

# **PROGRAM EVALUATION REPORT**

**BOARD OF PESTICIDES CONTROL  
MAINE DEPARTMENT OF AGRICULTURE,  
CONSERVATION, AND FORESTRY**

**Submitted in fulfillment of the requirements of  
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## SECTION I

### A. EXECUTIVE SUMMARY

It is the charge of the Maine Board of Pesticides Control to ensure public access to the benefits of pesticide use while protecting public and environmental health. The Board is further charged with finding ways to minimize reliance on pesticides through promotion of Integrated Pest Management (IPM) and other science-based strategies for controlling pests. The current public Board is comprised of seven public members appointed by the Governor to serve four-year terms. Day-to-day activities are carried out by a staff of eleven full-time, and four seasonal employees who are housed in the Bureau of Agriculture, Food and Rural Resources, Division of Animal and Plant Health.

The Board's area of oversight and stewardship—pesticide distribution and use—has remained the same since the Board was established, however the scope of responsibilities continues to steadily increase. This trend has been characterized by an increase in:

- Pesticide products registered for sale in Maine
- Pests of economic or public health significance, notably browntail moth
- Complaints to the Board's office
- The number of licensed commercial pesticide applicators and general-use pesticide dealers in Maine
- The number of private applicators of general use pesticides, particularly organic farmers and producers of medical and adult use cannabis as well as hemp
- The number of licensees thus impacting the number of exams offered, demand for recertification hours, as well as inspections
- Requests for information and assistance about pesticide use, safety and regulations from Maine citizens
- Responsibilities assigned to the Board by the Maine Legislature and the U.S. Environmental Protection Agency (EPA)
- The number of towns adopting or considering pesticide policies or ordinances
- News coverage and increased public awareness, specifically related to glyphosate, dicamba, neonicotinoids, pollinators, chlorpyrifos
- Pesticide-related bills introduced into the Maine Legislature in recent years
- Revisions to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)
- Topic-specific training and certifications as required by the EPA, such as, soil fumigation, structural fumigation, aerial application, chlorpyrifos use, respirator use, changes to FIFRA certification requirements and worker protection standard requirements

*(See Appendix, page 48, for details on the above list.)*

For nearly thirty years, the Board has operated entirely on dedicated and federal revenues. The Board's dedicated account has been relatively stable since implementation of a fee increase in 2007. Recent increases in personnel costs and the added costs of hosting and support fees for a business-wide software solution have narrowed the gap between revenue and expenditures. The Board's dedicated account remains important to the Department, as it funds five other professional positions in the Division of Animal and Plant Health.

The Board's federal grant, in contrast, has been flat or gradually declining since new responsibilities were added in 1988. A disproportionate number of the Board's staff (four positions or 52% of the FTEs) are currently assigned to the federal grant relative to the percent of revenue coming into the account (18% of the total revenue). The outlook for federal funds in the near term indicates additional reductions continue to be likely. This could lead to cancellation of the water quality monitoring program, retained vacancies or the need to allocate alternate funds.

## **B. HISTORY OF THE MAINE BOARD OF PESTICIDES CONTROL**

The Board was initially established in 1965 but was not funded until 1969. The original Board was comprised of the heads of eight state agencies involved with or concerned about pesticide use: the Commissioners of Agriculture, Forestry, Health and Welfare, Inland Fisheries and Game, and Sea and Shore Fisheries; plus the Chairman of the Highway Commission, the Public Utilities Commission and the Water Improvement Commission. Employees of these departments shared the workload until a supervisor and secretary were hired in 1970. At that time, their primary function was the licensing of custom applicators—those persons who applied pesticides for hire.

In 1973, a governmental reorganization resulted in the Board being placed in the Department of Agriculture. Staffing remained constant until 1976, when an additional person was hired under an EPA grant to develop and implement a new licensing system to comply with federal pesticide law. Starting in 1977, the Board began licensing private applicators (farmers, Christmas tree growers, greenhouse and nursery operators, etc.), commercial applicators and dealers selling restricted-use pesticides.

Increasing public concern in the late 1970s about pesticide use led to the restructuring of the Board by the Maine Legislature in 1980 to its current composition of seven public members appointed by the Governor. That same year, the Board entered into a cooperative enforcement agreement with the EPA and hired two inspectors to monitor pesticide applications and respond to citizen complaints.

In 1981, the Maine Legislature, determining that the Board should be responsible for all aspects of pesticide regulation, transferred the authority for registering pesticide products from the Commissioner of Agriculture to the Board. At the same time, they transferred two positions, a pesticides registrar and a secretary, to handle this workload.

During the mid-1980s, the Board's statutes and regulations were amended several times, as both the Maine Legislature and the new Board expressed considerable interest in mitigating negative impacts from pesticides. The discovery of more than 100 open pesticide container dumps on farms resulted in 1983 legislation that made Maine the first, and still only, state to administer a mandatory deposit and return program for restricted-use pesticide containers. That same year, the Board was directed to develop regulations on pesticide drift, and to conduct both health and environmental risk assessments of all pesticides used in the state. Another change required applicators using pesticides in places open to the public to become licensed as commercial applicators. In addition, the Legislature agreed with the Board in 1987 that education was key to ensuring proper pesticide usage and created a certification and licensing specialist position to work toward improving the manuals, exams and continuing education programs for applicators.

As a result of controversy over a 1987 bill which would have preempted municipalities from adopting local pesticide ordinances, the Maine Legislature established a study committee to review the uniformity of pesticide laws. This effort turned into a comprehensive review of the Board and led to the eventual

conclusion that increasing the Board's capabilities would decrease the need for municipal ordinances. Accordingly, legislation was passed in 1988 that created the positions of toxicologist and public information officer so the Board could better respond to public concerns. This act also required general-use pesticide dealers to become licensed so there would be a mechanism to require annual sales reports. The revenue from their license fees was designated for a grant to support a position at the University of Maine to develop better quality training manuals.

In 1990, the Board underwent Sunset Review resulting in only two minor changes being adopted by the Maine Legislature in 1991. The first specified that the two "public members" of the Board must have a demonstrated interest in environmental protection, while the second change designated the Board as the lead state agency in developing a groundwater management plan for pesticides in order to meet federal requirements and provide necessary coordination. At this time, the Board received additional EPA grant moneys to create a Planning and Research Associate I position to address new federal issues on groundwater and worker protection.

The early 1990s were relatively quiet in terms of legislative activity. During this time, the Board instituted annual planning sessions to identify and deal with several new issues, including the Productivity Realization Task Force that resulted in the loss of one clerical position. The Board received two citizen petitions for rulemaking in 1994 and 1995. The first requested a ban on the use of the herbicide hexazinone in blueberry production. The Board rejected the request, but instead created an advisory committee that resulted in the development of a Hexazinone State Management Plan for the Protection of Ground Water. The second petition requested a ban on aerial pesticide applications, but the Board did not find sufficient evidence to support eliminating aerial application and the associated benefits (e.g., reduction in applicator exposure) of this application method.

In 1997, the Maine Legislature enacted a new policy directing state agencies to find ways to minimize reliance on pesticides by promoting the implementation of IPM and other science-based technology. The legislation recognized that outbreaks of disease, insects and other pests would necessitate fluctuation in pesticide use but directed the Board to educate both pesticide users and the general public in the proper use of pesticides. A separate provision of this legislation directed the Board to publish an annual report on pesticide sales and use data so there could be some determination if the new policy was resulting in decreased pesticide use. No funds or positions were provided to produce these reports.

In 2000, the Board underwent its first program evaluation review where the ACF determined that the agency was operating within its statutory authority. The Committee's discussion during this review focused on the difficulty in obtaining useful, reliable information on pesticide use in the state. After studying the issue, the Board reported back to the Committee in 2002 and presented several recommendations for change. These included requiring all in-state dealers to report their pesticide sales and all commercial agricultural producers to report their pesticide use on an annual basis. The Committee agreed the current reports were of little value but did not take any action to require additional groups to report or to extend the requirement for annual reports of incomplete data.

In 2005, the Board received its second petition since 1995 to ban aerial spraying. The petition coincided with a series of other public efforts intended to restrict or ban aerial pesticide spraying in the state. These efforts included bills in the Maine Legislature, legal challenges and municipal ordinances, which convinced the Board that public concern over aerial spraying had reached a tipping point that required Board intervention. Consequently, the Board embarked on a comprehensive and systematic review of

the laws affecting aerial spraying in the state. An overhaul of the Board's spray drift rule was completed in 2008 and approved by the Maine Legislature in early 2009. However, attempts to update the Board rule covering pesticide notification were never finalized. Instead, the Maine Legislature enacted a law establishing a pesticide notification registry in 2009, but that law was subsequently repealed in 2011, over objections from the regulated community.

The period of 2005 through 2011 was marked by an unusual number of pesticide bills before the Maine Legislature, signaling the public's heightened concern about pesticides in the environment. Municipal ordinances and policies covering pesticide use in Maine also flourished during this period, further bolstering the premise that public concern over pesticides is on the rise.

In 2012, statewide regulatory reforms resulted in the repeal of CMR 01-026 Chapter 21, Pesticide Container Disposal and Storage. This rule detailed the restricted use pesticide container deposit program.

In January of 2014, bills were introduced to the Maine Legislature to ban the use of two insecticides used for mosquito control in other states. Due to the lack of sufficient scientific evidence to support a ban, the ACF issued a resolve to approve the Board's formation of the Environmental Risk Advisory Committee (ERAC) to evaluate the potential impact of pesticide use on Maine's lobster fishery and require progress reports in January of 2015 and 2017. Sediment was collected from the edge of the intertidal zone along the Maine coast in 2014 and 2015 and stormwater in 2015. Use patterns were researched and a literature review of pesticide active ingredients used in Maine was conducted in an attempt to prioritize those pesticides found in sediments with the greatest potential to impact lobsters. Although, the two mosquito control pesticides originally targeted in the bill were not detected, bifenthrin was detected in nearly all the sediments associated with urban areas. The monitoring results did not indicate a likely appreciable impact of pesticides on the lobster industry.

The Maine legislature approved use of medical marijuana in 2014 following the approval of two people's referendums in 1999 and 2009. The first law permitted only the use of pesticides exempt from federal registration but was soon revised to permit EPA registered pesticides as long as the use was not in violation of the label. The BPC staff and DACF IPM coordinator worked closely with the Department of Health and Human Services and representatives from the medical marijuana industry during the writing of the bills to provide information about Maine and federal laws governing pesticide use and IPM. The BPC provided, and continues to provide, certification and licensing training to medical marijuana growers. Staff also developed guidance for selecting pesticides. More recently, the BPC expanded outreach to hemp growers.

In the period between 2014 and 2019 numerous pesticide bills were introduced but few were enacted. The proposed legislation focused on several topics, but primarily addressed pesticide use on school grounds, pollinator protection and municipal regulation of pesticide use.

During this same time the Board increased pollinator protection education and outreach to pesticide applicators and wrote the Maine Pollinator Protection Plan—best management practices for pollinator protection written for pesticide applicators, beekeepers and the general public. The DACF IPM Specialist and Board staff continued education for school IPM coordinators and implemented administrative responses to bring schools into compliance with school IPM rules. Multiple municipalities enacted pesticide ordinances many of which were focused on restricting the use of pesticides on urban, suburban and residential landscapes. Additionally, significant changes in federal

pesticide laws on pesticide applicator certification and the agricultural Worker Protection Standard required Board staff to conduct outreach, undergo rulemaking, revise inspection procedures, and submit a new state plan to the EPA.

In 2019, the Maine Legislature introduced several bills that revisited issues previously raised. Topics addressed included pesticide applications on school grounds, notification related to aerial and air assisted pesticide applications, and a ban on aerial application of herbicides for forestry operations. These bills highlight the public’s continued interest in these topics.

## **SECTION II**

### **A. ENABLING AND AUTHORIZING LAWS**

#### **1. Maine Board of Pesticides Control Statute 22 M.R.S.A. § 1471 A-X**

This statute creates the Board of Pesticides Control, defines its purpose and policy, requires licensing of applicators and dealers and establishes the powers of the Board to promulgate rules regulating pesticide sales and use. It also contains a 1997 amendment creating a new state policy to minimize reliance on pesticides.

#### **2. Maine Pesticide Control Act 7 M.R.S.A. § 601-625**

This statute requires the registration of all pesticides to be sold or used in the state. It also contains provisions that govern the sale and use of these products, establishes penalties for violations of Maine pesticide laws and regulations and requires public utilities and the Maine Department of Transportation to offer no-spray agreements to municipalities.

#### **3. Federal Insecticide, Fungicide and Rodenticide Act 7 U.S.C. 136 *et seq***

The Board has a cooperative agreement with the EPA and has been granted enforcement primacy covering this federal statute that governs the manufacture, sale and use of pesticides. In addition, the Board operates under an EPA-approved plan for certifying pesticide applicators. As a result of these two “delegated” authorities, Maine—like nearly every other state—administers all pesticide laws and pesticide public policy within the state.

### **B. DESCRIPTION OF PROGRAMS**

The Board operates a variety of programs, all of which promote proper stewardship of pesticides and/or assist citizens of the state with the most effective strategies for managing pests. A description of the Board’s programs follows, together with an assessment of the effectiveness of each.

#### **1. Registration**

##### ***Statutory Basis***

7 M.R.S.A § 607 & 607-A: Requires any pesticide which is distributed in the state to first be registered by the Board. Also sets forth guidelines for the review of pesticides used in the state and for water residue testing.

##### ***Objectives***

- Maintain a central listing of pesticides that are registered in the state for reference and compliance purposes.
- Maintain a reference library of the pesticide product labels and Safety Data Sheets to assist the staff and pesticide applicators when questions arise about the legality and/or propriety of a particular use pattern, and to assist the public with questions about potential adverse effects.
- Respond to unique pest problems in Maine by working with user groups and the state universities to submit requests to the EPA for special product registrations (special local needs labels, emergency and/or crisis exemptions and experimental use permits).
- Review the risks and benefits of active ingredients that may present concerns unique to Maine.
- Provide funding to support the stewardship activities of the Board.
- Conduct groundwater, surface water and sediment residue monitoring to provide representative data about pesticide impacts on the water resource.

### *Outcomes*

- Inspections of Maine distributors and pesticide applicators show overall compliance with the pesticide product registration requirement is high. However, in recent years, there has been a noted increase in the number of unregistered minimum risk pesticide products in the marketplace. When unregistered products are detected, steps are taken immediately to rectify the situation.
- The Board's registrar has modernized the state's product registration process, converted it to an electronic document management system, and all product registrations are now submitted, paid for, reviewed and maintained within the Maine Pesticide Enforcement, Registration and Licensing System (MEPERLS). This requires less file space, has reduced the use of paper and has facilitated sharing of data.
- During 2018, the Board registered 12,493 pesticide products, and in 2019 submitted five special local needs label requests to EPA to address constituent requests.
- The Board's toxicologist continues to review the risks and benefits of active ingredients present in Maine. Note: this position was vacant from June 2016 to January 2018 following retirement of the previous toxicologist. In 2018, the toxicologist worked with DHHS to convey the need to prohibit pesticides from being used on cannabis crops until appropriate health effects have been studied. The toxicologist provides on-going risk benefit analyses to individuals throughout the state who aim to reduce their impacts to human health and the environment; these calls typically involve concerns about outdoor pesticide use for the management of mosquitoes, ticks, grubs, or trees infested with browntail moth. Likewise, the toxicologist advises BPC staff during review of variance requests.
- Pesticide product registrations account for approximately 83% of the Board's total annual revenue.

### *Future Goals*

- Develop labeling policy for FIFRA Section 25b exempt products that incorporates the AAPCO 25(b) Working Group labeling guidelines

- Update pesticide registration policies
- Adopt policy requiring efficacy data for FIFRA Section 25b exempt products
- Conduct call-in for efficacy data and labeling for all currently registered FIFRA Section 25b exempt products to assess compliance for subsequent renewal
- Establish routine document comparison with EPA master label for new and revised distributor pesticide labels
- Develop reference list of pesticide products for use on cannabis
- Incorporate request for active ingredient conversion data in registration submission process. This will assist with the electronic submission of required commercial applicator pesticide use reports.
- Hire additional Environmental Specialist III to restore two FTEs—one for water quality and one for registration. This will support an expanded water quality program and increased registration requests.

## **2. Certification and Licensing**

### ***Statutory Basis***

22 M.R.S.A § 1471-D and § 1471-M: Requires prior certification and/or licensing for certain pesticide distributors and applicators and sets forth competency standards for certification and licensing.

### ***Objectives***

- Ensure that those using, supervising the use of, and distributing pesticides, are competent, properly trained and up-to-date on the latest pest management research by administering a certification and licensing program which includes providing training materials and information, administering tests and providing continuing education.
- Maintain contact information to facilitate dissemination of the latest news and research about pesticides and/or pest management.
- Provide licensee information to citizens that are looking for pest management services.

