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GOVERNOR

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

AMANDA E. BEAL
COMMISSIONER

BOARD OF PESTICIDES CONTROL

April 16, 2021

9:00 AM Board Meeting

Video conference hosted in MS Teams

MINUTES

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

1. Introductions of Board and Staff

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

2. Minutes of the March 5, 2021 Board Meeting

Presentation By: Megan Patterson, Director

Action Needed: Amend and/or approve

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

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

The Maine Center for Disease Control and Prevention (Maine CDC) coordinates state activities around preventing vector-borne diseases. As part of its responsibilities, the CDC coordinates mosquito and disease monitoring in Maine. The presence of mosquito-borne diseases and the species of vector mosquitoes present in Maine have been on the rise in recent years. Maine CDC and BPC entered into a Memorandum of Understanding in 2013 to establish cooperation to conduct surveillance for mosquito-borne diseases to protect public health. At the July 24, 2020 meeting Sara Robinson of the Maine CDC provided an overview of the trends and the state's monitoring program. At the July 24, 2020 meeting, the Board

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voted to approve funding in the amount of \$50,000 for Maine CDC's mosquito monitoring efforts. The Board will now review a report on work accomplished in the previous year and work projected for the current year.

Presentation By: Sara Robinson, Infectious Disease Epidemiology Program Director

Action Needed: Review work accomplished and determine if the Board wishes to fund this request

- Sara Robinson updated the Board on mosquito monitoring conducted last year and plans for the upcoming year. She explained that the BPC was the only reason they were able to monitor last year because their federal funding was cut by \$200,000. Robinson stated that Maine CDC collected and tested 527 pools, and all were negative. She added that the lab had to decrease to biweekly testing due to lab constraints during the pandemic but hoped to return to pre-pandemic testing this year.
- Morrill commented that last year the Board increased funding because they knew federal funding was unsteady and he was glad it helped keep the program going. Morrill asked Robinson what amount of funding they were looking for this year.
- Robinson responded that they were hoping for similar funding as last year but would happily accept whatever the Board could offer.
- There was discussion about whether funds were available this year to grant the same amount as last year. Patterson replied that there were sufficient funds.
 - **Adams/Jemison: Moved and seconded to fund request at \$50,000**
 - **In Favor: Unanimous**

4. Updated Reporting on Pesticide Poisonings in Maine

Staff have compiled data on the patterns of pesticide poisonings in Maine. Call data were collected from both the Northern New England Poison Control (NNEPC) and the National Pesticide Information (NPIC). NNEPC and NPIC submitted two years' worth of data from Maine callers with pesticide. Staff will now discuss summaries of those data.

Presentation By: Pam Bryer, Toxicologist

Action Needed: Information only

- Bryer reviewed the summary document of pesticide poisonings she collected for the Board.
- Bryer stated that call volumes peaked in the height of summer and mostly involved children under five and took place at peoples' homes. Insecticides were the primary class of pesticides that caused calls. There were no pesticide deaths in the two years of call data, however two people were classified as having a major effect, meaning it was a life-threatening exposure. Bryer noted that intentional misuses and suicide attempts fell to 14 in 2020 from 20 in 2019. Bryer told the Board that as expected 2020 had an increase in the spring in disinfectant calls and the largest burdens of those exposures were in

children. She added that overall insecticides, repellants, and disinfectants were the classes of most concern. Bryer stated that the National Pesticide Information Center's list of questions asked was a good snapshot of questions commonly asked by homeowners.

- Bohlen commented that it was worth remembering that most exposures were from over the counter products and that he really appreciated seeing this information in a way they had not before.
- Morrill stated that this was the most informative data they had seen regarding exposures and gave the Board a glimpse into how to make a real impact with the information the BPC provides to the public.
- Bryer stated that the next step would be to reach out to the Maine Department of Labor to get worker's compensation classifications to try and get some useful information on exposures in the workplace.

5. Discussion of Pesticide Applications to Saturated Soils

Staff have recently received inquiries from the public concerning lawn care applications made to saturated soils and in close proximity to standing water. This is a continuation of a discussion staff began in 2005 regarding soggy lawns. At that time a committee was formed to address the issue and guidance document was developed on best management practices for pesticide applications on turf. Staff will now discuss their proposed plan of action.

Presentation By: Megan Patterson, Director

Action Needed: Determine next steps

- Patterson discussed the reasoning for the formation of the Soggy Lawns Committee in 2005 and the turf best management practices document developed with the input from multiple entities. She added that staff were still experiencing the same issues with early applications. Patterson stated that staff had received calls from the public and other applicators concerned about seeing applications being made in early March to wet lawns and frozen soils. One staff member saw where spreader tires had run very close to standing water. She asked the Board if they would like Staff to proceed with additional efforts to look into this issue.
- Jemison stated he thought they developed a very good product in 2005 and they could reformat it, change its appearance, and then send out to people. He added that it would only take a couple meetings with the same group of people to get suggestions on changes, repackaging and reformatting and then next spring or winter conduct outreach again. Jemison said he did not think they could get it together soon enough to make a difference this year because it was already mid-April and applications were being made.
- Bohlen suggested moving what he thought of as bottom-line recommendations on the back page in small print to the front page. He also suggested thinking about the kinds of treatments that were happening now that were not occurring in 2005, like tick and mosquito treatments.

