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BOARD OF PESTICIDES CONTROL
September 7, 2012

AMHI Complex, 90 Blossom Lane, Deering Building, Room 233, Augusta, Maine

MINUTES

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

1. Introductions of Board and Staff

- The Board, Assistant Attorney General Randlett and staff introduced themselves.
- Staff present: Jennings, Schlein, Fish, Connors, Bills. Tomlinson and Hicks joined after the public hearing.

2. Public Hearing on the Proposed Repeal of Chapter 21 and Amendments to Chapters 10, 27, and 50

The Board will hear testimony on the following proposed chapter repeal and amendments to three rules:

- **Chapter 10—Definitions and Terms:** The amendments to Chapter 10 would incorporate interpretive policies into the definitions of Commercial Applicator, Custom Application, Distribute and Spray Contracting Firm. A definition of Government Employee would also be added to clarify the intent of Title 22, 1471-D (9).

Explanation: Over time, the Board has found it necessary to clarify the intent of some of its rules via policy. However, since policies are not enforceable, the Board has decided to incorporate a number of policy interpretations into rule by amending certain definitions in Chapter 10.

- **Chapter 21—Pesticide Container Disposal and Storage:** The Maine Legislature recently repealed the statutory mandate for the container deposit system by enacting Public Law 2011, Chapter 510. The Board proposes to implement the intent of that law by repealing the associated rule—Chapter 21.

Explanation: The Board believes that Chapter 21 is no longer necessary, as pesticide container management strategies have evolved since the rule first went into effect in 1983. The Legislature repealed the container deposit mandate with the expectation that the Board would repeal the requirement in rule.

- **Chapter 27—Standards for Pesticide Application and Public Notification in Schools:** The amendments to Chapter 27 will give additional authority to the designated school IPM Coordinator to ensure there is at least one person in each school knowledgeable about all pesticide use. In addition, it will require training for the IPM Coordinator and consolidate the record-keeping requirements.

Explanation: The amendments to Chapter 27 are to address weaknesses and incorporate improvements that were identified during an evaluation of the rule requested by the Legislature in Resolve 2011, Chapter 59.

- **Chapter 50—Record Keeping and Reporting Requirements:** The amendments to Chapter 50 will remove the reporting requirements associated with the restricted-use pesticide container deposit system which will no longer be necessary because of the repeal of Chapter 21 (above).

Explanation: Since the Board is repealing the pesticide container deposit rule (Chapter 21, above), it must also repeal the associated record-keeping requirements.

Additional details of the proposed amendments were described in the public hearing notice published in major newspapers on August 15, 2012. Copies of the notice and the proposed rule amendments are available upon request, and may be viewed at the Board's website, www.thinkfirstspraylast.org/laws/rulemaking.htm.

Sign-up sheets for each chapter will be available at the door for persons wishing to testify. Written comments may be e-mailed to henry.jennings@maine.gov, or mailed to the Board's address above, until 5:00 PM on September 28, 2012.

- Jennings gave a brief explanation of the final version of the amendments. He explained that, a couple of years ago, there was a statutory change which added pesticide use at eating and food establishments to the definition of custom application. The definition in rule was never updated, so the staff chose to follow the statutory format and included food and eating establishments in the Chapter 10 definition to make it easier to understand. Regarding Chapter 27, he stated that the staff attempted to incorporate everything that the Board requested at the last meeting.

Chapter 10

- No Comments

Chapter 21

- No Comments

Chapter 27

- Two oral testimonies were made:
- **Deven Morrill, Lucas Tree Experts**, questioned the reason for excluding golf courses in Section 1.D (2) and whether there would be any repercussions from this omission. Jennings explained that the Board was trying to address a question that arises frequently relating to the definition of school grounds which includes any private property regularly used by students or staff. Most golf teams play on a local golf course, so is the golf course required to follow the requirements of Chapter 27, etc? Another example of private property that is regularly used for school activities is a place like Funtown to which schools regularly make an end-of-the-year trip. Jennings said it doesn't seem reasonable or practical for entities that are privately owned and used only occasionally by school groups to have to follow the Chapter 27 provisions. Eckert opined that school grounds that have museums should follow the rule, so maybe we should add the word private. Morrill suggested deleting it and leaving it as school grounds and school properties. Jennings explained that many schools use property owned by towns that is used primarily by schools and those should be subject to the rule.

