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MAINE BOARD OF PESTICIDES CONTROL INTERIM ENFORCEMENT POLICY TO EXEMPT EMPLOYEES AND VOLUNTEERS WHO SUPERVISE CHILDREN FROM CERTAIN REQUIREMENTS IN CMR 01-026 CHAPTER 31

ADOPTED OCTOBER 2, 2009

BACKGROUND

Due to the unprecedented number of confirmed cases of Eastern Equine Encephalitis (EEE) in horses this year, Maine health officials are recommending heightened precautions against mosquito bites. One of the recommendations is for people to apply repellents when outdoors. Some schools are sending home permission requests to allow school staff to apply repellents for outdoor activities. Since many types of employees and volunteers who supervise children could be covered by a technical reading of our licensing laws, the staff would like Board input on how the public interest is best served and whether an interim enforcement policy should be adopted for this practice.

Virtually all insect repellent labels state "Do not allow children to handle this product." Because of this label restriction and our licensing laws, counselors, teachers, coaches, caregivers, etc., are not allowed to apply repellents to children, requiring that either a parent or guardian apply the repellent just prior to any outdoor activity that may pose a risk. This proposed enforcement policy will solve an impractical and unworkable dilemma where children are involved in outdoor activities and parents or guardians are not available to apply repellents. The staff believes that the benefit of allowing these employees or volunteers to apply repellents in order to reduce the risk of contact by children with mosquitoes carrying the EEE virus and other arboviruses outweighs the risk of harm.

Therefore, we propose the interim enforcement policy below until such time as we can add an exemption to Chapter 10.

POLICY

The Board may exercise enforcement discretion for CMR 01-026, Chapter 31, Section 1, when employees or volunteers who supervise children apply insect repellents to those children. Employees and volunteers who supervise children shall not be considered commercial applicators as defined in CMR 01-026, Chapter 10, when the application of registered insect repellents to a child they supervise is authorized by a child's parent or guardian.