

Maine Board of Pesticides Control

2024 Annual Update

John Pietroski

Manager of Pesticide Programs



March 19, 2024



Division of Animal and Plant Health

Board of Pesticides Control

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Board of Pesticides Control

2024 Registered Pesticides List

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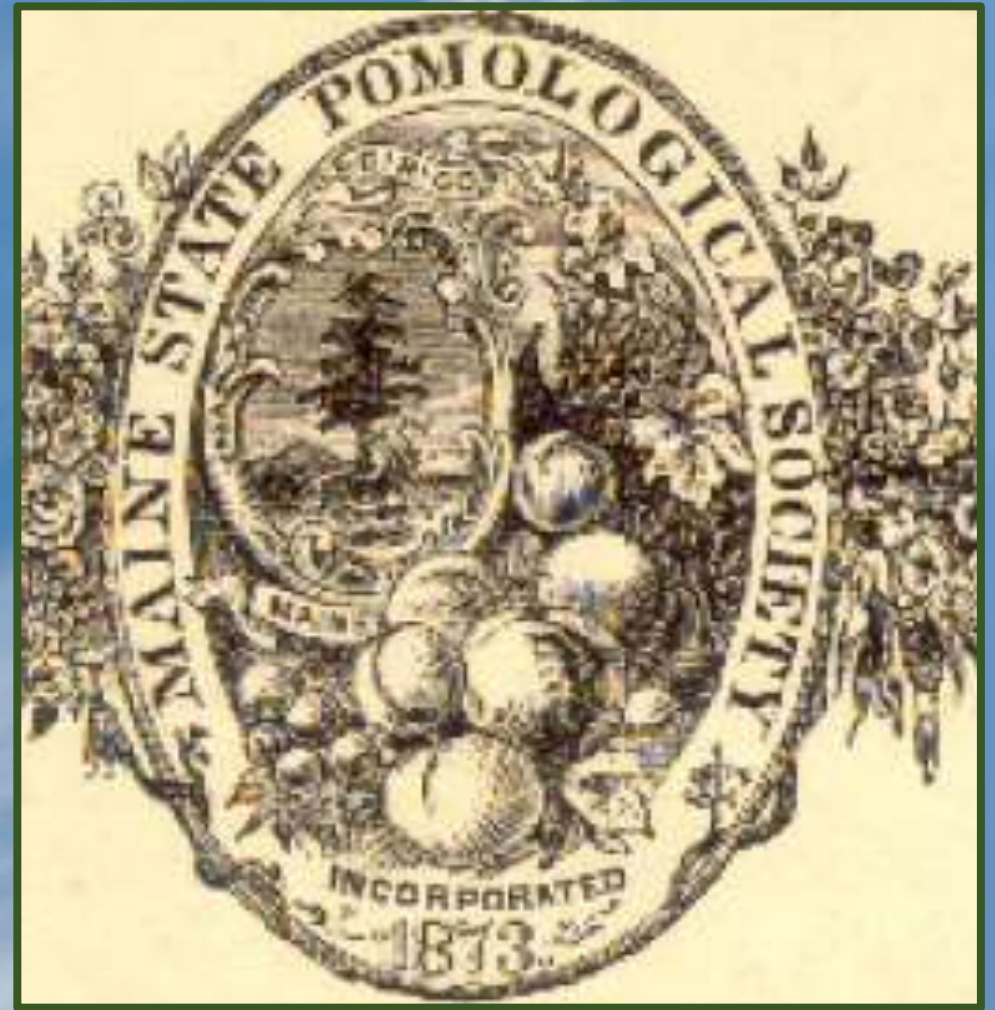
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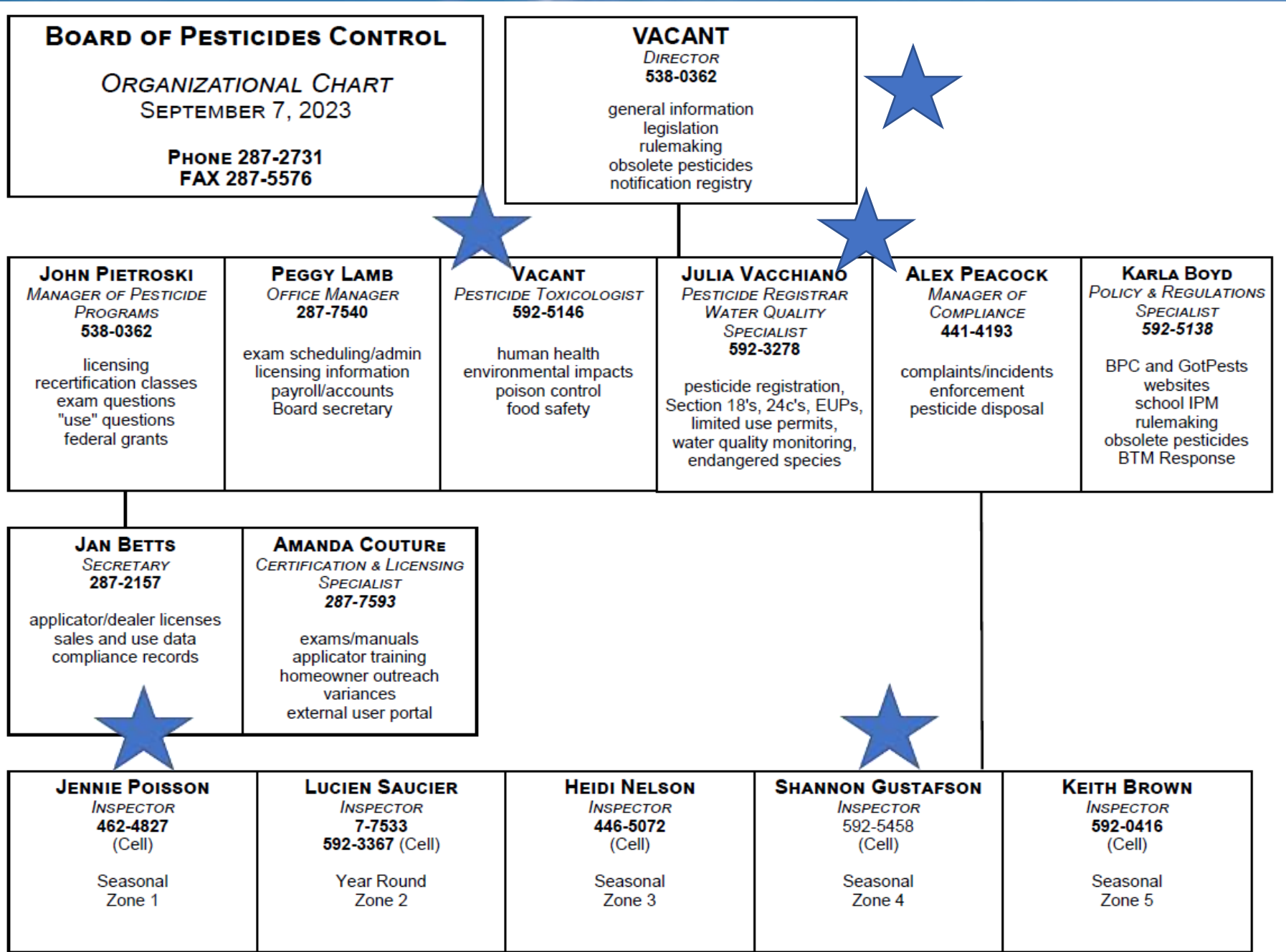
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Today's Agenda