- Morrill said he does not support the requirement in Section 4.A for parents to be required to sign the notification form. He feels that it would reduce the paperwork burden on parents and schools to only have those parents interested in notification return the form. Jennings explained that that is how the rule reads currently, but that at the last meeting it was suggested that the beginning-of-year notification be eliminated because it seemed to lack value and is challenging for schools to administer. However, the Board decided to include the change contained in the proposed amendment instead. Stevenson asked if parents who didn't sign the form would be fined. Morrill pointed out that in the case of EEE or WNV a five-day notification might be too long.
- Morrill stated that he feels strongly that the statement added as Section 5.A regarding applications made for aesthetic purposes should be struck from the rule. He said that if that is the Board's opinion, it should be stated elsewhere, not in this rule. Also he believes aesthetic is a wishy-washy word and if the purpose of IPM is to reduce pesticide use at all costs, and that's what is being done, then this statement is moot. Randlett pointed out that the statement is unenforceable, and added that if a school decided to make an application for aesthetic purposes, there's nothing the Board can do about it; it is a policy statement only.
- Morrill recommended striking Section 5.C (4) because of the wishy-washiness of the words. [*Note: this is not a proposed amendment to the rule.*]
- Morrill said he does not support Section 6.A (2) as written because it transfers the responsibility to the applicator. Randlett replied that it makes both the applicator and the IPM Coordinator responsible; it creates a duty for the applicator to inform, but also creates a responsibility for the IPM Coordinator to make sure the requirements are met. At the end of the day, according to Randlett, the IPM Coordinator is ultimately responsible for making sure requirements are met.
- Bohlen mentioned that there was some good input prior to rulemaking and wondered if there was a way to be reminded of that. Randlett replied that information is not part of the rulemaking record, but that it should have been used in the process prior to this point.
- **Heather Spalding, Maine Organic Farmers and Gardeners Association**, stated that she was a participant in the citizen-initiated bill to stop cosmetic use of pesticides on school grounds, daycare centers, playing fields and ball fields. She said they are happy that everybody is focusing on the broader issue of pesticide use on schools and IPM, but feels that the legislation could have addressed the fact that there is no need for the use of synthetic, toxic pesticides on school grounds for purely cosmetic purposes. The bill did make provisions for use of chemicals in cases of human health threats, stinging insects, biting insects, even potentially herbicide use on poison ivy, things like that. The gist of the written testimony also submitted by Spalding is that they are hopeful that that message won't get lost in the shuffle. She hopes the Board will consider that specific piece—there are safer ways of landscaping on school grounds. She submitted documents and asked the Board to review the cost comparison of chemical turf management vs. organic turf management on school grounds which was researched and written by Chip Osborne, organic land care specialist in Massachusetts. She stated that the document shows that within five years it is more economical to manage school grounds organically. She said the second document, also written by Osborne, details the concerns of applying chemicals to school grounds and the dangers to children as they are growing. She said that MOFGA doesn't sponsor a land care certification program, but works closely with the Northeast Organic Farming Association (NOFA) in Massachusetts, which does. The third document she submitted gives an overview of that program. She asked that the Board pay particular attention to the economic study.
- Jemison said there seems to be interest in looking at Section 5.A and wondered whether "aesthetic" or "cosmetic" are too vague. He encouraged the Board to think about this as we move forward.

- Spalding said that the Board should look at two examples: (1) dandelions on lawns can be managed by amending the soil and hand pulling. She said that in Palermo they aerated, added compost and dug them up; she said it was good exercise for the kids and the fields are fine. 2) larvae where there are bare patches. She said that she has talked to accredited people and there are natural amendments such as milky spore and that improving the soil health in general helps. She asked how having a few dandelions on a field affects the kids playing soccer.
- Eckert said she has heard there are safety issues with athletic fields and asked if there is any data on that; she said the Augusta City Manager claimed there were safety issues with broadleaf weeds, but she hasn't seen any data. Flewelling asked whether people just say that so they can justify what they are doing. He said they shouldn't have to justify it; if a school board wants to go that route they should be able to; if a community wants to go a different route, they can do that; different communities have different priorities. Randlett said this discussion would be more appropriate at the next meeting. Stevenson asked whether choices were aesthetic or budgetary.
- Bohlen said that Heather Spalding mentioned milky spore and because milky spore is treated as a pesticide, does advocating for reducing the use of pesticides mean we are advocating for reducing the use of milky spore. Fish replied that milky spore is a pesticide and that entomologists at the University of Massachusetts do not recommend using it in northern regions of the country. Bohlen questioned whether the policy discourages certain uses that we're trying to encourage and maybe we should be looking at less risky (rather than just less). Jennings replied that the staff has also felt that the statute missed the boat and that it should be about reducing risk, not necessarily amount; risk is the standard we endorse.
- Spalding said she would ask the Board to consider organic land care standards that were developed by NOFA such as milky spore, aeration, composting, etc.
- Morrill said that the national standard for grass height for athletic fields is lower than average lawns; at higher heights they can withstand weed pressure, but lower heights make it harder to withstand weeds. For instance, the infield of a baseball diamond needs to be 1 to 1½ inches, and is also different grass. Also, if grub pressure removes a patch of turf, it creates a bare spot which isn't safe.
- Granger asked if the Board was taking input on the entire chapter, or just the changes. Randlett replied that generally rulemaking takes input on just the changes, but that the Board can listen to other input. Granger asked if making other changes would require another hearing and Randlett said that the Board can make non-substantive changes, but anything major would require another hearing.

