch as described previously.

Do not transport if this container is damaged or leaking. If the container is damaged, leaking or obsolete, or in the event of a major spill, fire or other emergency, contact DuPont at 1-800-441-3637, day or night.

NOTICE TO BUYER: Purchase of this material does not confer any rights under patents of countries outside of the United States.

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It is impossible to eliminate all risks associated with the use of this product. Such risks arise from weather conditions, soil factors, off target movement, unconventional farming techniques, presence of other materials, the manner of use or application, or other unknown factors, all of which are beyond the control of DuPont. These risks can cause: ineffectiveness of the product, crop injury, or injury to non-target crops or plants. **WHEN YOU BUY OR USE THIS PRODUCT, YOU AGREE TO ACCEPT THESE RISKS.**
DuPont warrants that this product conforms to the chemical description on the label thereof and is reasonably fit for the purpose stated in the Directions for Use, subject to the inherent risks described above, when used in accordance with the Directions for Use under normal conditions.

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To the extent consistent with applicable law that allows such requirement, DuPont or its Ag Retailer must have prompt notice of any claim so that an immediate inspection of buyer's or user's growing crops can be made. Buyer and all users shall promptly notify DuPont or a DuPont Ag Retailer of any claims, whether based on contract, negligence, strict liability, other tort or otherwise, or be barred from any remedy.

This Limitation of Warranty and Liability may not be amended by any oral or written agreement.

For product information call: 1-888-6-DUPONT (1-800-638-7668)
Internet address: <http://cropprotection.dupont.com/>
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For Use on Cereals,
ExpressSun® Sunflowers,
Grass grown for seed,
Fallow and as a Pre-plant
or Post-harvest Burndown
Herbicide



DuPont™ Express®

herbicide
(with TotalSol®
soluble granules)

Soluble Granule

Active Ingredient

Tribenuron methyl

Methyl 2-[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)

methylamino]carbonyl]amino]sulfonyl]benzoate 50%

Other Ingredients 50%

TOTAL 100%

EPA Reg. No. 352-632

EPA Est. 352-IL-001

**KEEP OUT OF REACH OF
CHILDREN
CAUTION**

Net 15 oz Nonrefillable Container

See back panel for additional Precautionary Statements.

ENVIRONMENTAL HAZARDS

Do not apply directly to water, or to areas where surface water is present, or to intertidal areas below the mean high water mark. Do not contaminate water when cleaning equipment or disposing of equipment washwaters.

Refer to accompanying labeling for additional precautions and complete directions for use.

Agricultural Use Requirements

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. Refer to supplemental labeling under "Agricultural Use Requirements" in the Directions for Use section for information about this standard.

Notice to Buyer: Purchase of this material does not confer any rights under patents of countries outside of the United States.



DuPont™ Express®

herbicide (with TotalSol® soluble granules)

FIRST AID

IF ON SKIN: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment advice.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment.

You may also contact 1-800-441-3637 for emergency medical treatment information.

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. Avoid contact with skin, eyes or clothing.

For medical emergencies involving this product, call toll free 1-800-441-3637.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Some of the materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for Category A on an EPA chemical-resistance category selection chart.

Applicators and other handlers must wear:

Long-sleeved shirt and long pants.
Chemical resistant gloves made of any waterproof material such as polyethylene or polyvinyl chloride.
Shoes plus socks.

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

USER SAFETY RECOMMENDATIONS

USERS SHOULD: Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet. Users should remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. Users should remove PPE, immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

E. I. du Pont de Nemours and Company,
1007 Market Street, Wilmington, DE 19898 U.S.A.
A01552821



The MSDS format adheres to the standards and regulatory requirements of the United States and may not meet regulatory requirements in other countries.

DuPont
Material Safety Data Sheet

Page 1

 "DuPont" "Express" Herbicide (with "TotalSol" soluble granules)
 M0000679 Revised 12-SEP-2006

 CHEMICAL PRODUCT/COMPANY IDENTIFICATION

Material Identification

"Express" is a registered trademark of DuPont.

"DuPont", "TotalSol" are trademarks of DuPont.

CAS Number : 101200-48-0
 Formula : C15H17N5O6S
 CAS Name : METHYL 2-[[[(4-METHOXY-6-METHYL-1,3,5-
 TRIAZIN-2-YL)METHYLAMINO]CARBONYL]
 AMINO]SULFONYL]BENZOATE

Tradenames and Synonyms

DPX-L5300
 "DuPont" Tribenuron Methyl 50SG Herbicide
 "DuPont" Harmony X-tra 2 Herbicide

Company Identification

MANUFACTURER/DISTRIBUTOR
 DuPont
 1007 Market Street
 Wilmington, DE 19898

PHONE NUMBERS

Product Information : 1-800-441-7515 (outside the U.S.
 302-774-1000)
 Transport Emergency : CHEMTREC 1-800-424-9300(outside U.S.
 703-527-3887)
 Medical Emergency : 1-800-441-3637 (outside the U.S.
 302-774-1000)

 COMPOSITION/INFORMATION ON INGREDIENTS

Components

Material	CAS Number	%
*TRIBENURON METHYL	101200-48-0	50
Methyl 2-[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)methylamino]carbonyl]amino]sulfonyl]benzoate		
INERT INGREDIENTS		50

* Disclosure as a toxic chemical is required under Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 and 40 CFR part 372.

HAZARDS IDENTIFICATION

Emergency Overview

CAUTION. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling. For medical emergencies involving this product, call toll free 1-800-441-3637.

Potential Health Effects

Based on animal data, repeated skin contact with DuPont Express Herbicide (with TotalSol soluble granules) may cause allergic skin rashes.

Carcinogenicity Information

None of the components present in this material at concentrations equal to or greater than 0.1% are listed by IARC, NTP, OSHA or ACGIH as a carcinogen.

FIRST AID MEASURES

First Aid

IF ON SKIN OR CLOTHING: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment advice.

IF INHALED: No specific intervention is indicated, as the compound is not likely to be hazardous by inhalation. Consult a physician if necessary.

IF SWALLOWED: No specific intervention is indicated, as the compound is not likely to be hazardous by ingestion. Consult a physician if necessary.

IF IN EYES: No specific intervention is indicated, as the compound is not likely to be hazardous to the eyes. Consult a physician if necessary.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-441-3637 for emergency medical treatment information.

FIRE FIGHTING MEASURES

Flammable Properties

Not a fire or explosion hazard.

Like most organic powders or crystals, under severe dusting conditions, this material may form explosive mixtures in air.

Extinguishing Media

Water Spray, Foam, Dry Chemical, CO2.

Fire Fighting Instructions

Wear self-contained breathing apparatus. Wear full protective equipment. Runoff from fire control may be a pollution hazard.

If area is exposed to fire and conditions permit, let fire burn itself out. Burning chemicals may produce by-products more toxic than the original material. If product is on fire, wear self-contained breathing apparatus and full protective equipment. Use water spray. Control runoff.

ACCIDENTAL RELEASE MEASURES

Safeguards (Personnel)

NOTE: Review FIRE FIGHTING MEASURES and HANDLING (PERSONNEL) sections before proceeding with clean-up. Use appropriate PERSONAL PROTECTIVE EQUIPMENT during clean-up.

Emergency Response - Chemical resistant coveralls, waterproof gloves, waterproof boots and face/eye protection. If dusting occurs, use NIOSH approved respirator protection.

Initial Containment

Follow applicable Federal, State/Provincial and Local laws/regulations.