- BPC Staff
- Drones
- Rules and Regulations
- Registrations
- Consent Agreements



BPC Staff 2024

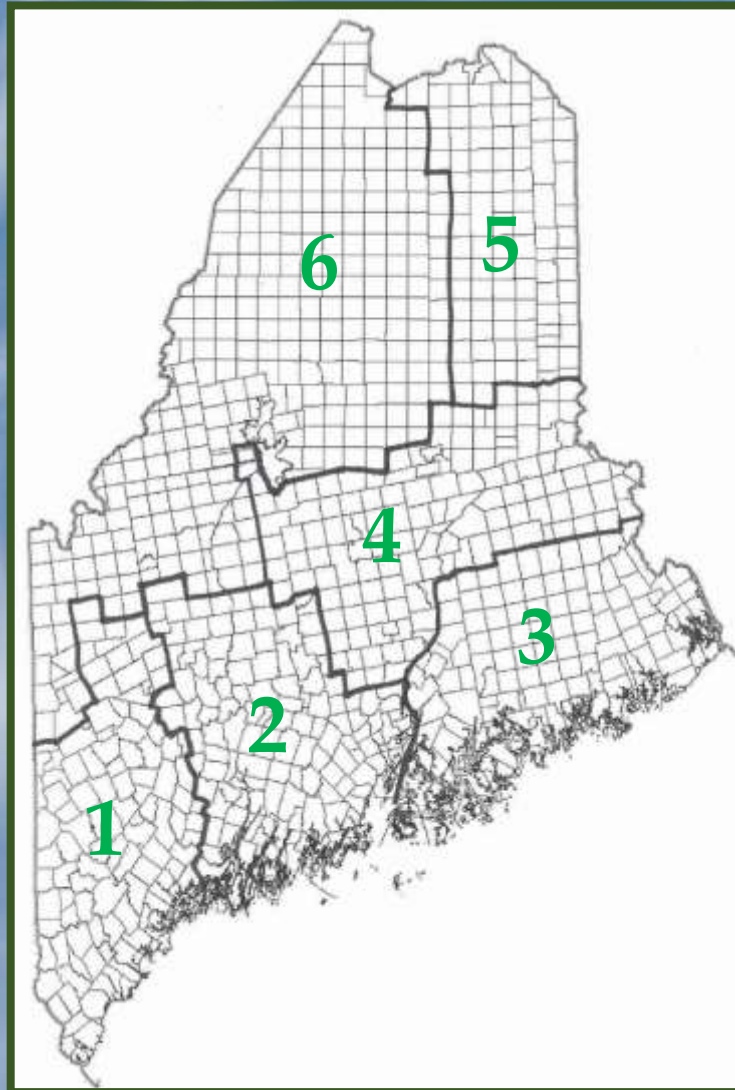


The State of Maine is divided into six districts. Five of the districts are covered by a Pesticide Inspector.

District 6--No Inspector's Land
Alex Peacock
Alexander.R.Peacock@Maine.Gov
Compliance Manager

District 2 – Midcoast
Lucien Saucier
Lucien.Saucier@maine.Gov

District 1 – Southern
Jennie Poisson
Jennie.Poisson@Maine.Gov



District 5 – Aroostook
Keith Brown
Keith.R.Brown@Maine.Gov

District 4 – Central
Shannon Gustafson
Shannon.Gustafson@Maine.Gov

District 3 - Downeast
Heidi Nelson
Heidi.D.Nelson@Maine.Gov

BPC Public Board

- 7 Members
 - 1 Agricultural
 - 1 Forestry
 - 1 Commercial Applications
 - 1 Medical Background
 - 1 Faculty University of Maine
 - 2 Public
- Nominated by the Governor
- Approved by the Legislature



BPC Public Board

- **Curtis C. Bohlen**, director, Casco Bay Estuary Partnership, University of Southern Maine, Muskie School of Public Service, Portland (*public member*)
- **Dominic LaJoie**, Van Buren (*agricultural expertise*)
- **Robert Carlton**, Kingfield (*forestry expertise*)
- **John M. Jemison, Jr.**, water quality and soil specialist, University of Maine Cooperative Extension, Orono (*water quality and soil specialist*)
- **Patricia Ianni**, Falmouth (*public member*)
- **Dave Adams**, commercial applicator, Dasco Inc, Presque Isle (*commercial applicator expertise*)
- **Dr. Mark Neavyn**, (*medical background*) 

Get Ready



Must meet all BPC licensing requirements

■ All Pilots and Co-Pilots must meet BPC licensing requirements:

- **Commercial or Private License**
- **Certified in the Aerial Category**
- **Must also be certified in whatever category/subcategory they plan to make applications under (i.e., Agricultural Plant, Blueberry, Outdoor Ornamental)**

Must meet all BPC licensing requirements

01 DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY

026 BOARD OF PESTICIDES CONTROL

Chapter 31: CERTIFICATION AND LICENSING PROVISIONS/COMMERCIAL APPLICATORS

SUMMARY: These regulations describe the requirements for certification and licensing of commercial applicators.