Chapter 50

- No Comments

3. Minutes of the July 27, 2012, Board Meeting

Presentation By: Henry Jennings
Director

Action Needed: Amend and/or approve

Granger/Eckert: Moved and seconded approval of minutes

In Favor: Unanimous

4. Reconsideration of a Consent Agreement with Purely Organic Lawn Care, Inc., of York Harbor

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. The Board tabled consideration of a proposed administrative consent agreement with Purely Organic Lawn Care, Inc., at the May 11, 2012 meeting and asked that Assistant Attorney General Randlett research the Board enforcement options and report back at a future meeting. The Board will now reconsider the proposed administrative consent agreement.

Presentation By: Raymond Connors
 Manager of Compliance

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

- Connors reviewed the details of the case and described a series of technical violations committed by the company. However, the most serious concern for the Board and staff was the apparent pattern of fraudulent activity in which the company claimed to control weeds and insects using organic products while standard lawn care pesticides were actually being used without the customer's knowledge. Connors reminded the Board that they had asked Mark Randlett to review the Board's enforcement options in this case and had requested that a representative from the company be invited to attend. He introduced Roger Dumas from Mainely Organic Lawn Care.
- Randlett explained the Board's options: (1) civil violations, which because there were prior violations could be as high as \$4,000 per item, which would be against the company; (2) criminal violations of pesticide law, which would be against individuals, and it would have to be proved that they deliberately violated pesticide law; and (3) to the extent that there is fraud involved, the Attorney General's office could bring violations against the Maine Unfair Trade Practices Act. He said that options 1 and 2 were not exclusive and could be concurrent.
- Roger Dumas explained he was brought in last year to oversee daily operations and that it is his responsibility to make sure the company is following all rules and details of the consent agreement. Prior to mid 2011, he had not been working in Maine, but had been a golf course superintendent in Massachusetts. Flewelling asked him if he was aware of the letter sent by the company and asked if they still believe this is a witch hunt. Dumas replied that the owner might, but that he personally does not. Randlett asked to what degree Mr. Reinertson is involved in the business, and Dumas said the he is still part owner, but that he has nothing to do with the lawn service portion of the operations anymore.
- Jennings asked Dumas to describe how the company represented its business because there was some feeling that they were not up front about what they provide. Dumas replied that their standard practice is to use natural, organic products. If a situation arises where there is no natural option, they give the customer the option of a chemical treatment, and if there is need for a follow-up application they get approval again. Eckert said that that may be what's done in Massachusetts, but at the time of these violations, that is not what was being done in Maine. The excuse was given that they were transitioning so there was residue in the tanks and customers are telling us that they are not being told what is being used. Dumas said that he wasn't involved with any of that, but they have addressed those issues and are going to offer different programs in the future so the customer can choose purely organic or a hybrid program.

