PROGRAM EVALUATION REPORT

BOARD OF PESTICIDES CONTROL
MAINE DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES

Submitted in fulfillment of the requirements of Title 3, Chapter 35

November 1, 2011

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SECTION I

A. EXECUTIVE SUMMARY

The Maine Board of Pesticides Control is charged with ensuring that the public has access to the benefits of pesticide use while protecting the 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 ten full-time, and four seasonal employees who are housed in the Department of Agriculture, Food and Rural Resources' Division of Animal and Plant Health.

While the Board's area of oversight and stewardship—pesticide distribution and use—has not changed since the Board was established, the scope of responsibilities has been steadily increasing. Recently, this trend has been characterized by an increase in:

- Pesticide products registered for sale in Maine
- Pests of economic or public health significance, many of which are invasive
- Complaints to the Board's office, especially in the area of residential pesticide use
- The number of licensed commercial pesticide applicators and general-use pesticide dealers in Maine
- Farmers who will need a pesticide applicator's license pursuant to Public Law 2011, Chapter 169
- Maine sales of residential use pesticides since 1995
- Requests for information and assistance about pesticide use and safety from Maine citizens
- The number of Maine farms, up 40% between 1997 and 2007, according to the National Agricultural Statistics Service
- 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
- Stories about pesticides in the news
- Pesticide-related bills introduced into the Maine Legislature in recent years

(*See Appendix, page 38, for details on the above list.*)

Since 1991, the Board has operated entirely on dedicated and federal revenues. Since 2007, when the Legislature increased the pesticide product registration fee by $25, the Board's dedicated account has been running in the black. The Joint Standing Committee on Agriculture, Conservation and Forestry (ACF) recognized that the 2006 fee increase would create a surplus in the short term, but reasoned that the surplus would act as buffer to defer the need for future fee increases as operating costs rose. The Board's dedicated account is also important to the Department, as it funds five other professional positions in the Division of Animal and Plant Health.

In contrast, the Board's ongoing federal grant has been flat or gradually declining since new responsibilities were added in 1988. 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 coming into the account (17% of the total revenue). In addition, the outlook for federal funds in the near term indicates additional reductions are likely, which could lead to cancellation of the water quality monitoring program and layoffs, unless alternate funding is allocated.

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 the benefits from aerial application.

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 attempts at 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.

In fact, 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. Seven bills were submitted to Maine Legislature in 2011 alone, with four becoming enacted in amended forms.

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 used in the state for reference and compliance purposes.
   - Maintain a reference library of the pesticide product labels and Material 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. Occasionally unregistered products are detected, and steps are taken immediately to rectify the situation.
- The Board's registrar has been modernizing the state's product registration process and converting it to an electronic document management system. This will require less file space, reduce the use of paper and facilitate sharing of data.
- During 2010, the Board registered 10,569 pesticide products, and submitted three special local needs label requests to EPA to address constituency requests.
- The Board's toxicologist continues to conduct reviews of pesticides that pose special concerns in Maine. In 2011, the toxicologist completed a comprehensive review of the human health risks associated with the use of glyphosate (a.k.a. Roundup®), the most widely used herbicide in the world. The toxicologist also assisted the Department of Environmental Protection (DEP) by reviewing two herbicides that the DEP hopes to use in managing invasive aquatic plants.
- Pesticide product registrations account for approximately 79% of the Board's total annual revenue.
- The Board continues to conduct groundwater and sediment monitoring surveys. Groundwater monitoring for pesticides commonly used in blueberry production was conducted in the spring of 2011, but results are not yet available as of the date of this report. Sediment sampling has been conducted annually since 2008 to determine presence or absence of pyrethroids in sediment downstream of residential runoff areas in Portland and South Portland.

Future Goals

- Complete conversion to an electronic document storage
- Develop system for online registrations and electronic payments
- Develop labeling policy for FIFRA Section 25b exempt products
- Update pesticide registration policies

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 2010:
  - Private Pesticide Applicator—1,139
  - Commercial Pesticide Applicator—1,605
  - Spray Contracting Firms—228
  - Restricted Use Pesticide Dealers—59
  - General Use Pesticide Dealers—887
  - *Bt* Corn Training Certificates—119
- 22 category manuals and tests currently available and updated on a regular basis
- Training seminars provided in 2010:
  - Conducted by staff—31
  - Monitored—84
  - Total—155
- Credit hours awarded and processed in 2010: 8,891
- Tests administered in 2010: 1,443
- Beginning in 2015, all farmers growing plants for direct human consumption will need to be licensed (currently only those using restricted-use pesticides need a license), potentially adding 2,000–3,000 new private applicators.
- Database maintained of continuing education credits earned to ensure applicators maintain their 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

Future Goals

- On-line license renewal
- On-line license status review for licensees or the public
- On-line generation of license list to help public find pest management services
- Automated system to track continuing education
- More on-line continuing education offerings
- Contact information and generic licensee data contained in a shared database module
- Development of Master Applicator manual
- Expand/enhance the continuing education training opportunities.

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 in order to deter willful disregard for state and federal pesticide laws.
- 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 routine inspections to check registration status of pesticide products and make sure applicators and dealers are aware of and complying with all state and federal regulations and pesticide label instructions.
- When routine inspections uncover mistakes, inspectors and staff work with licensees to improve their methods 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 2010, 79 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 2010, there were 21 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.

Future Goals

- Improve monitoring for unregistered products, school IPM requirements, and unlicensed applicators
- Conduct outreach, compliance assistance, and monitoring for new federal fumigation standards
- Continue development of a state pesticide inspector's manual.
- Improve initial training for new hires.
- Convert to electronic inspection records.
- Improve database for compliance-related records.
- Improve laboratory analytical capacity.

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 EPA initiative to protect farm workers from occupational exposure to pesticides. The Board assists farmers, foresters, and nursery and greenhouse operators to comply with this federal standard by providing training to both agricultural workers and pesticide handlers. The Board funds a training grant administered jointly by the Maine Migrant Health program and Eastern Maine Development Corporation.
- *Water Quality:* Activity for this program relates to the Board's designation as lead agency for pesticide contamination of groundwater. On a periodic basis—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

contamination of groundwater is occurring. Results are incorporated into reports and shared with interested parties. 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 all of these efforts—together with suggested Best Management Practices (BMPs)—are incorporated into training programs for pesticide applicators so they can use this information in their decision-making process.

- *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. The Board maintains an ongoing 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 the citizens are invited to bring their products in on a designated date to one of four DEP regional offices. The contractor then packages the material and transports them to an out-of-state, licensed disposal facility. Since 1982, the Board has funded 17 collection programs. Just under 85 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. 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. However, the law does not include general-use pesticide containers, which, without any controls, end up burned on-site, or in public landfills and incinerators.
    - In 1991, in an effort 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 is currently working 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 35,000 pounds of #2 plastic annually since 2001. Nationally, since the program started in 1992, approximately 110 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.

- Endangered Species: The EPA is obligated to ensure that endangered species are not adversely affected by the use of pesticides. 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.
- Seek funding to continue the water monitoring program and work with stakeholders to update the priorities and approach.
- Investigate expanding the obsolete pesticide collection for better geographical coverage.
- 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.