01 DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY

026 BOARD OF PESTICIDES CONTROL

Chapter 32: CERTIFICATION AND LICENSING PROVISIONS FOR PRIVATE APPLICATORS

SUMMARY: These regulations describe the requirements for certification and licensing of private applicators.

Must meet all BPC licensing requirements

- **Commercial Companies must meet additional BPC licensing requirements:**
 - **Spray Contracting Firm License**
 - **Insurance affidavit**
 - **At least one Master Applicator**
- **Agricultural Producers/Private Applicators must comply with all Worker Protection Standard Regulations (WPS)**

Maine Board of Pesticides Control Aerial Application Requirements

- Chapter 22: STANDARDS FOR OUTDOOR APPLICATION OF PESTICIDES BY POWERED EQUIPMENT IN ORDER TO MINIMIZE OFF-TARGET DEPOSITION
 - ID Target Site
 - Site Plan
 - Site-Specific Application Checklist
 - Buffer Zones for Sensitive Areas Likely to be Occupied
 - Wind Speed Limitations
- Chapter 51: NOTICE OF AERIAL PESTICIDE APPLICATIONS
 - Notification
 - Posting
 - Written notice to BPC and Poison Control Center

NOTE: (Chapter 51 does NOT apply to agricultural applications)



Photo credit: sprayers101.com

Maine Board of Pesticides Control Aerial Application Requirements

- Chapter 29: STANDARDS FOR WATER QUALITY PROTECTION
 - This chapter establishes a 50 foot setback from surface water for mixing and loading of pesticides and requires an untreated 25-foot buffer zone for outdoor terrestrial broadcast pesticide applications near waters of the State.



Photo credit: Topsham Lake Environmental Association

Must meet all FAA requirements

- Certificated Pilot
- Section 333 Exemption (for UAS over 55 pounds) OR Section 107 Exemption (for UAS under 55 pounds)—certifies aircraft to conduct commercial operations
- Part 137 Certification (to dispense pesticides)
- Part 11 Exemption (to carry hazardous materials)
- Other possible exemptions that may be needed depending on the application:
 - operation from a moving vehicle
 - operation with no visual line of sight
 - operation of multiple small UASs
- Individuals will also be required to complete a final Demonstration and Inspection which includes inspection of the aircraft that will be used as well as knowledge and skill testing of the applicant

BPC staff are not FAA experts. For more information contact FAA, Portland at 207-541-7700.



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Board of Pesticides Control

Online Portal

Already have an account? [LOGIN](#)

Product Registration

Registrations and Renewals must be submitted through the online portal.

- [Instructions for creating an account \[PDF\]](#)
- [Instructions for using the portal to submit registrations \[PDF\]](#)
- [More information about registering products in Maine](#)

Questions can be directed to mary.e.tomlinson@maine.gov or by calling BPC at 207-287-2731.

Recertification Course Request

Individuals can use the online portal to submit information for upcoming courses to be considered for pesticide recertification credits.

- [Instructions for using the portal to submit requests for pesticide recertification course credit approval \[PDF\]](#)

Questions can be directed to john.t.pietroski@maine.gov or by calling BPC at 207-287-2731.

Annual Use/Sales Reporting

- [Instructions for General Use Pesticide Dealer Annual Sales Reporting \[PDF\]](#)
- [Instructions for Commercial Applicator Annual Use Reporting \[PDF\]](#)

Applicator and Company Licensing

Individuals can use the online portal to apply for exams and licenses, renew licenses, and track continuing education credits. Companies* can use the online portal to add employees and work on their behalf, and apply for distributor and contracting firm licenses.

- [Instructions for creating an account if you already exist in our system \[PDF\]](#)
- [Instructions for creating an account if you do not exist in our system \[PDF\]](#)
- [More information about applicator licensing in Maine](#)
- [More information about distributor licensing in Maine](#)

** Please note that in this system, every license is associated with a company/agency. For this purpose, a company/agency is any organization, including farms, towns, golf courses, etc., even if they only have one employee. BPC will grant access to individual(s) to work on behalf of the company. Notify BPC if you need access to your company's data.*

Questions can be directed to amanda.couture@maine.gov or by calling BPC at 207-287-2731.