- A discussion ensued about the use of organic pesticides. Randlett said the customers were told they were getting an organic treatment and the sampling showed they used chemical pesticides; the product that the company said they were using couldn't do what they said it would do.
- There was discussion about the fact that there is no law defining what is organic in terms of lawn care and Granger said that he was uncomfortable questioning the name of the company. Bohlen said the violations are concerning what they told customers versus what they used.
- Eckert said she'd like to look for alternatives beyond a penalty. Randlett said that they already have a conditional license. The Board can deny renewal of licenses or grant new conditional licenses. If during the term of the conditional license they are found not in compliance, the license can be revoked. He reiterated the options available to the Board, but said that because there is a conditional license in place they really need to let that run its course and then review it when it's due for renewal. Eckert stated that she would favor the conditional license continuing beyond this season because there will not be enough time to monitor. There was some discussion about individual licenses and Jennings said that the person who made the decisions that gave rise to this case is no longer licensed and the Board doesn't have to issue him a license. Connors stated that one of the applicators involved is still with the company but that he was not a decision maker.
- Jemison stated emphatically that this level of problem is unprecedented for anyone on this Board. He advised Dumas that the Board is expecting him to assure them that they will be following the agreement and that the staff would be checking up on them.
- Stevenson opined that if we were not so far down the road in this process, he would not be approving the consent agreement. One bad apple gives the whole group a bad name and, in this case, both organic and conventional operations are affected. He wanted Dumas to tell his boss that he is not happy with this outcome and he hopes they understand how lucky they are.

Flewelling/Granger: Moved and seconded to approve the consent agreement and to direct the staff to review the conditional license year by year.

In Favor: Unanimous

5. Consideration of a Chapter 29 Variance Permit Request from Vegetation Control Services, Inc., to Control Woody Brush in Wetland Areas of the Transmission Line Connecting the Kibby Wind Power Project in Northwestern Maine

The Board can grant variances for the 25-foot setback required from surface water under Section 6 of Chapter 29. At the July 27, 2012, meeting, the Board tabled consideration of a request from Vegetation Control Services, Inc., to treat woody brush in wetland areas along the transmission line when no water is present. The applicator proposes to use a motorized backpack mist blower which allows foliar treatments that minimize herbicide drip. The Board will now consider the tabled request.

Presentation By: Henry Jennings
Director

Action Needed: Approve/disapprove the variance request

- Jennings explained that the company didn't spray any wetlands this year, and while they weren't sure they would ever need to, they would like latitude in case they come into a situation where they need to spray a wooded wetland. It is difficult to identify a forested woodland; they are up against the BPC Chapter 29 standard, which indicates standing water or plants common to wetlands. DEP

regulates waters of the state and would require a discharge permit to apply pesticides to a wetland unless the application is made in accordance with their guidance. They have a policy that pesticides can be applied if the wetlands are dry at the time of application. The company wants to have this option going forward because if there are woody plants growing they are going to interfere with lines.

- Flewelling asked if this is a one-year variance and Jennings explained that if the Board approves it once then the Board has set a policy which allows the staff to reapprove in the future, so they don't have to wait for a Board meeting.
- Bohlen said that his concern was thinking about wetlands in terms of visible surface water. The idea is to not apply when there's visible water, but guidance should also indicate that it's unacceptable to apply if it's going to rain in the next 24 hours. He said these areas can quickly become filled with water. He would like to add some kind of clause to make sure someone is paying attention to the weather. Granger pointed out that weather forecasts are not always accurate, that last weekend there was a 20-percent chance of rain and it poured. A statement saying "try your best" is fine, but this is the real world. Bohlen said he would just like them to be aware that these areas change and they change fast.

Eckert/Flewelling: Moved and seconded to grant the variance with the stipulation that pesticides will only be applied if there is no rain forecast for the next 24 hours.

In Favor: Unanimous

6. Consideration of a Consent Agreement with Woodford Street Apartments, LLC, of Cape Elizabeth

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 applications by an unlicensed person, and at rates higher than allowed by the label.

Presentation By: Raymond Connors
Manager of Compliance

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

- Connors gave an overview of the situation. Flewelling asked whether the product was labeled for the site. Connors replied that the site was correct but the rate was incorrect. They had consulted with a firm and knew they had bedbugs, so the pest was correctly identified.
- Bohlen said he was curious about the scale of the settlement, which seems higher than normal. Connors replied that the person was not only unlicensed, but they weren't following label instructions, and the potential for harm is greater with indoor, residential applications.
- Stevenson suggested continuing efforts to get the word to building owners that a license is required for these treatments and said that building owners may have a tendency to bend the rules because bedbugs are such a losing proposition for owners because treatment is so expensive.

Eckert/Bohlen: Moved and seconded to approve consent agreement.

In Favor: Unanimous

7. Consideration of a Consent Agreement with Paul's Lawn Care, Inc., of Biddeford

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 an unlicensed, commercial herbicide application.