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 and distributed through newsletters, press releases and an occasional newspaper advertising campaign.
- 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, booths at trade shows.
- Staff lectures at the University of Maine at Orono and Fort Kent and the University of Southern Maine.
- www.gotpests.org: In 2011, the Board, with input from other agencies and the Cooperative Extension, launched an enhanced version of its *Got Pests?* website after months of work. The website serves as a clearinghouse for pest management advice and fact sheets targeted to homeowners dealing with pest problems. The key premise of the website that is that homeowners would be more likely to take a science-based approach to pest management if they had an easier tool to help identify their pest problems. *Got Pests?* provides that tool.
- 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.
    - Research over the last couple of decades demonstrates that nutrient and pesticide contamination of surface water has become a significant problem which affects all but the most remote watersheds. The partnership has developed an impressive sustainable landscaping demonstration site on the Back Cove in Portland that illustrates how beautiful landscapes can be maintained with minimal chemical inputs.

- 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. 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 Department of Agriculture, DEP, Maine Center for Disease Control and Prevention, MFS and the Northern New England Poison Center.

Future Goals

- Continue/expand collaboration with the University of Maine on homeowner IPM websites.
- Track and disseminate the latest research on the lowest risk pest management strategies. Continue research and education on sustainable landscaping practices.
- Investigate development of a pesticide safety outreach program for the general public.

C. ORGANIZATIONAL STRUCTURE

The staff of the Board is housed in the Department of Agriculture's Division of Animal and Plant Health. There are ten 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 are also available in intermittent capacity during the off-season when they might be called out to attend training, investigate a serious complaint, present information at a Board meeting or monitor attendance at applicator recertification meetings.

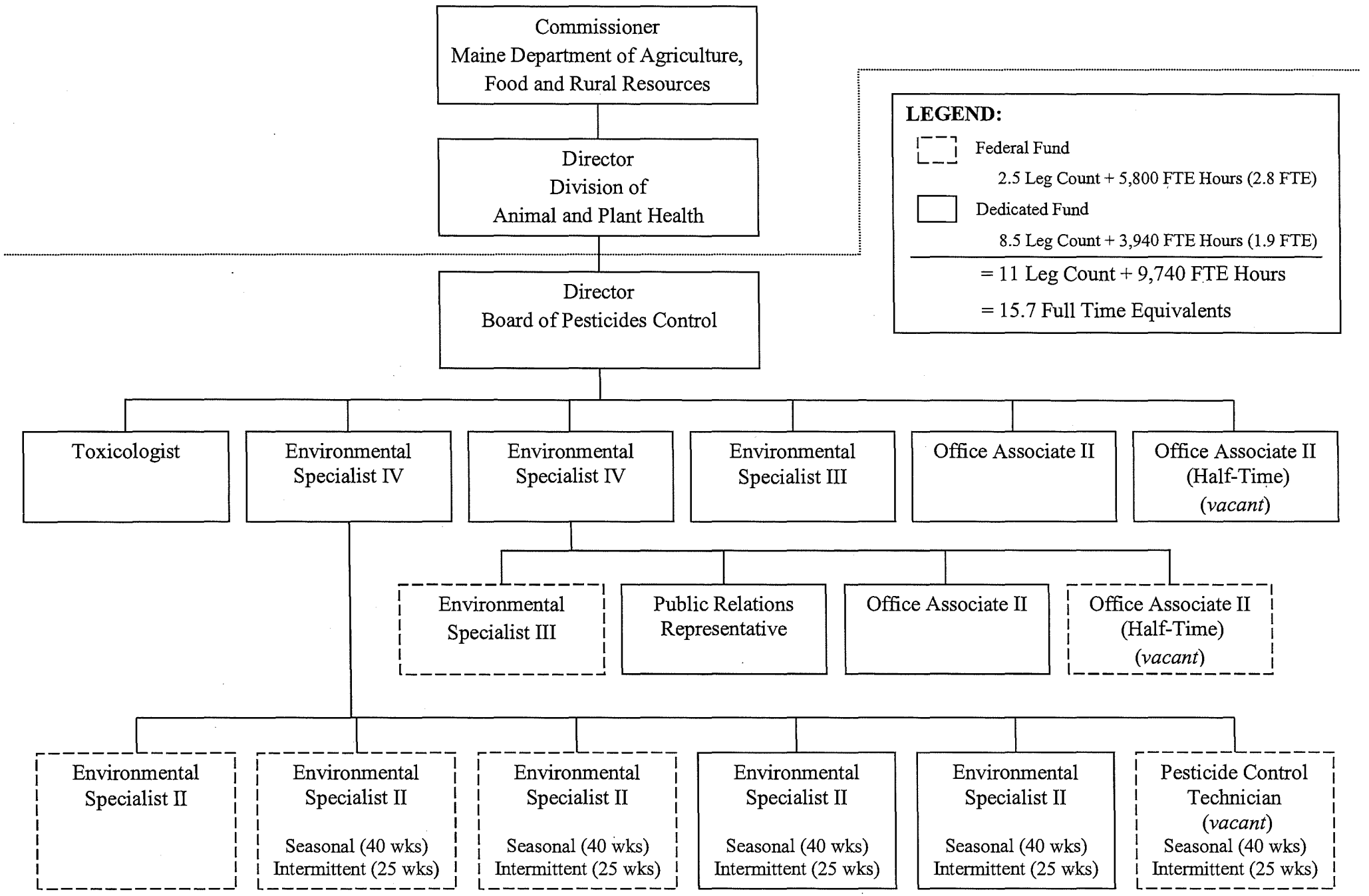
The Board's compliance staff is stationed throughout the state in a manner that reflects both the level of pesticide use and travel distance. There is one full-time, year-round inspector based in Augusta who covers the central coastal and interior portions of the state. The seasonal inspectors operate from their homes in Caribou (Aroostook County), Parkman (Penobscot County), Otis (Hancock County) and Dayton (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

Position	Division	Full Time Equivalent
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
	Total Full Time Equivalents:	**5**

FIGURE 1. MAINE BOARD OF PESTICIDES CONTROL ORGANIZATIONAL CHART



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 Department 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. Concentra, Inc., has been engaged to conduct respiratory function tests for each of the five employees. In addition, monthly inspector training sessions are held where frequent topics include pesticide safety. The staff annually reviews the Board's Personal Protection Policy which contains provisions that comply with the OSHA Standards contained in 29 CFR Parts 1910.134 and 1910.1200. This policy deals with the wearing of suits, boots, gloves and other safety equipment provided by the Board to its employees. Respirator fit tests are also conducted on an annual basis. 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 (94%) and exam and license fees (6%). During 2010, pesticide product registration fees provided 79% of the Board's total revenue.