Prevent material from entering sewers, waterways, or low areas.

Spill Clean Up

Shovel or sweep up.

HANDLING AND STORAGE

Handling (Personnel)

USERS SHOULD: Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.

Storage

Store the product in original container only. Do not contaminate water, other pesticides, fertilizer, food, or feed in storage. Store in a cool, dry place.

EXPOSURE CONTROLS/PERSONAL PROTECTION

Personal Protective Equipment

Some of the materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for Category A on an EPA chemical-resistance category selection chart.

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants.
- Chemical-resistant gloves made of any waterproof material such as polyethylene or polyvinyl chloride.
- Shoes plus socks.

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is:

- Coveralls.
- Chemical-resistant gloves made of any waterproof material.
- Shoes plus socks.

Exposure Guidelines

Exposure Limits

"DuPont" "Express" Herbicide (with "TotalSol" soluble granules)
PEL (OSHA) : None Established
TLV (ACGIH) : None Established
AEL * (DuPont) : 1 mg/m3, 8 Hr. TWA

* AEL is DuPont's Acceptable Exposure Limit. Where governmentally imposed occupational exposure limits which are lower than the AEL are in effect, such limits shall take precedence.

PHYSICAL AND CHEMICAL PROPERTIES

Physical Data

Vapor Pressure	: 3.9 x 10(-10)mm Hg @ 25°C (77°F)
Melting Point	: 141°C (286°F)
Solubility in Water	: 50 mg/L @ pH=5 @ 25°C
pH	: 8.7-9.7 (1% aqueous solution)
Odor	: Slightly pungent
Form	: Solid granules, dry flowable
Color	: Light brown
Specific Gravity	: 1.5 @ 25°C (77°F)
Bulk Density	: 0.6-0.8 g/mL (Tapped)

STABILITY AND REACTIVITY

Chemical Stability

Stable at normal temperatures and storage conditions.

Incompatibility with Other Materials

None reasonably foreseeable.

Polymerization

Polymerization will not occur.

TOXICOLOGICAL INFORMATION

Animal Data

DuPont Express Herbicide (with TotalSol soluble granules):

Oral LD50:	> 5000 mg/kg in rats
Skin absorption LD50:	> 5000 mg/kg in rats
Inhalation 4 hour LC50:	> 5.0 mg/L in rats

DuPont Express Herbicide (with TotalSol soluble granules) is a moderate skin sensitizer, but is not an eye or skin irritant in animals.

TRIBENURON METHYL:

The effects in animals from a single ingestion exposure to Tribenuron Methyl include severe weight loss and decreased food consumption. Repeated ingestion doses caused body weight loss, increased liver and thyroid/parathyroid weights, altered clinical chemical parameters, but no significant gross or microscopic treatment related effects were noted. Long-term dosing caused body weight loss, alteration in clinical chemical parameters, and testicular atrophy (considered to be biologically insignificant).

Tribenuron Methyl produced an increased incidence of mammary

(TOXICOLOGICAL INFORMATION - Continued)

tumors in female rats at dose levels also producing other significant effects. Developmental effects occurred in the rat, but only at a dose also toxic to the dam. No reproductive effects were observed in rats. Tribenuron Methyl did not produce genetic damage in bacterial or mammalian cell cultures or in animals.

ECOLOGICAL INFORMATION

Ecotoxicological Information

AQUATIC TOXICITY:

TRIBENURON METHYL

96 hour LC50 - Rainbow trout: > 1000 mg/L.

Very low to low toxicity.

AVIAN TOXICITY:

TRIBENURON METHYL

Acute Oral LD50 - Bobwhite Quail: > 2250 mg/kg.

Acute Dietary LC50 - Bobwhite Quail: > 5620 ppm.

Acute Dietary LC50 - Mallard Duck: > 5620 ppm

DISPOSAL CONSIDERATIONS

Waste Disposal

Do not contaminate water, food, or feed by disposal. Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

ENVIRONMENTAL HAZARDS

Do not apply directly to water, or to areas where surface water is present, or to intertidal areas below the mean high water mark. Do not contaminate water when cleaning equipment or disposing of equipment washwaters.

Container Disposal

For Plastic Containers: Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

For Fiber Sacks: Completely empty fiber sack by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into manufacturing or application equipment. Then dispose of sack in a sanitary landfill or by incineration if allowed by State and local authorities.

For Fiber Drums with Liners: Completely empty liner by shaking and tapping sides and bottom to loosen clinging

(DISPOSAL CONSIDERATIONS - Continued)

particles. Empty residue into application equipment. Then dispose of liner in a sanitary landfill or by incineration if allowed by State and local authorities. If drum is contaminated and cannot be reused, dispose of in the same manner.

For Bags Containing Water-Soluble Packets: Do not reuse the outer box or the resealable plastic bag. When all water-soluble packets are used, the outer packaging should be clean and may be disposed of in a sanitary landfill or by incineration, or if allowed by State and local authorities, by open burning. If burned, stay out of smoke. If the resealable plastic bag contacts the formulated product in any way, the bag must be triple rinsed with clean water. Add the rinsate to the spray tank and dispose of the outer wrap as described above.

For Metal Containers (non aerosol): Triple rinse (or equivalent) the container. Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedures approved by State and local authorities.

For Paper and Plastic Bags: Completely empty bag into application equipment. Then dispose of empty bag in a sanitary landfill or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

TRANSPORTATION INFORMATION

Shipping Information

DOT/IMO
Proper Shipping Name : NOT REGULATED

REGULATORY INFORMATION

U.S. Federal Regulations

TITLE III HAZARD CLASSIFICATIONS SECTIONS 311, 312

Acute : Yes
Chronic : No
Fire : No
Reactivity : No
Pressure : No

In the United States this product is regulated by the US Environmental Protection Agency under the Federal Insecticide, Fungicide and Rodenticide Act. It is a violation of federal law to use this product in a manner inconsistent with its labeling.

(REGULATORY INFORMATION - Continued)

EPA Reg. No. 352-632

OTHER INFORMATION

NFPA, NPCA-HMIS

NFPA Rating
Health : 1
Flammability : 1
Reactivity : 0

NPCA-HMIS Rating
Health : 1
Flammability : 1
Reactivity : 0

Personal Protection rating to be supplied by user depending on use conditions.

The data in this Material Safety Data Sheet relates only to the specific material designated herein and does not relate to use in combination with any other material or in any process.

Responsibility for MSDS: DuPont Crop Protection
Address : Wilmington, DE 19898
Telephone : 1-888-638-7668

This information is based upon technical information believed to be reliable. It is subject to revision as additional knowledge and experience is gained.

End of MSDS



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
BOARD OF PESTICIDES CONTROL
28 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0028

WALTER E. WHITCOMB
COMMISSIONER

HENRY S. JENNINGS
DIRECTOR

MEMORANDUM

Date: August 28, 2013
To: Board Members
From: Henry Jennings
Subject: Policy on Exclusion Areas Relative to Chapter 20, Section 6 Rulemaking Amendments

Background

The Board recently completed provisional adoption of a series of rulemaking amendments covering public-health-related, mosquito-control efforts that may be conducted by governmental agencies. During the course of that effort, the Board determined that it was preferable to identify “exclusion areas”—as they relate to potential aerial applications to control adult mosquitoes—via Board policy, as opposed to codifying them in rule. Using a Board policy allows the Board more flexibility to adjust to concerns as they arise. Adjusting requirements in rule takes several months to accomplish and costs more than a thousand dollars (not including staff time).