### ***Outcomes***

- Number of Licensees in the year 2018:
  - Private Pesticide Applicator— 1,072
  - Agricultural Basic Pesticide Applicator— 543 (New license effective as of 12/26/2011)
  - Commercial Pesticide Applicator—1623
  - Spray Contracting Firms—254
  - Restricted Use Pesticide Dealers—60
  - General Use Pesticide Dealers—1,012 (Approximately 887 licenses in 2010)
  - *Bt* Corn Training Certificates—109
- 22 category manuals and tests currently available and updated on a regular basis (Three new private supplemental categories go into effect 1/1/2020)

- Training seminars provided in 2019 as of 10/30/2019:
  - Conducted by staff—31
  - Monitored—115
  - Total seminars awarded credits—375 (155 provided in 2010)
  - Total education credits approved—851
  - Total credits awarded to applicators—3,355
- Tests administered in 2018: 1,924 (1,443 administered in 2010)
- In 2015 a licensing requirement for all farmers growing plants for direct human consumption went into effect. Prior to 2015, only those agricultural producers using restricted use pesticide were required to maintain a pesticide applicator license. The realized increase in licenses was 500 to 600 new licensees.
- Courses approved for credit are posted to the BPC website by a staff managed automated webservice. This service ensures applicators are efficiently informed of the courses offering essential continuing education opportunities and the credits necessary to maintain certification.
- Support a number of professions that require their workers to be certified or licensed, even though they are not required to be licensed by statute or regulation
- Online license renewals
- Online license and certification status review for licensees
- Online ability to update contact information
- Online access for the public to generic information on actively licensed companies and applicators by category—this aids the public in finding licensed pest management services
- Improved communication with licensees through use of GovDelivery and automated emails

### ***Future Goals***

- Development of Master Applicator manual
- Develop exams and manuals for supplemental private applicator certification in soil fumigation, non-soil fumigation and aerial application
- Improve outreach to restaurants, fuel delivery companies, apartment building owners, and other businesses regarding unlawful unlicensed applications
- Applicator upload of re-certification credit information
- Online submission of requests for recertification course approval
- Revision of commercial and private certification exams according to best practices for exam development
- Streamline manual adoption and review process
- Offer annual spring and fall IPM focused recertification programs for pesticide applicators

- Develop paper and digital content on the proper use of pesticides for distribution to the public and applicators
- Maintain consistent, timely communication with all applicators on topics including emerging pesticide science, policy, and issues

### **3. Compliance**

#### ***Statutory Basis***

7 M.R.S.A § 611, 22 M.R.S.A § 1471-H: Authorizes the Board and its employees to conduct inspections and enforce its statutes and the rules promulgated thereunder.

7 U.S.C. § 136u (a)(1): Authorizes EPA to delegate enforcement of federal pesticide law to the states.

#### ***Objectives***

- Establish and maintain a credible enforcement presence to deter willful disregard for state and federal pesticide laws.
- Provide compliance assistance to the regulated community.
- Protect the public health and safety and the public interest in the soils, water, forests, wildlife, agricultural and other resources of the state by ensuring that all state and federal pesticide laws are consistently applied.
- Promptly and effectively respond to citizen concerns so that Maine citizens feel confident that the pesticide oversight program is protecting their interests.
- Track trends in complaints and violations so the Board can identify areas of weakness that might be addressed through tailored education or policy changes.

#### ***Outcomes***

- The Board's one year-round and four seasonal inspectors conduct both routine and for cause inspections to check registration status of pesticide products and make sure applicators, manufacturers and dealers are aware of and complying with all state and federal regulations and pesticide label instructions.
- When inspections uncover violations, inspectors and staff work with individuals and companies to improve business practices and compliance.
- Inspectors respond to citizen complaints. When a citizen complaint is received, inspectors conduct a full priority investigation of the application and any resulting adverse effects. In 2018, 71 complaints were investigated.
- When violations are detected, the staff works closely with an Assistant Attorney General in following the Board's Enforcement Protocol to determine whether an enforcement response is warranted. In those situations where a monetary penalty is deemed appropriate, the compliance staff attempts to negotiate a consent agreement with the violator. When that approach is unsuccessful, the staff prepares a case summary so the Board may decide on appropriate enforcement action. In 2018, there were 10 consent agreements negotiated.

- The Manager of Compliance annually compiles a summary of complaints for the Board’s review and the summary is posted on the Board’s website for public viewing.
- When violations are identified during general use pesticide dealer and school IPM inspections, inspectors issue an administrative summary of violations to the business or school. This timely feedback is intended to assist the business or school in rectifying the identified deficiencies.
- Inspections are now conducted electronically using tablets with, where cellular service is available, connectivity to the MEPERLS software solution.

***Future Goals***

- Improve monitoring for unregistered products and unlicensed applicators
- Conduct outreach, compliance assistance, and monitoring for compliance with federal fumigation standards—specifically fumigation applications by private applicators
- Continue development of a state pesticide inspector’s manual
- Improve initial training for new hires
- Improve peer to peer training for inspectors
- Improve the process for reviewing inspections
- Improve the process for notifying those out of compliance with the Federal Worker Protection Standard
- Continue to improve database for compliance-related records
- Improve laboratory analytical capacity
- Utilize new and existing technology to effectively present enforcement case findings to the Board and assist in deliberations

**4. Public and Environmental Health**

***Statutory Basis***

22 M.R.S.A. § 1471-A, 22 M.R.S.A. § 1471-X

***Objectives***

- To protect the health and safety of pesticide workers and handlers
- To protect the health and safety of the citizens of Maine by ensuring that pesticides are used and disposed of properly
- To protect the soils, water, forests, wildlife, agricultural and other resources of the state by ensuring that pesticide applicators are informed about and trained to address potential environmental impacts
- To facilitate communication between pesticide applicators and their neighbors in order to minimize the potential for conflict and unconsenting exposure.

***Outcomes***

- *Worker Protection Standard:* This program resulted from a 1992 (revised in 2015) EPA initiative to protect farm workers from occupational exposure to pesticides. The Board assists farmers, foresters, nursery, and greenhouse operators in complying with this

federal standard by providing training to both agricultural workers and pesticide handlers. The efforts are accomplished through cooperation with and a funding grant provided to the Maine Mobile Health program and Eastern Maine Development Corporation. New training and respirator requirements implemented in 2015 have required ongoing applicator compliance assistance—primarily in the form of respirator fit testing.

- *Water Quality:* Activity for this program relates to the Board’s designation as lead agency for pesticide residues in groundwater. Based on statutory requirements and depending on funding resources the Board’s registrar/water quality specialist works with the Board inspectors to sample residential wells in areas of pesticide use to determine if any residues are occurring in groundwater. Results are incorporated into reports, shared with interested parties and posted on the Board’s public website. In addition, the Board conducts small surface water and sediment sampling projects in an effort to augment national studies and gauge their relevance to Maine conditions. The results of these collective efforts—together with suggested Best Management Practices (BMPs)—are incorporated into training programs for pesticide applicators to aid informed decision-making.

Groundwater monitoring surveys are conducted every five to seven years. In 2014 and 2015 groundwater monitoring surveys were conducted. The 2014 study assessed statewide agricultural production while the 2015 study focused on lowbush blueberry growing areas.

Surface water quality studies were conducted in 2014, 2015, 2018, and 2019.

- The 2014 Gulf of Maine Study sampled sediment at twenty sites along the Maine coast for pesticides of potential risk to marine invertebrates.
  - The 2015 Gulf of Maine Study sampled sediment at fourteen sites in Casco Bay and stormwater at twenty sites along the Maine coast, again looking for pesticides of potential risk to marine invertebrates.
  - The 2018 Penobscot Bay Study shifted focus to the Penobscot Bay area where surface water and sediment were sampled at eight sites—primarily for residential use pesticides, including glyphosate. In an effort to expand residue detection potential and investigate new sampling techniques, staff deployed a single passive sampling unit.
  - The 2019 Ten Cities Study sampled water and sediment of urban waters along a population gradient of the ten largest Maine cities. Samples will be assessed for residential use pesticides and glyphosate. Passive sampling units were deployed at each site.
- *Obsolete Pesticide Collection:* This special program has been a joint effort with the DEP to provide an affordable and environmentally responsible way for farmers and homeowners to dispose of obsolete pesticides. Through the inspection process, the Board compiles a list of persons who are holding pesticides that have either been banned or deteriorated to the point they are no longer usable. Each fall, a hazardous waste contractor is hired and those individuals on the list and all other Maine residents are invited to bring their products in on a designated date to one of four DEP regional offices. In 2019, the Board changed its four collection sites to include Jonesboro. Should this site be determined a successful addition, collection at this location will be repeated in 2021. The contractor then packages the material and transports them to an out-of-state, licensed

disposal facility. Since 1982, the Board has funded 25 collection programs. Over 109 tons of outdated pesticides have been safely disposed of through the program.

- *Pesticide Container Recycling:* A program to manage the proper disposal of pesticide containers was instituted in Maine in 1983, when a deposit law was enacted for restricted-use pesticide containers. In 2012, the regulation defining this program was repealed. Over the years, Board inspectors ensured that the most hazardous pesticide containers were returned, thoroughly cleaned and properly disposed of in a licensed solid waste facility. Following the repeal of CMR 01-026 Chapter 21, inspectors have continued to work with applicators to provide compliance assistance on proper disposal. However, with the repeal of Chapter 21 both restricted-use and general-use pesticide containers without any controls, may end up burned on-site, or in public landfills and incinerators
  - In 1991, to keep plastic pesticide containers completely out of the waste stream, the Board began working with pesticide dealers, the non-profit Ag Container Recycling Council (ACRC) and local municipalities, to develop a program where, on a strictly volunteer basis, both restricted- and general-use plastic pesticide containers could be recycled. With oversight and coordination from the Board, plastic containers, collected throughout the growing season, are taken to a transfer station, baled and then sold and recycled to create new non-consumer products, where chemical purity is not a priority, such as drainage tiles, railroad ties, pallets, fence posts and speed bumps.
  - At present, there are recycling facilities in Dexter, in central Maine, and in Frenchville, in northern Maine, and the Board continues to work with ACRC and the Maine Resource Recovery Association to develop infrastructure to provide container recycling in the eastern and southern regions of the state.
  - Through this program, Maine has recycled an average of 152,000 pounds of #2 plastic annually since 2011 and 678,000 pounds since 1992. Nationally, since the program started in 1992, approximately 190 million pounds have been recycled.
- *Pesticide Notification:* Dating back to 1987, the Board recognized that sharing pesticide application information with neighbors was a low-cost and effective means of reducing pesticide-related conflicts. Consequently, the Board included the so-called “by request” notification provision in its original drift rule. The “by-request” provision, generally well accepted by pesticide applicators, proved to be reasonably effective, especially in rural settings, although the lack of public awareness about the rule was often cited as a shortcoming.
  - During the 1990s, the Board sponsored a subcommittee which examined the effectiveness of its notification provisions. The committee recommended development of a “notification registry” to augment the “by request” provision, because commercial spraying of residential properties posed different challenges for people interested in advance notification of spraying. Consequently, the Board promulgated Chapter 28 in 1998, which included the new “urban” registry and consolidated other notice-related requirements into one chapter. The urban registry has worked relatively well over the succeeding years but has always had

low participation (generally just over 20 people). It has also required significant staff resources to administer.

- The Board’s staff has worked to facilitate notification under both systems over the years, reasoning that improved communication can only benefit both parties. The staff explains the notification options and sometimes helps neighbors identify the person who is making pesticide applications on an adjoining property. The staff also helps mitigate when either party does not agree what type of notice should be given or on the substance of that notice.
- In the coming year, the Board, in response to recent legislative activity and numerous public inquiries, will likely dedicate resources to the continued discussion of existing notification requirements and possible improvements.
- Endangered Species: The EPA is obligated to ensure that endangered species are not adversely affected by pesticide use. Consequently, the EPA has developed a system of “County Bulletins” that advise pesticide applicators—by county—if they need to take special precautions. To date, the only endangered species in Maine that might be affected by pesticides is the Atlantic salmon. So far, no specific pesticide uses have been identified by the EPA as likely to impact the survival of salmon. The staff has participated in the salmon restoration plan, conducted pesticide monitoring on salmon rivers and provided technical support on pesticide issues.

### ***Future Goals***

- Improve monitoring of pesticide-related illnesses as tracked by the Maine Center for Disease Control and Prevention (CDC) occupational incident tracking database and pesticide-related exposures through Northern New England Poison Center data
- Continue to seek funding to conduct the water monitoring program and work with stakeholders to update the priorities and approach
- Continue to investigate expanding the obsolete pesticide collection for better geographical coverage and potential inclusion of commercial applicators
- Continue to investigate expanding the pesticide container recycling program to include non-agricultural containers
- Work with all stakeholders to identify alternative notification systems that are acceptable to everyone
- Update and expand water quality database to facilitate incorporation of new data fields and automate repetitive data entry
- Conduct groundwater monitoring with increased frequency, alternating monitoring for blueberry pesticides and the statewide monitoring, to assess trends in detections
- Expand surface water and sediment studies to include agricultural sites
- Conduct surface water study to assess the occurrence of antifouling paint residues at marinas

## **5. Outreach and Education**

### ***Statutory Basis***

22 M.R.S.A § 1471-B, 22 M.R.S.A. § 1471-X

## ***Objectives***

- Promote the principles and implementation of IPM and other science-based technology to effectively control pests while minimizing reliance on pesticides.
- Provide easy-to-use resources so the public can quickly obtain pest management fact sheets and the latest research on integrated control strategies.
- Promote in-state resources—such as the Maine Forest Service (MFS) and University of Maine Cooperative Extension—for identifying pests and obtaining expert advice.
- Educate the general public and health care professionals on the risks inherent in pesticide use.
- Educate the general public on the reasons for pesticide use in agriculture, forestry and other industrial applications.
- Work with applicators and dealers to ensure they are following all rules and regulations and operating in the safest way possible.
- Fund and work closely with the Department IPM specialist and the University of Maine to assist growers, schools and homeowners with their pest management challenges.

## ***Outcomes***

- Information is available and regularly updated on the Board's website. [www.thinkfirstspraylast.org](http://www.thinkfirstspraylast.org) and distributed through electronic notification, social media, newsletters, and press releases.
- Staff works one-on-one with applicators and dealers providing assistance in understanding and complying with rules and regulations.
- Staff does presentations at public meetings and presents booths at trade shows.
- [www.gotpests.org](http://www.gotpests.org): The Board continues to manage, with input from other agencies and the Cooperative Extension, the *Got Pests?* website. The website serves as a clearinghouse for pest management advice and fact sheets targeted to homeowners dealing with pest problems. The *Got Pests?* website receives approximately 10,000 hits annually.
- YardScaping: This public/private partnership of government agencies, non-profits, nurseries and landscape service providers promotes sustainable landscaping practices designed to minimize reliance on pesticides and fertilizers and to reduce runoff of landscaping chemicals.
- Master Gardeners: Staff assists in training master gardeners across the state by providing education about proper pesticide use and effective pest management strategies.
- School IPM: Staff works with the Department's IPM specialist to provide resource documents, outreach and technical assistance to schools about the use of IPM. In 2013, the Board implemented amendments to CMR 01-026 Chapter 27 requiring initial, comprehensive and annual recertification training for School IPM Coordinators. There is general recognition that children are more susceptible to adverse effects arising from chemical exposure, so minimizing the potential for pesticide exposure is especially important in the school setting.
- Interagency Support: Staff provides technical support to other state, local and federal agencies about pesticides and their effects on humans and the environment. Examples of

agencies that benefit from the Board’s technical support include the DACF, DEP, Maine Center for Disease Control and Prevention, MFS, Department of Transportation, and the Northern New England Poison Center.

- In 2019, staff applied for and received a Margaret Chase Smith Governor’s Internship slot for the summer. The summer intern created a series of outreach documents (on horticultural vinegar, rodenticides, browntail moths, and homemade pesticides) for incorporation into the Board’s webpage and social media outlets.

***Future Goals***

- Continue/expand collaboration with the University of Maine on homeowner IPM outreach projects.
- Track and disseminate the latest research on the lowest risk pest management strategies—possibly through the *Got Pests?* website. Continue research and education on sustainable landscaping practices.
- Investigate development of a pesticide safety outreach program for the general public.
- Provide the public with additional resources to make informed decisions by increasing the topical content on the BPC webpages and social media outlets.
- Support the public’s dialogue in understanding the delicate risks/benefits balance of pesticide use. This deeper understanding relies on, in part, a basic science literacy of the chemistry in our lives; this literacy can be increased by participating in science and chemistry themed K-12 educational events.

**C. ORGANIZATIONAL STRUCTURE**

The staff of the Board is housed in the Department of Agriculture’s Division of Animal and Plant Health. There are eleven full-time employees who work year-round and are based in Augusta on the AMHI campus in the Deering Building. The Board also employs four seasonal pesticide inspectors who work full-time for 40 weeks each year. They are also available in intermittent capacity during the off-season when they might be called out to attend a training, investigate a complaint, present information at a Board meeting, or monitor attendance at applicator recertification meetings.

The Board’s compliance staff is located throughout the state in a manner that reflects both the level of pesticide use and travel distance. There is one full-time, year-round inspector based in Augusta who covers the central coastal and interior portions of the state. The four seasonal inspectors operate from their homes in Washburn (Aroostook County), Exeter (Penobscot County), Machias (Washington County) and Kennebunk (York County).