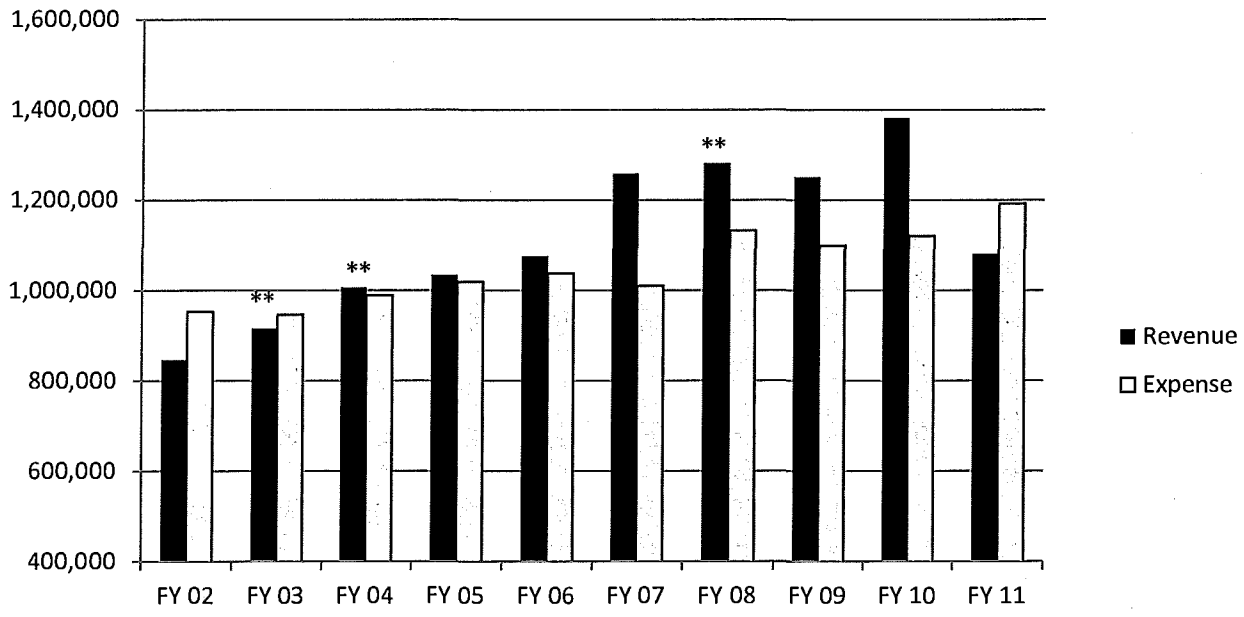
During the 10-year period between 1996 and 2005, the Board's expenses exceeded revenues for six of those years, despite two $10 increases in the pesticide product registration fee. In 2006, as part of its review of the Board's Government Evaluation Act (GEA) report, the ACF reported out legislation to increase the product registration fee by $25. The Committee recognized that the increase would result in a surplus in the PCF in the short term, but reasoned that a surplus would act as a buffer to delay the need for another fee increase.

Coincidental to the $25 increase, the Board experienced a series of staff vacancies that continued for several years. During the same period, personnel costs reversed a longstanding trend of annual increases. These two factors combined to create larger surpluses during the six-year period between the 2006 and 2011 GEA reports than the ACF originally anticipated. However, the surplus has been eliminated due to various transfers. Transfers out of the Board's dedicated account are reflected on the revenue side of the ledger, effectively decreasing the revenue in the fiscal year in which the transfer occurs. In the short term, revenues in the PCF continue to exceed expenditures. However, when personnel costs begin rising again, the surplus will likely be eroded within a few years.

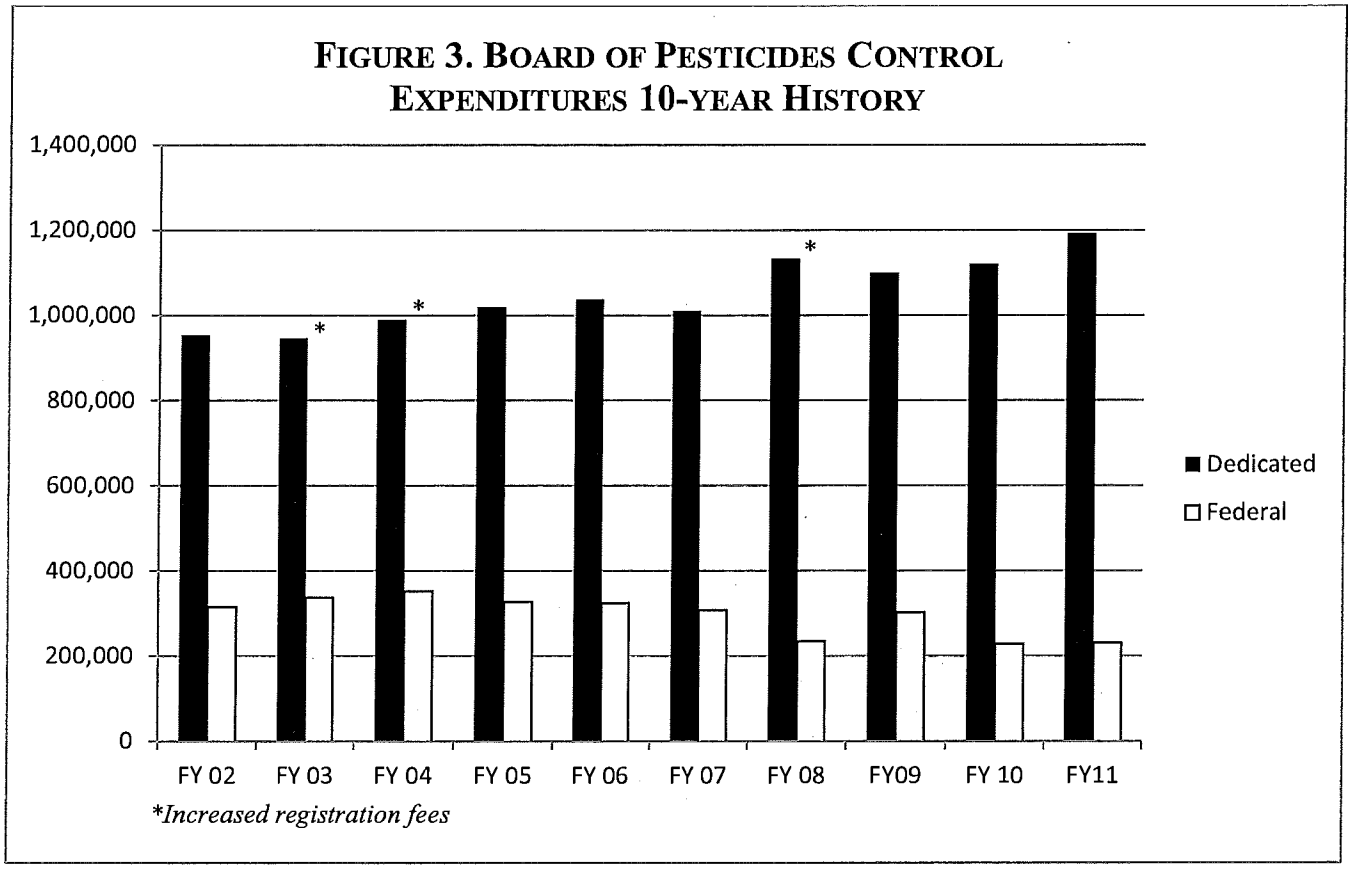
The PCF supports the operation of the public Board and the salaries and expenses of 10 Board employees. It also funds five other positions in the Department: an Entomologist who is an IPM Specialist, an Entomologist who is the State Apiarist, the State Horticulturalist, and two Assistant Horticulturalists. The fund also provides two grants annually, one to Cooperative Extension for development of pesticide applicator training materials, and a second for training of agricultural workers. In addition, the account also 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*).

In contrast, 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 2010, the Board requested $351,000 in grant funds. There are indications that additional reductions to 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). If current trends continue, the Board's water quality monitoring program will cease altogether by 2013 and the potential for staff layoffs looms as a possibility in that timeframe also. Figure 3 (*below*) provides an historical summary of expenditures broken down by account.

FIGURE 2. PESTICIDE CONTROL FUND; REVENUE VS. EXPENDITURES*



**Transfers out of the account are reflected as negative revenue*
***Increased registration fees*



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 six years is included below, followed by an overview of all 22 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 .

Recent Rulemaking Summary

During the past six years, the Board adopted only one new regulation. Chapter 26—Standards for Indoor Pesticide Applications and Notification for All Occupied Buildings Except K–12 Schools—was adopted on May12, 2006, with an effective date of January 1, 2007. This rule took almost three years to complete and requires practitioners to implement IPM strategies when treating inside occupied buildings. The rule was subsequently amended in January of 2008 to exempt crack-and-crevice treatments from the notification provisions at the request of commercial applicators,

Other rule amendments completed since the last GEA report was submitted in October 2005 are listed below.