The staff reviewed the 2012 emergency rule, Massachusetts’s policy on exclusion areas, and comments received during the rulemaking process as a basis for proposing a Board policy. During the 2012 emergency rulemaking effort for Chapter 20, the Board identified certified organic farms and livestock operations as areas which should be excluded from aerial pesticide applications conducted for public health purposes. The 2012 Operational Response Plan to Reduce the Risk of Mosquito-borne Disease in Massachusetts specifies four types of “no-spray zones”:

1. Certified organic farms
2. Priority habitats for spray-sensitive, state-listed rare species
3. Surface-water-supply resource areas
4. Commercial fish hatcheries/aquaculture

In Maine, we have also heard concerns voiced about conventional agriculture, beehives, and lobsters. In addition, direct and intentional applications over surface water are prohibited under state law and applications which may result in aquatic residues must be covered by a waste discharge license. Information from Massachusetts indicates that state-sponsored, public-health-related, mosquito-control programs do not present significant threats to beehives or agricultural sites. Moreover, since excluding even a point from an aerial spray project results in a minimum of a 23-acre exclusion (due to the commonly used 500-foot buffers), buffering beehives would present practical challenges and result in a significant reduction in mosquito-control efficacy. Marine waters would also be appropriately buffered. This factor, combined with the extremely low application rates and short persistence of the products commonly used in state-sponsored programs, suggests that any potential risks to lobsters would be extremely low.

Board Policy

Based on the considerations described above, the Board adopts the following policy. Government entities conducting aerial, public-health-related, vector-control programs should exclude the following areas from such control programs as long as usable information has been provided to the government entity with sufficient lead time (a minimum of two weeks recommended) to allow for digital mapping of such areas:

1. Certified organic farms, and organic farms for which an application for certification is pending.
Digital maps of the crop or livestock areas must be provided to the Department in advance of the control program, in a file type that is compatible with Department software. When such farms are located within priority vector-control areas, as determined by the Maine CDC and/or the Department, the governmental entity reserves the right to determine whether exclusion of the farmland would unreasonably reduce the efficacy of the control program, creating a risk to human life.
2. Other farmland for which the farm operator demonstrates that the potential for pesticide residues presents significant economic risks.
Digital maps of the crop or livestock areas must be provided to the Department in advance of the control program, in a file type that is compatible with Department software. When such farms are located within priority vector-control areas, as determined by the Maine CDC and/or the Department, the governmental entity reserves the right to determine whether exclusion of the farmland would unreasonably reduce the efficacy of the control program, creating a risk to human life.
3. Great ponds, rivers, marine waters, and public water supplies derived from surface waters, as determined by the Department.
4. Documented fish hatcheries and aquaculture sites.
5. Endangered species habitat, as described by county bulletins published by the US Environmental Protection Agency and for which the proposed application presents significant threats.

2012 Complaints / Inquiries to the Maine Board Of Pesticides Control

Category	Issue	Call Origin	Incident Location	Nature of Call	Date	Site / Crop	Equipment	Pesticide	Response	Findings	Status
<u>Agricultural: 4</u>											
	Suspected glyphosate damage to recently purchased 10A blueberry field		Cutler	Grower	8/21/2012	blueberries	Mist Blower	Initiate;	Inspector contacted previous land mgr. and took soil samples of affected field	Previous land mgr. said he had no knowledge of glyphosate use. Lab results from 2 soil samples indicated the presence of AMPA- a breakdown product of glyphosate	Closed
	Alleged misuse of fly bait at poultry plant out side on road		Turner	Concerned citizen	7/24/2012	pest control biting fly	Granular Spreader	Bayer Quickbayt Fly Bait; Elanco Elector Bait;	Inspection follow up	Site ok, but rate issue	Pending
	Wanted info on regs for aerial spraying of blueberries near water	Brooksville	Brooksville	Concerned citizen	5/15/2012				Information requested and provided		Closed
	Rural resident concerned about . potato farm leasing field across from them. More pesticides used than previous farmer. May be affecting bees, squirrels, their health and property, garden. Want to know what they use.	CORINTH	RIDGE ROAD POTATO FIELDS	Concerned citizen	4/23/2012				recommended caller determine the distance from her property to the field. Regardless of the finding of distance she could still call grower to ask for information on pesticide use. Once she got this information	Caller had an information request and regulations related to a nearby potato field. Directed her to our website, recommended she call the grower to ask for information and then call Hicks about toxicology questions.	Closed
<u>Agricultural neighbor non-commercial: 1</u>											
	Caller wanted to know pesticide neighbor used	Kennebunk	Kennebunk		10/12/2012	mixed vegetables	Other Powered Ground Equipment	Kleen-Up;	Inspector fol-up	Glyphosate for home garden.	Closed
<u>Disposal/Storage: 1</u>											
	Improper storage of empty pesticide containers		Lovell	Customer	8/7/2012	golf course			Inspector contacted applicator at course	No violation detected. Greens keeper to organize empties better.	Closed
<u>Landlord/Tenant: 8</u>											
	Alleged misuse of pesticides killed pet snakes	Bangor	Bangor	Tenant	1/23/2012	pest control structural	Other Non-powered Equipment	Real Kill Indoor Fogger; Shoo-Fly Indoor Fogger;	Inspector follow up	Could not confirm misuse. Eviction issue/ lack of label and evidence	Closed
	Unlicensed pesticide application to apt bldg. by landlord	Waterville	Waterville	Tenant	7/17/2012	pest control structural			Inspector follow up with landlord	Could not confirm violation. Landlord aware of lic. requirement inspector confirmed w/ commercial co. they do work for landlord.	Closed

Category	Issue	Call Origin	Incident Location	Nature of Call	Date	Site / Crop	Equipment	Pesticide	Response	Findings	Status
	Tenant has bedbugs, thinks they came from furniture he bought at charitable store in PI. Wanted information on how to address the problem		PI	Tenant	12/13/2012				Informed caller insecticide bombing not effective and exposure issue w/ kids. Mailed caller title 14 part 7 Landlord/bedbug obligations of parties. Relayed callers concerns to K. Murray so she could call. Contact information for CES, and called charitable store	Bed bug infestation issues- provided requested information and contacts to help.	Closed
	Lack of information from commercial applicator	Lewiston	Lewiston	Tenant	11/13/2012				Listened to caller's concern. Chapter 26 discussed over the phone and directed caller to our website.	No violation . Caller satisfied with timing of advance notification, but wanted information from the applicator the regulations do not require.	Closed
	Lack of information to tenant and unlic applicator	Mexico	Mexico	Tenant	11/7/2012	pest control structural	Hand Can	Green Rest Easy;	On site inspection	Could not substantiate allegations.	Closed- advisory letter sent on lic. requirement
	Unlicensed pesticide applications to apt. bldg.		Portland	Tenant	2/3/2012	pest control structural	Hand Can	Demand Cs;	Inspector follow up inspection.	Unlicensed applicator confirmed, exceeded label rate, insufficient notification	Closed,\$700 consent agreement
	Alleged unlic. application		APT BUILDING	Tenant	9/28/2012	pest control structural	Hand Can	Water;	Inspection fol-up. Sample collected	Owner denies pesticide application, said hires COA	Closed
	Tenant thinks landlord's commercial applicator making ineffective bed bugs treatments. Inquiring about our regulations.	Portland	Portland	Tenant	5/7/2012				Discussed requirement that label must be followed.	Caller fact finding only. Information requested	Closed
<u>Lawn/Turf: 23</u>											
	Caller thought turf contract was for organic application, acelepryn applied	Ogunquit	Ogunquit	Homeowner	6/8/2012				Discussed issue- recommended she check contract	Caller to check contract and call back with findings. Response will be based on that information.	Closed
	Alleged unlicensed commercial turf application		NE Harbor	licensed applicator	5/25/2012				forwarded complaint to inspector	Inspector familiar with company. Company properly licensed	Closed
	Unauthorized turf application	Scarborough	Scarborough	Homeowner	8/3/2012	lawn care	Granular Spreader	Merit 0.2% Plus Fert;	Inspector follow-up investigation. \$2,000 consent agreement paid.	Unauthorized turf application confirmed.	Closed