Presentation By: Raymond Connors
Manager of Compliance

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

- Connors reviewed the details of the case in which an unlicensed company had applied a Weed and Feed product to town property as a service for compensation. Eckert inquired whether the town was aware of the situation and pointed out that the Board has tried to inform municipalities that they need to use licensed applicators.

Bohlen/Flewelling: Moved and seconded to approve consent agreement.

In Favor: Unanimous

8. Update on Arbovirus Monitoring Activities

Maine's arbovirus monitoring program recently identified West Nile Virus-positive mosquito pools in York and Cumberland counties. As of August 30, no humans have tested positive for the virus. Some communities are evaluating the wisdom of mosquito-control programs. The staff will update the Board on the latest surveillance.

Presentation By: Lebel Hicks
Toxicologist

Action Needed: None—informational only

- Hicks explained that, as of September 1, there had been two birds diagnosed with EEE and four mosquito pools in southern Maine with WNV mosquitoes; Vermont had two human cases of EEE, one of whom died; New Hampshire had positive mosquitoes. She said she looked at the EPA risk assessments for adulticides that could be used if we got to that point. She stated there are two that are organophosphates and a lot that are synthetic pyrethroids. Hicks said that the phenothrin product used in Texas is not currently registered in Maine. She explained the EPA's "levels of concern" and said that the rate at which these products would be used put them in the low levels.
- Eckert pointed out that in 2001 there was a task force that was working on the details of what products to use. Hicks replied that since that time the EPA has done a lot of that work because they now have a different way of looking at risk assessment.
- Bohlen said that many people who are concerned about aerial spraying are worried about those with chemical sensitivities. Heather Spalding remarked that people are also concerned about respiratory issues. Hicks said that it might be a problem if it's one of your asthma triggers. If your child reacts to perfume then you would probably have to leave the area when the spraying is going on. If the child only gets asthma when they get a cold then it probably won't make any difference. Allergic responses are difficult to predict.

9. Discussion of Potential Emergency Rulemaking to Facilitate Municipal Mosquito Control Programs

Chapter 20, Section 6, prohibits application of pesticides to any property without the authorization of the property owner or occupant, making community-wide control programs difficult and time-consuming. The Board will discuss whether an emergency amendment or other future rule changes are warranted.

Presentation By: Henry Jennings
Director

Action Needed: Determine whether any action is warranted

- Bohlen commented that this is clearly a matter of balancing risk. He said his mother had WNV and was in a coma for three weeks and has never fully recovered. He referenced one of the news articles provided by the staff which talked about a school applying 10 days before students would be around and said we need to be using IPM.
- Eckert suggested talking to State Epidemiologist Dr. Sears about risk and risk factors such as age. She raised the idea of having people with odd symptoms in hospitals getting blood tests, but results wouldn't be known for three or four days. Hicks pointed out that you can't determine an individual's risk based on a population's risk assessment. Part of the risk communication is to people who are sensitive so they can take precautions from both the disease and the pesticides.
- Flewelling asked if there are certain conditions when WNV and/or EEE are spread faster. State Entomologist Dave Struble explained that this is the time of year for that, but once frost arrives it will bring down the mosquito populations and that when the mornings and evenings are cold the mosquitoes become less active. He said that the diseases are probably building up in mosquitoes and birds now, but so far we have not had enough WNV to have a detectable human case in Maine. Flewelling queried how far mosquitoes fly and how fast the disease can spread. Struble said mosquitoes fly for miles, not hundreds of miles, and that we do not have to spray the entire state to protect an area. He believes that the probability of having a significant event is unlikely, but if we have a case where people die, it would be inappropriate not to do something, although it is unclear what should be done.
- Jemison pointed out that if the Maine CDC were to recommend widespread spraying it can't be done without the permission of landowners based on the current rule. Copies of a draft amendment to Chapter 20 were distributed for discussion.
- Hicks said that most abstracts indicate that if you spray the hot area you can reduce the number of mosquitoes and reduce the transmission of the disease, but this is not going to be a long-term fix. There needs to be an IPM plan, getting rid of water, larvacides, etc. DEP has a general permit for the use of Bti larvacides by municipalities, but there needs to be evidence of the presence of disease-carrying mosquitoes. The adulticiding would be for emergencies, but not to take care of the problem in the long run.
- Heather Spalding questioned the method of application. Hicks explained that the application rate for both aerial and ground is mostly the same, but there is less exposure and therefore less risk with aerial. She also pointed out that there is a lot more information available now than there was in 2001.
- Dave Bell asked if there has been any consideration of CWA permits. Jennings said that he has been speaking with Brian Kavanah of DEP who has not been involved with the Vector Borne Group but will start coming to the meetings. The Board recognizes that there are issues.
- Eckert suggested putting a public health exception to Chapter 20, Section 6. It should be up to the Director of the CDC or the State Epidemiologist to declare a health threat.