An organizational flowchart (see *Figure 1 below*) with the position count and job classification for the Board appears on the following page. As indicated below, five other positions within the Department are funded by the Board.

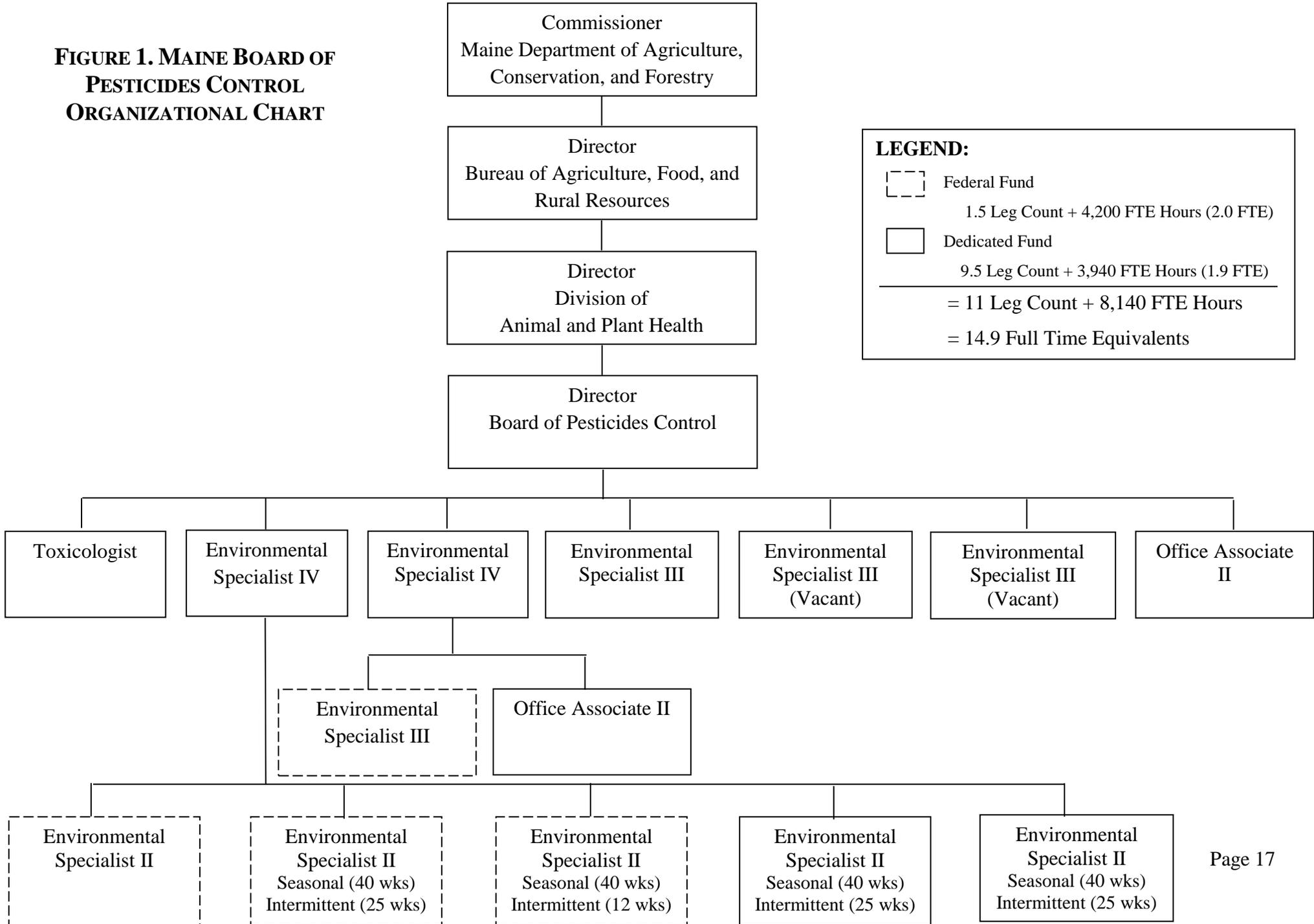
**Other Departmental Positions Funded by the Pesticide Control Fund**

<u>Position</u>	<u>Division</u>	<u>Full Time Equivalent</u>
Entomologist III	Animal and Plant Health	1
Entomologist III	Animal and Plant Health	1

Assistant Horticulturist	Animal and Plant Health	1
Assistant Horticulturist	Animal and Plant Health	1
State Horticulturist	Animal and Plant Health	1
<b>Total Full Time Equivalents:</b>		<b>5</b>

**FIGURE 1. MAINE BOARD OF PESTICIDES CONTROL ORGANIZATIONAL CHART**

**FIGURE 1. MAINE BOARD OF PESTICIDES CONTROL ORGANIZATIONAL CHART**



**LEGEND:**

Federal Fund  
 1.5 Leg Count + 4,200 FTE Hours (2.0 FTE)

Dedicated Fund  
 9.5 Leg Count + 3,940 FTE Hours (1.9 FTE)

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= 11 Leg Count + 8,140 FTE Hours  
 = 14.9 Full Time Equivalents

## **D. COMPLIANCE WITH FEDERAL AND STATE HEALTH AND SAFETY LAWS**

The Board takes proactive measures to ensure compliance with all federal and state health and safety laws. As part of accepting grants from the U. S. Department of Agriculture and the EPA, the Board certifies that it will comply with all federal standards relating to nondiscrimination which include, but are not limited to, (a) Title VI of the Civil Rights Act—prohibits discrimination on the basis of race, color or national origin, (b) Title XI of the Education Amendments of 1972—prohibits discrimination on the basis of sex, (c) Section 504 of the Rehabilitation Act of 1973—prohibits discrimination on the basis of handicaps and (d) The Age Discrimination Act of 1975—prohibits discrimination on the basis of age.

The Board, as a unit of the Bureau of Agriculture, participates in safety compliance inspections conducted by the Maine Bureau of Labor Standards. Work site evaluations have been performed for all employees using video display terminals in order to provide specific recommendations to enhance employee safety, comfort and efficiency. Ergonomic workstations have been obtained, when necessary, for all employees to implement the recommendations contained in the work site evaluations.

The Board is especially concerned about its field personnel who are sometimes on site at the time of pesticide applications or must visit an application site soon afterwards to investigate a complaint. Staff are provided with the necessary selection of personal protective equipment likely to appear on pesticide labels. Over the last nine years, inspectors have been discouraged from engaging in activities that require the use of respirators. However, staff are currently investigating implementation of an OSHA compliant respirator program for the 2020 inspection season. In addition, monthly inspector training sessions are held where frequent topics include pesticide safety. Whenever an opportunity arises, the inspectors also participate in both regional and national training sessions.

## **E. FINANCIAL SUMMARY**

Since 1991, all of the Board's expenses have been covered by the dedicated Pesticide Control Fund (PCF) and, to a lesser extent, through an ongoing federal grant. Revenue for the PCF comes from pesticide product registration fees (95%) and exam and license fees (5%). During 2019, pesticide product registration fees provided 83% of the Board's total revenue.

Following a 2006 product registration increase of \$25, the Board experienced a series of staff vacancies and staffing transitions that continued through the present day. During the same period, personnel costs, while increasing annually, were less overall due to the employ of new staff. These two factors combined to create a significant cash balance during the period between 2011 and 2015. In 2016 and 2017, development of the MEPELRS decreased this cash balance. However, continued vacancies, retirements and new hires resulted in the, once again significant cash balance. In the short term, revenues in the PCF continue to exceed expenditures. However, as personnel costs rise and with the restoration of the water quality FTE the surplus will likely be eroded within a few years.

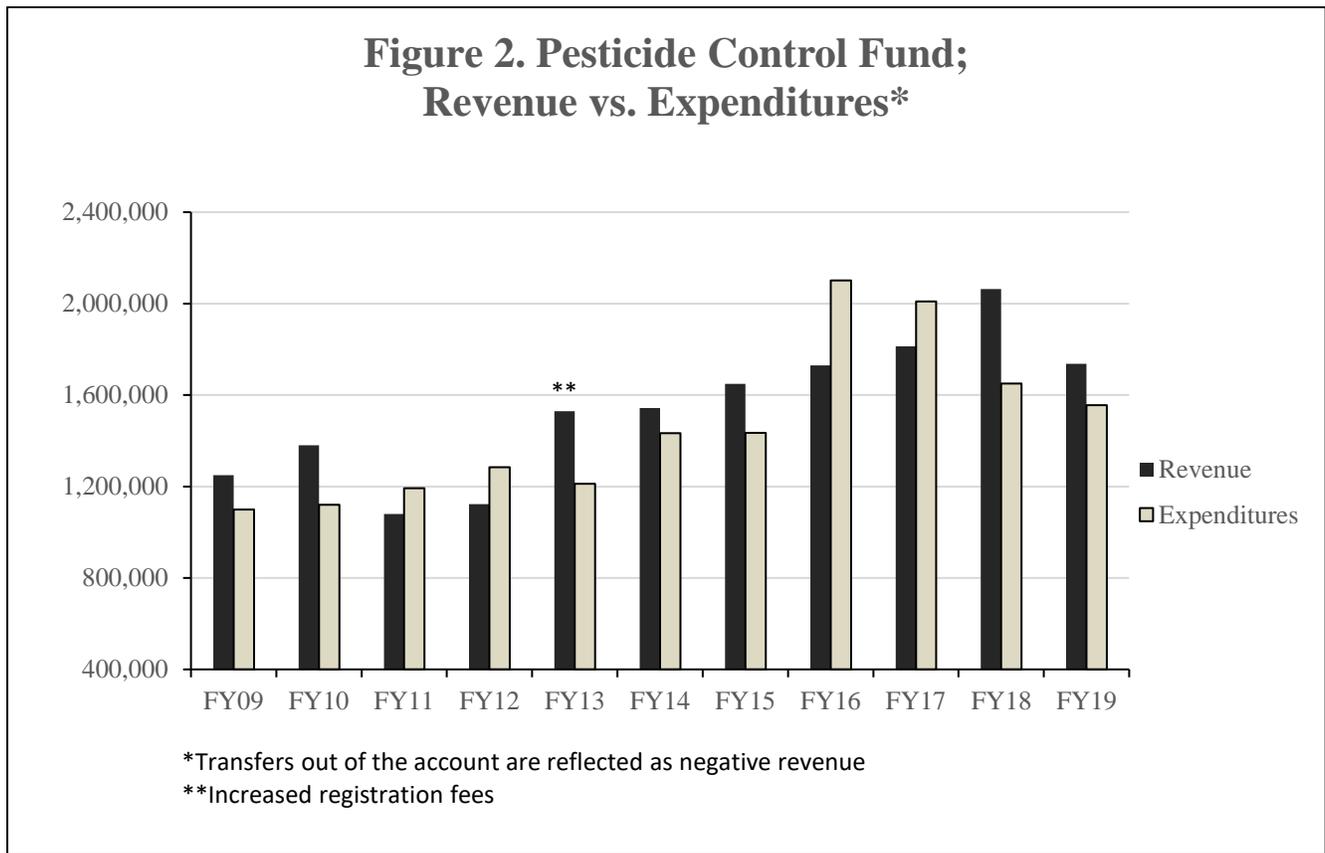
As a result of Public Law 2013, Chapter 290, the pesticide registration fee was increased by \$10 to provide a \$135,000 annual grant to the University of Maine Cooperative Extension and to fund mosquito monitoring programs or other pesticide stewardship and IPM programs as monies allowed.

The PCF supports the operation of the public Board and the salaries and expenses of eleven Board employees. It also funds five other positions in the Department: an Entomologist who is an IPM Specialist, an Entomologist who is the State Apiarist, the State Horticulturalist, and two Assistant

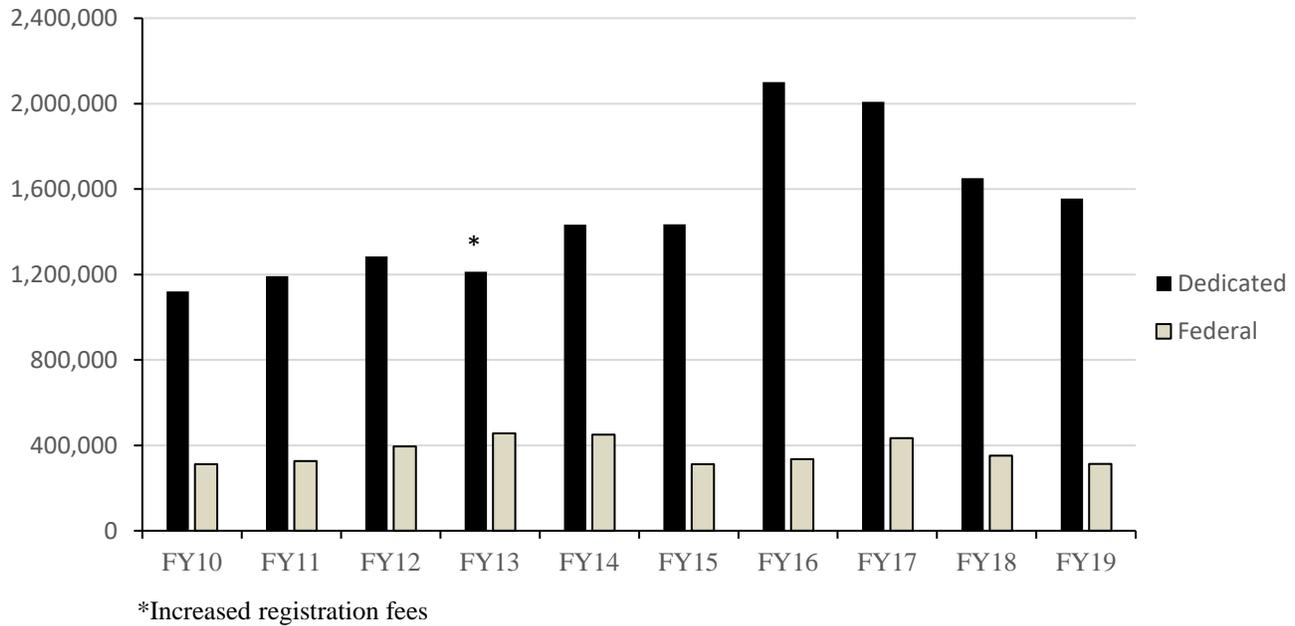
Horticulturalists. Additionally, the fund provides at least three grants annually, one to Cooperative Extension for development of pesticide applicator training materials, a second to Cooperative Extension for IPM education, and a third grant for training of agricultural workers. For several years, the fund has also provided grants to the Maine Center for Disease Control for mosquito monitoring. In addition, the account funds an annual obsolete pesticide collection. A chart displaying the last 10 years of revenues and expenditures for the PCF is presented in Figure 2 (*below*).

As a result of Public Law 2019, Chapter 243, the \$65,000 formerly provided by the Board to the University of Maine Cooperative Extension Pest Management Lab in the form of a grant to fund the position responsible for the development of pesticide applicator training manuals, was incorporated into statute.

The Board’s ongoing federal grant—which has supported core Board functions since 1980— has been flat or declining since new responsibilities were added in 1988. For federal Fiscal Year 2019, the Board requested \$313,000 in grant funds. There are indications that additional reductions to the federal grant are likely in the future, due to reductions in federal spending. A disproportionate number of the Board’s staff (four positions or 29% of the FTEs) is currently assigned to the federal grant relative to the percent of revenue (17% of the total revenue). As predicted in the 2011 GEA the federal funding used to support the Board’s water quality monitoring program ceased altogether but not until 2020. The potential for staff layoffs or retained vacancies continues to loom as a possibility. Figure 3 (*below*) provides an historical summary of expenditures broken down by account.



**FIGURE 3. BOARD OF PESTICIDES CONTROL EXPENDITURES 10-YEAR HISTORY**



**F. RULES AND REGULATIONS**

The Board has developed regulations over the years in response to legislative mandates or to address specific issues and concerns identified by the Board or its constituents. A summary of rulemaking covering the last eight years is included below, followed by an overview of all 21 rule chapters. Finally, a copy of the most recent regulatory agenda is included. The complete text of the Board’s rules may be viewed online by accessing the Board’s home page at [www.thinkfirstspraylast.org](http://www.thinkfirstspraylast.org) .

***Recent Rulemaking Summary***

During the past eight years, the Board adopted only one new regulation. Chapter 33 Certification & Licensing Provisions/Private Applicators of General Use Pesticides became effective as of December 26, 2011. This rule requires the certification and licensing of private applicators using general-use pesticides to produce plants or plant products intended for human consumption as food, where the person applying the pesticides or the employer of the person applying the pesticides derives \$1,000 or more in annual gross income from the sale of those commodities. The rule was subsequently amended in December 9, 2014 to shorten the time period between failing and retaking a certification exam to six days.

Since the 2011 GEA report, the Board repealed two regulations, Chapters 21 and 36. The repeal of Chapter 21 Pesticide Container Disposal and Storage became effective date as of December 23, 2012. This rule set forth the regulations for the management of emptied pesticide containers for limited and

restricted use pesticides. It established deposit amounts, sticker requirements, triple rinse or equivalent procedures, and refund places and procedures. The repeal Chapter 36 Certification and Licensing Provisions/Monitors and Spotters for Forest Insect Aerial Spray Program became effective as of July 23, 2019. This rule described the requirements for certification and licensing of monitors and spotters for major forest insect aerial spray programs.

