



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**

**March 25, 2016**

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

**MINUTES**

**8:30 AM**

Present: Eckert, Flewelling, Granger, Jemison, Morrill

1. Introductions of Board and Staff

- The Board, Staff, and AAG Mark Randlett introduced themselves
- Staff Present: Chamberlain, Connors, Hicks, Jennings, Tomlinson

2. Minutes of the February 19, 2016 Board Meeting

Presentation By: Henry Jennings  
Director

Action Needed: Amend and/or Approve

- **Flewelling/Morrill: Moved and seconded to adopt as amended In Favor: Unanimous**

3. Consideration of the EPA Special Local Need [FIFRA Section 24(c)], EPA Reg. 81880-18, and State Supplemental Special Local Need [FIFRA Section 24(c)], EPA Reg. 81880-18-10163, Registration Request for Sandea Herbicide to control broadleaf weeds in lowbush blueberries in the non-bearing year

Jasper Wyman and Son is requesting an SLN for Sandea Herbicide to control perennial broadleaf weeds in lowbush blueberry in the nonbearing year. Canyon Group/Gowan Company has supported a supplemental label for use in Maine for the past few years, but rescinded support due to phytotoxicity concerns. Gowan is proposing an SLN with more stringent language to reduce risk of phytotoxicity and to place the burden of risk on the grower. The EPA only permits and approves issuance of an SLN on a primary product registration. However, states are permitted to issue a state supplemental SLN for a distributor product as long as an SLN for the primary product is first issued by the state and the basic registrant has approved the distributor's request for an SLN. Canyon Group has approved the supplemental SLN request by Gowan Company. Both the primary SLN and the state supplemental SLN for Sandea Herbicide are hereby submitted for the Board's approval.

Presentation By: Mary Tomlinson  
Pesticide Registrar

Action Needed: Approve/Disapprove 24(c) Registration Request

- After a brief introduction by Tomlinson, Darin Hammond from Jasper Wyman and Son explained that Wyman's has been doing tests on this product since 2011, beginning with a three acre plot the first year, a 30 acre plot the second year and 1000 acres in 2015. The university had issues, mainly because when they first started testing they put it on very late on some plots and which resulted in some chlorosis and stunting. Wyman's has been working with Gowan to amend the language on the label to be clear how to use it correctly. It has to be applied extremely early. This year it was between April 15-18. There has to be no vegetative growth; if there is 1/16 inch of leaf emergence on the blueberry bushes, it is too late. That is very clear on the label now. Wyman's would like access to the product because it is a very good chemical to combat resistance issues with hexazinone. It has a good synergistic effect with hexazinone, controlling things that hexazinone won't control alone like bunchberry, spireas, goldenrod. It is not going to be used on a lot of acres. It won't be used on relatively clean fields, but on selected fields with broadleaf weeds that aren't controlled by other chemicals. It will be small part of the program, but an important part to clean up areas that have a lot of weed pressure. It is also good for areas recently cleared from forest to get rid of woody perennials.
- Eckert asked if other companies are using this product. Hammond replied that only a few associated with Wyman's are using it. Gowan didn't promote it because the University had issues. Now that everybody who sprays has to be licensed, Wyman's acts as the restricted use pesticide dealer for almost all their growers and if they sell them a product they make sure they use it correctly. If you use this product incorrectly, you're not going to have a crop.
- Granger asked if this is a new chemical. Hammond said no, it is used on other crops. It is new to blueberries as of 2011. It's closely related to Matrix and Ultum in Canada. It is used at a very, very low rate of active ingredient. It's not a liquid, it comes in a 10 oz. jug, and applicators use 1 oz. per acre. One nice characteristic is that it is very immobile in water. Wyman's is currently working with the University of Maine on a 10 acre test plot to apply Sandea after plants are completely dormant in December to see if it will give control into the crop year.
- Jemison asked why it would be used at the end of the year when plants have dropped their seed and died back. Hammond replied that they are looking at the possibility of controlling perennials like goldenrod, bracken fern and bunchberries. If they spray in December and it won't move all winter, the question is will it affect the crop. Jemison inquired whether the plan is that Sandea is not effective in late fall but that it will be there in spring when plants start growing. Hammond said yes, if they spray when plants are completely dormant, will it be taken up by rhizomes in the spring? But that is still in the testing phase with the University. It is not part of Wyman's plan to use it in the fall. They are waiting for results from the study. If there is a crop on what was sprayed last fall, they will then do a MRL analysis for Sandea. For now it will only be used very early in the spring.
- Jemison asked why Dave Yarborough isn't at the meeting supporting the request. Hammond said it is because Wyman's is the one requesting the SLN. Jemison said that he is concerned that Yarborough is not supporting it. Hammond said that Yarborough did have concerns initially. The first year they sprayed on May 1, which is early for any other broad spectrum herbicide, but late for Sandea. They had issues with stunting and chlorosis. It won't be used extensively because of the tight window on either end.
- Randlett noted that the memo indicated the label was changed to reduce risk of phytotoxicity and to place the burden of risk on the grower. Tomlinson said that had changed. The problem

was that this use was on the master label approved by EPA, but was removed from the container label in 2013. They wanted to put all the risk on the grower through an indemnity clause, and limit the use only to Wyman's. EPA said they couldn't do that. They issued a supplemental label, which is good until 2017. Gowan worked with EPA to develop more protective language but they do maintain some liability.