- February 2007—Housekeeping (minor clarifications) Amendments to Chapters 10, 20, 21, 27, 28, and 31

- April 2007—Amendment to Chapter 40 (moved trichlorfon from limited to restricted classification) and Chapter 41 (exempting pond dyes from sales restriction and amending restrictions on trichlorfon)
- January 2008—Amendments to Chapter 26 (exempt crack-and-crevice treatments from notice requirements), Chapter 29 (regulate spraying for browntail moth and institute 25-foot buffer to surface water) and Chapter 41 (regulate plant-incorporated protectants) [Amendment to Chapter 41 was Major Substantive]
- January 2009—Amendments to Chapter 10 (new definition of Sensitive Area Likely to Be Occupied) and Chapter 28 (overhaul of drift rule) [Major Substantive]
- February 2009—Proposed amendment to Chapter 28 (aerial notification registry) [Major Substantive—final adoption was not authorized]
- March 2009—Amendments to Chapter 24 (incorporate federal container/containment standard), Chapter 41 (amend *Bt*-corn requirement to allow for *Bt* sweet corn) [Chapter 41 was Major Substantive]
- June 2009—Final Adoption of Major Substantive Amendments to Chapters 10, 22 and 41 (*see above*)
- July 2009—Emergency Amendment to Chapter 31 (to allow reciprocity for aerial application licenses) [exemption allowed to expire after 90 days]
- December 2009—Provisional adoption of amendment to Chapter 28 intended to implement provisions of PL 2009, Chapter 378 [Major Substantive—final adoption was not authorized]

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 16, 2009*

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 *January 1, 2008*

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*
Last Amended *March 4, 2007*

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 *January 1, 2010*

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 *March 4, 2007*

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 *March 4, 2007*

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 *March 4, 2007*

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 *January 4, 2005*

Describes the requirements for certification and licensing of private applicators.

Chapter 34 Certification and Licensing Provisions/Dealers

Statutory Authority *22 M.R.S.A. § 1471-D*
Effective Date *January 1, 1983*
Last Amended *August 17, 1996*

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 *December 28, 1999*

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*
Last Amended *August 17, 1996*

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 *July 16, 2009*
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 *January 4, 2005*
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 *March 5, 2003*

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 24, 2000*

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

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

POTENTIAL 2011-2012 RULEMAKING ACTIVITY:

AGENCY UMBRELLA-UNIT: 01-026

AGENCY NAME: Maine Department of Agriculture, Food, and Rural Resources - Board of Pesticides Control

AGENCY CONTACT PERSON: Henry S. Jennings, 28 State House Station, Augusta, Maine 04333-0028. Telephone (207) 287-2731.

CHAPTER 10: Definitions and Terms

STATUTORY AUTHORITY: 22 MRSA §§1471A-X

PURPOSE: In 1996, the Board consolidated all definitions of rules in this Chapter. This chapter must be updated each time a new definition is added to one of the subsequent chapters. It received a series of housekeeping amendments in January 2005, and will likely be amended again, because of recent legislation affecting state pesticide laws.

ANTICIPATED SCHEDULE: Prior to October 2012

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: The Board recently amended Chapter 20 to clarify that authorization from the property owner is required prior to applying a pesticide. A Board policy requiring positive identification of application sites is also slated for addition to this chapter. In addition, 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 1992 Federal Worker Protection Standard.

ANTICIPATED SCHEDULE: Prior to October 2012

AFFECTED PARTIES: All business that use pesticides and have one or more employees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 21: Pesticide Container Disposal and Storage

STATUTORY AUTHORITY: 22 MRSA § 1471-Q

PURPOSE: The Board is promoting the collection and recycling of all pesticide containers and questions whether this chapters is still necessary. Consequently it may seek to repeal this chapter if the Legislature concurs.

ANTICIPATED SCHEDULE: Prior to October 2012

AFFECTED PARTIES: Pesticide applicators and dealers.

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. Experience with the new rule may reveal the need to make minor modifications.

ANTICIPATED SCHEDULE: Prior to October 2012

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 dealers. In addition, discrepancies have been noted between the requirements for agricultural distributors versus the requirements for warehouse-style distributors. The Board may find it necessary to adjust standards for the display and storage of pesticides by affected distributors.

ANTICIPATED SCHEDULE: Prior to October 2012

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. Further refining may be necessary as applicators adjust to this rule.

ANTICIPATED SCHEDULE: Prior to October 2012

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 Spring 2005. The Board has identified additional issues with the rule and revisions may be needed to clarify certain sections.

ANTICIPATED SCHEDULE: Prior to October 2012

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 amended in 2000 and contains all of the Board outdoor notification requirements, except for non-agricultural aerial spraying. The Legislature recently enacted a series of laws that affect pesticide notification, and legislative discussions about additional changes continue. In addition, the Board has received a request to expand the posting requirements as they pertain to parks and other outdoor public areas.

ANTICIPATED SCHEDULE: Prior to October 2012

AFFECTED PARTIES: Agricultural aerial applicators. Persons who live near sites sprayed aerially. 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: The Board originally adopted this rule in April 1999 to protect surface water by 1) establishing a setback from water bodies during mixing and loading operations, 2) requiring applicators to secure containers on sprayers and support vehicles and 3) requiring prompt cleanup of any spills within the setback area. During 2007, the Board amended this chapter by adding two new sections to 1) establish requirements for spraying browntail moths adjacent to marine waters and 2) establish a 25-foot buffer to surface water. A recent federal court decision will require 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 for that purpose.

ANTICIPATED SCHEDULE: Prior to October 2012

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, but may find it necessary to revise this regulation to reduce the staff workload or deregulate certain types of pesticide applications.

ANTICIPATED SCHEDULE: Prior to October 2012

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: The Board may amend its current regulation to require pesticide dealers to have a company license in addition to having their employees licensed. In addition, the license fee is outdated.

ANTICIPATED SCHEDULE: Prior to October 2012

AFFECTED PARTIES: All persons licensed by the Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTERS 32, 35 and 36: Certification and Licensing Provisions for Private Applicators, Firms, and Monitors and Spotters

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, firms, and monitors and spotters to streamline procedures and/or adjust the fees.

ANTICIPATED SCHEDULE: Prior to October 2012

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 and, if necessary, modifying the list as a result of the Board's registration review process. Also, this action may add any products which present a unique threat to Maine's public health or the environment.

ANTICIPATED SCHEDULE: Prior to October 2012

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 2007 to place use restrictions on trichlorfon, to provide for the use of pond dyes and to establish rules for the use of Bt corn products. This is a key chapter for the Board to implement restrictions associated with certain pesticides or classes of pesticides. There have been significant changes to this chapter in the last five years, and additional amendments are likely in the future.

ANTICIPATED SCHEDULE: Prior to October 2012

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, but current Board work relating to aerial spraying may result in additional record-keeping requirements for

aerial applicators and/or the land managers who contract for aerial spraying. In addition, recent requirements relating to use of Bt corn products may necessitate updating the record-keeping requirements.

ANTICIPATED SCHEDULE: Prior to October 2012

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 § 147-R

PURPOSE: Recent legislative activity around pesticide notification may necessitate amendments to this chapter.

ANTICIPATED SCHEDULE: Prior to October 2012

AFFECTED PARTIES: Aerial applicators, paper company and 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. Currently, the Board is entertaining a request to repeal one of the two designated critical control areas.