Other rule amendments completed since the 2011 GEA report submission are as follows:

- October 2014—Amendment to Chapter 20 (requirement to positively identify residential sites when making commercial outdoor applications), Chapter 31 (exempt consented applications of repellents to children and installation of antimicrobial hardware from commercial licensing requirements; when staff determine an urgent pest issue exists, allows staff to offer verbal review of regulations and reciprocal licensing to replace written regulation examination), Chapters 31, 32 and 33 (shorten to six days the wait period between failing and retaking an exam), Chapter 41 (eliminate the restrictions on hexazinone relative to pesticide distributors and air-assisted application equipment)
- August 2015—Amendment to Chapter 31 (align licensing and certification periods at three years; clarify which applications are included in category 6B; change the requirement for passing both the core and category within one year to within five years; clarify that licensing exemptions for certified wastewater and drinking water operators only pertain while applying pesticides to the wastewater or drinking water and not while performing other duties such as weed management), Chapter 34 (shorten to six days the wait period between failing and retaking an exam; align licensing and certification period at three years), Chapter 35 (remove the requirements for spotters and monitors for forest insect aerial spray programs; change the license period to three years), Chapter 22 (eliminate the requirement of identifying sensitive areas for commercial applications conducted under categories 6A, 6B and 7E), Chapter 28 (add to the list of categories that require posting 6B except when making applications to sidewalks and trails, power substations, and railroad sidings and 7E; requires notice per Board policy for applications to sidewalks and trails under 6B)
- July 2019—Amendment to Chapter 10 (amend the definition of aerial applicator to allow certification as a private applicator; amend the definition of property deemed not open to use by the public), Chapter 31 (add government-issued photo id for examination; establish annual training requirement for noncertified applicators; establish a minimum age for certified applicators; describe applicator credentials; remove the licensing exemption for the post-harvest treatment category; remove the fee for the replacement or upgrade of licenses), Chapter 32 (amend competency certification standards; remove non-reader examination option; add supplemental private categories in soil, non-soil, and aerial application; establish minimum age for certified applicators; add government issued id requirement for exams), Chapter 50 (add requirements to dealer restricted use pesticide sales records)
- July 2019—Provisional Adoption of Major Substantive Amendments to Chapter 26 (amend the definition of occupied buildings), Chapter 27 (clarify language related to school grounds; add personal insect repellent to the list of products that do not require licensure), Chapter 28 (telephone number listed on posting signs must be a working number)

### ***Summary of Regulations***

Chapter 10 Definitions and Terms

*Statutory Authority 22 M.R.S.A., Chapter 258-A*

*Effective Date* July 6, 1979

*Last Amended* July 23, 2019

These definitions and terms are defined as they specifically relate to the use of pesticides, the certification and licensing of pesticide applicators and dealers and other areas as regulated by the Board in succeeding chapters.

Chapter 20 Special Provisions

*Statutory Authority* 22 M.R.S.A., Chapter 258-A

*Effective Date* July 6, 1979

*Last Amended* December 9, 2014

Regulates the use, storage and disposal of pesticides with specific emphasis on registered pesticides, right-of-way and aquatic applications and employer/employee requirements.

Chapter 21 Pesticide Container Disposal and Storage

*Statutory Authority* 22 M.R.S.A. §1471-Q

*Effective Date* April 1, 1985

*Repealed* December 23, 2012

These rules set forth the regulations for the management of emptied pesticide containers for limited- and restricted-use pesticides. They establish deposit amounts, sticker requirements, triple rinse or equivalent procedures, and refund places and procedures. The rules are organized according to classification of the pesticide as to whether it was purchased in state or out of state.

Chapter 22 Standards for Outdoor Application of Pesticides by Powered Equipment in Order to Minimize Off-Target Deposition

*Statutory Authority* 7 M.R.S.A. §606(2)(G): 22 M.R.S.A. §1471-M(2)(D)

*Effective Date* January 1, 1988

*Last Amended* May 24, 2015

Establishes procedures and standards for the outdoor application of pesticides by powered equipment in order to minimize spray drift and other unconsented exposure to pesticides. The primary purpose of these regulations is to implement the legislative mandate of the Board, as expressed by 7 M.R.S.A. § 606(2)(G), to design rules which “minimize pesticide drift to the maximum extent practicable under currently available technology.”

Chapter 24 Pesticide Storage Facility Standards/Pesticide Distributors

*Statutory Authority* 22 M.R.S.A. §1471-O and 7 M.R.S.A. §610(2)(B)

*Effective Date* May 12, 1992

*Last Amended* April 12, 2009

Provides minimum criteria for the siting, construction and operation of facilities and businesses which store pesticides for wholesale or retail purposes. They are intended to protect the public health of employees and persons who live near these facilities and to minimize adverse environmental impacts that might result from emergencies caused by fires or spills. This chapter divides storage facilities into three groups and imposes requirements commensurate with their potential threat to public health and the

environment. These regulations also describe display requirements for retail businesses which offer pesticides for sale in self-service areas.

Chapter 26 Standards for Indoor Pesticide Applications and Notification for All Occupied Buildings Except K–12 Schools

*Statutory Authority* 7 M.R.S.A. §§ 601-625 and 22 M.R.S.A. §§ 1471-A-X

*Effective Date* January 1, 2007

*Last Amended* May 1, 2008

Establishes procedures and standards for applicators applying pesticides inside occupied private and public buildings other than K–12 schools that are covered by Chapter 27. This chapter also sets forth the requirements for notification about pending pesticide applications to residents of rented space, employees of agencies, businesses and institutions, and parents or guardians of children in licensed child care facilities and nursery schools.

Chapter 27 Standards for Pesticide Application and Public Notification in Schools

*Statutory Authority* 7 M.R.S.A. §§ 601-625 and 22 M.R.S.A. §§ 1471-A-X

*Effective Date* August 30, 2003

*Last Amended* August 29, 2013

Establishes procedures and standards for applying pesticides in school buildings and on school grounds. This chapter also sets forth the requirements for notifying school staff, students, visitors and parents about pending pesticide applications.

Chapter 28 Notification Provisions for Outdoor Pesticide Applications

*Statutory Authority* 22 MRSA §1471-M(2)D

*Effective Date* September 22, 1998

*Last Amended* May 24, 2015

Establishes procedures and standards for informing interested members of the public about outdoor pesticide applications in their vicinity. This chapter sets forth the requirements for requesting notification about pesticide applications, for posting property on which certain commercial pesticide applications have occurred and also establishes the Maine Pesticide Notification Registry structure and fees.

Chapter 29 Standards for Water Quality Protection

*Statutory Authority* 7 M.R.S.A. §§ 601-625 and 22 M.R.S.A. §§ 1471-A-X

*Effective Date* April 14, 1999

*Last Amended* May 1, 2008

Establishes standards for protecting surface water. This chapter establishes a 50-foot setback from surface water for mixing and loading of pesticides, sets forth requirements for securing containers on sprayers and cleaning up spills occurring within the setback zone, establishes restrictions on pesticide applications to control browntail moths near marine waters and requires an untreated 25-foot buffer zone for outdoor terrestrial broadcast pesticide applications near waters of the State.

Chapter 31 Certification and Licensing Provisions/Commercial Applicators

*Statutory Authority* 22 M.R.S.A., Section 1471-D  
*Effective Date* January 1, 1983  
*Last Amended* July 23, 2019

Describes the requirements for certification and licensing of commercial applicators.

Chapter 32 Certification and Licensing Provisions/Private Applicator

*Statutory Authority* 22 M.R.S.A. § 1471-D  
*Effective Date* January 1, 1983  
*Last Amended* July 23, 2019

Describes the requirements for certification and licensing of private applicators.

Chapter 33 Certification & Licensing Provisions/Private Applicators of General Use Pesticides (Agricultural Basic License)

*Statutory Authority* 22 M.R.S. §1471-D(2-D), 22 M.R.S. §1471-M(1)(C-1)  
*Effective Date* December 26, 2011  
*Last Amended* December 9, 2014

Describes the requirements for certification and licensing of private applicators using general-use pesticides to produce plants or plant products intended for human consumption as food, where the person applying the pesticides or the employer of the person applying the pesticides derives \$1,000 or more in annual gross income from the sale of those commodities.

Chapter 34 Certification and Licensing Provisions/Dealers

*Statutory Authority* 22 M.R.S.A. § 1471-D  
*Effective Date* January 1, 1983  
*Last Amended* September 23, 2015

Describes the requirements for certification and licensing of pesticide dealers.

Chapter 35 Certification and Licensing Provisions/Spray Contracting Firms

*Statutory Authority* 22 M.R.S.A. § 1471-D  
*Effective Date* February 6, 1985  
*Last Amended* September 23, 2015

Describes the requirements for certification and licensing of spray contracting firms.

Chapter 36 Certification and Licensing Provisions/Monitors and Spotters for Forest Insect Aerial Spray Program

*Statutory Authority* 22 M.R.S.A. § 1471-D  
*Effective Date* February 6, 1985  
*Repealed* July 23, 2019

Describes the requirements for certification and licensing of monitors and spotters for major forest insect aerial spray programs.

Chapter 40 Restricted and Limited-Use Pesticides

*Statutory Authority* 22 M.R.S.A., Chapter 258-A and 7 M.R.S.A., Chapter 103

*Effective Date* July 6, 1979  
*Last Amended* April 30, 2007

Lists the pesticides classified by the Board as restricted or limited use and describes procedures governing their sale and use.

- Chapter 41 Special Restrictions on Pesticide Use  
*Statutory Authority* 5 M.R.S.A. §§ 8051 et seq. 7 M.R.S.A. §§ 601-610; 22 M.R.S.A. §§ 1471-A, 1471-B, 1471-C, 1471-D, 1471-M  
*Effective Date* March 8, 1981  
*Last Amended* December 9, 2014  
Describes special limitations placed upon the use of (1) aldicarb (Temik 15G) in proximity to potable water bodies; (2) trichlorfon (Dylox, Proxol); (3) hexazinone (Velpar, Pronone), (4) aquatic herbicides in the State of Maine and (5) plant-incorporated protectants.
- Chapter 50 Record Keeping and Reporting Requirements  
*Statutory Authority* 22 M.R.S.A., Chapter 258-A §1471-G, M and R  
*Effective Date* July 6, 1979  
*Last Amended* July 23, 2019  
Describes the types of records and reports which commercial applicators, commercial agricultural producers, limited- and restricted-use pesticide dealers, spray contracting firms and monitors must maintain and submit to the Board.
- Chapter 51 Notice of Aerial Pesticide Applications  
*Statutory Authority* 22 M.R.S.A. §1471-G, M, R and T  
*Effective Date* August 12, 1985  
*Last Amended* September 11, 2014  
Describes the notification requirements for persons contracting aerial pesticide applications to control forest, ornamental plant, right-of-way, biting fly and public health pests.
- Chapter 60 Designation of Critical Pesticide Control Areas  
*Statutory Authority* 5 M.R.S.A., § 8051 et seq. and 22 M.R.S.A., §§ 1471-F and M  
*Effective Date* July 6, 1979  
*Last Amended* December 26, 2011  
Establishes criteria which the Board will use in deciding if an area should be designated as a critical pesticide control area. In addition, these regulations specify the procedures parties must follow in requesting such a designation. These regulations also define the locations that have been designated as critical areas by the Board.
- Chapter 70 Adjudicatory Proceedings  
*Statutory Authority* 22 M.R.S.A., Chapter 258-A  
*Effective Date* July 6, 1979

Describes procedures the Board must follow in conducting hearings concerned with pesticide certification, licenses and permits.

Chapter 80    Advisory Rulings  
*Statutory Authority*    22 M.R.S.A., Chapter 258-A  
*Effective Date*            July 6, 1979

Describes the procedures any interested person must follow in requesting an advisory ruling to determine if the Board's Statute and rules apply to his situation.

Chapter 90    Complaints  
*Statutory Authority*    22 M.R.S.A., Chapter 258-A  
*Effective Date*            July 6, 1979  
*Last Amended*            October 2, 1996

Describes the procedure a person must follow in bringing a complaint to the Board and outlines the steps the Board may take in response.

### ***Regulatory Agenda***

AGENCY UMBRELLA-UNIT: **01-026**

AGENCY NAME: **Maine Department of Agriculture, Conservation and Forestry, Board of Pesticides Control**

**AGENCY CONTACT PERSON:** Emily Horton, 22 SHS, Augusta, Maine 04333, (207) 287-4909, [emily.k.horton@maine.gov](mailto:emily.k.horton@maine.gov)

### **RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:**

#### **FINALLY ADOPTED**

#### **Chapter 10 Definitions and Terms**

1. Amended the definition of “Aerial Applicator” to allow certification as a private applicator.
2. Amended the definition of property not deemed to be open to use by the public to include where the public has not been permitted on the treated portion of privately held recreational land within seven days of a pesticide application for vegetation management.

#### **Chapter 31 Certification and Licensing Provisions / Commercial Applicators**

1. Added requirement for a government-issued photo id for all exams.
2. Established annual training requirements for noncertified applicators of restricted use pesticides.
3. Established minimum age for individuals certified as commercial applicators.
4. Described the credentials which will be issued to each applicator verifying certification.
5. Removed section on transitioning to revised licensing and certification requirements since the time frame has passed.
6. Updated the names of certain categories to align with current exams.
7. Removed requirement to collect social security number.

8. Changed cost of master exams from \$50 for both to \$10 for Master Regulations exam and \$40 for Master Oral exam.
9. Removed exemption for those certifying in the Post-Harvest Treatment category from having to take the master exams.
10. Removed requirements for applicators to receive continuing education credits in specific categories as the Board doesn't categorize courses this way.
11. Removed fee for replacement and upgraded licenses as the Board no longer charges for these due to improved software.

### **Chapter 32 Certification and Licensing Provisions for Private Applicators**

1. Amended competency standards to include those required by the EPA Revised Certification Standards: label comprehension; responsibilities for supervisors of noncertified applicators; stewardship; ability to read and understand pesticide labeling.
2. Removed option to provide oral exam.
3. Added supplemental private categories which can be obtained in addition to certification for private licensure: aerial application; soil fumigation; non-soil fumigation.
4. Established minimum age for individuals certified as private applicators.
5. Described the credentials which will be issued to each applicator verifying certification.
6. Added requirement for a government-issued photo id for all exams.

### **Chapter 50 Reporting Requirements for Applicators and Dealers**

1. Added requirements to dealer records of sales (required by the EPA Revised Certification Standards):
  - o customer address
  - o issuing authority, certification expiration date, and categories of certification in addition to the applicator's certification number

### **Repeal of Chapter 36 Certification and Licensing Provisions for Monitors and Spotters for Forest Insect Aerial Spray Program**

#### **PROVISIONALLY ADOPTED**

### **Chapter 26 Standards for Indoor Application of Pesticides**

1. Amended the definition of "occupied buildings" to mean fully enclosed indoor spaces inside buildings and that roofed structures which are otherwise not enclosed are not buildings for the purpose of the rule.

### **Chapter 27 Standards for Pesticide Applications and Public Notification in Schools**

1. Changed wording to clarify that all pesticide applications, inside and outside, must be included in the pest management activity log.
2. Changed wording to clarify that applications made to the exterior of buildings are included in the rule.

3. Added personal insect repellents to the list of products which do not require licensure.

## **Chapter 28 Notification Provisions for Outdoor Pesticide Applications**

1. Stated that the telephone number required on signs must be a working number.

### **EXPECTED 2019 RULE-MAKING ACTIVITY:**

#### **CHAPTER 10: Definitions and Terms**

STATUTORY AUTHORITY: 22 MRSA §§1471A-X

PURPOSE: In 1996, the Board consolidated all rule definitions in this Chapter. This chapter must be updated each time a new definition is added or amended. It received a series of housekeeping amendments in January 2005 and in 2012. The rule was amended in 2019 to change the definition of aerial applicator to allow for the use of UAS by those with agricultural pesticide applicator licenses. Issues may arise necessitating further amendment.

SCHEDULE FOR ADOPTION: Prior to September 30, 2020

AFFECTED PARTIES: All individuals and businesses affected by the Board's rules.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

#### **CHAPTER 20: Special Provisions**

STATUTORY AUTHORITY: 22 MRSA §§1471A-X

PURPOSE: In 2007, the Board amended Chapter 20 to clarify that authorization from the property owner is required prior to applying a pesticide. The Board passed an amendment in 2013 to eliminate the need for individual homeowner permission in the event of a public health threat. In 2014, a requirement was added for applicators making outdoor treatments to residential properties to implement a system to positively identify application sites in a manner approved by the Board. The Board may develop specific duties that an employer must perform to protect their employees from occupational exposure to pesticides. These amendments may be modeled on the 2015 Federal Worker Protection Standard and the 2017 Federal Pesticide Applicator Certification Standard. In addition, Chapter 20 is a key chapter for the Board when it determines that additional regulation is in the public interest, so other amendments are also possible.