- Morrill asked what the specific risk is. Hammond said it is crop damage and loss. But with the proposed 24(c) label, Gowan feels the risk is mitigated by stating on the label that it has to be applied before any growth. At 1 ounce per acre that equals .75 ounce AI per acre.
- Jemison noted that currently Wyman's is doing all the spraying but if the Board approves the label another company could mess it up. Flewelling noted that's what the label is for.
- Morrill asked if it is a restricted use product. Tomlinson replied that it is not, but it is a very restrictive label. Hammond noted that a lot of new products have very low rates per acre so all applications are becoming more precise.
- Randlett stated that the Board does not want to have to enforce a third party contract but that is not an issue here.
  - **Flewelling/Eckert: Moved and seconded to approve the registration request**
  - **In Favor:** Eckert, Flewelling, Granger and Morrill
  - **Opposed: Jemison**
  - **Granger/Flewelling: Moved and seconded to approve the registration request**
  - **In Favor:** Eckert, Flewelling, Granger and Morrill
  - **Opposed: Jemison**

4. Update on Actionable Strategies Developed by Board Staff for Promoting Integrated Pest Management with Homeowners

For the last several meetings, the Board has discussed homeowner pesticide use and ideas for promoting Integrated Pest Management (IPM) to this audience. The staff has been working on several actions and will now update the Board on its progress.

Presentation By: Megan Patterson  
Licensing and Certification Specialist

Action Needed: None Needed, Feedback Welcome

- Jennings explained that the staff is continuing to work on the items on the list. Patterson is working on a contract with Tom Mather to give two talks on ticks on May 4 in Wells and Falmouth. The talks will run about 1 ½ hours and be directed toward homeowners on managing ticks and Lyme Disease. May is Lyme Disease Awareness Month and the staff are working with the Maine CDC. Sarah Robinson from CDC will give a brief talk with statistics of Lyme Disease in humans and prevalence of Lyme Disease in the tick population. She will also briefly discuss other diseases vectored by ticks, some of which are on the upswing.
- The staff is working on a tick article, which is scheduled to be published in May. They would like to include some quotes from Mather; he has a lot of good information on how to reduce the risk of Lyme disease. He clarifies the use of repellents.
- Staff is creating a dedicated webpage with the URL [maine.gov/healthylawns](http://maine.gov/healthylawns). The page will have homeowner information. The staff picked lawns because that seems to be a focal point for people concerned about the use of pesticides.
- The staff had a meeting with some collaborators that we have worked with in the past. There wasn't much for new ideas, but Jeff O'Donnell has some ideas on how to connect with independent garden centers to make presentations.

- The staff has discussed a lot of things that have been tried in the past. There is a lot of info on the Yardscaping website that we want to bring forward and reemphasize. We have a booklet Paul Schlein worked on that was never printed; it's going to be expensive because it's in color, but there is interest.
- The staff has been getting requests for talks: Rockport, Bangor Garden Show, libraries, McLaughlin Gardens in Paris. Jennings went to Portland and talked to the Energy and Sustainability Committee; they were discussing a municipal ordinance. Patterson is presenting at a Garden Pro meeting that Lois Stack organized. The staff plans to do a series of talks at garden centers.
- Jennings noted that this is the busiest he's known the staff to be in his 32 years. The IT development project is very intense and is taking a lot of time; Gary starts his new job as State Horticulturist on April 11, and the staff is trying to extract institutional knowledge from his brain before he leaves. Demand for testing is very high right now, so the staff used two rooms for several weeks to try to fit people in.
- Eckert suggested contacting Coastal Maine Botanical Garden because they are doing a huge outreach this year on native plant landscaping.
- Jennings commented that staff is scrambling to do the best they can for 2016, but this is not a one-year undertaking. He would like to convene a larger collaborators group. Hopefully next year we can enhance, expand and devote more resources.

## 5. Legislative Update

There are currently two bills in the Legislature concerning pesticides. LD 1099 An Act To Establish a Fund for the Operations and Outreach Activities of the University of Maine Cooperative Extension Animal and Plant Disease and Insect Control Laboratory, would fund pest management education and laboratory operations, mainly testing ticks. As currently amended, \$400,000 from the BPC fund would be transferred in 2015-16 and \$400,000 per year from unspecified Department accounts thereafter. The amended version was voted OTP by the Committee on Agriculture, Conservation and Forestry and is making its way through the process. LD 1543 An Act To Create Stability in the Control of Pesticides proposed changes to rules governing municipal pesticide ordinances; it was referred to the Committee on State and Local Government and is currently tabled.