Category	Issue	Call Origin	Incident Location	Nature of Call	Date	Site / Crop		Equipment	Pesticide	Response	Findings	Status
	Son lives next to father, father hires lawn care co. Son concerned about odor in his dug well. Wants well tested.	Wells	Wells	Homeowner	10/12/2012	lawn care				On site fol-up and check lawn care co. records. State policy does not allow sampling wells upon request.	No violations noted	Closed
	Alleged turf application too close to Ocean		Private Condo/Time Share - Edgcomb	Customer	9/4/2012	outdoor ornamental		Non-powered Backpack	Roundup Power Max;	Inspector did a follow up investigation	No violation of applying too close to water.	Closed
	Unlicensed commercial application alleged		Farmingdale	licensed applicator	4/25/2012	turf		Other Non-powered Equipment	Scotts Turf Builder Plus2 Weed Control;	Inspector conducted follow up inspection	Unlicensed commercial application confirmed. Insufficient PPE.	Closed, \$300 consent agreement
	No notification to registry member.	Wells	Wells	Registry member (non-ag)	6/8/2012	lawn care		Hose	Dimension 2EW; Trupower 3; Merit2F;	Inspector follow up.	Violation confirmed	Closed, consent agreement \$2,500
	Unlicensed commercial application	Lyman	Lyman	Licensed applicator	4/4/2012	lawn care		Other Powered Ground Equipment	Ortho Weed N Feed ??;	Inspector conducted investigation	Unlicensed commercial application confirmed	Closed- \$250 consent agreement
	Bee keeper concerned w/turf herbicide application made 1/2 mile away	Lyman	Lyman	Concerned citizen	4/9/2012	lawn care		Other Powered Ground Equipment	Ortho Weed N Feed	Inspector was in process of following up on application from a previous unrelated caller.	Unlicensed granular herbicide application. No known impact to caller's bees	Closed, \$250 consent agreement
	Alleged insufficient notification to registry member	Camden	Camden	Registry member (non-ag)	4/10/2012	lawn care				Inspector was sent phone vm received by registry member	Notification, but need to include specific addresses to be treated and epa registration no. of products used	Closed
	No notification to registry member	Wells	Wells	Registry member (non-ag)	5/2/2012	lawn care		Hose	Barricade 4FI; Trupower 3;	Inspector follow up inspection	Vilocation confirmed	Closed, \$2,500 consent agreement
	Unauthorized pesticide application	Freeport	Freeport	Homeowner	4/27/2012	vector		Non-powered Backpack	Tempo SC Ultra;	Inspector follow up investigation	Could not confirm allegation.	Closed
	Unauthorized pesticide application	Scarborough	Scarborough	Homeowner	4/25/2012	lawn care		Other Powered Ground Equipment	25-0-3 With 0.172 Dithiopyr Herbicide;	Inspector follow up inspection	Unauthorized pesticide application confirmed	Closed, \$1,700 consent agreement
	Caller lives in condo community. Called about notification regulation, posting and health issues.	Kennebunk	Kennebunk	Concerned citizen	9/7/2012					Discussed our regulations and provided Hicks contact information	Information requested and provided	Closed
	School using commercial company's sign for posting treated school staff made	Brewer	Orrington	licensed applicator	7/13/2012	turf		Boom	Millenium Ultra	Inspector followed up with school staff	Confrim allegation, school to get on signs in the future	Closed
	Condo association personnel blocking condo owner's request for notification	Auburn	Auburn	Homeowner	6/11/2012	lawn care				Inspector met with condo owner	Condo owner resolved by cofirming with LC company he wants notification	Closed
	No notification to registry member	South Portland	South Portland	Homeowner	7/13/2012	lawn care		Non-powered Backpack	Triplet Sf; Merit;	Complaint follow up	Violation confirmed	Closed \$1,700 CA

Category	Issue	Call Origin	Incident Location	Nature of Call	Date	Site / Crop	Equipment	Pesticide	Response	Findings	Status
	Unlicensed commercial pesticide applications		Fort Fairfield	licensed applicator	6/13/2012				Inspector investigated	No violation found.	Closed
	Unauthorized pesticide application	Westbrook	Westbrook	Homeowner	7/23/2012	lawn care	Mist Blower	Merit 0.2% Plus Fert.;	Inspector investigated	Unauthorized application confirmed	Closed- \$2,000 consent agreement
	Alleged unlic. commercial work			Regulatory official	6/27/2012	other non ag	Non-powered Backpack	Natures Wisdom Vinegar 20%; Salt;	Inspector follow up inspection- Warning letter sent about lic. requirements	Company hires commercial applicator for pest control work. Company employee did use vinegar for weed control.	Closed
	Posting of treated turf	Scarborough	Scarborough	Concerned citizen	7/12/2012	lawn care			Inspector follow up investigation with application co. and client	Applicator did post correctly. Customer's new employee incorrectly took signs down too early	Closed
	Alleged drift to moving car when lawn care application made	Freeport	Freeport	Pedestrian/motorist	7/9/2012	lawn care	Other Non-powered Equipment	Ortho Weed B Gone;	Inspector inspection follow up	Wipe sample taken from car involved. No residue detected	Closed
	Alleged drift injury to turf when neighbor applied lawn chemicals		Grand Isle	Homeowner	7/6/2012	other non ag	Other Non-powered Equipment	Roundup;	Inspector follow up	No drift or violations found	Closed
<u>License / Cert: 9</u>											
	Unlic commercial application		Business	Concerned citizen	8/23/2012	other non ag	Non-powered Backpack	Round Up;	Inspector follow up	Unlicensed commercial application confirmed	Closed, consent agreement \$500
	Unlicensed commercial application		Machias	Concerned citizen	8/7/2012	lawn care	Other Non-powered Equipment	Ortho Weed-B-Gon;	Follow up inspection	Confirmed unlic. commercial application.	Closed \$350 Consent Agreement
	Notification / licensing		Camden	Concerned citizen	7/13/2012	other non ag	Hand Can	Round Up;	Inspector follow up	Confirmed unlic. Application	Pending
	Manager of motel making bed bug applications	Augusta	S. Paris	Regulatory official	7/20/2012	pest control structural	Other Non-powered Equipment	JT Eaton-Kills Bedbugs, Fleas,;	Inspector did follow up inspection	Mgr. did make application but facility was closed at the time.	Closed
	Mgr making unlic application to rental property	Augusta	York	Regulatory official	7/23/2012	pest control structural	Other Non-powered Equipment	Bonide Bedbug Killer; Hot Shot Fogger;	On site investigation	Unlicensed application confirmed	CA \$500
	Advertising complete lawncare including spraying on float in Aroostook parade.			licensed applicator	7/25/2012				Inspector contacted advertisers	Lawn care did not include pesticide application.	Closed
	Alleged unlic applications at golf course		Dedham	Concerned citizen	7/27/2012	golf course	Boom	Confront ; Triplet SF;	Inspector follow up	No violation, lic. applicator doing work	Closed
	Alleged unlicensed commercial work			Concerned citizen	5/7/2012	other non ag			Inspector follow up contact with tree service	T. sevice hires licensed applicator for pesticide work. Clarified license contract requirement with Spicer	Closed
	Unlic. applicator advertising services			Concerned citizen	6/12/2012				Inspector follow up	Advertising confirmed. No applications made. Advertising removed	Closed

