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To: Board Members  
From: Gary Fish, Manager of Pesticide Programs  
Subject: Interpretation of Chapter 31, Section 1(E)(IV)  
Date: August 8, 2014

Recently, Mary Tomlinson attended a meeting with other governmental officials and York Water District (YWD) personnel contemplating a possible aquatic application of copper sulfate to control algae on Chase's Pond, which is the York water supply. A question arose about whether the licensing exemption contained in Chapter 31, Section 1(E)(IV) (see *excerpt below*) would allow the YWD employees, who are certified as drinking water operators, to apply copper sulfate to Chase's Pond. In addition, the exemption language could be interpreted to imply that certified drinking water operators could make any type of pesticide application without a Board license. The staff is seeking Board guidance on this question.

Excerpt from CMR 01-026, Chapter 31, Section 1(E)

**1. Individual Certification and Company/Agency Licensing Requirements**

**E. Exemptions**

- I. Employing entities only performing post harvest treatments to agricultural commodities are exempt from master licensing requirements.
- II. Persons applying pesticides to household pets and other non agricultural domestic animals are exempt from commercial applicator licensing.
- III. Swimming pool and spa operators that are certified by the National Swimming Pool Foundation, National Spa and Pool Institute or other organization approved by the Board are exempt from commercial applicator licensing. However, these persons must still comply with all provisions of C.M.R. 10-144, Chapter 202 – Rules Relating to Public Swimming Pools and Spas Administered by the Maine Bureau of Health.
- IV. Certified or licensed Wastewater or Drinking Water Operators