SCHEDULE FOR ADOPTION: Prior to September 30, 2020

AFFECTED PARTIES: Applicators making outdoor treatments to residential properties; since this is already required by policy, there will be no real affect.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

#### **CHAPTER 22: Standards for Outdoor Application of Pesticides by Powered Equipment in Order to Minimize Off-Target Deposition**

STATUTORY AUTHORITY: 7 MRSA §§ 601-625 and 22 MRSA §§1471A-X

PURPOSE: Aerial spraying is a very controversial issue and the Board completed a major overhaul of this chapter in 2009 to provide greater protection for area residents. In 2013 the Board passed amendments to exempt the sections concerning Identifying and Recording Sensitive Areas, Presence of Humans and Animals, and certain specifics of Site Plans in the event of a public health threat. In 2014, the requirement of identifying sensitive areas was eliminated for commercial applications conducted under categories 6A (rights-of-way vegetation management), 6B (general vegetation management) and

7E (biting fly & other arthropod vectors [ticks]). Further experience with the revised rule may reveal the need to make additional modifications.

SCHEDULE FOR ADOPTION: Prior to September 30, 2020

AFFECTED PARTIES: All applicators making outdoor applications with powered application equipment.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

#### **CHAPTER 24: Pesticide Storage Facility Standards/Pesticide Distributors**

STATUTORY AUTHORITY: 22 MRSA § 1471-O and 7 MRSA § 610(2)(B)

PURPOSE: The Board has received letters expressing concern that odors and spilled chemicals may represent a health risk for both employees and customers who enter the self-service display areas of general-use pesticide distributors. In addition, inequities have been noted between the requirements for agricultural distributors versus the requirements for warehouse-style retailers. Finally, a few provisions are somewhat vague and would benefit from additional clarity. Consequently, the Board may adjust these standards to address concerns.

SCHEDULE FOR ADOPTION: Prior to September 30, 2020

AFFECTED PARTIES: Pesticide retailers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

#### **CHAPTER 26: Standards for Indoor Application of Pesticides**

STATUTORY AUTHORITY: 22 MRSA §§1471A-X and 7 MRSA §§ 601-625

PURPOSE: The Board adopted this chapter during 2006 and it became effective in January of 2007. An amendment was made during 2007 to address concerns raised by structural applicators. Concerns have arisen about the higher risk of indoor applications versus outdoor applications. Further refining may be necessary for this rule.

SCHEDULE FOR ADOPTION: Prior to September 30, 2020

AFFECTED PARTIES: All structural pest control applicators, owners or managers of businesses, institutions and apartment houses, as well as interested members of the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

#### **CHAPTER 27: Standards for Pesticide Applications and Public Notification in Schools**

STATUTORY AUTHORITY: 22 MRSA §§1471A-X and 7 MRSA §§ 601-625

PURPOSE: The Board adopted this rule in 2003 and made some housekeeping amendments to it during 2005, 2007 and 2012. Several minor clarifications have been identified which should be addressed. Since use of pesticides on school grounds continues to garner legislative and public attention, further amendments may be necessary in the future.

SCHEDULE FOR ADOPTION: Prior to September 30, 2020

AFFECTED PARTIES: All public and private school systems as well as commercial applicators and all persons using school buildings and grounds.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

#### **CHAPTER 28: Notification Provisions for Outdoor Pesticide Applications**

STATUTORY AUTHORITY: 22 MRSA § 1471-M (2)(D)

PURPOSE: This rule was adopted in 1998 and slightly amended in 2000, 2007, 2011 and 2014. It contains all of the Board outdoor notification requirements. In 2014, it was amended to require posting for applications under categories 6B (general vegetation management) except when making applications

to sidewalks and trails, power substations, and railroad sidings; and 7E (biting fly & other arthropod vectors [ticks]) and to require notice per Board policy for applications to sidewalks and trails under 6B (general vegetation management). The Maine Legislature recently enacted and subsequently repealed a pesticide notification registry. There is some sentiment indicating that additional legislative initiatives may be forthcoming on this subject, which would likely necessitate rulemaking. This chapter also needs some updating to reflect the evolution of its usage.

SCHEDULE FOR ADOPTION: Prior to September 30, 2020

AFFECTED PARTIES: Pesticide applicators and persons who live near sprayed sites. Persons who believe they are sensitive to pesticides. Regulated parties include all commercial pesticide applicators, the landowners who hire them and anyone who applies pesticides outdoors in the vicinity of persons on the registry.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

### **CHAPTER 29. Standards for Water Quality Protection**

STATUTORY AUTHORITY: 22 MRSA § 1471-M(2)(D)

PURPOSE: A recent federal court decision now requires applicators to work under a Maine Pollution Discharge Elimination System permit for certain outdoor pesticide applications that have the potential for a portion of the spray to deposit in surface water, so Chapter 29 may need to be amended to address this change. In addition, the Board may look to exempt certain urgent applications from the 25-foot buffer requirement. Recently, concerns have arisen relative to pesticides and the marine environment. A current outbreak of browntail moth may necessitate amendments to this rule around products approved for use for control. Finally, water quality has emerged as one of the more significant environmental fate concerns with pesticides. All of these issues suggest a possible need to amend this chapter.

SCHEDULE FOR ADOPTION: Prior to September 30, 2020

AFFECTED PARTIES: Pesticide manufacturers, outdoor applicators, persons owning land next to surface water bodies and environmental groups.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

### **CHAPTER 31: Certification and Licensing Provisions for Commercial Applicators**

STATUTORY AUTHORITY: 2 MRSA §§ 1471-D and S

PURPOSE: The Board amended this chapter during 2007 and 2014, but may find it necessary to revise this regulation again to accommodate new licensing software, streamline processes or deregulate certain types of pesticide applications. Several amendments were adopted in 2015. Changes to the federal certification and training requirements necessitated amendments, which were adopted in 2019.

SCHEDULE FOR ADOPTION: Prior to September 30, 2020

AFFECTED PARTIES: All persons licensed by the Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

### **CHAPTER 32: Certification and Licensing Provisions for Private Applicators**

STATUTORY AUTHORITY: 2 MRSA §§ 1471-D and S

PURPOSE: The Board may amend any of its current regulations dealing with the examination, certification, licensing and relicensing of private applicators to accommodate new licensing software, streamline procedures and/or adjust the fees. An amendment to reduce the waiting time for re-taking a failed exam was passed in 2014. Changes to the federal certification and training requirements necessitated amendments, which were adopted in 2019.

SCHEDULE FOR ADOPTION: Prior to September 30, 2020

AFFECTED PARTIES: All persons licensed by the Board.  
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 33: Certification Provisions/Private Applicators of General Use Pesticides**

STATUTORY AUTHORITY: 2 MRSA §§ 1471-D (2-D), 22 MRSA 1471-M (1) (C-1)

PURPOSE: This new rule was recently adopted to fulfill the requirements of Public Law 2011, Chapter 169 which requires pesticide applicator licensing for certain farmers who apply only general use pesticides. Since it is a newly adopted rule, experience may reveal some desirable upgrades. In addition, the potential for new licensing software may also necessitate changes. An amendment to reduce the waiting time for re-taking a failed exam was passed in 2014. Changes to the federal certification and training requirements will necessitate amendments to this rule.

SCHEDULE FOR ADOPTION: Prior to September 30, 2020

AFFECTED PARTIES: All persons licensed by the Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 34: Certification and Licensing Provisions for Pesticide Dealers**

STATUTORY AUTHORITY: 2 MRSA §§ 1471-D and S

PURPOSE: Amendments adopted in 2015 included shortening the wait time to re-take an exam after failing and changing both the license and certification periods to three years. Going forward, the Board may amend its current regulation to require pesticide dealers to have a company license in addition to having their employees licensed. Also, the license fee is outdated. Other changes may be necessary as the Board reviews all the licensing chapters with a view toward streamlining and simplifying procedures.

SCHEDULE FOR ADOPTION: Prior to September 30, 2020

AFFECTED PARTIES: Pesticide distributors.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 35: Certification and Licensing Provisions for Spray Contracting Firms**

STATUTORY AUTHORITY: 22 MRSA §§ 1471-D and S

PURPOSE: In 2015 this chapter was amended to remove the requirements for spotters/monitors for forest insect aerial spray program. The license period was also changed in 2015 from two years to three. The Board may amend this chapter dealing with licensing and relicensing of firms to accommodate new licensing software, continue to streamline procedures and/or adjust fees.

SCHEDULE FOR ADOPTION: Prior to September 30, 2020

AFFECTED PARTIES: All persons licensed by the Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 40: State Restricted Pesticide List**

STATUTORY AUTHORITY: 7 MRSA §§ 601-625 and 22 MRSA §§ 1471A-X

PURPOSE: The Board amended this chapter in 2007 and may update its Restricted Use List by deleting products that are no longer registered. Also, it may be necessary to modify the list as a result of the Board's registration review process which may necessitate adding any products which present a unique threat to Maine's public health or the environment.

SCHEDULE FOR ADOPTION: Prior to September 30, 2020

AFFECTED PARTIES: Pesticide manufacturers, pesticide applicators and environmental groups interested in pesticide issues.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 41: Special Restrictions**

STATUTORY AUTHORITY: 7 MRSA §§ 601-625 and 22 MRSA §§ 1471A-X

PURPOSE: The Board amended this chapter in 2011 to relax some administrative burdens for the use of *Bt* corn seed, and in 2014 to reduce the restrictions on the use of hexazinone. This is a key chapter for the Board to implement appropriate restrictions associated with certain pesticides or classes of pesticides that pose unique risks to Maine. There have been significant changes to this chapter in the last ten years, and additional amendments are likely in the future.

SCHEDULE FOR ADOPTION: Prior to September 30, 2020

AFFECTED PARTIES: All applicators and environmental groups.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 50: Reporting Requirements for Applicators and Dealers**

STATUTORY AUTHORITY: 22 MRSA §§ 1471-G and M

PURPOSE: The Board adopted several housekeeping amendments to this chapter in January 2005 and 2019. Changes to Chapters 22, 27 and 41 have created additional record keeping requirements that might be more appropriately incorporated in Chapter 50. Current rulemaking around the licensing chapters may also necessitate changes to record keeping requirements.

SCHEDULE FOR ADOPTION: Prior to September 30, 2020

AFFECTED PARTIES: All private and commercial applicators, dealers and consumer or environmental groups.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 51: Notice of Aerial Pesticide Applications**

STATUTORY AUTHORITY: 22 MRSA § 1471-R

PURPOSE: Legislative activity around pesticide notification may necessitate amendments to this chapter. The Board has expressed an interest in regulating unmanned aircraft systems, which may require amendments to this chapter.

SCHEDULE FOR ADOPTION: Prior to September 30, 2020

AFFECTED PARTIES: Aerial applicators, paper companies, utility officials, and environmental groups.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 60. Designation of Critical Pesticide Control Area**

STATUTORY AUTHORITY: 22 MRSA § 1471 - M (4)

PURPOSE: Upon receipt of a petition, the Board would be required to consider rulemaking to restrict pesticide usage within a designated area to protect public health, threatened or endangered species or their habitat, surface or ground water, or other environmental resources. During 2011, the Board repealed one of the two designated critical control areas since the subject of protected area no longer existed.

SCHEDULE FOR ADOPTION: Prior to September 30, 2020

AFFECTED PARTIES: Persons living within the requested area and all applicators wishing to do business within the designated zone.

CONSENSUS-BASED RULE DEVELOPMENT: The Board engaged in consensus-based rule development the last time a request was received and would likely try it again.

**NEW RULE CHAPTER (# to be assigned): Unmanned Aircraft Systems, Unmanned Ground Systems**

STATUTORY AUTHORITY: 22 MRSA §§1471A-X and 7 MRSA §§ 601-625

PURPOSE: The Board is considering implementing rules around both unmanned aircraft systems (UAS) and unmanned ground systems (UGS) for use in pesticide applications.

SCHEDULE FOR ADOPTION: Prior to September 30, 2020

AFFECTED PARTIES: All pesticide applicators and dealers, as well as interested members of the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Contemplated

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**G. COORDINATION WITH OTHER AGENCIES**

The Board's staff has frequent contact with employees in other agencies to discuss items of mutual interest or shared responsibility. Some of the best examples are detailed in the following paragraphs.

- *Cooperative Extension:* The Board's staff works very closely with the Cooperative Extension's Pest Management Office at the University of Maine on pesticide applicator training activities. This relationship has been ongoing since 1976 when training programs were initially offered to assist agricultural growers in qualifying for their first private applicator licenses to purchase and apply restricted-use pesticides. In recent years, the Board's Manager of Pesticide Programs and the staff in the Pest Management Office have provided a wide variety of recertification training programs to keep licensees updated. In order to continue offering the most relevant training, the two agencies recruit national experts to present the latest information on such topics as pest biology, application technology, integrated pest management techniques and public risk communications.
- *EPA:* In addition to the many contacts with EPA Region 1 staff regarding management of the federal grants, the Board's staff have also collaborated to offer training programs especially on IPM in schools. They are actively engaged in pesticide issues at the national level through membership in the Association of American Pesticide Control Officials (AAPCO), American Association of Pesticide Safety Educators (AAPSE) and the State FIFRA Interagency Research Evaluation Group (SFIREG). The Board's Director is currently serving on the Board of Directors for AAPCO. In addition, there are two working committees that meet twice a year with EPA Headquarters officials to discuss potential new federal initiatives and prepare issue papers for consideration by the full SFIREG. The Board's previous Pesticides Toxicologist and the Board's Director has served one term on the Pesticide Operations and Management Working Committee that primarily addresses registration, certification, and enforcement related pesticide issues of national or regional importance. The Board's water quality specialist has served one term on the Environmental Quality Issues that primarily addresses issues related to water quality, threatened and endangered species, human health and the environment, and risk assessments. Certification and Training Assessment Group (CTAG) is in the process of being reformed and will work on ways to continuously improve the pesticide certification and licensing and safety education programs. When it is reformed, Board staff intend to participate in CTAG activities. The Board's Water Quality Specialist and Toxicologist participate in two EPA Region 1

Roundtable meetings per year to share water quality information. Board staff frequently present at and serve on planning groups for EPA sponsored “PREP” meetings. Pesticide Regulatory Education Program (PREP) meetings bring together state lead agency and Regional EPA staff for week-long trainings.

- *DEP*: Since 1996, the Board’s staff has worked jointly with staff in DEP’s Bureau of Remediation and Waste Management to conduct annual collections of obsolete pesticides. The Board maintains a list of growers and homeowners with banned or otherwise unusable products on their property. Annually, bids are sought from licensed hazardous waste contractors to properly package and transport the inventory of chemicals to a licensed out of state disposal facility. The DEP staff assists the Board in the evaluation of bids and supervises the collections at their four regional offices in Presque Isle, Bangor, Augusta and Portland. In response to ongoing requests to better serve eastern Maine, the 2019 collection sites included Jonesboro. If utilized, collection at this site will be repeated in 2021. Additionally, DEP staff are often called upon to address pesticide caches deemed too dangerous for transportation by homeowners. In those situations, DEP will travel to the site in question, over-pack the pesticides, and safely transport them to their temporary storage facilities for inclusion in the collection program.

The Board’s Toxicologist actively assisted DEP with their general permit for allowing herbicides to be used to control invasive plant species in lakes and ponds. Board and DEP staff have also discussed such issues as aquatic pesticide application permits and potential for nonpoint source pollution of both groundwater and surface water.

The Board continues to work closely with DEP staff on regulating the use of aquatic herbicides in public lakes and ponds. Pesticides with an aquatic herbicide use remain state restricted pesticides and a current list of these pesticides is maintained on the BPC website.

- *Multi-Agency Projects*:
  - The Board’s staff has been involved with DEP, the Department of Inland Fisheries and Wildlife (IF&W) and the Atlantic Salmon Authority regarding potential impacts of pesticides on Atlantic salmon.
  - BPC staff work with the MFS and Maine CDC regarding the control of browntail moth in urban areas. With the involvement of Maine Cooperative Pest Management Office, BPC and MFS conduct trainings for pesticide applicators who intend to conduct browntail moth management work.
  - BPC and MFS have recently re-evaluated the BPC policy that prescribes which pesticides may be used within 250 feet of the marine zone for browntail moth. This collaboration included reviewing best management practices for browntail moth control and organizing a public roundtable / listening session. Risk assessments based on this new information are currently on-going and expected to be complete in winter 2019-2020.
  - Recent water quality research has been conducted in cooperation with DEP; City of Ellsworth harbormaster; the Maine Warden Service (IF&W); Maine Maritime Academy; wastewater treatment facilities in Farmington, Augusta, and Sanford; Casco Bay Estuary; South Portland Stormwater Program Coordinator; the U.S. Coast Guard; Essex Hydro; and a citizen volunteer.
  - Board staff works closely with the DEP, Maine Department of Health and Human Services (DHHS), Maine Geological Survey, Maine’s Soil and Water Conservation

Districts and regional planning councils to maintain the Board's Generic Plan for Pesticides and Groundwater.

