



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
BOARD OF PESTICIDES CONTROL
28 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0028

WALTER E. WHITCOMB
COMMISSIONER

HENRY S. JENNINGS
DIRECTOR

June 5, 2015

TO: Board Members
FROM: Staff
SUBJECT: Premature Removal of Pesticide Application Warning Signs

The staff is seeking Board guidance on a situation where a lawn care customer has been immediately removing the pesticide application posting sign before the required 48 hour period has elapsed.

CMR 01-026, Chapter 28, Section 2 says, Areas treated under the categories listed in Section 3B(1) shall be posted in a manner and at locations designed to reasonably assure that persons entering such area will see the notice. **Such notice shall be posted before application activities commence and shall remain in place at least two days following the completion of the application.**"

Discussions with Assistant Attorney General Randlett have led the staff to conclude that immediate removal of signs contradicts the intended purpose of the posting. Moreover, a plain language interpretation of the rule suggests the homeowner is in violation of the standard, although the ultimate interpretative authority lies with the Board.

The staff is seeking Board input on:

- how the Board interprets the posting provisions, and
- recommendations on an appropriate enforcement policy.

Your guidance on this matter will be greatly appreciated.