Category	Issue	Call Origin	Incident Location	Nature of Call	Date	Site / Crop	Equipment	Pesticide	Response	Findings	Status
<u>Miscellaneous: 5</u>											
	Alleged unlic. application		Grand Isle	Concerned citizen	5/11/2012	other non ag		Boom	Inspector follow up inspection	No pesticides involved. Veg oil only	Closed
	Rate concerns and potential GW contamination		Mercer	Abutter	7/27/2012				Inspection follow up	CMA lic needed, PPE required	Pending
	Third party calling for friend, blueberry plant worker. Thinks rinsate from washing bb boxes could drain to river and reaction to what she thinks is imidanand illegal to use.	Machias	Machias	Concerned citizen	8/31/2012				Imidan not illegal to use. Informed caller the bb worker has already called our office	No violation	Closed
	Thinks Imidan illegal to use on bb.Reaction from rinsing bb boxes	Milbridge	Machias	Employee	8/30/2012				Discussed imidan's status as still reg. for bb.	BB co. assigned worker to dif. job at this point	Closed
	Smells unexplained chemcial odor on his property. Persists for days, even in house. Has cold like symptoms now. Cat too.			Concerned citizen	9/7/2012				Most of his concerns were health related and about potential residues on his veg. garden.	Passed his contact information on to Hicks. She corresponded with him to provide input.	Closed
<u>Mold remediation: 2</u>											
	Company is not providing customer with pesticide/job information. Caller questions if correct PPE worn	Seal Harbor	Seal Harbor	Customer	6/4/2012	mold remediation			Provided caller information about her right to get labels and MSDSs. PPE contingent on products used	Caller to request labels/MSDSs and will call back if problem persists.	Closed
	Customer having hard time getting MSDS/Labels and itemized list of work done by abatement company	Seal Harbor	Seal Harbor	Customer	7/2/2012	mold remediation	Other Non-powered Equipment	Microban; Botaniclean;	Inspector contacted abatement company.	No rule violation found. Staff told customer it was a business issue, but if co. was not cooperative after inspector follow up, BPC could try to mediate the information request.	Closed
<u>Mosquito/Tick: 4</u>											

Category	Issue	Call Origin	Incident Location	Nature of Call	Date	Site / Crop	Equipment	Pesticide	Response	Findings	Status
	Commercial applicator not responsive to notification request by company customer	Hollis Center	Hollis Center	Customer	7/20/2012				Review and discuss BPC notification with caller. Recommend she address the issues with mgmt. of the commercial company she hires as BPC regulations do not address insufficient notification to a customer of a commercial company.	No violation found.	Closed
	Caller thought a commercial co. used deception with contract	Poland	Poland	Customer	8/3/2012	vector	Granular Spreader		Inspector follow up	No deception with contract. Applicator needed to update license affiliation with this company.	Warning letter pending
	Alleged unlic. commercial applications		Wells Maine	Concerned citizen	7/11/2012	lawn care			Inspector fol up with applicator	No violation found- subcontracts w/ lic. applicator for pesticide applic	Closed
	Alleged mosquito pesticide application to wetland area		1 Seacoast Lane, OOB	Homeowner	8/10/2012	vector	Air Blast	Cross X Check Plus;	Follow up inspection with application company	No violation found in this case	Closed
<u>Neighbor non-ag: 3</u>											
	Unauthorized pesticide application over property line		Chebeague Island	Regulatory official	11/6/2012	golf course			on site fol-up, samples collected	Appeared to be herbicide damage. Lab results indicated unauthorized pesticide application.	Closed- \$600 consent agreement
	Alleged contamination of property with herbicides and fertilizers that killed dog	Sanford	Sanford	Homeowner	1/19/2012				Listened/recorded complaint. Alleged activity several years old. Recommended that complainant call our office is similar activity seen in the future and we could follow-up on that recent activity.	Call involved activity several years old. Circumstances too old to act on.	Closed
	Improper use of moth balls and rodenticide by neighbor, caller's dog poisoned, suspects rodenticide	Raymond	Raymond	Homeowner	7/3/2012	outdoor ornamental		D-Con; Mothballs;	Inspector fol up inspection	Moth balls found in front garden, as alleged. No open baiting rodenticide found at time of inspection. Any bait removed prior to inspection. Inspector could not confirm neighbor's bait consumed by caller's dog	Closed- WL sent on pesticide use practices
<u>Outdoor Ornamental: 1</u>											
	Alleged drift to kids & parent at school bus pick up stop	Scarborough	Scarborough	Concerned citizen	10/4/2012	outdoor ornamental	Hose	Merit 2F; Talstar Professional;	Inspector fol-up use inspection, foliage sample collected	No pesticide detected on foliage sample	Closed
<u>Right-of- Way: 5</u>											

Category	Issue	Call Origin	Incident Location	Nature of Call	Date	Site / Crop	Equipment	Pesticide	Response	Findings	Status
	Alleged spraying along section of row marked no spray	Mercer	Mercer	Concerned citizen	7/27/2012	right of way roadside	Hose	Alligare Msm 60; Carlon 4 Ultra;	Inspector follow up	No violation of spraying in no spray area	Closed
	Sprayed in n/s agreement area and also outside ROW	N. Berwick	N. Berwick	Homeowner	6/19/2012	right of way utility	Non-powered Backpack	Rodeo; Habitat;	Inspection follow up	No spray agreement expires 1995. CST to one stump outside ROW	Closed- WL issued
	Edge of side walk application, gusty wind, busy road.		Lewiston	Concerned citizen	6/27/2012	right of way roadside	Non-powered Backpack	Round-Up Pro Max;	Inspector follow up inspection	No violation	Closed
	Herbicide runoff from RR ROW on to hay field	GORHAM	HAY FIELD, DAIRY FARM	Homeowner	8/13/2012	right of way railroad	Boom		Inspector and DOT veg. mgr. conducted on site investigation	Lab result from DOT composite soil sample of affected hay field area indicated 0.025 PPM Metsulfuron/Sulfometur on, the ingredients of Oust Herbicide used on the RR.ROW. Lab could not determine which of the 2 ingredients it was.	Closed
	Caller thought too late in season for ROW spraying	Whitefield Windsor	Whitefield/Windsor	Concerned citizen	9/25/2012				RGC called R. Moosman. DOT crew was spraying h.wood/s.wood along ROW with Srreamline, Garlon, and methylated seed oil as the surfactant. Hose and gun equipment. Normally would end 2nd wk of Sept. Extending this yr. to see if control works.	No violation. DOT shutting down this week	Closed
Structural Pest: 4											
	Registry member complaint		Whitefield/Windsor	Concerned citizen	9/13/2012	pest control structural			Caller observed commercial pest applicator was treating the outside of the house across the road from her.	Explained to the caller that there is an exception to notifying people on the registry for 7a application w / i 5 ft. of the customer's house. The caller understood the exemption.	Closed
	Insufficient notification to registry member	Camden		Registry member (non-ag)	4/23/2012	lawn care			Inspector followed up with application co.	Application did not require notification.	Closed
	Insufficient notification to registry member	Camden		Registry member (non-ag)	6/4/2012	Structural			Inspector contacted applicator about application	Application category exempted from notification requirement	Closed
	Alleged insufficient notification to registry member	Camden			7/19/2012	Structural			Inspector followed up with applicator.	No violation found	Closed
Water Related: 2											