ANTICIPATED SCHEDULE: Prior to October 2012

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): Pesticide Use Reduction

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

PURPOSE: Currently, the Board is addressing a legislative mandate to require certification of commercial farmers who use only general use pesticides. In addition, the Board is continuing to investigate ways to implement the 1997 state policy to minimize reliance on pesticides. The Board may be asked to adopt standards to expand integrated pest management (IPM) practices or certify practitioners of IPM.

ANTICIPATED SCHEDULE: Prior to October 2012

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

CONSENSUS-BASED RULE DEVELOPMENT: Contemplated

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 (AAPSW) and the State FIFRA Interagency Research Evaluation Group (SFIREG). 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 Pesticides Toxicologist has served three terms on the Pesticide Operations and Management Working Committee that primarily addresses pesticide registration and applicator licensing subjects. The Board's Manager of Pesticide Programs currently serves on the federal agency's Certification and Training Assessment Group (CTAG) that is working on ways to continuously improve the pesticide certification and licensing and safety education programs. The Board's Water Quality Specialist participates in two EPA Region 1 Roundtable meetings per year to share water quality information.
- *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. 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 is currently assisting DEP with their general permits for allowing herbicides to be used to control invasive plant species in lakes and ponds. She is also actively assisting the DEP Permitting Section regarding blueberry wastewater treatment discharges. Other topics of discussion with DEP staff focus on such issues as aquatic pesticide application permits and potential for nonpoint source pollution of both groundwater and surface water.

The Board has also worked closely with DEP staff on regulating the use of aquatic herbicides in public lakes and ponds. Upon discovery of widespread use of aquatic herbicides by lakefront property owners, the Board promulgated a rule prohibiting distribution of most aquatic herbicides to unlicensed purchasers. Both agencies then worked cooperatively to develop BMPs to guide the lawful use of these products.

The Board has also collaborated with DEP staff to address the impending permitting requirements necessitated by recent federal court decisions affecting the applicability of the Clean Water Act (CWA) to outdoor pesticide applications. Both agencies agree that application of the CWA to pesticide use will create an unwieldy and cumbersome regulatory process with little or no public benefit. Consequently, both agencies have advocated for a congressional fix to apparent overlap in jurisdiction between two federal statutes.

- *Multi-Agency Projects:*
  - The Board's staff has been involved with DEP, the Department of Inland Fisheries and Wildlife and the Atlantic Salmon Authority regarding potential impacts of pesticides on Atlantic salmon.
  - BPC staff work with the MFS regarding aerial spray projects to control browntail moth in urban areas.
  - 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.
  - The Board has 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). A 2.5-acre sustainable landscaping demonstration site has been completed at the Back Cove in Portland. For more information, go to the YardScaping website at http://www.yardscaping.org.

- The Board funds a training grant administered jointly by the Maine Migrant Health Program 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.

- *Maine CDC:*
  - The Board's Toxicologist works with the CDC Toxicologist to set Maine Exposure Guidelines for pesticides in drinking water.
  - The Board's Toxicologist and the Manager of Pesticide Programs 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.
  - The Board's Manager of Pesticide Programs 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 work 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, 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.
- One ongoing project is the tracking of pesticide exposures in Maine in an effort to target educational programs. The Board's Toxicologist also participates in ongoing training of Poison Center staff on pesticide issues.
- *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. The Board's Manager of Pesticide Programs has been involved with many of their training programs regarding the use of disinfectants and mold remediation.
- *Other:* The Board's Toxicologist serves on the Kennebec County Local Emergency Planning Committee (LEPC) providing them with technical information as needed. The Board's

Toxicologist has recently been appointed to the University of Southern Maine Institutional Biosafety Committee. The Board's toxicologist is adjunct faculty at the University of Maine.

- *Department of Agriculture, Food and Rural Resources:* 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. During the past year, the Board's staff has been asked to assist with agricultural terrorism issues and several staff participated in a mock exercise involving a reported threat of foot and mouth disease in livestock.

H. IDENTIFICATION OF CONSTITUENCIES SERVED

The Board's most important constituency is actually the entire population of Maine. 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, insect repellents, organic and natural products, and some paints and stains.

Additionally, citizens sometimes complain that they have been adversely impacted by a pesticide application, and these 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.

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 Poison 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 potential to reduce its use of 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 4,000 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, beginning in 2015 all farmers growing more than $1,000 of plants for direct human consumption will need to be licensed (currently only those using restricted-use pesticides need a license), potentially adding 2,000 to 3,000 new private applicators.

I. USE OF ALTERNATIVE DELIVERY SYSTEMS

Pesticides and their regulation tend to be controversial by their nature. 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:

- Pesticide analytical laboratories offer the best example of when use of a private entity is feasible. While pesticide lead agencies in many large states operate their own facilities, the Board long ago concluded there was not sufficient work to justify the high expense of maintaining quality equipment and a trained workforce. Consequently, the Board has an agreement with APT Laboratories to analyze its compliance samples, and the Food Science Laboratory at the University of Maine to analyze its environmental monitoring samples.
- 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 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 have to 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 MSDSs, 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

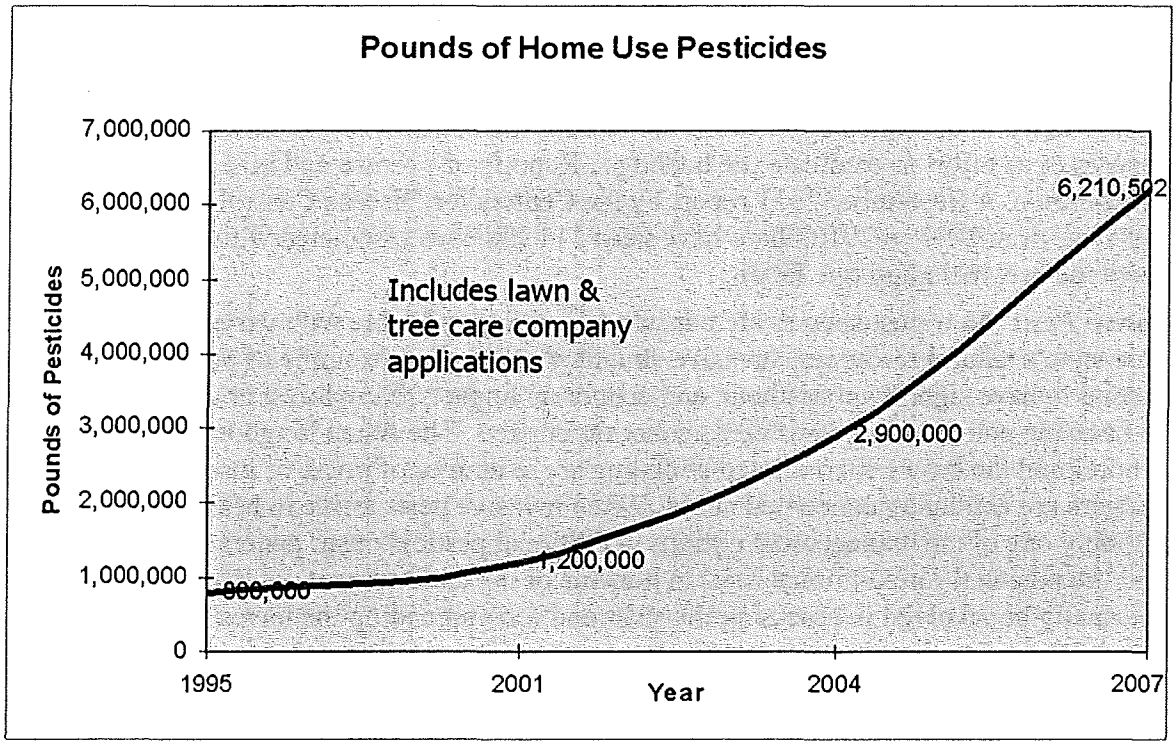
- *Pesticide Notification:* As part of an effort to reduce conflicts over aerial spraying, the Board has been involved in discussions about updating the pesticide notification provisions (CMR 01-026, Chapter 28) dating back to 2006. In 2009, the Maine Legislature intervened by enacting PL 2009, Chapter 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). However, some members of the ACF have indicated an interest in further pursuing a compromise position.