- Employees from these agencies as well as those of other private and governmental entities have been enlisted as volunteers to serve on the Board's Medical Advisory and Environmental Risk Advisory Committees. These groups focus on specific issues by reviewing scientific literature, analyzing available monitoring data and making recommendations to the Board on additional steps that might be taken to minimize risks from pesticides.
  - Board staff are participating in an effort organized by the Department of Labor to encourage the use of lower risk chemicals in the workplace, as dictated by PL 47. This resolve directs the DOL to develop and implement a "framework that encourages employers to identify safer alternatives to hazardous chemicals".
  - The Board enlisted the aid of 30 partners to form the Maine YardScaping Partnership and develop a sustainable landscaping initiative with the goal of inspiring Maine people to create and maintain healthy landscapes through ecologically based practices that minimize reliance on water, fertilizer and pesticides. The partners include the University of Maine Cooperative Extension, DEP LakeSmart, Friends of Casco Bay, Soil and Water Conservation Districts, Congress of Lake Associations, Maine Organic Farmers and Gardeners Association, Southern Maine Community College, City of Portland, City of Brunswick, Carroll Associates and LNC Landscape Architecture, (the complete list of partners can be found at <http://www.yardscaping.org/about.htm>). Board staff have a continued interest in the concepts at the foundation of the YardScaping program. Over the next few years, staff intend to begin the much need process of updating these materials and the associated YardScaping website. For more information, go to the YardScaping website at <http://www.yardscaping.org>.
  - The Board funds a training grant administered jointly by the Maine Mobile Health Program (formerly Maine Migrant Health) and Eastern Maine Development Corporation, which assists farmers, foresters, nursery and greenhouse operators to comply with the federal Worker Protection Standard by providing training to both agricultural workers and pesticide handlers.
  - The Board staff participate in the Maine Emergency Management Agency's training events as representatives of the Bureau of Agriculture.
- *Maine CDC:*
    - Previously, the Board's Toxicologist worked with CDC Toxicologists to set Maine Exposure Guidelines (MEGs) for pesticides in drinking water. In 2019, CDC abandoned the creation and updating of MEGs.
    - The Board's Toxicologist, the Manager of Pesticide Programs, and the Board's Director have been part of the CDC's Vector-borne Disease Working Group since its creation in 1999. This group was originally called the West Nile Virus Task Force, but was renamed in 2005 to recognize the need to address other mosquito-borne diseases such as Eastern Equine Encephalitis and tick-borne Lyme disease.
    - Board staff have worked with ME CDC in preparation to complete a Mosquito Arboviral Surveillance and Response Plan which would plan out the state's response should a public health emergency be declared in response to the threat of mosquito borne disease.

This plan involves coordinating the responses between the ME CDC and the DACF should wide-area mosquito treatments be needed.

- The Board funds CDC's vector monitoring program.
  - Board staff regularly participate in public education events arranged by CDC staff on tick vectored disease.
  - The Board's Director, Manager of Pesticide Programs, and Manager of Compliance works regularly with the CDC Sanitarians to discuss the use of pesticides in the areas they inspect, including food handling establishments and swimming pools/spas. In addition, the Board's Toxicologist and Water Quality Specialist have worked with other Health Engineering staff regarding drinking water contaminants.
- *Bureau of General Services*: Historically, the Board's Toxicologist and the Manager of Pesticide Programs have worked with a variety of state agencies to help identify the lowest risk chemicals for use in cleaning and maintenance of state facilities. Cooperating agencies have included the Bureau of General Services, Division of Purchases, CDC, DEP and Bureau of Labor Standards. The Board expects that similar efforts will be needed in the future, as the lists are refined and newer choices are added.
  - *Department of Education*: The Board's staff works closely with staff in the Department of Education to coordinate training programs on school IPM for school officials and to develop BMPs for school grounds, athletic fields and playgrounds. Staff has created technical factsheets for educators on the use of disinfectants and the use of insect repellents.
  - *Maine Poison Center*: The Board's Toxicologist serves as a technical consultant to the Northern New England Poison Center (NNEPC), located at Maine Medical Center in Portland. The value of this relationship is demonstrated when technical information regarding pesticide exposures is urgently needed when there are major pesticide spills, such as helicopter crashes or pesticide fires at storage locations. The Toxicologist has participated in NNEPC's recent tabletop exercises. The Board's Toxicologist also participates in ongoing training of Poison Center staff on pesticide issues.
    - One ongoing project is the tracking of pesticide exposures in Maine in an effort to target educational programs. Efforts have included contacting local and national poison control centers, national animal poison control centers, Department of Labor to acquire workers compensation claim data, review of EPA's 6(a)(2) incident reports, and National Pesticide Information Center to gather data.
  - *Maine Indoor Air Quality Council (MIAQC)*: The MIAQC was established in March 1998 as a 501(c)(3) state nonprofit corporation to promote better quality of life and increased productivity through improved indoor air quality environments. The stakeholders for this group include health professionals, engineers, architects, managers of facilities and others. Historically, the Board's Manager of Pesticide Programs has been involved with many of their training programs regarding the use of disinfectants and mold remediation. The current Manager of Pesticide Programs continues to review and approve MIAQC trainings for the purpose of pesticide application continuing education.
  - *Maine Rural Water Association (MRWA)*: MRWA is the lead support organization for public water suppliers to maintain compliance and licensure. The Board's Toxicologist will participate in upcoming events training public water suppliers about current-use pesticides.

- *Other:* The Board's Toxicologist has worked on the University of Southern Maine Institutional Biosafety Committee and is on the Board of Directors for the North Atlantic Chapter of the Society of Environmental Toxicology and Chemistry.
- *Department of Agriculture, Conservation and Forestry:* The Board's staff is housed in the Department and works most closely with the Department's IPM Entomologist in promoting IPM in schools and coordinating training sessions and workshops on this subject. The staff also assists the Department in dealing with food safety issues, investigating agricultural complaints that may include pesticide use, and developing BMPs to help prevent future complaints.

## **H. IDENTIFICATION OF CONSTITUENCIES SERVED**

The entire population of Maine is the Board's most important constituency. Most of the state's population will occasionally use pesticides—whether they realize it or not—since pesticides are very broadly defined and include common disinfectants, personal insect repellents, organic and natural products, plant rooting hormones, and some paints and stains.

Citizens sometimes complain that they have been adversely impacted by a pesticide application, and these complaints are treated by the staff as the highest priority. An inspector is generally able to visit the site the same or the next day to collect appropriate samples and pertinent information from both the complainant and applicator while events are fresh in their minds. Inspectors also engage outside agencies and departmental expertise where specialized knowledge is required.

The staff routinely answers questions from persons seeking information about why pesticides are used and what risks are posed by their use. Any medical emergencies are referred to the Northern New England Poison Control Center.

Questions are often received about how to control specific pest problems. These individuals are regularly referred to either the Pest Management Office in Orono, the MFS Entomology Laboratory or a state-sponsored pest management website such as the ones jointly sponsored by the Board and Cooperative Extension Pest Management Office.

In recent years, the Board has identified the at-home pesticide applicator as the user group with the greatest need to minimize reliance on pesticides. As a result, the Board has worked with Cooperative Extension, DEP and other natural resource organizations to promote sustainable, science-based strategies for managing pests.

The most readily identifiable constituency of the Board is its licensed community of over 4,500 individuals and firms that are licensed to sell or apply pesticides. The Board is committed to providing them with information so they may obtain appropriate licenses in a prompt and efficient manner. As previously indicated, the Board also expends considerable efforts to ensure they receive the latest changes in pesticide information so they may handle products safely and in full compliance with all federal and state laws and regulations. As a result of Public Law 2011, Chapter 169, in 2015 all farmers growing more than \$1,000 of plants for direct human consumption must be licensed (previously only those using restricted-use pesticides needed a license), which increased the number of private applicators. A Department of Health and Human Services statute requiring growers of medical marijuana to obtain a license also caused an increase. Ongoing changes to laws around adult use cannabis and hemp will likely add new constituents.

## I. USE OF ALTERNATIVE DELIVERY SYSTEMS

Pesticides and their regulation tend to be complex and, by their very nature, controversial. Consequently, the credibility of the regulatory agency is paramount to its effectiveness. For this reason, the Board believes most aspects of pesticide regulation are best left to governmental entities which have no vested interest in the public policies or enforcement outcomes. Therefore, there are only limited opportunities for privatization of the regulatory program, as described in the following:

- Due to the lack of a Maine laboratory that can analyze monitoring and enforcement samples for current use pesticide residues, the BPC contracts with state, university, and private laboratories in other states that have EPA approved Quality Assurance Project Plans.
- The Board has committed significant financial and staff resources to working with the private contractor, PEGA Systems, in the construction of the cloud-based software solution known as the Maine Pesticide Enforcement, Registration and Licensing System (MEPERLS). MEPERLS allows the Board to interface with constituents through an electronic portal for exam enrollment, license renewal, product registration, report submission, electronic payment, and continuing education tracking. This system not only reduces paperwork, but also allows constituents to conduct business with the Board regardless of the time of day or day of the week. The staff continues to find ways to further utilize this system to streamline and expand services.
- The Board and DHHS agreed to allow swimming pool and spa operators to be certified to apply disinfecting chemicals by one of four private, non-profit foundations or institutes that provide specific training on these chemicals and their appropriate application methods rather than by the state.
- The Board accepts on-line pesticide applicator training programs for recertification credit. In addition, it has occasionally utilized the Department of Education's Asynchronous Transfer Mode equipment to transmit video, audio and computer data over the same network so presentations by recognized pest control experts may be transmitted to groups of applicators gathered at several remote sites around the state. This reduces the cost of having the speakers in travel status for several days and also reduces the distance applicators must travel to obtain their recertification credits.
- The Board has invested heavily in a major Internet presence, reasoning that it is the least expensive and most effective means of disseminating information to its constituency. Information about exams, state and federal laws, training opportunities, pesticide labels and SDSs, and a multitude of links to pest management resources can all be found through Board-sponsored websites.
- The Board also utilizes its many partnerships with state agencies and with a great variety of non-profit groups and organizations to get information to the public, and to applicators and dealers, including a variety of opportunities for continuing education credits (*see Section G. Coordination with other Agencies*).

## J. EMERGING ISSUES

- *Pesticide Notification*: As part of an effort to reduce conflicts over aerial spraying, the Board has been involved in discussions about updating the pesticide notification provisions (CMR 01-026, Chapter 28) dating back to 2006. In 2009, the Maine Legislature intervened by enacting PL 2009, Chapter 378, An Act to Require Citizen Notification of Pesticide Applications Using

Aerial Spray or Air-carrier Application Equipment. That law was subsequently amended in the spring of 2010 (PL 2009, Chapter 584), and then repealed in the spring of 2011 (PL 2011, Chapter 332). Brought before the 129<sup>th</sup> Legislature, LD 101 was introduced and withdrawn, but proposed the adoption of the same language associated with PL 2009, Chapter 584. Following public request, the Board is now engaged in public discussions of existing notification requirements.

- *National Pesticide Topics:* Recent national headlines have covered dicamba, glyphosate, neonicotinoids, and chlorpyrifos. The Board invests significant staff time to respond to enquiries from the public on these topics. Staff supplies environmental organizations, individuals from the public, legislators, pest professionals, and pesticide educators with detailed information on these current topics. Staff also attend national meetings with other state lead agencies and EPA to learn how to best manage all pesticides, not just the topical ones, to reduce undo harm from their use. Ultimately, this leads to continuous training for pesticide applicators and communicating with the public the basic principles of risk-benefit assessment and the current regulatory framework in place to protect them.
- *Licensing of Commercial Farmers Using Only General Use Pesticides:* In 1999, the Board raised the issue of whether commercial farmers who do not apply restricted-use pesticides would benefit from some level of training about pesticide use. It reasoned that restricted-use pesticides were being phased out, while overall pesticide use was increasing. Moreover, a broad range of potential concerns about improper pesticide use had been identified during the 1980s and 1990s, including food safety, contamination of groundwater and surface water, applicator and farmer worker safety, chronic health concerns, bee mortality, and pesticide drift and volatility. The Board concluded it was not its place to recommend an expanded licensing or training requirement, and set the issue aside. The issue resurfaced during the Board's 2010 planning session, when it was raised by the Board member with agricultural expertise. Again, the Board refrained from further pursuing the issue. However, the issue was brought before the 125<sup>th</sup> Legislature in the form of LD 975, which was enacted by PL 2011, Chapter 169. The Board then implemented the requirements which included promulgating a new rule and then training and testing an additional 500 to 600 commercial farmers. Approximately half of these licenses are held by producers of cannabis crops and with the legalization of adult use cannabis, staff anticipate further demand for certification and licensure.
- *Pesticide Use on Cannabis:* Growers of cannabis are extremely motivated to ensure the success of their highly valued crop which leads, too frequently, to inappropriate pesticide use. Each state that allows some form of legal cannabis has encountered problems with pesticide enforcement. The problem is two-fold: 1) there is currently not enough health information for state agencies to determine what constitutes acceptable pesticide usage, and 2) because cannabis is not federally legal, state entities face challenges to their delegated enforcement authority. Maine is further challenged by the lack of an accredited in-state lab capable of analyzing for pesticide residues.
- *School IPM:* The Board promulgated a rule (CMR 01-026, Chapter 27) requiring the use of IPM in K through 12 schools in 1993. However, public concerns about children's exposure to pesticides persist, which was illustrated by the introduction of LD 837 before the 125<sup>th</sup> Legislature. The Maine Legislature amended LD 837 when it enacted Resolve 2011, Chapter 59, which directs the Board to develop BMPs for the use of pesticides on school grounds and to assess compliance with its current School IPM rule. The public remained concerned about the transparency of pesticide use in schools and notification of indoor and outdoor applications. The

Maine Legislature addressed these concerns in PL 2013, Chapter 63. Additionally, five unsuccessful bills addressing pesticide use on school grounds have been introduced since the 2011 GEA report.

- *Increase in Municipal Pesticide Policies and Ordinances:* The Board's staff also notes an increase in the number of municipal pesticide ordinances and policies that have been enacted in recent years. The general thrust of the movement focuses primarily on pesticide use on town or private residential/retail property and most of them favor either the use of BMPs or organic landscaping practices. All of the recent policies and ordinances have been enacted by coastal communities. This trend may be driven in part by a number of factors including concerns about the effects of pesticide runoff on marine organisms, increased urban and suburban density, increased invasive species management, and increased demand for disease vectoring arthropod management.
- *Vector-borne Diseases:* Human diseases transmitted by arthropod vectors—primarily mosquitoes and ticks—have been a growing concern in recent years as pests and diseases native to warmer climates continue to creep northward. In 2019, New England experienced an outbreak of Eastern Equine Encephalitis (EEE) and in Maine this resulted in the death of one horse. The northeast region responded with a heightened concern by government officials for the potential for human cases. In addition, the incidences of Lyme disease, Ehrlichiosis, Babesiosis, Anaplasmosis, and *Borrelia miyamotoi* in Maine have been steadily increasing, along with tick populations. Incidents of Powassan virus remain low, but present. Maine has not yet identified a human case of West Nile Virus (WNV), but the virus has been detected in mosquitoes. In 2019, WNV was detected in either humans or animals in all states within the continental United States except Maine. Wide-area mosquito-control projects are common in Massachusetts, New Hampshire, Connecticut and Rhode Island, including some aerial spray programs.

The Board has observed a substantial increase in the number of individuals sitting for the biting fly (ticks and mosquitoes) pesticide applicator certification exam. This is likely in response to growing public concern about tick and mosquito vectored diseases.

- *Water Quality Issues:* Concerns about pesticide contamination of groundwater and surface water began surfacing in the early 1980s when the granular insecticide Temik<sup>®</sup> was discovered in wells from potato growing regions of the country. Initially, EPA focused its assessment programs on the nation's groundwater, and states were enlisted to help with the assessment through their cooperative grants. The Board has conducted a variety of groundwater assessments and, overall, the results demonstrate the resource is in relatively good condition. Over the last two decades, state and federal regulators have shifted their attention to surface waters. A recent series of regional studies across the US conducted by USGS revealed notable statistics about the presence of pesticides in surface waters. The Board has conducted small-scale, surface-water- and sediment-monitoring studies to gauge the applicability of national data. Board studies have traditionally been funded through the cooperative federal grant, but in 2019 no funds were available in the federal grant for water quality monitoring. This is likely the first of many years in which the Board will need to choose to fund water quality monitoring with available dedicated funds or not conduct the work.
- *Minimum Risk Pesticides (25b Products):* In 1996 the EPA issued a Final Rule in the Federal Register exempting certain minimum risk pesticides from regulation in response to the public demand for more natural and less risky pesticides and to reduce the regulatory burden and costs on producers. The argument was that these chemicals that have long been in trade, often as food,

didn't need the same safety testing as conventional pesticides. To qualify as minimum risk and exempt from federal regulation, all ingredients in the formulation must appear on the EPA lists of accepted active and inert ingredients and labeling must meet a certain basic standard. This rule created a significant regulatory burden for states because the number of products claiming to be minimum risk continues to increase and the majority do not comply with established regulations. The pesticides registrar continually finds unacceptable labels with false and misleading claims and ingredients not allowed in minimum risk pesticides. Some minimum risk pesticides may also contain ingredients that producers claim are natural, but are actually quite potent and must be registered with EPA for proper safety testing; e.g., a locally produced repellent contained a large list of essential oils including eucalyptus oil which would require the product be EPA registered. An additional concern is the confusion minimum risk classification of pesticides creates around product safety, many of the minimum risk pesticides have acute toxicity and can cause eye and skin problems including blindness.