- Morrill suggested changing it from a pamphlet to a more digital media friendly format. He stated that he remembered when this document was created, and staff went through and audited records and issued some enforcement actions.
- Patterson responded that that was certainly something staff could do if it was of interest to the Board.
- Morrill stated he thought the Board would certainly approve of that and added that perhaps Board staff could work to reformat the pamphlet and put it into new digital format and then bring it back to the Board and reconvene a group of stakeholders. He suggested bringing in someone who could create a message which resonated a little better.

6. Review of Board Member Terms and Appointments

At the March 5, 2021 meeting of the Board, members elected officers. Board member term limits and reappointments were discussed. The Board requested a review of term limits and plans for reappointment and new appointment at the next meeting.

Presentation By: Megan Patterson, Director

Action Needed: Information only

- Patterson stated that terms for Granger and Flewelling expired in 2019 and they had been serving at will since that time. Terms for Bohlen and Morrill expired in 2020 and 2021 is when the term for Adams will end. Jemison and Waterman's terms will expire in 2022. She added that all those who had expired had not been reconfirmed. Patterson said if any expired members would like to continue serving on the Board she encouraged them to submit their application to the Governor's Office of Boards and Commissions. Necessary forms are available on the Office of Boards and Commissions webpage under confirmable boards and commissions. She added that the Governor needed to make all Board recommendations, the ACF committee approves those recommendations, and the full senate confirms the appointments.

7. Continuation of the BPC Budget Review with a Focus on the Cost of MePERLS Support, Maintenance, Hosting, and Licensing

At the January 20, 2021 meeting, the Board was provided information about the projected cost of MePERLS. This information was presented by State of Maine Office of Information Technology at the request of the Board. The State of Maine Office of Information Technology serves an essential role in negotiating contracts with both PegaSystems and Stratosphere and can provide a comprehensive overview of the technology and the relative costs. The Board indicated that would like to continue the discussion about the ongoing costs of MePERLS.

Presentation By: Megan Patterson, Director

Action Needed: Determine next steps

- Patterson stated the Board currently has a significant cash balance and the additional cost for MePERLS would begin in October 2022. She asked the Board if it would be helpful for the Department's Business Operations Manager to attend the next Board meeting to provide information about the software hosting, licensing, support, and maintenance fees in the context of the budget.
- Morrill asked if this level of spending would be sustainable once the state stopped supplementing some of this cost.
- Patterson replied that Carlton could speak to that and that Carlton had been thoughtful about program software solutions with high ongoing costs. She added that Carlton was outside the program and could provide the Board with information from a different perspective.

8. Other Old and New Business

- a. LD 125—An Act to Prohibit the Aerial Spraying of Glyphosate and Other Synthetic Herbicides for the Purpose of Silviculture—possible work session week of April 26, 2021
 - b. LD 155—Resolve, Directing the Board of Pesticides Control to Prohibit the Use of Certain Neonicotinoids for Outdoor Residential Use—divided report March 9, 2021
 - c. LD 264—An Act to Prohibit Aerial Application of Perfluoroalkyl and Polyfluoroalkyl Substances—work session not scheduled
 - d. LD 316—An Act to Prohibit the Use of Chlorpyrifos—work session April 20, 2021
- Patterson stated that the public hearing was scheduled for next Tuesday and asked the Board what a timeline would look like for prohibiting use that people could comply with without ending up with waste product and issues regarding alternative solutions. She summarized phase out timelines and banned uses from a few other states. Patterson noted that in New York the regulators indicated that the short timeline of one year following implementation of prohibition had been difficult to comply with because growers did not feel like they had received timely information and found themselves scrambling to find solutions.
 - Granger stated that chlorpyrifos was used by Christmas tree and apple growers. He said it was a broad-spectrum pesticide that took care of many pests, usually only needing one application on Christmas trees around bud break and there was enough residual effect that an additional spray was not required. He added that imidacloprid would work on a lot of the same pests as chlorpyrifos, but it would be applied at a time that would be more likely to affect pollinators. Granger noted that chlorpyrifos was one of the few products that would control balsam wooly adelgid, which had become well established. He stated that he did not see it listed on the poison control center calls reported for the last two years and that it was a very useful product. Granger stated that many of its uses had been

terminated and it was not used much anymore, but it would be a shame if growers did not have time to use what they have in stock.