Category	Issue	Call Origin	Incident Location	Nature of Call	Date	Site / Crop	Equipment	Pesticide	Response	Findings	Status
	Caller thought herbicides used too close to pond	Portland	Shapleigh	Regulatory official	8/27/2012				DEP inspector and Shapleigh CEO went to site.	Vegetation only cut, no pesticides used.	Closed
	Applying herbicide so that overspray goes into lake	Oakland	Oakland	Concerned citizen	8/6/2012	other non ag	Hand Can	Bayer Advanced Durazone;	Inspector follow up with applicator	Confirmed herbicide overspray into lake.	Closed- \$400 consent agreement

Proposed Administrative Consent Agreement Background Summary

Subject: Northeast Patients Group, d/b/a
Wellness Connection of Maine
PO Box 1058
Augusta, Maine 04332-1058

Date of Incident(s): May 2012 through March 2013

Background Narrative: That on February 22, 2013, the Board received a phone call from a concerned person who alleged that a pesticide was being applied to the medical marijuana being grown at the Wellness Connection medical marijuana cultivation site in Auburn. On March 4, 2013, two Board inspectors conducted a joint inspection with DHHS personnel at the company's Auburn cultivation site.

From that inspection, Board staff documented seven pesticides at the Company's Auburn cultivation site: Serenade Disease Control Concentrate, Gnatrol WDG Biological Larvicide, Monterey Garden Insect Spray, Actinovate Lawn & Garden Fungicide, Forbid 4F Ornamental Insecticide/Miticide, Monterey Take Down Garden Spray and CX Hydroponics Tanlin Drops. A company employee stated that all but Forbid 4F Ornamental Insecticide/Miticide and Monterey Take Down Garden Spray were used on the site. Various combinations of these products were applied on a weekly basis.

Actinovate Lawn & Garden Fungicide and CX Hydroponics Tanlin Drops were not registered in the state of Maine. None of the pesticides the company applied to medical marijuana were registered for use on marijuana.

On March 14, 2013, a Board inspector assisted in a joint inspection with DHHS at the Wellness Connection of Maine's Thomaston cultivation site and documented that four pesticides found at the Company's Auburn cultivation site were also found at the Thomaston site. These were: Serenade Disease Control Concentrate (EPA # 69592-12); Actinovate Lawn & Garden Fungicide (EPA # 73314-1); and Monterey Take Down Garden Spray (EPA # 67702-5-54705); and Monterey Garden Insect Spray (62719-314-54705).

There were three additional pesticides found at the Thomaston site that were not found at the Auburn site: Doktor Doom Total Release Fogger (EPA registration # 72804-1); Organocide 3 in 1 Garden Spray (no EPA registration #); and Gnatrol WDG (EPA registration # 73049-56). Although Board staff documented the existence of Monterey Take Down Garden Spray at the Thomaston cultivation site, this pesticide was never used by the Company and has since been returned to the vendor.

Summary of Violation(s):

- CMR 01-026 Chapter 20 Section 1(B)—prohibits the use of registered pesticides for other than registered uses.
- 7 U.S.C. § 136j (a)(2)(G), 7 M.R.S.A. § 606 (2)(B) and 22 M.R.S.A § 1471-D(8)(F)—prohibits the use of a pesticide inconsistent with its label.
- CMR 01-026 Chapter 20 Section 1(A)—prohibits the use of any pesticide not registered by the Maine Board of Pesticides Control.

- 22 M.R.S. § 1471-D (8)(C) - Used or supervised the use of pesticides applied in a careless, negligent or faulty manner or in a manner which is potentially harmful to the public health, safety or welfare or the environment.

Rationale for Settlement: The staff considered the number and duration of pesticide applications. None of the pesticides were registered for use on medical marijuana and several of the pesticides were not registered in Maine. The pesticide applications were potentially harmful to patients using the medical marijuana.

Attachments: Proposed Consent Agreement

**STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION, AND FORESTRY
BOARD OF PESTICIDES CONTROL**

Northeast Patients Group, d/b/a)	ADMINISTRATIVE CONSENT AGREEMENT AND FINDINGS OF FACT
Wellness Connection of Maine)	
PO Box 1058)	
Augusta, Maine 04332 1058)	

This Agreement, by and between Northeast Patients Group, d/b/a Wellness Connection of Maine (hereinafter called the Company) and the State of Maine Board of Pesticides Control (hereinafter called the "Board"), is entered into pursuant to 22 M.R.S.A. §1471-M (2)(D) and in accordance with the Enforcement Protocol amended by the Board on June 3, 1998.

The parties to this Agreement agree as follows:

1. That the Company operates two medical marijuana cultivation sites and four medical marijuana dispensaries in Maine and its corporate office in Maine is located at 685 Congress Street in Portland.
2. That on February 22, 2013, the Board received a phone call from a concerned person who alleged that a pesticide was being applied to the medical marijuana being grown at the Wellness Connection medical marijuana cultivation site in Auburn.
3. That in response to the call the Board received in paragraph two, Board staff conveyed this information to personnel in the Division of Licensing and Regulatory Services section of the Department of Health and Human Services (DHHS), the licensing agency for medical marijuana facilities in Maine.
4. That on March 4, 2013, two Board inspectors conducted a joint inspection with DHHS personnel at the Company's Auburn cultivation site located in Auburn. DHHS also arranged to have law enforcement present.
5. That from the inspection described in paragraph four, Board staff documented seven pesticides at the Company's Auburn cultivation site: Serenade Disease Control Concentrate (EPA registration # 69592-12); Gnatrol WDG Biological Larvicide (EPA registration # 73049-56); Monterey Garden Insect Spray (EPA registration # 62719-314-54705); Actinovate Lawn and Garden Fungicide (EPA registration # 73314-1); Forbid 4F Ornamental Insecticide/Miticide (EPA registration # 432-1279); Monterey Take Down Garden Spray (EPA registration # 67702-5-54705); and CX Hydroponics Tanlin Drops (no EPA registration #). A Company employee stated that all but Forbid 4F Ornamental Insecticide/Miticide and Monterey Take Down Garden Spray were used on the site.
6. That, although Board staff documented the existence of Forbid 4F Ornamental Insecticide/Miticide and Monterey Take Down Garden Spray at the Auburn cultivation site, these pesticides were never used by the Company and have since been returned to the vendor.
7. That during the inspection described in paragraph four, a Board inspector interviewed a Company employee who was directed to make pesticide applications at the facility. In a written statement the Company employee disclosed that when he started employment at this facility in May of 2012, Gnatrol and Monterey Garden spray were sprayed once a week to the medical marijuana; and that beginning on or about September 2012, Serenade Garden Disease Control was applied once per week in addition to the aforementioned two products. The employee's written statement further indicated that beginning in approximately October 2012,

in addition to the previous pesticides, Actinovate was also applied weekly; and that in January 2013, they switched from Gnatrol to Tanlin and applied it once a week.