Metro Exam Sign-up

- [Instructions to Signup for a computer-based Metro Exam \[PDF\]](#)



Rules and Regs 2024

2023 Rules, Regulations and Policies

- 131st legislature bills
 - LD 2019
 - LD 1770
- New Rules
 - Chapter 20
 - Chapter 41
 - Upcoming: Chapter 50
- New Policies
 - Adjuvant policy
 - Clarification of Distribution policy

Bills – 130st legislature

- **LD 2019: An Act To Require the Registration of Adjuvants in the State and To Regulate the Distribution of Pesticides with Perfluoroalkyl and Polyfluoroalkyl Substances**
 - Changed the definition of pesticide to include “Spray Adjuvants”
 - “Spray Adjuvants” now defined as any wetting agent, spreading agent, sticker, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier or similar agent that is intended to be used with any other pesticide as an aid to the application or the effect of it and that is in a package or container separate from that of the other pesticide.
 - Unlawful Distribution: pesticides contaminated by PFAS and pesticides with intentionally added PFAS (2030 prohibition in Title 38, section 1614)

2023 Bills – 131st legislature

- **LD 1770: Resolve, Directing the Board of Pesticides Control to Transition to Electronic Submission of Pesticides Sales and Use Data**
- Resolve, requiring the board to adopt rules necessary to implement the transition from paper to electronic format of reports
 - Currently in draft, Chapter 50: Record Keeping and Reporting Requirements
 - Transition period in 2024, required in 2025
 - Waiver if unable to access electronic devices capable of submitting reports
- The board submitted a report to the ACF committee related to the rulemaking and implementation of electronic reporting
- **ONLY applies to dealers and commercial applicators**

New Rules: 2023

- Chapter 20
 - Incorporated the Board's policy on positive identification of treatment sites into rule, Chapter 20, Section 7
 - Includes a clause that the board MAY use discretion to suspend licensure of individuals, master applicators, or spray contracting firms for 45 days
- Chapter 41 (LD 2189)
 - Updates to the chapter to modernize the rule
 - Incorporates the language plant-incorporated protectant (PIP)
 - Changes training certificate requirements
 - Reduces the amount distributors would need to sell (<1ac)
 - **Currently in the Senate – likely will not pass**

New Policies: 2023

- Adjuvant policy
 - Clarifies that water and colorants are not considered adjuvants
- Clarification of Distribution policy
 - Clarifies the meaning of “distributed in the state”

LD 1960

LD 1537



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Registrations

**Remember to check the
BPC webpage for pesticide
products you use**

**This now includes
adjuvants**

- ❖ 12,000 – 13,000 Normally
- ❖ 197 Adjuvants
- ❖ 381 25b Products
- ❖ 10,306 EPA Registered

Consent Agreements 2024

- Date of Incident: December 9, 2020
- Location: Residential Property, Augusta, Maine
- Violation(s):
 - Submission of a false or fraudulent record

- Fine: \$3,000

Consent Agreements 2024

- Date of Incident: May 25, 2023, and June 28, 2023
- Location: Residential Property, Phippsburg, Maine and Kennebunk, Maine
- Violation(s):
 - Drift
 - Making pesticide applications in the rain.

- Fine: \$10,000

Consent Agreements 2024

- Date of Incident: June 25, 2020, through September 15, 2022
- Location: Residential Property, Saco, Maine
- Violation(s):
 - Notifications (5)
 - Drift
 - PPE
 - Wind speed

- Fine: \$25,000

Consent Agreements 2024

- Date of Incident: April 2022, through December, 2022
- Location: Residential Property, Maine
- Violation(s):
 - Commercial applications of pesticides by applicators who were not properly licensed. (1000)

- Fine: \$81,880

Consent Agreements 2024

- Date of Incident: October 29, 2021
- Location: Scarborough, Maine
- Violation(s):
 - Commercial applications of pesticides by applicators who were not properly licensed. The applicator did not have the correct category
- Fine: \$1,500

Thank You

John Pietroski

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(207) 538-0362