- *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 125th Legislature in the form of LD 975, which was enacted by PL 2011, Chapter 169. The Board must now implement the requirements which will involve promulgating a new rule, then training and testing an estimated additional 2,000 to 3,000 commercial farmers.
  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 125th 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 Board has noted recently that some schools and municipalities are hiring organic lawn services to maintain turf areas, further indicating that public concern about pesticide use at schools continues.
- *Surge 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 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 from Ogunquit to Castine. This trend may be driven in part by concerns about the effects of pesticide runoff on marine organisms and associated industries.
- *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. During 2009, an outbreak of Eastern Equine Encephalitis (EEE) in Maine resulted in the deaths of fifteen horses and one llama, and a heightened concern by government officials for the potential for human cases. In addition, the incidence of Lyme disease in Maine has been steadily increasing, along with tick populations. Maine has not yet identified a human case of West Nile Virus, but the virus has been detected in mosquitoes in Massachusetts and New Hampshire. Wide-area mosquito-control projects are common in Massachusetts, New Hampshire, Connecticut and Rhode Island, including some aerial spray programs.
- *Clean Water Act Conflict (CWA):* The Board has been closely following a series of lawsuits—dating back to 2001—over the applicability of certain elements of the federal CWA, as it relates to the use of pesticides when applied in, over or near surface water. Despite a long standing EPA interpretation that the CWA does not apply to pesticides when used in accordance with the Federal Fungicide, Insecticide and Rodenticide Act (FIFRA), recent federal court decisions have contradicted that position. EPA attempted to reassert its interpretation through an interpretative rule issued in 2006. However, in 2009, the Sixth Circuit Court of Appeals vacated EPA's rule in

a summary decision, thereby establishing that the CWA does apply to pesticide use if any pesticide residues are deposited into surface waters. EPA was granted a two-year stay of the decision to allow time for a new permitting system to be implemented, and that stay was recently extended until October 31, 2011. Congress has debated amending the CWA to clarify that pesticides are regulated under FIFRA exclusively, but, to date, no bill has been enacted. Without Congressional action, prior to the 2012 spray season, Maine pesticide applicators and state regulators will be faced with implementing a permitting system covering any pesticide application which may result in water residues.

- *Increasing Home Pesticide Use:* PL 1997, Chapter 389, established that Maine's state policy is to minimize reliance on pesticides, through the implementation of science-based strategies to control pests (22 M.R.S.A. § 1471-X). In Maine, the fastest-growing sector of pesticide use over the last 20 years involves pesticides used on home lawns and landscapes (*see Figure 4 below*). At the same time, this use sector also shows the greatest potential for reduction, since these uses are primarily cosmetic in nature, and because untrained applicators—such as homeowners—are the least likely to use science-based pest management strategies. Furthermore, more than a decade of water monitoring conducted by the U.S. Geological Survey (USGS) reveals that landscaping pesticides are detected in urban streams 97% of the time. Consequently, in keeping with its legislative mandate, the Board has undertaken a series of outreach and educational efforts intended to assist homeowners with identifying the most effective way to control targeted pests, and to prompt homeowners to ask themselves whether the organism(s) they're targeting is really a pest at all. Part of this effort involved initiating a partnership, currently consisting of 30 different non-profit or natural resources organizations and landscape companies, for the purpose of promoting sustainable landscaping practices. The Yardscaping Partnership disseminates those recommendations through a Board-sponsored website (www.yardscaping.org) and a demonstration site developed with the City of Portland on the Back Cove.

FIGURE 4. POUNDS OF HOME USE PESTICIDES



- *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®) 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. Genetically modified organisms continue to generate press and controversy around the globe. The Board anticipates additional product registration requests will be forthcoming in the near future and that concerned citizens will continue to make their opinions known.
- *Electronic Renewals and Transactions:* Consumer movement toward the use of Internet-based transactions and the decline in the use of cash and checks as a payment method are trends that governmental agencies cannot ignore. For several years, Board constituents have been inquiring about the use of the Internet and credit cards as an alternative for renewing licenses. The Board agrees that transition toward more modern approaches to transactions is inevitable, and the staff is engaged in discussions with information technology specialists about developing a transition plan. So far, costs and staff time associated with the transition appear to be the limiting factors.
- *Declining Bee Populations:* Dating back to 2006, beekeepers have been reporting significant and unexplained losses of worker bees. The phenomenon is now commonly referred to Colony Collapse Disorder (CCD). Because domesticated bees are critical pollinators for a variety of agricultural crops, significant bee losses could eventually result in agricultural losses as well. Researchers have had difficulty identifying a single cause for CCD, and many beekeepers have been quick to point their finger at pesticides used in agricultural production. To date, the prevailing wisdom indicates that CCD is likely caused by multiple factors, with mites and bee diseases showing the strongest association. However, an association with pesticide use has not been ruled out and may be one of the contributing factors.
- *Resurgence of Bedbugs and Associated Pesticide Misuse:* During the middle of the last century, bedbugs were essentially eradicated in the U.S. However, during the mid-1990s, the pest began a worldwide resurgence in developed countries. While the exact cause of the resurgence is not clear, some attribute it to a change in pest management practices over the years, resulting in a reduction in monthly applications at hotels, etc. Resurgent bedbugs have proven very difficult and expensive to control. This factor, combined with anxiety that an infestation causes for many people, has led to untrained applicators, sometimes the homeowners themselves, using extreme measures in an effort to eradicate the bedbugs . Reports of overuse and misuse of pesticides have been common. A September 2011 report by the Centers for Disease Control and Prevention states that, from 2003 to 2010, there have been 111 illnesses associated with bedbug-related insecticide use, including one fatality.
- *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. The Asian longhorned beetle, emerald ash borer and the brown marmorated stink bug are examples of invasive insect 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.

- *Water Quality Issues:* Concerns about pesticide contamination of groundwater and surface water began surfacing in the early 1980s when the granular insecticide Temik® 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 decade, state and federal regulators have shifted their attention to surface waters. A large national study conducted by USGS during the 1990s revealed some alarming statistics about the presence of pesticides in surface waters. The Board has conducted small-scale, surface-water- and sediment-monitoring studies in an effort to gauge the applicability of national data. Board studies have traditionally been funded through the cooperative federal grant, but the funding has been gradually declining and costs have been rising, resulting in less available funding for monitoring. The Board anticipates more significant reductions in the federal grant in the near future, leaving the future of state-specific water monitoring in doubt.

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. Social security numbers are required on all license applications and all current applications 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.

The Board does not maintain applicator lists on its website, but, upon request, does provide lists of applicators and dealers licensed in the state. The list includes the name and address of individuals and the categories of pest control for which they are certified and licensed.

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. 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. 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	2009	2010	2011*	2012*
Registration Applications	1,144	1,562	1,800	2,200
Commercial License Exam Applications	290	760	800	850
License Applications	2,721	2,862	3,000	4,000**
Applicator & Dealer Reports	734	852	900	950

**Estimated*
***Transition to new license required by 22 MRSA § 1471-C & D Private Applicator of General Use Pesticides*

The Board is working on developing the ability to allow on-line payments, applications and renewals and on-line reporting when the database systems and website capabilities are upgraded by OIT and InforMe.