Presentation By: Henry Jennings  
Director

Action Needed: Informational Only

- Jennings explained that LD 1099 was held over from last session; originally it proposed a 20 cent tax on homeowner products for Cooperative Extension. The idea of a new tax ran into trouble, so it morphed into a proposal to get more money from DACF. We are already sending \$200,000 annually to Cooperative Extension; LD 1099 says they will get \$400,000 from the Board in the first year, in subsequent years it is up to the Department to figure out where the \$400,000 will come from. Unfortunately there is no money anywhere else.
- Flewelling asked if the Board has any say. Jennings replied that they can express any opinion they want.
- Jemison explained that the lab is not going to be constructed because the cost kept going up, so instead they have purchased a building in the tech park which will provide them with more space.
- Jennings said that his job is explaining the impacts to the Board. The Board's fund is the only place this money can come from. If 1099 is enacted, the Board would not have money to put

into homeowner education. The Board would not have money to contribute for mosquito monitoring, which is very worthwhile in terms of public interest. With good data you can save lives without doing any spraying. The next thing to go would be the grant for worker safety training, and the IT project we just spent a lot of time over the course of a year on. After that you're talking about laying off staff.

- Morrill commented that 30% of the Board's money would be going to something that we don't see a budget for. The Board doesn't even see a budget for the \$200,000 we send now. Add to that the money spent on other positions in the Department, and that's half of our money going to things that aren't our focus, which is licensing and training applicators.
  - Tim Hobbs noted that the money for building the lab came from a bond package but there was no plan for an operating budget. His industry would be concerned about taking registration money away from applicator training and used for a diagnostic lab.
  - A discussion followed about the purpose and operation of the lab.
  - Granger noted that the bill talks about more than just the lab; it establishes a fund for pest management education. Sounds like some of the money would be used for what the Board's doing. If they're taking the money from the Board and sending it to the University, maybe they could do outreach for us; the Board could spin off some of what we've been doing and let them do it. Can they do a better job than the Board?
  - Morrill said that it's not clear that the money will be used for education.
  - Granger said we could be responsible but they do the work. Morrill replied that the way the bill is written the Board would have no say in how the money is used.
  - Jennings noted that when the legislature made the law to reduce reliance on pesticides, they gave the primary responsibility for education to the Board. Granger said the legislature made both of these decisions; bills get developed and there isn't enough input. Jennings said that his impression is they saw a need to fund something but had no money so they required the Department to figure it out.
  - Morrill remarked that some people are probably not aware that the Board is already funding outreach in our current budget by sending \$200,000 to the University for that specific purpose.
- **Consensus was reached for the staff to draft and send a letter to Commissioner Whitcomb and the Appropriations Committee with the following points:**
    - The Board is sending money to Cooperative Extension already
    - If the Board has to send an additional \$400,000, it will be forced to cut programs: such as homeowner outreach, mosquito testing, worker safety training for migrants, improving the registration process and the rest of the IT project. It will cut into Board efforts to follow legislative mandate to minimize reliance on pesticides.
    - Include numbers
    - Keep as neutral and fact-specific as possible
    - Note how far along the IT project is and how much money has already been invested.
  - **Eckert (check this)/Granger: Moved and seconded to draft and send letter as detailed above**
  - **In favor:** Eckert, Flewelling, Granger and Morrill
  - **Abstained: Jemison**

## 6. Election of Officers

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

Presentation By: Henry Jennings  
Director

Action Needed: Nominations and Election of Officers

- **Eckert/Flewelling: Moved and seconded to re-elect Morrill as Chair**
- **In Favor: Unanimous**
  
- **Granger/Eckert: Moved and seconded to re-elect Bohlen as Vice-Chair**
- **In Favor: Unanimous**

7. Other Old or New Business

- a. Acadia National Park Chapter 29 variance permit for control of invasive plants
- b. Woodlands Club, Falmouth, Chapter 29 variance permit
- c. Other?
  - Flewelling asked about sediment samples; Tomlinson replied that the results came in December but that she has been busy with registrations and hasn't done anything with them.
  - Hicks noted that South Portland is working on a municipal ordinance. Morrill questioned whether the average homeowner or city councilor knows the Board exists or that there are regulations in place.
  - Morrill noted that there is an ash quarantine because of Emerald Ash Borer in New Hampshire.

8. Schedule of Future Meetings

May 13, July 1, and August 19, 2016 are tentative Board meeting dates. The August 19 meeting is tentatively a field trip. The Board will decide whether to change and/or add dates.

Adjustments and/or Additional Dates?

- No dates were added

9. Adjourn

- **Eckert/Flewelling: Moved and seconded to adjourn at 10:50 am**
- **In Favor: Unanimous**