

MAINE BOARD OF PESTICIDES CONTROL
POLICY CONCERNING APPROPRIATE METHODS FOR NOTIFYING
THE PUBLIC ABOUT COMMERCIAL APPLICATIONS TO SIDEWALKS AND TRAILS
AS REQUIRED BY CMR 01-026 CHAPTER 28

December 5, 2014

At its October 24, 2014 meeting, the Board adopted amendments to Chapter 28, Notification Provisions for Outdoor Pesticide Applications. The amendments will require commercial applicators to provide public notice of pesticide applications to trails and sidewalks within category 6B consistent with Board policy. The Board recognizes that many trails cross private property and use of the trail is based on the permission of the landowner. The Board does not favor public policies that may discourage landowners from granting permission to use their property. The Board further recognizes that providing effective notice of such applications can be challenging and it believes that establishing a flexible approach allows applicators and landowners to tailor their notification methods to utilize the most practical and cost effective approach. This policy defines sidewalks and trails in the context of Chapter 28 and this policy, and lists a series of approved methods that applicators and/or landowners may choose from in order to provide public notice of pesticide applications to those sites.

Definitions:

1. Sidewalks—for the purposes of CMR 01-026, Chapter 28 and this policy, the term “sidewalk” means any paved or otherwise intentionally constructed pedestrian walkway adjacent to public or private roads.
2. Trails—for the purposes of CMR 01-026, Chapter 28 and this policy, the term “trails” means any marked passage, path or route, used by the public for passage by foot, bicycle, or other similar means, generally for recreational purposes. A trail does not include rights-of-way maintained by governmental or private entities used primarily for passage by automobiles or other vehicles registered for use on public ways or off-road trails.

Appropriate Methods of Notification:

Commercial applicators must provide public notice or cause public notice to be given about pesticide applications to sidewalks and trails within category 6B by using one or more of the following methods. Notification shall be provided prior to the pesticide application and shall include a statement indicating that a pesticide application will be made, the product(s) to be applied, the date of the application, and contact information for further questions.

1. Posting of signs at relevant kiosks and/or prominent points of egress and ingress. Signs shall be conspicuously positioned with print of sufficient size so as to be readily observed by the public. Signs shall not be removed by the applicator or landowner for at least 48 hours following the application.
2. Public notification using websites, list serves or print publications of local or regional relevance.
3. Posting of signs, similar to those described in item 1 above, at areas frequented by the public and in the vicinity of the application site such as commercial, retail and institutional buildings and other public gathering places.

The Board encourages the development and implementation of other effective methods not described above.