- Waterman commented on cited medical issues related to chlorpyrifos regarding lower IQs, hormone issues and its effect on the development of fetal brains and normal genital development. He added that a couple of years ago the Academy of Pediatrics suggested that this product should be completely banned. Waterman stated that it had been banned in Europe since 2008, and there was a long and interesting discussion about why it had not yet been banned in the United States. He concluded that he would suggest a shorter phase-out time rather than a longer one.
- Granger commented that balsam wooly adelgid was definitely on the rise and there were likely relatively few people using the product but those who did really found it valuable. He added that some cranberry and blueberry growers likely used it as well.
- Patterson stated the proposed bill stipulated a one-year phaseout with the requirement that product to be used in 2022 must be purchased by January 31, 2022 and used, only with a variance, by December 31, 2022.
- Bohlen commented that people may have already purchased product for this year but was concerned there would be leftover product if it was phased out that quickly. He added that he completely agreed it needed to be banned.
- Jemison inquired about the container size and formulation the product was commonly sold in. He agreed that the product needed to be phased out.
- Granger responded that it was a liquid generally purchased in two and a half gallon jugs. He added that it was used at about one quart per acre and the product lasted a long time, so growers tended to stock up on it. Granger concluded that growers would likely have several years' worth in storage.
- Morrill stated that he agreed with Granger that a one-year phase out may not be enough time and it would force applications on farmers that they would not have made, or it would be disposed of elsewhere.
- Jemison offered to follow up with colleagues about who was using it, what the current usage rates were, and how many acres would be affected.
- Patterson stated that that information would be useful because staff will need to reach out to folks who need alternatives.

e. LD 519—An Act to Protect Children from Exposure to Toxic Chemicals—voted out of committee April 8, 2021—divided report

- Patterson stated the committee majority report included a Medical Advisory Committee (MAC) so it may be relevant to Waterman. She said that the MAC had a standing membership.
- Waterman stated that the Board established the MAC in 2008, and that it had been dormant recently. The purpose of the MAC was to provide medical and toxicology

information and review the science for specific questions pertaining to pesticides. The standing members were supposed to be Waterman as Chair, and the Director of the Northern New England Poison Control Center, Dr. Mark Nevin from Portland who are both happy to assume their role in the MAC. The third member was supposed to be the State Toxicologist, Andrew Smith. Smith responded that he and his staff cannot currently commit to service on the MAC due to demands of COVID-19 and PFAS issues. Waterman stated that Dr. Smith mentioned a couple names of people that are physicians in the toxicology field who may be able to serve on the MAC in his place. He added that he had not contacted them yet.

- Morrill thanked Waterman and said we have not had a MAC for some time, and he was very glad to have Waterman as a Board member and spearheading this process.

f. LD 524—An Act to Require Schools to Submit Pest Management Activity Logs to the Board of Pesticides Control and the Posting of Inspection Results for the Purpose of Providing Information to the Public—tabled April 8, 2021 to be scheduled with the hearing for LR 1896—An Act To Provide Maine People with Access to Information Regarding the Use of Pesticides in Maine

g. LD 808—An Act To Clarify the Funding for the University of Maine Cooperative Extension Diagnostic and Research Laboratory—hearing not scheduled

h. LD 1158—An Act Regarding the Application of Certain Pesticides for Nonagricultural Use—hearing scheduled April 13, 2021

i. LD 1159—An Act To Amend the Membership Requirements of the Board of Pesticides Control—hearing scheduled April 13, 2021

j. Spruce budworm in Maine

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

l. Update on EPA investigation of container fluorination, pesticides, and PFAS

- Patterson told the Board that EPA clarified their initial comment that there were no PFAS in pesticides. They stated that they were referring to long chain PFAS. Patterson said EPA stated they were now looking at the full range of PFAS to determine which ones were of toxicological concern.
- Granger asked if there were any products with PFAS in them or was it all from containers.
- Patterson stated the EPA was working through lists of active and inert ingredients and some have been identified as PFAS, but it is unclear if they are currently in use in pesticides. She told the Board that there were a diversity of opinion on what PFAS were of toxicological significance and staff could provide some literature on this.
- Bryer stated that the scope of this issue is likely far broader than just pesticides.

- Bohlen commented that PFAS were turning up in huge quantities in wastewater flows and were finding their ways into marine environments very quickly. He added he thought this was an example of a much larger issue.

m. Proposed municipal ordinance—Westmanland

n. Seresto collars

- Bryer stated this was added as informational after an investigative report on about 1,700 pet deaths caused by Seresto collars and that EPA had not issued a warning. She got information from what is called the 6(a)(2) report, which is a permanent record for each registration added to every time someone calls the 800 number on a label. Bryer added that EPA pesticide registration review occurred every 15 years and they go through these calls, categorize them, and decide whether there was a correlation between the product and the complaint. Bryer noted that EPA did have the ability to issue reviews at any time. She stated that from the 6(a)(2) reports it is clear that pet products will cause adverse reactions in pets, not just Seresto, ranging from redness and irritation to seizures and death. Bryer told the Board that there was no information on any adverse reactions occurring in Maine.

o. EPA proposed cancellation of pentachlorophenol

- Patterson told the Board this product was used primarily to treat telephone poles and discussion of cancellations had been going on for years. She added that there were alternatives that could be used but was unsure about the relative efficacy of the alternatives.

9. Schedule of Future Meetings

July 16, August 27, and October 8, 2021 are tentative Board meeting dates. The Board will decide whether to change and/or add dates.

10. Adjourn

- **Waterman/Jemison: Moved and seconded to adjourn at 11:02 AM**
- **In Favor: Unanimous**