- Heather Spalding questioned the efficacy of adulticides and Hicks said it would be discussed at the upcoming Vector Borne meeting. Hicks said that no one wants to spray and given the economic towns she doubts that towns have money to spray.
- Bohlen commented that even if risk is low, concern is high and some towns just want to be doing something.
- Heather Spalding remarked that in Vermont they are not spraying over organic farms and are leaving a 500-foot buffer around them. Katy Green pointed out that the opt-out clause as written in the proposed amendment only covers ground applications and won't help organic farmers in the case of aerial spraying. Fish asked if an organic farm was sprayed and the residue was undetectable, how would that affect certification. Green said that if there's a public emergency and the property is sprayed, certification will be lost for that year's crop. She added that for organic livestock, the livestock would lose its certification.
- Bohlen expressed considerable concern about organic farms losing their livelihood and wanted to find a way to protect them in the event of aerial spraying. Stevenson expressed similar concerns.
- Much discussion ensued about ways to handle an opt-out, how to deal with organic farms and how not spraying certain parcels would affect efficacy. The Board added a clause to the draft emergency rule amendment indicating that government entities should make efforts to avoid spraying organic farms. Eckert pointed out that the emergency rule would only be in effect for 90 days and hopefully the Board could find a better way to define these issues in the long run. She also remarked that during that 90-day period, it was likely there would only be a single spray somewhere.

**Eckert/Flewelling: Moved and Seconded to adopt the revised Chapter 20 emergency rule amendment
In favor: Eckert, Stevenson, Jemison, Granger, Flewelling**

Opposed: Bohlen

10. Variance Request from Chapter 29 to Control Common Reed (*Phragmites australis*) along Forested Roadsides in Northern Maine

The Board can grant variances for the 25-foot setback required from surface water under Section 6 of Chapter 29. This request is to use an aquatic formulation of glyphosate to control invasive common reed (*Phragmites australis*). A Maine Department of Environmental Protection Fact Sheet indicates that this type of invasive plant control is allowable without a Waste Discharge License if the wetland area is dry at the time of spraying. The applicator has indicated that forest certification programs are encouraging forest landowners to control invasive plants. The Board will now consider the request.

Presentation By: Henry Jennings
Director

Action Needed: Approve/disapprove the variance request

- Bohlen pointed out that there are different varieties of phragmites and it is almost impossible to tell the native from the invasive. He said the invasive form takes over a variety of wetland areas and provides good mosquito habitat, while providing a poor habitat for native species, especially several bird species.
- Fish explained that the forest certification is similar to organic certification and that if landowners aren't able to control invasive plants, they may lose buyers. Jemison questioned whether this would expand to other species such as purple loosestrife. Fish thought they are starting with this because

it's along roadways and easy to see. Lachlin Titus said that it produces a lot of biomass which plugs up ditches, culverts, etc., so when there is a lot of rain it can cause washouts, producing an ecological event.

Granger/Flewelling: Moved and seconded to approve the variance

In Favor: Unanimous

11. Other Old or New Business

a. Revised *Interim Guidelines for Forest Pesticides Applications*—H. Jennings

- Tomlinson informed Board members that revised guidelines had been distributed.

b. Request for pesticide notification registry for beekeepers—H. Jennings

- This item was not discussed due to time constraints

c. Other?

12. Schedule of Future Meetings

October 26 and December 7, 2012, and January 25 and March 1, 2013, are tentative Board meeting dates. Additionally, there will be a public forum scheduled for one hour during the Maine Agricultural Trades Show, preferably on Wednesday, January 9, 2013. The Board will decide whether to change and/or add dates.

Adjustments and/or Additional Dates?

The Board tentatively scheduled meetings on April 12 and May 17, 2013.

13. Adjourn

Eckert/Bohlen: Moved and seconded to adjourn at 1:17 PM.

In Favor: Unanimous