



PAUL R. LEPAGE  
GOVERNOR

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

WALTER E. WHITCOMB  
COMMISSIONER

**BOARD OF PESTICIDES CONTROL**

**April 6, 2018**

Room 118 Marquardt Building  
32 Blossom Lane  
Augusta, Maine

**AGENDA**

**9:00 AM**

1. Introductions of Board and Staff

2. Minutes of the February 23, 2018, Board Meeting

Presentation By: Ann Gibbs, Director, Animal and Plant Health

Action Needed: Amend and/or Approve

3. Continuing Discussion Around Unmanned Aerial Systems (UAS)

At the February 23, 2018 meeting the Board had a brief discussion about UASs and directed the staff to research the topic and provide more information. Enclosed are several documents for the Board to study. The Board will now discuss what steps it wishes to take next in regards to regulating UAS for pesticide applications.

Presentation by: Anne Chamberlain, Policy and Regulations Specialist

Action Needed: Determine Next Steps to be Taken

4. Consideration of Consent Agreement with Black Kettle Farm of Lyman, Maine

The Board's Enforcement Protocol authorizes staff to work with the Attorney General and negotiate consent agreements in advance on matters not involving substantial threats to the environment or public health. This procedure was designed for cases where there is no dispute of material facts or law, and the violator admits to the violation and acknowledges a willingness to pay a fine to resolve the matter. This case involves the application of a

pesticide at a rate exceeding the maximum labeled application rate; lack of personal protective equipment; and failure to maintain OSHA safety data sheets at a central information display.

Presentation By: Raymond Connors, Manager of Compliance

Action Needed: Approve/Disapprove the Consent Agreement Negotiated by Staff

5. Consideration of Consent Agreement with Penquis, Bangor, Maine

The Board's Enforcement Protocol authorizes staff to work with the Attorney General and negotiate consent agreements in advance on matters not involving substantial threats to the environment or public health. This procedure was designed for cases where there is no dispute of material facts or law, and the violator admits to the violation and acknowledges a willingness to pay a fine to resolve the matter. This case involves the application of an herbicide to a school playground by an unlicensed person and without authorization by the school's IPM Coordinator.

Presentation By: Raymond Connors, Manager of Compliance

Action Needed: Approve/Disapprove the Consent Agreement Negotiated by Staff

6. Consideration of Consent Agreement with Riverview Psychiatric Center, Augusta, Maine

The Board's Enforcement Protocol authorizes staff to work with the Attorney General and negotiate consent agreements in advance on matters not involving substantial threats to the environment or public health. This procedure was designed for cases where there is no dispute of material facts or law, and the violator admits to the violation and acknowledges a willingness to pay a fine to resolve the matter. This case involves the application of an herbicide by an unlicensed person on the grounds of the Center.

Presentation By: Raymond Connors, Manager of Compliance

Action Needed: Approve/Disapprove the Consent Agreement Negotiated by Staff

7. Consideration of Consent Agreement with White's Weed Control of Palmyra, Maine

The Board's Enforcement Protocol authorizes staff to work with the Attorney General and negotiate consent agreements in advance on matters not involving substantial threats to the environment or public health. This procedure was designed for cases where there is no dispute of material facts or law, and the violator admits to the violation and acknowledges a willingness to pay a fine to resolve the matter. This case involves a broadcast application of an herbicide within 25 feet of water without a variance.

Presentation By: Raymond Connors, Manager of Compliance

Action Needed: Approve/Disapprove the Consent Agreement Negotiated by Staff

8. Other Old or New Business

- a. Legislative Update – LD 1853

9. Schedule of Future Meetings

May 18, 2018 and July 13, 2018 are proposed Board meeting dates in Augusta. August 24, 2018 has been proposed for a tour of Green Thumb Farm in Fryeburg and Weston's Christmas Tree Farm in Fryeburg followed by a Board meeting locally. 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](http://www.thinkfirstspraylast.org).
- Any person wishing to receive notices and agendas for meetings of the Board, Medical Advisory Committee, or Environmental Risk Advisory Committee must submit a request in writing to the Board's office. Any person with technical expertise who would like to volunteer for service on either committee is invited to submit their resume for future consideration.
- On November 16, 2007, the Board adopted the following policy for submission and distribution of comments and information when conducting routine business (product registration, variances, enforcement actions, etc.):
  - *For regular, non-rulemaking business*, the Board will accept pesticide-related letters, reports, and articles. Reports and articles must be from peer-reviewed journals. E-mail, hard copy, or fax should be sent to the Board's office or [pesticides@maine.gov](mailto:pesticides@maine.gov). In order for the Board to receive this information in time for distribution and consideration at its next meeting, all communications must be received by 8:00 AM, three days prior to the Board meeting date (e.g., if the meeting is on a Friday, the deadline would be Tuesday at 8:00 AM). Any information received after the deadline will be held over for the next meeting.
- During rulemaking, when proposing new or amending old regulations, the Board is subject to the requirements of the APA (Administrative Procedures Act), and comments must be taken according to the rules established by the Legislature.