APPENDIX: ADDITIONAL DATA

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

2010	10,597
2009	9,987*
2008	8,563
2007	8,412
2006	8,175
2005	7,900
2004	7,672
2003	7,231
2002	7,267
2001	7,323
2000	7,285
1999	7,238
1998	6,895
1997	6,952
1996	6,696
1995	6,443

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

B. Pests of Economic or Public Health Significance

Bed Bugs

"Bed bugs have been common in U.S. history. Although bed bug populations dropped dramatically during the mid-20th century, the United States is one of many countries now experiencing an alarming resurgence in the population of bed bugs...Although bed bugs are not known to transmit disease, they are a pest of significant public health importance." (*Source: Centers for Disease Control and Prevention and U.S. Environmental Protection Agency. Joint statement on bed bug control in the United States from the U.S. Centers for Disease Control and Prevention (CDC) and the U.S. Environmental Protection Agency (EPA). Atlanta: U.S. Department of Health and Human Services; 2010*)

Anaplasmosis

"Anaplamsa cases appear to be increasing in Maine as the vector (the deer tick) is found throughout the state. Anaplasma is treatable, and is best prevented by avoiding exposure to ticks." (*Source: Maine Center for Disease Control and Prevention.* http://www.maine.gov/dhhs/boh/ddc/epi/vector-borne/anaplasmosis/index.shtml *)*

Lyme Disease

"The first documented case of Maine-acquired Lyme disease was diagnosed in 1986. Since 2003, when 175 cases were confirmed, the numbers of reported cases have increased each year through 2009. In 2010 there was a slight decrease in cases, the reasons for which are unknown, but could be attributed to multiple factors including

fewer ticks due to weather conditions, and prevention education. In the 1990's the great majority of Lyme disease cases occurred among residents of south coastal Maine, principally in York County. In recent years, however, disease incidence has increased steadily in the northern parts of the state including increases in 2010 in Franklin, Penobscot, Waldo and Washington counties. In 2010 (preliminary data as of January 19, 2011) 734 confirmed and probable cases of Lyme disease were reported among Maine residents, which is a rate of 55.7 cases of Lyme disease per 100,000 persons in Maine." (*Source: Report to Maine Legislature, Lyme Disease, February 1, 2011, Maine Center for Disease Control and Prevention (CDC)*)

Eastern Equine Encephalitis (EEE)

"The mosquitoes that carry EEE virus are present in Maine. In 2009, more than a dozen horses have died from EEE in Maine. These horse cases show that people are also at risk. In 2008, a visitor to Maine died from EEE." (*Source: Brochure: Eastern Equine Encephalitis (EEE), Maine CDC, September 2009*)

Other Vector-borne Diseases

Babesiosis, Ehrlichiosis and Powassan Encephalitis are also found in small numbers in Maine and are being monitored by the Maine CDC. (*Source: Maine CDC website:* http://www.maine.gov/dhhs/boh/ddc/epi/vector-borne/index.shtml)

Late Blight

"Late blight is a potentially very destructive disease that fortunately has been occurring very sporadically in most of the northeastern US most growing seasons... Also, there has been one genotype (strain) occurring during recent years on potato (US-8) that is not as aggressive on tomato. Potato growers have been diligent about implementing a sound management program and recent fungicide registrations mean conventional growers now have several highly effective fungicides to use, thus affected potato crops are less likely to be important sources of the pathogen especially for tomato crops... Future outlook depends on growers, plant breeders, researchers, product developers, as well as the pathogen itself. Late blight could continue to occur sporadically as in most recent years if growers (including gardeners) are diligent about management and effective tools are available through the work of plant breeders, researchers, and product developers. The pathogen has proven capable of evolving to overcome fungicides and resistant varieties. Late blight was severe in the US in the 1990s when a genotype appeared that was not controlled by the main fungicide being used by conventional growers. On the other hand, late blight could become a common disease like early blight if both mating types of the pathogen become established together in the north. If this happens it could have a profound impact on production of tomatoes and potatoes, especially for organic growers and gardeners." (*Source: Late Blight: Recent Occurrences, Management Challenges, and Future Outlook, Margaret Tuttle McGrath, Department of Plant Pathology and Plant-Microbe Biology, Cornell University, 2011*)

Exotic Diseases

Chrysanthemum white rust and soybean rust are two exotic diseases identified by the Maine Department of Agriculture as threats to Maine's plant industry. (*Source: Maine Department of*

Agriculture, Plant Health website:
http://www.maine.gov/agriculture/pi/pestsurvey/pestinfo/index.htm)

Invasive Aquatic Plants

As of March, 2011, there are documented infestations in Maine of Curly-leaved Pondweed (2 documented infestations), European Naiad (1 documented infestations), Eurasian Water Milfoil (2 documented infestations), Hybrid Milfoil (2 documented infestations), Hydrilla (2 documented infestations), and Variable Milfoil (25 documented infestations). (*Source: Maine Department of Environmental Protection, Bureau of land & Water Quality, Documented Infestations of Invasive Aquatic Plants in Maine*
http://www.maine.gov/dep/blwq/topic/invasives/doc.htm)

Invasive Plants

As of October 28, 2011, there 8,412 reported occurrences of 357 exotic plant species in Maine. (*Source: The University of Georgia—Center for Invasive Species and Ecosystem Health, Early Detection & Distribution Mapping System.*
http://www.eddmaps.org/tools/statereport.cfm?id=us_me)

Invasive Insects Invasive

Threats to Maine's Forests and Trees include the emerald ash borer, Asian longhorned beetle, hemlock woolly adelgid, elongate hemlock scale, European wood wasp, brown spruce longhorn beetle and sudden oak death. (*Source: Department of Conservation, Maine Forest Service, Invasive Threats to Maine's Forests and Trees.*
http://www.maine.gov/doc/mfs/InvasiveThreats.htmv)

Other Invasive Insect Pests considered to pose a threat to Maine's plant industry are: bark beetles, brown marmorated stink bug, European crane fly, leek moth, soybean pod borer, Swede midge and several woodboring beetles. (*Source: Maine Department of Agriculture, Plant Health website:* http://www.maine.gov/agriculture/pi/pestsurvey/pestinfo/index.htm)

White Grubs

Grubs, the larval stage of scarab beetles, can be very destructive to turf. Species of concern in Maine include Japanese beetles, European chafer, May or June beetle, Oriental beetles and Asiatic garden beetle. (*Source: Maine Department of Agriculture website*:
http://www.maine.gov/agriculture/pesticides/gotpests/bugs/grubs.htm)

Japanese Beetle

"Both as adults and as grubs (the larval stage), Japanese beetles are destructive plant pests. Adults feed on the foliage and fruits of several hundred species of fruit trees, ornamental trees, shrubs, vines, and field and vegetable crops. Adults leave behind skeletonized leaves and large, irregular holes in leaves. The grubs develop in the soil, feeding on the roots of various plants and grasses and often destroying turf in lawns, parks, golf courses, and pastures. Today, the Japanese beetle is the most widespread turf-grass pest in the United States." (*Source: Managing the Japanese Beetle: A Homeowner's Handbook, United States Department of Agriculture, program Aid No 1599*)