8. That during the inspection described in paragraph four, a Board inspector conducted detailed inspections on two of the products listed in in paragraph five, Serenade Garden Disease Control and CX Hydroponics Tanlin Drops. These use inspections confirmed extensive use of these products both in frequency and duration.
9. That CMR 01-026 Chapter 20 Section 1(B) prohibits the use of registered pesticides for other than registered uses and 7 U.S.C. § 136j (a)(2)(G), 7 M.R.S.A. § 606 (2)(B) and 22 M.R.S.A § 1471-D(8)(F) prohibit the use of a pesticide inconsistent with its label.
10. That none of the pesticides the Company applied to medical marijuana as summarized in paragraphs four, five, seven and eight were registered for use on marijuana.
11. That the circumstances in paragraphs one through five and seven through ten constitute multiple violations of CMR 01-026 Chapter 20 Section 1(B), 7 U.S.C. § 136j (a)(2)(G), 7 M.R.S.A. § 606 (2)(B) and 22 M.R.S.A § 1471-D(8)(F).
12. That CMR 01-026 Chapter 20 Section 1(A) prohibits the use of any pesticide not registered by the Maine Board of Pesticides Control.
13. That Actinovate Lawn & Garden Fungicide and CX Hydroponics Tanlin Drops are not registered in the state of Maine.
14. That the circumstances in paragraphs one through five, seven, eight, twelve and thirteen constitute multiple violations of CMR 01-026 Chapter 20 Section 1(A).
15. That at the request of DHHS, on March 14, 2013, a Board inspector assisted in a joint inspection with DHHS at the Wellness Connection of Maine's Thomaston cultivation site located in Thomaston.
16. That from the inspection described in paragraph fifteen, the inspector documented that four pesticides found at the Company's Auburn cultivation site were also found at the Thomaston site. These were: Serenade Disease Control Concentrate (EPA # 69592-12); Actinovate Lawn & Garden Fungicide (EPA # 73314-1); and Monterey Take Down Garden Spray (EPA # 67702-5-54705); and Monterey Garden Insect Spray (62719-314-54705).
17. That from the inspection described in paragraph fifteen, the inspector documented three additional pesticides found at the Thomaston site that were not found at the Auburn site, specifically Doktor Doom Total Release Fogger (EPA registration # 72804-1); Organocide 3 in 1 Garden Spray (no EPA registration #); and Gnatrol WDG (EPA registration # 73049-56).
18. That, although Board staff documented the existence of Monterey Take Down Garden Spray at the Thomaston cultivation site, this pesticide was never used by the Company and has since been returned to the vendor.
19. That none of the pesticides summarized in paragraphs sixteen and seventeen were registered for use on marijuana and the Doktor Doom Total Release Fogger label specifies that the pesticide is for residential/homeowner use only.
20. That the circumstances described in paragraphs fifteen through nineteen constitute violations of CMR 01-026 Chapter 20 Section 1(A) and (B) and 22 M.R.S.A § 1471-D(8)(F).

21. The Board finds that the use of pesticides in the production of medical marijuana was potentially harmful to the public health, in violation of 22 M.R.S. § 1471-D (8)(C).
22. That the Board has regulatory authority over the activities described herein.
23. That the Company expressly waives:
 - a. Notice of or opportunity for hearing;
 - b. Any and all further procedural steps before the Board; and
 - c. The making of any further findings of fact before the Board.
24. That this Agreement shall not become effective unless and until the Board accepts it.
25. That in assessing a penalty in this circumstance, the Board recognized that the Company was producing a medicinal product intended for use by patients with serious and/or chronic illnesses. The Board further finds the number of violations alleged against the Company and the frequency of the applications as documented by the Board inspections showed a pattern of consistent pesticide applications on the medical marijuana in violation of the pesticide laws.
26. That, in consideration for the release by the Board of the causes of action which the Board has against the Company resulting from the violations referred to in paragraphs eleven, fourteen, twenty and twenty-one, the Company agrees to pay to the State of Maine a penalty in the amount of \$18,000. This penalty amount takes into consideration, as mitigating factors, the fact that the Company cooperated with the Board and readily admitted the violations described in this Agreement; returned unused pesticides to the vendor; and has taken corrective action to avoid future violations, address safety concerns, and provide for employee education and training. A copy of a letter from the Company dated June 12, 2013, describing its corrective actions, is attached to this Agreement. Penalty payments will be made in equal installments of \$6,000 per month, with the first payment being made on the date of the Company's signature of this Agreement and will continue for consecutive months until the full penalty amount has been paid. All payments must be by check, made payable to the Treasurer, State of Maine.

IN WITNESS WHEREOF, the parties have executed this Agreement of three pages.

NORTHEAST PATIENTS' GROUP

By:  Date: 07.22.13

Type or Print Name: PATRICIA Rosi, COO

BOARD OF PESTICIDES CONTROL

By: _____ Date: _____

Henry Jennings, Director

APPROVED

By: _____ Date: _____

Mark Randlett, Assistant Attorney General

JUN 17 2013



Wellness Connection
of Maine

June 12, 2013

Mr. Raymond Connors, Manager of Compliance
Board of Pesticides Control
Department of Agriculture, Conservation and Forestry
State of Maine
28 State House Station
Augusta, ME 04333-0028

RE: Northeast patients Group d/b/a Wellness Connection of Maine Consent Decree

Dear Mr. Connors,

First, I would like to thank you, Mr. Jennings, and Mr. Randlett for meeting with Dan Walker and I last Friday, June 7th, and offering us an opportunity to further discuss with you why we believe there is a basis for revision to the draft consent agreement and, therefore, why there should be a reduction in the penalty.

During this meeting, it was mutually agreed upon that you, Mr. Jennings, and Mr. Randlett would amend the consent agreement and potentially propose a reduction in the penalty after reviewing the list of corrective actions implemented by WCM since March 4, 2013—the date of the Board’s inspection of the WCM cultivation facility.

Please find hereafter the extensive summary of corrective actions undertaken by WCM:

1. No more pesticides used.
2. All pesticides have been returned to vendors, as demonstrated by vendors’ credits, which have been provided to Board staff.
3. Implementation of an integrated pest management (“IPM”) program at the WCM cultivation site is in-progress, which includes but is not limited to the following actions:
 - a. Sealing the base of the building;
 - b. Planting bankers plants;
 - c. Wearing uniforms;
 - d. Limiting contamination from the outside via:
 - i. Sanitizing foot pads,
 - ii. Establishing screening process for visitors as to potential contamination risk,

685 Congress Street,
Portland, ME 04102

221 Dirigo Drive,
Brewer, ME 04412

149 New County Road,
Thomaston, ME 04861

115 Water Street,
Hallowell, ME 04347

Patient Inquiry: 1 855 848 6740 | General Inquiry: 207 358 8833
info@mainewellness.org



Wellness Connection
of Maine

- iii. Development and implementation of SOPs for pest prevention and course of action in the case of an outbreak.
4. Increase cultivation employees awareness, education, and training about workplace safety via collaboration with SafetyWorks!, an OSHA training program of the Maine Department of Labor.
5. Outreach to develop collaboration with local experts such as the Maine Organic Farmers and Gardeners Association ("MOFGA"), Backyard Farms, IPM Labs, and EcoLab.
6. Participation in weekly meeting with the Maine Association of Dispensary Operators (MEADO), DHHS, and the Board of Pesticides since April 2013. This initiative led to the development of LD 1531, an Emergency Bill sponsored by Senator Saviello to allow usage of certain section 25(b) pesticides.
7. Development of plan to require all WCM cultivation supervisors to become Maine Licensed Pesticide applicators.
8. Temporary closure of WCM's Thomaston cultivation facility in order to consolidate cultivation at the Auburn facility and to better focus on compliance and IPM in one location.