- *Residential Use of Pesticides:* Pesticides are often equated with agriculture; however, research has demonstrated that residential areas also contribute to environmental residues from pesticide use. Training, testing, and the components of licensure provide the pesticide applicator community with a greater knowledge of pesticide safety basics than is present in the general public. For example, when speaking with the general public staff frequently encounter a general lack of understanding that the pesticide label is a legal document whose directions must be followed. Label directions dictate important precautions to follow to reduce pesticide movement to off-target locations. Set-backs, soil type restrictions, weather, dosage rates, application equipment, and appropriate listed use. This language is placed on the label at the request of EPA as part of the registration process and represents how EPA regulates use in a way that ensures no undue harm. Unfortunately, the general public can have a cavalier attitude about pesticide application that disregards this essential language. Due to concerns over residential contributions to surface water quality, BPC initiated a small surface water monitoring project that evaluated pesticide levels across a spectrum of differently sized cities in Maine. The samples from that study will be analyzed in fall/winter of 2019, and a report is expected in 2020.
- *Invasive Pests:* New pest species are constantly arriving in Maine with varying levels of impacts on the state's natural resources. Invasive aquatic weeds are an example of pest species with the potential to have significant aesthetic and economic impacts. New forest or agricultural pests also have the potential for significant economic impacts. Invasive terrestrial plants are receiving increased attention for their impacts on ecology and aesthetics. The Asian longhorned beetle, emerald ash borer, browntail moth, winter moth, spotted wing drosophila, spotted lanternfly, Swede midge, leek moth, hemlock woolly adelgid, and the brown marmorated stink bug are examples of invasive insects that resource managers are extremely concerned about. When invasive pests arrive in Maine, pesticides are invariably one of the management options. Additional pesticide uses generally raise concerns about the potential for additional risks to humans or the environment, which means the Board will usually be involved in assessing the risks and recommending the lowest risk approach. In the case of browntail moth, the Board staff have dedicated significant resources to address numerous public inquiries about relative toxicity of pesticides, label interpretation, and alternative approaches for management.
- *Increased Use of Fumigants:* The Board has become aware of changing practices in the potato growing regions of Maine. Potato producers are beginning to adopt soil fumigation technology. Regional Cooperative Extension specialists suggest this technology is already utilized in other potato producing parts of the country and that Maine is one of the last to adopt this technology.

Increased demand for a higher quality potato and for increased yields is the motivation for this change. There is a recognized need for increased training and awareness of proper product stewardship of these fumigants. Additional concerns stem from the method of delivery- pressurized gas cylinders- the safe handling of which represents a new skill set for some applicators. These changes coincide with new federal requirements for states to adopt supplemental soil fumigation certification for private applicators. Maine will be implementing this new requirement in 2020.

- *Plant back Restrictions:* Nationally, growers have faced difficulty with plant back restrictions and cover crops. From season to season farmers rotate crops and insert cover crops. Frequently cover crops are terminated with herbicides prior to planting. There is a lack of consistency in guidance for the interval between the termination of one crop and the next use of the cropping site. Growers have faced crop injury in subsequent plantings due to the termination timing. Additional concerns have been raised about whether cover crops should enter the commodity stream or be classified as non-food. Classification as non-food would eliminate improper herbicide transfer into food or feed pathways.
- *Unmanned Aerial Vehicles (UAVs), or drones:* Advances in on-farm use of UAV technology have increased dramatically. UAVs are currently used to apply pesticides in other countries. In conjunction with GIS and sensitive photography pesticides can now be selectively applied to only those areas experiencing pest pressure. In the United States, the Federal Aviation Administration has been slow to permit UAVs for pesticide application. The potential for targeted application and reduction in total pesticide usage is promising. However, UAVs represent uncharted territory for regulators in the US who continue to seek additional data to better understand how to best manage this technology. Currently, in Maine, UAV applications would be permitted so long as all proper certifications and licenses are held.
- *Genetically Modified Crops:* In 2007, Maine became the last state to approve corn seed genetically modified to produce toxins to combat insect pests. Since then, a total of 17 *Bt*-corn products have been registered for use by Maine corn growers. Corn seed genetically modified to resist herbicides such as glyphosate (commonly known as Roundup<sup>®</sup>) does not fall under the Board's purview, since it does not produce a pesticide, and has been used in the state for many years. In 2017, EPA registered the first Ribonucleic acid interference (RNAi) based plant incorporated protectants. This new approach and other genetically modified organisms continue to generate press and controversy around the globe. The Board anticipates additional product registration requests will be forthcoming and that concerned citizens will continue to make their opinions known.
- *Pollinator Populations:* Domesticated bees are critical pollinators for a variety of agricultural crops and significant bee losses could eventually result in agricultural losses as well. Researchers have identified numerous factors likely to effect pollinator populations and in Maine there are strong associations with managed pollinator health and a suite of factors including mites, bee diseases, hive management, and weather. However, an association with pesticide use has not been ruled out and may be one of the contributing factors.

## **K. ANY OTHER INFORMATION SPECIFICALLY REQUESTED BY THE COMMITTEE**

## **L. COMPARISON OF FEDERAL LAWS AND REGULATIONS**

The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) 7 U.S.C. 136 *et seq* is much more extensive than the Board's two statutes because it specifies in great detail the information that a manufacturer must provide in order to get a new active ingredient registered. It also includes requirements for the manufacturer to become a pesticide producer establishment and the procedures they must follow during production and the filing of reports on amounts of chemicals produced. In addition, FIFRA details the information EPA must receive in approving experimental-use permits and state requests for special local needs registrations. FIFRA allows a state to be more restrictive than the federal law but not less restrictive in the manner it regulates pesticide sales and use.

As previously mentioned, the Board has a cooperative agreement with the EPA and has been granted enforcement primacy for enforcing this federal statute that governs the manufacture, sale and use of pesticides. Generally, the Board only uses this authority when EPA requests it inspect a pesticide producing establishment that they regulate.

## **M. POLICY ON MANAGING PERSONAL INFORMATION**

The Board is extremely careful to protect the private personal information of its licensees by adhering to Maine's Freedom of Access Law (1M.R.S.A. § 401 *et seq*) and the state's web-based privacy policy described at <http://www.maine.gov/portal/privacy.html>. As of the development and adoption of a cloud-based certification and licensing software solution, the Board no longer requires Social security numbers on license applications. Paper applications are still accepted and these, along with all other paper-based applicator information, are kept in locked files. Once the applications are no longer needed by Board staff, they are destroyed by shredding them in the Board's office.

Private information is not available on the internet and is only provided to two other agencies as mandated by law. Licensing information is provided to the State Tax Assessor pursuant to 36 M.R.S.A. § 175 for tax purposes and to the Department of Health and Human Services pursuant to 19 M.R.S.A. § 2201 to check for deadbeat dads.

Following numerous public requests, the Board staff now maintains, on its website, two lists—one of licensed commercial applicators and one of licensed pesticide application companies. The applicator list includes the applicator's name, license type, certification categories, license expiration, and company of employ. The company list includes contact information, the company website, certification categories, and county location.

## **N. REQUIRED REPORTS AND APPLICATIONS**

The Board's statutes include the following requirements for submission of applications and reports:

- 7 M.R.S.A. § 607 for applications to register pesticide products on an annual basis (adopted 1975).
- 22 M.R.S.A. § 1471-D for applications to license commercial applicators, spray contracting firms, private applicators, government pesticide supervisors, spotters, monitors and limited and restricted use pesticide dealers on a schedule prescribed by Board rule (amended 1985).
- 22 M.R.S.A. § 1471-G for reports of pesticides sold by limited- and restricted-use dealers on a schedule prescribed by Board rule (adopted 1975).

- 22 M.R.S.A. §1471-G for reports of pesticides applied by commercial applicators and spray contracting firms on a schedule prescribed by Board rule (amended 1983).
- 22 M.R.S.A. §1471-W for applications to license general use pesticide dealers for a one to three-year period (adopted 1989).
- 22 M.R.S.A. §1471-W for reports of pesticides sold by general use dealers on an annual basis (amended 1997).

Dealer licenses have always been issued on an annual basis and private applicator licenses have always been issued for a three-year period. In 2015, restricted use pesticide dealer licenses were converted to three-year licenses while general use pesticide dealer licenses remained one-year licenses. Commercial applicator and spray contracting firm licenses were originally renewed on an annual basis but were converted to two-year licenses in 1999 to reduce applicator paperwork and even out the staff workload. In 2015, they were again converted, but to three-year licenses to align with certification periods, provide consistency across all license types, to again reduce applicator paperwork, and even out the staff workload. All reports that are required to be submitted are required on an annual basis.

The number of applications and reports filed over the last two years and projected for the coming two years are as follows:

Type	2017	2018	2019*	2020*
<b>Registration Applications</b>	3,167**	3,056	3,200	3,300
<b>Commercial License Exam Applications</b>	1,503***	1,673	1,800	1,900
<b>License Applications</b>	2,417	2,471	3,000	3,100
<b>Applicator &amp; Dealer Reports</b>	577	658	700	800

*\*Estimated*

*\*\*In 2010, staff processed a total of 1,562 pesticide product registration applications.*

*\*\*\*In 2010, staff processed a total of 760 commercial license exam applications.*

## APPENDIX: ADDITIONAL DATA

### A. Number of Pesticide Products Registered for Sale in Maine by Year

2018	12,493
2017	12,238
2016	12,186
2015	11,850
2014	11,416
2013	11,239
2012	11,240
2011	10,829
2010	10,597
2009	9,987*
2008	8,563
2007	8,412
2006	8,175
2005	7,900
2004	7,672

*\*Fee structure changed. Beginning in 2009 fee charged per brand name.*

## B. Complaints Received by the Board of Pesticides Control

Category	2010	2017	2018	2019
ROW	8	9	7	7
Landlord/Tenant	2		1	
Structural Pests	10	26	24	7
Outdoor Ornamental	3	31	29	45
Lawn/Turf	28			
Agricultural	30	23	18	13
Water	8	4	3	5
License/Certification	9	5	2	
Sale Distribution	2	2	3	2
Disposal/Storage	2	3	1	1
Miscellaneous	3	14	12	11
Indoor Ornamental				
Government Related				
Forestry	1		1	4
Mosquito/Tick	2	15	16	10
Greenhouse/Nursery	3	1	2	
Neighbor non-ag	5	2	1	
General Vegetation Mgmt*		3	11	9
Cannabis*		1	1	
Bees*			1	
<b>Total</b>	<b>116</b>	<b>139</b>	<b>133</b>	<b>114**</b>

\*Reporting category added in 2016/2017

\*\*Through October 30, 2019

## C. Number of Maine Licensed Pesticide Applicators and Dealers

Year	Licensed Applicators			Licensed Dealers		
	Private	Commercial	Total	General Use	Restricted Use	Total
2000	1604	1387	2991	743	66	809
2005	1489	1472	2961	723	58	781
2011	1140	1600	2740	877	59	936
2018	1633	1623	3256	1012	60	1072

## **D. Town Ordinances and Policies**

### **Proposed or Adopted Town Ordinances Regarding Pesticides within the Last 8 Years**

- 2018—Portland—Curtails the use of pesticides for turf, landscape and outdoor pest management
- 2018—Harpwell—Originally adopted in 2004—2018 amendment restricts the use of neonicotinoid insecticides
- 2017—Manchester—Curtails the outdoor use of pesticides on town owned lands
- 2016—South Portland-- Curtails the use of pesticides for turf, landscape and outdoor pest management
- 2015—Ogunquit—Originally adopted in 2011—Restricts the outdoor application of pesticides on public and private land. Pesticides used must be approved for organic use or exempt from Federal EPA registration.
- 2014—Rockland— Restricts the outdoor application of pesticides on town (owned, leased or managed) land. Pesticides used must be approved for organic use or exempt from Federal EPA registration.

## **E. Pesticide Related Bills Submitted by Legislature**

LD #	Title	Final Disposition
<b>129<sup>th</sup> Legislature First Regular Session</b>		
36	An Act To Change the Composition of the Board of Pesticides Control	Enacted June 5, 2019 Signed by Governor Public Law Chapter 192
101	An Act To Reestablish the Pesticide Notification Registry	Withdrawn March 12, 2019
643	An Act To Provide Funding to Municipalities Severely Affected by Pest Infestations	Dead 5/28/19
785	Resolve, Directing the Board of Pesticides Control To Educate the Public on the Proper Use of Pesticides and To Promote Integrated Pest Management	Indefinitely Postponed February 28, 2019--Dead
889	An Act To Require the Labeling of Foods Made with Nanotechnology	ONTP March 28, 2019--Dead
908	An Act To Require Schools To Submit Pest Management Activity Logs and Inspection Results to the Board of Pesticides Control for the Purpose of Providing Information to the Public	Carried over 6/20/19
1518	An Act To Establish a Fund for Portions of the Operations and Outreach Activities of the University of Maine Cooperative Extension Diagnostic and Research Laboratory	Last House Action 6/13/2019 - PASSED TO BE ENACTED. Sent for concurrence. ORDERED SENT FORTHWITH. Last Senate Action 6/14/2019 - PASSED TO BE ENACTED, in concurrence. Last Engrossed by House on 6/12/2019 Last Engrossed by Senate on 6/12/2019
1775	An Act To Protect Sustenance Fishing	Enacted June 21, 2019 Signed by Governor Public Law Chapter 463
1273	An Act To Ensure Funding for Certain Essential Functions of the University of Maine Cooperative Extension Pesticide Safety Education Program	Enacted June 7, 2019 Signed by Governor Public Law Chapter 243
1691	Resolve, Directing the Board of Pesticides Control To Work with the Forest Products Industry To Monitor Aerial Herbicide Applications	Enacted June 19, 2019 Signed by Governor Chapter 84 Resolves
<b>128<sup>th</sup> Legislature Second Regular Session</b>		
1853	An Act To Ensure the Safe and Consistent Regulation of Pesticides throughout the State by Providing Exemptions to Municipal Ordinances That Regulate Pesticides	ONTP April 4, 2018

1298	An Act To Update Maine's Water Quality Standards	Enacted February 16, 2018 Signed by Governor Public Law Chapter 319
<b>128<sup>th</sup> Legislature First Regular Session</b>		
993	An Act To Protect Pollinators from Neonicotinoid Pesticides	ONTP May 2, 2017
594	An Act To Modify the Definition of "General Use Pesticide"	Enacted May 11, 2017 Signed by Governor Public Law Chapter 59
1505	An Act To Create Consistency in the Regulation of Pesticides	ONTP June 1, 2017
418	An Act To Educate the Public on the Proper Use of Pesticides and To Promote Integrated Pest Management Using Existing Resources	Withdrawn April 13, 2017
174	An Act To Limit the Use of Pesticides on School Grounds/ An Act To Require Schools To Submit Pest Management Activity Logs and Inspection Results to the Board of Pesticides Control for the Purposes of Providing Information to the Public	Died on Adjournment September 13, 2018
699	An Act To Enact the Toxic Chemicals in the Workplace Act	Died Between Houses May 23, 2017
<b>127<sup>th</sup> Legislature Second Regular Session</b>		
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	ONTP April 14, 2016
1543	An Act To Create Stability in the Control of Pesticides	Died On Adjournment, April 29, 2016
<b>127<sup>th</sup> Legislature First Regular Session</b>		
203	Resolve, Regarding Legislative Review of Portions of Chapter 28: Notification Provisions for Outdoor Pesticide Applications, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control	Enacted March 29, 2015 Without Governor's Signature Resolve Chapter 6
708	An Act To Limit the Use of Pesticides on School Grounds	ONTP April 16, 2015
884	An Act To Amend Laws Concerning Water Quality Standards	ONTP April 7, 2015
1105	An Act To Protect Populations of Bees and Other Pollinators	ONTP May 5, 2015
1106	An Act To Compensate Beekeepers for Hive Losses	ONTP May 5, 2015

817	An Act Regarding Aerial Pesticide Spray Projects	Enacted May 8, 2015 Signed by Governor Public Law 58
1098	An Act To Protect Children from Exposure to Pesticides	ONTP May 5, 2015
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	Carried over to second session
<b>126th Legislature Second Regular Session</b>		
1567	Resolve, Regarding Legislative Review of Portions of Chapter 22: Standards for Outdoor Application of Pesticides by Powered Equipment in Order To Minimize Off-Target Deposition, a Late-filed major Substantive Rule of the Department of Agriculture, Conservation and Forestry	Law Without Governor's Signature, February 26, 2014, Resolve Chapter 88
1568	Resolve, Regarding Legislative Review of Portions of Chapter 20: Special Provisions, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry	Law Without Governor's Signature, February 26, 2014, Resolve Chapter 87
1569	Resolve, Regarding Legislative Review of Portions of Chapter 51: Notice of Aerial Pesticide Application, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry	Law Without Governor's Signature, February 26, 2014, Resolve Chapter 86
1587	An Act To Temporarily Ban the Use of Neonicotinoid Pesticides	Report out ONTP February 7, 2014
1674	An Act To Further Ensure the Provision of Safe Medical Marijuana to Maine Patients	Majority OTP as amended March 6, 2014
1678	An Act To Protect Maine's Lobster Fishery	Reported out ONTP February 21, 2014
1744	An Act To Protect Maine Lakes	Committee on Environment and Natural Resources.
1808	An Act To Protect the Public from Mosquito-borne Diseases	Enacted April 16, 2014 Unsigned by Governor Public Law 548
<b>126th Legislature First Regular Session</b>		
33	Resolve, Regarding Pesticide Applications and Public Notification in Schools	Emergency Finally Passed June 22, 2013 Emergency Unsigned June 22, 2013 Resolve Chapter 63