C. Complaints Received by the Board of Pesticides Control

Category	2008	2009	2010	2011
ROW	3	8	8	
Landlord/Tenant	11	2	2	
Structural Pests	3	5	10	
Outdoor Ornamental	3	7	3	
Lawn/Turf	15	17	28	
Agricultural	20	31	30	
Water	6	2	8	
License/Certification	2	2	9	
Sale Distribution	3	1	2	
Disposal/Storage	1	4	2	
Miscellaneous	3		3	
Indoor Ornamental		1		
Government Related		1		
Forestry		2	1	
Mosquito/Tick		2	2	
Greenhouse/Nursery		1	3	
Neighbor non-ag			5	
Total	70	86	116	92**
% increase over previous year		23	25	
% of calls Ag related	29	36	26	

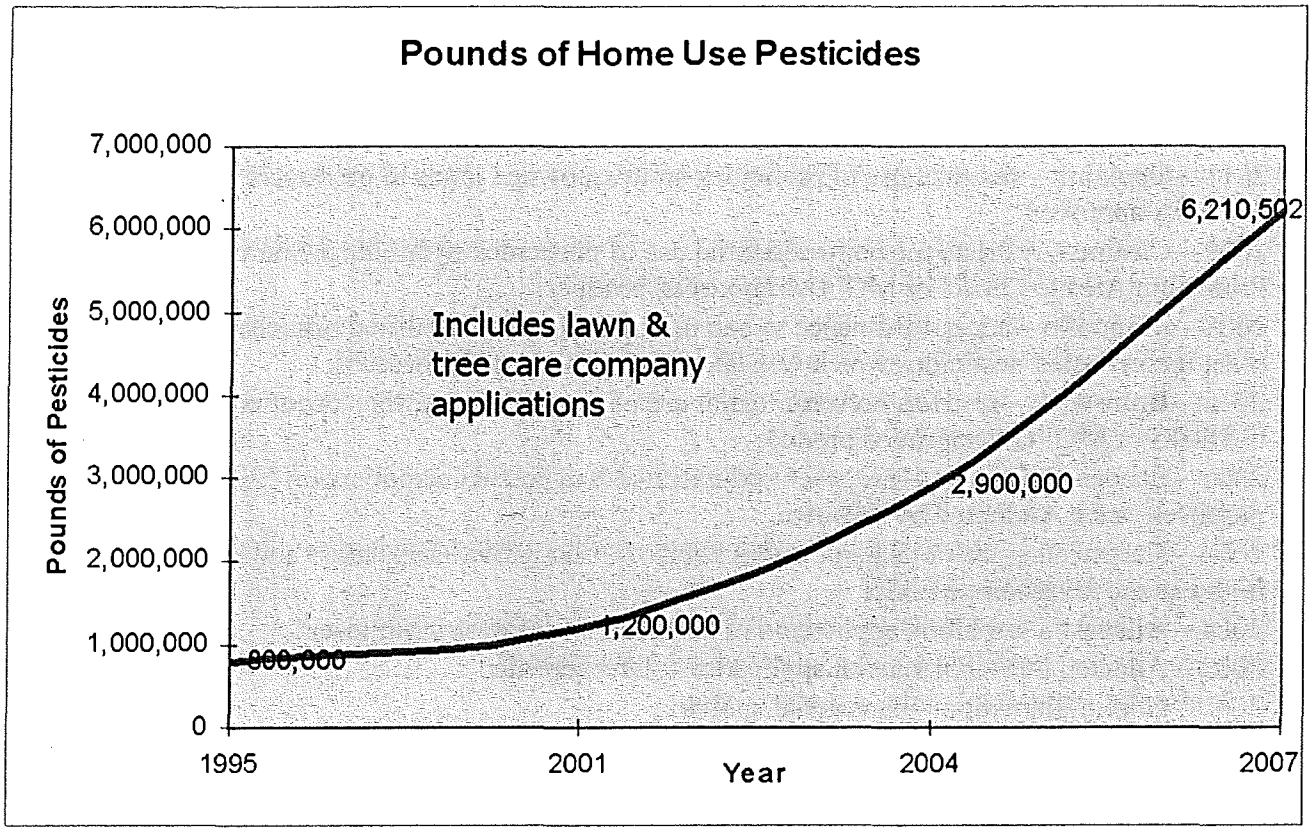
***Through October 26, 2011*

D. Number of Maine Licensed Pesticide Applicators and Dealers

	Licensed Applicators			Licensed Dealers		
Year	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

Note: Public Law 2011, Chapter 169, will soon require farmers using only general-use pesticides to obtain an applicator's license, which will greatly increase, possibly double, the number of applicators that the Board licenses.

E. Home Use of Pesticides



F. Number of Maine Farms

2007	8,136
2002	7,196
1997	5,810
1992	5,776
1987	6,269

Source: United States Department of Agriculture, National Agricultural Statistics Service: The Census of Agriculture. http://www.agcensus.usda.gov/Publications/2007/index.asp

G. Town Ordinances and Policies

Proposed or Adopted Town Ordinances Regarding Pesticides within the Last 10 Years
Number of town ordinances doubled between 2001 and 2011

- 2011—Ogunquit—restricts use of pesticides on town owned lands to products that are OMRI or MOFGA approved
- 2009—Castine—restricts the non-residential use of pesticides within their Source Water Protection Area to OMRI or MOFGA approved products
- 2008—Montville—adopts ordinance to ban use of genetically modified organisms including plant incorporated pesticides which was later (technically not enforceable)
- 2006—Brunswick—restricts non-residential use of pesticides over their Aquifer Protection Zone to OMRI or MOFGA approved products
- 2006—Seboeis Plantation—proposed ordinance to ban pesticide application for forestry purposes was not adopted by the town
- 2004—Harpswell—prohibits aerial application of insect growth regulators and insecticides with high aquatic invertebrate toxicity
- 2004—Allagash—prohibits application of herbicides for forestry purposes
- 2003—Addison—prohibits aerial application—later repealed
- 2003—Coplin Plantation—bans aerial spraying
- 2002—Standish—prohibits pesticide storage within the shoreland zone
- 2001—Wayne—prohibits pesticide storage within the shoreland zone

Town Policies Regarding Pesticides
No policies existed prior to 2007

- 2011—Kennebunk is working on a policy/ordinance
- 2011—Scarborough—restricts use of pesticides on town owned lands to products that are OMRI or MOFGA approved
- 2009—Kennebunkport—adopted BPC Turf BMPs as recommended for all applications of fertilizers and pesticides
- 2008—Rockport—restricts use of pesticides on town owned lands to products that are OMRI or MOFGA approved
- 2007—Camden—restricts use of pesticides on town owned lands to products that are OMRI or MOFGA approved

H. Pesticide Related Bills Submitted by Legislature

LD #	Title	Final Disposition
125th Legislature First Regular Session		
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	
124th Legislature		
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

LD #	Title	Final Disposition
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, Chaper 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, Chaper 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 Portins 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
123rd Legislature		
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

LD #	Title	Final Disposition
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

LD #	Title	Final Disposition
122rd Legislature		
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
121st Legislature		
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

LD #	Title	Final Disposition
120th Legislature		
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
119th Legislature		
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 the State Board of Pesticides Control Under the State Government Evaluation Act	Enacted, Apr 3, 2000 Public Law, Chapter 724
118th Legislature		
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
117th Legislature		
940	An Act to Clarify the Board of Pesticides Control Authority Regarding Restricted Use Pesticides and Groundwater Contamination	Majority (ONTP) Report, May 23, 1995
116th Legislature		
1085	An Act Repealing Advisory Boards on Agriculture Matters	Enacted, May 25, 1993 Public Law, Chapter 251

LD #	Title	Final Disposition
115th Legislature		
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
114th Legislature		
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
113th Legislature		
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

LD #	Title	Final Disposition
1833	RESOLVE, to Study the Need for Uniformity in Pesticide Regulation	Emergency Finally Passsed, 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	
112th Legislature		
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	