Thank you again for meeting with us to discuss the proposed consent decree and penalty, and for offering us the opportunity to provide you with further information to demonstrate the numerous corrective actions undertaken by WCM. As a result of these corrective actions and WCM's responsiveness to Board inquiries, WCM respectfully requests that you propose lowering the penalty.

We also look forward to working with the Board and DHHS in implementing best management practices for the use of 25(b) pesticides in the cultivation of medical marijuana, once LD 1531 passes and becomes effective.

Sincerely,

Patricia Rosi
COO, Wellness Connection of Maine

cc: Henry Jennings, Mark Randlett, Esq., Dan Walker, Esq.
685 Congress Street,
Portland, ME 04102

221 Dingo Drive,
Brewer, ME 04412

149 New County Road,
Thomaston, ME 04861

115 Water Street,
Hallowell, ME 04347



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
BOARD OF PESTICIDES CONTROL
28 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0028

WALTER E. WHITCOMB
COMMISSIONER

HENRY S. JENNINGS
DIRECTOR

MEMORANDUM

Date: August 28, 2013
To: Board Members
From: Henry Jennings
Subject: List of Planning Session Topics

Periodically, the Board holds informal planning sessions with the entire staff to review Board concerns, issues and priorities. The following topics have been submitted by either Board members or staff for potential discussion at this year's planning session. The Board will discuss planning session topics in the order of Board priority, as time allows. It's likely that there will not be sufficient time to discuss all of the topics. Consequently, the Board may elect to add remaining topics to future Board meeting agendas.

- Collaboration with Integration Pest Management Council
 - Grants for IPM
- 25' setback exemption for invasive plant control
- Staff issuance of variances
 - Chapter 22 variances for identifying Sensitive Areas
 - Guidelines/BMPs for variances to control invasive plants near surface water
- Certification for people who make pesticide recommendations
- Policy on posting personal information from comments that are received
- Policy on complaints/sampling and responding to applicators
- Enforcement case turnaround time
- Consent agreement fine structure
- Other rulemaking? Licensing chapters?
- Enforceability of pesticide laws
- Educational outreach priorities
- Reducing reliance on pesticides
 - Staff involvement in the YardScaping program
 - Retail sign and BPC slogan
- Awareness and operation of the notification provisions contained in Chapter 28
- Board meeting during the Maine Agricultural Trades Show?
- Update on the GMO labeling law
- More exam training for growers
- Better online recertification options
- Streamlining of the licensing process



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
BOARD OF PESTICIDES CONTROL
28 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0028

WALTER E. WHITCOMB
COMMISSIONER

HENRY JENNINGS
DIRECTOR

July 30, 2013

Ronald Lemin
RCL Services LLC
291 Lincoln Street
Bangor, ME 04401

RE: Variance Permit for CMR 01-026, Chapter 29

Dear Mr. Lemin:

This letter will serve as your Chapter 29 variance permit for 2013 for the treatment of phragmites along forested roadsides to comply with requirements of SFI and FSC certification. This variance is valid until December 31, 2013. Please bear in mind that your permit is based upon your company adhering to the precautions listed in Section IX of your variance application.

If you have any questions concerning this matter, please feel free to contact me at 287-2731.

Sincerely,

Henry Jennings
Director
Maine Board of Pesticides Control



PAUL R. LePAGE
GOVERNOR

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

WALTER E. WHITCOMB
COMMISSIONER
HENRY JENNINGS
DIRECTOR

July 30, 2103

Ronald Lemin
RCL Services LLC
291 Lincoln Street
Bangor, ME 04401

RE: Variance Permit for CMR 01-026, Chapter 29

Dear Mr. Lemin:

By way of this letter, your request for a variance from the 25-foot setback requirement contained in Chapter 29, Section 6 is hereby granted for the treatment of a Giant Hogweed infestation in the vicinity of Ohio Street in Bangor for the period of August 1 to September 15, 2013.

On November 18, 2011, the Board authorized the staff to issue permits for broadcast pesticide applications within 25 feet of water for control of plants that pose a dermal toxicity hazard.

We will alert the Board at its September 6, 2013 meeting that the variance permit has been issued. If you have any questions concerning this matter, please feel free to contact me at 287-2731.

Sincerely,

Henry Jennings
Director
Maine Board of Pesticides Control



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
BOARD OF PESTICIDES CONTROL
28 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0028

WALTER E. WHITCOMB
COMMISSIONER

HENRY S. JENNINGS
DIRECTOR

August 19, 2013

Deane Van Dusen
Maine Department of Transportation (MDOT)
Environmental Office
16 State House Station
Augusta, ME 04333

RE: 2013 Chapter 29 Variance Permit

Dear Mr. Van Dusen:

This letter will serve as your agency's Chapter 29 variance permit for your 2013 vegetation control program associated with MDOT wetland mitigation activities. Please bear in mind that MDOT's variance permit requires agency contractors and personnel to adhere to the measures outlined in Section IX of the permit application. Also, please ensure that all products are registered for use in Maine.

We will alert the Board at its September 6, 2013 meeting that the variance permit has been issued. If you have any questions concerning this matter, please feel free to contact me at 287-2731.

Sincerely,

Henry Jennings
Director
Maine Board of Pesticides Control



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
BOARD OF PESTICIDES CONTROL
28 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0028

WALTER E. WHITCOMB
COMMISSIONER

HENRY S. JENNINGS
DIRECTOR

August 19, 2013

Darren Donovan
Aroostook Arboriculture Inc.
PO Box 402
Presque Isle, ME 04769

Dear Mr. Donovan:

This letter will serve as your Chapter 22 variance permit for your 2013 Roadside Brush Control Program in the towns of T14 R6, Farmington, Greenwood and Bridgton. Your permit is based upon your company adhering to the precautions listed in Section X of your 2013 application. Also, please ensure that all products are registered for use in Maine

We will be notifying the Board at their September 6, 2013 meeting that this permit has been issued. If you have any questions about this matter, please feel free to contact me at 287-2731.

Sincerely,

Henry Jennings
Director

AUG 12 2013

8/9/13

Dear Board,

This letter was prompted by reading about the ground and aerial spraying of four herbicides in Somerset and Piscataquis counties to defoliate native plants for "high-value seedlings and saplings" by Plum Creek Maine Timberlands, LLC.

We are outraged that this will be allowed to happen! How can the DEP not allow a renewable, clean wind project by First Wind on Bowers Mountain for reasons of aesthetics, but the EPA and BPC can allow a month of herbicide spraying on over a thousand acres of forest? We can't see how these agencies are protecting the environment even though their titles suggest it.

Officials in positions of power and leadership have a duty to tell the truth. We hope that someone from the EPA, DEP, or BPC forewarned the people in these counties by telling them the following:

These herbicides are poisons.

They might not just kill plants.

They could harm other things that live in the forest.

They may make you and your children sick.

They might contaminate your water.

They could aeriually drift into your gardens and other places.

The deforestation could lead to serious flooding during heavy rains.

Plum Creek doesn't have to use herbicides - They can hire local people to clear the unwanted trees and brush and to do the replanting.

We believe that well-informed people usually make good decisions. We hope that you believe this too.

Sincerely,
Susan M. Mager
Karen Dantonio

P.S. Regarding two other issues, we feel the board should never have approved the use of GMO's in Maine and should never resort to spraying insect pests. We believe the board should use its power to protect us from these toxins not sanction their use!