292	An Act To Protect the Public Health from Mosquito-borne Diseases	Became 2013 Chapter 13 Resolve, Directing the Department of Agriculture, Conservation and Forestry To Develop a Plan for the Protection of the Public Health from Mosquito-borne Diseases Finally Passed, May 8, 2013 Signed by Governor on May 8, 2013
475	An Act To Increase Food Sovereignty in Local Communities	Accepted Majority ONTP Report, May 22, 2013
718	An Act To Protect Maine Food Consumers' Right To Know about Genetically Engineered Food	Enacted, January 12, 2014 Unsigned by Governor Public Law 436
903	An Act To Enhance the Development and Implementation of Integrated Pest Management Programs	Amended by Committee Enacted June 18, 2013; signed by Governor June 18, 2013 Public Law Chapter 290
920	An Act To Prohibit Herbicide Spraying on Abandoned Rail Lines	Accepted ONTP Report, May 8, 2013
	An Act To Eliminate the Use of Chemical Fertilizers, Pesticides and Herbicides on All State-funded Property	LR 889 withdrawn
961	An Act to Ensure Safe School Grounds	Died between houses June 11, 2013
	An Act To Extend the Restricted Use Pesticide Dealers License to 6 Years	LR 1149 withdrawn
	An Act To Allow an Exam for a Commercial Applicator of Pesticides To Be Given Orally	LR 1150 withdrawn
1391	An Act To Provide a Pesticide Spraying Notification Process	Accepted Majority (ONTP) Report, May 30, 2013
1430	An Act To Clarify the General Use Permit for Aquatic Pesticides	Enacted June 4, 2013 Signed by Governor, June 4, 2013 Public Law 193
1531	An Act To Maintain Access to Safe Medical Marijuana	Emergency Enacted June 28, 2013 Emergency Unsigned, June 27, 2013 Public Law Chapter 371
<b>125<sup>th</sup> Legislature First Regular Session</b>		
16	An Act to Revise Notification Requirements for Pesticides Applications Using Aircraft or Air-carrier Equipment	Unanimous Ought-Not-to-Pass by Committee May 10, 2011
228	An Act to Revise Notification Requirements for Pesticide Application	Enacted, June 2, 2011 Public Law, Chapter 332
321	An Act To Change the Qualifications of Certain Members of the Board of Pesticides Control	Enacted, May 16, 2011 Public Law, Chapter 119
591	An Act To Prohibit the Use of Pesticides in Certain Circumstances	Leave to Withdraw March 1, 2011

837	An Act To protect Children's Health and Promote Safe Schools and Child Care Centers by Limiting the Use of Pesticides Changed to Resolve, To Enhance the Use of Integrated Pest Management on School Grounds	Finally Passed, May 23, 2011 Resolve, Chapter 59
975	An Act To Require Certification of Private Applicators of General Use Pesticides	Enacted, May 16, 2011 Public Law, Chapter 169
1041	An Act To Simplify and Enhance Pest Control Notification	Unanimous Ought-Not-To-Pass by Committee May 11, 2011
1198	An Act To Reduce Regulations for Residential Rental Property Owners	Enacted, June 14, 2011 Public Law, Chapter 405
2545	An Act Regarding the Treatment of Bedbug Infestations in Rental Property	
<b>124<sup>th</sup> Legislature</b>		
68	An Act Regarding the Composition of the Board of Pesticides Control	Unanimous ONTP by Committee, Mar 26, 2009
182	An Act To Prohibit Aerial Spraying of Pesticides near Buildings, Roads and Bodies of Water	Unanimous ONTP by Committee, May 7, 2009
494	Resolve, Regarding Legislative Review of Portions of Chapter 22: Standards for Outdoor Application of Pesticides by Powered Equipment in Order To Minimize Off-target Deposition, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control	Emergency Finally Passed, Jun 5, 2009 Resolve, Chapter 114
495	Resolve, Regarding legislative Review of Portions of Chapter 10: Definitions and Terms, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control	Emergency Finally Passed, May 12, 2009 Resolve, Chapter 41
557	Resolve, Directing the Study of a Potato Variety Demonstrating Resistance to the Colorado Potato Beetle	Finally Passed, May 27, 2009 Resolve, Chapter 80
559	An Act to Update the Board of Pesticides Control	Unanimous ONTP by Committee, Apr 2, 2009
972	Resolve, Regarding legislative Review of Portions of Chapter 28: Notification Provisions for Outdoor Pesticide Applications, a Major Substantive Rule of the Board of Pesticides Control	Emergency Finally Passed, Jun 2, 2009 Resolve, Chapter 115
1239	An Act To Provide Funding to Educate Homeowners in Integrated Pest Management	Enacted, Mar 2, 2010 P&S Law, Chapter 31
1293	An Act To Require Citizen Notification of Pesticide Applications Using Aerial Spray or Air-carrier Application Equipment	Enacted, Jun 9, 2009 Public Law, Chapter 378

1294	An Act To Amend the Laws Governing the Public Hearing Process for the Board of Pesticides Control	Unanimous ONTP by Committee, May 29, 2009
1460	Resolve, Regarding Legislative Review of Portions of Chapter 41: Special Restrictions on Pesticide Use, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control	Emergency Finally Passed, Jun 2, 2009 Resolve, Chapter 118
1547	An Act To Revise Notification Requirements for Pesticides Applications Using Aircraft or Air-carrier Equipment	Emergency Enacted, Mar 31, 2010 Public Law, Chapter 584
1726	Resolve, Regarding Legislative Review of Portions of Chapter 28: Notification Provisions for Outdoor Pesticide Applications, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control	Emergency Finally Passed, Mar 22, 2010 Resolve, Chapter 173
1790	An Act To Implement the Recommendations of the Working Group to Study Landlord and Tenant Issues	Enacted, Mar 26, 2010 Public Law, Chapter 566
<b>123<sup>rd</sup> Legislature</b>		
406	An Act To Prohibit Aerial Spraying of Pesticides near Buildings, Roads and Bodies of Water	Unanimous ONTP by Committee, Mar 21, 2007
861	An Act To Require a Commercial Applicator's License To Use Pesticides in Licensed Food and Eating Establishments	Enacted, Jun 5, 2007 Public Law, Chapter 245
875	An Act To Continue the Protection of Marine Waters and Organisms from the Risks Posed by the Applications of Pesticides	Emergency Enacted, Apr 11, 2007\ Public Law, Chapter 50
1274	An Act To Allow the Discharge of Aquatic Pesticides Approved by the Department of Environmental Protection for the Control of Mosquito-borne Diseases in the Interest of Public Health and Safety	Enacted, June 5, 2007 Public Law, Chapter 291
1698	An Act To Provide for Public Notification of Indoor Pesticide Applications	Unanimous ONTP by Committee, May 23, 2007
1700	Resolve, Regarding Legislative Review of Portions of Chapter 103: Board of Pesticides Control Regulatory Agenda, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources	Unanimous ONTP by Committee, Apr 5, 2007
1798	An Act To Fund Pesticide Education in the State	Enacted, June 12, 2007 Public Law, Chapter 302
1891	An Act To Designate Certain Rules of the Board of Pesticides Control as Major Substantive Rules	Emergency Enacted, May 16, 2007 Public Law, Chapter 145

2190	An Act To Designate Certain Rules Proposed by the Board of Pesticides Control as Major Substantive Rules	Emergency Enacted, Feb 26, 2008 Public Law, Chapter 484
2194	Resolve, Regarding Legislative Review of Portions of Chapter 26: Standards for Indoor Pesticide Applications and Notification for All Occupied Buildings Except K-12 Schools, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control	Emergency Finally Passed, Mar 14, 2008 Resolve, Chapter 153
2195	Resolve, Regarding Legislative Review of Portions of Chapter 29: Standards for Water Quality Protection, Section 5, Restriction on Pesticide Application To Control Browntail Moths near Marine Waters, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control	Unanimous ONTP by Committee, Feb 28, 2008
2211	Resolve, Regarding Legislative Review of Portions of Chapter 29: Standards for Water Quality Protection, Section 6, Buffer Requirement, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control	Emergency Finally Passed, Mar 14, 2008 Resolve, Chapter 154
<b>122<sup>rd</sup> Legislature</b>		
643	An Act To Authorize the Department of Environmental protection To Issue Emergency Permits for the Application of Herbicides and Pesticides	Unanimous ONTP by Committee, Apr 26, 2005
1227	An Act To Fund Pesticide Education in the State	Unanimous ONTP by Committee, May 11, 2005
1256	An Act To Ensure Public Awareness of Pesticide Applications	Unanimous ONTP by Committee, May 18, 2005
1304	An Act Concerning Invasive Species and Water Quality Standards	Enacted, May 17, 2005 Public Law, Chapter 182
1560	An Act To Transfer the Pest Control Compact from the Department of Conservation to the Department of Agriculture, Food and Rural Resources	Enacted, May 18, 2005 Public Law, Chapter 147
1657	An Act To Minimize the Risk to Maine's Marine Waters and Organisms Posed by the Application of Pesticides	Emergency Enacted, Apr 5, 2006 Public Law, Chapter 553

1791	An Act To Increase the Number of Members on the Board of Pesticides Control	Unanimous ONTP by Committee, Apr 5, 2006
1890	An Act To Make Revisions to the Laws Governing Pesticide Control	Enacted, Apr 28, 2006 Public Law, Chapter 620
2035	An Act Regarding Storm Water Program Administration	Enacted, Apr 26, 2006 Public Law, Chapter 602
2065	An Act To Implement Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Regarding Pesticide Registration	Enacted, Apr 10, 2006 Public Law, Chapter 585
<b>121<sup>st</sup> Legislature</b>		
199	Resolve, Directing the Department of Agriculture, Food and Rural Resources, the Department of Education, the Department of Human Services and the Department of Labor To Review the 2002 United States Environmental Protection Agency List of Pesticides Registered and Classified as Known, Likely or Probably Human Carcinogens	Emergency Finally Passed, May 16, 2003 Resolve, Chapter 48
759	An Act Concerning Public Members of the Board of Pesticides Control	Unanimous ONTP by Committee, Apr 1, 2003
1400	An Act To Amend the Maine Pesticide Control Act of 1975 To Increase the Pesticide Product Registration Fee	Enacted, May 19, 2003 Public Law, Chapter 282
<b>120<sup>th</sup> Legislature</b>		
1540	An Act To Ensure that the State Board of Pesticides Control has Sufficient Resources to Provide Accurate Information About the Use of Pesticides in the State	Enacted, May 24, 2001 Public Law, Chapter 355
1918	An Act to Amend the Integrated Pest Management Laws	Enacted, Feb 26, 2002 Public Law, Chapter 497
1953	An Act to Amend the Laws Governing Pesticide Control to Increase the Pesticide Product Registration Fee	Enacted, Feb 26, 2002 Public Law, Chapter 498
<b>119<sup>th</sup> Legislature</b>		
1535	An Act to Require Notice to Abutters Prior to commercial Applications of Pesticides	Unanimous ONTP by Committee, May 5, 1999
2435	An Act to Implement the State Policy to Minimize Reliance on Pesticides	Unanimous ONTP by Committee, Feb 15, 2000
2634	An Act to Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to Review of	Enacted, Apr 3, 2000 Public Law, Chapter 724

	the State Board of Pesticides Control Under the State Government Evaluation Act	
<b>118<sup>th</sup> Legislature</b>		
420	An Act to Improve the Reporting of General Use Pesticide Sales	Enacted, Apr 28, 1997 Public Law, Chapter 139
447	An Act Regarding Disclosure of Pesticide Use to a Buyer of Blueberry Land BY REQUEST	Unanimous ONTP by Committee, Mar 11, 1997
1078	An Act to Require Labeling on Genetically Engineered Food	Indefinitely Postponed, May 15, 1997
1726	An Act to Minimize Reliance on Pesticides	Enacted, May 23, 1997 Public Law, Chapter 389
<b>117<sup>th</sup> Legislature</b>		
940	An Act to Clarify the Board of Pesticides Control Authority Regarding Restricted Use Pesticides and Groundwater Contamination	Majority (ONTP) Report, May 23, 1995
<b>116<sup>th</sup> Legislature</b>		
1085	An Act Repealing Advisory Boards on Agriculture Matters	Enacted, May 25, 1993 Public Law, Chapter 251
<b>115<sup>th</sup> Legislature</b>		
72	An Act Regarding the Forestry, Natural Habitat, Water Quality and Environmental Impacts of Pesticide Use (Reported by the Commission to Study the Use of Herbicides Pursuant to Resolve 1989, chapter 98—Majority Report)	Accepted ONTP Report, Mar 25, 1991
111	An Act to Facilitate the Reimbursement of Deposits on pesticide Containers	Leave to Withdraw, Feb 14, 1991
577	An Act Regarding the Use of Pesticides and Placing the Board of Pesticides Control under the authority of the Department of Environmental Protection (Reported by the Commission to Study the Use of Herbicides, Pursuant to Resolves 1989, chapter 98)	Accepted ONTP Report, Mar 25, 1991
2397	An Act to Repeal the Sunset on Penalties for Violations of Pesticide Laws	Emergency Enacted, Mar 26, 1992 Public Law, Chapter 829
1261	An Act to Enhance the Integrated Pest Management Capabilities of Agriculture in the State	Enacted, July 17, 1991 Public Law, Chapter 609
<b>114<sup>th</sup> Legislature</b>		

179	An Act Concerning the Regulation of General Use Pesticides	Emergency Enacted, May 1, 1989 Public Law, Chapter 93
466	An Act to Study the Use of Pesticides in the State's Forests	Accepted ONTP Report, Mar 30, 1989
811	An Act To Simplify Pesticide Inventory Requirements	Leave to Withdraw, Apr 24, 1989
958	An Act to Enhance the Integrated Pest Management Capabilities of Agriculture in Maine	Indefinitely Postponed, Jul 1, 1989
1916	An Act to Increase Penalties for violation of the Pesticide Laws	Enacted, Apr 5, 1990 Public Law, Chapter 841
<b>113<sup>th</sup> Legislature</b>		
102	An Act to Ensure Uniformity in Pesticide Regulation	Replaced by LD 1833, Jun 12, 1987
1449	An Act to Establish an Exemption from the Waste Water Discharge Licensing Requirement for Certain Holders of Aquatic Pesticide Permits	Emergency Enacted, May 27, 1987 Public Law, Chapter 235
1469	An Act to Clarify Licensing Definitions under the Laws Related to the Board of Pesticides Control	Enacted, May 28, 1987 Public Law, Chapter 243
1588	An Act to Continue on an Annual Basis the Registration Fee Charged to Pesticide Manufacturers and Other Registrants in 1987	Enacted, Jun 4, 1987 Public Law, Chapter 310
1833	RESOLVE, to Study the Need for Uniformity in Pesticide Regulation	Emergency Finally Passed, Jun 18, 1987 Resolve, Chapter 50
2063	An Act to Establish Appropriate and Effective Penalty Levels for Violation of the Pesticide Control Laws	Leave to Withdraw, Feb 8, 1988
2067	An Act to Provide Additional Resources to the Board of Pesticides Control (Reported Pursuant to Resolves of 1987, Chapter 50)	Enacted, Apr 12, 1988 Public Law, Chapter 723
2121	An Act to Improve the Regulation of Pesticides (Report Pursuant to Resolves of 1987, chapter 50)	Enacted, Apr 5, 1988 Public Law, Chapter 702
2441	An Act to Require Farms to Post Notice of Pesticides Used	Majority (ONTP) Report, Apr 7, 1988
2663	An Act to Provide Funds for Safe Collection and Disposition of Obsolete Pesticides	
<b>112<sup>th</sup> Legislature</b>		
372	An Act to Provide for Licensing of Companies who Apply Pesticides as Custom or Commercial Applicators	Enacted Public Law, Chapter 122
1014	An Act to Implement Procedures for Insuring the Safe Return and Proper Disposal of Restricted Pesticide Containers	

1563	An Act to Allow the Use of Botanical Pesticides in the Production of Foods Labeled or Advertised as Organic	
1699	An Act to Coordinate Board of Pesticides Control Registration	
1715	An Act to Increase the Registration Fee Charged to Pesticide Manufacturers and Other Registrants	
1754	An Act to Increase the Penalty for Violation of the Provisions of the Pesticide Control Laws	
2091	An Act to Coordinate Board of Pesticides Control Registration	
2208	An Act to Increase the Registration Fee Charged to Pesticide Manufacturers and Other Registrants	

